



## **NOTICE OF MEETING**

### **COMMITTEE OF COUNCIL**

Members of the Committee of Council are advised that a meeting will be held in Council Chambers, Civic Building, 83 Mandurah Terrace, Mandurah on:

**Tuesday 10 July 2018  
at 5.30pm**

**MARK R NEWMAN**  
Chief Executive Officer  
4 July 2018

#### **COMMITTEE MEMBERS**

Mayor Williams  
Deputy Mayor Councillor Knight  
Councillor Wortley  
Councillor Jackson  
Councillor Lee  
Councillor Lynn Rodgers  
Councillor Shane Jones

Hon Councillor Riebeling  
Councillor Tahlia Jones  
Councillor Darcy  
Councillor Schumacher  
Councillor Peter Rogers  
Councillor Matt Rogers

## **AGENDA:**

- 1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS**
- 2 ATTENDANCE AND APOLOGIES**
- 3 IMPORTANT NOTE:**

Members of the public are advised that the decisions of this Committee are referred to Council Meetings for consideration and cannot be implemented until approval by Council. Therefore, members of the public should not rely on any decisions of this Committee until Council has formally considered the resolutions agreed at this meeting.

**4 ANSWERS TO QUESTIONS TAKEN ON NOTICE**

Please refer to Attachment 4.1.

**5 PUBLIC QUESTION TIME**

*Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please telephone 9550 3706 or visit the City's website [www.mandurah.wa.gov.au](http://www.mandurah.wa.gov.au).*

**6 PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN****7 DEPUTATIONS**

*Any person or group wishing to make a 5-minute Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must first complete an application form. For more information about making a deputation, or to obtain an application form, please telephone 9550 3706 or visit the City's website [www.mandurah.wa.gov.au](http://www.mandurah.wa.gov.au).*

*NB: Persons making a deputation to this Committee meeting will not be permitted to make a further deputation on the same matter at the successive Council meeting, unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.*

**8 CONFIRMATION OF MINUTES: 12 JUNE 2018**

*(NB: It is the Elected Members' responsibility to bring copies of the previous Minutes to the meeting if required).*

**9 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS****10 QUESTIONS FROM ELECTED MEMBERS WITHOUT DISCUSSION**

10.1 Questions of which due notice has been given

10.2 Questions of which notice has not been given

**11 BUSINESS LEFT OVER FROM PREVIOUS MEETING**

**12 REPORTS:**

- |   |  |         |
|---|--|---------|
| 1 | Authority to Execute Documents Policy Amendment  | 1 - 7   |
| 2 | Shared Oval Agreement Department for Education and Oakwood Primary School Meadow Springs                       | 8 - 13  |
| 3 | Lease Variation – Department Education & Port Bouvard Sport and Recreation Club                                | 14 - 19 |
| 4 | Sponsorship of Volunteers to Attend Australian Association of Environmental Educators National Conference 2018 | 20 - 23 |
| 5 | Partnership Funding for Clontarf Foundation – Coodanup Clontarf Academy  | 24 - 27 |
| 6 | WA Planning Green Paper Submission   | 28 - 55 |

**13 LATE AND URGENT BUSINESS ITEMS****14 CONFIDENTIAL ITEMS**

- 14.1 Rent Arrears
- 14.2 Land Sales
- 14.3 Loan and Lease Model Restructure
- 14.4 Loan and Lease Model Restructure

**15 CLOSE OF MEETING**

|   |
|---|
| <b>RESPONSE TO QUESTIONS TAKEN ON NOTICE AT THE COMMITTEE OF COUNCIL<br/>MEETING HELD ON TUESDAY 12 JUNE 2018</b> |
|---|

**CC.12/6/18      NORTH MANDURAH WASTE WATER REUSE STUDY: WATER  
RESOURCE**

Councillor Knight asked whether Stage 1 and 2 of the study had addressed all of the issues outlined in *Investigation Stage 1 of Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Managed Aquifer Recharge*.

*The Director Works and Services asked to take this question on notice, with a response being provided at the ordinary Council meeting on 26 June 2018.*

*Response:*

Consultants commissioned by the City to undertake the Northern Mandurah Waste Water Reuse Study have provided the following response.

When referencing the *Investigation Stage 1 of Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Managed Aquifer Recharge*.

Stage 1 has been completed and a Stage 2 maximal and residual risk has been undertaken (which showed that the risks are low except for salinity).

There are some notable data gaps/issues that still exist ((ie. thickness of fresh water through the north Mandurah corridor, best location for infiltration and effectiveness, extent of Managed Aquifer Recharge (MAR) influence etc.)) which would need to be undertaken to complete Stage 2 in entirety. These will be tailored to the preferred option if this is elected and proceeded with at full-scale.

That being said, the path this project has taken has differed slightly from the guideline directions as it has become multifaceted. Under the work proposed in quantifying the MAR bucket at Gordon Road, a Stage 2 maximal and residual risk assessment has been included as part of the hydrogeological assessment scope.

The requirement under Stage 3 for a draft risk management plan will be included in the groundwater licence operation strategy (also included in the scope). From there some of the MAR allocation could be used directly by existing bores or potentially new bores within the area of MAR influence.

*NB: This response was provided to Council at its meeting of June 26, 2018.*

**1**      **SUBJECT:**                      Authority to Execute Documents Policy Amendment  
         **CONTACT OFFICER:**        Natasha Pulford  
         **AUTHOR:**                     Natasha Pulford/Louise Clark  
         **FILE NO:**

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### **Summary**

The Authority to Execute Documents Policy recently adopted by Council authorised various positions within the City to execute (sign) documents. The authority for external “Agents” to sign documents on behalf of the City is now also required.

Council is requested to adopt the proposed amendment to the Policy to include Agents.

### **Disclosure of Interest**

Nil.

### **Previous Relevant Documentation**

- G.17/5/18                      22 May 2018                      Authority to Execute Documents

### **Background**

Council may resolve to have documents executed by an “Agent” of the local government either generally or subject to conditions or restrictions.

### **Comment**

Currently, Landgate documents are drafted by an appointed legal advisor and posted to the City for signing and then returned. Upon receipt of the signed documents the legal advisor will attend Landgate in Perth and lodge the hardcopy signed documents for registration.

Landgate has announced that electronic conveyancing through PEXA, the network operator affiliated with Landgate, will be mandatory by 1 December 2018 for a number of Landgate documents. PEXA is a secure e-Conveyancing platform which enables lawyers, conveyancers and financial institutions to transact online, in real time. This means that a purchaser/caveator’s interest will be registered against the title immediately at settlement, rather than taking days or weeks to appear.

At this stage, PEXA is only electronically processing transfers of land, caveats and withdrawal of caveats.

Legal advisor(s) or settlement agent(s) will be appointed in writing prior to being classified as an Agent.

Council is requested to endorse the proposed amendments to the Policy to add and authorise Agents to sign certain documents, under Category 3 Item 19B, on behalf of the City.

### **Consultation**

McLeods Lawyers.

### **Statutory Environment**

Local Government Act 1995, Division 3 Documents s9.49A (4).

### **Policy Implications**

Council endorsement is sought to amend the recently adopted Authority to Execute Documents POL- CPM 06.

## **Risk Implications**

It is envisaged that implementing the proposed amendment will improve efficiency without creating undue or unacceptable risk to the City.

## **Economic Implications**

The resulting efficiencies through this change will introduce productivity efficiencies and reduced legal costs.

## **Strategic Implications**

The following strategy from the *City of Mandurah Strategic Community Plan 2017 – 2037* is relevant to this report:

### Organisational Excellence:

- Deliver excellent governance and financial management.

## **Conclusion**

Due to changes from hard copy to electronic lodgement of documents with Landgate, it is necessary for the City to authorise legal advisor(s) or settlement agent(s), who are appointed from time to time, to sign on behalf of the City. The change will create operational efficiencies and reduce legal costs.

Council is requested to endorse an amendment to POL-CPM 06 Authority to Execute Documents to add and authorise “Agents” to sign certain Landgate related documents on behalf of the City.

### NOTE:

- Refer **Attachment 1 Amended Policy POL-CPM 06 Authority to Execute Documents**

## **RECOMMENDATION**

**That Council adopts the proposed amendments to Policy POL-CPM 06 Authority to Execute Documents.**

# AUTHORITY TO EXECUTE DOCUMENTS

## POLICY

POL-CPM 06

### Objective:

To establish, in accordance with the requirements of Division 3 sections 9.49 and 9.49A of the *Local Government Act 1995 (the Act)*:

1. Protocols for affixing and administration of the City of Mandurah Common Seal; and
2. Authority for the Chief Executive Officer, other Officers **and Agents** to execute (sign) documents on behalf of the City of Mandurah.

### Statement:

The Act provides local governments with the ability to authorise its Chief Executive Officer (CEO), other Officers **and Agents** to sign documents on behalf of the City of Mandurah (the 'City').

For the purposes of this policy, a document will be considered duly executed by the City if:

- a) the Common Seal is validly affixed to it; or
- b) it is signed by an officer authorised by Council to do so.

For the purpose of this policy any reference to the "execution" of a document will be referred to as "sign".

This policy covers the categories of documents signed by the City and is supported by the *Authority to Execute Documents* Procedure which should be read in conjunction with this policy.

It applies to all officers preparing documents for signing and those who have been authorised through the provisions of this policy to sign documents on behalf of the City.

It is the responsibility of the officer authorised to fully inform themselves of the matter they intend to sign on behalf of the City.

### Conditions / Restrictions

1. Documents and correspondence which relate to day-to-day routine communications or transactions do not require specific authorisation through this Policy as they are the subject of Section 5.41(d) of the *Local Government Act 1995* prescribing the CEO's duty to manage the day to day operations of the City. Such duties are undertaken by "acting through" Officers.
2. The following takes precedence over this Policy:
  - Legislation.
  - Formal requirements of a Commonwealth or State department, authority or agency (as described in a policy or procedure).
  - A Council decision.
  - The City's Register of Delegated Authority.

3. Officers authorised may only sign documents relevant to matters within the scope of their position description and their approved financial expenditure limits. Where the matter is the responsibility of multiple Directorates, it may only be signed by the CEO.

### Signing on Behalf of Another Person

In the absence of an officer authorised by this policy, another officer may only sign on behalf of that officer if they have been approved to act in that position via the formal approval processes of the City.

## Document Categories

Documents signed by the City are managed in the following four categories:

### Category 1



#### Common Seal

- Affixing the Common Seal
- Signed by Mayor (and the CEO).
- Record of signature required.

### Category 2



#### CEO Only Signature

- Authorised by Council.
- Requires the signature of the CEO only, as the City's representative.
- Record of signature required.

### Category 3



#### CEO, Executive Leadership Team, Manager, or Agent Signature

- Authorised by Council.
- High risk of legal complexity, political or community sensitivity.
- Record of signature required.

### Category 4



#### Manager, Coordinator or other Officer Signature

- Authorised by Council, managed by Directorate.
- Low risk and operational in nature.
- Record of signature NOT required.



## Officers Authorised to Sign

Officers authorised to sign documents in the above four categories are listed in this policy's Appendix.

## Authorised Agents

Agents means the City's legal advisor(s) or settlement agent(s), as appointed from time to time, who are authorised to the extent described within a written instruction approved by the City to execute documents on behalf of the City.

### Procedure:

PRO-CPM 06 – Authority to Execute Documents

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|                                 |   |
|---------------------------------|---|
| <b>Responsible Directorate:</b> | Finance and Governance  |
| <b>Reviewer:</b>                | A/Executive Manager Finance and Governance                      |
| <b>Creation date:</b>           | Minute G.17/5/18, 22 May 2018                                   |
| <b>Amendments:</b>              |   |
| <b>Related Documentation:</b>   | Sections 9.49 and 9.49A of the <i>Local Government Act 1995</i> |

**APPENDIX**

Under section 9.49(a)(4) of the *Local Government Act 1995*, Council has authorised the following positions listed in the table below to sign documents on behalf of the City.

| Officer Authorised  |  |          |       |     |                           |         |             |       |        |
|---|--|----------|-------|-----|---------------------------|---------|-------------|-------|--------|
|   | Document Type  | Category | Mayor | CEO | Executive Leadership Team | Manager | Coordinator | Staff | Agents |
| <b>Category 1 – Requiring or requesting Common Seal</b>                 |  |          |       |     |                           |         |             |       |        |
| 1   | Local Laws – made and amended.   | 1        | ✓     | ✓   |                           |         |             |       |        |
| 2   | Local Planning Scheme.<br>Local Planning Scheme Amendment Document.  | 1        | ✓     | ✓   |                           |         |             |       |        |
| 3   | Any document that is prepared by another party and requests Common Seal to be affixed (such as Mortgage, Loans and Debentures).  | 1        | ✓     | ✓   |                           |         |             |       |        |
| 4   | Land Transaction documents - requesting or requiring Common Seal.  | 1        | ✓     | ✓   |                           |         |             |       |        |
| 5   | State or Commonwealth Government Funding Agreements.   | 1        | ✓     | ✓   |                           |         |             |       |        |
| 6   | Power of Attorney to act for the City.   | 1        | ✓     | ✓   |                           |         |             |       |        |
| 7   | Grants and Funding Agreements with private agencies (incoming and outgoing).   | 1        | ✓     | ✓   |                           |         |             |       |        |
| 8   | Ceremonial Certificates - Common Seal may be affixed at the Mayor's discretion (such as Honorary Freeman).   | 1        | ✓     | ✓   |                           |         |             |       |        |
| 9   | Memorandum of Understanding – of a Strategic nature  | 1        | ✓     | ✓   |                           |         |             |       |        |
| <b>Category 2 – CEO only signature</b>                                  |  |          |       |     |                           |         |             |       |        |
| 10  | Contracts (Tenders) prepared utilising AS 2124 Contracts.  | 2        |       | ✓   |                           |         |             |       |        |
| 11  | Prosecutions – Prosecution and Court Hearing notices.  | 2        |       | ✓   |                           |         |             |       |        |
| 12  | Endorsement of Applications (Planning)– Signing forms as land owner for land owned or under management order to the City of Mandurah, for example: <ul style="list-style-type: none"> <li>Application for Development Approval.</li> <li>Peel Region Scheme Application for Development Approval.</li> <li>Subdivision Application (Form 1A).</li> <li>Endorsement of Deposited Plan (Form 1C).</li> <li>Clearing of Vegetation Applications.</li> </ul> | 2        |       | ✓   |                           |         |             |       |        |
| 13  | Funding Agreements <ul style="list-style-type: none"> <li>Regional Road Group – Progress and Completion Certificates</li> <li>National and State Back Spot – Progress and Completion Certificates</li> <li>Federal or State – Capital Works</li> </ul>   | 2        |       | ✓   |                           |         |             |       |        |
| 14  | Any Documents the CEO signs as a representative of the City.   | 2        |       | ✓   |                           |         |             |       |        |
| <b>Category 3 - CEO, Executive Leadership Team or Manager Signature</b> |  |          |       |     |                           |         |             |       |        |
| 15  | Agreements, for example: <ul style="list-style-type: none"> <li>Private Parking.</li> <li>Software and Hosting.</li> <li>Rental (Leasing rental agreements for capital purchases e.g. EDRMS). photocopiers, computers, gym equipment).</li> <li>Service providers.</li> <li>Sponsorship (as per delegated authority DA-CMR 02).</li> </ul>   | 3        |       | ✓   | ✓                         |         |             |       |        |
| 16  | Contracts, for example: <ul style="list-style-type: none"> <li>Sale of assets.</li> <li>Positions for contract project works.</li> </ul>   | 3        |       | ✓   | ✓                         |         |             |       |        |
| 17  | Debenture documents for loans (without request for common seal).   | 3        |       | ✓   | ✓                         |         |             |       |        |
| 18  | Grants, for example: <ul style="list-style-type: none"> <li>Applications (only in absence of CEO).</li> <li>Acquittals (only in absence of CEO).</li> </ul>  | 3        |       | ✓   | ✓                         |         |             |       |        |
| 19A   | Land, for example: <ul style="list-style-type: none"> <li>Disposal and acquisition</li> </ul>  | 3        |       | ✓   | ✓                         |         |             |       |        |

# ATTACHMENT 1

|   | Document Type   | Category | Mayor | CEO | Executive Leadership Team | Manager | Coordinator | Staff | Agents |
|---|---|----------|-------|-----|---------------------------|---------|-------------|-------|--------|
|   | <ul style="list-style-type: none"> <li>Cancellation of Sale and/or Purchase of Land.</li> <li>Vesting – crown lands acceptances.</li> <li>Encroachment (consent relating to City land).</li> <li>Other legal document dealings for Easements, Caveats, Section 70A Notification Management Statements, Restrictive Covenants.</li> <li>Contributed assets.</li> </ul> |          |       |     |                           |         |             |       |        |
| 19B   | <b>Land</b> <ul style="list-style-type: none"> <li>Documents lodged via PEXA for Landgate excluding Deeds and caveats for portions of land,</li> </ul>  | 3        |       | ✓   | ✓                         |         |             |       | ✓      |
| 20  | <b>Licence</b> , for example: <ul style="list-style-type: none"> <li>Agreements for Australian Standards.</li> <li>Software Use.</li> <li>Construction of State/Commonwealth Land.</li> </ul>   | 3        |       | ✓   | ✓                         |         |             |       |        |
| 21  | <b>Licence</b> , for example: <ul style="list-style-type: none"> <li>Data (Landgate).</li> <li>Caravan Park or Camping Ground.</li> <li>Marina.</li> <li>Cemetery.</li> </ul>   | 3        |       | ✓   | ✓                         | ✓       |             |       |        |
| 22  | <b>Novated lease</b> – MV lease forms (as employer only.)<br><b>Fleet Agreement</b> – MV lease forms (as employee only).  | 3        |       | ✓   | ✓                         |         |             |       |        |
| 23  | <b>Proof of Access</b> – Various lands for Water Corp, Western Power, Developers.   | 3        |       | ✓   | ✓                         | ✓       |             |       |        |
| 24  | <b>Variations to Tenders and Quotations</b> <ul style="list-style-type: none"> <li>Contract Administration related to the Principal Only – all others are Category 4).</li> <li>Increase costs (only if within approved budget/project funds).</li> </ul>   | 3        |       | ✓   | ✓                         | ✓       |             |       |        |
| 25  | <b>Tenders</b> – Formal Instrument of Agreement.  | 3        |       | ✓   | ✓                         |         |             |       |        |
| 26  | <b>Quotations</b> – acceptance \$75,000 and over. <ul style="list-style-type: none"> <li>Includes electronic acceptance of E-quotes.</li> </ul>   | 3        |       | ✓   | ✓                         |         |             |       |        |
| <b>Category 4 - Manager, Coordinator or other Officer Signature</b> |   |          |       |     |                           |         |             |       |        |
| 27  | <b>Memorandum of Understanding</b> – of an operational nature   | 4        |       | ✓   | ✓                         | ✓       | ✓           |       |        |
| 28  | <b>Grant of Right of Burial.</b>  | 4        |       | ✓   | ✓                         | ✓       | ✓           | ✓     |        |
| 29  | <b>Quotations</b> – acceptance \$74,999 and lower. <ul style="list-style-type: none"> <li>Includes short form contract and purchase orders.</li> </ul>  | 4        |       | ✓   | ✓                         | ✓       | ✓           | ✓     |        |
| 30  | <b>Agreements</b> , for example: <ul style="list-style-type: none"> <li>Hire (non-capital / small equipment).</li> <li>Pool Inspections.</li> <li>Services Surf Lifesaving Club.</li> <li>Swim School Endorsements</li> <li>Events, stall holders, artists</li> </ul>   | 4        |       | ✓   | ✓                         | ✓       | ✓           | ✓     |        |
| 31  | <b>Approvals</b> , for example: <ul style="list-style-type: none"> <li>Illuminated Street Signs.</li> <li>Effluent Disposal.</li> <li>Designated Horse Exercise Areas.</li> </ul>   | 4        |       | ✓   | ✓                         | ✓       | ✓           |       |        |
| 32  | <b>Certificates</b> , for example: <ul style="list-style-type: none"> <li>Maximum Accommodation.</li> <li>Gaming Section 55.</li> <li>Liquor Licensing Sections 39 and 40.</li> </ul>   | 4        |       | ✓   | ✓                         | ✓       | ✓           |       |        |
| 33  | <b>Land</b> – Settlement - Appointment of agent, authorisation to act and electronic conveyancing.  | 4        |       | ✓   | ✓                         | ✓       | ✓           | ✓     |        |
| 34  | <b>Suppliers</b> - Credit Applications.   | 4        |       | ✓   | ✓                         | ✓       | ✓           | ✓     |        |
| 35  | <b>Work Applications</b> – utility providers various City locations by Synergy, Western Power, Telstra, Water Corporation, Alinta.  | 4        |       | ✓   | ✓                         | ✓       | ✓           | ✓     |        |

|          |                           |   |
|----------|---------------------------|---|
| <b>2</b> | <b>SUBJECT:</b>           | Shared Oval Agreement: Department for Education – Portion of Reserve 48180 Oakwood Primary School, Meadow Springs |
|          | <b>CONTACT OFFICER/S:</b> | Aaron Lucas / Lesley Petchell   |
|          | <b>AUTHOR:</b>            | Dianne Clayton/Lesley Petchell  |
|          | <b>FILE NO:</b>           | F0000126408   |

## Summary

The City has been approached by the Department of Education with a request to enter into a Shared Use agreement for a junior oval over portion of Lot 988 & 987 Pineknoll Gardens, Meadow Springs being Reserve 48180 which is set aside for Public Recreation.

The Department for Education has begun the construction of the Oakwood public Primary School adjacent to Reserve 48180 with Kindergarten facilities being occupied this year. Plans to extend the primary services at the school are on an ongoing basis to accommodate approximately 1535 students once at capacity.

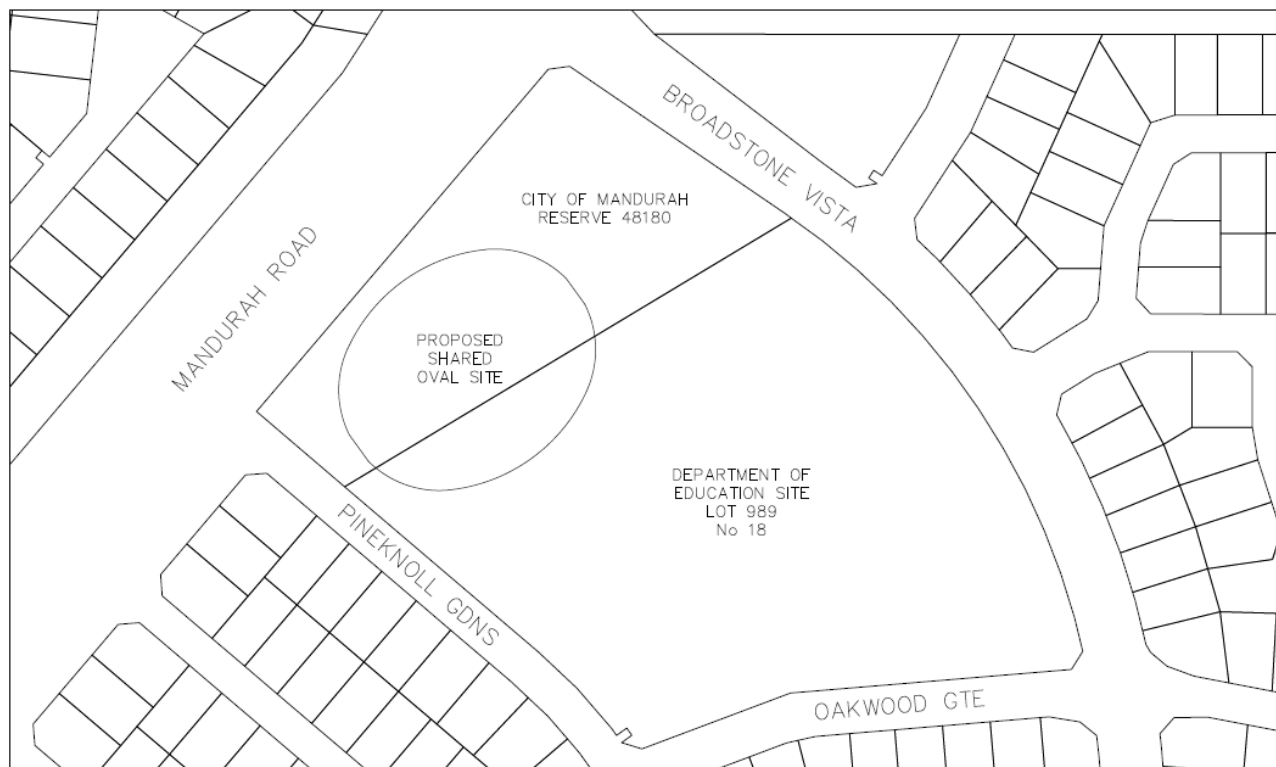
The Department of Education has commenced the construction of the junior oval, at their cost, which is adjacent to the Oakwood Primary school and will include portion of Reserve 48180. The oval is proposed to be utilised by the school during school hours and will be available to the public at all other times.

The City has undertaken public consultation on the proposal prior to the City's request to the Minister for Lands for Power to Licence over the Reserve 48180. Council is requested to support a Licence for a Shared Oval Agreement with the Department of Education over portion of Lot 988 & 987 Pineknoll Gardens, Meadow Springs, for a period of 21 years, subject to the approval of the Minister for Lands.

## Disclosure of Interest

Nil

## Location



## **Previous Relevant Documentation**

- G. 20/7/15      28 July 2015      The Mandurah Active Recreation Strategy has been developed to consolidate all prior planning for Active Open Space in Mandurah into one planning document.

## **Background**

The City of Mandurah developed the Active Recreation Strategy in July 2015 that identified the need for additional 13 active reserves in Mandurah by 2025. An objective of the Strategy was to maximise the use of land currently under the City's management (Crown or Freehold) and to consider where possible, the co-location of active open space adjacent to future school sites through the subdivision process. This would provide the opportunity to negotiate shared use agreements with the Department of Education, minimise land acquisition, avoid duplication of infrastructure and share maintenance costs.

The City currently has 12 shared use agreements in place with the Department of Education across 9 sites and Oakmont Primary School (previously identified as Meadow Springs North Primary School) was one of the 13 sites identified in the Mandurah Active Recreation Strategy to be considered under a shared use arrangement.

Generally primary school sites are required to have a minimum area of 4 hectares under Western Australian Planning Commission (WAPC) policy. However, WAPC and government policy provides for shared use of public facilities in schools and allows for the site for the school to have an area of 3.5 hectares with the adjoining public open space (Reserve 48180) having an area of 1.5 hectares. This results in the oval overlapping the boundary and is common practice for many recent school developments including (but not limited to) Meadow Springs, Ocean Road and South Halls Head Primary Schools.

The Department of Education approached the City in May 2017 with a request to enter into a Shared Use Agreement for portion of Lots 988 & 989 in line with the recommendations of the Mandurah Active Recreation Strategy.

The implementation of a shared use agreement over portion of Lot 988 will enable the City to provide a significant space to the community for both passive and active recreation.

The school is anticipated to accommodate approximately 1535 students who will have priority use of the active reserve during school hours. The reserve will then be available for use by local sporting groups and the wider community at all other times.

## **Comment**

The development of the Active Recreation Strategy has identified the need for more active recreation spaces of which Reserve 48180 was identified. However, it has not been a key focus at this point in time. The City has focused on the Lakelands development and the construction of three senior ovals to service the growing community and the opening of the new High School adjoining this facility.

The Department of Education has elevated the need for the facility prior to the City's anticipated timeframe, primarily to support the opening of the new Oakwood Primary School which has begun operation with kindergarten as the entry this year. Further enrolments will be increased to eventually accommodate up to 1535 students as the build of the school progresses.

The Department of Education has requested that a junior oval be built adjacent to the school which is not ranked a priority in the Active Recreation Strategy at this time, so as a result the Department of Education is funding the total cost of construction of the oval. A junior oval is suitable for training purposes and not as a competition playing surface for senior players.

Residents will benefit from the installation of the new playing surface, which will be available to the public out of school hours. The extra public open space will be a welcome green space for local residents with car parking located around the perimeter of the school and within close proximity.

## Consultation

Department of Education

Department of Planning Lands and Heritage and

Public consultation has been undertaken to advise the public of the proposal to enter into a Shared Oval Agreement with the Department of Education. An advertisement was placed in the local paper inviting comments from the public and or further information if requested together with landowners within a 500 metre radius to the Reserve contacted by letter to invite their comments in relation to the proposal.

As a result, three responses were received with two supporting the proposal and one seeking more information regarding roads, lighting and noise in and around the new school. A table of responses is detailed below.

| Owner / Address  | Submission<br>(Summarised comments)  | Comment   |
|--|--|---|
| 1. Andrew McKerrell<br>22 Sequin Close,<br>Meadow Springs        | No Issue with this and it is a great use of space  | Noted   |
| 2. Wendy & Norm Harrison<br>16 Sugarbush Way,<br>Meadow Springs  | 3 questions on traffic matters & 1 question about lighting & noise   | The City has provided a response under a separate cover to the issues raised. |
| 3. Oakwood Primary School<br>Parents and Citizens<br>Association | Endorse the proposal and are excited for the development of a recreational area that will benefit the community and the school | Noted   |

## Statutory Environment

*Land Administration Act 1997 – Section 18* – A person may not lease, licence under this Act, or licence under Local Government Act 1995, in respect of Crown Land in a managed reserve without the consent by the Minister for Lands

*Local Government Act 1995 – Section 3.58* – Disposal includes to sell, lease, or otherwise dispose of whether absolutely or not.

*Exemption of Disposition of Property – Section 30 of Local Government (Functions and General) Regulations 1996* – A disposition of land is exempt if the land is disposed of to a body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

Although advertising is not a requirement under the LGA, the Department of Planning, Lands & Heritage required a public consultation process be undertaken as part of the request to support the power to licence over the crown reserve.

## Policy Implications

Nil

## Risk Implications

Nil

## **Economic Implications**

All the construction costs for establishing the playing surface will be borne by the Department of Education as agreed.

The City will share ongoing costs for the maintenance of the playing surface on a 50 per cent basis with the Department of Education. As the oval is anticipated to be available by late January 2019, six months of maintenance costs have been allocated in the 2018/19 budget, under maintenance for shared ovals POS. The City's share for basic maintenance for this period is anticipated to be between \$4,000 - \$5,000 being the current cost allocation for junior ovals.

The community will benefit from the construction of the playing surface on the Reserve at no cost to the City and be able to utilise it for open space activities after school hours in the future.

## **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

### Social:

- Provide opportunities, services and activities that engage our young people.
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

### Infrastructure:

- Advocate for and facilitate the provision of infrastructure that matches the demands of a growing population.

### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver appropriate services and facilities.

## **Conclusion**

Following the Department of Education's notification that the priority for the construction of the Oakwood Primary School had been elevated, discussions have been held with officers to ensure that a shared oval agreement can be implemented within an appropriate timeframe.

The City has engaged with the Department of Planning, Lands and Heritage and undertaken public consultation on the proposal. Council is requested to support a Licence for a Shared Oval Agreement with the Department of Education over portion of Reserve 48180. The cost sharing for ongoing maintenance will be shared equally between the parties, with the licence term being 21 years, subject to the approval of the Minister for Lands.

### **NOTE:**

- Refer **Attachment 1** *Final Plan for Oakwood Primary School showing Shared Oval*

## **RECOMMENDATION**

### **That Council:**

1. **Approves a Licence over portion of Reserve 48180 to Department for Education for the purpose of a Shared Oval Agreement for a period of 21 years with all maintenance costs to be shared equally between the parties;**

2. **Acknowledges the Shared Oval Agreement will be subject to the approval of the Minister for Lands, and approval of the Power to Licence, which is required over the City managed Reserve;**
3. **Acknowledges each party will cover their own costs in relation to the preparation of the Licence for the Shared Oval Agreement;**
4. **Authorises the Chief Executive Officer to finalise the terms of the licence.**



# GENERAL NOTES

1. ALL WORKMANSHIP & MATERIALS TO BE IN ACCORDANCE WITH THE LATEST BUILDING REGULATIONS & RELEVANT S.A.A. CODES & STANDARDS INCLUDING AMENDMENTS.
2. DO NOT SCALE DRAWINGS.
3. THIS DESIGN IS COPYRIGHT & SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
4. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK OR THE PRODUCTION OF ANY SHOP DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE SUPERINTENDENT AND INSTRUCTION SOUGHT.
5. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH CIVIL, STRUCTURAL, ELECTRICAL, HYDRAULIC & MECHANICAL DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE SUPERINTENDENT AND INSTRUCTION SOUGHT.



THIS DRAWING TO BE USED FOR  
REFERENCE PURPOSES ONLY

|   |                                    |          |    |
|---|------------------------------------|----------|----|
| V | ISSUED FOR REFERENCE PURPOSES ONLY | 14.08.17 | RG |
| U | ISSUED FOR REFERENCE PURPOSES ONLY | 04.08.17 | RG |
| T | ISSUED FOR REFERENCE PURPOSES ONLY | 25.07.17 | RG |
| S | ISSUED FOR REFERENCE PURPOSES ONLY | 21.07.17 | RG |
| R | ISSUED FOR REFERENCE PURPOSES ONLY | 14.07.17 | BP |
| Q | ISSUED FOR REFERENCE PURPOSES ONLY | 04.07.17 | BP |
| P | ISSUED FOR REFERENCE PURPOSES ONLY | 26.06.17 | BP |
| N | ISSUED FOR REFERENCE PURPOSES ONLY | 09.06.17 | BP |

| NO   | AMENDMENT | DATE | INT |
|--|-----------|------|-----|
| <p>546 Newcastle Street<br/>PO Box 327 Leederville<br/>Western Australia 6903</p> <p>08 9328 9888<br/>08 9328 9811<br/>mps@mpsarch.com.au<br/>mpsarch.com.au</p> <p>mps ARCHITECTS</p> |           |      |     |



Government of Western Australia  
Department of Finance  
Building Management and Works

ARCHITECTURAL  
MEADOW SPRINGS NORTH PS  
SITE PLAN

|                   |            |             |              |
|-------------------|------------|-------------|--------------|
| OVERALL SITE PLAN |            | REDUCED     |              |
| DRAWN             | MP'S       | DESIGNED    | BP           |
| CHECKED           | AW         | PRINCIPAL   |              |
| APPROVED          | BP         | DATE        | JANUARY 2017 |
| SCALE             | 1:500 @ A1 | DRAWING NO. | A1.01        |
| OF 1001           | 16.327     | 2017/00117  |              |

THIS IS A CAD DRAWING  
DO NOT AMEND MANUALLY

SITE PLAN  
SCALE 1:500

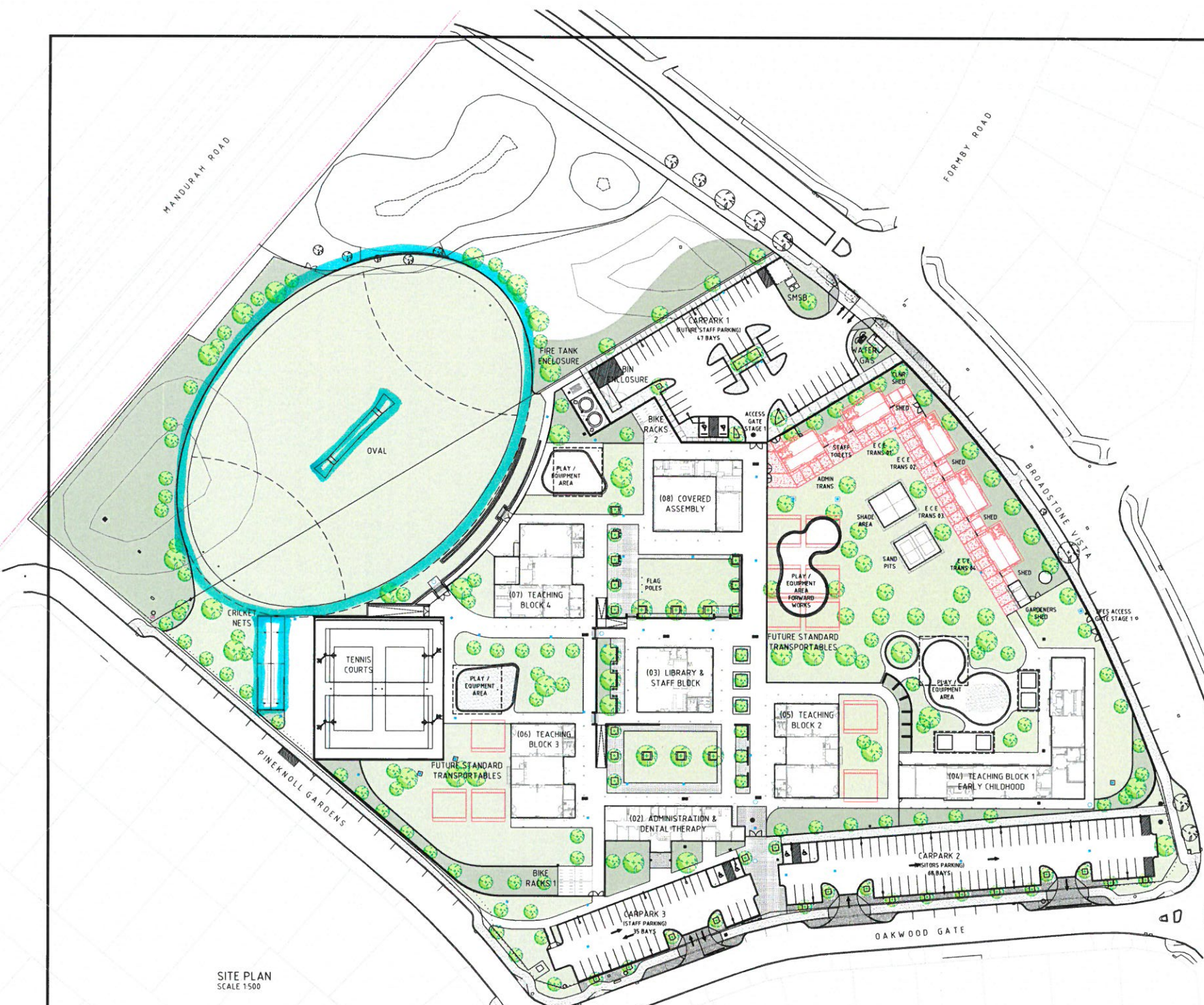
MANDURAH ROAD

FORMBY ROAD

BROADSTONE VISTA

PINEKNOLL GARDENS

OAKWOOD GATE





|          |                           |  |
|----------|---------------------------|--|
| <b>3</b> | <b>SUBJECT:</b>           | Variation of Lease – Department of Education and Port Bouvard Recreation and Sporting Club |
|          | <b>CONTACT OFFICER/S:</b> | Aaron Lucas/Lesley Petchell  |
|          | <b>AUTHOR:</b>            | Rachelle Love/Lesley Petchell  |

### Summary

At the Council meeting of July 2017, Council granted approval for the endorsement of the draft Land Use Plan for the South East Dawesville Channel Site. Approval was also granted for officers to engage with Port Bouvard Recreation and Sporting Club (PBRSC) and the Department of Education (DoE), who currently hold tenure over part of Reserve 30624, to revise their lease area in line with the draft Land Use Plan. Officers have since engaged with the relevant lessees in relation to amending their current lease boundary for the betterment of both lessees and the community.

The required variation would see an amendment to the lease area which will enhance a wider range of useable space along the South Eastern foreshore for both lessees and the community. The variation will also assist facilitating a request received from Port Bouvard Recreation and Sporting Club, for additional space to accommodate their need for extra storage within their lease area.

Council is requested to approve a variation of the current lease agreements held between the City, the Department of Education and Port Bouvard Sporting and Recreation Club, as identified in Attachment two of this report. All other terms and conditions of the current lease agreements will remain in place, with the variations being subject to the approval of the Minister for Lands.

### Disclosure of Interest

Nil

### Location



South East Dawesville Channel Reclaimed Site

### Previous Relevant Documentation

- G.23/7/17      25 July 2017      Council endorsed the draft Land Use Plan for the South East Dawesville Channel Site and approved for officers to engage with lessees of the site in relation to a proposed amendment of lease boundary of common area in line with Land Use Plan.

- G.33/10/08      21 October 2008 Council support the lease agreements between the Department of Education and Port Bouvard Sport and Recreation Club for a term of 21 years over portion of Reserve 30624
- G.41/6/08      June 2008      Council endorsed 'in principle'; the Proposed Lease Area / Boundaries Plan for the purpose of negotiations and agreements with the Department of Education and Training in relation to the Maritime Skills Centre.
- G.16/9/04      September 2004 Council acknowledged the recommendations of the South East Dawesville Channel Consultation Study.
- G.34/6/99      June 1999      Council considered a request from the Port Bouvard Yacht Club for the establishment of a yacht club on 1.15 hectares of the reclaimed land. Council resolved not to support any uses or facilities until a master plan was prepared for the site. Notwithstanding the resolution of Council, DOLA entered into a leasing arrangement with the Port Bouvard Recreation and Sporting Club over a 4,020m<sup>2</sup> proportion of the reclaimed land, for the purpose of 'Junior Sailing and Boating Club'.

## **Background**

The South East Dawesville Channel site is approximately 8 hectares of land reclaimed as a part of the Dawesville Cut development. The entire site has existing facilities that include the Southern Estuary Hall, Port Bouvard Yacht Club and Department of Education; John Tokin College - Maritime Skills Centre.

In October 2008 Council supported a lease agreement with the Department of Education for the construction and operation of the Maritime Skills Centre. The Centre is utilised by the DoE for Vocational and Educational training purposes run through John Tonkin College. After school hours the lease area is utilised by PBRSC for junior sail training, and power boat courses. The lease held with both parties is for a term of 21 years, the long tenure was a requirement of the DoE due to the cost outlaid by the Department for the construction of the Maritime Skill Centre facility.

In July 2017 Council were asked to endorse the Land Use Plan for South East Dawesville Channel site and approved for the City to engage with the lessees, PBRSC and the DoE, who currently hold tenure over part of Reserve 30624, Estuary Road Dawesville, to revise their lease boundary to align with the draft Land Use Plan, which is designed to provide the following:

- Provide future direction and opportunity for the lease holders
- Identify key community accessible space that requires protection
- Where future planning should be focused
- Establish an area that can remain open for future development options

## **Comment**

PBRSC, contacted officers in 2016 to discuss future development options for their yachting facility, sighting the current lack of useable space within their lease area and the limited options for storage for the clubs, resulting in a need for additional space for extra storage to accommodate their expanding club. The current lease boundary is only 3 metres from the clubroom as such expansion for storage purposes are impossible. With Council endorsing the draft Land Use Plan for South East Dawesville Channel officers have the opportunity to reassess the lease boundary to meet the growing needs of the lessees, while at the same time allowing the public further access to the south eastern foreshore land.

Officers engaged with both lessees who are supportive of the variation to the lease boundary the amendment will allow extra storage adjacent to their facilities, and still allow them access to the foreshore when required to run relevant programs, but will remove the exclusive use currently held under the lease agreement.

Council is requested to approve a variation of the current leases held between the City, the Department of Education and Port Bouvard Sporting and Recreation Club, to amend the current lease boundary (refer to attachment 2) which will see the eastern boundary reduced, enabling more useable active space along the foreshore, and extend the south west boundary increasing the lease area from 7947m<sup>2</sup> to 9150m<sup>2</sup>. All other terms and conditions of the current lease agreements will remain in place. The variation will also be subject to the approval of the Minister for Lands.

### **Consultation**

Project Support Officer – Department of Education  
Port Bouvard Yacht Club – Port Bouvard Sporting and Recreation Club

### **Statutory Environment**

Local Government Act 1995 (LGA) Section 3.58 – Disposal of Property  
Dispose includes to sell, lease or otherwise dispose of whether absolutely or not  
Property includes the whole or any part of the interest in a local government property, but does not include money.

The lease hold over this site was originally disposed of to the Department of Education & Port Bouvard Sporting and Recreation Club at Council' Ordinary meeting of the 21 October 2008.

Land Administration Act 1997 Section 18 (2) Minister for Lands approval – Various transactions relating to Crown land to be approved by the Minister. A person must not without authorisation assign, sell, transfer or otherwise deal with interest in Crown land.

Any variation in the lease area requires the approval of the Minister for Lands.

### **Policy Implications**

Nil.

### **Risk Implications**

Nil.

### **Economic Implications**

The costs associated with the variation of the lease agreements will be borne by the City at an estimated cost of \$1000 - \$1500

### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

#### Environment:

- Protect and ensure the health of our natural environment and waterways.

Social:

- Provide opportunities, services and activities that engage our young people.
- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

Economic:

- Increase local education and training opportunities.
- Develop a strong and sustainable tourism industry.

Organisational Excellence:

- Listen to and engage with our community.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.

**Conclusion**

Following Council's Meeting of the 25 July 2017, wherein Council endorsed the draft Land Use Plan for the South East Dawesville Channel, officers have had the opportunity to reassess the lease boundary of the current lessees of the site.

Discussions have been held with the Department of Education and Port Bouvard Recreation and Sporting Club who are supportive of the change to lease boundaries. The variation will accommodate the needs of the lessees ensuring appropriate storage can be built adjacent to the existing facilities, while allowing the public extended access to the foreshore.

Council approval is sought for a variation of the current lease agreements between the City and the Department of Education and Port Bouvard Recreation and Sporting Club, over portion of Reserve 30624. The variation would see the leased area of the current foreshore boundary reduced, with the Southern and Western boundary being increased. The lease area will increase from the current 7947m<sup>2</sup> to 9150m<sup>2</sup>, with all other terms and conditions of the current lease agreements will remain in place. The variation will be subject to the approval of the Minister for Lands.

NOTE:

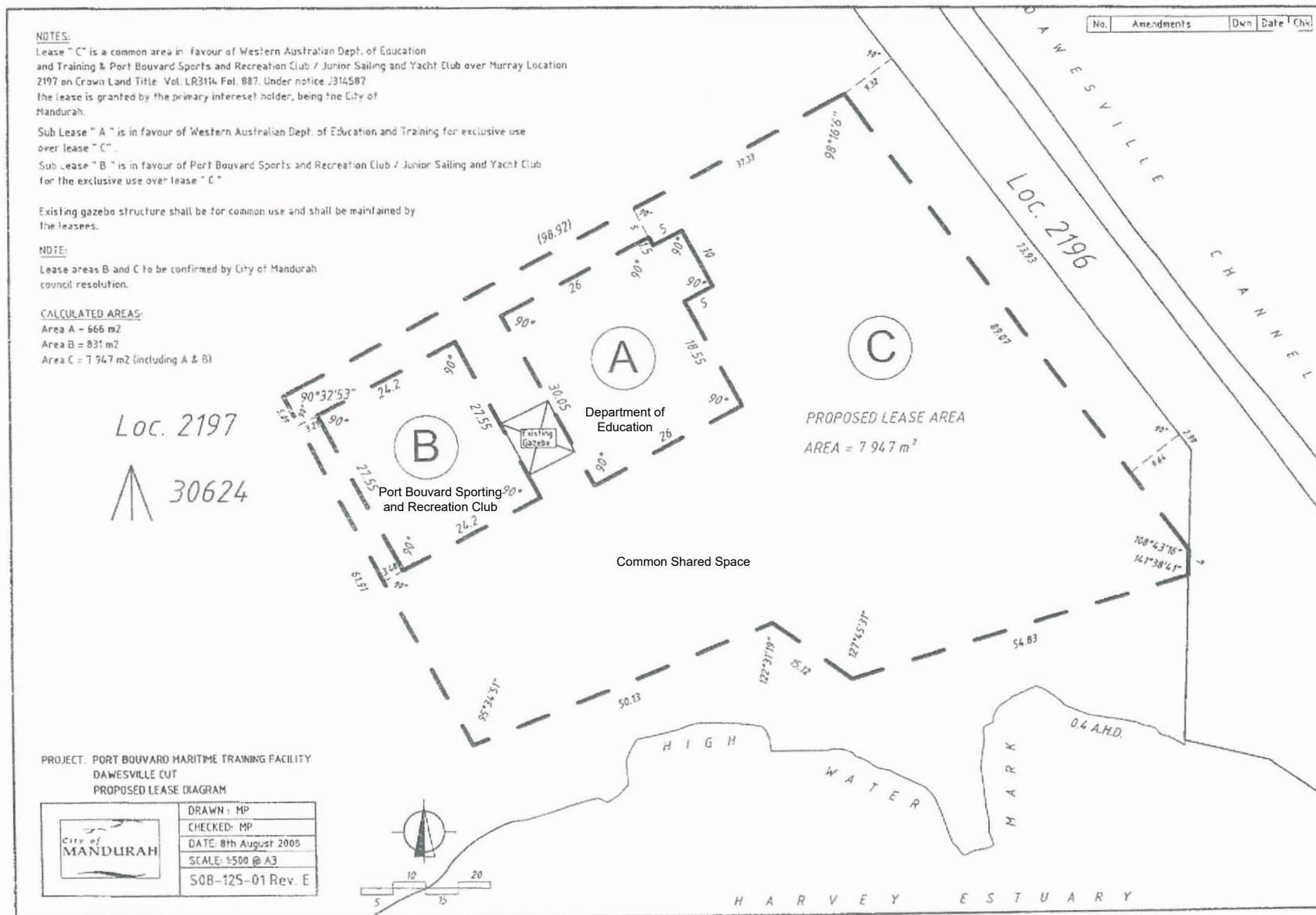
- Refer ***Attachment 1*** ***Current lease area***  
***Attachment 2*** ***Varied lease area***

**RECOMMENDATION**

**That Council:**

- 1. Approves the variation of leases held with the Department of Education and Port Bouvard Recreation and Sporting Club over portion of Reserve 30624 as identified in Attachment two of this report. All other terms and conditions of the current lease will remain in place, subject to the approval of the Minister for Lands;**
- 2. Acknowledges all costs associated with the variation will be borne by the City;**
- 3. Authorises the Chief Executive Officer to finalise the conditions of the variation of lease agreements.**

# ATTACHMENT 1



# ATTACHMENT 2

## NOTES:

Lease "C" is a common area in favour of Western Australian Dept. of Education and Training & Port Bouvard Sports and Recreation Club / Junior Sailing and Yacht Club over Murray Location 2197 on Crown Land Title Vol. LR3114 Fol. 887. Under notice J314587 the lease is granted by the primary interest holder, being the City of Mandurah.

Sub Lease "A" is in favour of Western Australian Dept. of Education and Training for exclusive use over lease "C".

Sub Lease "B" is in favour of Port Bouvard Sports and Recreation Club / Junior Sailing and Yacht Club for the exclusive use over lease "C".

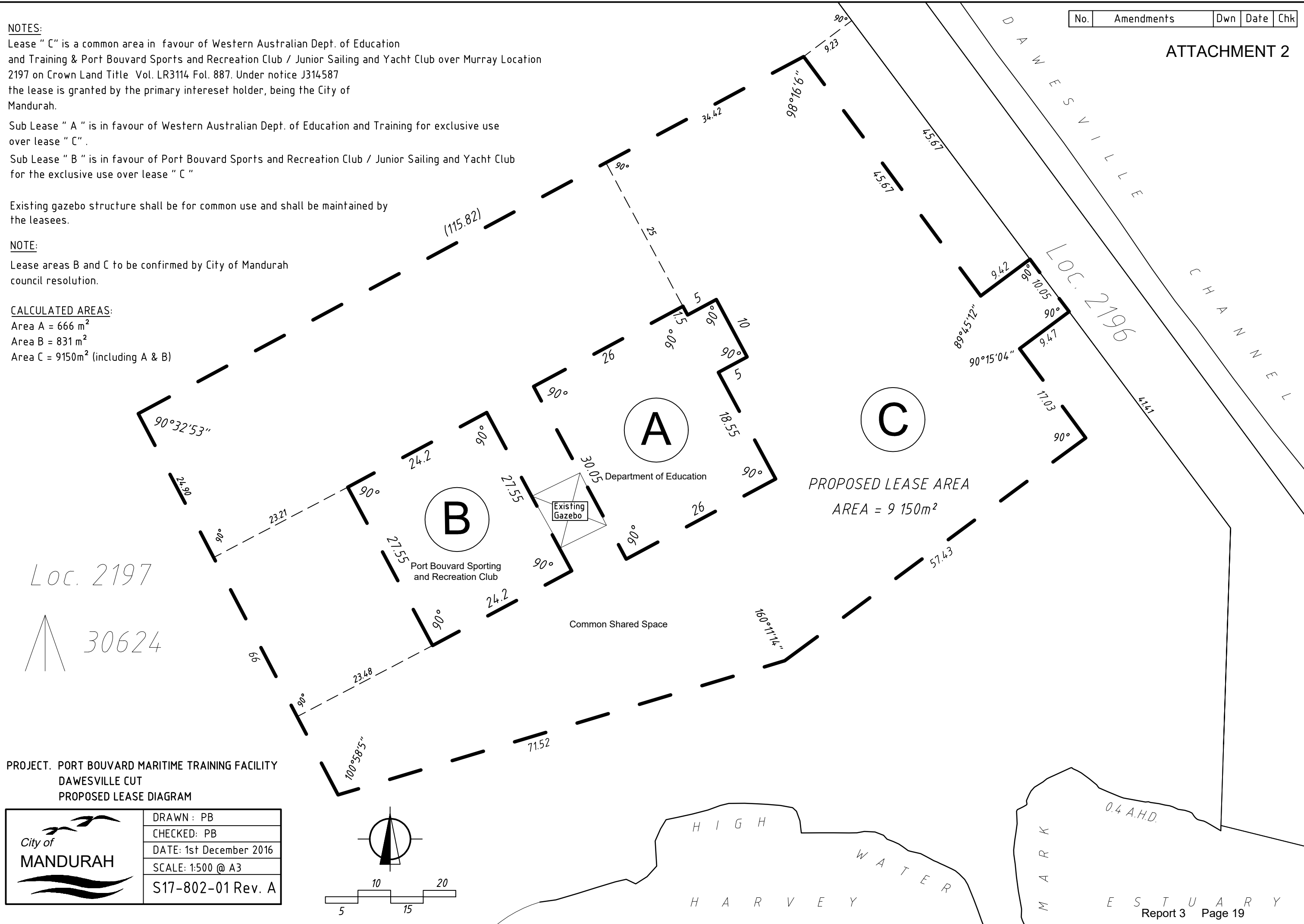
Existing gazebo structure shall be for common use and shall be maintained by the leasees.

## NOTE:

Lease areas B and C to be confirmed by City of Mandurah council resolution.

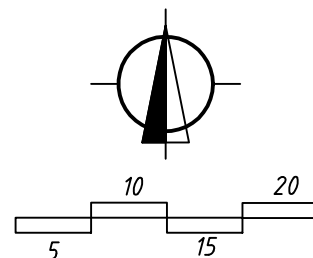
## CALCULATED AREAS:

Area A = 666 m<sup>2</sup>  
Area B = 831 m<sup>2</sup>  
Area C = 9150 m<sup>2</sup> (including A & B)



PROJECT. PORT BOUVARD MARITIME TRAINING FACILITY  
DAWESVILLE CUT  
PROPOSED LEASE DIAGRAM

|  |                         |
|--|-------------------------|
|  | DRAWN: PB               |
|  | CHECKED: PB             |
|  | DATE: 1st December 2016 |
|  | SCALE: 1:500 @ A3       |
|  | S17-802-01 Rev. A       |



|          |                           |  |
|----------|---------------------------|--|
| <b>4</b> | <b>SUBJECT:</b>           | Sponsorship of Volunteers to attend Australian Association of Environmental Educators National Conference 2018 |
|          | <b>CONTACT OFFICER/S:</b> | Brett Brenchley  |
|          | <b>AUTHOR:</b>            | Brett Brenchley/Bonnie Beal Richardson   |

### Summary

The City has entered a submission in partnership with the WA Chapter of the Australian Association of Environmental Education (AAEE) to host the 2020 AAEE national conference in Mandurah. The submission is likely to be successful and it is expected that a delegation will be sent to the 2018 AAEE national conference to showcase what will be on offer at the 2020 conference.

The 2018 conference is being held on the Gold Coast from October 22-25. It is suggested that a delegation be formed that consists of two officers, an elected member and two environmentally-focused volunteers to demonstrate the partnerships that form the foundation of environmental education in Mandurah.

In addition, volunteer attendance at this conference would further build capacity of local environmental volunteers. However, to ensure the attendance of two volunteers at an interstate conference is feasible, it is proposed the City provides a \$2,000 scholarship to each of the two successful applicants to cover the cost of conference registration, flights and accommodation. Volunteer nominations for this scholarship would be requested from registered participants of the Mandurah Environmental Volunteer Action Committee (MEVAC).

The scholarship application process would mimic that currently used by the City to select the Kids Teaching Kids Melbourne Conference Scholarship. Applicants will be invited to enter a submission in whatever format they choose, responding to two basic questions:

1. Describe how you have contributed to promoting environmental education in Mandurah?
2. How will you use the experience of attending the 2018 National AAEE conference to further promote environmental education in Mandurah?

Submissions will be presented to a selection panel consisting of two officers, two elected members and a representative of the Mandurah Environmental Advisory Group (MEAG).

### Disclosure of Interest

Nil

### Previous Relevant Documentation

- G.11/5/18 May 2018 Council agreed to submit a joint-bid with the WA Chapter of the Australian Association for Environmental Education applying to host the National 2020 Environmental Education Conference in Mandurah
- G.17/4/18 April 2018 Council agreed to support and facilitate bi-monthly Volunteer Capacity Building forums as a way to better engage with environmentally focused volunteers in Mandurah
- G.41/3/16 March 2016 Council supported budget expenditure of \$25,000 per annum for three years to contribute and partner with Murdoch University's Australian Research Council (ARC) bid for Backyard Bandicoots.



## **Background**

The City has entered a submission in partnership with the WA Chapter of the Australian Association of Environmental Education (AAEE) to host the 2020 AAEE national conference in Mandurah. An official notice of who has won the right to host the conference is expected in August. The City's joint bid with the WA Chapter is expected to be successful as the different state chapters of the association have an unofficial agreement not to compete with one another for the rights to host the national conference.

The successful applicant will be expected to send a delegation to the 2018 AAEE national conference held in the Gold Coast in October. This delegation will be given an opportunity at the end of the 2018 conference to invite attendees to the next conference and briefly showcase what will be on offer.

## **Comment**

In anticipation of winning the bid to host the 2020 national conference, a Conference Organising Committee has been formed and commenced planning for the 2020 conference in terms of key messaging and themes. It is clear from these planning sessions there is strong consensus that both Aboriginal and youth involvement should be embedded throughout the entire conference, rather than offered as standalone presentations. There has also been significant focus on how to create and deliver an event that has an ongoing impact, essentially making it a learning (and action) journey that continues beyond the four conference days.

The conference program is being designed to offer an integrated learning journey through presentations, field trips and the consideration of collective and long-term challenges. A number of key themes have been identified for the conference days. These include:

- Country/Action – Showcasing on-ground examples of environmental education programs in the Peel Region.
- Affective Motivation – Delegates will be exposed to different ways to activate emotions to inspire behaviour change, and learn about the science behind these approaches.
- Strategic Creative Thinking – Delegates will learn about Futures Thinking and how to apply it in their own work. This includes youth-led Hackathon-style workshops.
- Water – The element builds on Mandurah's identity as a City surrounded by water and is an important consideration for the conference, particularly as 2020 is the United Nations International Year of the Oceans.

At the 2018 national conference, officers, in conjunction with Murdoch University representatives, will be presenting upon environmental education outcomes delivered through the Backyard Bandicoots Australian Research Council linkage project. Attendance will also provide officers an opportunity to view proceedings at the 2018 conference and use that experience to inform preparations for the 2020 conference.

While officers will be present to form part of a delegation, it is suggested that it will be of benefit to present a delegation that consists not only of officers but also a representative from Council as well as two community members. Such a delegation will enable the City to demonstrate the strength of its partnerships with community, which is viewed as a critical element of environmental education by many of the AAEE membership expected to attend at the Gold Coast.

Choosing to form a delegation that includes environmentally focused volunteers also provides an opportunity to enhance participation and engagement with community members within the newly formed Mandurah Environmental Volunteer Action Committee (MEVAC). Participation at MEVAC has been growing steadily with the best participation rate so far of 19 participants attending the last meeting in April 2018. In order to select two volunteer representatives as part of a delegation sent to the conference, a selection process would be employed similar to the one the City uses to select which school receives a City scholarship to attend the National Kids Teaching Kids conference.

Nominations would be requested from registered participants of MEVAC who will be eligible to enter a submission in whatever format they choose, responding to two basic questions:

1. Describe how you have contributed to promoting environmental education in Mandurah?
2. How will you use the experience of attending the 2018 National AAEE conference to further promote environmental education in Mandurah?

Submissions will be presented to a selection panel consisting of two officers, two elected members and a representative of the Mandurah Environmental Advisory Group (MEAG), who will use the information to assess which two volunteers will be awarded funds from the City to cover expenses expected to be incurred by attending the Gold Coast conference.

### **MEAG Comment**

This item will be considered by the Mandurah Environmental Advisory Group at its meeting on the 20<sup>th</sup> July 2018.

### **Consultation**

Nil

### **Statutory Environment**

Nil

### **Policy Implications**

Nil

### **Risk Implications**

This proposal presents minimal risk.

### **Economic Implications**

Anticipated costs for attending the 2018 AAEE national conference at the Gold Coast are expected to be approximately \$2,000 per person.

Funds required to sponsor the attendance of two environmentally focused volunteers are able to be catered for out of the 2018/19 operational budget for Environmental Volunteer Support.

Funds required to send two officers and an elected member are able to be catered for out of the 2018/19 operational budget for Environmental Education.

### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

#### Environment:

- Encourage and enable our community to take ownership of our natural assets, and to adopt behaviours that assist in achieving our environmental targets.

#### Social:

- Provide a range of social, recreational, entertainment and learning experiences for our residents and visitors.

#### Identity:

- Encourage active community participation and engagement.

## **Conclusion**

The City, in partnership with the WA chapter of AAEE, is well placed to win the rights to host the 2020 national AAEE conference. The 2018 AAEE national conference held in the Gold Coast provides an excellent opportunity for the City to encourage participants to make the effort to attend the conference again in two years' time when hosted in Mandurah.

A delegation consisting of City officers, elected members and community volunteers will help demonstrate the partnerships that form the foundation of the environmental education in Mandurah. Given the importance community partnerships has in environmental education circles, such a delegation will hopefully motivate stronger attendance at the potential Mandurah conference in 2020.

As the 2018 AAEE conference is being held on the Gold Coast, the provision of a \$2,000 scholarship to each of the two volunteer delegates will ensure that local volunteer attendance at the conference is feasible.

## **RECOMMENDATION**

### **That Council:**

- 1. Support sending a delegation of two officers, an Elected Member and two volunteers that are registered participants of MEVAC to the 2018 Australian Association for Environmental Education national conference in the Gold Coast to showcase Mandurah as the host of the 2020 conference.**
- 2. Appoint Councillor \_\_\_\_\_ as part of the delegation that is sent to the 2018 Australian Association for Environmental Education national conference in the Gold Coast.**
- 3. Appoints Councillor \_\_\_\_\_ and \_\_\_\_\_ to form part of the selection panel that will select the two volunteers that will form part of the delegation that is sent to the 2018 Australian Association for Environmental Education national conference in the Gold Coast.**

|          |                         |   |
|----------|-------------------------|---|
| <b>5</b> | <b>SUBJECT:</b>         | Partnership Funding for Clontarf Foundation – Coodanup Clontarf Academy |
|          | <b>CONTACT OFFICER:</b> | Tim Hartland  |
|          | <b>AUTHOR:</b>          | Tim Hartland  |
|          | <b>FILE NO:</b>         |   |

### Summary

The Clontarf Foundation operates the highly successful 'Coodanup Clontarf Academy' which is located at the Coodanup Community College, with almost 70 local Aboriginal youth currently in the program. The Foundation has approached the City and seeks Council's consideration for support of a community partnership funding agreement of \$18,000 per annum, over three years, the funds will support their program to further develop.

The Foundation also seek Council's support to enter into an agreement, to establish a framework for improved opportunities for their participant's employment, training and volunteering in partnership with the City.

### Disclosure of Interest

Nil

### Previous Relevant Documentation

N/A

### Background

The Clontarf Foundation exists to improve the education, discipline, self-esteem, life skills and employment prospects of young Aboriginal and Torres Strait Islander men and by doing so, equips them to participate more meaningfully in society. Academy activities are planned within the focus areas of education, leadership, employment, healthy lifestyles and football. The Clontarf Academy is available Monday to Friday during school terms and was established in Coodanup eight years ago.

The Foundation has advised it is a significant enterprise with a commitment to creating an excellent, harmonious local community, and cites that the City of Mandurah is ideally suited to partner with Clontarf and argues that the benefits far outweigh the financial contribution. From a community perspective, Clontarf is shown to:

- Improve youth employment
- Improve community cohesion
- Reduce crime rates and anti-social behaviour
- Normalise community engagement by young Aboriginal men

The Clontarf Academy is ideally located within Coodanup and as part of a growing high school college, with school attendances at around 700 in 2018 and expected to grow to about 770 in 2019. The College also reports increased school attendances, completion of studies and advancement to tertiary study and other education and employment.

The Clontarf Foundation model is for development of young men only and there is a demonstrated need for support of this demographic within Mandurah. However there are three other Aboriginal Foundations operating that provide leadership development and support for young Aboriginal woman. The City's Youth Development Team also have established and deliver in partnership, an Aboriginal young woman's leadership program Thrive, which has Coodanup College connections. City officers are having ongoing dialogue with Aboriginal woman's leadership foundations (such as the Wirrpunda Foundation) and will look for opportunities to strengthen this over time.

The City's Reconciliation Action Planning delivery has also recognised the need for the City to support the Aboriginal community in improving employment, education and training outcomes. The City currently supports a range of initiatives including Aboriginal Traineeships and Nursing Scholarships, which could be further strengthened by closer ties to the Clontarf Academy.

### **Comment**

The City has had a good relationship with the Clontarf Academy since its inception, with close ties to the Community & Youth Development Team and Billy Dower Youth Centre. This has extended across City events such as the annual Gnoonie Football Cup and during events such as Crab Fest and the Christmas Pageant, where Academy students have volunteered in the past. However these interactions have a potential for growth and improved consistency, with a range of opportunities available across the City's various projects, programs and in day to day work. The City also has an opportunity to work with industry and local businesses to help connect and grow the aspirations of the Clontarf Academy within the broader community.

The Clontarf Foundation has approached the City seeking a funding consideration of \$18,000 per annum to establish itself as a significant enterprise with a commitment to creating a harmonious local community. The Foundation seeks consideration of Councils support for the City developing, in partnership, the capability for:

- Providing the Coodanup Clontarf Academy with direct financial support
- Introducing Clontarf to local businesses/potential funders
- Employ Clontarf graduates, provide traineeships, provide Clontarf participants with opportunities to gain work experience
- Provide access to facilities such as sporting grounds

It is recommended that Council support the \$18,000 p.a funding under the terms and conditions of its Partnership Grants, which are usually awarded via an application/panel selection process, however in the past have also been awarded directly via Council resolution, which is in keeping with Policy. Partnership Grants are delivered over three (3) years and enable the City to both monitor governance and build relationships in the delivery of the fund via the Community Development Team. The Clontarf Academy is currently funded via a combination of State, Federally and private sector investment, this funding will broadly help in the delivery of the entire program and related community outcomes.

The City also has the capacity to assist with the aforementioned partnership requests and it is recommended that this is formalised within a Memorandum of Understanding Agreement, contained as an attachment to the funding agreement. The MOU will provide a framework to ensure clarity of roles and responsibilities of each party and will be broadly delivered via the City's Community and Youth Development teams, in consultation with Economic Development and Recreation Services.

Should Council support the proposal, the Clontarf Foundation has advised it anticipates replicating the same process and model across the country in all Council's which encompass one of our 84 Academies, using the City of Mandurah as a 'best practise model'.

### **Statutory Environment**

N/A

### **Policy Implications**

The City's 'Grants and Donations Policy' guides the delivery of granting funds to third parties with a broad goal *'of supporting the City's role as a community partner in building capacity, developing community ownership and sustainability, community pride, identity and spirit'*. This proposal complies with the Policy's General Eligibility Criteria.

Under Community Partnership Funding there are two (2) assessment streams, firstly via application and panel assessments. This proposal aligns with assessment stream 2: *For financial assistance that meets the Scheme's principles and eligibility, has specific set of criteria, set amount per applicant and does not require assessment against a pool of applicants.* Assessments can be approved by the Manager under Delegated Authority for amounts up to \$500, as this exceeds this amount, this can only be approved by Council.

The support of this proposal aligns well with the City's Reconciliation Action Plan, Youth Development Strategy and Workforce Plan.

### **Risk Implications**

There is minimal risk associated with this funding agreement and MOU recommendation, which mainly relates to the monitoring and use of grant funds. Any risk will be mitigated via a funding agreement and the supervision and delivery which will be monitored by City Officers.

### **Economic Implications**

The City delivers two annual grant rounds through its Community Association Fund (CAF) and one via its Community Partnership Funds (CPF). The CAF is generally for one off projects with amounts up to \$2,000 with \$63,000 available in 2018/19, whereas the CPF is for three (3) year funding for projects over \$2,000 with \$124,500 available in 2018/19, the CPF is uncapped and assessed on a case by case basis. (An example of another group funded under this is the RSL to deliver the ANZAC day parade.)

The CPF operates on a rolling basis over 3 years, with roughly a one third of funding availability each financial year and the balance committed to support existing agreements. In 2018/19 there is \$124,500 budgeted in total for CPF with 2 & 3 partnership funds already committed for \$81,114, should Council support funding \$18,000 for Clontarf Foundation, there will be \$25,386 available for further new applications in 2018/19.

### **Strategic Implications**

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

#### Social:

- Provide opportunities, services and activities that engage our young people

#### Economic:

- Increase the level of regional employment
- Increase local education and training opportunities

#### Identity:

- Encourage active community participation and engagement
- Embrace Mandurah's identity as a multicultural community

#### Organisational Excellence:

- Demonstrate regional leadership and advocacy

### **Conclusion**

The Clontarf Foundation aims to establish long term, mutually beneficial partnerships with like-minded organisations and has approached the City as a key partner for their Coodanup Clontarf Academy. The goal in supporting the delivery a three (3) year Community Partnership Funding proposed and associated MOU, is to develop an ongoing and successful partnership that has the potential to grow over time.

There are broad benefits to the City in providing support for local male Aboriginal students to be connected to community, education, employment and volunteering and this agreement will ensure a more consistent approach.

## **RECOMMENDATION**

**That Council:**

- 1. Agrees to a three year 2018/19 to 2020/21 Community Partnership Fund Agreement with the Clontarf Foundation for the Coodanup Clontarf Academy.**
- 2. Approves the annual grant expenditure to the Clontarf Foundation for 2018/19 to 2020/21 for \$18,000.**
- 3. Approves entering into a Memorandum of Understand between the City of Mandurah and the Clontarf Foundation which establishes agreement on:**
  - 3.1. Introducing Clontarf Foundation to local businesses/potential funders**
  - 3.2. Developing employment options for Coodanup Clontarf Academy graduates, with consideration of providing traineeships and opportunities to gain work experience**
  - 3.3. Providing access to facilities such as sporting grounds**
  - 3.4. The Foundation submitting an annual report to the City.**
- 4. Authorises the City's Chief Executive Officer to finalise funding agreements and a Memorandum of Understanding with the Clontarf Foundation.**

|            |                           |  |
|------------|---------------------------|--|
| <b>06.</b> | <b>SUBJECT:</b>           | 'Modernising Western Australia's Planning System' Green Paper<br>City of Mandurah Submission |
|            | <b>CONTACT OFFICER/S:</b> | Tony Free/Aaron Lucas  |
|            | <b>AUTHOR:</b>            | Ben Dreckow/Nicola Leishman  |

## Summary

The Minister for Planning has commissioned an independent review of the planning system to identify ways to make it more efficient, open and understandable. A Green Paper has been developed by the Planning Reform team, led by Evan Jones, proposing five key reform areas – strategically-led, legible, transparent, efficient and delivering smart growth.

The Minister has released the green paper for public comment and all feedback will help inform the preparation of a White Paper that will be provided to the State Government for consideration. The Green Paper is a discussion paper and does not commit the State Government to adopt the proposals. It does, however, include many detailed reform initiatives which officers have provided review and comment.

Broadly, many of the reform initiatives are supported in light of recent experience in preparing and presenting a Local Planning Strategy and Local Planning Scheme to the Western Australian Planning Commission. As a result, it is recommended that Council endorse this report as the City's submission prepared in response to the Green Paper.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- G.06/01/17 24 January 2017 Council adopted draft Local Planning Scheme No.12 for forwarding to the Western Australian Planning Commission for consent to advertise.
- G.20/2/15 24 February 2015 Council endorsed the submission prepared in response to the draft *Planning and Development (Local Planning Scheme) Regulations 2014*.
- G.25/3/14 25 March 2014 Council adopted the draft Mandurah Planning Scheme for forwarding to the Western Australian Planning Commission and the Environmental Protection Authority for consent to advertise the Scheme.
- G.32/11/13 26 November 2013 Council made a submission on the Department of Planning's Planning Reform Discussion Paper dated September 2013.

## Background

Reform to the planning system has been ongoing for some time with the previous State Government launching its planning reform program "*Planning Makes it Happen: a blueprint for planning reform*" in September 2009. This identified six key strategic priority areas:

- Simplifying planning approvals;
- More effective planning instruments;
- Prioritising major projects;
- The integrated coordination of infrastructure and land use planning;
- Development of a comprehensive regional planning framework; and
- Strengthening governance and institutional arrangements.



A number of initiatives emanating from this program have been implemented, including Development Assessment Panels.

In July 2013, Council resolved to prepare a new local planning scheme and in March 2014 Council adopted a draft Scheme (under the heading 'Mandurah Planning Scheme'). Since that time, the *Planning and Development (Local Planning Scheme) Regulations 2015* ('LPS Regulations') have been prepared, advertised and gazetted and have been operative since October 2015. The Regulations replaced the previous *Town Planning Regulations 1967* and associated *Model Scheme Text*, and introduced a new overall format, consisting of regulations for:

- the preparation of new, amended and consolidated schemes;
- model provisions that provide a template for when a local government prepares its scheme but allows for local variation; and
- deemed provisions, which introduce a range of standardised processes that would apply automatically across all local government areas.

The Regulations also included elements of the '*Planning makes it happen: phase two blueprint for planning reform*' which was launched in September 2013 and resulted in key aspects of the reform initiatives being implemented, these included initiatives to:

- improve the process for preparation of a new scheme;
- introduce new risk-based scheme amendment processes;
- streamline and standardise the structure plan approval process; and
- standardise and expand the circumstances where development did not require planning approval.

Council responded to the draft Regulations with a detailed submission based on the provisions, format and content of the draft Mandurah Planning Scheme, adopted in March 2014 and previous submissions made by Council on planning reform initiatives. In summary, the submission outlined that opportunities for key reform initiatives for local planning schemes had been missed in order to assist in streamlining and simplifying the structure of local schemes.

The LPS Regulations resulted in significant changes to the format and operation of local planning schemes requiring the draft Scheme to be rewritten and reformatted. The new Scheme to replace the current Town Planning Scheme No 3 (Scheme 3), is now entitled *City of Mandurah Local Planning Scheme No 12* ('Scheme 12'). Scheme 12 was adopted by Council in January 2017 and forwarded to the WAPC for consent to advertise. As yet, consent has not been forthcoming with the Scheme and Local Planning Strategy forwarded to the WAPC in April 2017.

Notwithstanding the previous reforms, in November 2017, the Minister for Planning announced a wide ranging review of the planning system to address community concerns around how planning decisions are made. The objectives of the current planning reform include:

- Making strategic planning the cornerstone of all planning decisions;
- Opening up the planning system so that it is understandable to all;
- Clarifying local and State planning roles and functions of the Western Australian Planning Commission and Department of Planning, Lands and Heritage;
- Responding to community concerns about accountability and transparency of Development Assessment Panels;
- Formally recognising the need for community participation;
- Creating more certainty for industry and cutting red tape; and
- Refining developer contribution schemes.

## Comment

The planning system has become complex and focusses heavily on process and not on the outcomes that users of the system are seeking to achieve. The Green Paper proposes ways to modernise the planning system for Western Australia to make it fairer, more open and understandable, less complicated and able to reach effective decisions quicker.

### Four Key Reform Principles

The Green Paper identifies four key reform principles to underpin WA's planning system being:

- Fairness – the views and interests of all stakeholders are considered and balanced when planning for growth and change. Fairness is created in strategic planning where the community is involved in the making of the plan and where it is explained what plans have been made and why;
- Transparency – users are able to understand how the planning system operates, have certainty about land use requirements and know why planning decisions are made. The more the planning system is understood by the community, the greater is the chance of its acceptance and the promotion of better community and government relations;
- Integrity – the community is meaningfully involved in strategic planning. Research has shown that there will be respect for a decision if the decision makers are perceived as competent, honest, open, fair, reliable, reciprocating, respectful and committed; and
- Efficiency – the planning system is well organised and competently managed to deliver key activities in the least complex way through well-defined and adaptable processes with the right resources and defined outcome measures.

The principles represent the fundamental expectations of the way that planning as a governmental administrative system should be conducted and are used in the green paper as criteria against which proposals for reform can be analysed and assessed.

Planning efforts need to shift from a development-led to a strategically-led system in which strategic planning is the centre-piece. As housing demand is increasingly turning inwards towards infill, the planning system also needs to establish a clear planning framework for intensified development. In order to achieve this the Green Paper proposes five key reforms being;

1. *Strategically Led – Make strategic planning the cornerstone of the planning system*
2. *Legible – Make the planning system easy to access and understand*
3. *Transparent – Open up the planning system and increase community engagement in planning*
4. *Efficient – Make the planning system well-organised and more efficient*
5. *Delivering Smart Growth – Refocus the planning system to deliver quality urban infill*

As a result, a number of detailed recommendations have been made which together with officer comment, are detailed on the submission template presented as **Attachment 1**. In addition, there are a number of highlights in the Green Paper that are outlined below:

### Comprehensive Planning Scheme

A strategically led system establishes a line-of-sight through State and local government strategies to explain how they work together to inform decision making. There is currently no 'line-of-sight' between the levels of strategic planning documents and statutory documents which implement them on the ground. It is not possible to trace a goal, aspiration or objective of the wider strategic plan to a local government plan.

As a result, the key reform proposals to improve legibility are:

- Consolidate State Planning Policies (SPP's) into a single concise framework with easy to understand guidance;
- The links between State Planning Strategy and State Planning Policies, and local planning strategies and schemes should be strengthened and made clear and understandable;
- Define common strategic elements for the State Planning Framework and require all planning documents to be organised around these elements such as; sustainability, land use, housing, environmental, open space, urban form and design and an infrastructure element, and prepare technical guidance for each;
- Require that every SPP, regional or sub-regional plan and the local planning strategy to follow these elements;
- Require every local planning strategy to explain how it has addressed the requirements of each common strategic element against the requirements of the State strategy, planning policy or regional or sub-regional strategy;
- Require all local planning schemes, local planning strategies and policies to be published in a single, easy to navigate, standardised format to be known as a Comprehensive Local Planning Scheme for each local government; and
- Reduce red tape for business by standardising land use permissibility for the most commonly used zones.

The model and approval process for the 'Comprehensive Planning Scheme' is demonstrated as follows:

| COMPREHENSIVE<br>LOCAL PLANNING<br>SCHEME | Weight   | Amendment / approval<br>Process   |
|---|--|---|
| Local planning<br>strategy                | Decision makers<br>shall take into<br>consideration<br>the intent of the<br>Local Planning<br>Strategy | 1. Initiated and prepared by<br>the Local Government<br>2. Reviewed by DPLH for correct<br>format and consistency with<br>State strategic framework<br>3. Endorsed by WAPC<br>4. Approved by Minister |
| Local planning<br>scheme                  | Retain the<br>"force and<br>effect" of the<br>Act.   | As per existing scheme<br>adoption/ amendment<br>processes  |
| Local planning<br>policies                | Decision makers<br>shall take into<br>consideration<br>Local Planning<br>Policies                      | 1. Initiated and prepared by the<br>Local Government<br>2. Reviewed by DPLH for correct<br>format and consistency with<br>State Planning Policies<br>3. Endorsed by WAPC<br>4. Approved by Minister   |

Local planning strategies and local planning policies currently sit outside local planning schemes and there is a weak interlinking between these documents, that are vital to explain the rationale for local planning scheme zones, land use permissibility and development requirements. The process of preparing a local planning strategy enables the community, local government and other stakeholders to set the vision and values for the region or area. Decisions about local character and values, growth, housing types, local centres, land for jobs and transport networks should be made in the strategic planning process.

Officers agree that common elements would greatly assist with consistency in approach to the various components for the strategic planning framework. A key issue with current policy is a lack of an integrated framework to provide guidance on how conflicting policies should be considered, and in what priority the policies should apply. The current SPP's cover a wide range of issues and vary from providing strategic advice and guidance to requiring specific measures to be put in place. The lack of an integrated framework is leading to 'issues of the day' having priority over all other policy.

Each time reform measures are announced, improvements to form, function and operation of local planning schemes have been highlighted as being of high importance. However, as yet, it does not appear that any genuine reform measures have been included on this particular issue. Officers agree that there is merit in the publishing of a "Comprehensive Local Planning Scheme" enabling users to visit a one stop shop for all information pertinent to decision making. Whilst it is a step forward that the deemed provisions are to be included in a comprehensive local planning scheme, this still does not address the inherent issues with the deemed provisions, and the need to refer to multiple sections of the Scheme and deemed provisions in order to assess one proposal. It is clear to officers that the current Model and Deemed Provisions in the LPS Regulations require substantial improvement which has become apparent in the drafting and re-drafting of Local Planning Scheme 12.

Previous attempts to prepare a new format for the scheme based on the 1999 Model Scheme Text and a detailed submission on the draft LPS Regulations in early 2015 (refer **Attachment 2**) put some thought and effort into reforming the scheme format to aid in its use; many of these comments are consistent with many of the recommendations in the green paper. It is considered that these should issues should be addressed within this reform process and it is therefore, recommended that this be provided again, as part of the City's submission on this Green Paper.

Additionally, the green paper recommends that local governments who are currently undertaking, or about to embark on, a substantive review of their planning frameworks, delay preparation of local planning strategies and local planning schemes until guidance on the format and content of comprehensive local planning frameworks is available.

The City has been making attempts to prepare and progress a local planning scheme and strategy since late in 2013; having rewritten the Scheme text to accord with the LPS Regulations in January 2017 and submitted to the Department of Planning, Lands and Heritage (DPLH) for adoption to advertise in April 2017. At this time we are awaiting the Strategy and Scheme to be presented to the Western Australian Planning Commission (WAPC) to adopt for advertising. Much of the discussion with the Department has been to remove many of the elements that form the basis of many of the Green Paper's recommendations.

Given this history and context, officers would be interested in the proposal of the Green Paper that identifies the potential for a pilot program for a local government scheme. The City's Scheme needs to manage new infill areas, new growth areas and rural residential and it is recommended, therefore, that an approach is made to the reform team to request the opportunity to be part of this pilot.

### Community Engagement Charter

The principle of placing Strategy at the centre of the planning system aims to give the community a say in how their neighbourhoods will be developed. Most people only engage with the planning system to react to a development proposal in their neighbourhood rather than contributing to the future form of their community.

Many global cities are fostering community engagement in the planning system by enabling residents and communities to have involvement in developing the strategic plan at the formative stages – inputting to defining visions, objectives and challenges for the community.

It has, however, been recognised that this might require a reorientation of approach in some planning authorities. A difficulty in mandating different levels of community engagement in the planning process is that the means of engagement and its scope may have to vary greatly according to the level of complexity and sensitivity of the issues, resources available and the size of the planning authority. It is not possible to develop a 'one size fits all' requirement for engagement in the making of a strategic plan. This should not, however, deter the planning community from taking steps to address the sometimes adversarial culture of engaging in planning decisions and the perception that anyone who objects to a planning proposal is a 'nimby' and is anti-development. In the majority of cases there is genuine concern and these concerns need to be heard, understood and addressed appropriately.

Notably, the engagement and results of the preparation of the Strategic Community Plan 2013-2033 formed much of the basis for the Local Planning Strategy with the view that the planning strategy is the spatial or land use planning response to the Community Plan. Much of these detail has been removed from the Planning Strategy at the request of the DPLH, but notably, the Green Paper seeks to introduce a stronger link to the Strategic Community Plan moving forward.

It follows therefore, that the Green Paper proposes that the DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to:

- (a) Planning authorities having a duty to engage with the community in a manner that allows residents to contribute to the making or amending a strategic plan; and
- (b) In the making or amending of a strategic plan, the community as soon as possible, be given information as to what is proposed and any documents that the planning authority intends to examine.

It is also proposed to align engagement processes in the planning regulations to the Community Engagement Charter and revise public notification and engagement requirements for planning proposals in the Planning and Development Act 2005 (PD Act) and LPS Regulations to update out dated requirements.

#### Development Assessment Panels

As a result of the Phase One Planning Reform program, Development Assessment Panels (DAPS) were established in 2011 to determine development applications that meet set land uses types and value thresholds. It was argued that DAPS would introduce more expertise into planning processes and expedite approval.

As discussed in the Green Paper, the current planning system in Western Australia is unable to provide clear guidance. One of the findings from a 2012 Review of DAPS was that the Committee finds *'that the out dated nature of some Local Planning Schemes; their inconsistency with state planning policies and strategic planning frameworks and the inconsistencies of local planning requirements across local governments have contributed to the types of determinations being made by the DAPS.'*

The Green Paper makes a series of proposals in relation to DAPS citing a number of issues which result in inconsistent DAP decision making and unpredictable and unclear outcomes for the community. These have been addressed in detail in **Attachment 1**, but in summary the following is proposed:

- Meeting times and frequency – it is considered that the openness of DAPS would improve if they were more accessible. Currently DAP meetings are sporadic and held at different times of the day. To improve the accessibility and familiarity of the DAP process, it is proposed that meetings be held at regular times outside of business hours.

- Audio recordings of DAP meetings – it is considered that meeting minutes are an insufficient record of what was considered and discussed. Recordings of meetings can be stored as a record in accordance with the *State Records Act 2000* and made available on the DAP website of the DPLH.
- DAPS deferring decisions – through the review process concerns have been raised from Local Government that after a Responsible Authority Report (RAR) is provided for publication for an upcoming DAP meeting, a proponent may prepare new information to address any concerns raised in the RAR and provides this directly to the DAP via deputation at the meeting, bypassing the scrutiny of the responsible authority and community. This has been the City of Mandurah's experience also in a number of cases.

The DAP Regulations contemplate further submissions at a DAP meeting, both oral and written, however, this should be limited to information to assist the DAP in determining the proposal presented in the RAR, rather than an opportunity to present new information for the DAP's consideration. The DAP procedures allow for amended plans or additional information to be submitted during the assessment period. This allows the responsible authority time to digest any new information, undertake consultation (if required) and provide advice and recommendation on that information within the RAR.

The Green Paper proposes that if new information is provided to a DAP, which it intends to rely upon to make a determination, then the item should be deferred to allow the information to be properly assessed and advice provided to the DAP by the responsible authority. It is proposed that changes are made to the DAP Practice Notes to clarify when it may be appropriate to defer a decision, such as when new information is submitted to the DAP after a RAR and when issues are raised which require further detailed technical consideration by the responsible authority.

Officers consider that this would significantly improve the DAP process, however, the strength of the wording of the recommendation does not reflect the intent in the explanation of this proposal. The Green paper states that the contemplation of further submissions at a DAP meeting *"should be limited to information to assist the DAP in determining the proposal presented in the RAR, rather than an opportunity to present new information for the DAP's consideration."* The recommendation however, simply states that it is up to the DAP to consider whether a decision should be deferred or not. Officers consider that this should be mandated in the DAP Regulations, along with specified timeframes, to allow this to occur.

- Reasons to be provided for each decision – it is proposed that the DAP Practice Notes be amended to require reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the RAR.
- Reconsidering a decision arising from a SAT Review – it is proposed to provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all development standards.
- Constitution of a DAP responding to an invitation of the SAT to reconsider its decision – The DAP procedures manual provides that the appropriate person to attend SAT mediations and hearings on behalf of the DAP is the Presiding Member or if they are unavailable, the deputy presiding member. Where a matter is reconsidered, the DAP Practice Notes provide that the DAP member should publicly acknowledge if they have attended a SAT process in relation to any DAP application to be considered at that meeting, during the 'disclosure of interests' in the order of business.

Community members and DAP members have raised concerns that there is a perception of the DAP members having a preconceived position on an issue, where it is reconsidered by a DAP post mediation. Community members have also raised concern that where there is not a unanimous DAP decision, the presiding member does not necessarily reflect the majority of the DAP in negotiations at SAT.

In order to address the apprehension of bias, the green paper proposes that where a DAP has been invited to reconsider its decisions following a SAT mediation, new specialist members and/or presiding member be drawn from the available pool of members. This would ensure that the amended application is considered afresh, however, could result in the raising of new issues by the DAP and need for further SAT proceedings.

Additionally, it is proposed that the SAT should consider preparing a framework for allowing parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation of DAP matters.

To date, the City has had little experience in DAP defending decisions in SAT, however communications with other local authorities has provided little support for this approach as the continuity of the proposal is lost.

- Proposals seeking significant variations – The expectation that DAP applications will be dealt with as efficiently as possible may result in DAP's feeling under pressure to resolve often complex and technically difficult issues during meetings, in order to avoid the need for further submissions or meetings to determine a proposal.

It is considered that a more accessible, inclusive and intensive DAP consideration is required where the presiding member is of the view that:

- (a) an application seeks substantial variation to site and development standards; or
- (b) a local planning scheme provides the DAP with the ability to exercise significant discretion such as a height bonus that is the subject of subjective criteria, notwithstanding that further technical advice may be given such as through a Design Advisory Committee; or
- (c) a proposal is of such a contentious nature that it warrants special consideration.

This may include a longer time for submitters to make deputations, the opportunity for panel members to undertake a site visit and could include meetings being held over two or more sessions for the DAP to hear presentations and then seek further advice or information from the responsible authority.

As a result, the Green Paper proposes that:

- (a) expert DAP members be drawn from a pool of members across the State on the basis of the type and complexity of the application being heard;
- (b) that there is provision for an expanded and flexible meeting process where the DAP Presiding Member is of a view in relation to an application for development that wider community and local government viewpoints need to be examined.
- DAP consideration of Region Scheme matters – The WAPC determines regionally significant development proposals by withdrawing its delegation to local government under region schemes. Following the introduction of DAPS, if a regionally significant proposal falls within the value and type set out by the DAP Regulations, the WAPC is required to forward the proposal to a DAP for consideration. An applicant is also required to obtain a separate development approval under a local planning scheme which is also determined by a DAP.

It is considered that the involvement of the DAP undermines the status of the WAPC as the highest-order planning authority in the State. Further, a situation may occur where a DAP determination gives rise to a compensation claim with strategic and financial implications for the State. The Green Paper propose that the DAP Regulations be amended to remove DAPS as a decisions-maker with respect to development applications under Region Schemes.

- Chief Presiding Member – The introduction of DAPs has required new administration arrangements in local and state government. This has caused teething problems with DAP operations which have been addressed on an on-going basis since their introduction. DAPs continue to need refinement to improve their effectiveness and efficiency and it would be beneficial for a presiding member to also be appointed as the Chief Presiding Member (with appropriate remuneration) to take responsibility for the operation of key aspects of DAPs.

The Green Paper proposes that a presiding member be appointed to:

- (a) oversee the quality and consistency of DAP procedures (such as the consistent use and content of conditions; the quality of RAR reports) and recommend changes to the DAP procedures and standing order to the DPLH;
- (b) assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard; Identify training needs for DAP members for the approval of the Director General DPLH.

Officers consider that this would significantly improve the operation of DAPS.

The City have experienced circumstances in a number of DAP cases whereby the recommended conditions of approval have been modified or deleted by the Panel, thus fundamentally changing the acceptability of a proposal.

There is currently no avenue to seek a review of circumstances like this. Whilst this may not be considered appropriate in terms of reviewing the determination itself, it is strongly suggested that there be a right of referral to the Chief Presiding Member when a local government (LG) has an issue with a DAP determination such as; the application or alteration of certain conditions, procedural issues or an issue with a particular panel member. This would increase the accountability of DAPS and would enable consistency issues to be addressed. Whilst this process would not necessarily alter the decision, it would be useful to identify potential training issues and ways to improve the function of DAPS.

#### Additional Issues to be raised in relation to DAPS

Comment is made in the green paper that the DAP procedures allow for amended plans or additional information to be submitted during the assessment period to allow the responsible authority time to digest any new information, undertake consultation (if required) and provide advice and recommendation on that information within the RAR.

The DAP Procedures also allow for an extension of time request, should there be on-going negotiation between the parties in an attempt to resolve issues that have arisen during the course of the assessment. This, however, requires the approval of the applicant, despite whether or not the LG may have a justifiable reason for seeking an extension of time, such as insufficient time to assess amended plans provided or delays in the submission of additional information to the LG to address issues raised.

There have been a number of cases where a short extension of time to provide the RAR would have enabled a more complete assessment of the issues, time to agree any further modifications (between the LG and the applicant) or agree on proposed conditions, thus reducing the need for additional information to be provided to the DAP through deputation. The applicants may not always be willing to agree to this. It is, therefore, suggested that the DAP Procedures be modified to allow for Local Government to seek an extension of time from the Presiding Member, with or without the applicant's approval and for the presiding member to decide, based on the justification provided, as to whether this is granted.

It is also considered that additional resources should be afforded to the DAP Secretariat to enable an administrative officer to attend the meetings. This would allow the Presiding Member to run the meeting and contribute appropriately to the discussion, whilst the administrative officer takes the Minutes and ensures that the meeting is conducted in accordance with the Standing Orders.



In general, the City's experience has been that proponents will avoid a DAP in some local governments where they have a high level of delegation and ability to work towards to a positive outcome for both parties. The DAPs appear to result in an assessment that is based on meeting time frames and deadlines rather than a negotiated outcome. Often planning decisions at a local level can result in improvements to the local community, such as contributions to improvements to road networks. It is difficult to have a statutory and policy framework in place to cover the many issues that require resolution in a development assessment and the removal of the local government from the decision making removes the potential for a negotiated outcome. One application the City has dealt with through a DAP due to the proposed cost of development could have been dealt with under delegated authority without the need to arrange meetings, agenda and the like in a much shorter time period.

Through limited experience, the City is concerned that the balance of achieving positive community outcomes versus arbitrary decision making is difficult in development assessment. However the use of a simple financial threshold does not correlate to the complexity of assessment but rather it is the degree of discretion and public interest that requires resolution as part of the future of the DAPs.

### Local Structure Plans

Prior to the introduction of the LPS Regulations, local structure plans (previously called ODP's) were accepted as having the 'force and effect' of the scheme. This was reviewed during the preparation of the LPS Regulations due to a concern that there may not be power in the PD Act to give structure plans this status. As a result the LPS Regulations provided that structure plans are to be given 'due regard'. Incorporation of a structure plan into a local planning scheme to provide a high level of certainty requires a separate scheme amendment process.

Industry stakeholders and local government have strongly promoted to the review team the elevation of the status of structure plans to be read as part of the scheme to bring certainty to zonings, reservations, density codings and statutory development controls and to avoid lengthy separate processes for no real planning gain.

The Green Paper proposes that the PD Act provides that the implementation section (part one) of approved structure plans and activity centre plans are to be read as part of the scheme and have the 'force and effect' of the scheme.

Additionally, under the LPS Regulations, local government must progress a structure plan to advertising and assessment, even if the proposal is considered to lack planning merit. This has resulted in some poor proposals which are unlikely to be supported, unnecessarily causing community angst. It is proposed that this be addressed through an amendment to the LPS Regulations to give power to local government to refuse to progress a structure plan or activity centre plan and amendment, but to include the right for a proponent to seek the views of the WAPC if it feels it has been dealt with unfairly.

Officers support both of these proposals.

### Additional Recommendations for Reform

Whilst the reform team have provided a response template to enable the City to provide a response on each proposal, during recent discussion forums on the Green Paper, requests have been made encouraging the City to highlight additional issues that may not have been included in the current reform proposals. Based on previous submissions on planning reform and on more recent experiences, officers have provided a number of additional reform matters for consideration:

- Integrating regional and local planning provisions therefore abolishing the need for a regional planning scheme and dual development approvals under local planning schemes and region planning schemes;

- Make provisions for a clear and legible table in the Local Planning Scheme as to the 'responsible authority' for various matters whether they be the WAPC, DAP or local government together with delegation arrangements for regional reserved land and zoned land in Region Schemes under Clause 21 (PRS) and Clause 32 (MRS) in an attempt to reduce one of the most confusing part of the planning system;
- Modifications are required to the Regulations so that local planning schemes (including deemed provisions) are subject to ongoing update and review, therefore abolishing the need for a review of the scheme or the need for new schemes and abolish the need for a Scheme numbering system;
- Improve integration between approvals and outcomes for subdivision and development, particularly for infill development. The separation between the policy and scheme provisions for both creates poor outcomes. One such change would be to Section 143 of the PD Act requiring local planning schemes to be considered in determining subdivision applications
- Overall capacity at the Department of Planning, Lands and Heritage acting under more delegation from WAPC but dealing with large scale broad issues and allowing local government to deal with detailed proposals.

### **Consultation**

The Green Paper has been released by the Minister for public comment and all feedback will help inform the preparation of a White Paper that will be provided to the State Government for consideration.

Submissions close on Friday 20 July 2018 however, the City have requested and been granted an extension of time to 27 July 2018 to allow for Council to consider this report.

### **Statutory Environment**

In order to implement these reform initiatives, legislative changes a number of changes will be required to be made to the Planning and Development Act 2005 and the associated LPS Regulations.

### **Policy Implications**

One of the key aims of this reform is to align statutory outcomes with strategic frameworks. There is some blurring of the lines between the two, however, many of the reform proposals seek to improve the current situation.

### **Risk Implications**

Nil

### **Economic Implications**

The land use planning system and bureaucratic 'red tape' are often used as reasons for impacting the economic productivity of a city or region. The City's officers support reforms that reduce this impact.

### **Strategic Implications**

The following strategy from the *City of Mandurah Strategic Community Plan 2017 – 2037* is relevant to this report:

#### Organisational Excellence:

- Deliver excellent governance and financial management.

## Conclusion

This green paper identifies opportunities to reform and improve the Western Australian State and local planning frameworks, for public consideration and comment.

The City's submission supports many of the reform proposals as it is considered that they will have a positive effect on the planning system, but recommends that some of the reform proposals could be extended further.

### NOTE:

- Refer **Attachment 1** **Green Paper Response Template**  
**Attachment 2** **Detailed Comments – Structure and Format of Local Planning Schemes**

*A copy of the Green Paper is available in the Elected Members Lounge or online via [www.planning.wa.gov.au/Planning-reform.aspx](http://www.planning.wa.gov.au/Planning-reform.aspx)*

*Subject to Committee's consent, officers will make a presentation on this item at the meeting.*

## RECOMMENDATION

### That Council:

1. Supports reform to the WA planning system and endorses this report and the detailed comments included in the Response Template in Attachment 1, to be forwarded as part of the City's submission on the Green Paper Reform May 2018.
2. Supports City Officer's being actively involved and engaged in opportunities to be a pilot Local Government for the implementation of Comprehensive Local Planning Scheme.
3. Advises the Green Paper Reform Team that further reforms could be identified such as:
  - 3.1 Integrating regional and local planning provisions therefore abolishing the need for a regional planning scheme and dual development approvals under local planning schemes and region planning schemes;
  - 3.2 Integrate references to the 'Responsible Authority' into local planning schemes to make a clearer understanding of the approval body for various proposals, whether this be the WAPC, DAP or local government, together with delegation arrangements for regional reserved land and zoned land under Clause 21 of the Peel Region Scheme and Clause 32 Metropolitan Region Scheme;
  - 3.3 Modifications are required to the Regulations so that local planning schemes (including deemed provisions) are subject to ongoing update and review, therefore abolishing the need for a review of the scheme or the need for new schemes; and
  - 3.4 Improve integration between approvals and outcomes for subdivision and development by modifying Section 143 of the Planning and Development Act 2005 to require local planning schemes to be considered in determining subdivision applications;

## **Submission Template**

# Green Paper – Proposals for modernising the planning system

## Response Template

This response template is intended to assist industry groups, local governments and practitioners respond in detail to the proposals outlined in the paper. The template is structured in accordance with the reform Proposals and the subheading and recommendations within those.

Completed templates may be submitted via the online survey at [www.planning.wa.gov.au/planningreform](http://www.planning.wa.gov.au/planningreform). You will be directed to an upload page after the first two pages of identifying questions. Submissions close on 20 July 2018.

| PROPOSAL   |  | SUPPORT<br>Yes/No/In Part | RESPONSE  |
|------------|--|---------------------------|---|
| <b>1.0</b> | <b>A STRATEGICALLY-LED SYSTEM</b>  |                           |   |
| <b>1.1</b> | <b>Prominence of Strategic Planning</b>  |                           |   |
| 1.1.1      | Provide in the PD Act that strategic planning is a purpose of the Act and provide a definition of strategic planning.  | <b>YES</b>                | Core functions of the planning system should be integrated into legislation.  |
| 1.1.2      | Provide in the LPS Regulations that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.  | <b>YES</b>                | Agree that the local planning strategy should be given relevance in informing and preparing the scheme. Logically, the Strategic Community Plan (SCP) is the Council's and the Community's strategy for the district, the Local Planning Strategy is the spatial plan that responds to the SCP and the scheme is the statutory basis for decisions in line with the strategy. |
| 1.1.3      | Provide in the LPS Regulations that a complex scheme amendment must be accompanied by a proposed amendment to the Local Planning Strategy.   | <b>YES</b>                | Agree with the proposal to give the Strategy increase relevance for an ongoing basis and not be prepared at the Scheme preparation stage and then no longer referenced or relied upon. The process for modification will need to be clearly articulated in regulation.  |
| <b>1.2</b> | <b>Need to Explain Sustainability for Land Use Planning</b>  |                           |   |
| 1.2.1      | An overarching State Planning Policy be developed which:<br>i Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations, and social needs;<br>ii Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and | <b>YES</b>                | In principle, this recommendation is sound and has merit; However an additional State Planning Policy that is generic in nature should be avoided (see comments on 2.0 below).  |

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| PROPOSAL   |  | SUPPORT<br>Yes/No/In Part | RESPONSE   |
|------------|--|---------------------------|--|
|            | iii Indicates the particular steps related to how economic, social and environmental factors are balanced.   |                           |  |
| <b>1.3</b> | <b>Housing Distribution</b>  |                           |  |
| 1.3.1      | Provide that every local planning strategy include a local housing strategy, except for low growth and small regional local governments which only require basic local planning scheme requirements. | YES                       | Rather than a 'local housing strategy', ensure that the local planning strategy includes a chapter/section on dealing with housing and urban form (as a collective) in plan form. A further 'strategy' with an additional set of recommendations and actions should be avoided, but the location and distribution of housing, form, densities (ranges), height and local character should be the key part of the Local Planning Strategy.  |
| 1.3.2      | The DPLH to provide guidance for local government in the Local Planning Manual on how to prepare a Local Housing Strategy, including a methodology for local housing analysis.                       | YES                       | As per above.  |
| <b>2.0</b> | <b>A LEGIBLE PLANNING SYSTEM</b>   |                           |  |
| <b>2.2</b> | <b>Arranging State Planning Policies for Brevity and Simplicity</b>  |                           | Placing greater emphasis on strategic planning and ensuring greater effort is placed on setting up the local planning framework rather than administering it, is needed. However to ensure this works well adequate resources and skills need to be provided within the Department to deal with these matters. It has been the City's experience that strategic projects initiated by the City are not prioritised by the department. In addition it is important that the general community is better educated/engaged about the importance and impact of strategic plans, as the community do not always understand the implications of a strategic plan until ground works begin. |
| 2.2.1      | State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.   | YES                       | Fully supportive of a review of State Planning Policies to form a single state planning policy framework. A key issue with current policy is a lack of an integrated framework to provide guidance on how conflicting policies should be considered, and in what priority the policies should apply. The current policies cover a wide range of issues and vary from providing strategic advice and guidance to requiring specific measures to be put in place. The lack of an integrated framework is leading to 'issues of the day' having priority over all other policy.   |
| <b>2.3</b> | <b>Line of Sight</b>   |                           |  |
| 2.3.1      | WAPC to establish common strategic "elements" for the State Planning Framework including but not limited to: <ul style="list-style-type: none"> <li>A "sustainability" element</li> </ul>            | YES                       | Agree that common elements would greatly assist with consistency in approach to the various components for the strategic planning framework.   |

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| PROPOSAL   |   | SUPPORT<br>Yes/No/In Part | RESPONSE   |
|------------|---|---------------------------|--|
|            | <ul style="list-style-type: none"> <li>• A “land use element” that includes the distribution of uses of land as well as density</li> <li>• A “housing element” that includes the types of housing</li> <li>• An “environmental element”</li> <li>• An “open space element”</li> <li>• An “urban form and design element”</li> <li>• An infrastructure element.</li> </ul> <p>and prepare Technical Guidance for the details of each element to be included.</p> |                           | <p>These elements did form the original structure of the City’s Local Planning Strategy until it was reviewed by DPLH (and as yet to be considered by the WAPC for consent to advertise at the time of writing).</p> <p>Would recommend a slight modification to combine ‘urban form and design’ with land use / density / housing to improve integration and avoid further separation.</p> <p>Infrastructure should include community infrastructure; transport and servicing infrastructure resulting in the need for potential split in naming of the infrastructure elements.</p>  |
| 2.3.2      | Provide that every State Planning Policy, Regional or sub-regional plan and the local planning strategy must follow these elements, unless otherwise agreed to by the WAPC.   | YES                       | As per above.  |
| 2.3.3      | Provide that every local planning strategy must explain how it has addressed the requirements of each common strategic element against the requirements of State Strategy, Planning Policy or Regional or sub-regional strategy.  | YES                       | Agree.   |
| 2.3.4      | Provide in the PD Act that all planning decision makers are to have due regard to State Planning Policies.  | YES                       | Agree.   |
| 2.3.5      | Provide in the Metropolitan Redevelopment Authority Act 2011 that in performing functions under the Act, the MRA must have regard to State Planning Policies.   | N/A                       | N/A  |
| <b>2.4</b> | <b>Complexity locating and interpreting the local planning framework</b>  |                           |  |
| 2.4.1      | Require that a local planning scheme be published with the inclusion of the Local Planning Strategy (in the form of a local strategic statement) and Local Planning Policies in a document to be called a “Comprehensive Local Planning Scheme”.  | YES                       | <p>Agree there is merit in the publishing of a “Comprehensive Local Planning Scheme” enabling users to visit a one stop shop for all information pertinent to decision making.</p> <p>The City’s submission on the draft LPS Regulations suggested a format for local planning schemes that highlighted a more integrated approach between state planning policies, regional planning schemes and the model and deemed provisions and could be investigated as a possible solution.</p> <p>It is noted that as part of the recommendation, it is proposed that Local Planning Policies will require approval from the Minister of Planning. This will hopefully elevate the consideration of Local Policies by DAPS, DPLH etc however will need to ensure adequate resources are available within DPLH to ensure they can be processed in a timely matter.</p> |

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| PROPOSAL   |  | SUPPORT<br>Yes/No/In Part | RESPONSE   |
|------------|--|---------------------------|--|
|            |  |                           | <p>The approval of the Minister for Local Planning Strategies and Local Planning Policies may require further consideration however the City has noted that during discussion forums that the form and manner of the Strategy and Policy requires Ministers approval rather than the content</p> <p>In addition, agree that Policy should be used only to provide an assessment tool on matters that require discretion to be applied rather than filling gaps in the Scheme.</p>  |
| 2.4.2      | DPLH to provide guidance for local government in the Local Planning Manual on the content and format of a Local Planning Strategy and Local Planning Policies.   | YES                       | The provision of guidance on the content and format of local planning policies is welcomed and it is agreed there is merit in adopting a consistent approach to Local Planning Policy across Local Government, noting comments above about the purpose of Policies (less is more...)   |
| 2.4.3      | Local governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available. | YES                       | Noted. The City's Local Planning Strategy and Local Planning Scheme 12 are beyond this point and are anticipated to be adopted for advertising by the time this submission is completed.   |
| 2.4.4      | Provide in the LPS Regulations for a clear distinction of the purposes of Local Structure Plans, Activity Centre Plans, Local Development Plans and Local Planning Policies.   | YES                       | Agree. Some of the commentary provided in the Green Paper are a direct response to the Deemed Provisions for Local Planning Schemes.   |
| 2.4.5      | The DPLH to provide guidance in the Local Planning Manual on the appropriate use of each local planning instrument.  | YES                       | Agree.   |
| <b>2.5</b> | <b>Form of a Local Planning Strategy</b>   |                           |  |
| 2.5.1      | The DPLH to update the Local Planning Manual with guidance on the preparation, content and format of a Local Planning Strategy and strategic statement, in a similar form to a Victorian Municipal Strategic Statement.  | YES                       | <p>Agree that the local planning strategy should be given relevance in informing and preparing the scheme. Logically, the Strategic Community Plan (SCP) is the Council's and the Community's strategy for the district, the Local Planning Strategy is the spatial plan that responds to the SCP and the scheme is the statutory basis for decisions in line with the strategy.</p> <p>Consideration should be given to a Structure Plan outcome rather than a strategic plan with objectives and strategies as this approach is achieved through the Strategic Community Plan. The planning system should avoid duplicating other local government requirements.</p> |

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| PROPOSAL   |   | SUPPORT<br>Yes/No/In Part | RESPONSE  |
|------------|---|---------------------------|---|
| <b>2.6</b> | <b>Form of Local Planning Policies</b>  |                           |   |
| 2.6.1      | The LPS Regulations be amended to provide that local planning policies are to be prepared in a manner and form approved by the WAPC.  | <b>YES</b>                | Commentary has been made in presentations that the purpose of local planning policies is to provide scope and structure to the application of discretionary parts of the local planning scheme. This approach should potentially form one of the Green Paper's final recommendations.   |
| 2.6.2      | The DPLH to update the Local Planning Manual to provide guidance for the form, content and writing of a local planning policy.  | <b>YES</b>                | As per above.   |
| <b>2.7</b> | <b>Consistency of local planning schemes</b>  |                           |   |
| 2.7.1      | Provide in the PD Act that deemed provisions are to be included in a comprehensive local planning scheme.   | <b>YES</b>                | It is a step forward that the deemed provisions are to be included in a comprehensive local planning scheme, however this still does not address the inherent issues with the deemed provisions, and the need to refer to multiple sections of the Scheme and deemed provision in order to assess one proposal. With the creation of a "Comprehensive Local Planning Scheme" the overall document may be quite unwieldy and still difficult to navigate for the general community. As an example the City of Greater Bendigo's scheme is 1435 pages long. The City's submission on the draft LPS Regulations suggested a format for local planning schemes that highlighted a more integrated approach between state planning policies, regional planning schemes and the model and deemed provisions and could be investigated as a possible solution. |
| 2.7.2      | Provide in the LPS Regulations that a comprehensive local planning scheme is to include a specific section for deemed provisions.   | <b>YES</b>                |   |
| 2.7.3      | Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which: <ul style="list-style-type: none"> <li>i group like-land uses into themes for which common development standards can be prepared</li> <li>ii identify low risk land use proposals by including suitable parameters for which a streamlined planning process apply</li> <li>iii are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment.</li> </ul> | <b>IN PART</b>            |   |
| 2.7.4      | The DPLH to revise and keep up to date the Local Planning Manual to ensure it provides local government with the guidance required to prepare and administer its local  | <b>YES</b>                | Agree, however local government should be actively involved in preparation of the Manual. Recent experience with the Structure Plan Framework and Model and   |



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| <b>PROPOSAL</b> |  | <b>SUPPORT</b><br>Yes/No/In Part | <b>RESPONSE</b>  |
|-----------------|--|----------------------------------|--|
|                 | planning framework and properly reflects the expectations of DPLH and WAPC.  |                                  | Deemed Provisions has demonstrated that the Scheme do not result in an easy to use documents.  |
| <b>2.8</b>      | <b>Location of Local Development Standards</b>   |                                  |  |
| 2.8.1           | Provide in the LPS Regulations that there be a location within the model provisions for mandatory development requirements for key sites and matters.  | <b>YES</b>                       | Fundamentally agree. The format of Part 4 of the Model Provision for General Development Requirements is unwieldy, poorly set out and requires significant refinement, particularly clauses 32 and 33. The updates to LPS12 to conform to this layout, including moving tables with refined information as Schedules at back of the text has resulted in a format that is not user friendly. |
| <b>2.9</b>      | <b>On-line Local Planning Schemes</b>  |                                  |  |
| 2.9.1           | Develop an interactive Planning Portal for keeping local planning schemes online and accessing them in a legible and user-friendly format.   | <b>YES</b>                       | This is a no-brainer, not sure why this has taken so long. The City has been advised that LPS12 is to be in portrait PDF format which is not conducive to online/computer viewing. Moving to an online portal would appear to be light years away given recent experience with online lodgement of structure plans.  |
| <b>3.0</b>      | <b>A TRANSPARENT PLANNING SYSTEM</b>   |                                  |  |
| <b>3.2</b>      | <b>Community Engagement</b>  |                                  |  |
| 3.2.1           | The DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to: <ul style="list-style-type: none"> <li>i Planning authorities having a duty to engage with the community in a manner that allows residents to contribute to the making or amending of a strategic plan; and</li> <li>ii In the making or amending of a strategic plan, the community, as soon as possible, be given information as to what is proposed and any documents that the planning authority intends to examine.</li> </ul> | <b>YES</b>                       | These recommendations recognise the significant work and public consultation that goes into a Strategic Community Plan, and that the Local Planning Scheme is one mechanism for implementing the community's vision.   |
| 3.2.2           | Align engagement processes in the planning regulations to the Community Engagement Charter.  |                                  |  |
| 3.2.3           | Revise public notification and engagement requirements for planning proposals in the PD Act and LPS Regulations to update out-dated requirements.  | <b>YES</b>                       | Makes sense. In addition, considerable duplication in the Deemed Provisions could be removed by having one part of the Scheme that references advertising/notification rather than in every single section that requires advertising.  |
| 3.2.4           | Make provision within the LPS Regulations that the local planning strategy must be in accordance with the  | <b>YES</b>                       | Agree with this approach and a topic of discussion with the DPLH as part of the Local Planning Strategy. The usefulness of a LPS is questioned, but ensuring that it provides the spatial plan in response to the Community Strategic Plan is sound.   |

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| <b>PROPOSAL</b> |  | <b>SUPPORT</b><br>Yes/No/In Part | <b>RESPONSE</b>   |
|-----------------|--|----------------------------------|---|
|                 | Community Strategic Plan under the Local Government Act to the extent that it is relevant.   |                                  | Notably the City was requested to consider removing links to the CSP in the LPS recently.   |
| 3.2.5           | DPLH to revise the Local Planning Manual to clarify that:<br>i actions in local planning strategies are limited to those matters that can be carried out within the local planning scheme<br>ii acknowledge a concurrent community participation process between a Strategic Community Plan and a local planning strategy. |                                  | Recommendation 3.2.5 (ii) does limit local planning strategies to actions that can be carried out within the local planning scheme. This requires clarification as actions such as requiring further investigations into servicing capacity and advocating for improved public transport are not technically implemented through the PLS but are necessary for proper planning.   |
| <b>3.3</b>      | <b>Reasons for Decisions</b>   |                                  |   |
| 3.3.1           | The DPLH to publish a Guide as to the Scope of Reasons by Planning Decision Makers, having regard to the Queensland model.   | <b>YES</b>                       |   |
| 3.3.2           | Provide in the LPS Regulations that reasons for decisions are to be provided on planning proposals.  | <b>YES</b>                       |   |
| <b>3.4</b>      | <b>Transparency of DPLH and WAPC Statutory Reports</b>   |                                  |   |
| 3.4.1           | WAPC practice be modified to publish Statutory Planning Committee and WAPC agenda items, reports and recommendations on region and local schemes and amendments.   | <b>YES</b>                       | Agree   |
| <b>3.5</b>      | <b>Reporting by Local and State Government on Planning Matters</b>   |                                  |   |
| 3.5.1           | Provide in regulations mandatory reporting by local government on planning matters.  | <b>YES</b>                       | <p>Mandatory reporting is not opposed, however caution should be exercised as to the form of reporting and the potential implications of such reporting, such as a focus on timeframes rather than outcomes. Additionally, as detailed in Figure 16, LG reporting must only extend to those measures which the LG can control and it is imperative that DPLH and WAPC are included in performance monitoring. Reference specifically to the age and status of the Scheme; the measure would be when a new Scheme or Scheme review is adopted by Council, as opposed to being determined by the WAPC, as there can sometimes be a significant time-lag between the two.</p> <p>Regulations should also cover and apply consistency is 'stop the clock' to assist in calculating time frames.</p> |

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| <b>PROPOSAL</b> |  | <b>SUPPORT</b><br>Yes/No/In Part | <b>RESPONSE</b>   |
|-----------------|--|----------------------------------|---|
| <b>3.6</b>      | <b>Transparency and Accountability of Development Assessment Panels</b>  |                                  |   |
| 3.6.1           | Provide for DAP meetings to be held at regular times and outside of business hours.  | <b>IN PART</b>                   | DAP meetings held outside business hours could have cost and time implications for LG who do not receive any compensation for resources provided.   |
| 3.6.2           | Provide for the recording of each meeting of a DAP and made available on the DAP website of DPLH.  | <b>YES</b>                       | Agreed.   |
| 3.6.3           | Provide clarification in DAP Practice Notes:<br>i. If new information is submitted to the DAP after an RAR, the DAP should consider whether a decision should be deferred pending further RAR advice<br>ii. As to when it may be appropriate to defer a decision, such as where issues are raised which require further detailed technical consideration by responsible authorities. | <b>IN PART</b>                   | The strength of the wording of recommendation does not reflect the intent in the explanation of 3.6 C. The Green paper states that the contemplation of further submission at a DAP meeting “should be limited to information to assist the DAP in determining the proposal presented in the RAR, rather than an opportunity to present new information for the DAP’s consideration. The recommendation however simply states that it is up to the DAP to consider whether a decision should be deferred or not. Officer’s consider that this should be mandated in the DAP Regulations, along with specified timeframes, to allow this to occur. |
| 3.6.4           | Amend the DAP Practice Notes to require reasons for decisions to be given in all decisions made by a DAP, including where the DAP adopts the responsible authority’s recommendation contained within the RAR.  | <b>YES</b>                       | The reasons for decisions that change RARs is supported.  |
| 3.6.5           | Provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all development standards.   | <b>YES</b>                       |   |
| 3.6.6           | Provide that where a DAP has been invited to reconsider its decision following a SAT mediation, new specialist members be drawn from the available pool of members.  | <b>IN PART</b>                   | The City has had no exposure to a DAP application being considered by SAT. Other LG’s have noted that continuity of assessment is lost if new members are introduced.   |
| 3.6.7           | The SAT should consider preparing a framework for allowing parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation of DAP matters.  | <b>IN PART</b>                   | This should apply to all SAT planning matters.  |
| 3.6.8           | Provide for expert DAP members to be drawn from a pool of members across the State on the basis of the type and complexity of the application being heard.   | <b>YES</b>                       | Agreed. It is also considered appropriate that the Chief Presiding Member should choose who sits on the panel based on the panel members’ previous experience of similar proposals.   |
| 3.6.9           | Provide for an expanded and flexible meeting process where the DAP Presiding member is of a view in relation to an application for development that wider community and local government viewpoints need to be examined.   | <b>YES</b>                       | The contra view could be considered also that if a DAP application has no variations and no discretion that the approval is delegated back to Local Government; or refining the criteria that provides for an option or mandatory DAP application – cost does not define complexity.  |

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| <b>PROPOSAL</b> |  | <b>SUPPORT</b><br>Yes/No/In Part | <b>RESPONSE</b>   |
|-----------------|--|----------------------------------|---|
| 3.6.10          | Provide in the DAP Regulations that the WAPC retains its decision making ability with respect to development applications under region schemes.  | <b>N/A</b>                       |   |
| 3.6.11          | Provide for a Presiding Member to be appointed also as the Chief Presiding Member to: <ul style="list-style-type: none"> <li>i Oversee the quality and consistency of DAP procedures and decisions (such as consistency of the use and content of conditions; the quality of RAR reports) and recommend changes to DAP procedures and Standing Orders to DPLH</li> <li>ii Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard</li> <li>iii Identify training needs for DAP members for the approval of the Director General DPLH.</li> </ul> | <b>YES</b>                       | Agreed. It is considered that this would significantly improve the operation of DAPS. The City have experienced circumstances in a number of DAP cases whereby the recommended conditions of approval have been modified or deleted by the Panel, thus fundamentally changing the acceptability of a proposal to the LG. There is currently no avenue to seek a review of circumstances like this. Whilst this may not be considered appropriate in terms of reviewing the determination itself, it is strongly suggested that there be a right of referral to the Chief Presiding Member when an LG has an issue with a DAP determination such as; the application or alteration of certain conditions, procedural issues or an issue with a particular panel member. This would increase the accountability of DAPS and would enable consistency issues to be addressed. Whilst this process would not necessarily alter the decision, it would be useful to identify potential training issues and ways to improve the function of DAPS. |
| <b>4.0</b>      | <b>AN EFFICIENT PLANNING SYSTEM</b>  |                                  |   |
| <b>4.1</b>      | <b>Arrangement of the WA Planning System</b>   |                                  |   |
| 4.1.1           | Provide that the PD Act be amended to delete the WAPC function s14.(a)(ii) of advising the Minister for Planning on the administration, revision and reform of legislation.  | <b>YES</b>                       |   |
| 4.1.2           | Provide for a local government accreditation process.  | <b>YES</b>                       | Accreditation for LG's and delegation of local planning matters to LG is seen as a big positive in terms of reducing red tape and timeframes. Similarly increasing delegation of statutory functions to the DPLH leaving WAPC to undertake strategic planning should save considerable time.<br><br>This may also positively impact the culture of the DPLH who currently seem opposed to any variations to standard conditions etc suggested by LG that will result in an application needing to be presented to the SPC even though it may represent a better outcome.  |
| 4.1.3           | Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on the State policy framework and regional strategic planning.  | <b>YES</b>                       | With the WAPC taking a more strategic focus towards the planning and development of the State, local decisions should be left at a local level. Actions such as abolishing dual state and local approvals for development applications should also be considered as part of the reform initiatives.   |
| 4.1.4           | Provide for the PD Act to be amended to: <ul style="list-style-type: none"> <li>i Revise the membership of the WAPC to 5-7 members to</li> </ul>   | <b>YES</b>                       | It is considered increasing the capacity and expertise of the WAPC is a positive change.  |

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| <b>PROPOSAL</b> |   | <b>SUPPORT</b><br>Yes/No/In Part | <b>RESPONSE</b>   |
|-----------------|---|----------------------------------|---|
|                 | <p>have experience, skills or knowledge of any one or more of the following fields—</p> <ul style="list-style-type: none"> <li>• planning, including strategic land use planning in metropolitan or regional areas</li> <li>• infrastructure planning, delivery, policy and strategy</li> <li>• public administration and public policy</li> <li>• property development</li> <li>• housing supply</li> <li>• corporate or public sector governance</li> <li>• economics, finance or financial management</li> <li>• management of business or commercial ventures</li> <li>• local government.</li> </ul> <p>ii Remove committees of the WAPC from Schedule 2, in favour of an ability for the WAPC to establish committees to advise the Commission on any matter, recognising the Statutory Planning Committee and Executive, Finance and Property Committee carry out core functions of the WAPC and will be required immediately under this new system. A committee would consist of at least one member of the Commission who is to be the chairperson of the committee.</p> |                                  |   |
| 4.1.5           | The role and purpose of a Coastal Planning Committee be reviewed, and consideration be given to the most appropriate host organisation and regulatory framework for the Committee.  | <b>N/A</b>                       | Note that some clarity in which state body is responsible for coastal matters would be useful. At present includes Planning, Transport, Fisheries, and Environmental. |
| 4.1.6           | Revise the Service Delivery Agreement between the WAPC and DPLH to accord with the revised roles of the WAPC and DPLH.  | <b>N/A</b>                       | Noted.  |
| 4.1.7           | Provide for new positions to be created to enable DPLH to recruit senior and experienced town planners to undertake strategic planning and policy development for the WAPC.   | <b>N/A</b>                       | This is required as currently the focus within DPLH appears to be on the regulatory side of planning.   |
| 4.1.8           | The DPLH and WAPC establish a protocol for the engagement of non-public sector expertise in the scoping and development of policies.  | <b>N/A</b>                       | This is seen as a positive as it enables a more holistic approach to policy development rather than a top down approach.  |

Report from **Director Sustainable Development**  
to **Committee of Council Meeting of 10 July 2018**

| PROPOSAL   |   | SUPPORT<br>Yes/No/In Part | RESPONSE   |
|------------|---|---------------------------|--|
| <b>4.2</b> | <b>Process Efficiency for Planning Proposals</b>  |                           |  |
| 4.2.1      | A Planning Reform Team be retained by DPLH to implement proposals arising from the planning review and ongoing reforms to the Western Australian planning system.   | <b>YES</b>                | It is important to retain a planning reform team in DPLH. This would enable the system to be continually reviewed and improvements considered as issues arise. Would also provide a contact point for planners both internally and externally to suggest improvements, highlight issues etc.   |
| 4.2.2      | A framework for referral of planning applications, to be incorporated in regulations as appropriate.  | <b>YES</b>                | Clarity in roles and responsibilities across State agencies for planning referrals is welcomed and could form a schedule in the deeded provisions to assist in simplification particularly when agencies roles change.   |
| 4.2.3      | As an interim arrangement, the DPLH Independent Planning Reviewer be available to assist on issues regarding referral for WAPC matters.   | <b>YES</b>                | This would be extremely helpful in order to progress issues and 'roadblocks' that the City has encountered when trying to pursue the creation of a new Local Planning Scheme and Local Planning Strategy.  |
| 4.2.4      | Provide in regulation that an applicant may seek pre-lodgement advice for development applications.   | <b>YES</b>                | The fact that this proposal requires a recommendation and then placed in regulation demonstrates the lack of consistency in approach across LG/DPLH. Pre lodgement discussion is fundamental part of negotiation and discussion.   |
| 4.2.5      | Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.   | <b>YES</b>                | The provision of additional guidance will assist.  |
| 4.2.6      | Provide in the LPS Regulations that a local government must advise an applicant within 10 business days of receipt of a development application whether additional information is required.   | <b>NO</b>                 | Often additional information is required arising from referrals (internally and externally) and a requirement for 10 days will result in a convoluted receipt of applications process and may result in a time based rather than quality based assessment process.   |
| 4.2.7      | Provide a procedure for local government and developer proponents to agree upfront the scope and content of a local structure plan with the DPLH and other agencies as appropriate.   | <b>YES</b>                | The current Structure Plan Framework requires review. Moving structure plans into an assessment based process rather than a design/plan based process in recent times has resulted in frustration and unnecessary bureaucracy.   |
| 4.2.8      | Provide in the PD Act that the implementation section (part one) of approved structure plans and activity centre plans are to be read as part of the scheme and have the "force and effect" of the scheme.  | <b>NO</b>                 | Wholeheartedly agree. This was a part of the planning system that was working well prior to the LPS Regulations. Opportunities for structure plans to be applied in rural areas should again be considered to allow schemes to allow plan-based requirements to utilised rather than standards spread through the scheme document. This simplifies the communication and expectation for landowners in areas when all information that applies to development can be self contained. |
| 4.2.9      | Provide in the LPS Regulations that local government may refuse to progress a local structure plan or activity centre plan and amendment, if it is of the view that the proposals lacks sufficient planning merit. The amendment should also include ability for a proponent affected by such a decision to | <b>YES</b>                | Fortunately since October 2015 the City has not been faced with this situation, but some support and planning merit should be provided for a plan that is advertised to the community. Same too should apply to development applications.  |

Report from **Director Sustainable Development**  
to **Committee of Council Meeting of 10 July 2018**

| PROPOSAL   |   | SUPPORT<br>Yes/No/In Part | RESPONSE  |
|------------|---|---------------------------|---|
|            | seek the views of the WAPC and the power for the WAPC to direct a local government to progress a proposal.  |                           |   |
| 4.2.10     | Provide for development contribution plan cost and cost contributions schedules to be included as a schedule in local planning schemes.   | <b>YES</b>                |   |
| 4.2.11     | Establish a Development Contributions Infrastructure Panel to review proposed local planning scheme amendments that include Development Contribution Plans, with the cost of the review to be included as a development contribution plan administration cost.  | <b>YES</b>                |   |
| 4.2.12     | Provide for in the PD Act an ability for the Minister for Planning to: <ul style="list-style-type: none"> <li>i require a special report from a local government on the operation of a development contribution plan</li> <li>ii instruct a local government to take particular actions for the administration of a development contribution plan.</li> </ul> | <b>N/A</b>                |   |
| 4.2.13     | Provide in the LPS Regulations for a voluntary 'deemed-to-comply' check for single houses and provide in the P&D Regulations a specified fee for the service.   | <b>N/A</b>                | One area lacking in the planning system is a verification that a development is actually exempt. Some other simplification of the R-Codes should be considered rather than the current approach of adding Planning Bulletins or Positions Statements for emerging issues and using LG frameworks to adopt variations. |
| 4.2.14     | Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.   | <b>N/A</b>                |   |
| 4.2.15     | A framework for "Basic", "Standard" and "Complex" streams for region scheme amendments, local planning strategies and amendments, and local structure plan/activity centre plans and amendments be developed by DPLH for implementation through regulation.   | <b>YES</b>                | Agree. Subdivision and Development Applications could also form of this approach (see 4.2.14 as an example). But we need to simplify the planning framework first.  |
| <b>5.0</b> | <b>PLANNING FOR CONSOLIDATED AND CONNECTED SMART GROWTH</b>   |                           |   |
| <b>5.1</b> | <b>Planning for Targeted Urban Infill</b>   |                           |   |
| 5.1.1      | That the State Government develops clear arrangements for the planning and delivery of the key urban infill locations of activity centres, urban corridors and station precincts, including prioritising of areas which require State and local government collaboration.   | <b>YES</b>                | Assistance with a coordinated approach to delivery and planning frameworks for infill should be a priority.   |
| <b>5.2</b> | <b>Updating Growth Management Policies</b>  |                           |   |
| 5.2.1      | A new Consolidated and Connected Smart Growth State Planning Policy that builds on the State Government's   | <b>YES</b>                | Assistance with a coordinated approach to delivery and planning frameworks for infill should be a priority.   |

Report from **Director Sustainable Development**  
to **Committee of Council Meeting of 10 July 2018**

| PROPOSAL   |  | SUPPORT<br>Yes/No/In Part | RESPONSE  |
|------------|--|---------------------------|---|
|            | METRONET policy and establishes contemporary smart growth principles and practices.  |                           |   |
| <b>5.3</b> | <b>Planning for Land Use and Infrastructure Coordination</b>   |                           |   |
| 5.3.1      | The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.   | <b>YES</b>                | Assistance with a coordinated approach to delivery and planning frameworks for infill should be a priority.                             |
| <b>5.4</b> | <b>Coordinating State Infrastructure with Regional Rezonings</b>   |                           |   |
| 5.4.1      | Provide in the Metropolitan Region Scheme an "Industrial Deferred Zone".   | <b>YES</b>                |   |
| 5.4.2      | The WAPC to ensure that any requirements for State infrastructure are in place in the lifting of Urban Deferment or Industrial Deferment, and that the draft Guidelines for Lifting of Urban Deferment 2017 be amended accordingly.  |                           |   |
| <b>5.5</b> | <b>Coordination of Infrastructure for Land Development</b>   | <b>N/A</b>                |   |
| 5.5.1      | Provision be made for advice on the forward planning of State infrastructure, including utility providers to assist local governments in the preparation of local planning strategies and structure plans.   | <b>N/A</b>                | This is a very important recommendation as facilitating infill relies on adequate and timely provision of servicing and infrastructure. |
| <b>5.6</b> | <b>Coordination of Land Use and Transport for Corridor Development</b>   |                           |   |
| 5.6.1      | The MRS be updated to include "Urban Corridor" as a category of Reserved Roads based on Perth and Peel @ 3.5 Million, with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor. | <b>YES</b>                | Agree   |
| 5.6.2      | A review be undertaken of regional road reservations in place to accommodate road widenings within the Metropolitan Region Scheme for designated Urban Corridors.  | <b>YES</b>                | Agree   |
| <b>5.7</b> | <b>Liveable Neighbourhoods</b>   |                           |   |
| 5.7.1      | Liveable Neighbourhoods be elevated to a state planning policy and maintained and refined as a best-practice approach to new greenfield development at regional, district and local level.   | <b>YES</b>                | As per above.   |
|            |  |                           |   |
|            |  |                           |   |



**Other Recommendations:**

- Integrating regional and local planning provisions therefore abolishing the need for a regional planning scheme and dual development approvals under local planning schemes and region planning schemes;
- Integrate references to the Development Assessment Panels and the need for Panels to determine particular types of development applications together with delegation arrangements for regional reserved land under Clause 21 (PRS) and Clause 32 (MRS) – this is one of the most confusing part of the planning system;
- Modifications are required to the Regulations so that local planning schemes (including deemed provisions) are subject to ongoing update and review, therefore abolishing the need for a review of the scheme or the need for new schemes;
- Improve integration between approvals and outcomes for subdivision and development. Disconnect between the two creates poor outcomes;
- Capacity improvements at the Department including delegation from WAPC for minor matters.
- Structure and duplication in model and deemed provisions require update and clarification;
- The DAP Procedures allow for an extension of time request should there be on-going negotiation between the parties in an attempt to resolve issues that have arisen during the course of the assessment. This, however, requires the approval of the applicant, despite whether or not the Local Government may have a justifiable reason for seeking an extension of time, such as insufficient time to assess amended plans provided or delays in the submission of additional information to address issues raised. There have been a number of cases whereby a short extension of time to provide the RAR would have enabled a more complete assessment of the issues and any agreed modifications (between the LG and the applicant) or proposed conditions, thus reducing the need for additional information to be provided to the DAP through deputation. The applicants may not always be willing to agree to this. It is, therefore, suggested that the DAP Procedures be modified to allow for the Local Government to seek an extension of time from the Presiding Member, with or without the applicant's approval and for the presiding member to decide, based on the justification provided, as to whether this is granted.
- It is also considered that additional resources should be afforded to the DAP Secretariat to enable an administrative officer to attend the meetings. This would allow the Presiding Member to run the meeting and contribute appropriately to the discussion, whilst the administrative officer takes the Minutes and ensures that the meeting is conducted in accordance with the Standing Orders.

## ATTACHMENT 2

### ***Suggested Scheme Format***

*Suggest that a revised format be produced that includes and integrates both the deemed and model provisions together with relevant regional planning scheme and local scheme provisions. Deemed provisions could be shown as standard text / clauses, with local provisions applicable to that particular local scheme in table format in conjunction with deemed provision. Suggest that the local planning scheme text format could be as follows:*

1. Preliminary
  - Includes defining responsible authority / decision maker for DA's and Structure Plans
2. Local Planning Framework
  - 2.1 Relevant State Planning Policies applicable to Scheme Area (\*) (+);
  - 2.2 Local Planning Strategy (\*)
  - 2.3 District Structure Plans (\*)
  - 2.4 Local Planning Policies (\*)
  - 2.5 Application of the Residential Design Codes (\*)
    - local development plan provisions (\*)
    - special applications of the R-Codes (+)
3. Structure Plans
  - 3.1 Zones that require a Structure Plan (+)
  - 3.2 Structure Plan provisions (\*)
4. Land Use Zones
  - 4.1 Zones (+)
  - 4.2 Land Use – Land Use Table inserted here (+)
  - 4.3 Additional / Restricted Uses (+)
  - 4.4 General Development Requirements (by zone or by development requirement) (+)
5. Special use Zones (+)
6. Reserved Land
  - 6.1 Regional Reserves (provisions transferred from Regional Planning Scheme) (\*)
  - 6.2 Local Reserves (+)
7. Special Controls
  - 7.1 Environmental Conditions (\*) (+)
  - 7.2 Heritage Preservation (\*)
  - 7.3 Bushfire Management / Bushfire Prone Areas (\*)
  - 7.4 Flood Hazard Areas (\*)
  - 7.5 Development Contribution Areas (\*) (+) 7.6+ Others applicable to local area (+)
8. Development Assessment
  - 8.1 Requirement for development approval; (\*)
  - 8.2 Permitted development (ie exemptions) (\*) (+)
  - 8.3 Application for Development Approval (\*)
  - 8.4 Procedures for dealing with applications for development approval (\*)
9. Enforcements and Administration Provisions;
  - 9.1 Powers of Responsible Authority (\*)
  - 9.2 Delegations (\*)
  - 9.3 Restrictive Covenants (\*)
  - 9.4 Non-Conforming Uses (\*) (+)

- Schedule 1 – Defined Terms (\*)
- Schedule 2 – Defined Terms Land Uses (\*)

(\*) denotes a deemed provision.

(+) denotes a 'table' format used to define local provisions are required to compliment deemed provision.

## **2. Simplification of Provisions**

*Between the deemed and model provisions there could be a simplification of a number of provisions to a single reference for the following matters:*

- *Advertising procedures (timelines maybe different, but forms of advertising are the same for DAs, Structure Plans, LDP, LPP etc)*
- *Review of SAT (all discretionary decisions made under the scheme can be review by SAT – this only needs to be said once in the Scheme)*

*Further, clarification of process could be provided through use of 'Responsible Authority' and provisions included as to who the Responsible Authority is for a particular decision such as Structure Plan, DA, LDP etc between the local government, Development Assessment Panel or the WAPC.*

## **3. Defined Terms**

*The current structure of the deemed provisions and model provisions together with the R-Codes provides multiple reference points for land use and non-land use terminology. The outcome of the local scheme text should seek to simplify this format for the user.*

## **4. Forms**

*It is unclear as to why application and decision notice forms are required in the deemed provisions. Provision could simply be that application form is as prescribed by the responsible authority. This may be the WAPC who ensures that consistency is used, or the local government dependent on the format of lodgment. As moves are made to submit documentation electronically, appears to include in deemed provisions based on historical reasons.*

## **5. Overall Summary**

*It was disappointing that more reforms and simplification of previous 1999 Model Scheme Text was not included in format and provisions in deemed and model provisions. It is considered that an opportunity missed to improve the format and integrate various SPP provisions (or delete if required). It appears that more regulations have been added rather than combining and integrating together and the provisions are based on a continuation of conventional/traditional zoning land use outcome rather than transitioning to place based / form based codes approach.*

*Reference is made to Central Perth Redevelopment Scheme for potential outcome based approach with use of structure plans for redevelopment and new development areas.*