



City of Stirling

Planning and Development Committee

7 May 2024

AGENDA

Notice of Meeting

To: The Mayor and Councillors

The next Planning and Development Committee meeting of the City of Stirling will be held on Tuesday 7 May 2024 in the City of Stirling Parmelia Room, 25 Cedric Street, Stirling commencing at 6:00 PM.

Stevan Rodic | Chief Executive Officer

Our Vision, Mission and Values

Vision

A sustainable City with a local focus.

Mission

To serve our community by delivering efficient, responsive and sustainable service.

Values

The City of Stirling's core values are:

- Approachable
- Responsive
- Transparent
- Innovative.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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PLANNING AND DEVELOPMENT COMMITTEE MEMBERSHIP

Members	Deputies	Second Deputies
Mayor Mark Irwin	Not Applicable	Not Applicable
Councillor Andrea Creado	Councillor Michael Dudek	Councillor Tony Krsticevic
Councillor Rob Papatde	Councillor Tony Krsticevic	Councillor Elizabeth Re
Councillor Stephanie Proud JP <i>(Presiding Member)</i>	Councillor Elizabeth Re	Councillor Karlo Perkov
Councillor Chris Hatton	Councillor Karlo Perkov	Councillor David Lagan
Councillor Damien Giudici	Councillor David Lagan	Councillor Joe Ferrante
Councillor Suzanne Migdale <i>(Deputy Mayor)</i> <i>(Deputy Presiding Member)</i>	Councillor Joe Ferrante	Councillor Teresa Olow
Councillor Lisa Thornton	Councillor Teresa Olow	Councillor Michael Dudek

**Any available Councillor may act as a third deputy if required.*

PRELIMINARIES

1. Councillors and visitors are requested to turn off mobile phones.
2. Councillors and City officers are reminded to disclose any declarations of financial interests and interests affecting impartiality.
3. Last call for members of the gallery who wish to submit a request to address the Committee in relation to an item on the agenda.
4. All Councillors are requested to activate their microphones when addressing the meeting.
5. Councillors and visitors are reminded that audio recording of the meeting proceedings is prohibited unless prior approval has been granted.

1. OFFICIAL OPENING

The Presiding Member to declare the Planning and Development Committee meeting open.

2. ATTENDANCE AND APOLOGIES

Nil.

3. APPROVED LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF INTEREST

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the City of Stirling and its community.

Nil.

5. CONFIRMATION OF MINUTES

That the Minutes of the Planning and Development Committee of 5 March 2024 be confirmed as a true and correct record of proceedings.

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER

7. PLANNING AND DEVELOPMENT COMMITTEE ITEMS

CITY FUTURE

CF1 LOCAL PLANNING SCHEME NO.3 - AMENDMENT NO.127 - LOTS 501, 502, 503, 504, 507 AND 509, HOUSE NUMBERS 2, 4, 6, 8, 13 & 15 LIMOSA CLOSE, STIRLING - 'DEVELOPMENT' ZONE - OUTCOMES OF ADVERTISING

Business Unit:	City Future	Service: Schemes, Policies & Heritage
Ward:	Osborne	Location: 2, 4, 6, 8, 13 & 15 Limosa Close, Stirling
Applicant:	Not applicable	

Role

Executive - *Governing the City and the community through executive powers.*

Recommendation

1. That pursuant to Section 75 of the *Planning and Development Act 2005*, Council **SUPPORTS** Local Planning Scheme No.3 Amendment No.127, without modifications, as shown in Attachment 1.
2. That authority be **GIVEN** to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.127 documents, and that the Amendment be **REFERRED** to the Western Australian Planning Commission and the Minister for Planning for determination.

Purpose

To report on the outcomes of advertising of Scheme Amendment No.127, and to obtain a Council resolution to proceed with the Scheme Amendment.

Details

At its meeting held 4 July 2023, Council considered a report on proposed 'Scheme Amendment No.127' to the Local Planning Scheme No.3 (LPS3) and resolved that the amendment be advertised for public comment.

The Scheme Amendment proposes to change the zoning of House Numbers 2, 4, 6, 8, 13 and 15 (Lots 501, 502, 503, 504, 507 and 509) Limosa Close, Stirling (subject land), from 'No Zone' to 'Development Zone'. The reason for the change is to align LPS3 with the State Government's Metropolitan Region Scheme (MRS).

Prior to July 2016, the subject land was reserved under the MRS for 'Public Purposes - Hospital' Reserve purposes. The Department of Health determined it no longer required the land for hospital purposes, and the subject land was removed from the MRS. Since 2007, some lots which are the subject of this proposal have been developed for housing on behalf of the State Government. As the MRS effectively 'overlaid' a 'Public Purposes - Hospital' Reserve over the City's LPS3, when the Hospital reserve was rationalised, this resulted in a gap in the City's LPS3 mapping meaning that the subject land no longer has a zoning or reservation in LPS3.

Council commenced implementing its vision for the Stirling City Centre by initiating Scheme Amendment No.1 to LPS3 in July 2012. This Amendment zoned the Stirling City Centre as a 'Development' zone, and came into effect in September 2014. In addition to the 'Development' zone, a draft Structure Plan and a series of Local Development Plans have been endorsed by Council.

With the removal of the MRS reservation, these sites need to reflect the City's strategic planning for the Stirling City Centre, and this requires the subject land to be zoned 'Development'.

Financial Assessment and Implications

All costs associated with the processing of the Scheme Amendment are covered within the City Future Business Unit budget for the 2023/2024 financial year.

Stakeholder Engagement

Advertising of Scheme Amendment No.127 was carried out in the accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Local Planning Policy 6.18 – Public Consultation.

The Scheme Amendment was advertised from 22 January 2024 to 6 March 2024. Details of the proposal were placed on the City's website and notices were placed in the City's Administration Centre for the duration of the advertising of the Policy. Additionally, signs were placed on site. Letters were sent to landowners and occupiers within a 200m radius of the site.

At the conclusion of the advertising period three submissions were received, all of which objected to the proposal. The submissions raised concerns regarding overlooking, increased traffic, and changes to the streetscape. Table 1 below summarises the comments and includes the City Officers' response to the comments.

NUMBER OF SUBMISSIONS TO RAISE THE ISSUE	COMMENT RAISED	COMMENT RAISED
Objection		
3	The area was reserved for Public Purposes, not residential housing. Will change the streetscape. It was only ever transferred to be used as part of the Mental Health Facility and other Public Health services, not residential development	<p>The Department of Health has determined the lots are no longer required for a 'Public Purposes - Hospital' use as the subject land is surplus to requirements.</p> <p>Of the six lots proposed to be zoned 'Development', three were developed for housing in 2007. Consequently, Limosa Close has an established residential streetscape, and development of the remaining lots will be consistent with this streetscape.</p> <p>The City has undertaken significant strategic planning for the area, involving the preparation of a draft Structure Plan and Local Development Plan to guide future development.</p> <p>The Local Development Plan contains specific requirements for residential development on the remaining lots.</p>
2	Allowing development of 2,3 and 5 storeys will overlook the neighbouring properties.	<p>The adopted Local Development Plan for Limosa Close contains building setback and landscaping requirements that will prevent overlooking of adjacent properties. These are greater than the building setback requirements of the Residential Design Codes (R-Codes).</p> <p>The Local Development Plan for the area contemplates redevelopment of all lots in the area.</p>
3	Increased traffic in area.	The City's Engineering Services Business Unit has reviewed the proposal and confirmed there are no concerns regarding traffic impacts as the road network in the area is able to accommodate additional vehicle movements.

Table 1 – Schedule of Submissions

A copy of all submissions received and the City's response to these will be provided to the Western Australian Planning Commission, as required by Clause 53 (i) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Planning Comment

The City prepared Scheme Amendment No.127 to ensure that LPS3 aligns with the MRS. Council resolved that the scheme amendment was a standard amendment as it was an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area.

During public advertising of the proposal, concerns were raised regarding increasing traffic, streetscape impacts, and the potential for overlooking into neighbouring properties. These concerns are addressed in this report.

The change of zoning from 'No Zone' to 'Development' does not alter how the land can be developed; aligns with the strategic planning undertaken for the Stirling City Centre; and is effectively an administrative change.

Recommended Action

It is recommended that Council supports the amendment as shown in Attachment 1, without modification, and forwards its decision to the Western Australian Planning Commission for determination.

Relevant Policies, Legislation and Council Resolutions

The Planning and Development (Local Planning Scheme) Regulations 2015 identify the process to be followed when an amendment to a local planning scheme is proposed.

[Planning and Development \(Local Planning Scheme\) Regulations 2015.](#)

[Local Government Act 1995](#)

Meeting Date	Council Resolution Number	Council Resolution
4 July 2023	0723/006	<ol style="list-style-type: none"> 1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council ADOPTS (for the purpose of public advertising) Local Planning Scheme No.3 Amendment No.127 to zone House Numbers 2, 4, 6, 8, 13 and 15 (Lots 501, 502, 503, 504, 507 and 509) Limosa Close, Stirling, Development Zone, as shown in Attachment 1. 2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.127 is a Standard Amendment as it is: <ol style="list-style-type: none"> a) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment.
10 July 2012	0710/14	<ol style="list-style-type: none"> 1. That pursuant to Section 17(2) of the Town Planning Regulations 1967, Council ADOPTS Amendment No.1 to Local Planning Scheme No.3 with the modifications outlined in the Manager City Planning's report (as per Attachment 2) to: <ol style="list-style-type: none"> a) Rescind Town Planning Scheme No.38; b) Incorporate the Scheme Area of Town Planning Scheme No.38 into LPS3; c) Remove all references to Town Planning Scheme No.38; d) Include the Stirling City Centre Development Area and Zone into Schedule 10 of the Scheme Text and Scheme Maps; e) Include the Stirling City Centre Special Control Area provisions into the Scheme Text; and f) Include the Stirling City Centre Development Contribution Area into Schedule 11 of the Scheme Text and Scheme Maps.

		2. That the affixing of the Common Seal to the Amendment documents be AUTHORISED in respect to Amendment No.1 to Local Planning Scheme No.3, and the Amendment be referred to the Western Australian Planning Commission and the Minister for Planning for consideration of final approval.
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Sustainable Stirling 2022-2032

Key Result Area: Our leadership

Objective: A well-governed City

Priority: Conscious and effective management of risk

Strategic Risk

Strategic Risk	Risk Appetite
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.

Relevant Documents and Information

Attachments

Attachment 1 - Amendment No.127 - Formal Documentation [↓](#)

Available for viewing at meeting

Nil

Linked Documents

Nil.



CITY OF STIRLING

Local Planning Scheme No. 3

AMENDMENT NO. 127.

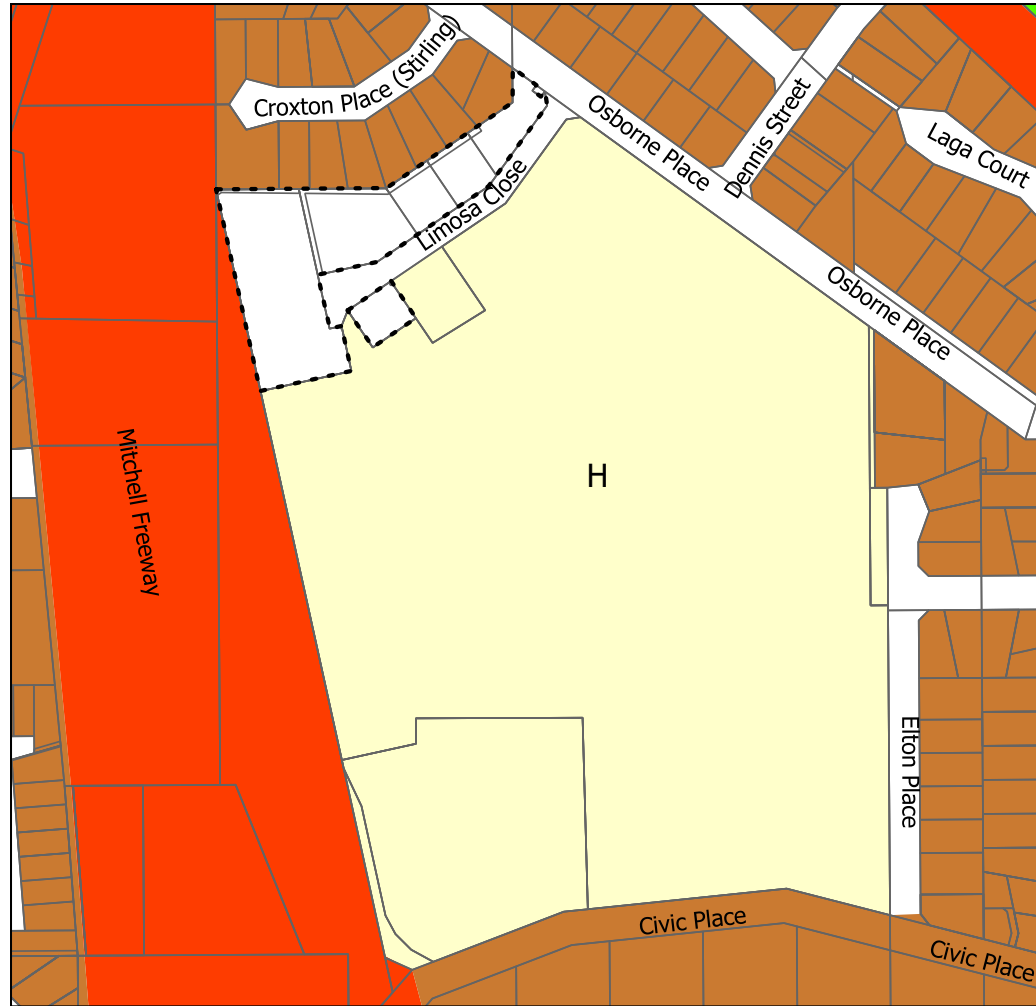


CITY OF STIRLING
Local Planning Scheme No.3
Scheme Map Sheet 1 of 1

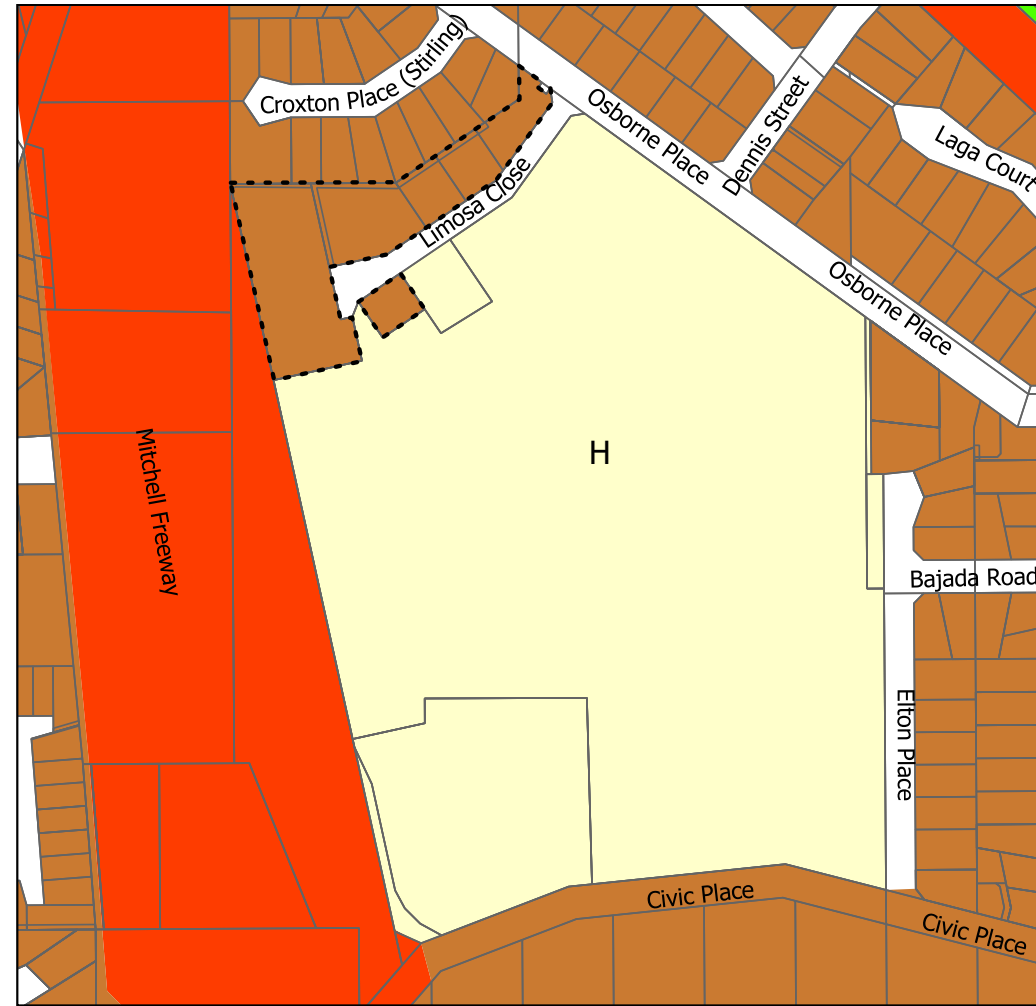
AMENDMENT No.127
(HN's 2,4, 6, 8, 15 & 13) Lot's 507, 501, 502, 503, 504 & 509 Limosa Close, Stirling

ZONING TO 'DEVELOPMENT'

Existing Zoning



Proposed Zoning



LEGEND

Subject Area

ZONING

Development

LOCAL RESERVES

Public Open Space and Local Authority Purposes

METROPOLITAN REGION SCHEME

Primary Regional Road

Hospital

Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the ___ day of ___ 202__.

Mayor Date

Chief Executive Officer Date

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the ___ day of ___ 202__ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:-

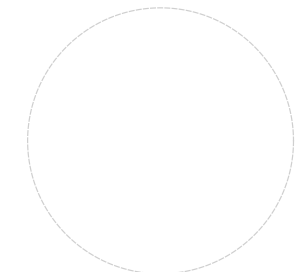
Mayor Chief Executive Officer

2. Recommended / Submitted for Final Approval

Delegated Under S.16 of the Planning & Development Act 2005 Date

3. Final Approval Granted

Minister for Planning Date



CF2 LOCAL PLANNING SCHEME NO.3 - AMENDMENT NO.129 - LOT 22, HOUSE NUMBER 20, PEARL PARADE, SCARBOROUGH - 'ADDITIONAL USE 96' - CONSULTING ROOM, OFFICE, PERSONAL CARE SERVICES AND SHOP - OUTCOMES OF ADVERTISING

Business Unit:	City Future	Service: Schemes, Policies & Heritage
Ward:	Coastal	Location: 20 Pearl Parade, Scarborough
Applicant:	Pinnacle Planning	

Role

Executive - *Governing the City and the community through executive powers.*

Recommendation

1. That pursuant to Section 75 of the *Planning and Development Act 2005*, Council **SUPPORTS** Local Planning Scheme No.3 Amendment No.129, without modifications, as shown in Attachment 1.
2. That authority be **GIVEN** to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.129 documents, and that the Amendment be **REFERRED** to the Western Australian Planning Commission and the Minister for Planning for determination.

Purpose

To report on the outcomes of advertising of Scheme Amendment No.129, and to obtain a Council resolution to proceed with the Scheme Amendment.

Details

On 28 October 2016, the City issued Development Approval for a Mixed-Use Development that included seven Grouped Dwellings, four Multiple Dwellings and one Home Store at the intersection of Pearl Parade and Ozone Parade, Scarborough. Construction commenced on the site in 2017.

The site, from the street, presents as a three-storey mixed use development to the intersection of Pearl Parade and Ozone Parade, tapering to a two-storey visual appearance away from the corner. The site currently contains a mix of grouped and multiple dwellings and one home store.

On 15 August 2023, the City received an application to rezone Lot 22, House Number 20, Pearl Parade, Scarborough from 'Residential R60' to 'Residential R60 and Additional Use 96' (Consulting Room, Office, Personal Care Services and Shop).

At its meeting held 5 December 2023, Council adopted (Council Resolution Number 1223/005) Scheme Amendment No.129 to Local Planning Scheme No.3 (LPS3) for the purpose of advertising. The application proposes to rezone Lot 22, House Number 20, Pearl Parade, Scarborough from 'Residential R60' to 'Residential R60 and Additional Use 96' (Consulting Room, Office, Personal Care Services and Shop).

Following Council's resolution, the Scheme Amendment was advertised for public comment.

The Scheme Amendment relates to the ground floor portion only (Lot 22) of the building at House Number 20, Pearl Parade, which was approved by the City as a 'Home Store' in 2016.

The Scheme Amendment does not propose to change the current 'Residential' zoning of the land, but seeks to add 'Consulting Room, Office, Personal Care Services and Shop' to the land uses that can be permitted on the site for the ground floor tenancy only. The 'Additional Use' provisions are contemplated under Clause 4.5 of LPS3.

Financial Assessment and Implications

The costs associated with advertising Scheme Amendment No.129 were covered by the fee paid by the applicant.

Stakeholder Engagement

Advertising of Scheme Amendment No.129 was carried out in the accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Local Planning Policy 6.18 – Public Consultation.

Advertising commenced on 23 January 2024 and concluded on 6 March 2024.

An advertisement was placed on the City's website as well as letters being sent to all owners and occupiers within a 200m radius of the subject site. The City also wrote to community groups, government agencies and public authorities affected by the amendment. Additionally, a sign was placed on the site for the duration of advertising.

At the conclusion of the advertising period, seven valid submissions were received and these are detailed in Attachment 2. The City also received four invalid submissions as the submitters did not list their address (the City's Public Consultation Local Planning Policy and the Planning and Development (Local Planning Schemes) Regulations 2015 does not allow submissions without an address to be considered a valid submission). Invalid submissions have not been included in the summary below.

The submissions related to traffic and parking concerns. The submissions are detailed in the table below and in Attachment 2, along with the City's officer's response to the submissions discussed below.

SUBMISSIONS RECIVED	WITHIN 200M RADIUS	OUTSIDE 200M RADIUS	ALL SUBMISSIONS
SUPPORT	43%	14%	57%
OBJECT	29%	14%	43%
OTHER (Not states/No opinion)	0%	0%	0%

Table 1 – Submissions Received

A copy of all submissions received and the City's officer's response to these will be provided to the WAPC, as required by Clause 53 (i) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Planning Comment

The tenancy the subject of the application is approved as a 'Home Store', and the owner wishes to broaden the land uses permitted in the tenancy. On 15 August 2023, the City received an application to rezone Lot 22, House Number 20, Pearl Parade, Scarborough from 'Residential R60' to 'Residential R60 and Additional Use 96' (Consulting Room, Office, Personal Care Services and Shop) on behalf of the owner of the property.

The City's LPS3 permits the use of 'Additional Uses' to be included in the scheme. Additional uses are those which are permitted in addition to all other land uses allowed in the zone where the property is located. In this instance, the City's officers have supported the proposed 'Additional Uses' as they are not considered to be an intensification of land use compared to that which may occur through a 'Home Store', which is considered comparable to a 'Shop', given it can have a floor area of 100m².

Council resolved the scheme amendment was a Standard Amendment as it is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve, and as it would have minimal impact on land in the scheme area that is not the subject of the amendment.

Parking

Submitters raised concerns that there may be insufficient car parking on the site if the proposed additional uses were allowed to operate from the tenancy.

A condition of the development approval for the 'Home Store' issued by the City in 2016 required four bays to be provided for the use.

The City's Local Planning Policy 6.7 Parking and Access (LPP6.7) sets the parking requirements for non-residential development in the City, and any proposals to change the use of the ground floor would be assessed against these requirements. Table 2 below identifies the parking requirements for each use.

Land Use	Ratio in LPP6.7	Concessions Applied	Required Bays
Shop	1 bay per every 12.5m ² of GLA	15% within 200m from high frequency bus 20% Access to on street bays	4 bays
Personal Care Services	1 bay per every 12.5m ² of GLA	15% within 200m from high frequency bus 20% Access to on street bays	4 bays
Office	1 bay for every 50m ² of GFA	15% within 200m from high frequency bus 20% Access to on street bays	1 bay
Consulting Room (Based on one Practitioner)	5 bays for each practitioner in attendance	20% Access to on street bays	4 bays (one practitioner)

Table 2 – Parking Ratios

Table 2 indicates that the parking requirements for the Shop, Personal Care Services and Office land uses can be met on site within the four bays allocated to the lot. The parking requirements for any future change of use will be considered at the development application stage, and if necessary, conditions of development approval can be imposed limiting the use of the tenancy.

Within the road reserve directly abutting the site, the City has constructed approximately 15 embayed parking bays, which can be used without restriction. The Parking and Access Policy allows these to be used to reduce the number of parking bays required when non-residential development is proposed. A review of aerial photograph dating back to 2019 shows there has been no instances where all bays were in use at the same time, meaning they are available for use by the wider community.

Traffic

Several submitters commented on traffic, raising concerns about potential increased traffic along Pearl Parade should the additional uses be allowed. In the City's Road Hierarchy, Pearl Parade is classified as a 'District Distributor B' road; on these roads traffic volumes of between 7,000 and 20,000 vehicles per day are expected. The City monitors traffic volumes on this road and the City's Engineering Services Business Unit has advised the road currently carries around 5,000 vehicles per day.

As there is sufficient capacity within the existing road network, any minor increase in traffic resulting from future uses that could be approved because of the scheme amendment, is unlikely to cause an issue, but will be considered at the development application stage.

Recommended Action

It is recommended that Council supports Amendment No.129 as shown in Attachment 1, without modification, and forwards its decision to the Western Australian Planning Commission for determination.

Relevant Policies, Legislation and Council Resolutions

The Planning and Development (Local Planning Scheme) Regulations 2015 identify the process to be followed when an amendment to a local planning scheme is proposed.

[Planning and Development \(Local Planning Scheme\) Regulations 2015](#)

[Local Government Act 1995](#)

Meeting Date	Council Resolution Number	Council Resolution
5 December 2023	1223/005	<ol style="list-style-type: none"> 1. That pursuant to the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Council ADOPTS (for the purpose of advertising) Scheme Amendment No.129 to Local Planning Scheme No.3 to rezone Lot 22, House Number 20, Pearl Parade, Scarborough to allow Additional Uses, as shown in Attachment 1. 2. That pursuant to Regulation 35 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.129 is a Standard Amendment as it is: <ol style="list-style-type: none"> a. An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve. b. An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.

Sustainable Stirling 2022-2032

Key Result Area: Our economy

Objective: A local business City

Priority: Make it easier to do business with the City

Strategic Risk

Strategic Risk	Risk Appetite
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.

Relevant Documents and Information

Attachments

Attachment 1 - Amendment No. 129 - Formal Documentation [↓](#)

Attachment 2 - Schedule of Submissions [↓](#)

Available for viewing at meeting

Nil

Linked Documents

Nil.



CITY OF STIRLING

Local Planning Scheme No. 3

AMENDMENT NO.129

**Proposed change of zoning to Lot 22,
House Number 20, Pearl Parade, Scarborough
to include 'Additional Use (Consulting room, Office,
Personal Care Services and Shop) as a
Discretionary ('D')**

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO.129

Resolution to adopt Amendment to Local Planning Scheme No.3

The City of Stirling Council, under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

- Amending the Scheme Text by modifying 'Schedule 2 – Additional Uses' to include the following:

No.	Description of Land	Additional Uses	Conditions
A96	Lot 22, House Number 20, Pearl Parade, Scarborough	Consulting Room, Office, Personal Care Services and Shop 'D' Uses	The additional uses are limited to Lot 22 only.

- Amending the Scheme Map by rezoning Lot 22, House Number 20, Pearl Parade, Scarborough from 'Residential R60 to 'Residential R60' and 'Additional Use (Consulting Room, Office, Personal Care Services and Shop)' by applying the 'Additional Use (A96)' designation as shown on the Amendment Map.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- It is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve.*
- An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment.'*

Dated this _____ day of _____ .

CHIEF EXECUTIVE OFFICER

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 129

Adopted by resolution of the Council of the City of Stirling at the meeting
of the Council held on the _____ day of _____ 20__ .

MAYOR

CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of Stirling at the
Meeting of the Council held on the _____ day of _____ 20__ and the
Common Seal of the City of Stirling was hereunto affixed by the authority
of a resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

Recommended/Submitted for
Final Approval

Delegated under S.16 of PD Act 2005

Date _____

Final Approval granted

MINISTER FOR TRANSPORT;
PLANNING; PORTS

Date _____



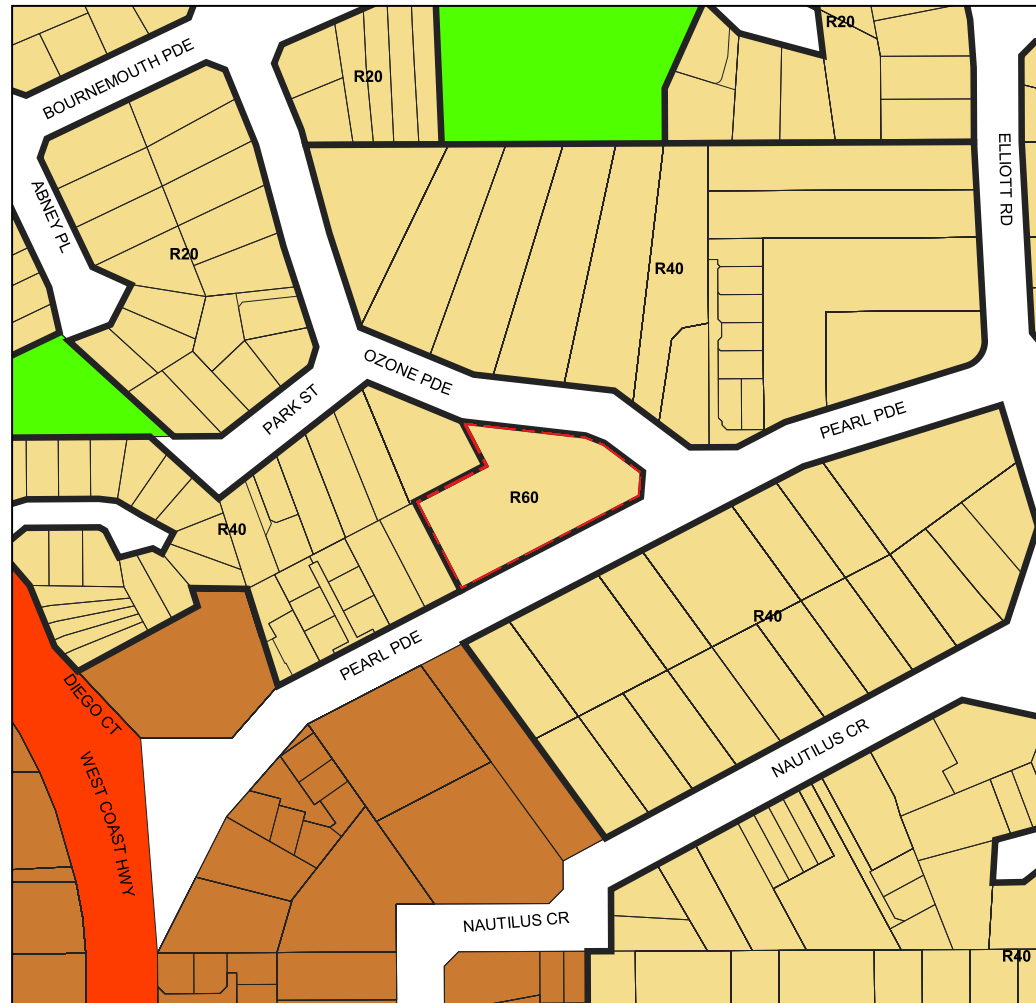
CITY OF STIRLING
Local Planning Scheme No. 3

AMENDMENT No. 129
HN20 Pearl Parade, Scarborough

REZONING FROM 'RESIDENTIAL R60' TO 'RESIDENTIAL R60 AND ADDITIONAL USE 96' (CONSULTING ROOM, OFFICE, PERSONAL CARE SERVICES AND SHOP)

Existing Zoning

Proposed Zoning



LEGEND

Subject Site

ZONES

- A'n' Additional Use
- R'n' Residential
- Development

LOCAL RESERVES

Public Open Space and Local Authority Purposes

METROPOLITAN REGION SCHEME

Primary Regional Road Reserve

ADOPTION [REGULATION 13 (1)]

Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the _____ day of _____ 2023.

Mayor Date

Chief Executive Officer Date

FINAL APPROVAL

1. Adopted by resolution of the Council of the City of Stirling at the Meeting of the Council held on the _____ day of _____ 202____ and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:-

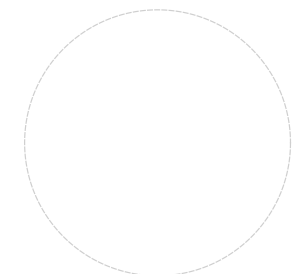
Mayor Chief Executive Officer

2. Recommended / Submitted for Final Approval

Delegated Under S.16 of the Planning & Development Act 2005 Date

3. Final Approval Granted

Minister for Planning Date



NUMBER OF SUBMISSIONS TO RAISE THE ISSUE	COMMENT RAISED	OFFICER RESPONSE
SUPPORT		
2	It is important to have a mix of commercial activities within the suburb and close to residential.	Noted.
1	If we do not encourage and support businesses, they locate elsewhere, which can leave the area as a one-dimensional housing estate rather than a vibrant community for people of all ages.	Noted.
1	It will encourage people outside the community to visit and support local business, which is positive.	Noted.
OBJECTIONS		
Parking		
2	Parking problems due to density increase and proximity to the beach within Scarborough.	The Scheme Amendment will allow for a change of use application to Consulting Room, Shop, Personal Care Services or Office; however, a development application is required to be lodged for the City's assessment prior to any change of use occurring. The City's Local Planning Policy 6.7 Parking and Access (LPP6.7) sets the parking requirements for non-residential development in the City, and any proposals to change the use of the ground floor would be assessed against these requirements.
4	Not enough parking on site current and future.	A condition of the development approval for the 'Home Store' issued by the City in 2016 required 4 bays to be provided for the use, and there is no ability to provide additional car parking on site. Within the road reserve directly abutting the site, the City has constructed approximately 15 embayed parking bays, which can be used without restriction. The Parking and Access Policy allows these to be used to reduce the number of parking bays required when non-residential development is proposed. A review of aerial photograph dating back to 2019 shows there has

		<p>been no instances where all bays been were in use at the same time, meaning they are available for use by the wider community.</p> <p>Table 2 within the report indicates that the parking requirements for the Shop, Personal Care Services and Office land uses can be met on site.</p> <p>Should a Consulting Room be proposed (a maximum of two practitioners are permitted), that use would only meet the requirements of the Parking and Access Policy if a single practitioner was operating on site. Should a development application be received proposing two practitioners, in order to ensure parking problems do not arise in the locality, the City could impose, as a condition of development approval, limitations on the how two practitioners could operate from the Consulting Room. This could include limiting the number of practitioners or clients at a given time.</p>
2	Existing Home Business does not have any parking bays directly accessible via the site outside of the on-street parking.	<p>A condition of the development approval for the 'Home Store' issued by the City in 2016 required 4 bays to be provided for the use, and there is no ability to provide additional car parking on site.</p> <p>Within the road reserve directly abutting the site, the City has constructed approximately 15 embayed parking bays, which can be used without restriction. The Parking and Access Policy allows these to be used to reduce the number of parking bays required when non-residential development is proposed. A review of aerial photograph dating back to 2019 shows there has been no instances where all bays been were in use at the same time, meaning they are available for use by the wider community.</p>
1	The proposed additional uses require greater parking than the existing Home Business. This would result in a parking shortfall on the site.	<p>Table 2 within the report (shown below) indicates that the parking requirements for the Shop, Personal Care Services and Office land uses can be met on site.</p> <p>Should a Consulting Room be proposed (a maximum of two practitioners are permitted), that use would only meet the requirements of the Parking and Access Policy if a single practitioner was operating on site. Should a development application be received proposing two practitioners, in order to ensure parking problems do not arise in the locality, the City could impose, as a condition of development approval, limitations on the how two practitioners</p>

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		<table border="1"> <thead> <tr> <th>Land Use</th> <th>Ratio in LPP6.7</th> <th>Concessions Applied</th> <th>Required Bays</th> </tr> </thead> <tbody> <tr> <td>Shop</td> <td>1 bay per every 12.5m² of GLA</td> <td>15% within 200m from high frequency bus 20% Access to on street bays</td> <td>4 bays</td> </tr> <tr> <td>Personal Care Services</td> <td>1 bay per every 12.5m² of GLA</td> <td>15% within 200m from high frequency bus 20% Access to on street bays</td> <td>4 bays</td> </tr> <tr> <td>Office</td> <td>1 bay for every 50m² of GFA</td> <td>15% within 200m from high frequency bus 20% Access to on street bays</td> <td>1 bay</td> </tr> <tr> <td>Consulting Room (Based on one Practitioner)</td> <td>5 bays for each practitioner in attendance</td> <td>20% Access to on street bays</td> <td>4 bays (one practitioner)</td> </tr> </tbody> </table>	Land Use	Ratio in LPP6.7	Concessions Applied	Required Bays	Shop	1 bay per every 12.5m ² of GLA	15% within 200m from high frequency bus 20% Access to on street bays	4 bays	Personal Care Services	1 bay per every 12.5m ² of GLA	15% within 200m from high frequency bus 20% Access to on street bays	4 bays	Office	1 bay for every 50m ² of GFA	15% within 200m from high frequency bus 20% Access to on street bays	1 bay	Consulting Room (Based on one Practitioner)	5 bays for each practitioner in attendance	20% Access to on street bays	4 bays (one practitioner)
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Traffic																						
2	Public safety issues when walking and driving within the area.	<p>In the City's Road Hierarchy, Pearl Parade is classified as a 'District Distributor B' road; on these roads traffic volumes of between 7,000 and 20,000 vehicles per day are expected. The City monitors traffic volumes on this road and the City's Engineering Services Business Unit have advised the road currently carries around 5,000 vehicles per day.</p> <p>As there is sufficient capacity within the existing road network to absorb any increase in traffic as a result of this scheme amendment Engineering Services have no objection to the proposal based on traffic movements.</p>																				
Noise																						

2	Noise concerns with making the site busier.	Noise associated with the development would be controlled by the <i>Environmental Protection (Noise) Regulation 1997</i> .
Other		
2	This is a small community and the wrong business in the area will change it	Noted. A development application would be required for a change of use to Consulting Rooms, Shop, Personal Care Services or Office on the site. Through the application process the suitability of the development on the site would be assessed.
1	Inconsistency with Local Planning Policy 2.4 Home Office, Home Occupation and Home Business. The proposed Scheme Amendment No. 129 will directly impact the amenity of the surrounding area making the existing Home Business no longer a low-scale business, and therefore fails in meeting the objectives of Local Planning Policy 2.4.	If the additional uses of 'Consulting Room, Shop, Personal Care Services and Office' are approved the business can apply for a change or use application to one of these uses. Therefore, it would not operate as a Home Office, Home Occupation or Home Business and Local Planning Policy 2.4 would not apply.
1	Current Home Business will no longer be small scale and will affect the amenity of nearby residents.	If the additional uses of 'Consulting Room, Shop, Personal Care Services and Office' are approved the business can apply for a change or use application to one of these uses. Therefore, it would not operate as a Home Office, Home Occupation or Home Business and Local Planning Policy 2.4 would not apply.

CF3 SCARBOROUGH BEACH ROAD SPEED REDUCTION

Business Unit:	City Future	Service: City Future Projects
Ward:	Doubleview	Location: Scarborough Beach Road (between Northstead Street and St Brigids Terrace)
Applicant:	Not Applicable	

Role

Advocacy - *Advocating to government or other organisations.*

Recommendation

That Council NOTES the City’s advocacy work in relation to a speed reduction on Scarborough Beach Road between Northstead Street, Scarborough and St Brigids Terrace, Doubleview.

Purpose

To consider the outcomes of the City’s advocacy work in relation to a speed reduction on Scarborough Beach Road between Northstead Street, Scarborough and St Brigids Terrace, Doubleview.

Details

In 2015, Council adopted the Scarborough Beach Road West Planning Framework (Council Resolution Number 1115/034), which recommended speed reductions in front of the commercial areas along Scarborough Beach Road. The intended outcome for reducing speed limits in this area was to improve pedestrian safety and amenity, as well as encourage activity through alfresco dining.

At its meeting held 23 February 2021, Council considered a Notice of Motion from Councillor Stephanie Proud JP, and resolved (Council Resolution Number 0221/040) to write to Main Roads Western Australia (MRWA) seeking a two-year speed reduction trial on Scarborough Beach Road between Northstead Street and St Brigids Terrace. In April 2021, MRWA advised that it did not support the City’s request, citing the predominantly residential nature and the lack of ‘place’ value of this section of Scarborough Beach Road.

Since April 2021, the City has continued to advocate for a reduced speed, including meeting with the Local Member, Stuart Aubrey MLA, who indicated support for the proposal. MRWA advised it would not support a speed reduction until significant changes to the physical road environment occur. Examples of these changes included alteration of the kerbs, lane narrowing, additional planting, and raised platforms.

Given the cost of these changes, combined with the complexity of Scarborough Beach Road and the many different projects taking place (mid-tier/priority transit lanes, road widening, Western Power undergrounding), it is recommended that changes to the road design be worked into State-led programs, rather than as a standalone project.

In March 2024, the State Government announced the Streets Alive initiative, in partnership with the Town Team Movement and the Western Australian Local Government Association (WALGA). This initiative is designed to provide light touch traffic calming initiatives such as road murals, public art and planter boxes along selected areas of road. Such initiatives have the potential to encourage slower speeds and can be implemented for a relatively low cost. Council could support the local Town Team group (The Bend in The Road) through the City providing assistance with the grant fund application process and provide advice as needed.

Financial Assessment and Implications

Any future road designs and treatment may be considered as part of the City's future budget process.

Stakeholder Engagement

Nil.

Recommended Action

It is recommended that the City continues to investigate and advocate for the possibility of improving pedestrian amenity along Scarborough Beach Road in collaboration with the local MLA State Government agencies.

In the meantime, the City could support the local Town Team group (The Bend in The Road) to apply for grant funding through the Streets Alive initiative.

Relevant Policies, Legislation and Council Resolutions

Meeting Date	Council Resolution Number	Council Resolution
17 November 2015	1115/034	<ol style="list-style-type: none"> 1. That Council ADOPTS the Scarborough Beach Road West Precinct Local Development Plan in accordance with Part 6A.16 of Local Planning Scheme No.3, which will become operational following the gazettal of Local Planning Scheme No.3 Amendment No.65. 2. That Council ENDORSES the Scarborough Beach Road West Precinct Activity Corridor Strategy. 3. That Council ENDORSES the preparation of a road design based on the advertised interim design for the portion of Scarborough Beach Road between St Brigids Terrace and Northstead Street, and seeks funding from the Public Transport Authority for its construction.
22 February 2021	0221/040	That the City WRITES to Main Roads Western Australia requesting a two-year speed reduction trial from 60km/h to 40km/h on Scarborough Beach Road between Northstead Street, Scarborough and St Brigids Terrace, Doubleview.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: A liveable City

Priority: Improve the quality, liveability and identity of local areas

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Priority: Provide a safe network of cycleways and pathways to link people and places

Strategic Risk

Strategic Risk	Risk Appetite
Partnerships	The City will be proactive in improving existing relationships and working with new partners to grow its reputation as an organisation that the community, business, government and other organisations choose to engage with.

Relevant Documents and Information

Attachments

Nil.

Available for viewing at the meeting

Nil.

Linked Documents

CF4 PROPOSED CHANGES TO THE PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 - SHORT-TERM RENTAL ACCOMODATION (STRA)

Business Unit:	City Future	Service: City Future Projects
Ward:	City Wide	Location: Not Applicable
Applicant:	Not Applicable	

Role

Advocacy - Advocating to government or other organisations.

Recommendation

1. That Council **NOTES** the proposed changes to the Planning and Development (Local Planning Schemes) Regulations 2015 – Short Term Rental Accommodation.
2. That Council **ENDORSES** the submission to the Western Australian Planning Commission on the changes to the Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024, as shown in Attachment 1.

Purpose

To consider the State Government’s proposed changes to the Planning and Development (Local Planning Schemes) Regulations 2015 to how Short Term Rental Accommodation (STRA) (‘Bed and Breakfast’ and ‘Short Stay Accommodation’ land uses in Local Planning Scheme No.3) is managed throughout Western Australia.

The reason for these changes is to ensure that local government has a consistent approach to the management of STRA and to address the shortage of long-term rental accommodation that is occurring in Western Australia.

Background - Details

State Government

A Parliamentary Inquiry into the impact of STRA commenced in 2018, which resulted in the publication of a report titled [Levelling the Playing Field Managing the impact of the rapid increase of Short-Term Rentals in Western Australia](#) in September 2019. The report made findings and recommendations which the State Government has been working to implement.

The report also found there was evidence that short-term letting was impacting the availability and affordability of housing for low-income groups in some WA regions. In recent years, this trend has become more acute and also applies to the metropolitan area, with rental vacancies for houses sitting at 0.7% in March 2024 (source: UDIA WA Urban Intelligence).

To date, the following actions resulting from the inquiry have been, or are in the process of being, implemented by the State Government:

- Publication of Position Statement: Planning for Tourism and Short-term Rental accommodation;
- Implementation of a STRA Registration Scheme;
- Proposed changes to the Planning and Development (Local Planning Schemes) Regulations 2015; and
- Incentive Scheme to encourage STRA accommodation to be returned to the long-term rental market.

The State Government is currently seeking feedback on the proposed changes to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) – Short Term Rental Accommodation, with submissions due by 10 May 2024. The City has obtained an extension of time from the Department of Planning, Lands and Heritage (DPLH) to provide a Council endorsed submission.

The main changes proposed are discussed below in the Comment section of the report.

City of Stirling

Since its gazettal in August 2010, Local Planning Scheme No.3 (LPS3) has been the primary planning tool controlling STRA across the City. The controls in LPS3 were supplemented by a Local Planning Policy (Bed and Breakfast Accommodation) which is still in effect today. It was around the time of gazettal of LPS3 that Airbnb as an online booking platform commenced operating and gained popularity.

The City's approach to controlling this form of development had not changed substantively since gazettal of LPS3 until planning control of this issue was reconsidered in 2017. On 28 November 2017, Council considered a report responding to a Notice of Motion regarding the City's approach to STRA. That report found that the City's approach had not kept pace with changes to how this form of activity was being undertaken given the emergence of platforms such as Airbnb. The report also identified that the use was taking place extensively in the City, largely without approval, and without causing amenity impacts.

Council subsequently resolved to amend LPS3 (Scheme Amendment No.103) to update its planning framework to deal with this form of development, which involved deletion of the 'Breakfast Accommodation' definition and amending the 'Short Stay Accommodation' definition. Council also supported the preparation of Local Planning Policy 2.11 – Short Stay Accommodation to exempt Short Stay Accommodation from requiring development in certain circumstances and subject to conditions.

At its meeting held 3 July 2018, Council resolved to proceed with both the scheme amendment and Local Planning Policy, including modifications to exempt multiple dwellings from requiring approval when used for short stay accommodation, and increasing the maximum number of persons occupying each room used for 'Short Stay Accommodation' from two to three while remaining exempt.

The DPLH deferred determination of Scheme Amendment No.103 until the recommendations of the report resulting from the Parliamentary Inquiry had been implemented. Now that the findings and recommendations are being implemented, the City will need to prepare a new scheme amendment to reflect proposed changes to the Regulations, and Scheme Amendment No.103 will fall away. The City will also need to revoke the previously adopted Short Stay Accommodation Local Planning Policy.

Comment

Proposed changes to the Planning and Development (Local Planning Schemes) Regulations 2015

In summary, the proposed changes to the Regulations are aimed at ensuring local governments have a consistent approach to managing STRA; and exempt certain forms of STRA from requiring development approval. The proposed changes are detailed in Attachment 2. The changes do this by:

- Introducing definition changes within the Model provisions of the Regulations (to be used in future planning schemes).
- Changing to the deemed provisions of the Regulations (changes that apply as soon as the changes to the Regulations come into effect).

Changes to Model provisions

In order to ensure local governments have a consistent approach to dealing with STRA, the proposed changes delete a number of land use definitions, amend existing definitions and introduce new land uses and definitions. As local governments often, for example, have different land use definitions for the same use, consistency of definitions across local government is supported.

Changes to Deemed provisions

The Deemed provisions of the Regulations apply automatically once the changes to the regulations come into effect. This is expected to occur later this year. The changes reflect the State Government intent of having a single regulatory approach to STRA throughout the metropolitan area.

In particular, the following new land use definitions and their implications are detailed below:

- Hosted short term rental accommodation:

This land use will exempt the land statewide, including where located in ancillary dwellings (also exempt from requiring development approval) through planning reform.

- Unhosted short term rental accommodation:

This land use is subject to the following:

- Is exempted for up to 90 days;
- Permits 12 persons or fewer per night;
- Cannot be undone by a local planning policy; and
- Will be monitored through registration scheme.

Key elements of the proposed changes are discussed below.

Unhosted STRA Exempted for up to 90 days

In recent years, following increasing evidence that short-term letting is impacting the availability and affordability of housing, cities nationally and internationally have implemented controls to manage STRA. A consistent approach in attempting to balance the opportunity for homeowners to let out their properties short term, while also preventing STRA from removing housing from the rental market, has been to limit the number of days a property can be used without development approval.

Both nationally and internationally, allowing a property owner to let their property for 90 days without approval has emerged as a common way of regulating this use and is supported.

Unhosted STRA to be limited to 12 persons or fewer per night

In 2018, when adopting its approach to managing short stay accommodation, Council supported allowing a maximum of eight guests at any one time in Unhosted short stay accommodation. Recent development approvals issued by the City have been reviewed and a maximum of eight guests is a consistent number of guests. This is considered reasonable to ensure amenity impacts are managed.

It is recommended that the DPLH be advised that the City does not support permitting a maximum of 12 persons per night, and recommends that the definition of Unhosted STRA be amended to permit a maximum of eight persons per night.

Limitation on the ability for local government to adopt a local planning policy to change the exemptions.

The ability of local government to use a local planning policy to exempt development from requiring approval to reflect the specific circumstances or requirements of its area is an established practice in Western Australia. In this instance, the State Government proposes to remove this ability as it relates to STRA. Providing consistent exemptions across local government is supported to ensure consistency for landowners and operators.

Next Steps for the City

Once the Regulations are in effect, the City will need to prepare a scheme amendment to ensure LPS3 reflects the changes proposed. The DPLH has indicated that ideally, this should occur by the end of 2024. Due to this timing, the City's officers will prepare and present to Council a scheme amendment to LPS3 in the coming months, rather than include the changes in Local Planning Scheme No.4.

Additionally, it will be necessary to prepare a local planning policy that will guide the exercise of discretion when dealing with development applications for Hosted STRA. The timing of the preparation of this new local planning policy will need to coincide with the preparation of the scheme amendment referred to. When this occurs, all existing relevant local planning policies (Bed and Breakfast Accommodation and Short Stay Accommodation) will need to be revoked.

Financial Assessment and Implications

Nil.

Stakeholder Engagement

The State Government is currently seeking feedback on the proposed changes to the Planning and Development (Local Planning Schemes) Regulations 2015 – Short Term Rental Accommodation, with submissions due by 10 May 2024. Council will not be able to provide its comments by this date. However, the recommendation of the Planning and Development Committee will be provided as an interim response, with the resolution of Council to follow.

Recommended Action

It is recommended that Council endorses the proposed changes to the Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024, with the exception of the definition of Unhosted STRA which should be amended to permit a maximum of eight persons per night, as shown in Attachment 1.

Relevant Policies, Legislation and Council Resolutions

Planning and Development (Local Planning Schemes) Regulations 2024

Local Planning Scheme No.3

Local Planning Policy 2.3 – Bed and Breakfast Accommodation

Local Planning Policy 2.11 – Short Stay Accommodation

Meeting Date	Council Resolution Number	Council Resolution
8 August 2017	0817/024	That a report be PRESENTED to the Planning and Development Committee to consider whether existing Local Planning Scheme No.3 provisions for 'Short Stay Accommodation' type activities are a contemporary approach to how this use can be best considered.
5 December 2017	1217/036	<p>1. That pursuant to the Planning and Development Act 2005, Council INITIATES a modified Amendment 103 to Local Planning Scheme No.3 that:-</p> <p style="padding-left: 40px;">a. Removes all references to Bed and Breakfast within Local Planning Scheme No.3.</p> <p style="padding-left: 40px;">b. Amends the definition for 'Short Stay Accommodation' in 'Schedule 1: Dictionary of Defined Words and Expressions' of Local Planning Scheme No.3 as follows:-</p> <p style="padding-left: 40px;"><i>“means: dwelling or part of a dwelling occupied by a person or family but containing rooms used to accommodate temporary guests for hire or reward for a single person(s) or a single family where breakfast may or may not be provided; or a dwelling or part of a dwelling containing rooms to accommodate temporary guests for hire or reward for a single person(s) or single family.”</i></p> <p>2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that in its opinion Local Planning Scheme No.3, Amendment 103 is a Standard Amendment.</p>

		<p>3. That Local Planning Policy 2.11 – Short Stay Accommodation be prepared that exempts Short Stay Accommodation from requiring development approval when operated from a dwelling within a Residential or Local Centre zone, subject to the following:-</p> <ul style="list-style-type: none"> a. If the dwelling is occupied by the family of the owners of the dwelling:- <ul style="list-style-type: none"> i. The maximum number of rooms used for short stay accommodation is two bedrooms at any time; and ii. One car bay per room being used for short stay accommodation is provided in addition to the R-Code requirements for the dwelling; or b. If the dwelling is not occupied by the family of the owners of the dwelling:- <ul style="list-style-type: none"> i) The maximum number of rooms used for short stay accommodation is not to exceed the number of approved bedrooms for the dwelling; ii) The maximum number of guests accommodated at any time is eight; and iii) The dwelling is provided with a minimum of two car bays on site. c. All parking is to be accommodated on site and each car bay is to have a minimum dimension of 5.4m x 2.4m. Access to the car bays are to be in accordance with Local Planning Policy 6.7 – Parking and Access.” <p>4. That Local Planning Policy 2.11 – Short Stay Accommodation be ADVERTISED concurrently in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City’s Planning Consultation Procedure.</p>
3 July 2018	0718/006	<p>1. That pursuant to the <i>Planning and Development Act 2005</i>, Council ADOPTS Amendment No.103 to Local Planning Scheme No.3 in a modified form as shown in Attachment 1, subject to the following:-</p> <p>The definition of ‘Short Stay Accommodation’ be modified to read:</p> <ul style="list-style-type: none"> • <i>A dwelling or part of a dwelling containing rooms to accommodate temporary guests for hire or reward where breakfast may or may not be provided.</i>

		<ol style="list-style-type: none"> 2. That AUTHORITY be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.103 documents, and that the Amendment be referred to the Western Australian Planning Commission and the Minister for Planning, Lands and Heritage for determination. 3. That pursuant to the <i>Planning and Development Act 2005</i>, Council PROCEEDS with the Draft Local Planning Policy No.2.11 'Short Stay Accommodation' in a modified form, as detailed in Attachment 2, following the gazettal of Amendment No.103, subject to the following:- <ul style="list-style-type: none"> • The definition of 'Short Stay Accommodation' to reflect the modified definition in recommendation 1. • The exempted development provisions being expanded to include 'Multiple Dwellings'. • The exempted development provisions being modified to state that the maximum number of persons occupying each room to be used for 'Short Stay Accommodation' be increased from two to three. 3. That pursuant to the <i>Planning and Development Act 2005</i>, Council REVOKES Local Planning Policy No. 2.3 'Bed and Breakfast', following the gazettal of Amendment No.103.
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Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: A liveable City

Priority: Facilitate diverse housing choice for our community

Key Result Area: Our economy

Objective: A vibrant City

Priority: Encourage and support tourism growth

Strategic Risk

Strategic Risk	Risk Appetite
Purpose	The City will pursue community and sector leadership through forward thinking decision making, and alignment of its services and operations with its strategic objectives.
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.

Relevant Documents and Information

Attachments

Attachment 1 - Submission to WAPC on changes to Planning and Development (Local Planning Schemes) Regulations (Short Term Rental Accommodation) Regulations 2024 [↓](#)

Attachment 2 - Proposed Changes to the Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024 [↓](#)

Available for viewing at meeting

Nil

Linked Documents

[Levelling the Playing Field Managing the impact of the rapid increase of Short-Term Rentals in Western Australia](#)



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Enquiries: Neil Maull – 9205 8555

8 May 2024

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

Changes to the Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024

Thank you for the opportunity to comment on the proposed changes to the Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024 (Regulation changes).

At its meeting of 14 May 2024 Council considered a draft submission to the proposed Regulation changes and resolved:

That Council ENDORSES the submission to the Department of Planning, Lands and Heritage on the changes to the Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024, as shown in Attachment.

The City is supportive of the proposed Regulation changes. However, the City recommends that the definition of Unhosted short term rental accommodation in the deemed provisions which currently references 12 persons or fewer being accommodated per night is amended.

It is the City's view that a maximum of 8 persons or fewer is an appropriate number of persons to be accommodated within an Unhosted short term rental accommodation to ensure that amenity impacts are managed. It is also the City's experience, in assessing development applications for this use, that this is a number that is typically sought.

For these reasons, the City recommended the proposed definition of Unhosted short term rental accommodation in the deemed provisions be amended to reference 8 persons or fewer per night.

The City again thanks you for the opportunity to comment and would be pleased to discuss any of the comments and recommendations made in a further detail with the commission. If you have any queries regarding this matter, please contact Neil Maull on 9205 8554, or by email at neil.maull@stirling.wa.gov.au.

Yours sincerely

Amanda Sheers
DIRECTOR PLANNING & DEVELOPMENT

**ANNOTATED CONSULTATION DRAFT
SHORT-TERM RENTAL ACCOMMODATION (STRA)
LPS REGULATIONS AMENDMENTS**

Western Australia

**Planning and Development (Local Planning
Schemes) Amendment (Short-Term Rental
Accommodation) Regulations 2024**

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Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. Schedule 1 clause 37 amended

- (1) In Schedule 1 clause 37(1) delete the definitions of:

- (2) *cabin*
chalet

short-term accommodation

The following outlines proposed changes to SCHEDULE 1 - MODEL PROVISIONS

DELETED GENERAL DEFINITIONS

Short-Term Accommodation general definition to be deleted to avoid confusion with STRA. Cabin and Chalet general definitions to be revised.

**Planning and Development (Local Planning Schemes) Amendment
(Short-Term Rental Accommodation) Regulations 2024**

r. 5

(2) In Schedule 1 clause 37(1) insert in alphabetical order:

cabin means a habitable building forming part of a tourist development or caravan park that —

CABINS AND CHALETS

Existing general definitions for Cabin and Chalet to be amended to remove cross reference to the deleted 'short-term accommodation' definition. Details of the length of stay to be inserted into the definition.

- (a) is an individual unit other than a chalet; and
- (b) provides, on a commercial basis, accommodation for guests, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period;

chalet means a habitable building forming part of a tourist development or caravan park that —

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) provides, on a commercial basis, accommodation for guests, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period;

5. **Schedule 1 clause 38 amended**

(1) In Schedule 1 clause 38 delete the definitions of:

bed and breakfast

holiday accommodation

holiday house

motel

serviced apartment

tourist development

DELETED LAND USE CLASSES

These existing land use classes/definitions are to be deleted and consolidated into new land use terms of 'Tourist Complex' and 'Visitor Accommodation' (see following page).

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(2) In Schedule 1 clause 38 insert in alphabetical order:

**NEW ACCOMMODATION LAND
USE CLASSES**

The intent behind these new definitions is to create a distinction between traditional accommodation and STRA from a land use perspective.

TOURIST COMPLEX

A new definition of Tourist Complex is proposed to replace the deleted land use classes of Holiday Accommodation, Motel and Tourist Development.

This new definition is also intended to cover larger Bed & Breakfast, Farm Stay, Chalets and similar styles of 'traditional' accommodation.

VISITOR ACCOMMODATION

A new definition of Visitor Accommodation is proposed to replace the to be deleted Serviced Apartment definition.

A minimum of 10 accommodation units proposed to clearly differentiate between STRA that takes place in apartment buildings and development that is purpose built to accommodate visitors on a short-term basis.

tourist complex —

- (a) means a complex of 1 or more buildings wholly managed by a single person, body or entity that provides —
 - (i) accommodation for guests, on a commercial basis, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period; and
 - (ii) on-site services and facilities for use by guests and the public, including dining facilities, function rooms and facilities for entertainment and recreation; and
 - (iii) facilities for the management of the complex;

but

- (b) does not include —
 - (i) a caravan park; or
 - (ii) hosted short-term rental accommodation; or
 - (iii) unhosted short-term rental accommodation; or
 - (iv) visitor accommodation;

visitor accommodation —

- (a) means a complex of 1 or more buildings wholly managed by a single person, body or entity that provides —
 - (i) 10 or more accommodation units for guests, on a commercial basis, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period; and
 - (ii) on-site services and facilities for use only by guests and their visitors; and

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- (iii) facilities for the management of the complex;
- but
- (b) does not include —
 - (i) a caravan park; or
 - (ii) hosted short-term rental accommodation; or
 - (iii) unhosted short-term rental accommodation; or
 - (iv) a tourist complex; or
 - (v) workforce accommodation; or
 - (vi) a dwelling designed and used for the purpose of aged care or dependant persons accommodation; or
 - (vii) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1); or
 - (viii) a park home park; or
 - (ix) a residential building used as a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3;
- (3) In Schedule 1 clause 38 in the definition of **road house** delete paragraph (d) and insert:

ROAD HOUSE DEFINITION

The existing Road House definition is proposed to be modified to remove cross reference to the deleted 'short-term accommodation' definition. Details of the length of stay to be inserted into the definition.

- (d) accommodation for guests, on a commercial basis, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period;

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6. Schedule 2 clause 1 amended

In Schedule 2 clause 1 insert in alphabetical order:

**The following outlines
proposed changes to
SCHEDULE 2 -
DEEMED PROVISIONS**

HABITABLE BUILDING

The existing Habitable Building definition is proposed to be moved from the bushfire provisions to the General Definitions. This will ensure this definition can be applied to more broadly in the deemed provisions including the revised Cabin and Chalet. The definition will still be applicable to bushfire provisions.

habitable building means a permanent or temporary structure on land that —

- (a) is fully or partly enclosed; and
- (b) has at least 1 wall of solid material and a roof of solid material; and
- (c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;

hosted short-term rental accommodation means short-term rental accommodation where the owner or occupier of the dwelling, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;

HOSTED STRA DEFINITION

A new land use definition for Hosted STRA* - where the owner/occupier of the dwelling remains on the premises - is proposed. It is intended that this use will be inserted into local planning scheme zoning tables to replace 'Bed and Breakfast'.

short-term rental accommodation —

- (a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but
- (b) does not include —
 - (i) a caravan park; or
 - (ii) visitor accommodation; or
 - (iii) a tourist complex; or
 - (iv) workforce accommodation; or
 - (v) a dwelling designed and used for the purpose of aged care or dependant persons accommodation; or
 - (vi) a retirement village as defined in the *Retirement Villages Act 1992* section 3(1); or
 - (vii) a park home park; or

STRA DEFINITION

A new general definition for STRA is proposed. Note that this definition has been linked to the 'Dwelling' land use. A number of use exclusions are proposed as part of this definition.

***NOTE - Hosted and Unhosted STRA definitions have been included in the Deemed Provisions (not Model Provisions) given these uses are referenced in Cl. 61 exemptions.**

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**SHORT-TERM RENTAL
ARRANGEMENT**

A new definition for Short-Term Rental Arrangement reflects the definition of such a lease (consistent with the STRA Registration Bill) to differentiate this from a traditional/ long-term rental arrangement

- (viii) a residential building used as a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1);

short-term rental arrangement —

- (a) means an arrangement, including a lease, licence or other contract or arrangement, under which —
- (i) a dwelling is provided for occupation to a person; and
 - (ii) the person does not occupy the dwelling for periods totalling more than 3 months in any 12-month period;
- and
- (b) includes an arrangement under which the owner or occupier of the dwelling, or an agent of the owner or occupier, also resides at the dwelling;

unhosted short-term rental accommodation means short-term rental accommodation that —

- (a) is not hosted short-term rental accommodation; and
- (b) accommodates 12 people or fewer per night;

UNHOSTED STRA

A new definition for Unhosted STRA* - this is where the owner/ occupier of the dwelling does not reside on the premises. It is intended that this use will be inserted into local planning scheme zoning tables to replace 'Holiday House'.

7. Schedule 2 clause 61 amended

- (1) After Schedule 2 clause 61(2)(e) insert:

EXEMPTIONS

These clauses detail proposed exemptions for STRA - as outlined in the WAPC's Tourism and Short-Term Rental Accommodation Position Statement (November 2023).

- Hosted STRA is to be exempt state-wide
- Unhosted STRA to be exempt for up to 90 nights within a 12-month period in the Perth Metropolitan Area.

- (ea) the use of a dwelling as hosted short-term rental accommodation;
- (eb) the use of a dwelling as unhosted short-term rental accommodation if —
 - (i) the dwelling is used as unhosted short-term rental accommodation for 90 nights or less per 12-month period, commencing on the day on which the dwelling is first occupied under a short-term rental arrangement; and

*NOTE - Hosted and Unhosted STRA definitions have been included in the Deemed Provisions (not Model Provisions) given these uses are referenced in Cl. 61 exemptions.

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- (ii) the dwelling is wholly or partly in the metropolitan region;

(2) After Schedule 2 clause 61(8) insert:

- (9) Despite any provision to the contrary in a local planning policy or local development plan prepared under subclause (2)(g), a development approval is required if —

90-NIGHT EXEMPTION

The intent of this clause is to ensure that the above-mentioned 90-night exemption for the Perth Metropolitan Area cannot be extended through a local planning policy or local development plan adopted under cl.61(2)(g)

- (a) the dwelling is used as unhosted short-term rental accommodation for more than 90 nights per 12-month period, commencing on the day on which the dwelling is first occupied under a short-term rental arrangement; and
- (b) the dwelling is wholly or partly in the metropolitan region.

8. Schedule 2 clause 78A amended

In Schedule 2 clause 78A delete the definition of *habitable building*.

HABITABLE BUILDING

Existing definition of Habitable Building to be deleted from bushfire provisions - moved to deemed general definitions.

9. Schedule 2 clause 78B amended

- (1) In Schedule 2 clause 78B(1) delete “does not apply to development unless the development” and insert:

applies to development that

BUSHFIRE

This new provision ensures that a STRA proposal that is exempt from requiring development approval - either through the Cl. 61 exemptions or in a scheme zoning table remains in place.

- (2) After Schedule 2 clause 78B(1) insert:

- (1A) Despite subclause (1), this Part does not apply to development that is the use of a dwelling as —
 - (a) hosted short-term rental accommodation; or
 - (b) unhosted short-term rental accommodation.

***Planning and Development (Local Planning Schemes) Amendment
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Clerk of the Executive Council

Consultation Draft

PROPERTY AND COMMERCIAL SERVICES

CPS1 ABBETT PARK, 105 DEANMORE ROAD SCARBOROUGH - BEACH TENNIS WEST INC.

Business Unit:	Property and Commercial Services Development Services	Service: Property Services
Ward:	Coastal	Location: 105 Deanmore Road, Scarborough WA 6019
Applicant:	Not applicable	

Role

Information - *Receiving information about the City or its community.*

Recommendation

1. **That Council NOTES Beach Tennis West Inc. to remain in holding over on a month-by-month tenancy in accordance with its expired sub-lease until Scarborough Sportsmen’s Club Inc. is provided with a new lease.**
2. **That Council NOTES the resulting compliance issues that have emerged from Beach Tennis West Inc.’s use of the land and the City’s ongoing approach to management.**

Purpose

The purpose of this report is to inform Council of the status of the Beach Tennis West Inc. sub-lease of a portion of Lot 1001 on Diagram 14287 and the resulting compliance matters that have emerged from its use of the land.

Details

Tenancy arrangements

City of Stirling leases a portion of Lot 1001 on Diagram 14287, 105 Deanmore Road, Scarborough to Scarborough Sportsmen’s Club Inc. (the Lease) for a term of five years commencing on 1 April 2019, and which expired 31 March 2024. The Lease provides for an option for a further term of five years at the City’s discretion. Due to the City’s ongoing review of the Leasing and Licencing Policy, the Lease has not been renewed for the further term and as a result the tenant is currently holding over on a month-by-month tenancy, but otherwise on the same terms as the original lease, except for the option.

On 15 November 2022, Council approved a sub-lease between Scarborough Sportsmen’s Club Inc and Beach Tennis West Inc. over part of 105 Deanmore Road, Scarborough. (Council Resolution Number 1122/015) with the following essential terms:

- a. An initial term commencing on 1 January 2023 and expiring on 30 March 2024;
- b. A further term of five years commencing on 1 April 2024, subject to the parties’ agreement, at the City’s absolute discretion;
- c. Annual rent to be set at \$400 per annum plus GST; and
- d. Rent to be reviewed annually and adjusted in accordance with movements in CPI, except on the commencement of the further term, when the new rent will be as agreed between Scarborough Sportsmen’s Club Incorporated and Beach Tennis West Incorporated.

As part of the resolution, Council approved that the Chief Executive Officer be granted delegated authority to approve any renewal of the sub-lease and any variation of extension between Scarborough Sportsmen’s Club Inc. and Beach Tennis West Inc. for the premises.

The initial term of the sub-lease expired on 30 March 2024 and any further term is at the City’s absolute discretion. As with the head-lease, this tenancy is now in holding over on a month-by-month tenancy. A holding over arrangement is one which continues until the parties either terminate the arrangement, or a new lease and sub-lease is put in place, and is common where a tenant remains past the end date of the lease term.

Beach Tennis West Inc. improvements

Beach Tennis West Inc. began operating in January 2023 and have undertaken several improvements on the land to develop the site for the purpose of Beach Tennis.

On 23 August 2023 the City issued development approval for light poles for Beach Tennis West Inc at the subject site (DA23/0834 refers). The development approval was issued subject to several conditions relating to the lighting, specifically conditions 1 – 4 as follows:

1. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with AS2560.2.1 – 2003 “Lighting for Outdoor Tennis” and AS/NZS4282:2019 “Control of the Obtrusive Effects of Outdoor Lighting” to the satisfaction of the City.
2. The eastern courts adjacent to Deanmore Road are not to be used after 9.00pm Monday to Sunday to the satisfaction of the City, unless further approval from the City is obtained.
3. The lights located adjacent to the eastern courts are to be fitted with curtain shades and are to be switched off no later than 9.15pm Monday to Sunday.
4. All other lights are to be switched off no later than 10.00pm Monday to Sunday if the court is not in use.

On 15 March 2024, following receipt of complaints from nearby residents, the City advised Beach Tennis West Inc. of the requirement to comply with conditions 1 – 4 of the development approval relating to lighting and hours of operation.

Subsequent inspections by City officers revealed that the lighting did not comply with the conditional approval, as the lights were positioned upwards and curtain shades had not yet been installed on the lights. This breach of the development approval conditions was communicated to the President of Beach Tennis West Inc. on 21 March 2024.

Due to noncompliance with the conditions of the development approval, the City advised that the lights are not to be used by Beach Tennis West Inc. until such time that the conditions of the development approval are met. This took effect from Wednesday 17 April 2024.

The complaints from residents also raised issues relating to noise. A review of the Acoustic Consultant Report provided to the City as part of residents' complaints has been undertaken by an Environmental Health Officer.

The report identifies exceedance of the permitted noise levels, defined in the Environmental Protection (Noise) Regulations 1997. In terms of mitigating the noise from Beach Tennis West Inc., the report recommended the installation of operable noise barriers. These noise barriers are proposed to ensure compliance with the permitted noise levels, however the club has stated that additional funding would be required to implement such measures.

On 11 April 2024 the City wrote to Beach Tennis West Inc. in its compliance capacity and advised that in the interim, noting the exceedances of the permitted noise levels, operation of Beach Tennis West Inc. is to be adjusted to between the hours of 7.00am to 7.00pm Monday to Saturday, with no play on Sunday or Public Holidays.

It should be noted that similar noise issues may occur across the City within many reserves where sporting and recreation activities occur in relative close proximity to residential neighbourhoods. Competing interests between community sport and recreation activities and residents' rights (actual or perceived) are likely to intensify with ongoing urban development and continuing pressures on existing Public Open Space into the future.

Current Status

An inspection of the lighting was undertaken at Beach Tennis West Inc. on Wednesday 17 April 2024 at 7.00pm. The courts were not in use and the lights were turned off. Curtain shades had not been installed and the lights were not directed downwards.

A subsequent inspection on Sunday 21 April 2024 revealed that the site was closed, there were no employees on site and no patrons were playing beach tennis.

An inspection of the lighting was undertaken on Wednesday 1 May 2024 at 6.50pm. The courts were not in use and the lights were turned off. Curtain shades had not been installed and the lights were not directed downwards.

Officers from the City will continue to monitor compliance of the operations.

Financial Assessment and Implications

There are no direct financial implications for the City.

Stakeholder Engagement

With regards to stakeholder engagement:

Advertising was not required under the *Local Government Act 1995* for the approval of the sub-lease.

The Development Approval for lights was not required to be advertised under the Planning and Development Regulations.

Nearby residents raised concerns with the operation of Beach Tennis West Inc. on 15 March 2024.

A petition, containing 10 verified signatures, was received at the Ordinary Meeting of Council on 30 April 2024, requesting that the Council halt the operation of the beach tennis club due to ongoing sound and light exceedances negatively impacting home lives.

Recommended Action

Both the head-lease, between the City and Scarborough Sportsmens Club Inc., and the sub-lease between Scarborough Sportsmens Club Inc. and Beach Tennis West Inc. have expired and are currently holding over on a month-by-month basis pending the outcome of the Lease and Licence Policy Review.

Following complaints from local residents relating to lighting and noise related issues resulting from the operation of Beach Tennis West Inc., the City has imposed restrictions on the use of the premises through its Development Services compliance team to try to ameliorate the noise and light issues reported. The restrictions are:

- From Wednesday 17 April 2024 the City advised that the lights are not to be used by Beach Tennis West Inc. until such time that the conditions of the development approval are met.
- Noting the exceedances of the permitted noise levels, the City advised that operation of Beach Tennis West Inc. is only between the hours of 7.00am to 7.00pm Monday to Saturday, with no play on Sunday or Public Holidays.

When considering the complicated issues surrounding this case, it is recognised that reasonable mitigation measures may not reduce noise levels below the standards regulated. It is also recognised that this incidence will not be an isolated incidence/location and that similar noise issues are also likely across many reserves in the City where sporting and recreation activities occur.

It is recommended that Beach Tennis West Inc. be permitted to remain in holding over on a month-by-month tenancy until Scarborough Sportsmens club Inc. is provided with a new five year lease. At that point, the decision to permit Beach Tennis West Inc. a further sub-lease term subject to conditions, can be reviewed.

Officers from the City will continue to monitor compliance of the operations to ensure that Beach Tennis West Inc. meet expectations with regards to their development approval.

Relevant Policies, Legislation and Council Resolutions

[Local Government Act 1995](#)

Meeting Date	Council Resolution Number	Council Resolution
15 November 2022	1122/015	1. That Council APPROVES a sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated over portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough with the following essential terms: <ul style="list-style-type: none"> a. An initial term commencing on 1 January 2023 and expiring on 30 March 2024; b. A further term of five years commencing on 1 April 2024, subject to the parties' agreement, at the City's absolute discretion; c. Annual rent to be set at \$400 per annum plus GST; and d. Rent to be reviewed annually and adjusted in accordance with movements in CPI, except on the commencement of the further term, when the new rent will be as agreed between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated. 2. That AUTHORITY be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the new sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

		<p>3. That Council APPROVES that the Chief Executive Officer be granted delegated authority to approve any renewal of the sublease and any variation or extension between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated for the premises known as portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough.</p>
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Sustainable Stirling 2022-2032

Key Result Area: Our community

Objective: An inclusive and harmonious City

Priority: Facilitate social connections and access to services locally

Priority: Encourage active participation and volunteering

Strategic Risk

Strategic Risk	Risk Appetite
Reputation	The City will ensure that any decisions that may affect the City's reputation are made at the appropriate level with stakeholders remaining informed and engaged.
Governance	The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation.
Community	The City will ensure that it engages with the community in accordance with its Community and Stakeholder Engagement Plan.

Relevant Documents and Information

Attachments

Nil.

Available for viewing at the meeting

Nil.

Linked Documents

Nil.

CPS2 RIGHTS OF WAY MANAGEMENT STRATEGY - DEDICATION OF RIGHTS OF WAY FOR THE UPGRADE PROGRAM

Business Unit:	Property & Commercial Services	Service: Property Services
Ward:	City Wide	Location: ROW 15034 ; ROW 28085 ; ROW 27010 ; ROW 27011 ; ROW 28043
Applicant:	Not Applicable	

Role

Advocacy - *Advocating to government or other organisations.*

Recommendation

1. That the Minister for Lands be REQUESTED to dedicate the following private Rights of Ways as roads pursuant to Section 56(1)(c) of the *Land Administration Act 1997*:
 - a. ROW 15034 being Lot 1003 on Plan 3697 and being the whole of the land comprised in Certificate of Title Volume 2743 Folio 909 as shown in Attachment 1 – Locality Plan A;
 - b. ROW 28085 being Lot 267 on Plan 2175 and being the whole of the land comprised in Certificate of Title Volume 706 Folio 41 as shown in Attachment 2 – Locality Plan B.

2. That the Minister for Lands be REQUESTED to dedicate the following Rights of Ways owned by the City of Stirling as roads pursuant to Section 56(1)(b) of the *Land Administration Act 1997*:
 - a. ROW 27010 being Lot 67 on Plan 2651 and being part of the land comprised in multi lot Certificate of Title Volume 1592 Folio 878 as shown in Attachment 3 – Locality Plan C;
 - b. ROW 27011 being Lot 68 on Diagram 3893 and being part of the land comprised in multi lot Certificate of Title Volume 1592 Folio 878 as shown in Attachment 4 – Locality Plan D;
 - c. ROW 28043 being Lot 306 on Plan 2671 and being the whole of the land comprised in Certificate of Title Volume 2756 Folio 340 as shown in Attachment 5 – Locality Plan E.

3. That the Minister for Lands be REQUESTED to dedicate the following land parcels owned by the State of Western Australia as road pursuant to Section 56(1)(a) of the *Land Administration Act 1997*:
 - a. Laneway widening abutting ROW 28085 comprising:
 - i. Lot 14711 on Deposited Plan 33901 and being the whole of the land comprised in Certificate of Title Volume 2224 Folio 134 as shown in Attachment 2 – Locality Plan B;
 - ii. Lot 300 on Survey-Strata Plan 85948 and being the whole of the land comprised in Crown Land Title Volume LR3175 Folio 709 as shown in Attachment 2 - Locality Plan B.
4. That Council ADVISES the Minister for Lands that any other land set aside for the purpose of widening the laneways the subject of this report also be dedicated as road pursuant to Section 56(1)(a) of the *Land Administration Act 1997*.
5. That the Minister for Lands be INDEMNIFIED from any claims arising from the dedication actions.
6. That Council RELINQUISHES all Management Orders issued for land parcels that are the subject of this report.

Purpose

To seek Council's authority to request the Minister for Lands to dedicate five Rights of Way (ROWs) and all land set aside for the widening of these ROWs as public roads. The dedication of these Rights of Way is requested to facilitate the design and construction program in accordance with the City's Rights of Way Management Strategy.

Details

At its meeting held 10 November 2009, Council resolved (Council Resolution Number 1109/014) to endorse the ROW Management Strategy, the funding approach, and the upgrading and dedication program.

Since the adoption of the Strategy, the duration of the ROW upgrade works program has been extended and is currently a 19-year program.

The dedication of ROWs as public roads transfers the control and management responsibility for private ROWs to the City. The dedication of Crown owned or City owned ROWs to public streets reflect their status and use as public streets.

As part of the implementation of the Rights of Way Management Strategy, the dedication of Category 1, 2 and 3 ROWs are staged annually to facilitate the design and construction program each year and as required. The following ROWs are proposed for dedication in 2024:

1. ROW 15034 – Located at House Numbers 62R, Hinderwell Street, Scarborough (Category 2 ROW)
Comprising Lot 1003 on Plan 6397 contained in Certificate of Title 2734/909 (refer to Attachment 1 – Locality Plan A).
2. ROW 28085 – Located at House Numbers 2R, Helen Street, Inglewood and 10R India Street, Inglewood (Category 2 ROW)
Comprising Lot 267 on Plan 2175 contained in Certificate of Title 706/41 (refer to Attachment 2 - Locality Plan B);
3. ROW 27010- Located at House Number 42R, Queens Crescent, Mount Lawley (Category 3 ROW)
Comprising of Lot 67 on Plan 2651 contained in multi-lot Certificate of Title 1592/878 (refer to Attachment 3 - Locality Plan C);
4. ROW 27011- Located at House Number 10R, Storthes Street, Mount Lawley (Category 3 ROW)
Comprising Lot 68 on Diagram 3893 contained in multi-lot Certificate of Title 1592/878 (refer to Attachment 4 - Locality Plan D);
5. ROW 28043 – Located at House Number 19R, Carrington Street, Mount Lawley (Category 3 ROW)
Comprising Lot 306 on Plan 2671 contained in Certificate of Title 2756/340 (refer to Attachment 5 – Locality Plan E);

Road dedications are affected by the Minister for Lands in accordance with Section 56 of the *Land Administration Act 1997* (LAA). It is proposed to request dedication of the ROWs and associated laneway widening as follows:

- a. Section 56(1)(a) of LAA provides for the local government to request the dedication of land reserved, acquired or used by the public as a road. The following land parcels set aside for the widening of ROW 28085 are proposed for dedication under this sub-section of the *Act*:
 - i. Lot 14711 on Deposited Plan 33901 and being the whole of the land comprised in Certificate of Title Volume 2224 Folio 134;
 - ii. Lot 300 on Survey-Strata Plan 85948 and being the whole of the land comprised in Crown Land Title Volume LR3175 Folio 709.
- b. Section 56(1)(b) of LAA provides for the owner of a private ROW to request the local government and the Minister for Lands to dedicate the land as a public road. The following ROWs owned by the City in fee simple are proposed for dedication under this sub-section of the *Act*:
 - i. ROW 27010 - Located at House Number 42R, Queens Crescent, Mount Lawley (Category 3 ROW) - comprising of Lot 67 on Plan 2651 contained in multi-lot Certificate of Title 1592/878 (refer to Attachment 3 - Locality Plan C);
 - ii. ROW 27011- Located at House Number 10R, Storthes Street, Mount Lawley (Category 3 ROW) - comprising Lot 68 on Diagram 3893 contained in multi-lot Certificate of Title 1592/878 (refer to Attachment 4 - Locality Plan D);
 - iii. ROW 28043 – Located at House Number 19R, Carrington Street, Mount Lawley (Category 3 ROW) - comprising Lot 306 on Plan 2671 contained in Certificate of Title 2756/340 (refer to Attachment 5 – Locality Plan E).

- c. Section 56(1)(c) of LAA provides for the local government to request the dedication of land comprising a private ROW of which the public has had uninterrupted use for a period of not less than 10 years and which is described on a plan of survey, as road. The following privately-owned ROWs are proposed for dedication under this sub-section of the Act:
- i. ROW 15034 – Located at House Numbers 62R, Hinderwell Street, Scarborough (Category 2 ROW) - comprising Lot 1003 on Plan 6397 contained in Certificate of Title 2734/909 (refer to Attachment 1 – Locality Plan A)
 - ii. ROW 28085 – Located at House Numbers 2R, Helen Street, Inglewood and 10R India Street, Inglewood (Category 2 ROW) - comprising Lot 267 on Plan 2175 contained in Certificate of Title 706/41 (refer to Attachment 2 - Locality Plan B).

It is also proposed that the Minister be requested to dedicate any further parcels of land set aside for the purpose of widening these ROWs under Section 56(1)(a) of the *Land Administration Act 1997*. Any relevant Management Orders would be relinquished by the City and cancelled simultaneously with the dedication of the lands as public roads.

The Department of Planning, Lands and Heritage (DPLH) has in the past advised the City that the request for dedication must include the legal description of subject land and copies of the relevant surveys (Plans, Strata Plans, Deposited Plans, Diagrams - Attachments 6 - 12) with the lots to be dedicated highlighted. The request should also be grouped into Private ROWs, Crown ROW and Crown Reserves as per the recommendations within this report.

Upon dedication of the ROWs as public roads and completion of the planned construction works, applications will be made to Landgate for the naming of the laneways in accordance with Landgate's *'Policies and Standards for Geographical Naming in Western Australia'* and Council's approval.

Financial Assessment and Implications

The cost of undertaking a request for dedication by the City is administrative in nature and no significant expenditure is anticipated to be incurred. Upon completion of the dedication, the roads will form part of the City's road network.

It is desirable for the dedication of the ROW into road status to be completed in preparation for future design works for the ROWs as this enables potential encroachment and boundary disputes to be resolved during the design phase.

In addition to the capital cost for the infrastructure upgrade expected to be incurred in the relevant financial year (which will be partially offset by Development Contributions), future maintenance costs will apply which will be budgeted as part of the City's road maintenance budget.

Stakeholder Engagement

The Rights of Way Management Strategy was advertised for public comment prior to adoption in its final form by Council on 10 November 2009. All submissions received during the advertising period were considered by Council prior to adoption of the Strategy.

The Western Australian Planning Commission has advised that it has no objection to the progressive dedication of land set aside for ROW widening simultaneously with the dedication of the abutting ROWs.

No other public consultation or advertising of the proposed changes to these ROWs is required.

Following Elected Member workshops which were held in February and June 2023 regarding ROWs within the City, the City recently engaged with local residents to gauge their views in respect of several category 4 and 5 ROWs, located in Doubleview and Yokine. The engagement included drop-in sessions at the selected ROWs, followed by a post-engagement survey. The findings from the engagement will help to inform future actions in relation to each category 4 and 5 ROW.

Recommended Action

It is recommended that Council resolves to request the Minister for Lands to dedicate five Rights of Way (ROWs) and all land set aside for the widening of these ROWs as public roads. The dedication of these Rights of Way is requested to facilitate the design and construction program in accordance with the City's Rights of Way Management Strategy.

Relevant Policies, Legislation and Council Resolutions

Sections 56(1)(a), (b) and (c) of the *Land Administration Act 1997* enable a local government to request the Minister for lands to dedicate certain land as road. The ROWs and land set aside for ROW widening meet the requirements for a dedication request to be made to the Minister.

The proposed dedication of ROWs as Roads is not affected by the recent delays from DPLH in the proposals affecting private ROWs under Section 52 of the *Land Administration Act 1997*.

[Land Administration Act 1997](#)
[Local Government Act 1995](#)

Meeting Date	Council Resolution Number	Council Resolution
10 November 2009	1109/014	<ol style="list-style-type: none"> 1. That the revised funding approach for the Rights of Way Management Strategy using City Funds and Development Contributions be ENDORSED in light of the advice from the Department of Regional Development and Lands (Local Government) in relation to the use of Differential General rates and the difficulty associated with administering a rating-based system of funding on strata properties. 2. That a 10 year program for upgrading and dedication of Categories 1, 2 and 3 Rights of Way and acquisition of Categories 4 and 5 Rights of Way be ENDORSED. 3. That the draft Rights of Way Management Strategy as modified and updated (reflecting the revised funding approach using only City Funds and Development Contribution) be ADOPTED.
15 November 2022	1122/012	<ol style="list-style-type: none"> 1. That Council AUTHORISES advertising of the proposal to close Right of Way 28079, being part of Lot 50, House Number 43R, Dundas Road, Inglewood in accordance with Section 52 of the Land Administration Act 1997. 2. That an Elected Member Workshop be HELD within the next 12 months to allow further discussion and review of the strategies and principles of the Rights of Way Management Strategy.

Sustainable Stirling 2022-2032

Key Result Area: Our built environment

Objective: An accessible and connected City

Priority: Provide and maintain safe and accessible roads and parking

Strategic Risk

Strategic Risk	Risk Appetite
Funding	The City will take sufficient financial risk to enable it to achieve its strategic objectives, providing it does not significantly impact on the long term financial sustainability of the City.

Relevant Documents and Information

Attachments

Attachment 1 - Locality Plan A [↓](#)

Attachment 2 - Locality Plan B [↓](#)

Attachment 3 - Locality Plan C [↓](#)

Attachment 4 - Locality Plan D [↓](#)

Attachment 5 - Locality Plan E [↓](#)

Attachment 6 - Diagram 3893 [↓](#)

Attachment 7 - DP33901 [↓](#)

Attachment 8 - Plan 2175 [↓](#)

Attachment 9 - Plan 2651 [↓](#)

Attachment 10 - Plan 3697 [↓](#)

Attachment 11 - Plan 2671 [↓](#)

Attachment 12 - SSP85948 [↓](#)

Available for viewing at meeting

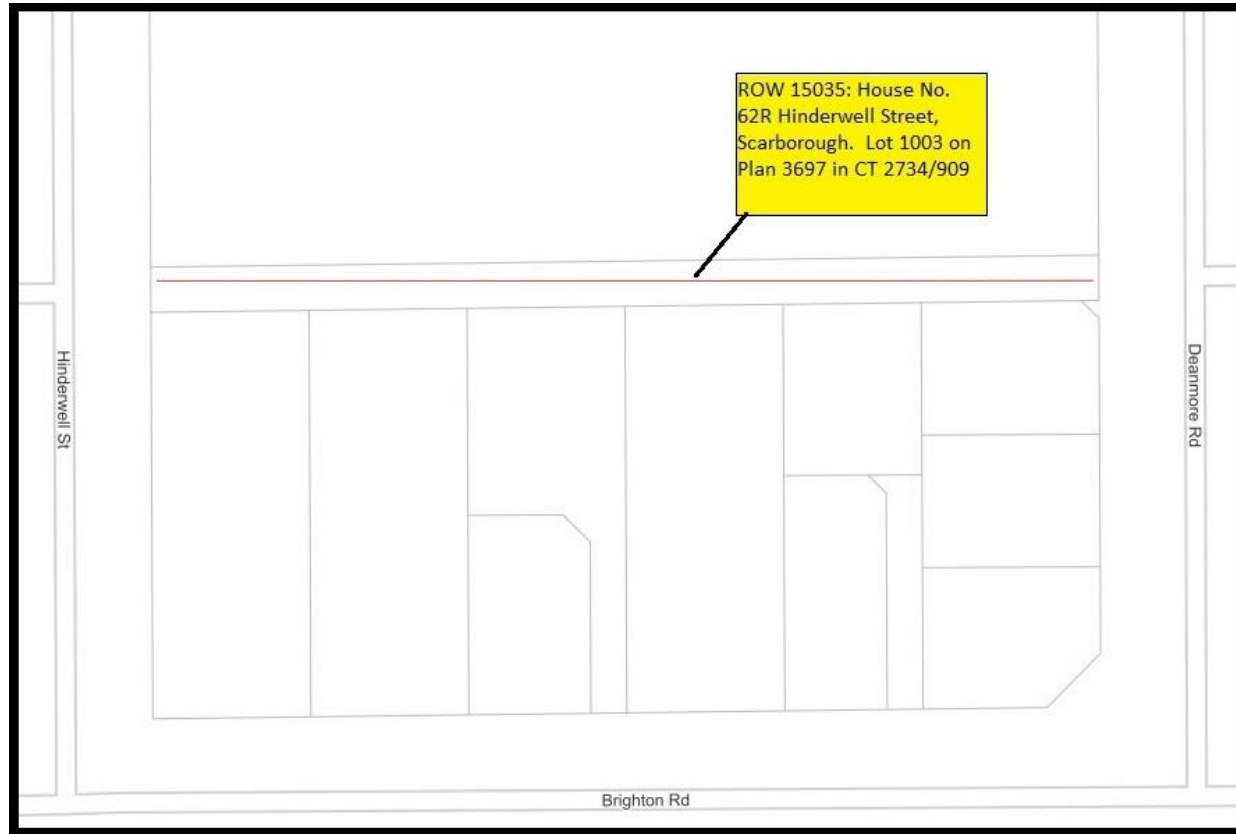
Nil

Linked Documents

Nil

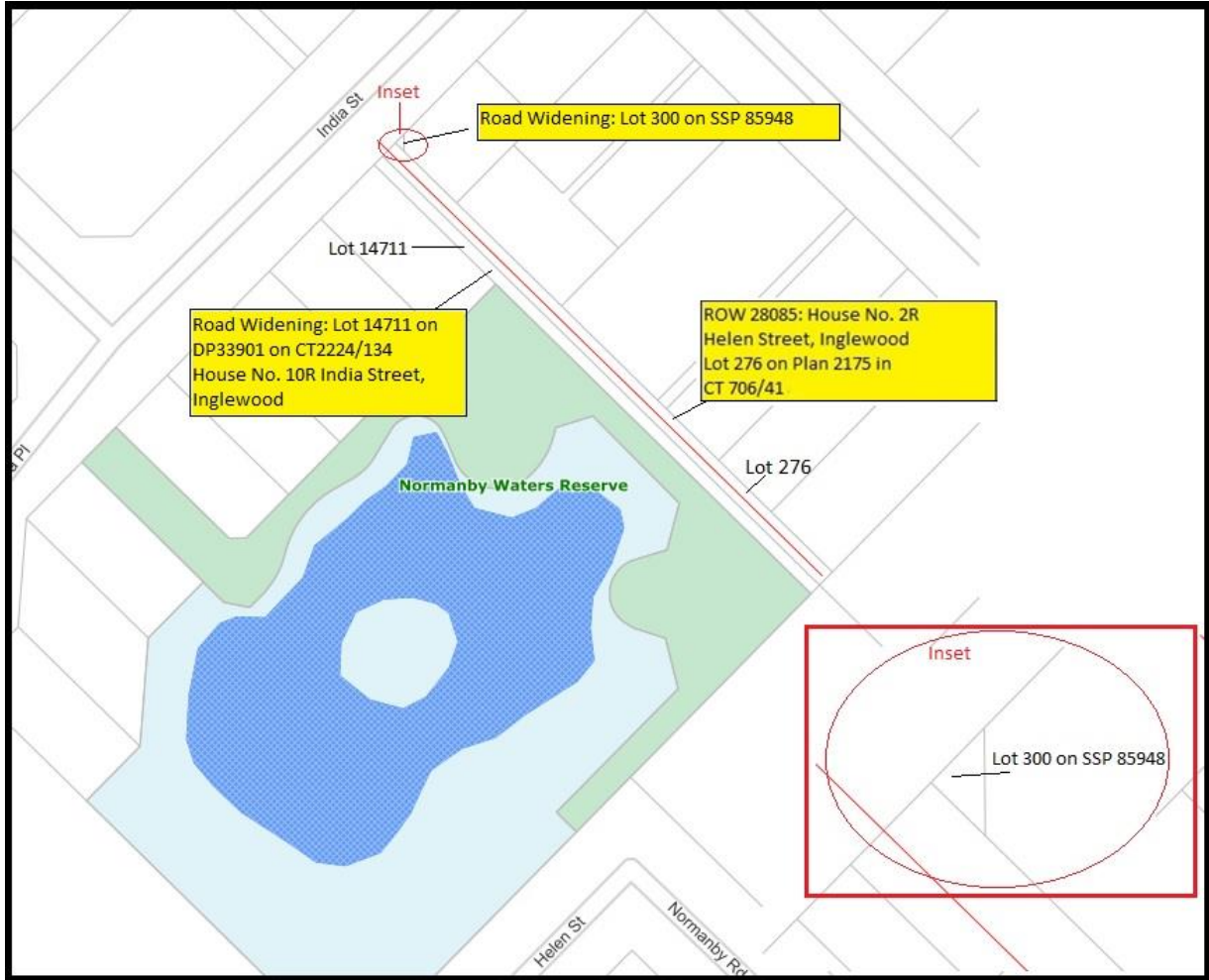
Attachment 1

Locality Plan A ROW 15034



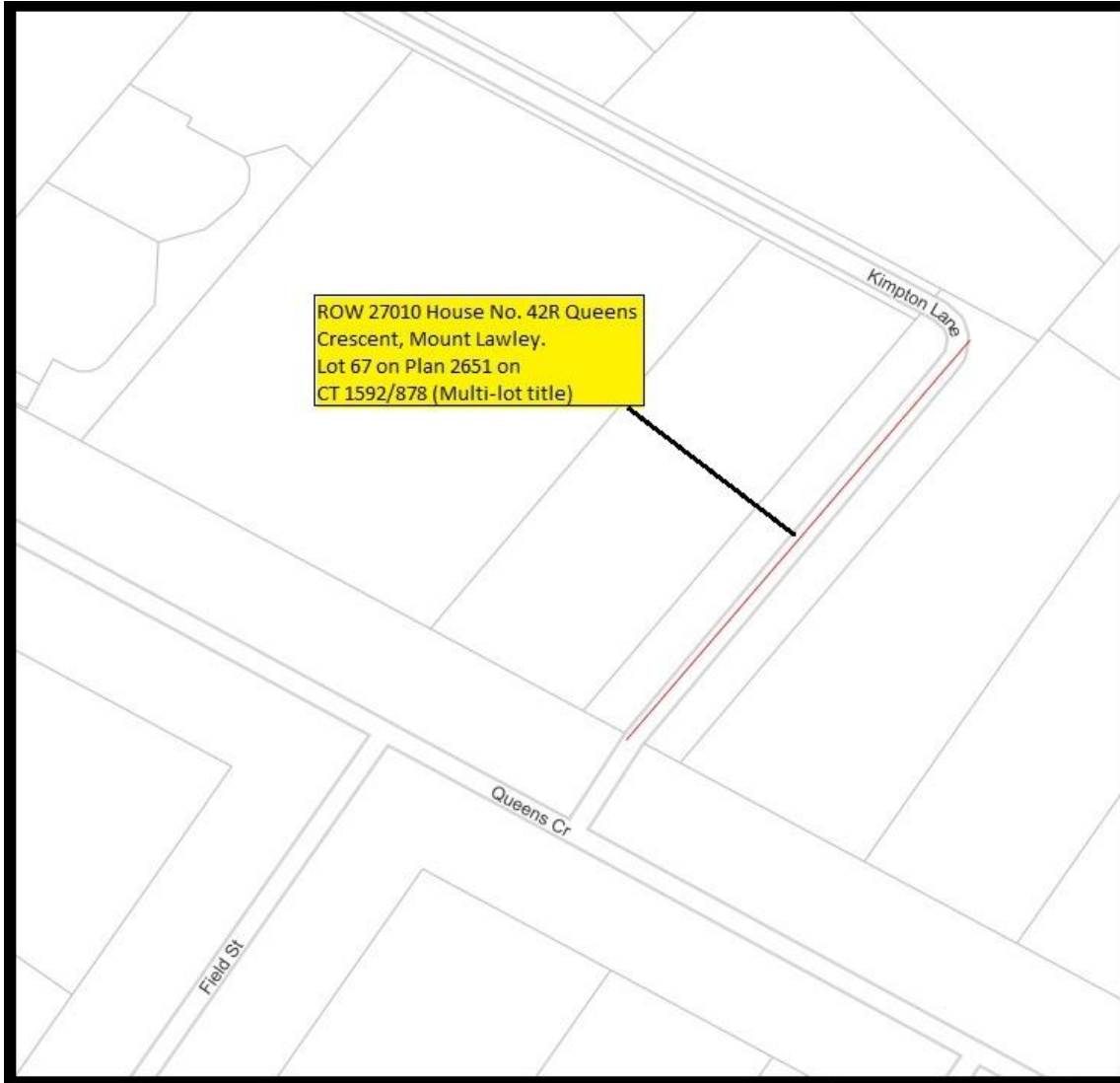
Attachment 2

Locality Plan B ROW 28085 Lot 267 and Lot 14711



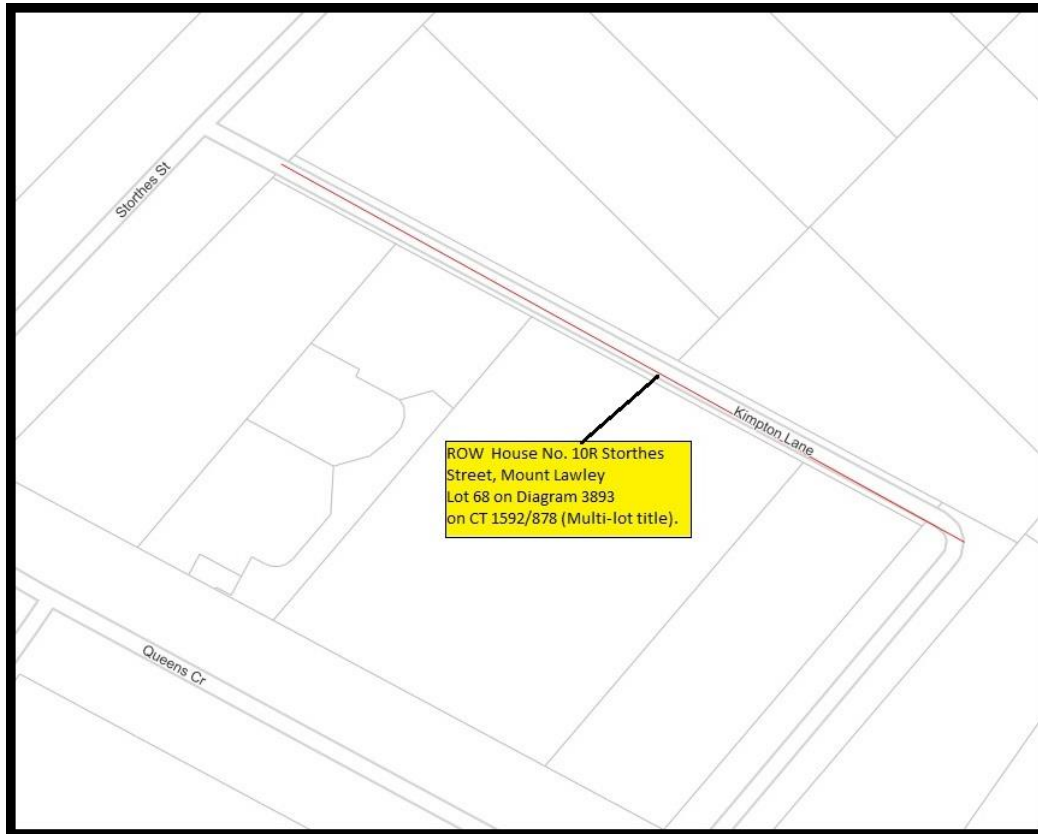
Attachment 3:

Locality Plan C Row 27010



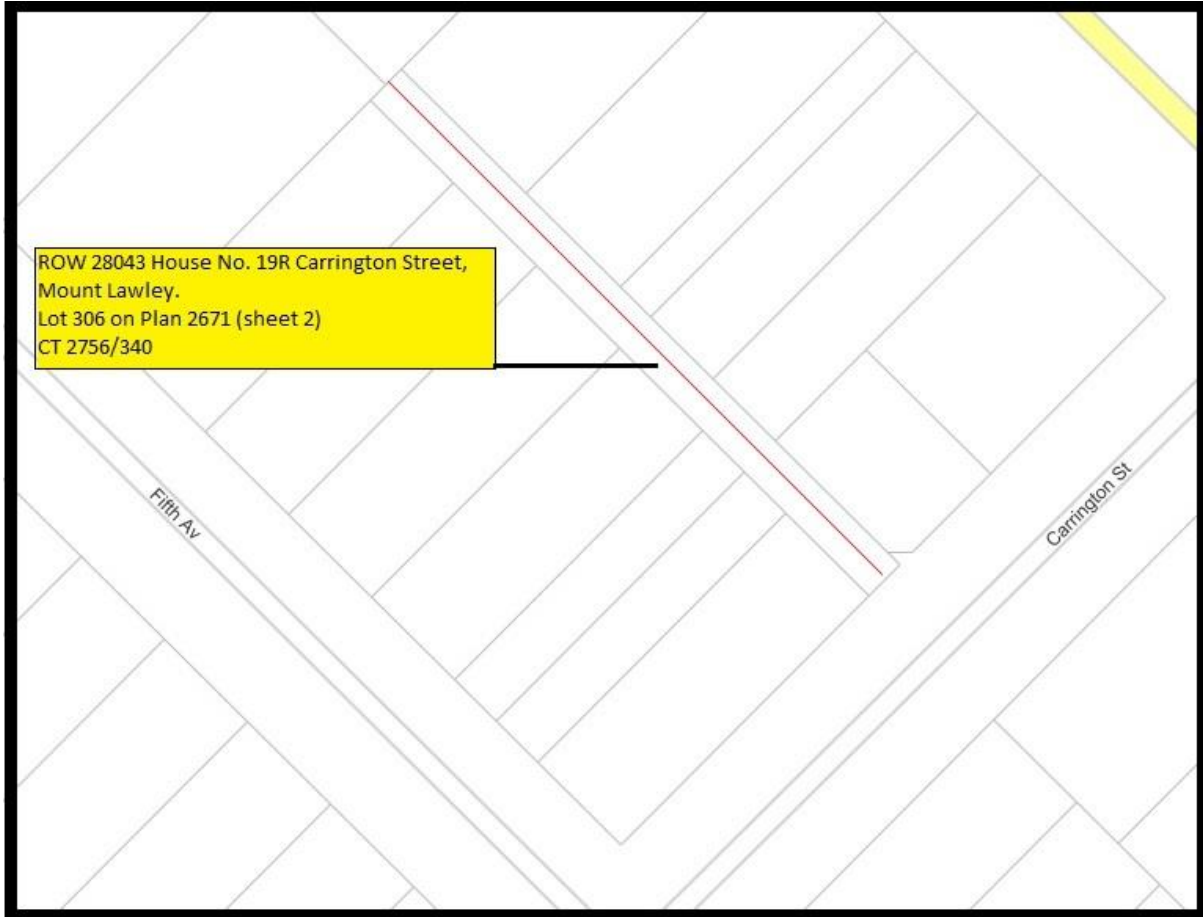
Attachment 4

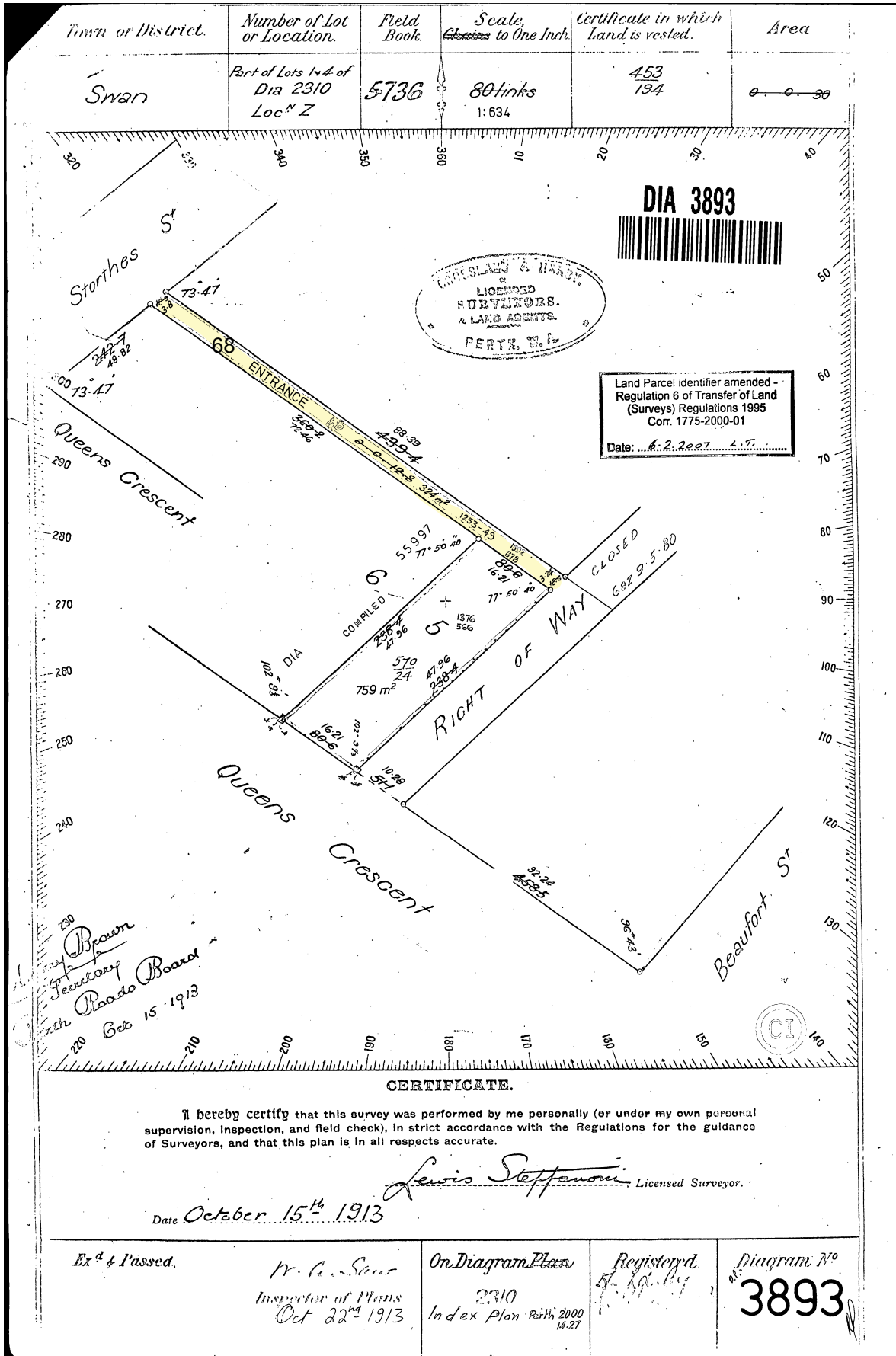
Locality Plan D ROW 27011



Attachment 5

Locality Plan E ROW 28043





LANDGATE COPY OF ORIGINAL NOT TO SCALE Mon Mar 30 08:47:47 2015 JOB 47295902

LANDGATE COPY OF ORIGINAL NOT TO SCALE Fri Oct 14 15:12:00 2011 JOB 37756825

ED/VER	AMENDMENT	BY	SIGNATURE	DATE		LOT	FORMER PI/TENURE	ON PLAN/DIAGRAM	TITLE	TYPE
2/1	REPLACEMENT PLAN REMOVED LOTS 201-206	BD			FOR INTERESTS & NOTIFICATIONS SCHEDULE SEE SHEET 3	LOTS 9000, 14711	PT SWAN LOCATION X	D 11646	C/T 2080/53	FREEHOLD
2/2	ADD EASEMENT TO LOT 14710	PD		5-12-02		LOTS 207-222(incl) & 9000	PT SWAN LOCATION X	D 9705	C/T 2080/52	SUBDIVISION
2/2	RE CERTIFIED CORRECT AMENDED LOTS 14710 & 223	DOLA		5-12-02		LOTS 223 & 14710	PT SWAN LOCATION X	D 9705	C/T 2080/52	PLAN OF
2/3	RE-CERTIFIED CORRECT	C. BRISTOW		14-1-03			PT SWAN LOCATION X	D 11646	C/T 2080/53	

LOTS 207-223, 9000,
14710, 14711,
ROADS & EASEMENTS.

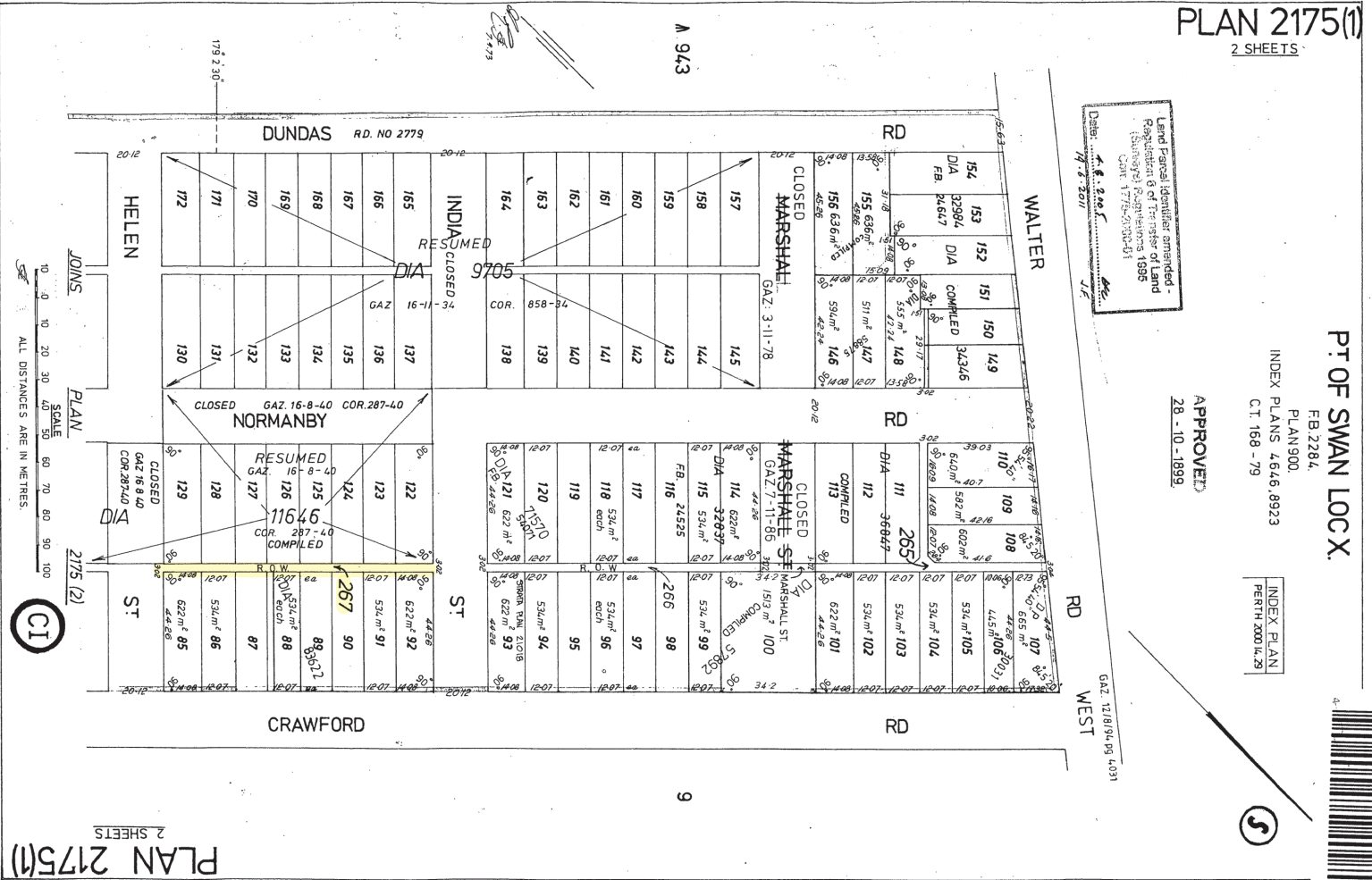
DISTRICT SWAN	EARLY ISSUE YES/NO
TOWNSITE	FORMER TENURE
DOLA FILE	SEE TABLE ABOVE
LOCAL AUTHORITY CITY OF STIRLING	
LOCALITY INGLEWOOD	
ON	FIELD BOOK
INDEX BG34(2) 14-29	87183 87184 (SAM 3346) (SAM 3347)
PUBLIC	88290
SCALE: 1:750 ALL DISTANCES ARE IN METRES	
<small>SURVEYOR'S CERTIFICATE - Reg 54</small> <small>I, GARRY WILLIAM SULLIVAN</small> <small>hereby certify that this is a correct</small> <small>representation of the survey and / or</small> <small>calculation from measurements</small> <small>recorded in the field book lodged for</small> <small>the purposes of this plan and that it</small> <small>complies with the relevant written</small> <small>law(s) in relation to which it is lodged.</small>	
<small>SURVEYOR'S CERTIFICATE - Complied</small> <small>hereby certify that this compiled plan</small> <small>(a) is a correct and accurate</small> <small>representation of the survey(s) of</small> <small>subject land; and</small> <small>(b) is in accordance with the relevant</small> <small>law(s) in relation to which it is lodged.</small>	
<small>Garry William Sullivan</small> 1-11-2002 Licensed Surveyor	<small>Garry William Sullivan</small> 1-11-2002 Licensed Surveyor
<small>SURVEYING & DRAFTING BY</small> <small>WHELANS SURVEY & MAPPING GROUP PTY LTD.</small> <small>(08) 9443 1511 www.whelans.com.au</small>	
<small>LODGED</small> <small>DATE: 10/03</small> <small>FEE PAID: \$1198</small> <small>ASSESS No: 360258</small>	<small>TYPE OF VALIDATION</small> <small>FULL AUDIT</small> <small>LEGAL COMPONENT</small> <small>BOOKET PLAN/DIAG 29035</small> <small>CERTIFIED CORRECT</small> <small>F.S.C. 296-2002</small>
<small>APPROVED BY</small> <small>WESTERN AUSTRALIAN</small> <small>PLANNING COMMISSION</small> <small>FILE 114547</small> <small>15-1-2003</small>	
<small>IN ORDER FOR DEALINGS</small> <small>SUBJECT TO</small> <small>SEC. 295(5) OF THE LOCAL GOVT. ACT AND</small> <small>SECS 12A, 20A AND 27A OF THE</small> <small>T.P.S.D. ACT</small> <small>17.1.2003</small> <small>FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER</small>	
<small>APPROVED</small>	
<small>INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER</small>	
<small>DEPOSITED PLAN</small> 33901	
<small>SHEET 1</small> <small>EDITION 2</small>	<small>OF 3</small> <small>VERSION 3</small>

DP 33901 (01)

WHELANS

133 Scarborough Beach Road, PO Box 99
Mount Hawthorn, 6016 Western Australia
Telephone (08) 9443 1511, Fax (08) 9444 3901
Email: whelans@whelans.com.au
0894491.dgn FP-08134-002-VER 3.0

SUBDIVISION BY EARLY ISSUE PROCESS



PLAN 2175(1)
2 SHEETS

Land Parcel Identifier amended -
Regulation of Transfer of Land
(Statutory Provisions 1989)
CPI: 1775-20014-29
Date: 14.8.2016
17.8.2011

Pt OF SWAN LOCX.

FB 2284,
PLAN 900,
INDEX PLANS 4646, 9923
CT 168 - 79

APPROVED
28 - 10 - 1899

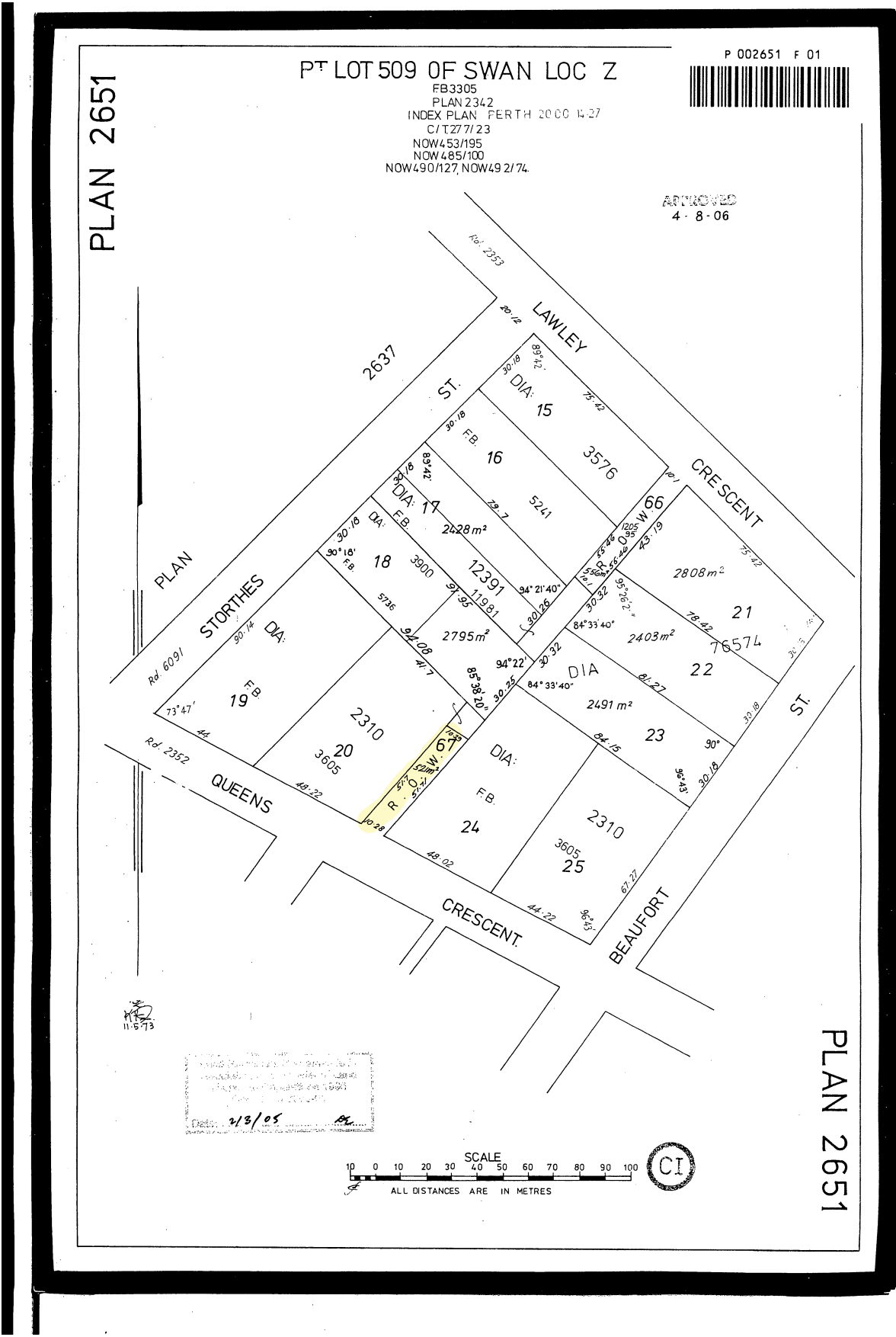
INDEX PLAN
PERTH 20014.29



P 002175 F 01

PLAN 2175(1)
2 SHEETS

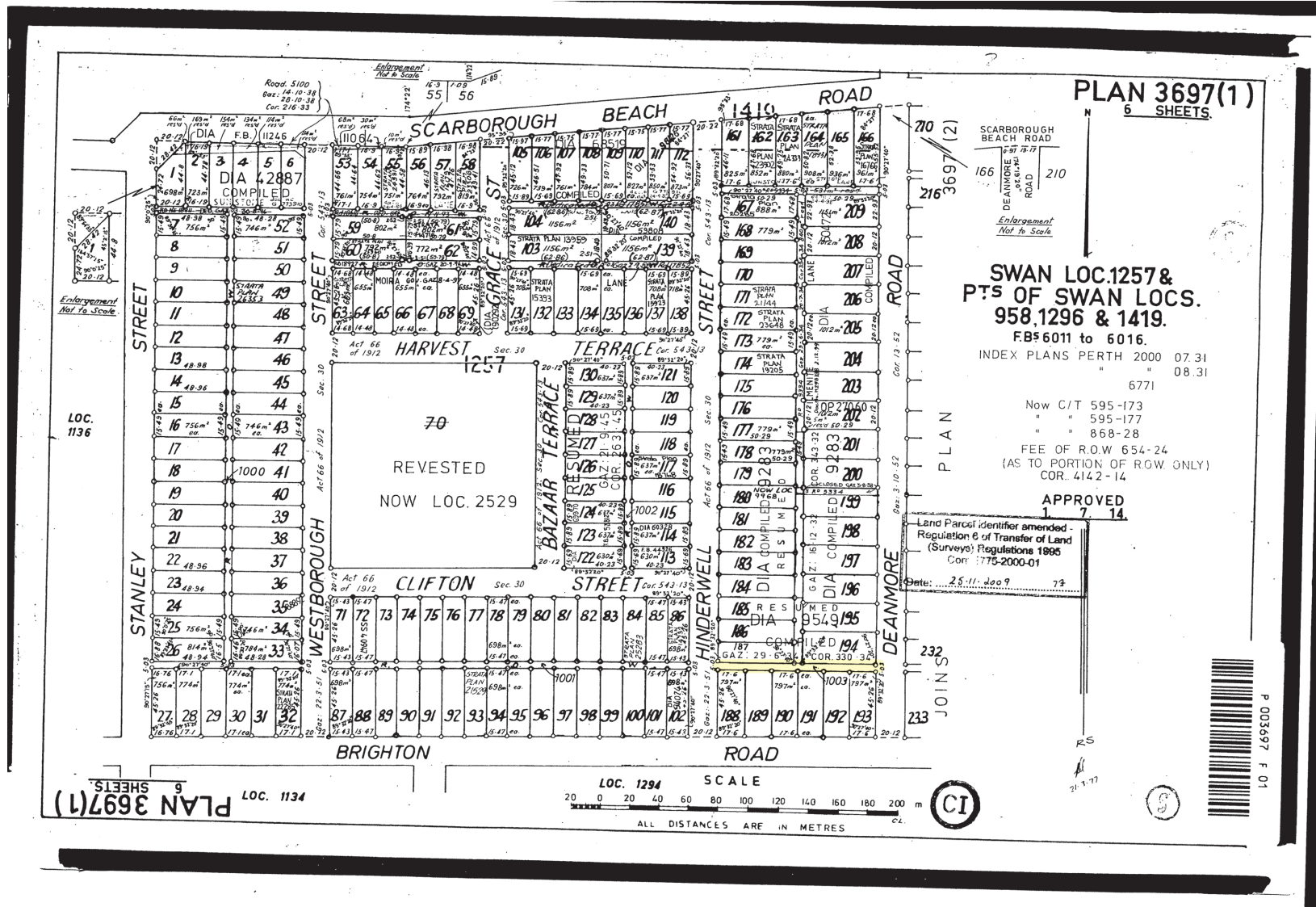
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LANDGATE COPY OF ORIGINAL NOT TO SCALE 18/04/2024 12:44 PM Request number: 66486299

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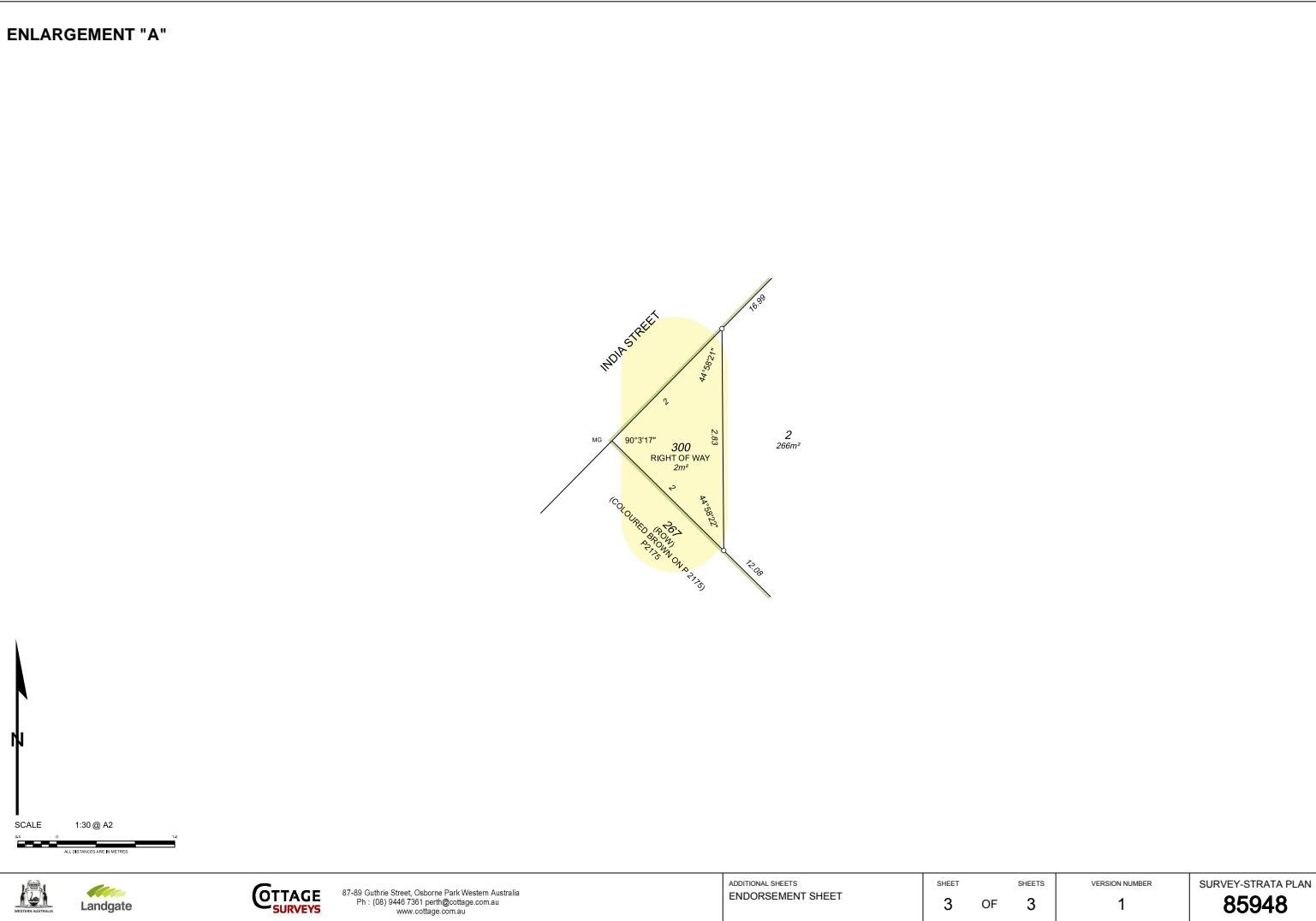
www.landgate.wa.gov.au

<p>Plan Information</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Tenure Type</td><td>Freehold Strata</td></tr> <tr><td>Plan Type</td><td>Survey-Strata Plan</td></tr> <tr><td>Plan Purpose</td><td>Subdivision</td></tr> </table> <p>Plan Heading</p> <p>LOTS 1-2, 300 AND ROAD WIDENING</p> <p>Strata Scheme Details</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Scheme Name</td><td>335 CRAWFORD ROAD INGLEWOOD</td></tr> <tr><td>Lodgement of scheme by-laws</td><td>No</td></tr> </table> <p>Parcel Address</p> <p>335 CRAWFORD ROAD, INGLEWOOD</p> <p>Locality and Local Government</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Locality</td><td>INGLEWOOD</td></tr> <tr><td>Local Government</td><td>CITY OF STIRLING</td></tr> </table> <p>Planning Approval</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Planning Authority</td><td>Western Australian Planning Commission</td></tr> <tr><td>Reference</td><td>628-19</td></tr> </table>	Tenure Type	Freehold Strata	Plan Type	Survey-Strata Plan	Plan Purpose	Subdivision	Scheme Name	335 CRAWFORD ROAD INGLEWOOD	Lodgement of scheme by-laws	No	Locality	INGLEWOOD	Local Government	CITY OF STIRLING	Planning Authority	Western Australian Planning Commission	Reference	628-19	<p>Survey Details</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Survey Method</td><td>Conventional Survey</td></tr> <tr><td>Field Records</td><td>158905</td></tr> <tr><td>Declared as Special Survey Area</td><td>No</td></tr> </table> <p>Survey Certificate - Regulation 54</p> <p>I hereby certify that this plan is accurate and is a correct representation of the --- (a) " survey, and/or (b) " calculations from measurements recorded in the field records; [* delete if inapplicable] undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.</p> <div style="text-align: right; margin-top: 10px;"> <div style="font-size: small; margin-left: 5px;"> Digitally signed by Joanne Marie Lovett DN: cn=Joanne Marie Lovett, ou=Cottage and Engineering Surveys, ou=, email=joanne@cottagesurveys.com.au, c=AU Date: 2022.08.08 16:45:46 +0800 </div> </div> <p>JOANNE MARIE LOVETT (NEE HERRINGTON) Date Licensed Surveyor</p> <p>Survey Organisation</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Name</td><td>COTTAGE & ENGINEERING SURVEYS</td></tr> <tr><td>Address</td><td>OSBORNE PARK 6917</td></tr> <tr><td>Phone</td><td>9446 7361</td></tr> <tr><td>Fax</td><td>9445 2998</td></tr> <tr><td>Email</td><td></td></tr> <tr><td>Reference</td><td>T455842 23-08-2022</td></tr> </table>	Survey Method	Conventional Survey	Field Records	158905	Declared as Special Survey Area	No	Name	COTTAGE & ENGINEERING SURVEYS	Address	OSBORNE PARK 6917	Phone	9446 7361	Fax	9445 2998	Email		Reference	T455842 23-08-2022	<p>Former Tenure</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>New Lot / Land</th> <th>Parent Plan Number</th> <th>Parent Lot Number</th> <th>Title Reference</th> <th>Parent Subject Land Description</th> </tr> </thead> <tbody> <tr> <td>1-2, 300</td> <td>P2175</td> <td>LOT 92</td> <td>217-187A</td> <td></td> </tr> </tbody> </table> <p>Vesting Lots</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Land</th> <th>Purpose</th> <th>Statutory Reference</th> <th>Origin</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>LOT 300</td> <td>RIGHT OF WAY</td> <td>SEC. 152 OF THE P&D ACT 2005</td> <td>THIS PLAN</td> <td></td> </tr> </tbody> </table>	New Lot / Land	Parent Plan Number	Parent Lot Number	Title Reference	Parent Subject Land Description	1-2, 300	P2175	LOT 92	217-187A		Land	Purpose	Statutory Reference	Origin	Comments	LOT 300	RIGHT OF WAY	SEC. 152 OF THE P&D ACT 2005	THIS PLAN	
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	87-89 Guthrie Street, Osborne Park, Western Australia Ph : (08) 9446 7361 perth@cottagesurveys.com.au www.cottagesurveys.com.au	ADDITIONAL SHEETS ENDORSEMENT SHEET	SHEET SHEETS 1 OF 3	VERSION NUMBER 1	SURVEY-STRATA PLAN 85948																																																					

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ENLARGEMENT "A"



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ADDITIONAL SHEETS
ENDORSEMENT SHEET

SHEET 3 OF 3 SHEETS

VERSION NUMBER 1

SURVEY-STRATA PLAN
85948



Schedule of Unit Entitlements

Approved form number 2021-47738
Effective for use from 07/07/2021



Legislation

Strata Titles Act 1985

Section 37, Schedule 2A cl. 21T(1)(d) & Schedule 2A cl. 31E(1)(c)

Unit Entitlement Schedule

Scheme Number SP85948

Scheme Address 335 Crawford Road, Inglewood

Lot Number	Unit Entitlement
1	55
2	45

Sum of all unit entitlements of all lots in the strata titles scheme: 100

CERTIFICATE OF LICENSED VALUER

I, **Darren Starcevich**, being a Licensed Valuer, licensed under the *Land Valuers Licensing Act 1978*, certify that the proportion that the unit entitlement of a lot as stated in the Schedule of Unit Entitlements above bears to the sum of the unit entitlements of all lots in the strata titles scheme is not greater than 5% more or 5% less than the proportion that the value (as that term is defined in section 37(3) of the *Strata Titles Act 1985*) of that lot bears to the sum of the value of all the lots in the strata titles scheme.

25th August 2022

Date

Digitally signed by D. Starcevich AAPI Licensed Valuer No. 44415

Licensed Valuer Signature

8. MATTERS BEHIND CLOSED DOORS

Nil.

9. MEMORANDUM OF OUTSTANDING BUSINESS

#	Item	Item Presented	Responsible Officer	Future Actions
1.	Local Planning Scheme No.3 - Scheme Amendment No.113 and Local Planning Policy 6.17 - Protected Tree Register - Outcomes of Advertising	15 November 2022	Manager City Future	<p>The Department of Planning, Lands and Heritage has delayed making a recommendation on Amendment No.113 until the WAPC has considered planning scheme controls proposed by other local governments to retain trees on private land. This will allow the WAPC to ensure consistent tree retention controls apply across local government. It has been confirmed that the City of Nedlands' amendment was refused in early February 2024. It is expected that WAPC will now make a decision on Amendment No.113.</p> <p>Once that decision has been made, and Amendment No.113 considered, a report on the outcomes of advertising of Local Planning Policy 6.17 - Protected Tree Register will be presented to a future Planning and Development Committee meeting.</p>
2.	Lease and Licence Agreement – Proposed Policy	15 August 2023	Manager Commercial Portfolio	<p>An Elected Member Workshop was held on 22 April 2022 to discuss the matter. Following further consultation with Elected Members, it is anticipated a report will be presented to Council in late 2024.</p>

#	Item	Item Presented	Responsible Officer	Future Actions
3.	Notice of Motion - Councillor Lisa Thornton - Land Acquisition for Public Open Space in Osborne Park	30 May 2023	Manager City Future	Funding options for Public Open Space in Osborne Park will be provided as part of the 2024/2025 Statutory Budget report.
4.	Notice of Motion - Councillor Lisa Thornton - Tree Retention on Private Property Planning Controls	21 November 2023	Manager City Future	<p>An Elected Member Workshop was held on 5 December 2023 to provide officers with direction regarding trees on private property. A number of options were presented to address tree protection across the City including use of local laws, insurance relating to damage from trees, reviewing canopy cover targets, City tree planting and retention on City land, scheme amendments, developer obligations, and rates subsidies.</p> <p>At the Electors General Meeting 18 March 2024, a number of Motions were carried relating to tree canopy retention. It is anticipated that a report will be presented to Council in July 2024 addressing this outstanding item, and electors motions relating to tree canopy retention.</p>

#	Item	Item Presented	Responsible Officer	Future Actions
5.	Lot 0 on Plan 12303 – 273 West Coast Highway, Scarborough WA 6019	13 February 2024	Manager Commercial Portfolio/Manager City Future	An Elected Member workshop will be held on 24 June 2024 to discuss opportunities for the site.
6	Naming of Hutton Street Extension	12 March 2024	Manager City Future	It is anticipated that a report will be presented to the Planning and Development Committee meeting to be held 4 June 2024.

10. CLOSURE

The Presiding Member to declare the meeting closed.