



Ordinary Meeting of the 39th Council 14 September 2021

Minutes

To: The Mayor and Councillors

Here within the Minutes of the Ordinary Meeting of Council of the City of Stirling held Tuesday 14 September 2021 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.

Stuart Jardine PSM | Chief Executive Officer

Our Vision, Mission and Values

Vision

The City of Stirling will be a place where people choose to live, work, visit and invest. We will have safe and thriving neighbourhoods with a range of housing, employment and recreational opportunities. We will engage with our diverse community to help shape our future into the City of Stirling - City of Choice.

Mission

To serve the City's diverse community through delivering efficient, responsive and sustainable services.

Values

The City of Stirling's core values are:-

- Agile
- Approachable
- Inclusive
- Innovative
- Inspiring
- Respectful
- Transparent

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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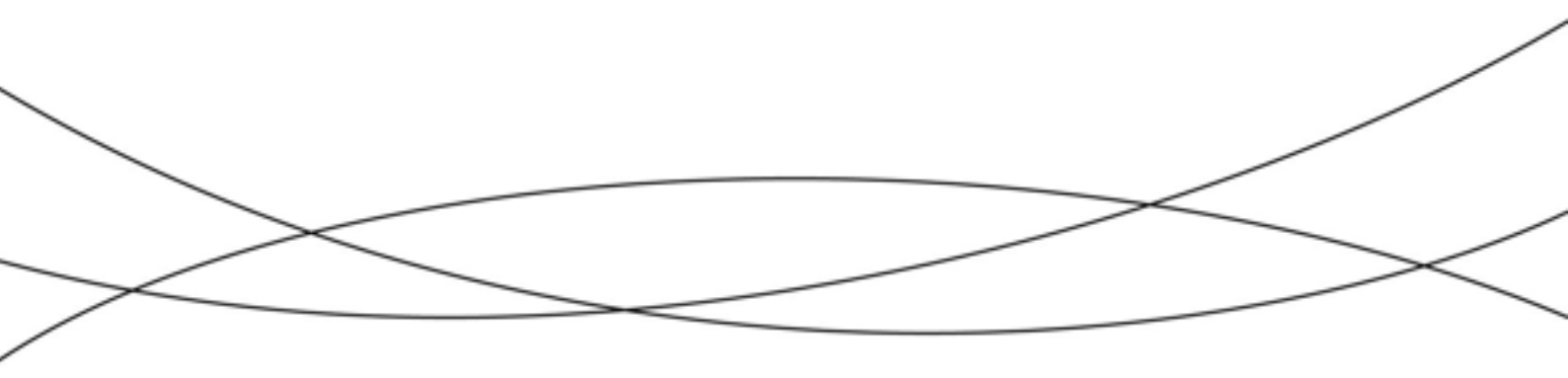


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**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF TUESDAY 14
SEPTEMBER 2021 HELD IN CITY OF STIRLING COUNCIL CHAMBER,
25 CEDRIC STREET, STIRLING****1. OFFICIAL OPENING**

The Presiding Member declared the Ordinary Meeting of Council open at 7.01pm.

2. ATTENDANCE AND APOLOGIES**ATTENDANCE**

Mayor Mayor Mark Irwin

Deputy Councillor Bianca Sandri

Councillors Councillor Karen Caddy
Councillor Joe Ferrante
Councillor Felicity Farrelly
Councillor Chris Hatton
Councillor David Lagan
Councillor Suzanne Migdale
Councillor Karlo Perkov
Councillor Stephanie Proud JP
Councillor Elizabeth Re
Councillor Keith Sargent
Councillor Lisa Thornton

Employees Chief Executive Officer - Stuart Jardine PSM
Director Community Development - Michael Quirk
Director Infrastructure - Michael Littleton
Acting Director Corporate Services - Dan Richards
Acting Director Planning and Development - Fraser Henderson
Manager Development Services - Amanda Sheers
Manager Engineering Services - Paul Giamov
Manager Governance - Jamie Blanchard
Acting Manager City Future - Daniel Heymans
Coordinator Development Services - Giovanna Lumbaca
Media & Corporate Affairs Coordinator - Caitlin Tiller
Senior Governance Advisor - Daniel Govus
Senior Governance Officer - Regan Clyde
Senior Governance Officer - Jackson Mawby
Senior Planning Officer - James Fletcher
Governance Officer - Mikayla Phillips

Public 34

Press 0

APOLOGIES

Councillor Adam Spagnolo

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.

Planning and Development Committee - 7 September 2021

Mayor Mark Irwin disclosed an Impartial Interest in Item 12.1/DS1 as he met with the applicant on site.

Councillor Bianca Sandri disclosed a Financial Interest in Item 12.1/DS1 as the applicant is her business.

Councillor Joe Ferrante disclosed an Impartial Interest in Item 12.1/DS4 as the applicant is known to him.

Mayor Mark Irwin disclosed an Impartial Interest in Item 12.1/DS4 as the applicant is known to him.

Councillor Felicity Farrelly disclosed an Impartial Interest in Item 12.1/CF1 as the road reservation of West Coast Highway is not impacting on her house.

Mayor Mark Irwin disclosed an Impartial Interest in Item 12.1/CF1 as his mother resides in the Scarborough Redevelopment Zone.

Councillor Bianca Sandri disclosed an Impartial Interest in Item 12.1/CF1 as she sits on LRC for DevelopmentWA.

Council Meeting - 14 September 2021

Councillor Felicity Farrelly disclosed an Impartial Interest in Item 13.1 as she is a JDAP member but not on this panel of JDAP.

Councillor Suzanne Migdale disclosed an Impartial Interest in Item 13.1 as the Item is coming to JDAP and she sits on JDAP.

Councillor Elizabeth Re disclosed an Impartial Interest in Item 13.1 as she is the JDAP member.

Councillor Chris Hatton disclosed an Impartial in Item 14.1 as he lives nearby the park.

5. PETITIONS**5.1 E-PETITION - SAY NO TO WEMBLEY DOWNS COMMUNITY & CHILD CARE DEVELOPMENT DA21/0729**

Councillor Elizabeth Re tabled the following ePetition containing 149 verified signatures:-

"We, the undersigned, do respectfully request that Council refuse the development for the following reasons:-

- *The consultation period was very short and most were not informed. Under the Local Planning Schemes Regulations 2015, in determining planning applications, Local Governments must consider community views.*
- *Setbacks, access, egress, visual amenity, privacy, streetscape, pedestrian, car safety, and other significant noise issues are already compromised.*
- *The corners of Hale Road and Unwin Avenue are dangerous and congested due to double parking, school drop offs, pickups and lack of parking. This leads to many people parking on the road including large noisy service trucks at all hours.*
- *Overshadowing to closest residents affecting solar panels and lifestyle.*
- *Plot ratio of a large building being approximately 400m² too big.*
- *The residential area streetscape, character and Design WA Planning Scheme outcomes have not been met (State planning policy 7.3 Vol 2).*
- *Traffic on Hale Road is a main distributor road for six schools and is a truck route, and is already dangerous and congested.*
- *There are many accidents and a blind corner at the corner of Unwin & Hale Rd."*

The petition has been forwarded to the Development Services Business Unit.

5.2 PETITION - REQUEST TO REFUSE DA21/0729 - CHILD CARE PREMISES AT 159 HALE ROAD AND 24 UNWIN ROAD, WEMBLEY DOWNS

Councillor Elizabeth Re tabled the following petition containing 38 verified signatures:-

"We, the undersigned, do respectfully that the Council refuse the development for the following reasons:-

- 1. Consultations with ratepayers and residents who live in close proximity to the site were not informed and the consultation period was very short. Under the Planning and Development (Local Planning Schemes) Regulations, the views of the community are one of the considerations by the local government in the determination of planning applications.*
- 2. Setbacks, access, egress, visual amenity, privacy, streetscape, pedestrian and car safety, and significant noise issues are already being compromised at that location. Daily long operating hours and being open 7 days a week, noise and insufficient navigation of noisy service vehicles.*
- 3. Does not meet the acceptable outcomes as listed in Volume 2 of the State Planning Policy 7.3 with regard to many issues that affect good planning and the amenity of the existing area.*
- 4. Site coverage and building height - large plot ratio is too big for the site, large scale building of nearly 400m² is not appropriate or in line with the streetscape of a residential area and the character of the area, and the Design WA Planning Scheme.*
- 5. Overshadowing to adjacent existing residents which would effect solar panels and the health and wellbeing of users and the community in general.*
- 6. Traffic - Hale Road is already congested, a main distributor road for six local schools and a truck route; is already dangerous with lots of accidents, the corner of Unwin and Hale Road has a blind corner that is a double parking school drop-off and pick-up zone currently.*
- 7. Parking and parking bays - with 27 car parking bays proposed onsite of which 12 would be visitor bays that would predominately utilised at the same time, causing more congestion on the road and more street parking on the local side streets which is also a safety issue, and there is insufficient parking now for school users.*
- 8. Cumulative impacts arising from the physical design, car parking, traffic and noise together are such that the proposed development is ill-suited to what might reasonably be able to be accommodated and is therefore incompatible with its context, as per WASAT 63.*

This will result in exacerbating issues as well as creating new issues within this residential area. Residents in this residential area will have these unwelcome issues thrust onto them. Does the City of Stirling expect us to take on their responsibility of accommodating setbacks, access, egress, visual amenity, privacy, streetscape, pedestrian, resident and car safety and significant noise?"

The petition has been forwarded to the Development Services Business Unit.

5.3 PETITION - CHURCHLANDS GREEN TRAFFIC MANAGEMENT SYSTEM

Councillor Elizabeth Re tabled the following petition containing 86 verified signatures:-

"We, the undersigned, do respectfully request that the Council return the traffic management system to the original plan for the following reasons:-

- The trials have been initiated by a small number of residents who do not represent the views of all.*
- The trials have been expensive, gone on for several months post the agreed time frames, and have simply moved traffic from one area to another.*
- Created safety issues especially around Churchlands Primary School (Corner of Pearson Street and Cromarty Road) which may make the City liable at this intersection should you choose to permanently divert traffic to this location.*
- The closures impact emergency vehicle access.*
- Many residents have not been consulted and would like to be prior to making any permanent changes.*

The petition has been forwarded to the Engineering Services Business Unit.

Council Resolution

0921/001

Moved Councillor Proud, seconded Councillor Farrelly

That Council RECEIVES the petitions tabled at the Council meeting held Tuesday, 14 September 2021 and the petitions be REFERRED to the Chief Executive Officer for the appropriate action.

The motion was put and declared CARRIED (13/0).

For: Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Nil.

6. RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

The responses to questions that were answered during Public Question Time at the previous Council meeting were published in the minutes of that meeting.

7. PUBLIC QUESTION TIME

Council Resolution

0921/002

Moved Councillor Migdale, seconded Councillor Perkov

That in accordance with Clause 5.7(12) of the City of Stirling's Meeting Procedures Local Law 2009, Public Question Time be EXTENDED for up to 45 minutes to respond to questions from members of the public who have registered.

The motion was put and declared CARRIED (13/0).

For: Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Nil.

7.1 PUBLIC QUESTION TIME - V KILMAITIS

The following questions were submitted by V Klimaitis, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"I note that the Council has provided its RAR to the JDAP for this development and has recommended it be approved. This recommendation was provided even though the specific policy with respect to Child Care Premises (LPP 6.4) expressly states that it applies to 'all childcare premises developments' and the proposed development was not in an area approved by the Policy, specifically a Corridor Class 1, 2 or 3 road, nor within 100m of an Activity Centre. Further, the very first, main objective of the Policy is 'to promote the establishment of Child Care Premises in proximity to activity centres and along corridors.' I understand that the Council is not bound by any policy statements when making development decisions. However, the LPS3 also states that Council is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination. I further understand that the Council is not the decision maker in this case. However, the Council's RAR is absolutely a hugely influential document in the decision-making process and so I would appreciate not receiving a simple answer of we are not the decision makers here. My question is then, given the facts outlined above, specifically the clear and unequivocal policy to not have childcare premises in residential zones that don't meet the policy, how can the Council be satisfied that they have truly given due regard to that policy?"*
- A1. The Acting Director Planning and Development advised that officers have written a comprehensive assessment of the report. Officers have had regard to the policy in making the recommendation, and it has been called in by Council who will consider that, and consider a recommendation to the JDAP.
- Q2. *"Given that one of the stated values of the Council is to be 'transparent', how is the Council able to determine that the clear and specific location criteria of the Child Care Premises Policy should be set aside in favour of the vague, subjective objectives of LPS3; specifically the objective to 'provide for a range of non-residential uses which are compatible and complimentary to residential development?"*
- A2. The Acting Director Planning and Development advised that the report is on the Agenda for Council's consideration, and it explains how and why the recommendation has been made against all of the planning framework. It is a completely open and transparent process.
- Q3. *"Given that LPS3 states that 'Local Planning Policy is not part of the Scheme and does not bind the Council in respect of any application for planning approval', does the Council agree that, in practice, virtually any commercial development could be approved based on the vague, subjective objective of residential zones 'provide for a range of non-residential uses which are compatible and complimentary to residential development?"*
- A3. The Acting Director Planning and Development advised that the Western Australian planning system is largely based on discretion and applying discretion. Planning documents give guidance for decisions, and applications are considered on their merits by officers who write the report and make a recommendation. The item is on the agenda for Council's consideration, and it will make a recommendation to the JDAP.

7.2 PUBLIC QUESTION TIME - C PAY

The following questions were submitted by C Pay, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"The Policy Manual for Child Care Premises has an objective 'to minimise the adverse impacts of the bulk and scale of Child Care Premises on neighbouring properties and the streetscape, and that buildings are consistent with the built form of an area, including future character.' How do you propose to fulfil this objective as the plans that have been provided are offensive, ugly and have no consistency with the surrounding properties?"*
- A1. The Acting Director Planning and Development advised that the City's RAR outlines that the built form of the development is consistent with the applicable development standards of the Residential zone and corresponding Residential R20 density coding. This item is on the agenda and will be considered by Council.
- Q2. *"The Policy Manual for Child Care Premises states that noise-generating activities such as outdoor play areas, vehicle access ways, car parking areas and any plant and equipment use will be located away from noise-sensitive land uses such as residential dwelling. How will this be achieved in a high-density residential area?"*
- A2. The Acting Director Planning and Development advised that the City's RAR outlines the outdoor play areas are located away from the southern and eastern residential boundaries, and the playscape areas are proposed to be buffered via acoustic fencing / walls. The applicant submitted an Environmental Acoustic Assessment, which has been reviewed by the City and determined it complies with the environmental protection noise regulations. The City has also proposed a condition in the RAR relating to noise mitigation and operational matters to further address that.
- Q3. *"The Policy Manual for Child Care Premises advises that, 'Child Care Premises on corner sites shall be designed to address the street with the least impact on surrounding residential properties. Assessment of these applications will place strong emphasis on the effect of the traffic and parking'. How will this be achieved in a street that is not designed for on-road parking and is close to an already dangerous and busy junction? The parking spaces provided by the centre will not be enough for the number of children attending the centre plus the number of staff including carers, administrators, caterers, cleaners and maintenance. Please provide a plan for increased parking that meets the requirements laid out in the policy manual."*
- A3. The Acting Director Planning and Development advised that this matter is covered in the City's RAR. The development provides for the number of parking bays required in accordance with the City's Local Planning Policy 6.7 Parking and Access.

7.3 PUBLIC QUESTION TIME - K ROWLANDS

The following questions were submitted by K Rowlands, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *“Best practice for development planning is to co-locate services that are complementary e.g. childcare and supermarkets. Since this development is in the middle of an established residential area with no other complementary services, how can this be considered good planning versus locating the centre at an existing commercial site e.g. Ocean Village shopping centre?”*
- A1. The Mayor advised that the City’s RAR outlines that the proposed development is located opposite an educational establishment with Hale school located directly north of the subject site. The Mayor further advised that the Item was on the Agenda for the meeting and will be considered by Council.
- Q2. *“Residents are clearly against the proposed childcare centre being located on Unwin Avenue. How do planners justify this over-riding of community desires, especially since local community is the target customer base for the centre?”*
- A2. The Acting Director Planning and Development advised that the outcomes of the public consultation are included in the City’s RAR. Officers assess the public consultation in terms of the planning matters that are raised and then address those planning matters and that is what has happened in this case.
- Q3. *“The intersection of Unwin Avenue and Hale Road is a well-known traffic black spot both for cars entering Hale Road from Unwin Avenue in both directions, as well as cars travelling in both directions along Hale Road. School crossing wardens are only in attendance from 7.30-9am and 2.30-4pm, which is not adequate to support the increased number of drop-offs and pickups at the childcare centre earlier and later than school run times. Additionally, childcare centres are not approved stakeholders for decision making about school crossings. How does the City of Stirling justify overriding the safety concerns about increased traffic without having any new mechanisms in place to manage the traffic?”*
- A3. The Acting Director Planning and Development advised that the application provides a transport impact statement and officers assess this statement. The comments and findings are being reflected in the RAR report and officers are satisfied that what the applicant is proposing can be managed and implemented without causing any safety issues.

7.4 PUBLIC QUESTION TIME - A JOHNSON

The following questions were submitted by A Johnson, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *“Has any consideration gone into traffic management and the safety of children and residents coming off a very busy road on an already dangerous corner on Hale Road? Have you considered your accountability to an accident when this occurs?”*
- A1. The Acting Director Planning and Development advised that the Traffic Impact Assessment covers all of those aspects and those matters are documented in the officer's assessment in the RAR.
- Q2. *“As a taxpayer in Wembley Downs, can you please explain how this commercial property is consistent with the current character of the locality?”*
- A2. The Acting Director Planning and Development advised that the RAR covers the character and impact of the building on the local neighbourhood.
- Q3. *“Has any consideration gone into the owners of the properties who pay rates and the massive loss of value to their properties and the surrounding properties?”*
- A3. The Mayor advised that potential impacts on property values are not valid planning considerations.

7.5 PUBLIC QUESTION TIME - M COOK

The following questions were submitted by M Cook, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"The RAR does not accurately reflect the negative impact on the amenity for nearby residents. The RAR, City officers, the town planners and the developers could be more genuine, realistic and credible in acknowledging that the scale and nature of this development is not in keeping with the surrounding properties. It is two storeys and over 1500m² with a huge car park. Beyond reasonable doubt, the centre impacts negatively on the amenity. Will the City of Stirling officers amend the report, or will the Council refuse the biased report and go for further public consultation when neighbours haven't had the right of reply to the planner's amendments?"*
- A1. The Mayor advised that the City's RAR has already been submitted and Council will consider that.
- Q2. *"Why have City officers not applied the same rules of amenity, decision making and due diligence to the Childcare Centre proposal in Wembley Downs, as it did recently to another proposed development in Wembley Downs in a residential zone? I refer to Lot 8, House Number 139 Weaponess Road, Wembley Downs – Extension of Non-conforming Use (Consulting Rooms) in a residential area. The Childcare Centre does not achieve any of the positive amenity principles, stated by City officers in that case, and in fact will negatively impact the amenity for neighbouring residents, and the RAR omits this. Let me quote – amenity was noted in that case as being improved by 'a high quality single storey design, one that is of appropriate scale and contributed positively to the amenity of the existing streetscape. It did not intensify the use. It directed traffic to and from the site, and that would be limited, and public parking would be disbursed to a nearby activity centre where there's a shopping centre. Parking bays would be removed from the front.' The RAR doesn't include that."*
- A2. The Mayor advised that the item was on the agenda for consideration during the meeting. The Mayor further advised that Council will take Ms Cook's point under consideration, however they are two very different applications. The amenity of that development and the lack of the intensity of it was very significant to what that development was or what is being considered tonight.

7.6 PUBLIC QUESTION TIME - C JOHNSON

The following questions were submitted by C Johnson, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"Please explain how a commercial two storey property is being built in a clearly built-up residential area?"*
- A1. The Acting Director Planning and Development advised that the RAR details that consideration and notes the building is two storeys in height and is proposed to have a concealed style roof containing some architectural features. That is consistent with what you could build on or on the surrounding properties.
- Q2. *"To follow up on that, is the block of land that we are talking about a residential zoned property or a commercial zoned property?"*
- A2. The Acting Director Planning and Development advised that it is a residential zoned property. The City's Planning Scheme, however, does contemplate that childcare centres can be located on residential zones.
- Q3. *"If the proposal that is to be being built that you're saying is okay, and is two storey and is going to have all these supposedly acoustic lagging and all that sort of stuff that you've been conversing with us about tonight, how do we believe that if it is successful and if they don't follow that, what is the outcome of non-compliance, non-construction and also the fact that many of these Nido centres emit noise from their two storeys when kids play. I'll declare my hand - I have been involved in building them and they are clearly not in a residential area the ones that I've done, they are in a commercial property i.e. next to a shopping centre or in a commercial space."*
- A3. The Acting Director Planning and Development advised that if this application is approved by the JDAP, a number of conditions will need to be complied with. There is also other legislation dealing with matters such as noise and if the activity does not comply with any of those, then the City can enforce that through its enforcement proceedings.

7.7 PUBLIC QUESTION TIME - P BROWN

The following questions were submitted by P Brown, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"Please confirm what are the Council bylaws and guidelines in regards to community consultation about how commercial redevelopment public notice of intent to develop was conducted. For example, how much notice was given to the residents in the immediate area effected by the proposed redevelopment and what is the physical distance that the resident has to be in to be considered notifiable. How has this been complied with?"*
- A1. The Acting Director Planning and Development advised that the development is advertised in accordance with the Planning and Development (Local Planning Scheme Regulations) 2015 and included a 14 day requirement that the applicant agreed to extend for a further seven days; therefore it was 21 days. It was advertised for longer than required. The letters were written to the owners in the immediate facility. A notice was placed on the City's website and copies of the development application were available for viewing at the City's Administration Centre.
- Q2. *"Did that notification include letters out to the residents in the immediate vicinity? I am at House Number 150, which is directly across the road diagonally from the proposed intersection; I found out about this second hand. So therefore, there was no consultation to some of the immediate areas because people did not receive notification from the proposal."*
- A2. The Manager Development Services advised that it was the surrounding neighbours, so it was not the 200m radius. The Regulations that came in February this year effectively put on pause the Policy that the City had in relation to that 200m radius. The City was required to comply with the Regulations, which were affected neighbours immediately adjoining and opposite the subject site.
- Q3. *"With regards to notification of consultation, previously, the Council used to put up notices of intent at the building, and at the premises too. That certainly did not happen, so therefore, how could they be compliant with the intent to redevelop the site? After all, it is an industrial scale childcare centre in a residential area."*
- A3. The Manager Development Services advised that the City use to do that. As previously mentioned, the Regulations changed earlier this year, which meant the City was not able to do that. There are certain things the City have some flexibility in. Unfortunately, the placement of signs is not one of those aspects, so the Regulations removed that requirement.

7.8 PUBLIC QUESTION TIME - E SHANG

The following questions were submitted by E Shang, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *“City of Stirling Council has recommended the project go ahead before the meeting tonight and with so many objections from the residents. How can we know Councillors do not have a conflict of interest with the project?”*
- A1. The Mayor advised that Council has not made any recommendations yet. The City of Stirling officers have submitted a Responsible Authority Report to JDAP, who are the decision makers. JDAP has not made a determination. Council is considering the item, and listening to community concerns. If a Councillor has a conflict with this project, they will submit a declaration of interest.
- Q2. *“What did the City of Stirling do to act in its duty to benefit and take care of its residents when over 149 objections were received from the e-Petition but still recommended the project to go ahead - did Council do its job?”*
- A2. The Mayor advised that Council has not determined anything yet. The City officers have certainly done their job and provided a Responsible Authority Report based on planning grounds, taking on board the comments from the community during that period as well.
- Q3. *“If residents in the City of Stirling doubt Council did not act in its duty to benefit local people, where can we appeal and who should we approach?”*
- A3. The Mayor advised that there are no third-party appeal rights in Western Australia, but suggested that interested parties attend the JDAP on Friday 17 August 2021 where JDAP is a decision-maker for this particular development.

7.9 PUBLIC QUESTION TIME - K GRIFFIN

The following questions were submitted by K Griffin, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *“Pivotal traffic facts and facts from residents were sanitised out of the RAR and traffic report. On public record is other law-breaking compliance issues with respect to the current owner applicant. Can the RAR and traffic report be withdrawn?”*
- A1. The Acting Director Planning and Development advised that is not correct. Attachment 14 of the City's RAR contains the public consultation submissions as received by the City. It censors the personal information such as addresses which have been redacted for privacy purposes.
- Q2. *“Can a matrix of building developments indicating the number of approvals and rejections over the last three years and indicating how each individual Councillor has voted in each instance be provided?”*
- A2. The Mayor advised that all JDAP decisions and development applications are all published on the City's website to view.
- Q3. *“Why has the Council shown no concern and accepts reports that are fraudulent by omission with respect to the facts of the blind corner and truck route on which proposed Day Care Centre seeks to reside?”*
- A3. The Mayor thanked Ms Griffin for her question.

7.10 PUBLIC QUESTION TIME - S SHANG

The following questions were submitted by T Poggioli, Wembley Downs WA 6019 on behalf of S Shang, Wembley Downs WA 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

Q1. *"With currently terrible traffic conditions in the area, residents are already affected badly and we doubt our safety. Please explain the consideration for the study method of the traffic control for the local area with the current traffic condition and how would the area have the capability to build/operate a big day-care centre with such a large number of children and staff?"*

A1. The Acting Director Planning and Development advised that the applicant has submitted a traffic impact assessment that will contain the methodology and what was undertaken in order to assess the impacts of the traffic that is being reviewed by the City's engineers and an assessment is contained in the RAR.

Q2. *"Please provide the name of the independent authority who reviewed the actual traffic issues against the proposal."*

A2. The Mayor advised that the City's Engineering Services Business Unit reviewed the traffic considerations for this application.

The Mayor further advised that the question would be taken on notice and a written response provided.

Q3. *"With the current road condition, and current local age group, please provide us with a detailed plan which would ensure our safety."*

A3. The Mayor advised that the traffic impact study and the other answers that have previously been provided have been completely reviewed by the City's Engineering Services and Development Services Business Units. The RAR was provided to JDAP containing any considerations and conditions, and will be considered by Council during the meeting.

Additional Information

A2. The applicant's Transport Impact Statement was prepared by i3 Consultants WA. The statement was then reviewed by officers from the Engineering Services Business Unit.

7.11 PUBLIC QUESTION TIME - T POGGIOLI

The following questions were submitted by T Poggioli, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

Q1. *"For Councillors, as outlined in LPS3, to do due diligence as per their liability, accountability, responsibility and pledge for and to their ratepayers, this instance being the many affected residents, they need time to prepare for this decision. Please provide clarity of when Councillors received the RAR, received the proposal, and what timeframe did they have to prepare for the decision tonight?"*

A1. The Mayor advised that Councillors received their agenda on Friday afternoon.

Q2. *"The City of Stirling is aware of the excessive parking issues on Unwin Avenue as expressed to me by City of Stirling Rangers over the years, and of which they have stated that they cannot solve. They are also aware due to the many emails, photos submitted, phone calls, and personal visits with the Rangers on my verge. In order for this to be a fair and just process for the affected residents and community, consultation with the Rangers and reference to their data has not been accessed or utilised in this RAR report. As such, due to the invalid process, lack of access and accurate data, this RAR report is rendered invalid and unreliable. I ask Councillors and officers to retract and amend the report in all forms of its transmission for fairness, natural justice and accountability.*

A2. The Mayor advised that the item was on the agenda for consideration during the meeting.

Q3. *"The full scale of public consultation was not exercised to include wider strategies such as billboard, public meetings and meetings with the residents as outlined in the City of Stirling's Planning and Consultation Procedure so the community is appropriately informed, and also informed via advertising (Planning Consultation Procedure) of the opportunities the developer was afforded by Planner to make amendments, reiterating the weight of this development favouring the developer, and eliminating residents the natural justice to respond to the amendments. I ask Councillors and officers to retract this proposal due to a lack of process for fairness, natural justice and accountability."*

A3. The Mayor advised that public consultation was undertaken in accordance with the Planning and Development (Local Planning Scheme Regulations) 2015. The Planning Team is bound to work with an applicant to ensure the best outcome for everyone, so they must ask them for further information. They must wait for that information to come in. The Planning Team's role is to ensure that some of those things are not just a condition, and that they are actually fixed beforehand; it is a lengthy process. By the nature of the planning process, the officers are bound to work with the applicant through that.

Council Resolution**0921/003****Moved Councillor Sandri, seconded Councillor Proud****That in accordance with Clause 5.7(12) of the City of Stirling's Meeting Procedures Local Law 2009, Public Question Time be EXTENDED for a further 45 minutes.****The motion was put and declared CARRIED (13/0).****For:** Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.**Against:** Nil.

7.12 PUBLIC QUESTION TIME - L MCFADGEN

The following questions were submitted by M Cook, Wembley Downs WA 6019 on behalf of L McFadgen, Wembley Downs WA 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"At the council meeting held 31 August 2021, Laura asked if the council was aware that applicant carried out a road survey on a day that there were approximately 2000 less students attending the three large high schools at that time. The response in the minutes is simply 'The Mayor advised that this will form part of the consideration around the traffic when it is regarded with the City's own data. The DA is still under consideration.' Now that the RAR has been submitted with a recommendation of approval it can be seen in the RAR the officer has simply stated the following: 'The Applicant's Transport Impact Statement has been reviewed by the City's Engineering Services Business Unit and the proposed development is not considered to have an unacceptable impact on the local road network.' I would like to know what supporting road traffic reports were utilised to suggest that this proposed development will not have an unacceptable impact on the local road network in this position?"*
- A1. The Acting Director Planning and Development advised that a number of data sets are considered, including those which are called 'SIDRA data' which underpin a regional transport model; Main Roads WA Data; and the City's own traffic data. So that data is not just taken through a narrow period, it is taken over a very long period of time and gives an accurate picture of the status of traffic on those roads.
- Q2. *"The RAR states the design of the proposed two-storey building is consistent with the existing and future character of the locality. In no way or form is this an accurate or correct statement in regards to the existing character of the area unless the Council plans to allow more and more commercial sized buildings of similar nature in this residential zone ,then it isn't consistent with the future character of the locality. Is it in fact Council's plan to allow and encourage large over scaled commercial sized buildings in this residential area in the future?"*
- A2. The Acting Director Planning and Director advised that the issue of childcare premises frequently arises. They are something that is generally accepted, can be suitable in a residential area and can be beneficial to residents. The policy that the City uses is to try and assess the impacts of this development, and whether they can be mitigated and whether the childcare is appropriate in that location. That is what the RAR has done and that recommendation is before Council to consider before it is considered at JDAP.

- Q3. *"Prior to this meeting I informed the Council that I had concerns with the process which enables the RAR to be submitted forward with a positive approval recommendation before it has even been discussed by Elected Members at Council. While I understand that the discussion will still take place at tonight's meeting, only because it was 'called-in', which is the only time planning applications get discussed by Elected Members, which in its self seems to be a very poor, in the already submitted RAR it states the Child Care Premises will provide an essential service to the surrounding residents and employees of businesses in the locality, as well as create local employment opportunities, reducing the need for travel outside of the area. These comments seem to be whimsical and just a personal view not founded in facts. During the public consultation period, a total of 67 submissions were received, comprising of 66 objections and one letter of support. How can that can be turned around to state that it provides and essential desired service to the surrounding residents when only one submission was of support?"*
- A3. The Mayor advised that officers have to complete their report based on planning facts. The childcare premises provides for the day to day care of children, which is an essential service for surrounding residents and employees of businesses in the surrounding location.

7.13 PUBLIC QUESTION TIME - L NOACK

The following questions were submitted by L Noack, Karrinyup 6018 at the Council Meeting held Tuesday 14 September 2021.

- Q1. *"At the entrance of Davenport Street, the City of Stirling has a carpark outside Myers in the north west quadrant of the shopping complex. There is currently a 'Give Way' sign as people exit onto Davenport Street. Can the City implore installing a stop sign there instead?"*
- A1. The Director Infrastructure advised that officers have completed an assessment. The stopping site distances are satisfactory in the City's opinion and would not necessarily warrant a stop sign. City officers can attend the site and take the feedback onboard.
- Q2. *"Has the Council considered placing a crosswalk on Davenport Street, to the east of the day care centre to provide safer passage for pedestrians across the road. Many locals cannot cross the road as they fear the traffic."*
- A2. The Director Infrastructure advised that the City will take the feedback onboard. Crosswalks are the jurisdictional and responsibility of Main Roads WA. Often, they will need an assessment of pedestrian traffic as well as motor vehicle traffic. There are various warrants and criteria that would need to be met to justify a crosswalk in that location. In the City's experience, people do not tend to use designated crosswalks as they believe it is safe to cross Davenport Street at any location. So those are the things working against it. When City officers attend the site, they will look at it.

7.14 PUBLIC QUESTION TIME - M HARDING

The following questions were submitted by M Harding, Wembley Downs 6019 at the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *“Why is it that when these developments are proposed, concessions are given to get the developers agenda across the line rather than say ‘no, this does not comply with all of our rules, reconsider it and do it as per our rules’, which are designed to be fair to everyone.”*
- A1. The Acting Director Planning and Development advised that the application assesses all of the matters that are put forward, and when it does not meet a specific requirement or provision of a policy, variation is considered against the relevant policy and objective. The City’s RAR contains a detailed assessment of the key issues against the relative planning framework and the officers then make an assessment on the balance and on the merits of the development, and make the recommendation.
- Q2. *“The traffic report makes no mention of Unwin Avenue being on the crest of a hill or being a blind corner. Given that supposedly an engineering report or a Traffic Management Report was done by experts, how much faith can you have in that report, if it does not address those points?”*
- A2. The Acting Director Planning and Development advised that both the traffic assessment and the review were undertaken by professional engineers. They do take into consideration those matters, such as traffic volumes and the topography in the corners and where crossings are, and they are all considered while the officers form the report and the recommendation

7.15 PUBLIC QUESTION TIME - P PEEBLES

The following questions were submitted by P Peebles, Carine 6020 at the Council Meeting held Tuesday 14 September 2021.

- Q1. *"The member for Carine, Mr Paul Lilburne, has made various comments on his Facebook Page and in letters to residents, claiming that he has been working with the City of Stirling to find solutions to the student parking issues in the streets surrounding the Carine Senior High School. Can the Mayor tell me in what way has Mr Lilburne has been working with the City of Stirling as he has claimed?"*
- A1. The Mayor advised that he cannot comment on what the local member has been doing. The City have had no contact with the local member.
- Q2. *"Given that the Mayor, Councillor Perkov and Manager of Engineering Services, Paul Giamov, attended a meeting with the Headmaster of Carine Senior High School, and representatives of the Education Department on Wednesday 1 September 2021 to discuss potential solutions to the student parking issues that Council is well aware of, when do you anticipate a follow up meeting to discuss the potential solutions discussed at the 1 September 2021 meeting. Is it correct to say that this meeting has not yet taken place because the Education Department has so far failed to get back to you with suitable times?"*
- A2. The Mayor advised that it was a productive meeting. The City is waiting for suitable times to come back from the Department of Education for a follow up meeting. The Mayor anticipates this to be in the near future.
- Q3. *"If the outcome of the 1 September 2021 meeting and any further meetings fail to address all of the residents' concerns, will Council commit to parking restrictions on the streets surrounding Carine Senior High School as has been requested by the residents?"*
- A3. The Manager Engineering Services advised that it would be pre-emptive of the City and Council to commit to saying that the City will definitely put in parking restrictions. All that can be said at this stage is that it is a potential solution that the City would consider. The City will continue working with residents and continue to work with the Department of Education to try and seek solutions that will address the issues of concern.

7.16 PUBLIC QUESTION TIME - K KILBANE

The following questions were submitted by K Kilbane, Churchlands 6018 at the Council Meeting held Tuesday 14 September 2021.

- Q1. *"This is in relation to the petition we have submitted, requesting that the Council return the traffic management plan within Churchlands Green to the original plan. I am sure Council was aware that when the traffic plan was established in the first place, that it was approved by all levels of government and approved by bodies such as Emergency Services. The trials that have been happening with the road closures simply moved traffic from one part of the estate to another, so I am wondering if Council could answer on what basis or who decides where that traffic should move? A lot of the neighbours are saying that they do not want to move the problem to their neighbours, so who decides who is the most important people for that traffic to be going past?"*
- A1. The Director Infrastructure advised that the Churchland Green Estate trial and traffic management has been an ongoing issue for some time. The City has instituted a number of trials, and throughout that process, has done fairly comprehensive traffic assessments to understand where traffic goes as an impact of any intervention that would be considered to be applied. Ultimately, the goal is to balance traffic around and through the development appropriately. The City has a hierarchy of roads - local distributors, district distributors and local access roads, all which are designed to carry traffic, and the intention is to adequately and equitably distribute that traffic throughout all of those roads. Council in this instance, will make a determination, as to what is the most appropriate traffic management devices to put in place. It will do so after careful consideration of the assessment that the City's traffic engineers have undertaken and are completing at the moment. It is proposed that the item will come to Council for consideration in November. It is appreciated that there are a range of views; those people that are for all traffic devices on Alumni as well as University, and there are also people who want some or none of those traffic devices. Council will look to balance all of those needs and come up with the best decision.
- Q2. *"My second question is, as I was meeting with neighbours over the weekend, many of them indicated that they hadn't been consulted at all. I think probably what happened is if they missed an initial letter some two years ago, they've been left off the communication loop. In fact, many also said that perhaps they got one email, but certainly hadn't been emailed regarding the second trial. So I'm just wondering if Council would be able to investigate why everybody within the estate hasn't been asked their opinion regarding the current trials, given that any changes are going to be permanent? We just feel like everybody should be consulted and connect effectively with the process."*
- A2. The Mayor advised that this could be done adding that if details of the specific people could be provided that would assist the City with the follow up.
- Q3. *"My final question was would it be possible for Council to please remove the temporary barriers at the corner of Alumni and Pearson, as you have cited, safety concerns that led you to remove them down at the Empire and University Avenue. However, those same safety concerns do not seem to apply to our end of the estate. So we're wondering why the inconsistency and if you could please remove them, given the trial is finished?"*

- A3. The Director Infrastructure advised that a commitment was made to the community that the trial would remain in place until such time as Council made a determination. That determination is currently proposed for November of this year. The decision was made to remove the temporary traffic management that was in place at Empire Avenue and University Avenue, specifically because people were travelling on the wrong side of the road and undertaking illegal traffic movements as a result of that traffic management. There has also been an issue with the Town of Cambridge around elements of the traffic management that was in place, some of that would render the traffic management more difficult and less legible for motorists. As opposed to debating the issue with the Town of Cambridge, the decision was made to remove the temporary traffic management in that location only at this point in time. The Alumni and Pearson traffic management devices will stay in place until such time as Council makes its determination.

7.17 PUBLIC QUESTION TIME - S WHEELER

The following questions were submitted by S Wheeler, Scarborough 6019 at the Council Meeting held Tuesday 14 September 2021.

Q1. *"In relation to Item 13.1, the childcare factory at Hale Road and Unwin Avenue, which is on tonight's agenda but wasn't on Tuesdays Planning agenda. I was under the impression this application had been called in. However, the RAR is already with the DAP. This is an application for a discretionary use which has attracted nearly 100% objection from surrounding, from those who were consulted. When Council delegated away the last of their authority on regular development applications, we were assured, and I was at that meeting that there was still a call-in process, a process that provided opportunity for ratepayers to have their say at both Committee and Council meetings to make deputations, so you can actually hear all of their concerns, not through the filter of the administration. What happened to those assurances, and were they, as it appears, made without merit?"*

A1. The Acting Director Planning and Development advised that the process for dealing with a JDAP application is prescribed in the Planning and Development Regulations for JDAPs, and that processes for the City's officers to write a report to the JDAP. Council has determined that it would have the opportunity, should it wish, to call an application in and that's what's happened here. Quite frequently, the timeframes are very tight for that to happen, given when the City receives notification and when officers are able to prepare the report. This provides the opportunity for the report to be included on the public agenda prior to the JDAP, for Council to consider it, and for submitters or the interested members of the public, to attend the Council meeting and raise any issues through Public Question Time.

Mr Wheeler added a supplementary question stating that as the RAR is already with the DAP if Council, in its good sense, decides tonight to overturn that DAP and refuse it, can that still be sent to the DAP?

Mr Mayor advised that it has no bearing, the fact that it is already there doesn't change Council's role adding that Council's determination tonight overrides what JDAP currently have.

Q2. *"In regards to Item 12.1/CF1, in the report, it says that Main Roads has indicated that any additional coverage of the trench would increase project costs. If history is a guide, I do not think that DevelopmentWA give a 'monkey' what the City says, and certainly community input is routinely addressed with a similar contempt. But if a trench is to be dug, I think it is essential to put a lid on it and activate the space above to try and match the aspirations of the laid-back beachy feel of the Scheme and not that of inner-City Birmingham. Ideally, this would be paid for by development contributions that matched building heights and not the current Scheme cap of 12 storeys. The Three Oceans developer at the moment will be paying a maximum 36 storeys of developer contributions for over 80 storeys. I don't think this is equitable and surely the very first amendment to the Scheme will be to address this inequity. My question is will the City petition DevelopmentWA to amend the development contribution plans to help fund this quite foreseeable disruption? And if not, why not?"*

- A2. The Mayor advised that the item was on the agenda for consideration during the meeting. He further added comment on Committee deliberations in terms of a better public realm and ensuring that there was more than a trench in the future, also acknowledging the fact that there might be a need for some ceding of land in the future, no matter what the outcome there. In terms of DevelopmentWA, the current normalisation process will be occurring; it's a moot point for the City to lobby DevelopmentWA at this stage, as Council endorsed for that to come back under the City's control with development contributions.
- Q3. *"My primary concern, in reference to the trenching spoken about in 12.1/CF1, are for the businesses and residents around West Coast Highway. The previous foreshore redevelopment saw off some 15 or more Scarborough businesses, and those that did survive were offered token compensation, which was too little and too late for many of them. Yet neither the City's recommendation nor indeed its report considers or even mentions the potentially devastating effects of what will probably be two or three years of major, if not fatal, disruption to local business should this trenching go ahead. My question is what actions will the City start taking now, proactively, to provide protection and assurances to businesses in the Scarborough redevelopment zone, as in when such works proceed?"*
- A3. The Mayor advised that the City has only had some very preliminary discussions with the different agencies around this. He added that the item on the agenda for consideration during the meeting was about the ceding of the land for a future solution. He also acknowledged the discussion held at Committee about working closely to understand the future of that area and lobbying hard for what the City thought the community would want, including protecting the businesses along that area.

7.18 PUBLIC QUESTION TIME - D ION

The following questions were submitted by D Ion, Nollamara 6061 at the Council Meeting held Tuesday 14 September 2021.

Q1. *“As community engagement and experts, along with City officers, to provide a matrix of evaluation and expertise which is paramount to preserving City of Stirling history and heritage for future generations, my question is, are Councillors aware by disbanding the Heritage Advisory Group that they are turning their back on City of Stirling, 50 years of history as a city?”*

A1. The Mayor advised that the item was on the agenda for consideration during the meeting, noting that, as outlined in the report, the City is not turning its back on history and heritage.

Q2. *“My next question is at the election meeting 2019, the City of Stirling was supposed to consider incentives, under the forest plan, to preserve significant trees on private land. My question is, why has this report still not come to Council for the public to see?”*

A2. The Acting Director Planning and Development advised that Council determined that the City would hold off undertaking a report on incentives as the State Government had introduced and is in the process of introducing further controls, intended to protect urban tree canopy through revision of the various R-Code documents.

The Mayor added that this was discussed by Council.

Q3. *“My last question is why isn't the City of Stirling using ratepayer's money to purchase property in the City of Stirling to assist more businesses and alternative accommodation?”*

A3. The Mayor advised that the City does this, adding that the City of Stirling has a Property Strategy, a Strategic Property Working Group, and then property transactions come through Council and the City does transact property.

7.19 PUBLIC QUESTION TIME - H JOHNSON

The following questions were submitted by H Johnson, Wembley Downs 6019 prior to the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"Has consideration been made by Council to the significant impact on traffic, parking issues, compliance of noise levels (i.e. outdoor play) and the significant risk of traffic pollution to young children and families in the area?"*
- A1. The Acting Director Planning and Development advised that the City's assessment of the proposal considered traffic, parking and noise matters.
- Q2. *"Is there a strong and pressing need for the development, given the location and scale of the development in a residential street surrounded by residential properties?"*
- A2. The Acting Director Planning and Development advised that market demand is not a valid planning consideration.
- Q3. *"If local people doubt what the City of Stirling did does not benefit local people, where can we appeal and who should we approach?"*
- A3. The Acting Director Planning and Development advised that there are no third-party appeal rights in Western Australia.

7.20 PUBLIC QUESTION TIME - R CHEN

The following questions were submitted by R Chen, Wembley Downs 6019 prior to the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"With the current terrible traffic conditions in the area, residents are already affected badly and doubt our safety. Please plan the consideration study method of the traffic control of proposal area and how would the area have the capability to build and operate a daycare centre, and have a certain number of children and staff?"*
- A1. The Acting Director Planning and Development advised that the applicant has submitted a traffic assessment and the City has reviewed that. This is all contained in the RAR report for Council's consideration.
- Q2. *"I believe a few local residents already sent through photos to show how bad the traffic is during the pick up and drop off period. People park on Unwin Avenue. Council did not do anything to help local people out with current problems, what makes Council think the big day-care centre will not affect residents lives?"*
- A2. The Acting Director Planning and Development advised that unless parking is prohibited, either by line-marking or via sign-posting, it is not an offence for a person to park along the City's local roads. The City's assessment of the proposal considered traffic and parking matters.
- Q3. *"Please list what internal compliance controls the City of Stirling Council has in process to avoid interest conflict with the current project?"*
- A3. The Manager Governance advised that the City has an Integrity Strategy that outlines the City's approach to ensuring it not only acts with integrity, honesty and transparency; but is seen doing so by making reasoned decisions without bias by following fair and objective processes. This strategy applies to all employees and elected members at the City.

Underpinning that Strategy is:

- The Code of Conduct for Councillors, Committee Members and Candidates;
- The Code of Conduct for Employees and training in the Code of Conduct which was completed by over 99% of the City's employees;
- The Integrity and Misconduct Management Practice which outlines the process for dealing with any alleged or actual failures to disclose conflicts of interest;
- An anonymous Misconduct Hotline, a Public Interest Disclosure Process and Misconduct Complaint process;
- The annual Integrity Snapshot Tool which is reported through the Audit and Risk Committee to Council;
- Annual Integrity and Misconduct reporting processes which are reported internally through the Audit and Risk Committee to Council and externally to the Public Sector Commission;
- Annual Related Party Disclosures which are reported to the City's external auditor; and
- A comprehensive program to build on the City's culture of integrity through employee engagement and training.

In August 2020, the City was recognised by the Public Sector Commission for its approach to integrity and development of its Integrity Strategy when the City was featured in the Public Sector Commission's publication Integrity Insights.

7.21 PUBLIC QUESTION TIME - X KONG

The following questions were submitted by X Kong, Wembley Downs 6019 prior to the Council Meeting held Tuesday 14 September 2021.

The following questions relate to Item 13.1 of the Agenda:-

- Q1. *"Are Councillors aware that due to the size of this two-story building, there will be many windows overlooking and abutting my living area and for privacy I will need to keep my windows and blinds down, and I will be devoid of natural sunlight and fresh air?"*
- A1. The Acting Director Planning and Development advised that the development application addresses the visual privacy requirements of State Planning Policy 7.3 Residential Design Codes – Volume 1. The upper floor windows facing east are opaque windows and the windows facing south are setback from the boundary line in accordance with the relevant requirements.
- Q2. *"Will the Council meet with the notified residents to make a decision before this report?"*
- A2. The Acting Director Planning and Development advised that this could not occur, as the item was on the agenda for Council to consider this evening.
- Q3. *"The developer has amended the initial application, based on feedback from the City of Stirling. I have not had right of reply. For natural justice, will the application with amendments be advertised?"*
- A3. The Acting Director Planning and Development advised that the modifications made to the original proposal were minor in nature as they primarily related to the colours, materials and finishes of the building, the landscaping response as well as the parking layout on-site. Further consultation was not required to be undertaken as part of the assessment process for this application.

Should the community wish to provide further comment on the application, there is the opportunity to submit a Presentation Request to the DAP Secretariat to make a deputation at the upcoming JDAP meeting on Friday, 17 September 2021 at 9.00am. Presentation requests must be submitted no less than three ordinary days before the meeting. The City provided all submitters with this information on Thursday 9 September 2021.

At 8.22pm, Councillor Joe Ferrante left the meeting prior to Item 8.

8. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Adam Spagnolo requested a leave of absence for the period 14 September 2021 to 29 September 2021 inclusive.

Mayor Mark Irwin requested a leave of absence for 12 October 2021.

Councillor David Lagan requested a leave of absence for the period 27 September 2021 to 30 September 2021.

Councillor Felicity Farrelly requested a leave of absence for the period 4 October 2021 to 7 October 2021.

Council Resolution

0921/004

Moved Councillor Sandri, seconded Councillor Re

That Council APPROVES the following requested leaves of absence:-

- 1. Councillor Adam Spagnolo's requested leave of absence for the period 14 September 2021 to 29 September 2021 inclusive.**
- 2. Mayor Mark Irwin's requested leave of absence for 12 October 2021.**
- 3. Councillor David Lagan's requested leave of absence for the period 27 September 2021 to 30 September 2021 inclusive.**
- 4. Councillor Felicity Farrelly's requested leave of absence for the period 4 October 2021 to 7 October 2021 inclusive.**

The motion was put and declared CARRIED (12/0).

For: Councillors Caddy, Farrelly, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Nil.

At 8.24pm, Councillor Joe Ferrante returned to the meeting during consideration of Item 9.

9. CONFIRMATION OF MINUTES

Council Resolution

0921/005

Moved Councillor Hatton, seconded Councillor Migdale

That the Minutes of the Ordinary Meeting of Council of 31 August 2021 be confirmed as a true and correct record of proceedings.

The motion was put and declared CARRIED (12/1).

For: Councillors Caddy, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Councillor Farrelly.

10. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10.1 MAYORAL ANNOUNCEMENT - PROPOSED CHILDCARE PREMISES

Mayor Mark Irwin made the following announcement:-

“Council deals with contentious items within the community all the time. This one particularly though [Item 13.1 – Lot 172, House Number 24, Unwin Avenue and Lot 173, House Number 159, Hale Road, Wembley Downs – Child Care Premises] has been pretty tough on Councillors and on City of Stirling officers over the last few weeks.

To clarify, the introduction of DAPs in Western Australia back in 2011 was aimed at helping to improve the planning system by providing more transparency, consistency and reliability in decision making on complex development applications. The two key points of a Joint Development Assessment Panel is the involvement of experts with technical knowledge on the panel; and the removal of influence and biased decision making that can occur in Local Government through pressures placed on Councillors. The involvement of independent experts has helped strike an appropriate balance between local representation and professional advice in decision making by ensuring that decisions made by the panel are based on the planning merits of an application.

Whilst I don't personally agree (and this is on record) that the system is perfect - and recently we have seen some examples where arguably the community context is not given enough significance - planning applications such as this Wembley Downs Childcare Centre highlight the massive conflict that arises.

Tonight we are being asked to provide referral comment only to an officer submission giving us the ability to endorse, not endorse, or amend with comments. Despite some rhetoric going around, the fact that we are providing this after the referral has been submitted on record does not alter the significance of the Council's input.

I am making these comments up front as I believe the comments on social media and via email that we have constantly received have not only been inflammatory and untrue, but have shown the exact reason that Councils will continue to remain challenged and conflicted in making unbiased decisions. I want to read out some extracted statements to you. These are statements that our Planning Officers have to listen to - these are young Planning Officers with families at home, and they have to deal with this. Our Councillors also have to constantly listen to and read these comments in front of their families at home. Some of these comments can only - and objectively - be described as fraudulent content.

- It is impossible to conclude that this does not smack of corruption.*
- When someone is killed or seriously injured, I will ensure that the Coroner and media is made aware that the City of Stirling was fore-warned.*
- If you continue to do so we are entitled to take legal action against you, as well as reporting this to other agencies including The Department of Local Government and the CCC.*
- If you approve DA [XXXX] take note, we will pursue you.*
- The group opposed to The Child Care Development proposal has been pressuring me to go to the media. If you approve [XX] development plans I will be going to the media in relation to everything.*
- Unreliable information, enabling invalid decision making.*
- Amend your details of this DA to factually reveal the negative impact.*

These comments do not reflect everyone in the community, but it certainly reflects on many of them. It is not okay.

And on top of this, the phone calls and messages received... In fact, some of the emails are even titled 'Class Action'!

It is important to note that none of these statements above, or the threats, are relevant to us in making a decision based on planning grounds. But it is not fair for Councillors to be put under that sort of pressure when you are expecting them to support the community, and to listen in an unbiased way and make an unbiased decision on planning outcomes.

The role of Council is not to be the planners. Our planning team do an incredibly fantastic job at that, and I will say that on record. Our role as Councillors and as Mayor is to add community context and understanding to the equation and ensure that the intent of our planning scheme is upheld.

Thank you."

11. UNRESOLVED BUSINESS FROM PREVIOUS MEETING

Nil.

In accordance with Clause 4.2(4) of the Meeting Procedures Local Law 2009, Item 13.1 – Lot 172, House Number 24, Unwin Avenue and Lot 173, House Number 159, Hale Road, Wembley Downs – Child Care Premises was brought forward and considered prior to Item 12 – Reports and Recommendations of Committees.

13. REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2009

In accordance with Clause 4.2(4) of the City of Stirling Meeting Procedures Local Law 2009, the Chief Executive Officer may include on the agenda of a Council meeting; in an appropriate place within the order of business; any matter which must be decided, or which he considers is appropriate to be decided, by that meeting.

Councillor Felicity Farrelly disclosed an Impartial Interest in Item 13.1 as she is a JDAP member but not on this panel of JDAP.

Councillor Suzanne Migdale disclosed an Impartial Interest in Item 13.1 as the Item is coming to JDAP and she sits on JDAP; she left the meeting at 8.28pm prior to consideration of the Item.

Councillor Elizabeth Re disclosed an Impartial Interest in Item 13.1 as she is the JDAP member; she left the meeting at 8.28pm prior to consideration of the Item.

At 8.28pm, Deputy Mayor Bianca Sandri assumed the chair as Presiding Member to allow Mayor Mark Irwin to participate in debate of Item 13.1.

13.1 LOT 172, HOUSE NUMBER 24, UNWIN AVENUE AND LOT 173, HOUSE NUMBER 159, HALE ROAD, WEMBLEY DOWNS - CHILD CARE PREMISES

Report Information

Location:	Lot 172, House Number 24, Unwin Avenue and Lot 173, House Number 159, Hale Road, Wembley Downs
Applicant:	Taylor Burrell Barnett
Reporting Officer:	Manager Development Services
Business Unit:	Development Services
Ward:	Doubleview
Suburb:	Wembley Downs

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution

0921/006

Moved Mayor Irwin, seconded Councillor Sargent

Given that the City of Stirling is now in Caretaker mode and cannot deal with contentious items, Council DETERMINES that the call-in request by Councillor Elizabeth Re is not valid and Council does not seek to provide endorsement or non-endorsement to the officer's report.

The motion was put and declared CARRIED (9/2).

For: Councillors Caddy, Ferrante, Hatton, Lagan, Perkov, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Councillors Farrelly and Proud.

Reason for Motion

Elected Members are in receipt of multiple emails and communications from residents which show a heightened interest and opposition to the Development Application. Given the Caretaker period is current, it is not appropriate for Council to add comment to the officer's report.

Recommendation

That Council ENDORSES the City's recommendation of the Responsible Authority Report to the Metro Inner-North Joint Development Assessment Panel, which recommends APPROVAL of the proposed Child Care Premises at Lot 172, House Number 24, Unwin Avenue and Lot 173, House Number 159, Hale Road and Wembley Downs.

Report Purpose

To seek Council's endorsement of the City's Responsible Authority Report (RAR) for the Metro Inner-North Joint Development Assessment Panel (JDAP) for a proposed Child Care Premises at Lot 172, House Number, 24 Unwin Avenue and Lot 173, House Number 159, Hale Road, Wembley Downs.

Relevant Documents

Attachments

- Attachment 1 - Responsible Authority Report (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 2 - Development Plans (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 3 - Aerial Location Plan (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 4 - Metropolitan Region Scheme Zoning Map (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 5 - Local Planning Scheme No.3 Zoning Map (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 6 - Applicant's Design Statement and Report (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 7 - Applicant's Transport Impact Statement (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 8 - Applicant's Waste Management Plan (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 9 - Applicant's Landscaping Plans (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 10 - Applicant's Energy Efficiency Report (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 11 - Applicant's Operations Management Plan (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 12 - Applicant's Environmental Acoustic Assessment (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 13 - Design Review Panel Report (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 14 - Applicant's Response to Submissions (previously circulated to Elected Members under separate cover)* [↔](#)
- Attachment 15 - Department Planning, Lands and Heritage Referral Response (previously circulated to Elected Members under separate cover)* [↔](#)

Available for viewing at meeting

Nil

Description of Site

Site Area: 1,520m²

Nearest Cross Street: Hale Road, Wembley Downs



Location Plan



Aerial Photograph

Background

The subject site is located approximately 11km north-west of the Perth Central Business District. The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS).

The City received a Development Assessment Panel application on 5 May 2021 for a Child Care Premises at Lot 172, House Number 24, Unwin Avenue and Lot 173, House Number 159, Hale Road, Wembley Downs.

The key components of the development are summarised as follows:-

1. A two-storey Child Care Premises with:-
 - Capacity for up to 82 children and 14 staff;
 - Overall Gross Floor Area (GFA) of 745.3m²;
 - Hours of operation from:-
 - i. 7.00am to 6.30pm Monday to Friday;
 - ii. Occasional Saturday opening of up to four times a year for a half-day for marketing purposes;
 - A total of 26 car parking bays, consisting of:-
 - i. 14 Staff car parking bays;
 - ii. 12 Visitor bays, including one ACROD car parking bay;
 - Vehicle access proposed from Unwin Avenue only;
 - Ground Floor:-
 - i. Reception, kitchen and staff facilities;
 - ii. Three designated age group rooms;
 - iii. A total of 349.2m² of playscape area;
 - Upper Floor:-
 - i. Staff facilities;
 - ii. Two designated age group rooms; and
 - iii. A total of 280m² of playscape area.

The City received a 'call-in' request to refer the City's RAR to Council at its meeting to be held 14 September 2021, signed by Councillor Elizabeth Re and Councillor Felicity Farrelly.

Principal Statutory Provisions

Use Table

Zoning

MRS Urban

LPS3 Residential R20

Use

Class Child Care Premises

Type A – Not permitted unless Council, or in this instance the Metro Inner-North JDAP, has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.4 (Public Advertising).

Comment

Under the City of Stirling's Local Planning Scheme No.3 (LPS3), the site is zoned 'Residential' with a density coding of R20.

City officers have undertaken an assessment of the application against the City's LPS3, State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes) and all relevant local planning policies.

The RAR (refer Attachment 1) contains a detailed assessment of the proposal and includes the outcome of the public consultation process that was undertaken for this application. City officers have recommended approval of the proposed development, subject to the conditions outlined in the RAR.

The RAR was required to be submitted to the JDAP by 12.00pm on 8 September 2021, in accordance with the statutory timeframe requirements.

Council's resolution regarding this proposal will be provided to the JDAP prior to its meeting for consideration of the application.

The JDAP meeting will be held at 9.00am on 17 September 2021, at the City of Stirling Administration Centre at 25 Cedric Street, Stirling.

Consultation/Communication Implications

The application was advertised for a period of 14 days in accordance with Clause 64(1) and (7)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015. The application was advertised for a further seven days, as agreed with the Applicant as per Clause 64(7)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015.

The consultation period commenced on 19 May 2021 and concluded on 10 June 2021. Letters were sent to owners and occupiers within the immediate vicinity of the subject site, and a notice was placed on the City's website. Notification was provided to Ward Councillors at the commencement of the consultation period.

During the public consultation period, a total of 67 submissions were received, comprising of 66 objections and one letter of support.

At the Council meeting held 17 August 2021, a petition containing 26 verified signatures objecting to the proposal was tabled. A second petition objecting to the proposal was tabled at the Council meeting held 31 August 2021, and contained 73 verified signatures.

Policy and Legislative Implications

Sections 171A to 171F (inclusive) of the *Planning and Development Act 2005* provide for the development of regulations that specify the powers and operations of Development Assessment Panels. The Planning and Development (Development Assessment Panels) Regulations 2011 make provision for the operation, constitution and administration of Development Assessment Panels. These were gazetted on 24 March 2011.

In preparing the RAR, the City has assessed the development application against the statutory planning framework and this detailed assessment has resulted in a recommendation for approval. The Metro Inner-North JDAP is the decision-maker for this application.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B1: Places to live, work and enjoy

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	The application includes the retention of four existing 'Significant' trees on-site, the planting of five 'Advanced trees', being trees with pot sizes of 90L, and a further 10 trees, with pot sizes at 40L. Landscaping is proposed within the car parking area, the ground floor area and upper floor outdoor play areas.

SOCIAL	
Issue	Comment
Amenity	The siting, form, scale and setbacks provided to the development are consistent with the applicable local planning framework.
Community engagement	The advertising of the application has provided an opportunity for the community to comment on the proposal. A summary of the submissions has been provided to the Applicant and is also provided in the City's RAR.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

It is recommended that Council endorses the City's recommendation of the RAR to approve the application, subject to conditions as outlined in Attachment 1.

12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

12.1 PLANNING AND DEVELOPMENT COMMITTEE - 7 SEPTEMBER 2021

At 8.40pm Mayor Mark Irwin resumed the chair as Presiding Member prior to consideration of Item 12.1/DS1.

Mayor Mark Irwin disclosed an Impartial Interest in Item 12.1/DS1 as he met with the applicant on site.

Councillor Bianca Sandri disclosed a Financial Interest in Item 12.1/DS1 as the applicant is her business; accordingly she left the meeting at 8.42pm prior to consideration of the Item.

At 8.42pm, Councillor Suzanne Migdale returned to the meeting prior to consideration of Item 12.1/DS1.

At 8.42pm, Councillor Elizabeth Re returned to the meeting prior to consideration of Item 12.1/DS1.

12.1/DS1 LOT 8, HOUSE NUMBER 139, WEAPONESS ROAD, WEMBLEY DOWNS - EXTENSION OF NON-CONFORMING USE (CONSULTING ROOMS)

Report Information

Location:	Lot 8, House Number 139, Weaponess Road, Wembley Downs
Applicant:	Urbanista Town Planning
DA Reference:	DA21/0670
Reporting Officer:	Manager Development Services
Business Unit:	Development Services
Ward:	Doubleview
Suburb:	Wembley Downs

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution

0921/007

Moved Councillor Proud, seconded Councillor Caddy

That pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for Extension of Non-Conforming Use (Consulting Rooms) at Lot 8, House Number 139, Weaponess Road, Wembley Downs be APPROVED subject to the following conditions:-

- a. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the planning approval issued and are listed below:-

Drawing Title	Date	Drawing Number	Revision	Drawn By
Existing Site Survey	June 2021	A00	6	ZARQ
Site Plan	June 2021	A01	6	ZARQ
Existing Floor Plan	June 2021	A02	6	ZARQ
Existing Floor Plan	June 2021	A03	6	ZARQ
Existing Floor Plan	June 2021	A04	6	ZARQ
Elevations	June 2021	A05	6	ZARQ
Elevations	June 2021	A06	6	ZARQ
Landscape Plan	NA	NA	NA	ZARQ

- b. No more than one health consultant is permitted to operate from the premises at any one time.
- c. The hours of operation are restricted to:-
- Monday, Tuesday, Thursday: 8.00am to 5.30pm;
 - Wednesday: 8.00am – 6.30pm;
 - Friday: 8.00am – 1.30pm; and
 - Saturday and Sunday: Closed.
- d. Prior to the commencement of the use, a Parking Management Plan is to be submitted for review and approval, to the satisfaction of the City. Details are to include the appropriate signage indicating the location of off-site public car parking bays in the locality.
- e. Service vehicles can temporarily occupy the crossover/driveway for deliveries. At all other times the crossover and driveway of the Residential Dwelling is to be available at all times for the use to the Residence, for the duration of the Consulting Rooms.

- f. The Consulting Rooms' redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owner's cost in accordance with City's Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City.**
- g. All signage is to be in strict accordance with the City's Local Planning Policy 6.1 Advertising Signs, unless further development approval is obtained.**
- h. All landscaped areas are to be planted, reticulated and mulched in accordance with the approved plan prior to occupation of the development and maintained in accordance with the City of Stirling's Policy 6.6 – Landscaping, to the satisfaction of the City.**
- i. Planting of two new street trees at the applicant's cost will be scheduled to occur in the next available planting season after the completion of the development. The owner shall pay the planting costs prior to commencement of development as determined by the City's Street and Reserve Trees Policy.**
- j. No verge parking is permitted and all existing hardstand areas within the verge are to be removed and the area landscaped and maintained to the satisfaction of the City.**
- k. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve, to the satisfaction of the City.**

The motion was put and declared CARRIED (12/0).

For: Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sargent, Thornton and Mayor Irwin.

Against: Nil.

Committee Recommendation

That pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for Extension of Non-Conforming Use (Consulting Rooms) at Lot 8, House Number 139, Weaponess Road, Wembley Downs be APPROVED subject to the following conditions:-

- a. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the planning approval issued and are listed below:-

Drawing Title	Date	Drawing Number	Revision	Drawn By
Existing Site Survey	June 2021	A00	6	ZARQ
Site Plan	June 2021	A01	6	ZARQ
Existing Floor Plan	June 2021	A02	6	ZARQ
Existing Floor Plan	June 2021	A03	6	ZARQ
Existing Floor Plan	June 2021	A04	6	ZARQ
Elevations	June 2021	A05	6	ZARQ
Elevations	June 2021	A06	6	ZARQ
Landscape Plan	NA	NA	NA	ZARQ

- b. No more than one health consultant is permitted to operate from the premises at any one time.
- c. The hours of operation are restricted to:-
- Monday, Tuesday, Thursday: 8.00am to 5.30pm;
 - Wednesday: 8.00am – 6.30pm;
 - Friday: 8.00am – 1.30pm; and
 - Saturday and Sunday: Closed.
- d. Prior to the commencement of the use, a Parking Management Plan is to be submitted for review and approval, to the satisfaction of the City. Details are to include the appropriate signage indicating the location of off-site public car parking bays in the locality.
- e. Service vehicles can temporarily occupy the crossover/driveway for deliveries. At all other times the crossover and driveway of the Residential Dwelling is to be available at all times for the use to the Residence, for the duration of the Consulting Rooms.
- f. The Consulting Rooms' redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owner's cost in accordance with City's Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City.
- g. All signage is to be in strict accordance with the City's Local Planning Policy 6.1 Advertising Signs, unless further development approval is obtained.

- h. All landscaped areas are to be planted, reticulated and mulched in accordance with the approved plan prior to occupation of the development and maintained in accordance with the City of Stirling's Policy 6.6 – Landscaping, to the satisfaction of the City.
- i. Planting of two new street trees at the applicant's cost will be scheduled to occur in the next available planting season after the completion of the development. The owner shall pay the planting costs prior to commencement of development as determined by the City's Street and Reserve Trees Policy.
- j. No verge parking is permitted and all existing hardstand areas within the verge are to be removed and the area landscaped and maintained to the satisfaction of the City.
- k. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve, to the satisfaction of the City.

Officer's Recommendation

That pursuant to Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application for Extension of Non-Conforming Use (Consulting Rooms) at Lot 8, House Number 139, Weaponess Road, Wembley Downs be APPROVED subject to the following conditions:-

- a. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City. The plans approved as part of this application form part of the planning approval issued and are listed below:-

Drawing Title	Date	Drawing Number	Revision	Drawn By
Existing Site Survey	June 2021	A00	6	ZARQ
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Existing Floor Plan	June 2021	A03	6	ZARQ
Existing Floor Plan	June 2021	A04	6	ZARQ
Elevations	June 2021	A05	6	ZARQ
Elevations	June 2021	A06	6	ZARQ
Landscape Plan	NA	NA	NA	ZARQ

- b. No more than one health consultant is permitted to operate from the premises at any one time.

- c. The hours of operation are restricted to:-
- Monday, Tuesday, Thursday: 8.00am to 5.30pm;
 - Wednesday: 8.00am – 6.30pm;
 - Friday: 8.00am – 1.30pm; and
 - Saturday and Sunday: Closed.
- d. Prior to the commencement of the use, a Parking Management Plan is to be submitted for review and approval, to the satisfaction of the City. Details are to include the appropriate signage indicating the location of off-site public car parking bays in the locality.
- e. Service vehicles can temporarily occupy the crossover/driveway for deliveries. At all other times the crossover and driveway of the Residential Dwelling is to be available at all times for the use to the Residence, for the duration of the Consulting Rooms.
- f. The Consulting Rooms' redundant crossover(s) shall be removed and the kerbing and road verge reinstated at the owner's cost in accordance with City's Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City.
- g. All signage is to be in strict accordance with the City's Local Planning Policy 6.1 Advertising Signs, unless further development approval is obtained.
- h. All landscaped areas are to be planted, reticulated and mulched in accordance with the approved plan prior to occupation of the development and maintained in accordance with the City of Stirling's Policy 6.6 – Landscaping, to the satisfaction of the City.
- i. Planting of two new street trees at the applicant's cost will be scheduled to occur in the next available planting season after the completion of the development. The owner shall pay the planting costs prior to commencement of development as determined by the City's Street and Reserve Trees Policy.
- j. No verge parking is permitted and all existing hardstand areas within the verge are to be removed and the area landscaped and maintained to the satisfaction of the City.
- k. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve, to the satisfaction of the City.

Report Purpose

To consider an extension to an existing non-conforming use (Consulting Rooms) at Lot 8, House Number 139, Weaponess Road, Wembley Downs.

Relevant Documents

Attachments

Attachment 1 - Plans

Attachment 2 - Policy Implications and Assessment

Attachment 3 - Applicant's Planning Report

Attachment 4 - Photographs of site and surrounding area

Available for viewing at meeting

Nil

Description of Development

Site Area: 830m²

Nearest Cross Street: Bournemouth Crescent



Location Plan



Aerial Photograph

Background

The subject site is a corner lot located at House Number 139, Weaponess Road, Wembley Downs and has frontages to Bournemouth Crescent (primary street) and Weaponess Road (secondary street). The surrounding area is predominantly residential in nature with a Local Centre to the east and Wembley Downs Primary School is located approximately 70m to the west.

The subject site is zoned Residential R20 and contains a Single House and Dental Practice which has operated from the site since the mid 1960s. The City's records indicate that a building permit was issued in 1964, for the dwelling and dental practice. Two tandem car parking bays were approved on-site for the use of the Consulting Rooms. An application to increase the number of consultants operating from the site was considered in 1973 and 1978. These applications were both refused by Council due to the increase of patrons and the site being unable to accommodate the additional parking.

The application seeks to extend and modernise the existing dental practice only and continue to operate with only one consultant from the site. The proposed works include:-

- Increasing the size of the two existing surgery rooms, sterilisation room, reception/waiting area, bathroom (to universally accessible standards), office, and staff room.
- Addition of a photography room, meeting room, and outdoor seating area for staff.
- Revised landscaping for the site including, retaining all existing trees and a significant increase to street trees and provide additional verge landscaping.
- Relocation of the reception and associated pedestrian entry point.
- Removal of existing non-compliant car parking bays and redundant crossovers.
- Other minor internal reconfigurations and internal renovations.

The proposal seeks to provide no car parking bays on-site for the existing consulting rooms and maintains two car parking bays for the existing Single House. The proposal seeks to remove the existing crossover servicing the consulting rooms, the paved verge area and parking areas on-site and reinstate the verge with landscaping including the provision of two new street trees.

Principal Statutory Provisions

Use Table

Zoning

MRS Urban

LPS3 Residential R20

NA

Use

Class Consulting Rooms

Type X – Not permitted by the Scheme (Non-Conforming Use)

Assessment

An assessment of the proposal which requires Council to exercise discretion is contained within Attachment 2.

Consultation/Communication Implications

The application proposes to extend an existing non-conforming use, which is required to be advertised under Clause 4.9.2 Local Planning Scheme No.3 (LPS3). The proposal was advertised for a period of 14 days, in accordance with Clause 64 (4) and (7) Advertising applications of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions.

The potentially affected owners and occupiers were contacted by mail and invited to view the plans of the proposal at the City's administration building. One submission of support was received.

Submissions Received	Within 200m of proposed site	Remainder of Submissions	All Submissions
SUPPORT	100% (1)	0%	100% (1)
OBJECT	0%	0%	0%
OTHER (Not Stated/No Opinion/Conditional)	0%	0%	0%

Comment

The relevant matters to be considered by Council when determining this development application are:-

- Extension to Non-Conforming Use;
- Parking shortfall; and
- Built form.

Extension to Non-Conforming Use

The 'Consulting Rooms' land use is an existing non-conforming use on-site. Consulting Rooms is defined as:

means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

Clause 4.9.1 b) requires development approval be granted under LPS3 prior to the extension of a building used in conjunction with the non-conforming use.

The proposed extension to the existing non-conforming use does not intensify the use, as there is no change to the number of consultants operating from the site. The use is considered to be consistent with the LPS3 Residential Zone Objective (b) which is to provide a range on non-residential uses that are compatible with the residential area. An assessment against the relevant matters under Clause 67 'Matters to be considered by Local Government' is provided in Attachment 2.

Parking shortfall

Car parking for the development has been assessed against Local Planning Policy 6.7 – Parking and Access (LPP 6.7) and Clause 77D(2)(b)(ii) of the *Planning and Development Regulations 2015* which is as follows:-

Use	Car Parking Ratio	Parking Bay Requirement
Consulting Rooms	5 bays for 1 Health Consultants	5 car parking bays
Parking Reductions		
The proposed development is with 200m of an existing public car parking area	20%	1 car parking bay
Car Parking Bays proposed		0
Shortfall		4 car parking bays

On the basis of the above, the proposed development results in a four (4) car parking bay shortfall under the requirements of LPP 6.7.

Due to the slope of the land and the proximity of the accessway to the Weaponess Road and Bournemouth Crescent intersection, the site is unable to safely accommodate car parking bays within the site. Therefore, no car parking bays are proposed on-site. The subject site is within 100m of approximately 100 car parking bays, being 30 verge car parking bays and a 70 car bay public car park on Bournemouth Crescent. It is proposed that staff and customers utilise the existing public parking bays within close proximity to the subject site.

The existing consulting rooms have been in operation since the 1960s and originally provided two car parking bays on site for the use on the Consulting Rooms. The number of consultants is not proposed to increase, with only one currently operating from the site. Additionally, there is no change proposed to the operating hours. The consulting rooms day-to-day dental operation varies with appointments ranging from 20 minutes to over two hours depending on the dental work required. The estimated average appointment time is one hour, with the hygienist and dentist alternating between consulting rooms resulting in an average of two patients per hour. This results in five vehicle trips at opening and closing times, and an average of two vehicle trips per hour during operating hours. Staff and patrons are also encouraged to utilise other transportation options such as public transport and cycling. End of trip facilities are provided within the Consulting Room for the use of staff.

Notwithstanding this, as no car bays are proposed for the consulting rooms, the traffic volume to and from the site will be limited, as parking will be disbursed to the public parking bays in the immediate vicinity, further reducing the impact of traffic and parking on the subject site. The public car park is approximately 70m away and is accessible by pedestrian footpaths along Bournemouth and Weaponess Road.

A desktop survey of the public car park capacity on weekdays varies from being 44% - 87.4% occupied and on Saturday varies from 44% - 80% occupied. This indicates that the additional four car parking bays required under LPP 6.7 can be accommodated by the public car park. In addition to the public car park, within a 100m radius of the subject site there is an additional 30 painted verge bays within the road reserve.

Whilst the development does not satisfy the car parking requirements on-site, there have been no parking problems identified by the City's Community Safety Business Unit within the immediate locality. The removal of the car parking bays at the front of the site, reinstatement of the verge and the addition of two new street trees will help to improve the character and amenity of the area as landscaping and significant trees are proposed which will help to soften the existing Bournemouth streetscape. In addition, this treatment will restrict any informal parking within the verge area as currently occurs from time to time.

The provision of no car parking bays on-site in lieu of the required four car parking bays is not considered to create a major parking problem in the future as there are approximately 100 car parking bays available within 100m of the subject site. It is considered that the existing public parking can sufficiently accommodate the demand for vehicle parking associated with the non-conforming use.

An assessment against the relevant matters is provided in Attachment 2. As outlined above the proposed car parking shortfall is considered to meet the objectives of LPP 6.7

Built form

The proposed extension to the existing non-conforming use (Consulting Rooms) requires assessment against the Design Principles under State Planning Policy 7.3 – Residential Design Codes Volume 1, for the following Clauses:-

- Clause 5.1.2 - Street Setbacks;
- Clause 5.1.3 - Lot Boundary Setbacks; and
- Clause 5.3.7 - Site Works.

The extension to the Consulting Rooms is increasing the size of the two existing surgery rooms, sterilisation room, reception/waiting area, office, and staff room which extends the built form on-site to the eastern lot boundary towards Weaponess Road.

It is considered that the variations proposed meet the relevant Design Principles of the R-Codes and are unlikely to have any impact upon the existing residential amenity or neighbouring properties. An assessment against the relevant matters is provided in Attachment 2.

Policy and Legislative Implications

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

Please refer to Attachment 2 for all Policy and Legislative matters relevant to the application.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B1: Places to live, work and enjoy

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	Substantial landscaping within the site, and two new street trees will provide increased vegetation for the area and provide green relief.

SOCIAL	
Issue	Comment
Amenity	The proposal is of a high-quality design that is single storey. The built form is of an appropriate scale that will contribute positively towards the amenity of the existing streetscape.
Health, wellbeing and safety	The existing use provides a health service for the Wembley Downs and wider community.

ECONOMIC	
Issue	Comment
Job creation	The development provides a basis for local employment during construction.

Conclusion

The non-conforming Consulting Room Use has been operating for over 50 years and provides a service for local residents and the wider community. The use is considered to be in keeping with the immediate locality which consists of a mixture of residential and commercial development. The proposal seeks to modernise and extend the existing dental practice only and continue to operate with only one consultant from the site. The extension to the existing non-conforming use is not considered to be detrimental to the amenity of the locality.

Due to site constraints including level differences and its close proximity to the Bournemouth and Weaponess Road intersection no car parking is proposed on-site. The site, however, is in close proximity to over 100 public car parking bays.

It is considered that the proposal satisfies the planning framework and is therefore recommended for approval, subject to relevant planning conditions.

Councillor Bianca Sandri returned to the meeting at 8.51pm prior to consideration of Item 12.1/DS2.

12.1/DS2 LOCAL PLANNING POLICY 6.18 - PUBLIC CONSULTATION

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Manager Development Services
Business Unit: Development Services
Ward: City Wide
Suburb: City Wide

Authority/Discretion

Definition

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☐ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☒ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

0921/008

Moved Councillor Proud, seconded Councillor Caddy

That Council PREPARES Local Planning Policy 6.18 – Public Consultation, as shown in Attachment 1 for the purpose of public advertising.

The motion was put and declared CARRIED (12/1).

For: Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Councillor Re.

Committee Recommendation

That Council PREPARES Local Planning Policy 6.18 – Public Consultation, as shown in Attachment 1 for the purpose of public advertising.

Officer's Recommendation

That Council PREPARES Local Planning Policy 6.18 – Public Consultation, as shown in Attachment 1 for the purpose of public advertising.

Report Purpose

To obtain a resolution of Council to prepare Local Planning Policy 6.18 – Public Consultation for the purpose of public advertising in response to amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

Relevant Documents

Attachments

Attachment 1 - Proposed Local Planning Policy 6.18 - Public Consultation

Attachment 2 - Current Planning Consultation Procedure

Available for viewing at meeting

Nil

Background

Consultation on planning proposals is carried out in accordance with the City's Planning Consultation Procedure (the current Procedure – refer to Attachment 2), adopted by Council in November 2004 and the Planning and Development (Local Planning Schemes) Regulations 2015.

The current Procedure defines planning proposals as:-

- Development Applications;
- Local Planning Scheme Amendments;
- Local Planning Policies;
- Structure Plans;
- Activity Centre Plans; and
- Local Development Plans.

The current Procedure was last reviewed in 2018 (Council Resolution Number 0418/017).

On 15 February 2021, amendments to the Regulations came into effect that changed how local governments must advertise planning proposals. This report identifies the implication of these changes.

This report also addresses Motions put forward at the Special Electors' Meeting held 24 February 2021 in response to a development proposal for residential development the Karrinyup Shopping Centre. At that meeting, the following Motions relating to community consultation were moved:

1. *"Immediately commence amending 'City of Stirling Planning Consultation Procedure' to align with SPP7.2 and include the following requirements for Development Applications classified as 'Complex Development Application' to include and or require:-*
 - a) *Properties within an 800 metre radius of the Development Application be notified in writing;*
 - b) *A minimum of 3 Community Information Days and or Workshops be held (at least 3 weeks prior to the Development Application public comment period closing);*
 - c) *A Community Reference Group be established, to assist in prelodgement process, including Design Review Panel process;*
 - d) *All relevant Development Application information be made available on the City's website during the Public Consultation and Comment Period(s). This includes all documents and plans to be legible and easily printable; and*
 - e) *The Public Consultation and Comment Period be a minimum of 28 days and include a minimum 2 Ordinary Council Meetings.*
2. *The Reporting Format Summary Table for the Responsible Authority Report to be expanded to include a more detailed breakdown of responses, including a breakdown of responses within at least 800 metres.*
3. *A Community Reference Group be established for the Karrinyup Shopping Centre Expansion.*

Only the first motion is relevant to this report.

Council considered these motions at its meeting held 30 April 2021. At that meeting, Council considered the City's officers' comments in response to these motions, and resolved (Council Resolution Number 0321/055) as follows:-

"That the City UNDERTAKES a review of the Planning Consultation Procedure, with a view to developing a Planning Consultation Local Planning Policy and that the outcomes be PRESENTED to a future Planning and Development Committee meeting."

This report addresses this resolution.

Comment

The current Procedure was adopted to provide a consistent and transparent way of consulting on planning proposals in a way that supplemented the statutory consultation requirements of the Regulations.

The current Procedure does this in a number of ways, such as identifying who will be consulted when planning proposals are advertised, and for how long consultation will occur. This provides certainty to applicants and residents regarding whom the City will consult with and how when advertising a planning proposal.

One of the reasons why the State Government made changes to the consultation requirements in the Regulations was to ensure local government undertook consultation consistently. To achieve this consistency, the Regulations now include a number of 'mandatory' consultation requirements that differ from the requirements of the current Procedure.

While providing consistency on broader statutory requirements such as when advertising commences, the Regulations allow local governments to detail how consultation should occur. The current Procedure expands on these statutory matters by detailing the specific measures the City will undertake, such as with whom the City will consult with.

Changes to the Regulations mean that the current Procedure is no longer an appropriate document to detail these requirements. Under the Regulations, only land uses not listed in the local planning scheme are treated as 'complex'. If a local government wants to identify other types of development applications it considers to be 'complex', the Regulations require the local government adopt a local planning policy. A local planning policy will also allow the City to provide guidance on whom the City will advertise to.

The City's officers recommend this occur, for the reasons given later in this report.

The recommended local planning policy will include the 'mandatory' advertising requirements of the Regulations, and a number of recommended improvements to how the City consults on planning proposals.

Changes to how the City currently advertises planning proposals

The following changes to how the City consults on planning proposals are the result of changes to the Regulations and will be written into the new local planning policy.

- Standard development applications are advertised for 14 days instead of 21 days;
- The only holiday periods that can extend the timeframe for advertising a planning proposal is between 25 December and 1 January, and a period of 7 days commencing on Good Friday;
- Increases to advertising periods require agreement of the applicant or approval of the Western Australian Planning Commission;
- Statutory timeframes for advertising of planning proposals are mandated, not minimum;
- Minimum sign size requirements for Complex Applications are now mandated;
- Notices no longer have to be placed in local newspapers;
- The City cannot add seven days to the consultation period when a planning proposal is advertised to an adjoining local authority; and
- Development applications can no longer be readvertised.

These changes are detailed further in this report.

Other changes proposed to improve how the City consults

In addition to the recommended preparation of a local planning policy for public consultation, the following additional changes to the advertising of planning proposals are recommended:-

- Inclusion of 'Child Care Premises' into the definition of a 'Complex' Application; and
- Identifying targeted consultation to specific stakeholders for certain planning proposals.

These changes are detailed below.

Proposed Public Consultation Local Planning Policy

The current Procedure differentiates between a 'standard' and 'complex' development application and has different consultation requirements for each. The definition of a 'complex' development application previously adopted by Council applies to a development application:-

(i) *With an estimated value of \$2 million and over excluding:-*

- *Single Houses*
- *Grouped Dwellings*
- *Warehouses*
- *Located within the Industry Zone*
- *Located within the Service Station Zone.*

(ii) *Which proposes 10 or more Multiple Dwellings.*

(iii) *Which proposes Telecommunications Infrastructure.*

A local planning policy is required to continue to differentiate how different types of development applications are advertised. If this doesn't occur, only uses that are not listed in the City's local planning scheme will be subject to a more comprehensive advertising process. All other applications will be dealt with as 'standard' type applications. As such, it is recommended Council adopt a local planning policy to expand the definition of a 'complex' development application.

Until such time as Council adopts a local planning policy, all development applications, irrespective whether they met the previously adopted definition of a 'complex' application will be advertised for 14 days instead of 28, without a sign on site.

As the potential amenity impacts of development proposals vary, different types of development applications should be advertised in varying ways. For example, a major shopping centre redevelopment should be advertised differently to an addition to a single house. A definition of 'complex application' in a local planning policy is necessary to allow this to happen.

It is recommended that a local planning policy be prepared, with the definition of 'complex application' as provided by the current Planning Consultation Procedure and amended to include 'Child Care Premises', as discussed below.

Inclusion of 'Child Care Premises' under the 'complex application' definition in the Policy

The Regulations require a Child Care Premises proposal to be advertised for 14 days and only to owners and occupiers of adjoining neighbouring properties.

Due to the potential impact of Child Care Premises developments, the duration of this consultation requirement is considered inadequate. Also, this type of proposal was previously advertised for 21 days, and to all owners and occupiers of properties within 200m of the site in line with the previous Procedure requirements for a standard application.

The City's officers recommend that 'Child Care Premises' be included in the definition of a 'complex application' (except where a 'Child Care Premises' is proposed in a Civic zone which is the only zone where this use is a 'P' use or in certain parts of the Stirling City Centre). This will require these uses to be advertised for 28 days to owners and occupiers within 200m of the proposed development (and any other owners the local government determines to be affected by the proposal).

Consultation with individuals who requested to be kept informed of changes to the City's strategic planning documents

To ensure that the City engages as widely as possible on changes to the City's strategic planning documents, the City's officers have compiled a list of individuals and businesses who have requested to be kept informed of changes to the City's planning framework.

Whenever changes to the City's planning framework are proposed, these individuals are informed.

To ensure transparency, it is recommended the proposed policy references this list.

Consultation with specific stakeholders

Advertising strategic planning documents in a way that will solicit meaningful feedback needs to be reflected in the recommended local planning policy. The Regulations provide a standardised way of consulting on planning proposals that may not result in feedback from all interested stakeholders.

This misses an opportunity to engage in a way that may result in an improved planning document, for example by engaging with those who have previously been involved in or commented on, a development proposal.

For this reason, it is recommended that the advertising of strategic planning documents permits a flexible approach to consultation. This approach will enable the City's officers to consult with individuals or organisations to add value to the strategic planning process.

This would include, for example, emailing previous applicants for development approval, private planning consultants who often represent landowners or developers, building industry companies, and peak industry bodies. This would also include individuals who may have commented on a specific planning proposal.

This approach will enable the City's offices to consult with individuals or organisations who may be able to add value to the preparation of strategic planning documents. This approach would be used on a case by case basis and approved by the Manager Development Services.

The recommended local planning policy should identify this approach.

Removing holiday periods requiring additional advertising periods

The current Procedure required an additional one day consultation over public holidays, and 14 days where consultation occurs over Christmas and Easter. These requirements are not used by other local governments, resulting in the City advertising planning proposals for longer than other local governments.

When the City introduced these requirements, there were no specific requirements for advertising over holiday periods in the Regulations.

The amended Regulations introduced a definition for an 'excluded holiday that refers only to a period between 25 December and 1 January, and a period of seven days commencing on Good Friday. These requirements vary from those in the current Procedure, and the City cannot vary them.

The recommended local planning policy will include the statutory requirements.

Clarifying that increases to advertising periods require agreement of the applicant or approval of the Western Australian Planning Commission

The current Procedure allowed the length of public consultation for development applications to be extended where considered to be in the public interest. Also, the current Procedure contained minimum advertising periods for strategic planning documents such as scheme amendments.

The amended Regulations permit public consultation periods for development applications to be extended where the applicant agrees.

In the case of a scheme amendment, structure plan or development contribution plan, approval from the Western Australian Planning Commission is required to extend public consultation periods. As this is contained in the Regulations, the City cannot impose a longer consultation period.

The recommended local planning policy will reflect this requirement.

Updating the statutory timeframes for advertising of proposals

The amended Regulations contain the mandatory advertising periods for the following planning proposals:-

- 'Standard applications' for development approval can only be advertised for 14 days (21 days under the current Planning Consultation Procedure);
- 'Complex applications' for development approval can only be advertised for 28 days (21 days under the current Planning Consultation Procedure); and
- Structure Plans will be advertised for 42 days (28 days under the current Planning Consultation Procedure).

The recommended local planning policy will include these requirements. As stated earlier in this report, these periods cannot be varied unless agreed in writing between the applicant and the local government.

Introducing minimum sign size requirements for Complex development applications

The amended Regulations introduce minimum sign requirements for complex development applications that previously did not exist. As a result, the requirement in the current Procedure for a 5m² sign is reduced to a minimum of 1.08m².

As these are mandatory provisions, the City cannot enforce a greater minimum sign size than what is outlined in the Regulations, and the recommended local planning policy will reflect the amended Regulations.

Changing the requirement for notices to be placed in local newspapers

The current Procedure requires all strategic planning documents to be advertised in local newspapers. The amended Regulations provides local government with the discretion to decide which planning proposals it advertises in local newspapers. This now only needs to happen where considered appropriate by a local government.

Advertising of strategic planning documents in local newspapers incurs a significant financial cost to local government – approximately \$20,000 a year. Advertising all planning proposals in local newspapers is not considered appropriate, particularly where targeted consultation is undertaken such as letters to owners and occupiers, and signs on site.

There are instances where advertising a strategic planning document in local newspapers is appropriate, such as a local planning policy that applies City wide. As scheme amendments or local planning policies require a resolution of Council before they can be advertised, Council will be notified when newspaper adverts will be used.

The local planning policy recommended to be prepared will provide the ability to advertise in newspapers where appropriate.

Removal of the additional seven days to the consultation period when a planning proposal is advertised to an adjoining local authority

The current Procedure allows the City to add an additional 7 days to the consultation period when a planning proposal needs to be advertised to an adjoining local government. The amended Regulations only allows the consultation period to be extended in certain circumstances.

The recommended local planning policy will need to include these requirements.

Removal of the 14-day period for readvertising proposals

The current Procedure allows for the readvertising (in certain circumstances) of proposals for a period of 14 days. However, the Regulations only provide for the readvertising of Complex (an additional 42 days) and Standard (an additional 21 days) Scheme Amendments.

The recommended local planning policy will reflect these requirements.

Karrinyup Special Electors' Meeting community consultation motions

The Special Electors' Meeting held 24 February 2021, Electors sought the following changes to the Planning Consultation Procedure for applications defined as 'Complex' applications.

a) Properties within an 800m radius of the Development Application be notified in writing

When a complex development application is proposed, the Regulations contain two provisions relating to how widely the application is advertised.

Firstly, they require a local government to give notice of the development to owners and occupiers of properties within 200m of the proposed development.

Secondly, and despite the first requirement, a local government can give notice to *‘any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval’*.

Consulting with all property owners and occupiers within 200m of a proposed development is considered appropriate for the majority of complex development applications and aligns with the approach contained in the current Procedure. The reason for this is that the amenity impacts of the majority of ‘complex applications’ are likely confined to properties within a 200m radius of a site.

City officers acknowledge that there are some development proposals where advertising beyond 200m is appropriate, and the Regulations provide a mechanism for this to happen. This will be determined on a case by case basis as determined by the Manger Development Services.

For this reason, this requirement is not recommended to be included in the proposed local planning policy.

- b) A minimum of three Community Information Days and or Workshops be held (at least three weeks prior to the Development Application public comment period closing)

The Regulations contain statutory timeframes for the assessment of development applications, beyond which, an applicant may have a right of review for non-determination at the State Administrative Tribunal.

These timeframes would make assessing a development application and potentially preparing a Responsible Authority Report for the Metro Inner – North - JDAP, while also addressing this motion, very difficult.

This suggestion may lead to residents having unrealistic expectations about the outcomes of these events. The process may imply an application may be modified following these events when there is no ability to require any changes to be made.

The requirement would also impose an additional administrative requirement when processing the development application.

For this reason, this requirement is not recommended to be included in the proposed local planning policy.

- c) A Community Reference Group be established, to assist in pre-lodgement process, including Design Review Panel process

The motion that a Community Reference Group be established, to assist in pre-lodgement process including the Design Review Panel process, is not supported for the reasons given above.

- d) All relevant Development Application information be made available on the City’s website during the Public Consultation and Comment Period(s). This includes all documents and plans to be legible and easily printable

All development applications advertised on the City’s website meet this request.

- e) The Public Consultation and Comment Period be a minimum of 28 days and include a minimum 2 Ordinary Council Meetings.

The Regulations state that 'complex applications' are only to be advertised for 28 days, and this is reflected in the proposed local planning policy.

The Regulations do not contemplate public advertising periods aligning with meetings of Council. Council has provided delegated authority to the City's officers to determine development applications, to ensure these are processed efficiently and in accordance with statutory timeframes.

Aligning public advertising periods with Council meetings may adversely impact on the processing of development application timeframes. Elected Members already have the ability to 'call-in' an application to Council for determination (or to provide a recommendation to the Development Assessment Panel) where this will not impact on statutory timeframes.

For this reason, this requirement is not recommended to be included in the proposed local planning policy.

Other recommended modifications

A number of modifications to provide clarification and various administrative changes are recommended, including the increased use of social media. The use of social media to advertise strategic planning documents is supplementary to the Regulations and will ensure a wider audience is reached when the City undertakes public consultation.

This will be undertaken on a case by case basis following advice from the Customer and Communications Business Unit.

Consultation/Communication Implications

The proposed Policy will be advertised for 21 days in accordance with the mandatory requirements in the Regulations. As the proposed Policy will be a City-wide policy, notifications on the advertising of the policy will also be placed in newspapers.

Policy and Legislative Implications

The proposed modifications to the Planning Consultation Procedure have been prepared to reflect the modifications brought about by the amendments to the Planning and Development (Local Planning Scheme) Regulations 2015.

The preparation of the local planning policy is to be processed in line with the requirements of the Regulations. Where a local government resolves to prepare a local planning policy, these require:

- The local government to advertise the policy for no less than 21 days;
- The local government to review the policy in the light of any submissions made following the advertising period; and
- The local government to resolve to proceed with or without modifications, or not proceed with the policy.

The local planning policy will include the modifications brought in by the changes to the Planning and Development (Local Planning Schemes) Regulations 2015. It will also change how certain planning proposals, specifically 'Complex' and 'Standard' development applications, are advertised.

Financial Implications

The cost of advertising the recommended Local Planning Policy will be borne by the Development Services Business Unit.

Strategic Implications

Key Result Area: Governance and leadership

Outcome G4: Capable and efficient organisation

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Community engagement	To provide a consistent approach to the advertising of planning proposals, allowing the community to be engaged and inform the decision-making process.

ECONOMIC	
Issue	Comment
Consistency of process	<p>The changes to the Regulations are part of the planning reform agenda. A key intent behind the reform is to ensure local governments operate consistently and efficiently.</p> <p>This will benefit landowners and adjoining property owners.</p>

Conclusion

Recent changes to the Planning and Development (Local Planning Schemes) Regulations 2015 affect how local government advertise planning proposals. A key reason why this has happened is to promote a consistent approach to community consultation across local government.

As a result of these changes, a new local planning policy is recommended to enable the City to:-

1. Define what is a 'complex' development application; and
2. Support other matters not addressed in the Regulations, such as who the City advertises proposals to.

A number of other modifications are recommended to supplement the Regulations by providing transparency around how the City undertakes public consultation.

It is recommended that Local Planning Policy 6.18 – Public Consultation, as shown in Attachment 1, be prepared and advertised for public comment.

12.1/DS3 HERITAGE ADVISORY GROUP - REVIEW OF TERMS OF REFERENCE**Report Information**

Location: City Wide
Applicant: Not Applicable
Reporting Officer: Manager Development Services
Business Unit: Development Services
Ward: City Wide
Suburb: City Wide

Authority/Discretion**Definition**

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Moved Councillor Proud, seconded Councillor Ferrante

That Council **DISBANDS** the Heritage Advisory Group, and the City continues to **ENGAGE** with the community on heritage matters in a targeted way as required.

Council Resolution

0921/009

Moved Councillor Farrelly, seconded Councillor Re

That Council DEFERS disbanding the Heritage Advisory Group until the New Council of 2021/2023 operates and members are not nominated until a review of this is made by the new Council to consider how the City of Stirling can manage heritage matters.

The motion was put and declared CARRIED (12/1).

For: Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Thornton and Mayor Irwin.

Against: Councillor Sargent.

Reason for Alternative Motion

It is clear that the report on the Heritage Advisory Group by the Planning directorate indicates that there is seemingly no enthusiasm for Elected Members nor community to attend the two meetings a year. The Planning and Development committee has supported the disbandment of the Heritage Advisory Group.

However where will community have a recognised role Citywide to comment and support heritage matters? I ask that this group is retained as Heritage matters of Buildings, Parks and Gardens and places of cultural significance are becoming more important to communities and it would be retrograde for the Council to disband a group that has regular discussion on the City's heritage. Residents are asking for Councils to retain a 'sense of place' and it may be worthwhile to refer to this 'sense of place' as part of the revised Scope of the Advisory group.

Committee Recommendation

That Council **DISBANDS** the Heritage Advisory Group, and the City continues to **ENGAGE** with the community on heritage matters in a targeted way as required.

Officer's Recommendation

That Council **DISBANDS** the Heritage Advisory Group, and the City continues to **ENGAGE** with the community on heritage matters in a targeted way as required.

Report Purpose

To consider the role of the Heritage Advisory Group, and how it may become more involved in the management of the City's heritage

Relevant Documents

Attachments

Attachment 1 - Electors' Motions 2019 Heritage Advisory Group

Attachment 2 - Review of approach of other local governments to Heritage Groups

Attachment 3 - Terms of Reference Heritage Advisory Group - Tracked changes

Available for viewing at meeting

Nil

Background

The City has a history dating back to 1999 of using Advisory Panels and Committees to inform and assist the City in carrying out its responsibilities. In November 1999, Council endorsed the creation of a Heritage Advisory Committee. At the time the Committee was created, Council noted that it was not the intention to delegate its powers to the Heritage Advisory Committee, or have the Committee involved in the daily decision-making processes of the City, but for the Committee to provide input to various projects associated with the management of the City's heritage and make recommendations to Council.

At the time, it was noted that the Committee would act as a forum for members to discuss issues relating to the management of the City's heritage, including Heritage Protection Areas and the Municipal Inventory of Heritage Places and make recommendations for consideration by Council.

Some of the key matters that the Committee would be called upon to provide support for included the establishment of a Heritage Awards Program and identification of sites for heritage or historic site markers.

Since this time, the role of the Committee has simplified. The Committee was changed to a Heritage Advisory Panel in 2007 and its role no longer included providing planning advice to Council.

Most recently, in December 2018, Council endorsed a change to the Terms of Reference (Attachment 1) to reflect a new name, being the Heritage Advisory Group. The current Heritage Advisory Group (the Group), comprising of four community members, was established on 29 October 2019 (Council Resolution Number 1019/015).

Motions of Electors' General Meeting 2 December 2019

At the Electors' General Meeting, a number of queries were raised relating to the City's approach to heritage and the Heritage Advisory Group resulting in a motion being passed at that meeting.

All motions arising from the Electors' General Meeting were considered by Council at its meeting held 11 February 2020. The motion relating to the Heritage Advisory Group was considered at this meeting and is detailed in Attachment 2.

In summary, the motion called on Council to defer all recommendations for review of the City's Heritage Design Guidelines to the Heritage Advisory Group, and that a Special Meeting of the Heritage Advisory Group to be convened as soon as possible with regard to the City's approach to maintenance and compliance of the Heritage Design Guidelines.

The City's officer's response was to recommend that Council considers the role of the Heritage Advisory Group when it next reviews the Terms of Reference prior to the 2021 Council elections.

In response to this motion, at that meeting Council resolved:-

"That the following motion be REFERRED to a future Council meeting to revise the wording of the motion (to include ways for the Heritage Advisory Group to be more involved in the City's processes in a manageable way):-

- 4. That Council CONSIDERS the role of the Heritage Advisory Group when it next reviews the Terms of Reference prior to the 2021 Council elections."*

This report addresses the above resolution, as it considers ways for the Heritage Advisory Group to be more involved in the City's heritage processes in a manageable way.

At its meeting held 11 February 2020 meeting, Council also considered a Notice of Motion report that proposed:-

"That Council REFERS all recommendations for review of the City's Heritage Design Guidelines, and any other Heritage related applications, to the City of Stirling Heritage Advisory Group for consideration and comment prior to the item being referred to Council, to ensure both local experts and community persons, and City of Stirling experts, can rationalize their views and provide Council with more information on the items raised."

The following reason for this Notice of Motion was provided by Councillor Elizabeth Re:-

"In order for decision making to be in an accordance with the Terms of Reference aims and objectives - strategic matters relevant to the City's heritage management (e.g. review of the City's Character Retention Guidelines, review of the Local Heritage Survey and Heritage) that Council needs to be better informed and the Advisory Group was established to support Council in its decision making on Heritage issues and has been underutilised."

City officers did not support this Notice of Motion as it was considered contrary to the Terms of Reference of the Heritage Advisory Group.

Councillor Elizabeth Re subsequently moved the following Alternative Motion:-

"That the City CONTINUES to provide all strategic documents to the Heritage Advisory Group for its consideration."

The motion lapsed for want of a seconder.

Comment

Since Council instigated the Heritage Advisory Committee in 1999, which is now known as the Heritage Advisory Group (the Group), its Terms of Reference have been reviewed periodically to reflect the statutory and non-statutory planning functions undertaken by the City. These functions have changed since the Group was created. A number of the matters for which the Committee was established have now been completed.

Since the Group was created, Council has expanded its approach to heritage management, and the following are examples of measures now in place that did not exist when the Group was originally convened:-

- Establishment of heritage provisions in the Local Planning Scheme such as Heritage Protection Areas and Demolition by Neglect provisions;
- Adoption of local planning policies to guide development in the Menora, Mount Lawley and Inglewood Heritage Protection Areas;
- Establishment of a Heritage Awards Program; and
- Adoption of a Heritage Management Strategy 2016-2020.

In light of the resolution of Council to consider ways for the Group to be more involved in the City's processes in a manageable way, the City's officers sought suggestions at the Group meeting held 4 August 2021 as to how this might be achieved.

At that meeting, (attended by two of the four community members) the Group made the following suggestions for the role of the Group:-

- Assist with identifying locations for heritage markers; and
- Assist with judging the bi-annual heritage awards.

The Group also stated that it would be useful to have guest speakers attend the meeting to make presentations on heritage related matters.

Additionally, Group members who did not attend were asked for suggestions, with the following suggestions received:-

- Assessment of development applications that are of State Significance and development applications that have a heritage classification of 1 under the Local Heritage Survey.
- Assessment / review of Heritage Strategies, Local Heritage Survey and also Local Planning Policies.

A response to each of these suggestions is contained below.

Assist with identifying heritage markers

The current Terms of Reference for the Group state that the Group's advice may be sought on the identification of sites for heritage or historic site markers relevant to the City's Heritage Site Marker Program.

As this is within the scope of the Terms of Reference, the City's officers annually ask the Group for suggestions for locations for Heritage Site Markers.

Assist with judging the bi-annual Heritage Awards

The current Terms of Reference for the Group state that the Group's advice may be sought in relation to programs to promote and raise awareness of Heritage throughout the City. Assisting with the bi-annual Heritage Awards falls within the scope of the Group.

The Group nominates a Group member bi-annually to form part of the judging panel for the bi-annual awards.

Assessment of development applications that are of State Significance and applications that have a heritage classification of 1 under the Local Heritage Survey.

The City has a statutory responsibility under the Planning and Development (Local Planning Schemes) Regulations 2015 to assess development applications against the City's planning framework, including Local Planning Scheme No.3 and relevant local planning policies.

There is nothing legally stopping input from the Group to inform the Council's assessment. However, this does raise the following concerns:-

- Duplication of the assessment process;
- Raises the expectation of the Group that their assessment will form part of the decision making process; and
- Calls into question the decision of the City should an applicant be aggrieved with a decision of the City.

For these reasons, the suggestion that certain development applications are assessed by the Group is not supported.

Assessment / review of Heritage Strategies, Local Heritage Survey and also Local Planning Policies.

The assessment of these documents is within the scope of the Terms of Reference of the Group.

In recent times when the City has prepared its Heritage Management Strategy in 2016 and more recently when the Inglewood Character Retention Guidelines were revised, the City's officers sought input from the Group on these documents.

The Heritage Strategy sets the City's strategic direction for Heritage Management in the City, while the revised Inglewood Character Retention Guidelines proposed changes to clarify the level of design flexibility that could be considered in the area.

The City didn't receive any comments from the Group on either of these documents.

Guest speakers attend the meeting to make presentations on heritage matters.

At the meeting of the Heritage Advisory Group, a suggestion was made that the City invite guest speakers to address the Group.

Whilst this suggestion may be of some general interest to members of the Group, it would not contribute to an improvement in the City's processes. It would also involve cost to the City in terms of officer time and speaker fees.

Practical operation of the Heritage Advisory Group

The Heritage Advisory Group has held limited meetings during its last two year term primarily due to the COVID-19 pandemic. A review of the meeting minutes in recent years has indicated that the meetings of the Group are primarily used to update the Group on activities the City is undertaking. In recent times, these updates have primarily related to:-

- Heritage Incentives program;
- Nominations for judging panel for the bi-annual Heritage Awards;
- Review of Inglewood Character Retention Guidelines;
- Nominations for Heritage plaques program; and
- Nominations for Heritage List and Local Heritage Survey Review.

The City's officers have sought the input of the Group on items relating to:-

- Preparation of Heritage Strategy;
- Nominations for judging panel for the bi-annual Heritage Awards;
- Review of Inglewood Character Retention Guidelines;
- Nominations for Heritage plaques program; and
- Nominations for Heritage List and Local Heritage Survey.

In each of these instances, no comments were made by the Group.

Future of the Heritage Advisory Group

In light of the above, it is the City's officers view that this Group is not achieving its purpose of providing advice on various projects and issues associated with the management of the City's heritage, including incentive and promotion programs.

To try to identify how other local governments engage with the community on heritage matters, the City's officers undertook a review of the actions of other local governments. A summary of this review is contained in Attachment 2.

This review indicated that the majority of local governments surveyed did not have a similar community group. With the exception of one group whose role involved assessing certain heritage development applications (which is not recommended by the City's officers), no opportunities were identified for the expansion of the Group's activities.

Considering the workload associated with running the Group, and the limited benefits derived for both the City and Group members, the continued operation of the Group is not recommended.

The resolution of Council that the City's officers investigate ways for the Heritage Advisory Group to be more involved in the City's processes in a manageable way is noted, however for the reasons provided in this report, the City's officers recommend the Group be disbanded.

The current Terms of Reference provide an opportunity for the Group to be involved in the City's processes in a manageable way. However, it is the experience of the City's officers that the Group has not contributed when their advice has been sought.

Owing to the nature of the work undertaken by the City, there are no other opportunities for the Group to provide advice to the City outside of those opportunities identified in the Terms of Reference for the Group.

The City has a practice of consulting widely and proactively (as demonstrated in the recent changes to the Inglewood Character Retention Guidelines) on matters affecting heritage, including with those directly affected by proposed changes.

Should Council resolve as per the recommendation that the Group be disbanded, the City's officers will focus their attention on engaging with owners and community groups such as the Mount Lawley Society or Mount Lawley Ratepayers Association. In the case of community groups, resources will be able to be directed to the group as a whole when needed, rather than a single representative.

Options

Noting that Council has requested a review of the Terms of Reference to include ways for the Heritage Advisory Group to be more involved in the City's processes in a manageable way, the following options are available to Council.

Option 1 - Disband Heritage Advisory Panel

For the reasons provided earlier in this report, neither the current nor previous Groups have achieved their purpose of providing advice on various projects and issues associated with the management of the City's heritage, including incentive and promotion programs.

The City's officers have, in recent times, undertaken a successful community engagement exercise in relation to a review of the Inglewood Character Retention Guidelines. That community engagement allowed all members of the community to provide input into the policy review process, and resulted in Council adopting a local planning policy that reflected the aspirations of the community.

Should the Group be disbanded, the City's officers would continue to develop targeted community consultation exercises that will allow a broader section of the community to comment on matters relating to heritage management.

Option 2 - Retain Heritage Advisory Group

Should Council resolve not to disband the Group, the review of the Terms of Reference has not found any opportunities for the group to be more involved in the City's processes in a manageable way.

Consequently, should Council wish to continue the Group, the existing Terms of Reference are recommended to be retained in their current form, as shown in Attachment 3 with minor changes to reflect correct Business Unit names.

Consultation/Communication Implications

Nil.

Policy and Legislative Implications

The Heritage Advisory Group has no decision making powers and is not governed by specific policies or legislation.

Financial Implications

Should Council resolve to retain the Heritage Advisory Group, the cost of calling for nominations (approximately \$2,000) and regular operational administration of the Group (approximately \$1,000 per year) will be borne by the City Future Business Unit.

Strategic Implications

Key Result Area: Thriving communities

Outcome S4: Safer City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Heritage management	The successful management of the City's heritage assets has positive impacts on the built environment in the City.

SOCIAL	
Issue	Comment
Community engagement	The City's officers support engaging with the community in a positive and constructive way. The proposed alternative method of engaging with the community on heritage matters will ensure that a wider section of the community can be involved in heritage management.

ECONOMIC	
Issue	Comment
Economic benefits	The successful management of the City's heritage has been proven to have financial benefits through increased property values.

Conclusion

Council has requested the City's officers consider whether there are ways for the Heritage Advisory Group to be more involved in the City's processes in a manageable way. This report explores a range of opportunities for the Group to be more responsive. These include:-

- Assist with identifying heritage markers for identified; and
- Assist with judging the bi-annual heritage awards;
- Having guest speakers attend the meeting to make presentations on heritage related matters;
- Assessment of development applications that are of State Significance and development applications that have a heritage classification of 1 under the Local Heritage Survey; and
- Assessment / review of Heritage Strategies, Local Heritage Survey and also Local Planning Policies.

None of these opportunities are supported. In this report, two options have been put forward. Firstly, disbanding of the Group, and secondly that, should Council decide to retain the Group, its Terms of Reference are modified simply to reflect correct Business Unit names.

In recent time the effectiveness of the Group to assist the City on the management of heritage has diminished. Therefore officers recommend that the Heritage Advisory Group be disbanded, and that the City continues to engage with the community on heritage matters in a targeted way as required.

Councillor Joe Ferrante disclosed an Impartial Interest in Item 12.1/DS4 as the applicant is known to him.

Mayor Mark Irwin disclosed an Impartial Interest in Item 12.1/DS4 as the applicant is known to him.

12.1/DS4 LOCAL PLANNING SCHEME NO.3 AMENDMENT NO.121 - LOT 196, HOUSE NUMBER 1, WATERLOO STREET, JOONDANNA - REZONE FROM 'RESIDENTIAL R50' TO 'MIXED USE' - INITIATION

This item was REFERRED to the Planning and Development Committee meeting to be held 7 September 2021 at the Council meeting held 17 August 2021 to allow additional information to be considered on what planning controls can be introduced to deliver an appropriate built form outcome.

Additional information and a Suggested Alternative Recommendation have been included at the end of the report.

Report Information

Location: Lot 196, House Number 1, Waterloo Street, Joondanna
 Applicant: Taylor Burrell Barnett
 Reporting Officer: Manager Development Services
 Business Unit: Development Services
 Ward: Osborne
 Suburb: Joondanna

Authority/Discretion

Definition

- ☐ Advocacy *when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☐ Executive *the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☒ Legislative *includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
- ☐ Quasi-Judicial *when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- ☐ Information Purposes *includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

0921/010

Moved Councillor Proud, seconded Councillor Migdale

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **ADOPTS** (for the purpose of advertising) the modified Scheme Amendment No.121 to Local Planning Scheme No.3 to rezone Lot 196, House Number 1, Waterloo Street, Joondanna to Mixed Use, and to introduce Clause 5.15 and Schedule 13 as shown in Attachment 3.
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.121 is a Standard Amendment.

The motion was put and declared CARRIED (11/2).

For: Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri and Thornton.

Against: Councillors Sargent and Mayor Irwin.

Committee Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **ADOPTS** (for the purpose of advertising) the modified Scheme Amendment No.121 to Local Planning Scheme No.3 to rezone Lot 196, House Number 1, Waterloo Street, Joondanna to Mixed Use, and to introduce Clause 5.15 and Schedule 13 as shown in Attachment 3.
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.121 is a Standard Amendment.

Officer's Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **ADOPTS** (for the purpose of advertising) Scheme Amendment No.121 to Local Planning Scheme No.3 to rezone Lot 196, House Number 1, Waterloo Street, Joondanna to Mixed Use 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.121 is a Standard Amendment.

Report Purpose

To consider rezoning Lot 196, House Number 1, Waterloo Street, Joondanna from 'Residential (R50)' to 'Mixed Use'.

Relevant Documents

Attachments

Attachment 1 - Scheme Amendment No.121 Document

Attachment 2 - Applicant's Submission

Attachment 3 - Scheme Amendment No.121 Document - Modified

Available for viewing at meeting

Nil

Summary of Proposal

Current Zoning and Reservation

MRS: Urban Zone and Other Regional Road Reserve

LPS3: Residential R50.

Proposed Zoning

LPS3: Mixed Use.

Size of Site

1,012m²

Background

On 23 February 2021, the City received an application to rezone Lot 196, House Number 1, Waterloo Street, Joondanna from 'Residential R50' to 'Mixed Use'.

The site contains a single dwelling and is bounded by Bauxite Lane to the west, Waterloo Street to the east and Green Street to the south. Waterloo Street is zoned 'Residential R50' and land to the west of the site is zoned 'Development' and is contained within the Draft Herdsman Glendalough Structure Plan Area.

Green Street forms the local government area boundary with the City of Vincent. The subject site is predominantly zoned 'Urban' under the Metropolitan Region Scheme and is partially affected by a reserve for the purpose of 'Other Regional Roads' along Green Street to allow for potential future road widening.

Surrounding development predominantly consists of one and two storey residential grouped dwellings to the north and east, and two storey commercial buildings to the west of Bauxite Lane.

Land to the south of Green Street is zoned 'Commercial' and 'Residential R30' under the City of Vincent Local Planning Scheme No.2. Development in this area is characterised predominantly by single storey showroom style development and detached single dwellings.

The location of the subject site and surrounding zoning under Local Planning Scheme No.3 (LPS3), an aerial photograph and a photo of the site and are shown in Figures 1, 2 and 3 below.

Applicant's Justification

The applicant has provided justification for this request (refer Attachment 2) – a summary of which is outlined below:-

1. *The proposal increases the permissible uses for the subject site providing increased flexibility for redevelopment of the site to improve public amenity, increase dwelling diversity and promote diversity of non-residential development in the Herdsman Glendalough area;*
2. *The intensification of development along Green Street will be supported by a transitional development from the Main Street area to Green Street in the east;*
3. *The subject site is within proximity to existing and proposed public transport, facilitating connection for future residential and non-residential uses on the site.*

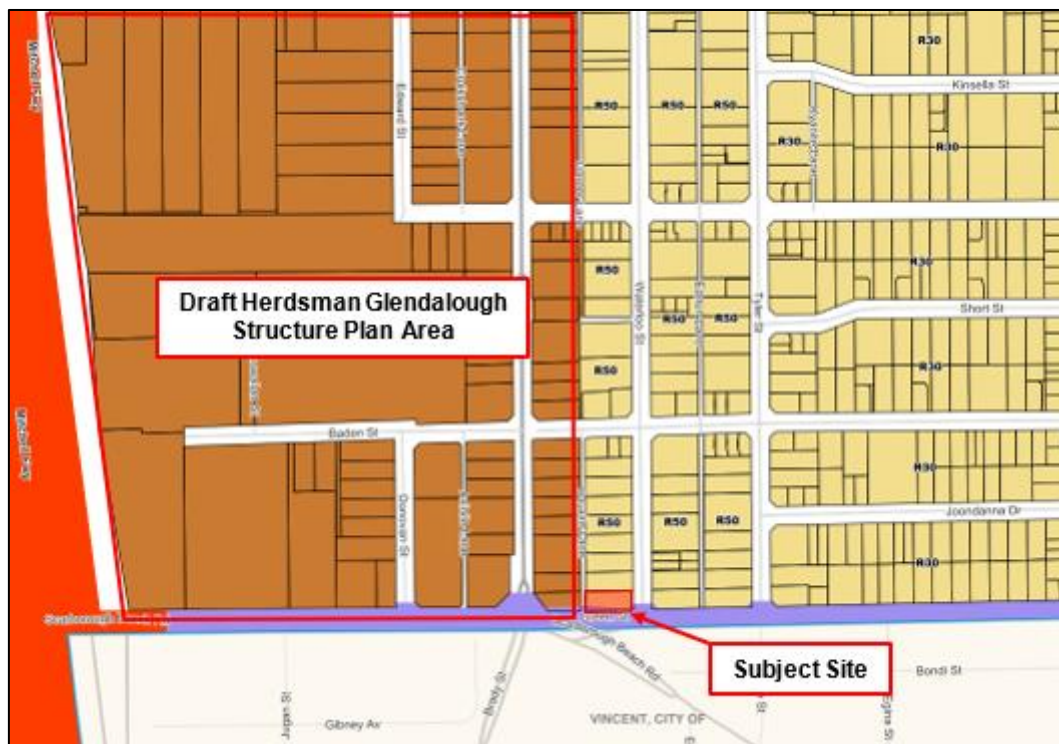


Figure 1 – Location and Zoning Map



Figure 2 – Aerial Photograph



Figure 3 – Site Photo (Green Street Elevation)

Comment

Regional Framework

a) Perth and Peel @3.5 Million

'Perth and Peel @3.5 Million' is the primary strategic plan guiding development of the Perth and Peel metropolitan areas, providing a framework for urban growth and consolidation. A key objective of this strategy is to transform key transport corridors into multifunctional corridors to create a more compact urban form. The document identifies the subject site is within the Scarborough Beach Road 'Urban Corridor' and located on the eastern boundary of the Glendalough Station Activity Centre.

The subject site is considered an appropriate setting for a mixture of both commercial and residential uses consistent with the development of an 'Urban Corridor'.

b) Metropolitan Region Scheme

The site is zoned 'Urban' under the MRS. The proposed 'Mixed Use' zoning under LPS3 is consistent with the 'Urban' MRS zoning and is a zoning used in other areas within the City. The mixed-use zoning allows a range of residential and non-residential land uses consistent with the 'Urban' zoning.

A southern portion of the site is affected by the 'Other Regional Road' reserve for Green Street. Any road widening requirements will be required to be ceded at the subdivision or development application stage.

Local Framework

a) Local Planning Strategy

The subject site adjoins land which abuts an area identified by the Local Planning Strategy (LPS) as the 'Glendalough Station District Centre'. A key action of the LPS is for the City to only support scheme amendments for commercial, medical and business uses within or adjoining existing Activity Centres.

The LPS also identifies Green Street as a Class 2 Corridor which is a regionally significant transport corridor – an area appropriate for urban intensification.

In light of the above, the proposed Amendment to rezone the lot to 'Mixed Use' is consistent with the aims and objectives of the LPS and is in keeping with the significance of the Glendalough Station District Centre and Green Street transport corridor.

b) Local Planning Scheme No.3

LPS3 zones the site 'Residential R50' which permits grouped and multiple dwelling development. The site is proposed to be rezoned to 'Mixed Use' the objectives of which are:-

- *“To provide for a wide variety of active uses on the street level that contribute to a vibrant and active street which are compatible with residential and other non active uses on upper levels.*
- *To facilitate the creation of employment within the area so as to reduce the demand for travel, and enhance the level of self-sufficiency.*
- *To ensure a high standard of design that negates issues such as noise, smell and vibration that are related to mixed use developments.”*

The proposed Amendment will facilitate a mix of residential and non-residential development on the site compatible with these objectives, complimenting future development within the adjoining Herdsman Glendalough District Centre. The proposed Amendment will allow for commercial uses at street level which is appropriate as the site does not have a typically residential setting, given its proximity to the Green Street / Scarborough Beach Road intersection, which contains commercial uses.

c) Draft Herdsman Glendalough Structure Plan

The subject site abuts the eastern border of the Draft Herdsman Glendalough Structure Plan Area. The proposed Amendment will form an extension of the proposed Mixed-Use zoning of the adjoining western lot and will create a buffer between the residential blocks to the north and the traffic intersection of Green Street and Scarborough Beach Road and existing commercial development to the south.

The rezoning of this site did not form part of the advertised Herdsman Glendalough Structure Plan, and the owner requested its inclusion post advertising. The inclusion of an additional lot into the framework at that stage of the structure plan process was not appropriate. The rezoning of this lot to a mixed use zoning is consistent with the planning for the Herdsman Glendalough Structure Plan area.

d) Redevelopment Considerations

Under the current local planning framework, Local Planning Policy 4.2 – Mixed Use Design Guidelines (Mixed Use Guidelines) applies to all development within ‘Mixed Use’ zones.

Clause 5.2.3 of LPS3 provides:-

‘Except as otherwise required in the Scheme or a Local Planning Policy, residential development not in the Residential Zone is to comply with the requirements of multiple dwellings under the R80 R-Code.’

Based on this, any development of the site for residential purposes will be considered against the R80 requirements of State Planning Policy 7.3 – Residential Design Codes - Volume 2 (R-Codes).

The Mixed Use Guidelines vary the building height provisions of the R-Codes, and allow a maximum building height of three storeys, consistent with the building height permitted on Waterloo Street. This height will, in the future, facilitate a transition from the four storey height limit that is permitted within the Draft Herdsman Glendalough Structure Plan Area.

The Mixed Use Guidelines provide a mechanism for the maximum building height to be varied through the preparation of a Local Development Plan. If a future development proposal wants to exceed three storeys, this will be considered when the development application is submitted.

Proposed Amendment

In summary, the proposed Amendment is supported on the basis that it is consistent with the City's Local Planning Strategy. The site is located adjacent the Herdsman Glendalough draft Structure Plan Area. The subject site is located on Green Street a Class 2 corridor and will form a buffer between existing commercial development to the south of the Green Street and Scarborough Beach Road intersection and existing residential development to the north along Waterloo Road.

The Mixed Use zoning will permit a mix of commercial and residential uses on the site with built form inline with the standard requirements of Local Planning Policy 4.2 for Mixed Use sites.

Amendment Type

Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 identifies the various scheme Amendment types. Development Services has determined that the proposed Amendment to LPS3 is a Standard Amendment, as:-

- i. *It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*

The proposed Amendment is consistent with the actions identified within the City's Local Planning Strategy and will contribute to the future viability of the Glendalough Station District Centre.

- ii. *It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*

The proposed Amendment, if approved, will have minimal impact on the land in the surrounding Scheme Area that is not the subject of the Scheme Amendment.

- iii. *It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*

The proposed Amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area. There are no environmental constraints over the land and the proposed Mixed Use zoning will form an extension of the existing Glendalough Station District Centre.

- iv. *It is an amendment that is not a complex or basic amendment.*

It is considered that the proposed Amendment is neither a complex or basic Amendment.

Consultation/Communication Implications

If the proposed Amendment is adopted by Council, consultation will be required in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Planning Consultation Procedure.

Should Council resolve to proceed with the proposed Amendment, it is anticipated a report detailing the outcomes of advertising of the proposed Amendment will be presented at the Council meeting to be held 14 October 2021.

Policy and Legislative Implications

The proposed Amendment will be processed in line with the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015. Where a local government resolves to prepare an amendment, the following legislative requirements apply:-

- The local government is to, in its resolution specify (in its opinion) the type of Amendment proposed (Basic, Standard or Complex);
- The local government is to (assuming Council resolve to prepare the Scheme Amendment) to advertise the Amendment in the approved form;
- The local government is to consider all submissions received within 60 days of the end of the submission period; and
- The local government, within 21 days of passing a resolution, provide specified information to the Western Australian Planning Commission.

Financial Implications

All costs associated with the processing of Scheme Amendment No.121 will be borne by the Applicant.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B1: Places to live, work and enjoy

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Greenhouse emissions	Mixed use development along public transport routes reduces car dependence by locating services, places of work and residencies in close proximity, minimising the need to travel.

SOCIAL	
Issue	Comment
Transport and access	The proposed Amendment will provide opportunity for a mix of uses to locate adjacent to an existing District Centre and residential area, providing improved access to services.

ECONOMIC	
Issue	Comment
Job creation	Mixed use zoning provides the potential for development that allows job creating businesses.

Conclusion

It is proposed to rezone Lot 196, House Number 1, Waterloo Street, Joondanna from 'Residential R50' to 'Mixed Use'.

The proposed Amendment is consistent with the Perth and Peel @ 3.5m Sub-Regional Framework and the City's Local Planning Strategy as the site is located adjacent to the Herdsman Glendalough District Centre and Green Street, a Class 2 Corridor.

It is recommended that Council adopts, for the purpose of advertising, Scheme Amendment No.121, as shown in Attachment 1.

Additional Information – 7 September 2021

At its meeting held 17 August 2021, Council resolved (Council Resolution Number 0821/038) as follows:-

“That Item 12.2/DS3 Local Planning Scheme No.3 Amendment No 121. Lot 196, House Number 1, Waterloo Street, Joondanna - Rezoning from ‘Residential R50’ to ‘Mixed Use’ - Initiation, be REFERRED to the Planning and Development Committee Meeting to be held 7 September 2021 to allow additional information to be considered on what planning controls can be introduced to deliver an appropriate built form outcome.”

Comment

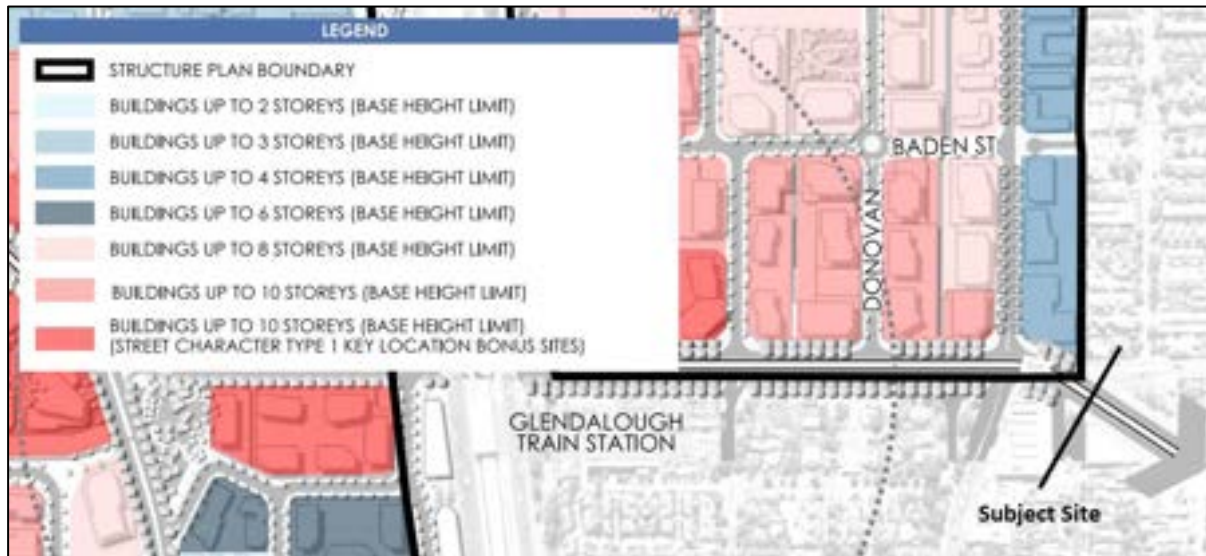
During debate at the Planning and Development Committee, Elected Members queried how the transition of future built form from the Herdsman Glendalough Structure Plan Area to Waterloo Street could be managed.

Properties fronting Waterloo Street, including the subject site, are zoned Residential R50. The table below demonstrates the allowable building heights for residential development in this zone. The table also demonstrates the maximum building height contemplated by the City’s Mixed Use Design Guidelines that would apply if the site was rezoned as requested.

Zoned Residential (R50 coding)		Zoned Mixed Use (R80 coding)		
	Single House or Grouped Dwelling (LPP2.6)	Apartment (R-Codes Vol 2)	Non-Residential (Mixed Use Guidelines)	Mixed Use (Mixed Use Guidelines and R-Codes Vol 2)
Building Height	Wall Maximum - 7m Roof Maximum - 10m	Maximum 3 Storeys / 12m	Maximum 3 Storeys	Maximum 3 Storeys

The image below is extracted from the Herdsman Glendalough Local Development Plan. This shows that a maximum three storey building height along Waterloo Street is consistent with the planned building typologies of the Herdsman Glendalough Local Development Plan which allow the tallest buildings in the centre of the area, reducing in size the closer the buildings are to existing residential areas.

To ensure that any development on the site is restricted to a maximum building height of three storeys, it is possible to introduce controls into the local planning scheme to achieve this.



These controls are recommended to be contained in a new Schedule 13 of Local Planning Scheme No.3. These controls are recommended to be drafted in a way that means they cannot be varied by a decision maker in the future.

These will ensure an appropriate transition from future development in the Herdsman Glendalough Structure Plan Area, and a consistent building height for development in Waterloo Street.

This modification has been discussed with the applicant who has no objection to the proposed height limit.

As additional planning controls are recommended, the following alternative recommendation is provided.

Alternative Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **ADOPTS** (for the purpose of advertising) the modified Scheme Amendment No.121 to Local Planning Scheme No.3 to rezone Lot 196, House Number 1, Waterloo Street, Joondanna to Mixed Use, and to introduce Clause 5.15 and Schedule 13 as shown in Attachment 3.
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.121 is a Standard Amendment.

Councillor Felicity Farrelly disclosed an Impartial Interest in Item 12.1/CF1 as the road reservation of West Coast Highway is not impacting on her house.

Mayor Mark Irwin disclosed an Impartial Interest in Item 12.1/CF1 as his mother resides in the Scarborough Redevelopment Zone.

Councillor Bianca Sandri disclosed an Impartial Interest in Item 12.1/CF1 as she sits on LRC for DevelopmentWA; she left the meeting at 9.05pm prior to consideration of the Item.

12.1/CF1 AMENDMENT NO.1 TO SCARBOROUGH REDEVELOPMENT SCHEME - WIDENING OF WEST COAST HIGHWAY PRIMARY REGIONAL ROAD RESERVE

Report Information

Location: West Coast Highway, Scarborough
Applicant: DevelopmentWA
Reporting Officer: Manager City Future
Business Unit: City Future
Ward: Coastal
Suburb: Scarborough

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0921/011****Moved Councillor Caddy, seconded Councillor Farrelly**

- 1. That Council ASSERTS the importance of agreeing a transport and access solution for Scarborough, to reduce traffic congestion and enhance east-west connectivity, in collaboration with State Government and the local community.**
- 2. That Council advises DevelopmentWA of its CONDITIONAL SUPPORT for Amendment No.1 to the Scarborough Redevelopment Scheme to widen the West Coast Highway reservation subject to the following actions being undertaken prior to public advertising:-**
 - a. A meeting of the Combined Agency Transport and Access Group (CATAG) is held to consider and endorse the following:-**
 - i. The options investigated and agreed recommendations of the Transport and Access Study;**
 - ii. A draft Engagement and Communications Strategy; and**
 - iii. A brief for an urban design study to inform built form, connectivity, activation and amenity outcomes appropriate for Scarborough.**
 - b. Prepare plans and undertake the Urban Design Study for West Coast Highway, in consultation with the City, to ensure the width of the road reservation is sufficient to accommodate:-**
 - i. a high-quality pedestrian and cyclist environment;**
 - ii. street tree planting within both verges; and**
 - iii. opportunities for street level activation.**
 - c. Undertake community engagement on the above items.**
 - d. Prepare a report on the above and a recommendation on the preferred design solution(s), to be presented to Council and the CATAG for endorsement.**

The motion was put and declared CARRIED (12/0).**For:** Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sargent, Thornton and Mayor Irwin.**Against:** Nil.

Committee Recommendation

That Item CF1 - Amendment No.1 to Scarborough Redevelopment Scheme - Widening of West Coast Highway Primary Regional Road Reserve be REFERRED to the Council Meeting to be held 14 September 2021 to allow further consideration by Elected Members.

Officer's Recommendation

That Council ADVISES DevelopmentWA that it does NOT SUPPORT proposed Amendment No.1 to the Scarborough Redevelopment Scheme to widen the West Coast Highway Primary Regional Road reservation at this stage as it is considered to be premature and lacks the necessary level of detail to enable informed consideration of the proposal.

Report Purpose

To seek Council endorsement of the recommended response to DevelopmentWA on the proposed Amendment No.1 to the Scarborough Redevelopment Scheme to widen the West Coast Highway Primary Regional Road (PRR) Reservation.

Relevant Documents

Attachments

Attachment 1 - Scarborough Redevelopment Scheme Amendment No.1

Attachment 2 - Letter to MRWA - West Coast Highway Concept - 19 May 2021

Available for viewing at meeting

Nil

DevelopmentWA has initiated an amendment to the Scarborough Redevelopment Scheme (the Scheme) to widen the existing Primary Regional Road (PRR) reservation along West Coast Highway.

The Scheme Amendment Report (the Amendment Report) includes a Scheme Amendment Plan, or land protection plan, identifying a total of approximately 3,731m² developable land that is proposed to be rezoned as PRR reserve. Refer to Attachment 1.

The Amendment Report refers to a Scarborough Redevelopment Area Combined Agency Transport and Access Group (CATAG) which was established in 2018 and includes Main Roads WA (MRWA), DevelopmentWA, Department of Planning, Lands and Heritage (DPLH), Department of Transport (DoT), the Public Transport Authority (PTA) and the City of Stirling (the City). The purpose of the CATAG was to 'investigate transport and access constraints and opportunities and develop an agreed framework for implementing transport and access enhancements and assessing future development proposals in a coordinated manner.'

The CATAG established a Transport Working Group (TWG) comprising representatives from each member agency to investigate transport and access constraints and opportunities to accommodate projected traffic growth.

The Amendment Report provides no road layout or cross sections to support the proposed widening of the PRR Reserve however the City understands that it is intended to safeguard land required to facilitate a potential future grade separation of West Coast Highway.

The current grade separated concept developed by MRWA is in the form of an open three lane trench that extends almost 2km along West Coast Highway. The 'trench' solution is intended primarily to cater for MRWA's projected growth in regional traffic movement through Scarborough and will have significant impacts on the quality of Scarborough as a place for people. The PRR widening is not required to accommodate other less invasive transport and access options that were investigated.

Despite the purpose of the CATAG being to agree a framework for implementing transport and access enhancement the City has written to MRWA to advise that it does not support the grade separation concept in its current form. The City also advised it does not support initiation of a Scheme Amendment to widen the PRR reserve until community consultation has been undertaken on the various transport options for Scarborough.

It is therefore recommended that the proposed amendment to the Scarborough Redevelopment Scheme is not supported at this stage.

Background

1. Combined Agency Transport and Access Group (2018)

In 2018, a Scarborough Redevelopment CATAG was established to:-

Investigate transport and access constraints and opportunities and develop an agreed framework for the implementation of transport and access network enhancements and the assessment of future development proposals to be undertaken in a coordinated manner.

The CATAG includes representatives from relevant State Government agencies including MRWA, DevelopmentWA, DPLH, DoT and the PTA as well as the City.

The need for a combined agency response to coordinate long term access and traffic management was highlighted following the State Government's decision to not progress with planned extensions to The Esplanade and the MRA's approval of the 43 storey 3 Oceans development at the intersection of West Coast Highway and Scarborough Beach Road.

2. Transport Working Group (2019)

A TWG reporting to the CATAG was established and traffic consultants appointed, jointly funded by the City, MRWA and DevelopmentWA, to investigate potential transport options against agreed transport criteria/objectives which included:-

- Reconnecting East and West;
- Providing a safe, efficient and reliable road network on West Coast Highway;
- Providing enhanced accessibility to support tourism and recreation; and
- Encouraging alternative transport modes (walking, cycling, public transport etc).

Transport options investigated included:-

- Grade separation at Scarborough Beach Road only;
- Mid-tier mass public transit system on Scarborough Beach Road;
- Reconnecting Manning Street with West Coast Highway;
- Signalisation of Pearl Parade,
- Enhancing capacity of Brighton Road; and
- Traffic calming on West Coast Highway.

The options were grouped into packages of transport and access modifications and modelled to identify effectiveness of short/medium term solutions to accommodate current and proposed development up to 2031, as well as longer term solutions for full build out.

The City understood that the outcomes of the study were to be presented to the CATAG and the community for endorsement prior to progressing to the implementation phase.

3. Multiple Grade Separation Concept (2020)

Separate to this study, MRWA prepared a concept that included grade separation under Brighton Road, over Scarborough Beach Road and under Manning Street. The concept was presented to a Council briefing in late 2020 where there was clear opposition to a bridge structure over Scarborough Beach Road.

4. Trench Concept (2021)

MRWA subsequently revised its grade separation concept to sink West Coast Highway in a three-lane trench with east-west traffic bridge connections at the three key intersections together with a right turn pocket into the White Sands site, recently approved for a 29 storey mixed use development.

5. Redevelopment Scheme Amendment No.1 (August 2021)

The proposed Redevelopment Scheme Amendment is intended to safeguard the land MRWA has identified as required to enable future construction of its preferred trench option.

The proposed PRR widening extends from Kay Street in the south through to Pearl Parade in the north. The widening affects approximately 1.0 - 1.5m of frontage along the corridor generally with 3.0 – 4.5m widening required on larger sites such as Luna, White Sands and 3Oceans.

Comment

1. Planning Framework

Planning and development within Scarborough is currently managed by the State Government through DevelopmentWA.

DevelopmentWA's Scarborough Redevelopment Scheme 'suspended' the Metropolitan Region Scheme (MRS) and the City's Local Planning Scheme LPS3.

The Redevelopment Scheme Map identifies West Coast Highway as a PRR, consistent with the MRS zoning that applied prior to the Redevelopment Scheme being gazetted.

Accordingly, an amendment is required to the PRR within the Scarborough Redevelopment Scheme to protect the land required for any potential grade separation / 'trench' option.

Under the *Metropolitan Redevelopment Authority Act 2011*, MRWA is required to obtain development approval from DevelopmentWA prior to undertaking works within a PRR in a redevelopment area, with the application being subject to public consultation. However, following normalisation, the MRS and LPS3 would be reinstated and MRWA could initiate works within the PRR, without the need to obtain development approval. Normalisation is currently scheduled for late 2022.

2. Master Plan

The MRA's Master Plan for Scarborough and associated planning framework includes the following key objectives:-

- Enhance physical and visual connectivity and wayfinding to the beach;
- Improve east-west connectivity throughout the Redevelopment Area;
- Provide safe and efficient crossings for pedestrians and cyclists along West Coast Highway;
- Improve amenity along West Coast Highway and The Esplanade through landscaping, new intersections and traffic calming; and
- Create a boulevard environment along Scarborough Beach Road that prioritises pedestrians over cars and facilitates opportunities for improved alfresco dining, better shade and amenity, and enhanced public transport and cycling facilities.

3. CATAG Process

The intent of the transport and access study was to identify short/medium transport solutions to facilitate pedestrian, cycle and vehicle movements associated with the high volume of development applications in Scarborough together with long term solutions for full build out. The only output being progressed however is MRWA's preferred long term transport solution of sinking West Coast Highway in an open trench.

This places considerable pressure on the local road network with no agreed transport and access solutions to inform the assessment of current development applications.

In addition, none of the transport options that were assessed have been presented to the local community or the CATAG for endorsement. This is a significant risk to the project given that key decisions that will have significant and lasting implications for Scarborough are being taken with no oversight from the CATAG and no collaboration with the community.

4. Urban Design Impacts

The City has written to MRWA advising that the current trench option is considered to be an engineering solution primarily designed to enhance vehicle through movement but does not satisfy the remaining transport criteria or align with the wider vision of Scarborough. The trench concept will enable enhanced vehicle through movement by avoiding four existing sets of signals but will diminish the amenity of the area, rather than enhance it.

The approximately 2km long trench, inclusive of dive structures, surface balustrades and road bridge connections at the intersections as proposed, will have significant and lasting negative urban consequences for Scarborough that are at odds with its role as a premium beachside destination. These effects include, but are not limited to:-

- Reinforcing the physical barrier of West Coast Highway;
- Having a negative impact on the amenity and character of Scarborough; and
- Undermining the objectives of the recent \$100m beach front redevelopment jointly funded by the City and State Government.

5. Scheme Amendment Process

MRS and/or LPS3 Amendments of this type would normally be supported with detailed plans and cross-sections to demonstrate why the Amendment is necessary and enable stakeholders, including affected landowners and the local community, to make informed comments.

However, no details have been provided in support of the proposed Amendment which should, as a minimum, include current and proposed plans and cross-sections of the road carriageway and verge to demonstrate that the widening will provide sufficient width to accommodate pedestrian/cycle connectivity, tree planting and amenity.

The amendment as presented provides no certainty for stakeholders, landowners or the local community, and reserving large areas of private land with no detail on why or when the identified land will be required is considered to be inconsistent with orderly and proper planning.

Given the shortcomings outlined above the City does not support initiation of the proposed Scheme Amendment at this stage.

6. Recommended Way Forward

It is recommended that, prior to initiating a Scheme Amendment to widen the West Coast Highway road reservation, the following actions should be undertaken by the State:-

- A CATAG meeting is held to present and endorse the following:-
 - The options and recommendations of the Transport and Access Study;
 - A draft Engagement and Communications Strategy; and
 - A brief for an urban design study to inform built form, connectivity, activation and amenity outcomes.
- Undertake an urban design study;
- Undertake community engagement on the above items;
- Report back on the outcomes of the community engagement and the preferred solution(s) be presented to Council and the CATAG for endorsement; and
- Depending upon the preferred solution a scheme amendment is advertised if required.

Consultation/Communication Implications

While a number of confidential briefings on the potential grade separation option have been held with key developers along West Coast Highway, there has been no wider community consultation on the range of transport options considered by the TWG or the trench option favoured by MRWA.

The City's participation in the CATAG and the TWG was on the understanding that a report on the transport and access options would be provided for community consultation and the recommended solution(s) would be presented to the CATAG for endorsement. Neither of these has occurred. It is considered premature to initiate an amendment to the Redevelopment Scheme to commit to widening the PRR reservation based on an engineering concept that has not been supported by the CATAG, the City or the wider community.

Under the *Metropolitan Redevelopment Authority Act 2011*, there is a two-stage consultation process for Redevelopment Scheme Amendments as follows:-

- Stage 1 - Key Stakeholder Consultation, being the current stage, seeks comment from the Western Australian Planning Commission, the Environmental Protection Authority and the City of Stirling only.
- Stage 2 - pending approval from the Minister for Lands, stakeholder and public consultation is undertaken for a minimum of 42 days.

The City has previously advised MRWA that a comprehensive Communications Strategy should be prepared and approved by the TWG and CATAG prior to initiating the Scheme Amendment to ensure consideration of transport options is progressed in an open, transparent and inclusive manner. Refer to Attachment 2 for further details.

Policy and Legislative Implications

The Amendment to the Redevelopment Scheme to increase the PRR reservation along West Coast Highway, once gazetted, would protect the land required to enable delivery of the MRWA trench option. While the City's Local Planning Scheme can be automatically amended by the Minister for Planning to align with the Redevelopment Scheme at the time of normalisation it is understood that a separate amendment to the Metropolitan Region Scheme would be required to widen the PRR reservation.

Normalisation is currently programmed to occur in late 2022.

Financial Implications

The City has contributed \$50,000 towards the Transport and Access study however MRWA has advised that any grade separation option for West Coast Highway would be funded by State and Federal Government given its regional significance.

MRWA has indicated that any additional coverage of the 'trench' would increase project costs and would need to fire safety and ventilation requirements.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B2: Accessible and connected City

Objective: Connect the community through sustainable and integrated transport networks.

Key Results Area: Vibrant Economy

Outcome E1: Destination City

Objective: Attract visitors to our City by creating vibrant entertainment and visitor precincts and promoting City iconic attractions and events.

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	The proposed PRR reserve widening to accommodate the MRWA trench solution will necessitate the removal of existing vegetation within the median on West Coast Highway from south of Ventnor Street to Brighton Road. No details have been provided to demonstrate that a minimum verge width of 5.1m at surface level will be provided (as requested by the City) and that the 4.5m clear zone recommended by MRWA, based on Austroads standards, will be provided to enable tree planting along the corridor.

SOCIAL	
Issue	Comment
Community engagement	There has been no community engagement to date on this significant project or the alternative transport options that were investigated by the Transport Working Group. Given the potential negative impacts of the MRWA trench, it is premature to progress the proposed Scheme Amendment until the community is provided the opportunity to consider all transport options and make informed decisions on the related urban consequences.
Amenity	The proposed Scheme Amendment and the grade separation of West Coast Highway that it is intended to facilitate has the potential to exacerbate the barrier effect of West Coast Highway, reinforce the separation between east and west and diminish the amenity and quality of the public realm.

ECONOMIC	
Issue	Comment
Job creation	The grade separation of West Coast Highway would generate job creation during construction however once completed may diminish Scarborough as a destination reducing expenditure in local businesses.
Transport and infrastructure	The grade separation option intended to be facilitated by the proposed Scheme Amendment will enhance efficiency of vehicle movement through Scarborough, however the trench and related infrastructure will reinforce the barrier effect of West Coast Highway, diminish east-west connectivity and have a detrimental impact on the character and amenity of Scarborough.

Conclusion

It is understood that the proposed Amendment to the Scarborough Redevelopment Scheme is intended to protect the land along West Coast Highway that has been identified as necessary to enable development of the MRWA trench solution at some point in the future.

The City has written to MRWA to advise that it does not support the trench option in its current form and that a Scheme Amendment should not be initiated until:-

- The community has been given the opportunity to consider all transport and access options considered; and
- The CATAG has endorsed the trench concept as the preferred transport and access solution for Scarborough.

Further, the level of information provided in support of the proposed Scheme Amendment is considered to be insufficient to enable informed consideration of the proposed reservation width and its consequences on future development within Scarborough. In particular, in the absence of road design plans and cross sections, the City is unable to determine if the widening is sufficient to accommodate the minimum verge width required by the City to ensure high-quality pedestrian and cycle connections, and related tree planting.

It is recommended that, prior to initiating a Scheme Amendment to widen the West Coast Highway road reservation, the following actions should be undertaken by the State:

- A CATAG meeting is held to present and endorse the following:-
 - The options and recommendations of the Transport and Access Study;
 - A draft Engagement and Communications Strategy; and
 - A brief for an urban design study to inform built form, connectivity, activation and amenity outcomes.
- Undertake an urban design study;
- Undertake community engagement on the above items;
- Report back on the outcomes of the community engagement and the preferred solution(s) be presented to Council and the CATAG for endorsement; and
- Depending upon the preferred solution a scheme amendment is advertised if required.

Given that none of the above has been undertaken to date it is recommended that the City writes to Development WA to advise that it does not support the proposed Scheme Amendment at this point in time.

At 9.07pm, Councillor Bianca Sandri returned to the meeting prior to consideration of the Balance of Reports.

Council Resolution

0921/012

Moved Councillor Proud, seconded Councillor Perkov

That the balance of the Planning and Development Committee recommendations be ADOPTED by exception resolution in accordance with Clause 4.7 of the City of Stirling Meeting Procedures Local Law 2009.

The motion was put and declared CARRIED (13/0).

For: Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Nil.

12.1/PRSE1 NEW LICENCE OVER THE WHOLE OF LOT 5616, HOUSE NUMBER 59, CAMPION AVENUE, BALCATT A TO THE CAMPION COMMUNITY GARDEN INC**Report Information**

Location: Lot 5616, House Number 59, Campion Avenue, Balcatta
Applicant: Campion Community Garden Inc.
Reporting Officer: Director Infrastructure
Business Unit: Property Services
Ward: Osborne
Suburb: Balcatta

Authority/Discretion**Definition**

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0921/013****Moved Councillor Proud, seconded Councillor Perkov**

1. That Council **APPROVES** a new licence over the whole of Lot 5616, House Number 59, Campion Avenue, Balcatta to the Campion Community Garden Inc. with the following provisions:-
 - a. A term of five years commencing upon execution of the licence; and
 - b. Rent at the commencement of the licence to be set at \$1.00 per annum.
2. That **AUTHORITY** be given to the Mayor and the Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the new licence between the City of Stirling and the Campion Community Garden Inc.

The motion was put and declared CARRIED (13/0) by exception resolution.**For:** Councillors Caddy, Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.**Against:** Nil.**Committee Recommendation**

1. That Council **APPROVES** a new licence over the whole of Lot 5616, House Number 59, Campion Avenue, Balcatta to the Campion Community Garden Inc. with the following provisions:-
 - a. A term of five years commencing upon execution of the licence; and
 - b. Rent at the commencement of the licence to be set at \$1.00 per annum.
2. That **AUTHORITY** be given to the Mayor and the Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the new licence between the City of Stirling and the Campion Community Garden Inc.

Officer's Recommendation

1. That Council **APPROVES** a new licence over the whole of Lot 5616, House Number 59, Campion Avenue, Balcatta to the Campion Community Garden Inc. with the following provisions:-
 - a. A term of five years commencing upon execution of the licence; and
 - b. Rent at the commencement of the licence to be set at \$1.00 per annum.
2. That **AUTHORITY** be given to the Mayor and the Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the new licence between the City of Stirling and the Campion Community Garden Inc.

Report Purpose

To seek Council's approval to enter a licence over the whole Lot 5616, House Number 59, Campion Avenue, Balcatta to the Campion Community Garden Inc. (Community Garden Group).

Relevant Documents

Attachments

Attachment 1 - Locality Plan

Attachment 2 - Aerial View

Available for viewing at meeting

Nil

Background

At its meeting held 23 February 2021, Council resolved (Council Resolution Number 0221/023) as follows:-

- "1. That Council ENDORSES community consultation for the proposed Campion Community Garden at Keith Clark Reserve, 59 Campion Avenue, Balcatta.*
- 2. That Council CONSIDERS listing \$20,000 on the 2021/2022 budget for implementation of the Campion Community Garden, subject to positive community consultation."*

Following the community consultation, at its meeting held 29 June 2021, Council resolved (Council Resolution Number 0621/044) as follows:-

"That Council ENDORSES the Campion Community Garden at Keith Clarke Reserve, Balcatta."

The land located at Lot 5616, House Number 59, Campion Avenue, Balcatta (the Garden site) is owned by the State of Western Australia and managed by the City for the purpose of 'Recreation'. The Community Garden Group will license the whole of this reserve for the establishment of a community garden in Balcatta.

Comment

The group is required to enter into a licence agreement to enable the use of the premises for community gardening. This will ensure that the group complies with the City's requirements by outlining shared responsibilities and arrangements for the use of the premises.

It is recommended that the following essential conditions are applied to the proposed new licence to the group:-

Licensee	Campion Community Garden Inc.
Licensed Area	Keith Clarke Reserve being Lot 5616, House Number 59, Campion Avenue, Balcatta
Initial Term	Five years commencing execution of the licence
Licence Purpose	Community Garden
Annual Commencing Rent	\$1.00
Outgoings	<p>The community is to pay all outgoing including, but not limited to:-</p> <ul style="list-style-type: none"> • Water, Gas and Electricity consumption; • Telephone; • Waste Removal; and • Any other services to the premises.
Lessor's Contributions	An annual maximum water consumption target will be set each financial year for the community garden (refer to the Community Garden Guidelines for the water consumption target). Provided that the total amount of water used is equal to or less than this target, the Licensor will pay all water utility charges incurred for the site.
Licensee Maintenance Responsibilities	Licensee to maintain licenced premises in good and tenable repair and condition, fair wear and tear excepted
Special Conditions	Any installation made by the Licensee will be the sole responsibility of the Licensee to maintain, repair and replace.

The above conditions are in line with what is considered appropriate for a community group of this structure.

Consultation/Communication Implications

The proposed licence to the group is not required to be advertised.

Policy and Legislative Implications

A licence is not a disposition of property under Section 3.58 of the *Local Government Act 1995*.

Financial Implications

The City will prepare the licence documentation using internal resources at no cost to Campion Community Garden Inc. In the event that substantive changes to the City's licence document are requested by Campion Community, the City reserves the right to on-charge any legal expenses incurred.

The group will be responsible for occupancy costs including all consumable outgoing and maintenance of the premises

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B2: Accessible and connected City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	Community garden construction activities can result in damage to existing trees on the site. Careful planning and management of this risk will be required by the Community Garden Group when developing the garden.

SOCIAL	
Issue	Comment
Community engagement	Granting a licence to the garden community will secure a future tenure to the community group and allows members to participate in the gardens and activities.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

The City is proposing to enter a licence with Campion Community Garden Inc. for the purpose of a community garden over Lot 5616, House Number 59, Campion Avenue, Balcatta. This presents an opportunity for the City to bring the local community together through the medium of food production and a sense of community.

13. REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2009**13.2 STATE INFRASTRUCTURE STRATEGY - CITY OF STIRLING SUBMISSION****Report Information**

Location: City Wide
Applicant: Not Applicable
Reporting Officer: Manger City Future
Business Unit: City Future
Ward: City Wide
Suburb: Not Applicable

Authority/Discretion**Definition**

- | | | |
|-------------------------------------|----------------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution

0921/014

Moved Councillor Lagan, seconded Councillor Sandri

That Council ENDORSES the proposed City of Stirling submission on ‘Foundations for a Stronger Tomorrow - State Infrastructure Strategy’ prepared by Infrastructure Western Australia, as shown in Attachment 1.

The motion was put and declared CARRIED (11/2).

For: Councillors Caddy, Ferrante, Hatton, Lagan, Migdale, Perkov, Proud, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Councillors Farrelly and Re.

Recommendation

That Council ENDORSES the proposed City of Stirling submission on ‘Foundations for a Stronger Tomorrow - State Infrastructure Strategy’ prepared by Infrastructure Western Australia, as shown in Attachment 1.

Report Purpose

To consider the City’s proposed submission on ‘Foundations for a Stronger Tomorrow – State Infrastructure Strategy’ prepared by Infrastructure Western Australia (Infrastructure WA).

Relevant Documents

Attachments

Attachment 1 - City of Stirling Submission on draft State Infrastructure Strategy

Available for viewing at meeting

Nil

Background

Infrastructure WA was established on 24 July 2019 to provide advice and assistance to the State Government on the needs and priorities for provision of infrastructure over the short, medium and long-term.

A key objective of Infrastructure WA is to improve strategic infrastructure planning to support transparent and strategic decision making. In 2020, Infrastructure WA previously released the ‘A Stronger Tomorrow - State Infrastructure Strategy’ Discussion Paper. The purpose of that report was to elicit ideas to eventually inform a State Infrastructure Strategy. The City provided a submission on that document in August 2020 (Council Resolution Number 0820/039 refers).

Infrastructure WA has now released the State Infrastructure Strategy titled 'Foundations for a Stronger Tomorrow' which identifies Western Australia's future infrastructure needs and priorities, and guides planning, delivery and investment for the next 20 years. The comprehensive 300 page document focuses on seven key themes and nine key sectors as follows:-

Key Themes

- Digital connectivity and technology;
- Aboriginal cultural heritage, wellbeing and enterprise;
- Climate change and sustainability;
- Regional development;
- Planning and coordination;
- Infrastructure delivery; and
- Asset management.

Key Sectors

- Energy;
- Water;
- Waste;
- Transport;
- Social and affordable housing;
- Health;
- Education and training;
- Arts, culture, sport and recreation; and
- Justice and public safety.

In order to further refine and finalise the draft strategy, Infrastructure WA has made the document available for public comment from 21 July 2021 to 15 September 2021.

Comment

The City's draft submission is generally supportive of the draft State Infrastructure Strategy. The comments below provide additional recommendations that the City believes are warranted for specific Themes and Sectors of the draft strategy:-

1. Climate Change and Sustainability

The Climate Change Theme has a number of recommendations that are supported relating to achieving the State's goal of net zero emissions by 2050, including transition plans and adaption plans for existing infrastructure. Specific recommendations relating to coastal erosion, urban tree canopy on state land and funding for urban consolidation to reduce greenhouse gases are not mentioned in the document, therefore it is recommended that the State:-

- Adopt a state-wide approach to manage coastal erosion and safeguard coastal infrastructure;
- Prepare an urban forest strategy for State land to require the State to maintain and increase the urban tree canopy on State land; and
- Prepare an implementation plan inclusive of funding and actions required in order to increase urban consolidation to reduce transport carbon emissions.

2. Planning and Coordination

The Planning and Coordination Theme deals with a number of issues relating to planning and coordination across multiple government agencies. This theme has a significant number of recommendations that are generally supported. The recommendations focus on a single government digital approvals system; modernising infrastructure related legislation; preparing an urban consolidation plan; ensuring that future infrastructure decisions are in line with adopted strategies such as Perth and Peel @ 3.5 Million; and a Capital City Plan.

a) Modernise Infrastructure Related Legislation

There are a number of issues with the planning and coordination of transport infrastructure in the State that stem from lack of clarity in transport legislation. These issues have a detrimental impact on the ability to deliver the outcomes sought by the City's Local Planning Strategy and include:-

- The lack of a State Integrated Transport Strategy that aligns with the State's Planning Strategy and funds transport infrastructure for urban consolidation;
- The lack of coordination of comments on major projects or development applications from the State's Transport Agencies which results, at times, in contradictory advice;
- Confusion over which agency is the lead agency on various projects from a strategic point of view; and
- That there is no right of appeal on decisions, particularly those of Main Roads WA to the State Administrative Tribunal

All of these issues stem from omissions with the relevant Transport Acts of Parliament.

The State has three main related Transport Acts:-

- *The Main Roads Act - 1930;*
- *The Public Transport Act - 2003; and*
- *The Transport Coordination Act - 1966.*

The following omissions from these Acts have led to most of these issues outlined above:-

- The three transport agencies are not mentioned in each of the Acts;
- The role of each agency in relation to the other agencies is not mentioned;
- The requirement to produce an Integrated Transport Strategy is not mentioned; and
- There is no allowance for a review by SAT of a decision by the Commissioner of Main Roads (unlike Part 14 – Applications for Review of the Planning and Development Act - 2005).

As a result of these factors, Western Australia is one of the few states that has not produced a State Integrated Transport Strategy and subsidiary Regional and Metropolitan Integrated Transport Strategies.

There is also confusion as to which agency should undertake strategic transport planning and which agency would be considered to be the lead agency for the transport portfolio.

Section 15 b) of the *Planning and Development Act 2005* requires the WAPC to prepare and keep under review a State Planning Strategy. A similar requirement in the *Transport Coordination Act 1966* would provide a clear purpose that the Department of Transport is responsible for strategic transport planning in Western Australia. Therefore it is recommended that the City's submission request modifications to the *Main Roads Act - 1930*, *Transport Coordination Act 1966* and *Public Transport Act 2003* to:-

- Mention each of the agencies in each of the Acts and outline their respective roles;
- Identify the Department of Transport as the lead Transport Agency;
- Require that the Department of Transport produce a State Integrated Transport Strategy and Regional Transport Plans for each region, including the Metropolitan Region; and
- Enable the appeal of agency decisions via the State Administrative Tribunal.

b) Urban Consolidation Action Plan

The draft State Infrastructure Strategy recommends the preparation and implementation of an urban consolidation plan for Perth and Peel. This would be a positive outcome for the City, as it will help rebalance the situation where infrastructure funding is still prioritised for low density urban sprawl rather than helping to meet the State's target of 47% urban infill. Urban infill requires specific infrastructure to facilitate its development including sewer, underground power, amenity improvements and on road transport systems such as light rail and trackless trams.

Specific recommendations relating to funding of on road transport, infill sewer and the underground power programme are not directly mentioned in the document, therefore it is recommended that the City's submission requests that the State prepare:-

- A funding plan for transport infrastructure (light rail and other on-road transport) that facilitates urban consolidation; and
- An urban consolidation utility plan that re-orientates investment in the infill sewer programme and the underground power programme to areas of urban consolidation (Stirling City Centre and Herdsman Glendalough Area) rather than low density residential areas with no infill opportunities.

3. Transport

The Transport Sector deals with a number of issues relating to the provision of transport infrastructure. The draft State Infrastructure Strategy includes a number of recommendations, which it is recommended that the City supports, including:-

- Reforming governance transport arrangements for portfolios;
- Developing regional and metropolitan transport plans;
- Addressing the future loss of fuel excise revenue;
- Plan to increase public transport patronage;
- Plan for future heavy and light rail investment;
- Enhancing cycling and walking infrastructure; and
- Implement measures to support electric vehicles.

However, specific recommendations relating to mode share targets and funding of alternative transport are not directly mentioned in the document. It is therefore recommended that the City's submission requests that the Strategy be modified to require the State to:-

- Set specific transport mode share targets in a metropolitan transport plan; and
- Prepare a transport implementation and funding plan that re-balances the states transport funding to match the mode share targets.

4. Social and Affordable Housing

The Social and Affordable Housing Sector makes a number of recommendations that the City is supportive of, including:-

- Improve planning for social and affordable housing;
- Prioritise further investment in social and affordable housing; and
- Improve aboriginal housing outcomes.

The City's Homelessness Strategy 2020-2022 acknowledges that the 2016 Census identified that there were 520 people experiencing homelessness in the City of Stirling, the highest local government figure in Western Australia. Anecdotal evidence would suggest that this number has increased since this date and the provision of appropriate housing has not kept up with demand. Access to safe and secure housing is one of the most basic human rights and it is recommended that the City request that this be reflected in the Strategy and be given the highest priority by the State.

Consultation/Communication Implications

The public consultation period for providing feedback on the discussion paper closes on Wednesday 15 September 2021.

Policy and Legislative Implications

The Strategy outlines the approach that Infrastructure WA is proposing to take for the planning and delivery of infrastructure across a range of sectors and regions.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B3: Built infrastructure that meets community needs

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Greenhouse emissions	The Draft State Infrastructure Strategy recommends implementation of the State Government's policy for net zero emissions by 2050.

SOCIAL	
Issue	Comment
Equity	The Draft State Infrastructure Strategy recommends aboriginal engagement and co-design of infrastructure.

ECONOMIC	
Issue	Comment
Communications infrastructure	The Draft State Infrastructure Strategy recommends the elevation of WA's focus on accelerating digital transformation and the priority given to underlying connectivity infrastructure.
Job creation	The Draft State Infrastructure Strategy recommends planning for future skills and training, and funding of relevant equipment.
Transport and infrastructure	The Draft State Infrastructure Strategy recommends the development and implementation of an action plan to increase public transport patronage and reduce road congestion through non-build measures.

Conclusion

The State's draft Infrastructure Strategy 'Foundations for a Stronger Tomorrow' identifies Western Australia's infrastructure needs and priorities for the next 20 years, and provides a number of recommendations to guide infrastructure investment, planning and delivery.

As outlined in Attachment 1 to this report, the draft submission is generally supportive of the overall intent of the Strategy as it will aid in ensuring that the future needs of the community are met. It is therefore recommended that Council endorse the draft submission.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Councillor Chris Hatton disclosed an Impartial in Item 14.1 as he lives nearby the park.

14.1 NOTICE OF MOTION - COUNCILLOR CHRIS HATTON - PROPOSED CYCLE PATH AND FREEWAY ACCESS ANTONIO SCARFO RESERVE

Councillor Chris Hatton submitted the following Notice of Motion at the Council Meeting held 31 August 2021:-

“That the Mayor and Executive Officers CONSULT with Main Roads WA on removing the proposed location for a new cycle path and freeway access on Antonio Scarfo Reserve in Stirling.”

Background Information/Reason for Motion (provided by Councillor Chris Hatton)

“There are multiple alternatives to this location, north and south and within 300 metres. The alternative locations will not impact on City of Stirling Public Open Space (POS). At this proposed location on Antonio Scarfo Reserve, there will be a loss of up to 1,000 square metres of POS / green space, loss of recreational amenity and environmental degradation. The attraction of cyclists will very likely conflict with pedestrians, recreational activities and wildlife. The reserve is well known for its wildlife and migrations across pathways and with cyclists entering and exiting the Freeway, pedestrians and wildlife will be unsafe.”

Report Information

Location:	Antonio Scarfo Reserve
Applicant:	Not Applicable
Reporting Officer:	Manager Engineering Services
Business Unit:	Engineering Services
Ward:	Osborne
Suburb:	Stirling

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Moved Councillor Hatton, seconded Councillor Re

That the Mayor and Executive Officers CONSULT with Main Roads WA on removing the proposed location for a new cycle path and freeway access on Antonio Scarfo Reserve in Stirling.

Council Resolution

0921/015

Moved Councillor Sandri, seconded Councillor Perkov

That Item 14.1 - Notice of Motion - Councillor Chris Hatton - Proposed Cycle Path and Freeway Access Antonio Scarfo Reserve be REFERRED to a Council meeting to be held in October 2021 to allow further consideration by Elected Members.

The motion was put and declared CARRIED (11/2).

For: Councillors Farrelly, Ferrante, Hatton, Lagan, Migdale, Perkov, Re, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Councillors Caddy and Proud.

Notice of Motion Recommendation

That the Mayor and Executive Officers CONSULT with Main Roads WA on removing the proposed location for a new cycle path and freeway access on Antonio Scarfo Reserve in Stirling.

(Suggested Alternative Recommendation – refer to Conclusion)

Report Purpose

To respond to the Notice of Motion submitted by Councillor Chris Hatton.

Relevant Documents

Attachments

Attachment 1 - Location Plan of PSP Extension

Attachment 2 - Design Plan of PSP Connection Through Antonio Scarfo Reserve

Attachment 3 - Extract from Long Term Cycle Network Plan

Available for viewing at meeting

Nil

Background

An aim of State and Local governments is to make WA a place where riding is a safe, connected, convenient and widely-accepted form of transport. Due to their versatility, Principal Shared Paths (PSP) are vital to encouraging the community to increase their cycling activities. PSPs can be used for long commuter trips by experienced cyclists, but also for short trips by less experienced riders and pedestrians. The expansion of the PSP network is a key action of the State Government's Western Australian Bicycle Network Plan.

The Department of Transport and Main Roads WA have developed a project to create a missing link in the PSP network on the eastern side of the Mitchell Freeway. The PSP is proposed to be extended north of Civic Place to Erindale Road, as shown in Attachment 1.

The design of the new path will include a new 80m underpass at Karrinyup Road to remove the requirement for cyclists to cross the busy Karrinyup Road intersections with the Mitchell Freeway. The design will also include connections into the local neighbourhood to provide better connectivity to key locations for cyclists and pedestrians. These connections are proposed at Odin Drive, Zrinski Court, St Anthony Drive (via Antonio Scarfo Reserve) and Bryan Place.

Comment

Review of Design Plans

The City was requested by Main Roads WA to provide comments and review design plans for the project, with particular emphasis on the proposed connections from the PSP into the local neighbourhood.

The preliminary design plans showed the proposed PSP connection for St Anthony Drive largely utilising the existing path within Antonio Scarfo Reserve. This was not supported by the City due to the potential to increase conflicts between fast moving cyclists and pedestrians, wildlife and recreational activities occurring within the reserve.

The City advised that a separate path of suitable width should be provided to connect between the cul-de-sac of St Anthony Drive and the Mitchell Freeway PSP. Main Roads WA subsequently revised the design to include a separate 3m wide asphalt path that will be located as close as possible to the northern boundary of Antonio Scarfo Reserve. This alignment would minimise any impacts with pedestrians, recreational activities and wildlife within the reserve. An extract of the proposed design showing the proposed location for this connection is provided in Attachment 2.

Broader Cycling Network

From a broader cycling network perspective, the connection through Antonio Scarfo Reserve provides the most direct link between the Mitchell Freeway PSP and the east-west bicycle lanes along Amelia Street that form part of the Perth Bicycle Network (PBN). This link is also shown as a 'Local Route' on the Long Term Cycle Network (LTCN) that was endorsed by Council on 17 November 2020. An extract of the LTCN for this area is shown in Attachment 3.

The LTCN was the subject of extensive consultation with the community and resulted in a significant number of comments made by members of the public. Some of the more common themes expressed during the consultation were as follows:-

- *Freeway plans for Principal Shared Paths and connections from the City of Stirling;*
- *More direct routes wanted by fast commuter cyclists; and*
- *The possibility of more direct connections via Erindale Road, Odin Road and Reid Highway.*

The removal of the connection to the PSP at this location would require cyclists to travel additional distances along busier roads to access the next PSP connection, which is either 250m north at Bryan Place or 450m south at Zrinski Court.

Response to Concerns

In relation to the specific concerns raised in the Notice of Motion, the following comments are provided:-

Concerns	Officer's Comment
<i>"Loss of up to 1,000 square metres of POS / green space"</i>	The proposed path connection would be approximately 90-100m in length and 3m wide, which is around 300m ² .
<i>"Loss of recreational amenity"</i>	The path will not prevent users from undertaking their normal recreational activities on the reserve.
<i>"Environmental degradation"</i>	The alignment of the path has been designed to avoid the need for removal of large mature trees. However, some small trees and minor ground covering will need to be removed.
<i>"Cyclists will very likely conflict with pedestrians, recreational activities and wildlife"</i>	The path alignment will be adjacent to the northern boundary of the reserve to minimise any impacts with users of the reserve and wildlife.
<i>"The reserve is well known for its wildlife and migrations across pathways"</i>	The section north of the proposed path consists of residential properties only, which should not attract the migration of wildlife.

The City is aware that the residents of four properties directly abutting the reserve (between house numbers 40 and 46) are not supportive of this PSP connection due to the potential impact on amenity and privacy. However, it is noted that there is currently no fencing or visual barrier between these properties and the activities within the reserve.

Options Available

Council has the following options available for consideration:-

- Option 1 – Request Main Roads WA to remove the proposed connection to the Mitchell Freeway PSP via Antonio Scarfo Reserve; or
- Option 2 – Retain the proposed connection to the Mitchell Freeway PSP via Antonio Scarfo Reserve as an important link in the LTCN.

The City would recommend Option 2, as the PSP connection via Antonio Scarfo Reserve provides an important local route connection and forms part of the LTCN. The alignment of the proposed connection through Antonio Scarfo Reserve will also minimise any impacts with pedestrians, recreational activities and wildlife within the reserve.

Consultation/Communication Implications

As the project has been managed by Main Roads WA, they have been responsible for consultation with affected members of the community. The City understands that this consultation took part in the early part of 2021 during the preliminary design stage.

Extensive consultation was also undertaken by the City as part of the development of the Long Term Cycle Network, and improved connectivity to the Freeway PSP was a common theme expressed by many of the respondents.

Policy and Legislative Implications

Initial discussions with both Main Roads WA and the Department of Transport have indicated that if Council decides to remove the PSP connection at Antonio Scarfo Reserve, it will need to provide justification for deleting the connection from scope and provide an alternative connection to the PSP. This will need to be via one of the following:-

- To the south, via Zrinski Court, Orr Place and Odin Drive; or
- To the north, via Bryan Place and Odin Drive. It may also be possible to connect via St Anthony Drive and the PAW at the northern end (of St Anthony Drive) that connects to Covent Gardens before accessing the PSP at Bryan place.

The City would also need to liaise with the Department of Transport to formally amend the LTCN.

Financial Implications

There are no direct financial implications to the City, as the works are being managed by Main Roads WA and funded under the Department of Transport's PSP Expansion Program 2017-2022.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B3: Built infrastructure that meets community needs

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	Comment
Greenhouse emissions	Every bicycle trip, as an alternative to the car, contributes to a reduction in greenhouse gas emissions.
Pollution	Bicycles are entirely non-polluting and, as a single occupant vehicle, can replace cars, which are the most polluting way in which single occupants are transported.
SOCIAL	
Issue	Comment
Health, wellbeing and safety	Cycling contributes enormously to the health and wellbeing of individuals that participate and can be made even safer with the provision of proper infrastructure.
Transport and access	Cycling is the most efficient form of transport and can provide good connectivity and access with just a small proportion of the overall transport budget.
ECONOMIC	
Issue	Comment
Transport and infrastructure	Cities that have introduced good cycling infrastructure have shown a significant increase in economic activity as a result.

Conclusion

The expansion of the PSP is a key action of the Western Australian Bicycle Network Plan. The provision of connections from the Mitchell Freeway PSP into the local neighbourhood will provide better connectivity to key locations for cyclists and pedestrians and will encourage the community to increase their cycling activities. The removal of the connection between the PSP and St Anthony Drive via Antonio Scarfo Reserve is not supported, as it provides an important local route connection and forms part of the Long Term Cycling Network.

Suggested Alternative Recommendation

That the City RETAINS the proposed connection from the Mitchell Freeway Principal Shared Path to St Anthony Drive via Antonio Scarfo Reserve.

Reason for Alternative Recommendation

The connection through Antonio Scarfo Reserve provides the most direct link between the Mitchell Freeway PSP and other local routes in Stirling and Balcatta that form part of the Long Term Cycle Network. The alignment of the proposed connection through Antonio Scarfo Reserve will also minimise any impacts with pedestrians, recreational activities and wildlife within the reserve.

15. NOTICE OF MOTION FOR CONSIDERATION AT THE NEXT MEETING

Nil.

16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

17. NEW BUSINESS OF AN URGENT NATURE

Nil.

18. MATTERS BEHIND CLOSED DOORS

Nil.

19. CLOSURE

The Presiding Member declared the meeting closed at 9.51pm.

These minutes were confirmed as a true and correct record of proceedings on:-

...../...../ 2021

SIGNED:-

Presiding Member Name:

PRESIDING MEMBER