

# minutes

## Policy Committee

MEETING HELD ON **THURSDAY 13 OCTOBER 2016**

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## CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2,  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON THURSDAY  
13 OCTOBER 2016.

### ATTENDANCE

#### Committee Members

Cr Liam Gobbert	<i>Presiding Member</i>	
Cr Kerry Hollywood		
Cr Philippa Taylor		
Cr Christine Hamilton-Prime		
Cr John Chester	<i>Deputy Presiding Member</i>	<i>from 7.13pm.</i>
Cr Russ Fishwick, JP		

#### Officers

Mr Jamie Parry	Director Governance and Strategy	
Ms Dale Page	Director Planning and Community Development	
Mr Mike Smith	Acting Director Corporate Services	<i>to 6.57pm.</i>
Mr Brad Sillence	Manager Governance	
Mr Graeme Catchpole	Acting Manager Planning Services	<i>to 6.57pm.</i>
Mr Rohan Klemm	Acting Manager Leisure and Cultural Services	
Mr John Byrne	Governance Coordinator	
Ms Gemma Ben-Ary	Curator	<i>to 6.57pm.</i>
Mrs Rose Garlick	Governance Officer	

### DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.30pm.

### DECLARATIONS OF INTEREST

Nil.

### APOLOGIES/LEAVE OF ABSENCE

#### Apology:

Mayor Troy Pickard

**Leave of Absence Previously Approved:**

Cr Sophie Dwyer	20 October to 24 October 2016 inclusive;
Cr Mike Norman	22 October to 30 October 2016 inclusive;
Cr Sophie Dwyer	6 November to 11 November 2016 inclusive;
Cr Russell Poliwka	7 November to 19 November 2016 inclusive;
Cr John Logan	16 November to 20 November 2016 inclusive.

**CONFIRMATION OF MINUTES**

**MINUTES OF THE POLICY COMMITTEE HELD ON 7 JUNE 2016**

**MOVED Cr Fishwick SECONDED Cr Hollywood that the minutes of the meeting of the Policy Committee held on 7 June 2016 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hamilton-Prime, Hollywood and Taylor.

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting was not open to the public.

**PETITIONS AND DEPUTATIONS**

Nil.

**REPORTS****ITEM 1 VISUAL ARTS COMMISSIONING PROGRAM 2017-18  
- PROPOSED ARTISTS**

<b>WARD</b>	All
<b>RESPONSIBLE A/DIRECTOR</b>	Mr Mike Smith Corporate Services
<b>FILE NUMBER</b>	14158, 101515
<b>ATTACHMENTS</b>	Attachment 1 Olga Cironis Proposal Attachment 2 Nien Schwarz Proposal Attachment 3 Perdita Phillips Proposal Attachment 4 Research undertaken on 22 Western Australian artists
	<i>(Please Note: The Attachments are confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For the Policy Committee to select one of the three recommended Western Australian artists for the commissioning of an artwork for the City's art collection as part of the *Visual Arts Commissioning Program 2017-18*.

**EXECUTIVE SUMMARY**

This report provides options for the commissioning of an artwork that documents and captures the iconic landmarks and people that represent the City of Joondalup.

Three artists have been shortlisted to complete the commission in 2017-18. All artists are of high professional standing, have confirmed that they can deliver the artwork within the allocated budget and timeframe, and are well qualified to produce an artwork that will be a sound investment for the City.

*It is therefore recommended that the Policy Committee SELECTS one of the three artists recommended to undertake the artwork commission in 2017-18 to the value of \$15,000.*

**BACKGROUND**

The City's art collection comprises over 250 artworks created by professional Western Australian contemporary artists. Artworks span a wide range of media including painting, sculpture, drawing, ceramic, print, photography, textile and glass.

The City's art collection operates on a yearly art acquisition budget of \$15,000, which enables the acquisition of two or three high quality contemporary artworks throughout the year from the City of Joondalup Community Invitation Art Award, the City of Joondalup Community Art Exhibition, and other exhibitions such as the NAIDOC week art exhibition. Acquisitions are also made from exhibitions across the Perth metropolitan area, and occasionally from regional Western Australia. These acquisitions allow the City's art collection to grow in cultural and fiscal value and fulfil the objectives of the City's *Visual Arts Policy*.

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to establish an annual *Visual Arts Commissioning Program* designed to commission artists to develop an artwork documenting and capturing the iconic landmarks and people who represent the City of Joondalup to be acquired for the City's art collection. The value of this commission is \$15,000 per annum.

In 2012, the inaugural commission was awarded to Western Australian artist Tony Windberg who created a mixed-media artwork entitled *Meeting Points*. The second commission in 2013 was awarded to Western Australian artist Lindsay Harris who created a painting entitled, *Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going)*.

At its meeting held on 19 February 2013 (CJ021-02/13 refers), Council endorsed changes to the *Visual Arts Commissioning Program* and approved the option to invite an international or national artist to undertake the commission through an artist residency over a two year period to the value of \$30,000.

At its meeting held on 16 October 2014 (CJ200-10/14 refers), the former Art Collection and Advisory Committee (ACAC) selected artist, Brandon Ballengée from New York, United States of America to complete a residency. Ballengée undertook a six week artist residency from September to October 2015.

At its meeting held on 28 June 2016 (CJ100-06/16 refers) Council endorsed alternating between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency comprised of two parts, a Residency and Commission, taking place over the following two years, as per Option 2 detailed within the Report.

## DETAILS

The commission program involves the contracting of an artist to create an original artwork for the specific purpose of becoming a part of the City's art collection.

Research was undertaken on 22 professional artists who are currently working and exhibiting in Western Australia (Attachment 4 refers).

In researching suitable artists the following factors were considered:

- The level of engagement the artist is likely to have with the community.
- The artists' experience, skill, and professional standing.
- Likelihood that the work produced will be original, unique and of high quality.
- Likelihood that the work produced will be favourably representative of Joondalup.
- That the value of the artist's work is in proportion to the City's commissioning budget.
- That the artwork produced has financial investment potential.
- Availability of artist.
- Whether the City of Joondalup art collection already contains work by that artist.

## Issues and options considered

Three artists have been shortlisted taking into account the factors outlined above and are put forward for consideration by the Policy Committee. These artists are as follows:

- Olga Cironis.
- Nien Schwarz.
- Perdita Philips.

These three artists work in a variety of media with stylistically different approaches and conceptual ideologies.

The factors most relevant to these artists are as follows:

- Each is a respected and active Western Australian professional artist.
- Their career progression is strong, they are exhibiting regularly, collected widely, and their work is developing with cohesion and critical acclaim.
- Each artist has indicated a desire to engage with the City of Joondalup in some way.
- The value of each artist's work is in proportion to the City's commissioning budget.
- None are currently represented in the City's art collection.
- Each are available in 2017-18.

Once the successful artist has been selected then the commissioning process will follow. This includes contracting the selected artist to produce a comprehensive concept response which will be provided to the Policy Committee for comment prior to the artist starting work on the finished piece.

The finished artwork will be delivered within the agreed timeframe and budget and accessioned into the art collection as per the *Art Collection Management Plan* and usual administrative procedures.

### Option 1 - Olga Cironis

Olga is a contemporary artist whose work references migration and migrant stories, often told from a feminist perspective. Her experiences as a migrant and as a woman frame her critiques of political, social and economic structures that underpin her visual arts practise.

She is an established artist, teacher and lecturer with a practice that spans over 20 years. Since graduating with a Masters of Visual Arts from SCA University of Sydney in 1996, Olga has exhibited widely, with solo shows including *Into the Woods Alone* at Turner Galleries in 2013, *FAJR* at Fremantle Art Centre in 2011, and *Handle Me Gently* at Turner Galleries in 2008. Her group exhibitions include *Florid* at 45 Downstairs Gallery Melbourne, *Beautiful Vermin* at Central Gallery Central Institute of Technology, *If You Can't Cut it Don't Come* at The Australian Embassy Singapore, and *Prefix* as part of the Textile Exchange Project, Hyogo Prefectural Museum of Art, Japan.

In 2014, Olga received the NAB Western Australian Art Award, and in 2012 she was awarded a Mid Career Fellowship for her exhibition *Into the Woods Alone*. In this year she was also the winner of the Mid West Art Prize. In 2009, Olga took home the first prize in the Bunbury Biennale, and in 2008 she was the winner of the prestigious Bankwest Art Award.

Her work is featured in numerous public and private collections including the Art Gallery of WA, the City of Fremantle art collection, the King Edward Memorial Hospital collection, the Fiona Stanley Hospital collection, the John Stringer art collection, the Bankwest art collection, the Janet Holmes a Court art collection, the City of Melville art collection, the Bunbury Regional Art Gallery collection, the Bunbury art collection, and the Geraldton Art Gallery collection.

Olga's primary artistic concern is with cultural and social identity within the Australian framework and she reflects upon her own background as a Greek migrant to create sometimes satirical works that explore ideas associated with belonging and marginality. She responds to these ideas in a variety of ways using many types of artistic methods and media such as video, sculpture, photography, performance and text.

For Olga's biography, CV and summarised initial concept response (Attachment 1 refers).

### Option 2 - Nien Schwarz

Nien Schwarz is informed by earth sciences and conducts much of her artistic research in parallel with trips to remote regional Australia where she works as a field worker on scientific survey expeditions. She has also worked as a camp cook, and a field worker, in arctic Canadian geological survey expeditions. This fieldwork underpins and informs Schwarz's interdisciplinary practice, and she is primarily concerned with resources provided by the earth. She links her knowledge of science and art, and often creates site-based installation artworks, performances, and sculptures that investigate the relationships between physical and human geographies – locally, globally, critically and playfully.

Nien has a multi-disciplined approach which investigates humanity's dependence on natural resources. Her work often incorporates discarded materials; *Promised Land*, in the 2001 Perth International Arts Festival, included 800 shopping bags, each one a recycled map installed to echo an archive or retail display. *Over My Shoulder*, 2006, at the Perth Institute of Contemporary Art (PICA), included 170m<sup>2</sup> of discarded aerial photographs of arid WA. Suspended drinking vessels containing water and earth samples lamented the wasting effects of drought. In *Earth Matters*, 2008, (Turner Galleries), drilling patterns were painted using scientific and industrial geological waste and the inside circumference of a roll of flagging tape functioned as metaphor for lenses, drill bits, mine shafts, bores, wells.

Large projects are supported by volunteers, CSIRO, DMP, National Library, Oil Mallee Association and State Salinity Council. Schwarz has held lecturing positions at Edith Cowan and Australian National Universities. She contributes to *Art Monthly*, *Artlink*, and is a member of the International Centre for Landscape and Language.

For Nien's biography, CV and summarised initial concept response (Attachment 2 refers).

### Option 3 - Perdita Phillips

Perdita is primarily interested in the environment and often refers to a scientific understanding in her work. At the same time she is interested in things that are not explained by science which might be about what is not seen or logically sensible. After years of wrestling with the ideas of beauty and wildness she has decided that things are not simple: they are complex and contested and worth fighting for.

Perdita has used many different media including walking, mapping, drawing, sculpture, digital art, installations, ephemeral outdoor works, situations, photographs, videos, sound installations and spatial sound, found objects and collage. Her work is marked by a continuing interest in the relationships between humans and non-human others such as rocks, plants, animals, and ecosystems. Underlying her practice is a general concern with imagining *environmental futures*.

For Perdita's biography, CV and summarised initial concept response (Attachment 3 refers).

### **Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally-enriched environment.

**Policy** *Visual Arts Policy*.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

The 2016-17 Budget includes an amount of \$15,000 for the commissioning of artworks depicting iconic landmarks within the City of Joondalup. No funds to date have been expended.

#### Current financial year impact

<b>Account no.</b>	C1078
<b>Budget Item</b>	Commissioning for the City's Art Collection.
<b>Budget amount</b>	\$15,000
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 5,000 deposit will be paid from the 2016-17 financial year.
<b>Balance</b>	\$10,000 to be returned to City funds and remainder of commission to come from the 2017-18 financial year.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The City's art collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community.

The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

### **Sustainability implications**

The commissioning of special purpose artworks has positive social sustainability implications. Artworks that reflect the City of Joondalup in content or context would enhance the relevance of the City's art collection for the local community and would increase the value of the City's cultural resources. Works that reflect the City of Joondalup would also provide a historical perspective in years to come.

### **Consultation**

Not applicable.

### **COMMENT**

The three artists put forward for consideration are all highly respected contemporary Western Australian artists whose work will be a culturally valuable asset for the City.

### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER'S RECOMMENDATION**

That the Policy Committee **SELECTS** one of the three artists recommended to undertake the artwork commission in 2017-18 to the value of \$15,000.

**MOVED Cr Gobbert, SECONDED Cr Hamilton-Prime that Council SELECTS Nien Schwarz to complete the visual artwork commission in 2017-18 with a contract value not to exceed \$15,000.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hamilton-Prime, Hollywood and Taylor.

## **ITEM 2                    PERCENT FOR ART FUNDS ALLOCATED FOR THE BRAMSTON PARK COMMUNITY SPORTING FACILITY**

<b>WARD</b>	North
<b>RESPONSIBLE A/DIRECTOR</b>	Mr Mike Smith Corporate Services
<b>FILE NUMBER</b>	55029, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider diverting the Percent for Arts funds available from the Bramston Park Community Sporting Facility development project to the Joondalup Performing Arts and Cultural Facility.

### **EXECUTIVE SUMMARY**

At the Policy Committee meeting held on 7 June 2016 a request a further report was made with respect to not progressing the proposed public artwork for the Bramston Park Community Sporting Facility, but instead contributing the funds towards the Joondalup Performing Arts and Cultural Facility project. This report outlines the background to the City's Percent for Art Scheme and details of its application to the Bramston Park development project.

After a degree of research and following the approved process, agreement could not be reached on a suitable piece of public art to be installed at the location. As a result it was determined that no art be installed.

*It is therefore recommended that Council NOTES that the provision of a public artwork at the Bramston Park Community Sporting Facility will not proceed.*

### **BACKGROUND**

Bramston Park is located on Bramston Vista, Burns Beach. At its meeting held on 20 May 2014 (CJ072-05/14 refers), Council approved the 2014-15 Bramston Park development project to include the construction of a new community sporting facility and additional infrastructure such as sports floodlighting, a synthetic centre cricket wicket, playground, BBQ / picnic area and car park. The project is now complete at a cost of \$2,696,697 with \$26,000 of the project budget allocated to public artwork under the City's Percent for Art Scheme.

The Percent for Art Scheme was previously part of the City's former *Art and Memorabilia Collections Policy* whereby it was adopted that the State Government's Percent for Art Policy will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. Developers of public facilities are also encouraged to adopt this policy.

The *Art and Memorabilia Collections Policy* was later replaced by a new *Visual Arts Policy* that did not include reference to Percent for Art as it was intended that this would frame a new *Public Art Policy* for consideration by Council at a future date.

However, the City continues to implement the Per Cent for Art Scheme as a way of investing in publicly accessible visual art that will present a culturally-enriched environment as per objectives contained within *Joondalup 2022*.

In this respect for Bramston Park, officers undertook a period of research between October 2014 and March 2016, assessing suitable new artworks that were on display in various exhibitions.

Through the approved process, agreement could not be reached on a preferred piece of public art and to date no artwork has been installed on site.

At the Policy Committee meeting held on 7 June 2016 a request was made for a further report with respect to not progressing the proposed public artwork for the Bramston Park Community Sporting Facility, but instead contributing the funds towards the Joondalup Performing Arts and Cultural Facility project.

## **DETAILS**

### Percent for Art

The State Government's Percent for Art Scheme encourages art in the built environment by using a percentage of a development's overall budget to commission public artworks. The scheme is administered jointly by the Department of Culture and the Arts (DCA) and the Department of Finance's Building Management and Works (BMW).

Since the scheme began in 1989, more than 574 artworks have been commissioned by the State, valued at more than \$46 million.

The success of the Percent for Art Scheme has led to its adoption and use by other State Government agencies, local governments and private developers as a model of best practice. These models are also often referred to as percent for art programs or policies, as they are based on a percentage of a development's overall budget being used to commission public artworks.

### Joondalup Performing Arts and Cultural Facility

The business case for the Joondalup Performing Arts and Cultural Facility was noted by Council at its meeting held on 15 December 2015 (C77-12/15 refers). The estimated capital cost of the facility is \$97.6 million. This includes costs for the Jinan Garden, traffic improvements, external works and project management.

**Issues and options considered**

Council can either:

- agree to purchase art for Bramston Park within budget
- not agree to purchase art for Bramston Park and realise those funds as a saving against the project  
or
- as per the request for this report, redirect the funds to the Joondalup Performing Arts and Cultural Facility.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally-enriched environment.

**Policy** Not applicable.

**Financial / budget implications**Current financial year impact

Not applicable as the project was completed in 2015-16. However, an amount of \$26,000 remains outstanding that was proposed for public art.

**Regional significance**

The City's art collection, including its public art, archives and memorabilia plays an important part in shaping and developing a sense of community.

The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

**Sustainability implications**Environmental

The installation of public artworks has positive social sustainability implications. Public artworks physically enrich a locality and strengthen the public realm by creating points of interest, animating spaces and providing beauty, character and colour to places.

### Social

A new public artwork will provide a catalyst for public discussion about current social, economic and environmental issues.

### Economic

A new public artwork will increase the value of the City's cultural resources.

### **Consultation**

Not applicable.

### **COMMENT**

The City's art collection, including its public art, plays an important part in shaping and developing a sense of community.

The on-going provision of accessible and high calibre public art is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government. By investing in high quality public artworks through the Percent for Art Scheme, the City provides a lead to other developers in the region to follow suit.

When development projects are undertaken there is a risk as they progress that some aspects may incur additional unforeseen expenditure and some may result in savings due to identifying alternatives or elements being determined to be not required. It is normal to manage these as part of the overall project and if there are net savings to recognise these as project savings. If a development project budget includes provision for a public artwork and it is subsequently determined that the public artwork should not be provided it is felt that this should be recognised as a saving to the project.

### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER'S RECOMMENDATION**

That Council NOTES that the provision of a public artwork at the Bramston Park Community Sporting Facility will not proceed.

### **MOVED Cr Fishwick SECONDED Cr Hollywood that Council:**

- 1 NOTES that the provision of a public artwork at the Bramston Park Community Sporting Facility will not proceed;**

- 2 BY AN ABSOLUTE MAJORITY AUTHORISES the Percent for Arts funding available from the Bramston Park Community Sporting Facility development project of \$26,000, being transferred from Capital Works Account W2163 – Bramston Park to Capital Works Account C1077 – Public Art.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hamilton-Prime, Hollywood and Taylor.

*Acting Director Corporate Services, Acting Manager Leisure and Cultural Services and the Curator left the room at 6.57pm.*

**ITEM 3                      DRAFT COMMERCIAL, MIXED USE AND SERVICE  
COMMERCIAL ZONE LOCAL PLANNING POLICY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106157, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Draft Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to consider the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* for the purposes of public advertising.

**EXECUTIVE SUMMARY**

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2 (DPS2)*, while other development requirements are contained within local planning policies.

In relation to the City's draft new *Local Planning Scheme No. 3 (LPS3)*, it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and contained within local planning policies.

The draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* contains the development requirements for non-residential development on land that will be zoned 'Commercial', 'Mixed Use' and 'Service Commercial' under LPS3. It builds on the existing development provisions contained within DPS2. Provisions relating to building set backs, building height, built form design, parking standards and access, landscaping, and servicing arrangements have been included in the draft policy to facilitate commercial development with a high standard of amenity and functionality.

Relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*, the *Small Scale Renewable Energy Systems Policy* and the *Use of Sea Containers Policy* have also been included in order to consolidate relevant development provisions within one policy.

It is recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

## BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems, are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide non-residential development in the 'Commercial', 'Mixed Use' and 'Service Commercial' zones.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. The City is currently liaising with the Department of Planning on their assessment of the draft scheme.

## DETAILS

The draft policy provides the development requirements for commercial development on land to be zoned 'Commercial', 'Mixed Use' and 'Service Commercial' within draft LPS3 (Attachment 1 refers).

The current provisions contained within DPS2 regulating commercial development within the City have been reviewed and a local planning policy has been developed. The main changes proposed through the policy are outlined below.

## Setbacks to buildings

### *Commercial and Mixed Use zone*

It is proposed that street setbacks be decreased from the existing nine metre street setback to 3.5 metres to allow buildings to be built closer to the street boundary. It is considered that a minimum 3.5 metre street setback will allow sufficient space for a pedestrian path and landscaping strip adjacent to the street, and will generally allow for more a more flexible building design and better utilisation of a site.

Currently under DPS2, the rear building setback required is six metres and the side setback is three metres. It is recommended that side and rear setbacks to buildings be made a consistent standard of a minimum of three metres. On larger commercial sites, it makes little difference to neighbouring properties and the streetscape whether a boundary that is not a street boundary is a rear or side boundary.

### *Service Commercial zone*

Street setbacks in the 'Service Commercial' zone are proposed to be reduced from six metres to 3.5 metres to align with the *proposed* setbacks for the 'Commercial' and 'Mixed Use' zone. As indicated previously this will allow buildings to be built closer to the street boundary while allowing sufficient space for landscaping and pedestrian paths.

The side and rear setbacks are in accordance with those currently in DPS2 for the 'Business' zone (nil metres) with the exception that buildings adjacent to a 'Residential' zoned lot must be set back three metres to ensure that development does not impose on residential properties.

## Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted by Council at its meeting held on 15 December 2015 (*CJ228-12/15 refers*) and no changes to buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and therefore this policy will ultimately be revoked.

## Built form and design

DPS2 contains very few provisions regarding the design and built form of commercial development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, glazing, building entrances and pedestrian shelter. These standards are not considered onerous or overly restrictive, but will ensure that commercial development positively contributes to the street and local environment.

One of the primary aims of the policy is to ensure that commercial development is street orientated, pedestrian friendly and provides a high standard of amenity. Therefore minimum glazing requirements have been included, external tenancies are required to be outward facing, and no blank or unarticulated facades to the public realm are permitted.

### Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is to be provided between tiered retaining walls to soften the visual impact of those walls.

### Parking and access

#### *Car parking*

DPS2 does not list a car parking standard for every land use listed in the scheme. It is considered preferable however, that each land use has an applicable parking standard and therefore the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Commercial', 'Mixed Use' or 'Service Commercial' zone.

The proposed car parking standards are essentially the same as those currently contained within DSP2. Some of the parking standards have been updated to make them easier to apply. For example, parking standards for Hotel and Tavern have been modified from 'one per 3m<sup>2</sup> of standing area plus one per 5m<sup>2</sup> of seating area' to simply 'one per 5m<sup>2</sup> of bar and dining area'. The parking standard for Recreation Private has been modified from one per 2.5 people accommodated to one per four people accommodated. This is to align the parking standard with the existing standard for similar land uses such as Place of Assembly, Place of Worship and Reception Centre. The other major change is the reduction in the parking standard for Warehouse / Storage from one per 50m<sup>2</sup> to one per 100m<sup>2</sup>. This land use is less intense than an Office or Bulky Goods Showroom and therefore requires less parking.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to commercial lots.

#### *Scooter and motorbike parking*

Scooter and motorbike parking standards have been included as previously requested by the former Policy Committee on 12 November 2012. These standards require the replacement of every 30<sup>th</sup> car bay with two scooter / motorbike bays.

#### *Bicycle parking*

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

### Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development had a car parking area abutting the street. There was no requirement for landscaping where a car parking area did not abut the street.



<b>Key theme</b>	Economic Prosperity, Vibrancy and Growth.
<b>Objective</b>	Activity Centre development.
<b>Strategic initiative</b>	Support the development of fresh and exciting de-centralised areas of activity.
<b>Policy</b>	<i>Height of Non-Residential Buildings Local Planning Policy.</i> <i>Small Scale Renewable Energy Systems Policy.</i> <i>Use of Sea Containers Policy.</i>

### **Risk Management considerations**

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

### **Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

### **Regional Significance**

Not applicable.

### **Sustainability implications**

Appropriately designed and developed commercial centres provide economic and social benefits to the community in which they are situated as they provide employment, housing and retail opportunities.

The introduction of crime prevention through environmental design (CPTED) principles through glazing and activation requirements could contribute to social sustainability by reducing crime in activity centres and service commercial areas and creating a focal point for the community.

### **Consultation**

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy to be advertised for public comment for a period of not less than 21 days. It is proposed that the draft policy would be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

## COMMENT

In accordance with the review and subsequent endorsement of the draft LSP3 by Council, it is recommended that the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* be progressed to ensure that provisions are in place that will create commercial development that positively contributes to the surrounding area.

It is considered that the inclusion of minimum glazing requirements, building materials, building articulation, provision of pedestrian shelter and clearly defined entrances will positively contribute to the development or redevelopment of commercial buildings and will provide a higher standard of amenity than is currently possible under DPS2.

It is therefore recommended that Council advertises the draft *Commercial, Mixed Use Zone and Service Commercial Local Planning Policy* for public comment for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Fishwick **SECONDED** Cr Hamilton-Prime that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PREPARES** and **ADVERTISES** the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hamilton-Prime, Hollywood and Taylor.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2aqnPOLICY161013.pdf](#)

## **ITEM 4                    DRAFT   COMMERCIAL   AND   RECREATIONAL VEHICLE PARKING LOCAL PLANNING POLICY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106153, 101515
<b>ATTACHMENTS</b>	Attachment 1    Draft   Commercial   and   Recreational Vehicle Local Planning Policy
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider the draft *Commercial and Recreational Vehicle Local Planning Policy* for the purposes of public advertising.

### **EXECUTIVE SUMMARY**

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

In relation to the City's draft new *Local Planning Scheme No. 3* (LPS3), it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and contained within local planning policies.

The draft *Commercial and Recreational Vehicle Local Planning Policy* is based on the current provisions within DPS2 and addresses issues such as the number, location and size of commercial or recreational vehicles that can be parked in association with a dwelling. While the draft provisions of the policy are largely based on those existing within DPS2, it is however, also proposed to delete or revise a number of provisions as outlined in this Report.

It is therefore recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

### **BACKGROUND**

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems, are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide commercial and recreational vehicle parking in residential development/areas.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. The City is currently liaising with the Department of Planning on its assessment of the draft scheme.

## **DETAILS**

The draft *Commercial and Recreational Vehicle Parking Local Planning Policy* (Attachment 1 refers) includes the following provisions (summarised):

- Policy objectives, which will be used to assess any development proposal that does not meet the specific provisions of the policy.
- The vehicle is to be parked entirely on the subject lot and located on a hard standing area, which is located behind the front of the dwelling (or the side of the dwelling where a secondary street is applicable), or alternatively the vehicle is parked within a garage.
- The vehicle does not exceed three metres in height (including the load), 2.5 metres in width, or eight metres in length.
- A commercial vehicle is not to be started or manoeuvred on site between the hours of 10.00pm and 6.00am the following day.
- A commercial vehicle is able to be parked on a lot for up to three hours within a 24 hour period before the terms of the policy apply (with exception to vehicles being used in conjunction with lawful construction work on the same lot).
- Minor repairs, servicing and cleaning of a vehicle are not permitted between the hours of 7.00pm and 7.00am.

It is noted that the current provisions contained within DPS2 regulating commercial and recreational vehicle parking associated with a dwelling have been reviewed, with amendments proposed through the implementation of the draft *Commercial and Recreational Vehicles Parking Local Planning Policy*. The main changes proposed through the policy are outlined below.

### General

The draft policy applies to commercial and recreational vehicle parking associated with a dwelling, whereas the provisions currently within DPS2 are zone specific in their application. It is also clarified within the draft policy that the provisions relate to the parking of commercial and recreational vehicles on private property, and not the verge area which is subject to local law provisions.

In instances where a secondary street is applicable, a provision has been included requiring both commercial and recreational vehicles to be parked behind the side of a dwelling. The additional requirement has been included due to the DPS2 provisions remaining silent regarding the parking of these vehicles on corner lots. The revision will ensure that the visual amenity of both the primary and secondary streets is not unduly impacted.

### Commercial vehicle parking

A number of requirements set out in DPS2 relating to commercial vehicle parking are proposed to be removed due to being unclear or unnecessary in achieving the objectives of the draft policy.

The requirement that a commercial vehicle be used as an essential part of the lawful occupation of an occupant of the dwelling is proposed to be removed. The objective of the policy is to control the number, size and location of commercial vehicles so as to not have a detrimental impact on the amenity of a locality. It is considered that the requirement relating to vehicles being associated with a lawful occupation of an occupant of the dwelling does not contribute or have any bearing on achieving this objective and so it is proposed to be removed from the policy requirements applying to commercial vehicles. In addition, DPS2 currently applies restrictions on the transfer of goods or people from one vehicle to another, the unloading and loading of vehicles and the storage of goods associated with the use of commercial vehicles. The intent of this provision within the scheme is somewhat unclear as to the outcome it is aiming to achieve, and is therefore proposed to be removed.

The allowable time for which a commercial vehicle may be parked on a lot associated with a dwelling has been increased from one hour to three hours within any 24 hour time period to allow for instances where a commercial vehicle may infrequently be parked on a lot. Currently, DPS2 includes a requirement that commercial vehicles are not to be operated as a tow truck or an emergency vehicle between the operating hours of 10.00pm and 6.00am. Given that the requirements set out in the draft policy stipulate that commercial vehicles are not to be started or manoeuvred between these hours, it is considered that any commercial vehicle, including a tow truck or emergency vehicles will require the City's approval to operate outside of these standard hours, and so the requirements relating specifically to tow trucks and emergency vehicles are proposed to be removed.

### Recreational vehicle parking

Currently, DPS2 permits the parking of a recreational vehicle of a specified size (eight metres length, 2.5 metres width, three metres height) as-of-right, however does not specify any particular location that the vehicle needs to be parked. Through the draft policy, it is proposed to require recreational vehicles to be parked in a manner more consistent with commercial vehicles, that is, behind the front of the dwelling or within a carport or garage. A commercial vehicle may only be parked within a garage, not a carport.

The revised provisions propose to remove the restriction on hours for which a recreational vehicle that is larger than the as-of-right size may be started or manoeuvred. It is considered that the principal concern with the parking of recreational vehicles on a lot is the visual impact that they may have on the streetscape. The removal of the restriction of hours outlined above is intended to more closely align the provisions with the definition of a recreational vehicle, which are likely to be vehicles which when manoeuvred are likely to have low impact on the surrounding neighbours. The provisions have been amended, however, to impose a restriction on the hours for which repairs, servicing or cleaning of the vehicle may be carried out as there is greater potential for impact on the surrounding area as a result.

### Requirement for development approval

Draft LPS3 permits the parking of a commercial or recreational vehicle without the need for development approval where it complies with the provisions of the appropriate policy. It has been clarified within the draft policy, however, that any proposal that does not meet the provisions of the policy will require a development application to be submitted. In these instances, any development application will be assessed against the policy objectives as follows:

- To ensure that the number, size and location of commercial and recreational vehicles do not have a detrimental impact upon the amenity of the surrounding local area or streetscape.
- To ensure that the dwelling is the dominant feature of the lot and the commercial or recreational vehicle does not detract from the view of the street or block the view of the street from the dwelling.

### **Issues and options considered**

A principal issue for consideration is the proposal to require recreational vehicles to be parked behind the front of the dwelling or in a carport or garage. This would have the effect of requiring a person to seek development approval if they wish to park a recreational vehicle within the front setback area of a dwelling and not be in a carport or garage.

Alternatively, the existing situation could be retained whereby, provided the other policy provisions are met, parking of a recreational vehicle could occur anywhere on the lot.

Council has the option to:

- advertise the draft *Commercial and Recreational Vehicles Parking Local Planning Policy*, with or without modifications  
or
- not support the advertising of the draft *Commercial and Recreational Vehicles Parking Local Planning Policy*.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** *Planning and Development (Local Planning Scheme) Regulations 2015.*  
*Draft Local Planning Scheme No. 3.*

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy** Not applicable.

**Risk Management considerations**

Development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

The revised proposed provisions relating to the requirement for recreational vehicles to be parked behind the front of the dwelling or within a carport or garage may lead to additional compliance action, and/or development applications being required, in relation to existing recreational vehicles that were otherwise parked in accordance with the current provisions.

**Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

**Regional Significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. It is proposed that the draft policy would be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

## COMMENT

In accordance with the review and subsequent endorsement of the LSP3 by Council, it is recommended that the draft *Commercial and Recreational Vehicles Local Planning Policy* be progressed to ensure that provisions are in place to allow and control the parking of commercial and recreational parking within residential areas of the City in a manner that will have minimal impact on adjoining properties.

It is therefore recommended that Council advertises the draft *Commercial and Recreational Vehicle Local Planning Policy* for public comment for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

*Cr Chester entered the room at 7.13pm.*

## OFFICER'S RECOMMENDATION

That Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *planning And Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Commercial and Recreational Vehicle Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days.

**MOVED Cr Hamilton-Prime SECONDED Cr Hollywood that Council in accordance with clauses 3, 4 and 5 of Schedule 2 of the *planning And Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Commercial and Recreational Vehicle Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days, subject to the following amendments:**

- 1 **Commercial Vehicle Parking, clause 4.1.1(a) the word 'facade' be ADDED after the word 'side';**
- 2 **Recreational Vehicle Parking, clause 4.2.1(b) the word 'facade' be ADDED after the word 'side'.**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Crs Gobbert, Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3a9nPOLICY161013.pdf](#)*

**ITEM 5                      DRAFT COASTAL LOCAL PLANNING POLICY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	105198, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Draft Coastal Local Planning Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to consider the draft *Coastal Local Planning Policy* for the purposes of public advertising.

**EXECUTIVE SUMMARY**

Coastal areas are highly valued by the community and are a popular location for people to both visit and live. Erosion, inundation and sea level rise, as a result of climate change has the potential to impact on coastal foreshore areas and some coastal property.

*State Planning Policy 2.6: State Coastal Planning Policy (SPP 2.6)*, requires that future development takes into account coastal hazard risk and that property owners in areas subject to coastal hazard risk be informed of those risks.

The draft *Coastal Local Planning Policy* (Attachment 1 refers) is part of the City's response to coastal risk hazard management. The purpose of the draft *Coastal Local Planning Policy* is to ensure that when developments occur in a coastal hazard risk area, that adequate notification and adaption measures are undertaken. This includes the requirement that a notification be put on the Certificate of Title when landowners are undertaking developments located in a coastal hazard area, and that coastal hazard risk management and adaption planning is undertaken by proponents prior to subdivision of previously undeveloped land.

It is therefore recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

**BACKGROUND**

The Western Australian Planning Commission (WAPC) released a revised SPP2.6 in July 2013 to provide guidance for land use and development decision-making within the coastal zone.

SPP2.6 requires local governments to identify coastal hazard areas and to inform future and current property owners in coastal hazard areas of the risk.

Under the updated policy:

- coastal hazard risk management and adaptation planning (CHRMAP) should be undertaken where appropriate
- when a subdivision or development application is received for an area at risk, then current and / or future lot owners should be made aware of the risk by providing a notification on the Certificate of Title. This will apply to all subdivision and/or development applications within the 100 year coastal vulnerability lines.

A coastal hazard assessment undertaken for the City's coastline has identified that some areas may become susceptible to coastal erosion within the next 100 years. In the short term this may include beaches and associated infrastructure such as access ways and dune fencing. In the long term (greater than 50 years) additional infrastructure such as car parks, some City owned buildings within coastal foreshore areas and some private property may potentially be at risk from severe storm erosion.

## DETAILS

SPP2.6 identifies the need for Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) to ensure an appropriate risk assessment and management planning framework for incorporating coastal hazard considerations into decision making processes.

Consultation with the Department of Planning has outlined that it is not the intent of SPP2.6 that development applications for single dwellings would be required to develop a CHRMAP as the requirement would be too onerous. However a CHRMAP would need to be undertaken by proponents prior to subdivision of previously undeveloped land and it is likely that larger scale developments may be required to do a CHRMAP if located in a vulnerable area within the planning timeframe of 100 years. In such cases, it would be the City's responsibility to determine who would need to complete a CHRMAP as part of a structure plan or development application.

In terms of the notifications on titles, Section 5.5 of SPP2.6 states that where coastal hazard risk is identified, it should be disclosed to those who could be affected and that current and/or future lot owners should be made aware of the coastal hazard risk by providing the following wording on the Certificates of Title:

***VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and / or inundation over the next 100 years.***

The placement of notifications on Certificates of Title can be achieved via two mechanisms, namely subdivision approval and development approval.

When an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles. When the City deals with a development application, it will place a condition of the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.

If through further detailed investigation or works to reduce risk, it can be demonstrated that a piece of land is no longer the subject of coastal hazard risk, then an owner may be able to formally request removal or withdrawal of the notification.

The objective of the City's new draft local planning policy is to ensure that the City complies with Part 5 of SPP2.6 through the application of local planning requirements in line with those set out in SPP2.6 as follows:

- When an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles.
- When the City deals with a development application, it will place a condition of the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.
- For large areas of undeveloped land, coastal risk hazard management and adaption planning is required prior to any subdivision or development of the land.
- Structure plans and local development plans will need to address the requirements of SPP2.6 and the City's *Coastal Local Planning Policy*.

Not every lot within a potentially vulnerable area will be the subject of a subdivision application or a development application. As such, not every lot within a potentially vulnerable area will have a notification placed on its title through these approval processes. Therefore, in order to ensure that all existing and future property owners of vulnerable lots are aware that their lot is potentially subject to coastal hazard risk the City also plans to:

- allow the areas subject to potential coastal hazard risk to be viewed using the City's *mapping online* tool
- make available coastal hazard risk maps for sections of the City's coastline for downloading from the City's website
- include coastal hazard risk alerts on any land purchase inquiry made in relation to lots within areas identified as potentially being vulnerable.

### Issues and options considered

Council has the option to:

- advertise the draft *Coastal Local Planning Policy*, with or without modifications or
- not support the advertising of the draft *Coastal Local Planning Policy*.

### Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	<i>Planning and Development (Local Planning Scheme) Regulations 2015.</i> <i>Transfer of Land Act 1893.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.
<b>Key theme</b>	The Natural Environment.
<b>Objective</b>	Environmental resilience.

**Strategic initiative** Identify and respond to environmental risks and vulnerabilities.

**Policy** State Planning Policy 2.6 *State Coastal Planning Policy*.

### **Risk Management considerations**

Local government liability in relation to coastal vulnerability is little different to its general liability arising from the performance of existing statutory functions, where such liability is determined by common law principles of negligence, as modified by the *Civil Liability Act 2002* and other written laws.

If a local government's decision-making and / or its planning framework (consisting of the local planning scheme and relevant planning policies) comply with the policy measures prescribed in SPP2.6 and are otherwise consistent with the performance of its obligations under the *Planning and Development Act 2005*, then the likelihood of it being exposed to liability in the context of coastal vulnerability is considered to be extremely remote.

### **Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

### **Regional Significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. It is proposed that the draft local planning policy be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

In addition to the statutory advertising mentioned above, a letter, survey, copy of the draft *Coastal Local Planning Policy* and a set of Frequently Asked Questions will also be sent directly to:

- affected residents
- attendees of information sessions
- community engagement network members
- local members of Parliament.

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

## COMMENT

The proposed local planning policy is part of the City's responses to coastal risk hazard management, and in accordance with the SPP2.6, it is recommended that the draft *Coastal Local Planning Policy* be progressed to ensure that provisions are in place that will provide the City with guidance in making appropriate decisions on developments along the City's coastline.

It is therefore recommended that the draft *Coastal Local Planning Policy* be advertised for public comment for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Hamilton-Prime **SECONDED** Cr Fishwick that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, prepares and advertises the draft *Coastal Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days.

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Crs Gobbert, Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4agnPOLICY161013.pdf](#)*

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

**CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.22pm; the following Committee Members being present at that time:

Cr Liam Gobbert  
Cr Kerry Hollywood  
Cr Philippa Taylor  
Cr Christine Hamilton-Prime  
Cr John Chester  
Cr Russ Fishwick, JP