



Shire of
Peppermint Grove

SPECIAL MEETING OF COUNCIL

MINUTES

**HELD ON
TUESDAY 22 MARCH 2016
AT
6.00 PM**



Shire of Peppermint Grove

Notice of Meeting

Dear Councillor

It is advised that the **SPECIAL MEETING OF COUNCIL** was held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday 22 March 2016, commencing at 6.00 pm.

Yours faithfully

Mr John Merrick JP
CHIEF EXECUTIVE OFFICER

22 March 2016

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Shire of Peppermint Grove

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Shire of Peppermint Grove

SPECIAL MEETING OF COUNCIL

1. DECLARATION OF OFFICIAL OPENING

At 6.00 pm, the Shire President declared the meeting open and requested the recording of attendance and apologies.

Council recognises that it is permissible to record the Shire's Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

The Post indicated that it was recording the meeting.

2. RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President
Deputy Shire President
Elected Member
Elected Member
Elected Member
Elected Member
Elected Member

Cr R Thomas
Cr C Hohnen
Cr K Farley (arrived at 6.08pm)
Cr S Fleay
Cr D Horrex
Cr P Macintosh
Cr G Peters

Chief Executive Officer
Manager Library and Community Services
Manager Corporate Services
Manager Infrastructure Services
Manager Development Services
Executive Officer

Mr John Merrick
Ms D Burn
Mr P Rawlings
Mr D Norgard
Mr M Whitbread
Ms M Tabbakh (Minutes)

Visitors Nil

Gallery 1 Members of the Public

2 Members of the Press



2.2 APOLOGIES

Nil

2.3 LEAVES OF ABSENCE

Nil

3. DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

Nil

3.2 PETITIONS

Nil

4. PUBLIC QUESTION TIME

At 6.00pm the Presiding Member opened the public question time by asking the gallery if there were any questions or deputation for Council. "Rules for Council meeting Public Question Time" were noted in the Agenda. Copies of:

- The Agenda
- Question to Council Forms and
- Deputation Forms

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

4.3 DEPUTATIONS OF THE PUBLIC

Nil



5. DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct.

Councillors / staff are required to submit declarations of interest in writing on the prescribed form.

5.1 FINANCIAL INTEREST

Shire President, R Thomas – 7.1.1 Property adjoins the laneway to the south of the Cottesloe Central carpark proposed to be rezoned LPS 4.

Cr G Peters – 7.1.1 Owner of property adjacent to the Cottesloe Central.

Cr K Farley - 7.1.1 Owner of land in the Shire of Peppermint Grove. Section 5.63 (2) applies

Cr S Fleay – 7.1.1 - The valuation of property may be affected by changes to the TPS 4, changes to zoning or future development. Section 5.63 (2) applies.

Cr C Hohnen – 7.1.1 Part owner of land and house in the Shire of Peppermint Grove. Section 5.63 (2) applies.

Cr P Macintosh – 7.1.1 - The valuation of property may be affected by changes to the TPS 4, changes to zoning or future development. Section 5.63 (2) applies.

Cr D Horrex – 7.1.1 Resident and co-owner of 12 Columba Place. Section 5.63 (2) applies.

5.2 PROXIMITY INTEREST

Shire President, R Thomas – 7.1.1 Property adjoins the laneway to the south of the Cottesloe Central carpark proposed to be rezoned LPS 4.

Cr G Peters – 7.1.1 Owner of property adjacent to the Cottesloe Central.

5.3 IMPARTIALITY INTEREST

Cr S Fleay – 7.1.1 - Cr S Fleay's wife is an employee of PLC School.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil



5.5 STATEMENT OF GIFTS AND HOSPITALITY

Nil

6. ANNOUNCEMENTS AND DECLARATIONS BY ELECTED MEMBERS

Nil

6.1 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil



7. CHIEF EXECUTIVE OFFICER REPORTS

At 6.02pm Shire President Cr R Thomas and Cr G Peters left the Council Chambers.

The Deputy Shire President Cr C Hohnen presided in her absence.

7.1 URBAN PLANNING

7.1.1 Final Adoption; Shire of Peppermint Grove Local Planning Strategy & Local Planning Scheme 4:

URBAN PLANNING

DECLARATION OF INTEREST – FINANCIAL AND PROXIMITY

Shire President Rachel Thomas - Property adjoins the laneway to the south of the Cottesloe Central carpark proposed to be rezoned LPS 4.

Cr G Peters – 7.1.1 Owner of property adjacent to the Cottesloe Central.

DECLARATION OF INTEREST – FINANCIAL

Cr K Farley - Owner of land in the Shire of Peppermint Grove. Section 5.63 (2) applies.

Cr C Hohnen – Part owner of land and house in the Shire of Peppermint Grove. Section 5.63 (2) applies.

Cr P Macintosh – The valuation of property may be affected by changes to the TPS 4, changes to zoning or future development. Section 5.63 (2) applies.

Cr D Horrex – Resident and co-owner of 12 Columba Place. Section 5.63 (2) applies.

Cr S Fleay – The valuation of property may be affected by changes to the TPS 4, changes to zoning or future development. Section 5.63 (2) applies.

DECLARATION OF INTEREST –IMPARTIALITY

Cr S Fleay's wife is an employee of PLC School. Section 5.63 (2) applies.

Cr C Hohnen Moves that the Shire President Rachel Thomas and Cr G Peters be allowed to be present and discuss the item with the exception of anything involving the Cottesloe Central.

Seconded: Cr S Fleay

CARRIED: 4/0

The Shire President Cr R Thomas and Cr G Peters return to the Council Chambers at 6.03pm.

Discussion occurs on the scheme without the inclusion of Cottesloe Central.

Cr Karley joined the meeting at 6.08pm.

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Draft Local Planning Strategy, Local Planning Scheme 4 (including Map), and the Schedule of Submissions.

Voting Requirement	:	Simple Majority
Subject Index	:	TPLA 4
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <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 eg. 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 & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affect 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 (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

For Council to consider the final adoption of the draft Local Planning Strategy and draft Local Planning Scheme No.4 following the public consultation in accordance with the approval granted by the Minister for Planning in 2015.

SUMMARY AND KEY ISSUES

- The advertising of the Scheme and Strategy was conducted in 2015.
- The submissions made supported, for the most part, the future planning of the Shire.
- Objections to some aspects of the new Local Planning Scheme No.4 have largely been addressed.
- Final adoption of the attached draft Strategy and Scheme is recommended.

BACKGROUND

The Shire received permission from the Minister for Planning, to advertise Local Planning Scheme 4, and the Local Planning Strategy, for 90 days from July to October 2015.

Coincidentally, October 2015 saw the Western Australian Planning Commission gazette the Planning and Development Regulations (P & D Regulations 2015). As discussed at Council concept forums last year, these regulations would result in significant reform across local government planning administration, as the State Government seeks to standardise Local Planning Scheme powers in WA.

The reform agenda includes 'Deemed Provisions' in P & D Regulations 2015, which update Local Planning Schemes throughout WA automatically. Previously updating a Scheme to comply with the Model Scheme Text was only possible using the lengthy Scheme amendment process.

Given the gazettal of the P & D Regulations in 2015, the draft Local Planning Scheme would, of course, automatically be affected. On this basis the draft Local Planning Scheme before Council has been updated to comply with the Deemed provisions of the new P & D Regulations 2015 as well as the Model Scheme Text where appropriate.

CONSULTATION

Under the Town Planning Regulations 1967 (in force at that time), the Shire was only required to place a notice in a local newspaper circulating in the locality during the 90 day advertising period. In addition to meeting this minimum standard, Council endorsed a broader public consultation approach.

This consisted of a letter being sent to each landowner in the Shire providing background on the need for a new Local Planning Strategy and Local Planning Scheme. Included with each letter was a pamphlet summarising the proposed changes that included a copy of the

Scheme map. A question and answer sheet was also distributed that provided a broad outline of the rationale for a Local Planning Strategy, and a new Local Planning Scheme.

Landowners were invited to attend two information sessions in the Shire to two public consultation meetings held at the Shire offices on Tuesday 18 August 2015 and Monday 24 August 2015. Due to the concerns raised by affected residents in regard to the proposed split density code of R10/30 at Lot 2 Bay View Terrace, a further information evening was held on 23 September 2015.

By the conclusion of the advertising period 43 submissions were received concerning the draft Local Planning Scheme. A schedule summary of which form an attachment to this report.

The majority of submissions supported the Scheme's general direction in maintaining the high standard of local amenity, but the following specific concerns were raised:

- a) Objected to the Split R10/30 density proposed for Lot 2 Bay View Terrace. Overwhelming preference to retaining R10 density code for the eventual redevelopment of this blighted site.
- b) Strong support for development controls over the shopping centre site to ensure traffic, parking and amenity issues for adjoining residents are taken into account.
- c) Vast majority supported the concentration of infill housing to occur on Stirling Highway.
- d) Main Roads WA objected to the change of zoning of the Star of the Sea site given that the land would become severed.
- e) Objection to the Residential zoning of the local centre office complex on Johnston and Monument Street
- f) PLC request to retain Private Clubs zoning over portion of the Star of the Sea site being redeveloped for a gym, hard courts.

The above matters have been dealt with individually below, under the Officer Comment section of this report.

In regard to the draft Local Planning Strategy, which was advertised concurrently with the Local Planning Scheme 4, it should be noted that no submissions were received.

POLICY IMPLICATIONS

Many of the current policies under Town Planning Scheme No.3 will be able to be continued due to the savings provision under clause 2.4.7 in the new Local Planning Scheme. However, given the changes to development standards, such as building heights in the draft Local Planning Scheme, new Local Planning Policies will be required as has been discussed

STATUTORY IMPLICATIONS

The draft scheme has been revised in order to comply with the Deemed Provisions of the Planning and Development Regulations (P & D Regulations) 2015, and where appropriate, the revised Model Scheme Text.

Applicants will no longer be required to obtain development consent for single houses, alterations and additions to single houses as well as demolition if all Scheme and R-Codes Deemed-to-comply standards are met. Applicants only need to apply for, and be issued with, a building or demolition permit before commencing work.

Nevertheless, planning approval will still be required for development affecting a heritage listed place, or requires consideration under the Design principles of the R-Codes.

The table below indicates the changes to the Scheme necessary to correspond with the Deemed Provisions of the P & D Regulations 2015.

Planning and Development Regulations 2015	LPS 4 Provision	Required Modification (Model Scheme Text)
Restrictive Covenants (Clause 35)	Already exists under 5.4 of the scheme in similar vein	Minor changes to wording required.
Special Control Areas (Clause 36)	Exists under Part 6 of the draft Scheme	Changes to wording required.
General Definitions (Clause 37)	Updated from Scheme No.3	See below, there are approximately a dozen new definitions to be included under the Deemed Provisions.

SCHEDULE 2 DEEMED PROVISIONS (automatically included)

Planning and Development (Local Planning Scheme Regulations) 2015	LPS 4 Provision	Modification
Definitions 14 new definitions included in the deemed provisions	Based on the Model Scheme Text.	No changes to existing Scheme definitions. Additional definitions include for example words such as amenity, local government CEO, substantially commenced and zone.

Part 2 Local Planning Framework	Part 2 Previous MST definitions included	Inclusion of a definition of Local Planning Strategy. Text and format changes. Meaning and process not altered.
Part 3 Heritage Protection	Part 7 of draft LPS 4. Based on former MST.	<p>New wording, no loss of Council's ability to protect heritage properties. Expanded clauses for varying development standards Cl.12.</p> <p>Heritage Council of WA standards for assessment Cl11.2. adopted in the Regs. Formalised process for including a place on the Heritage List Cl.8 (3).</p> <p>New provision for a Heritage Conservation notices under Cl. 13 for neglected properties.</p>
Part 4 Special Control Areas*	Part 6.3 Structure Plans	More flexible approach. Encourages LGA to establish limits in their Schemes and prepare planning policies.

FINANCIAL IMPLICATIONS

There are minor financial costs associated with alterations to the scheme maps and the publishing of the final version of the Scheme in the Government Gazette.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

An important aspect of the process of final adoption of a Local Planning Scheme and Local Planning Strategy is the consideration of the submissions received during the advertising period.

Attachment 1 to this report summarises the submissions received and provides a brief response. The issues raised, and an expanded planning comment to address each issue in detail, and a recommendation has also been included.

Objected to the Split R10/30 density proposed for Lot 2 Bay View Terrace. Overwhelming preference to retaining R10 density code for the eventual redevelopment of this blighted site.

This issue was the subject of 18 of the 43 submissions received. Affected residents also arranged with the Shire's assistance, a public meeting, to discuss the future of Lot 2 Bayview Terrace from a town planning perspective. Background was provided by residents as to undertakings made by the developer at that time, the R25 super block development. It was understood that Lot 2 Bayview Terrace would remain R10 to retain the single dwelling streetscape along the Keane Street frontage of the site. The idea of a split coding was to provide both housing diversity and to act as an incentive for redevelopment given that this abandoned construction site had become blighted.

This large site could accommodate 18 multiple dwellings at the proposed split code, or alternatively, 5 single lots. The Shire received one submission supporting the proposed split coding in order to provide down-sizing opportunities in the Shire. The strong amenity argument put forward by the majority of affected residents has planning merit. For the relatively few additional dwellings involved it is assessed that the R10 density should prevail in this instance. This will require an amendment to the Scheme Map and the deletion of Clause 5.3.8 in the Local Planning Scheme and the reference to this in the Local Planning Strategy.

Note – The Shire President Rachel Thomas and Cr G Peters left the Council Chambers at 6.15pm prior to discussion on this section.

Strong support for development controls over the shopping centre site to ensure traffic, parking and amenity issues for adjoining residents are taken into account

Given the changes proposed to the structure planning clauses in the draft P & D Regulations 2015, Council requested a review of the planning controls that would result and how this would affect the redevelopment of the Cottesloe Central Shopping centre and adjoining commercial land to be Zoned District Centre. This was in light of the information circulating in regard to the DAP decision in South Perth, which resulted in heights limits.

The new P & D Regulations create a more 'flexible' approach to Structure Planning provisions in line with the Deemed to comply provisions of the R-Codes for R-AC3 zoned land. Note (c) of Table 4 states;

Note – The Shire President and Cr Peters left the Council Chambers at 6.15 prior to discussion on this section.

(c) Control can be varied when R-AC is introduced into a Scheme.

Advice was sought from the Department of Planning staff as to an acceptable means of achieving the desired height limits on the Cottesloe Central site in order to protect the amenity of adjoining single residential properties. The design solution agreed on, envisaged in any future redevelopment, the stepping down of any buildings, from the corner of Leake Street and Stirling Highway to the boundary of the adjoining residential properties to minimise the bulk and scale in order to preserve amenity.

Department of Planning staff and Charles Johnston recommended in the light of recent DAP decisions, and newly adopted Schemes, that if a Local Authority wishes to control height, and form, then such aspects should be set-down in the Local Planning Scheme text with reference to a Local Planning Policy. The following Clause has been incorporated into the draft Scheme to address this concern.

5.13.3 The maximum height permitted within the activity centre shall be 21 metres unless the development complies with an adopted Local Planning Policy for the area.

Vast majority supported the concentration of infill housing to occur on Stirling Highway.

This aspect of the draft Scheme and Strategy were supported in both the general discussion generated in the public meetings held and in the submissions received that made reference to this aspect of the Scheme. The proposal to recode Stirling Highway fronting properties to R80 should be endorsed.

Main Roads WA objected to the change of zoning of the Star of the Sea site on the basis the land would become severed.

The concerns raised in Main Roads WA's submission are in regard to the differing land uses on this site. It was thought by Main Roads WA that any future residential development on the western portion containing the Church and Church Hall would become severed from the eastern portion containing the PLC lease area. This would lead to traffic access/egress issues for the western portion of the site that contains the church and former school house/church-hall building. Reciprocal access/egress arrangements, particularly if SHACs proceeds and the road widening proposed in this study eventuates would be essential for the site to be developed. Main Roads WA was requested to reconsider their submission on the basis of the longer term zoning proposed for the entire site. Discussions have revealed a possible way forward where any future development will require reciprocal rights of access across the site, regardless of the tenure or land use arrangements.

Main Roads WA, in a letter to the Shire dated the 5 March 2016, advised that it had reconsidered its position and would support the rezoning of the site to R80. It did so on the basis that a structure plan be required for any future development on the site to ensure traffic

issues associated with access to and from Stirling Highway and the right-of-way along the southern boundary of the subject site could be successfully managed.

From a planning perspective this is achievable keeping in mind that all of the land would remain in the ownership of the Catholic Church. The recommendation to Council includes a provision amending the current draft scheme to alter the zoning from Residential R80 to Development Zone R80 to ensure a structure plan is required. The process would include the site under Schedule 11 of the Scheme and a development zone 'DA 2' on the Scheme map.

Objection to the Residential zoning of the local centre office complex on Johnston and Monument Street.

The owners of these strata titled offices have made their submissions based on the assumption that application of a R80 density code to this land would restrict future commercial land uses on the site to residential only. What is in fact occurring is that a residential density is being applied to the site in addition to the commercial land uses available as a Local Centre zone. Their current development rights for commercial land uses here remain untouched, and are in fact enhanced. On the basis that no loss of development rights would occur, as was the concern expressed, the proposed zoning and Density Code of R80 should remain.

Presbyterian Ladies College (PLC) requests retention of the Private Clubs zoning over that portion of the Star of the Sea site being redeveloped for a gym and undercroft parking/workshop, and hard court playing areas. It has also been suggested by the leaseholders Planning Consultant of making '...educational establishment a discretionary use in the Residential Zone in order to preserve some semblance of choice over the land that is subject to the current approval for the wellness centre.'

PLC is also seeking to expand the additional use zones proposed on Forrest and View Streets. It is requested that under schedule 2 'additional uses', the words 'Education Establishment Uses' be substituted for 'Administration Uses'.

PLC has entered into a lease arrangement with the Catholic Church and intends building facilities with land uses that would become non-conforming under the new Scheme. This means that further changes to the buildings and/or an expansion of educational activities would not conform to the Scheme's proposed Residential zoning. To allow educational establishment zoning as a discretionary land use, as requested simply opens up future applications for these non-residential land-uses to either an appeal to the State Administrative Tribunal (SAT) or application being determined by a Joint Development Assessment Panel (JDAP). From a planning perspective such a zoning would effectively sterilise the land from future residential development.

The Star of the Sea site has considerable planning significance for the Shire. The rezoning of this site to Residential R80 would make a substantial contribution to the housing targets for Peppermint Grove under Directions 2031, which is set at an additional 280 dwellings. It has been assessed that this site could easily accommodate 60-70 dwellings, which represents approximately 25% of this target.

The change in zoning to Residential R-80 accords with State Planning Policy 4.2 Activity Centres. This policy requires that residential infill housing be ideally on main transport corridors, and being on Stirling Highway and close to Cottesloe Railway Station and local shopping making this site a logical candidate.

Further advice was sought from the Department, as well as from an eminent planner Charles Johnston of Planning Context at Council's request. In both cases the Shire was advised that despite the JDAP approval, the Shire should take a long term view, and the land should continue to be designated for Residential development.

In addition the Shire wrote to the Director General of Planning in October 2015 expressing concern about the JDAP decision which appeared to brush aside State Planning Policy and Department of Planning housing targets. In reply received in January 2016 the Shire was advised in response to the development approval of the Wellness Centre by the JDAP that Council;

...`may also consider maintaining higher density residential densities for the site in the longer term.

In regard to giving State Planning Policies `due regard' the Shire was advised further that;

The specifics of a decision to depart from a State Planning Policy depends on a number of factors, however, one cannot depart from a State Planning Policy without good reason.

The question here is whether Council considers the approval granted by the JDAP, contrary to Council's recommendation, is a good (or sufficient) reason to change the direction outlined in the Local Planning Strategy. It would also be contrary to those submissions received supporting higher density development along Stirling Highway. In addition, the community desire for down-sizing opportunities within the Shire, is a valid planning consideration.

It is worth keeping in mind that PLC is not the owner of this site. The planning consultant for PLC, Steve Allering, submitted a letter from the owners of the land, the Catholic Church, stating that it have no objection to the Star of the Sea site remaining zoned Private Clubs and Institutions.

However, this letter should not be construed as being an objection to the proposed Residential R80 by the Catholic Church. In fact, initial discussions with the Catholic Property Office indicated that there were no objections to the change in zoning.

PLC has also requested that Council consider changing the land uses proposed under Schedule 2 of the Scheme from *Administrative Uses* to *Educational Establishment Uses*. These lots act as the buffer to adjoining private residential properties. Residential amenity is best maintained by low intensity land uses such as offices. Schedule 2 of the draft Local Planning Scheme No.4 makes a clear distinction between administration land uses and those associated with an educational establishment for good reason.

The Scheme proposes to allow, within limits some additional land uses for PLC above the current residential zoning applicable to these sites. However, in the absence of a master plan for the PLC site it is impossible to predict with any clarity what PLC intentions are here.

On this basis the request to expand the available range of land-uses beyond administrative on Residential zoned land is not supported.

CONCLUSION

The extensive planning consultation conducted generated interest from the community as seen by the submissions received and the attendance at the public meetings that were conducted by the Shire.

The submissions were not critical of the general planning direction proposed, but rather expressed an objection to only certain aspects of the proposed Scheme and Strategy.

In particular the adjoining/affected landowners to Lot 2 Bayview Terrace expressed concerns over the split coding and this single issue generated 18 of the 43 submission received. The Scheme, along with the Scheme map and Strategy have been amended to return the Density Code to a single coding of R10.

The School is a significant landowner in the Shire and the key point under consideration from a planning standpoint is whether the medium to long term desire of PLC to provide additional school facilities should outweigh those of the broader community in regard to housing choice, and the Shire's planning obligation under State Planning Policies.

The other main concern was in regard to the Cottesloe Shopping Centre and a clause addressing this issue has been included.

The form of the Scheme has changed several times since its inception in response to changing State Government Planning Policies, Direction 2013 and new legislation such as the recently gazetted P D Regulations 2015.

Nevertheless, the original intention of the new Local Planning Scheme, to update the planning framework for the Shire in order to preserve the high amenity enjoyed by the residents remain largely intact.

On this basis the draft Local Planning Scheme and Local Planning Strategy can be recommended for final adoption.

OFFICER RECOMMENDATION/S – ITEM No.7.1.1

1. That Council
 - a. Resolves in accordance with Clause 25(3) (b) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support the Draft Local Planning Scheme 4.

- b. Authorise the Chief Executive Officer to provide the Western Australian Planning Commission with a copy of the resolution made under Clause 25(3) (b) and all supporting information as required under Clause 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, in relation to the modified draft Local Planning Scheme No. 4.
 - c. Endorses the schedule of submissions as provided as attachment 1, including the response of the Local Government to each submission.
 - d. Endorse the modifications by the Local Government in response to the submissions received as outlined in attachment 1 schedule of submissions.
 - e. Modifies the draft Local Planning Scheme 4 to incorporate the reconsidered position of Main Roads WA in regard to a structure plan requirements for the Star of the Sea site (Lots 28, 29, 30, 31 Stirling Highway & Lots 244 243 and 53 McNeil Street) and includes this site as Development Area 2 under Schedule 11.
 - f. Authorise the Chief Executive Officer to update Draft Local Planning Scheme No. 4 in accordance with those modifications outlined in the report or as required to meet Department of Planning requirements associated with the provisions set out in Schedule 1 – Model provisions for Local Planning Schemes and Schedule 2 –Deemed provisions of Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, where the scope or intent of the model provisions as set out in draft Local Planning Scheme No. 4 remain unchanged.
2. That Council;
- a. Resolves in accordance with Clause 14(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support the draft Local Planning Scheme 4 with modifications in accordance with the submissions made in regard to Lot 2 Bayview Terrace and the requirement for a structure plan advice provided by Main Roads WA concerning a structure plan for the Star of the Sea site (Lots 28, 29, 30, 31 Stirling Highway & Lots 244 243 and 53 McNeil Street) and designates this site as a development area.
 - b. Authorise the Chief Executive Officer to provide the Western Australian Planning Commission with a copy of the resolution made under Clause 14(2) (b) and all supporting information as required under Clause 14(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in relation to the modified draft Local Planning Strategy.

AMENDMENT 1

Moved: Cr F Farley, Seconded: Cr S Fleay

The new point (f) is to read:

Modifies the draft Local Planning Scheme 4 to amend Clause 5.3.6 as follows;

- (f) Ancillary Accommodation shall be limited to one-storey with a maximum wall height of 3.5-metres and ridge height of 5-metres measured to the highest point of the building; and have a maximum floor area of 120square metres; and the plot ratio for all development on the lot, including an ancillary dwelling, shall not exceed 0.5.**

CARRIED: 5/0

SUBSTANTIVE MOTION

Moved: C Hohnen, Seconded Cr S Fleay

This Includes the Officers Recommendation along with the above Amendment.

1. That Council

- a. Resolves in accordance with Clause 25(3) (b) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support the Draft Local Planning Scheme 4.**
- b. Authorise the Chief Executive Officer to provide the Western Australian Planning Commission with a copy of the resolution made under Clause 25(3) (b) and all supporting information as required under Clause 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, in relation to the modified draft Local Planning Scheme No. 4.**
- c. Endorses the schedule of submissions as provided as attachment 1, including the response of the Local Government to each submission.**
- d. Endorse the modifications by the Local Government in response to the submissions received as outlined in attachment 1 schedule of submissions.**
- e. Modifies the draft Local Planning Scheme 4 to incorporate the reconsidered position of Main Roads WA in regard to a structure plan requirements for the Star of the Sea site (Lots 28, 29, 30, 31 Stirling Highway & Lots 244 243 and 53 McNeil Street) and includes this site as Development Area 2 under Schedule 11.**

- f. **Modifies the draft Local Planning Scheme 4 to amend Clause 5.3.6 as follows: Ancillary Accommodation shall be limited to one-storey with a maximum wall height of 3.5-metres and ridge height of 5-metres measured to the highest point of the building; and have a maximum floor area of 120square metres; and the plot ratio for all development on the lot, including an ancillary dwelling, shall not exceed 0.5.**
 - g. **Authorise the Chief Executive Officer to update Draft Local Planning Scheme No. 4 in accordance with those modifications outlined in the report or as required to meet Department of Planning requirements associated with the provisions set out in Schedule 1 – Model provisions for Local Planning Schemes and Schedule 2 –Deemed provisions of Local Planning Schemes of the *Planning and Development(Local Planning Schemes) Regulations 2015*, where the scope or intent of the model provisions as set out in draft Local Planning Scheme No. 4 remain unchanged.**
- 2. That Council;**
- a. **Resolves in accordance with Clause 14(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support the draft Local Planning Scheme 4 with modifications in accordance with the submissions made in regard to Lot 2 Bayview Terrace and the requirement for a structure plan advice provided by Main Roads WA concerning a structure plan for the Star of the Sea site (Lots 28, 29, 30, 31 Stirling Highway & Lots 244 243 and 53 McNeil Street) and designates this site as a development area.**
 - b. **Authorise the Chief Executive Officer to provide the Western Australian Planning Commission with a copy of the resolution made under Clause 14(2) (b) and all supporting information as required under Clause 14(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in relation to the modified draft Local Planning Strategy.**

CARRIED: 5/0

The Shire President Cr R Thomas and Cr G Peters returned to the Council Chambers at 6.30pm.



7.2 INFRASTRUCTURE

Nil

7.3 COMMUNITY DEVELOPMENT

Nil

7.4 CORPORATE

Nil

8. NEW BUSINESS OF AN URGENT NATURE

NIL

9. MOTION TAKEN ON NOTICE

Nil

10. CONFIDENTIAL ITEMS OF BUSINESS

Moved: Cr K Farley Seconded: Cr D Horrex

THAT:

Under section 5.23 of the Act the meeting be closed to members of the public at this point to allow Council to discuss Agenda **Item 10.1.1 Keane Street Cafe**

CARRIED: 7/0

At 6.31pm, the members of the public left the Council Chambers.

10.1.1 Keane Street Cafe

Moved: Cr K Farley, Seconded: Cr P Macintosh

THAT:

The meeting be re-opened to the public at 6.56pm, the members of the public returned to the Council Chambers.

CARRIED: 7/0

There were no members of the public present, however the Shire President read the result of the discussion regarding the Keane Street Café – “That Council note the advice of the Chief Executive Officer with respect to legal issues.”

11. CLOSURE

At 6.56pm, there being no further business the meeting closed.