



Minutes of Planning and Community Consultation Committee Meeting

Held on

Tuesday 20 August 2024

Held at Council Chamber, 83 Mandurah Terrace Mandurah

PRESENT:

COUNCILLOR	B POND [Chairperson]	COASTAL WARD
MAYOR	R WILLIAMS	
COUNCILLOR	J CUMBERWORTH	COASTAL WARD
COUNCILLOR	J SMITH	COASTAL WARD
COUNCILLOR	A KEARNS	EAST WARD
COUNCILLOR	D WILKINS	EAST WARD
COUNCILLOR	S WRIGHT	EAST WARD
COUNCILLOR	A ZILANI	NORTH WARD
COUNCILLOR	R BURNS	TOWN WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD

ELECTED MEMBERS OBSERVING:

Nil

MS	C MIHOVILOVICH	CHIEF EXECUTIVE OFFICER
MS	J THOMAS	DIRECTOR PLACE AND COMMUNITY
MR	J CAMPBELL-SLOAN	DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT
MR	M HALL	DIRECTOR BUILT AND NATURAL ENVIRONMENT
MR	B INGLE	EXECUTIVE MANAGER DEVELOPMENT AND COMPLIANCE
MR	A LUCAS	COORDINATOR STATUTORY PLANNING & LANDS
MRS	K HEMMINGS	ACTING EXECUTIVE MANAGER GOVERNANCE SERVICES
MRS	L BARKER	MINUTE OFFICER

1. OPENING OF MEETING

The Chairperson declared the meeting open at 5.31pm.

2. APOLOGIES

Councillor C Knight

3. IMPORTANT NOTE

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the City of Mandurah unless specific delegation of authority has been granted by Council.

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Committee meeting.

4. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5. PUBLIC QUESTION TIME

Nil

6. PRESENTATIONS

Nil

7. DEPUTATIONS

7.1 LISA GRAY: AMENDMENT 4 TO LOCAL PLANNING SCHEME NO 12 LOT 801 PLEASANT GROVE CIRCLE SCHEME AMENDMENT REPORT

Lisa Gray representing some of the residents of Pleasant Grove Estate spoke in opposition of the report recommendation.

7.2 AMANDA BATH: AMENDMENT 4 TO LOCAL PLANNING SCHEME NO 12 LOT 801 PLEASANT GROVE CIRCLE SCHEME AMENDMENT REPORT

Amanda Bath representing some of the residents of Pleasant Grove Estate spoke in opposition of the report recommendation.

7.3 ADAM BASSETT-SCARFE: AMENDMENT 4 TO LOCAL PLANNING SCHEME NO 12 LOT 801 PLEASANT GROVE CIRCLE SCHEME AMENDMENT REPORT

Adam Bassett-Scarfe representing Bassett-Scarfe Realty spoke in support of the report recommendation.

7.4 JENNIFER TURNHAM: AMENDMENT 4 TO LOCAL PLANNING SCHEME NO 12 LOT 801 PLEASANT GROVE CIRCLE SCHEME AMENDMENT REPORT

Jennifer Turnham representing some of the residents of Pleasant Grove Estate spoke in opposition of the report recommendation.

8. CONFIRMATION OF MINUTES

PCC.1/08/24 CONFIRMATION OF MINUTES 20 NOVEMBER 2023

MOTION

Moved: Cr Schumacher

Seconded: Cr Zilani

That the Minutes of the Planning and Community Consultation Committee meeting of 20 November 2023 be confirmed.

CARRIED: 10/0

FOR: Cr Schumacher, Cr Zilani, Cr B Pond, Mayor R Williams, Cr J Cumberworth, Cr J Smith, Cr A Kearns, Cr D Wilkins, Cr S Wright, Cr R Burns

AGAINST: Nil

9. DECLARATIONS OF INTERESTS

- 9.1 Councillor Bob Pond declared an impartiality interest in Minute Item PCC2/08/24 Amendment 4 To Local Planning Scheme No 12 Lot 801 Pleasant Grove Circle Scheme Amendment due to his employer, DWER providing commentary on sewerage, drainage and other issues. Councillor Pond was not involved in preparing the commentary.

10. QUESTIONS FROM COMMITTEE MEMBERS

Questions of Which Due Notice Has Been Given

Nil

Questions of Which Notice Has Not Been Given

10.1 COUNCILLOR J SMITH: PLEASANT GROVE CIRCLE SCHEME AMENDMENT

Question 1

Councillor Smith asked on behalf of the Pleasant Grove Circle residents, if any further consideration had been given to increased traffic?

City of Mandurah Response

Increase in traffic on what could be developed today would not be above what the road network could accommodate. City officers consider the potential increase in lot yield (i.e. potentially an additional 26 lots depending on design) to be minimal in the context of the local street network. The current and proposed road infrastructure could comfortably support this increase in traffic.

Further investigation by the City in relation to the local road network in relation to Coco C' Bay will be investigated as a separate issue.

Question 2

Councillor Smith asked that as Pleasant Grove Circle is currently a thriving community. What will the current and future generations gain from the outcomes of the small blocks. Will the developer be including a community hub, POS, playgrounds for community etc.

City of Mandurah Response

There is a requirement for a Foreshore Management Plan to be prepared and approved by the City. It is too premature to outline what features would be included in the Foreshore, however it is expected that there will be access to the foreshore and the path network extended as Pleasant Grove Circle is constructed.

10.2 COUNCILLOR J CUMBERWORTH: PLEASANT GROVE CIRCLE SCHEME AMENDMENT

Question 1

Councillor Cumberworth asked if Council rejects the recommendation what does the process look like moving forward?

City of Mandurah Response

The recommendation would be presented to the Western Australian Planning Commission. Their recommendation would then be presented to the Minister for Planning who would make a final decision.

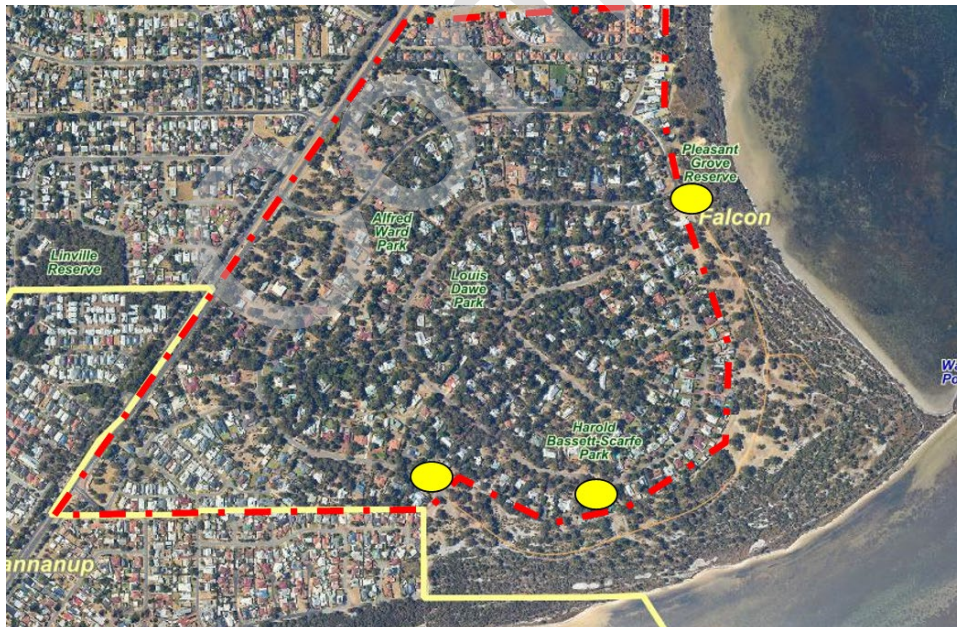
10.3 COUNCILLOR D WILKINS: PLEASANT GROVE CIRCLE SCHEME AMENDMENT

Question 1

Councillor Wilkins asked why did the community members feel like the consultation wasn't enough. Can there be assurance that it will be better ahead of the council meeting?

City of Mandurah Response

The initial advertising process when the proposal was adopted for advertising was directly advertised to 454 residents via email or post (where there was no email address on file) who lived between the intersection of Duke Street and Old Coast Road to Saffron Loop and Tarragon Way, Coco Bay, to the Estuary. The following is the radius of the landowners that were notified:



This proposal was considered a complex amendment and this required a 60 day submission period. This included three signs on the site (sign at each end and one centre of the site) and published on the Mandurah Matters website. The statutory requirement for advertising is to place on the local government website and make a copy available for public inspection at the City Administration building.

The City officers advise people who have provided submissions when the agenda is published. Three bounced back, one was retrieved, an alternative e-mail could not be found for another, and one was on leave. The Committee meeting and the Council Meeting to be held on 27 August 2024 were referred to in the e-mail and a link to the agenda was provided.

10.4 COUNCILLOR J CUMBERWORTH: PLEASANT GROVE CIRCLE SCHEME AMENDMENT

Question 1

Councillor Cumberworth asked as it is currently a tree preservation area, how does that not provide the same level of tree preservation as the LDP?

City of Mandurah Response

With the exemptions in the Local Planning Scheme 12 that exist for the erection of single dwellings and ancillary development that relates to single dwellings in the Residential Zone, without Local Development Plans being in place to protect the vegetation, it is feasible that a proposed dwelling, that is consistent with the 'Deemed to Comply' provisions of the Residential Design Codes would be erected on a site within Lot 801 Pleasant Grove Circle and not require planning approval.

11. BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil

12. REPORTS FROM OFFICERS

PCC.2/08/24 AMENDMENT 4 TO LOCAL PLANNING SCHEME NO 12 LOT 801 PLEASANT GROVE CIRCLE SCHEME AMENDMENT – REPORT 1

Summary

Council is requested to consider submissions following the conclusion of the public consultation period on Amendment No 4 to Local Planning Scheme 12.

The amendment was proposed by the applicant and adopted (initiated) for advertising by Council on 22 November 2022 and includes the following:

- (a) Modifying R-Code density from R5 to R10 for Lots 124 and Lot 801 Pleasant Grove Circle.
- (b) Adding specific site requirements which apply to the development and/or subdivision of the site.

The amendment was advertised to 450 surrounding landowners from 19 April 2024 to 21 June 2024 via direct notification, sign on-site and publishing on the City's website. Seventy-two (72) submissions were received within the public consultation period.

City officers recommend Council support the amendment with modifications and forward the amendment to the Western Australian Planning Commission seeking final approval by the Minister for Planning.

Officer Recommendation

That the Planning and Community Consultation Committee Recommend:

That Council:

1. in accordance with Regulation 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received in respect to Amendment No 4 to the City of Mandurah Local Planning Scheme No. 12 and endorses the response to the submissions as contained Attachment 1.4 and 1.5.
2. in accordance with Regulation 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* determines to SUPPORT WITH PROPOSED MODIFICATIONS to Amendment No 4 to the City of Mandurah Local Planning Scheme No. 12 with the Scheme Amendment text to read as follows:
 - (a) *Modifying R-Code density from R5 to R10 for Lot 801 Pleasant Grove Circle, Falcon.*
 - (b) *Adding the following to the Requirements Column of Schedule 1 – Specific Site Requirements – No 8 Lot 801 Pleasant Grove Circle, Falcon:*

No	Description of Land	Requirement
8	Lot 801 Pleasant Grove Circle, Falcon	<ol style="list-style-type: none"> 1. <i>The minimum habitable floor level for development shall be 2.42m AHD.</i> 2. <i>That the average lot size be a minimum of 1300m²</i> 3. <i>All residential development shall be connected to reticulated sewerage.</i> 4. <i>Prior to the subdivision / development of the site (whichever occurs first), the following management plans shall be prepared / conditions imposed, and thereafter implemented:</i> <ol style="list-style-type: none"> a. <i>The recommendations of the Coastal Vulnerability Assessment undertaken for the site shall be implemented.</i> b. <i>A Tree Retention Management Plan and Environmental Management Plan shall be prepared that seeks to maximise tree retention outcomes and is informed by a tree habitat survey for species of black cockatoo and other locally significant species to the satisfaction of the City of Mandurah.</i> c. <i>A Local Development Plan shall be prepared, which details:</i> <ul style="list-style-type: none"> ○ <i>Location of trees, and recommended tree protection zones as an outcome of the Tree Retention Management Plan;</i> ○ <i>Dwelling and outbuilding envelopes to ensure appropriate setbacks to trees;</i> ○ <i>Consideration of filling and required habitable finished levels;</i> ○ <i>Consideration of reduced primary street setbacks to assist in tree retention;</i> ○ <i>Fencing details to ensure balance between solid privacy sections, and low, permeable fencing for fauna movement and retention of existing character.</i> d. <i>An Acid Sulfate Soils Investigation shall be undertaken to determine the extent of soils present and limitations on the construction of swimming pools and/or excavation.</i> e. <i>A Foreshore Management Plan for the Regional Open Space adjacent to the site, detailing the extent of improvements, footpaths, vegetation rehabilitation / weed management and fencing to the satisfaction of the City of Mandurah.</i> f. <i>An Environmental Management Plan including fauna management to the satisfaction of the City of Mandurah.</i> g. <i>An Urban Water Management Plan shall be prepared in consultation with and to the satisfaction of the City of Mandurah and Department of Water and Environmental Regulation, which addresses mitigation measures in relation to nutrient input.</i>

(c) Amending the Scheme Maps accordingly.

3. Council authorises the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal Amendment No. 4 to Local Planning Scheme No. 12 and forward the amendment to the Western Australian Planning Commission seeking final approval by the Minister for Planning.
4. Require any proposed Local Development Plans submitted for No 8, Lot 801 Pleasant Grove Circle, Falcon be determined by Council.
5. Note that clearing of City managed reserves to accommodate reductions in Bushfire Attack Level (BAL) of lots will not be supported.

Amended Committee Recommendation

MOTION

Moved: Mayor R Williams

Seconded: Cr R Burns

That the Planning and Community Consultation Committee Recommend:

That Council:

1. in accordance with Regulation 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received in respect to Amendment No 4 to the City of Mandurah Local Planning Scheme No. 12 and endorses the response to the submissions as contained Attachment 1.4 and 1.5.
2. in accordance with Regulation 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* determines to **SUPPORT WITH PROPOSED MODIFICATIONS** to Amendment No 4 to the City of Mandurah Local Planning Scheme No. 12 with the Scheme Amendment text to read as follows:
 - a. ***Modifying R-Code density from R5 to R10 for Lot 801 Pleasant Grove Circle, Falcon.***
 - b. ***Adding the following to the Requirements Column of Schedule 1 – Specific Site Requirements – No 8 Lot 801 Pleasant Grove Circle, Falcon:***

No	Description of Land	Requirement
8	Lot 801 Pleasant Grove Circle, Falcon	<ol style="list-style-type: none"> <i>1. The minimum habitable floor level for development shall be 2.42m AHD.</i> <i>2. That the minimum lot size be 1000m² and the average lot size be a minimum of 1300m²</i> <i>3. All residential development shall be connected to reticulated sewerage.</i> <i>4. Prior to the subdivision / development of the site (whichever occurs first), the following management plans shall be prepared / conditions imposed, and thereafter implemented:</i>

		<p>a. The recommendations of the Coastal Vulnerability Assessment undertaken for the site shall be implemented.</p> <p>b. A Tree Retention Management Plan and Environmental Management Plan shall be prepared that seeks to maximise tree retention outcomes and is informed by a tree habitat survey for species of black cockatoo and other locally significant species to the satisfaction of the City of Mandurah.</p> <p>c. A Local Development Plan shall be prepared, which details:</p> <ul style="list-style-type: none"> ○ Location of trees, and recommended tree protection zones as an outcome of the Tree Retention Management Plan; ○ Dwelling and outbuilding envelopes to ensure appropriate setbacks to trees; ○ Consideration of filling and required habitable finished levels; ○ Consideration of reduced primary street setbacks to assist in tree retention; ○ Fencing details to ensure balance between solid privacy sections, and low, permeable fencing for fauna movement and retention of existing character. <p>d. An Acid Sulfate Soils Investigation shall be undertaken to determine the extent of soils present and limitations on the construction of swimming pools and/or excavation.</p> <p>e. A Foreshore Management Plan for the Regional Open Space adjacent to the site, detailing the extent of improvements, footpaths, vegetation rehabilitation / weed management and fencing to the satisfaction of the City of Mandurah.</p> <p>f. An Environmental Management Plan including fauna management to the satisfaction of the City of Mandurah.</p> <p>g. An Urban Water Management Plan shall be prepared in consultation with and to the satisfaction of the City of Mandurah and Department of Water and Environmental Regulation, which addresses mitigation measures in relation to nutrient input.</p>
--	--	--

(c) Amending the Scheme Maps accordingly.

- 3. Council authorises the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the Local Government Act 1995, to execute under Common Seal Amendment No. 4 to Local Planning Scheme No. 12 and forward the amendment to the Western Australian Planning Commission seeking final approval by the Minister for Planning.**
- 4. Require any proposed Local Development Plans submitted for No 8, Lot 801 Pleasant Grove Circle, Falcon be determined by Council.**
- 5. Require any Foreshore Management Plan for the Regional Open Space adjacent to the site be determined by Council.**

6. Note that clearing of City managed reserves to accommodate reductions in Bushfire Attack Level (BAL) of lots will not be supported.

NOTE: Subsequent to the publication of the agenda, City officers and the developer have been in discussion regarding the optimisation of tree retention while maintaining flexibility to be able to adjust lot boundaries at future subdivision stages. It was agreed by the developer that providing a minimum lot size, in addition to a minimum average achieves this. Currently the Residential Design Codes provide a minimum lot size of 875m² and minimum average size of 1000m². An additional requirement has been included in Schedule 1 – Specific Site Requirements to have a minimum lot size of 1,000m².

An additional resolution point 5 has been included. It is considered appropriate that in addition to the presentation of Local Development Plans to Council, that the future Foreshore Management Plan also be presented to Council for its consideration and determination.

CARRIED: 7/3

FOR: Mayor R Williams, Cr R Burns, Cr B Pond, Cr D Wilkins, Cr S Wright, Cr A Zilani, Cr D Schumacher

AGAINST: Cr J Cumberworth, Cr J Smith, Cr A Kearns

PCC.3/08/24 PROPOSED AMENDMENT NO. 6 - LOCAL PLANNING SCHEME 12 LOT 812, WAARDONG COURT HALLS HEAD – ADDITIONAL USES – REPORT 2

Summary

The City has received a proposal and is recommended to adopt (initiate) an amendment to the City's Local Planning Scheme 12 (the Scheme) for the purpose of advertising. The proposed amendment seeks to amend Section 3.4 of the Scheme and add additional uses of 'Restaurant/Cafe', 'Convenience Store' and 'Private Recreation' to Table 4 relating to Lot 812 Waardong Court, Halls Head (subject site).

The site is located at the corner of Old Coast Road and Mandurah Road and is considered an important site due to its prominence as the southern gateway to the City Centre.

The proposed Scheme Amendment provides for an expansion in permitted land uses that may be developed on the site. The applicant has provided a concept for development which includes multiple dwellings, a gym and café (with a drive through coffee component). The drive through element proposed has been recommended not to be included within the proposed scheme provisions.

The proposed uses of 'Recreation Private', 'Convenience Store' and 'Restaurant / Café' are currently prohibited in the Residential zone, however if the Scheme is amended as proposed, they could be considered as a discretionary land use and subject to development approval.

The location of the subject site, specifically portions adjacent to the intersection, can be considered incompatible with residential development from the perspective of amenity. Given the context and the size of the subject site, considering additional uses to support development is considered appropriate.

In addition to the proposed additional uses, it is also proposed to amend Schedule 1 of the Scheme 'Specific Site Requirements' No 4 so that the accurate address is referenced and that a minimum scale is required for residential development. These minor changes rectify oversights that were not carried through from Town Planning Scheme 3 to Local Planning Scheme 12 and updates the table to reflect the correct address which has changed.

City officers recommend Council adopt the proposed scheme amendments to progress it to the consultation phase.

Officer Recommendation

That the Planning and Community Consultation Committee Recommend:

That Council:

1. In accordance with Section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No 6 of the City of Mandurah Local Planning Scheme No 12 for the purposes of advertising as follows:

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF MANDURAH LOCAL PLANNING SCHEME NO 12

AMENDMENT NO 6

Resolved that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amends Local Planning Scheme No 12 by:

- (a) *Amending section 3.4 of the Scheme, Table 4 by adding:*

No	Description of Land	Additional Uses	Conditions
A2	Lot 812 Waardong Court Halls Head	D Uses <ul style="list-style-type: none"> • Convenience Store • Recreation Private • Restaurant/ Café 	a. The Net Lettable Area of any Restaurant Café shall not exceed 500m ² . b. Any Restaurant / Café shall include seating for a minimum 20 patrons. c. All non-residential development shall include a minimum of 15% of the site area as landscaping.

- (b) *Modifying Schedule 1 of Local Planning Scheme 12, Specific Site Requirements No. 4 by:*

- a. *Replacing 'Lot 90 Leisure Way' with Lot 812 Waardong Court, Halls Head in the column labelled 'Description of Land'*

- ### **Amended Committee Recommendation**

Moved: Cr D Schumacher
Seconded: Cr S Wright

NOTE: The applicant has requested the item be withdrawn to allow further considerations by the applicant.

FOR: Cr D Schumacher, Cr S Wright, Cr B Pond, Mayor R Williams, Cr J Cumberworth, Cr J Smith, Cr A Kearns, Cr D Wilkins, Cr A Zilani, Cr R Burns

13. LATE AND URGENT BUSINESS ITEMS

Nil

14. CONFIDENTIAL ITEMS

Nil

16. CLOSE OF MEETING

There being no further business, the Chairperson declared the meeting closed at 6.28pm.

CONFIRMED:[CHAIRPERSON]

Attachments to Committee Minutes: