The Council of the City of Cockburn

# Governance Committee
# Agenda

Tuesday, 20 October 2026

## Governance Committee Meeting, Tuesday, 20 October 2026

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# Agenda

**Committee Membership**
Cr C Stone (Presiding Member)
Deputy Mayor P Corke
Cr T Dewan
Cr P Eva
Cr C Reeve-Fowkes
Cr H Srhoy
Cr T Widenbar
Cr C Zhang

## 1. Declaration of Meeting

**Acknowledgement of Country**
The City of Cockburn acknowledges the Nyungar people of Beeliar Boodjar. Long ago, now and in the future they care for Country. We acknowledge a continuing connection to Land, Waters and Culture and pay our respects to the Elders, past and present.

## 2. Appointment of Presiding Member (If required)

## 3. Acknowledgement of Receipt of Written Declarations of Financial Interests and Conflict of Interest (by Presiding Member)

## 4. Apologies & Leave of Absence

**Apology**
Cr P Eva

## 5. Confirmation of Minutes

### 5.1 Minutes of the Governance Committee Meeting - 18/8/2026

**Recommendation**
That Committee confirms the Minutes of the Governance Committee Meeting held on Tuesday, 18 August 2026 as a true and accurate record.

## 6. Business Left Over from Previous Meeting (if adjourned)

Nil

## 7. Declaration by Members who have Not Given Due Consideration to Matters Contained in the Business Paper Presented before the Meeting

# 8 Reports - CEO (and Delegates)

## 8.1 Sustainable Development and Safety

### 8.1.1 Final Adoption: Amendment to Local Planning Policy 1.15 - Tourist and Alternative Accommodation (including STRA)

| | |
|---|---|
| **Executive** | Director Sustainable Development and Safety |
| **Author** | Strategic Planning Officer, Service Lead Strategic Planning and Service Manager Strategic Planning |
| **Attachments** | 1. Schedule of Submissions ⇩<br>2. Advertised Draft LPP 1.15 - (tracked changes) ⇩<br>3. LPP 1.15 - Tourist and Alternative Accommodation ⇩ |

**Recommendation**
The Committee recommends Council:

(1) NOTES the Schedule of Submissions prepared in response to the outcomes of advertising as set out in Attachment 1.

(2) ADOPTS Local Planning Policy 1.15 – 'Tourist and Alternative Accommodation (including STRA)' (Attachment 2) in accordance with Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015,* subject to the following modifications:

1. Adjust Clause 2.1 to better align with the time periods specified in the *Short-Term Rental Accommodation Act 2024 Part 3*.
2. Reword Clause 2.2.2 to solely relate to long term unhosted STRA within proximity to schools.
3. Insert new Clause 2.2.3 to include specific assessment criteria for the application of long-term unhosted STRA in dwellings on battleaxe lots or lots without direct street frontage.
4. Insert new Clause 2.2.4 to clarify requirements that apply to unhosted STRA in multiple dwellings (including the need to demonstrate Strata Corporate Body Approval).
5. Renumber Clause 2.2.3 to 2.2.5 and adjust part (iii) to require onsite signage to include 24hr property management contact details.
6. Add the definition of 'Relevant 12-month period' to the list of Definitions in Appendix A.
7. Update Clause numbers to reflect the above changes and replace all references to "un-hosted" with "unhosted".

(3) PUBLISHES a notice of the Policy in accordance with Schedule 2, Part 12, Clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

(4) ADVISES those who made a submission of Council's decision accordingly.

## Background

At the 14 July 2026 Ordinary Council Meeting (Item 15.1.4), Council adopted for advertising proposed amendments to *Local Planning Policy 1.15 – Tourist Accommodation,* proposed to be renamed *'Tourist and Alternative Accommodation (including STRA) (LPP1.15).*

The main purpose of the amendments is to:

- Include additional guidance for assessing development applications for unhosted STRA;
- Ensure greater clarity and consistency with Town Planning Scheme 3 (TPS3) and the Residential Design Codes (R-Codes);
- Address other matters raised by recent updates to the *Caravan Parks and Camping Grounds Regulations 1997.*

## Submission

The proposed policy amendments have been prepared by City officers to provide a clear and consistent framework for the assessment of tourist and other alternative accommodations, in a manner that both protects the amenity and wellbeing of nearby residents and balances the need for tourist accommodation with housing affordability and availability within the local market.

## Report

The purpose of this report is for Council to consider the outcomes of consultation and decide whether to adopt the proposed changes to the LPP (as advertised or in a modified form).

The advertised changes are summarised in the table below:

| Former section | Current section | Proposed Modification | Justification |
|---|---|---|---|
| **Tourist and Visitor Accommodations/Hotels** | | | |
| N/A | Objectives | Addition of specific objectives.<br>Includes protecting the City's dwelling stock for permanent accommodation to meet the community's housing needs as a priority; and ensuring tourist and alternative accommodations are appropriately located, designed, and managed to respond to demand whilst protecting the character of the locality and amenity of nearby residents. | Clarifies the purpose of the policy requirements and will ensure desired outcomes are achieved. |

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| (3) & (4) | (1) | Addition of *'Hotel'* to the 'Tourist and Visitor Accommodation's section. | Hotels and Tourist and Visitor Accommodation are, in practice, closely aligned uses, both centred on the provision of short-term accommodation.<br>Definition of a hotel in TPS 3 incorporates accommodation as a core component of its operation.<br>Historically, distinctions may have been made to account for premises such as taverns or licensed venues that adopted the term "hotel" without providing accommodation (for example, legacy naming conventions like the former "Coogee Hotel").<br>Such cases are largely outdated and do not reflect contemporary land use characteristics, supporting the rationale for consolidating these two uses within the policy. |
| (3) | (1) | Deletion of Clause 2 from former section (3):<br>*'The use of one or more existing multiple or grouped dwellings within a complex for the purposes of tourist accommodation shall generally not be supported.'* | Accommodation in dwellings is now classified as STRA which is addressed separately under section (2). |
| **Short Term Rental Accommodation (STRA)** | | | |
| N/A | (2) | Additional section titled:<br>*'Short Term Rental Accommodation (STRA)'* | To provide better guidance for STRA applications especially unhosted STRA operating more than 90 nights in a year. |
| N/A | 2.1 | Additional clause titled:<br>*'Exempt from Development Approval'* | To clarify which STRA proposals are exempt from Development Approval. |
| N/A | 2.2 | Additional clause titled:<br>*'Unhosted STRA – More than 90 nights'* | To reiterate the need for a Development Approval and provide general requirements for STRA (all zones), operational characteristics and undesirable locations for |

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| | | | properties within or adjoining residential properties as well as general performance criteria for properties within the rural, rural living or resource zones. |
| **Caravan Parks and Camping Grounds** | | | |
| (6) | (3) | Addition of *'Camping Grounds'* to the 'Caravan Parks' 'section. | To ensure the policy captures all forms of camping, including 'camping' where it includes caravan-related accommodation. |
| N/A | 3.1 | Inclusion of *'Camping Ground'* and *'Caravan Park'* definitions. | To clearly distinguish between a camping ground, a caravan park, and camping on private property, given recent flexibility for camping on private property introduced under the *Caravan Parks and Camping Grounds Regulations 1997*.<br><br>To provide clarity, a threshold has been introduced whereby any site accommodating more than two occupied caravans is classified as a 'caravan park', requiring development approval to ensure protection of residential amenity. |
| N/A | 3.2 | Addition of Development Criteria for Caravan Parks and Camping Grounds, including:<br><br>Direction to concentrate them within existing sites (Parks and Recreation Reserve of the City's coastal area) where high amenity, adequate infrastructure, and a clear tourism role can be achieved.<br><br>Specifying that Caravan Parks and Camping Grounds are to be treated as sensitive land uses and generally not supported in the Kwinana Air Quality Buffer Environmental Protection Area; or Jandakot Groundwater Protection Area (Priority 1 or 2 areas) where deemed 'incompatible' under Water Quality Protection Note 25. | To clarify an expectation for these uses to meet a tourism need; to identify preferred and unsuitable locations; and to establish clear requirements to minimise impacts on surrounding residential amenity. |

| **Residential Buildings (incl. Lodging Houses – Health Act)** | | | |
|---|---|---|---|
| (8) | (5) | Renaming of the Lodging Houses section to:<br>*'Residential Building (including 'Lodging Houses' – Health (Miscellaneous Provisions) Act 1911 and local laws)'* | To provide clarity as Lodging Houses are a type of Residential Building under planning regulations, with other requirements under the Health Act and local laws potentially applying. |
| N/A | 5.1 | Modification to Definitions | Clarifies what a Residential Building is and gives practical examples. |
| (8) 4. | 5.2 | Inclusion of Development Standards, including maximum capacity of 12 occupants rather than 30.<br>Developments accommodating more than 12 people are now classified as Tourist and Visitor Accommodation and under TPS3, would be subject to public advertising requirements, unlike those accommodating 12 or fewer occupants. | All requirements remain unchanged, except for the maximum capacity for lodging houses, which has been aligned with that of Residential Buildings in the R-Codes – set at 12 occupants, to provide consistency. |
| **Appendix** | | | |
| N/A | A | Insertion of relevant *'Definitions'* and required *'Management Plan Details'* as an Appendix to the policy. | To align with the new draft manner and form, improve the legibility of the document and make clear the expected documentation required to accompany future proposals. |

<u>Unhosted Short-Term Accommodation operating more than 90 nights</u>

The most significant proposed changes to LPP 1.15 relate to unhosted STRA operating for more than 90 days within a 12-month period, which require development approval.

A moderately regulated approach was selected to achieve a balance between allowing flexibility for unhosted STRA and protecting the City's housing stock primarily for long-term permanent housing, whilst ensuring the location, scale, design and operation of unhosted STRA do not unreasonably impact the amenity of nearby residents.

To achieve this, additional guidance and criteria for unhosted STRA were included in the amended policy.

Outcomes of consultation

A total of 47 submissions were received, with 78% of respondents supportive or neutral, and 12.5% opposing the proposed policy direction generally.

Five submissions raised concerns the policy measures were arbitrary or overly restrictive given the low number of STRA and STRA related complaints within the City. However, these comments do not acknowledge the City's responsibility to protect residential amenity and proactively manage the potential cumulative impacts of STRA on permanent housing stock, having regard to trends observed interstate and overseas.

A complete schedule of submissions is included as Attachment 1, with the key issues summarised and discussed under the sub-headings below:

*Objection to STRA generally not supported within 400m of schools*

There was predominant support for this measure (62%) with a further 14% of respondents neutral. However, 24% of respondents objected to this measure considering it to be exclusionary, arbitrary and lacking evidence-base.

The identification of school catchments as generally unsuitable locations for long-term non-hosted STRA reflects the policy objective of prioritising long-term family housing near schools. These areas are highly desirable for permanent residential occupation and support stable residential communities.

Properties located within 400 metres of a school, equivalent to approximately a five-minute walk, form part of a highly walkable catchment that is particularly important for families with school-aged children and should be protected for permanent accommodation where possible.

The proposed measures do not impact hosted STRA and unhosted STRA up to 90 days in a 12-month period within 400m of schools still providing households with flexibility to rent their homes for STRA.

It should also be noted the proposed measures are not a ‘blanket exclusion’ and there remains discretion for applications to be received and considered. If there are specific extenuating circumstances where a property is more suitable for STRA this can be considered under the objectives of the policy.

For these reasons, it is considered reasonable to retain this proposed measure within LPP 1.15.

*Objection to the restriction on battleaxe lots or lots with no street frontage*

While this measure received majority support (60% with another 7% being neutral), many objections raised concerns that it may be overly restrictive and does not recognise there may be circumstances where such lots are suitable for unhosted STRA.

In response to this feedback, the City recommends retaining reference to unhosted STRA generally not being supported for lots without direct road frontage but including specific assessment criteria to enable their consideration on a case-by-case basis.

This is considered a balanced approach that still recognises the potential for greater impacts and disturbance to adjacent residents due to multiple interfaces and/or shared access, whilst also providing for greater flexibility and transparency.

*Time limited approvals - Approval length*

There were objections received from STRA providers regarding the proposed time-limited approval approach. The draft policy proposes that initial approvals be for a 12-month period, after which renewal via an application to amend Development Approval will be required. Where the City is satisfied that the STRA has been appropriately managed, subsequent approvals may be granted for a longer period of up to three years.

Whilst it is understood this may not provide the level of long-term certainty some providers and/or investors may desire; this limitation is critical to ensuring the impact of STRA can be continually monitored and the policy approach adjusted as required.

Issuing permanent approvals for unhosted STRA is not considered appropriate as this will almost certainly reduce the available housing stock for long term occupation over time which is highly undesirable. The City is proactively seeking to manage the growing and cumulative impact of STRA on permanent housing stock, based on the learnings from trends seen interstate and overseas.

Proposed changes post advertising

In response to the above, additional changes are proposed as summarised in the table below:

| Section | Proposed Additional Modification | Justification |
|---|---|---|
| **Short Term Rental Accommodation (STRA)** | | |
| **2.1** | **Exempt from Development Approval**<br>Unhosted STRA (up to 90 nights):<br>Replace *"within a calendar year"* with *"in a relevant 12-month period."* | To correct an unintended inconsistency between the draft policy and the period prescribed in the *Short-Term Rental Accommodation Act 2024 Part 3*. |
| **2.2.2** | **Properties within proximity to Schools**<br>Rename and reword to solely relate to long-term unhosted STRA within proximity to schools. | To separate out the issues relating to schools and lots without direct street frontage. |
| **2.2.3** | Insert a new clause as follows:<br>***"Dwellings on battleaxe lots or lots with no*** | Despite the concerns raised by some submitters, unhosted STRA is generally |

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| | ***direct street frontage***<br>*i. STRA will generally not be approved in dwellings on rear battleaxe lots or lots without direct street frontage as they can generate greater impacts and disturbance to adjacent residents through noise, activity, traffic and overflow parking due to multiple interfaces and shared accessway.*<br>*Whilst they are non-preferred locations, the City may support STRA on rear battleaxe where:*<br>• *Development Approval is limited to cycles of six (6) months only for the initial approval, to demonstrate adequate property management is occurring onsite, and thereafter cycles of twelve (12) months only;*<br>• *The number of guests is restricted to no more than six (6);*<br>• *Any 'Common Property' driveway is kept clear of vehicle parking and other obstructions;*<br>• *A Sign Onsite is displayed at the street level to clearly designate entry points, such that no disturbance occurs to immediate neighbours;*<br>• *A Sign Onsite is displayed at the street level which clearly designates a 24hr Property Manager contact (mobile phone);*<br>• *Prohibition of all parties / gatherings of people who are not identified as authorised guests."* | not supported for lots without direct road frontage given the potential for greater impacts and disturbance to adjacent residents from multiple interfaces and shared access arrangements.<br>However, specific assessment criteria is proposed for insertion to enable their consideration on a case-by-case basis. |
| **2.2.4** | Insert a new clause as follows:<br>***"Multiple Dwellings***<br>*i. Unhosted STRA will not be supported in multiple dwellings unless there is sufficient evidence provided indicating the STRA can operate under the Strata bylaws and/or approval from the Strata Company.*<br>*ii. Where the above can be demonstrated, consideration will be given to the impacts of the proposed application and whether it can function appropriately within an apartment building, including parking, access, security, noise and any potential nuisance to common areas that may impact residential amenity."* | To provide greater guidance relating to unhosted STRA within multiple dwellings.<br>In particular, to make clear the need to demonstrate evidence of Strata Company approval and/or Strata bylaws allowing STRA; and identify key matters to be considered when assessing applications. |

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| **2.2.5** | **Preferred operational characteristics**<br>Replace the words *"contact details of the owner or manager"* with *"a 24hr property manager contact (mobile phone)"* in Part (iii). | To align with new Clause 2.2.3 and make it clear to future applicants their 24hr management obligations. |
| **Appendix** | | |
| **(1)** | **Definitions**<br>Insert a new definition as follows:<br>*"Relevant 12-month period – the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the Short-Term Rental Accommodation Act 2024 Part 3, or any subsequent 12-month period commencing on the anniversary of that day."* | To define the 12-month period referenced by the proposed adjustments to Clause 2.1. |
| **Miscellaneous** | | |
| | Update Clause numbers to reflect the above changes and replace all references to *"un-hosted"* with *"unhosted"*. | Minor typographical changes to improve readability and consistency of terminology with other planning instruments. |

Conclusion

It is recommended Council support adoption of the draft LPP 1.15 subject to modifications discussed in this report which respond to community consultation and achieve a balanced approach to STRA, tourist, and alternative accommodation.

**Strategic Plans/Policy Implications**

Our Economy
Attracting investment, supporting business and visitor growth and boosting local jobs through vibrant hubs.
• Facilitate vibrant, connected commercial hubs and visitor experiences.

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Foster connected, accessible communities and services.

Our Places
Enhancing distinctive, liveable areas with well-connected, safe transport options.
• Plan for growth and sustainable development.
• Strengthen unique, liveable and adaptive places.

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

### Budget/Financial Implications

Adoption of a clear assessment criteria through this policy will enable efficient use of existing resources.

### Legal Implications

N/A

### Community Consultation

Emails were distributed to the primary accommodation operators and STRA managers operating within the City of Cockburn, as well as relevant industry associations.

A notice was published on the City's consultation platform - Comment on Cockburn, which included a survey seeking community and industry feedback. Targeted digital advertisements were also placed for three days each from the 21 - 23 July, comprising one advertisement for a general audience and a second specifically targeting individuals involved in the property sector. The first one reached 3,947 views and the second, 4,112.

### Risk Management Implications

Should the modifications not be supported, it could lead to an inconsistent local planning framework and limited assessment guidance especially for STRA, which could lead to the following:

- Inconsistent decision making
- Reduced guidance for applicants and the community regarding expectations
- Increased potential for complaints or challenge due to perceived procedural unfairness or lack of transparency
- Less efficient use of officer resources due to the lack of clear assessment criteria
- Reputational risk to the City arising from perceptions of inconsistent decision making.

It would also miss an important opportunity to simplify and improve the local planning framework as it relates to an emerging planning issue.

### Advice to Proponent(s)/Submitters

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 20 October 2026 Governance Committee.

### Implications of Section 3.18(3) Local Government Act 1995

Nil.

File No. 104/017 (updated)

## Schedule of Submissions

## Local Planning Policy 1.15 – Tourist and Alternative Accommodation

Q6 & 7 - Housing and School Catchments (400m)
Q8 & 9 – Battleaxe / no street frontage restriction
Q11 & 12 - New STRA Assessment Framework (including time-limited approvals)
Q13 & 14 – Requirements for Residential Buildings and Lodging Houses
Q16 – Other matters/comments

| No. | | Suburb | Submission | Recommendation/ Comment |
|---|---|---|---|---|
| 1 | Resident | Spearwood | **SUPPORT:**<br>Q6 & 7 - SUPPORT:<br>support this approach. Keeping large-scale un-hosted short-term rental developments away from schools is a sensible way to help protect the character and stability of residential neighbourhoods. Areas around schools should remain focused on families and long-term residents, rather than a constant turnover of short-term visitors. I also have concerns that high concentrations of short-term rentals can attract visitors who have little regard for the local community, leading to increased noise, disruption, parking issues, and reduced amenity for neighbours.<br><br>Q8 & 9 – SUPPORT:<br>they should be subject to clear and enforceable standards that protect neighbours and the wider community. Time-limited approvals ensure operators remain accountable, while occupancy limits, operating requirements and emergency evacuation plans are sensible safeguards. Requiring signage with contact details and registration information also makes it easier for residents and authorities to report problems and ensure operators can be held responsible. | Noted |
| 2. | Resident | North Coogee | **SUPPORT** | Noted |
| 3. | Resident | Cockburn Central | **SUPPORT** | Noted |
| 4 | Resident | Beeliar | **OPPOSE** | Noted |
| 5 | Resident | Banjup | **SUPPORT**<br>Q6 & 7 - SUPPORT:<br>I support this approach. Housing should be prioritised for local residents and families, particularly near schools. | Noted<br><br>**Grouped Dwelling and Battle-Axe Exclusion**<br>In response to a number of submissions regarding this matter, it is recommended that the draft |

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| | | | Limiting un-hosted short-term rentals may help improve housing availability and maintain stable neighbourhoods.<br><br>Q8 & 9 – OPPOSE:<br>I do not support this approach. Noise, traffic and parking impacts are not limited to battleaxe lots and can occur with any short-term rental accommodation. Singling out rear lots seems unfair and may not effectively address the underlying issues. Management standards and enforcement should apply consistently to all short-term rentals.<br><br>Q11 & 12 – SUPPORT<br>I support these requirements. Emergency evacuation plans, occupancy limits and clear contact details are sensible measures that help protect guests, neighbours and the local community.<br><br>Q13 & 14 – SUPPORT<br>I support this approach. Limiting occupancy to 12 people helps prevent overcrowding, reduces impacts on neighbours, and ensures residential buildings remain compatible with the surrounding community. It can also help minimise noise, traffic and parking issues while maintaining a reasonable level of accommodation<br><br>Q16<br>I support measures that help keep more housing available for long-term residents. Short-term rental accommodation can contribute to neighbourhood issues such as noise, parking and antisocial behaviour if not properly managed. Limiting the impacts of these developments may help protect residential amenity and could encourage more properties to remain available for permanent housing rather than short-term accommodation. | amended LPP 1.15 be updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a relevant 12-month period on rear battleaxe lots or lots lacking direct street frontage, notwithstanding their continued designation as a non-preferred location. |
| 6 | Resident | Atwell | **NEUTRAL:**<br>Q6 & 7 - STRONGLY SUPPORT<br>This will reduce to risk to schools<br><br>Q8 & 9 – SUPPORT<br>This will reduce the number of houses impacted | Noted |

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| | | | Q10 – Near Schools | |
| 7 | Resident | | **SUPPORT** | Noted |
| 8 | Resident | Coogee | **NEUTRAL:**<br>Q6 & 7 – STRONGLY SUPPORT<br>Un-hosted short-term accommodation should not exist in the majority of residential areas. The city should define areas (like near Cockburn Central & maybe Port Coogee) where 'tourism activities' are appropriate. Having lived in WA regional towns where tourism & residential areas were poorly planned & regulated it is clear that they are often inappropriate land mixes - you invariably produce noise, activity and behaviour mismatches.<br><br>Q8 & 9 – SUPPORT<br>impact of issues stated are magnified on battleaxe blocks.<br><br>Q10 - majority of residential areas. Define areas appropriately as residential or residential/tourist.<br><br>Q11 & 12 – STRONGLY SUPPORT<br>its fine to have contact details displayed but doesn't solve anything unless the contact person can actually be reached or refused to answer. What is the fall back if contact can't be reached? Unless there is a simple mechanism to revoke any approvals should the contact not respond as desired this condition is worthless.<br><br>Q13 & 14 – SUPPORT<br>Currently I live in a new house. Opposite is a rental that has 5-6 vehicles and next to this a share house with 4-5 vehicles. On lot of less that 340sqm and streets not designed to hold vehicle with garages now used for storage not vehicles we have a parking lot.<br><br>Currently planning is poor | **Defined Areas**<br>The City of Cockburn does not contain clearly designated long-term tourism areas. Identifying residential locations for STRA would introduce an unintended tourism function and may concentrate amenity impacts and risk displacing access to local services, public transport and neighbourhood facilities that are planned to support the needs of permanent residents first.<br><br>**Contact Details Signage**<br>Signage enhances operator accountability and provides a clear point of contact for the prompt resolution of issues.<br><br>To strengthen the requirement, amendments are proposed to the wording of sub-section to make it clear to future applicants of their 24h obligations, also acknowledging some of the comments from the community engagement. |
| 9 | Resident | North Coogee | **SUPPORT:**<br>Q6 & 7 – NEUTRAL<br>All unhosted STRA throughout the City should be limited to 90 days annually, not just within 400m of schools. Absolute priority should be to making as much accommodation within the boundaries for long term rental or private residences. Planning priorities should be given | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas:**<br>For unhosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. |

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| | | | to investors willing to build dedicated multistory tourist/short stay accommodation.<br><br>Q8 & 9 – STRONGLY SUPPORT<br>Would extend that policy as per my previous answer<br><br>Q10 - There should be substantial bans or limits on unhosted STRA throughout the City.<br><br>Q13 & 14 – SUPPORT<br>It may impact those in the lower socioeconomic sector, so social housing initiatives need to be considered to accommodate those who may be disadvantaged | The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future. |
| 10 | Resident | Treeby | **NEUTRAL:**<br>Q6 & 7 - SUPPORT<br>Should not be near schools as they may not need it<br><br>Q8 & 9 – NEUTRAL<br>It's highly dependant on the building structure<br><br>Q13 & 14 – SUPPORT<br>Less noise/crowd | Noted |
| 11 | Resident | Coolbellup | **SUPPORT:**<br>Q6 & 7 – SUPPORT<br>We need to have a range of accommodation options, however we also need to take into account what type of accommodation is suitable for each area. Additional traffic and parking needs also need to be considered.<br><br>Q8 & 9 – OPPOSE<br>Un-hosted STRA unfortunately can attract people who do not respect those who live around them. Sufficient parking also needs to be included.<br><br>Q10<br>Near Rest Homes and Residential Villages<br><br>Q11 & 12 – STRONGLY SUPPORT<br>All seem essential requirements<br><br>Q13 & 14 – NEUTRAL | Noted<br><br>Noted. The policy seeks to manage the impact of STRA.<br><br>**Closeness to Public Transport:**<br>The City considers that many of Cockburn's attractions are dispersed across a wide geographic area and are not confined to a single location within the City. As a result, visitors using short-term rental accommodation are likely to rely on private vehicles during their stay.<br><br>In addition, given the current housing shortage, the City considers that long-term residents should be prioritised in benefiting from convenient access to public transport. |

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| | | | Well run lodging houses provide a useful alternative accommodation for a cross section of the populace. Perhaps put the limit at 20 to make it more viable for the providers<br><br>Q16<br>Closeness to public transport? | |
| 12 | Resident | | Q6 & 7 – STRONGLY OPPOSE<br>More permanent housing is needed not short term stays. There are hotels and caravan parks a plenty to cater for this.<br><br>Q8 & 9 – STRONGLY SUPPORT<br>There shouldn't be any short term stays in the general housing areas.<br><br>Q10<br>There shouldn't be any short term stays in the general housing areas.<br><br>Q13 & 14 – SUPPORT<br>Needs to be more housing.<br><br>Q16<br>Short term stats shouldn't be allowed. | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas:**<br>This falls beyond the control of the local government. *Schedule 2, part 7, cl.61 (ea) of the Planning and Development (Local Planning Schemes) Regulations 2015* allows hosted STRA to operate without development approval. For un-hosted STRA, development approval is only required when the property is rented for more than 90 nights in a relevant 12-month period.<br><br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future. |
| 13 | Resident | Hamilton Hill | **OPPOSE:**<br>Q6 & 7 – STRONGLY OPPOSE<br>I understand the importance of protecting long-term housing availability, however I believe<br>again the impact of un-hosted STRA restrictions needs to consider the circumstances of individual homeowners and the broader cost-of-living crisis.<br>There are people experiencing homelessness, and providing affordable short-term accommodation can be | Noted<br><br>**Cost of Living Crisis**<br>Given the average nightly cost of most Airbnb properties, it is unlikely that they would provide an affordable housing option for people experiencing homelessness. |

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| | | | part of the solution. For example, an owner of an un-hosted STRA may choose to rent out rooms at an affordable rate to assist people who need temporary housing options.<br>Additionally, many everyday Australians are struggling to meet mortgage repayments due to significant increases in interest rates, insurance, maintenance costs, and general living expenses. Removing income opportunities that help people remain in their homes may unintentionally increase financial stress and, in some cases, contribute to housing insecurity.<br>For example, I moved in with my sister to help her manage her mortgage, and I rely on income from my un-hosted STRA. Selling or purchasing another property is not a realistic option when housing prices have increased substantially and alternative accommodation costs can be comparable to, or higher than, mortgage repayments.<br>I believe policies should distinguish between large-scale commercial STRA operations and ordinary homeowners using their property to generate additional income to remain financially stable.<br><br>Q8 & 9 – STRONGLY OPPOSE<br>I believe that concerns about neighbourhood impacts should be applied consistently across all property types. Long-term rentals and owner-occupied homes can also contribute to issues such as excessive noise, vehicles, verge parking, and street congestion. These impacts are not exclusive to battle-axe properties or short-term accommodation. If parking, traffic, or amenity concerns are the basis for regulation, the same standards should apply fairly to all residents rather than specifically targeting STRA properties.<br><br>I would be happy to provide photographic evidence demonstrating issues occurring at neighbouring properties that are neither short-term accommodation nor battle-axe developments.<br><br>Q11 & 12 – STRONGLY OPPOSE<br>I don't support this as I don't think it's necessary and I would not support any potential administrative costs required for applications/approvals. | The proposed measures are included in a local planning policy whereby the is the possibility to exercise discretion.<br>Property owners also retain the option of renting their dwelling for hosted STRA and unhosted STRA up to 90 days in a 12 month period.<br><br>**400m Radius School Restriction**<br>Homeowners within the catchment would still have the opportunity to rent a room in their home (hosted STRA), or their entire dwelling for up to 90 nights within a 12-month period, helping to offset mortgage costs.<br>Setting school zoned as undesirable location prioritise long-term family housing near schools, as these locations are well suited to stable residential communities. Areas within 400 metres of a school — equivalent to an approximate 5-minute walk — represent a highly walkable catchment for young children and should be preserved.<br><br>**Grouped Dwelling and Battle-Axe Exclusion**<br>It is recommended that the draft amended LPP 1.15 be updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a relevant 12-month period on rear battleaxe lots or lots lacking direct street frontage, notwithstanding their continued designation as a non-preferred location. |

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| | | | If this is approved the below should also apply to rental properties if it doesn't already:<br>Emergency evacuation plans in bushfire-prone areas<br>Occupancy limits and operating requirements<br>Signage displaying contact details and STRA registration information | |
| 14 | Resident | Bibra Lake | **SUPPORT:**<br>Q6 & 7 - SUPPORT<br>Transient populations close to education facilities or daycare providers could increase risk of harm to the young. Additional traffic stress in those areas may also lead to an increase in accidents.<br><br>Q8 & 9 – SUPPORT<br>Can disrupt the residents who occupy frontal properties with no recourse to resolve the issue. Long term occupation - through rentals provide avenues for noise and traffic complaints.<br><br>Q10<br>Areas that lack reasonable public transport.<br><br>Q11 & 12 – OPPOSE<br>This takes rental stock from long term seeking tenants and is not needed. The restriction of 90 nights is reasonable<br><br>Q13 & 14 – NEUTRAL<br>I do not know enough about the current state of lodging options in Cockburn, however, I do feel that the lower number may restrict the variety of offerings and support that are provided at those locations.<br><br>Q16<br>The property shall display one sign per dwelling. Signage of the short term rentals is a good idea for those in the area, however could become a target for theft.<br>'Control of anti-social behaviour and potential conflict between tourists/guests/visitors<br>and permanent residents of the area': This statement needs to be of higher priority and not left on the last page. | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas**<br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future.<br><br>**Anti-social behaviour and conflict**<br>The control of anti-social behaviour and potential conflict between tourists/guests and visitors is one aspect of the Management Plan which is mentioned on page 4 of the Policy. Details of the Management Plan are included in the appendix on the last page. |

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| 15 | Resident | | **SUPPORT:**<br>Q16<br>All proposals seem reasonable and balanced | Noted |
| 16 | Resident | Coogee | **SUPPORT:**<br>Q6 & 7 – STRONGLY SUPPORT<br>need more long term rentals for people that work in the area<br><br>Q8 & 9 – STRONGLY SUPPORT<br>same reasoning as the draft policy<br><br>Q13 & 14 – STRONGLY SUPPORT<br>less disruption to neighbors | Noted |
| 17 | Resident | Spearwood | **SUPPORT:**<br>Q6 & 7 - STRONGLY SUPPORT<br>The increase of AirBNB and short term rentals in residential suburbs is a concern<br><br>Q8 & 9 - STRONGLY SUPPORT<br>I agree with this and provides less disruption to permanent residents<br><br>Q10<br>all areas of the City of Cockburn<br><br>Q11 & 12 – STRONGLY SUPPORT<br>this gives us clear guidance for who to contact for issues | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas**<br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future. |
| 18 | Resident | Coogee | **SUPPORT:**<br>Q6 & 7- STRONGLY SUPPORT<br>Priority needs to be directed to residents who live in the area. These unhosted properties deprive those who need homes of residency. Unsure why this would only apply close to schools<br><br>Q8 & 9- STRONGLY SUPPORT | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas**<br>The 90-night restriction falls beyond the control of the local government.<br>*Schedule 2, part 7, cl.61 (ea) of the Planning and Development (Local Planning Schemes) Regulations 2015* allows hosted STRA to operate without development approval. For un-hosted STRA, |

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| | | | Disturbance issues for residents in front with street access. Parking would be a huge issue. Not knowing who is in the property behind you would be a concern<br><br>Q10<br>To be blunt, everywhere. Rental properties should be for long term renters for those who choose to buy investment properties<br><br>Q11 & 12 – STRONGLY SUPPORT<br>not in favour of the use of properties for this purpose at all<br><br>Q13 & 14 – STRONGLY SUPPORT<br>30 lodgers is way too much. 12 is an improvement. Issues of parking. 30 lodgers would impact the local community in a negative way | development approval is only required when the property is rented for more than 90 nights in a relevant 12-month period.<br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered 3 levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future. |
| 19 | Resident | Bibra Lake | **OPPOSE:**<br>3.1 notes that there is an option for camping on private property for up to 24 months in accordance with the Caravan Parks & Camping Grounds Regulations. The amendment allowing this was made to the regulations almost two years ago, but I have not been able to identify any policies or guidelines on the Cockburn website regarding this use. 3.1 notes that a site with up to two occupied caravans is not considered to be a Caravan Park, which suggests that some information exists. A reference to this documentation would be helpful. | Noted<br><br>It is recommended to add the following link to our website: Temporary accommodation and camping outside of caravan parks<br><br>And this link to the definition of caravan park: Caravan Parks and Camping Grounds Regulations 1997 - [02-i0-00].pdf. |
| 20 | Resident | Hamilton Hill | **SUPPORT:**<br>Q6 & 7- STRONGLY SUPPORT<br>I think this is brilliant and more councils should follow suit! Our kids go to Freo primary but class sizes have dropped 50% in three years; families are being forced to move further away as more local homes are becoming STRA. I'd hate to see the same happen to more suburban schools such as those in Beaconsfield and Hami hill too.<br><br>Q8 & 9- STRONGLY SUPPORT<br>Our neighbouring property is soon to become a triplex with our back verandah and kitchen looking directly into the rear 3x1's yard/dining area. We are really worried | Noted<br><br>**Luxury Residence and Hosted STRA only**<br>The distinction between a "luxury" residence and a standard home is inherently subjective and difficult to define through planning policy. Restricting STRA based on perceived dwelling value could therefore be inequitable and potentially discriminatory.<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas**<br>The 90-night restriction falls beyond the control of the local government. |

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| | | | about it becoming STRA as having people drinking/smoking outside whilst our children play would be very unpleasant. We feel that long term tenants would be generally more respectful or less obtrusive. I also genuinely feel that STRA's should be restricted to hosted homes or luxury residences, simple homes should be saved for families and other local residents. It will take a strong council to stand up and make this the norm but would be an incredible win for community and housing availability! | *Schedule 2, part 7, cl.61 (ea) of the Planning and Development (Local Planning Schemes) Regulations 2015* allows hosted STRA to operate without development approval. For un-hosted STRA, development approval is only required when the property is rented for more than 90 nights in a relevant 12-month period.<br><br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future. |
| 21 | Resident | North Coogee | Q6 & 7- NEUTRAL<br>I can see the benefit of having some short term accommodation and holiday home style options in the area. But also see the significance this may play on an area where families could live and provide home options for those wanting to have permanency in the area. | Noted |
| 22 | Resident | North Coogee | **SUPPORT:**<br>I believe we need some hotel accommodation and maybe more apartments in the North Coogee area as well as increased leisure related businesses. | Noted. The planning framework does provide for these land uses in appropriate locations. |
| 23 | Resident | Hamilton Hill | **SUPPORT:**<br>Q6 & 7- STRONGLY SUPPORT<br>Safe but accessible area<br><br>Q8 & 9- STRONGLY SUPPORT<br>Parking on many streets is already over crowded<br>Travellers usually come and go add off hours due to flight schedules; extra after hours noise impacting neighbours | Noted |

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| | | | Q10<br>Multi dwelling buildings, units, | |
| 24 | Resident | North Coogee | **NEUTRAL**<br>Q6 & 7 – OPPOSE<br>It should be on a case by case basis taking into account the neighbourhood, the attractions for tourists and the businesses nearby that attract tourists. Ruling out short term accommodation within 400m radius of schools is an extremely biased and unfair approach.<br><br>Q8 & 9 – OPPOSE<br>This is a very narrow minded and biased approach. A battleaxe property would actually have more parking. Potential impacts on neighbours would not be any more than a street frontage property. This is actually an absurd conclusion, that the location of the property on the back or front of a block will effect whether the short stayers will be noisy or have more cars. In fact if its on a battleaxe, more than likely, the Owner will be living at the front and can keep an eye on the occupants during their stay and avert any disrespectful behaviour in the rare event it may occur.<br><br>Q10<br>Your proposed rulings are absurd. Instead there should be a warning system whereby once a property receives 3 warnings from the Rangers regarding pre-specified disrespectful behaviour, the Owner can no longer let the property on a short term basis.<br><br>Q13 & 14 – NEUTRAL<br>The impact is that the boarding houses that currently have more than 12 lodgers will be detrimentally affected. | Noted<br><br>**400m Radius School Restriction**<br>Homeowners within the catchment would still have the opportunity to rent a room in their home, or their entire dwelling for up to 90 nights within a 12-month period, helping to offset mortgage costs.<br>Setting school zoned as undesirable location prioritise long-term family housing near schools, as these locations are well suited to stable residential communities. Areas within 400 metres of a school — equivalent to an approximate 5-minute walk — represent a highly walkable catchment for young children and should be preserved.<br><br>**Grouped Dwelling and Battle-Axe Exclusion**<br>It is recommended that the draft amended LPP 1.15 be updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a relevant 12-month period on rear battleaxe lots or lots lacking direct street frontage, notwithstanding their continued designation as a non-preferred location.<br><br>**Registration Cancellation**<br>Local governments have limited ability to revoke a STRA approval before the expiry of its approval period. For this reason, the City considers that all STRA approvals should be granted for a fixed term. The City of Cockburn's planning team works closely with CoSafe and Rangers and will consider any compliance history when assessing a new application or renewal. Where a property has been the subject of warnings, complaints, or enforcement action, this will be considered and may affect the outcome of the application.<br>However, these provisions apply only to un-hosted STRA operating for more than 90 nights within a relevant 12-month period, as these premises require development approval under the planning |

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| | | | | framework. Hosted STRA and un-hosted STRA operating for 90 nights or less do not require development approval under the State legislative framework, limiting the City's ability to regulate or review these operations through the planning system. |
| 25 | Resident | Success | **OPPOSE**<br>Q6 & 7 – OPPOSE<br>Why should you control what people do with their property<br><br>STRA attracts tourists and supports the local economy<br><br>Q8 & 9 – OPPOSE<br>Same as my first answer | Noted<br><br>**Controlling and the Local Economy**<br>While STRA can support tourism and contribute to the local economy, it is recognised under the *Planning and Development (Local Planning Schemes) Regulations 2015* as a separate land use because it can have impacts that differ from permanent residential accommodation. The current regulatory framework already provides flexibility for property owners through exemptions for hosted STRA and limited un-hosted STRA (up to 90 nights in a relevant 12-month period), seeking to balance private property rights, economic benefits and community expectations. |
| 26 | Resident | South Lake | **SUPPORT**<br>Q6 & 7 - SUPPORT<br>To preserve the harmonious feel of the suburbs and avoid all uncertainties that an unhosted STRAs can bring<br><br>Q8 & 9 – SUPPORT<br>For the reasons mentioned above<br><br>Q11 & 12 – SUPPORT<br>Penalties for the occupants for not obeying the rules and for the owners of those properties<br><br>Q13 & 14 – STRONGLY SUPPORT<br>Less chance of adverse effects | Noted |
| 27 | Resident | North Coogee | **NEUTRAL**<br><br>Q6 & 7 - SUPPORT<br>Q8 & 9 – SUPPORT<br>Q11 & 12 – SUPPORT | Noted |

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| | | | Q13 & 14 - SUPPORT | |
| 28 | Resident | Lake Coogee | **SUPPORT**<br>Q6 & 7 – STRONGLY SUPPORT<br>I think there should be a maximum of 90 days on all properties for short-term rentals.<br><br>Q8 & 9 - STRONGLY SUPPORT<br>I do not support any short-term rentals for battle blocks<br><br>Q10<br>All of cockburn<br><br>Q11 & 12– STRONGLY OPPOSE<br>I do not support short-term rentals for more than 90 days<br><br>Q13 & 14 – STRONGLY SUPPORT<br>30 people in one location is too much. | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas**<br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future.<br><br>The requirement for Development Approval and included guidelines and time-limited approvals are considered a reasonable, balanced approach that provides landowners with flexibility whilst ensuring protection of residential amenity. |
| 29 | Resident | Coogee | **SUPPORT**<br>Q6 & 7– STRONGLY SUPPORT<br>Properties near schools should be available to families with kids to buy.<br>If too many were to be rented short term it could become a safety issue with so many strangers around school area<br><br>Q8 & 9– STRONGLY SUPPORT<br>Makes sense<br><br>Q11 & 12– STRONGLY SUPPORT<br>I think this type of accommodation should be very limited, it can change the nature of a suburb. Generally I believe housing should be available to people to buy or rent fulltime, better for society.<br><br>Q13 & 14 – STRONGLY SUPPORT | Noted |

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| | | | Less disturbance for neighbours, less parking issues | |
| 30 | Resident | Lake Coogee | **SUPPORT**<br>Q6 & 7 - STRONGLY SUPPORT<br>We would prefer no unhosted STRA at all. We have had many bad experiences with a nearby short term rental property. Excessive noise late into the evening and early morning, patrons arriving and leaving at all hours, cars revving, one patron, when we went to complain, told us they were making a music video, rubbish left behind, guests dogs barking when they go out. Generally these people are on holidays and here for a good time and its usually at the expense of the local residents. Not knowing who is going to arrive, what they are like and how they might behave makes locals quite anxious and this is ongoing. It's terrible.<br><br>Q8 & 9 – STRONGLY SUPPORT<br>We would prefer no unhosted STRA at all. We have had many bad experiences with a nearby short term rental property. Excessive noise late into the evening and early morning, patrons arriving and leaving at all hours, cars revving, one patron, when we went to complain, told us they were making a music video, rubbish left behind, guests dogs barking when they go out. Generally these people are on holidays and here for a good time and its usually at the expense of the local residents. Not knowing who is going to arrive, what they are like and how they might behave makes locals quite anxious and this is ongoing. It's terrible.<br><br>Q10<br>All local neighbourhoods. STRA's are not appropriate in local residential areas.<br><br>Q11 & 12– STRONGLY SUPPORT<br>Yes, STRA's even hosting less that 90 nights per year should be required to have development approvals. It makes them more accountable.<br><br>Q13 & 14 – STRONGLY SUPPORT<br>It will help improve local amenity, improve car parking availability and reduce impacts on locals slightly. | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas**<br>This falls beyond the control of the local government. *Schedule 2, part 7, cl.61 (ea) of the Planning and Development (Local Planning Schemes) Regulations 2015* allows hosted STRA to operate without development approval. For un-hosted STRA, development approval is only required when the property is rented for more than 90 nights in a relevant 12-month period.<br><br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future. |

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| | | | Q16<br>We believe unhosted STRA's with less that 90 stays nights per year should also have development approval. This will make them more accountable. Currently how does Council know if it is exceeded? Without development approval there are no penalties for hosts if the guests are anti social and impact the neighbourhood. We don't believe STRA's should be supported at all in residential areas. They should be confined to holiday precincts. A three strikes and your out policy should apply to hosts. Three complaints over a given time period and they lose development approval for 2 years. | |
| 31 | Landowner | Lake Coogee | **SUPPORT**<br>Q6 & 7 - STRONGLY SUPPORT<br>We would prefer no unhosted STRA at all. We have had many bad experiences with a nearby short term rental property. Excessive noise late into the evening and early morning, patrons arriving and leaving at all hours, cars revving, one patron, when we went to complain, told us they were making a music video, rubbish left behind, guests dogs barking when they go out. Generally these people are on holidays and here for a good time and its usually at the expense of the local residents. Not knowing who is going to arrive, what they are like and how they might behave makes locals quite anxious and this is ongoing. It's terrible.<br><br>Q8 & 9– STRONGLY SUPPORT<br>We would prefer no unhosted STRA at all. We have had many bad experiences with a nearby short term rental property. Excessive noise late into the evening and early morning, patrons arriving and leaving at all hours, cars revving, one patron, when we went to complain, told us they were making a music video, rubbish left behind, guests dogs barking when they go out. Generally these people are on holidays and here for a good time and its usually at the expense of the local residents. Not knowing who is going to arrive, what they are like and how they might behave makes locals quite anxious and this is ongoing. It's terrible. | Noted<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas**<br>This falls beyond the control of the local government. *Schedule 2, part 7, cl.61 (ea) of the Planning and Development (Local Planning Schemes) Regulations 2015* allows hosted STRA to operate without development approval. For un-hosted STRA, development approval is only required when the property is rented for more than 90 nights in a relevant 12-month period.<br><br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered three levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future.<br><br>**Compliance** |

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| | | | Q10<br>It should apply to all general neighbourhoods. Unhosted STRA's should be confined to holiday precincts.<br><br>Q11 & 12– STRONGLY SUPPORT<br>It seems currently that complaints about STRA need to have Cosafe attending before it's considered a legitimate complaint. That doesn't seem fair, particularly when CoSafe service in not able to attend. A three strikes and your out policy should apply. Three legitimate complaints from the neighbours should result in cancellation of the approval for 2 years.<br><br>Q13 & 14 - STRONGLY SUPPORT<br>As long as these lodging houses are general residential areas. These should be confined to high density areas.<br><br>Q16<br>We don't believe STRA's should be supported in any general residential areas. These impact the overall amenity of the area and impact the social fabric of the community to the detriment of the local residents and neighbours. The host of the STRA gets paid but it's the local residents and neighbours that are impacted and yet do not recieve any compensation. There's limited incentive for the host to ensure that guests behave appropriately. A three strikes and your out rule should apply, ie; when three complaints are received within a given time frame the host loses approval for the STRA for a period of two years. STRA's should be confined to holiday precincts. | While neighbour complaints are important, the City needs independent verification to ensure issues are genuine and supported by evidence. Attendance by an authorised officer provides an objective assessment. While officers may not always be available due to operational priorities, this is expected to be the exception rather than the norm. The City must also consider whether any enforcement action could be defended before the State Administrative Tribunal, which requires tangible and verifiable evidence rather than unsubstantiated complaints alone.<br><br>**Holiday Precinct**<br>The City of Cockburn does not contain clearly designated long-term tourism areas. Identifying residential locations for STRA would introduce an unintended tourism function and may concentrate amenity impacts and risk displacing access to local services, public transport and neighbourhood facilities that are planned to support the needs of permanent residents first. |
| 32 | Resident | North Coogee | **SUPPORT**<br>Q6 & 7 – SUPPORT<br>Reduces the risk of antisocial people leasing close to a school area<br><br>Q8 & 9 – OPPOSE<br>There are enough traffic and parking problems in this our area and nearby local schools | Noted<br><br>**Holiday Precinct(s)**<br>The City of Cockburn does not contain clearly designated long-term tourism areas. Identifying residential locations for STRA would introduce an unintended tourism function and may concentrate amenity impacts and risk displacing access to local services, public transport and neighbourhood |

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| | | | Q10<br>Port Coogee as there is a real shortage of parking particularly in the warmer months and on weekends<br><br>Q11 & 12 - OPPOSE<br><br>Q13 & 14 – SUPPORT<br>Less likely to promote anti social behaviour, parking issues and health and safety standards | facilities that are planned to support the needs of permanent residents first. |
| 33 | Tourism business provider | Stirling | **OPPOSE**<br>Q6 & 7 – OPPOSE<br>While we acknowledge the City's objective of protecting long-term housing supply, we do not believe a blanket restriction on un-hosted STRA within 400 metres of schools is evidence-based or proportionate.<br><br>The draft policy assumes that restricting STRA in school catchments will improve housing availability for families and support safer school environments. However, the policy does not provide evidence demonstrating that professionally managed STRA has negatively impacted school enrolments, pedestrian safety, or the availability of family housing within these areas.<br><br>Many properties used for short-term accommodation are not suitable or attractive for long-term family occupation due to owner usage patterns, investment objectives, or visitor demand. Restricting these properties from operating as STRA does not necessarily mean they will return to the long-term rental market.<br><br>Furthermore, housing affordability and supply are influenced by a wide range of factors including land availability, planning approvals, construction costs, population growth and broader economic conditions. It is unlikely that prohibiting STRA within arbitrary school catchments will have a measurable impact on these broader housing challenges.<br><br>The proposed 400-metre exclusion would also capture significant areas of established suburbs, substantially reducing where STRA can operate regardless of a | The proposed measures are not a 'blanket restriction', with discretion still existing for applications to be received and considered. If there are particular circumstances where a property is specifically suitable for STRA this can be considered against the objectives of the policy.<br><br>The City acknowledges that housing affordability and supply are influenced by a wide range of factors, which is why it is critical for all available levers to be used – STRA is an area of the planning framework where this can be influenced.<br><br>In terms of an 'evidence base', it is reasonable to infer that the greater proportion of dwellings being used as STRA will reduce dwellings available for permanent residential housing.<br><br>There is also no evidence that many properties used for STRA are not suitable for long-term family occupation, as these are dwellings that have been constructed for the purpose of permanent occupation in the normal manner.<br><br>It is also noted the proposed measures to protect the school catchments for permanent residential uses have been broadly supported by the community.<br><br>**Battleaxe lots**<br>The City acknowledges feedback received that there may be circumstances where a battle-lot or lot within direct street frontage is suitable for STRA, and it is therefore recommended that this be reworded to |

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| | | | property's individual characteristics or management standards. Professionally managed STRA can coexist successfully within residential neighbourhoods through appropriate occupancy limits, guest screening, noise management and responsive local management.<br><br>We believe planning policy should focus on managing demonstrated amenity impacts rather than imposing blanket geographic exclusions. Where concerns arise, applications should be assessed on their individual merits, taking into account the property's design, location, management arrangements and compliance history.<br><br>A more balanced approach would achieve the City's objectives while supporting tourism, local businesses, property owners and visitors without creating unnecessary restrictions or regulatory burden.<br><br>Q8 & 9 – OPPOSE<br>A blanket restriction on rear lots or battleaxe properties is not supported by evidence and does not appropriately recognize the diversity of residential properties within the City.<br><br>Whether a property has direct street frontage is not, in itself, an indicator of whether it will create adverse impacts on neighbouring residents. Many battleaxe lots are modern homes on larger sites with generous setbacks, off-street parking and limited interaction with the street. In many cases, these properties generate less traffic and noise than homes located on busy streets.<br><br>The potential impacts identified in the draft policy “such as noise, parking and traffic” are matters of property management and guest behaviour rather than lot configuration. Professionally managed STRA are subject to occupancy limits, guest screening, house rules, complaint management procedures and local management arrangements that effectively minimise these issues.<br><br>If concerns exist regarding a particular property, these should be assessed on a case-by-case basis, taking into | state they are non-preferred locations, but will be considered where they can address specific concerns and criteria.<br><br>**Time limited approvals**<br>In the ‘Residential’ zone the City’s priority is the protection of residential amenity, and time-limited approvals provide greater certainty this can be achieved.<br><br>The fact that a STRA land use has historically been well managed cannot be relied upon given these arrangements can change.<br><br>In the context of what is a ‘commercial’ land use and its potential revenue, the requirement for annual Development Application renewals is considered reasonable and minimal with re-submission of the same material and the minimum application fee.<br><br>Permanent approvals are not supported as this will remove permanent long-term housing from the housing stock.<br><br>**Occupancy limits and operating requirements**<br>The occupancy limits and operating requirements are only preferred operational characteristics to protect residential amenity and character from the potential impacts of STRA. Whilst these will typically be appropriate in most circumstances, it is acknowledged that dwellings and properties across the City have a large range of different characteristics, and all Development Applications will be assessed on their merits against the objectives of the policy. Therefore, in the event there is a large property whereby a greater occupancy may be deemed suitable (such as where there is adequate parking, separation from adjacent residential properties etc.) then there will be discretion to vary these standards.<br><br>**Grouped Dwelling and Battle-Axe Exclusion** |

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| | | | account factors such as site design, parking availability, access arrangements, proximity to neighbouring dwellings and the proposed management plan. Applying a blanket policy to all battleaxe or rear lots unnecessarily limits property owners without recognising that many of these properties can operate responsibly with no adverse impact on residential amenity.<br><br>Planning policy should focus on measurable outcomes rather than assumptions based solely on lot layout. An assessment-based approach would better balance residential amenity with property rights, tourism accommodation and economic activity.<br><br>Q10<br>No. We do not support introducing additional blanket geographic restrictions for STRA. Planning decisions should be evidence-based and consider the specific characteristics and management of each property rather than applying broad exclusions based on location<br><br>Q11 & 12 – SUPPORT<br>We partially support these requirements.<br><br>We support reasonable measures that improve guest safety and ensure responsible operation of short-term rental accommodation. However, several of the proposed requirements are unnecessarily prescriptive, duplicate existing obligations, or create additional administrative burden without clear evidence of improved outcomes.<br><br><u>Time-limited approvals</u><br>We are reluctant to support mandatory 12-month approvals with ongoing renewal requirements. This creates unnecessary costs and uncertainty for property owners while increasing the administrative workload for the City. Where an operator has demonstrated a history of compliance and there have been no substantiated complaints, approvals should be granted for a minimum two years, or ideally remain ongoing unless compliance issues arise.<br><br><u>Emergency evacuation plans</u> | It is recommended that the draft amended LPP 1.15 has been updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a relevant 12-month period on rear battleaxe lots or lots lacking direct street frontage, notwithstanding their continued designation as a non-preferred location. |

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| | | | We support the requirement for emergency evacuation plans in bushfire-prone areas. Guest safety is a priority, and professional STRA operators already provide emergency information to guests. This requirement is practical, proportionate and consistent with broader community safety objectives.<br><br><u>Occupancy limits and operating requirements</u><br>Reasonable occupancy limits are appropriate; however, they should be based on the size and design of the dwelling rather than arbitrary limits such as restricting accommodation to three bedrooms. Larger homes are designed to accommodate larger families and groups and should not be unnecessarily restricted where they can operate without impacting neighbours. Planning policy should focus on outcomes such as noise, parking and amenity rather than prescribing how many bedrooms may be used.<br><br><u>Signage requirements</u><br>We do not support mandatory external signage displaying contact details and STRA registration information. This is unnecessary given the State STRA Register and existing requirements for operators to provide contact information. External signage detracts from residential character, may create privacy and security concerns, and effectively advertises that a property is operating as visitor accommodation. Contact details should instead be available electronically or via letters to the City and neighbouring residents when required.<br><br>Overall, the assessment framework should focus on demonstrated impacts and operator performance rather than introducing additional administrative requirements for all properties. A risk-based approach, where greater scrutiny is applied only to properties with a history of non-compliance or complaints, would reduce red tape while still protecting residential amenity and ensuring responsible operation.<br><br>Q13 & 14 – STRONGLY OPPOSE<br>While we recognise the City's intention to modernise the policy and improve consistency, reducing the maximum | |

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| | | | occupancy from 30 to 12 people represents a significant policy change that may unnecessarily restrict accommodation options without clear evidence that the existing framework has created widespread planning or amenity issues. The draft policy does not provide evidence to justify this substantial reduction.<br>Residential Buildings, including boarding houses, hostels and other forms of temporary accommodation, play an important role in providing diverse and affordable accommodation for students, seasonal workers, key workers, people relocating, and others who may not require or be able to access traditional housing.<br><br>Reducing the occupancy limit to 12 people may have several unintended consequences, including:<br><br>• reducing the viability of new accommodation developments;<br>• limiting affordable and flexible accommodation options for workers, students and visitors;<br>• increasing accommodation costs by reducing economies of scale;<br>• discouraging investment in purpose-built accommodation; and<br>• placing additional pressure on other forms of accommodation, including hotels and the long-term rental market.<br><br>Rather than applying a universal occupancy limit, the City should assess proposals based on the capacity of the site and the quality of the development. Factors such as building design, parking, communal space, waste management, fire safety, and the ability to manage amenity impacts are more relevant indicators than a single numerical occupancy cap.<br><br>A performance-based approach would provide greater flexibility while ensuring developments remain compatible with surrounding neighbourhoods and continue to meet appropriate planning, building and health standards.<br><br>Q16 | |

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| | | | Yes. We commend the City for reviewing the policy in response to the introduction of the Short-Term Rental Accommodation Act 2024 and for seeking to provide clearer guidance for applicants. The inclusion of exemptions that align with the State planning framework, together with emergency evacuation requirements in bushfire-prone areas, are practical improvements that support both consistency and public safety.<br><br>However, we believe several aspects of the draft policy should be amended to ensure regulation remains proportionate, evidence-based and does not create unnecessary administrative burden for either applicants or the City.<br><br>Key recommendations include:<br><br>• Remove blanket location restrictions, including the proposed 400-metre exclusion around schools and the general restriction on battleaxe or rear lots. These measures are not supported by evidence demonstrating that professionally managed STRA in these locations creates unacceptable planning impacts. Applications should instead be assessed on their individual merits.<br>• Extend Development Approval periods for compliant operators. Mandatory 12-month approvals create unnecessary red tape and increase workload for both applicants and the City. Longer approval periods, with reviews only where substantiated compliance issues arise, would provide greater certainty while maintaining appropriate oversight.<br>• Remove mandatory external signage displaying STRA registration numbers and contact details. Contact information can be maintained through the State STRA Register and provided directly to the City when required, without impacting residential streetscapes or creating unnecessary privacy and security concerns.<br>• Adopt a performance-based assessment framework rather than prescriptive operational controls. Planning policy should focus on | |

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| | | | measurable outcomes such as noise, parking, waste management and neighbourhood amenity rather than arbitrary restrictions on bedroom numbers or other operational matters.<br>• Avoid duplication of State regulation. The State Government has introduced a comprehensive STRA registration and regulatory framework. Local planning policy should complement this framework rather than introduce overlapping requirements that increase costs and complexity for responsible operators.<br><br>Finally, we encourage the City to continue engaging with professional STRA operators, tourism organisations and industry representatives during implementation of the policy. Professionally managed STRA contributes to the local economy by supporting tourism, local businesses, trades, cleaners, maintenance contractors and visitor spending, while also providing flexible accommodation for families, workers and visitors. A balanced policy can protect residential amenity while continuing to support these important economic and community benefits. | |
| 34 | Resident | Hamilton Hill | **SUPPORT**<br>Q6 & 7 - STRONGLY SUPPORT<br>Families and low income parents need access to these dwellings as a priority. I think you could extend the radius to 800m.<br><br>Q8 & 9- STRONGLY SUPPORT<br>Having revolving visitors at the rear of your property without surveillance is anxiety inducing, especially if you have children. How can we be confident visitors are safe within such proximity? Let alone impacts of potential noise and antisocial behaviour risks. Imagine a party going on just a few metres from your child's bedroom window, at night, potentially all year round!<br><br>Q10<br>Blocks of townhouses/units.<br><br>Q11 & 12 – STRONGLY SUPPORT | Noted<br><br>The 400m catchment is considered a reasonable balance between allowing flexibility for STRA and protecting residential dwellings for permanent accommodation, whilst protecting the walkable catchment (400m generally correlates to a 5-minute walk). The policy will be reviewed regularly to ensure it meets the intent. |

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| | | | Council to provide letter to adjoining properties notifying them of application, window to respond, and outcome of application. If approved, council to supply notification letter and information to adjoining properties including their escalation pathways, owner/keeper contact details, and any other relevant guidelines so they can be informed before commencement of tourist use. This is to support the owner/keeper as well, so they are supported by council through informed neighbours.<br><br>Q13 & 14 – STRONGLY SUPPORT<br>Shift customer base to family and small group tourism rather than parties and events or larger group tourism.<br><br>My family from interstate used air bnbs in Hamilton Hill recently, which was great. They could be close to us but not in our house. They were 2 parents, 2 grandparents, and 4 kids.<br><br>However, my visiting family are very noisy, nocturnal, and have fighting/screaming teenagers. If I were the neighbours I would not be happy! So, 12 seems a reasonable number to try and accommodate group needs whilst respecting wider impacts on neighbours and local environment. More than 12 lends itself to different rental uses and higher impacts on community.<br><br>Q16<br>Include scheduled policy reviews that include reengagement for community feedback every 5 years.<br><br>Include requirement for annual reporting on applications, approvals, cancellations/suspensions, volumes of visitor occupancy and calendar occupancy, volume of complaints or other reportable KPIs. Have these metrics published yearly and available to public, and sent as letters to adjoining properties.<br><br>Create mechanisms to monitor neighbourhood character, safety, and community impacts and have these included in 5 yearly review. | |
| 35 | Resident | Beeliar | **NEUTRAL** | Noted |

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| | | | Q6 & 7 – NEUTRAL<br>I support measures that discourage the permanent loss of family housing to commercial short-term accommodation, particularly in areas surrounding schools. However, any restrictions should be evidence-based, with clear justification for the 400 m boundary and the 90-night threshold, and should be reviewed regularly to ensure they achieve their intended outcomes without unnecessarily restricting property owners.<br><br>Q8 & 9 – OPPOSE<br>I do not support a general presumption against approval for un-hosted STRA on rear or battleaxe lots based solely on lot configuration. The focus should be on whether the property can operate without adversely affecting neighbours. Factors such as adequate off-street parking, safe vehicle access, and effective on-site management are more relevant than whether the property has direct street frontage. Where the owner resides on the property and appropriate parking and access are provided, these properties should generally be considered suitable<br><br>Q10–<br>Streets with narrow rear access, limited on-street parking, and garages that realistically only accommodate one vehicle per dwelling<br><br>Q11 & 12 – SUPPORT<br>Occupancy should be proportionate to the size of the dwelling and available parking.<br>Rather than a one-size-fits-all limit, Council should consider: Number of bedrooms. Off-street parking capacity. Street parking availability. Local access constraints. Signage is supported but should be discrete<br><br>Q13 & 14 – NEUTRAL<br>The allowable occupancy should take into account the size of the property, available communal facilities, parking, access and the likely impact on neighbouring properties. Well-designed and well-managed developments may be able to accommodate more than 12 occupants without adversely affecting the surrounding area, while smaller properties may require lower limits. | **400m Radius School Restriction**<br>Homeowners within the catchment would still have the opportunity to rent a room in their home, or their entire dwelling for up to 90 nights within a 12-month period, helping to offset mortgage costs.<br>Setting school zoned as undesirable location prioritise long-term family housing near schools, as these locations are prime locations, well suited to stable residential communities. Areas within 400 metres of a school — equivalent to an approximate 5-minute walk — represent a highly walkable catchment for young children and should be preserved.<br><br>**Grouped Dwelling and Battle-Axe Exclusion**<br>It is recommended that the draft amended LPP 1.15 be updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a relevant 12-month period on rear battleaxe lots or lots lacking direct street frontage, notwithstanding their continued designation as a non-preferred location.<br><br>**Occupancy proportionate to dwelling size and parking**<br>Given all measures are policy provisions there is flexibility to consider dwelling size, parking availability etc. when assessing an application. |

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| 36 | Resident | North Coogee | **SUPPORT**<br>Q6 & 7 – SUPPORT<br>Long term residents are preferred option for stability of the suburb<br><br>Q8 & 9– SUPPORT<br>Longer term residents preferred option<br><br>Q16<br>Parking and access to the beach is so limited that this needs to be taken into consideration for every option | Noted |
| 37 | Tourism business provider | Stirling | **OPPOSE**<br>Q6 & 7 – STRONGLY OPPOSE<br>The proposed 400-metre exclusion zone around primary and secondary schools for un-hosted STRA operating more than 90 nights per year is not supported.<br>While Let Go supports measures that protect residential amenity and encourage responsible operation of short-term accommodation, we do not believe the proposed school catchment restriction is evidence-based, proportionate, or necessary in the context of Cockburn.<br>The City's own discussion paper acknowledges that STRA-related complaints within Cockburn are currently limited and that population growth, dwelling supply constraints and construction delays are the primary drivers of housing affordability pressures in Western Australia, rather than STRA itself.<br><br>Q8 & 9– STRONGLY OPPOSE<br>Let Go does not support the proposed policy position that generally discourages approval of un-hosted STRA operating more than 90 nights per year on battleaxe lots or properties without direct street frontage.<br>While we acknowledge the City's desire to protect neighbourhood amenity, we do not believe there is | Noted<br><br>**400m Radius School Restriction**<br>Homeowners within the catchment would still have the opportunity to rent a room in their home, or their entire dwelling for up to 90 nights within a 12-month period, helping to offset mortgage costs.<br>Setting school zoned as undesirable location prioritise long-term family housing near schools, as these locations are prime locations, well suited to stable residential communities. Areas within 400 metres of a school — equivalent to an approximate 5-minute walk — represent a highly walkable catchment for young children and should be preserved.<br><br>**Grouped Dwelling and Battle-Axe Exclusion**<br>It is recommended that the draft amended LPP 1.15 be updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a relevant 12-month period on rear battleaxe lots or lots lacking direct street frontage, notwithstanding their continued designation as a non-preferred location. |

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| | | | sufficient evidence presented in the discussion paper to justify a blanket restriction based solely on lot configuration. The proposal assumes that battleaxe lots inherently create greater amenity impacts; however, the City has not demonstrated that these properties generate higher complaint rates, more parking issues, or poorer compliance outcomes than other STRA properties within Cockburn.<br>In many cases, battleaxe properties can be well-suited to short-term accommodation. They are often separated from street activity, offer greater privacy for guests and neighbours, and can have lower levels of passing traffic than conventional street-front properties. The suitability of a property is more appropriately determined by its individual characteristics, management arrangements, parking provision and operational history rather than its lot layout alone.<br>The City's own discussion paper acknowledges that STRA complaints within Cockburn are currently limited and that the number of approved un-hosted STRA operating beyond 90 nights is relatively small. Given this context, imposing broad location-based exclusions appears disproportionate to the demonstrated scale of the issue.<br>We are also concerned that this approach may unnecessarily reduce accommodation supply and negatively impact property owners who have invested in compliant and professionally managed accommodation. Many battleaxe properties are already used successfully for short-term accommodation without creating unreasonable impacts on surrounding residents.<br>A more balanced approach would assess each application on its merits and consider:<br><br>The quality of the management plan;<br>Availability of onsite parking;<br>Guest occupancy levels;<br>Property design and setbacks;<br>Complaint history; and<br>Demonstrated impacts on neighbouring properties.<br><br>This performance-based approach would allow the City to address genuine problem properties without creating | **Approval Length**<br>As per section 2.2.1of the Policy 'Where the City is satisfied that the STRA has been appropriately managed, subsequent approvals may be granted for a longer period up to three years.'<br><br>**Occupancy Limits**<br>The policy excludes guests under 16 from the guest count, meaning children and teenagers can share a room with their parents where appropriate. Limiting the number of guests per bedroom, consistent with typical household living arrangements, helps prevent overcrowding and maintains the residential character and amenity of the area.<br><br>**Signage Requirements**<br>This measure will assist in making properties easily identifiable, enhancing operator accountability, and encouraging compliance with operational requirements. It will also provide neighbouring residents with a clear point of contact for resolving issues promptly.<br><br>Signage requirements apply only to STRA operating for more than 90 nights within a relevant 12-month period so it is anticipated that many of these properties will be professionally managed, in which case the name and contact details of the management company will be displayed.<br><br>**Limited complaints**<br>The City of Cockburn is seeking to proactively ensure a growing and cumulative impact of STRA on the permanent housing stock does not occur, looking at the trends seen interstate and overseas.<br><br>**Lodging houses**<br>The maximum capacity for lodging houses has been reduced from 30 to 12 to reflect the limit established under the R-Codes and ensuring consistency with the State planning framework. |

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| | | | unnecessary restrictions on responsible operators and property owners.<br><br>Q10<br>Let Go does not support the introduction of additional blanket exclusion areas beyond those already proposed. The City should focus on actual operational impacts rather than broad geographic restrictions.<br><br>Q11 & 12 – NEUTRAL<br>Let Go supports practical and proportionate regulation; however, several of the proposed requirements could be improved to reduce administrative burden while still achieving the City's objectives of protecting residential amenity and ensuring responsible operation of STRA.<br><br>1. Time-Limited Approvals<br>We recommend extending approval periods for compliant operators.<br>The proposed requirement for all approvals to initially be issued for only 12 months creates uncertainty and generates ongoing administrative costs for both operators and the City. Operators who demonstrate good compliance, have no substantiated complaints and consistently meet approval conditions should be eligible for approvals of at least 3-5 years from the outset.<br>Council resources should be focused on monitoring and managing non-compliant properties rather than repeatedly reassessing compliant operators whose circumstances have not changed.<br><br>2. Occupancy Limits<br>We recommend a more flexible, property-specific approach.<br>The proposed limit of two guests per bedroom may be appropriate as a general guideline, however it should not operate as a rigid standard applied to every property regardless of size, design or parking capacity.<br>Larger family homes can often accommodate more guests without creating adverse impacts. Assessment should consider factors such as dwelling size, number of bathrooms, available parking and local amenity | |

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| | | | considerations rather than relying solely on a fixed numerical limit.<br><br>3. Signage Requirements<br>We recommend removing the requirement to publicly display owner or manager contact details.<br>Professional operators already provide emergency and management contact information through booking platforms, management plans and the State STRA registration system. Public display of personal contact details raises privacy and security concerns and may encourage nuisance complaints.<br>If signage is considered necessary, it should be limited to displaying the STRA registration number and a generic management contact, rather than personal information.<br><br>4. Emergency Evacuation Plans<br>We support this requirement.<br>Providing emergency evacuation information in bushfire-prone areas is a sensible safety measure and aligns with an operator's responsibility to ensure guest safety. We support retaining this requirement provided the information required is practical, standardised and easy for operators to implement.<br><br>5. Management Plans<br>The existing management plan requirements are appropriate and already provide Council with a framework to address parking, noise, waste and neighbourhood concerns.<br><br>Rather than introducing additional restrictions, we encourage the City to provide a standard management plan template that can be adopted by operators. This would improve consistency, reduce application costs and simplify administration.<br><br>Overall, we encourage the City to focus on compliance outcomes and demonstrated impacts rather than introducing prescriptive requirements that may increase costs and red tape without delivering measurable community benefits. Properties that are well managed and have a positive compliance history should face fewer | |

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| | | | regulatory burdens than properties that generate complaints or fail to meet approval conditions.<br><br>Q13 & 14 – OPPOSE<br>Let Go understands the City's objective of improving clarity around residential-style accommodation uses and ensuring that larger accommodation operations are appropriately managed. However, we are concerned that reducing the allowable capacity from 30 lodgers to a maximum of 12 people may have unintended consequences and unnecessarily restrict accommodation diversity within the City.<br>The proposed change represents a significant reduction in accommodation capacity and may reduce the viability of certain forms of affordable and transitional accommodation. Properties that previously operated legitimately under the existing framework may become non-compliant or economically unviable if occupancy limits are substantially reduced.<br>The change may also reduce the supply of accommodation options for:<br><br>Workers on temporary contracts.<br>Students.<br>People relocating to the area.<br>Visitors requiring longer-term accommodation.<br>Individuals seeking lower-cost accommodation alternatives.<br><br>At a time when housing affordability and accommodation availability remain important issues across Western Australia, reducing accommodation capacity may unintentionally limit housing choice rather than increase it.<br>The discussion paper itself recognises that population growth and housing supply constraints are major pressures within the broader housing market.<br>We also note that the current policy already contains a range of development standards relating to management, parking, location and operational requirements. In our view, the suitability of a Residential Building should continue to be assessed primarily on its ability to manage impacts such as noise, parking, waste and neighbourhood | |

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| | | | amenity rather than relying on a substantially reduced occupancy threshold.<br>A blanket cap of 12 occupants may not accurately reflect the capacity of larger sites that are specifically designed to accommodate more people without generating adverse impacts. Well-designed and professionally managed facilities can often accommodate greater numbers while maintaining appropriate amenity outcomes.<br>We would encourage the City to consider a more flexible approach that:<br><br>Assesses occupancy based on site size, building design and available facilities.<br>Considers parking, management arrangements and neighbourhood impacts.<br>Allows larger capacities where applicants can demonstrate compliance with amenity requirements.<br>Provides transitional arrangements for existing approved operators.<br><br>Overall, while we support clearer planning definitions and modernised assessment criteria, we are concerned that the proposed reduction from 30 occupants to 12 may unnecessarily reduce accommodation supply, limit housing choice and affect the viability of existing operators without clear evidence that the current framework is causing significant issues within Cockburn.<br><br>Q16<br>Let Go appreciates the significant work undertaken by the City to review and modernise Local Planning Policy 1.15. We support the objective of providing greater clarity around the assessment of tourist and alternative accommodation and recognise the importance of balancing residential amenity with accommodation choice and tourism outcomes.<br>However, we believe the final policy would benefit from several amendments to ensure it remains evidence-based, proportionate and aligned with the State STRA framework.<br>1. Greater emphasis should be placed on actual impacts rather than blanket restrictions. | |

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| | | | Throughout the draft policy, several provisions rely on broad location-based exclusions and presumptions against approval. In our view, planning decisions should primarily focus on demonstrated impacts such as noise, parking, complaints, safety concerns and compliance history. A well-managed property should not be disadvantaged solely because of its proximity to a school or its lot configuration. This would provide a fairer and more defensible planning outcome.<br>2. Existing compliant operators should be protected through transitional arrangements.<br>Many property owners have invested significant capital based on the current planning framework and State Government reforms. The City should ensure that any approved operators are not unfairly disadvantaged by new requirements and should consider grandfathering or transition provisions for existing lawful operations.<br>3. The policy should better recognise the economic contribution of STRA.<br>The discussion paper acknowledges that Cockburn is supported by more than 320 registered STRA properties that contribute to the City's accommodation offering and assist visitors accessing local attractions, recreation facilities and neighbouring tourism destinations. STRA supports local employment, hospitality, retail spending, trades and tourism activity. These economic benefits should be explicitly recognised within the policy objectives alongside residential amenity considerations.<br>4. Longer approval periods should be available to compliant operators.<br>The policy should reward responsible operation. Operators with strong compliance histories and no substantiated complaints should be eligible for longer approval periods without the need for ongoing administrative reassessment. This would reduce cost and red tape for both operators and the City while allowing resources to be directed towards genuine compliance issues.<br>5. Consistency with the State STRA framework should remain a priority.<br>The State Government has recently introduced a comprehensive registration and planning framework for STRA. Local policy should complement this framework | |

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| | | | rather than create additional layers of regulation that vary significantly between local governments. Greater consistency across jurisdictions improves compliance, reduces uncertainty and provides clearer expectations for property owners.<br>6. Focus enforcement on problematic operators rather than creating additional blanket controls.<br>The discussion paper notes that complaints relating to STRA within Cockburn are currently limited. In our view, an effective compliance and enforcement framework targeted at genuinely problematic properties is likely to deliver better outcomes than broad restrictions applied to all operators regardless of performance.<br>In summary, Let Go supports the intent of the draft policy and many of its objectives. However, we encourage the City to adopt a more balanced approach that protects residential amenity while also recognising property rights, supporting tourism accommodation, minimising unnecessary administrative burden and encouraging investment by responsible operators. Such an approach would provide a stronger long-term outcome for residents, visitors, businesses and property owners alike. | |
| 38 | Resident | Success | **SUPPORT:**<br>Q6 & 7 – STRONGLY SUPPORT<br>I support the proposed restriction, as the growth of un-hosted short-term rentals can reduce the availability of long-term housing and change the character and stability of residential neighbourhoods. However, I do not believe these concerns are limited to properties within 400 metres of schools. The council should also consider broader measures to prevent an excessive concentration of short-term rentals in residential areas.<br><br>Q8 & 9 – STRONGLY SUPPORT<br>Un-hosted short-term accommodation on rear or battleaxe lots can have a disproportionate impact on neighbouring residents because of limited parking and the close proximity of surrounding homes. Regular guest turnover may also affect the residential character and amenity of the neighbourhood.<br><br>Q10 | Noted.<br><br>**Excluding Long-Term Non-Hosted STRA from Residential Areas:**<br>The 90-night restriction falls beyond the control of the local government.<br>*Schedule 2, part 7, cl.61 (ea) of the Planning and Development (Local Planning Schemes) Regulations 2015* allows hosted STRA to operate without development approval. For un-hosted STRA, development approval is only required when the property is rented for more than 90 nights in a relevant 12-month period.<br>With regards to un-hosted STRA operating more than 90 nights in a relevant 12-month period, the City considered 3 levels of regulation when preparing the policy. The 3rd approach looked at only supporting un-hosted short-term accommodation in residential areas if it has a direct interface with noise generating (non-residential) uses. At this stage, this |

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| | | | Similar protections should apply more broadly across established residential neighbourhoods. Consideration should also be given to cul-de-sacs, narrow streets, strata complexes and areas with limited parking<br><br>Q11 & 12 – STRONGLY SUPPORT<br><br>Q13 & 14 – STRONGLY SUPPORT<br>Reduce the potential for overcrowding and limit the noise, traffic, parking and waste issues. A 12-person limit will help ensure these properties remain compatible with the surrounding neighbourhoods<br><br>Q16<br>I support the protections proposed for properties within 400 metres of schools, but believe the policy should consider applying similar protections more broadly across residential neighbourhoods. The impacts of un-hosted short-term accommodation, including noise, traffic, parking pressures and changes to neighbourhood character, are not limited to areas near schools. | option was considered overly restrictive given the relatively low number of STRA properties and the limited number of complaints received. As the STRA sector continues to evolve, the City will monitor its impacts and consider whether changes to the policy are needed in the future. |
| 39 | STPM Business Operator | Perth | **COMMENT:**<br>As an operator managing a substantial portfolio of short-term accommodation, I understand the City's objective of protecting residential amenity. Based on the summary provided, however, I do have concerns that restrictions relating to schools, battleaxe lots, bedroom numbers and recurring time-limited approvals may be too broad.<br><br>In practice, the quality of the management often has far more bearing on neighbourhood amenity than the configuration or location of the property itself. A professionally managed property has clear accountability, guest screening, enforceable house rules, noise monitoring and 24-hour support, whereas problems are more likely to arise where there is insufficient oversight or no effective response when an issue occurs.<br><br>I believe the policy would be stronger if properties were assessed on their individual merits, including parking, occupancy, proximity to neighbours, management arrangements and compliance history. Where a property | Noted<br><br>The City's policy must recognise that now all STRA will be professionally managed.<br><br>In response to submissions, additional criteria are proposed to allow lots within direct street frontage to be considered. |

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| | | | or owner presents a higher risk, requiring professional management as a condition of approval may be a more targeted and effective response than broadly excluding otherwise suitable properties.<br><br>I would welcome the opportunity to discuss this with you and provide practical industry feedback before the policy is finalised, particularly around how professional management could form part of a more targeted compliance framework. | |
| 40 | Government Department (LGIRS) | Perth | **COMMENT:** I am reaching out to provide feedback on the draft Local Planning Policy 1.15 : Tourist and Alternate Accommodation, shared with the Department of Local Government, Industry Regulation and Safety (LGIRS) on 29 July 2026. In particular, the City's reference to the WA STRA planning framework, and that operators of STRA may use dwellings for the purpose of unhosted STRA for a maximum of 90 nights within a calendar year without needing to obtain prior development approval.<br><br>Clause 61(2)(eb)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulation) prescribes that development approval (DA) is not required for works if used as unhosted short-term rental accommodation for no more than 90 nights in a **relevant 12-month period**. Clause 61(10) indicates that a reference in subclause (2)(eb) to a relevant 12-month period in relation to unhosted short-term rental accommodation is a **reference to the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the *Short-Term Rental Accommodation Act 2024* Part 3**, or **any subsequent 12-month period commencing on the anniversary of that day**.<br><br>LGIRS shares STRA registration data with the City through access to the STRA Register. This provides access to STRA registration records for premises registered in the City of Cockburn, including property location, records of bookings (and count of booked nights), and registration expiry date, allowing for monitoring of compliance with DA requirements. This | Noted.<br><br>It is recommended the policy be amended to refer to a 12-month period, rather than 'calendar year', as there was no intention to create inconsistency with the Regulations. |

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| | | | allows for visibility where STRA has exceeded the 90-night DA exemption period. The STRA Register also issues notification to operators of STRA in the Perth metro region when 80 & 90 booked nights have been reached within a 12-month registration period, informing operators of DA requirements for unhosted STRA.<br><br>In accordance with the Planning Regulations, The STRA Register calculates booked nights within a 12-month registration period, with this calculation re-setting when the registration enters a new (renewal) period. This applies to the information that is shared with local governments, and notification of DA requirements issued to STRA operators.<br><br>Should the City use booked nights by calendar year as the indicator to when development approval for unhosted STRA is required (as suggested in the draft policy), this will be inconsistent with how booked nights are calculated and displayed in the STRA Register. This may result in inconsistencies in assessment with determining when a DA may be required for unhosted STRA (if the City is to use STRA registration data to form this assessment), and information shared with industry. I wish to provide feedback on whether changes should be considered to the City's draft Local Planning Policy 1.15, to capture un-hosted STRA operating for more than 90 nights within a 12-month period of STRA registration (rather than within a calendar year). | |
| 41 | Resident | Spearwood | **OPPOSE:**<br>Q6 & 7 – OPPOSE<br>Supports only a certain sector of the community. 400m doesn't alter catchment availability that much.<br><br>Q8 & 9 – SUPPORT<br>Q11 & 12 – OPPOSE<br>Q13 & 14 - OPPOSE | Noted |
| 42 | Resident | Spearwood | **OPPOSE:**<br>Q6 & 7 – OPPOSE<br>Hotels are not restricted why should small business be. | Noted |

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| | | | Q8 & 9 – STRONGLY OPPOSE<br>No more noise or disruption from short term tenants than long term tenants. What's the evidence!? And again, why a rear block would cause more disruption than a street facing block. Seems prejudice to me<br><br>Q11 & 12 – STRONGLY SUPPORT<br>Define time limited approvals<br><br>Q13 & 14 – OPPOSE<br>More housing crisis and families not staying together | **Battleaxe lots**<br>Comments regarding rear battleaxe lots are noted, and proposed modifications to the policy are recommended to provide criteria to consider such lots.<br><br>**Hotels versus STRA**<br>The purpose of the 'Residential' zone under TPS 3 is to provide a range of housing options, encourage high quality residential development, and allow non-residential uses only where they are compatible with and complementary to the surrounding residential area.<br><br>Hotels are generally located in commercial, mixed-use, centre, or tourism precincts rather than residential neighbourhoods. By contrast, non-hosted STRA is a non-residential use operating within Residential zones and therefore must be managed to ensure it remains compatible with the residential character and amenity of the area. |
| 43 | Resident | Coogee | **COMMENT:**<br>Q6 & 7 – NEUTRAL<br>I think it might enable families to live, buy and rent in closer proximity to schools but in reality it is unlikely to have a major impact.<br><br>Q8 & 9 – OPPOSE<br>STR's operating through the major OTA's like Airbnb etc have rules around noise/parties etc and most of them restrict these activities. As such, if there is an issue it can be reported and enforced through removal of the guest causing the noise issue. Any home, if battleaxe should also have parking provided as part of the build or zoning/building requirements at the time so I don't believe that operating as an STR will have any more impact that other homes.<br><br>Q11 & 12 – SUPPORT<br>No. | Noted.<br><br>**Battleaxe lots**<br>The requirements recognise that not all STRA will necessarily be operated through OTA's where there is an element of regulation through that system.<br><br>The issue with dwellings on battleaxe lots or lots without direct street frontage is the greater potential for negative impacts due to multiple interfaces, communal access etc. However, the City is recommending some further guidance around potential STRA for these lots, recognising there may be circumstances where they are appropriate, whilst still acknowledging they are generally non-preferred locations. |

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| | | | Q13 & 14 – SUPPORT<br>Less issue with congestion, parking and noise in an area due to the reduction in size and capacity of a lodging house<br><br>Q16<br>No | |
| 44 | STA Business Operator | | **SUPPORT:** We support the City's goal of protecting residential amenity, but based on the summary circulated, some of the proposed restrictions — around school proximity, battleaxe lots, bedroom numbers, and time-limited approvals that require repeat renewal — seem broader than necessary to achieve that goal.<br><br>In our experience managing a large portfolio of STA properties, amenity outcomes are driven far more by the standard of management than by a property's layout or location. Well-managed properties have clear accountability: guest vetting, enforceable house rules, noise monitoring, and round-the-clock response capability. Issues tend to arise where oversight is weak or there's no one available to act when a complaint comes in — not because of a property's bedroom count or lot type.<br><br>A more effective policy, in our view, would assess properties on individual risk factors — parking, occupancy limits, proximity to neighbours, management standards, and compliance history — rather than applying blanket exclusions to categories of otherwise compliant homes. For higher-risk properties or operators, mandating professional management as a condition of approval would target the actual risk more precisely than ruling out properties based on their physical characteristics. | Noted<br><br>The physical characteristics of the property are likely to influence the potential impact of STRA, including parking and activity and are relevant to the appropriateness of a property of STRA. The City's priority is protecting residential amenity.<br><br>The policy does not propose 'blanket exclusions' and all measures are preferred operational characteristics, with proposals considered on their merits. |
| 45 | Residents | North Coogee | **SUPPORT**: The Council of Owners appreciates the opportunity to comment on the proposed amendments to Local Planning Policy 1.15 and supports the City of Cockburn's objective of providing a clear and consistent planning framework for short-term rental accommodation | Noted<br><br>**Residential Apartment Buildings**<br>The City recognises that apartment buildings present unique considerations and that proposals for long-term non-hosted STRA may warrant careful |

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| | | | (STRA), while protecting residential amenity and the supply of housing for permanent occupation.<br><br>Our submission is directed particularly to unhosted STRA within established residential strata apartment buildings.<br><br>1. Residential strata buildings require particular consideration<br><br>A residential apartment building is fundamentally different from a detached dwelling.<br><br>Residents share entrances, foyers, lifts, corridors, stairwells, parking areas and other common property. They have shared costs for cleaning and maintenance. A permanent residential community also develops an expectation of familiarity, security and continuity among residents.<br><br>Unhosted STRA introduces a materially different pattern of occupation, with frequent turnover of paying guests who may have no connection with the residential community. The resulting impact can extend beyond the individual apartment to shared areas and the amenity, security and sense of community of the entire building.<br><br>For this reason, we submit that the assessment of unhosted STRA should expressly distinguish established residential strata buildings from detached dwellings.<br><br>2. The previous LPP 1.15 (1) 1.4 recognised this distinction<br><br>The current LPP 1.15 provides that the use of one or more of grouped dwellings within a complex for tourist accommodation shall generally not be supported. It also provides that tourist accommodation in the form of apartments on residential land should include an entrance/foyer with a reception desk attended during check-in and check-out times.<br><br>We acknowledge that the State's subsequent STRA reforms have changed the classification and regulatory | assessment. For this reason, it is recommended the policy be amended to include the following provisions:<br><br>*Unhosted STRA will not be supported in multiple dwellings unless there is sufficient evidence provided indicating the STRA can operate under the Strata bylaws and/or approval from the Strata Company.*<br><br>*Where the above can be demonstrated, consideration will be given to the impacts of the proposed application and whether it can function appropriately within an apartment building, including parking, access, security, noise and any potential nuisance to common areas that may impact residential amenity.* |

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| | | | framework and that the City proposes to address STRA separately within the amended policy.<br><br>However, we submit that the planning rationale underlying these existing provisions remain relevant. The removal of the provisions should not result in reduced recognition of the particular impact that unhosted STRA can have within a residential apartment complex.<br><br>We therefore ask that equivalent protections for established residential strata buildings be retained in an appropriate form within the new STRA provisions.<br><br>3. Recommended policy approach<br><br>We respectfully submit that the amended LPP 1.15 should expressly recognise that:<br><br>• Unhosted STRA in an established residential strata apartment building may have impacts materially different from those associated with a detached dwelling;<br>• the shared nature of common property should be considered in assessing residential amenity, security, noise, parking, additional shared costs and visitor impacts;<br>• the established residential character and expectations of the existing community should be a relevant consideration;<br>• applications for Unhosted STRA within residential strata apartment buildings should be assessed having regard to the cumulative effect of transient occupation on the building and residents; and<br>• where a strata scheme has a valid registered by-law prohibiting STRA, the existence and purpose of that by-law should be recognised as a relevant contextual consideration in the planning and assessment, without suggesting that planning law and strata-law are interchangeable.<br><br>Conclusion | |

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| | | | We support the City's intention to provide greater clarity and consistency in the assessment of Unhosted STRA.<br><br>However, we respectfully request that the amended LPP 1.15 retain a specific and meaningful recognition of the particular planning and residential amenity issues arising when Unhosted STRA is introduced into an established residential strata apartment building. | |
| 46 | Tourism Business Partner | Aus/NZ | **COMMENT:**<br>**About ASTRA**<br>ASTRA is the peak industry association for short-term rental accommodation across Australia and New Zealand. ASTRA represents participants across the short-term rental accommodation sector, including hosts, property managers, and the broader network of small businesses that support short-term accommodation. The sector encompasses a wide range of accommodation models, from families sharing their own homes, regional holiday homes, hosted accommodation, and flexible temporary accommodation.<br><br>ASTRA advocates for balanced, evidence-based regulation that protects residential amenity, supports local businesses, and respects the property rights of everyday homeowners. Since the introduction of Western Australia's statewide short-term rental accommodation framework in 2024, ASTRA has worked, and continues to work, collaboratively with the WA Government and local councils to ensure the smooth implementation of clear, consistent, and practical settings state-wide.<br><br>**STRA in Cockburn**<br>Short-term rental accommodation (STRA) forms an important part of Cockburn's overall accommodation offering, providing flexible options for visitors, workers, and families. The overwhelming majority of STRA operators are everyday families sharing their primary residence or secondary property at different life stages—whether travelling for work, living interstate or overseas temporarily, FIFO workers sharing their homes while away, or sharing their home during holiday periods. For many Cockburn residents, hosting provides an economic | Noted<br><br>The exemptions available under the Regulations provide generous flexibility for landowners to use their primary residence for STRA, including for periods of travel (up to 90 days in a 12-month period). Hosted STRA offers flexibility to rent unused rooms in a dwelling to assist with cost-of-living pressures or supplement retirement income. Additional flexibility for landowners is not considered to be necessary.<br><br>**400m School Buffer Zone**<br>The proposal does not restrict hosted STRA which is exempt, therefore households that live near a school can still share their home.<br><br>**Grouped Dwelling and Battle-Axe Exclusion**<br>It is recommended that the draft amended LPP 1.15 be updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a 12-month period on rear battleaxe lots or lots lacking direct street frontage, notwithstanding their continued designation as a non-preferred location.<br><br>**Approval Length**<br>As per section 2.2.1of the Policy 'Where the City is satisfied that the STRA has been appropriately managed, subsequent approvals may be granted for a longer period up to three years.' |

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| | | | lifeline to help meet rising mortgage costs, keep pace with cost-of-living pressures, or supplement retirement income.<br><br>Importantly, STRA is not solely used for holiday travel. ASTRA's industry data indicates that around 40 per cent of stays are for non-leisure purposes, including work travel, medical visits, family care, education, emergency displacement, and temporary relocation.<br><br>The economic benefits of STRA extend directly into the local economy, supporting trade maintenance, cleaning services, retail, and local hospitality across Cockburn. Across Western Australia, hosts on Airbnb alone contribute $1.8 billion in total Gross State Product, $1.2 billion in guest spending, and directly support 8,600 jobs across the state.[1]<br><br>**Response to the Proposal**<br>ASTRA acknowledges the City of Cockburn's practical approach in excluding caps and broad zoning exclusions from the proposed framework. As noted in the Discussion Paper, caps and zoning restrictions are difficult to administer fairly, create inequity among Cockburn homeowners and are inappropriate policy mechanisms.<br><br>ASTRA supports Council's focus on operational management to address genuine amenity consideration in a targeted way. However, to maintain a balanced framework, this same logic should apply to the proposed school buffers and battle-axe and group dwelling exclusions, which create similarly arbitrary exclusions and property inequities across Cockburn neighbourhoods.<br><br>**Broader Housing Context & Cockburn Local Impact**<br>As highlighted in the Discussion Paper, broader housing pressures across Western Australia and Australia are shaped by complex structural factors, including population growth, construction timelines, interest rate shifts, and broader income trends relative to housing costs.<br><br>Within the City of Cockburn, out of 47,413 total private dwellings[2], there are currently 130 registered unhosted STRA properties[3]. Council's discussion paper indicates that 27% of these unhosted properties operate for more | |

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| | | | than 90 nights per year[4], representing approximately 35 dwellings. This cohort accounts for just 0.074% of Cockburn's total housing stock. Restricting or prohibiting ~35 properties will have a mathematically imperceptible impact on housing availability while placing unnecessary restrictions on Cockburn homeowners and administrative burden on Council.<br><br>It is also worth noting that static registration figures do not fully reflect how STRA operates in practice. Unlike dedicated commercial accommodation, short-term accommodation arrangements are naturally fluid. Homeowners often choose to host intermittently, moving properties on and off the register as their personal circumstances, work requirements, or family needs change over time. Because this small pool of properties naturally shifts between uses, restricting such small numbers would have a negligible effect on housing availability and affordability, while removing practical flexibility for local families navigating different stages of life.<br><br>[4] City of Cockburn. Discussion Paper. Long Term Un-hosted STRA LPP: Unhosted_STRA_-_Discussion_Paper.pdf [3] STRA Accommodation Registration data. Government of Western Australia (accessed 7 August 2026): Short-Term Rental Accommodation registration data [2] ABS data. Cockburn (accessed 7 August 2026): 2021 Cockburn, Census All persons QuickStats \| Australian Bureau of Statistics [1] Oxford Economics report reveals Airbnb's $20.3 billion impact in Australia. August 2025: Oxford Economics report<br><br>**400m School Buffer Zone Inequity**<br>ASTRA strongly opposes the proposed provision to generally refuse unhosted STRA within 400 metres of primary and secondary schools. This creates an inherently inequitable outcome: local families who happen to live near a school are stripped of their ability to share their home, while identical homeowners outside the buffer retain that flexibility. Furthermore, the Discussion Paper provides no local evidence demonstrating that STRA within 400 metres of a school creates a distinct, measurable impact on child safety, traffic, or neighbourhood stability compared to properties outside that boundary. Without supporting data, applying a 400- | |

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| | | | metre radius around every school functions as an arbitrary location-based prohibition rather than a proportionate tool to manage actual operational risk.<br><br>**Multi-Dwelling and Battle-Axe Exclusion**<br>The proposal to automatically exclude battle-axe lots and internal dwellings within grouped developments—while carving out an exception solely for front dwellings facing the street—introduces severe spatial distortion and property inequality. In a multi-dwelling site or strata scheme, all lot owners pay identical rates and maintenance contributions, yet this policy arbitrarily prevents internal residents in Cockburn from sharing their homes while allowing the front owner to do so based solely on property geometry.<br><br>The draft Policy already incorporates the requirement for all operators to submit a tailored Management Plan to address potential operational considerations such as parking, noise, and waste. Furthermore, in WA, Strata and Community Title schemes are already governed by scheme by-laws, which dictate whether STRA can operate within a complex. Rather than imposing a blanket planning exclusion across non-street-frontage lots, Council should rely on these existing Management Plan requirements and established scheme by-laws to manage amenity effectively.<br><br>**ASTRA recommends:**<br>1. removing the 400m school buffer<br>2. removing the general exclusion for battle-axe lots and internal dwellings<br>3. assess applications case-by-case using Management Plan requirements<br>4. allow longer renewal periods for well-managed STRA where there is no history of complaints or amenity issues<br><br>**Conclusion**<br>ASTRA acknowledges the City of Cockburn's policy objectives to improve housing outcomes and preserve residential amenity. However, as the Discussion Paper highlights, unhosted STRA operating over 90 nights | |

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| | | | represents a fraction of a percent (0.074%) of Cockburn's overall housing footprint. ASTRA supports proportionate operational controls that address genuine amenity concerns, provided they are flexible, evidence-based and assessed against actual management practices rather than blanket assumptions.<br><br>Achieving Council's strategic goals does not require blunt, spatial exclusions that strip everyday homeowners of their ability to supplement their income by sharing their most expensive asset. Instead, residential character and neighbourhood wellbeing can be effectively safeguarded through the operational controls already proposed in LPP 1.15 in addition to Council's noise controls and other amenity regulations. ASTRA welcomes the opportunity to continue working with the City of Cockburn to refine draft LPP 1.15 into a balanced framework that protects local amenity while maintaining fairness and flexibility for Cockburn residents. | |
| 47 | Tourism Business provider (Airbnb) | Worldwide | **OPPOSE:**<br>Q6 & 7 – STORNGLY OPPOSE<br>The City's own Discussion Paper indicates that STRA registrations in Cockburn have been declining since November 2025, and that the number of complaints related to STRA is "limited" in the City. Taken together, this points to a local STRA market that is modest in scale and not generating the kind of amenity pressure that would justify a significant escalation in regulation.<br><br>On this evidence, the case for moving from minimal regulation to a more restrictive policy setting has not been established.<br><br>Airbnb recommends the City retain its current regulation settings for un-hosted STRA - continuing to rely on the existing management plan, on-site parking and amenity-based assessment requirements - rather than adopting the more restrictive controls proposed.<br><br>The rationale for a 400-metre exclusion around all primary and secondary schools is over-inclusive and under evidenced. The rationale for this criterion appears directed | Noted<br><br>**400m Radius School Restriction**<br>Homeowners within the catchment would still have the opportunity to rent a room in their home, or their entire dwelling for up to 90 nights within a 12-month period, helping to offset mortgage costs.<br>Setting school zoned as undesirable location prioritise long-term family housing near schools, as these locations are prime locations, well suited to stable residential communities. Areas within 400 metres of a school — equivalent to an approximate 5-minute walk — represent a highly walkable catchment for young children and should be preserved.<br><br>**Grouped Dwelling and Battle-Axe Exclusion**<br>It is recommended that the draft amended LPP 1.15 has been updated to include assessment criteria for non-hosted STRA frontage properties operating for more than 90 nights in a relevant 12-month period on rear battleaxe lots or lots lacking direct street |

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| | | | at general housing-supply and neighbourhood-stability objectives, rather than any specific, demonstrated STRA amenity impact associated with proximity to schools.<br><br>The AHURI research cited in the Discussion Paper indicates that un-hosted STRA is generally a secondary factor in metropolitan housing pressures unless it is highly concentrated. If the concern is housing availability or neighbourhood stability, the relevant question is whether STRA is concentrated in the areas affected by the proposed exclusion. The City's evidence does not establish that connection.<br><br>Given the number and distribution of schools across the City, a 400-metre exclusion could exclude a substantial share of residential property from eligibility for un-hosted STRA. That outcome would be significant, particularly if applied cumulatively with the other proposed exclusionary criteria.<br><br>We recommend that the City remove the 400-metre school exclusion and instead assess STR proposals near schools on their individual merits, using the same planning tools already available to the city, rather than excluding a property from consideration based on proximity alone.<br><br>Q8 & 9 – STRONGLY OPPOSE<br>The City's own Discussion Paper indicates that STRA registrations in Cockburn have been declining since November 2025, and that the number of complaints related to STRA is "limited" in the City. Taken together, this points to a local STRA market that is modest in scale and not generating the kind of amenity pressure that would justify a significant escalation in regulation. That evidence does not point to an unmanaged or escalating problem. Rather it suggests the local market is reflecting the operation of the State's STRA regulatory framework, supported by Airbnb's own 24/7 Neighbourhood Support Line, which allows nearby residents to raise concerns directly and receive a response without council intervention. This is a sign the City can achieve its | frontage, notwithstanding their continued designation as a non-preferred location.<br><br>The City of Cockburn is seeking to proactively ensure a growing and cumulative impact of STRA on the permanent housing stock does not occur, looking at the trends seen interstate and overseas.<br><br>The City has sought stakeholder feedback on the proposed approach which has been broadly supported by the community who have expressed concern regarding the potential impact widespread STRA.<br><br>**Approval Length**<br>As per section 2.2.1 of the Policy 'Where the City is satisfied that the STRA has been appropriately managed, subsequent approvals may be granted for a longer period up to three years.'<br><br>Whilst it is understood this may not provide the level of certainty some provider may want; this is considered critical to ensure the impact of STRA generally can be continually monitored and the policy approach adjusted as required.<br><br>**Signage Requirements**<br>This measure will assist in making properties easily identifiable, enhancing operator accountability, and encouraging compliance with operational requirements. It will also provide neighbouring residents with a clear point of contact for resolving issues promptly.<br><br>Signage requirements apply only to STRA operating for more than 90 nights within a relevant 12-month period so it is anticipated that many of these properties will be professionally managed, in which case the name and contact details of the management company will be displayed.<br><br>The measures introduced by Airbnb to minimise the negative impacts of STRA are acknowledged as |

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| | | | objectives through proportionate, evidence-led settings rather than significant additional intervention.<br><br>On this evidence, the case for moving from minimal regulation to a more restrictive policy setting has not been established.<br><br>Airbnb recommends the City retain its current regulation settings for un-hosted STRA - continuing to rely on the existing management plan, on-site parking and amenity-based assessment requirements - rather than adopting the more restrictive controls proposed.<br><br>The draft policy states that STRA 'will generally not be approved' on battleaxe lots or lots without street frontage. This appears to create a broad presumption against approval based on lot geometry alone, rather than any assessed or demonstrated amenity impact at a given property.<br><br>The Discussion Paper gives general planning rationales for the proposed location criteria, but does not identify Cockburn-specific verified complaint evidence linking battleaxe lots or lots without street frontage to STRA amenity impacts. Given the City's evidence that STRA complaints are limited overall, a location-based presumption against approval should not be adopted unless evidence shows that this specific category of property is causing distinct or recurring amenity impacts.<br><br>A battleaxe lot does not create amenity impacts simply because of its geometry. The relevant question is whether the specific property can operate as STRA without unacceptable impacts on neighbouring residents, having regard to matters such as noise, traffic and overflow parking.<br><br>Airbnb recommends that the City remove the blanket presumption against approval for battleaxe lots and lots without street frontage, and instead assess these properties on a case-by-case basis against effects-based criteria. This approach is consistent with the approaches taken by other metropolitan councils, including the City of | positive steps. However, not all STRA are registered through such platforms. |

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| | | | Joondalup and City of Gosnells, and would be more proportionate, transparent and closely aligned with the City's evidence.<br><br>Q11 & 12 – STRONGLY OPPOSE<br>Airbnb understands the City's rationale for introducing standard time-limited approvals in place of Section 29 certificate enforcement. However, the proposed renewal test, which would require the City to have 'due regard to the history of the STRA operation' is not sufficiently clear. Without objective criteria, renewal decisions become uncertain for hosts and inconsistent for decision makers over time.<br><br>Given the City's statement that STRA complaints are limited, renewal should be directed to actual operating history rather than a broad discretionary reassessment each year. This would direct regulatory scrutiny where justified, while giving well-managed home owners a clear pathway to renewal.<br><br>That certainty is particularly important for home owners who have invested in compliance, registration, management systems, insurance, and guest-safety measures. Well-managed home owners should not face renewal uncertainty in the absence of non-compliance.<br><br>Airbnb recommends that the City adopt clear and objective renewal criteria, rather than the undefined 'history of the operation' test currently proposed. These could largely draw on requirements already in place; continued state registration, an up-to-date management plan and current owner/manager contact details, and compliance with approval conditions. This would give hosts, neighbours, and Council officers greater certainty while preserving the City's ability to refuse renewal where there are well understood and documented grounds.<br><br>The proposed limit of one booking for properties with up to three bedrooms, together with a maximum of two guests per bedroom, is too rigid for the visitor needs that STRA accommodates. | |

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| | | | On restricting the number of bookings by bedroom count: The Discussion Paper does not identify larger bookings or higher-bedroom dwellings as a demonstrated driver of verified complaints in Cockburn. In that context, a fixed cap risks regulating theoretical impacts rather than actual behaviour.<br><br>On restricting the number of guests per bedroom: Larger family groups, multi-generational travel, carers accompanying patients, relocating households, and other visitors may all require larger properties where guest limits by bedroom would be problematic.<br><br>It is unclear how the City would capture the required information for each of these restrictions and enforce these criteria.<br><br>We recommend the City retain existing flexibility where it can be demonstrated that the property can accommodate the proposed occupancy without adverse amenity impacts, rather than applying a fixed cap.<br><br>While Airbnb supports transparency and accountability, requiring individual dwellings to display signage listing the STRA registration number, home owner or manager contact details may create safety and privacy concerns for hosts. Most of Airbnb's hosts in Western Australia are ordinary residents rather than commercial operators - 85% share just one property - and many host only when they themselves are away, meaning the property can be visibly vacant during a listed stay. Publicly identifying a property as an un-hosted short-term rental can expose it to unwanted attention or crime risk while vacant, and can compromise the safety of hosts or guests who need to keep an address confidential, including those escaping domestic violence.<br><br>The State's STRA Register already provides a mechanism for transparency. Members of the public can search a specific address to confirm whether it is registered as STRA or verify a registration number, without the owner's or manager's personal contact details being publicly disclosed. The State Government's new interactive | |

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| | | | reporting tool, launched on 7 August 2026, provides further public visibility of STRA activity through monthly data by region, local government area, accommodation type and hosting status. Airbnb's 24/7 Neighbourhood Support Line also allows neighbours to report concerns about a specific property directly.<br><br>Airbnb recommends the City remove the mandatory on-site signage requirement. Existing State-level registration and reporting mechanisms already provide appropriate transparency, while Airbnb's neighbourhood support channel provides a direct pathway for concerns to be raised, without creating the privacy and safety risks associated with publicly identifying individual homes and displaying host or manager contact details.<br><br>Q13 & 14 – NEUTRAL<br>Airbnb is a community-based platform that connects people who want to share their homes with guests seeking unique, local travel experiences. Across Western Australia, and increasingly in the City of Cockburn, Airbnb helps broaden accommodation options for visitors, supporting the City's role both as a recreation and day-trip destination in its own right and, in the years ahead, as a critical accommodation node for the workforce build-up associated with the Henderson Defence Precinct, HMAS Stirling and Australia's AUKUS submarine enterprise.<br><br>According to a recent report by Oxford Economics using Airbnb data, guests who stay in listings on Airbnb make significant contributions to local economies and jobs. The latest available figures show that in Western Australia, Airbnb guest spending contributed $1.8 billion to Gross State Product, supported 8,600 jobs, and generated $600 million in wages.<br>Source: Oxford Economics, The Economic Impact of Airbnb in Australia, 2025 (2024 prices).<br><br>While Airbnb supports the City's efforts to modernise and clarify its planning framework, we have significant concerns that several of the additional controls proposed for un-hosted STRA- particularly the 'moderately | |

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| | | | regulated' option set out in the Discussion Paper - go beyond what the City's own evidence base supports, and risks constraining a flexible accommodation option that will become increasingly important to the sub-region as major defence investment proceeds.<br><br>Q16<br>Airbnb welcomes the opportunity to make a submission in response to the City of Cockburn's public advertising of the draft amended Local Planning Policy 1.15 - Tourist and Alternative Accommodation (including STRA), and the accompanying Discussion Paper: Long Term Un-hosted STRA LPP. We commend the City for reviewing its policy framework following the State Government's short-term rental accommodation (STRA) planning reforms, and for the detailed, evidence-based approach taken in the Discussion Paper.<br><br>Airbnb is a community-based platform that connects people who want to share their homes with guests seeking unique, local travel experiences. Across Western Australia, and increasingly in the City of Cockburn, Airbnb helps broaden accommodation options for visitors, supporting the City's role both as a recreation and day-trip destination in its own right and, in the years ahead, as a critical accommodation node for the workforce build-up associated with the Henderson Defence Precinct, HMAS Stirling and Australia's AUKUS submarine enterprise.<br><br>While Airbnb supports the City's efforts to modernise and clarify its planning framework, we have significant concerns that several of the additional controls proposed for un-hosted STRA- particularly the 'moderately regulated' option set out in the Discussion Paper - go beyond what the City's own evidence base supports, and risks constraining a flexible accommodation option that will become increasingly important to the sub-region as major defence investment proceeds. We set out our concerns and recommendations below.<br><br>2. Airbnb in Western Australia<br>According to a recent report by Oxford Economics using Airbnb data, guests who stay in listings on Airbnb make | |

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| | | | significant contributions to local economies and jobs. The latest available figures show that in Western Australia, Airbnb guest spending contributed $1.8 billion to Gross State Product, supported 8,600 jobs, and generated $600 million in wages.<br>Source: Oxford Economics, The Economic Impact of Airbnb in Australia, 2025 (2024 prices).<br><br>Most of our hosts in WA are everyday Australians who share just one property (85%) on our platform, which helps many remain in their local community by supplementing their income through home sharing. In a survey of WA hosts, 78% say hosting on Airbnb allows them to meet the rising cost of living and 50% say their hosting income has helped them stay in their home. Almost a third (30%) of WA hosts work in education, healthcare, hospitality or the arts.<br><br>For many hosts, sharing their home is not a commercial enterprise - it is a practical response to cost-of-living pressures, and a way to welcome visitors to the communities they love.<br><br>3. Airbnb and the City of Cockburn's Visitor Economy<br>While the City of Cockburn plays an important role within the greater Perth visitor economy, it is important to understand that guests often use STRA, including Airbnb, for non-leisure travel.<br><br>For example, Fiona Stanley Hospital provides a broad range of specialist services to patients across Western Australia, including those who must travel from regional areas for treatment over extended periods. For these patients, STRA allows partners, children, parents, pets and carers to stay nearby in a setting that is often more practical, affordable, and supportive than a hotel room. This matters because recovery is not only clinical, but emotional and relational, and many families need accommodation that feels home-like while loved ones receive care. Preliminary findings from a forthcoming 2026 Griffith University report confirm that guests in these situations frequently describe STRA as their only viable option. | |

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| | | | The same need will become increasingly important as the City's civic and sporting role expands. From 2026, Cockburn ARC is expected to host AFLW matches, drawing spectators, visiting players, support staff, and families who will need accommodation close to the venue. The City's broader plans for mixed-use health, education and community facilities will only increase demand from visitors who are not holidaymakers, but patients, carers, students, professionals, athletes, and families participating in the life of the City. A balanced supply of STRA is better understood as essential visitor infrastructure that supports health access, major events, local economic activity, and the City's development as a connected regional destination.<br><br>STRA already plays a meaningful role in meeting this demand. As outlined in the Discussion Paper, slightly more than half of registered STRA properties in the City are un-hosted. An un-hosted listing means the owner isn't staying on the property during a guest's visit. Often, homeowners are travelling themselves, visiting family, or living elsewhere temporarily. Un-hosted does not by default mean the property is owned by an investor or run as a commercial operation. The majority of un-hosted listings in WA are a person's primary home which is empty for a short window.<br><br>The City's evidence indicates that these properties are widely distributed across the local government area, broadening the City's accommodation mix beyond hotels, caravan parks, and camping facilities, and helping meet visitor needs in locations and circumstances that traditional commercial accommodation alone may not adequately serve.<br><br>Notably, the City's own analysis shows that STRA registrations in Cockburn have been declining since November 2025, and that the number of complaints associated with STRA remains limited. That evidence does not point to an unmanaged or escalating problem. Rather it suggests the local market is reflecting the operation of the State's STRA regulatory framework, | |

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| | | | supported by Airbnb's own 24/7 Neighbourhood Support Line, which allows nearby residents to raise concerns directly and receive a response without council intervention. This is a sign the City can achieve its objectives through proportionate, evidence-led settings rather than significant additional intervention.<br><br>A similarly measured approach can be seen in Brisbane, where the City Council announced in May 2026 that it would not proceed with its proposed Short Stay Accommodation Local Law, citing federal tax uncertainty, interest-rate pressure on the housing market, and evidence that short-term rentals serve broader community needs, including housing for domestic violence survivors, insurance claimants, and hospital patients.<br><br>4. STRA as Essential Accommodation Infrastructure for AU KUS-Driven Growth<br>The City of Cockburn sits at the heart of one of the most significant industrial transformations in Western Australia's history. The Commonwealth-owned Henderson Defence Precinct, located within the City of Cockburn, has been confirmed as a cornerstone of Australia's continuous naval shipbuilding and nuclear-powered submarine sustainment enterprise under AU KUS. Together with the adjacent HMAS Stirling naval base and the Submarine Rotational Force - West, which is expected to host rotational United Kingdom and United States submarines from 2027, activity across Henderson and HMAS Stirling is forecast to generate more than 10,000 jobs over the next two decades. This is growth the City's own Council has publicly welcomed, which will have direct implications for local accommodation demand.<br><br>This demand is likely to be varied and specialised: construction workers, technical trades, visiting contractors, and Defence and AU KUS partner personnel, some staying days or weeks and others for longer, some alone and some with family. The City's existing Workforce Accommodation provisions, built around single-employer, project-specific housing, are unlikely to fully capture this more diffuse, multi-employer build-up. Airbnb expects STRA will form part of the accommodation mix that helps | |

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| | | | meet this demand, and we encourage the City to treat that potential contribution as a live consideration in finalising LPP 1.15, rather than settling on more restrictive default settings before this demand is better understood.<br><br>5. Comments on the Draft Policy and Discussion Paper<br>Airbnb's comments below focus on the 'moderately regulated' option identified in the Discussion Paper, which appears closest to the direction reflected in the draft policy provisions. Airbnb supports proportionate, evidence based regulation that addresses demonstrated amenity impacts. However, the draft policy appears to go further than the evidence base currently justifies, particularly through broad exclusionary criteria that would restrict unhosted STRA based on location or property type rather than actual operating impacts.<br><br>5.1 The evidence base does not support an increased level of regulation<br><br>The City's own Discussion Paper indicates that STRA registrations in Cockburn have been declining since November 2025, and that the number of complaints related to STRA is "limited" in the City. Taken together, this points to a local STRA market that is modest in scale and not generating the kind of amenity pressure that would justify a significant escalation in regulation.<br><br>On this evidence, the case for moving from minimal regulation to a more restrictive policy setting has not been established.<br><br>Airbnb recommends the City retain its current regulation settings for un-hosted STRA - continuing to rely on the existing management plan, on-site parking and amenity-based assessment requirements - rather than adopting the<br>more restrictive controls proposed.<br><br>5.2 400-metre school exclusion zone<br><br>The rationale for a 400-metre exclusion around all primary and secondary schools is over-inclusive and under | |

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| | | | evidenced. The rationale for this criterion appears directed at general housing-supply and neighbourhood-stability objectives, rather than any specific, demonstrated STRA amenity impact associated with proximity to schools.<br><br>The AHURI research cited in the Discussion Paper indicates that un-hosted STRA is generally a secondary factor in metropolitan housing pressures unless it is highly concentrated. If the concern is housing availability or neighbourhood stability, the relevant question is whether STRA is concentrated in the areas affected by the proposed exclusion. The City's evidence does not establish that connection.<br><br>Given the number and distribution of schools across the City, a 400-metre exclusion could exclude a substantial share of residential property from eligibility for un-hosted STRA. That outcome would be significant, particularly if applied cumulatively with the other proposed exclusionary criteria.<br><br>We recommend that the City remove the 400-metre school exclusion and instead assess STR proposals near schools on their individual merits, using the same planning tools already available to the city, rather than excluding a property from consideration based on proximity alone.<br><br>5.3 Blanket exclusion of battleaxe lots and lots without street frontage<br><br>The draft policy states that STRA 'will generally not be approved' on battleaxe lots or lots without street frontage. This appears to create a broad presumption against approval based on lot geometry alone, rather than any assessed or demonstrated amenity impact at a given property.<br><br>The Discussion Paper gives general planning rationales for the proposed location criteria, but does not identify Cockburn-specific verified complaint evidence linking battleaxe lots or lots without street frontage to STRA amenity impacts. Given the City's evidence that STRA complaints are limited overall, a location-based | |

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| | | | presumption against approval should not be adopted unless evidence shows that this specific category of property is causing distinct or recurring amenity impacts.<br><br>A battleaxe lot does not create amenity impacts simply because of its geometry. The relevant question is whether the specific property can operate as STRA without unacceptable impacts on neighbouring residents, having regard to matters such as noise, traffic and overflow parking.<br><br>Airbnb recommends that the City remove the blanket presumption against approval for battleaxe lots and lots without street frontage,and instead assess these properties on a case-by-case basis against effects-based criteria. This approach is consistent with the approaches taken by other metropolitan councils, including the City of Joondalup and City of Gosnells, and would be more proportionate, transparent and closely aligned with the City's evidence.<br><br>5.4 Transitional arrangements for existing home owners<br><br>The draft policy does not appear to address transitional arrangements for existing, lawfully operating un-hosted STRA that would newly fall within an excluded category (for example, a battleaxe lot or a property within 400m of a school) if the policy is adopted.<br><br>This is important where the City's material indicates that registrations have been declining and complaints remain limited. Existing lawful home owners who have operated without verified amenity impacts should not be displaced solely because a new policy introduces broad exclusionary criteria.<br><br>Home owners may have obtained approvals, registered under the State framework, made compliance investments, and operated without complaint. It would be disproportionate for such home owners to lose their ability to operate solely because of a new policy setting, particularly where there is no evidence of adverse amenity impacts from the individual property. | |

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| | | | We recommend the City confirm that existing, currently approved STRA will be permitted to continue operating, or otherwise provide for an appropriate transition period.<br>5.5 Time-limited approvals and renewal uncertainty<br><br>Airbnb understands the City's rationale for introducing standard time-limited approvals in place of Section 29 certificate enforcement. However, the proposed renewal test, which would require the City to have 'due regard to the history of the STRA operation' is not sufficiently clear. Without objective criteria, renewal decisions become uncertain for hosts and inconsistent for decision makers over time.<br><br>Given the City's statement that STRA complaints are limited, renewal should be directed to actual operating history rather than a broad discretionary reassessment each year. This would direct regulatory scrutiny where justified, while giving well-managed home owners a clear pathway to renewal.<br><br>That certainty is particularly important for home owners who have invested in compliance, registration, management systems, insurance, and guest-safety measures. Well-managed home owners should not face renewal uncertainty in the absence of non-compliance. Airbnb recommends that the City adopt clear and objective renewal criteria, rather than the undefined 'history of the operation' test currently proposed. These could largely draw on requirements already in place; continued state registration, an up-to-date management plan and current owner/manager contact details, and compliance with approval conditions. This would give hosts, neighbours, and Council officers greater certainty while preserving the City's ability to refuse renewal where there are well understood and documented grounds.<br><br>5.6 Booking and occupancy limits<br><br>The proposed limit of one booking for properties with up to three bedrooms, together with a maximum of two | |

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| | | | guests per bedroom, is too rigid for the visitor needs that STRA accommodates.<br><br>On restricting the number of bookings by bedroom count: The Discussion Paper does not identify larger bookings or higher-bedroom dwellings as a demonstrated driver of verified complaints in Cockburn. In that context, a fixed cap risks regulating theoretical impacts rather than actual behaviour.<br><br>On restricting the number of guests per bedroom: Larger family groups, multi-generational travel, carers accompanying patients, relocating households, and other visitors may all require larger properties where guest limits by bedroom would be problematic.<br><br>It is unclear how the City would capture the required information for each of these restrictions and enforce these criteria.<br><br>We recommend the City retain existing flexibility where it can be demonstrated that the property can accommodate the proposed occupancy without adverse amenity impacts, rather than applying a fixed cap.<br><br>5.7 Signage requirements<br><br>While Airbnb supports transparency and accountability, requiring individual dwellings to display signage listing the STRA registration number, home owner or manager contact details may create safety and privacy concerns for hosts. Most of Airbnb's hosts in Western Australia are ordinary residents rather than commercial operators - 85% share just one property - and many host only when they themselves are away, meaning the property can be visibly vacant during a listed stay. Publicly identifying a property as an un-hosted short-term rental can expose it to unwanted attention or crime risk while vacant, and can compromise the safety of hosts or guests who need to keep an address confidential, including those escaping domestic violence. | |

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| | | | The State's STRA Register already provides a mechanism for transparency. Members of the public can search a specific address to confirm whether it is registered as STRA or verify a registration number, without the owner's or<br>manager's personal contact details being publicly disclosed. The State Government's new interactive reporting tool,<br>launched on 7 August 2026, provides further public visibility of STRA activity through monthly data by region, local government area, accommodation type and hosting status. Airbnb's 24/7 Neighbourhood Support Line also allows neighbours to report concerns about a specific property directly.<br><br>Airbnb recommends the City remove the mandatory on-site signage requirement. Existing State-level registration and reporting mechanisms already provide appropriate transparency, while Airbnb's neighbourhood support channel provides a direct pathway for concerns to be raised, without creating the privacy and safety risks associated with publicly identifying individual homes and displaying host or manager contact details.<br><br>6. Our Commitment to Safety and Good Behaviour<br><br>Airbnb continues to prioritise the safety of our community and implement measures to deter parties and stamp out poor behaviour. The overwhelming majority of guests who stay in Airbnb listings behave appropriately and treat the home and surrounding community with care and respect. Where issues do arise, Airbnb works actively to respond and prevent recurrence.<br><br>Over the past four years we have launched more than 810 new features and upgrades to help make Airbnb an overall better service for both hosts and guests. Some of these measures include:<br>A global ban on parties at Airbnb listings, permanently codified since July 2022. Since its initial implementation in 2020, the rate of parties reported over New Year's Eve has decreased by 70% in Australia. | |

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| | | | A high-risk reservation screening system that uses technology to identify potentially problematic reservations and prevent bookings from being completed, first piloted in Australia in October 2021 and now occupies a long-term place in the company's global anti-party arsenal.<br>The Neighbourhood Support Line at airbnb.com/neighbours, enabling nearby residents to report concerns directly and request a call from a specialised Airbnb support agent.<br><br>7. Airbnb City Portal and Support for the WA Registration Scheme<br><br>To better support local governments, Airbnb has launched a purpose-built product known as the City Portal, designed to equip regulators with data and tools to enforce local rules and inform better policy. Through the Airbnb City Portal, local governments can access:<br>The extent of STRA properties in the area, monthly guest volumes, and data on where guests are travelling from.<br>The average amount an Airbnb guest spends per day in the local community, local business and attraction recommendations, and other economic impact data.<br>Streamlined access to Airbnb's 24/7 Neighbourhood Support Line, and Airbnb's dedicated law enforcement portal.<br><br>We would welcome the opportunity to meet with the City's planning team in person to walk through the Portal and get the City set up (this can also be requested via the Airbnb website). The data available through this tool would directly support the City's monitoring of the STRA sector as it evolves, including in the lead-up to AU KUS-related workforce demand - and inform future local planning policy development.<br><br>Airbnb has also engaged in good faith with the State Government to help establish the mandatory STRA registration scheme. We note the Department of Local Government, Industry Regulation and Safety's new interactive STRA reporting tool, launched on 7 August 2026, as a further positive step towards transparency | |

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| | | | which should give the City a more complete picture of the local STRA sector.<br><br>8. Conclusion<br><br>Airbnb supports the City's efforts to provide clearer guidance for STRA hosts, but respectfully request that the City reconsider the proportionality of the locational exclusions, occupancy limits and signage requirements outlined above. We also encourage the City to give further consideration to the accommodation implications of Cockburn's broader visitor economy and growth drivers before adopting a more highly regulated framework.<br><br>Airbnb is committed to being a positive partner to the City as it navigates this transition. We would welcome the opportunity to meet with the City's planning team to provide a briefing, discuss any of the matters raised in this submission, and help onboard the team onto the Airbnb City Portal | |

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| **Title** | **TOURIST AND ALTERNATIVE ACCOMMODATION (including STRA)** |
| **Policy Number** (Governance Purpose) | **LPP 1.15** |

## Policy Type

Local Planning Policy

## Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as Local Planning Policy (LPP) 1.15 -Tourist and Alternative Accommodation (including STRA).

## Introduction

The City of Cockburn is well placed to accommodate tourists with good access to Perth CBD and Fremantle, major transport networks, health and educational facilities, and access to world-class beaches. Tourist and other short-term accommodation proposals are therefore expected to increase within the City and Town Planning Scheme No.3 (TPS3) provides only limited development standards for such proposals.

The purpose of this policy is to e:

Establish a clear framework for the assessment of Tourist and alternative accommodation by providing Development Standards for the following land use types:

- Tourist and Visitor Accommodation/Hotels
- Hosted and Un-hosted Short-Term Rental Accommodation (STRA)
- Caravan Parks
- Camping Grounds
- Workforce Accommodation
- Residential Buildings – including Lodging Houses under the *Health (Miscellaneous Provisions) Act 1911*

These land use definitions are defined in TPS3, the Residential Design Codes (R-Codes – Residential Building) or in the *Short-Term Rental Accommodation Act 2024* and broadly referred to as 'tourist and alternative accommodation' within this policy.

The permissibility of tourist and alternative accommodation proposals shall be in accordance with the Zoning Table of TPS3. This policy does not provide development standards for long-stay Park Homes, Residential Parks or Lifestyle Villages.

Some proposals, depending on the specifics of the operation, may be identified as Lodging Houses for the purposes of the City's Local Health Law although such a land use is not defined in TPS3. Regardless of the development's land use designation under TPS3, all Lodging Houses shall adhere to the requirements of the City's Local Health Law.

The City may request that applicants provide details of compliance with the Health Local Law, and such requirements may form conditions of Development Approval. Specific requirements for Lodging Houses are provided in section 5 of this policy.

[1]

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## Objectives

The objectives of this policy are:

- To ensure that tourist and alternative accommodations are appropriately located, designed, and managed to respond to demand whilst protecting the character of the locality and the amenity and wellbeing of nearby residents.
- To safeguard the primary purpose of residential and rural (living) areas in providing residential dwellings which are affordable and available for permanent accommodation on a long-term basis.
- To protect the City's dwelling stock for permanent accommodation to meet the housing needs of the local community as a priority.
- To protect dwellings within the walkable catchment of schools for permanent accommodation to meet the needs of the community and to support safe school environments that encourage active transport.
- To concentrate Caravan Parks and Camping Grounds within existing sites in the Parks and Recreation Reserve of the City's coastal area, where high amenity, adequate infrastructure, and a clear tourism role can be achieved.

## Application

This policy applies to the entire Scheme area of the City of Cockburn to guide discretionary decisions relating to tourist and alternative accommodations.

## Policy Provisions

**(1) <u>Tourist and Visitor Accommodation/Hotels</u>**

1.1 A Keeper/Manager is not required to reside at the premises.

1.2 Proposals including a mix of uses including permanent residential and Tourist and Visitor Accommodation or Hotel within the same development should provide sufficient separation of the uses to ensure the amenity of permanent residents is adequately protected.

1.3 Proposals for Tourist and Visitor Accommodation in the form of apartments on residential zoned land shall be designed so that the building height generally accords with the maximum building height permitted for multiple dwelling development as prescribed by the R-Codes.

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1.4 Proposals for Tourist and Visitor Accommodation or Hotels in the form of apartments shall include an entrance/foyer with a reception desk attended by staff during check-in and check-out times.

1.5 Car parking for Tourist and Visitor Accommodation and Hotel shall be located on-site and in accordance with TPS3 provisions.

## (2) Short Term Rental Accommodations (STRA)

### 2.1 Exempt from Development Approval

Hosted STRA: Proposals for the use of a portion of a residential dwelling where the owner/occupier is present shall be deemed a hosted STRA and is exempt from the requirement to obtain development approval in accordance with clause 61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Un-hosted STRA (up to 90 nights): Proposals for the use of a single house where the owner/occupier is not present whilst it is being used for tourist accommodation or short-stay purposes shall be defined as un-hosted STRA. In accordance with clause 61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, operators may use dwellings for the purpose of un-hosted STRA for a maximum of 90 nights in a relevant 12-month period ~~within a calendar year~~ without needing to obtain prior development approval.

### 2.2 Un-hosted STRA – More than 90 nights

An un-hosted STRA operating more than 90 days within a calendar year must obtain a Development Approval.

#### 2.2.1 General requirements

i. All approvals will be for a 12-month period, after which renewal, via an application to amend Development Approval will be required. In considering a renewal, due regard will be given to the history of the STRA operation. Where the City is satisfied that the STRA has been appropriately managed, subsequent approvals may be granted for a longer period up to three years.

ii. Prior to commencement of the use, the landowner shall implement an approved Management Plan to the satisfaction of the City. Refer to Appendix A – Section (2).

iii. Proposals for Un-hosted STRA in bushfire prone areas are to provide an Emergency Evacuation Plan and communicate this to accommodation guests.

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### 2.2.2 Properties within or adjoining a Residential zone

STRA will generally not be approved in ~~the following locations:~~

~~i. Battleaxe lots and lots/dwellings without street frontage, except for the front lot of a grouped dwelling development (including where access is provided via common property), due to the potential to impact residential amenity through noise, activity, traffic and overflow parking.~~

~~ii P~~properties located within a 400m radius from primary and secondary schools, to protect the availability of permanent housing for families with children within the walkable catchment, and to support safe pedestrian environments that encourage walking and cycling.

### 2.2.3 Dwellings on battleaxe lots or with no direct street frontage

i. STRA will generally not be approved in dwellings on rear battleaxe lots or lots without direct street frontage as they can generate greater impacts and disturbance to adjacent residents through noise, activity, traffic and overflow parking due to multiple interfaces and shared accessway.

ii. Whilst they are non-preferred locations, the City may support STRA on rear battleaxe where:

- Development Approval is limited to cycles of six (6) months only for the initial approval, to demonstrate adequate property management is occurring onsite, and thereafter cycles of twelve (12) months only;
- The number of guests is restricted to no more than six (6);
- Any 'Common Property' driveway is kept clear of vehicle parking and other obstructions;
- A Sign Onsite is displayed at the street level to clearly designate entry points, such that no disturbance occurs to immediate neighbours;
- A Sign Onsite is displayed at the street level which clearly designates a 24hr Property Manager contact (mobile phone);
- Prohibition of all parties / gatherings of people who are not identified as authorised guests

### 2.2.4 Multiple Dwellings

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i. Unhosted STRA will not be supported in multiple dwellings unless there is sufficient evidence provided indicating the STRA can operate under the bylaws and/or approval from the Strata Company.

ii. Where the above can be demonstrated, consideration will be given to the impacts of the proposed application and whether it can function appropriately within an apartment building, including parking, access, security, noise and any potential nuisance to common areas that may impact residential amenity.

**2.2.~~3~~5 Preferred operational characteristics**

The following are preferred operational characteristics to protect residential amenity and character from the potential impacts of STRA:

i. The property is to be rented as a single booking only, for up to three bedrooms.

ii. The property has a maximum occupancy of no more than two persons per bedroom. Persons under 16 years of age are exempt from this restriction. Rooms not designed as bedrooms (e.g. lounge/dining/ living/theatre rooms) will not be supported for use as bedrooms for the purpose of calculating maximum occupancy.

iii. The property shall display one sign per dwelling, not exceeding 0.5m² in area. Signage must include the STRA registration number and a 24hr property manager contact ~~contact details of the owner or manager~~. Where multiple STRA operate on a site, signage should be consolidated where practicable.

iv. Where a proposal does not comply with the preferred operational characteristics, it must demonstrate that it maintains the amenity and established character of residential areas by ensuring the location, scale, design, and operation of un-hosted short-term rental accommodation are appropriate to the setting.

**2.2.~~4~~4 Properties within the Rural, Rural Living or Resource zones**

Proposals within the 'Rural', 'Resource' or 'Rural Living' zone are to be designed, sited and manage to minimise impact on the environmental values, character and function of rural land.

**(~~3~~4) Caravan Parks and Camping Grounds**

**~~3~~4.1 Definitions**

[5]

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Camping Ground – means an area of land on which camps, but not caravans, are situated for habitation.

Caravan Park – Is defined under the *Caravan Parks and Camping Grounds Act 1995* as – 'an area of land on which caravans, or caravans and camps, are situated for habitation', however there is flexibility for campers on private property under the *Caravan Parks and Camping Grounds Regulations 1997*, including camping on private property for up to 5 days without approval and up to 24 months with local government approval. To provide clarification as to when Development Approval is required (in addition to approval under the *Caravan Parks and Camping Grounds Regulations 1997)*, a site containing more than 2 occupied caravans will be considered a 'Caravan Park' requiring Development Approval.

### 4~~3~~.2 Development Standards

Land uses that meet the above definitions of Caravan Park or Camping Ground will be dealt with as a 'Use not listed' under TPS3, requiring Development Approval, and the following provisions will apply:

i. The strongly preferred location for such uses is within the existing sites (reserved 'Parks and Recreation' under the Metropolitan Region Scheme) in the City's recreational coastal area where they have a high level of amenity, supporting infrastructure and a direct tourist function.

ii. Caravan Parks and Camping Grounds will be treated as sensitive land uses that will generally not be supported in the Kwinana Air Quality Buffer Environmental Protection Area; or the Jandakot Groundwater Protection Area (Priority 1 or 2 areas) where they are deemed 'incompatible' in Water Quality Protection Note 25.

iii. Caravan Parks and Camping Grounds will generally not be supported in the Residential zone due to the impact on residential amenity; and to prioritise these areas for permanent housing.

iv. Proposals must demonstrate:

- A clear tourism and recreation function;
- Access to appropriate services (e.g. electricity and wastewater);
- Minimal environmental and landscape impacts, respect for local character and amenity, appropriate response to constraints (including bushfire), and no adverse impact on residential amenity; and
- Compliance with the guidance contained in the Western Australian Planning Commission Planning Bulletin 49/2014 'Caravan Parks'.

### (5~~3~~) Workforce Accommodation

[6]

Changes to Advertised

| Title | TOURIST AND ALTERNATIVE ACCOMMODATION (including STRA) |
|---|---|
| Policy Number (Governance Purpose) | LPP 1.15 |

54.1 **General Requirement**

Any application for Workforce Accommodation shall demonstrate it is required to accommodate solely the proponent's workforce. Information shall be provided with any Development Application for Workforce Accommodation and must address the following:

- Details of the work site(s) where the occupants of the workforce accommodation will be employed, including their location(s);
- Details of the estimated numbers of workers required to support the work site(s);
- The length of time the workforce accommodation is anticipated to be in place or will be operational for;
- Details on the types of roles the occupants will be employed for (e.g. construction, operational, maintenance);
- Details/breakdown of short-term, intermittent and long-term employees, needing to be accommodated at each worksite; and
- Whether the proposal seeks to accommodate workers from other worksites and/or companies.

54.2 Third-party proposals that seek to accommodate multiple workforces from various employers, that are not serving a particular worksite or project, will generally not be supported.

54.3 Workforce accommodation that is only required for a certain period will be required to be decommissioned at the end of the project, unless the buildings can be re-used for another land use and have been designed to be adaptive. Approval for the reuse of the accommodation will need to be sought through the development application process.

54.4 Workforce Accommodation proposals shall be located within a 30-minute drive from the applicable project/work location.

**(65) Residential Building (including 'Lodging Houses' – *Health (Miscellaneous Provisions) Act 1911 and local laws)***

65.1 **Definitions**

Residential Building – has the same meaning as defined by the R-Codes, being:

'a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or



Changes to Advertised

| Title | TOURIST AND ALTERNATIVE ACCOMMODATION (including STRA) |
|---|---|
| Policy Number (Governance Purpose) | LPP 1.15 |

- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school'.

For the purposes of the above definition, the term ***temporarily*** is taken to have the same meaning as the duration identified in the definition of ***short-term rental arrangement*** pursuant to the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* – that being a period not exceeding 3 months in any 12-month period.

Residential Buildings are purpose-built developments and are not considered dwellings, unlike STRA.

Common examples of Residential Buildings include:

- Youth Hostels
- Back-backers' Inns
- Boarding Houses
- Group Homes (e.g. disability or support accommodation)
- Crisis support accommodation

Residential Buildings used for temporary accommodation shall have a maximum capacity of 12 temporary lodgers/boarders. Proposals for more than 12 temporary lodgers/boarders/visitors shall be treated as 'Tourist and Visitor Accommodation' for the purposes of TPS3.

Residential Buildings, depending on the specific operation, may be identified as Lodging Houses for the purposes of the Health local Law. Additional design, construction and operational requirements may apply.

### 6~~5~~.2 Development Standards

Proposals for Residential Buildings should adhere to the following development standards:

i. Residential Buildings shall have a maximum capacity of 12 persons (including temporary lodgers or permanent residents).

ii. Residential Buildings in the Residential zone should be separated by a minimum distance of 200m, measured in a straight line.

iii. Residential Buildings are to be located within 800m, measured in a straight line, from any part of bus route to any local shops, community infrastructure or public transport service i.e. a bus stop/station or train station (a 5–10-minute walking distance).

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| | |
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iv. The development of Residential Buildings in the Residential zone should comply with the requirements of the R-Codes, except that parking shall be provided as per (e) below.

v. Parking should be provided at a rate of 0.75 bays per lodger plus 1 bay per staff member.

vi. Outdoor communal areas are to be centrally located on-site i.e. separated from common boundaries with adjoining residential properties. If located situated within the front setback area, they shall be suitable screened with visually permeable fencing (as per the requirements of the R-Codes) for the benefit of lodger privacy.

vii. Areas of the site not used for a particular purpose i.e. as outdoor communal space, car parking and/or for waste management purposes, are to be developed and used for landscaping only.

**(7~~6~~) Other Legislative Requirements**

Some proposal may be defined as Class 3 or 1B buildings under the Building Code of Australia and may require a portion of units to be designed for persons with disabilities or may be required to comply with Australian Standard 1670.1:2015 as it relates to fire detection and warning.

| | |
|---|---|
| Strategic Link: | Town Planning Scheme No. 3 |
| Category | Planning - Town Planning & Development |
| Lead Business Unit: | Growth and Sustainability (Strategic Planning) |
| Public Consultation: **(Yes or No)** | Yes |
| Adoption Date: (Governance Purpose Only) | 10 November 2026~~TBD~~ |
| Next Review Due: (Governance Purpose Only) | 10 November 2031~~TBD~~ |
| ECM Doc Set ID: (Governance Purpose Only) | 5092850 |

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| **Title** | **TOURIST AND ALTERNATIVE ACCOMMODATION (including STRA)** |
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**Appendix A**

**(1) Definitions**

Guest – a person who is accommodated within the short-term accommodation on a temporary basis for a fee but is not subject to a Residential Tenancy Agreement.

Keeper/Manager – a person who permanently resides at a premises providing short-term accommodation and is responsible for the upkeep and management of the accommodation.

Lodging House – As per the *Health Act 1911* or superseding legislation.

Relevant 12-month period – the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the *Short-Term Rental Accommodation Act 2024* Part 3, or any subsequent 12-month period commencing on the anniversary of that day.

Short-term rental accommodation – has the same meaning as defined in the *Short-Term Rental Accommodation Act 2024*.

Visitor – A person who is visiting a guest accommodated within short-term accommodation, but who is not a guest themselves.

**(2) Details on Management Plans**

All proposals for tourist accommodation shall include the lodgement of a management plan which shall address:

- Control of Noise and other disturbances;
- Complaints management procedures;
- Security of guests, visitors, and neighbours;
- Control of anti-social behaviour and potential conflict between tourists/guests/visitors and permanent residents of the area;
- Car parking for guests and visitors;
- Number of bedrooms and beds;
- Contact details of Owner and Keeper/Manager;
- Waste Management; and
- In the case of Lodging Houses:
    - Lodging House Hours
    - Lodging House Rules, including a Lodging House Code of Behaviour
    - Visitor Rules
    - Security and Access.

[10]

Changes to Advertised

| | |
|---|---|
| **Title** | **TOURIST AND ALTERNATIVE ACCOMMODATION (including STRA)** |
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City of Cockburn
wetlands to waves

## Policy Type

Local Planning Policy

## Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as Local Planning Policy (LPP) 1.15 -Tourist and Alternative Accommodation (including STRA).

## Introduction

The City of Cockburn is well placed to accommodate tourists with good access to Perth CBD and Fremantle, major transport networks, health and educational facilities, and access to world-class beaches. Tourist and other short-term accommodation proposals are therefore expected to increase within the City and Town Planning Scheme No.3 (TPS3) provides only limited development standards for such proposals.

The purpose of this policy is to establish a clear framework for the assessment of Tourist and alternative accommodation by providing Development Standards for the following land use types:

- Tourist and Visitor Accommodation/Hotels
- Hosted and Unhosted Short-Term Rental Accommodation (STRA)
- Caravan Parks
- Camping Grounds
- Workforce Accommodation
- Residential Buildings – including Lodging Houses under the *Health (Miscellaneous Provisions) Act 1911*

These land use definitions are defined in TPS3, the Residential Design Codes (R-Codes – Residential Building) or in the *Short-Term Rental Accommodation Act 2024* and broadly referred to as 'tourist and alternative accommodation' within this policy.

The permissibility of tourist and alternative accommodation proposals shall be in accordance with the Zoning Table of TPS3. This policy does not provide development standards for long-stay Park Homes, Residential Parks or Lifestyle Villages.

Some proposals, depending on the specifics of the operation, may be identified as Lodging Houses for the purposes of the City's Local Health Law although such a land use is not defined in TPS3. Regardless of the development's land use designation under TPS3, all Lodging Houses shall adhere to the requirements of the City's Local Health Law.

The City may request that applicants provide details of compliance with the Health Local Law, and such requirements may form conditions of Development Approval. Specific requirements for Lodging Houses are provided in section 5 of this policy.



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|---|---|
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| **Policy Number** (Governance Purpose) | **LPP 1.15** |

## Objectives

The objectives of this policy are:

- To ensure that tourist and alternative accommodations are appropriately located, designed, and managed to respond to demand whilst protecting the character of the locality and the amenity and wellbeing of nearby residents.
- To safeguard the primary purpose of residential and rural (living) areas in providing residential dwellings which are affordable and available for permanent accommodation on a long-term basis.
- To protect the City's dwelling stock for permanent accommodation to meet the housing needs of the local community as a priority.
- To protect dwellings within the walkable catchment of schools for permanent accommodation to meet the needs of the community and to support safe school environments that encourage active transport.
- To concentrate Caravan Parks and Camping Grounds within existing sites in the Parks and Recreation Reserve of the City's coastal area, where high amenity, adequate infrastructure, and a clear tourism role can be achieved.

## Application

This policy applies to the entire Scheme area of the City of Cockburn to guide discretionary decisions relating to tourist and alternative accommodations.

## Policy Provisions

**(1) <u>Tourist and Visitor Accommodation/Hotels</u>**

1.1 A Keeper/Manager is not required to reside at the premises.

1.2 Proposals including a mix of uses including permanent residential and Tourist and Visitor Accommodation or Hotel within the same development should provide sufficient separation of the uses to ensure the amenity of permanent residents is adequately protected.

1.3 Proposals for Tourist and Visitor Accommodation in the form of apartments on residential zoned land shall be designed so that the building height generally accords with the maximum building height permitted for multiple dwelling development as prescribed by the R-Codes.

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1.4 Proposals for Tourist and Visitor Accommodation or Hotels in the form of apartments shall include an entrance/foyer with a reception desk attended by staff during check-in and check-out times.

1.5 Car parking for Tourist and Visitor Accommodation and Hotel shall be located on-site and in accordance with TPS3 provisions.

**(2) Short Term Rental Accommodations (STRA)**

**2.1 Exempt from Development Approval**

Hosted STRA: Proposals for the use of a portion of a residential dwelling where the owner/occupier is present shall be deemed a hosted STRA and is exempt from the requirement to obtain development approval in accordance with clause 61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Unhosted STRA (up to 90 nights): Proposals for the use of a single house where the owner/occupier is not present whilst it is being used for tourist accommodation or short-stay purposes shall be defined as unhosted STRA. In accordance with clause 61 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, operators may use dwellings for the purpose of unhosted STRA for a maximum of 90 nights in a relevant 12-month period without needing to obtain prior development approval.

**2.2 Unhosted STRA – More than 90 nights**

An unhosted STRA operating more than 90 days within a calendar year must obtain a Development Approval.

**2.2.1 General requirements**

i. All approvals will be for a 12-month period, after which renewal, via an application to amend Development Approval will be required. In considering a renewal, due regard will be given to the history of the STRA operation. Where the City is satisfied that the STRA has been appropriately managed, subsequent approvals may be granted for a longer period up to three years.

ii. Prior to commencement of the use, the landowner shall implement an approved Management Plan to the satisfaction of the City. Refer to Appendix A – Section (2).

iii. Proposals for Unhosted STRA in bushfire prone areas are to provide an Emergency Evacuation Plan and communicate this to accommodation guests.



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### 2.2.2 Properties within or adjoining a Residential zone

STRA will generally not be approved in properties located within a 400m radius from primary and secondary schools, to protect the availability of permanent housing for families with children within the walkable catchment, and to support safe pedestrian environments that encourage walking and cycling.

### 2.2.3 Dwellings on battleaxe lots or with no direct street frontage

i. STRA will generally not be approved in dwellings on rear battleaxe lots or lots without direct street frontage as they can generate greater impacts and disturbance to adjacent residents through noise, activity, traffic and overflow parking due to multiple interfaces and shared accessway.

ii. Whilst they are non-preferred locations, the City may support STRA on rear battleaxe where:

- Development Approval is limited to cycles of six (6) months only for the initial approval, to demonstrate adequate property management is occurring onsite, and thereafter cycles of twelve (12) months only;
- The number of guests is restricted to no more than six (6);
- Any 'Common Property' driveway is kept clear of vehicle parking and other obstructions;
- A Sign Onsite is displayed at the street level to clearly designate entry points, such that no disturbance occurs to immediate neighbours;
- A Sign Onsite is displayed at the street level which clearly designates a 24hr Property Manager contact (mobile phone);
- Prohibition of all parties / gatherings of people who are not identified as authorised guests

### 2.2.4 Multiple Dwellings

Unhosted STRA will not be supported in multiple dwellings unless there is sufficient evidence provided indicating the STRA can operate under the bylaws and/or approval from the Strata Company.

ii. Where the above can be demonstrated, consideration will be given to the impacts of the proposed application and whether it can function appropriately within an apartment building, including parking, access, security, noise and any potential nuisance to common areas that may impact residential amenity.



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**2.2.5 Preferred operational characteristics**

The following are preferred operational characteristics to protect residential amenity and character from the potential impacts of STRA:

i. The property is to be rented as a single booking only, for up to three bedrooms.

ii. The property has a maximum occupancy of no more than two persons per bedroom. Persons under 16 years of age are exempt from this restriction. Rooms not designed as bedrooms (e.g. lounge/dining/ living/theatre rooms) will not be supported for use as bedrooms for the purpose of calculating maximum occupancy.

iii. The property shall display one sign per dwelling, not exceeding 0.5m² in area. Signage must include the STRA registration number and a 24hr property manager contact. Where multiple STRA operate on a site, signage should be consolidated where practicable.

iv. Where a proposal does not comply with the preferred operational characteristics, it must demonstrate that it maintains the amenity and established character of residential areas by ensuring the location, scale, design, and operation of unhosted short-term rental accommodation are appropriate to the setting.

**2.2.4 Properties within the Rural, Rural Living or Resource zones**

Proposals within the 'Rural', 'Resource' or 'Rural Living' zone are to be designed, sited and manage to minimise impact on the environmental values, character and function of rural land.

**(4) <u>Caravan Parks and Camping Grounds</u>**

**4.1 Definitions**

<u>Camping Ground</u> – means an area of land on which camps, but not caravans, are situated for habitation.

<u>Caravan Park</u> – Is defined under the *Caravan Parks and Camping Grounds Act 1995* as – 'an area of land on which caravans, or caravans and camps, are situated for habitation', however there is flexibility for campers on private property under the *Caravan Parks and Camping Grounds Regulations 1997*, including camping on private property for up to 5 days without approval and up to 24 months with local government approval. To provide clarification as to when Development Approval is required (in addition to approval under the *Caravan Parks and Camping Grounds*



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*Regulations 1997)*, a site containing more than 2 occupied caravans will be considered a 'Caravan Park' requiring Development Approval.

### 4.2 Development Standards

Land uses that meet the above definitions of Caravan Park or Camping Ground will be dealt with as a 'Use not listed' under TPS3, requiring Development Approval, and the following provisions will apply:

i. The strongly preferred location for such uses is within the existing sites (reserved 'Parks and Recreation' under the Metropolitan Region Scheme) in the City's recreational coastal area where they have a high level of amenity, supporting infrastructure and a direct tourist function.

ii. Caravan Parks and Camping Grounds will be treated as sensitive land uses that will generally not be supported in the Kwinana Air Quality Buffer Environmental Protection Area; or the Jandakot Groundwater Protection Area (Priority 1 or 2 areas) where they are deemed 'incompatible' in Water Quality Protection Note 25.

iii. Caravan Parks and Camping Grounds will generally not be supported in the Residential zone due to the impact on residential amenity; and to prioritise these areas for permanent housing.

iv. Proposals must demonstrate:

- A clear tourism and recreation function;
- Access to appropriate services (e.g. electricity and wastewater);
- Minimal environmental and landscape impacts, respect for local character and amenity, appropriate response to constraints (including bushfire), and no adverse impact on residential amenity; and
- Compliance with the guidance contained in the Western Australian Planning Commission Planning Bulletin 49/2014 'Caravan Parks'.

## (5) Workforce Accommodation

### 5.1 General Requirement

Any application for Workforce Accommodation shall demonstrate it is required to accommodate solely the proponent's workforce. Information shall be provided with any Development Application for Workforce Accommodation and must address the following:

- Details of the work site(s) where the occupants of the workforce accommodation will be employed, including their location(s);
- Details of the estimated numbers of workers required to support the work site(s);



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| Policy Number (Governance Purpose) | LPP 1.15 |

- The length of time the workforce accommodation is anticipated to be in place or will be operational for;
- Details on the types of roles the occupants will be employed for (e.g. construction, operational, maintenance);
- Details/breakdown of short-term, intermittent and long-term employees, needing to be accommodated at each worksite; and
- Whether the proposal seeks to accommodate workers from other worksites and/or companies.

5.2 Third-party proposals that seek to accommodate multiple workforces from various employers, that are not serving a particular worksite or project, will generally not be supported.

5.3 Workforce accommodation that is only required for a certain period will be required to be decommissioned at the end of the project, unless the buildings can be re-used for another land use and have been designed to be adaptive. Approval for the reuse of the accommodation will need to be sought through the development application process.

5.4 Workforce Accommodation proposals shall be located within a 30-minute drive from the applicable project/work location.

**(6) Residential Building (including 'Lodging Houses' – *Health (Miscellaneous Provisions) Act 1911 and local laws)***

**6.1 Definitions**

Residential Building – has the same meaning as defined by the R-Codes, being:

'a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- temporarily by two or more persons; or
- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school'.

For the purposes of the above definition, the term ***temporarily*** is taken to have the same meaning as the duration identified in the definition of ***short-term rental arrangement*** pursuant to the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* – that being a period not exceeding 3 months in any 12-month period.

Residential Buildings are purpose-built developments and are not considered dwellings, unlike STRA.



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Common examples of Residential Buildings include:

- Youth Hostels
- Back-backers' Inns
- Boarding Houses
- Group Homes (e.g. disability or support accommodation)
- Crisis support accommodation

Residential Buildings used for temporary accommodation shall have a maximum capacity of 12 temporary lodgers/boarders. Proposals for more than 12 temporary lodgers/boarders/visitors shall be treated as 'Tourist and Visitor Accommodation' for the purposes of TPS3.

Residential Buildings, depending on the specific operation, may be identified as Lodging Houses for the purposes of the Health local Law. Additional design, construction and operational requirements may apply.

### 6.2 Development Standards

Proposals for Residential Buildings should adhere to the following development standards:

i. Residential Buildings shall have a maximum capacity of 12 persons (including temporary lodgers or permanent residents).

ii. Residential Buildings in the Residential zone should be separated by a minimum distance of 200m, measured in a straight line.

iii. Residential Buildings are to be located within 800m, measured in a straight line, from any part of bus route to any local shops, community infrastructure or public transport service i.e. a bus stop/station or train station (a 5–10-minute walking distance).

iv. The development of Residential Buildings in the Residential zone should comply with the requirements of the R-Codes, except that parking shall be provided as per (e) below.

v. Parking should be provided at a rate of 0.75 bays per lodger plus 1 bay per staff member.

vi. Outdoor communal areas are to be centrally located on-site i.e. separated from common boundaries with adjoining residential properties. If located situated within the front setback area, they shall be suitable screened with visually permeable fencing (as per the requirements of the R-Codes) for the benefit of lodger privacy.



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vii. Areas of the site not used for a particular purpose i.e. as outdoor communal space, car parking and/or for waste management purposes, are to be developed and used for landscaping only.

**(7) Other Legislative Requirements**

Some proposal may be defined as Class 3 or 1B buildings under the Building Code of Australia and may require a portion of units to be designed for persons with disabilities or may be required to comply with Australian Standard 1670.1:2015 as it relates to fire detection and warning.

| | |
|---|---|
| Strategic Link: | Town Planning Scheme No. 3 |
| Category | Planning - Town Planning & Development |
| Lead Business Unit: | Growth and Sustainability (Strategic Planning) |
| Public Consultation: **(Yes or No)** | Yes |
| Adoption Date: (Governance Purpose Only) | 10 November 2026 |
| Next Review Due: (Governance Purpose Only) | 10 November 2031 |
| ECM Doc Set ID: (Governance Purpose Only) | 5092850 |

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| Title | TOURIST AND ALTERNATIVE ACCOMMODATION (including STRA) |
|---|---|
| Policy Number (Governance Purpose) | LPP 1.15 |

**Appendix A**

**(1) Definitions**

Guest – a person who is accommodated within the short-term accommodation on a temporary basis for a fee but is not subject to a Residential Tenancy Agreement.

Keeper/Manager – a person who permanently resides at a premises providing short-term accommodation and is responsible for the upkeep and management of the accommodation.

Lodging House – As per the *Health Act 1911* or superseding legislation.

Relevant 12-month period – the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the *Short-Term Rental Accommodation Act 2024* Part 3, or any subsequent 12-month period commencing on the anniversary of that day.

Short-term rental accommodation – has the same meaning as defined in the *Short-Term Rental Accommodation Act 2024*.

Visitor – A person who is visiting a guest accommodated within short-term accommodation, but who is not a guest themselves.

**(2) Details on Management Plans**

All proposals for tourist accommodation shall include the lodgement of a management plan which shall address:

- Control of Noise and other disturbances;
- Complaints management procedures;
- Security of guests, visitors, and neighbours;
- Control of anti-social behaviour and potential conflict between tourists/guests/visitors and permanent residents of the area;
- Car parking for guests and visitors;
- Number of bedrooms and beds;
- Contact details of Owner and Keeper/Manager;
- Waste Management; and
- In the case of Lodging Houses:
    - Lodging House Hours
    - Lodging House Rules, including a Lodging House Code of Behaviour
    - Visitor Rules
    - Security and Access.

For Final Adoption

## 8.1.2 Policy Review: Amendment to Local Planning Policy 5.6 - Vehicle Access

| | |
|---|---|
| **Responsible Executive** | Director Sustainable Development and Safety |
| **Author(s)** | Senior Strategic Planner and Service Manager Strategic Planning |
| **Attachments** | 1. Local Planning Policy 5.6 - Vehicle Access - tracked changes<br>2. Local Planning Policy 5.6 - Vehicle Access ⇩ |

**Recommendation**
The Committee recommends Council:

(1) ADOPTS the amended Local Planning Policy 5.6 – Vehicle Access, as shown in Attachment 2, for the purposes of advertising.

(2) ADVERTISES the amended Local Planning Policy 5.6 – Vehicle Access, as per recommendation 1 above, in accordance with Schedule 2 (Deemed Provisions) Part 2, Clause 4 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

### Background

Local Planning Policy 5.6 – Vehicle Access (LPP 5.6) was initially adopted by Council in March 2011 to provide safe, efficient and coordinated access on key roads within the City. LPP 5.6 has been amended several times over the preceding years however has always included the two (2) Vehicle Access Plans:

1. North Lake Road (Ngort Drive – Kentucky Court); and
2. Verde Drive (Prinsep Road – Armadale Road).

The Vehicle Access Plans have helped guide, and are informed by, significant road projects such as the Armadale Road to North Lake Road Bridge Project.

### Submission

This policy review is being undertaken by the City with the primary focus of introducing two (2) new Vehicle Access Plans for:

- Carrington Street (between Forrest Road and Rockingham Road)
- Rockingham Road (between Phoenix Avenue and Coleville Crescent).

Both are required to coordinate future local access arrangements, responding to recent State Planning and/or City Road upgrade project decisions.

The section of Carrington Street formed part of the former Roe Highway corridor. As a result, it received minimal investment due to constituting sacrificial works. Now the Regional Road corridor has been removed, significant upgrading and coordinated access arrangements are required.

The project to upgrade the section of Rockingham Road adjacent the Phoenix District Centre was cancelled by Council at the 14 April 2026 OCM (Item 14.3.2). The new Rockingham Road Vehicle Access Plan primarily seeks to limit access to existing crossovers.

**Report**

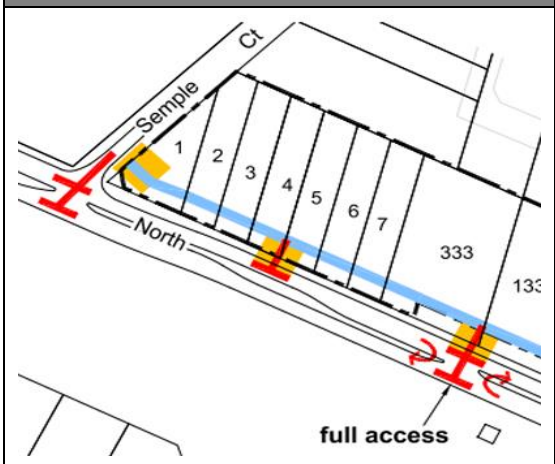
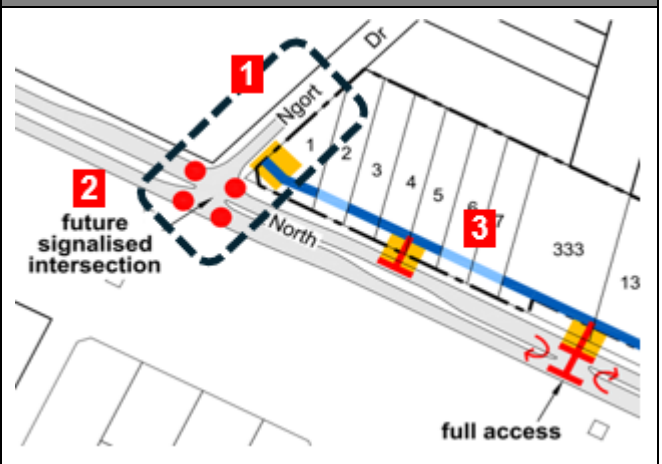
In addition to the above, adjustments are proposed to the North Lake Road and Verde Drive vehicle access plans to reflect recent planning approvals or physical changes that have occurred, and some minor textual changes that seek to improve reader understanding of the requirements (as discussed under each section below).

Textual adjustments

The textual changes to the policy are administrative in nature, primarily updating terminology or simplifying the language to better explain the City's requirements and expectations in areas where a Vehicle Access Plan has been adopted. The most notable changes include:

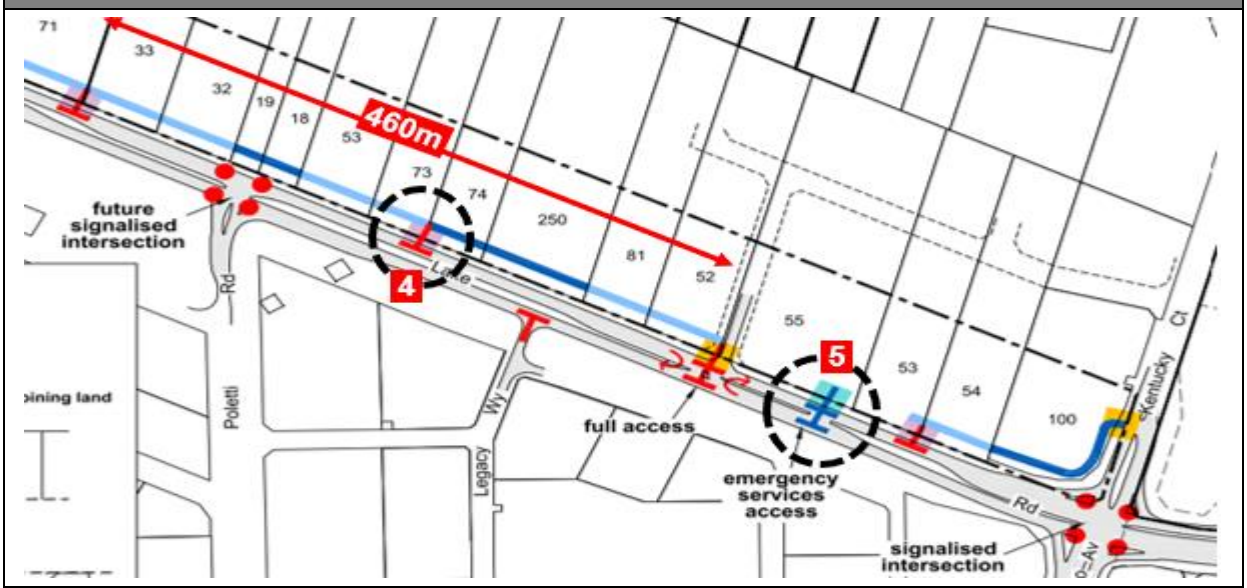
| Section | Proposed Modification | Rationale |
|---|---|---|
| (1) | Insert a new clause as follows:<br>*"6. Despite matching the location of a crossover shown on a Council adopted Vehicle Access Plan, further traffic information (such as a Traffic Impact Assessment and/or Road Safety Audit), may still be required to confirm the suitability of the proposed access arrangements."* | To make clear that further transport analysis may still be required where a crossover is proposed in a location that matches the adopted Vehicle Access Plan. |
| (2) | Add to the bottom of clause 1(a) the following:<br>*"Where a crossover is shown as 'indicative' on a Vehicle Access Plan, its exact location will be determined via the Subdivision and/or Development Approval process."* | To make clear that each development must demonstrate safe and appropriate access arrangements, with each proposal assessed on its individual merits. |
| (2) | Insert a new sub-clause as follows:<br>*"2.(b) Wherever possible, private easements recognised on a Vehicle Access Plan are to be converted to an easement in gross, reflective of their importance to the local movement network."*<br>And renumber the sub-clauses thereafter. | To recognise the importance of existing private easements and make clear the City's desire to elevate them to public easements where the opportunity is provided through future substantive development or subdivision proposals. |

Appendix 1 – North Lake Road Vehicle Access Plan

| Current | Proposed |
|---|---|
|  |  |

1. Replace all references of 'Semple Court' with 'Ngort Drive'
2. Update the future intersection treatment (Ngort Drive/North Lake Road)
3. Colour the 'easement in gross' to reflect sections already secured (on all plans)

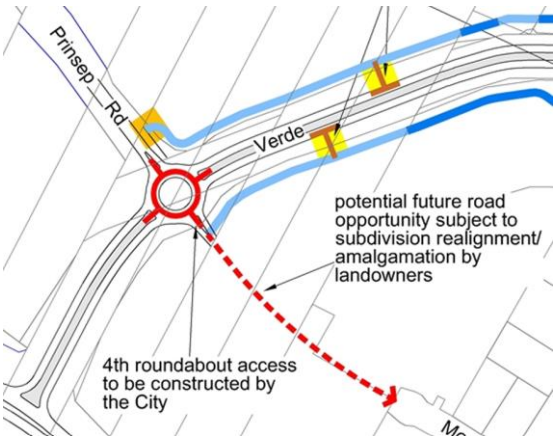
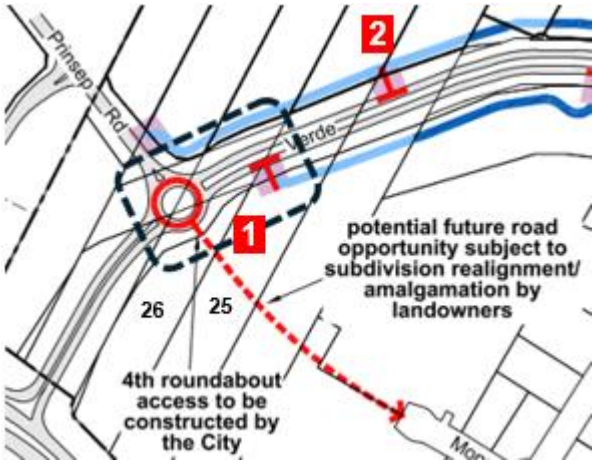
| | |
|---|---|
| **Rationale:** | To match the correct road names, future signalised intersection with North Lake Road, and reflect the latest easement information. |

| Proposed |
|---|
|  |

4. Additional 'left-in/left-out' shared crossover (with no median break), at the boundary of Lot 73 (#848) and Lot 74 (#850) North Lake Road
5. Update the emergency services crossover detail for Cockburn Fire Station

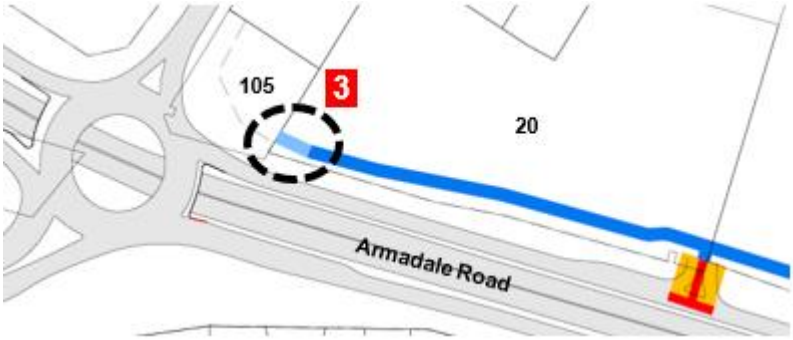
| | |
|---|---|
| **Rationale::** | To more evenly space connections, disperse traffic, and minimise the potential for congestion along the middle section of the 'easement in gross' (noting a current 460m distance between ultimate crossovers for this section verses between 150-180m elsewhere), and reflect the now constructed emergency services crossover servicing the Cockburn Fire Station on Lot 55 North Lake Road. |

Appendix 2 – Verde Drive Vehicle Access Plan

| Current | Proposed |
|---|---|
|  |  |

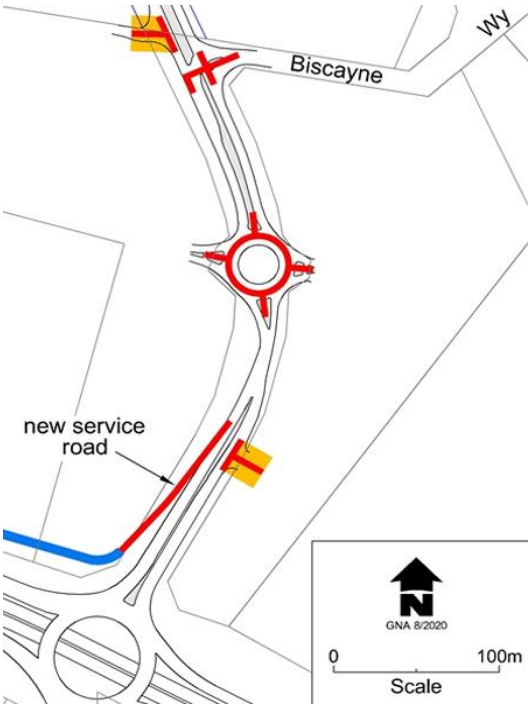
1. Reduce the 'future easement' extent to the western boundary of Lot 25 Verde Drive from its previous location connecting into the roundabout at Prinsep Road
2. Adjusting all future crossovers to 'indicative' (on all plans)

| | |
|---|---|
| **Rationale:** | The current location of the easement connecting into the roundabout present safety and congestion issues with the roundabout's functional area with compliant vehicle movements into Lot 26 Verde likely to require significantly more space than shown on the current plan.<br>Identifying the future crossovers as 'indicative' clarifies both the proponent's obligation to demonstrate a future traffic safe outcome and the City's ability to consider adjustments based on further analysis prepared by the proponent through the subdivision and/or development approval processes. |

| Aerial Photo | Proposed |
|---|---|
| |  |

3. Extending the existing 'easement in gross' on Lot 20 (#49) Armadale Road is to its western boundary with Lot 105 (#45)

| | |
|---|---|
| **Rationale:** | Lot 105 (#45) Armadale Road was resumed by Main Roads WA as part of the Armadale Road to North Lake Road Bridge Project, with the southwest corner reserved under the MRS for Primary Regional Road.<br>Due to the size of the lot and its proximity to the Solomon / Armadale Road roundabout there is no safe access point to service future development (independent of adjoining land) other than via extension of the easement (over the constructed linking carriageway) westward from Lot 20. |

| Current | Proposed |
|---|---|
|  | |

**4.** Update (and relabel) the 'service road' at the southern end of Verde Drive
**5.** Extension of the Verde Drive Access Plan to include Lot 701 Armadale Road

| | |
|---|---|
| **Rationale:** | To match how the service road has been physically constructed and in operation. To the east, Lot 701 Armadale Road has been approved for largescale showroom development that is predicated upon coordinated access arrangements with Lot 403 (#87) Verde Drive.<br>The plan now recognises the constructed left in-left out crossover on Armadale Road. Should amalgamation of Lots 701 & 403 not proceed an 'easement in gross' may be required to ensure a continuous connection with the roundabout on Verde Drive. |

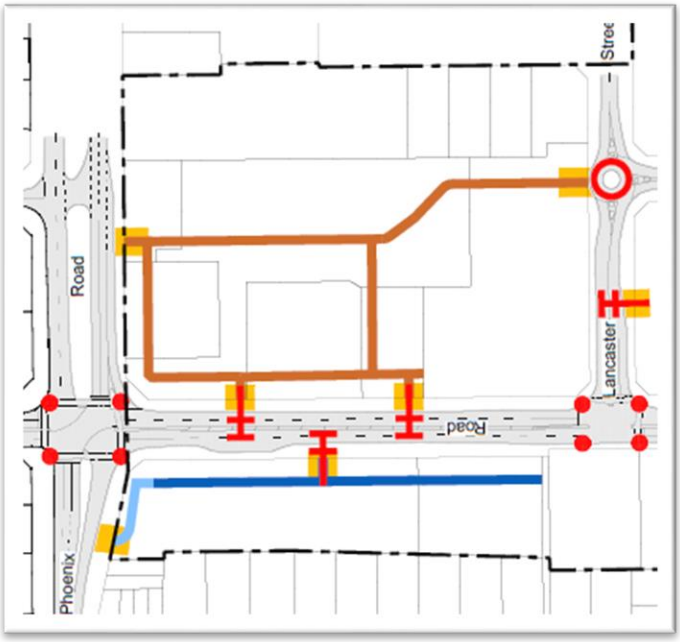
New Appendix 3 – Rockingham Road Vehicle Access Plan

At the 14 April 2026 OCM (Item 14.3.2) Council resolved to cancel the Rockingham Road upgrade project between Phoenix Road and Coleville Crescent (through the Phoenix District Activity Centre) in Spearwood.

To ensure nothing occurs that might further compromise future efforts to upgrade the road, a vehicle access plan over that section of road (and the immediate area), is proposed to recognise existing (public and private) shared access arrangements and provide the City with greater control over the creation of any new crossovers.

A point of difference with this plan is that the area between Lancaster Street and Phoenix Road is covered by complex arrangement of private easements, rather than a public or ‘easement in gross’.

Whilst important to show (as important portions of the local commercial access network), this has implications in terms of statutory decision-making processes. Hence their differentiation on the plan, with the policy making it clear that conversion to a public easement will only be required in the event of substantive redevelopment or if further fragmentation / subdivision is proposed.




Existing easement in gross

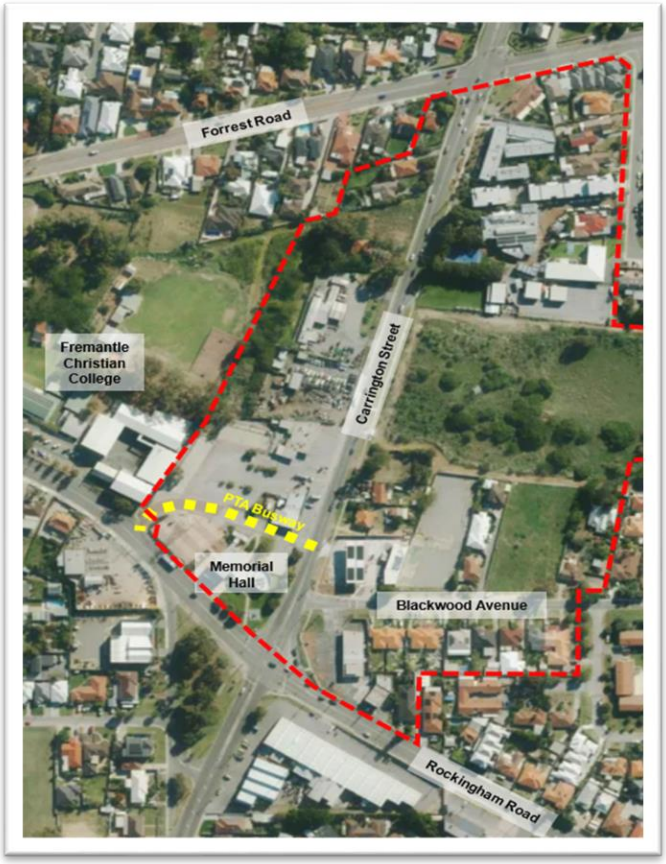
Existing private vehicle easement

Future easement in gross

New Appendix 4 – Carrington Street Vehicle Access Plan

A new vehicle access plan is also proposed for land either side of Carrington Street in Hamilton Hill, in the vicinity of Memorial Hall.

From 1963 to 2024, most of this land was reserved as a *Primary Regional Road* (former Roe Highway transport corridor) under the Metropolitan Region Scheme (MRS). In November 2024, this section of the corridor was reclassified to 'Urban' via Major MRS Amendment 1404/41 (Removal of Roe 8 and 9 Primary Regional Road).




*Local Scheme Amendment #166*

In response to the MRS amendment, Council initiated Amendment #166 to Town Planning Scheme No.3 (TPS3) at its 14 December 2023 OCM (Item 14.1.2).

At its 8 July 2025 OCM (Item 14.1.2) Council considered feedback received during advertisement and recommended that the Minister for Planning grant final approval (subject to several important modifications).

For the land either side of Carrington Street, Amendment #166 proposes a 'Development' zone located within a broader Special Control Area (Development Area 46) that requires a local structure plan to be prepared responding to a list of site-specific design criteria. Council's final, recommended scheme provisions for DA46 are shown below:

| *333* | *Area* | *Provisions* |
|---|---|---|
| *DA 46* | *Former Roe Highway Regional Road Reservation (and surrounds)* | *An approved Structure Plan together with all approved amendments shall be given due regard in the assessment of applications for subdivision and development in accordance with Clause 27 (1) of the Deemed Provisions.*<br>*The Structure Plan is to:*<br>*a) Demonstrate how a minimum 15 metre wide green (ecological) and active transport link can be achieved through the area from east to west as an integral element (in addition to the minimum 10% local POS requirement);*<br>*b) Provide for appropriately scaled education, recreation, mixed-use and/or local scale commercial development*<br>*c) Provide for an appropriate mix of residential densities;*<br>*d) Ensure the layout and urban form provide an appropriate interface to adjacent roads and existing properties; and*<br>*e) Ensure the layout and urban form provide an appropriate interface to adjacent roads and existing properties.* |

The amendment is currently with the Department of Planning, Lands and Heritage awaiting a recommendation to the Minister for Planning on final determination. Its finalisation is understood to be awaiting further progression of the land disposal processes relating to various sections of the corridor.

*Proposed Vehicle Access Plan*

As the Scheme Amendment has not yet been determined, and the timing of subsequent structure planning remains uncertain, an alternative, interim mechanism is required to fill a gap in the local planning framework to futureproof the local movement network.

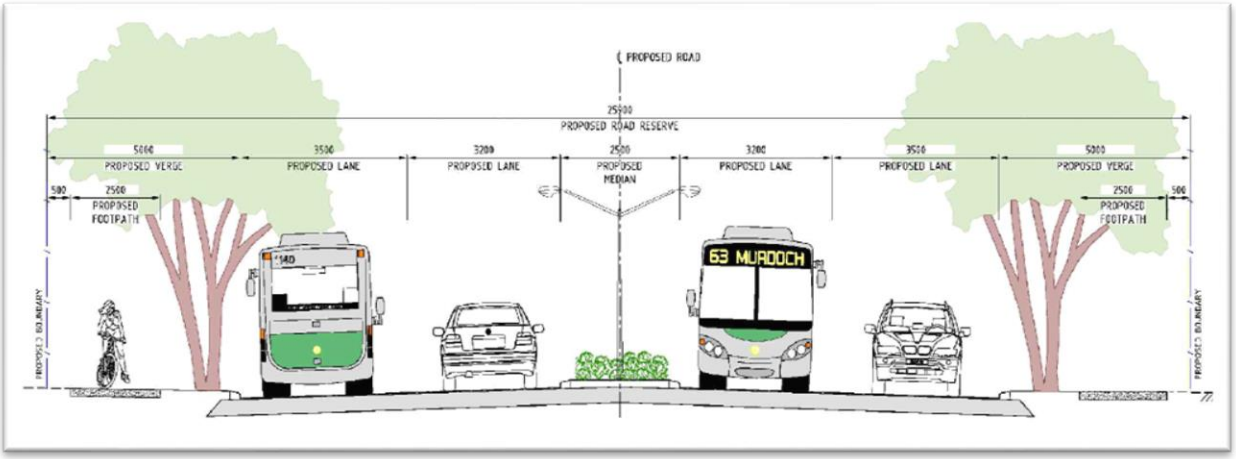
Whilst the changes shown on the Vehicle Access Plan (VAP) <u>are not certain</u> and will be more fully considered via the future structure planning process, they recognise known issues with the local network and provide early guidance on how the City considers they may need to be managed.

Coordinating the location of crossovers and limiting the number of turning movements along these sections of Carrington Street and Rockingham Roads is critical to ensuring a safe and efficient local movement network that responds to removal of the proposed highway.

Without a guiding instrument, there is a strong risk that businesses may be attracted to the exposure of the land unaware of the likely future access restriction and the City is forced to accommodate further development that might compromise that objective.

Key aspects of the proposed VAP include:

- Widening the Carrington Street reserve to a typical width of 25.9m, to allow:
  - four lanes of traffic (two in each direction)
  - a continuous 2.5m wide central median (to prevent right hand turning movements and provide a refuge for pedestrians crossing the road) and
  - 5m wide verges on both sides (inclusive of shade tree landscaping opportunities and a 2.5m wide dual use path).




- A new dual lane roundabout located midway along Carrington Street, to:
  - facilitate a new local road connection servicing future development of the former highway corridor to the east
  - allow U-turns that compensate for the loss of right turn movements to land uses along Carrington Street and
  - provide a central consolidated crossover to improve the accessibility of future commercial and educational uses on the western side of the road.

  The roundabout has been deliberately skewed to the east to maximise use of land otherwise constrained by the easement associated with a high voltage electricity transmission line that runs through the area.

- Disconnection of Blackwood Avenue from Carrington Street (to improve the functionality of the Rockingham Road traffic light-controlled intersection and remove a black-spot on the local road network), and rerouting traffic towards the new Carrington Street roundabout.

- Recognition of existing crossovers capable of being retained, and the identification of ‘indicative’ new crossover locations, linked by proposed ‘easements in gross’ to facilitate access arrangements on both sides of Carrington Street.

*Why is duplication required?*

Average weekday traffic along this section of Carrington Street already exceeds 15,000 vehicles per day and is expected to further increase as redevelopment of the former Roe Highway corridor (and surrounding land) occurs.

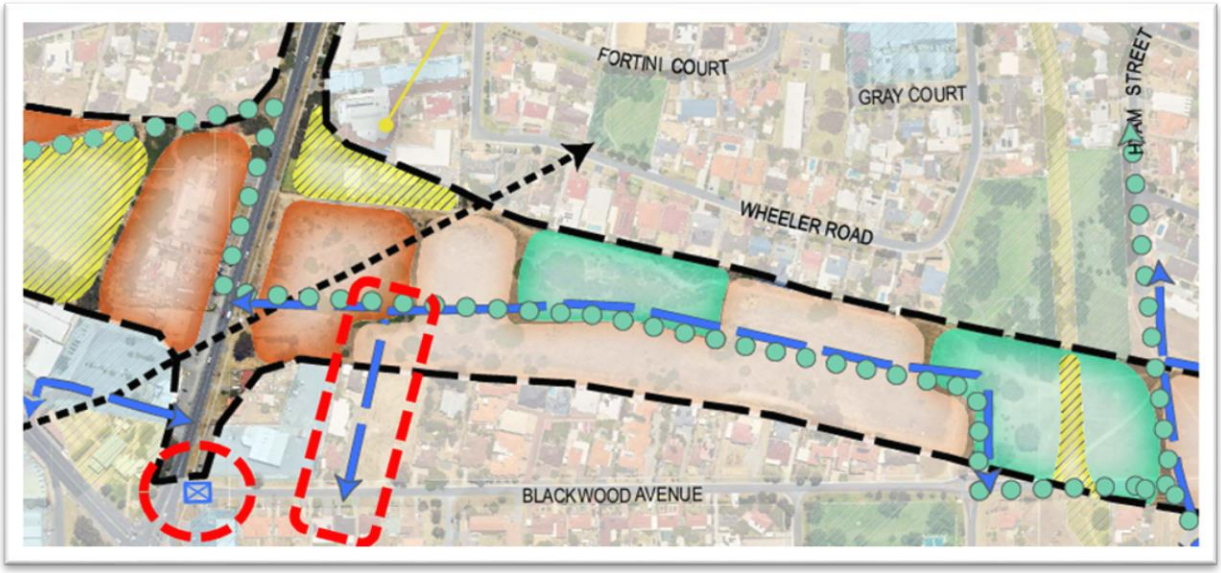
Even assuming a typical 2% compound growth, volumes will quickly exceed the functional capacity for a single carriageway. To futureproof the local movement network it is essential that sufficient width is maintained to accommodate four traffic lanes in the future.

The City cannot afford to inherit the risk of poor network operation and the potential fallout from a poor road safety record, by not taking into account projected values and already high demands.

*Closure of Blackwood Avenue*

The existing intersection of Blackwood Avenue at Carrington Street is approximately 40m from the traffic signals of Rockingham Road and Carrington Street, within its 'functional area', causing conflicts with its safe operation due to interference with queues in traffic lanes and sightline obstructions for turning vehicles. As a result, nine reported crashes have occurred at this intersection over the last 5-year period.

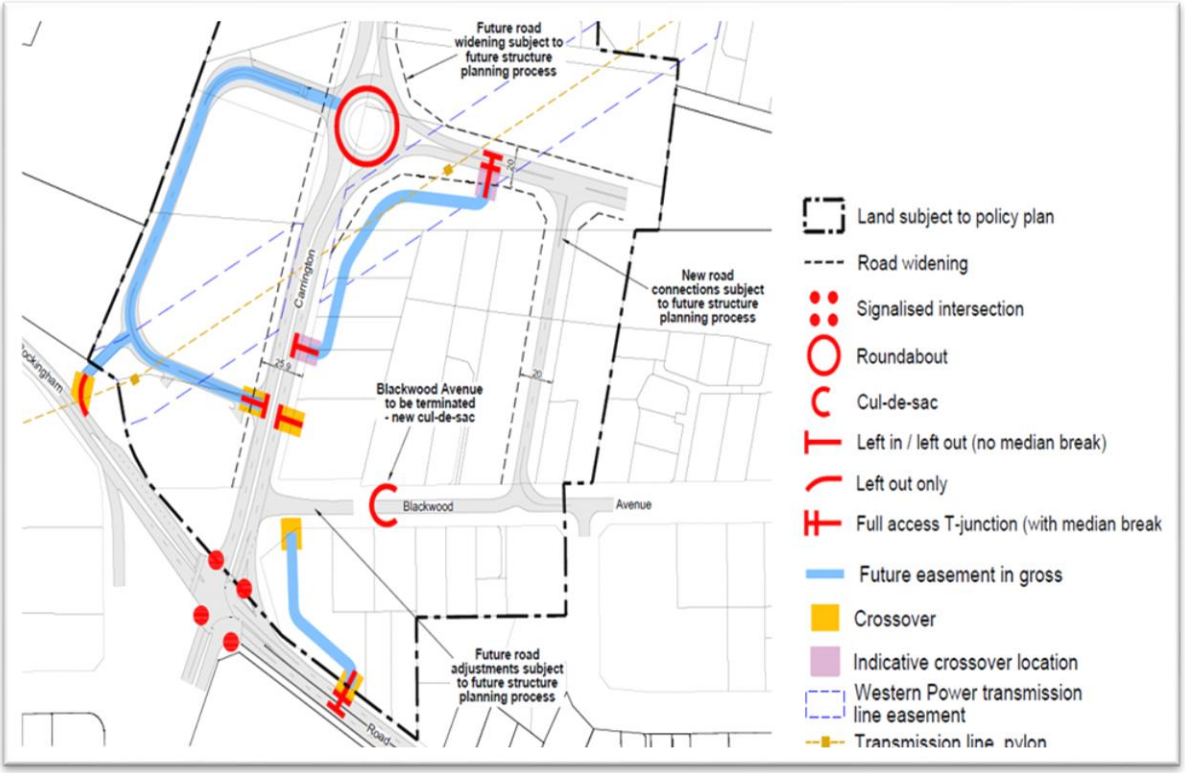
The need to close Blackwood Avenue and divert traffic to a new intersection further north has been known for some time and was even recognised on the 2023 Concept Plan prepared by the DPLH to accompany the MRS Amendment (refer extract below):




The closure and future median along Carrington Street (restricting all right turn movements), were also foreshadowed by the City when responding to the Joint Development Assessment Panel application for the new 'Service Station' at the corner of Blackwood Avenue and Carrington Street (31 July 2024 JDAP Minutes).

*Proposed easements*

Three (3) future easements in gross are identified on the plan to coordinate future access and minimise the number of crossovers onto Carrington Street (see below).




Whilst freehold land in government ownership, Lot 6 (#427) Carrington Street is regularly used by the public as a student drop off/pick up area for the adjoining Fremantle Christian College (FCC), and for parking by customers transferring to a Public Transport Authority service using the existing busway and layover area.

The proposed easement on the western side of Carrington Street seeks to formally recognise the southern busway route (including its left-out only connection to Rockingham Road) and enhance the safety of those seeking to access the school (and future adjoining uses) by providing a consolidated connection back to the new roundabout on Carrington Street.

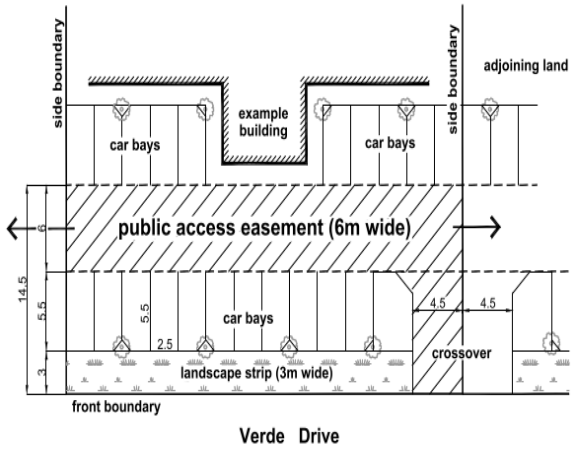
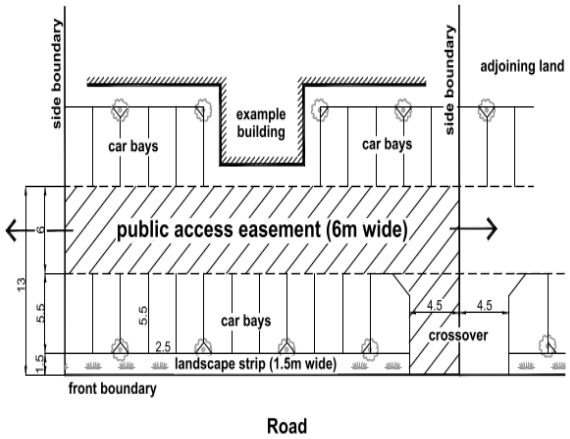
On the eastern side of Carrington Street, an easement is proposed to connect Blackwood Avenue to Rockingham Road through Lot 505 (#114) Rockingham Road. The proposed easement matches an existing commercial driveway, that only needs to be secured for public use in the event of a proposal to subdivide the land and/or otherwise disconnect the route.

The easement between Carrington Street and the future road running eastward from the new roundabout is proposed to ensure future access is consolidated and pushed as far away from the functional area of the roundabout itself. Like the roundabout, the alignment deliberately seeks to maximise use of land otherwise constrained by the high voltage electricity transmission line easement that runs through the area.

*Amended 'Typical Crossover and Public Access Easement detail'*

In recognition that the policy now covers two different scenarios, slight adjustments have also been made to the typical crossover and public access easement detail. For the two new plans that abut an identified activity centre (as opposed to a mixed business precinct), a reduced front landscaping requirement of 1.5m is proposed.

The reduction from 3m matches the landscaping extent of existing developed sections of the activity centres, and the different development standards that apply to an Activity Centre as opposed to the larger, more transport-oriented uses that typically locate within a Mixed Business zone.

| Typical Crossover & Public Access Easement Detail | |
|---|---|
| **North Lake Road & Verde Drive** | **Rockingham Road & Carrington Street** |
|   |   |

**Strategic Plans/Policy Implications**

<u>Our Economy</u>
Attracting investment, supporting business and visitor growth and boosting local jobs through vibrant hubs.
• Facilitate vibrant, connected commercial hubs and visitor experiences.

<u>Our Community</u>
A diverse, active, and connected community that feels safe and has access to local services.
• Foster connected, accessible communities and services.

<u>Our Places</u>
Enhancing distinctive, liveable areas with well-connected, safe transport options.
• Enhance connectivity and mobility through integrated transport networks.

**Budget/Financial Implications**

The Local Planning Policy documentation has been prepared, and the proposal will be progressed by the administration under its FY27 budget allocation.

## Legal Implications

N/A

## Community Consultation

Should Council adopt the amended LPP 5.6 for advertising, public consultation will occur for a *minimum of 21 days* in accordance with Schedule 2, Part 2, Clause 4(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

At the conclusion of the advertising period, the City will review received submissions and prepare a report for Council consideration at the next available Governance Committee meeting. At that meeting (and subsequent Ordinary Council Meeting), Council must resolve to either:

i. Proceed with the amended policy without modification; or
ii. Proceed with the amended policy with modification; or
iii. Not to proceed with the amended policy.

In addition to Community Consultation, LPP 5.6 will be referred to several State Government agencies.

## Risk Management Implications

Should Council resolve not to adopt the proposed policy for advertising an opportunity will be missed to enhance the future functionality of the local movement network by better coordinating access arrangements along key commercial corridors within the City.

If it does not act to protect appropriate land along Carrington Street, there is an additional risk that the City will inherit issues associated by the highway's removal, without access to the land necessary to manage them. This poses a serious safety and reputational risk.

## Advice to Proponent(s)/Submitters

N/A

## Implications of Section 3.18(3) Local Government Act 1995

Nil

| Title | Vehicle Access |
|---|---|
| Policy Number (Governance Purpose) | LPP 5.6 |

## Policy Type

Local Planning Policy

## Policy Purpose

When land adjacent to major/arterial/distributor/important roads ~~is~~are developed for more intensive uses the resulting additional traffic generated by such uses can cause conflict, especially where pre-existing traffic volumes are high. This can create dangerous and unattractive road environments.

In these situations, a coordinated approach to vehicle access is required to ensure that development does not introduce any undesirable impacts on the safe and efficient movement for motorists, heavy vehicles operators, public transport users, pedestrians and cyclists.

The purpose of the Policy is to provide~~s~~ a framework for the planning and development of safe and efficient access arrangements ~~movement of~~for motorists, public transport users, pedestrians and cyclists, where ~~such~~ a coordinated approach to vehicle access is required to support orderly development and network efficiency.

The Policy will be used by the City of Cockburn (the City) to guide the assessment of Development Applications ~~for development~~, Subdivision and Local Development Plans, where a Vehicle Access Plan has been prepared.

The overall objectives for the policy are to:

(1) Provide for safe and efficient movement of motorists, public transport users, pedestrians and cyclists;
(2) Provide for safe and efficient movement of waste management and other service vehicles;
(3) Minimise the potential for conflict between through and local traffic;
(4) Provide visually attractive road environments; and
(5) Provide for reasonable property access that is direct, convenient and safe.

## Policy Statement

(1) Vehicle Access ~~Policy~~ Plans:

1. Vehicle Access ~~Policy~~ Plans are to be prepared by the City ~~of Cockburn~~ in consultation with relevant stakeholders, which may include Main Roads WA, the Department of Planning, Lands and Heritage and landowners/tenants of affected properties.

[1]

DRAFT

| Title | Vehicle Access |
|---|---|
| Policy Number (Governance Purpose) | LPP 5.6 |

2. Vehicle Access ~~Policy~~ Plans are to be adopted by Council for inclusion as an Appendix to the Vehicle Access Policy.

3. The access arrangements in Vehicle Access ~~Policy~~ Plans shall be constructed to public road standards and should consider the following design features to ensure traffic safety and efficiency:

   a) road reserve widths;
   b) intersection location and spacing;
   c) intersection type;
   d) traffic control type (i.e. traffic signals, roundabout, signage);
   e) median location and breaks;
   f) the number, location and design of vehicle access points to adjoining private properties;
   g) the size and length of vehicles that will be using the access;
   h) the volume of traffic that will be using the access;
   i) road lighting;
   j) mechanisms for organising and securing shared use of crossovers;
   k) servicing of properties by waste management and other commercial vehicles; and
   l) provision of cyclist and pedestrian facilities and integration with the adjacent path network.

4. Vehicle Access ~~Policy~~ Plans are to consider pedestrian and cyclist movement patterns and key desire lines, particularly where residential development exists or is planned in proximity to the Vehicle Access ~~Policy~~ Plans area.

5. Vehicle Access ~~Policy~~ Plans are to be prepared with reference to the relevant local/state/national policies, guidelines and Australian Standards as determined appropriate by the Local Government.

6. Despite matching the location of a crossover shown on a Council adopted Vehicle Access Plan, further traffic information (such as a Traffic Impact Assessment and/or Road Safety Audit), may still be required to confirm the suitability of the proposed access arrangements.

(2) Vehicle Access Controls:

1. Crossovers

   a) Control over the location, design and number of crossovers will be exercised by the responsible authority to reflect the arrangements shown on a Vehicle Access ~~Policy~~ Plan. Where a crossover is shown as 'indicative' on a Vehicle Access Plan, its exact location will be determined via the Subdivision and/or Development Approval process.

[2]

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| Title | Vehicle Access |
|---|---|
| Policy Number (Governance Purpose) | LPP 5.6 |

b) There ~~will be~~ is a presumption against the creation of new vehicle crossovers across the primary frontage of the lot where alternative access is, or could be made available, to secondary roads and laneways, or via easements in gross arrangements to a nominated crossover as shown on the Vehicle Access ~~Policy~~ Plan.

c) Where a vehicle crossover is permitted under a Vehicle Access ~~Policy~~Plan, conditions may be imposed on the width and design of the crossover to ensure adequate visibility and to provide for the safe and convenient movement of vehicles entering and leaving the road.

2. Easements ~~in Gross~~

a) Where indicated on a Vehicle Access ~~Policy~~ Plan, the City ~~of Cockburn~~ will require, as a condition of development or subdivision approval, an easement in gross in the form of a public access easement on relevant land titles. The easements in gross are to be granted for the City ~~of Cockburn~~to maintain public access across the subject land to the side streets and/or crossover access points as delineated on the Vehicle Access ~~Policy~~ Plan. These easements in gross on land titles are to be provided at the cost of the developer or landowners of the subject land. The treatment of the area covered by the easement in gross shall be designed and treated to the satisfaction of the City, to ensure consistency across lots.

b) Wherever possible, private easements recognised on a Vehicle Access Plan are to be converted to an easement in gross, reflective of their importance to the local movement network.

c~~b~~) In determining development applications where a Vehicle Access ~~Policy~~ Plan requires the provision of an ~~right of carriageway~~easement in gross and where such access is not available through adjacent properties to a dedicated road, consideration may be given for retention of an ~~temporary~~access crossover temporarily, until such time as alternative access is available via the ~~right of carriageway~~easement in gross system.

d~~c~~) Provisions for the closure of the temporary crossover shall be provided by way of ~~legal agreement~~a condition of subdivision or development approval.

3. Parking and ~~/~~Circulation

a) All applications for development approval on land subject to a Vehicle Access ~~Policy~~ Plan will be required to provide for traffic to enter and leave the site in a forward direction and to comply with the City's ~~of~~

[3]

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| Title | Vehicle Access |
|---|---|
| Policy Number (Governance Purpose) | LPP 5.6 |

~~Cockburn's~~car parking and on-site vehicle circulation requirements, as detailed in the City's Town Planning Scheme No.~~-~~3 ~~(TPS 3)~~. This requirement is intended to ensure that there is no traffic congestion on-site which would interfere with the safety and free flow of traffic along the primary road.

4. Variation Clause

a) The precise location of rights of carriageways or crossovers delineated on a Vehicle Access ~~Policy~~ Plan may be varied subject to the ~~agreement~~approval of the City ~~of Cockburn,~~ provided that the purpose and the intent of the Vehicle Access ~~Policy~~ Plan is maintained.

b) A detailed assessment may be required in the form of a Traffic Management Plan, a Traffic Impact Assessment, a Road Safety Audit, and/or traffic modelling may be required where a variation to a Vehicle Access ~~Policy~~ Plan is proposed. The form and scope of the required traffic assessment will be subject to guidance and agreement by the City ~~of Cockburn~~.

c) This policy document may be updated with agreement from the City ~~of Cockburn~~.

~~d) With specific regard to the Verde Drive Access Plan consideration will be given to the exact location of crossovers and need for an easement (West of Solomon Road) as development occurs. This recognises the likely need to reconfigure long narrow lots and the likely timing of various developments will likely be staged over time. The City at such time(s) will ensure the staging of development in this area is provided with suitable access arrangements and will use discretion by having due regard to the objectives of this policy and the intent of the Plan illustrated at Appendix 2.~~

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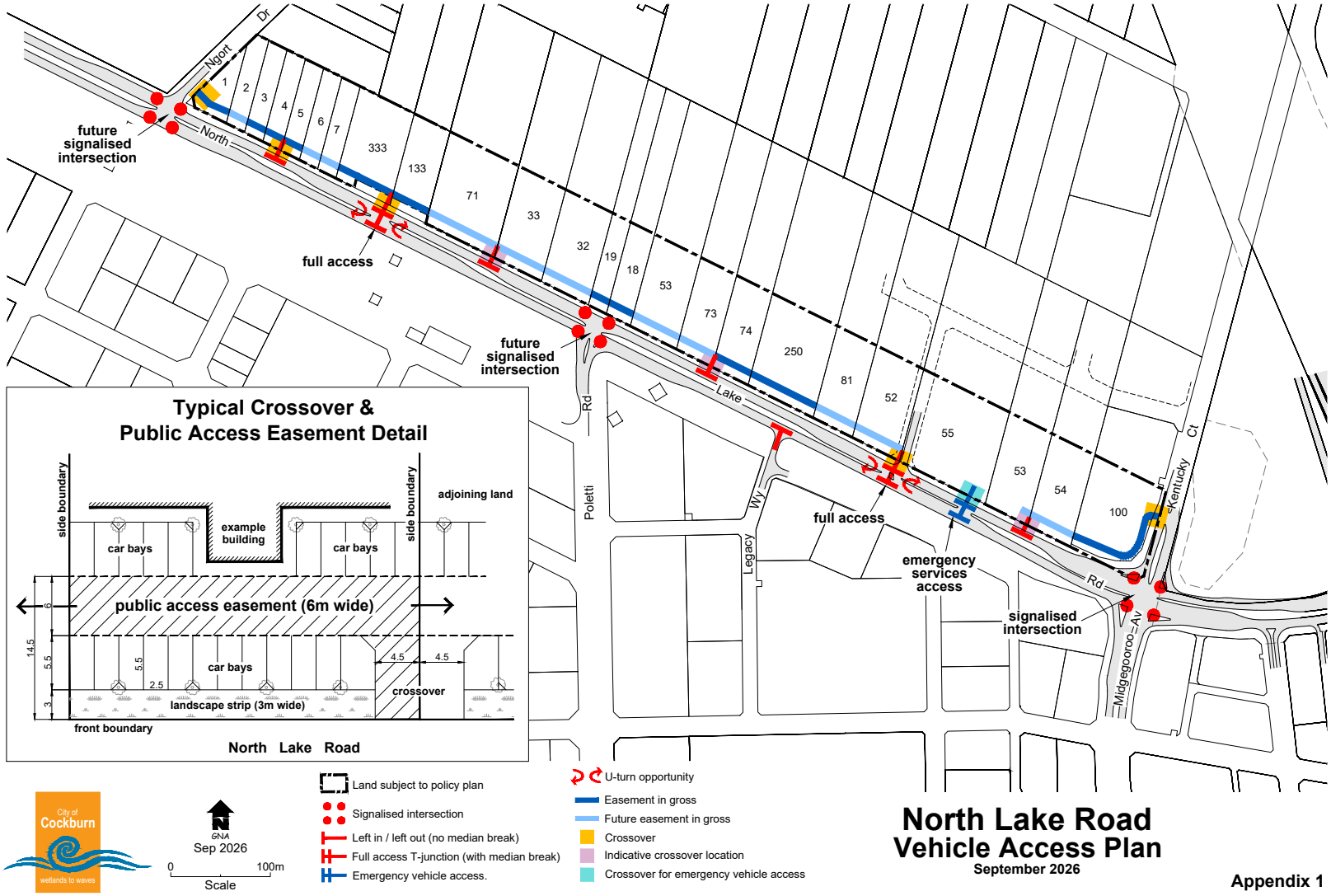
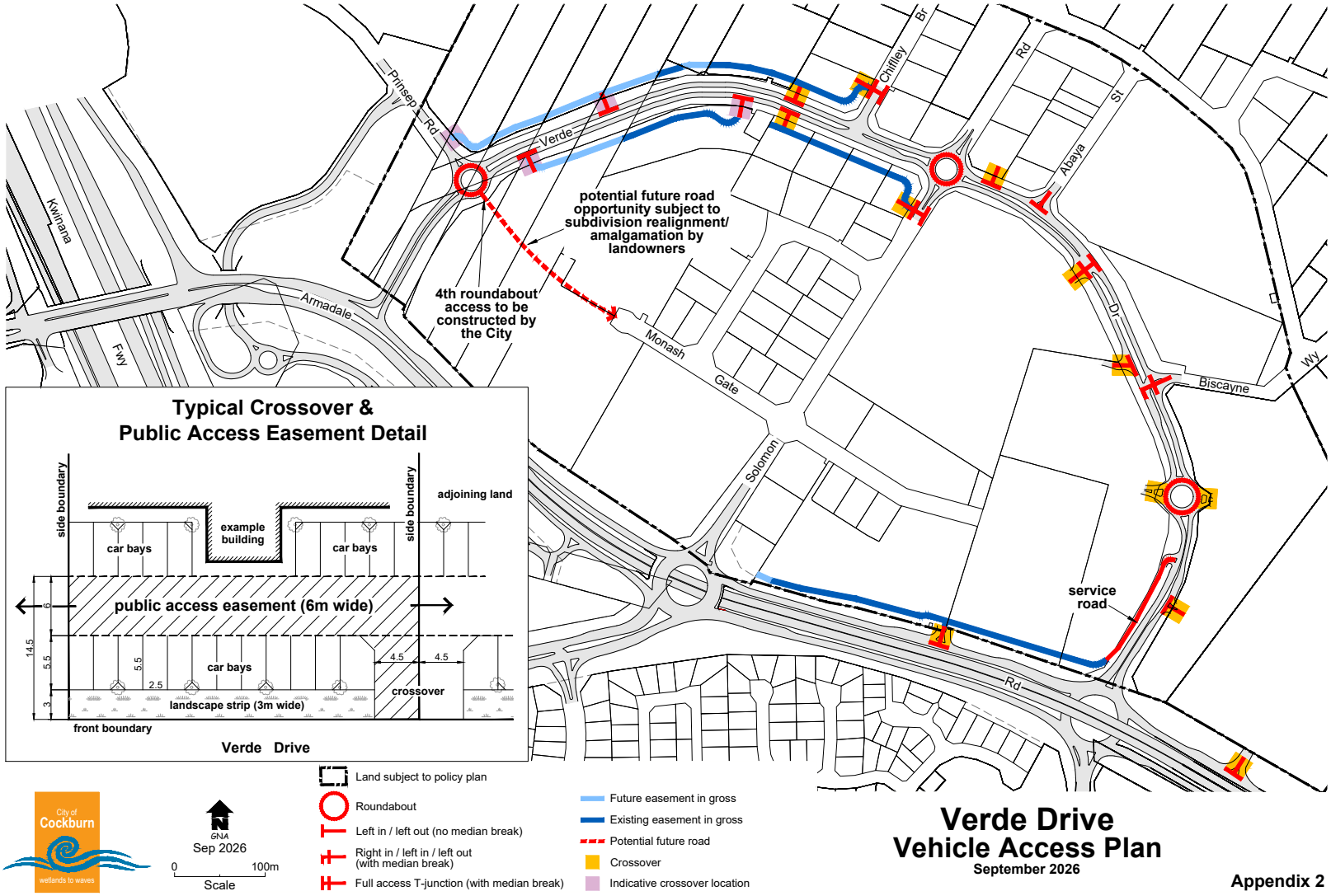
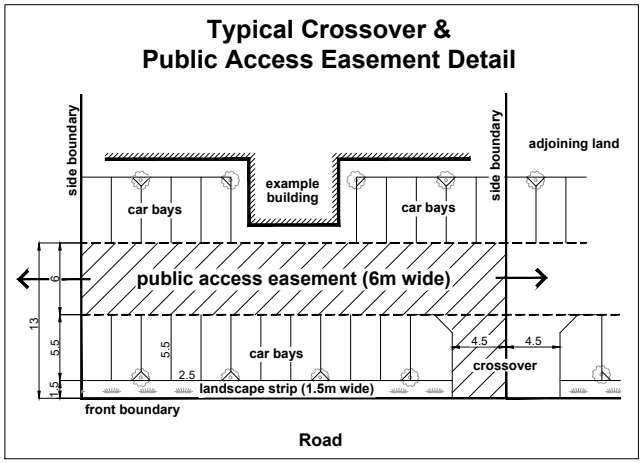

Typical Crossover &
Public Access Easement Detail
side boundary
adjoining land
example building
car bays
car bays
public access easement (6m wide)
car bays
landscape strip (3m wide)
crossover
front boundary
North Lake Road
future signalised intersection
full access
future signalised intersection
full access
emergency services access
signalised intersection
North
Ngort
Dr
Lake
Rd
Poletti
Wy
Legacy
Kentucky
Ct
Rd
Midgegooroo Av
1
2
3
4
5
6
7
333
133
71
33
32
19
18
53
73
74
250
81
52
55
53
54
100
City of Cockburn
wetlands to waves
GNA
Sep 2026
0
100m
Scale
Land subject to policy plan
Signalised intersection
Left in / left out (no median break)
Full access T-junction (with median break)
Emergency vehicle access.
U-turn opportunity
Easement in gross
Future easement in gross
Crossover
Indicative crossover location
Crossover for emergency vehicle access
North Lake Road
Vehicle Access Plan
September 2026
Appendix 1

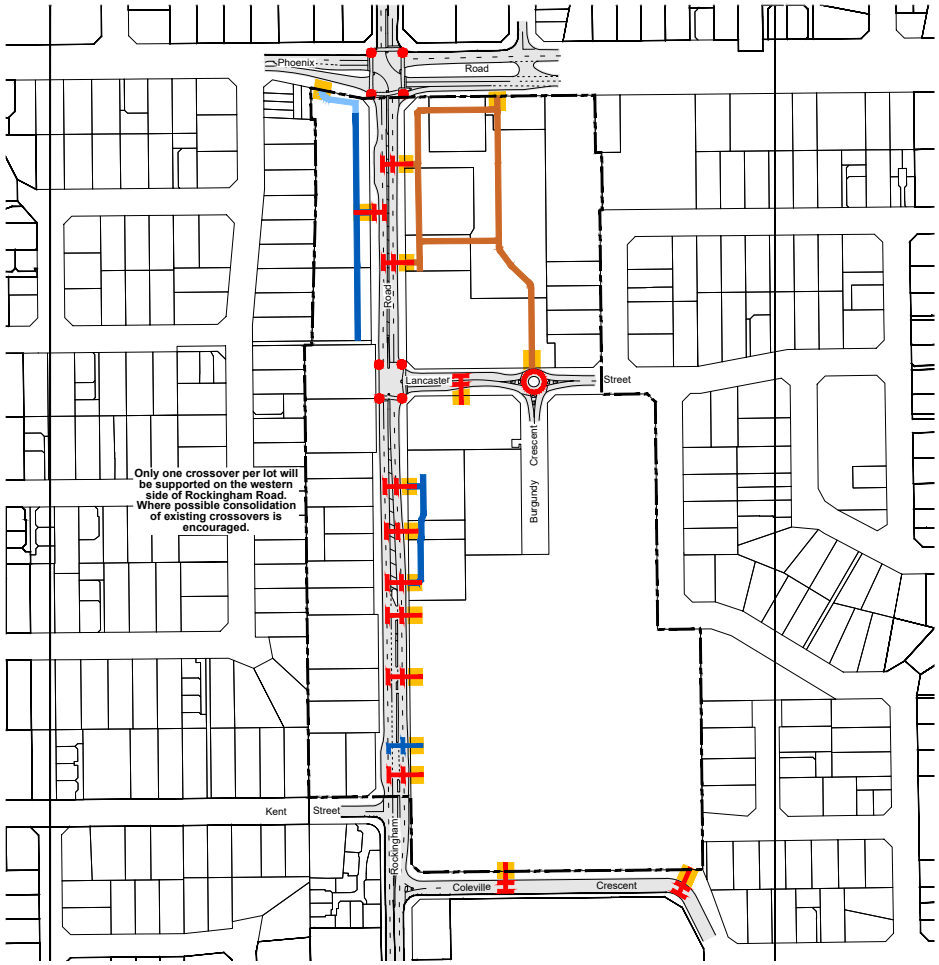



# Verde Drive
## Vehicle Access Plan
September 2026

Appendix 2

NEW




City of Cockburn
wetlands to waves

GNA
Sep 2026
0 75m
Scale

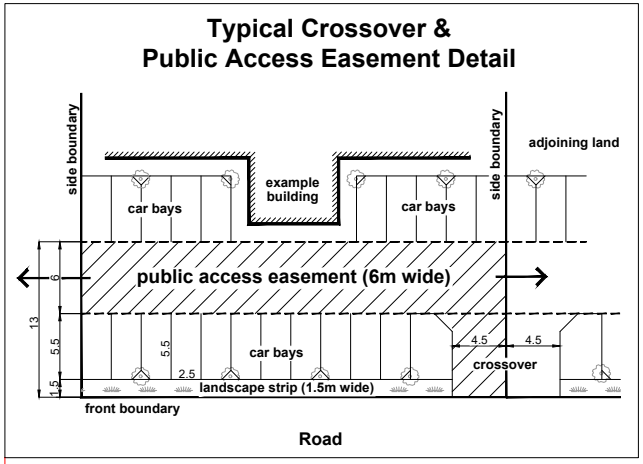
Land subject to policy plan
Signalised intersection
Roundabout
Full access T-junction (with median break)
Service vehicle (right in / left in / left out)

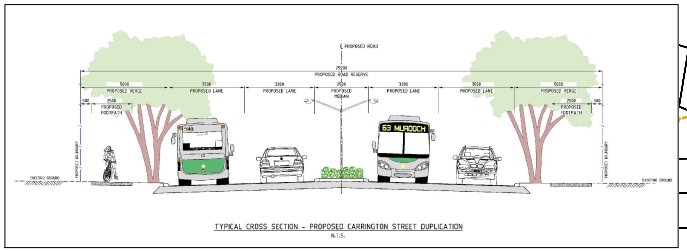
Existing easement in gross
Existing private vehicle easement
Future easement in gross
Crossover

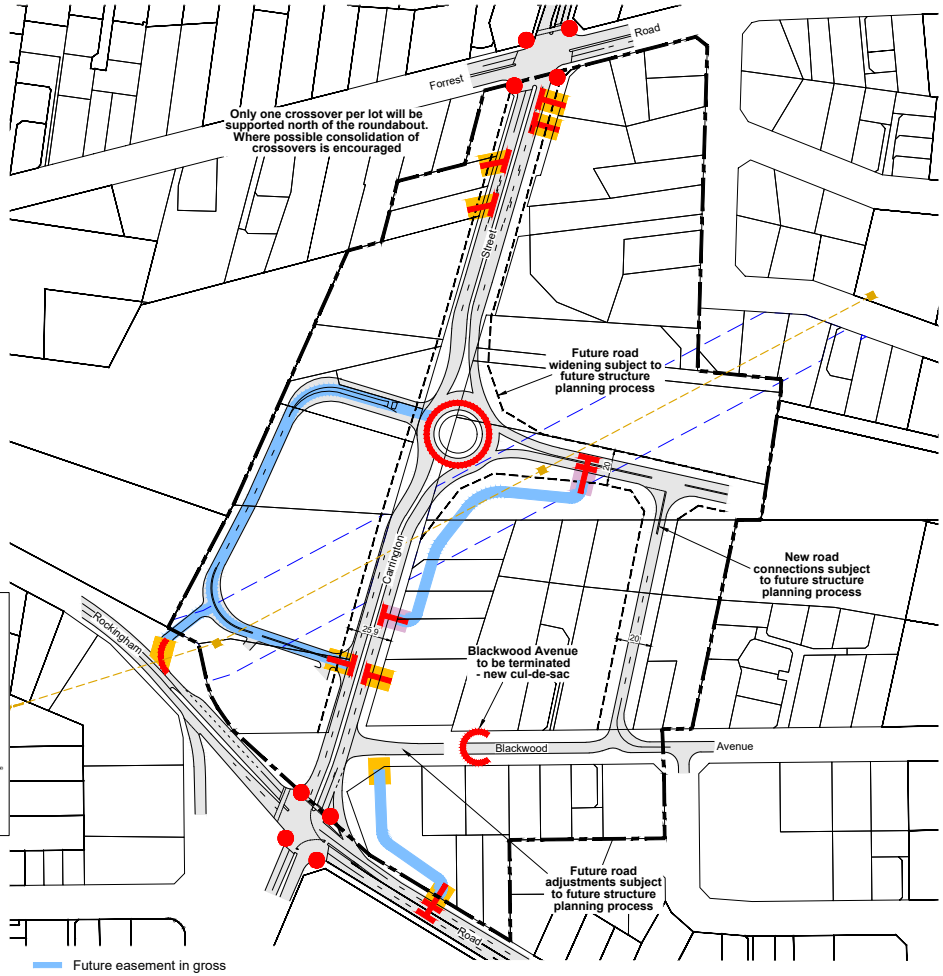
# Rockingham Road
## Vehicle Access Plan
September 2026

Appendix 3

NEW




Land subject to policy plan
Road widening
Signalised intersection
Roundabout
Cul-de-sac
Left in / left out (no median break)
Left out only
Full access T-junction (with median break)
Future easement in gross
Crossover
Indicative crossover location
Western Power transmission line easement
Transmission line, pylon

City of Cockburn
wetlands to waves

GNA
Sep 2026
0 60m
Scale

# Carrington Street Vehicle Access Plan

September 2026

Appendix 4

| | |
|---|---|
| **Title** | **Vehicle Access** |
| **Policy Number** (Governance Purpose) | **LPP 5.6** |

| | |
|---|---|
| Strategic Link: | Town Planning Scheme No. 3 |
| Category | Planning - Town Planning & Development |
| Lead Business Unit: | Development Assessment and Compliance |
| Public Consultation: **(Yes or No)** | Yes |
| Adoption Date: (Governance Purpose Only) | ~~13 May 2025~~ TBD |
| Next Review Due: (Governance Purpose Only) | ~~May 2027~~ TBD |
| ECM Doc Set ID: (Governance Purpose Only) | 4517299 |

[9]

| Title | Vehicle Access |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.6** |

## Policy Type

Local Planning Policy

## Policy Purpose

When land adjacent to major/arterial/distributor/important roads are developed for more intensive uses the resulting additional traffic generated by such uses can cause conflict, especially where pre-existing traffic volumes are high. This can create dangerous and unattractive road environments.

In these situations, a coordinated approach to vehicle access is required to ensure that development does not introduce any undesirable impacts on the safe and efficient movement for motorists, heavy vehicles operators, public transport users, pedestrians and cyclists.

The purpose of the Policy is to provide a framework for the planning and development of safe and efficient access arrangements for motorists, public transport users, pedestrians and cyclists, where a coordinated approach to vehicle access is required to support orderly development and network efficiency.

The Policy will be used by the City of Cockburn (the City) to guide the assessment of Development Applications, Subdivision and Local Development Plans, where a Vehicle Access Plan has been prepared.

The overall objectives for the policy are to:

(1) Provide for safe and efficient movement of motorists, public transport users, pedestrians and cyclists;
(2) Provide for safe and efficient movement of waste management and other service vehicles;
(3) Minimise the potential for conflict between through and local traffic;
(4) Provide visually attractive road environments; and
(5) Provide for reasonable property access that is direct, convenient and safe.

## Policy Statement

(1) Vehicle Access Plans:

1. Vehicle Access Plans are to be prepared by the City in consultation with relevant stakeholders, which may include Main Roads WA, the Department of Planning, Lands and Heritage and landowners/tenants of affected properties.



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| Title | Vehicle Access |
|---|---|
| Policy Number (Governance Purpose) | LPP 5.6 |

2. Vehicle Access Plans are to be adopted by Council for inclusion as an Appendix to the Vehicle Access Policy.

3. The access arrangements in Vehicle Access Plans shall be constructed to public road standards and should consider the following design features to ensure traffic safety and efficiency:

   a) road reserve widths;
   b) intersection location and spacing;
   c) intersection type;
   d) traffic control type (i.e. traffic signals, roundabout, signage);
   e) median location and breaks;
   f) the number, location and design of vehicle access points to adjoining private properties;
   g) the size and length of vehicles that will be using the access;
   h) the volume of traffic that will be using the access;
   i) road lighting;
   j) mechanisms for organising and securing shared use of crossovers;
   k) servicing of properties by waste management and other commercial vehicles; and
   l) provision of cyclist and pedestrian facilities and integration with the adjacent path network.

4. Vehicle Access Plans are to consider pedestrian and cyclist movement patterns and key desire lines, particularly where residential development exists or is planned in proximity to the Vehicle Access Plans area.

5. Vehicle Access Plans are to be prepared with reference to the relevant local/state/national policies, guidelines and Australian Standards as determined appropriate by the Local Government.

6. Despite matching the location of a crossover shown on a Council adopted Vehicle Access Plan, further traffic information (such as a Traffic Impact Assessment and/or Road Safety Audit), may still be required to confirm the suitability of the proposed access arrangements.

(2) Vehicle Access Controls:

1. Crossovers

   a) Control over the location, design and number of crossovers will be exercised by the responsible authority to reflect the arrangements shown on a Vehicle Access Plan. Where a crossover is shown as 'indicative' on a Vehicle Access Plan, its exact location will be determined via the Subdivision and/or Development Approval process.

[2]

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| Title | Vehicle Access |
|---|---|
| Policy Number (Governance Purpose) | LPP 5.6 |

b) There is a presumption against the creation of new vehicle crossovers across the primary frontage of the lot where alternative access is, or could be made available, to secondary roads and laneways, or via easements in gross arrangements to a nominated crossover as shown on the Vehicle Access Plan.

c) Where a vehicle crossover is permitted under a Vehicle Access Plan, conditions may be imposed on the width and design of the crossover to ensure adequate visibility and to provide for the safe and convenient movement of vehicles entering and leaving the road.

2. Easements

a) Where indicated on a Vehicle Access Plan, the City will require, as a condition of development or subdivision approval, an easement in gross in the form of a public access easement on relevant land titles. The easements in gross are to be granted for the City to maintain public access across the subject land to the side streets and/or crossover access points as delineated on the Vehicle Access Plan. These easements in gross on land titles are to be provided at the cost of the developer or landowners of the subject land. The treatment of the area covered by the easement in gross shall be designed and treated to the satisfaction of the City, to ensure consistency across lots.

b) Wherever possible, private easements recognised on a Vehicle Access Plan are to be converted to an easement in gross, reflective of their importance to the local movement network.

c) In determining development applications where a Vehicle Access Plan requires the provision of an easement in gross and where such access is not available through adjacent properties to a dedicated road, consideration may be given for retention of an access crossover temporarily, until such time as alternative access is available via the easement in gross system.

d) Provisions for the closure of the temporary crossover shall be provided by way of a condition of subdivision or development approval.

3. Parking and Circulation

a) All applications for development approval on land subject to a Vehicle Access Plan will be required to provide for traffic to enter and leave the site in a forward direction and to comply with the City's car parking and on-site vehicle circulation requirements, as detailed in the City's Town Planning Scheme No.3. This requirement is intended to ensure that



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| Title | Vehicle Access |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.6** |

there is no traffic congestion on-site which would interfere with the safety and free flow of traffic along the primary road.

4. Variation Clause

   a) The precise location of rights of carriageways or crossovers delineated on a Vehicle Access Plan may be varied subject to the approval of the City provided that the purpose and the intent of the Vehicle Access Plan is maintained.

   b) A detailed assessment may be required in the form of a Traffic Management Plan, a Traffic Impact Assessment, a Road Safety Audit, and/or traffic modelling may be required where a variation to a Vehicle Access Plan is proposed. The form and scope of the required traffic assessment will be subject to guidance and agreement by the City.

   c) This policy document may be updated with agreement from the City.

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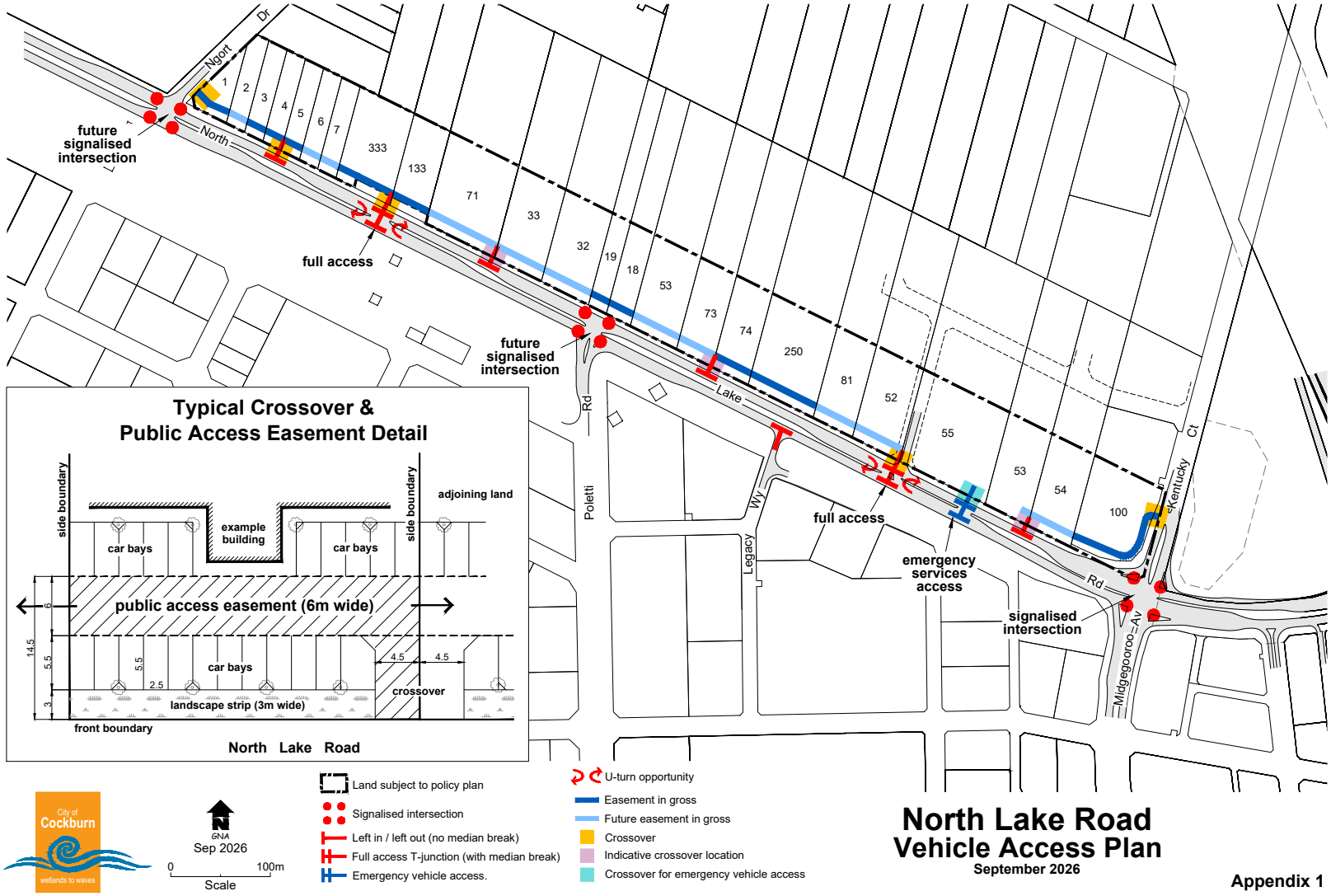
Typical Crossover &
Public Access Easement Detail
side boundary
adjoining land
example building
car bays
car bays
public access easement (6m wide)
car bays
landscape strip (3m wide)
crossover
front boundary
North Lake Road
14.5
5.5
5.5
2.5
4.5
4.5
6
3
future signalised intersection
full access
future signalised intersection
full access
emergency services access
signalised intersection
North
Lake
Rd
Poletti
Wy
Legacy
Kentucky
Ct
Rd
Midgegooroo Av
Ngort
Dr
1
2
3
4
5
6
7
333
133
71
33
32
19
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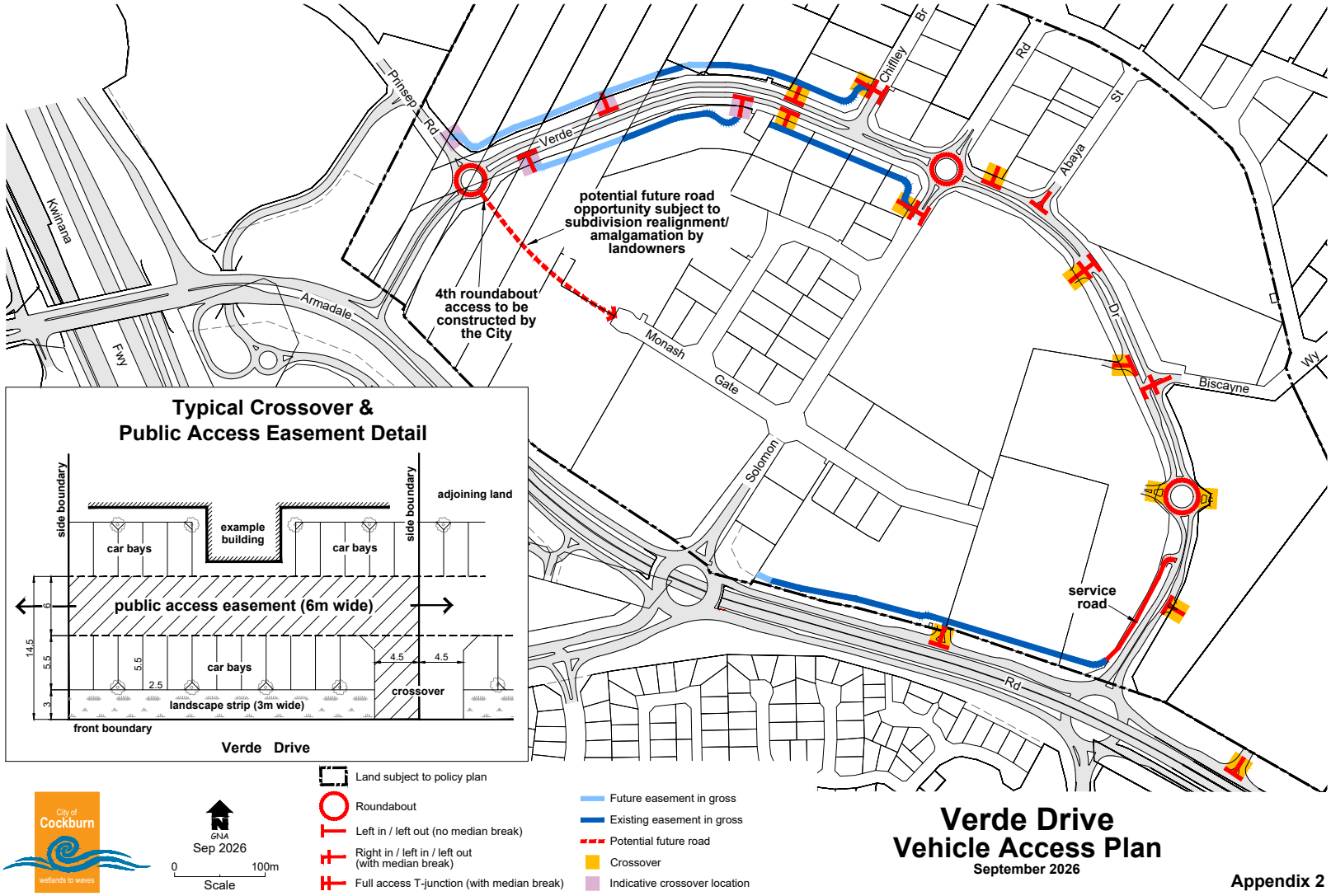
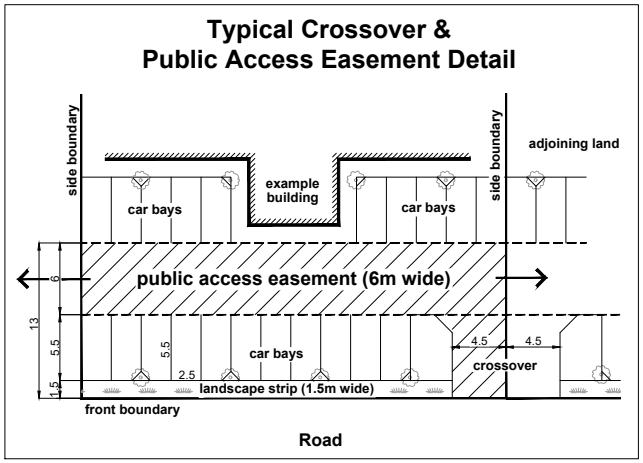
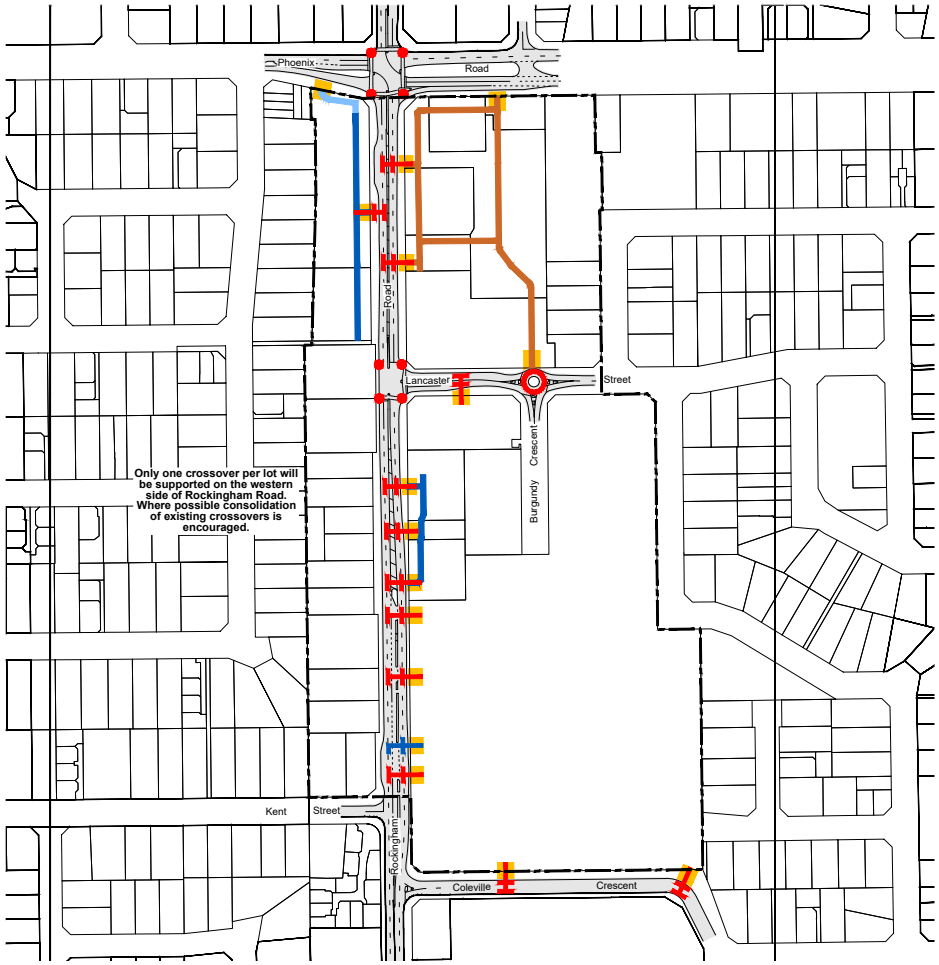
53
73
74
250
81
52
55
53
54
100
City of Cockburn
wetlands to waves
GNA
Sep 2026
0
100m
Scale
Land subject to policy plan
Signalised intersection
Left in / left out (no median break)
Full access T-junction (with median break)
Emergency vehicle access.
U-turn opportunity
Easement in gross
Future easement in gross
Crossover
Indicative crossover location
Crossover for emergency vehicle access
North Lake Road
Vehicle Access Plan
September 2026
Appendix 1




# Verde Drive
## Vehicle Access Plan
September 2026

Appendix 2




City of Cockburn
wetlands to waves

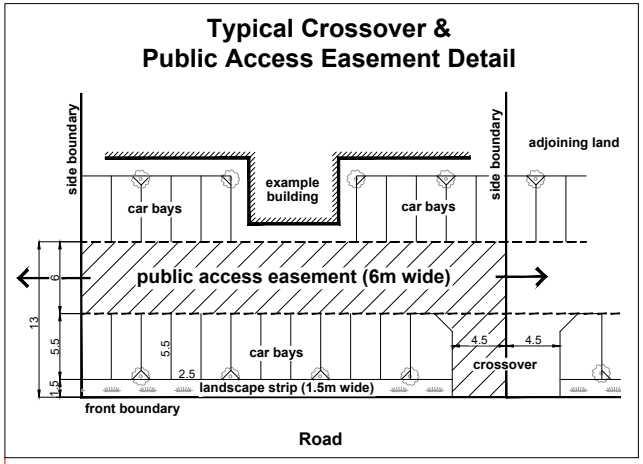
GNA
Sep 2026
0 75m
Scale

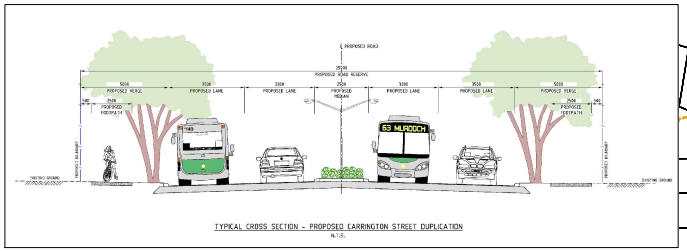
Land subject to policy plan
Signalised intersection
Roundabout
Full access T-junction (with median break)
Service vehicle (right in / left in / left out)

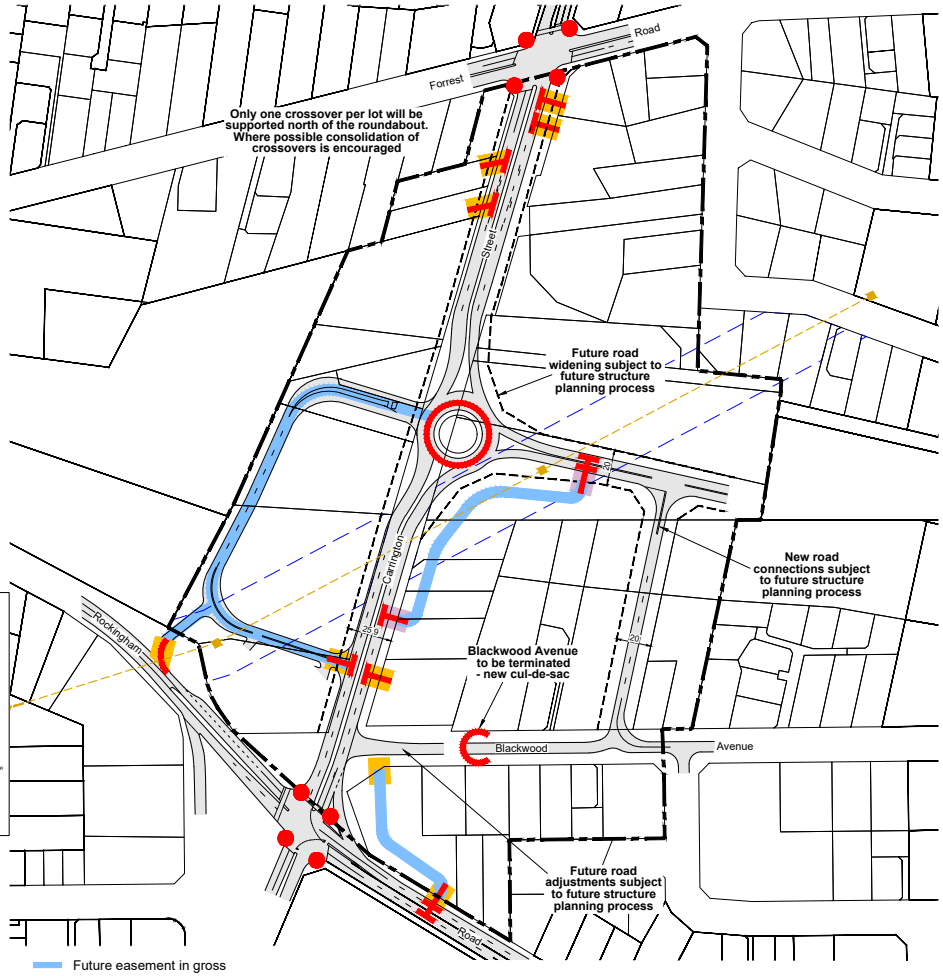
Existing easement in gross
Existing private vehicle easement
Future easement in gross
Crossover

# Rockingham Road
## Vehicle Access Plan
**September 2026**

**Appendix 3**




Land subject to policy plan
Road widening
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Left in / left out (no median break)
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Indicative crossover location
Western Power transmission line easement
Transmission line, pylon

City of Cockburn
wetlands to waves

GNA
Sep 2026
0 60m
Scale

# Carrington Street Vehicle Access Plan

September 2026

Appendix 4

| | |
|---|---|
| **Title** | **Vehicle Access** |
| **Policy Number** (Governance Purpose) | **LPP 5.6** |

| | |
|---|---|
| Strategic Link: | Town Planning Scheme No. 3 |
| Category | Planning - Town Planning & Development |
| Lead Business Unit: | Development Assessment and Compliance |
| Public Consultation: **(Yes or No)** | Yes |
| Adoption Date: (Governance Purpose Only) | TBD |
| Next Review Due: (Governance Purpose Only) | TBD |
| ECM Doc Set ID: (Governance Purpose Only) | 4517299 |

[9]

## 8.1.3 Policy Review - Amendment to Local Planning Policy 3.1 - Commercial Development

| | |
|---|---|
| **Responsible Executive** | Director Sustainable Development and Safety |
| **Author(s)** | Strategic Planning Officer, Service Lead Strategic Planning and Service Manager Strategic Planning |
| **Attachments** | 1. Discussion Paper - Protecting sensitive land uses from commercial uses ⇩<br>2. Local Planning Policy 3.1 - Commercial Development (tracked changes) ⇩<br>3. Local Planning Policy 3.1 - Commercial Development ⇩ |

**Recommendation**
That the Committee recommends Council:

(1) ADOPTS the amended Local Planning Policy 3.1 – Commercial Development (as shown at Attachment 3), for the purposes of advertising; and

(2) ADVERTISES the amended Local Planning Policy 3.1 – Commercial Development, as per Recommendation 1 above, in accordance with Schedule 2 (Deemed Provisions) Part 2, Clause 4(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Background

Council first adopted Local Planning Policy 3.1 (LPP 3.1) in February 2007, with several modifications and reviews completed since, most recently in May 2026.

The objective of the policy is to provide a comprehensive framework for the planning and development of commercial land uses throughout the City, ensuring that commercial development supports economic growth and community needs while safeguarding the amenity, character and functionality of surrounding areas, particularly where commercial activities interface with sensitive residential land uses.

Commercial land uses have the potential to impact sensitive land uses due to the complexity of accommodating a necessary mix of land uses to meet the needs of the community, and the broad nature of zonings and land use permissibilities.

In particular, land uses within proximity to schools have been an emerging concern of the community, particularly the potential negative health impact of fast-food outlets and service stations.

To explore these issues, the City prepared a Discussion Paper (refer Attachment 1) examining how the planning framework can balance mixed-use commercial development with the protection of community health, safety, and residential amenity.

It identifies the types of commercial uses that may create undesirable impacts; summarises existing legislative controls; and identifies that local planning policy provisions are the best approach to better manage these land use conflicts.

In response to these findings the City undertook a review of LPP 3.1 and identified proposed amendments to address these issues, improve policy clarity, strengthen guidance for commercial development and respond to emerging planning issues.

**Submission**

The proposed amendments to LPP 3.1 have been prepared by City officers to recognise the importance of balancing commercial development opportunities with protection of sensitive land uses and residential amenity. Furthermore, they recognise the important role of planning in supporting healthy communities and high-quality urban environments.

**Report**

A 'tracked changes' version of the draft amended policy is included as Attachment 2. A clean version of the draft policy is provided at Attachment 3.

The revised policy retains the existing provisions relating to childcare premises, health studios, service stations, licensed premises and educational establishments, whilst introducing new guidance for activity centres and compatibility considerations for sensitive land uses.

As outlined in the Discussion Paper (Attachment 1), a range of commercial uses have the potential to be incompatible with sensitive land uses. However, many of these are regulated through separate legislative and licensing frameworks. For example, betting agencies and licensed premises are subject to State Government approval processes that consider matters such as public health, community safety and local amenity.

The Discussion Paper identifies that the land uses most likely to benefit from additional planning guidance regarding their separation from sensitive land uses are 24-hour service stations, fast-food outlets with drive-through facilities, and restricted premises.

While these uses are not permitted within the 'Residential' zone, they may be permissible in adjoining zones located near schools and other sensitive land uses, where they have the potential to adversely affect community health, wellbeing and amenity.

Accordingly, a key proposed change to LPP 3.1 is the introduction of separation distance guidelines for these land uses to assist in the assessment of new development proposals, as outlined below:

| | |
|---|---|
| **Service Stations (24 hr)** | • 100m separation to sensitive land uses. |
| **'Fast-food Outlets' with drive thru facilities** | • 400m walking distance separation from Secondary schools, except within identified 'Neighbourhood', 'District' or 'Secondary' Activity Centres.<br>• 200m walking distance separation from Primary schools. |
| **Restricted Premises** | • 200m walking distance separation from existing or proposed Primary and Secondary schools. |

The table below outlines all the proposed key changes to LPP 3.1 and explains the reasoning for each, including further justification for the proposed separation distances:

| Former Section | New Section | Current Section | Proposed Modification | Justification |
|---|---|---|---|---|
| N/A | N/A | Policy Purpose | Additional policy objectives addressing public health, community wellbeing, activity centre outcomes, school environments and land use compatibility have been incorporated with protection of sensitive land uses and residential amenity. | To better articulate the City's objectives regarding commercial development and the role of planning in supporting healthy communities and high-quality urban environments. |
| (1) | (1) | Definitions | Insertion of new definition:<br>*<u>Drive-thru facility</u> means a dedicated vehicle circulation lane(s) forming part of a fast-food outlet or restaurant development, designed to accommodate a queuing lane(s) for vehicles, order and/or payment points and a collection window.* | To better define the form of development subject to specific requirements of the policy, given 'fast food outlets' can include a range of food outlets, and the focus of policy measures is on those with drive-thru components due to their impacts (discussed further below). |
| N/A | General Provisions | (2) | New section providing overarching guidance for commercial development, including: | To establish a consistent assessment framework and support implementation of the |

| | | | | |
|---|---|---|---|---|
| | | | • Application of residential setbacks abutting residential land;<br>• Enhanced landscaping requirements;<br>• Minimum open space and landscaping within activity centres;<br>• Design guidance for drive-thru facilities; and<br>• Improved screening requirements for service and loading areas. | City's desired future activity centre character. |
| (2) | (3) | Child Care Premises | New provisions introducing a 100m separation distance between Child Care Premises and 24-hour Service Stations.<br>Additional emphasis on landscaping and retention of mature vegetation and regulated trees. | To minimise the potential exposure to benzene emissions (as recommended by Department of Health 2024 'Position statement: Service stations and sensitive land uses').<br>Provide additional protection for vulnerable users whilst supporting quality-built form and landscape outcomes. |
| (4) | (5) | Service Stations and Motor Vehicle Wash Facilities | New location section establishing new Service Stations will generally not be supported within 100m of sensitive land uses including residential development, Child Care Premises, Educational Establishments, hospitals and aged care facilities. | As above, and in response to emerging concerns regarding the compatibility of Service Stations with sensitive uses, including public health and amenity outcomes. |
| (5) | (6) | Licensed Premises | Updated to strengthen consideration of alcohol-related harm and community wellbeing outcomes when assessing development applications involving liquor licensing. | To provide additional policy guidance to consider broader social impacts during assessment. |

| | | | | |
|---|---|---|---|---|
| N/A | Fast Food Outlets and Restaurants with Drive-Thru Facilities | (8) | New section specifying Fast Food Outlets and Restaurants incorporating drive-thru facilities will generally not be supported (except in Activity Centres) within:<br>• 400m walking distance of Secondary schools (unless located within specified activity centres); and<br>• 200m walking distance of Primary schools.<br>Signage and advertising should not be visible from the boundary of existing or proposed primary schools. | To minimise exposure to unhealthy food options and prioritise the school environs for pedestrians and cyclists.<br>400m separation recommended for Secondary schools as it correlates to a five-minute walk.<br>For Secondary schools the provisions are not proposed to apply to 'Neighbourhood' and larger Activity Centres where it is considered reasonable to expect these types of uses - the proposed approach is considered to achieve an appropriate balance.<br>Primary school students are less likely to purchase fast-food themselves, therefore a 200m separation is intended to minimise exposure (noting they will be an 'X' use on surrounding 'Residential' zoned land). |
| | Restricted Premises | (9) | Inclusion of new provision stating Restricted Premises will generally not be supported within 200 metres walking distance of schools; and establishing controls relating to signage, advertising and presentation of premises. | These uses are associated with the sale and/or display of products restricted for persons under 18, therefore it is reasonable to infer they are incompatible with primary and secondary schools. |

The proposed amendments to LPP 3.1 support the objectives of Town Planning Scheme No. 3 and assist implementation of the City's broader strategic planning framework by:

- Promoting high-quality urban design outcomes for commercial land uses and activity centres
- Supporting vibrant and functional activity centres
- Protecting residential amenity and sensitive land uses
- Enhancing landscaping and tree canopy
- Supporting healthy communities
- Improving land use compatibility outcomes across the City.

If Council resolves to adopt the draft amended LPP 3.1 for advertising, the outcomes of consultation will be used to determine whether this approach meets community expectations prior to finalisation.

**Strategic Plans/Policy Implications**

Our Economy
Attracting investment, supporting business and visitor growth and boosting local jobs through vibrant hubs.
• Facilitate economic growth and employment opportunities.

Our Environment
Valuing natural assets, building climate resilience and using resources sustainably.
• Protect and enhance our natural areas and streetscapes.

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Promote and support active, healthy lifestyles through recreation and wellness.
Foster connected, accessible communities and services.

Our Places
Enhancing distinctive, liveable areas with well-connected, safe transport options.
• Plan for growth and sustainable development.

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

Preparation and advertising of the proposal will be covered under the Strategic Planning FY27 budget.

## Legal Implications

N/A

## Community Consultation

Should Council adopt the amended LPP 3.1 for advertising, public consultation will be undertaken for a minimum period of 21 days in accordance with Schedule 2, Part 2, Clause 4(2) of *the Planning and Development (Local Planning Schemes) Regulations 2015*.

At the conclusion of the consultation period, the City will review the submissions received and prepare a report for the Committee's consideration at the next available Governance Committee Meeting. At that meeting (and subsequent Ordinary Council Meeting), Council must resolve to either:

(i) proceed with the Amended Policy without modification

(ii) proceed with the Amended Policy with modification

(iii) not to proceed with the Policy amendments.

## Risk Management Implications

The proposed policy amendments and land use separation distance measures are considered to achieve a reasonable and balanced approach that will still allow for the ongoing operation of existing or approved commercial land uses, without triggering 'non-conforming use rights' that may negatively impact those businesses.

Inclusion of the proposed measures in a local planning policy provides clear guidance whilst also ensuring flexibility to assess new proposals on their merits against the policy objectives.

Should the modifications not be supported the local planning framework will have limited guidance for some of the key measures, such as separation distances to sensitive land uses. That could potentially lead to the following:

- Greater risk of incompatible land use interfaces which may create conflicts between residents, schools and businesses, negatively impact community health and wellbeing, and increase complaints
- Reduced community confidence in planning decisions, widespread perceptions that community concerns are not being addressed, and increased public objections to development applications
- Failure to incorporate these controls may create misalignment between local planning decisions and broader State health and planning objectives, making it more difficult to demonstrate that planning decisions support health and wellbeing outcomes
- Missed opportunities to support health and wellbeing outcomes consistent with obligations under the *Public Health Act 2016* and broader State health strategies.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

# City of Cockburn Discussion Paper: Protecting sensitive land uses from inappropriate commercial uses through the planning framework (2026)

## 1.0 The issue

Sustainability requires integration of the social, economic and environmental consequences of land use and development to deliver a better quality of life now and for future generations. The planning system is uniquely placed to influence the quality of life of communities because of its capacity to resolve conflicts and deliver solutions which balance social, economic and environmental objectives.

Local governments are legislatively bound via the *Public Health Act 2016* to promote health and wellbeing within their local areas.

The City of Cockburn has urban environments with a necessary mixture of land uses to meet the needs of the community, support the local economy, and create vibrant communities. Accommodating a mix of uses to avoid land use conflict and achieve compatibility is a fundamental objective of the planning framework.

Historically, land use conflicts from rural land uses arose in the Perth metropolitan area as areas transitioned from rural to urban whilst some market gardens continued to operate. This problem has lessened as such uses have ceased, and the City's remaining rural zoned land is generally separated from residential zoned land.

In this context, currently the primary issue of land use incompatibility relates to commercial land uses and their impact on sensitive land uses. This arises because of the complexity of accommodating a necessary mix of land uses to meet the needs of the community, and the broad nature of zonings and land use permissibilities.

Land uses within proximity to schools have been a key concern of the community, particularly the potential negative health impact of fast-food outlets and service stations.

This paper will focus on the impact of commercial land uses on sensitive land uses, addressing the following questions:

- What are sensitive land uses in the context of the planning framework?
- How does the planning framework (and other legislation/requirements) currently control and mitigate land use conflicts?
- What commercial land uses have the potential to have an unacceptable impact on sensitive land uses?
- Can the planning framework better manage these land use conflicts?
- Are amendments to the local planning framework recommended to better address these concerns whilst achieving a balanced approach to achieving mixed use environments?

## 2.0 Sensitive land uses and the planning framework

The EPA (Guidance Statement No. 3 'Separation Distances between Industrial and Sensitive Land Uses') defines sensitive land use are those potentially sensitive to emissions from industry and infrastructure including residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, hospitals, nursing homes, childcare facilities, shopping centres, playgrounds, and some public buildings.

For the purposes of the land use planning framework and commercial land uses (rather than 'industrial'), consideration is given to the length of time people would spend at that location which

would reasonably influence the potential impact. Residential land uses - places where people live - are obvious sensitive land uses.

The following are considered 'sensitive land uses' pursuant to the local planning scheme because of the average potential length of stay, amount of time spent at the location and vulnerability of occupants/visitors:

- Residential dwelling (single, grouped, multiple)
- Educational Establishment
- Short-term rental accommodation
- Child care premises
- Hospital
- Aged care
- Residential building
- Tourist Accommodation

## 3.0 Conflict between commercial and sensitive land uses

Local planning scheme zonings are a key tool to minimise land use conflicts. The City's local planning scheme zonings provide appropriate separation between residential zoned land and industrial or rural zoned land to minimise potential land use conflicts.

Land use permissibilities in the local planning scheme then identify a range of compatible land uses for each zone to further minimise conflicts. For example, many non-residential land uses are restricted within the 'Residential' zone to protect residential amenity.

Land use conflicts are also minimised through statutory buffers, such as the Kwinana Air Quality Buffer; and other legislation and regulations (e.g. Health Act, Noise Regulations), and local laws which govern matters such as keeping of animals.

EPA Guidance Statement No. 3 identifies separation distances between a range of industrial uses, commercial uses, rural activities, and infrastructure that have off-site emissions that may adversely affect the amenity of sensitive land uses. However, the only 'commercial' land use (rather than industrial or rural) with an identified separation distance is 24-hour service stations.

It is reasonable to expect a range of commercial land uses within commercial zoned areas, and these areas (particularly activity centre zonings) may abut or be adjacent to residential zoned land. Such proximity aligns with creation of walkable communities; and supports the viability of activity centres.

However, commercial land uses may generate levels of activity greater than typically generated or anticipated by residential development. This includes traffic, noise, visual impacts, litter, and odour. The challenge is minimising land use conflicts to reasonably protect residential amenity whilst allowing for the viable operation of commercial uses.

Generally, land use conflicts occur when there is insufficient separation between a source that generates external impacts and a sensitive land use, or when there are insufficient controls to mitigate these impacts.

Some impacts of commercial uses may be deemed a nuisance rather than health issue, however persistent exposure to a nuisance such as odour can lead to indirect health effects through stress.

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Noise is an inherent part of many activities, but may negatively impact health, wellbeing and amenity, particularly if it disturbs sleep[1][2].

Often impacts can be mitigated through conditions of Development Approval such as hours of operation, staff numbers, customer numbers, access arrangements, parking and visual screening etc. Matters such as noise and waste storage are controlled by the *Environmental Protection (Noise) Regulations 1997*, the *Food Act 2008*, *Food Regulations 2009* and Food Standards Code.

In recent times there has been particular community interest regarding land uses within proximity to primary and secondary schools, such as fast food outlets. Much of the catchment areas around primary and secondary schools is zoned 'Residential' where many commercial land uses (particularly those that would negatively impact residential amenity) are not permitted.

However, within the catchments of many schools there are areas of existing commercial zoned land and activity centres where certain permissible land uses may not be compatible with schools. Of note, the 'Development' zone (or 'Urban Development' under draft Local Planning Scheme No. 13) provides for areas to be structure planned and does not include land use permissibilities, therefore providing for a wide range of potential uses which may not be compatible with schools. This is therefore a particular issue for new residential areas where the zoning will typically be 'Development' rather than 'Residential'.

A review of the local planning scheme land use definitions has identified the following land uses that may be permissible in commercial zones that may be perceived as having a negative impact on sensitive land uses, based on community feedback and legislative restrictions on the use:

- Fast food outlets
- Restricted premises
- Service Stations
- Betting agency
- Tavern
- Liquor Store (Small and Large)
- Nightclub
- Small bars
- Hotel

Each of these land uses is discussed in further detail below:

### 3.1 Service Stations

EPA Guidance Statement No. 3 identifies a 200m generic buffers to 24-hour service stations from sensitive land uses. This highlights the potential for service stations to conflict with sensitive land uses, requiring further consideration given their permissibility in commercial zonings.

Air dispersion modelling has been used in the past to justify a reduced buffer to service stations, however recent advice from Department of Health is they have been advised by the Department of Water and Environmental Regulation (DWER) that "*...air quality dispersion modelling has a number of areas of uncertainty and the Department is not able to verify the assumptions made in these*

[1] Halperin D. Environmental noise and sleep disturbances: A threat to health? Sleep Sci. 2014 Dec;7(4):209-12. doi: 10.1016/j.slsci.2014.11.003. Epub 2014 Nov 15. PMID: 26483931; PMCID: PMC4608916.
[2] Hume KI, Brink M, Basner M. Effects of environmental noise on sleep. Noise Health. 2012 Nov-Dec;14(61):297-302. doi: 10.4103/1463-1741.104897. PMID: 23257581.

*modelling studies. Therefore, the use of dispersion modelling to make precise judgements on separation distances is impossible*."

Benzene is classified as a human carcinogen (genotoxic carcinogen) by the International Agency for Research on Cancer, for which no threshold has been established[3]. Long-term exposure at various levels can affect normal blood production and can be harmful to the immune system. It can cause Leukaemia and has also been linked with birth defects in animals and humans[4].

In 2024 Department of Health released a Position statement: Service stations and sensitive land uses which recommends a 100m setback to Service Stations.

On this basis, it is considered appropriate to take the precautionary principle and restrict future proposed service stations and fuel depots within 100m of sensitive premises, whilst also restricting proposed sensitive land uses from locating within 100m of an existing or approved Service Station.

### 3.2 Fast food outlets

There has been growing community concern regarding the proximity of fast-food outlets to schools, and the potential negative impact on the health of young people.

There is a question as to whether this is within the scope of the planning framework to address. In the first instance, it is acknowledged the built environment influences community health in many ways, including activity levels, access to nutritious food, housing, contact with nature and spaces for social interactions.

Features of the built environment provide opportunities to engage in both healthy and unhealthy behaviours. Studies predominantly from Australia, UK and USA, have shown proximity (and density) of fast-food outlets to homes and schools can increase consumption of junk food.

The State Planning Strategy 2050 is the highest order planning instrument in the Western Australian planning system, designed to inform planning policies and decisions throughout the State. It recognises access to nutritious food choices is important to maintain good health and prevent chronic disease. It notes the social and economic costs of not planning for health and wellbeing can be significant and can manifest in higher rates of obesity, poor physical and mental health, social isolation and increased crime.

Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* deemed provisions sets out the matters for the local government to have due regard, which includes the following:

*(n) the amenity of the locality including the following —*

*(i) environmental impacts of the development;*

*(ii) the character of the locality;*

*(iii)* ***social impacts*** *of the development;*

[3] IARC. Benzene. Overall evaluations of carcinogenicity: An updating of selected IARC Monographs from Volumes 1 to 42. IARC Monographs on the Evaluation of Carcinogenic Risk to Humans. Lyon, International Agency for Research on Cancer, 1987; Supplement 7: 120–122

[4] Australian Department of Climate Change, Energy, the Environment and Water, Benzene Fact Sheet https://www.dcceew.gov.au/environment/protection/npi/substances/fact-sheets/benzene-0

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It is reasonable for the planning system to consider this as a social issue, and to consider the compatibility of fast-food outlets within proximity schools.

Overweight and obesity in children and adolescents is recognised as a major public health issue in Australia, associated with poorer health and wellbeing, worse performance at school, increased health-care costs, and an increased risk of obesity in adulthood[5].

The food available in close proximity to schools is an important component of the food environment for children and adolescents.

Children and adolescents are also highly susceptible to the influence of the marketing of unhealthy food and beverages[6].

A WA study (2017-2018) found almost half (45%) of secondary students purchased discretionary foods from food outlets near their school on a weekly-or-more basis, with purchase frequency significantly associated with the availability of major fast-food outlets near their schools[7].

Studies suggest policies and regulation aimed at reducing the availability of fast-food outlets near schools are essential to improve dietary intakes and reduce obesity in WA schoolchildren[8].

Using planning laws to limit unhealthy food outlets and to support access to healthy food options, including near schools is a key recommendation of the 'Final Report of the Sustainable Health Review 2019', 'National Obesity Strategy 2022-2023', the 'WA Health Promotion Strategic Framework 2022-20261', and the 'WA Food Policy Index Report Card 2023'.

Whilst junk food can be purchased at many establishments other than fast-food outlets (such as supermarkets), studies indicate the greatest impact and purchase frequency comes from the major fast-food outlet chains[9], all which typically have a drive-through component.

As a land use, drive thru facilities can also have a negative impact on the safety and amenity of the pedestrian environment through increased vehicle movements and large crossovers and access requirements. This is important because movement network, traffic and parking issues (and associated safety concerns) continue to be raised as key issues affecting the day-to-day operation of schools.

Therefore, based on the potential negative social impacts (a consideration of clause 67(2) of the Regulations), it is appropriate to specifically restrict fast-food outlets with drive thru facilities within proximity to schools with the purpose of:

- Reducing the consumption, promotion and normalisation of unhealthy foods to improve health and wellbeing outcomes of young people;
- Supporting safe, high amenity pedestrian environments that prioritise pedestrians, cyclists and public transport access in the environs surrounding schools.

[5] 'Overweight and obesity among Australian children and adolescents' (2020), Australian Government – Australian Institute of Health and Wellbeing
[6] WHO 2016. Report of the Commission on Ending Childhood Obesity. Geneva: WHO.
[7] Trapp GS, Hooper P, Thornton L, Kennington K, Sartori A, Hurworth M, et al. Association between food-outlet availability near secondary schools and junk-food purchasing among Australian adolescents. Nutrition. 2021;91:111488.
[8,9]Trapp GSA, Hooper P, Billingham W, Thornton L, Sartori A, Kennington K, et al. Would you like fries with that? Investigating fast-food outlet availability near schools in Perth, Western Australia. Health Promote J Austral. 2022. https://doi.org/10.1002/hpja.682

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It is recognised fast-food outlets contribute to the economy and provide local employment opportunities. A balanced approach is required to provide for their appropriate location where they will not have a detrimental impact on the amenity of neighbourhoods and school environs.

It is considered reasonable that any separation distance not be applicable for Activity Centre zoned land

Identifying an appropriate separation distance between schools and fast-food outlets is a complex matter because of the range of influencing factors in the built environment, patterns of travel behaviour, and socio-economic factors shown to influence the consumption of unhealthy foods.

Pertinently, there is a difference in the impact for primary and secondary school students which requires consideration, discussed below.

***Secondary Schools***

Secondary school students have greater autonomy over their food choice, and greater freedom and mobility than primary school students. For this reason, most of the Australian studies, including the WA study, focus on Secondary school students.

For secondary schools, having fast-food outlets within the walkable catchment provides easy access to junk food, and the studies confirm proximity to fast-food outlets increases consumption of unhealthy foods.

A catchment of 400m correlates to approximately a five-minute walk and is considered to be a reasonable catchment to exclude fast food outlets, noting they will be an 'X' use on any surrounding 'Residential' zoned land.

Excluding fast-food outlets with drive-through facilities from the immediate surrounds will also support a safer walking and cycling environment around schools.

***Primary Schools***

Primary school students are less likely to have the opportunity to purchase fast-food themselves, however the presence of fast-food outlets in a neighbourhood is shown to 'normalise' consumption of these types of food[10]. Therefore, proximity of fast-food outlets to primary schools may have a negative impact through normalisation and exposure.

For primary schools this means minimising exposure to fast food outlets in the immediate surrounding environment, rather than a broader walkable catchment as proposed for secondary schools.

Notably, much of the area around primary schools is often zoned 'Residential' where 'Fast Food outlet with drive through facility' will be an 'X' use, minimising the likelihood of such uses.

In recognition of this, and to address the key issues of exposure (rather than accessibility as with secondary schools), a 200m catchment exclusion area is considered appropriate to protect primary schools from the potential negative impacts of fast-food outlets with drive thru facilities. It is also recommended signage not be visible from the boundary of the school for the same reasons.

[10] van Rongen, S., Poelman, M.P., Thornton, L. et al. Neighbourhood fast food exposure and consumption: the mediating role of neighbourhood social norms. Int J Behav Nutr Phys Act 17, 61 (2020). https://doi.org/10.1186/s12966-020-00969-w

## City of Cockburn Discussion Paper: Protecting sensitive land uses from inappropriate commercial uses through the planning framework (2026)

As with Secondary schools, excluding fast-food outlets with drive-through facilities from the immediate surrounds will also support a safer walking and cycling environment around schools.

### 3.3 Restricted Premises

The model definition for 'Restricted premises' proposed to be included in draft LPS13 is as per the *Planning and Development (Local Planning Schemes) Regulations 2015*:

*Restricted premises: means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -*

*(a) publications that are classified as restricted under the Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth); and*

*(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or*

*(c) smoking-related implements.*

These uses are associated with the sale and/or display of products restricted for persons under 18, therefore it is reasonable to infer they are incompatible with primary and secondary schools.

The *Tobacco Products Control Act 2006* requires a retailer's licence to be issued by the Department of Health if tobacco products are to be sold or supplied from a premises. The *Tobacco Advertising Prohibition Act 1992* includes restrictions on the advertising of smoking, and purchase or use of tobacco products.

However, premises that do not sell tobacco, but sell smoking implements, and/or nicotine and tobacco free flavoured charcoal and vaping liquids, do not require a tobacco seller's licence.

While it is illegal to sell tobacco products or smoking implements to persons under 18 as set out in the *Tobacco Products Control Act 2006*, there is no legislation restricting those persons under the age of 18 from entering a premises that sells smoking related accessories.

Furthermore, while it is against the law for premises with a tobacco's seller's licence to display smoking implements, if a premises does not hold or require a tobacco seller's licence there are no restrictions regarding the display of smoking implements. This means there is potential for premises selling smoking implements to display products, and to be accessible to persons under 18.

While such premises may not result in an increase in the availability of tobacco products, their presence could serve as promotion or normalisation of smoking. This would be contrary to the National Tobacco Strategy (2023-2030) objectives to prevent the uptake of tobacco use and prevent and reduce the marketing and harms associated with use of novel and emerging products.

People who start smoking during early adolescence are more likely to smoke daily later in life, and the younger an individual starts smoking the less likely they are to stop [11]. Minimising exposure of young people to smoking culture is considered a positive step to reduce the uptake of tobacco use and aligns with community expectations to protect the health and wellbeing of young people.

[11] AIHW 2017b. National Drug Strategy Household Survey 2016: detailed findings. Drug statistics series no. 31. Cat. no. PHE 214. Canberra: AIHW.

## City of Cockburn Discussion Paper: Protecting sensitive land uses from inappropriate commercial uses through the planning framework (2026)

The types of products sold in other 'Restricted Premises' are also considered inappropriate for persons under 18, reflected in their sales restriction, and they are therefore incompatible with schools.

In this regard, it is appropriate that 'Restricted premises' not be permitted within a 200m walkable catchment to primary and secondary schools to minimise potential exposure of children to products not suitable for persons under 18, including smoking-related implements.

### 3.4 Licensed Premises

Licensed premises include Tavern; Liquor Store (Small and Large); Nightclub; Small bars; Hotel. These land uses require a liquor licence which is not granted unless the licensing authority considers it is in the public interest under the *Liquor Control Act 1988*.

The licensing authority may consider the impact on physical harm and health, the amenity of area, and the contribution to annoyance or disturbance.

The appropriateness of the location of licensed premises is therefore considered through the liquor licencing process, and further land use restrictions are not necessary, beyond ensuring the land uses are only permissible in appropriate zones.

Whilst there may be traffic, parking and noise concerns relating to these uses, these can be assessed and considered as part of a Development Application.

### 3.5 Betting Agency

Betting agencies are highly regulated through numerous Acts and Regulations and must be established by Racing and Wagering WA (RWWA) under the *Racing and Wagering Western Australia Act 2003*.

Establishment of a new agency requires notice to the Gaming and Wagering Commission who can determine the conduct of gambling at a totalisator agency or a proposed totalisator agency is, or will be detrimental to the public interest. They can direct RWWA to close the totalisator agency or to not establish the totalisator agency. This legislative framework provides tight controls for the establishment and location of betting agencies, and it is not considered further restrictions on the land use is required beyond ensuring it is permissible in appropriate zones.

## City of Cockburn Discussion Paper: Protecting sensitive land uses from inappropriate commercial uses through the planning framework (2026)

## 4.0 Proposed land use planning response – Proposed Planning Framework

### 4.1 Land use definitions

Currently the land use definition for fast food outlet/lunch bar pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* model provisions is as follows:

> ***fast food outlet/lunch bar*** *- means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —*
>
> *(a) without further preparation; and*
>
> *(b) primarily off the premises;*

However, the WAPC 'Consistent Local Planning Schemes report' identifies two new land uses - 'Fast Food outlet with drive-through facility' and 'Food outlet' to differentiate between food outlets that include a drive-thru, recognising there is a critical difference in their impact.

Having two separate land use definitions provides greater ability to ensure the appropriate siting of drive-thru fast-food outlets given they can have a more significant impact due to their vehicle access requirements, traffic generation, large land requirements, built form and negative impact on the pedestrian environment.

To achieve the stated objectives of improving health outcomes of the community and supporting safe, high amenity pedestrian environments around schools, it is considered appropriate to focus restrictions on 'fast food outlet with drive through facility'. These land uses are considered likely to have the greatest negative impact, with other food outlets likely to have a smaller building footprint, accommodate less vehicle access, generate less traffic, and are likely to be within smaller tenancies in activity centres or service commercial zoned areas.

Furthermore, studies indicate the greatest impact and purchase frequency for school students comes from the major fast food outlet chains[12], which typically all include a drive-through component (particularly in a suburban rather than city centre context).

### 4.2.1 Planning Instrument

Proposed land use separation measures could be implemented through either the local planning scheme or a local planning policy.

Local Planning Scheme changes, such as imposition of 'Restricted Uses' or statutory exclusion areas would be impractical to define spatially and inflexible and would be unlikely to be supported by the Western Australian Planning Commission (WAPC).

Local planning policies are 'due regard' instruments under the *Planning and Development (Local Planning Schemes) Regulations 2015*, which Local Governments must consider in determining Development Applications.

Inclusion of separation distance requirements within a local planning policy provides a reasonable and balanced approach that will still allow for the ongoing operation of existing or approved

commercial land uses, without triggering 'non-conforming use rights' that may negatively impact those businesses.

Inclusion of the proposed measures in a local planning policy also provides clear guidance whilst also ensuring flexibility to assess new proposals on their merits against the policy objectives.

Table 1 below summarises the proposed exclusion areas/separation distances to be incorporated into a local planning policy:

| **Table 1: Summary of proposed exclusion areas/separation distances (commercial land uses)** | |
|---|---|
| **Fast food outlet with drive thru facility** | • Not permitted within 200m walkable catchment of primary schools.<br>• Not permitted within 400m walkable catchment of secondary schools (except in Activity Centres – Neighbourhood and larger).<br>• Signage not visible from boundary of primary school. |
| **Service station** | • New service stations restricted within 100m of sensitive land uses. |
| **Restricted premises** | • New 'Restricted premises' not permitted within a 200m walkable catchment to primary and secondary schools. |
| **Sensitive land uses** | • Proposed sensitive land uses will generally not be supported within 100m of a site containing a 24-hour Service Station or subject to a current Development Approval for a 24-hour Service Station. |

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### 5.0 Summary of findings and recommendations

| Land use | Overview of framework and issues | Recommendation |
|---|---|---|
| Fast food outlet | • Proximity to schools (and the quantity) increases consumption and normalisation of unhealthy food.<br>• Potential negative social impacts (health and wellbeing of young people).<br>• Negative impact on pedestrian environments that should prioritise pedestrians, cyclists and public transport access surrounding schools.<br>• Appropriate to restrict fast-food drive thru outlets with drive thru facilities within proximity to schools to improve health and wellbeing outcomes of the community and support safe pedestrian environments. | **POLICY MEASURES RECOMMENDED**<br><br>New 'Fast food outlet with drive thru facility' not supported within 200m walkable catchment of primary schools and 400m walkable catchment of secondary schools (except in Activity Centres).<br><br>Signage not visible from boundary of primary school. |
| Service Station | • EPA Guidance Statement No. 3 recommends 200m buffer to sensitive land uses (24 hr service stations), however more recent Department of Health 2004 Position Statement recommends 100m.<br>• Key issue is Benzene emissions - a carcinogen with no safe limits - Department of Water and Environmental Regulation currently do not accept air dispersion modelling to justify reduced buffer.<br>• Precautionary principle recommended given serious potential health impacts. | **POLICY MEASURES RECOMMENDED**<br><br>New 24 hr service stations restricted within 100m of sensitive land uses. |
| Restricted premises | • Uses associated with sale and/or display of products restricted for persons under 18, therefore reasonable to infer incompatibility with schools.<br>• Restriction within proximity to schools appropriate to minimise potential exposure of children to products not suitable for persons under 18. | **POLICY MEASURES RECOMMENDED**<br><br>New 'Restricted premises' not supported within a 200m walkable catchment to primary and secondary schools. |
| • Tavern<br>• Liquor Store (Small and Large)<br>• Nightclub<br>• Small bars<br>• Hotel | • Liquor licence Applications are not granted unless licensing authority considers it is in the public interest under the *Liquor Control Act 1988*.<br>• Licensing authority may consider impact on physical harm and health, amenity of area, and contribution to annoyance or disturbance.<br>• Location is considered through liquor licencing process, and further land use restrictions are not necessary, beyond ensuring permissible in appropriate zones.<br>• Traffic, parking and noise concerns relating to these uses can be assessed and considered as part of a Development Application. | **SOME POLICY MEASURES RECOMMENDED**<br><br>No further restriction on land use required beyond ensuring appropriate permissibility in each zones; however inclusion of reference to the potential for licensed premises to increase the availability of liquor in a high-risk manner and contribute to alcohol related harm in the community, the potential public health and wellbeing impact of such uses will be taken into |

## City of Cockburn Discussion Paper: Protecting sensitive land uses from inappropriate commercial uses through the planning framework (2026)

| | | |
|---|---|---|
| | | consideration when determining development applications. |
| Betting agency | • Must be established by Racing and Wagering WA (RWWA) under the *Racing and Wagering Western Australia Act 2003*.<br>• Requires notice to Gaming and Wagering Commission who can determine the conduct of gambling at an existing or proposed totalisator agency, or whether it will be detrimental to public interest and can direct RWWA to close or not establish the agency. | **NO FURTHER ACTION**<br><br>No further restriction on land use required beyond ensuring appropriate permissibility in each zones. |

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Hume KI, Brink M, Basner M. Effects of environmental noise on sleep. Noise Health. 2012 Nov-Dec;14(61):297-302. doi: 10.4103/1463-1741.104897. PMID: 23257581.

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Van Rongen, S., Poelman, M.P., Thornton, L. et al. Neighbourhood fast food exposure and consumption: the mediating role of neighbourhood social norms. Int J Behav Nutr Phys Act 17, 61 (2020). https://doi.org/10.1186/s12966-020-00969-w

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# Policy
Commercial Development

# Policy Number
LPP 3.1

## Policy Type

Local Planning Policy

## Policy Purpose

The City of Cockburn features a range of different commercial zones, ranging from small local centres to significant regional activity centres. The City's Town Planning Scheme No. 3 (TPS 3) allows for a range of commercial land uses within these commercial areas as well as within residential zones .

-to meet the needs of the community, support the local economy, and create vibrant communities.

Accommodating a mix of uses to avoid land use conflict and achieve compatibility is a fundamental objective of the planning framework. The challenge is minimising land use conflicts to reasonably protect sensitive land uses and residential amenity whilst allowing for the viable operation of commercial uses, particularly a range of land uses in larger Activity Centres.

The purpose of this policy is to provide a comprehensive framework for the planning and development of various commercial land uses within the City of Cockburn n. to balance growth with community health and wellbeing, ensure effective land use planning, and enhance the overall functionality and character of the City.

This policy aims objectives areto:

1. Facilitate Growth and Convenience: Support the development of diverse commercial uses including childcare premises, health studios, service stations, licensed premises, and educational establishments, ensuring they contribute positively to the convenience and economic vibrancy of the City.

2. Protect Amenity and Safety: Ensure that all commercial developments are designed and located to minimisze adverse impacts on the amenity of surrounding areas. This includes addressing issues related to public health and wellbeing, noise, light, odour, traffic flows, and pedestrian and cyclist safety; and minimising exposure to benzene emissions from Service Stations..

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3. Promote Integration and Compatibility: Ensure that new developments are compatible with the surrounding land uses and activity centres, and do not undermine the ability of these centres to support a mix of land uses and community functions as outlined in the City's strategic plans.

4. Support High-Quality Development: Provide clear guidelines on the siting, design, and operation of commercial premises, including specific requirements for parking, building retrofitting, and public impact considerations, to achieve coordinated and high-quality development outcomes that contribute positively to the streetscape and intended future character.

5. -Ensure compatible land uses within proximity to primary and secondary schools to:

   a) Minimise access and exposure to unhealthy food choices to support high quality health and wellbeing outcomes for young people and the community;
   b) Support a safe, high amenity environment that prioritises pedestrians, cyclists and public transport access in the environs surrounding schools; and
   ~~a)~~c) Minimise exposure to 'Restricted Premises' which are unsuitable for people under 18 years of age, potentially impacting health and wellbeing.

~~By addressing these objectives, the policy seeks to balance growth with community wellbeing, ensure effective land use planning, and enhance the overall functionality and character of the City.~~

## Policy Statement

### (1) Definitions

*Active Floor Space Area (AFSA)* means, in relation to Health Studios, the area of all floors/levels within the internal finished surfaces of permanent walls of a building, used for physical exercise, recreation and sporting activities, but excludes all areas designated for machines such as pin-loaded equipment and cardio machines, as well as car parking areas, stairs, toilets, cleaners cupboards, lift shafts, motor rooms, escalators, tea rooms, plant rooms, lobbies between lifts facing other lifts serving the same floor, and areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building.

*Child Care Premise* means a place where a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

*Child Care Service* means –

(a) any education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1); or
(b) any child care service as defined in the *Child Care Services Act 2007* section 4;

*Drive-thru facility*: means a dedicated vehicle circulation lane(s) forming part of a fast-food outlet or restaurant development, designed to accommodate a queuing lane(s) for vehicles, order and/or payment points and a collection window.

*Exercise Machines* means : Ppin Lloaded equipment and cardio machines, but does not include equipment such as free weights and stretch areas which are considered active floor space area.

*Family Day Care Service* – means a type of child care service prescribed as a family day care service for the purposes of the Child Care Services Act 2007

## (21) General provisions

1. Where a site adjoins Residential zoned land or residential development the setback requirements to that boundary should be in accordance with the R-code of that adjoining site.

2. Proposals for multiple land uses on one site or tenancy shall designate the area of each use on the plan, and development applications seeking approval for multiple potential land uses on the same areas of one site or within one tenancy will not be supported.

3. Development in all Activity Centres should contribute positively to the following intended future character – *'Activity Centres as attractive, compact and well-connected mixed-use hubs appropriate to their role in the activity centre hierarchy, incorporating high-quality landscaping that enhances tree canopy cover and prioritising safe, legible and convenient pedestrian and cyclist movement within and to the centre.'*

4. Development in Activity Centres should address the following to achieve the intended future character:

   a) Buildings to address the public realm wherever possible, designed to include visual interest and provide for activation and passive surveillance.
   b) Development within existing car park areas designed to enhance the amenity and functionality of the activity centre by connecting with existing development and uses; providing pedestrian connections and amenity; and activating frontages of the centre.
   c) Landscaping of high quality, including trees within parking areas, the street verge and open space areas, complemented by low-rise landscaping to create shade and amenity, contribute to the urban tree canopy and contribute positively to neighbourhood character.
   d) A minimum of 10 percent of the site shall be set aside for open space and landscaping, excluding car parking and manoeuvring areas.

e) Development that includes a vehicle drive-thru facility should be designed in a manner that enhances the pedestrian environment of the activity centre.

f) Service and loading areas are screened from street view and residential land use.

## (3~~2~~) Child~~c~~ Care Premises

### 1. Exemptions

~~-~~A Family Day Care Service for seven children or less does not require ~~planning~~ development approval from the City.

### 2. ~~2. Criteria~~

~~Child care premises are strongly encouraged to locate adjacent to schools, public open space, or other community or recreational uses including non-residential land uses such as appropriate commercial uses.~~

~~Within Residential zones, a child care premises is an "A" use which is **not** permitted unless discretion is exercised and after giving special notice in accordance with the requirements under Town Planning Scheme 3 (TPS 3).~~

~~Where applications for child care premises are received, the following criteria should be taken into account:~~

### Location and Residential Amenity

1. Child Care Premises are strongly encouraged to locate adjacent to schools, public open space, or other community or recreational uses including non-residential land uses such as appropriate and compatible commercial uses.

2. Sites ~~in close proximity to~~near busy intersections or Primary Regional Roads and Other Regional Roads are not preferred due to issues of traffic conflict, noise and possible health implications associated with vehicle emissions.

~~1.~~3. Child Care Premises should not be located within 100m of a site containing a 24-hour 'Service Station' or subject to a current Development Approval for a 24-hour 'Service Station', due to the health risk posed by benzene emissions.

~~2.~~4. Child C~~c~~are P~~p~~remises should be located adjacent or within close proximity to public transport routes.

~~3.~~5. The built form of the development should be consistent with the scale and character of the locality and consistent with the intended future character of the area, and should lend itself to domestic (residential) architecture if located in a residential setting.

4.6. The proposed materials, colours and finishes should be sympathetic to surrounding development.

5.7. The layout and design of Cchild Care premises shall include noise attenuation measures to ameliorate the impact of the use on adjoining and surrounding properties (if applicable). Noise-generating activities such as play areas, vehicle access ways, car parking areas and any plant and equipment are to be located away from noise-sensitive land uses, such as residences.

6.8. TIn order to maintain the visual amenity of the locality, landscape screening to car parking areas from the street and adjoining premises is required. Existing and proposed major plantings must be detailed on site plans, with proposed landscaping incorporating dense shrubs and trees. Wherever possible, retention of existing mature vegetation will be encouraged by the City (providing on-site safety is not compromised).

7.9. Child Care Ppremises will not be supported within culs-de-sacs or on lots with a battle-axe access leg.

## 3. Site Design and Landscaping

1. The site is to have a regular shape, with a minimum lot area of 1,000m$^2$ and an effective frontage of 20m to provide the opportunity for design aimed at minimising the impact on surrounding residential properties.

2. Site coverage is required to be a maximum of fifty per cent (50%) to allow for adequate open space, residential character and car parking areas.

3. The first 2 m from the front boundary of the lot shall be landscaped as a minimum. Secondary street frontages shall have a minimum 1m landscaping strip.

## ~~4. Landscaping~~

~~5. The first 2m from the front boundary of the lot shall be landscaped as a minimum.~~

~~6. Secondary street frontages shall have a minimum 1m landscaping strip.~~

## 7.4. Outdoor Play Areas

1. Outdoor play areas should be located to minimise their impact on the amenity of the adjoining properties whilst taking advantage of solar orientation where possible. Outdoor play areas should be screened from sources of pollution, such as car parking areas and roads, by appropriate fencing and/or dense vegetation.

~~Outdoor play areas should be located so as to minimise their impact on the amenity of the adjoining properties whilst taking advantage of solar orientation where possible. Outdoor play areas should be screened from sources of pollution, such as car parking areas and roads, by appropriate fencing and/or dense vegetation.~~

2. A portion of the outdoor play area is required to be covered with a shade structure for sun protection. The colours and materials of this shade structure should be sympathetic to surrounding development.

~~1.~~3. Where the play area is located within the front setback area, fencing of this area shall be predominantly open. ~~Fencing should not appear solid,~~ To ensure fencing does not adversely affect residential streetscape character ~~ing in particular residential Streetscape~~ or cast shadows over the play area, it should not appear solid. These same requirements also generally apply to secondary street frontages (recognising some sections of screen fencing will be necessary).

## ~~1.~~5. Parking and Traffic

1. Car parking areas should be purposely located on-site so as to be visible from the street to encourage patrons to park on-site instead of on road verges. Car parking bays that are the least visible or accessible should be allocated for staff use.
2. Car parking areas are required to be landscaped with the objective of providing shade, contributing to tree canopy cover and softening the impact of car parking and the development on the streetscape.
3. On-site parking provision is to be in accordance with the requirements of TPS 3:

   1 bay: 1 employee, PLUS
   1 bay: 10 children

4. Parking for larger vehicles (buses and service vehicles) should be considered in the design and layout of parking areas.
5. Traffic associated with a ~~c~~Child C~~c~~are P~~p~~remises is not to unreasonably reduce the function and safety of the local road network, ~~V~~vehicle access to and from the site must be available in forward gear, achieved through adequate on-site manoeuvring.
6. Pedestrian movement across and/or through parking provided for a C~~c~~hild C~~c~~are P~~p~~remises is to take place on dedicated pedestrian paths (for parent/child safety).

## 6. Hours of Operation

Days and times of operation shall generally be restricted from Monday to Friday, from 6.00am to 7.00pm and Saturday, from 8.00am to 4.00pm, unless otherwise approved by the City.

## 7. Signage

All signage associated with the Cchild Care Ppremises shall be consistent with the City's Signage Policy, in addition to addressing the following:

a) be compatible and sympathetic to adjoining development to ensure the amenity of the surrounding area is maintained;
b) not be placed in a location that detrimentally interferes with the visibility of traffic and pedestrians entering and leaving the lot, adjacent property or roadway;
c) not display signs exceeding 1m$^2$ in aggregate;
d) not include Pylon signs.

## 8. Bin Storage Areas

Applications for planning development approval must include details of cleaning areas, bin storage and rubbish removal. The following are standard requirements for bin storage areas:

a) A floor area not less than 3m x 3.5m excluding the area of any access way;
b) Walls constructed of smooth, impervious, solid material at a height of not less than 1.8m;
c) A floor of not less than 76mm thickness, constructed of impervious concrete graded to a 100mm industrial floor waste connected to sewer and charged with a hose cock.
d) Details of rubbish management are also to be provided. This includes rubbish removal days and pick-up times. The day and time of rubbish removal should have regard for the nature of the location, particularly for the purpose of protecting residential amenity.

## 9. Bushfire Management Plan

(a) A Bushfire Management Plan is required to accompany a planning application for lots located within a Bushfire Prone Area in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.

## 10. ~~3.~~ Information Required on Applications

1. The City requires applications for C~~c~~hild C~~c~~are P~~p~~remises to be submitted with adequate information to enable a detailed assessment of the development to be conducted, including (but not limited to):

   - a description of the proposed activity
   - numbers of adult and non-adult staff to be employed
   - days and hours of operation
   - number and age of children proposed to attend the centre
   - One set of scaled, site, floor and elevation plans of the development illustrating:
     - the entire site and structures thereon, including shade structures
     - the internal layout of the buildings
     - access points, driveways and individual car parking areas
   - a schedule of materials, colours and finishes
   - existing (including regulated) trees and/or proposed landscaping including major plant species
   - intended front and side fencing
   - number, location and size of any proposed signs

2. The City may require noise and traffic impact assessments to be submitted prior to determination of the application, whilst details of waste management (rubbish disposal times) and regular delivery times to a site are also to be provided.

~~1.~~3. Applicants are advised that if existing building are being converted into a Child Care Premises, compliance with the Building Codes of Australia (Fire Regulations) is required.

4. In addition to obtaining Development Approval from the City, applicants are encouraged to discuss their proposal with the relevant government licensing and regulatory agencies. The outcomes of these discussions should be presented to the City as part of any application to facilitate the assessment process.

## 11. ~~4.~~ Advertising

Pursuant to TPS 3 – all proposals for ~~c~~Child C~~c~~are P~~p~~remises shall be advertised for a period not less than 14 days.

~~5. Other Approvals~~

~~In addition to gaining Planning Approval from the City to develop a child care premises applicants are encouraged to discuss their proposal with the relevant government licensing and regulatory agencies. The outcomes of these discussions should be presented to the City as part of any application in order to facilitate the assessment process.~~

## (4~~3~~) Health Studios

### 1. Land Use

~~Under TPS 3 'Health Studio' means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.~~

'Health Studio' is defined in TPS3 and may ~~Different types of health studios that fall into this definition~~ include (but is~~are~~ not limited to):

- Gymnasiums for the purpose of individual and group-based fitness and
- training;
- Boxing and martial arts classes;
- Dance classes;
- Yoga/Pilates/Spin classes;
- Gymnastics; and
- A combination of the above.

### 2. Location

1. Health ~~s~~Studios are encouraged where there is sufficient vehicle parking, such as in commercial and industrial areas with a readily available supply of parking spaces or a capacity to create additional parking spaces. Where possible, H~~h~~ealth S~~s~~tudios shall be purpose built as opposed to retrofitting other uses such as warehouses.

~~1.~~2. All activities associated with an approved H~~h~~ealth S~~s~~tudio shall be conducted within the approved building and not extend to the parking areas and/or reserves or Council property.

### 3. Parking

1. Car parking bays shall be located within the lot boundaries of the subject site unless utilising joint use of car parking facilities as outlined under the requirements of TPS 3;

2. Applications for a change of use to Health Studio that result in a parking shortfall on site may be considered at the discretion of the City. Discretion may be exercised with regard to parking shortfalls for a unit in a tenancy with shared parking arrangements whee classes are proposed to operate outside standard business hours.

### ~~4.~~ Gymnasium Health Studios

3. Car parking for 'gymnasiums' shall be provided at the rate of 1 per 3 machines plus 1 per 20m² of active floor space and 1 car parking bay per staff member;

4. With every ~~planning~~ development application submitted for a 'gymnasium', a detailed floor plan showing number of machines and active floor space in square metres proposed is to be provided ~~in order~~ to calculate the number of car parking bays required.~~;~~

### 5. Other Health Studios

~~a).~~ Car parking for H~~h~~ealth S~~s~~tudios shall be provided at the rate of 1 car parking bay for every two persons accommodated.

### 6. Bicycle Parking and End-of-Trip Facilities

1. ~~a)~~ Bicycle parking for all H~~h~~ealth S~~s~~tudios is to be at the rate of 1 per 100m² of active floor space.

~~1.~~2. The provision of End of Trip Facilities must be provided on site and shall be in accordance with LPP 3.8.

~~2. 7. End of Trip Facilities~~

~~a) The provision of End of Trip Facilities must be provided on site and shall be in accordance with LPP 3.8~~

### 7~~8~~. Other

1. When making application for a change of use to a ~~h~~Health ~~s~~Studio, proposals ~~that are~~ located in strata titled properties containing a car parking area in common property, require approval from the body corporate/strata manager where the change of use results in a parking shortfall. A letter with a strata body common seal clearly indicating non-objection to the proposed health studio is ~~required with regard to this~~to be provided.

2. Applications for Health Studios shall include a completed 'health Studio Supplementary Information Form' (see attached). Applications for a change

of use to ~~h~~Health ~~s~~Studio will not be considered unless the checklist is completed.

3. Classes on City reserves and public spaces such as beaches, football ovals etc. are exempt from the need to obtain ~~Planning~~ Development Approval. However, prospective applicants wishing to use City reserves and public spaces shall liaise with the City's Recreation Services.

## (~~5~~4) Service Stations and Motor Vehicle Wash Facilities

### 1. Location

1. Notwithstanding the land use table, proposed new Service Stations will generally not be supported within 100m of sensitive land uses, residential zoned land, or land structure planned for sensitive land uses unless supported by the Department of Health or equivalent government agency.

2. For the purposes of this clause 'sensitive land uses' include the following:

   - Educational Establishment
   - Residential dwelling (single dwelling, grouped dwelling, multiple dwelling)
   - Child care premises
   - Hospital
   - Aged care
   - Residential building
   - Tourist and visitor accommodation

3. For the purposes of this clause the distance is calculated from any part of the site in conjunction with the Service Station development to the closest point of any element of the sensitive land use, and the boundary of a lot containing any form of residential development.

### 2. Design Guidelines

1. The design and siting of development should consider the siting, setback, design and scale of adjacent development to ensure it does not dominate or detract from the character of the streetscape.

2. Glazing should be designed to maximise passive surveillance opportunities of the street and/or public realm.

~~1.~~3. Blank walls fronting the street and/or the public realm should be minimised where possible, and where blank walls cannot be avoided, their design contribute to a safe and attractive street environment by:

a) Minimising the length and height of blank walls, and
b) Articulating blank walls through the creative application of complementary materials, avoiding large continuous masses of the same finish; and/or the provision of appropriately integrated structural features, lighting, street furniture, artworks, and/or landscaping.

~~2.~~4. Opportunities for landscaping on site should be maximised, and should be designed to:

a) soften the appearance of the development;
b) enhance the streetscape, and
c) improve the pedestrian environment.

~~3.~~5. Where opportunities for street trees adjacent to the site are restricted, street trees should be identified as an alternative within the landscaping strip on the site to ensure ~~that~~ the current and future streetscape and pedestrian environment ~~(both current and future)~~ are not negatively impacted by the development.

~~4.~~6. Under the *Government Sewerage Policy 2019*, all motor vehicle wash facilities are expected to be connected to the reticulated sewerage network.

~~5.~~7. Service S~~s~~tation and/or M~~m~~otor V~~v~~ehicle W~~w~~ash ~~facilities~~ proposals should consider the guidance provided within the Department of Water and Environmental Regulation's *Water Quality Protection Note 49: Service Stations*.

## 3~~2~~. Traffic Management

1. Service S~~s~~tation and/or M~~m~~otor V~~v~~ehicle W~~w~~ash proposals are required to be accompanied with a Traffic Impact Assessment prepared by a suitably qualified traffic consultant, which addresses the following:

   a) Number, size, location and appropriateness of access and egress points;
   b) Queuing of traffic and the impact on the surrounding road network;
   c) Proximity to median breaks;
   d) Proximity to traffic lights and speed bumps;
   e) Provision of auxiliary lanes;
   f) Manoeuvrability within the site demonstrated through a swept path analysis;
   g) Impact on existing infrastructure within the road reserve; and
   h) Impact on future road widening or other improvements.

2. Service S~~s~~tation and/or M~~m~~otor V~~v~~ehicle W~~w~~ash proposals may be required to be accompanied by a parking management plan prepared by a

suitably qualified consultant where car parking for the site and the surrounding area is considered ~~to be~~ problematic.

3. Any S~~s~~ervice S~~s~~tation and/or M~~m~~otor V~~v~~ehicle W~~w~~ash proposal located adjacent (or likely to have an impact on a) State Road, is to be referred to Main Roads WA for advice prior to determination.

## 4~~3~~. Residential Amenity

1. ~~Service station and/or~~ M~~m~~otor V~~v~~ehicle W~~w~~ash proposals abutting residential development shall be designed to minimise impact on adjacent residents and shall address; noise, odour, light, traffic, visual amenity, safety and any other matter that may detract from the amenity of the residential area.

2. Service S~~s~~tation and/or M~~m~~otor V~~v~~ehicle W~~w~~ash proposals may require the inclusion of an acoustic assessment or noise management plan prepared by a suitably qualified acoustic consultant, a light management plan prepared by a suitably qualified consultant and/or a site management plan addressing odour control.

~~a. The location of service station and/or motor vehicle wash proposals shall generally be guided by the prescribed buffer distances set out under the Environmental Protection Authority *Separation Distances between Industrial and Sensitive Land Uses (GS 3).*~~

3. Self-service M~~m~~otor V~~v~~ehicle W~~w~~ash developments will~~should~~ generally not be supported ~~where proposed~~ on land which abuts residentially zoned land.

4. Service S~~s~~tation and/or M~~m~~otor V~~v~~ehicle W~~w~~ash proposals should be accompanied with an operational management plan (or similar) which details the following regarding the proposal:

   a) ~~i.~~ Days of operation;
   ~~a)~~b) ~~ii.~~ Hours of operations;
   ~~b)~~c) Number of vehicles that can be accommodated on site at any one time;
   ~~c)~~d) Number of staff members on site at any one time; and
   ~~d)~~e) Any other information the city considers relevant to be detailed.

## 4. Service Station and/or Motor Vehicle Wash proposals in Activity Centres

1. Service S~~s~~tation and/or M~~m~~otor V~~v~~ehicle W~~w~~ash proposals in activity centres will be deemed to be 'significant development applications' in

accordance with the City's Local Commercial and Activity Centre Strategy due to their potential to have a significant impact on an activity centre's overall performance.

2. Service Sstation and/or Mmotor Vvehicle Wwash proposals in activity centres should demonstrate that the development does not reduce the performance of the activity centre through detrimental impacts on any of the assessment areas (as relevant for the level in the activity centre hierarchy) in accordance with the City's Local Commercial and Activity Centre Strategy.

3. Service Sstation and/or Mmotor Vvehicle Wwash developments proposed to operate 24 hours per day, 7 days per week in the Local Centre Zzone will generally not be supported.

## (65) Licensed Premises (Liquor)

### 1. Application

1. This section applies to all land uses that may require a Liquor Licence, which can include the following:

   - Hotel
   - Liquor Store (Large)
   - Liquor Store (Small)
   - Motel
   - Brewery
   - Night Club
   - Restaurant
   - Small Bar
   - Tavern
   - Recreation (Private)
   - Bed and Breakfast
   - Reception Centre
   - Amusement Parlour
   - Winery

2. Given the potential for licensed premises to increase the availability of liquor in a high-risk manner and contribute to alcohol related harm in the community, the potential public health and wellbeing impact of such uses will be taken into consideration when determining development applications.

   The Local Government, Sport and Cultural Industries (which is responsible racing, gaming and liquor) have expressed the view that the impact of some licensed premises, that serve to increase the availability of liquor in a high

~~risk manner, can contribute to alcohol related harm in the community. Research suggests that alcohol availability has the potential to contribute to harm in the community. The issue of whether there is a public impact should be taken into consideration when determining planning applications for liquor licensed premises.~~

## 2. Related Documents

1. The policy is to be read in conjunction with the following documents:

   a) ~~City's Town Planning Scheme No 3~~TPS3, in particular the objectives of the zone in which the Liquor License is proposed; and
   b) Operational Policy 2.4 – Planning for School Sites.~~: i.~~

2. As school sites (public and private) are 'sensitive uses', the location of licenses premises within *proximity* to school sites is undesirable due to actual and perceived impacts upon health, amenity and safety.

## 3. Management Plans

1. The City may require an Operational Management Plan to be submitted with a planning application or conditioned on an approval for high profile Liquor Licence uses such as Tavern, Small Bar, Night Club, Liquor Store, Hotel, Brewery and Winery. Specifically, the information required includes:

   a) Operational details of the licensed premises;
   b) Hours of operation;
   c) Proximity to sensitive land uses (eg. Schools, youth centres, health care facilities etc);
   d) Maximum capacity;
   e) Staffing details;
   f) Parking and traffic management;
   g) Complaints procedure;
   h) Control of Noise.

~~1.~~2. The Operational Management Plan does not replace the need for a Public Interest Assessment Report where it may be required by the Department of Local Government, Sport and Cultural Industries.

## (~~6~~7) Educational Establishment

### 1. Scope and Land Use

This section applies to the development of E~~e~~ducational E~~e~~stablishments (workplace training facilities and non-school based education/tuition programs) within all TPS 3 zones. Workplaces Training Facilities and non-school based education/tuition programs shall be treated as 'Educational Establishments' in accordance with the requirements of TPS 3.

### 2. Vehicle Access and Parking

1. Due to a greater number of people that utilise cars as part of these facilities compared to other E~~e~~ducational E~~e~~stablishments and given that the minimum requirements of TPS 3 provide for schools; the car parking provision shall be in accordance the requirements of this policy:

| | Car Parking | |
|---|---|---|
| | ***Location A*** | ***Location B*** |
| **Staff:** | 1 bay per 2 staff members | 1 bay per staff member |
| **Students:** | 1 bay per 3 students | 1 bay per 2 students |

   a) Location A = 800m from a train station measured in a straight line from the pedestrian entry of the train station to any part of the lot or 250m from a high frequency bus route, measured in a straight line from any part of the route to any part of the lot.
   b) Location B = not within the distances outlined in A above.
   c) All parking calculations shall be rounded up to the nearest number on a per unit/tenancy basis.
   d) Minimum of 4 bays per unit/tenancy.

2. Applications for a change of use to a workplace training facility or E~~e~~ducational E~~e~~stablishments including non-school based education/tuition programs that result in a parking shortfall on site may be considered at the discretion of the City. Discretion may be exercised with regard to parking shortfalls for a unit in a tenancy with shared parking arrangements where classes are proposed to operate outside standard business hours.

### 3. Bicycle Parking

In addition to the requirements of TPS 3 (1 per 4 students), bicycle parking facilities shall provide weather protection via an awning or similar and shall

consist of rails, stands, locker or any other type of equipment designed for this purpose in accordance with Australian Standard AS2890.3.

## (8~~6~~) 'Fast Food Outlets' or 'Restaurants' (with drive-thru facility)

Notwithstanding the land use table, to minimise exposure to unhealthy food options and prioritise the school environs for pedestrians and cyclists, proposed 'Fast food Outlets' or 'Restaurants' with drive-thru facilities will generally not be supported within:

a) The 400m walkable catchment of existing or proposed secondary schools, except within identified 'Neighbourhood', 'District' or 'Secondary' Activity Centres.
b) The 200m walkable catchment of existing or proposed primary schools.
c) The walkable catchment is calculated as a walkable distance from all lot boundaries of the school site and the boundary of any associated shared oval areas, measured along all road reserves, public open space, pedestrian accessways and other walkable reserves to the closest point of any element of the proposed development.
d) Signage and advertising should not be visible from the boundary of existing or proposed primary schools.

## (9~~7~~) Restricted Premises

1. Notwithstanding the land use table, proposed new 'Restricted Premises' will generally not be supported within the 200m walkable catchment of existing or proposed primary and secondary schools.
2. Signage, including the name of the Premises shall not include advertising, words or images of a sexual nature.
3. Materials, products and advertising of a sexual nature are not to be displayed within the window display area and shall not be visible from outside the building.
4. A 'Restricted Premises' shall not be permitted unless its external appearance is consistent with the intended future character of the area.
~~3.~~5. The scale of the proposed use, including how operating hours might impact the amenity of surrounding properties will be taken into consideration.

| | |
|---|---|
| Strategic Link: | Town Planning Scheme No.3 |
| Category: | Planning – Town Planning & Development |
| Lead Business Unit: | Development Services |
| Public Consultation: (Yes or No) | Yes |

| | |
|---|---|
| Adoption Date:<br>(Governance Purpose Only) | TBD |
| Next Review Due:<br>(Governance Purpose Only) | TBD |
| ECM Doc Set ID:<br>(Governance Purpose Only) | 4516039 |

# Policy
Commercial Development

# Policy Number
LPP 3.1

## Policy Type

Local Planning Policy

## Policy Purpose

The City of Cockburn features a range of different commercial zones, ranging from small local centres to significant regional activity centres. The City's Town Planning Scheme No. 3 (TPS 3) allows for a range of commercial land uses within these commercial areas as well as within residential zones to meet the needs of the community, support the local economy, and create vibrant communities.

Accommodating a mix of uses to avoid land use conflict and achieve compatibility is a fundamental objective of the planning framework. The challenge is minimising land use conflicts to reasonably protect sensitive land uses and residential amenity whilst allowing for the viable operation of commercial uses, particularly a range of land uses in larger Activity Centres.

The purpose of this policy is to provide a comprehensive framework for the planning and development of various commercial land uses within the City of Cockburn to balance growth with community health and wellbeing, ensure effective land use planning, and enhance the overall functionality and character of the City.

This policy objectives are:

1. Facilitate Growth and Convenience: Support the development of diverse commercial uses including childcare premises, health studios, service stations, licensed premises, and educational establishments, ensuring they contribute positively to the convenience and economic vibrancy of the City.

2. Protect Amenity and Safety: Ensure that all commercial developments are designed and located to minimise adverse impacts on the amenity of surrounding areas. This includes addressing issues related to public health and wellbeing, noise, light, odour, traffic flows, and pedestrian and cyclist safety; and minimising exposure to benzene emissions from Service Stations.

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3. Promote Integration and Compatibility: Ensure that new developments are compatible with the surrounding land uses and activity centres, and do not undermine the ability of these centres to support a mix of land uses and community functions as outlined in the City's strategic plans.

4. Support High-Quality Development: Provide clear guidelines on the siting, design, and operation of commercial premises, including specific requirements for parking, building retrofitting, and public impact considerations, to achieve coordinated and high-quality development outcomes that contribute positively to the streetscape and intended future character.

5. Ensure compatible land uses within proximity to primary and secondary schools to:

   a) Minimise access and exposure to unhealthy food choices to support high quality health and wellbeing outcomes for young people and the community;
   b) Support a safe, high amenity environment that prioritises pedestrians, cyclists and public transport access in the environs surrounding schools; and
   c) Minimise exposure to 'Restricted Premises' which are unsuitable for people under 18 years of age, potentially impacting health and wellbeing.

## Policy Statement

### (1) Definitions

*Active Floor Space Area (AFSA)* means, in relation to Health Studios, the area of all floors/levels within the internal finished surfaces of permanent walls of a building, used for physical exercise, recreation and sporting activities, but excludes all areas designated for machines such as pin-loaded equipment and cardio machines, as well as car parking areas, stairs, toilets, cleaners cupboards, lift shafts, motor rooms, escalators, tea rooms, plant rooms, lobbies between lifts facing other lifts serving the same floor, and areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building.

*Child Care Premise* means a place where a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

*Child Care Service* means –

(a) any education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1); or
(b) any child care service as defined in the *Child Care Services Act 2007* section 4;

*Drive-thru facility* means a dedicated vehicle circulation lane(s) forming part of a fast-food outlet or restaurant development, designed to accommodate a queuing lane(s) for vehicles, order and/or payment points and a collection window.

*Exercise Machines* means pin loaded equipment and cardio machines but does not include equipment such as free weights and stretch areas which are considered active floor space area.

*Family Day Care Service* – means a type of child care service prescribed as a family day care service for the purposes of the Child Care Services Act 2007

## (2) General provisions

1. Where a site adjoins Residential zoned land or residential development the setback requirements to that boundary should be in accordance with the R-code of that adjoining site.

2. Proposals for multiple land uses on one site or tenancy shall designate the area of each use on the plan, and development applications seeking approval for multiple potential land uses on the same areas of one site or within one tenancy will not be supported.

3. Development in all Activity Centres should contribute positively to the following intended future character – *'Activity Centres as attractive, compact and well-connected mixed-use hubs appropriate to their role in the activity centre hierarchy, incorporating high-quality landscaping that enhances tree canopy cover and prioritising safe, legible and convenient pedestrian and cyclist movement within and to the centre.'*

4. Development in Activity Centres should address the following to achieve the intended future character:

   a) Buildings to address the public realm wherever possible, designed to include visual interest and provide for activation and passive surveillance.
   b) Development within existing car park areas designed to enhance the amenity and functionality of the activity centre by connecting with existing development and uses; providing pedestrian connections and amenity; and activating frontages of the centre.
   c) Landscaping of high quality, including trees within parking areas, the street verge and open space areas, complemented by low-rise landscaping to create shade and amenity, contribute to the urban tree canopy and contribute positively to neighbourhood character.
   d) A minimum of 10 percent of the site shall be set aside for open space and landscaping, excluding car parking and manoeuvring areas.
   e) Development that includes a vehicle drive-thru facility should be designed in a manner that enhances the pedestrian environment of the activity centre.
   f) Service and loading areas are screened from street view and residential land use.

## (3) Child Care Premises

### 1. Exemptions

A Family Day Care Service for seven children or less does not require development approval from the City.

### 2. Location and Residential Amenity

1. Child Care Premises are strongly encouraged to locate adjacent to schools, public open space, or other community or recreational uses including non-residential land uses such as appropriate and compatible commercial uses.
2. Sites near busy intersections or Primary Regional Roads and Other Regional Roads are not preferred due to issues of traffic conflict, noise and possible health implications associated with vehicle emissions.
3. Child Care Premises should not be located within 100m of a site containing a 24-hour 'Service Station' or subject to a current Development Approval for a 24-hour 'Service Station', due to the health risk posed by benzene emissions.
4. Child Care Premises should be located adjacent or within close proximity to public transport routes.
5. The built form of the development should be consistent with the scale and character of the locality and consistent with the intended future character of the area, and should lend itself to domestic (residential) architecture if located in a residential setting.
6. The proposed materials, colours and finishes should be sympathetic to surrounding development.
7. The layout and design of Child Care premises shall include noise attenuation measures to ameliorate the impact of the use on adjoining and surrounding properties (if applicable). Noise-generating activities such as play areas, vehicle access ways, car parking areas and any plant and equipment are to be located away from noise-sensitive land uses, such as residences.
8. To maintain the visual amenity of the locality, landscape screening to car parking areas from the street and adjoining premises is required. Existing and proposed major plantings must be detailed on site plans, with proposed landscaping incorporating dense shrubs and trees. Wherever possible, retention of existing mature vegetation will be encouraged by the City (providing on-site safety is not compromised).
9. Child Care Premises will not be supported within culs-de-sac or on lots with a battle-axe access leg.

## 3. Site Design and Landscaping

1. The site is to have a regular shape, with a minimum lot area of 1,000m$^2$ and an effective frontage of 20m to provide the opportunity for design aimed at minimising the impact on surrounding residential properties.
2. Site coverage is required to be a maximum of fifty per cent (50%) to allow for adequate open space, residential character and car parking areas.
3. The first 2m from the front boundary of the lot shall be landscaped as a minimum. Secondary street frontages shall have a minimum 1m landscaping strip.

## 4. Outdoor Play Areas

1. Outdoor play areas should be located to minimise their impact on the amenity of the adjoining properties whilst taking advantage of solar orientation where possible. Outdoor play areas should be screened from sources of pollution, such as car parking areas and roads, by appropriate fencing and/or dense vegetation.
2. A portion of the outdoor play area is required to be covered with a shade structure for sun protection. The colours and materials of this shade structure should be sympathetic to surrounding development.
3. Where the play area is located within the front setback area, fencing of this area shall be predominantly open. To ensure fencing does not adversely affect residential streetscape character or cast shadows over the play area, it should not appear solid. These same requirements also generally apply to secondary street frontages (recognising some sections of screen fencing will be necessary).

## 5. Parking and Traffic

1. Car parking areas should be purposely located on-site so as to be visible from the street to encourage patrons to park on-site instead of on road verges. Car parking bays that are the least visible or accessible should be allocated for staff use.
2. Car parking areas are required to be landscaped with the objective of providing shade, contributing to tree canopy cover and softening the impact of car parking and the development on the streetscape.
3. On-site parking provision is to be in accordance with the requirements of TPS 3:

1 bay: 1 employee, PLUS
1 bay: 10 children

4. Parking for larger vehicles (buses and service vehicles) should be considered in the design and layout of parking areas.
5. Traffic associated with a Child Care Premises is not to unreasonably reduce the function and safety of the local road network, vehicle access to and from the site must be available in forward gear, achieved through adequate on-site manoeuvring.
6. Pedestrian movement across and/or through parking provided for a Child Care Premises is to take place on dedicated pedestrian paths (for parent/child safety).

## 6. Hours of Operation

Days and times of operation shall generally be restricted from Monday to Friday, from 6.00am to 7.00pm and Saturday, from 8.00am to 4.00pm, unless otherwise approved by the City.

## 7. Signage

All signage associated with the Child Care Premises shall be consistent with the City's Signage Policy, in addition to addressing the following:

a) be compatible and sympathetic to adjoining development to ensure the amenity of the surrounding area is maintained;
b) not be placed in a location that detrimentally interferes with the visibility of traffic and pedestrians entering and leaving the lot, adjacent property or roadway;
c) not display signs exceeding $1m^2$ in aggregate;
d) not include Pylon signs.

## 8. Bin Storage Areas

Applications for development approval must include details of cleaning areas, bin storage and rubbish removal. The following are standard requirements for bin storage areas:

a) A floor area not less than 3m x 3.5m excluding the area of any access way;
b) Walls constructed of smooth, impervious, solid material at a height of not less than 1.8m;
c) A floor of not less than 76mm thickness, constructed of impervious concrete graded to a 100mm industrial floor waste connected to sewer and charged with a hose cock.

d) Details of rubbish management are also to be provided. This includes rubbish removal days and pick-up times. The day and time of rubbish removal should have regard for the nature of the location, particularly for the purpose of protecting residential amenity.

## 9. Bushfire Management Plan

A Bushfire Management Plan is required to accompany a planning application for lots located within a Bushfire Prone Area in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.

## 10. Information Required on Applications

1. The City requires applications for Child Care Premises to be submitted with adequate information to enable a detailed assessment of the development to be conducted, including (but not limited to):

   - a description of the proposed activity
   - numbers of adult and non-adult staff to be employed
   - days and hours of operation
   - number and age of children proposed to attend the centre
   - One set of scaled, site, floor and elevation plans of the development illustrating:

     - the entire site and structures thereon, including shade structures
     - the internal layout of the buildings
     - access points, driveways and individual car parking areas

   - a schedule of materials, colours and finishes
   - existing (including regulated) trees and/or proposed landscaping including major plant species
   - intended front and side fencing
   - number, location and size of any proposed signs

2. The City may require noise and traffic impact assessments to be submitted prior to determination of the application, whilst details of waste management (rubbish disposal times) and regular delivery times to a site are also to be provided.

3. Applicants are advised that if existing building are being converted into a Child Care Premises, compliance with the Building Codes of Australia (Fire Regulations) is required.

4. In addition to obtaining Development Approval from the City, applicants are encouraged to discuss their proposal with the relevant government licensing and regulatory agencies. The outcomes of these discussions should be presented to the City as part of any application to facilitate the assessment process.

### 11. Advertising

Pursuant to TPS 3 all proposals for Child Care Premises shall be advertised for a period not less than 14 days.

## (4) Health Studios

### 1. Land Use

'Health Studio' is defined in TPS3 and may include (but is not limited to):

- Gymnasiums for the purpose of individual and group-based fitness and training;
- Boxing and martial arts classes;
- Dance classes;
- Yoga/Pilates/Spin classes;
- Gymnastics; and
- A combination of the above.

### 2. Location

1. Health Studios are encouraged where there is sufficient vehicle parking, such as in commercial and industrial areas with a readily available supply of parking spaces or a capacity to create additional parking spaces. Where possible, Health Studios shall be purpose built as opposed to retrofitting other uses such as warehouses.

2. All activities associated with an approved Health Studio shall be conducted within the approved building and not extend to the parking areas and/or reserves or Council property.

### 3. Parking

1. Car parking bays shall be located within the lot boundaries of the subject site unless utilising joint use of car parking facilities as outlined under the requirements of TPS 3;

2. Applications for a change of use to Health Studio that result in a parking shortfall on site may be considered at the discretion of the City. Discretion

may be exercised with regard to parking shortfalls for a unit in a tenancy with shared parking arrangements whee classes are proposed to operate outside standard business hours.

3. Gymnasium Health Studios Car parking for 'gymnasiums' shall be provided at the rate of 1 per 3 machines plus 1 per 20m² of active floor space and 1 car parking bay per staff member;

4. With every development application submitted for a 'gymnasium', a detailed floor plan showing number of machines and active floor space in square metres proposed is to be provided to calculate the number of car parking bays required.

## 5. Other Health Studios

Car parking for Health Studios shall be provided at the rate of 1 car parking bay for every two persons accommodated.

## 6. Bicycle Parking and End-of-Trip Facilities

1. Bicycle parking for all Health Studios is to be at the rate of 1 per 100m² of active floor space.

2. The provision of End of Trip Facilities must be provided on site and shall be in accordance with LPP 3.8.

## 7. Other

1. When making application for a change of use to a Health Studio, proposals located in strata titled properties containing a car parking area in common property, require approval from the body corporate/strata manager where the change of use results in a parking shortfall. A letter with a strata body common seal clearly indicating non-objection to the proposed health studio is to be provided.

2. Applications for Health Studios shall include a completed 'health Studio Supplementary Information Form' (see attached). Applications for a change of use to Health Studio will not be considered unless the checklist is completed.

3. Classes on City reserves and public spaces such as beaches, football ovals etc. are exempt from the need to obtain Development Approval. However, prospective applicants wishing to use City reserves and public spaces shall liaise with the City's Recreation Services.

## (5) Service Stations and Motor Vehicle Wash Facilities

### 1. Location

1. Notwithstanding the land use table, proposed new Service Stations will generally not be supported within 100m of sensitive land uses, residential zoned land, or land structure planned for sensitive land uses unless supported by the Department of Health or equivalent government agency.

2. For the purposes of this clause 'sensitive land uses' include the following:

   - Educational Establishment
   - Residential dwelling (single dwelling, grouped dwelling, multiple dwelling)
   - Child care premises
   - Hospital
   - Aged care
   - Residential building
   - Tourist and visitor accommodation

3. For the purposes of this clause the distance is calculated from any part of the site in conjunction with the Service Station development to the closest point of any element of the sensitive land use, and the boundary of a lot containing any form of residential development.

### 2. Design Guidelines

1. The design and siting of development should consider the siting, setback, design and scale of adjacent development to ensure it does not dominate or detract from the character of the streetscape.

2. Glazing should be designed to maximise passive surveillance opportunities of the street and/or public realm.

3. Blank walls fronting the street and/or the public realm should be minimised where possible, and where blank walls cannot be avoided, their design contribute to a safe and attractive street environment by:

   a) Minimising the length and height of blank walls, and
   b) Articulating blank walls through the creative application of complementary materials, avoiding large continuous masses of the same finish; and/or the provision of appropriately integrated structural features, lighting, street furniture, artworks, and/or landscaping.

4. Opportunities for landscaping on site should be maximised, and should be designed to:

   a) soften the appearance of the development;
   b) enhance the streetscape, and
   c) improve the pedestrian environment.

5. Where opportunities for street trees adjacent to the site are restricted, street trees should be identified as an alternative within the landscaping strip on the site to ensure the current and future streetscape and pedestrian environment are not negatively impacted by the development.

6. Under the *Government Sewerage Policy 2019*, all motor vehicle wash facilities are expected to be connected to the reticulated sewerage network.

7. Service Station and/or Motor Vehicle Wash proposals should consider the guidance provided within the Department of Water and Environmental Regulation's *Water Quality Protection Note 49: Service Stations*.

## 3. Traffic Management

1. Service Station and/or Motor Vehicle Wash proposals are required to be accompanied with a Traffic Impact Assessment prepared by a suitably qualified traffic consultant, which addresses the following:

   a) Number, size, location and appropriateness of access and egress points;
   b) Queuing of traffic and the impact on the surrounding road network;
   c) Proximity to median breaks;
   d) Proximity to traffic lights and speed bumps;
   e) Provision of auxiliary lanes;
   f) Manoeuvrability within the site demonstrated through a swept path analysis;
   g) Impact on existing infrastructure within the road reserve; and
   h) Impact on future road widening or other improvements.

2. Service Station and/or Motor Vehicle Wash proposals may be required to be accompanied by a parking management plan prepared by a suitably qualified consultant where car parking for the site and the surrounding area is considered problematic.

3. Any Service Station and/or Motor Vehicle Wash proposal located adjacent (or likely to have an impact on a) State Road, is to be referred to Main Roads WA for advice prior to determination.

## 4. Residential Amenity

1. Motor Vehicle Wash proposals abutting residential development shall be designed to minimise impact on adjacent residents and shall address; noise, odour, light, traffic, visual amenity, safety and any other matter that may detract from the amenity of the residential area.

2. Service Station and/or Motor Vehicle Wash proposals may require the inclusion of an acoustic assessment or noise management plan prepared by a suitably qualified acoustic consultant, a light management plan prepared by a suitably qualified consultant and/or a site management plan addressing odour control.

3. Self-service Motor Vehicle Wash developments will generally not be supported on land which abuts residentially zoned land.

4. Service Station and/or Motor Vehicle Wash proposals should be accompanied with an operational management plan (or similar) which details the following regarding the proposal:

   a) Days of operation;
   b) Hours of operations;
   c) Number of vehicles that can be accommodated on site at any one time;
   d) Number of staff members on site at any one time; and
   e) Any other information the city considers relevant to be detailed.

## 4. Service Station and/or Motor Vehicle Wash proposals in Activity Centres

1. Service Station and/or Motor Vehicle Wash proposals in activity centres will be deemed to be ‘significant development applications’ in accordance with the City’s Local Commercial and Activity Centre Strategy due to their potential to have a significant impact on an activity centre’s overall performance.

2. Service Station and/or Motor Vehicle Wash proposals in activity centres should demonstrate the development does not reduce the performance of the activity centre through detrimental impacts on any of the assessment areas (as relevant for the level in the activity centre hierarchy) in accordance with the City’s Local Commercial and Activity Centre Strategy.

3. Service Station and/or Motor Vehicle Wash developments proposed to operate 24 hours per day, 7 days per week in the Local Centre zone will generally not be supported.

## (6) Licensed Premises (Liquor)

### 1. Application

1. This section applies to all land uses that may require a Liquor Licence, which can include the following:

    - Hotel
    - Liquor Store (Large)
    - Liquor Store (Small)
    - Motel
    - Brewery
    - Night Club
    - Restaurant
    - Small Bar
    - Tavern
    - Recreation (Private)
    - Bed and Breakfast
    - Reception Centre
    - Amusement Parlour
    - Winery

2. Given the potential for licensed premises to increase the availability of liquor in a high-risk manner and contribute to alcohol related harm in the community, the potential public health and wellbeing impact of such uses will be taken into consideration when determining development applications.

### 2. Related Documents

1. The policy is to be read in conjunction with the following documents:

    a) TPS3, in particular the objectives of the zone in which the Liquor License is proposed; and
    b) Operational Policy 2.4 – Planning for School Sites.

2. As school sites (public and private) are ‘sensitive uses’, the location of licenses premises within *proximity* to school sites is undesirable due to actual and perceived impacts upon health, amenity and safety.

### 3. Management Plans

1. The City may require an Operational Management Plan to be submitted with a planning application or conditioned on an approval for high profile Liquor Licence uses such as Tavern, Small Bar, Night Club, Liquor Store, Hotel, Brewery and Winery. Specifically, the information required includes:

   a) Operational details of the licensed premises;
   b) Hours of operation;
   c) Proximity to sensitive land uses (eg. Schools, youth centres, health care facilities etc);
   d) Maximum capacity;
   e) Staffing details;
   f) Parking and traffic management;
   g) Complaints procedure;
   h) Control of Noise.

2. The Operational Management Plan does not replace the need for a Public Interest Assessment Report where it may be required by the Department of Local Government, Sport and Cultural Industries.

## (7) Educational Establishment

### 1. Scope and Land Use

This section applies to the development of Educational Establishments (workplace training facilities and non-school based education/tuition programs) within all TPS 3 zones. Workplaces Training Facilities and non-school based education/tuition programs shall be treated as 'Educational Establishments' in accordance with the requirements of TPS 3.

### 2. Vehicle Access and Parking

1. Due to a greater number of people that utilise cars as part of these facilities compared to other Educational Establishments and given that the minimum requirements of TPS 3 provide for schools; the car parking provision shall be in accordance the requirements of this policy:

| | **Car Parking** | |
|---|---|---|
| | ***Location A*** | ***Location B*** |
| **Staff:** | 1 bay per 2 staff members | 1 bay per staff member |
| **Students:** | 1 bay per 3 students | 1 bay per 2 students |

a) Location A = 800m from a train station measured in a straight line from the pedestrian entry of the train station to any part of the lot or 250m from a high frequency bus route, measured in a straight line from any part of the route to any part of the lot.
b) Location B = not within the distances outlined in A above.
c) All parking calculations shall be rounded up to the nearest number on a per unit/tenancy basis.
d) Minimum of 4 bays per unit/tenancy.

2. Applications for a change of use to a workplace training facility or Educational Establishments including non-school based education/tuition programs that result in a parking shortfall on site may be considered at the discretion of the City. Discretion may be exercised with regard to parking shortfalls for a unit in a tenancy with shared parking arrangements where classes are proposed to operate outside standard business hours.

### 3. Bicycle Parking

In addition to the requirements of TPS 3 (1 per 4 students), bicycle parking facilities shall provide weather protection via an awning or similar and shall consist of rails, stands, locker or any other type of equipment designed for this purpose in accordance with Australian Standard AS2890.3.

## (8) 'Fast Food Outlets' or 'Restaurants' (with drive-thru facility)

Notwithstanding the land use table, to minimise exposure to unhealthy food options and prioritise the school environs for pedestrians and cyclists, proposed 'Fast food Outlets' or 'Restaurants' with drive-thru facilities will generally not be supported within:

a) The 400m walkable catchment of existing or proposed secondary schools, except within identified 'Neighbourhood', 'District' or 'Secondary' Activity Centres.
b) The 200m walkable catchment of existing or proposed primary schools.
c) The walkable catchment is calculated as a walkable distance from all lot boundaries of the school site and the boundary of any associated shared oval areas, measured along all road reserves, public open space, pedestrian accessways and other walkable reserves to the closest point of any element of the proposed development.
d) Signage and advertising should not be visible from the boundary of existing or proposed primary schools.

## (9) Restricted Premises

1. Notwithstanding the land use table, proposed new 'Restricted Premises' will generally not be supported within the 200m walkable catchment of existing or proposed primary and secondary schools.
2. Signage, including the name of the Premises shall not include advertising, words or images of a sexual nature.
3. Materials, products and advertising of a sexual nature are not to be displayed within the window display area and shall not be visible from outside the building.
4. A 'Restricted Premises' shall not be permitted unless its external appearance is consistent with the intended future character of the area.
5. The scale of the proposed use, including how operating hours might impact the amenity of surrounding properties will be taken into consideration.

| | |
|---|---|
| Strategic Link: | Town Planning Scheme No.3 |
| Category: | Planning – Town Planning & Development |
| Lead Business Unit: | Development Services |
| Public Consultation:<br>(Yes or No) | Yes |
| Adoption Date:<br>(Governance Purpose Only) | TBD |
| Next Review Due:<br>(Governance Purpose Only) | TBD |
| ECM Doc Set ID:<br>(Governance Purpose Only) | 4516039 |

## 8.1.4 Final Adoption: Draft Local Planning Policy 5.25 - Fencing

| | |
|---|---|
| **Responsible Executive** | Director Sustainable Development and Safety |
| **Author(s)** | Service Lead Statutory Planning |
| **Attachments** | 1. Community Consultation Outcomes ⇩<br>2. Local Planning Policy 5.25 - Fencing - tracked changes ⇩<br>3. Local Planning Policy 5.25 - Fencing ⇩ |

**Recommendation**
The Committee recommends Council:

(1) NOTES the submissions received during the community consultation period;

(2) ADOPTS Local Planning Policy 5.25 – Fencing, as amended in Attachment 3;

(3) PUBLISHES the Local Planning Policy in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015; and

(4) NOTIFIES all those who made a submission of Council's decision

### Background

At the September Ordinary Council Meeting, Council resolved to adopt the draft Local Planning Policy 5.25 – Fencing, for the purposes of community consultation.

The advertising period has now concluded with several submissions having been received from the community. Following this period, Council must now determine whether to proceed with the draft policy.

The City currently assesses fencing proposals against the deemed-to comply provisions of the *Residential Design Codes, Fencing Local Law* and objectives of the relevant zone pursuant to *Town Planning Scheme No. 3.* While these provisions provide a statutory framework for assessment, they do not establish detailed local guidance regarding the design, appearance and location of fencing across the City's diverse residential neighbourhoods.

Council's recent consideration of a front fencing application in the Rural Zone highlighted the challenges associated with assessing proposals where limited local policy guidance exists. During its deliberations, Council encountered the challenge of balancing resident expectations for privacy and security with the City's objectives for attractive streetscapes, passive surveillance and neighbourhood character.

The preparation of *Draft Local Planning Policy 5.25 - Fencing* (draft policy) establishes transparent and consistent assessment criteria for fencing proposals in order to provide greater certainty for residents, applicants and decision-makers.

**Submission**

Following the community consultation, one amendment has been made to the draft policy which is reflected in Attachment 2 along with tracked changes. The amendment seeks to further clarify that proposals that are consistent with the deemed-to-comply provisions of the R-Codes are exempt from development approval.

Further details of the community consultation and the rationale for the change can be seen in Attachment 1.

**Report**

The draft Local Planning Policy - Fencing has been prepared to provide guidance on the design and assessment of fencing throughout the City.

The draft policy does not apply to industrial or commercial land, given fencing for these areas do not impact residential amenity and can be considered as part of a comprehensive assessment of an industrial or commercial application.

The objectives of the draft policy are to:

- Provide clear guidance to applicants so they can confidently proceed with fencing development and obtain consistent advice from the City
- Provide clear guidance on the assessment of fencing proposals so the City and Council can ensure consistent decision-making
- Ensure street fencing is consistent with the character of an area
- Balance passive surveillance with privacy and noise considerations through appropriate fencing selections.

Provisions relating to ‘Uniform Fencing’ within existing *Local Planning Policy 5.1 - Development of the Public Realm* are proposed to be relocated to the *Draft Local Planning Policy - Fencing* to consolidate fencing development into one policy (Attachment 2).

Relocation of existing provisions from one local planning policy to another constitutes a ‘minor amendment’ which does not need advertising, pursuant to Schedule 2 Clause 5 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

The draft policy provides circumstances where a development approval would not be required. Further, clear guidance is provided on the governance framework and legislation, to help remove any confusion on the differences between the City’s *Fencing Local Law* and the requirements of the *Town Planning Scheme No. 3.*

The draft policy contains imagery which is intended to define fencing types and improve clarity for assessors and applicants.

**Strategic Plans/Policy Implications**

Our Places
Enhancing distinctive, liveable areas with well-connected, safe transport options.
• Strengthen unique, liveable and adaptive places.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, new local planning policies must be advertised for a period of 21 days. After the consultation period, the local government must:

(1) Review the proposed policy considering any submissions made; and

(2) Resolve to:
   a. Proceed with the policy without modification; or
   b. Proceed with the policy with modification; or
   c. Not proceed with the policy

Advertising has now concluded, and a summary of the Community Consultation and the submissions received can be found in attachment 1.

**Risk Management Implications**

Should Council not proceed with adoption, the City will be left will be reliant on the Fencing Local Laws and the objectives of the relevant zone pursuant to Town Planning Scheme No. 3 to provide guidance on the assessment of fencing proposals.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 20 October 2026 Governance Committee.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

City of Cockburn
wetlands to waves

# Schedule of Submissions

## Draft Local Planning Policy 5.25 Fencing

## Advertised: September 2026

Document Set ID: 12881118
Version: 6, Version Date: 02/10/2026

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# Acknowledgement of Country

Cockburn Nyungar moort Beeliar boodja-k kaadadjiny. Koora, yeyi, benang baalap nidja boodja-k kaaradjiny.

Ngalak kaditj boodjar kep wer kaadidjiny kalyakool yoodaniny, wer koora wer yeyi ngalak Birdiya koota-djinanginy.

The City of Cockburn acknowledges the Nyungar people of Beeliar Boodjar. Long ago, now and in the future they care for Country.

We acknowledge a continuing connection to Land, Waters and Culture and pay our respects to Elders, past and present.

# Background

The City of Cockburn has prepared draft Local Planning Policy 5.25 – Fencing to provide clear and consistent guidance for residential fencing across the City. While fencing is currently regulated through existing planning and local laws, there is limited direction on fencing design, appearance, and location in different neighbourhoods. The draft policy aims to balance residents' privacy and security needs with attractive streetscapes, passive surveillance, and neighbourhood character, while providing greater certainty and consistency for residents, applicants, Council, and decision-makers.

Draft Local Planning Policy 5.25 - Fencing provides guidance on the design, appearance, and assessment of residential fencing within the City of Cockburn. The policy applies to street fences, boundary fences, and uniform fencing associated with residential development. It does not apply to dividing fences between neighbours, which are regulated separately under the City's Fencing Local Law and the Dividing Fences Act 1961.The policy seeks to provide clear guidance for residents and applicants proposing fencing, support consistent decision-making by City officers and Council, ensure fencing complements the character of different neighbourhoods and zones, and balance privacy, security, and noise attenuation with passive surveillance and streetscape outcomes.

To satisfy statutory requirements within the Planning and Development (Local Planning Schemes) Regulations 2015, the City invited submissions on the draft Local Planning Policy during a 21-day advertising period. Community members and other stakeholders were provided with an opportunity to review the draft and make a formal submission.

This document summarises the advertising process undertaken by the City and the submissions received during the advertising period. It also includes a schedule of submissions received and, where applicable, officer comments in response to matters raised.

# Process

Between 9 September 2026 and 30 September 2026, the City invited submissions on the draft Local Planning Policy 5.25 – Fencing.

Submissions could be provided through the following methods:

- Online submission form via Comment on Cockburn
- Written submissions by email
- Written submissions by mail.

To raise awareness of the draft policy and satisfy statutory advertising requirements, the City undertook the following communication activities:

- Project information page on the City's Comment on Cockburn platform
- E-newsletter to all Comment on Cockburn 11,413 e-newsletter subscribers.

The Comment on Cockburn project page provided:

- An overview of the draft policy
- A downloadable copy of the draft policy
- Frequently asked questions
- Key dates
- A project timeline
- Access to the online submission form.

The project page was provided as an information resource to support the statutory advertising process. No workshop, drop-in session or broader community engagement activities were undertaken.

During the advertising period:

- The Comment on Cockburn project page received 287 visits
- 3 online submissions were received
- 4 written submissions were received by email or post
- 0 people elected to follow the project page for updates.

All submissions received during the advertising period have been included in this report and considered as part of the assessment process.

# Submission Summary and Key Themes

## Submission Summary

During the advertising period, the City received **10 submissions** regarding the draft policy.

| Position | Number |
|---|---|
| **Support** | 9 |
| **Oppose** | 0 |
| **No opinion** | 0 |
| **Unsure** | 1 |
| **Total** | **10** |

## Key Themes

Community feedback was generally supportive of the draft policy's intent to improve the consistency, transparency and effectiveness of public advertising for development applications. The most common themes raised related to ensuring that notification is proportionate to the potential impacts of a proposal, improving transparency around the exercise of the City's discretion, and providing affected residents with access to sufficient information to make informed submissions.

A number of submissions sought broader notification requirements where development impacts may extend beyond adjoining properties, particularly in relation to traffic, parking, noise, visual amenity and overlooking. Submitters also raised the need for additional consultation where proposals are amended after advertising, clearer guidance regarding neighbour consent and notification waivers, and greater availability of plans and supporting information during consultation periods. Some submissions advocated for increased monitoring, reporting and review of notification practices to strengthen accountability and community confidence in the planning process.

Several respondents also emphasised the importance of enhanced consultation for larger or more complex development applications, recognising their potential impacts on neighbourhood amenity, urban character, environmental outcomes and community expectations. While a small number of submissions expressed broader concerns regarding previous experiences with planning processes, these comments were generally outside the scope of the proposed policy.

# Schedule of Submissions

## Introduction

Submissions are presented as received and may contain spelling, grammatical or formatting errors.

Where submitters elected to anonymise their submission, personal details have been removed and replaced with the submitter's relationship to the area and suburb.

**Online submissions**

| # | Date received | Name | Position | Submission | Officer Comment |
|---|---|---|---|---|---|
| 1. | 09/9/2026 | Confidential (Munster) | Support with Modification | Overall, I think this is a good idea, I only have one small comment below.<br><br>It is unclear why the requirements for Rural Living and Rural/Resource areas differ. I would prefer both classifications to align with the clear Rural/Resource provisions, which promote a consistent and visually cohesive streetscape. By contrast, the current Rural Living specifications may result in mismatched development and an inconsistent streetscape. | Noted.<br><br>The Rural Living zone is a distinctly different zone from the Rural and Resource zones and can be more accurately described as a special residential zone. The current streetscape of the Rural Living zone is not as open and visually permeable as the other zones. The provisions in the draft policy reflect the current streetscape of the Rural Living zone. |
| 2. | 10/9/2026 | Confidential (Aubin Grove) | Unclear | 1. Exactly which front fences can residents build without Development Approval? The policy talks about exemptions, but the answer isn't particularly obvious for the average homeowner. Why isn't a compliant front fence given a clear exemption?<br>For example, if someone wants a conventional brick-and-slatted fence that complies with the R-Codes, can they simply build it, or must they lodge an application?<br><br>2. What happens when the policy conflicts with an existing estate/developer fence requirement? Uniform fencing is particularly restrictive — modifications to existing uniform fencing require approval. Is this actually reducing red tape?<br><br>That's probably the biggest question. The stated objective is to give applicants clear guidance, but there are still quite a few situations where residents need Council involvement. | 1. R-Code compliant fences do not require development approval under clause 61 of the Planning and Development (Local Planning Scheme) Regulations 2015. This is listed as exempt development at clause (1) of the draft policy. However, an additional subpoint has been added to clarify that R-Code complaint fences are indeed exempt.<br><br>2. This policy will not apply retroactively. |

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| 3. | 16/6/2026 | Confidential (South Lake) | Support | Regulate revolting fencing - like hanging tyre covers on them. | Noted. The intent of the policy is to provide standardized requirements for fencing. Hanging tyre covers over fences would not be considered development for the purposes of the Act and therefore would be out of the control of a Local Government. |

**Email and postal submissions**

| # | Date received | Name | Position | Submission | Officer Comment |
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| 1. | 22/9/2026 | Chris Pelajic | Support with modification | I support the City of Cockburn developing clearer and more consistent guidance for residential fencing.<br><br>However, I would like to suggest that the draft policy provide greater flexibility for properties that directly interface with high-volume traffic routes, particularly where fencing is required to address a combination of traffic noise, privacy and security.<br><br>My property at Lot 92, 10 Sherbrooke Gardens, Bibra Lake, is located within the St Paul's Estate and directly interfaces with the Phoenix Road corridor and an adjoining public pedestrian footpath.<br><br>Phoenix Road carries significant traffic, including heavy vehicles. The resulting traffic noise is particularly noticeable during the early morning and includes low-frequency noise and vibration. On occasions, heavy vehicles generate sufficient vibration for the windows of our house to visibly vibrate. The traffic noise is also regularly disturbing sleep within our household.<br><br>There is also a significant privacy and security issue. The public footpath immediately behind the rear boundary provides pedestrians with direct sightlines into our backyard and towards bedroom areas of the house.<br><br>The existing boundary consists substantially of a masonry wall, but its height varies, with the lowest section being approximately 1.4 metres high. The property also has a significant level difference, with part of the rear yard approximately one metre below the level of the house.<br>In circumstances such as these, a conventional residential fence-height approach may not provide an appropriate | Noted. Clause 3 of the draft policy aims to provide that level of flexibility and discretion where matters such as traffic, noise, privacy and swimming pools need to be considered. The Development Application process acts as the mechanism to exercise discretion. |

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| | | | | outcome. A higher, appropriately designed acoustic barrier could potentially provide substantially improved noise attenuation, privacy and security while still being designed to complement the existing streetscape.<br>I therefore suggest that the final policy specifically recognise circumstances where a higher boundary fence or acoustic barrier may be appropriate where:<br>• a residential property directly interfaces with a high-volume or freight traffic route;<br>• significant traffic noise or low-frequency vibration can be demonstrated;<br>• a public footpath or other public area creates significant privacy or security impacts;<br>• the existing boundary treatment is insufficient to address these impacts; and<br>• the proposed fencing is appropriately designed, including consideration of acoustic performance, structural requirements, visual appearance and passive surveillance.<br><br>I believe the policy should provide a clear pathway for site-specific assessment and approval of fencing that exceeds conventional residential heights where there is a demonstrated need for noise attenuation, privacy or security. I am not suggesting that higher fencing should automatically be permitted in these circumstances.<br><br>Rather, I believe the policy should provide an appropriate mechanism for residents to demonstrate the need for increased height through site-specific evidence, including acoustic or engineering assessment where appropriate.<br><br>This would provide a balanced approach that protects neighbourhood character while recognising that some residential properties have substantially greater exposure to transport noise, public access and privacy impacts than a typical residential lot.<br><br>I respectfully ask that the City consider incorporating such flexibility into the final Local Planning Policy 5.25. | |
| 2. | 21/9/2026 | Confidential | Support | As a land owner of rural area. | Noted. This is broadly reflected in the draft policy. |

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| | | | | Rural fencing in my opinion should be restricted to open style fencing particularly in the front. Animals need to move freely and the area needs to remain open and transparent | |
| 3. | 10/9/2026 | Confidential | Support | Anything that makes the procedure easier and cheaper is a plus, with the smaller blocks the council is making much more compared to block sizes 20 years ago. | Noted |
| 4. | 29/9/2026 | Confidential<br><br>(Banjup) | Support | I support the City's objective of protecting the rural character and environmental values of Resource zoned land. However, I am concerned that the draft policy contains a number of loopholes that may allow outcomes which are inconsistent with those objectives. The policy appears to focus primarily on fencing visible from the primary street frontage, despite the fact that impacts on rural character, visual openness, wildlife movement and landscape connectivity occur on all sides of a property, not just along the road frontage. One of my main concerns is the exclusion of dividing fences from the policy. While a property owner may be required to provide open-style fencing along the street frontage, they can still install extensive lengths of high solid fencing along side and rear boundaries. In Banjup, there are already examples of solid fencing of 2.1 metres high that are completely out of character with the open rural-residential landscape.<br><br>These types of fences create a suburban appearance rather than the open and spacious environment the Resource Zone is intended to protect. I am also concerned that the policy does not apply the same standards to all street frontages. The effect on landscape character, visual amenity and wildlife movement is no different whether a fence faces a primary road or a secondary road.<br><br>All road frontages within the Resource Zone should be subject to the same standards and expectations. The policy should also include a clear maximum fence height of 1.5 metres for Resource-zoned land. The draft policy currently allows for significantly higher fencing outcomes through exemptions and discretionary assessment pathways. Fencing higher than 1.5 metres is inconsistent with the open rural-residential character of Banjup and creates unnecessary visual bulk. A 1.5 metre limit would provide a clear and consistent standard while still allowing landowners | The submission raises a number of concerns regarding the protection of rural character, visual openness and environmental values within the Resource Zone. These matters have been carefully considered in the drafting of the policy.<br><br>The policy has been intentionally prepared to provide a degree of discretion rather than a blanket prohibition, recognising that Resource-zoned properties vary significantly in size, topography, land use and operational requirements. A performance-based approach allows the City to assess fencing proposals on their individual merits while still having regard to the policy objectives of maintaining rural character and landscape amenity.<br><br>In relation to dividing fences, these are generally regulated under separate legislative frameworks and have not been included within the scope of the policy. The policy focuses on fencing that has the greatest influence on the public realm and the visual character of the locality, particularly fencing visible from roads and other public spaces.<br><br>The policy applies requirements to street fencing and seeks to ensure that fencing visible from the public domain contributes positively to rural character. While primary and secondary street frontages may have similar visual impacts in some circumstances, the City considers it appropriate to retain flexibility to respond to the different contexts and layouts of individual properties.<br><br>The suggested introduction of a universal maximum fence height of 1.5 metres is noted. However, the City considers that a fixed standard may not be appropriate in all circumstances. The policy instead provides guidance and assessment criteria that enable fence heights to be considered in the context of site-specific circumstances while balancing rural character, privacy, security and operational needs. |

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| | | | | to define property boundaries. There are already a number of properties in Banjup with street fencing approaching or exceeding 1.8 metres in height, and these fences are clearly out of character with the surrounding rural setting. The purpose of this policy should be to prevent further suburban style fencing outcomes and preserve the openness that distinguishes Resource zoned land from urban residential areas. I do not support the use of Colorbond fencing or similar solid fencing materials within the Resource Zone.<br><br>While the policy restricts these materials for street fencing, it is not in line with the rural character, the same outcome can still be achieved elsewhere on a property. Large expanses of Colorbond fencing are more characteristic of suburban development than rural-residential living and should not be encouraged within Resource-zoned areas. Wildlife movement is another important consideration. Banjup contains significant areas of native vegetation and supports kangaroos, possums, reptiles, snake turtles and many other native species. Wildlife movement occurs across private properties as well as public land. The draft policy states that fencing should allow wildlife movement "where practicable", however I believe this wording is too weak and too discretionary.<br><br>Protection of wildlife corridors should be a clear policy objective rather than an optional consideration. I am also disappointed that the policy makes no reference to bushfire response and emergency access. Banjup is a bushfire-prone area and volunteer bushfire brigades may need to move between properties during fire events. Continuous high fencing can create barriers to movement and may hinder emergency operations. A further concern is the broad discretion provided to the City under Clause 3.<br><br>I do not support the inclusion of these discretionary provisions, as they have the potential to undermine the purpose of the policy. If the objective is to protect rural character, environmental values and landscape openness, then clear and enforceable standards should apply rather than allowing exceptions through discretionary assessment. The discretion provisions effectively create a pathway to | The submission's concerns regarding solid fencing materials and secondary fence lines are acknowledged. The policy includes provisions discouraging fencing forms that are inconsistent with the intended rural character of the Resource Zone, while retaining discretion to consider unique circumstances where a departure from the preferred outcomes may be justified.<br><br>With respect to wildlife movement, the policy promotes consideration of wildlife permeability and landscape connectivity where practicable. Retaining some flexibility in this regard recognises that wildlife movement opportunities vary between properties and site conditions.<br><br>The suggestion to include bushfire brigade access provisions has been considered. However, minor development such as fencing is exempt development under State Planning Policy 3.7 (Bushfire), and emergency access requirements are generally managed through other statutory mechanisms. Where legal access arrangements exist, such as easements or designated emergency access ways, property owners must ensure those access rights remain available regardless of the fencing policy.<br><br>The City acknowledges concerns regarding discretionary provisions. However, discretion is considered an important component of the policy to accommodate varying site circumstances while still requiring decision-makers to have regard to the policy objectives. The policy does not provide an unrestricted pathway for inappropriate outcomes but rather enables balanced assessment where strict application of standards may not achieve the best planning outcome.<br><br>Overall, the submission's recommendations have been noted. While the City supports the overarching objective of preserving the rural character and environmental values of Resource-zoned land, it considers that the policy's performance-based framework and discretionary assessment provisions provide the necessary flexibility to respond to the diverse circumstances that occur within the Resource Zone. |

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| | | | | approve outcomes that would otherwise be inconsistent with the policy objectives. Over time, this risks eroding the rural character the policy is intended to protect.<br><br>In Banjup, there are already examples of high solid fencing and wall-like front fences that are completely out of character with the open rural residential landscape. Resource-zoned land should not be characterised by 1.8 metre and higher front walls or solid fencing along the street frontage. Front fencing should be limited to open-style rural fencing, similar to the mesh, post-and-wire fencing commonly found throughout Banjup, with a maximum height of 1.5 metres.<br><br>The discretionary provisions should therefore be removed, or at a minimum should not permit outcomes that conflict with the policy objectives of maintaining rural character, visual openness s, wildlife movement and landscape connectivity. The policy should also address attempts to circumvent its intent through secondary fence lines. It should not matter whether a 2.1 metre Colorbond fence is located directly on a boundary or 20 centimetres inside it. The visual impact, effect on wildlife movement and effect on rural character are essentially the same. Any fence constructed immediately adjacent to a boundary or street fence should be assessed in the same way as a boundary fence. Finally, the interaction between this policy and the City's fencing regulations needs further consideration. If dividing fences remain outside the scope of the policy, there is a real risk that the policy will protect rural character only from the street while allowing extensive solid fencing elsewhere on the property. This would undermine the very objectives the policy is intended to achieve.<br><br>For these reasons, I believe the policy should be strengthened to:<br><br>• Apply Resource Zone fencing controls to all property boundaries.<br><br>• Apply the same standards to primary and secondary road frontages. | |

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| | | | | • Introduce a maximum fence height of 1.5 metres.<br><br>• Prohibit Colorbond and solid fencing on all boundaries.<br><br>• Strengthen wildlife corridor provisions.<br><br>• Recognise bushfire brigade and emergency access requirements.<br><br>• Remove the use of discretion or where practicable<br><br>• Prevent secondary fence lines from being used to bypass the policy. Without significant changes, I do not believe this policy will adequately protect the rural residential character of Banjup into the future.<br><br>The policy's objective is to maintain rural character, yet it continues to allow outcomes that are inconsistent with that objective. Street fencing approaching. or exceeding 1.8 metres in height can be seen in Banjup and is clearly out of character with the open rural landscape. Unless clear and enforceable standards are adopted, including a maximum fence height of 1.5 metres, open style rural fencing and the removal of major loopholes and discretionary provisions, there is a real risk that the rural character of Banjup will continue to be eroded over time | |
| 5. | 30/9/2026 | Confidential (Lake Coogee) | Support with modification | The draft gives useful guidance on fencing types. However, I ask the City to address a gap concerning sightlines where a dividing fence runs alongside a driveway or shared vehicle access.<br><br>My neighbour has installed a fence on their property boundary within the 1.5 m by 1.5 m sightline area beside my driveway. The fence exceeds 750 mm in height in that area. Because the neighbour has not returned the fence across the front of their property, I have been advised that the front-fence sightline requirement does not apply to it. The fence obstructs my view when I exit onto the shared access area.<br><br>There is an electrical switchboard, a Western Power pillar and a water main in this area, and three vehicles regularly park there. A delivery vehicle has already struck the | The City acknowledges the concerns regarding visibility at driveways and shared vehicle access points where fencing may obstruct sightlines.<br><br>The draft policy provides guidance on fencing requiring planning assessment and approval. However, dividing fences are exempt from planning approval under Schedule A of Town Planning Scheme No. 3 and, as such, are outside the scope of this policy. Introducing additional requirements for dividing fences through this policy would therefore not be appropriate, as the policy cannot impose standards on development that is otherwise exempt from planning approval.<br><br>In relation to sightlines, the existing statutory framework already contains provisions intended to address visibility and vehicle safety. For residential development, sightline requirements are prescribed through the Residential Design Codes (R-Codes), while non- |

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| | | | | switchboard, and the pillar has also been hit. I am concerned about the risk of a collision or injury.<br><br>I ask the City to make the sightline requirement apply to any fence that obstructs visibility at a driveway or vehicle access point, regardless of whether it is described as a front fence, boundary fence or dividing fence, and regardless of whether it returns across the front of a property. If this cannot be achieved through this planning policy alone, please identify the appropriate change to the Fencing Local Law or other applicable requirements.<br><br>The current guidance is difficult to follow in this situation. The City publishes driveway sightline requirements, yet the distinction between front and dividing fences appears to leave residents without a clear way to address an obstruction. Please also explain which authority can assess and, where appropriate, require changes to an existing dividing fence that obstructs a driveway sightline. As the dividing fence act doesn't comment on sight line requirements. | residential development is generally assessed against relevant Australian Standards and engineering requirements. The City considers that these established provisions provide the appropriate mechanism for addressing sightline considerations and that duplicating such requirements within the fencing policy is unnecessary.<br><br>The purpose of the policy is to provide guidance on the design and assessment of fences that require planning approval, rather than to regulate dividing fences or resolve disputes relating to existing boundary fencing. As a result, the policy does not identify enforcement mechanisms for existing dividing fences that may affect driveway visibility. |
| 6. | 30/9/2026 | Confidential<br><br>(Banjup) | Support with modification | I support the City's aim of protecting the rural character and environmental values of Banjup and other Resource-zoned areas. However, I believe the draft policy needs strengthening to ensure it achieves these objectives.<br><br>From my experience living in Banjup, I have seen examples of fencing that is not in keeping with the rural-residential character of the area. There are properties with large stone walls and concrete walls that create an urban or suburban appearance rather than the open rural landscape that makes Banjup unique.<br><br>**My concerns**<br><br>1. The policy focuses mainly on fencing facing the primary street frontage and does not adequately address other property boundaries. | The City acknowledges the concerns raised regarding fencing design, wildlife movement, bushfire considerations and neighbour consultation. However, several of the recommended amendments are not supported.<br><br>The policy is primarily intended to guide fencing visible from the public realm, as this has the greatest influence on the character of an area. Accordingly, the City does not support applying the same controls to all property boundaries or requiring identical standards for all road frontages.<br><br>The City also does not support introducing a universal maximum fence height or prohibiting specific fencing materials. Resource-zoned properties are diverse and fencing needs can vary depending on land management, security and site-specific circumstances. The policy therefore retains flexibility to assess proposals against character objectives rather than prescribing a single solution.<br><br>While the importance of wildlife movement and bushfire management is acknowledged, these matters are generally |

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| | | | | 2. High solid fencing can still be installed on side and rear boundaries, creating a suburban appearance.<br><br>3. The same fencing standards should apply to all road frontages, including secondary roads.<br><br>4. The policy should include a maximum fence height of 1.5 metres throughout the Resource Zone.<br><br>5. Solid fencing materials such as Colorbond should not be encouraged within the Resource Zone.<br><br>6. Stone walls and concrete walls are not consistent with the rural character of Banjup.<br><br>**Wildlife movement**<br><br>Banjup is home to a wide range of wildlife, including:<br><br>1. Quenda (Southern Brown Bandicoots)<br><br>2. Kangaroos<br><br>3. Possums<br><br>4. Reptiles<br><br>5. Snake turtles<br><br>6. Many bird species<br><br>Fencing should be designed to allow wildlife movement across properties.<br><br>I believe:<br><br>1. Mesh wire fencing and post-and-wire fencing are more appropriate for Resource-zoned land.<br><br>2. Wildlife-friendly gaps should be maintained at ground level to allow bandicoots and other small animals to move safely between properties. | addressed through separate environmental, conservation and bushfire planning frameworks. The fencing policy is not intended to regulate these issues directly.<br><br>The City does not support mandatory neighbour consultation for all variations to the policy. Planning discretion is an important part of the development assessment process and many variations are minor in nature or have limited impacts beyond the subject property. The draft policy provides a framework to determine when advertising is appropriate, ensuring consultation remains proportionate to the potential impacts of a proposal.<br><br>Overall, the City considers the draft policy appropriately balances the protection of rural character with the need to accommodate a range of property and land management circumstances within the Resource Zone. The submission is appreciated and will be considered as part of the finalisation of the policy. |

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| | | | | 3. Fences should allow kangaroos to safely cross or move through the landscape where appropriate.<br><br>Restricting wildlife movement can force animals onto roads where they face an increased risk of being struck by vehicles.<br><br>**Bushfire and emergency access**<br><br>The policy should recognise that Banjup is a bushfire-prone area.<br><br>1. Bushfire brigades may need to move between properties during emergencies.<br><br>2. Continuous solid fencing can create barriers to emergency response.<br><br>3. Fencing design should consider access requirements for firefighting and other emergency services.<br><br>**Consultation and discretion**<br><br>I believe consultation with adjoining landowners should be mandatory whenever an applicant seeks approval for fencing that does not comply with the policy.<br><br>This would:<br><br>1. Improve transparency.<br><br>2. Allow neighbours to provide local knowledge.<br><br>3. Help Council understand potential impacts on rural character, wildlife movement and visual amenity.<br><br>4. Ensure decisions reflect community expectations.<br><br>**Recommended changes**<br><br>I would like the policy to:<br><br>1. Apply Resource Zone fencing controls to all property boundaries. | |

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| | | | | 2. Apply the same standards to primary and secondary road frontages.<br><br>3. Introduce a maximum fence height of 1.5 metres.<br><br>4. Discourage stone walls, concrete walls, Colorbond fencing, and other solid fencing styles.<br><br>5. Encourage post-and-wire and mesh fencing that reflects rural character.<br><br>6. Strengthen wildlife corridor requirements and provide for bandicoot access.<br><br>7. Consider kangaroo movement and road safety.<br><br>8. Recognise bushfire brigade and emergency access requirements.<br><br>9. Require mandatory neighbour consultation for any proposed variations to the policy.<br><br>10. Prevent secondary fence lines from being used to bypass the intent of the policy.<br><br>Without stronger controls, there is a risk that suburban-style fencing will gradually replace the open rural character that residents value. The policy should provide clear standards that preserve Banjup's unique landscape, support wildlife movement, and maintain the rural-residential environment for future generations. | |
| 7. | 30/9/2026 | Banjup Residents Association | Support with modification | The Banjup Residents Group supports the objective of maintaining the rural character and environmental values of Resource-zoned land. However, we believe the current draft policy focuses too heavily on front fencing and contains several loopholes that may undermine these objectives.<br><br>Banjup is a rural-residential community valued for its open landscape, native vegetation, wildlife corridors and spacious character. The policy should therefore focus on preserving these attributes across the entire property, not just the primary street frontage. Based on our review of *Draft Local* | The City acknowledges the importance of maintaining the rural character, environmental values and visual amenity of the Resource Zone. While the concerns raised have been considered, several of the recommended amendments are not supported.<br><br>The City does not support applying the policy's fencing requirements to all property boundaries, including dividing fences. The policy is primarily intended to guide fencing that contributes to the public streetscape and overall character of an area. Dividing fences are generally regulated through separate legislative and |

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| | | | | *Planning Policy 5.25 - Fencing*, we recommend the following amendments.<br><br>**1. Dividing fences remain a significant loophole**<br><br>The policy excludes dividing fences from its provisions. This means a property owner may comply with the front fencing requirements while installing extensive lengths of Colorbond or other solid fencing around the remainder of the property. This undermines the policy objectives relating to rural character, environmental values and landscape openness.<br><br>**Recommendation:**<br><br>Fencing standards for Resource-zoned land should apply to all property boundaries, including dividing fences, secondary street frontages, and boundaries adjoining reserves or public land.<br><br>**2. Secondary street frontages should be treated the same as primary street frontages**<br><br>The draft policy creates the potential for different fencing outcomes on secondary road frontages. This could result in long lengths of visually intrusive fencing being installed along roads while remaining technically compliant.<br><br>The impact on rural character, wildlife movement and visual amenity is the same regardless of whether the fence faces a primary or secondary road.<br><br>**Recommendation:**<br><br>The same fencing standards should apply to all road frontages within the Resource Zone, including secondary street frontages.<br><br>**3. Maximum fence height should be limited to 1.5 metres** | local law provisions and are not considered to have the same level of impact on the public realm as street fencing.<br><br>Similarly, the City does not support applying identical fencing requirements to all road frontages. The draft policy focuses on fencing that has the greatest influence on the appearance of the streetscape while retaining flexibility to respond to site-specific circumstances.<br><br>The recommendation to introduce a universal maximum fence height of 1.5 metres is also not supported. Resource-zoned properties vary considerably in their size, land use and operational requirements. A single height standard may not be appropriate in all circumstances, and the policy therefore retains flexibility to consider individual site characteristics and fencing objectives.<br><br>While the policy discourages fencing styles that are inconsistent with rural character, the City does not support a blanket prohibition on specific materials such as Colorbond fencing. There may be circumstances where such materials are appropriate, and proposals are better assessed against the policy objectives and local context rather than through absolute restrictions.<br><br>The City acknowledges the importance of wildlife movement and bushfire management within Banjup. However, the primary purpose of the policy is to address fencing design and character outcomes. Wildlife corridors, environmental management and bushfire response requirements are generally addressed through separate planning, environmental and emergency management frameworks. It is therefore not considered necessary to introduce detailed provisions addressing these matters within the fencing policy.<br><br>The City also does not support limiting the exercise of planning discretion in the manner proposed. Discretion is an important component of the planning framework and enables consideration of site-specific circumstances that cannot always be anticipated through prescriptive standards. The policy provides guidance on the matters that should be considered when assessing alternative fencing outcomes while retaining flexibility to achieve appropriate planning outcomes.<br><br>In relation to secondary fence lines, the City notes the concern raised regarding potential circumvention of the policy. However, fencing located within a property boundary is generally not |

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| | | | | The policy does not provide a clear maximum height for fencing in the Resource Zone. Higher fencing is inconsistent with the open rural character that residents value and can restrict visibility and wildlife movement.<br><br>Importantly, the proposed 1.5 metre limit is not simply a visual amenity issue. It is also intended to support wildlife movement. Kangaroos regularly move through Banjup properties and use private land as part of broader movement corridors. Residents have observed kangaroos moving between lots rather than remaining on roads.<br><br>One resident recently found a dead kangaroo on Gibbs Road adjacent to fencing approximately two metres high. While the exact circumstances are unknown, the incident highlights the concern that high fencing can restrict movement options and may force wildlife onto roads where they are exposed to vehicle strike.<br><br>**Recommendation:**<br><br>Fencing visible from roads, reserves or public areas within the Resource Zone should generally not exceed 1.5 metres in height.<br><br>---<br><br>**4. Colorbond fencing should not be permitted on any boundary**<br><br>The policy prohibits Colorbond fencing for street fencing but does not adequately address its use on other boundaries. Large expanses of Colorbond fencing are characteristic of suburban development and are inconsistent with the intended character of Banjup.<br><br>**Recommendation:**<br><br>Colorbond steel fencing and similar solid fencing materials should not be permitted on any boundary within the Resource Zone, including dividing fences and secondary street frontages. | considered in the same manner as boundary fencing and may serve different purposes. The City does not consider additional provisions are necessary at this time.<br><br>Overall, the City considers the draft policy strikes an appropriate balance between protecting the rural character of the Resource Zone and allowing flexibility to accommodate the varied circumstances of individual properties. The submission is appreciated and will be considered as part of the finalisation of the policy. |

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| | | | | **5. Wildlife corridor provisions should be strengthened**<br><br>The current wording states that fencing should allow wildlife movement "where practicable". This wording is discretionary and difficult to enforce.<br><br>Banjup contains important wildlife habitat and movement corridors. Kangaroos, echidnas, reptiles, bandicoots, snake turtles, possums and other native fauna regularly move between properties. Continuous high fencing can fragment habitat, reduce landscape connectivity and restrict natural movement pathways.<br><br>**Recommendation:**<br><br>Fencing should be designed to facilitate the movement of native wildlife between neighbouring properties and maintain landscape-scale wildlife corridors throughout the Resource Zone.<br><br>**6. Bushfire brigade access should be recognised**<br><br>The policy currently makes no reference to bushfire response requirements. Banjup is a bushfire-prone area and volunteer bushfire brigades may require access between properties during fire events.<br><br>Extensive lengths of high solid fencing can impede movement between lots, restrict access for firefighting operations and create unnecessary barriers during emergencies.<br><br>**Recommendation:**<br><br>Fencing within the Resource Zone should be designed to avoid unnecessary barriers to emergency access and should facilitate movement between adjoining properties by volunteer bushfire brigades during fire events. | |

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| | | | | **7. The discretionary provisions are too broad**<br><br>The discretionary provisions allow the City significant flexibility to approve outcomes that may be inconsistent with the policy objectives. Without clear limits, the intent of protecting rural character, wildlife connectivity and open landscapes may gradually be eroded through individual approvals.<br><br>**Recommendation:**<br><br>Discretion should not be exercised where a proposal would:<br><br>• Diminish rural character;<br>• Restrict wildlife movement;<br>• Increase fencing bulk and scale; or<br>• Hinder emergency access.<br><br>---<br><br>**8. Secondary fence lines should not be used to circumvent the policy**<br><br>The policy currently focuses on the type and location of boundary fencing but does not appear to address situations where a second fence is constructed immediately inside the property boundary.<br><br>This creates a potential loophole whereby a compliant boundary fence could remain in place while a second fence, such as a Colorbond fence or other solid fencing, is installed a short distance inside the property boundary. In some cases, this secondary fence may be only a few centimetres from the dividing fence and effectively creates the same outcome as a prohibited boundary fence.<br><br>The practical effect on rural character, wildlife movement and emergency access is unchanged regardless of whether the fence is located directly on the boundary or 20 centimetres inside the property. | |

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| | | | | **This is of particular concern in Banjup where:**<br><br>• Kangaroos and other native fauna regularly move between properties.<br><br>• Continuous fencing can restrict wildlife movement and force animals onto roads.<br><br>• Volunteer bushfire brigades may require access between properties during emergency response operations.<br><br>• The open rural-residential character of the area relies on visual openness and permeability between lots.<br><br>**Recommendation:**<br><br>The policy should apply to fencing located on or immediately adjacent to a property boundary. Secondary fence lines that replicate the effect of prohibited boundary fencing should not be supported.<br><br>Where a secondary fence is proposed within a specified distance of a boundary (for example, within 1 metre), it should be assessed as if it were a boundary fence for the purposes of this policy.<br><br>---<br><br>**9. Interaction between LPP 5.25 and the Fencing Local Law creates a loophole**<br><br>The draft policy seeks to protect rural character, environmental values and wildlife movement within the Resource Zone. However, these objectives may be undermined by the exemption of dividing fences from LPP 5.25 and their regulation under the City's Fencing Local Law.<br><br>As a result, a property owner may be prevented from constructing certain types of fencing on the street frontage while still being able to install extensive lengths of solid fencing along side and rear boundaries. This creates an | |

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| | | | | inconsistency between the objectives of the planning policy and the outcomes permitted under the fencing regulations.<br><br>In Banjup, wildlife movement and bushfire brigade access occur primarily between neighbouring properties rather than along road frontages. Consequently, dividing fences often have a greater impact on wildlife corridors, landscape connectivity, emergency access and the open rural-residential character of the area than front fencing.<br><br>The City should ensure that the interaction between LPP 5.25 and the Fencing Local Law does not create outcomes that are inconsistent with the stated objectives of protecting rural character, environmental values, wildlife movement and emergency access.<br><br>This would close the loophole whereby a compliant boundary fence remains in place, while a 1.8 metre or 2.1 metre Colorbond fence is constructed a short distance inside the boundary, effectively achieving the same outcome the policy is seeking to avoid.<br><br>---<br><br>**Conclusion**<br><br>The Banjup Residents Group supports fencing controls that maintain the open rural-residential character of the Resource Zone. However, the policy should address the cumulative impact of all fencing on a property rather than concentrating primarily on front fences.<br><br>To achieve the policy's objectives, controls should apply equally to primary street frontages, secondary street frontages and dividing boundaries. A maximum fence height of 1.5 metres, a prohibition on Colorbond fencing on all boundaries, stronger wildlife corridor protections, and recognition of bushfire brigade access would better reflect the character, environmental values and community expectations of Banjup. | |

## Comment on Cockburn Statistics

The Comment on Cockburn project page was established to provide a central source of information and advertising for the draft policy. The page provided background information, frequently asked questions, supporting documents and a mechanism for lodging online submissions.

| Metric | Result |
|---|---|
| Project page visits | 287 |
| Online submissions | 3 |
| Postal submissions | 0 |
| Email submissions | 7 |
| Total submissions | 10 |
| Project followers | 0 |

## Supporting Documents

The following documents were made available to assist the community's understanding of the proposal:

- Draft Local Planning Policy
- Frequently asked questions
- Submission information.

# Next Steps

All feedback received during the consultation period will be reviewed and the proposal will be assessed against the planning framework.

The draft policy, along with all submissions, will be presented to the Governance Committee for consideration before a recommendation is made to Council.

Council will resolve whether to adopt the policy (with or without amendment) or to not proceed.

The City of Cockburn would like to thank all individuals and organisations who took the time to review the draft policy and provide a submission.

For further information, please contact the City of Cockburn on 08 9411 3444 or email customer@cockburn.wa.gov.au

**City of Cockburn**
Whadjuk Boodjar

9 Coleville Crescent, Spearwood WA 6163,
PO Box 1215, Bibra Lake DC WA 6965
Telephone: 08 9411 3444
Email: comment@cockburn.wa.gov.au
www.cockburn.wa.gov.au

ABN 27 471 341 209

Document Set ID: 12881118
Version: 6, Version Date: 02/10/2026

| Title | FENCING |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

**Policy Type**

Local Planning Policy

**Citation**

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This policy may be cited as Local Planning Policy (LPP) 5.25.

**Introduction**

Fencing can have impactful consequences to streetscape character and neighbourliness. Fencing adjacent to the public realm contributes to the amenity of an area. The design of a fence influences passive surveillance, opportunities for natural supervision of the street and overall community safety through *crime prevention through environmental design* (CPTED) principles. Planning controls are required to provide clarity on fencing types and objectives for fencing development within the City of Cockburn.

'*Dividing Fences*' are exempt from requiring development approval as construction is prescribed by the City's *Fencing Local Law* (as amended). Disputes between neighbours relating to '*Dividing Fences*' pursuant to the *Dividing Fences Act 1961* is a civil matter between neighbours. More advice on this process is provided by the Department of Local Government, Industry Regulation and Safety.

'*Uniform Fences*', '*Street Fences*' and '*Boundary Fences*' are, in contrast to '*Dividing Fences*', a matter regulated by statutory planning, and may require development approval from the City.

This local planning policy provides guidance on consistent decision-making relating to fencing proposals, where a development application is required. The policy also provides clarification on acceptable material types, intended to assist in addressing community expectations around the character of their suburbs.

For the purpose of this policy, fencing types are defined below:

1. **Street Fences** - fences located along the primary street frontage, including side fences within the street setback area, of an individual lot and visible from the public realm, forming part of the streetscape presentation of a single property.

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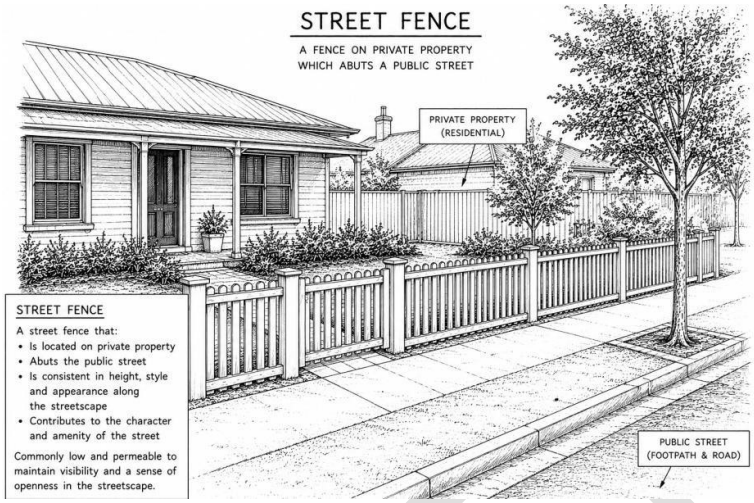
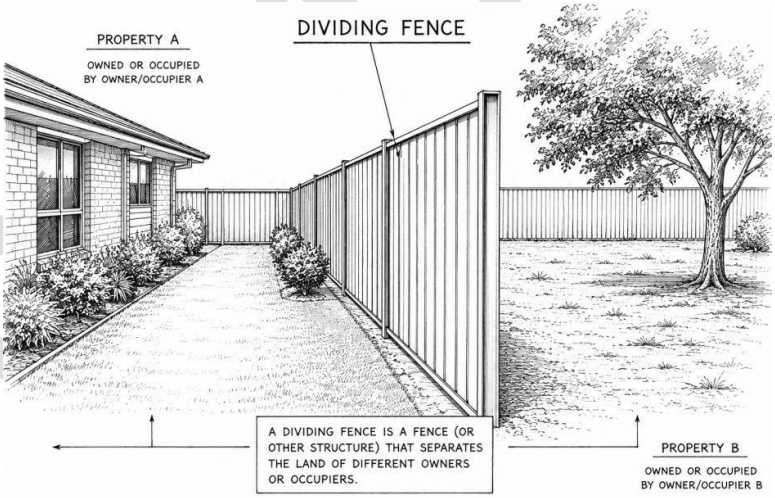



2. **Dividing Fences** - side boundary fences shared by two neighbouring properties. Controlled by the Fencing Local Law and the *Dividing Fences Act*. Does not require development approval.




3. **Uniform Fences** - fences located along the boundary of multiple lots adjoining the public realm (such as secondary streets and public open space). Uniform fences are established to provide consistent and coordinated fencing treatment, initially installed by a developer or subdivider as part of an approved subdivision or development application.

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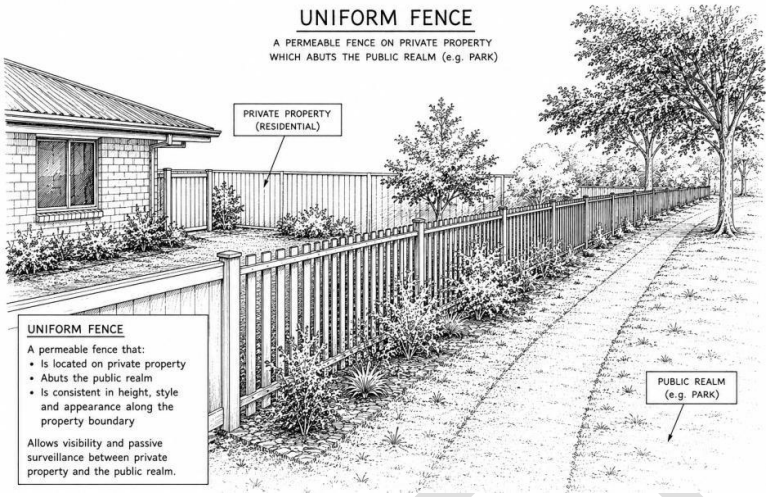
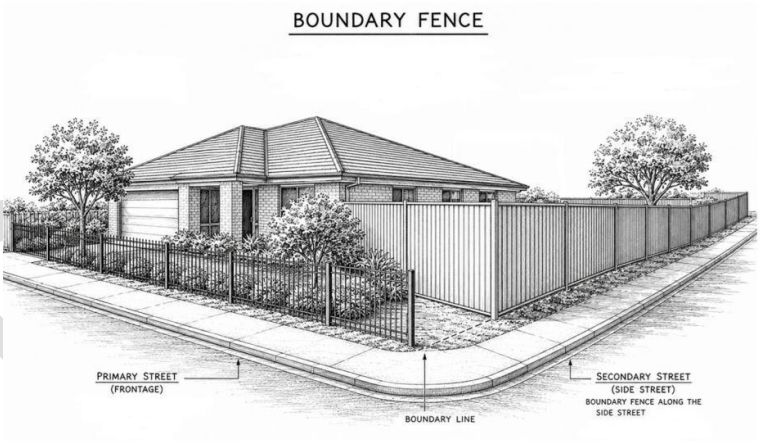



4. **Boundary Fence** - fences located along or near the boundary of an individual lot adjoining a secondary street, public open space, reserve, right-of-way, or other public realm interface, other than the primary street.




## Objectives

- To provide clear guidance to applicants so they can confidently proceed with fencing development and obtain consistent advice from the City.
- To provide clear guidance on the assessment of fencing proposals so the City and Council can ensure consistent decision-making.
- To ensure street fencing is considerate to the character of an area.

[3]

| Title | FENCING |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

- To balance passive surveillance with privacy and noise considerations through appropriate fencing selections.

## Application

This policy applies to the development of street, boundary and uniform fencing on land capable of residential development pursuant to *Town Planning Scheme No.3* (TPS3).

This policy does not apply where fencing requirements are specified within an approved Local Development Plan.

This policy does not apply to 'Dividing Fences' pursuant to the City's *Fencing Local Law* under the *Dividing Fences Act 1961*.

## Policy Provisions

**(1) Exemptions from the requirement to obtain Development Approval under the Planning and Development Act.**

i. All Dividing Fences.

ii. Development which is classed as exempt pursuant to Clause 61 of *Planning and Development (Local Planning Scheme) Regulations 2015,* unless otherwise identified as requiring approval pursuant to this policy.

a This includes any residential front fences that are consistent with the deemed-to-comply provisions of the R-Codes.

iii. Uniform Fencing which is required as a condition of subdivision approval, where details will be submitted as part of civil engineering drawings as part of subdivision clearance and will be constructed consistent with Clause 6 of this policy.

iv. Boundary Fencing along the secondary street which is constructed of sufficient fencing materials pursuant to the *Fencing Local Law* and is no greater than 1.8m in height.

v. Street Fencing in the Rural, Rural Living and Resource Zones, where the development complies with Clause 4 of this policy.

vi. All Entry Statements, where they meet the requirements of this policy.



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| Title | FENCING |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

**(2) Local Character Provisions**

Development is to have due regard to the established local character and streetscape of the area, including the following considerations:

i. The objectives of the applicable zone under Town Planning Scheme No. 3 and the City's Local Planning Strategy, including intended future character (where applicable).

ii. The degree of openness and visual permeability of the existing streetscape.

iii. The prevailing streetscape character and whether the development will positively or negatively contribute to that character.

iv. **Rural** and **Resource** zoned land is characterised by low-density development, open landscapes, generous setbacks and built form that complements the rural setting without creating excessive visual bulk, while supporting environmental values, rural lifestyle land uses and (for the Resource Zone) the protection of underground water resources.

v. **Rural Living** zoned land is characterised by low-density residential development on large lots, with built form and fencing treatments that may be more typical of residential areas, while still maintaining a spacious semi-rural character.

vi. **Residential** zoned land is characterised pursuant to *Local Planning Policy 1.2 Residential Design Guidelines.*

vii. In **Rural** and **Resource** zoned land, a presumption of support will be given to materials sympathetic to rural character, such as:

- Rammed earth
- Gabion and stone walls
- Coffee rock
- Masonry materials with either face brick or a light or cream rendered finish
- Wrought iron and or decorative steel

**(3) Exercise of Discretion**

The City may consider variations to the provisions of this Policy where it is satisfied that the proposed development responds appropriately to the site context and achieves the overall objectives of this Policy, including in the following considerations:

| Title | FENCING |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

i. Where additional privacy is required for private open space and no alternative private open space area is available on the lot.

ii. Where fencing is necessary to mitigate traffic noise impacts, particularly for properties adjoining higher-order or high traffic volume roads.

iii. Where a swimming pool or spa is located within the front setback area of the property.

iv. Where innovative or high-quality construction materials and design elements contribute positively to the streetscape and built form outcomes.

v. Where natural ground levels, retaining, or site constraints influence the practical application of fencing height or material requirements.

**(4) Street Fencing Design Principles**

i. Development in the **Residential Zone** shall comply with the design principles of the *Residential Design Codes* (R-Codes), unless the City exercises its discretion against Clause 3 of this policy.

ii. Development within the **Rural** and **Resource** zones shall have regard to the rural character and environmental values of the locality, in accordance with the following:

a. Solid fencing is not permitted.
b. Colorbond® steel (or similar), ring-lock/cyclone, super-six/fibro cement and twin-side post and panel fencing are not permitted.
c. Fencing is to comprise rural or open-style materials, including timber post and rail, wire, or similar visually permeable (as defined by the RCodes) construction materials.
d. Fencing is to be designed and constructed to complement and integrate with the surrounding landscape character.
e. Fencing should allow, where practicable, for the movement and passage of native wildlife.

iii. Development within the **Rural Living** zone shall maintain an open and semirural streetscape character in accordance with the following:

a. Front fencing may be solid to a maximum height of 1.2 metres, with any portion above 1.2 metres up to a maximum height of 1.8 metres to be visually permeable.

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|---|---|
| Policy Number (Governance Purpose) | LPP 5.25 |

b. Solid front fencing adjoining vehicle accessways is to be truncated, splayed, or otherwise designed to maintain safe sightlines for vehicles and pedestrians.

**(5) Boundary Fencing adjacent Public Open Space**

i. All boundary fencing abutting public open space (parks and recreation reserves) requires development approval, unless replacing 'like for like' or minor maintenance.

ii. Fencing abutting public open space shall generally be open-style with portions of solid fencing permitted to screen some areas for privacy purposes.

**(6) Uniform Fencing**

i. Where subdivision or development proposals abut public open space, drainage reserves, pedestrian access ways, regional roads or other roads of district importance or any other public place, uniform fencing shall be installed.

ii. For subdivision proposals, the City shall recommend to the Western Australian Planning Commission (WAPC) that a condition be imposed on subdivision approvals (where applicable) requiring the applicant/landowner to construct uniform fencing in accordance with this policy.

iii. For development proposals, the City shall request fencing details during assessment, or if appropriate, condition further details to be provided, to ensure consistency with this policy.

iv. Where considered appropriate, uniform fencing should incorporate gates that open onto the public realm, provided the gates are self-closing.

v. Uniform fencing shall generally be consistent in height, materials, design and appearance along its length.

vi. Any proposed modifications to existing uniform fencing require development approval and should generally comply with the following:

a. Materials and colours are to complement the existing fencing.
b. Fence heights are to remain generally consistent with the existing fencing.
c. The proposal can demonstrate a high level of visual amenity, high durability and adequate passive surveillance (where appropriate).



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| **Policy Number** (Governance Purpose) | **LPP 5.25** |

vii. The following **general uniform fencing standards** apply:

a. Uniform Fencing shall generally be a minimum height of 1800mm above Natural Ground Level excluding retaining walls.

b. Where fencing is located on top of, or in conjunction with, a retaining wall, the combined height of the retaining wall and fencing shall not exceed 1800mm above natural ground level unless otherwise approved by the City.

c. Proposals for combined retaining wall and fencing exceeding 1800mm will be assessed having regard to visual impact, streetscape compatibility, overlooking, and bulk and scale.

d. Uniform fencing shall be constructed of limestone, brick, masonry or other durable materials approved by the City. Uniform fencing using modular construction may be considered provided that the wall presents a rendered or similar finish and it can be demonstrated that the repair and maintenance requirements of such a wall is satisfactory to the City.

e. Colorbond® steel (or similar), ring-lock/cyclone, super-six/fibro cement and twin-side post and panel fencing are generally not supported where uniform fencing is required.

f. Where uniform fencing requires visually permeable infill panels, such panels shall be constructed from wrought iron, steel, aluminium, or other durable materials as determined by the Local Government.

g. Timber infill panels are generally not supported due to higher maintenance requirements and reduced durability compared to metal alternatives.

h. Visually permeable infill panels shall generally be provided above 1.2m above natural ground level and shall comply with the definition of 'visually permeable' contained in the R-Codes.

i. Notwithstanding the above, visually permeable infill panels below 1.2m above natural ground level may be considered where it can be demonstrated that streetscape outcomes are enhanced; and safety, surveillance, and visual permeability are not compromised.

j. Uniform fencing piers shall be a maximum of 300mm above the fence line and provided at any interval of not more than 7.5m for limestone, brick or masonry and 6m for all other fences.

k. Fencing which may impede visual sightlines and pedestrian /or vehicular movement is required to be no higher than 750mm within 1.5m of a vehicle crossover.

l. Any solid uniform fencing shall be treated with non-sacrificial graffiti protection to the City's satisfaction.



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| Title | FENCING |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

m. The following general uniform fencing standards apply when abutting Primary and Other Regional Roads and Railway Reserves:

- Uniform fencing abutting regional roads and railway reserves may be required to provide additional elements to satisfy noise attenuation measures in order to comply with State Planning Policy 5.4 '*Road and Rail Transport Noise and Freight Considerations in Land Use Planning'*.
- Uniform fencing abutting regional roads and rail reserves shall generally be of solid construction without visually permeable infill panels.

n. Extensive portions of solid uniform fencing shall be suitably broken up with different materials/textures/landscaping to provide visual relief.

o. Uniform fencing abutting local roads shall generally be of solid construction but may in some instances be required to provide visually permeable infill panels to promote passive surveillance depending on the location and traffic associated with the road.

p. Uniform fencing abutting POS shall provide visually permeable infill panels to promote passive surveillance. Minor portions of solid uniform fencing may be permitted to screen some areas of residential land including drying areas. Pedestrian access gates (and stairs if required) are encouraged to be constructed as part of the uniform fencing between residential lots and POS to encourage use of the POS by the adjoining residents.

q. Uniform fencing abutting PAWs shall generally be required to provide visually permeable infill panels to promote passive surveillance of the PAW. Minor portions of solid uniform fencing may be permitted to screen some areas of residential land including drying areas.

**(7) Entry Statements**

In considering proposals for entry statements, the following considerations will be made:

a) Entry Statements will be permitted within three (3) metres of a vehicle entry point, provided vehicle sightlines (via a 1.5m by 1.5m truncation) are maintained.

b) Entry Statements may be made of an alternative material to the front fence and are not subject to the same permeability requirements.

c) Entry statements consisting of Colorbond® will generally no be supported.

| Title | FENCING |
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| **Policy Number** (Governance Purpose) | **LPP 5.25** |

**(8) Pool Barriers**

i. All swimming pools require a pool barrier to be installed pursuant to the Building Act 2011 and the City shall prioritise pool safety over all other considerations.

ii. The City recognises that swimming pool and spa safety barriers are an important safety requirement and must comply with the Building Act 2011, Building Regulations 2012 and applicable pool safety barriers standards

iii. A development application is required for all fencing on the front boundary, or primary street setback area, where a private swimming pools/spa is installed within the primary street setback area and the street fence is intended to act as a safety barrier.

iv. Where a swimming pool or spa is located within the primary street setback area, abuts a public open space, a reserve or is subject to specific fencing requirements under a Local Development Plan, and a street fence, boundary or estate fence is required to form part of the pool safety safety barrier, the City may support variations to the applicable street fencing requirements where the variation is necessary to achieve pool barrier compliance.

v. Such variations will generally only be supported to the minimum extent necessary with consideration given to streetscape, visual permeability, passive surveillance and residential amenity.

**All images within this policy have been generated using AI**

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|---|---|
| Strategic Link: | Town Planning Scheme No.3 |
| Category | Planning – Town Planning & Development |
| Lead Business Unit: | Statutory Planning – Development Services |
| Public Consultation: **(Yes or No)** | Yes |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |

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|---|---|
| **Title** | **FENCING** |
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

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| ECM Doc Set ID: (Governance Purpose Only) | |

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|---|---|
| **Title** | **FENCING** |
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

**Policy Type**

Local Planning Policy

**Citation**

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This policy may be cited as Local Planning Policy (LPP) 5.25.

**Introduction**

Fencing can have impactful consequences to streetscape character and neighbourliness. Fencing adjacent to the public realm contributes to the amenity of an area. The design of a fence influences passive surveillance, opportunities for natural supervision of the street and overall community safety through *crime prevention through environmental design* (CPTED) principles. Planning controls are required to provide clarity on fencing types and objectives for fencing development within the City of Cockburn.

'*Dividing Fences*' are exempt from requiring development approval as construction is prescribed by the City's *Fencing Local Law* (as amended). Disputes between neighbours relating to '*Dividing Fences*' pursuant to the *Dividing Fences Act 1961* is a civil matter between neighbours. More advice on this process is provided by the Department of Local Government, Industry Regulation and Safety.

'*Uniform Fences*', '*Street Fences*' and '*Boundary Fences*' are, in contrast to '*Dividing Fences*', a matter regulated by statutory planning, and may require development approval from the City.

This local planning policy provides guidance on consistent decision-making relating to fencing proposals, where a development application is required. The policy also provides clarification on acceptable material types, intended to assist in addressing community expectations around the character of their suburbs.

For the purpose of this policy, fencing types are defined below:

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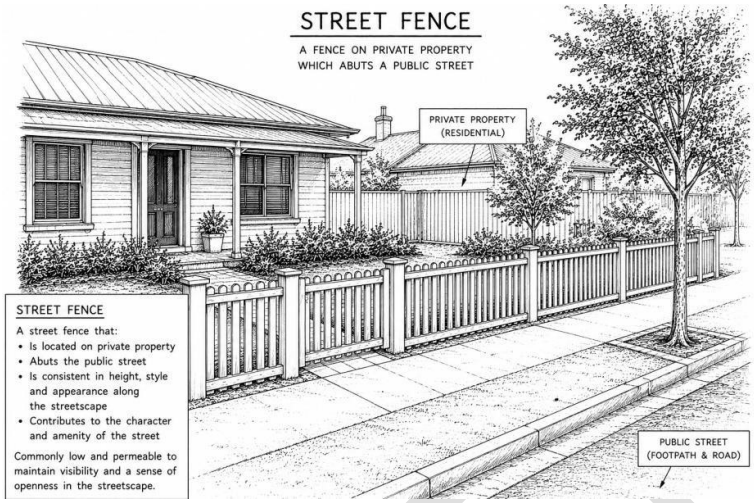


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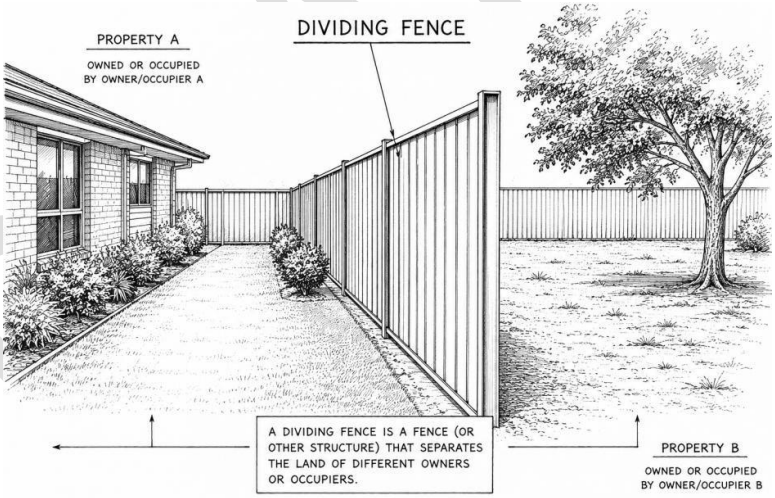


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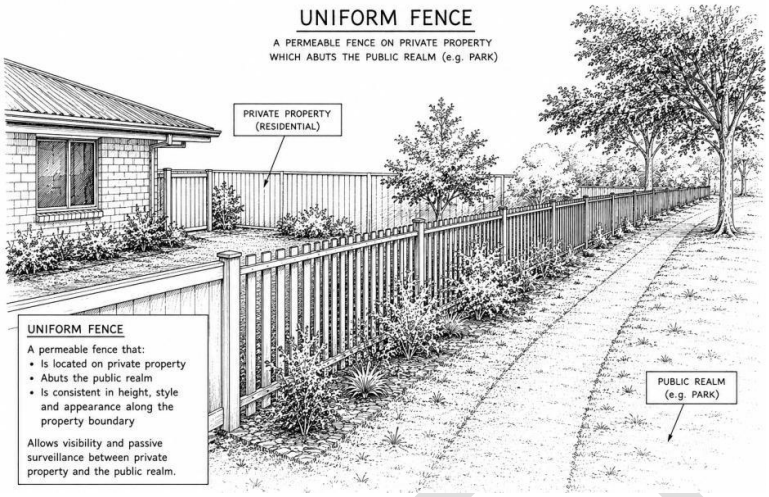


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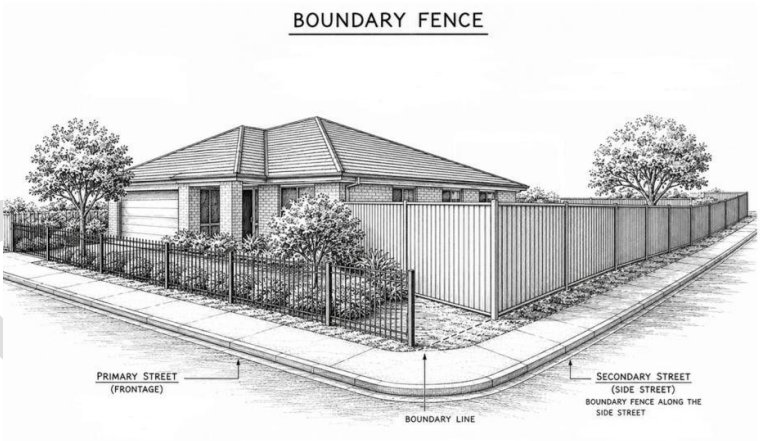


## Objectives

- To provide clear guidance to applicants so they can confidently proceed with fencing development and obtain consistent advice from the City.
- To provide clear guidance on the assessment of fencing proposals so the City and Council can ensure consistent decision-making.
- To ensure street fencing is considerate to the character of an area.

[3]

| Title | FENCING |
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- To balance passive surveillance with privacy and noise considerations through appropriate fencing selections.

## Application

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This policy does not apply where fencing requirements are specified within an approved Local Development Plan.

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## Policy Provisions

**(1) Exemptions from the requirement to obtain Development Approval under the Planning and Development Act.**

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v. Street Fencing in the Rural, Rural Living and Resource Zones, where the development complies with Clause 4 of this policy.

vi. All Entry Statements, where they meet the requirements of this policy.



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| Title | FENCING |
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| **Policy Number** (Governance Purpose) | **LPP 5.25** |

**(2) Local Character Provisions**

Development is to have due regard to the established local character and streetscape of the area, including the following considerations:

i. The objectives of the applicable zone under Town Planning Scheme No. 3 and the City's Local Planning Strategy, including intended future character (where applicable).

ii. The degree of openness and visual permeability of the existing streetscape.

iii. The prevailing streetscape character and whether the development will positively or negatively contribute to that character.

iv. **Rural** and **Resource** zoned land is characterised by low-density development, open landscapes, generous setbacks and built form that complements the rural setting without creating excessive visual bulk, while supporting environmental values, rural lifestyle land uses and (for the Resource Zone) the protection of underground water resources.

v. **Rural Living** zoned land is characterised by low-density residential development on large lots, with built form and fencing treatments that may be more typical of residential areas, while still maintaining a spacious semi-rural character.

vi. **Residential** zoned land is characterised pursuant to *Local Planning Policy 1.2 Residential Design Guidelines.*

vii. In **Rural** and **Resource** zoned land, a presumption of support will be given to materials sympathetic to rural character, such as:

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The City may consider variations to the provisions of this Policy where it is satisfied that the proposed development responds appropriately to the site context and achieves the overall objectives of this Policy, including in the following considerations:

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i. Where additional privacy is required for private open space and no alternative private open space area is available on the lot.

ii. Where fencing is necessary to mitigate traffic noise impacts, particularly for properties adjoining higher-order or high traffic volume roads.

iii. Where a swimming pool or spa is located within the front setback area of the property.

iv. Where innovative or high-quality construction materials and design elements contribute positively to the streetscape and built form outcomes.

v. Where natural ground levels, retaining, or site constraints influence the practical application of fencing height or material requirements.

**(4) Street Fencing Design Principles**

i. Development in the **Residential Zone** shall comply with the design principles of the *Residential Design Codes* (R-Codes), unless the City exercises its discretion against Clause 3 of this policy.

ii. Development within the **Rural** and **Resource** zones shall have regard to the rural character and environmental values of the locality, in accordance with the following:

a. Solid fencing is not permitted.
b. Colorbond® steel (or similar), ring-lock/cyclone, super-six/fibro cement and twin-side post and panel fencing are not permitted.
c. Fencing is to comprise rural or open-style materials, including timber post and rail, wire, or similar visually permeable (as defined by the RCodes) construction materials.
d. Fencing is to be designed and constructed to complement and integrate with the surrounding landscape character.
e. Fencing should allow, where practicable, for the movement and passage of native wildlife.

iii. Development within the **Rural Living** zone shall maintain an open and semirural streetscape character in accordance with the following:

a. Front fencing may be solid to a maximum height of 1.2 metres, with any portion above 1.2 metres up to a maximum height of 1.8 metres to be visually permeable.

| Title | FENCING |
|---|---|
| Policy Number (Governance Purpose) | LPP 5.25 |

b. Solid front fencing adjoining vehicle accessways is to be truncated, splayed, or otherwise designed to maintain safe sightlines for vehicles and pedestrians.

**(5) Boundary Fencing adjacent Public Open Space**

i. All boundary fencing abutting public open space (parks and recreation reserves) requires development approval, unless replacing 'like for like' or minor maintenance.

ii. Fencing abutting public open space shall generally be open-style with portions of solid fencing permitted to screen some areas for privacy purposes.

**(6) Uniform Fencing**

i. Where subdivision or development proposals abut public open space, drainage reserves, pedestrian access ways, regional roads or other roads of district importance or any other public place, uniform fencing shall be installed.

ii. For subdivision proposals, the City shall recommend to the Western Australian Planning Commission (WAPC) that a condition be imposed on subdivision approvals (where applicable) requiring the applicant/landowner to construct uniform fencing in accordance with this policy.

iii. For development proposals, the City shall request fencing details during assessment, or if appropriate, condition further details to be provided, to ensure consistency with this policy.

iv. Where considered appropriate, uniform fencing should incorporate gates that open onto the public realm, provided the gates are self-closing.

v. Uniform fencing shall generally be consistent in height, materials, design and appearance along its length.

vi. Any proposed modifications to existing uniform fencing require development approval and should generally comply with the following:

a. Materials and colours are to complement the existing fencing.
b. Fence heights are to remain generally consistent with the existing fencing.
c. The proposal can demonstrate a high level of visual amenity, high durability and adequate passive surveillance (where appropriate).



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| Title | FENCING |
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| **Policy Number** (Governance Purpose) | **LPP 5.25** |

vii. The following **general uniform fencing standards** apply:

a. Uniform Fencing shall generally be a minimum height of 1800mm above Natural Ground Level excluding retaining walls.

b. Where fencing is located on top of, or in conjunction with, a retaining wall, the combined height of the retaining wall and fencing shall not exceed 1800mm above natural ground level unless otherwise approved by the City.

c. Proposals for combined retaining wall and fencing exceeding 1800mm will be assessed having regard to visual impact, streetscape compatibility, overlooking, and bulk and scale.

d. Uniform fencing shall be constructed of limestone, brick, masonry or other durable materials approved by the City. Uniform fencing using modular construction may be considered provided that the wall presents a rendered or similar finish and it can be demonstrated that the repair and maintenance requirements of such a wall is satisfactory to the City.

e. Colorbond® steel (or similar), ring-lock/cyclone, super-six/fibro cement and twin-side post and panel fencing are generally not supported where uniform fencing is required.

f. Where uniform fencing requires visually permeable infill panels, such panels shall be constructed from wrought iron, steel, aluminium, or other durable materials as determined by the Local Government.

g. Timber infill panels are generally not supported due to higher maintenance requirements and reduced durability compared to metal alternatives.

h. Visually permeable infill panels shall generally be provided above 1.2m above natural ground level and shall comply with the definition of 'visually permeable' contained in the R-Codes.

i. Notwithstanding the above, visually permeable infill panels below 1.2m above natural ground level may be considered where it can be demonstrated that streetscape outcomes are enhanced; and safety, surveillance, and visual permeability are not compromised.

j. Uniform fencing piers shall be a maximum of 300mm above the fence line and provided at any interval of not more than 7.5m for limestone, brick or masonry and 6m for all other fences.

k. Fencing which may impede visual sightlines and pedestrian /or vehicular movement is required to be no higher than 750mm within 1.5m of a vehicle crossover.

l. Any solid uniform fencing shall be treated with non-sacrificial graffiti protection to the City's satisfaction.



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| Title | FENCING |
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| Policy Number (Governance Purpose) | LPP 5.25 |

m. The following general uniform fencing standards apply when abutting Primary and Other Regional Roads and Railway Reserves:

- Uniform fencing abutting regional roads and railway reserves may be required to provide additional elements to satisfy noise attenuation measures in order to comply with State Planning Policy 5.4 '*Road and Rail Transport Noise and Freight Considerations in Land Use Planning'*.
- Uniform fencing abutting regional roads and rail reserves shall generally be of solid construction without visually permeable infill panels.

n. Extensive portions of solid uniform fencing shall be suitably broken up with different materials/textures/landscaping to provide visual relief.

o. Uniform fencing abutting local roads shall generally be of solid construction but may in some instances be required to provide visually permeable infill panels to promote passive surveillance depending on the location and traffic associated with the road.

p. Uniform fencing abutting POS shall provide visually permeable infill panels to promote passive surveillance. Minor portions of solid uniform fencing may be permitted to screen some areas of residential land including drying areas. Pedestrian access gates (and stairs if required) are encouraged to be constructed as part of the uniform fencing between residential lots and POS to encourage use of the POS by the adjoining residents.

q. Uniform fencing abutting PAWs shall generally be required to provide visually permeable infill panels to promote passive surveillance of the PAW. Minor portions of solid uniform fencing may be permitted to screen some areas of residential land including drying areas.

**(7) Entry Statements**

In considering proposals for entry statements, the following considerations will be made:

a) Entry Statements will be permitted within three (3) metres of a vehicle entry point, provided vehicle sightlines (via a 1.5m by 1.5m truncation) are maintained.

b) Entry Statements may be made of an alternative material to the front fence and are not subject to the same permeability requirements.

c) Entry statements consisting of Colorbond® will generally no be supported.

| Title | FENCING |
|---|---|
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

**(8) Pool Barriers**

i. All swimming pools require a pool barrier to be installed pursuant to the Building Act 2011 and the City shall prioritise pool safety over all other considerations.

ii. The City recognises that swimming pool and spa safety barriers are an important safety requirement and must comply with the Building Act 2011, Building Regulations 2012 and applicable pool safety barriers standards

iii. A development application is required for all fencing on the front boundary, or primary street setback area, where a private swimming pools/spa is installed within the primary street setback area and the street fence is intended to act as a safety barrier.

iv. Where a swimming pool or spa is located within the primary street setback area, abuts a public open space, a reserve or is subject to specific fencing requirements under a Local Development Plan, and a street fence, boundary or estate fence is required to form part of the pool safety safety barrier, the City may support variations to the applicable street fencing requirements where the variation is necessary to achieve pool barrier compliance.

v. Such variations will generally only be supported to the minimum extent necessary with consideration given to streetscape, visual permeability, passive surveillance and residential amenity.

**All images within this policy have been generated using AI**

| | |
|---|---|
| Strategic Link: | Town Planning Scheme No.3 |
| Category | Planning – Town Planning & Development |
| Lead Business Unit: | Statutory Planning – Development Services |
| Public Consultation: **(Yes or No)** | Yes |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |

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| | |
|---|---|
| **Title** | **FENCING** |
| **Policy Number** (Governance Purpose) | **LPP 5.25** |

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|---|---|
| ECM Doc Set ID: (Governance Purpose Only) | |

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[11]

## 8.1.5 Final Adoption: Draft Local Planning Policy 5.24 - Advertising of Development Applications

| | |
|---|---|
| **Responsible Executive** | Director Sustainable Development and Safety |
| **Author(s)** | Service Lead Statutory Planning |
| **Attachments** | 1. Community Consultation Outcomes ⇩<br>2. Local Planning Policy 5.24 - Advertising of Development Applications - tracked changes ⇩<br>3. Local Planning Policy 5.24 - Advertising of Development Applications ⇩ |

**Recommendation**
That Council:

(1) NOTES the submissions received during the community consultation period;

(2) ADOPTS Local Planning Policy 5.24 - Advertising of Development Applications, as amended in Attachment 3;

(3) PUBLISHES the Local Planning Policy in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015; and

(4) NOTIFIES all those who made a submission of Council's decision

### Background

At the September Ordinary Council Meeting, Council resolved to adopt the draft Local Planning Policy 5.24 - Advertising of Development Applications, for the purposes of community consultation.

The advertising period has now concluded with several submissions having been received from the community. Following this period, Council must now determine whether to proceed with the draft policy.

The Western Australian planning framework requires that certain development applications (DAs) be publicly advertised to provide affected landowners, occupiers and other stakeholders with an opportunity to comment prior to a decision being made. The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) prescribe mandatory advertising requirements for specific classes of development, including circumstances requiring community consultation and the minimum duration of advertising periods.

While the Regulations establish these minimum requirements, they also provide local governments with a significant level of discretion in how public advertising is undertaken where it is not explicitly prescribed.

This discretion extends to decisions regarding whether advertising is required, the form and manner of advertising, the extent of the notification area, and the information published during consultation.

The City currently advises development applications in accordance with statutory obligations and established practice. However, the absence of a policy may result in inconsistent consultation and uncertainty for applicants, the community and decision-makers.

The draft Local Planning Policy 5.24 – Advertising of Development Applications provides clear guidance on how the City will exercise its discretion in relation to public advertising. The policy seeks to promote consistency, transparency and fairness in community consultation processes, while recognising the need to process development applications efficiently and within prescribed statutory timeframes.

The policy acknowledges the balance between the community's reasonable expectations to be informed of, and comment on, development proposals, applicants' development entitlements and the City's decision making based on relevant planning considerations.

The policy supports informed decision-making by ensuring submissions are received where appropriate, placing public comments within the proper exercise of planning discretion.

Adoption of the policy will provide a clear and consistent framework for officers, applicants and the community, complementing the City's Local Planning Scheme and broader statutory planning responsibilities.

**Submission**

Following the community consultation, one amendment has been made to the draft policy, which is reflected in Attachment 2. The amendment seeks to further clarify one of the objectives of the policy.

Further details of the community consultation and the rationale for the change can be seen in Attachment 1.

In addition, an additional clarification was added to the 'application' section of the policy to emphasise that strategic planning proposals (such as scheme amendments and structure plans) are not covered by this policy.

Lastly, the word 'approval' was replaced with 'application' in section (1) as to not give the impression of a pre-determined outcome.

**Report**

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) prescribe mandatory advertising requirements for specific classes of development, including circumstances requiring community consultation and the minimum duration of advertising periods.

While the Regulations establish these minimum requirements, they also provide local governments with a significant level of discretion in how public advertising is undertaken where it is not explicitly prescribed.

This discretion extends to decisions regarding whether advertising is required, the form and manner of advertising, the extent of the notification area, and the information published during consultation.

The City currently advertises development applications in accordance with statutory obligations and established practice. However, the absence of a policy may result in inconsistent consultation and uncertainty for applicants, the community and decision-makers.

The draft Local Planning Policy 5.24 – Advertising of Development Applications provides clear guidance on how the City will exercise its discretion in relation to public advertising. The policy seeks to promote consistency, transparency and fairness in community consultation processes, while recognising the need to process development applications efficiently and within prescribed statutory timeframes.

The policy acknowledges the balance between the community's reasonable expectations to be informed of, and comment on, development proposals, applicants' development entitlements and the City's decision making based on relevant planning considerations.

The policy supports informed decision-making by ensuring submissions are received where appropriate, placing public comments within the proper exercise of planning discretion.

Adoption of the policy will provide a clear and consistent framework for officers, applicants and the community, complementing the City's Local Planning Scheme and broader statutory planning responsibilities.

The Policy consolidates and formalises the City's approach to public notification by clearly identifying when advertising will be required, the form and extent of notification, and how submissions will be managed and considered. It seeks to improve transparency and consistency for applicants, the community and decision-makers, while ensuring that statutory timeframes and administrative efficiency are maintained.

<u>Complex Applications</u>

'Complex Applications' are defined by the Regulations as:

(a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or

(b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval.

A key component of the Policy is to identify ‘complex applications’, which are required to undergo an extended advertising process. The categories of complex applications have been deliberately selected based on historic development proposals that have demonstrated a higher propensity for community interest and submissions, including certain land uses in residential areas, proposals with significant amenity impacts, and large-scale developments.

By clearly identifying these application types upfront, the Policy provides greater certainty regarding advertising expectations while ensuring that proposals with the greatest potential community impact receive an appropriate level of consultation.

Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 expressly provides for a Local Planning Policy to identify classes of development applications that are to be treated as complex applications for the purposes of public advertising.

Currently the City does not have clearly defined categories of development applications that are considered ‘complex’. As a result, determinations as to whether an application warrants ‘complex’ advertising have been made on a case-by-case basis. The Policy therefore addresses this gap by identifying specific classes of development that, based on historic experience, are more likely to generate heightened community interest, concern or submissions.

Where an application is classified as complex under the Policy, it is subject to enhanced statutory consultation requirements, including:

- A minimum advertising period of 28 days, rather than the standard 14 days for ‘non-complex’ applications
- A minimum notification radius of 200 metres, consistent with the requirements of the Regulations.

In addition, the Regulations require that all three forms of public notice be undertaken for complex applications. Accordingly, the Policy stipulates that complex applications must be advertised by:

- Publishing details of the proposal on the City’s website
- Erecting a sign on the development site in a conspicuous location
- Giving written notice to owners and occupiers of affected properties within the prescribed radius.

By clearly defining complex applications the Policy provides certainty to applicants, ensures legislative compliance and provides clearer guidance to assessing officers on when to advertise a proposal.

<u>Preparation and Scope</u>

The Policy has been prepared having regard to, and is largely informed by, the *Western Australian Local Government Association* (WALGA) model Local Planning Policy for advertising development applications. It has been adapted where necessary to reflect the City’s local context, planning framework and operational

practices, while remaining consistent with the intent and requirements of the Regulations.

The scope of the Policy is deliberately limited to Development Applications only. Advertising associated with strategic planning proposals (such as scheme amendments, structure plans or local development plans) is inherently more bespoke and governed by separate statutory and policy frameworks. Strategic planning processes typically require targeted and tailored consultation approaches depending on the nature, scale and strategic implications of the proposal, and therefore a uniform or blanket advertising approach is not considered appropriate.

To maintain the integrity and impartiality of the development assessment process, planning officers must remain independent from activities intended to influence or shape a proposal and should not facilitate community engagement workshops for applications they may subsequently assess, as this may create a perceived or actual conflict of interest.

The engagement activities outlined in this Policy are therefore intended solely to inform the assessment of a lodged development application and are not intended to satisfy broader community engagement requirements for City-led projects. Where the City is the proponent, community engagement should be undertaken in accordance with the Council Policy ‘Community Engagement’, which may require public consultation to occur before a development application is lodged.

Duration

The Policy clarifies the duration of public advertising periods prescribed by legislation, being 14 days for ‘non-complex’ applications and 28 days for ‘complex’ applications, in accordance with Clause 64 of the Regulations. These statutory timeframes cannot be varied by the City unless the applicant provides their written consent to an extension.

Engagement with Community Associations

The Policy expressly requires engagement with recognised Resident and Ratepayer Associations where a ‘complex’ development application is proposed. This requirement reflects the role these associations play in representing collective local interests and facilitating informed community input on development proposals.

Where an application is classified as ‘complex’, the Policy mandates that, in addition to standard public advertising requirements, the City will notify the relevant Resident or Ratepayer Association for the suburb in which the subject site is located. Where a development site is located within 200 metres of a suburb boundary, the Policy further requires that the Resident or Ratepayer Association for the adjoining suburb also be notified.

This notification is undertaken concurrently with the statutory advertising process and is intended to ensure that representative community bodies are made aware of proposals that have potential to generate heightened interest or concern. While

Resident and Ratepayer Associations do not have a determinative role in the assessment process, their submissions are considered in the same manner as other public submissions, having regard to relevant planning considerations.

**Strategic Plans/Policy Implications**

Our Places
Enhancing distinctive, liveable areas with well-connected, safe transport options.
• Strengthen unique, liveable and adaptive places.
Plan for growth and sustainable development.

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.
Strengthen engagement, communication and enhance customer experience.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**
In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, new local planning policies must be advertised for a period of 21 days. After the consultation period, the local government must:

(1) Review the proposed policy considering any submissions made; and
(2) Resolve to:
    a. Proceed with the policy without modification; or
    b. Proceed with the policy with modification; or
    c. Not proceed with the policy.

Advertising has now concluded, and a summary of the Community Consultation and the submissions received can be found in Attachment 1.

**Risk Management Implications**

Should Council not proceed with adoption, the City will be left with no strategic overview on how discretion should be exercised in relation to public advertising of DAs. This may lead to:

- Inconsistent decision making
- Reduced certainty for applicants and the community regarding advertising expectations and consultation processes
- Increased potential for complaints or challenge due to perceived procedural unfairness or lack of transparency

- Ongoing absence of defined ‘complex application’ classes, limiting consistent application of extended advertising provisions permitted under the Regulations
- Less efficient use of officer resources due to continued reliance on case-by-case justification of advertising decisions
- Reputational risk to the City arising from perceptions of inadequate or inconsistent community engagement.

**Advice to Proponent(s)/Submitters**

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 20 October 2026 Governance Committee.

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

City of Cockburn
wetlands to waves

# Schedule of Submissions

## Draft Local Planning Policy 5.24
## Advertising Development Applications

## Advertised: September 2026

www.cockburn.wa.gov.au

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Version: 6, Version Date: 02/10/2026

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# Acknowledgement of Country

Cockburn Nyungar moort Beeliar boodja-k kaadadjiny. Koora, yeyi, benang baalap nidja boodja-k kaaradjiny.

Ngalak kaditj boodjar kep wer kaadidjiny kalyakool yoodaniny, wer koora wer yeyi ngalak Birdiya koota-djinanginy.

The City of Cockburn acknowledges the Nyungar people of Beeliar Boodjar. Long ago, now and in the future they care for Country.

We acknowledge a continuing connection to Land, Waters and Culture and pay our respects to Elders, past and present.

# Background

The City of Cockburn has prepared draft Local Planning Policy 5.24 – Advertising of Development Applications to provide clear and consistent guidance on how development applications are advertised to the community. The draft policy aims to improve transparency, fairness, and consistency in community consultation, while giving applicants, residents, and decision-makers greater certainty about when and how public consultation will occur. It will also help ensure applications are assessed efficiently and within required timeframes.

The draft policy establishes the circumstances in which development applications will be advertised, the methods of notification that will be used, and how submissions received during consultation will be considered. It also introduces clear criteria for identifying "complex applications", which are development proposals considered more likely to generate significant community interest or potential planning impacts. The policy also provides guidance on standard advertising requirements for non-complex applications and explains how submissions are assessed as part of the decision-making process. Importantly, the policy does not propose to change the way development applications are assessed. Rather, it provides greater clarity and consistency around when advertising occurs and how the community can participate in the planning process.

To satisfy statutory requirements within the Planning and Development (Local Planning Schemes) Regulations 2015, the City invited submissions on the draft Local Planning Policy during a 21-day advertising period. Community members and other stakeholders were provided with an opportunity to review the draft and make a formal submission.

This document summarises the advertising process undertaken by the City and the submissions received during the advertising period. It also includes a schedule of submissions received and, where applicable, officer comments in response to matters raised.

# Process

Between 9 September 2026 and 30 September 2026, the City invited submissions on the draft Local Planning Policy 5.24 – Advertising of Development Applications.

Submissions could be provided through the following methods:

- Online submission form via Comment on Cockburn
- Written submissions by email
- Written submissions by mail.

To raise awareness of the draft policy and satisfy statutory advertising requirements, the City undertook the following communication activities:

- Project information page on the City's Comment on Cockburn platform
- E-newsletter to all Comment on Cockburn 11,413 e-newsletter subscribers.
- All residents and ratepayers associations within the City were directly contacted.

The Comment on Cockburn project page provided:

- An overview of the draft policy
- A downloadable copy of the draft policy
- Frequently asked questions
- Key dates
- A project timeline
- Access to the online submission form.

The project page was provided as an information resource to support the statutory advertising process. No workshop, drop-in session or broader community engagement activities were undertaken.

During the advertising period:

- The Comment on Cockburn project page received 453 visits
- 6 online submissions were received
- 2 written submissions were received by email or post
- 0 people elected to follow the project page for updates.

All submissions received during the advertising period have been included in this report and considered as part of the assessment process.

# Submission Summary and Key Themes

## Submission Summary

During the advertising period, the City received **10 submissions** regarding the draft policy.

| Position | Number |
|---|---|
| **Support** | 7 |
| **Oppose** | 2 |
| **No opinion** | 1 |
| **Unsure** | 0 |
| **Total** | **9** |

## Key Themes

Overall, submissions were generally supportive of the draft policy's intent to improve consistency, transparency and community engagement in the advertising of development applications. A common theme raised by submitters was the importance of ensuring that residents who may be affected by a proposal are provided with a meaningful opportunity to participate in the planning process. Several submissions sought greater transparency around the exercise of the City's discretion, particularly where decisions are made not to advertise an application and suggested clearer guidance on the circumstances in which consultation should occur.

Many submissions focused on the scope and effectiveness of community notification. Submitters generally supported a more impact-based approach to consultation, noting that issues such as traffic, parking, noise, overlooking, visual amenity and operating hours can extend beyond adjoining properties. There were also requests for clearer triggers for re-advertising amended proposals where changes may increase impacts on surrounding residents, as well as suggestions to strengthen provisions relating to neighbour consent and notification waivers. Several respondents emphasised the importance of providing

accessible plans and supporting information during consultation periods to allow affected persons to make informed submissions.

A number of submissions also advocated for greater accountability and ongoing evaluation of the consultation process, including suggestions for monitoring, reporting and periodic review of the policy's effectiveness. There was strong support for enhanced consultation requirements for larger or more complex applications, reflecting concerns about potential impacts on neighbourhood amenity, urban character, traffic, tree canopy and environmental outcomes. In addition, a small number of submissions expressed broader dissatisfaction with previous planning and development assessment experiences, including concerns regarding transparency, responsiveness and administrative processes, although these matters were generally outside the scope of the draft policy.
Overall, the feedback indicates broad support for the policy framework, with most suggested modifications seeking to enhance transparency, improve the targeting of community notification, ensure consultation remains proportionate to the scale and impact of proposals, and provide greater confidence that affected residents have an opportunity to be heard before planning decisions are made.

# Schedule of Submissions

## Introduction

Submissions are presented as received and may contain spelling, grammatical or formatting errors.

Where submitters elected to anonymise their submission, personal details have been removed and replaced with the submitter's relationship to the area and suburb.

**Online submissions**

| # | Date received | Name | Position | Submission | Officer Comment |
|---|---|---|---|---|---|
| 1. | 9/9/26 | Jessica Ferguson (Hamilton Hill) | Support | Sounds Reasonable | Noted |
| 2. | 9/9/26 | Confidential (Hamilton Hill) | Oppose | My experience with the City of Cockburn with our Eco-apartment development (a Class 2 apartments development) was little short of woeful! Cockburn's planning process, from my experience was opaque, cumbersome, outrageously bureaucratic, slow and incredibly expensive. At no stage did any planning officer ever come out to see what we were trying to do, not once was this innovative development seen as a chance to usher in an example of the style of infill development Cockburn desperately needs - retaining trees, small, energy efficient builds and community orientated. Far from being supportive, sadly Cockburn has become a 'handbrake' to innovation and sustainability. It is clear the City of Cockburn is now risk averse. The default is 'if we don't know how to manage a development application, if it is new and untested, we will just play it safe and hand the developer all sorts of planning requirements and BA's rather than seeing how we can work together to find what is desperately needed - planning systems that match the scope, scale and style off this type of small 'missing middle' infill development. Very very disappointing! | Not relevant to draft policy. |
| 3. | 9/9/26 | Confidential (Yangebup) | Support with Modification | I support the intent of the Draft Local Planning Policy to improve consistency and transparency in the advertising of development applications. However, I believe several provisions should be strengthened to ensure affected residents have a meaningful opportunity to participate.<br><br>Key concerns:<br><br><u>1. Clear reasons where advertising is not undertaken:</u><br>Where the City has discretion not to advertise an application that could reasonably affect surrounding properties, the decision and reasons should be documented and publicly available. The decision maker's name should be listed publicly. | The support for the intent is noted. In relation to the key concerns raised:<br><br>1. Applications that could reasonably have an impact on surrounding properties or the locality will be advertised in accordance with clause 64 of the Deemed Provisions. This includes applications that involve a variation to a development standard or other matter where public advertising is considered necessary by the City.<br><br>The proposed Policy is intended to provide guidance on the circumstances |

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| | | | | 2. Define “significant” and “potentially significant”:<br>These terms are used extensively but are not sufficiently defined. Clear criteria should be provided to reduce inconsistent decisions between applications.<br><br>3. Broader notification where impacts extend beyond adjoining properties:<br>Notification should not be limited to adjoining properties where impacts such as traffic, parking, noise, operating hours, visual impact or amenity may affect a wider area.<br><br>4. Re-advertising of amended proposals:<br>Changes to an application or an existing approval should trigger mandatory re-advertising where the changes increase potential impacts on surrounding residents.<br><br>5. Review the waiver of notification based on neighbour consent:<br>Any waiver should require confirmation that affected neighbours received the complete proposal and sufficient information to make an informed decision. There should be a mandatory mechanism for any changes to the application to be presented to the neighbours again to sign an amended waiver.<br>CoC should also retain discretion to advertise where impacts may extend beyond those neighbours.<br><br>6. Introduce measurable consultation outcomes:<br>The policy should include annual reporting on:<br>number of applications advertised;<br>number not advertised and reasons;<br>notification areas used;<br>number of submissions received;<br>applications modified following consultation; and<br>complaints or issues concerning inadequate notification.<br><br>7. Measure the effectiveness of notification:<br>CoC should monitor whether notifications are actually reaching affected properties and periodically review whether notification areas are adequately capturing affected residents.<br><br>8. Annual review of the policy:<br>The City should commit to reviewing the effectiveness of the policy after implementation and publishing the results.<br><br>The policy should ensure that where the City has discretion, that discretion is transparent, consistent and accountable. Public consultation is most effective when residents know about potentially impactful proposals before decisions are made, and when there is evidence that the consultation process is reaching the people it is intended to reach.<br><br>The above matters should be considered before the policy is adopted. | in which advertising may be undertaken and does not introduce additional statutory reporting or publication requirements. Decisions regarding public advertising are made in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's established assessment processes.<br><br>It would not be feasible to commit to publicly documenting every decision not to advertise, as the vast majority of development applications are not advertised (more than 80%).<br><br>2. There is a risk in defining significant or potentially significant too narrowly. The terms are mainly used in section (1) as a planning judgement test; namely:<br>• significant exercise of discretion;<br>• potentially significant urban design or streetscape impacts;<br>• significant variation to bulk, scale or design;<br>• potentially significant amenity impacts; and<br>• significant strategic planning impacts.<br><br>If the policy were to define them too precisely, there is a risk of:<br>• creating unintended loopholes where a proposal clearly warrants advertising but doesn't meet the definition;<br>• reducing officer discretion;<br>• generating arguments from applicants that a proposal doesn't technically satisfy the definition; and<br>• requiring frequent amendments as |

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| | | | | | new development types emerge.<br><br>Planning policies commonly rely on ordinary meaning and professional planning judgement for terms such as "significant", particularly where the policy is intended to guide discretion rather than create mandatory triggers.<br><br>The terms "significant" and "potentially significant" are intentionally used in their ordinary planning context and require the exercise of professional judgement having regard to the specific circumstances of each application. Prescriptive definitions may unnecessarily restrict the City's ability to advertise proposals where impacts warrant community consultation but do not meet a fixed threshold. The policy provides examples of the matters to be considered, including amenity, urban design, streetscape and strategic planning impacts<br><br>3. The intent of the policy is not to limit notification to adjoining properties only. Section 4 identifies adjoining owners and occupiers as the minimum notification area for non-complex applications, while expressly allowing the City to extend the notification area where warranted by the nature and extent of a proposal's impacts. In addition, applications with potentially significant amenity, traffic, parking, noise or other broader locality impacts may be advertised under Section 1, and complex applications are subject to wider notification requirements. The policy therefore already provides flexibility to notify a broader area where impacts extend beyond adjoining properties. |

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| | | | | | 4. The policy already provides for additional public notice where a proposal is significantly modified prior to determination, or where amendments to an existing approval introduce additional variations. The intent is to ensure that affected persons have an opportunity to comment where changes materially alter the planning impacts of a proposal. Maintaining a degree of discretion is considered appropriate, as not all amendments increase impacts or warrant a further advertising period.<br><br>5. The waiver of notification provisions are intended to apply only to Residential Design Code variations that would generally affect adjoining owners and occupiers. The policy requires written confirmation from affected owners and occupiers, and the City has administrative procedures in place to verify ownership, signatures and the validity of consent received.<br><br>Where an application is amended following the receipt of neighbour consent, the City will determine whether the changes are material and whether further notification or updated neighbour consent is required, having regard to the nature and extent of the changes.<br><br>The City also retains discretion to undertake public advertising where considered necessary, including where impacts may extend beyond adjoining properties or where broader community consultation is warranted. The existing provisions are considered to provide an appropriate balance between administrative efficiency and community |

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| | | | | | consultation.<br><br>6. The suggested reporting requirements are not supported. While the City recognises the importance of transparency in planning decision-making, any reporting framework must be proportionate to the scale of the benefit achieved and the resources required to administer it.<br><br>The City processes a significant number of development applications each year, the majority of which are not advertised. Collecting, maintaining and publishing detailed statistics on advertising decisions, notification areas, consultation outcomes and reasons for non-advertisement would be administratively burdensome and resource intensive<br><br>Information on public submissions is already reported for development applications considered by Council and Development Assessment Panels, with this information forming part of the publicly available agenda and reporting process. This is considered a more appropriate and proportionate level of public reporting than publishing consultation data for all development applications.<br><br>The City also has established customer feedback, complaint and review processes available where a person considers that notification has been inadequate or a planning matter has not been appropriately managed.<br><br>7. The City already undertakes notification in accordance with the Planning and Development (Local Planning Schemes) |

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| | | | | | Regulations 2015 and the provisions of this policy. While the City can verify that notification has been issued through the relevant notification methods, there is no practical or reliable mechanism to determine whether affected persons have received, reviewed or chosen to respond to a notification.<br><br>The policy also provides flexibility for the City to determine an appropriate notification area having regard to the nature and potential impacts of a proposal and, where considered necessary, to extend notification beyond adjoining properties.<br><br>The effectiveness and appropriateness of notification areas are already considered through the assessment of individual applications, customer feedback processes and periodic reviews of planning policies. Introducing a formal monitoring program would be difficult to implement, resource intensive and unlikely to generate meaningful or reliable data. The existing provisions are considered to provide an appropriate and proportionate approach to community notification.<br><br>8. The policy will be reviewed periodically in accordance with Council's policy review cycle and the City's legislative requirements under the Planning and Development Act. |
| 4. | 9/9/26 | Confidential (Treeby) | Support with modification | As a landowner in Lake Treeby who will move in next year, I support the intent of the proposed policy. I ask the City to consider the following improvements:<br><br>1. Notification of owners of vacant or newly settled properties. Please ensure notices are | The support for the intent is noted. In regards to the proposed improvements:<br><br>1. All owners and occupiers are required to |

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| | | | | sent using current ownership records and nominated postal and email addresses. Owners who have not yet moved into their property should not miss the opportunity to comment because a notice was delivered to an unoccupied site.<br><br>2. Notification based on the extent of potential impacts<br>Please ensure notification extends beyond adjoining properties or the 200 m radius where a proposal could affect other residents through noise, traffic, overlooking or access changes. Roads, reserves and acoustic walls should not automatically limit the notification area.<br><br>Treatment of non-responses<br>Where no response is received, the City should record that no submission was made, rather than assume the owner has no objection. Owners may be away for work, travelling or may not have received the notice in time.<br><br>3. Further consultation on amended proposals<br>Please require further consultation where amendments materially increase impacts, including noise, traffic, operating hours, overlooking or building bulk, even where they do not introduce an additional variation to a numerical planning standard.<br><br>4. Clear and accessible supporting information<br>Please make relevant plans and supporting documents available online from the start of consultation. For residential variations, these should clearly identify the applicable requirement, the proposed variation and its justification, with relevant elevations, levels, shadow diagrams and privacy information so affected owners can make an informed submission. | be notified. This includes owners of vacant land. The City already sends notification of proposals to the service addresses of vacant land.<br><br>2. The intent of the policy is not to limit notification solely to adjoining properties or a fixed radius. Section 4 identifies adjoining owners and occupiers as a minimum notification area for non-complex applications and expressly allows the City to extend the notification area where warranted by the nature, scale or potential impacts of a proposal. Section 1 also provides for advertising where a proposal may have potentially significant amenity impacts, including noise, traffic, visual impact, privacy and intensity of use.<br><br>The policy is considered to already provide sufficient flexibility to ensure notification is tailored to the likely extent of a proposal's impacts.<br><br>3. As above<br><br>4. The City supports the principle that affected persons should have access to sufficient information to understand and comment on a proposal. The policy already requires plans and documents forming part of a development application to be made available for public viewing during the consultation period and requires advertising material to include details of the proposal and accompanying information.<br><br>The specific plans and supporting information required to assess a development application vary depending on the nature and complexity of the |

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| | | | | | proposal. Mandating a fixed set of documentation for all applications may not be appropriate or necessary in every circumstance.<br><br>Where additional information is required to enable proper assessment or consultation, the City may request further documentation from the applicant.<br><br>Residents will have the contact details of the assessing officer. If further clarification or information is required by neighbour residents, they are free to contact the assessing officer.<br><br>The existing provisions are considered to provide an appropriate balance between transparency, flexibility and administrative efficiency |
| 5. | 9/9/26 | Susan (Aubin Grove) | Oppose | My concern is that no-one knows what the "Within the operative statutory framework, to achieve an appropriate balance between the community's reasonable expectations and applicants' development entitlement" means...<br><br>"To ensure that, before making final decisions on planning proposals of any kind, persons likely to be affected are given an opportunity to comment. Within the operative statutory framework, to achieve an appropriate balance between the community's reasonable expectations and applicants' development entitlement" | Noted. The wording of the objectives are taken from WALGA's model policy templates.<br><br>In recognition that this objective can be considered verbose, the wording has been adapted to the below:<br><br>*"To ensure that persons likely to be affected by a planning proposal have an opportunity to comment before a decision is made, while balancing community interests with the reasonable expectations of landowners and applicants to develop their land in accordance with applicable planning controls."* |
| 6. | 9/9/26 | Leah Knapp (Coolbellup) | Support | Complex applications in particular deserve greater community information and engagement due to greater impact on neighbourhood amenity, tree canopy cover, impacts on traffic, waste, maintenance etc. We seem to be overrun with developers putting houses cheek by jowl on blocks, removing all vegetation and shade. This impacts the entire area aesthetically and environmentally. | Noted. The purpose of the Complex Applications provisions is to provide a higher level of community awareness and consultation for proposals that, due to their scale, complexity or land use, may have broader impacts than typical development applications. The policy recognises that complex applications can have potential implications for matters such as |

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| | | | | | neighbourhood amenity, urban character, traffic and access arrangements, and therefore provides for an extended consultation period and broader notification requirements, including notification to surrounding properties, publication on the City's consultation platform and notification of relevant community associations. |

**Email and postal submissions**

| # | Date received | Name | Position | Submission | Officer Comment |
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| 1. | 10/9/26 | Confidential (Spearwood) | Oppose | Now why would you contact residence for comment when all along you ignore, fail transparency and fail all reply to significant problems within council identified! | This policy relates to the advertising of development applications which are usually submitted by private developers/proponents. It does not relate to Council matters or projects. |
| 2. | 29/9/26 | Confidential (Banjup) | Support with modification | I support the objective of improving consistency and transparency in the advertising of development applications. However, based on my personal experience as a resident of Banjup, I believe the draft policy does not adequately protect residents from developments that can have significant impacts on amenity, traffic, noise, safety and the character of rural areas.<br><br>**Personal Experience**<br><br>I live adjacent to land where activities have progressively evolved beyond what many residents would reasonably expect in a rural-residential environment.<br><br>As a neighbouring resident, I have experienced first-hand the consequences of inadequate community notification.<br><br>The property is associated with activities that I have personally observed, including commercial vehicles, trucks, a bobcat, workers arriving and departing, and other activity that appears more intensive than what I would normally expect in a rural-residential area.<br><br>Had residents been properly informed of the potential scale and nature of the activities associated with the property, concerns relating to traffic, noise, visual amenity, private nuisance, commercial operations and compatibility with the surrounding rural area could have been raised during the planning process. | The submission raises a number of broader concerns regarding development within rural and Resource-zoned areas, community participation, and the potential cumulative impacts of development. While these concerns are acknowledged, it is important to note that the purpose of the draft policy is not to introduce new development standards or alter the planning assessment framework for particular zones. Rather, the policy is intended to establish a consistent and transparent process for determining when and how development applications are advertised across the City.<br><br>The policy has been drafted to provide clear guidance on circumstances where advertising will occur, including a range of application types, land uses and development standard variations that automatically trigger consultation. In particular, significant departures from Local Planning Policies, the Local Planning Scheme or other applicable |

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| | | | | Instead, neighbours have found themselves living beside what appears to function as a commercial activity without having had meaningful notice or opportunity to participate in decisions that directly affect their living environment.<br><br>**Rural Areas Are Different**<br><br>The draft policy appears to assume that adjoining owner notification is generally sufficient.<br><br>In rural areas this assumption is flawed.<br><br>Impacts from development often extend well beyond adjoining properties. Noise, lighting, truck movements, machinery operation, commercial vehicle storage, visual impacts and business activities can affect a much wider area than an urban residential development.<br><br>Residents do not routinely monitor the City's planning website, and many may never become aware of a development application until construction or business activities commence.<br><br>A planning system that relies on residents actively searching for applications is not a transparent planning system.<br><br>**Planning Discretion Requires Greater Public Consultation**<br><br>The draft policy places considerable reliance on planning discretion to determine whether applications should be advertised and how broadly consultation should occur.<br><br>In my view, the opposite approach should be adopted.<br><br>Where a development requires significant planning discretion, this is precisely when public consultation becomes most important. If a proposal is straightforward and fully compliant, extensive consultation may not be necessary. However, where subjective judgement is required, affected residents deserve the opportunity to provide local knowledge and feedback.<br><br>Applications involving significant planning discretion should be publicly advertised unless there are compelling reasons not to do so.<br><br>**Incremental Intensification Is Not Adequately Addressed**<br><br>A significant concern in rural areas is that changes often occur gradually through multiple approvals over time.<br><br>Large sheds, workshops, hardstand areas, vehicle storage compounds and oversized buildings may individually appear harmless. However, collectively they can facilitate substantial changes in land-use intensity and result in outcomes very different from what neighbouring residents originally anticipated. | planning standards are identified as matters that generally require advertising. While planning discretion is inherent in the planning system, the policy seeks to reduce uncertainty by establishing clearer expectations regarding when advertising is warranted, rather than relying solely on case-by-case judgement.<br><br>The submission suggests that any proposal involving planning discretion should automatically be publicly advertised. While the City acknowledges the rationale for this approach, planning discretion exists across a broad spectrum of development applications, ranging from relatively minor matters to more substantive proposals. Requiring public advertising for all applications involving any form of discretion would significantly increase the volume of advertised applications, including proposals with limited or highly localised impacts. This may place an unnecessary burden on applicants, affected landowners and City resources, while potentially reducing the effectiveness of consultation by drawing attention away from applications with more significant planning considerations.<br><br>The draft policy instead adopts a proportionate approach, recognising that consultation should be commensurate with the scale, complexity and potential impacts of a proposal. The policy also provides flexibility for the City to expand the extent of consultation where circumstances warrant broader community engagement. This enables notification areas to be tailored to the likely impacts of a proposal rather than |

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| | | | | The policy should specifically require the City to consider cumulative impacts and whether a proposal may facilitate future commercial or intensive activities that could affect local amenity.<br><br>**Planning Discretion Creates Uncertainty**<br><br>One of my primary concerns with the draft policy is its reliance on planning discretion to determine whether development applications should be advertised and the extent of community consultation.<br><br>If a proposal fully complies with planning requirements, there is generally little need for discretion. However, where planning discretion is required, it means the proposal falls into an area of subjective judgement rather than clearly meeting established standards.<br><br>In such circumstances, the decision is no longer simply a matter of applying written planning rules. Instead, City officers must determine whether potential impacts are acceptable. This is precisely when affected residents should have an opportunity to provide input.<br><br>The draft policy effectively allows the City to decide whether the public should be informed about developments that may significantly affect them. This creates uncertainty, inconsistency and a lack of transparency.<br><br>If a development proposal requires significant planning discretion, public advertising should be mandatory. Residents should not be excluded from the decision-making process simply because the City has discretion over whether consultation occurs.<br><br>In my view, the need for planning discretion should be treated as a trigger for public consultation, not as a reason to avoid it.<br><br>Decisions affecting rural amenity, traffic, environmental values and neighbourhood character should not depend on whether an individual officer believes consultation is necessary. Clear and objective notification requirements would provide greater transparency, fairness and consistency for both residents and applicants.<br><br>**Resource-Zoned Land Requires Greater Protection**<br><br>Resource-zoned land performs an important role in preserving:<br><br>• Rural character.<br>• Landscape values.<br>• Environmental assets.<br>• Wildlife corridors.<br>• Separation between urban and industrial activities.<br><br>Development within these areas can have consequences extending far beyond immediately adjoining properties. | applying a fixed approach in all circumstances.<br><br>The concerns regarding rural amenity, commercial activities and the gradual intensification of land uses within Resource-zoned areas are noted. However, these matters relate principally to land use planning controls, development standards and compliance processes rather than the advertising of development applications. The draft policy is not intended to regulate land use intensity, workshop developments, contractor depots, commercial vehicle storage or similar activities. These matters are considered through the City's Local Planning Scheme, State planning framework and the assessment of individual development applications.<br><br>With respect to cumulative impacts, the City already considers the planning context of individual proposals, including existing approvals and the characteristics of the locality, as part of the statutory assessment process where relevant. The advertising policy itself is not considered the appropriate mechanism for introducing additional assessment criteria relating to cumulative development impacts.<br><br>The recommendation for a mandatory 28-day advertising period for all Resource-zoned development applications is not supported. Consultation periods are prescribed within the planning framework and the City must remain consistent with these requirements. The policy currently allows for longer advertising periods for complex applications where additional consultation is considered justified, while |

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| | | | | For this reason, all publicly advertised development applications within the Resource Zone should be subject to an enhanced consultation process.<br><br>**Direct Notification Must Extend Beyond Adjoining Properties**<br><br>I do not support a notification system that relies solely on adjoining landowners being informed of development applications.<br><br>In rural areas such as Banjup, the impacts of a development frequently extend well beyond immediately adjoining properties. Noise from machinery, trucks depots, commercial vehicle movements, workshops, contractor depots and business activities can travel considerable distances. Rural residents often choose these areas for their peace, quiet and rural character, yet activities on one property can affect residents hundreds of metres away.<br><br>It is also important to recognise that what appears to be a simple application may in fact be enabling a larger future use. A shed, workshop, hardstand area, vehicle parking area or storage facility may appear relatively minor in isolation, but can later support a much more intensive activity involving commercial vehicles, machinery, workers, deliveries or business operations.<br><br>For this reason, residents living within at least 500 metres of a proposal that has the potential to generate noise, traffic, commercial activity, environmental impacts or significant changes to amenity should receive direct written notification. Limiting consultation to adjoining landowners risks excluding many residents who may ultimately experience the impacts of the development.<br><br>The purpose of consultation should be to identify those who may be affected, not simply those who share a property boundary.<br><br>Where there is uncertainty about who may be affected, the City should adopt a precautionary approach and notify a wider area rather than a narrower one. Residents cannot raise concerns about a proposal if they are never informed that it exists.<br><br>**Recommended Changes**<br><br>I recommend that the policy be amended to:<br><br>• Where planning discretion is required, public advertising and direct notification of potentially affected residents should be mandatory.<br>• Require a minimum 28-day advertising period for all Resource-zoned and rural developments.<br>• Notify recognised community associations of all publicly advertised applications within their locality.<br>• Require consideration of cumulative impacts arising from multiple approvals on | ensuring that assessment processes remain efficient and reasonable for applicants and the broader community.<br><br>The suggestion that recognised community associations be notified of all advertised applications has also been considered. While community associations can play an important role in representing local interests, a blanket requirement to notify associations of every advertised application may not be proportionate to the scale or significance of many proposals. For example, minor residential variations that require advertising may not warrant broader community-wide involvement. Such an approach may also inadvertently elevate relatively straightforward planning matters beyond their scale and significance. The draft policy instead provides flexibility for community groups and associations to be notified where the nature, complexity or potential impacts of a proposal justify broader engagement.<br><br>The submission raises concerns that residents may not become aware of applications that affect them. A key objective of the draft policy is to improve consistency, transparency and certainty around advertising practices. The policy achieves this by establishing clear expectations for notification methods, advertising triggers and consultation processes, while retaining sufficient flexibility to respond to the unique circumstances of different applications.<br><br>Overall, the concerns raised have been noted. However, the City considers that the draft policy appropriately balances the objectives of transparency and community participation with efficiency, |

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| | | | | the same property.<br>• Require broader consultation for proposals involving large sheds, workshops, hardstand areas, contractor depots, commercial vehicle storage, machinery parking, very large complex and similar developments.<br><br>**Conclusion**<br><br>My experience demonstrates that developments capable of fundamentally changing the character and amenity of a rural area can occur without affected residents receiving meaningful notice.<br><br>The purpose of public consultation should be to ensure genuine community awareness and participation, not simply to satisfy a minimum procedural requirement.<br><br>Unless the policy is strengthened, there remains a real risk that residents will continue to discover significant developments only after approvals have been granted and the impacts are already being experienced.<br><br>Banjup is predominantly a Resource-zoned, rural-residential community. Residents choose to live here because of its rural character, environmental values, lower population density, wildlife habitat and separation from more intensive urban, commercial and industrial activities.<br><br>As a resident, I am concerned that neighbouring properties can gradually evolve into supporting commercial or industrial-style activities without affected residents being adequately informed during the planning process. Residents should not discover only after approvals have been granted that nearby developments may result in increased truck movements, machinery use, worker attendance, noise, lighting, storage activities or other impacts that are not typically associated with a rural-residential environment.<br><br>The City should place greater emphasis on ensuring that people who may be affected are directly informed and given the opportunity to participate in planning decisions before approvals are granted. This is particularly important in Banjup, where impacts can extend well beyond adjoining properties and where preserving rural amenity remains a fundamental community expectation. | proportionality and available resources. The policy provides a structured framework for advertising development applications while allowing consultation efforts to be scaled according to the complexity and potential impacts of individual proposals |
| 3. | 30/9/26 | Cancer Council | Support with Modification | As the peak non-government cancer control organisation in Western Australia, Cancer Council WA advises the State Government and other bodies on practices and policies to help prevent, detect and treat cancer, and support people with cancer. We develop, promote and contribute to policy and initiatives to reduce the incidence and impact of cancer on the Western Australian community. | The City acknowledges the concerns raised and appreciates the recommendation to treat applications for Fast Food Outlets and Lunch Bars in all Centre zones as complex applications requiring advertising. However, the City |

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| | | | | In the spirit of deepening relationships, Cancer Council WA acknowledges all the Traditional Custodians of Country throughout Western Australia and recognises their continuing connection to land, waters, sky, and community. We also pay our respect to their Elders and extend that respect to all Aboriginal peoples living and working in this area.<br><br>We welcome the opportunity to comment on the City of Cockburn's Draft Local Planning Policy 5.24 – Advertising Development Applications (Draft LPP 5.24).<br><br>**Our interest in the Draft LPP 5.24 – Advertising Development Applications**<br><br>The design of our neighbourhoods has a significant impact on our quality of life and wellbeing. The State Planning Strategy 2050 identifies health and wellbeing as an essential planning consideration. The built environment influences health behaviours, access to services, and exposure to risk factors associated with disease, including cancer. Many of the leading modifiable cancer risk factors are directly influenced by the built environment, including unhealthy diets, alcohol use, tobacco use and exposure, and excess ultraviolet exposure.<br><br>The objectives of the Draft LPP 5.24 include ensuring that persons likely to be affected by a planning proposal are given the opportunity to comment and that a balance between community expectations and development entitlements is achieved. Given the impact development applications can have on community health and wellbeing, it is important for members to be informed of the development and receive the opportunity to provide input.<br><br>We commend the City for including the treatment of small bars and liquor stores in all zones as complex applications that will be subject to advertising for a minimum of 28 days. Alcohol-related harms are high in Western Australia, and include injury, violence, and chronic diseases, such as cancer. There is compelling evidence from Australia and internationally that reducing the availability of alcohol is an important strategy within a comprehensive approach to reduce harm from alcohol. Cancer Council WA therefore supports measures in local planning frameworks to limit the availability of alcohol and enable communities to have a say over outlets that open in their neighbourhoods.<br><br>Cancer Council WA suggests similar advertising considerations for Fast Food Outlets/Lunch Bars due to their impact on the health and wellbeing of local communities.<br><br>**Evidence to support our submission – Fast Food Outlets**<br><br>Living with overweight (including obesity) is the leading risk factor contributing to total disease burden in Australia, and increases the risk of thirteen different types of cancer. Illness from living with overweight or obesity cost Western Australian hospitals an estimated $338.7 million in 2016, and is estimated to reach $610.1 million in 2026. | is unable to support this recommendation.<br><br>Under the City of Cockburn Local Planning Scheme No. 3, Fast Food Outlets and Lunch Bars are either a Permitted ("P") or Discretionary ("D") land use within the relevant zones. Where a use is classified as a "P" use and the proposal complies with all applicable development standards, there is generally no discretion to refuse the application and advertising is not required. While advertising may be undertaken for certain development applications where planning discretion exists, the policy cannot override the provisions of the Local Planning Scheme by requiring all Fast Food Outlet or Lunch Bar applications to be advertised or treated as a discretionary use.<br><br>Notwithstanding this, where a Fast Food Outlet or Lunch Bar proposal involves a planning discretion, such as a variation to a development standard, the City retains the ability to consider whether advertising is appropriate having regard to the circumstances of the application and the principles set out in the policy. The draft policy is intended to provide a framework for determining when advertising should occur, rather than create new requirements that are inconsistent with the Scheme. |

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| | | | | Fast food outlet density and proximity impacts dietary intake and obesity rates. Increasing exposure (number and proximity) to fast food outlets increases fast food intake and living with overweight (including obesity), particularly in lower socio-economic neighbourhoods. The most disadvantaged suburbs in Perth have more than twice the number of fast food outlets compared to the most advantaged. In Perth, 97 per cent of secondary schools are located within 1km of at least one fast food outlet, with an average of 12.6 fast food outlets per school. The Western Australian Department of Health has reviewed the evidence regarding food, built environments and obesity and consequently recommend planning laws and frameworks are utilised and amended to limit unhealthy food outlets and support access to healthy food outlets, including near schools.<br><br>Almost 50 per cent of secondary school students frequent fast food outlets near their schools to purchase unhealthy food on a weekly basis, and it is more likely when the fast food outlets are the most common chain outlets (i.e. McDonald's, KFC, Hungry Jacks, Subway). Recent studies have demonstrated how food outlets near schools influence children's behaviour due to their accessibility, affordability and appeal, normalising unhealthy food and poor dietary habits. Interviews with school personnel have further shown these outlets to undermine schools' health promoting efforts and create classroom disruptions.<br><br>Cancer Council WA analysed six years of Development Assessment Panel (DAP) applications and community consultations regarding drive-through fast food outlets across Western Australia and found that communities consistently object to and do not want more fast food outlets. The *We don't need another Maccas* report shows residents consistently oppose the establishment of such outlets in their area with concerns about health, antisocial behaviour, traffic, noise, pollution and impact on town character. A recent study examining the concerns and experiences of residents pre and post the development of a fast food outlet in the Perth urban fringe and growth areas demonstrated that concerns over health, traffic safety, pollution, and property value were in fact realised post-development of the outlet.<br><br>The City of Cockburn residents have demonstrated strong opposition to fast food developments in previous development applications. The development of three fast food outlets opposite Hammond Park Primary School (DAP/23/02623) received over 250 objections, raising issues around the impacts on health, traffic, amenity, loss of neighbourhood character, and proximity to schools. Community members petitioned and rallied against the proposal. The development of fast food outlets has a clear impact on local community.<br><br>As noted in the Draft LPP 5.24, community feedback helps identify local issues and impacts that should be considered as part of the assessment process. The impact of fast food outlets, particularly drive-through fast food outlets, on local community warrants additional consideration for the advertising of these development applications. It is in the | |

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| | | | | best public interest for community members to be notified and given the opportunity to comment on applications that have a demonstrated impact on their health and wellbeing.<br><br>Due to their impact on residents' wellbeing, Cancer Council WA recommends including development applications for 'Fast Food Outlets' and 'Lunch Bars' in all Centre zones to be treated as complex applications to ensure community members can have a fair say.<br><br>**Conclusion**<br><br>Cancer Council WA supports measures that promote vibrant, liveable neighbourhoods. The health and wellbeing of community must be supported by health promoting environments to prevent behaviours associated with chronic diseases including cancer.<br><br>We commend the work Western Australian local governments are already doing to support the health of their residents and acknowledge the important role local governments play in shaping local environments. The health and wellbeing of community must be supported by health promoting environments. Ensuring community members are informed and have a say in development applications that can impact their health and wellbeing is a significant step to creating healthy, liveable communities. | |
| 4. | 30/9/2026 | Banjup Residents' Group | Support with modifications | The Banjup Residents Group (BRG) supports the objective of improving consistency and transparency in the advertising of development applications.<br><br>However, we are concerned that the proposed policy may not adequately inform affected residents of developments that could significantly impact rural amenity, traffic, environmental values and the character of our community.<br><br>The policy assumes that affected persons will become aware of development applications through adjoining landowner notification, online advertising or other discretionary measures. In practice, many residents in rural and Resource-zoned areas may never become aware of a development proposal until construction has commenced. Non complex applications may only require notification of adjoining owners and occupiers and are only advertised for 14 days.<br><br>For many residents this is inadequate. People do not routinely monitor planning websites, may be travelling, or may not be directly adjoining a site despite being significantly affected by the proposal. Rural impacts frequently extend beyond immediately adjoining properties, particularly where developments generate noise, traffic, commercial vehicle movements, lighting or visual impacts.<br><br>BRG therefore considers that the current approach risks excluding affected residents from the planning process. | The City supports the importance of transparency and consistency in development assessment and acknowledges the concerns raised regarding notification of development proposals in rural and Resource-zoned areas. However, several of the recommendations are not supported for the reasons outlined below.<br><br>The policy is intended to provide a consistent framework for determining appropriate levels of consultation across the City rather than introducing separate notification regimes for particular localities or zones. While the City acknowledges that rural areas may have different characteristics and potential impacts compared to urban areas, it is not considered appropriate for the policy to establish broad, zone-specific advertising requirements. The |

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| | | | | **Over-Reliance on Planning Discretion**<br><br>A recurring concern throughout the policy is the reliance on City discretion to determine whether applications are advertised, whether broader consultation is required, or whether an application should be treated as complex.<br><br>While some level of professional judgement will always be necessary, the policy does not clearly explain:<br>• When discretion should be exercised.<br>• What factors justify broader consultation.<br>• Why some developments may not be advertised.<br>How the City will ensure consistency between applications.<br>This creates uncertainty for residents and applicants alike.<br>BRG submits that where discretionary planning judgement is required, this should generally be regarded as an indicator that broader community consultation may be warranted.<br>If a proposal fully complies with planning requirements, extensive consultation may not be necessary. However, where an application relies on planning discretion, departs from normal expectations, creates potential impacts or requires subjective assessment, those circumstances are precisely when community input becomes most important.<br><br>BRG recommends that:<br>Where significant planning discretion is required, public advertising should be mandatory unless the City can clearly demonstrate why additional consultation is unnecessary.<br>The reasons for exercising discretion should also be documented and publicly available to ensure transparency and accountability.<br><br>**Resource Zone and Rural Areas Require Greater Scrutiny**<br><br>The policy applies uniformly across the City, despite the very different characteristics of urban and rural areas.<br>Resource-zoned land in Banjup serves an important function through:<br>• Preservation of rural character.<br>• Environmental and landscape values.<br>• Wildlife corridors.<br>• Separation of incompatible land uses.<br>• Reduced urban intensity.<br>Development proposals in these areas can have impacts extending well beyond neighbouring properties.<br><br>BRG therefore believes that applications in Resource-zoned and rural areas should automatically receive a higher level of public notification and consultation. | assessment of notification requirements is instead based on the nature, scale and potential impacts of a proposal.<br><br>The City does not support the recommendation to reduce or remove planning discretion from the notification process. Planning discretion is a fundamental component of the planning framework and is exercised in the assessment of a significant proportion of development applications. The existence of discretion does not necessarily indicate that broader community consultation is warranted. In many cases, planning discretion may relate to matters with highly localised impacts, such as a minor setback variation affecting a single adjoining property. The policy therefore seeks to provide guidance on when advertising may be appropriate, while retaining the ability for officers to exercise professional judgement based on the circumstances of each application.<br><br>Similarly, the City does not support making public advertising mandatory for all applications involving planning discretion. Such an approach would result in a substantial increase in the number of applications subject to public consultation, including many proposals with limited impacts beyond adjoining landowners. This would be inconsistent with the principle of proportionality that underpins the planning system and would create unnecessary delays and administrative burden for applicants, the community and the City.<br><br>The City notes the recommendation to automatically notify recognised |

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| | | | | **Emerging Commercial Activities and Incremental Development**<br><br>BRG members have observed situations where development initially appears relatively benign but eventually results in substantial changes to land use and neighbourhood character.<br>Examples may include applications for:<br>• Large sheds.<br>• Workshops.<br>• Storage buildings.<br>• Vehicle and machinery parking areas.<br>• Ancillary rural infrastructure.<br>• Oversized residential developments where the scale, room numbers or design suggest the potential for future commercial, or other non-residential activities.<br><br>While these applications may appear straightforward in isolation, they may later support more intensive activities involving:<br>• Commercial vehicles.<br>• Contractor operations.<br>• Machinery storage.<br>• Increased traffic movements.<br>• Increase numbers of commercial trucks parking<br>• Ongoing business activities.<br>• Advertising of business activities.<br>• Large buildings containing numerous rooms, raising questions about whether they are genuinely intended for a family residence.<br>• Extensive parking areas that do not appear consistent with the needs of a typical family residence.<br><br>Residents frequently become concerned when these impacts emerge after the original approval was granted.<br>The policy does not adequately address cumulative and non-cumulative impacts or situations where multiple applications over time result in a significantly different overall outcome than originally anticipated.<br><br>BRG recommends that:<br>The City should consider cumulative and non cumulative impacts arising from multiple or single applications on the same site and require broader consultation where approvals may facilitate substantial changes in land use intensity or amenity.<br><br>**Community Associations Should Be Notified** | community associations of all advertised applications. While community associations play an important role in facilitating engagement within their local areas, many applications are advertised to address impacts affecting a small number of neighbouring properties and are not of broader community significance. Requiring notification of community associations for every advertised application would not be practical or resource efficient and is not considered necessary to achieve the objectives of the policy. The draft policy retains notification of community associations for complex applications where broader community interest is anticipated.<br><br>The City also does not support extending the advertising period for all applications in Resource-zoned and rural areas to 28 days. The Planning and Development (Local Planning Schemes) Regulations 2015 prescribe a maximum advertising period of 14 days for standard development applications. A longer advertising period may be applied where an application is classified as complex. The draft policy reflects this statutory framework and cannot introduce a blanket 28-day advertising requirement for non-complex applications.<br><br>In relation to concerns regarding incremental development and future land use intensification, development applications must be assessed on their individual merits against the applicable planning framework and land use definitions. The policy is specifically concerned with the advertising of |

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| | | | | The draft policy only requires notification of community associations for complex applications.<br><br>BRG considers this a significant weakness.<br>Community associations often serve as the primary source of planning information for local residents. Restricting notification to complex applications creates a risk that significant local issues may go unnoticed simply because an application was not formally categorised as complex.<br>BRG recommends:<br>Recognised community associations should be notified of all development applications that are publicly advertised within their locality.<br>This would significantly improve transparency and ensure residents are informed in a timely manner.<br><br>**14-Day Advertising Period Is Inadequate**<br><br>The policy adopts the minimum statutory notification period of 14 days for non-complex applications.<br>BRG considers this insufficient for rural communities.<br>Residents require adequate time to:<br>• Become aware of the proposal.<br>• Review plans and supporting documents.<br>• Understand potential impacts.<br>• Seek clarification where necessary.<br>• Prepare meaningful submissions.<br>A 14 day period may expire before many affected residents are even aware that an application exists.<br>BRG recommends:<br>Development applications within Resource-zoned and rural areas should be advertised for a minimum of 28 daysregard less of whether they are classified as complex or non-complex.<br><br>**Best Practice Public Notification**<br><br>BRG recommends that development applications be advertised using multiple methods rather than relying on a single notification mechanism.<br>At a minimum, publicly advertised applications should include:<br>• Direct notification to affected property owners and occupiers.<br>• Notification to recognised community associations.<br>• Publication on the City's website.<br>• A prominent sign erected on the site.<br>• A QR code linking directly to application documents.<br>• Email alerts for residents who subscribe to planning notifications. | development applications and is not intended to regulate speculative future uses that may or may not occur. Where future development or changes of use require separate approvals, those proposals would be subject to assessment and consideration under the relevant planning framework at that time.<br><br>The City considers that the draft policy already provides sufficient flexibility to require broader advertising where the scale, nature or potential impacts of a proposal warrant wider community consultation. This includes the ability to expand the notification area beyond adjoining landowners where appropriate. The policy therefore seeks to balance meaningful community participation with a proportionate and efficient development assessment process. |

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| | | | | The objective should be genuine awareness rather than merely satisfying minimum procedural requirements.<br><br>**Conclusion**<br>BRG supports the intent of the policy but believes significant strengthening is required to improve transparency, accountability and community confidence.<br>In particular, BRG requests:<br>1. Removal of the planning discretion.<br>2. Expanded consultation requirements in Resource-zoned and rural areas.<br>3. Automatic notification of recognised community associations.<br>4. A minimum 28-day advertising period for rural and Resource-zoned developments.<br>5. Consideration of cumulative and non-cumulative impacts from staged or incremental development.<br>6. Broader notification for applications involving large sheds, workshops, contractor yards, containers, commercial vehicle storage, large building or activities capable of evolving into more intensive land uses.<br><br>Without these changes, there remains a risk that developments with significant long-term impacts on rural amenity, traffic, environmental values and community character may proceed with limited public awareness or opportunity for meaningful community participation. | |

# Comment on Cockburn Statistics

The Comment on Cockburn project page was established to provide a central source of information and advertising for the draft policy. The page provided background information, frequently asked questions, supporting documents and a mechanism for lodging online submissions.

| Metric | Result |
|---|---|
| Project page visits | 453 |
| Online submissions | 6 |
| Postal submissions | 0 |
| Email submissions | 4 |
| Total submissions | 10 |
| Project followers | 0 |

# Supporting Documents

The following documents were made available to assist the community's understanding of the proposal:

- Draft Local Planning Policy
- Frequently asked questions
- Submission information.

# Next Steps

All feedback received during the consultation period will be reviewed and the proposal will be assessed against the planning framework.

The draft policy, along with all submissions, will be presented to the Governance Committee for consideration before a recommendation is made to Council.

Council will resolve whether to adopt the policy (with or without amendment) or to not proceed.

The City of Cockburn would like to thank all individuals and organisations who took the time to review the draft policy and provide a submission.

For further information, please contact the City of Cockburn on 08 9411 3444 or email customer@cockburn.wa.gov.au

**City of Cockburn**
Whadjuk Boodjar

9 Coleville Crescent, Spearwood WA 6163,
PO Box 1215, Bibra Lake DC WA 6965
Telephone: 08 9411 3444
Email: comment@cockburn.wa.gov.au
www.cockburn.wa.gov.au

ABN 27 471 341 209

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| **Title** | **ADVERTISING OF DEVELOPMENT APPLICATIONS** |
| **Policy Number** (Governance Purpose) | **LPP 5.24** |

City of Cockburn
wetlands to waves

**Policy Type**

Local Planning Policy

**Citation**

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This policy may be cited as Local Planning Policy (LPP) 5.24

**Introduction**

The Town Planning Scheme includes a number of clauses relating to public notice for development applications. Many requirements relating to public notification of development applications are mandatory, while others provide the City with discretion as to whether a proposal is to be advertised and the method of advertising.

This policy provides guidance on the exercise of discretion under Town Planning Scheme No. 3 in terms of when public notice is given for development applications, and the means and duration of public notice periods, where these periods are not prescribed by the Town Planning Scheme.

Community feedback helps identify local issues and impacts that should be considered as part of the assessment process.

This policy provides guidance for the consistent advertising of development applications. Each application will continue to be assessed on its individual merits, having regard to the Town Planning Scheme and other relevant planning considerations. It should not be assumed that the City is limited only to the provisions of this policy when exercising its planning discretion.

Applicants are strongly encouraged to discuss proposals with adjoining owners and occupiers prior to the submission of any development application. It is important to note that this Local Planning Policy does not constitute part of the Town Planning Scheme and therefore does not bind the City in respect of any application for planning approval but requires the City to have due regard to the provisions of the Policy, including its objectives.

Should there be any conflict between this Policy and the Town Planning Scheme, then the provisions of the Scheme prevail.

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This policy does not replace or alter the Council's obligations under the Freedom of Information Act 1992.

## Objectives

- To provide for a consistent approach to the circumstances when public notice is undertaken, and the means and duration of public notice periods, of planning proposals.
- To recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into, planning proposals, and the administrative need to process planning proposals in an efficient manner, and within prescribed statutory timeframes.
- To outline the process the City will use when undertaking advertising and considering submissions.
- To ensure that, before making final decisions on planning proposals of any kind, persons likely to be affected are given an opportunity to comment.
- ~~Within the operative statutory framework, to achieve an appropriate balance between the community's reasonable expectations and applicants' development entitlements.~~
- To ensure that persons likely to be affected by a planning proposal have an opportunity to comment before a decision is made, while balancing community interests with the reasonable expectations of landowners and applicants to develop their land in accordance with applicable planning controls.
- To provide greater consistency and transparency around when development applications are advertised and how the community can provide feedback.

## Application

This policy applies to the entire Scheme area of the City of Cockburn and will be applied by the City when making discretionary decisions relating to advertising of development applications only. In circumstances where advertising is undertaken, it will include both owners and occupiers of properties that, in the opinion of the City, may be affected by the proposal and/or other stakeholders where these are identified.

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This policy also applies to Development Applications for which the City is not the final decision making authority, such as application to be determined by a Development Assessment Panel or the Western Australian Planning Commission (if advertising is permitted).

This policy does not apply to planning scheme amendments, local/district structure plans, the adoption of local planning policies, planning strategies, local development plans or any other strategic planning document.

This policy does not apply to planning referrals to statutory bodies or government agencies as required under clause 66 of the Deemed Provisions.

This policy does not apply to public engagement undertaken by the City.

## Policy Provisions

### (1) Requirement to give notice of certain Development Applications

In addition to where notice is prescribed by the Scheme, public notice will also be given of the following development applications prior to consideration for approval where the ~~approval~~ application:

- Involves development on a site listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, listed on the Scheme Register of Heritage Places or included in a Heritage Area declared under the Scheme, where that application involves the permanent or semipermanent alteration to the built fabric of any structure on the land
- Proposes the demolition of any building or structure on a site listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, listed on the Scheme Register of Heritage Places or included in a Heritage Area declared under the Scheme or a site listed on the Municipal Inventory
- Involves a significant exercise of discretion in terms of the Scheme, Residential Design Codes or Policy provisions
- Involves potentially significant urban design or streetscape impacts
- Represents a significant variation to the bulk, scale or design of the existing surrounding buildings

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- Has potentially significant amenity impacts on nearby residential areas or neighbours in terms of visual impact, streetscape, privacy, noise, intensity of use, traffic generation and adequacy of parking

- Has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or are significantly different from the predominant and expected pattern of land use with the locality

Notwithstanding the above, planning proposals that do not meet the above criteria are able to be advertised, at the discretion of the City if it is considered in the public interest to do so.

**(2) Variations to the Residential Design Codes**

The City, in accordance with Part A of the R-Codes, may advertise proposed variations to the R-Codes where in the opinion of the decision maker such a variation may adversely impact an adjoining owner.

The City will only advertise variations to the deemed-to-comply provisions of the R-Codes. Submissions pertaining to compliant aspects of the dwelling design cannot be considered.

The City may waive the notification requirements in respect of residential planning applications involving the exercise of discretion under the Residential Design Codes where the applicant provides a copy of the application plan/s including a certification by the owners and occupiers of the adjoining property stating that they have no objections to the proposal. Signatures should include all persons shown as the owners on the Certificate of Title and ownership details will be confirmed.

Certifications must include:

- The full name of the owner/s and occupier/s certifying non-objection clearly printed and a signature
- A statement indicating no objection to the proposal; and
- A current contact address and contact phone number

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**(3) Complex Applications**

The following development applications shall be treated as complex applications for the purposes of Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (excluding amendments to existing authorised development):

- Childcare Centres in the Residential Zone
- Medical Centres in the Residential Zone
- Health Studios in the Residential Zone
- Smalls Bars in all zones
- Liquor Stores in all zones
- Restricted Premises in all zones
- Night Clubs in all zones
- New Activity Centres or substantial expansions of existing Activity Centres
- Any use not listed in the Zoning Table of Town Planning Scheme 3
- Proposals of $15 million or more (excluding public works, single or grouped dwellings and industrial developments)

Complex applications will be advertised for a minimum of 28 days by doing all of the following (in accordance with the Regulations):

- Publishing details of the proposal on Comment on Cockburn;
- Giving notice to owners and occupiers of every property within 200m of the proposed development; and
- Erecting a sign in a conspicuous place on the land subject of the application

In addition, the City will notify the relevant Community/Residents' Associations of the suburb within which the complex application is located. Should the subject site be located within 200m of a suburb boundary, the Community Association of that suburb will also be notified. The list of Community Associations that will be notified are found on the City's website.

Not withstanding the above, the City may treat any application before it as complex at the discretion of the City if it is considered in the public interest to do so.

**(4) Non-Complex Applications (excluding R-Code Variations)**

Development applications that require advertising (such as 'A' uses or uses identified in section (1) above) by notifying adjoining owners/occupiers of the proposal.

Adjoining property means any land (or owner of land) which abuts an application site or is separated from the site by only a pathway, driveway, right-of-way or similar thoroughfare.

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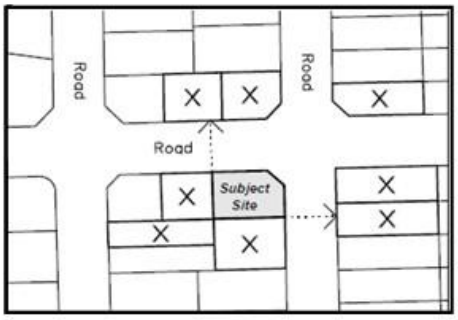
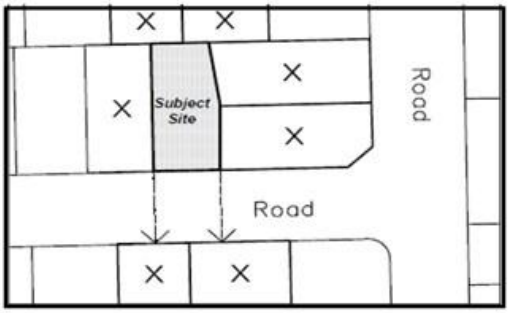
*Example 1*




*Example 2*




The above examples are a minimal guide only and the City may, at its discretion, advertise the proposal to a larger radius. Logical geographical breaks may be taken into consideration when determining a larger radius, such as street ends, culs-de-sac, grouped dwelling arrangements and lot layouts.

**(5) Contents of Advertising Materials**

In advertising a development application, the City will specify:

- The details of the proposal and any accompanying material in relation to the application
- The manner and form in which submissions may be made
- The applicable period for making submissions and the last day of that period
- How affected persons can view plans or seek further information

**(6) Availability of Documents**

All plans and documents forming part of the development application shall be made available for public viewing and access during the public consultation period of that proposal. The documentation may be viewed at the City's Administration building without appointment.

Affected persons may also request digital copies of the material, subject to the City's privacy obligations.

**(7) Applications where the City is not the decision maker**

Public notice will be given of development applications where the City is not the decision maker in the same way as those where the final decision is made by the City.

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A full copy of any submission received will be forwarded to the decision maker. The City will inform submitters of the decision maker's final decision.

**(8) Procedures for dealing with submissions**

Copies of written submissions will be given to the applicant to provide the applicant the opportunity to respond to issues raised in any submissions. Personal details such as names, telephone numbers and addresses will not be given to the applicant.

Should the application be considered by Council, the applicant, the landowner, and all parties who have made a submission on the development application will be notified in writing of the date at which an item will be listed on a meeting agenda. In all cases, the City will endeavour to ensure that the written notification is provided at least one week prior to the scheduled meeting date.

Officer reports to Council will include a summary of the issues raised in any of the submissions received as part of the consultation process. If the text of a submission is to be included in the report, the author's personal details will not be identified.

The applicant, the owner and all authors of submissions will be advised of the decision of the City in the form of a written notification of the decision (and any associated conditions advisory notes, or refusal reasons if deemed relevant by the City).

**(9) Consideration of Submissions**

The City, in assessing a development application, will have regard for any submissions received during public advertising. The City has a duty to properly balance its consideration of all relevant factors in an objective and impartial manner. The opinions of neighbours and the wider community (where relevant), help the City and the Council by highlighting local issues and concerns which need to be considered and assessed in the consideration of a development application.

However, the City's officers and the Council are not obliged to agree with, or uphold, every opinion expressed, nor to incorporate all suggestions into its decision.

As the responsible planning authority, the City cannot consider non-planning matters. Submissions which are based on civil or non-planning matters will not be considered. These include:

- Possible impact on property values
- Neighbour disputes
- Competition/business impacts
- Construction inconvenience during building works



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If no submissions are received by the City within the prescribed time frame, it will be assumed that those who had been notified have no objection to the proposal.

Public notification is given to consider the impact a proposal may have on amenity. In assessing a development application, the City will give greater weight to planning related matters raised, rather than the number of signatures or volume of correspondence received. The City may decline to consider anonymous petitions or submissions where the identity and address of the signatories cannot reasonably be verified. Submissions will be treated confidentially if the submitter requests their identity remain confidential

The City will assess each submission on the merit of the planning issues it raises. The total number of submissions received, or the proportion of objections and non-objections, is not a relevant consideration in the assessment process.

Public notification of a development application is therefore not intended to provide a mechanism for gauging community support or opposition by way of a 'vote', but to identify relevant planning matters for consideration.

**(10) Duration of public notice**

The periods for public notice of development applications are prescribed by Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015. These are:

- Complex applications: 28 days
- Non-Complex applications: 14 days

The public notice period may be extended with the consent of the applicant.

The period for public advertising excludes *holiday periods* as defined by the Regulations. These periods are:

- A period commencing on 25 December in a year and ending on the next 1 January; or
- A period of 7 days commencing on Good Friday in a year

**(11) Additional public notice of proposal previously advertised**

Additional public notice shall be given in the same manner under the provisions of this policy where:

- a planning proposal is subsequently significantly modified prior to its final determination and additional variations arise from the modifications; or



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- Where the application to amend an existing planning approval is received, and additional variations arise from the proposed amendments;

**(12) Refusal of applications without giving of public notice**

Any planning proposals may be refused by the City without the giving of public notice.

**(13) Cost of Advertising**

In accordance with the Planning and Development Regulations 2009, the City will recover the cost of advertising from the applicant. The cost of advertising shall be payable prior to the commencement of advertising. Additional advertising costs incurred by the City following the initial payment shall be recovered prior to the determination of the development application.

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|---|---|
| Strategic Link: | |
| Category | |
| Lead Business Unit: | |
| Public Consultation: **(Yes or No)** | |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | |

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**Policy Type**

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**Introduction**

The Town Planning Scheme includes a number of clauses relating to public notice for development applications. Many requirements relating to public notification of development applications are mandatory, while others provide the City with discretion as to whether a proposal is to be advertised and the method of advertising.

This policy provides guidance on the exercise of discretion under Town Planning Scheme No. 3 in terms of when public notice is given for development applications, and the means and duration of public notice periods, where these periods are not prescribed by the Town Planning Scheme.

Community feedback helps identify local issues and impacts that should be considered as part of the assessment process.

This policy provides guidance for the consistent advertising of development applications. Each application will continue to be assessed on its individual merits, having regard to the Town Planning Scheme and other relevant planning considerations. It should not be assumed that the City is limited only to the provisions of this policy when exercising its planning discretion.

Applicants are strongly encouraged to discuss proposals with adjoining owners and occupiers prior to the submission of any development application. It is important to note that this Local Planning Policy does not constitute part of the Town Planning Scheme and therefore does not bind the City in respect of any application for planning approval but requires the City to have due regard to the provisions of the Policy, including its objectives.

Should there be any conflict between this Policy and the Town Planning Scheme, then the provisions of the Scheme prevail.



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- To provide for a consistent approach to the circumstances when public notice is undertaken, and the means and duration of public notice periods, of planning proposals.
- To recognise the balance between the need for the community to be informed of, and have reasonable opportunity for input into, planning proposals, and the administrative need to process planning proposals in an efficient manner, and within prescribed statutory timeframes.
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- To ensure that, before making final decisions on planning proposals of any kind, persons likely to be affected are given an opportunity to comment.
- To ensure that persons likely to be affected by a planning proposal have an opportunity to comment before a decision is made, while balancing community interests with the reasonable expectations of landowners and applicants to develop their land in accordance with applicable planning controls.
- To provide greater consistency and transparency around when development applications are advertised and how the community can provide feedback.

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This policy applies to the entire Scheme area of the City of Cockburn and will be applied by the City when making discretionary decisions relating to advertising of development applications only. In circumstances where advertising is undertaken, it will include both owners and occupiers of properties that, in the opinion of the City, may be affected by the proposal and/or other stakeholders where these are identified.

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In addition to where notice is prescribed by the Scheme, public notice will also be given of the following development applications prior to consideration for approval where the application:

- Involves development on a site listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, listed on the Scheme Register of Heritage Places or included in a Heritage Area declared under the Scheme, where that application involves the permanent or semipermanent alteration to the built fabric of any structure on the land
- Proposes the demolition of any building or structure on a site listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, listed on the Scheme Register of Heritage Places or included in a Heritage Area declared under the Scheme or a site listed on the Municipal Inventory
- Involves a significant exercise of discretion in terms of the Scheme, Residential Design Codes or Policy provisions
- Involves potentially significant urban design or streetscape impacts
- Represents a significant variation to the bulk, scale or design of the existing surrounding buildings
- Has potentially significant amenity impacts on nearby residential areas or neighbours in terms of visual impact, streetscape, privacy, noise, intensity of use, traffic generation and adequacy of parking
- Has significant strategic planning impacts in terms of the implementation of a strategic planning objective, the scale of the development, or are significantly



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different from the predominant and expected pattern of land use with the locality

Notwithstanding the above, planning proposals that do not meet the above criteria are able to be advertised, at the discretion of the City if it is considered in the public interest to do so.

**(2) Variations to the Residential Design Codes**

The City, in accordance with Part A of the R-Codes, may advertise proposed variations to the R-Codes where in the opinion of the decision maker such a variation may adversely impact an adjoining owner.

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Certifications must include:

- The full name of the owner/s and occupier/s certifying non-objection clearly printed and a signature
- A statement indicating no objection to the proposal; and
- A current contact address and contact phone number

**(3) Complex Applications**

The following development applications shall be treated as complex applications for the purposes of Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (excluding amendments to existing authorised development):

- Childcare Centres in the Residential Zone

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- Medical Centres in the Residential Zone
- Health Studios in the Residential Zone
- Smalls Bars in all zones
- Liquor Stores in all zones
- Restricted Premises in all zones
- Night Clubs in all zones
- New Activity Centres or substantial expansions of existing Activity Centres
- Any use not listed in the Zoning Table of Town Planning Scheme 3
- Proposals of $15 million or more (excluding public works, single or grouped dwellings and industrial developments)

Complex applications will be advertised for a minimum of 28 days by doing all of the following (in accordance with the Regulations):

- Publishing details of the proposal on Comment on Cockburn;
- Giving notice to owners and occupiers of every property within 200m of the proposed development; and
- Erecting a sign in a conspicuous place on the land subject of the application

In addition, the City will notify the relevant Community/Residents' Associations of the suburb within which the complex application is located. Should the subject site be located within 200m of a suburb boundary, the Community Association of that suburb will also be notified. The list of Community Associations that will be notified are found on the City's website.

Not withstanding the above, the City may treat any application before it as complex at the discretion of the City if it is considered in the public interest to do so.

**(4) Non-Complex Applications (excluding R-Code Variations)**

Development applications that require advertising (such as 'A' uses or uses identified in section (1) above) by notifying adjoining owners/occupiers of the proposal.

Adjoining property means any land (or owner of land) which abuts an application site or is separated from the site by only a pathway, driveway, right-of-way or similar thoroughfare.

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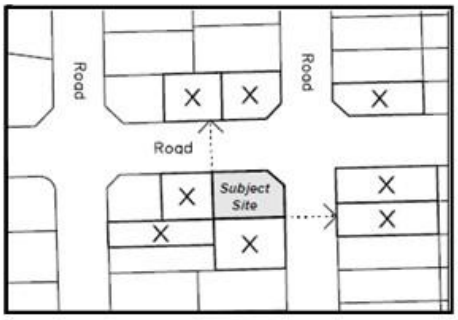
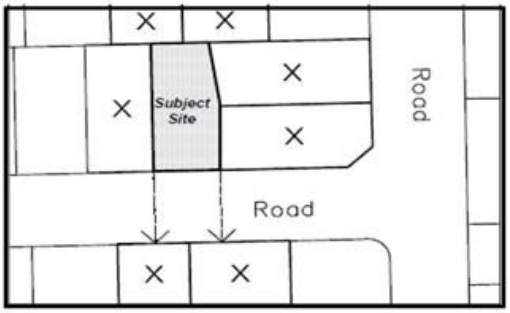
*Example 1*




*Example 2*




The above examples are a minimal guide only and the City may, at its discretion, advertise the proposal to a larger radius. Logical geographical breaks may be taken into consideration when determining a larger radius, such as street ends, culs-de-sac, grouped dwelling arrangements and lot layouts.

**(5) Contents of Advertising Materials**

In advertising a development application, the City will specify:

- The details of the proposal and any accompanying material in relation to the application
- The manner and form in which submissions may be made
- The applicable period for making submissions and the last day of that period
- How affected persons can view plans or seek further information

**(6) Availability of Documents**

All plans and documents forming part of the development application shall be made available for public viewing and access during the public consultation period of that proposal. The documentation may be viewed at the City's Administration building without appointment.

Affected persons may also request digital copies of the material, subject to the City's privacy obligations.

**(7) Applications where the City is not the decision maker**

Public notice will be given of development applications where the City is not the decision maker in the same way as those where the final decision is made by the City.

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A full copy of any submission received will be forwarded to the decision maker. The City will inform submitters of the decision maker's final decision.

**(8) Procedures for dealing with submissions**

Copies of written submissions will be given to the applicant to provide the applicant the opportunity to respond to issues raised in any submissions. Personal details such as names, telephone numbers and addresses will not be given to the applicant.

Should the application be considered by Council, the applicant, the landowner, and all parties who have made a submission on the development application will be notified in writing of the date at which an item will be listed on a meeting agenda. In all cases, the City will endeavour to ensure that the written notification is provided at least one week prior to the scheduled meeting date.

Officer reports to Council will include a summary of the issues raised in any of the submissions received as part of the consultation process. If the text of a submission is to be included in the report, the author's personal details will not be identified.

The applicant, the owner and all authors of submissions will be advised of the decision of the City in the form of a written notification of the decision (and any associated conditions advisory notes, or refusal reasons if deemed relevant by the City).

**(9) Consideration of Submissions**

The City, in assessing a development application, will have regard for any submissions received during public advertising. The City has a duty to properly balance its consideration of all relevant factors in an objective and impartial manner. The opinions of neighbours and the wider community (where relevant), help the City and the Council by highlighting local issues and concerns which need to be considered and assessed in the consideration of a development application.

However, the City's officers and the Council are not obliged to agree with, or uphold, every opinion expressed, nor to incorporate all suggestions into its decision.

As the responsible planning authority, the City cannot consider non-planning matters. Submissions which are based on civil or non-planning matters will not be considered. These include:

- Possible impact on property values
- Neighbour disputes
- Competition/business impacts
- Construction inconvenience during building works



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If no submissions are received by the City within the prescribed time frame, it will be assumed that those who had been notified have no objection to the proposal.

Public notification is given to consider the impact a proposal may have on amenity. In assessing a development application, the City will give greater weight to planning related matters raised, rather than the number of signatures or volume of correspondence received. The City may decline to consider anonymous petitions or submissions where the identity and address of the signatories cannot reasonably be verified. Submissions will be treated confidentially if the submitter requests their identity remain confidential

The City will assess each submission on the merit of the planning issues it raises. The total number of submissions received, or the proportion of objections and non-objections, is not a relevant consideration in the assessment process.

Public notification of a development application is therefore not intended to provide a mechanism for gauging community support or opposition by way of a 'vote', but to identify relevant planning matters for consideration.

**(10) Duration of public notice**

The periods for public notice of development applications are prescribed by Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015. These are:

- Complex applications: 28 days
- Non-Complex applications: 14 days

The public notice period may be extended with the consent of the applicant.

The period for public advertising excludes *holiday periods* as defined by the Regulations. These periods are:

- A period commencing on 25 December in a year and ending on the next 1 January; or
- A period of 7 days commencing on Good Friday in a year

**(11) Additional public notice of proposal previously advertised**

Additional public notice shall be given in the same manner under the provisions of this policy where:

- a planning proposal is subsequently significantly modified prior to its final determination and additional variations arise from the modifications; or



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- Where the application to amend an existing planning approval is received, and additional variations arise from the proposed amendments;

**(12) Refusal of applications without giving of public notice**

Any planning proposals may be refused by the City without the giving of public notice.

**(13) Cost of Advertising**

In accordance with the Planning and Development Regulations 2009, the City will recover the cost of advertising from the applicant. The cost of advertising shall be payable prior to the commencement of advertising. Additional advertising costs incurred by the City following the initial payment shall be recovered prior to the determination of the development application.

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| **Title** | **ADVERTISING OF DEVELOPMENT APPLICATIONS** |
| **Policy Number** (Governance Purpose) | **LPP 5.24** |

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| Strategic Link: | |
| Category | |
| Lead Business Unit: | |
| Public Consultation: **(Yes or No)** | |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | |

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## 8.2 Corporate and System Services

### 8.2.1 Information Breach Policy

| | |
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| **Responsible Executive** | Director Corporate and System Services |
| **Author(s)** | Service Lead Information Management |
| **Attachments** | 1. Information Breach Policy ⇩ |

**Recommendation**

The Committee recommends Council ADOPTS the draft Information Breach Policy, as shown by Attachment 1.

**Background**

The Privacy and Responsible Information Sharing (PRIS) Act 2024 (the Act) commenced on 1 July 2026, with a mandatory notifiable information breach scheme to commence on 1 January 2027. The Act requires public entities, including local governments, to maintain an Information Breach Policy.

The Information Breach Policy has been developed to support the City of Cockburn's (the City's) compliance with the Act and establish a consistent approach to identifying, assessing, managing, and notifying information breaches.

**Submission**

N/A

**Report**

An information breach occurs where personal information held by the City is lost, accessed, used, disclosed, altered or destroyed without authorisation, or is otherwise compromised because of an accidental or deliberate act or omission.

The draft Information Breach Policy outlines the City's commitment to the timely identification, reporting, containment, assessment, management and notification of information breaches. It provides a framework to support compliance with the Privacy and Responsible Information Sharing Act 2024 (PRIS), including the notifiable breach scheme commencing on 1 January 2027.

Supporting procedures and an Information Breach Register will be developed to guide operational responses, record breaches, and monitor compliance with legislative requirements.

**Strategic Plans/Policy Implications**

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Strengthen and facilitate a safe and secure Cockburn.

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

N/A

**Legal Implications**

From 1 January 2027, section 73 of the PRIS Act will require public entities, including local governments, to maintain an Information Breach Policy. Adoption of the draft policy will support the City's compliance with this requirement and the Act's notifiable information breach provisions.

**Community Consultation**
N/A

**Risk Management Implications**

Adoption of the policy will support compliance with the PRIS Act and provide a consistent approach to managing information breaches. This will help reduce privacy, compliance, and reputational risks to the City.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

# Policy
Information Breach

## Policy Type
Council

## Policy Purpose
This Policy establishes the approach of the City of Cockburn (the City) to prevent, identify, manage and report information breaches involving personal information held by the City.

The City is committed to protecting personal information from misuse, loss, unauthorised access, unauthorised disclosure and unauthorised modification. This Policy supports compliance with the *Privacy and Responsible Information Sharing Act 2024* (PRIS Act).

This Policy also supports the City's obligations to respond appropriately to information breaches and meet any applicable notification requirements under the PRIS Act.

## Policy Statement
The City is committed to protecting the privacy of individuals and ensuring personal information is managed responsibly throughout its lifecycle.

The City recognises that information breaches can arise through human error, system failures, malicious activity or failures by third parties handling information on the City's behalf. Where breaches occur, the City will respond promptly, consistently and proportionately to minimise harm and meet its legal obligations.

The City will:
- Take reasonable steps to protect information from unauthorised access, use, disclosure, modification and loss.
- Foster a culture of privacy awareness, accountability and responsible information handling.
- Ensure that actual and suspected information breaches are reported promptly.
- Assess information breaches to determine their impact and any statutory obligations.
- Take appropriate action to contain, manage and mitigate information breaches.
- Notify affected individuals and regulatory authorities where required by legislation.
- Maintain records of information breaches and associated corrective actions.
- Monitor information breaches to identify trends, risks and opportunities for continuous improvement.

The City expects all workers, Elected Members and contracted service providers to actively support the protection of the personal information and to report actual or suspected information breaches as soon as they become aware of them. Failure to report a known information breach can expose the City and affected individuals to additional risk and may be addressed under applicable employment, contractual or governance processes.

## Principles

(1) Scope

This Policy applies to Elected Members, all employees, contractors and volunteers undertaking duties or services on behalf of the City.

This policy covers all personal information collected, created, received, used, disclosed, stored or managed by the City, regardless of format or location.

(2) Roles and Responsibilities

1. All Workers and Elected Members

All workers and Elected Members must:

- Take reasonable care to protect information held by the City.
- Comply with the City's policies, procedures and requirements relating to information handling and privacy.
- Immediately report any actual or suspected information breach.
- Cooperate with any assessment, investigation or response activities relating to an information breach.

2. Contracted Service Providers

Contracted service providers must:

- Comply with applicable contractual obligations relating to privacy, information management and information security.
- Maintain reasonable safeguards to protect personal information held on behalf of the City.
- Notify the City as soon as practicable of any actual or suspected information breach involving information held on behalf of the City.
- Cooperate with the City's assessment and response activities.

3. Chief Executive Officer

The Chief Executive Officer is responsible for ensuring the City maintains appropriate governance arrangements, resources and oversight mechanisms to support the effective management of information breaches.

4. Managers and Supervisors

Managers and Supervisors must:

- Promote compliance with this policy within their areas of responsibility.
- Ensure actual or suspected information breaches are escalated promptly.
- Assist with breach containment, investigation and corrective actions.
- Support staff participation in training and awareness activities.

5. Procurement and Contracts Services

Procurement and Contracts services is responsible for ensuring that appropriate privacy, information handling and breach notification requirements are incorporated into relevant procurement processes and contractual arrangements.

6. Privacy Officer

The Privacy Officer is a senior officer designated by the Chief Executive Officer under section 151 of the PRIS Act.

The Privacy Officer is responsible for:

- Providing oversight of the City's management of information breaches and compliance obligations, and acting as the escalation point for significant, complex, high risk or potentially notifiable information breaches.
- Determining whether a breach is a notifiable information breach after considering recommendations from the PRIS and FOI Officer and any relevant subject matter experts.
- Approving notifications to regulatory authorities and affected individuals (where required).
- Providing oversight of the Information Breach Register and information breach reporting activities.
- Escalating significant information breach risks through appropriate internal governance channels as required.

7. PRIS and FOI Officer

The PRIS and FOI Officer is responsible for:

- Coordinating the City's response to information breaches.
- Coordinating the assessment of suspected information breaches and providing recommendations to the Privacy Officer as to whether the breach may constitute a notifiable information breach.
- Maintaining the Information Breach Register on behalf of the Privacy Officer.
- Coordinating information breach notifications and reporting requirements under the direction of the Privacy Officer.
- Providing advice and guidance on information breach management.

- Escalating information breaches to the Privacy Officer, as appropriate, to support statutory oversight, decision making and compliance obligations under the PRIS Act.

8. Audit, Risk and Improvement Committee (ARIC)

The Audit Risk and Improvement Committee provides oversight of information breach trends, risks and management activities as part of its broader assurance function.

(3) Information Breach Management

The City will ensure that all actual and suspected information breaches are:

- Reported promptly;
- Assessed appropriately;
- Contained as soon as practicable;
- Managed in a manner proportionate to the risk and potential harm;
- Recorded in the Information Breach Register; and
- Escalated and reported where required by legislation.

The processes for reporting, assessing, responding to, recording and notifying information breaches will be documented in supporting procedures.

(4) Information Breach Register

The City will maintain an Information Breach Register to record actual and suspected information breaches.

The Information Breach Register will support:

- Legislative compliance;
- Risk management;
- Organisational learning;
- Trend analysis;
- Governance reporting; and
- Continuous improvement.

(5) Training and Awareness

The City will provide appropriate training, guidance and awareness activities to support compliance with this Policy and promote responsible information handling practices.

Training and awareness activities may include:

- Induction and onboarding activities;
- Mandatory compliance training;

- Targeted education and awareness initiatives; and
- Guidance materials relating to privacy, information handling and information breach reporting.

(6) Monitoring and Review

The City will periodically review information breach activities, trends and controls to:

- Monitor compliance with legislative obligations;
- Identify emerging risks;
- Assess the effectiveness of existing controls;
- Identify root causes and lessons learned from information breaches and implement corrective and preventative actions where required;
- Improve information handling practices; and
- Support continuous improvement in privacy and information governance.

(7) Definitions

1. Personal Information

Any information or opinion that identifies (or could identify) a person, whether living or dead, including but not limited to:

- Name, date of birth and demographic information
- Contact details (street address, telephone number or email)
- Computer / network IP address (in relation to use of online services)
- Financial information or application data (including bank details, credit or debit card number)
- Photographs or other likenesses
- CCTV footage
- HR records or complaints
- Biometric records (face, fingerprints, iris, palm, voice etc.)
- Unique identifiers and identity information (Medicare number, passport number, driver's licence)

2. Sensitive Personal Information

A type of personal information that requires a higher level of protection due to the potential harm that may result if it is accessed, used or disclosed inappropriately. Examples include information about a person's health, race or ethnicity, religion, political opinions, gender identity, sexual orientation, or criminal history.

3. Information Breach

An event involving unauthorised access, unauthorised disclosure, accidental disclosure, alteration, destruction, loss or misuse of information.

4. Personal Information Breach

   An information breach involving personal information that is held by or on behalf of the City.

5. Notifiable Information Breach

   An information breach involving unauthorised access, unauthorised disclosure, or loss of personal information where a reasonable person would conclude that the breach is likely to result in serious harm to one or more affected individuals.

6. Serious Harm

   Physical, psychological, financial, reputational or other harm that a reasonable person would regard as having a significant adverse impact on an affected individual.

7. Affected Individual

   A person whose personal information is involved in an actual or suspected information breach.

8. Information Breach Register

   The City's register used to record and monitor actual and suspected information breaches.

9. Workers

   Employees, contractors, on-hired temporary labour services (agency staff), volunteers and third party service providers undertaking work or providing services on behalf of the City

Related policies:

- Privacy Management Policy
- Records Management Policy
- Cyber Security Policy
- Information Breach Procedure
- Crisis and Incident Communications Plan
- Cyber Security Incident Response and Coordination Framework

## Policy Information

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|---|---|
| Strategic Link: | Strategic Community Plan 2025 - 2035 |
| Category: | Governance |
| Lead Business Unit: | Information Management |
| Public Consultation:<br>(Yes or No) | No |
| Adoption Date:<br>(Governance Purpose Only) | |
| Next Review Due:<br>(Governance Purpose Only) | |
| ECM Doc Set ID:<br>(Governance Purpose Only) | |

## 8.2.2 Policy Review: Promotional and Advertising Signs Within Road Reserves

| | |
|---|---|
| **Responsible Executive** | Director Corporate and System Services |
| **Author(s)** | Service Manager Property Services |
| **Attachments** | 1. Promotion and Advertising Sign Within Road Reserve Policy - tracked changes ⇩<br>2. Promotion and Advertising Sign Within Road Reserve Policy ⇩ |

**Recommendation**

The Committee recommends Council ADOPTS the amended Promotional and Advertising Sign Within Road Reserve Policy, as shown by Attachment 2.

### Background

This report outlines proposed amendments to the Promotional and Advertising Sign Within Road Reserve Policy.

The Policy was adopted by Council on 12 November 2024 and has been reviewed as part of the City's ongoing policy review process to ensure it remains contemporary and fit for purpose.

This Policy supports the safe, consistent and visually appropriate installation of promotional, directional, and advertising signs within City road reserves. It provides a framework to ensure signage does not adversely impact road safety, traffic efficiency, community amenity, or the natural and built environment. It also establishes requirements for the location, design, content, maintenance, and management of signage within road reserves.

### Submission

N/A.

### Report

The proposed amendments to the Promotional and Advertising Sign Within Road Reserve Policy have been prepared by City officers as part of the City's standard practice of periodically reviewing its suite of Council policies to ensure they remain contemporary and fit for purpose.

As set out in the tracked changes (refer Attachment 1), minor amendments are proposed to the Promotional and Advertising Sign Within Road Reserve Policy.

The Policy remains fit for its intended purpose. The proposed amendments are administrative in nature and ensure the Policy remains contemporary and aligned with current legislative and organisational frameworks.

The minor proposed amendments include:

- Grammatical, formatting, and readability improvements throughout the Policy
- Updates to references to associated policies and supporting documentation
- Introduction of additional definitions to improve clarity and interpretation of the Policy
- Minor updates to indemnity insurance provisions.

No changes are proposed to the overall intent of the Policy, its objectives, or the principles that guide the City's decision-making in relation to advertising and promotional signage within road reserves.

**Strategic Plans/Policy Implications**

Our Economy
Attracting investment, supporting business and visitor growth and boosting local jobs through vibrant hubs.
• Empower and support local businesses.
Attract investment to the City by promoting innovation and economic opportunity.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

**Risk Management Implications**

The amendments are minor and primarily administrative in nature. No significant risks have been identified.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Title | Promotional & Advertising Sign Within Road Reserve |
|---|---|

## Policy Type

Council

## Policy Purpose

This policy details the key considerations for the installation of any promotional, directional and sponsor advertising signs (units) in road reserves within the City ensuring that signs do not cause any loss of amenity or adversely affect the natural or built environment, including the efficiency, safe use and appearance of any road.

The Policy considers all types of advertising such as promotional banners, illuminated free-standing signs, directional signs and advertising on litter bins and bus stop seats. This Policy should be read in conjunction with the City's Signs & Advertising Policy (LPP3.7), Signs Hoarding Information Sheet, and the Local Government Act 1995.

~~The Policy considers all types of advertising such as promotional banners, illuminated free standing signs, directional signs and advertising on litter bins and bus stop seats. This policy must be read in conjunction with the City's Promotional Street Banner Guidelines, Illuminated Sign Guideline, Directional Sign Guideline and Advertising on Litter Bins and Bus Stop Seats Guideline. Signs Horadings Information Sheet and Signs & Advertising Policy and Local government Act 1995.~~

This policy aligns with the City's Strategic Community Plan.

## Definitions

1. **"Static Illuminated Device"** will mean structures erected by a proponent on road reserves under the control of the City. Static illuminated signs can incorporate community messaging, directional signage, street names and sponsor commercial advertising.

2. **"Static Electronic Display"** will mean free-~~-~~standing signs containing ~~8~~eight static frames of instantaneous message~~ing~~ change. The ~~Content of 8~~ frames of a static electronic display ~~signs should~~must contain no movement.

3. **"Sponsor"** will mean any entity for whom, whether for valuable consideration or otherwise, and subject to the provisions of this policy, may display static advertising or promotional materials on illuminated electronic signs.

4. **"Units"** will mean Static Illuminated Devices, Static Electronic Displays, stand-alone signs, illuminated street name signs, street furniture, bus stop seats or

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| Title | Promotional & Advertising Sign Within Road Reserve |
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litter bins installed within a road reserve.

5. "Road Reserve" will mean land dedicated, reserved, vested in, or used for road purposes.

~~5.~~6. "Proponent" will mean the person, organisation, or entity applying for approval to install, operate, or maintain a sign or advertising unit within a road reserve.

**Policy Statement**

Applications for the display of signs and advertising within a road reserve shall take into account the following considerations.

(1) Display

The display of directional, promotional, and advertising signs (units) shall:

1. Be restricted to Static Illuminated Devices, Static Electronic Displays, stand-alone signs, illuminated street name signs, street furniture, bus stop seats, or litter bins installed in a road reserve.
2. Sponsor advertising within a road reserve ~~is~~ may be permitted, ~~within road reserve,~~ subject to ~~adherence to~~ compliance ~~this~~with this P~~p~~olicy, associated guidelines, and ~~approval by the~~ City approval.
3. All signs and associated fittings are to be constructed in accordance with current Australian Standards.
4. Each unit is to have a frangible level above the base plate and the structural adequacy of the frangible support is to be certified by a suitably qualified practicing structural engineer.
5. Each unit must be manufactured from damage resistant materials and to be non-flammable.
6. Signs including the street names and civic messages shall comply with AS1742·5-1986 for street and community signs.
7. The display size and content of each unit ~~has to~~must be in accordance with the relevant guideline and ~~must be~~ approved by the City.

(2) Location

1. Promotional signs are restricted to local roads in new and renewal development areas of the district and would not normally be supported in an established residential area.
2. Sponsor advertising signs are restricted to commercial locations within industrial areas of the district and would not normally be supported in a residential area unless adjoining a bus stop.

[2]

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3. Each unit must be located a minimum of one (1) met~~er~~re behind the face of the kerb. In areas where the edge of the carriageway is not kerbed, no portion of the unit shall be closer than three (3) metres to the edge of the carriageway.
4. Units are not permitted within or in the vicinity of intersections where traffic speed and movements are such that the driver needs to concentrate fully on the task of driving.
5. Each unit must be limited as follows:
   (a) "T- Junction" - no more than one (1)~~,~~ unit,
   (b) "Cross intersection" - no more than two (2) units.
   (c) Units are not to be located in or on roundabouts or traffic islands.
6. Units are not to be located in positions which detract from the aesthetics, amenity or streetscape of the locality in which it is situated.
7. Units proposed to be located within the boundaries of highways and main roads (under the control of MRWA) shall be subject to assessment in accordance with the Main Roads (Control of Advertising) Regulations 1996, and Guide to the Management of Roadside Advertising, as amended from time to time.

(3) Content

1. The content on the promotional and advertising units must be approved by the City and will be restricted to marketing of the location and place of the development or events promoted by the City of Cockburn.
2. General/generic sponsor advertising messages for products or services not provided within reasonable proximity to the unit will not be supported.
3. The City will not support messages that it considers to be advertising products or services that could cause offence or are illegal or immoral.
4. Colours and shapes arranged that may be mistaken for traffic control signals, traffic signals or instructions signs will not be permitted.
5. Symbols, graphics, or text that entices drivers to immediately turn or change lanes or could be mistaken for an instruction to drivers will not be permitted.

(4) User Amenity

The ~~A~~amenity impacts of a proposed site will be assessed ~~will be assessed at a proposed site~~ to ensure the advertising sign does not create an aesthetically objectionable road environment, or adversely impact residents or the wider community. Digital signs should be designed and located to preserve or improve visual amenity within the road reserve and adjoining areas visible from the road or roadside vantage points.

Digital signs must not obstruct a road users' view (including pedestrians, cyclists and eRideable users) of adjacent road carriageways, cycleways, and footpaths.

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(5) Ownership and Maintenance

The proponent shall retain ownership of the unit and shall implement a maintenance programme as indicated below as a minimum:

1. Illuminated signs shall be subject to approval by Western Power or other appropriate authority for all electrical systems to ensure the electrical connections are designed to be safe in all situations.
2. The proponent shall meet the full cost of any electrical connection and electricity supply.
3. The sign shall be maintained by the owner in a clean and safe condition at all times at no cost to the City of Cockburn.
4. In the case of emergency, should it be necessary for the City of Cockburn to remove, repair or otherwise modify the sign for any reason, the whole cost of such work shall be borne by the owner.
5. Removal of graffiti and rectification of any damage, on any part of the sign structure, shall be arranged promptly by the sign owner.

(6) Relocation or Removal

1. The City of Cockburn shall advise the owner in advance of any road or other works that may require the removal or relocation of the unit and the owner shall remove or relocate the unit at the owner's ~~cost~~expense.
2. The removal of a unit by the City will only be exercised in any or all of the following circumstances:

   (a) Where the unit has~~ve~~ not been maintained to the satisfaction of the City.
   (b) Where the unit is damaged or the legend has become illegible.
   (c) Where road works and/or the installation of public utility services necessitates the removal of the unit.
   (d) Where there is a substantial change in the nature of traffic or the alignment of the road in the vicinity of the unit.
   (e) Where the road is reclassified to accommodate a higher speed.
   (f) Where the message conveyed on the unit in the opinion of the City is no longer current, appropriate or acceptable.
   (g) Where the proponent has not complied with the terms of the approval for the unit issued by the City.

(~~6~~7) Administration

1. Administration Fee

   (a) The proponent shall pay the City an annual rental or licence fee for any unit located within the road reserve, under control and management of the City.

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(b) The licence fee will be set in accordance with the comparative market rate by assessing what other local governments in the area are charging, and will be stated in the Fees and Charges each year. The licence fee will be subject to CPI increase annually. The licence fee will be subject to a Market Rent Valuation at the commencement of each further term, if applicable.

2. Application and Duration of Approval

Application ~~ns~~ process and approval durations ~~of~~for ~~approval for~~ each unit must be read in conjunction with ~~the relevant City's Guidelines.~~the following City documents:

a) Signs Hoardings Information Sheet – Building Services

~~a)~~b) Signs & Advertising Policy (LPP3.7)

~~(a) Promotional banner - Promotional Street Banner Guidelines;~~

~~(b) Illuminated sign - Illuminated Sign Guideline;~~

~~(c) Directional sign - Directional Sign Guideline;~~

~~(d) Advertising on litter bins and bus stop seats - Advertising on Litter Bins and Bus Stop Seats Guideline.~~

3. Legal Costs

(a) The proponent shall pay all costs incurred by both parties of and incidental to the preparation, execution and stamping of any agreement that may be prepared between the proponent and the City of Cockburn

4. Indemnity

(a) The proponent shall indemnify the City of Cockburn against any claim or action and shall procure and maintain a Public Liability Insurance Policy to twenty-~~-~~five (25) million dollars in the names of the ~~owner~~ proponent with the City of Cockburn noted as interested party.

(b) The City may require evidence of currency at any time during the approval period.

(c) Failure to maintain insurance may result in immediate revocation of approval.

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| Strategic Link: | Integrated Transport Strategy |
| Category | Transport, Traffic & Parking |
| Lead Business Unit: | ~~Property & Assets~~Financial Services |
| Public Consultation: **(Yes or No)** | No |

[5]

| Title | Promotional & Advertising Sign Within Road Reserve |
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| Adoption Date:<br>(Governance Purpose Only) | ~~12 November 2024~~ |
| Next Review Due:<br>(Governance Purpose Only) | ~~November 2026~~ |
| ECM Doc Set ID:<br>(Governance Purpose Only) | 4131888 |

[6]

| Title | Promotional & Advertising Sign Within Road Reserve |
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## Policy Type

Council

## Policy Purpose

This policy details the key considerations for the installation of any promotional, directional and sponsor advertising signs (units) in road reserves within the City ensuring that signs do not cause any loss of amenity or adversely affect the natural or built environment, including the efficiency, safe use and appearance of any road.

The Policy considers all types of advertising such as promotional banners, illuminated free-standing signs, directional signs and advertising on litter bins and bus stop seats. This Policy should be read in conjunction with the City's Signs & Advertising Policy (LPP3.7), Signs Hoarding Information Sheet, and the Local Government Act 1995.

This policy aligns with the City's Strategic Community Plan.

## Definitions

1. **"Static Illuminated Device"** will mean structures erected by a proponent on road reserves under the control of the City. Static illuminated signs can incorporate community messaging, directional signage, street names and sponsor commercial advertising.

2. **"Static Electronic Display"** will mean free-standing signs containing eight static frames of instantaneous message change. The frames of a static electronic display must contain no movement.

3. **"Sponsor"** will mean any entity for whom, whether for valuable consideration or otherwise, and subject to the provisions of this policy, may display static advertising or promotional materials on illuminated electronic signs.

4. **"Units"** will mean Static Illuminated Devices, Static Electronic Displays, stand-alone signs, illuminated street name signs, street furniture, bus stop seats or litter bins installed within a road reserve.

5. "Road Reserve" will mean land dedicated, reserved, vested in, or used for road purposes.

6. "Proponent" will mean the person, organisation, or entity applying for approval to install, operate, or maintain a sign or advertising unit within a road reserve.

| Title | Promotional & Advertising Sign Within Road Reserve |
|---|---|

## Policy Statement

Applications for the display of signs and advertising within a road reserve shall take into account the following considerations.

(1) Display

The display of directional, promotional, and advertising signs (units) shall:

1. Be restricted to Static Illuminated Devices, Static Electronic Displays, stand-alone signs, illuminated street name signs, street furniture, bus stop seats, or litter bins installed in a road reserve.
2. Sponsor advertising within a road reserve may be permitted, subject to compliance with this Policy, associated guidelines, and City approval.
3. All signs and associated fittings are to be constructed in accordance with current Australian Standards.
4. Each unit is to have a frangible level above the base plate and the structural adequacy of the frangible support is to be certified by a suitably qualified practicing structural engineer.
5. Each unit must be manufactured from damage resistant materials and to be non-flammable.
6. Signs including the street names and civic messages shall comply with AS1742·5-1986 for street and community signs.
7. The display size and content of each unit must be in accordance with the relevant guideline and approved by the City.

(2) Location

1. Promotional signs are restricted to local roads in new and renewal development areas of the district and would not normally be supported in an established residential area.
2. Sponsor advertising signs are restricted to commercial locations within industrial areas of the district and would not normally be supported in a residential area unless adjoining a bus stop.
3. Each unit must be located a minimum of one (1) metre behind the face of the kerb. In areas where the edge of the carriageway is not kerbed, no portion of the unit shall be closer than three (3) metres to the edge of the carriageway.
4. Units are not permitted within or in the vicinity of intersections where traffic speed and movements are such that the driver needs to concentrate fully on the task of driving.
5. Each unit must be limited as follows:
   (a) “T- Junction” - no more than one (1) unit,
   (b) “Cross intersection” - no more than two (2) units.
   (c) Units are not to be located in or on roundabouts or traffic islands.

| Title | Promotional & Advertising Sign Within Road Reserve |
|---|---|

6. Units are not to be located in positions which detract from the aesthetics, amenity or streetscape of the locality in which it is situated.
7. Units proposed to be located within the boundaries of highways and main roads (under the control of MRWA) shall be subject to assessment in accordance with the Main Roads (Control of Advertising) Regulations 1996, and Guide to the Management of Roadside Advertising, as amended from time to time.

(3) Content

1. The content on the promotional and advertising units must be approved by the City and will be restricted to marketing of the location and place of the development or events promoted by the City of Cockburn.
2. General/generic sponsor advertising messages for products or services not provided within reasonable proximity to the unit will not be supported.
3. The City will not support messages that it considers to be advertising products or services that could cause offence or are illegal or immoral.
4. Colours and shapes arranged that may be mistaken for traffic control signals, traffic signals or instructions signs will not be permitted.
5. Symbols, graphics, or text that entices drivers to immediately turn or change lanes or could be mistaken for an instruction to drivers will not be permitted.

(4) User Amenity

The amenity impacts of a proposed site will be assessed to ensure the advertising sign does not create an aesthetically objectionable road environment, or adversely impact residents or the wider community. Digital signs should be designed and located to preserve or improve visual amenity within the road reserve and adjoining areas visible from the road or roadside vantage points.

Digital signs must not obstruct a road users' view (including pedestrians, cyclists and eRideable users) of adjacent road carriageways, cycleways, and footpaths.

(5) Ownership and Maintenance

The proponent shall retain ownership of the unit and shall implement a maintenance programme as indicated below as a minimum:

1. Illuminated signs shall be subject to approval by Western Power or other appropriate authority for all electrical systems to ensure the electrical connections are designed to be safe in all situations.
2. The proponent shall meet the full cost of any electrical connection and electricity supply.
3. The sign shall be maintained by the owner in a clean and safe condition at all times at no cost to the City of Cockburn.

| Title | Promotional & Advertising Sign Within Road Reserve |
|---|---|

4. In the case of emergency, should it be necessary for the City of Cockburn to remove, repair or otherwise modify the sign for any reason, the whole cost of such work shall be borne by the owner.
5. Removal of graffiti and rectification of any damage, on any part of the sign structure, shall be arranged promptly by the sign owner.

(6) Relocation or Removal

1. The City of Cockburn shall advise the owner in advance of any road or other works that may require the removal or relocation of the unit and the owner shall remove or relocate the unit at the owner's expense.
2. The removal of a unit by the City will only be exercised in any or all of the following circumstances:

   (a) Where the unit has not been maintained to the satisfaction of the City.
   (b) Where the unit is damaged or the legend has become illegible.
   (c) Where road works and/or the installation of public utility services necessitates the removal of the unit.
   (d) Where there is a substantial change in the nature of traffic or the alignment of the road in the vicinity of the unit.
   (e) Where the road is reclassified to accommodate a higher speed.
   (f) Where the message conveyed on the unit in the opinion of the City is no longer current, appropriate or acceptable.
   (g) Where the proponent has not complied with the terms of the approval for the unit issued by the City.

(7) Administration

1. Administration Fee

   (a) The proponent shall pay the City an annual rental or licence fee for any unit located within the road reserve, under control and management of the City.

   (b) The licence fee will be set in accordance with the comparative market rate by assessing what other local governments in the area are charging, and will be stated in the Fees and Charges each year. The licence fee will be subject to CPI increase annually. The licence fee will be subject to a Market Rent Valuation at the commencement of each further term, if applicable.

2. Application and Duration of Approval

   Application process and approval durations for each unit must be read in conjunction with the following City documents:
   a) Signs Hoardings Information Sheet – Building Services
   b) Signs & Advertising Policy (LPP3.7)

| Title | Promotional & Advertising Sign Within Road Reserve |
|---|---|

3. Legal Costs

   (a) The proponent shall pay all costs incurred by both parties of and incidental to the preparation, execution and stamping of any agreement that may be prepared between the proponent and the City of Cockburn

4. Indemnity

   (a) The proponent shall indemnify the City of Cockburn against any claim or action and shall procure and maintain a Public Liability Insurance Policy to twenty-five (25) million dollars in the names of the proponent with the City of Cockburn noted as interested party.

   (b) The City may require evidence of currency at any time during the approval period.

   (c) Failure to maintain insurance may result in immediate revocation of approval.

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| Strategic Link: | Integrated Transport Strategy |
| Category | Transport, Traffic & Parking |
| Lead Business Unit: | Financial Services |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | 4131888 |

## 8.3 Infrastructure Services

### 8.3.1 Policy Review: Installation of Recreational Equipment on Public Open Space Policy

| | |
|---|---|
| **Responsible Executive** | Director Infrastructure Services |
| **Author(s)** | Service Manager Parks and Environment |
| **Attachments** | 1. Installation of Recreational Equipment to Public Open Space - tracked changes ⇩<br>2. Installation of Recreational Equipment to Public Open Space ⇩ |

**Recommendation**

The Committee recommend Council ADOPTS the 'Installation of Recreational Equipment on Public Open Space Policy', as shown by Attachment 2.

**Background**

As per the Schedule of Policy Review adopted by Council, the following Infrastructure Directorate Policy is due for review and is presented to the Governance Committee.

**Submission**

N/A

**Report**

A number of changes are proposed for this Policy to assist with the process for the Installation or Recreational Equipment on Public Open Space.

The Policy structure has been reordered to flow in a more sequential manner with new and revised clauses..

The table below sets out the proposed changes and the reasons for change:

| **Installation or Recreational Equipment on Public Open Space** | |
|---|---|
| Description | Comment |
| (1) Additional sentence added; *funding approval and any other relevant Council-adopted strategies, plans and asset management objectives.* | Additional criteria listed in addition to the Public Open Space strategy to strengthen criteria for investments in City infrastructure. |
| (2) Where there is opportunity for community influence on the location, design or implementation of recreational equipment, community engagement will be undertaken in accordance with the City's Community Engagement Policy. | Provides justification for the need to consult and aligns consultation with the City's Community engagement policy. |
| (3) The level and method of community engagement will be determined having regard to the scale, complexity and potential impacts of the proposed installation, including consideration of:<br>proximity to residential properties;<br>anticipated levels of use;<br>traffic, parking and access impacts;<br>visual amenity;<br>noise generation; and<br>any other matters considered relevant by the City. | Strengthens assessment for proposal of recreational equipment and impacts in the community. |
| (4) Additional sentence added; *however, the City may proceed with a proposal where it is satisfied the installation delivers a broader community benefit.* | Provides understanding that the final decision will ultimately be based on the greater community outcomes. |
| (5) Prior to the commencement of construction, the City will provide notification of the approved installation in accordance with the Community Engagement Policy. This will include on-site signage for a minimum period of two weeks identifying the proposed recreational equipment and its location within the reserve. Signage will remain in place for the duration of construction where practicable | Updated clause to provide clarification on signage through the planning, design and deliver phase of the project. |
| (6) The provision of shade structures associated with playgrounds will be prioritised in accordance with public health objectives and asset management considerations | Amended clause to use public health objectives to guide new installations of shade sail structures |

**Strategic Plans/Policy Implications**

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Promote and support active, healthy lifestyles through recreation and wellness.

Our Places
Enhancing distinctive, liveable areas with well-connected, safe transport options.
• Strengthen unique, liveable and adaptive places.

**Budget/Financial Implications**
N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

There is a medium level of reputational and financial risk if this policy is not adopted. Without clear policy to guide recreational equipment installations, the City may be required to remove items incorrectly placed.
**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Title | Installation of Recreational Equipment on Public Open Space |
|---|---|

## Policy Type

Council

## Policy Purpose

To ensure a consistent, transparent and equitable process for planning and installation of recreational equipment on Public Open Space.

Recreational equipment includes; half-court basketball, exercise equipment stations, new playgrounds, including associated new shade sails structures and sports goals.

Skate parks and clay pump tracks are not covered by this policy and are subject to separate planning and community engagement processes in accordance with the City's Community Engagement Policy.~~To ensure a consistent and equitable process is implemented for the installation of recreational equipment on public open space. Recreational equipment includes; half court basket-ball, exercise equipment stations, playgrounds (including shade sails) and sports goals.~~

~~Skate parks and clay pump track locations are not covered by this policy and are subject to a wider community consultation process~~

## Policy Statement

The City will undertake the installation of recreational equipment within Public Open Space under its care, control and management, in accordance with the following principles:

(1) The provision and distribution of recreational equipment will be guided by the City's adopted Public Open Space Strategy, funding approval and any other relevant Council-adopted strategies, plans and asset management objectives.

(2) Where there is opportunity for community influence on the location, design or implementation of recreational equipment, community engagement will be undertaken in accordance with the City's Community Engagement Policy.

(3) The level and method of community engagement will be determined having regard to the scale, complexity and potential impacts of the proposed installation, including consideration of:
proximity to residential properties;
anticipated levels of use;
traffic, parking and access impacts;
visual amenity;
noise generation; and
any other matters considered relevant by the City.

(4) The City will consider all feedback received through the community engagement process when determining the suitability, design and location of recreational equipment. Community feedback will inform decision-making; however, the City

[1]

| Title | Installation of Recreational Equipment on Public Open Space |
|---|---|

may proceed with a proposal where it is satisfied the installation delivers a broader community benefit.

(5) Prior to the commencement of construction, the City will provide notification of the approved installation in accordance with the Community Engagement Policy. This will include on-site signage for a minimum period of two weeks identifying the proposed recreational equipment and its location within the reserve. Signage will remain in place for the duration of construction where practicable.

(6) The provision of shade structures associated with playgrounds will be prioritised in accordance with public health objectives and asset management considerations.

~~The City will follow the process as outlined below:~~

~~(1) Install signage for a two week period informing of the proposed active recreation equipment to be installed and the preferred location on the public open space.~~

~~(2) Extent of consultation will be in accordance with the catchment area for the specific Public Open Space. This is determined in the catchment hierarchy criteria in the City's Public Open Space Strategy 2014-2024.~~

~~(3) If any objections are received alternative locations or landscaping treatments will be identified in order to resolve the concerns.~~

~~(4) The provision of recreational equipment with be in accordance with the Public Open Space Strategy and the provision of playground shade sails will be in accordance with the Playground Shade Sail Strategy.~~

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| Strategic Link: | Public Open Space Strategy 2014-2024<br>Playground Shade Sail Strategy |
| Category | Sport & Recreation |
| Lead Business Unit: | Operations and Maintenance |
| Public Consultation:<br>**(Yes or No)** | No |
| Adoption Date:<br>(Governance Purpose Only) | ~~11 May 2023~~ |
| Next Review Due:<br>(Governance Purpose Only) | ~~May 2025~~ |
| ECM Doc Set ID:<br>(Governance Purpose Only) | 4132779 |

[2]

| Title | Installation of Recreational Equipment on Public Open Space |
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## Policy Type

Council

## Policy Purpose

To ensure a consistent, transparent and equitable process for planning and installation of recreational equipment on Public Open Space.

Recreational equipment includes; half-court basketball, exercise equipment stations, new playgrounds, including associated new shade sails structures and sports goals.

Skate parks and clay pump tracks are not covered by this policy and are subject to separate planning and community engagement processes in accordance with the City's Community Engagement Policy.
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## Policy Statement

The City will undertake the installation of recreational equipment within Public Open Space under its care, control and management, in accordance with the following principles: The City will plan and install recreational equipment within Public Open Space under its care, control and management in accordance with the following principles:

(1) The provision and distribution of recreational equipment will be guided by the City's adopted Public Open Space Strategy, funding approval and any other relevant Council-adopted strategies, plans and asset management objectives.

(2) Where there is opportunity for community influence on the location, design or implementation of recreational equipment, community engagement will be undertaken in accordance with the City's Community Engagement Policy.

(3) The level and method of community engagement will be determined having regard to the scale, complexity and potential impacts of the proposed installation, including consideration of:
- proximity to residential properties;
- anticipated levels of use;
- traffic, parking and access impacts;
- visual amenity;
- noise generation; and
- any other matters considered relevant by the City.

(4) The City will consider all feedback received through the community engagement process when determining the suitability, design and location of recreational equipment. Community feedback will inform decision-making; however, the City may proceed with a proposal where it is satisfied the installation delivers a broader community benefit.

| Title | Installation of Recreational Equipment on Public Open Space |
|---|---|

(5) Prior to the commencement of construction, the City will provide notification of the approved installation in accordance with the Community Engagement Policy. This will include on-site signage for a minimum period of two weeks identifying the proposed recreational equipment and its location within the reserve. Signage will remain in place for the duration of construction where practicable.

(6) The provision of shade structures associated with playgrounds will be prioritised in accordance with public health objectives and asset management considerations.

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|---|---|
| Strategic Link: | Public Open Space Strategy |
| Category | |
| Lead Business Unit: | Infrastructure Services |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | 4132779 |

## 8.4 Community and Place

### 8.4.1 Policy Review: Library Services Policy

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|---|---|
| **Responsible Executive** | Director Community and Place |
| **Author(s)** | Service Manager Library, Place and Culture |
| **Attachments** | 1. Library Services Policy - tracked changes ⇩<br>2. Library Services Policy ⇩ |

**Recommendation**

The Committee recommends Council ADOPTS the amended Library Services Policy, as shown by Attachment 2.

**Background**

The Library Services Policy is due for review. The policy provides the City and the community with a clear and consistent framework for the management of the City's libraries and library resources.

The policy has now been reviewed as part of the City's scheduled policy review process to ensure it remains contemporary, accurate and aligned with current library operations.

**Submission**

N/A

**Report**

The Library Services Policy provides the framework for the management and use of the City's libraries and resources.

The review found that the policy remains fit for purpose, with amendments proposed to reflect current practices and improve clarity. The key changes include:

- updating membership requirements and conditions of use
- clarifying charges for lost or damaged items
- updating the confidentiality provisions for member information and borrowing history
- clarifying the acceptance and management of donated materials
- updating public internet access and printing provisions
- clarifying requirements for the supervision of children
- updating expectations regarding appropriate behaviour within libraries.

The revised policy also strengthens the City's position on collection development and free access to information. It confirms that library collections will support the informational, educational, recreational and cultural needs of the community and align with the Collection Development Guidelines for Cockburn Libraries.

The policy further confirms that library materials will not be excluded solely because they may be controversial or considered offensive by some members of the community. Resources will remain accessible except where restricted by law or the library's loan conditions, with parents and carers responsible for monitoring children and young people's selection and use of library resources.

**Strategic Plans/Policy Implications**

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Foster connected, accessible communities and services.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

Community consultation was not undertaken as the amendments reflect current operations and improve the clarity of the policy.

**Risk Management Implications**

There is a low level of risk associated with adopting the amended policy. The amendments improve clarity and ensure the policy reflects current library operations.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Title | Library Services |
|---|---|

## Policy Type

Council

## Policy Purpose

This policy provides the City and the community with a clear and consistent framework for the management of the City's libraries and its resources.

## Policy Statement

(1) Membership

In accordance with the Library Board of Western Australia Act 1951~~ 1985~~, members of the community are invited to apply for library membership by providing proof of their identity and current residential address in accordance with the Conditions of Membership statement and agreeing to the Terms and Conditions of Use. Categories of membership with restricted conditions are available for people without proof of address.

Any person under 16 years of age must have their membership application authorised by their parent or legal guardian.

Conditions of library use are outlined in the libraries' terms and conditions and are agreed to at the time of membership.

~~Materials recovery f~~Fees for lost or damaged items ~~for long overdue items sha~~may~~ll~~ be levied in accordance with Regulation 14(1) of the Library Board of WA Act 1951~~-1985~~. Charges will be determined by Council's adopted Fees and Charges in the Annual Budget. Temporary suspension of membership may~~will~~ be applied to any library member who retains library materials and/or has an outstanding debt.

(2) Confidentiality

In normal circumstances the library does not make available the personal details or borrowing history of any library member unless an 'order to produce' is presented pursuant to federal, state, or local law. However, in the event that a member fails to return long overdue library items, personal details ~~will~~ may be made available to a material recovery agency to facilitate the return of these items.

(3) Library Collections

Cockburn Libraries is committed to enhancing and maintaining a collection of library materials and resources to support the informational, educational, recreational, and cultural needs of the community. Purchase of library materials demonstrates the City's commitment to enhancing the collection to a high standard to supplement library materials provided by the State Library of Western Australia. Collections will meet the Collection Development Guidelines for Cockburn Libraries.

[1]

| Title | Library Services |
|---|---|

Whilst libraries do not generally accept donations, unless they are of high demand and meet collection development guidelines, some d~~D~~onations may~~will~~ be accepted on the understanding that the material donated becomes the property of the City of Cockburn. The Library reserves the right to include or not to include donated materials in its collections or to dispose of such materials in any way which in the opinion of the Branch ~~Manager~~ Librarian is in the best interests of the Library Service. The Library Service will not be bound in any way whatsoever to account to donors for the manner of the disposal of donated materials.

Cockburn Libraries endorse the Statement on Free Access to Information (Adopted 2001, amended 2007, ~~and~~ 2015 and 2018), the Statement on Libraries and Literacies (Adopted 1979, amended 1996, 2006) issued by the Australian Library and Information Association and the United Nations 2030 Agenda for Sustainable Development (Adopted September, 2015).

The Library will not exercise censorship in the selection of materials by rejecting on moral, gender, individual lifestyle, political, racial or religious grounds alone material which is otherwise relevant to the purpose of the Library and meets the standards, such as historical importance, intellectual integrity, effectiveness of expression or accuracy of information which are required by the Library Service. Material will not be rejected on the grounds that its content is controversial or likely to offend some section of the Library's community. Library resources are available to all library users without restriction, except where legally required, or as set out in the Library's loan conditions. It is the responsibility of parents/carers to monitor children and young people's selection and use of library resources.

(4) Public Internet Access

Library Services will provide access to computer and Internet facilities and Wi Fi access in accordance with the Public Internet Usage Guidelines. To facilitate equitable access to computers, a member is required to use the booking system and will be limited to a specified amount of computer access per day as determined by the conditions of use.

The City cannot guarantee continuous Internet access during the time booked.

Access to printing will be available for a fee as determined by Council's adopted Fees and Charges in the Annual Budget.

(5) Supervision of Children

The responsible parent, legal guardian or caregiver must supervise their children while in the library. The following principles apply:

1. Children (under 13 years of age) are not to be left unattended at any time.
2. The City takes no responsibility for the welfare of unattended children.
3. A child left unattended in a public library may be classed as a "child at risk of harm" under section 28(2) of the Children and Community Services Act 2004 and may be reported to the police or Department of Child Protection. A parent who leaves an unattended child in a Cockburn Library may be breaching the

| Title | Library Services |
|---|---|

Children and Community Services Act 2004 (failing to protect a child from harm s.101).

(6) Public Welfare

All users are expected to behave in a manner that is appropriate to the nature of the library. Those who misuse the library or adversely impact other users can be banned from the libraries at the discretion of the Branch Librarian~~Manager~~ under section 29 of the Library Board Act 1951~~ 1985~~ and, if appropriate, referred to the police and/or other authorities.

(7) Copyright

Cockburn Libraries support and uphold the rights of copyright owners as documented in the Commonwealth Copyright Act 1968.

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|---|---|
| Strategic Link: | Our Community~~, Lifestyle & Security~~ |
| Category | Cockburn Libraries |
| Lead Business Unit: | Library~~-~~, Place and Culture ~~and Cultural Services~~ |
| Public Consultation: **(Yes or No)** | ~~Yes~~No |
| Adoption Date: (Governance Purpose Only) | ~~14 September 2023~~ |
| Next Review Due: (Governance Purpose Only) | ~~September 2025~~ |
| ECM Doc Set ID: (Governance Purpose Only) | 8028320 |

| Title | Library Services |
|---|---|

## Policy Type

Council

## Policy Purpose

This policy provides the City and the community with a clear and consistent framework for the management of the City's libraries and its resources.

## Policy Statement

(1) Membership

In accordance with the Library Board of Western Australia Act 1951, members of the community are invited to apply for library membership by providing proof of their identity and current residential address in accordance with the Conditions of Membership statement and agreeing to the Terms and Conditions of Use. Categories of membership with restricted conditions are available for people without proof of address.

Any person under 16 years of age must have their membership application authorised by their parent or legal guardian.

Conditions of library use are outlined in the libraries' terms and conditions and are agreed to at the time of membership.

Fees for lost or damaged items may be levied in accordance with Regulation 14(1) of the Library Board of WA Act 1951. Charges will be determined by Council's adopted Fees and Charges in the Annual Budget. Temporary suspension of membership may be applied to any library member who retains library materials and/or has an outstanding debt.

(2) Confidentiality

In normal circumstances the library does not make available the personal details or borrowing history of any library member unless an 'order to produce' is presented pursuant to federal, state, or local law. However, in the event that a member fails to return long overdue library items, personal details may be made available to a material recovery agency to facilitate the return of these items.

(3) Library Collections

Cockburn Libraries is committed to enhancing and maintaining a collection of library materials and resources to support the informational, educational, recreational, and cultural needs of the community. Purchase of library materials demonstrates the City's commitment to enhancing the collection to a high standard to supplement library materials provided by the State Library of Western Australia. Collections will meet the Collection Development Guidelines for Cockburn Libraries.

| Title | Library Services |
|---|---|

Whilst libraries do not generally accept donations, unless they are of high demand and meet collection development guidelines, some donations may be accepted on the understanding that the material donated becomes the property of the City of Cockburn. The Library reserves the right to include or not to include donated materials in its collections or to dispose of such materials in any way which in the opinion of the Branch Librarian is in the best interests of the Library Service. The Library Service will not be bound in any way whatsoever to account to donors for the manner of the disposal of donated materials.

Cockburn Libraries endorse the Statement on Free Access to Information (Adopted 2001, amended 2007,2015 and 2018), the Statement on Libraries and Literacies (Adopted 1979, amended 1996, 2006) issued by the Australian Library and Information Association and the United Nations 2030 Agenda for Sustainable Development (Adopted September, 2015).

The Library will not exercise censorship in the selection of materials by rejecting on moral, gender, individual lifestyle, political, racial or religious grounds alone material which is otherwise relevant to the purpose of the Library and meets the standards, such as historical importance, intellectual integrity, effectiveness of expression or accuracy of information which are required by the Library Service. Material will not be rejected on the grounds that its content is controversial or likely to offend some section of the Library's community. Library resources are available to all library users without restriction, except where legally required, or as set out in the Library's loan conditions. It is the responsibility of parents/carers to monitor children and young people's selection and use of library resources.

(4) Public Internet Access

Library Services will provide access to computer and Internet facilities and Wi Fi access in accordance with the Public Internet Usage Guidelines. To facilitate equitable access to computers, a member is required to use the booking system and will be limited to a specified amount of computer access per day as determined by the conditions of use.

The City cannot guarantee continuous Internet access during the time booked.

Access to printing will be available for a fee as determined by Council's adopted Fees and Charges in the Annual Budget.

(5) Supervision of Children

The responsible parent, legal guardian or caregiver must supervise their children while in the library. The following principles apply:

1. Children (under 13 years of age) are not to be left unattended at any time.
2. The City takes no responsibility for the welfare of unattended children.
3. A child left unattended in a public library may be classed as a "child at risk of harm" under section 28(2) of the Children and Community Services Act 2004 and may be reported to the police or Department of Child Protection. A parent who leaves an unattended child in a Cockburn Library may be breaching the

| Title | Library Services |
|---|---|

Children and Community Services Act 2004 (failing to protect a child from harm s.101).

(6) Public Welfare

All users are expected to behave in a manner that is appropriate to the nature of the library. Those who misuse the library or adversely impact other users can be banned from the libraries at the discretion of the Branch Librarian under section 29 of the Library Board Act 1951 and, if appropriate, referred to the police and/or other authorities.

(7) Copyright

Cockburn Libraries support and uphold the rights of copyright owners as documented in the Commonwealth Copyright Act 1968.

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|---|---|
| Strategic Link: | Our Community |
| Category | Cockburn Libraries |
| Lead Business Unit: | Library, Place and Culture |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | 8028320 |

## 8.4.2 Policy Review: Arts Hall of Fame Policy

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|---|---|
| **Responsible Executive** | Director Community and Place |
| **Author(s)** | Service Lead Events and Culture |
| **Attachments** | 1. Arts Hall of Fame Policy - tracked changes ⇩<br>2. Arts Hall of Fame Policy ⇩ |

**Recommendation**

That Council ADOPTS the amended Arts Hall of Fame Policy, as shown by Attachment 2.

### Background

Arts Hall of Fame Policy was initially adopted in July 2024 and is due for scheduled review in 2026.

The policy provides a framework for recognising and promoting the outstanding contributions and achievements of artists and arts workers who currently or previously resided in the City of Cockburn. It also establishes clear and consistent eligibility and assessment criteria for induction into the Arts Hall of Fame.

### Submission

N/A

### Report

The review has confirmed that the policy remains fit for purpose and continues to support the objectives of the Arts Hall of Fame program.

The proposed amendments are primarily administrative and seek to improve the policy's clarity, structure and readability. The revised policy clarifies its purpose, strengthens the articulation of the City's commitment to recognising artistic achievement, and presents the nomination, assessment and Council approval processes in a more consistent and transparent manner.

No substantive changes are proposed to the intent of the policy, eligibility requirements or selection criteria. The policy continues to recognise artists and arts workers with a strong connection to Cockburn, with all inductees subject to Council approval.

The amendments strengthen the administration of the policy and support consistent, transparent and effective decision-making while maintaining the existing objectives of the Arts Hall of Fame program.

**Strategic Plans/Policy Implications**

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Foster connected, accessible communities and services.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

The review does not introduce any new or material risks, as the core eligibility requirements, selection criteria and approval process remain unchanged.

The amendments improve governance by providing greater clarity around nominations, assessments and recommendations to Council, reducing the risk of inconsistent decision-making and supporting transparency and accountability.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Title | Arts Hall of Fame |
|---|---|

## Policy Type

Council

## Policy Purpose

The purpose of this policy is to:

(1) Recognise and promote the outstanding contributions and achievements of artists and arts workers who currently or previously resided in the City of Cockburn.

(2) ~~Outline the selection criteria to be considered eligible for recognition.~~

(2) Provide a clear and consistent framework for recognition by outlining the selection criteria used to determine eligibility.

## Policy Statement

The City of Cockburn recognises the vital role artists and arts workers play in enriching the cultural life and identity of the community. This policy provides a structured and equitable approach to recognising artistic achievement by individuals with a strong connection to the City.

This will occur through;

(1) The ~~promotion~~ acknowledgement of outstanding achievements of artists and arts workers by ~~is important to~~:

1. Recognising~~e~~ the achievements made by individuals from the Cockburn community.

2. Motivating~~e~~ aspiring individuals within the Cockburn community.

(2) ~~The City will~~ C~~c~~alling for nominations for the City of Cockburn Arts Hall of Fame every three years, commencing ~~in~~ from 2025.

(3) ~~For consideration to be~~ Nominations from the community for inducting individuals ~~ed~~ into the City of Cockburn Arts Hall of Fame~~, individuals~~:

1. Inductees m~~M~~ust have been a resident for five years or more of the City of Cockburn and/or able to demonstrate a strong connection to the City of Cockburn through residency, significant performances, or meaningful collaborations.

2. Can be deceased or living.

(4) ~~Nominees will be~~ A~~a~~ssessing nominations~~ed~~ under the following selection criteria:

[1]

| Title | Arts Hall of Fame |
|---|---|

1. Demonstrating~~e~~ outstanding artistic achievement and contribution to the arts at a local, national, or international level.

2. Demonstrated cultural impact within Western Australia, Australia or internationally.

3. Recognising~~ed~~ accomplishments, awards or critical acclaim that reflect and demonstrate a commitment to excellence and professionalism in the arts.

(5) ~~Nominees who satisfy the selection criteria will be~~ R~~r~~ecommendation~~ed~~ of Nominees meeting the selection criteria forwarded to Council for approval for induction to the City of Cockburn Arts Hall of Fame.

(6) Definitions:

*Artist*: An Individual who is involved in the arts across any art form.

*Arts worker or administrator*: An Individual who has had a significant involvement in the arts across any artform in a paid or unpaid capacity which includes development, creation, curation, education, advocacy, communication, management, mentoring, governing and/or working within the media.

| | |
|---|---|
| Strategic Link: | Strategic Community Plan - Community, Lifestyle and Security |
| Category | Events, Arts, Culture and Heritage |
| Lead Business Unit: | Library and Cultural Services |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | 11992994 |

[2]

| Title | Arts Hall of Fame |
|---|---|

## Policy Type

Council

## Policy Purpose

The purpose of this policy is to:

(1) Recognise and promote the outstanding contributions and achievements of artists and arts workers who currently or previously resided in the City of Cockburn.

(2) Provide a clear and consistent framework for recognition by outlining the selection criteria used to determine eligibility.

## Policy Statement

The City of Cockburn recognises the vital role artists and arts workers play in enriching the cultural life and identity of the community. This policy provides a structured and equitable approach to recognising artistic achievement by individuals with a strong connection to the City.

This will occur through;

(1) The acknowledgement of outstanding achievements of artists and arts workers by:

1. Recognising the achievements made by individuals from the Cockburn community.

2. Motivating aspiring individuals within the Cockburn community.

(2) Calling for nominations for the City of Cockburn Arts Hall of Fame every three years, commencing from 2025.

(3) Nominations from the community for inducting individuals into the City of Cockburn Arts Hall of Fame:

1. Inductees must have been a resident for five years or more of the City of Cockburn and/or able to demonstrate a strong connection to the City of Cockburn through residency, significant performances, or meaningful collaborations.

2. Can be deceased or living.

(4) Assessing nominations under the following selection criteria:

1. Demonstrated outstanding artistic achievement and contribution to the arts at a local, national, or international level.

| Title | Arts Hall of Fame |
|---|---|

2. Demonstrated cultural impact within Western Australia, Australia or internationally.

3. Recognising accomplishments, awards or critical acclaim that reflect and demonstrate a commitment to excellence and professionalism in the arts.

(5) Recommendation of Nominees meeting the selection criteria to be forwarded to Council for approval for induction to the City of Cockburn Arts Hall of Fame.

(6) Definitions:

*Artist*: An Individual who is involved in the arts across any art form.

*Arts worker or administrator*: An Individual who has had a significant involvement in the arts across any artform in a paid or unpaid capacity which includes development, creation, curation, education, advocacy, communication, management, mentoring, governing and/or working within the media.

| | |
|---|---|
| Strategic Link: | Strategic Community Plan - Community, Lifestyle and Security |
| Category | Events, Arts, Culture and Heritage |
| Lead Business Unit: | Library and Cultural Services |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | 11992994 |

## 8.4.3 Policy Review: Sponsorship and Naming Rights on City Controlled Land and/or Buildings

| | |
|---|---|
| **Responsible Executive** | Director Community and Place |
| **Author(s)** | Service Manager Recreation Services |
| **Attachments** | 1. Sponsorship and Naming Rights on City Controlled Land and/or Buildings - tracked changes ⇩<br>2. Sponsorship and Naming Rights on City Controlled Land and/or Buildings ⇩ |

**Recommendation**

That Council ADOPTS the amended Council Policy Sponsorship and Naming Rights on City Controlled Land and/or Buildings, as shown by Attachment 2.

### Background

The Sponsorship and Naming Rights on City Controlled Land and/or Buildings Policy provides direction to sporting and community groups seeking to enter into sponsorship agreements involving City-controlled land and/or buildings.

The policy establishes requirements for temporary and permanent sponsorship signage and naming rights arrangements, including approval requirements, the responsibilities of clubs and community groups, and restrictions on particular types of sponsorship.

The policy was adopted by Council on 14 May 2024 and was due for review in May 2026.

### Submission

N/A

### Report

The Sponsorship and Naming Rights on City controlled land and / or Buildings Policy has been reviewed and updated to ensure it is current and assists with its practical implementation.

The review identified that the overall intent and operation of the policy remain appropriate. Minor amendments have been made to:

- improve the clarity and consistency of the wording
- correct minor grammatical and formatting issues
- clarify that sponsorship agreements must align with relevant land use, planning and other applicable legislation

- confirm that all relevant statutory approvals and permits must be obtained
- expressly include e-cigarette companies within the sponsorship categories that are not permitted
- update the strategic link to the Community Infrastructure Plan 2024–2041; and
- update the lead business unit to Recreation Services.

The amendments do not substantially alter the purpose or intent of the policy. They improve clarity and support more consistent consideration of sponsorship signage and naming rights proposals involving City-controlled land and buildings.

**Strategic Plans/Policy Implications**

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Promote and support active, healthy lifestyles through recreation and wellness.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Risk Management Implications**

There is low risk as only minor editorial changes have been made.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

## Policy Type

Council

## Policy Purpose

Sporting and community groups are under increasing pressure to increase or replace infrastructure and equipment, while being careful not to overburden members with higher costs which may limit participation. As a result, best practice groups are able to diversify their income sources, which may include sponsorship, to remain affordable and sustainable.

The purpose of this policy is to provide direction to groups who are seeking to enter into sponsorship agreements that may include City controlled land and/or buildings.

## Policy Statement

(1) General Provisions

1. Where sporting and community groups are seek~~m~~ing to incorporate City recreational controlled land and/or buildings into sponsorship agreements using signage, they must ensure the following conditions are met:

   (a) The agreement aligns with relevant land use, ~~and land~~ planning and other applicable legislation.

   (b) All relevant statutory approvals and/or permits are ~~contained~~obtained.

   (c) Repair to, or maintenance or replacement of signage is addressed within the agreement provisions between the group and the sponsoring organisation.

   (d) An appropriate proportion of revenue generated is allocated toward developing new or maintaining infrastructure or equipment for sporting and community purposes.

   (e) The agreement complies with any agreement already in place with the City including, but not limited to, Lease, User Management (Licence) Agreement, Seasonal Usage Agreement, or Facility User Agreement.

   (f) Any agreement should align to the City of Cockburn's values.

2. All signage ~~should generally~~~~must~~ shall comply with the City's Local Planning Policy 3.7 'Signs and Advertising' or as otherwise approved via a development application lodged with the City.

3. Sponsorship signage must be considered in conjunction with preserving the amenity of the City's (public) controlled land area and buildings.

[1]

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

4. The City bears no responsibility for maintenance, repairs, or rectifying damage of signage installed on City controlled land and/or buildings at any time.

5. The City reserves the right to require removal of any previously approved signage at any time.

6. Sponsorship signage that advertises the following organisation types will not be permitted on City controlled land and/or buildings:

   (a) Tobacco companies - including e-cigarettes

   (b) Alcohol companies

   (c) Gambling companies – except for Lotterywest

   (d) Political parties

   (e) Religious groups

   (f) Organisations that do not align with the City's objectives or conflict with any relevant legislation and/or City policies, plans or strategies

   (g) Organisations that are in any legal dispute with the City

7. Sponsorship signage can be classified into two categories for the purposes of this policy:

   (a) Temporary sponsorship signage: typically placed on a reserve adjacent to a playing field or building for the duration of a particular game, activity, or event only.

   (b) Permanent sponsorship signage: signs affixed securely to either a building or perimeter fence or like feature and which remain in place on a permanent or semi-permanent basis, such as sporting club seasonal hire.

(2) Temporary Sponsorship Signage

1. Unless otherwise specified in a lease or other licence/user agreement with the City, temporary sponsorship signage does not require approval from the City if, in addition to the General Provisions, it meets the following criteria:

   (a) Displays the name of the sporting or community group or event in a prominent manner and is readily removable.

   (b) Is displayed for the duration of the particular game, activity, or event involving the sponsored organisation and is removed thereafter.

   (c) Is not constructed or located in manner to constitute a hazard or cause an obstruction to other facility users or the public.

   (d) Is contained within the facility being used by the sponsored organisation and is not placed or affixed in a public street or thoroughfare.

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

(3) Permanent Sponsorship Signage

1. Must comply with General Provisions
2. Formal consent of the City as Lessor/Licensor/Landowner must be obtained for proposed permanent sponsorship signage. Where the signage is not located within an existing lease or licence area, then a variation to any existing lease or licence may be required to incorporate the site on which the signage is located, together with any related statutory approvals (such as approval from the Minister for Lands, where applicable).
3. Planning approval and/or a building permit must be obtained, unless confirmed by the City to be exempt from such requirements.
4. Should a sign be permanently attached inside a building, approvals will need to be obtained by the relevant business unit of the City.
5. Signage must be contained within the facility (internally facing to the activities) being used by the sponsored organisation and should not in any case be visible from a public street.
6. Support for the signage must be given by other regular user groups.
7. All fixed signs should be removed at the expiration of the sponsorship agreement and walls/posts be made good.
8. All permanent signage is to be adequately maintained to the satisfaction of the City by the organisation who sought approval for the signage.
9. The club or group is responsible for the installation, maintenance, replacement and any other items deemed necessary by City Officers as outlined in the written approvals provided by the City.
10. The club or group must maintain, and provide evidence of, adequate Public Liability Insurance.

(4) Naming Rights Sponsorships

1. Must comply with General Provisions.
2. Any sponsorship agreement that includes naming rights of a land area or building must have a formal agreement developed and the agreement is to be approved by the City under the City's *Execution of Documents* policy.
3. The official public name or title of the land area or building will not change.
4. The City is not supportive of any land area or building being ~~made~~ named after a person(s).
5. The sponsorship agreement may only use an alternative ~~be used an alternate~~ name of the land ~~area~~ or building for the purposes of the organisation and events or competition they may be involved in and/or coordinate. Public representations that the alternate name is the official designation, such as through online mapping services, is not permitted
6. The organisation negotiating the sponsorship proposal for naming rights of a land area or building must be able to demonstrate how revenue generated is

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

allocated toward maintaining infrastructure or equipment for sporting and community purposes.

| | |
|---|---|
| Strategic Link: | ~~Community Sport and Recreation Facilities Plan 2018-2033~~Community Infrastructure Plan 2024-2041 |
| Category | Sport and Recreation |
| Lead Business Unit: | Recreation ~~and Community Safety~~Services |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | ~~14 May 2024~~ |
| Next Review Due: (Governance Purpose Only) | ~~May 2026~~ |
| ECM Doc Set ID: (Governance Purpose Only) | ~~10311611~~ |

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

## Policy Type

Council

## Policy Purpose

Sporting and community groups are under increasing pressure to increase or replace infrastructure and equipment, while being careful not to overburden members with higher costs which may limit participation. As a result, best practice groups are able to diversify their income sources, which may include sponsorship, to remain affordable and sustainable.

The purpose of this policy is to provide direction to groups who are seeking to enter into sponsorship agreements that may include City controlled land and/or buildings.

## Policy Statement

(1) General Provisions

1. Where sporting and community groups are seeking to incorporate City recreational controlled land and/or buildings into sponsorship agreements using signage, they must ensure the following conditions are met:

   (a) The agreement aligns with relevant land use, planning and other applicable legislation.

   (b) All relevant statutory approvals and/or permits are obtained.

   (c) Repair to, or maintenance or replacement of signage is addressed within the agreement provisions between the group and the sponsoring organisation.

   (d) An appropriate proportion of revenue generated is allocated toward developing new or maintaining infrastructure or equipment for sporting and community purposes.

   (e) The agreement complies with any agreement already in place with the City including, but not limited to, Lease, User Management (Licence) Agreement, Seasonal Usage Agreement, or Facility User Agreement.

   (f) Any agreement should align to the City of Cockburn's values.

2. All signage shall comply with the City's Local Planning Policy 3.7 'Signs and Advertising' or as otherwise approved via a development application lodged with the City.

3. Sponsorship signage must be considered in conjunction with preserving the amenity of the City's (public) controlled land area and buildings.

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

4. The City bears no responsibility for maintenance, repairs, or rectifying damage of signage installed on City controlled land and/or buildings at any time.

5. The City reserves the right to require removal of any previously approved signage at any time.

6. Sponsorship signage that advertises the following organisation types will not be permitted on City controlled land and/or buildings:

   (a) Tobacco companies - including e-cigarettes

   (b) Alcohol companies

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   (d) Political parties

   (e) Religious groups

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   (g) Organisations that are in any legal dispute with the City

7. Sponsorship signage can be classified into two categories for the purposes of this policy:

   (a) Temporary sponsorship signage: typically placed on a reserve adjacent to a playing field or building for the duration of a particular game, activity, or event only.

   (b) Permanent sponsorship signage: signs affixed securely to either a building or perimeter fence or like feature and which remain in place on a permanent or semi-permanent basis, such as sporting club seasonal hire.

(2) Temporary Sponsorship Signage

1. Unless otherwise specified in a lease or other licence/user agreement with the City, temporary sponsorship signage does not require approval from the City if, in addition to the General Provisions, it meets the following criteria:

   (a) Displays the name of the sporting or community group or event in a prominent manner and is readily removable.

   (b) Is displayed for the duration of the particular game, activity, or event involving the sponsored organisation and is removed thereafter.

   (c) Is not constructed or located in manner to constitute a hazard or cause an obstruction to other facility users or the public.

   (d) Is contained within the facility being used by the sponsored organisation and is not placed or affixed in a public street or thoroughfare.

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

(3) Permanent Sponsorship Signage

1. Must comply with General Provisions
2. Formal consent of the City as Lessor/Licensor/Landowner must be obtained for proposed permanent sponsorship signage. Where the signage is not located within an existing lease or licence area, then a variation to any existing lease or licence may be required to incorporate the site on which the signage is located, together with any related statutory approvals (such as approval from the Minister for Lands, where applicable).
3. Planning approval and/or a building permit must be obtained, unless confirmed by the City to be exempt from such requirements.
4. Should a sign be permanently attached inside a building, approvals will need to be obtained by the relevant business unit of the City.
5. Signage must be contained within the facility (internally facing to the activities) being used by the sponsored organisation and should not in any case be visible from a public street.
6. Support for the signage must be given by other regular user groups.
7. All fixed signs should be removed at the expiration of the sponsorship agreement and walls/posts be made good.
8. All permanent signage is to be adequately maintained to the satisfaction of the City by the organisation who sought approval for the signage.
9. The club or group is responsible for the installation, maintenance, replacement and any other items deemed necessary by City Officers as outlined in the written approvals provided by the City.
10. The club or group must maintain, and provide evidence of, adequate Public Liability Insurance.

(4) Naming Rights Sponsorships

1. Must comply with General Provisions.
2. Any sponsorship agreement that includes naming rights of a land area or building must have a formal agreement developed and the agreement is to be approved by the City under the City's *Execution of Documents* policy.
3. The official public name or title of the land area or building will not change.
4. The City is not supportive of any land area or building being named after a person(s).
5. The sponsorship agreement may only use an alternative name of the land or building for the purposes of the organisation and events or competition they may be involved in and/or coordinate. Public representations that the alternate name is the official designation, such as through online mapping services, is not permitted
6. The organisation negotiating the sponsorship proposal for naming rights of a land area or building must be able to demonstrate how revenue generated is

| Title | Sponsorship and Naming Rights on City Controlled Land and/or Buildings |
|---|---|

allocated toward maintaining infrastructure or equipment for sporting and community purposes.

| | |
|---|---|
| Strategic Link: | Community Infrastructure Plan 2024-2041 |
| Category | Sport and Recreation |
| Lead Business Unit: | Recreation Services |
| Public Consultation: **(Yes or No)** | No |
| Adoption Date: (Governance Purpose Only) | |
| Next Review Due: (Governance Purpose Only) | |
| ECM Doc Set ID: (Governance Purpose Only) | |

## 8.5 Office of the CEO

### 8.5.1 Adoption of Bush Fire Brigades Amendment Local Law 2026

| | |
|---|---|
| **Responsible Executive** | Chief Executive Officer |
| **Author(s)** | Service Lead Governance and Council Support |
| **Attachments** | 1. City of Cockburn Bush Fire Brigades Amendment Local Law 2026 ⇩<br>2. Department of Local Government, Industry Regulation and Safety response ⇩ |

**Recommendation**
The Committee recommends Council:

(1) RESOLVES to make the City of Cockburn Bush Fire Brigades Amendment Local Law 2026, as attached to this report as Attachment 1, but excluding the cover page;

(2) AUTHORISES the affixing of the common seal to the City of Cockburn Bush Fire Brigades Amendment Local Law 2026;

(3) AUTHORISES the Chief Executive Officer, in accordance with section 3.12(5)-(6) of the Local Government Act 1995, to:
1. Publish the City of Cockburn Bush Fire Bridges Amendment Local Law 2026 in the Government Gazette; and
2. Give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety and the Departmental CEO of the Department of Fire and Emergency Services;
3. Give local public notice of the publication of the local law; and
4. In accordance with Ministerial directions, provide a copy of the local law and required explanatory material to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**Background**

At the 12 May 2026 Ordinary Meeting of Council, Council resolved to commence the lawmaking process for the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026.

This amendment local law addresses concerns the Joint Standing Committee of Delegated Legislation had with the City of Cockburn Bush Fire Brigades Local Law 2025.

In accordance with this resolution, the City provided a copy of the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety as well as the Departmental CEO of the Department of Fire and Emergency Services, and invited submissions from the community between 18 May to 3 July 2026.

This report presents to Council the final City of Cockburn Bush Fire Brigades Amendment Local Law 2026, for consideration and adoption by Council.

**Submission**

N/A

**Report**

In accordance with section 3.12(3)(a) of the Local Government Act 1995, local governments are required to give local public notice of their intention to make a local law and then invite submissions from the community for a period of not less than 6 weeks.

In accordance with established processes, the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026 was uploaded to a dedicated community engagement page on the City's website. The City then communicated the opportunity to provide feedback via:

- an alert on the City's website
- direct email to the City of Cockburn 'Comment on Cockburn' newsletter mailing list
- a notice on the noticeboard at the City of Cockburn Administration Building as well as all City of Cockburn libraries
- newspaper advertising in the PerthNow Cockburn newspaper.

The City received no submissions.

In accordance with section 3.12(3)(b) of the Local Government Act 1995, the City also sent a copy of the proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026 to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety and the Departmental CEO of the Department of Fire and Emergency Services.

The Department of Local Government, Industry Regulation and Safety provided a response, which is attached this this report as Attachment 2. The City did not receive any feedback or a response from the Department of Fire and Emergency Services.

The City now presents the final proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026 for adoption by Council.

The purpose of the proposed local law is to is to amend the principal local law so as to replace subclauses (1) and (2) of clause 3.5. The effect of the proposed local law is that the principal local law is amended.

If adopted, the City will publish a copy of the City of Cockburn Bush Fire Brigades Amendment Local Law 2026 in the Government Gazette and give a copy of the local law to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety and the Departmental CEO of the Department of Fire and Emergency Services.

Following gazettal, the City will then give local public notice of the adopted City of Cockburn Bush Fire Brigades Amendment Local Law 2026 and provide a copy of the local law to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL), who will scrutinise it. If the JSCDL takes issue with any part of the local law, they may request the City to give undertakings to amend it or may disallow part or all of the local law.

**Strategic Plans/Policy Implications**

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

**Budget/Financial Implications**

There are no significant budget implications arising from the recommendations of this report.

**Legal Implications**

To make a local law, local governments must follow the procedure prescribed in section 3.12 of the Act. A failure to follow the procedure will likely result in the local law being disallowed by the Joint Standing Committee on Delegated Legislation.

**Community Consultation**

As detailed above, the City invited submissions for a period of 6 weeks.

The City also provided a copy of the proposed City of City of Cockburn Bush Fire Brigades Amendment Local Law 2026 to the to the Departmental CEO of the Department of Local Government, Industry Regulation and Safety and the Departmental CEO of the Department of Fire and Emergency Services.

**Risk Management Implications**

There is a low level of risk associated with adopting the officer recommendations as presented to Council. It ensures Council complies with the undertakings given to the Joint Standing Committee on Delegated Legislation. Failure to comply with the undertakings would constitute contempt of Parliament.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) Local Government Act 1995**

Nil

BUSH FIRES ACT 1954

LOCAL GOVERNMENT ACT 1995

# CITY OF COCKBURN

# BUSH FIRE BRIGADES AMENDMENT LOCAL LAW 2026

**BUSH FIRES ACT 1954**
**LOCAL GOVERNMENT ACT 1995**

CITY OF COCKBURN

# Bush Fire Brigades Amendment Local Law 2026

Under the powers conferred on it by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Cockburn resolved on …… to make the following local law.

## Part 1 - Preliminary

**1. Short title**

This is the *City of Cockburn Bush Fire Brigades Amendment Local Law 2026*.

**2. Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

**3. Terms used**

In this local law –

***Bush Fire Brigades Local Law*** means the *City of Cockburn Bush Fire Brigades Local Law 2025*, published in the Government Gazette on 12 September 2025.

## Part 2 - Bush Fire Brigades Local Law amended

**4. Local law amended**

This Part amends the Bush Fire Brigades Local Law.

**5. Clause 3.5(1) replaced**

Delete clause 3.5(1) and insert:

(1) The local government may appoint, having regard to the qualifications and experience which may be required to fill each position, persons to the positions of the Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer and Bush Fire Control Officers.

**6. Clause 3.5(2) replaced**

Delete clause 3.5(2) and insert:

(2) A decision to suspend or terminate a person's appointment to a position under clause 3.5(1) must be made in accordance with the principles of procedural fairness.

_____

Dated: 2026.

The Common Seal of the City of Cockburn was affixed by authority of a resolution of the Council in the presence of—

…….
LOGAN K HOWLETT
MAYOR

…….
DANIEL SIMMS
CHIEF EXECUTIVE OFFICER

**From:** ELLIOTT, Steven
**To:** Governance
**Subject:** RE: Proposed City of Cockburn Bush Fire Brigades Amendment Local Law 2026
**Date:** Wednesday, 17 June 2026 4:40:49 PM
**Attachments:** image001.png
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**External Email:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,
This email is regarding the City's draft amendment local law.
As the local law is relatively short and simple, the Department of Local Government, Industry Regulation and Safety (LGIRS) does not have any concerns regarding the amendments. However, some standard comments are noted below:

**Bush Fire Brigades Amendment Local Law 2026**

1. **Local law made under multiple legislation**
   LGIRS is aware that this local law is made under the Bush Fires Act 1954 in addition to the Local Government Act 1995.
   Accordingly, the City should ensure that a copy of the draft is provided to the Minister for Emergency Services, presuming this hasn't already occurred.
2. **Comments from Department of Fire and Emergency Services (DFES)**
   The Department of Fire and Emergency Services (DFES) are the subject matter experts on matters relating to bush fire control and emergency services.
   Accordingly, the City should ensure that DFES have the opportunity to check the draft for any issues or any critical information which the existing clauses do not address. Any feedback provided by DFES should be given due consideration given their expertise.

I hope these comments are helpful to you. Please keep in mind that this information is general in nature, provided in good faith and is not intended to constitute legal advice.
Regards
Steven Elliott
Principal Strategy Officer
Department of Local Government, Industry Regulation and Safety
140 William Street, Perth WA 6000
Locked Bag 14, Cloisters Square, Peth WA 6850

## 8.5.2 Legal Advice and Representation Policy

| | |
|---|---|
| **Responsible Executive** | Chief Executive Officer |
| **Author(s)** | Courts and Legal Process Coordinator |
| **Attachments** | 1. Legal Advice and Representation Policy ⇩ |

**Recommendation**
The Committee recommends Council:

(1) ADOPTS the 'Legal Advice and Representation' Policy, as shown by Attachment 1;

(2) REPEALS the 'Access to Legal Services for Elected Members and Employees' Council Policy; and

(3) REPEALS the 'Obtaining Legal & Other Expert Advice & Legal Proceedings between City of Cockburn & Other Parties' Council Policy.

### Background

At the 13 May 2025 Ordinary Meeting of Council, Council adopted a Policy review schedule for the 2026 and 2027 calendar years. The 'Access to Legal Services for Elected Members and Employees' as well as the 'Obtaining Legal & Other Expert Advice & Legal Proceedings between City of Cockburn & Other Parties' Council Policies (Policies) were not reviewed. The explanation was as follows:

> "Parliament passed the Local Government Amendment Act 2024 as part of local government legislative reform. This included new provisions relating to access to legal services and directors' and officers' liability policies for local government. The new provisions have been enacted but are yet to come in force.
>
> These provisions will introduce regulation of access to legal services in local government for the first time.
>
> It is proposed to defer consideration of the review of these policies pending an update on the implementation of these reforms."

The provisions relating to access to legal services came into force on 1 January 2026. They prohibit City from paying, either directly or indirectly (including via insurance coverage), a prescribed list of liabilities. The City notified LGISWA of the provisions early this year and received confirmation the City's insurance policies would be compliant by 30 June 2026 as required by law.

Further, at the 8 September 2026 Ordinary Council Meeting, as part of Council's resolution to adopt the new Compliance and Enforcement Policy, Council requested that the policies be taken to the 20 October 2026 Governance Committee Meeting for review.

This report recommends to Council that the Policies be combined into a new Legal Advice and Representation Policy.

**Submission**

N/A

**Report**

Policy History

The Policies were both adopted on 13 December 2018.

The 'Access to Legal Services for Elected Members and Employees' Policy establishes a framework for the provision of financial assistance by the City to an Elected Member or Employee.

The 'Obtaining Legal & Other Expert Advice & Legal Proceedings Between City of Cockburn and Other Parties' Policy governs the acquisition of legal and other expert advice reporting on legal proceedings.

As both policies relate to the provision of legal services, it is recommended that both policies be merged into one, which is proposed to be called the Legal Advice and Representation Policy. This will improve clarity and reduce duplication.

Local Government Insurance Services Policy

LGIS maintains a management liability insurance policy for the City. This policy provides coverage for officers and Elected Members of the City in circumstances detailed in the policy. The coverage is available to Elected Members and officers at their request. For each claim, there is a payment (excess or deductible) made by the City for each instance. Beyond that, LGIS pays all other legal fees and costs covered by the insurance policy. Where appropriate, officers and Elected Members seeking legal assistance will be referred to LGIS in the first instance.

*Local Government Act 1995* Considerations

Under the *Local Government Act 1995*, Elected Members and employees are protected from tort actions arising from acts performed in good faith in the performance of their duties. The Act also establishes principles of good governance, which support the appropriate application of local government resources to assist Elected Members and employees in matters arising from the performance of their role.

There is a clear distinction between the role of Council and that of the Administration. Council is responsible for governance and the allocation of resources, whilst the Administration implements Council decisions and manages the City's day-to-day operations. Consistent with these functions, much of the legal advice obtained by the City relates to operational matters managed by the Administration.

Since the adoption of the current policies, legislative reform has introduced section 6.14A. This section prohibits local governments from making certain payments relating to penalties, sanctions and other amounts arising from conduct or legislative breaches. It also extends to certain insurance-related payments. These prohibitions have been considered in the drafting of the policy.

Occupational Health and Safety Considerations

Section 2.7(5) of the *Local Government Act 1995* requires Council to have regard to the creation of an organisational culture that promotes the respectful and fair treatment of employees.

Legal proceedings, investigations and regulatory processes arising from the performance of a role can be extremely stressful due to the uncertainty and limited control over processes and outcomes. These circumstances are significantly likely to present psychosocial hazards due to factors such as the low level of control.

In other circumstances, legal proceedings may be necessary to protect Elected Members and employees from psychosocial risks arising from the actions of third parties. Situations that go beyond a member of the public exercising their right to freedom of speech and holding a local government accountable to the community may pose a psychosocial hazard. For example, legal action may be required to obtain protective orders, enforce rights or manage a risk arising from harassment, intimidation, bullying, stalking, vexatious conduct or other matters that create risk to physical and psychological safety.

The City has a duty under work health and safety legislation to eliminate or minimise psychosocial risks as far as is reasonably practicable. Appropriate pathways for the legal representation in matters arising from the performance of a person's role should be available. This policy supports the City's ability to discharge its work health and safety obligations and promote a safe working environment.

The proposed policy also extends eligibility to unincorporated volunteers, reflecting that the City's work health and safety obligations also extend to them. Obligations to incorporated volunteers are held by the volunteer organisation.

Privacy Considerations

The *Privacy and Responsible Information Sharing Act 2024* establishes information privacy principles that require personal information to be appropriately handled and only disclosed where necessary.

Legal matters are inherently personal, sensitive and stressful. Limiting information about a matter helps individuals retain control over their personal information during a period of heightened uncertainty and supports their psychological wellbeing through compliance with the privacy principles.

Legal Professional Privilege

Legal professional privilege protects communications that were made for the dominant purpose of obtaining legal advice or preparing for litigation. However, this privilege could be waived where conduct is inconsistent with maintaining confidentiality. This includes disclosing the substance or conclusions of the advice, even if done accidentally or unknowingly.

The City must balance Council's governance and oversight responsibilities with the need to preserve legal professional privilege. The proposed reporting framework is intended to support informed decision-making whilst minimising the risk of privilege waiver.

Key changes

Key changes when comparing the current policies with the new proposed policy are outlined below. The changes simplify the existing framework, strengthen privacy and governance and controls and support compliance with legislative and work health and safety obligations.

The key changes from the 'Access to Legal Services for Elected Members and Employees' policy are:

- Introduction of additional eligibility requirements to:
  - Ensure insurance is utilised where available
  - Exclude matters prohibited by the *Local Government Act 1995*, including payments relating prosecutions and disciplinary proceedings
  - Emphasises that actions leading to legal representation under the policy must be done in good faith
- Delegates the determination of applications to the CEO, with the ability to sub-delegate matter management to the City's General Counsel
- Establishes a pathway for the CEO to receive assistance or for an Elected Member to refer a determination to Council (where an application is made by an Elected Member)
- Allows related applications to be coordinated or consolidated. This will be done with the applicant's consent to balance privacy with efficient resource allocation
- Strengthens privacy protections which subsequently reduces psychosocial risk.

The key changes from the 'Obtaining Legal & Other Expert Advice & Legal Proceedings Between City of Cockburn and Other Parties' policy are:

- Clarification as to which legal decisions should be referred to Council, reinforcing the distinction between governance and operations
- Requirement for a Council resolution before appealing a Court decision
- Adopting a more flexible approach to reporting legal advice and expenditure, supporting the preservation of legal professional privilege
- Incorporates legal expenditure reporting into the Quarterly Performance and Planning Update Operational Performance Report, with the Audit, Risk and Improvement Committee able to request additional information where required.

## Strategic Plans/Policy Implications

Our Community
A diverse, active, and connected community that feels safe and has access to local services.
• Strengthen and facilitate a safe and secure Cockburn.

Our Governance
Transparent leadership that listens, communicates openly and plans for a sustainable future.
• Facilitate transparent and accountable governance for today and tomorrow.

## Budget/Financial Implications

There are nil direct budget or financial implications for this policy. Any implications arising from the execution of the policy will be met from the approved budget. The policy's reporting process allows for timely and effective oversight of financial implications under the policy.

## Legal Implications

The policy deals with a range of legal implications which are detailed in this report.

## Community Consultation

N/A

## Risk Management Implications

There is a low level of risk associated with adopting the officer recommendations as presented to Council. The new policy has been designed to allow privacy, safety as well as other legislative and legal considerations to be applied in flexible circumstances and promotes good governance.

## Advice to Proponent(s)/Submitters

N/A

## Implications of Section 3.18(3) Local Government Act 1995

Nil.

# Policy

## Legal Advice and Representation

### Policy Type

Council

### Policy Purpose

Sections 2.8(5) and 9.56 of the *Local Government Act 1995* recognise the importance of good governance, the proper application of local government resources and the fair treatment of employees. This Policy guides the engagement of legal resources, oversight and reporting.

### Policy Statement

This Policy provides a framework for the oversight of legal advice, representation and associated expenditure. It seeks to balance governance, accountability and transparency with privacy, confidentiality, workplace wellbeing and the preservation of legal professional privilege by:

a) Providing a process for Elected Members and employees to obtain legal assistance for matters arising from the lawful performance of their roles; and
b) Establishes requirements for the management, reporting and oversight of legal advice, proceedings and related expenditure.

### Elected Member and Employee Access to Legal Representation

1. City's Insurance Policy
   1.1. The City holds insurance policies which provide coverage for Elected Members and Employees acting in their official capacity. These insurance policies provide for Elected Members and Employees to directly access legal representation related to the performance of their professional duties without prior notification to the City. This policy does not apply to situations where an Employee or Elected Member accesses coverage under the City's insurance policies.

2. Application Pathway and Criteria
   2.1. Applications are to be directed to the CEO.
   2.2. The CEO may seek advice from the General Counsel or an external adviser prior to approving an application.
   2.3. To be eligible, the applicant must:
      2.3.1. Be a named party in the matter;
      2.3.2. Not be bringing or defending a claim against the City;

2.3.3. Require assistance for a matter connected with the performance of their lawful functions or duties;
2.3.4. Not require assistance relating to criminal proceedings brought by a prosecuting authority or disciplinary proceedings initiated by the City, a State regulator or a Commonwealth regulator;
2.3.5. Be involved in proceedings that have commenced, are reasonably likely to commence or are required to commence to protect the safety or wellbeing of the employee or Elected Member as determined by the CEO;
2.3.6. Have acted reasonably, in good faith and in accordance with applicable laws, policies, employment obligations and the code of conduct;
2.3.7. Have no available cover under the City's insurance policy; and
2.3.8. Have not had the matter refused by the City's insurer on the cases' facts and merits.

3. CEO Determination
   3.1. Approval is at the CEO's absolute discretion and may be subject to conditions.
   3.2. In determining an application, the CEO may consider:
      3.2.1. Previous assistance or applications relating to the matter and any new material considerations;
      3.2.2. The circumstances, seriousness and history of the matter;
      3.2.3. Potential impacts on workplace safety, governance and community confidence;
      3.2.4. Availability of alternative resolution options;
      3.2.5. Any existing legal advice;
      3.2.6. The likely cost and prospect of success;
      3.2.7. Whether the applicant acted in good faith and not in a manner that is considered unthinking, reckless or for personal advantage; and
      3.2.8. Whether approval is consistent with the principles of good governance.

4. Conditions on CEO Determination
   4.1. The CEO must be satisfied that the eligibility criteria in clause 2.3 are met.
   4.2. The CEO must be satisfied that the expenditure of funds is proportionate to the seriousness of the matter.
   4.3. As the CEO's power to approve applications is not subject to a monetary threshold, the CEO must set a maximum financial limit for each approved application. The CEO may review the threshold on request of the applicant.
   4.4. When procuring legal advice, the CEO must obtain and approve a cost estimate before legal services are provided.
   4.5. The CEO is responsible for managing instructions to legal representatives and may sub-delegate this function to the City's in-house legal team.

5. Repayment
   5.1. Unless approved by the CEO, the City will only fund legal costs incurred after approval is granted.
   5.2. Any sum received by the applicant through judgement, settlement or costs orders in respect of legal services must be used to repay the City.
   5.3. Assistance may be withdrawn and costs recovered if the applicant:
      5.3.1. Is found to have not acted lawfully, reasonably or in good faith;
      5.3.2. Provided false information or intentionally or recklessly omitted information;
      5.3.3. Breached a condition placed on the approval; or
      5.3.4. Failed to follow a lawful direction of the CEO relating to the matter.
   5.4. Costs may be recovered through:
      5.4.1. Lump sum repayment;
      5.4.2. Instalments, with conditions agreed to by the CEO; or
      5.4.3. A court of competent jurisdiction to recover money as a debt owed. In this case, the City will also seek to recover its fair and reasonable costs incurred through the recovery action.

6. Council's Role in Determination of Applications
   6.1. Council may determine an application where:
      6.1.1. An Elected Member seeks a review of the CEO's decision to approve or decline an application made by an Elected Member; or
      6.1.2. The CEO is the applicant.
   6.2. In determining an application, Council is to apply the same criteria, considerations and conditions as the CEO.
   6.3. Council may set a financial limit condition. In the event this limit is reached, the matter must be taken back to Council to consider a variation.

7. Privacy and Confidentiality
   7.1. Spend relating to legal services acquired under this policy will be reported through the City's standard reporting process.
   7.2. Information relating to applications and legal services under this policy will only be disclosed where reasonably necessary.
      7.2.1. Unless required for the purposes of implementing the Policy, or with the consent of the applicant, personal information will be kept private.
   7.3. Where multiple related applications are lodged, the CEO may seek consent from applicants to consolidate or jointly co-ordinate the matters and share identifying information with the other applicant.
   7.4. The City retains ownership of legal advice obtained under this policy.
   7.5. Unless absolutely necessary, legal advice under this policy will not be distributed to Council.

## Significant Legal Matters and General Legal Resource Reporting

8. Scope
   8.1. This policy does not apply to:
      8.1.1. Legal advice obtained by City officers in the ordinary administration and management of the City's affairs; and
      8.1.2. Proceedings commenced by authorised City officers under legislation, delegated authority or any other lawful authority.

9. Council Decisions Relating to Legal Proceedings
   9.1. The CEO will refer the following decisions to Council:
      9.1.1. Matters which involve a strategic risk as defined in the City's strategic risk register;
      9.1.2. Where there is a previous Council decision in relation to the matter which is subject to, or involved in, the litigation;
      9.1.3. Where there is no delegated authority, authorisation or statutory power for the CEO or another officer to deal with the application; and
      9.1.4. Any other matter the CEO considers appropriate.
   9.2. Council approval is required before commencing an appeal of a Court decision. In determining whether to appeal, Council should consider:
      9.2.1. The prospects of success, the nature of the case, potential costs to the City and any other matters traversed in advice on appeal prospects provided to Council;
      9.2.2. Whether appealing will set an undesirable precedent for the City; and
      9.2.3. Public interest.
   9.3. Council may authorise the CEO to negotiate and settle proceedings on its behalf. All other negotiations and settlement outcomes under this Part must be approved by Council.

10. Obtaining Legal and Other Expert Advice on Council's Behalf
   10.1. The CEO may obtain legal or other expert advice as necessary for the proper administration of the City's affairs.
   10.2. Where advice relates to a matter requiring a Council decision, the CEO will, where appropriate:
      10.2.1. Provide Council with a copy or summary of the advice with sufficient time to consider it; and
      10.2.2. Identify in the agenda or minutes that the matter is informed by legal or other expert advice but not so as to waive legal professional privilege.

11. Legal Matter Reporting and Confidentiality
   11.1. The CEO may inform Elected Members of the commencement or ongoing status of legal action commenced by City officers.

11.2. Legal advice and related information provided to Elected Members must remain confidential and may only be disclosed where authorised by the CEO or a Council resolution.
11.3. Legal expenditure will be reported through the Operational Performance Report as part of the Quarterly Performance and Planning Update (QPPU).
11.4. Council or the Audit, Risk and Improvement Committee may request further information on legal spend or matter management by resolution.

Related Policies:

- Privacy Management Policy
- Statutory and Compliance Enforcement Policy
- Work Health, Safety and Wellbeing Policy

**Definitions**

**Employee** means a City staff member or an unincorporated volunteer. The definition excludes contractors and incorporated volunteers.

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## Policy Information

| | |
|---|---|
| Strategic Link: | Governance Framework |
| Category: | Legal |
| Lead Business Unit: | Governance and Council Support |
| Public Consultation:<br>(Yes or No) | No |
| Adoption Date:<br>(Governance Purpose Only) | |
| Next Review Due:<br>(Governance Purpose Only) | |
| ECM Doc Set ID:<br>(Governance Purpose Only) | |

## 9. Motions of Which Previous Notice Has Been Given

Nil

## 10. Notices Of Motion Given At The Meeting For Consideration At Next Meeting

## 11. New Business of an Urgent Nature Introduced by Members or Officers

## 12. Matters to be Noted for Investigation Without Debate

Nil

## 13. Confidential Business

Nil

## 14. Closure of Meeting