

# AGENDA

Policy Committee

## MEETING OF THE POLICY COMMITTEE

TO BE HELD ON

MEETING DATE



**TUESDAY 14 AUGUST 2007**

commencing at 5.30 PM

in Conference Room 2  
JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP



**GARRY HUNT**

Chief Executive Officer

10 August 2007



City of  
Joondalup

[www.joondalup.wa.gov](http://www.joondalup.wa.gov)

# CITY OF JOONDALUP

Notice is hereby given that a meeting of the **POLICY COMMITTEE** will be held in Conference Room 2, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY 14 AUGUST 2007** commencing at **5.30 pm**.

GARRY HUNT  
Chief Executive Officer  
10 August 2007

Joondalup  
Western Australia

## AGENDA

### **Committee Members**

<i>Cr Sue Hart</i>	<i>– Presiding Person</i>
<i>Cr Kerry Hollywood</i>	<i>– Deputy Presiding Person</i>
<i>Mayor Troy Pickard</i>	
<i>Cr Steve Magyar</i>	
<i>Cr Marie Macdonald</i>	
<i>Cr Michele John</i>	
<i>Cr Russ Fishwick</i>	

### **Terms of Reference**

- (a) *To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;*
- (b) *To Initiate and formulate strategic (Council) policies;*
- (c) *To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
- (d) *To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.*

### **DECLARATION OF OPENING**

### **APOLOGIES/LEAVE OF ABSENCE**

**CONFIRMATION OF MINUTES**

**MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 6 FEBRUARY 2007**

**RECOMMENDATION**

**That the minutes of the meeting of the Policy Committee held on 6 February 2007 be confirmed as a true and correct record.**

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**DECLARATIONS OF INTEREST**

**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

**PETITIONS AND DEPUTATIONS**

**REPORTS**

<b>Item 1</b>	<b>Proposed Short Stay Accommodation Policy</b>	<b>Page 3</b>
<b>Item 2</b>	<b>Proposed Amendments to Policy 7-5 - Alfresco Dining – Joondalup City Centre</b>	<b>Page 10</b>
<b>Item 3</b>	<b>Modification to Policy 3-2 – Height and Scale of Buildings within Residential Areas</b>	<b>Page 15</b>
<b>Item 4</b>	<b>Free Use of City Facilities to Service Organisations</b>	<b>Page 20</b>

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

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

**CLOSURE**

## **ITEM 1            PROPOSED SHORT STAY ACCOMMODATION POLICY – [72584, 81593]**

**WARD:**            All

**RESPONSIBLE**    Mr Clayton Higham  
**DIRECTOR:**        Planning and Community Development

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### **PURPOSE**

The purpose of this report is for the Policy Committee to consider proposed amendments to District Planning Scheme No 2 and a draft local planning policy relating to short stay accommodation.

### **EXECUTIVE SUMMARY**

Currently, there is no specific land use in the City's District Planning Scheme No 2 (DPS2), and no local planning policy or guidelines, in relation to short stay accommodation.

Short stay accommodation applications have been classified as a 'Residential Building' under DPS2. The current provisions within DPS2 and the Residential Design Codes do not provide specific requirements for short stay accommodation, and each proposal is assessed on its merits. The Hon Minister for Planning and Infrastructure also raised this issue with Council in 2004 and requested that guidance be developed. As a result, a scheme amendment and draft policy have been prepared for the Committee's, and ultimately, Council's consideration.

A draft scheme amendment and policy were presented to Council at its meeting of 19 September 2006, where it resolved to defer the matter, pending further consideration by the Policy Committee. Subsequent decisions by the State Administrative Tribunal have resulted in a need to reassess the approach to this matter.

It was considered desirable to implement a policy on short stay accommodation as soon as possible that was not reliant on a scheme amendment. However, it is apparent that a policy alone is not a suitable approach, and a scheme amendment to address the matter will also be required.

The proposed amendment to DPS2 seeks to provide a definition of short stay accommodation and in which zones such accommodation would be permitted. The draft policy aims to provide management parameters for the operation of short stay accommodation.

As the policy relies on changes to DPS2, the policy would not be implemented until the scheme amendment is finalised.

### **BACKGROUND**

DPS2 currently has no definition for short stay accommodation. Proposals for short stay accommodation have been assessed as a 'Residential Building' or an 'Unlisted Use' for the purposes of DPS2.

Neither the DPS2 nor the Residential Design Codes provide specific development standards and requirements for a Residential Building.

A 'Residential Building' is a discretionary use within the Residential, Mixed Use, Business, Commercial and Private Clubs and Recreation zones.

Following an inquiry into the Mullaloo Tavern development, which did not have any adverse findings against the City, the Minister for Planning and Infrastructure recommended that a policy be put in place to guide the development of short stay accommodation. Specifically, the Minister recommended:

*“The introduction of measures to guide the development of short stay accommodation in those zones where such development is permissible. As a minimum, such measures should address the density of those forms of residential development for which there is currently no explicit density control.”*

Currently, the DPS2 is silent on issues of permitted density and the cut off between a dwelling and a residential building (or other forms of temporary accommodation), mostly occurs by virtue of the determination of what length of stay satisfies a reasonable test of being considered as permanent.

It could be stated that the DPS2 contains a 'gap' on this issue, however, it is notable that Council has received only two applications over the past two years for short stay accommodation outside the City Centre area. In these circumstances, which are effectively rare applications, Council is required to consider applications on merit rather than merely in relation to standards. That is, if standards were developed for all matters, including those which may only occur once or twice, the process would become inefficient and cumbersome.

Notwithstanding, the City has previously been advised that approximately 60-70 short stay accommodation uses may be operating within the City at present. A search of the internet indicates that there are houses that are being let out on a short term basis. Although the presence of existing short stay accommodation should not impact upon the planning policy considerations, it should be acknowledged that the practice, to some extent, is already occurring in the residential areas.

The two applications referred to above are:

- 3 Glenelg Place, Connolly. This proposal was to convert an existing medical centre into short stay accommodation. The proposal was refused by Council at its meeting of 26 April 2005. A subsequent appeal by the applicant to the State Administrative Tribunal was upheld, effectively reversing Council's decision.
- 17 Foston Drive, Duncraig. This proposal is to utilise an existing residential dwelling for short stay accommodation. The proposal was refused at Council's meeting of 19 September 2006. Prior to this decision being issued, the applicant had already lodged an appeal to the State Administrative Tribunal, based on the 'deemed refusal' provisions of DPS2. This appeal was dismissed by the SAT in February 2007. Part of the ruling is shown below:

*“As the proposed short stay accommodation use does not involve residential development or any other development contemplated by the objectives and purposes of the Residential zone, it is not consistent with the objectives and purposes and is, therefore, not permitted. The application for review must be dismissed and the decision of the City to refuse development approval affirmed.”*

### **Issues and options considered:**

#### Proposed Amendment to DPS2

The proposed amendment to DPS2 seeks to achieve the following:

- Define the meanings of ‘temporary’ and ‘permanent’ in the context of what constitutes a dwelling, versus what constitutes short stay accommodation. It is proposed that habitation for a period which exceeds 3 months is permanent occupation, while habitation under 3 months is temporary occupation,
- Provide a definition and use class for ‘short stay accommodation’,
- Reword the definition of a ‘Residential Building’ to clarify that the use relates to permanent accommodation for 7 or more persons.
- Provide a car parking standard for short stay accommodation at the rate of 2 bays for each short stay dwelling.

The above is proposed to be achieved by the following specific proposals:

#### Dwelling Definition

The definition of “dwelling” by inserting the following words (shown in italics):

*“has the same meaning as that set out in the Residential Planning (Design) Codes. For the purpose of the definition of “dwelling” habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;”*

#### Short Stay Accommodation Definition and Use Class Permissibility

A definition of short stay accommodation is proposed to be included in DPS2 as follows:

*“the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”*

It is proposed that Short Stay Accommodation would be a prohibited (‘X’) use in the Special Residential, Service Industrial, and Rural zones, and a Discretionary (‘D’) use in the Mixed Use, Business, Commercial, and Private Clubs and Recreation zones, and a discretionary use requiring advertising (‘A’) use in the Residential zone.

### Residential Building Definition

The definition of Residential Building is proposed to be amended to read:

“residential building” means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 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;”.

The proposed amendment to DPS2 is Attachment 1.

### Draft Policy

The draft policy (Attachment 2) proposes guidelines for the locations and operation of short stay accommodation. The policy provides guidance with regard to the management and record keeping processes.

### Options

In considering the draft scheme amendment and local planning policy, the Policy Committee can:

- Endorse the scheme amendment and policy and recommend it be presented to Council for consideration;
- Modify the draft scheme amendment and/or policy, and recommend it be presented to Council for consideration;
- Not endorse the scheme amendment or draft policy.

### **Link to Strategic Plan:**

Short stay accommodation may be used as tourist accommodation and therefore links with Strategy 3.2 (Lifestyle) of the City’s Strategic Plan, which is intended to develop and promote the City of Joondalup as a tourist attraction.

### **Legislation – Statutory Provisions:**

#### Scheme Amendment

Part 5 of the Planning and Development Act 2005 enables Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3 refers).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is required. Should the EPA decide that an environmental review is not required, upon the City’s receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for a minimum of 42 days.

Upon closure of the advertising period, Council considers all submissions received during the advertising period and resolves to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the WAPC that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

#### Draft Policy

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies. Clause 8.11.1 enables Council to prepare a local planning policy in respect of any matter related to the planning and development of the scheme area.

Once the draft policy is prepared it is required to be advertised in accordance with Clause 8.11.3 by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The draft policy would also be advertised on Council's website. The specified period for advertising should not be less than twenty one (21) days.

As the draft policy is reliant on changes to the DPS2 (via the scheme amendment), the policy would not come into effect until the scheme amendment is finalised.

#### **Risk Management considerations:**

Not applicable

#### **Financial/Budget Implications:**

Not applicable

#### **Policy implications:**

It is proposed to implement a new policy.

#### **Regional Significance:**

Not applicable

#### **Sustainability implications:**

The proposed short stay accommodation policy could (if adopted) support tourism by providing alternative accommodation choices.

#### **Consultation:**

Should Council endorse advertising of the draft policy and scheme amendment, it is proposed that they be advertised concurrently for a period of 42 days. A notice would be published in the local newspaper for two consecutive weeks, and a notice would also be placed on the City's website.

## COMMENT

### Draft Scheme Amendment

Currently, the terms 'temporary' and 'permanent' when used in the definitions of 'dwelling' and 'residential building' are not defined. The draft scheme amendment will provide clarity to this issue.

- A 'dwelling' will be permanent accommodation for a family or up to 6 people who are not a single family.
- A 'residential building' will be permanent accommodation for 7 or more people who are not a single family.
- Short stay accommodation will be temporary accommodation.
- Amending the objectives of the Residential Zone within DPS2 to acknowledge that short stay accommodation may be considered in the Residential Zone.

In terms of the permissible locations for short stay accommodation, the residential zone is likely to have the largest potential impacts on the adjoining areas. Therefore, it is considered appropriate that short stay accommodation be an 'A' use in DPS2. This means that any application will require mandatory public advertising.

### Draft Policy

The policy will address:

- The management of the accommodation, including submission of a Management Plan. This includes requiring appropriate documentation to be kept by the proprietor of the accommodation, and the submission of a plan detailing how the accommodation will be managed, operated, and maintained.
- Measures to reduce the potential amenity conflicts between proposed short stay accommodation and grouped or multiple dwellings on the same lot.
- The requirement for the annual renewal of any planning approval issued where short stay accommodation is located in or abutting the Residential Zone, or where short stay accommodation is located on the same site as residential dwellings.
- Consideration of the relative merits and compatibility of the proposal with the surrounding areas, in terms of the provision of car parking, traffic generation, and location close to complementary and supporting uses.

### Location of Short Stay Accommodation

In supporting the position taken by Council to refuse the proposed short stay accommodation in Foston Drive, at the SAT hearings the City contended that the proposed use was not contemplated by the objectives of the Residential Zones as outlined in the District Planning Scheme. SAT supported this view and the refusal of the application was upheld. Therefore, this decision would indicate that on the current wording of DPS2, short stay accommodation should not be approved in the Residential Zone.

It is a possible course of action that Council confirms a position not to permit short stay accommodation in the Residential Zone. Conversely, the wording of DPS2 could be amended to allow consideration of short stay accommodation in the Residential Zone.

Where short stay accommodation is proposed in a residential area, it is problematic to provide specific locational parameters as to where the use will be considered suitable, as it is difficult to establish that one residential property is more suited to short stay accommodation, from an amenity point of view, than another. On this basis, it is considered that the management and operation of the short stay accommodation is the important consideration in protecting the amenity of adjoining owners, which is addressed in the draft policy. Notwithstanding, as a measure of the impact on amenity, short stay accommodation should not be generating more car parking or traffic than would normally be expected from adjoining residential properties.

## **ATTACHMENTS**

Attachment 1	Draft Scheme Amendment
Attachment 2	Draft Policy – Short Stay Accommodation
Attachment 3	Scheme amendment flowchart

## **VOTING REQUIREMENTS**

Simple majority

## **RECOMMENDATION**

**That the Policy Committee ENDORSES the draft Scheme Amendment and Local Planning Policy – Short Stay Accommodation as shown in Attachment 1 and 2, and RECOMMENDS that Council:**

- 1. Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 36 to the City of Joondalup District Planning Scheme No. 2, for a period of 42 days, in accordance with Attachment 1 to this Report;**
- 2. Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required;**
- 3. ADVERTISES the draft Local Planning Policy – Short Stay Accommodation, concurrently with Amendment No 36.**

*Appendix 1 refers.*

## **ITEM 2            PROPOSED AMENDMENTS TO POLICY 7-5 - ALFRESCO DINING – JOONDALUP CITY CENTRE – [03360]**

**WARD:**            All

**RESPONSIBLE**    Mr Clayton Higham

**DIRECTOR:**      Planning and Community Development

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### **PURPOSE**

The purpose of this report is for the Policy Committee to consider amendments to the City's Policy 7-5 Alfresco Dining – Joondalup City Centre.

### **EXECUTIVE SUMMARY**

Amendments the Liquor Licensing Act 1988 have recently come into effect. Changes have included the potential for restaurants to request a liquor licence to allow consumption of alcohol without an accompanying meal. This option was previously limited to 20% of the premises under a special permit.

These changes have the potential for applications to be received for patrons to consume alcohol without a meal in alfresco areas. Policy 7-5 is currently silent on the activity of drinking alcohol without a meal. Policy 7-5 could be expanded to cover alfresco activities associated with all licensed premises within the City, and allow the consumption of alcohol without a meal, subject to patrons sitting on chairs at tables. Clarification of Policy 7-5 in terms of its application and planning approval requirements would also be of benefit.

*It is recommended that the Policy Committee recommends that Council supports the proposed amendments to Policy 7-5 to enable initiation of public advertising for a period of 21 days.*

### **BACKGROUND**

The City adopted an Alfresco Dining Policy in 1994 to guide dining in public spaces such as footpaths, principally as an extension of existing restaurants and cafés. The Policy reflected the desire for operators to be able to provide patrons in the City centre with outdoor areas. It was also necessary to ensure the appropriate use of public space for pedestrians and other users with respect to access, safety and aesthetics whilst maintaining the amenity of adjacent properties.

The Policy has been reviewed three times since its inception. Policy 7-5 Alfresco Dining – Joondalup City Centre has applied since October 2005. Notwithstanding the title of the policy, it applies to the whole of the City of Joondalup.

The City also adopted a Trading in Public Places Local Law at this time that deals with the environmental health aspects of outdoor dining.

## **DETAILS**

### Changes to the Liquor Control Act

The Department of Racing, Gaming and Liquor issues licences for the serving and consumption of liquor. The Department recently reviewed and amended the Liquor Licensing Act 1988 (the Act), which is now called the Liquor Control Act 1988. A number of changes were made to the Act in response to community and industry input that sought greater diversity and innovation for local consumers and tourists.

One of the changes includes the expansion of opportunities for patrons of eating premises (restaurants and cafes) to consume alcohol without the need to have an accompanying meal, as long as they are seated at tables or fixed structures used as tables for eating food. This opportunity was previously limited to 20% of the premises. While the changes to the Act do not place a limit on the extent of premises that could have drinking-only patrons, a restaurant must still primarily and predominantly consist of the regular supply of meals to customers, seated at chairs and tables. A special licence, known as an Extended Trading Permit (ETP), is required to be issued. The change has implications for the City's assessment of alfresco activities and amendments are proposed to address this.

### Proposed Amendments to Policy 7-5 Alfresco Dining

A summary of the proposed amendments is provided below:

- Amending the title of the Policy to cover all alfresco activities in the City of Joondalup;
- Amending the definition of 'alfresco dining' to 'alfresco activities' to include the consumption of alcohol in outdoor areas, when seated at chairs and tables; and
- Clarification of approval requirements, and improvement to the wording of the document.

### **Issues and options considered:**

The options available to Council are:

- Adopt the draft amendments to Policy 7-5
- Refuse to adopt the proposed amendments to Policy 7-5
- Adopt the draft amendments to Policy 7-5, with modifications.

### **Link to Strategic Plan:**

The following objectives and strategies in the City's Strategic Plan 2003-2008 are applicable to this report.

Objective 3.2 To develop and promote the City of Joondalup as a tourist attraction.

Strategy 3.2.1 Create and promote cultural tourist attractions.

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

**Legislation – Statutory Provisions:**

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Should Council adopt a draft or amendment to a policy, the proposal is required to be advertised for a period of not less than twenty one (21) days. Advertising is undertaken by way of a notice published once a week for two consecutive weeks in a local newspaper, as well as on the City's website, giving notice where the draft policy or amendment may be inspected.

**Risk Management considerations:**

Not applicable

**Financial/Budget Implications:**

Not applicable

**Policy implications:**

Not applicable

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable

**Consultation:**

In the event that Council adopts the draft amendment to the policy for advertising, it is recommended that the proposal be advertised for a minimum period of twenty one (21) days. Upon completion of advertising, Council is required to consider all submissions and proceed to either adopt or refuse the amendment to the policy.

## **COMMENT**

### Proposed Amendment to Policy 7-5

The amended liquor laws provide the opportunity for restaurants, subject to the issue of a special licence, to serve alcohol without a meal to patrons. Policy 7-5 does not currently cover this activity. It is considered that this activity will not have any adverse impact on the alfresco environment, and it is therefore proposed that the Policy definition of 'outdoor dining' be amended to include the consumption of alcohol in outdoor areas, when seated at chairs and tables. Attachment 1 shows all proposed tracked amendments to Policy 7-5.

It is noted that the proposed amendment to Policy 7-5 would also allow premises with other liquor licences (eg taverns) to request approval for alfresco activities, whether that be for dining or the provision of alcohol without a meal. As with restaurants, however, the Policy would require patrons to be seated at chairs and tables.

### Liquor Licence conditions

Applications for liquor licences are required to be issued with a Certificate of Local Planning Authority (known as a 'Section 40') and a Certificate of Local Health Authority ('Section 39') from the local authority, to ensure the application is in accordance with the planning and health requirements. ETPs are generally forwarded to the City for comment prior to issuing. The City can impose appropriate conditions on the Section 39 and 40 certificates, and the Department determines whether it applies these conditions to a licence or permit. These procedures will not alter under the amended Act.

Conditions suggested by the City could include such issues as a limit on the number of patrons, car parking provisions and hours of operation. Under the Liquor Control Act, if there is disparity between the conditions of the licence or permit issued by the Department and any other legislation, such as planning scheme provisions, the more onerous of the conditions imposed under these legislations applies.

Under an ETP issued for drinking only patrons, the predominant land use will still need to apply. A restaurant, café, tavern or hotel therefore needs to be the predominant use of the licensed premises, which could include the alfresco areas. For example, an ETP relating to a tavern use would need to be associated with a tavern use approval. In this way, restaurants and cafes could not become defacto taverns as development approval from the City for a change of use would be necessary in the first instance before the City could support the ETP. Enforcement of this aspect would be from the Department, enforcing the conditions of the ETP, and from the City, enforcing the provisions of the planning scheme.

### Other Proposed Amendments to Policy 7-5

The other proposed amendments to the Policy (as outlined in Attachment 1) are to improve and update the wording of the document, without altering the intent or provisions of the current Policy.

### Conclusion

It is not considered that the consumption of alcohol without a meal in an alfresco area will have a negative impact on the adjoining areas if conducted in accordance with the revised policy. The proposed amendment to Policy 7-5 will clarify that the consumption of alcohol without a meal is acceptable in alfresco situations where patrons are seated at chairs and tables only. Public advertising of the proposal for a period of twenty one (21) days is recommended.

### **ATTACHMENTS**

Attachment 1                      Policy 7-5 - Alfresco Dining – Joondalup City Centre  
(tracked changes)

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the proposed modifications to the City's Policy 7-5 – Alfresco Dining Policy Joondalup City Centre, as shown in Attachment 1 to this Report, for public comment for a period of 21 days.**

*Appendix 2 refers*

### **ITEM 3            PROPOSED MODIFICATION TO POLICY 3-2 - HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREAS – [08375]**

**WARD:**            All

**RESPONSIBLE**    Mr Clayton Higham  
**DIRECTOR:**      Planning and Community Development

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#### **PURPOSE**

The purpose of this report is for Council to consider the submissions received as a result of the advertising of a proposed modification to Policy 3-2 - Height and Scale of Buildings within Residential Areas.

#### **EXECUTIVE SUMMARY**

Policy 3-2 - Height and Scale of Buildings within Residential Areas provides guidelines for the assessment of building height for planning and building proposals in residential areas. The policy was initially prepared in response to community concern regarding the impact of large dwellings on surrounding properties.

A review of the policy has revealed that its wording could be clarified in order to improve its alignment with the provisions of Council's Town Planning delegations. The intention of the modification is not to extend or alter the extent of delegation powers.

The draft modification was advertised for a period of 21 days and four submissions of objection were received. The submissions indicate concern that the proposed changes to the policy will remove the protection for homeowners in regard to the height and scale of new buildings, and will also remove Council's decision-making ability in relation to Policy 3-2.

As the proposed modification does not alter the technical provisions of the policy or the current procedures in terms of how planning applications are determined, it is considered that the issues raised in submissions would not affect it proceeding. It is recommended that the proposed modification to the policy be adopted for final approval.

#### **BACKGROUND**

Council at its meeting held on 27 February 2007 considered this item and resolved:

- "1        In accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES a proposed modification to Policy 3-2 Height and Scale of Buildings within Residential Areas, forming Attachment 1 to this Report for public comment for a period of twenty one (21) days;*
- 2        NOTES that on completion of advertising the matter will be the subject of additional consideration by the Council."*

Council first adopted the policy in March 1998 (DP78-03/98 refers) and it was referred to at that time as Policy G3-17. The policy was further amended in April 2000 (CJ086-04/00).

A review of the City's Corporate Policy Manual was undertaken in June 1999 (CJ213-06/99 refers) and in October 2005 (CJ206-10/05 refers), which re-numbered the policy to 3.1.9 and 3-2 respectively.

Policy 3-2 - Height and Scale of Buildings Within Residential Areas presently applies to all development in residential zones within the City, with the exception of areas in which building height and scale are otherwise addressed in structure plans prepared in accordance with Part 9 of the City's District Planning Scheme No 2 (DPS2).

Town Planning delegations have been reviewed on various occasions, with the assistance of a number of internal and external sources, most recently in July 2007. As a result there is an identified need to add clarity to the relationship between the delegations and the Policy.

## **DETAILS**

### **Issues and options considered:**

#### Issues

Statement No. 4 of Policy 3-2 does not align with Council's current Town Planning delegations. Statement No. 4 (b) currently reads as follows:

*Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed as follows:*

- (a) *In cases in which notified landowners have raised no concerns or objections AND the application is supported by the Manager Approvals, Planning and Environmental Services, the application shall be processed under delegated authority;*
- (b) *In cases in which notified landowners have raised concerns or objections OR the application is not supported by the Manager Approvals, Planning and Environmental Services, the application is to be presented to Council for determination.*

The power to determine applications arises from the District Planning Scheme. The DPS also allows Council to delegate to officers the ability to determine certain classes of application. The current Town Planning delegations allow single houses, and up to ten grouped or multiple dwellings to be determined by officers. Therefore, in practice, there is no difference in how (a) and (b) above are implemented. Attachment 1 is the current Town Planning Delegations, and Attachment 2 outlines the proposed modification to the policy.

In considering this issue, Council can:

- Adopt the proposed modification for final approval;
- Adopt the proposed modification with modifications, for final approval;
- Refuse to adopt the proposed modification; or
- Defer consideration of the proposed modification.

**Link to Strategic Plan:**

The following objective and strategy in the City's Strategic Plan 2003-2008 is applicable to this report:

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

**Legislation – Statutory Provisions:**

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation or modification to local planning policies.

Once the draft modification to a policy is prepared, it is required to be advertised in accordance with Clause 8.11.3 by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The draft modification to the policy is also be advertised on Council's website. The specified period for advertising should not be less than twenty one (21) days.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not applicable.

**Regional Significance:**

None. No change to the application of Policy 3-2 or associated approval processes is proposed.

**Sustainability implications:**

Not applicable.

**Consultation:**

The draft modification to Policy 3-2 was advertised for a period of twenty one (21) days, with a notice placed in the local newspaper for two (2) consecutive weeks, and a notice placed on the City's website.

Four submissions of objection were received, set out in Attachment 3.

**COMMENT**Submissions

The four submissions received do not support the proposed modification, the main concerns being summarised as:

- The proposed changes to the policy will remove the protection for home owners in regard to the height and scale of new buildings;
- The proposed modification will remove Council's decision-making ability in regard to Policy 3-2.

With regard to the first point, there are no changes proposed to the existing provisions of Policy 3-2 and how the policy is applied. With regard to the second point, the aim of the proposed modification is not to alter the current procedures in terms of how planning applications are assessed or determined. Should Council wish to review the delegation in relation to operation of the policy, this would be appropriate when the Town Planning delegations are reviewed.

Proposed Modification to Policy 3-2

The policy (first drafted in 1998) contains a provision that does not align with that of Council's 2007 Town Planning delegations.

It is proposed to delete Sections 4(a) and 4(b) from Policy 3-2 and Statement 4 be modified to reflect the powers delegated under the DPS2, as follows:

- 4 Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed in accordance with the relevant Town Planning delegations, issued under Part 8.6 of the City's District Planning Scheme No.2.*

The modified wording will reflect the City's current delegated operations when dealing with residential planning and building applications. The modification will also provide sufficient flexibility should Council resolve, at a future stage, to modify the Town Planning delegations.

The proposed modification will not alter the intent or technical provisions of the policy. The proposal will remove ambiguity that currently exists in relation to the process of determining development proposals that are considered under the policy. It is therefore recommended that Council grants final approval to the proposed modification to Policy 3-2.

## **ATTACHMENTS**

Attachment 1	Town Planning Delegations
Attachment 2	Tracked Changes - Policy 3-2 Height and Scale of Buildings within Residential Areas.
Attachment 3	Schedule of Submissions.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS for final approval the proposed modification to Policy 3-2 Height and Scale of Buildings within Residential Areas, forming Attachment 1 to this Report.**

*Appendix 3 refers*



## DETAILS

Most Service Clubs are likely to be registered charities. Under the current Policy, it is stated that hire charges will be determined on a venue-by-venue basis and, amongst other criteria, whether the booking group is recognised as a charitable organisation by the ATO. However, the Policy does not advise on the percentage of commercial rate to be applied. This is established in an operating procedure.

Under current operating procedures the following criteria are applied with respect to inside venue hire:

- 1 Commercial rate = 100%
- 2 Community rate = 50% of the commercial rate
- 3 Charity rate = 25% of the commercial rate for registered charities
- 4 Free of Charge = Where at least 50% of the members are 55+ or under 18 and reside in the City of Joondalup

Service Clubs are defined within the procedures as:

*...organisations where members may volunteer to perform community services in alignment with organisational goals and objectives. To be eligible under this definition, funds raised must be donated to a charitable cause and/or research designed to improve standards and overall quality of life. Where a service club is also a registered charity they will be charged at the Charity Rate.*

Under operating procedures, a service club registered as a charity pays the “Charity Rate” at 50% of the “Community Rate” and is 25% of the “Commercial Rate.” Further, a service club may be considered for “Free of Charge” in circumstances where at least 50% of the members are over 55 and reside in the City.

### Issues and options considered:

Given the disparity between the Policy and the operating procedures, which could allow for free use by Service Groups, the following options are presented for consideration:

#### Option One

Retain the current Policy in present form.

#### Option Two

Amend the current Policy to align with operational procedures. That is, include in the Policy, the basis for hire charges, which are found in the operational procedures.

**Option Three**

This option has two elements:

- 1 Develop a new high level composite Council policy to guide future provision and management of community facilities.
- 2 Develop a new detailed composite City policy for managing community facilities which includes:
  - Definitions of the various categories of user for both hire or lease;
  - How both lease and hire rates will be determined for each category of user;
  - Standard conditions for lease or hire;
  - Reference to procedures for setting fees and charges, management of bookings/leases and asset management.

**Link to Strategic Plan:**

Key Focus Area: Community Wellbeing

Objective 1.3 To continue to provide services that meet changing needs of a diverse and growing community.

Key Focus Area: City Development

Objective 3.1 To develop and maintain the City's assets and built environment.

**Legislation – Statutory Provisions:**

A new composite Policy in relation to Managing Community Facilities would need to comply with Section 6.17. Setting Fees and Charges, Local Government Act (1995).

**Risk Management considerations:**

In circumstances where there are disparities between a Policy endorsed by Council and operational procedures, there may be confusion, which creates the potential for complaints.

**Financial/Budget Implications:**

Currently service organisations such as the Lions Club, Rotary or Apex either do not use City facilities or obtain the facilities at no charge. Consequently, implementing a policy in relation to free usage will have no financial impact based on current usage. Should service organisations amend the nature of their usage in future, a free usage policy could have an impact.

**Policy Implications:**

If the Policy Committee accepts Option Three, all Policies concerning community facilities will need to be redrafted as two composite documents i.e.,

Council Policy: Provision and Management of Community Facilities. This document would outline the City's commitment to providing community facilities and managing these assets in ways that are sustainable.

City Policy: Management of Community Facilities. This document would be a composite of Policies relating to management of community facilities.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Providing access to City facilities at below recovery costs could be viewed as economically unsustainable. However, the provision of free use could be viewed as supporting social sustainability.

**Consultation:**

Not Applicable.

**COMMENT**

Investigations into a new Policy, which would permit free access to Council facilities for service clubs has identified a lack of alignment between policy and practice with respect to the provision and management of community facilities.

Council Policy 4.2 distinguishes between hire charges for indoor and outdoor venues, with provisos for each. A service club that is registered as a charity may currently be charged at a charitable rate although it is not clear from the Policy what percentage of the commercial rate could be levied in those circumstances.

Current operational procedures have collapsed the provisos for hiring indoor and outdoor venues into one, such that a service club in which most of the members are local and aged 55+, can hire a venue for free. If the Policy were adjusted to reflect current practice, the circumstances under which a service club could access Council facilities would be clarified.

A further opportunity exists for Council to demonstrate support for community groups and organisations that contribute to community life through:

- (a) Identifying the current and replacement value of community facilities, and;
- (b) Establishing an amount of subsidised access to community facilities e.g., 'service clubs' can obtain say 100 hours use per annum at a set percentage of the commercial rate or at no charge. Usage beyond the 100 hours would then incur the full charge.

Categories of users and levels of subsidised access to be provided could be determined on an annual basis together with fees and charges. By listing current and replacement value of community facilities and the subsidies available to community groups and organisations in budget documents, a more transparent process for the management and allocation of community facilities will be achieved.

## **ATTACHMENTS**

Attachment 1	Council Policy 1.1 - Leisure
Attachment 2	Council Policy 4.2 - Setting Fees and Charges
Attachment 3	City Policy 7- 3 - Community Facilities – Built
Attachment 4	City Policy 7- 4 - Management of Community Facilities

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That the Policy Committee:**

- 1 NOTES that access to City facilities is referred to in a number of existing Council and City Policies and that current operating procedures already provide for free access by service groups;**
- 2 RECOMMENDS to Council that it:**
  - (a) SUPPORTS Option 3 and the compilation of composite Council and City Policies for management of, and access to, community facilities;**
  - (b) APPROVES development of user categories including the extent of subsidised use per category in preference to offering free use to service clubs.**

*Appendix 4 refers*

**Proposed Amendment to District Planning Scheme No 2**

1. Clause 3.4 is amended by inserting the following after (c):

“provide the opportunity for appropriately located and managed short stay accommodation.”
2. Table 1 is amended by inserting the use class “short stay accommodation” and designating that use as “A” in the Residential Zone, “D” in the Mixed Use, Business, Commercial and Private Clubs and Recreation zones, and “X” in all of the other Zones.
3. Table 2 is amended by inserting the use class “short stay accommodation” and inserting “2 bays per unit” in the column headed “Number Of Onsite Parking Bays”.
4. Schedule 1 is amended as follows:
  - (a) the definition of “dwelling” is amended by inserting the following words after the semi colon:

“for the purpose of the definition of “dwelling” habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;”;
  - (b) a new definition is inserted as follows:

“short stay accommodation” means the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”;
  - (c) deleting the definition of “residential building” and substituting the following new definition:

“residential building” means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 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;”

## **POLICY No     SHORT STAY ACCOMMODATION**

<b>STATUS:</b>	<p><b>City Policy</b> - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i></p> <p><b>City policies are referred to Council for review and endorsement.</b></p>
<b>RESPONSIBLE DIRECTORATE:</b>	Planning and Community Development
<b>OBJECTIVE:</b>	<p>To specify standards of development and use for sites proposed to be used as short stay accommodation.</p> <p>To protect the amenity and character of adjoining residential areas by minimising potential impacts associated with short stay accommodation.</p>

### **AUTHORITY**

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 (DPS2) which allows Council to prepare planning policies relating to planning or development within the scheme area.

### **POLICY AREA**

This policy applies to the whole of the City of Joondalup.

### **POLICY STATEMENT**

Short stay accommodation is defined within the District Planning Scheme as:

“the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”

This policy does not apply to Residential Building, Bed and Breakfast, motel, or hotel proposals, as these are separately and specifically defined under DPS2.

### **Amenity Impacts**

This policy aims to protect the residential amenity of permanent term residents and minimise the negative impacts that may be caused by the transient nature of the occupation, such as:

- excessive noise and/or anti-social behaviour
- potential increased demand for car parking
- sense of loss of security
- poor property appearance and maintenance

To ensure these amenity impacts are minimised, the following will apply:

### 1. Location criteria within Residential zones

The Council will consider relative merits and compatibility of the proposal with the surrounding areas. Criteria that will be considered include (but are not limited to) whether the use will-

- not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience to adjoining residents and road users,
- not result in the generation of traffic beyond that of adjoining residential properties,
- not, given the nature and character of the prevailing area, have the potential to unreasonably disturb the desired character of the area, in the Council's opinion,
- be located within close proximity of supporting and complementary land uses and opportunities (like shops, transport networks, entertainment facilities etc)

### 2. Short Stay Accommodation within Grouped and Multiple Dwellings

Short stay accommodation is required to be separated from permanent dwellings that may be located on the same site or building. This can be achieved by exclusive access arrangements (vehicular and/or pedestrian), separate floors for short stay accommodation in multi storey buildings and provision of separate communal open space areas for short stay accommodation.

Short stay accommodation is not to form the predominant land use in situations where residential dwellings and short stay accommodation are located on the same site.

### 3. Management Plan

A management plan is required to be submitted at the time of lodging the application. The operation of the short stay accommodation is then required to be in accordance with that approved Plan. The management plan shall cover and/or include:

- The control of noise
- Complaints management procedure
- The on-going maintenance of the premises and all common property areas
- Security of guests, residents and visitors
- Control of anti social behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties.
- Parking Management Plan
- Compliance with House Rules such as recycling

- Exclusive use of storage areas by the occupier of the accommodation.
- If located on a strata-titled development, appropriate by-laws being entered into the strata management statement acknowledging the short stay activity on the site.

The management plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises.

#### 4. Guest Register

A register of all persons occupying the accommodation is required to be kept.

The register shall:

- (a) show the name and address of every person staying within the accommodation and the unit occupied
- (b) be signed by the person
- (c) include the date of arrival and departure
- (d) be kept on the premises of the short stay accommodation or at such other place as agreed to by the Council and shall be open to inspection on demand by an authorised City Officer.

#### 5. Annual Renewal

Where short stay accommodation is located in or abutting the Residential Zone, or where a short stay accommodation is located on the same site or building as dwelling/s, the time limit for any approval granted will be not more than 12 months. A fresh approval will be required after that time if the use is proposed to continue.

#### **Details Required For Planning Application**

In addition to the management plan referred to above, and normal planning application requirements (for lodgement of plans), the following additional information is required to be submitted on application for planning approval:

1. Information justifying the proposed location of the accommodation, and
2. Justification as to how and why the proposed accommodation will be compatible with the adjoining area.

#### **Compliance with Health Act 1911 and City Of Joondalup's Health Local Law.**

The development of short stay accommodation may be classified as a Lodging House under the City of Joondalup Health Local Law. ***Strict requirements apply to Lodging Houses, and potential applicants are advised to be familiar with these requirements and incorporate those requirements into the proposal, prior to the application being submitted.***

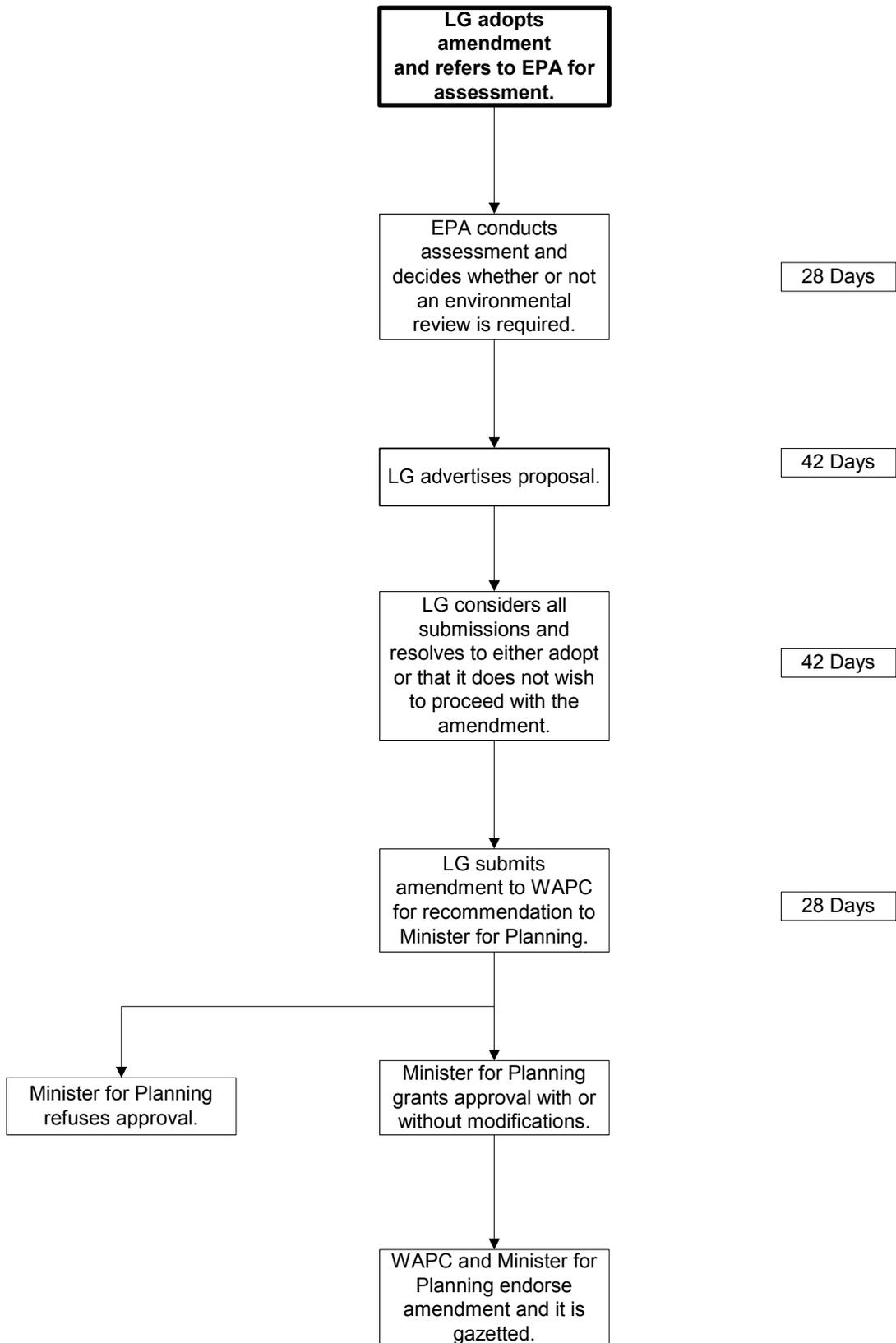
#### **Advertising of Proposal**

Advertising requirements are established in District Planning Scheme No 2.

**Related Documents**

District Planning Scheme No 2  
Planning Application Fact Sheet  
Health Local Law

**Scheme Amendment Process**



## **POLICY 7-5 – ALFRESCO ~~ACTIVITIES DINING~~ – JOONDALUP CITY CENTRE**

**STATUS:** **City Policy** - A policy that is developed for administrative and operational imperatives and has an internal focus.

*City policies are referred to Council for review and endorsement.*

**RESPONSIBLE  
DIRECTORATE:** Planning and Community Development

**OBJECTIVES:**

- 1 To ~~encourage and~~ facilitate “~~Alfresco Dining~~” ~~activities within the City of Joondalup as a means of increasing vibrancy and choice. which~~ ~~Alfresco activities~~ refers to outdoor dining and/or the consumption of alcohol by the general public while seated at tables to outdoor seating that is designed to be used by the general public for dining purposes that are located on the street verge or in a public space, generally as an extension of an existing ~~eating house premises~~ already operating within an adjacent building.

- 2 To allow for the operations of ~~alfresco dining~~ ~~alfresco activities~~ in such a manner that will not conflict with, or prejudice, the activities in adjacent premises (commercial and/or residential) or interfere with the traffic flow in the area or any other normal function of the area.

- 3 To provide guidelines for the granting of planning approval for ~~alfresco dining~~ ~~alfresco activities~~.

- 4 To complement the provisions for outdoor dining as specified in Part 3 – Outdoor Dining – Trading in Public Places Local Law.

~~The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup Trading in Public Places Local Law.~~

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### **STATEMENT:**

#### **Definition**

“Alfresco activities” means outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within the adjacent building.

#### **Area**

This policy shall apply to ~~alfresco dining alfresco activities facilities~~ within the City of Joondalup.

The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup Trading in Public Places Local Law.

Requirements to operate an Alfresco Area Activities

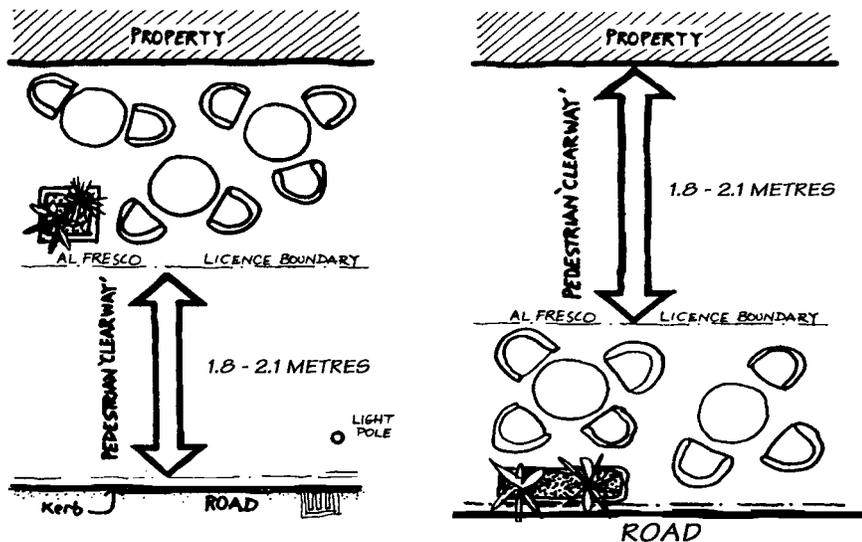
In order to operate ~~an alfresco dining alfresco activities area~~ prospective operators require

- a valid planning approval and
- a valid outdoor dining licence issued under the City of Joondalup’s Trading in Public Places Local Law.

**Statements**

Guidelines for locating Alfresco Dining Areas Alfresco Activities

- 1 ~~Alfresco dining areas Alfresco activities~~ should be appropriate to the character and functions of the area in which they are proposed to be located.
- 2 ~~Alfresco dining areas Alfresco activities~~ will not be approved where, ~~in the opinion of Council,~~ the gathering of customers or the elements of design will impede pedestrian or vehicular movements, or cause conflicts with or inconvenience other adjoining activities. A minimum clear footpath width of 1.8 - 2.1 metres should be provided, dependent on the pedestrian traffic volume within the area. Determination shall be made by the City on the individual merit of the location. Pedestrians should be able to make normal use of the footpath without being obliged to step into the road at any point, or make other unwarranted detours.



- 3 Applications to establish ~~alfresco dining areas alfresco activities~~ will also need to comply with specific requirements of any relevant policy relating to the

location and/or type of activity proposed, unless ~~the Council~~ the City of Joondalup considers such compliance is not necessary in a particular instance.

~~4 The establishment of alfresco dining facilities should not conflict with or inconvenience other adjacent activities.~~

~~45 Structures associated with alfresco dining areas alfresco activities may only be fixed to the footpath or to any other structures with the prior written approval of Council~~ the City of Joondalup.

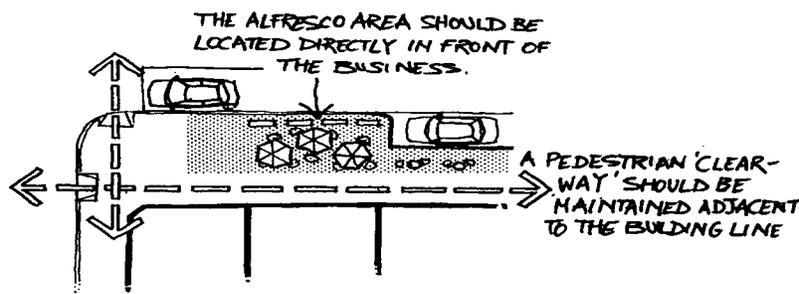
~~56~~ In instances where permanent structures are proposed, the proposal must be referred to the Department for Planning and Infrastructure and/or the Minister for Local Government for approval.

~~67 The alfresco dining area Alfresco activities is/are~~ to be designed to accommodate disabled access.

~~78 The exits to a building that adjoins the alfresco area are not to be impeded in any way.9 Any alfresco dining area should not obstruct pedestrian movement. A minimum clear footpath width of 1.8m to 2.1m should be provided dependent on the pedestrian traffic volume within the area. Determination shall be made by Council on the individual merit of the location. Pedestrians should be able to make normal use of the footpath without being obliged to step into the road at any point, or make other unwarranted detours.~~

~~840~~ Any alfresco dining area alfresco activities should not obstruct sight lines for either vehicles or pedestrians, both at road junctions and vehicle access crossovers.

**Location of alfresco dining on footpaths and car parking embayments**



~~944~~ The alfresco dining area alfresco activities shall be presented in a way that enhances the amenity of the adjoining properties and the street in general. This may be achieved through using decorative pot plants and chairs and tables of an appropriate style. Any structures placed within the public domain in accordance with this clause must be considered in respect to other clauses in this policy and the City of Joondalup's 'Trading in Public Places' Local Law.

~~1042 Alfresco activities areas shall be demarcated (line marked) and details with respect to using furniture, planter pots, barrier fencing/bollards and similar items, to the satisfaction of the City of Joondalup, being provided if a risk assessment of the proposed alfresco dining area is indicates that this is warranted.~~

### Planning Approval requirements

- 1 Applications for ~~alfresco dining~~ alfresco activities will be treated as Development Applications (Form 1). The application form is required to be signed by ~~DL~~ the City of Joondalup as the ~~owner~~ managers of the public land where non-permanent (temporary and moveable) structures are proposed. If permanent structures are proposed as part of the application, the Department for Planning and Infrastructure is required to sign the Form 1.
- 2 Applications must be accompanied by plans and a management plan as outlined under part 3 (clause 17 d and e) ~~Outdoor Dining~~ of the City of Joondalup's Trading in Public Places Local Law
- 3 A planning approval for ~~alfresco dining~~ alfresco activities ~~is required to will~~ include the following conditions and advice notes:
  - A. The licence holder shall make adequate insurance arrangements to the satisfaction of the ~~Council~~ City of Joondalup, in the joint names of the Council City and the operator, for public liability insurance cover to provide indemnity in respect to both injury to persons and damage to property. A copy of the policy will need to be provided to the City prior to the commencement of trading. The City of Joondalup shall be advised directly by the insurance company of any possible changes to the policy.
  - B Structures and furniture must be stable under windy conditions.
  - C. The operator shall not, without the prior approval of the ~~Council~~ City of Joondalup:
    - (a) make use of any method of noise making (ie live music, record, tape, radio, etc);
    - (b) carry out any specific functions (ie fashion parades, art exhibitions, etc);
    - (c) prevent the public from using the alfresco area, whether paying customers or not.
  - D. The operator shall keep the alfresco area clean and free from rubbish to the satisfaction of the ~~Council~~ City of Joondalup.
  - E The approval is valid for a period of 36 months.
  - ~~F~~ In granting approval, the Council may limit operating hours.

- G The tables, chairs and all equipment associated with the alfresco area shall be removed from the public space outside normal trading hours for the associated premises, unless permanent structures have been approved by the Department for Planning and Infrastructure and/or the Minister for Local Government.
- ~~H~~ ~~The City reserves the right to require the alfresco area to be removed at any time at the applicant's expense to undertake essential maintenance work.~~
- ~~H~~ Any modifications of the street verge or any relocation of existing street furniture, trees or services shall not be undertaken without the prior approval of the ~~Council~~ City of Joondalup.
- ~~J~~ All costs associated with any such works will be totally at the applicant(s) expense.

### Advice Notes

- 1 In granting approval, the City of Joondalup may limit operating hours.
- 2 The City of Joondalup reserves the right to require the alfresco area to be removed at any time at the applicant's expense to undertake essential maintenance work.

### **Fees**

Development Application Fee} To be set by Council as part of the annual schedule of fees and charges.  
Renewal Fee } As above.

Amendments: CJ213-06/99; CJ024-02/04, CJ206-10/05

Related Documentation: Schedule of Fees and Charges; Trading in Public Places Local Law – Outdoor Dining s of the City

Issued: October 2005- \*\*\*\*\* 2007

## TOWN PLANNING DELEGATION NOTICE - JULY 2007

### 1 APPOINTMENT OF DELEGATES

For the purpose of Schedule 6 of the City of Joondalup District Planning Scheme No 2 ("the Scheme"), the persons who occupy from time to time the following positions, and who hold or are eligible to hold a municipal town planners certificate, are appointed by the Council to supervise the town planning control functions of the Council:

- (a) the Director Planning and Community Development;
- (b) the Manager Approvals, Planning and Environmental Services;
- (c) the Coordinator Planning Approvals;
- (d) the Senior Planning Officers (Planning Approvals);

### 2 DELEGATIONS TO DIRECTOR AND MANAGER

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(a) and 1(b) above the following powers conferred or imposed on the Council under the Scheme:

- (a) the determination of an application for approval of development for the purpose of one or more single houses;
- (b) the determination of an application for approval of development for the purpose of not more than 10 grouped dwellings or multiple dwellings;
- (c) the determination of an application for approval of a development for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a single house, grouped dwelling or multiple dwelling) where:
  - (i) the development complies with the standards and requirements of the Scheme; or
  - (ii) the setbacks, the landscaping or the number of parking bays of the development are less than the minimum requirement of the Scheme by not more than 10% of that requirement; and
  - (iii) the development complies with Policy 3-4 Height of Buildings Within The Coastal Area (Non-Residential Zones);

- (d) the direction under clause 6.6.2 of the Scheme that clause 6.7 (Public Notice) is to apply to an application for planning approval involving a “D” use;
- (e) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme;
- (f) the determination under clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application; and
- (g) the decision whether to consult under clause 6.4.
- (h) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

3 MATTERS NOT DELEGATED TO COORDINATOR PLANNING APPROVALS AND SENIOR PLANNING OFFICERS

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(c) and 1(d) above the powers specified in paragraph 2 above except:

- (a) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
  - (i) the open space of the proposed development is less than the applicable minimum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
  - (ii) the plot ratio of the proposed development exceeds the maximum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
  - (iii) any of the setbacks of the proposed development are less than the minimum requirements of Table 1 or Table 2 or clause 3.2.3 A3.3 or A3.5 of the Residential Design Codes by more than 1.5 metres; or
  - (iv) the site area per dwelling of the proposed development is less than the minimum requirement of Table 1 of the Residential Design Codes; or
  - (v) the requirements of clause 3.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 10% of those requirements; or

- (vi) the requirements of clause 3.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements;
- (b) the determination of an application for planning approval under clause 6.1 of the Scheme where:
  - (i) the setbacks of the proposed development; or
  - (ii) the number of on-site car parking bays to be provided; or
  - (iii) the area of the development site to be developed as landscaping;is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (c) the determination of an application for planning approval where:
  - (i) advertising and the giving of notice has occurred under clause 6.7 of the Scheme; and
  - (ii) an objection has been received;
- (d) the determination of an application for approval under clause 6.1.3(b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
  - (i) consultation under clause 2.5.2 of the Residential Design Codes has occurred; and
  - (ii) an objection has been received from a person notified under that clause;
- (e) the refusal of any application for planning approval under clause 6.1 of the Scheme and the refusal of any application for approval under clause 6.1.3(b); and
- (f) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme.
- (g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

4 PERIOD OF DELEGATION

The delegations made in paragraphs 2 and 3 above are to have effect for a period of 2 years from and including the date of this decision.

5 SUBDIVISION FUNCTIONS

The Council specifies the following functions:

- (a) the local government's functions under section 24 of the Town Planning and Development Act 1928; and
- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether the local government is so satisfied;

as functions to be performed by the persons who occupy, from time to time, the following positions;

- (i) the Director Planning and Community Development;
- (ii) the Manager Approvals, Planning and Environmental Services;
- (iii) the Coordinator Urban Design and Policy;
- (iv) the Senior Planning Officers (Urban Design and Policy);

6 REPORTING TO COUNCIL

The CEO is to cause a report of the exercise of powers and functions referred to in paragraph 2, 3 and 5 above, to be prepared and presented to an ordinary meeting of the Council.



## **POLICY 3-2 – HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREAS**

**STATUS:** **Council Policy** - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.*

*Council policies are developed by the Policy Committee for approval by Council.*

**RESPONSIBLE DIRECTORATE:** Planning and Community Development

**OBJECTIVE:** To ensure that all development within a residential area of significant height and scale is given appropriate consideration with due regard to the protection and enhancement of the amenity and streetscape character of the surrounding area.

### **Area**

This planning policy applies to all development in the Residential Zone within the City of Joondalup with the exception of areas in which building height and scale is otherwise addressed in structure plans made in accordance with Part 9 of District Planning Scheme No 2.

### **Definitions**

- 1 “Amenity” shall mean the quality of the environment as determined by the character of an area, its appearance and land use, which contributes to its pleasantness and harmony and to its better enjoyment.
- 2 “Building Threshold Envelope” shall mean the invisible envelope over a building site described by a height above natural ground level of 3.5m at the side and rear boundaries increasing in line with the distance to the closest boundary to a height of 8.5 metres but not extending closer than three metres to the street boundary.
- 3 “Natural Ground Level” shall mean:
  - (a) the contour or spot levels (RL) of previously undisturbed land noted on a site plan or site survey plan;
  - (b) land within areas having been recontoured with or without retaining walls as part of the approved subdivisional works shall be deemed to have natural ground level coinciding with the recontoured ground as approved;



- (c) where land has been previously disturbed, natural ground level shall be deemed to be based on existing records or where there are no adequate records, an estimate as determined by the Chief Executive Officer.

## STATEMENT

- 1 Applications for development approval and for building licences for developments which do not exceed the building threshold envelope are deemed to comply with the objectives of this policy and shall be processed by Approval Services in the normal manner. If it is unclear from the application due to lack of detail whether the threshold is exceeded or not, the application shall be considered to exceed the building threshold envelope.
- 2 Applications for development approval and for building licences for developments which exceed the building threshold envelope except as outlined in Paragraph 5 of this statement shall be accompanied by:
  - (a) A site contour plan showing natural ground level (as defined in this policy) with 0.5 metre contours prepared by a licensed surveyor;
  - (b) Plans showing finished floor levels, wall heights and roof heights of the proposed building(s);
  - (c) Written justification by the applicant for those aspects of the development which exceed the threshold set out in this policy, including the likely impact of the height and location of the building(s) on the amenity of nearby landowners and the surrounding area generally.
- 3 In the case of applications referred to in paragraph 2 of this statement, Council will seek written comments on the proposal for a period of 14 days from the date of notification from affected landowners of land within 15 metres of the boundaries of the subject land and on the opposite side of the street.
- 4 Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed in accordance with the relevant Town Planning delegations issued under Part 8.6 of the City's District Planning Scheme No. 2, as follows:
  - ~~(a) In cases in which notified landowners have raised no concerns or objections AND the application is supported by the Manager Approvals, Planning and Environmental Services, the application shall be processed under delegated authority;~~
  - ~~(b) In cases in which notified landowners have raised concerns or objections OR the application is not supported by the Manager Approvals, Planning and Environmental Services, the application is to be presented to Council for determination.~~
- 5 The following may encroach beyond the building threshold envelope without restriction:



- (a) fascias, gutters, downpipes, eaves to a maximum width of 600mm, chimneys, flues, pipes, air conditioning plant, aerials, light fittings, electricity or gas metres or other services;
- (b) pergolas, screens or sunblinds.

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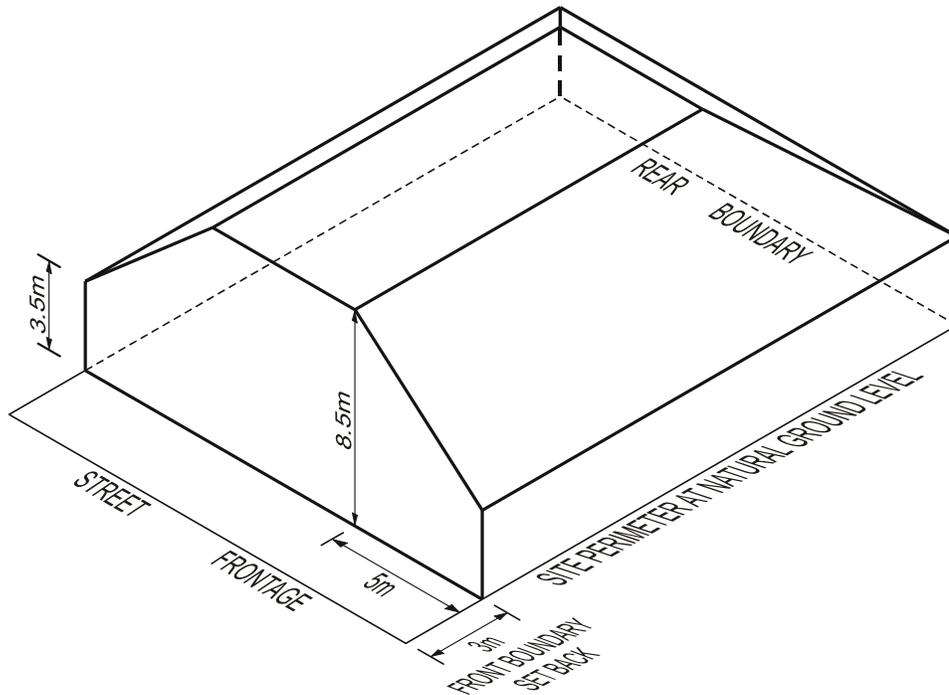
Amendments: CJ213-06/99, CJ086-04/00, CJ206-10/05

Related Documentation: Delegated Authority Manual

Issued: October 2005



## BUILDING THRESHOLD ENVELOPE



Distance From Boundary	Height Above Natural Ground Level
0m	3.5m
0.5m	4.0m
1.0m	4.5m
1.5m	5.0m
2.0m	5.5m
2.5m	6.0m
3.0m	6.5m
3.5m	7.0m
4.0m	7.5m
4.5m	8.0m
5.0m	8.5m

SCALE 1:250  
DATE 24/11/99

**PROPOSED MODIFICATION TO POLICY 3-2  
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING  
(CLOSED 29 MARCH 2007)**

NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER COMMENT
1	M Caiacob	7 Rowan Place Mullaloo 6027	<p>Objection</p> <p>Removing Council powers in lieu of Delegated Powers is not open, accountable governance.</p> <p>Council should be actively involved in the Planning aspect of the Local Government yet this administration is continually asking for more</p> <p>This issue is a Delegated Authority review issue not a policy review.</p> <p>Previous reviews of this policy in 2000 and 2005 had this delegation. After 6 years of effectively operation no reason for this amendment is apparent or detailed by the administration.</p> <p>There is no ambiguity in the existing policy. If the application does not comply then Council deals with it, if it does comply officers deal with it.</p> <p>The City's planning staff have more urgent and pressing issues, and should not be wasting resources and finances on this useless amendment when assessment turn around times, public safety, compliance issues, advice to public and not to best practice.</p>	<p>It is agreed that this matter is a Town Planning Delegation issue. This is the reason that the Policy is proposed to be amended so there is no confusion between the Policy wording and the current Town Planning Delegations. No additional delegation is being sought.</p> <p>Council has the ability to review and alter the Town Planning Delegations should it resolve to do so.</p>
2	H & B Willmot	51 Quarry Ramble	Objection	

**PROPOSED MODIFICATION TO POLICY 3-2  
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING  
(CLOSED 29 MARCH 2007)**

		Edgewater 6027	<p>Concerned about the adverse effect on home values and enjoyment that subdivision of blocks in established areas, and that home owners are not consulted when subdivisions are approved.</p> <p>The new proposed legislation would appear to be designed only to remove what limited protection there is for home owners over height and scale of new buildings in residential areas.</p> <p><i>(A copy of previous correspondence to the City in regard to an adjoining subdivision was attached to this submission)</i></p>	The proposed amendment to Policy 3-2 does not impact on the current provisions of the policy. The assessment of dwellings having regard to the Building Height Threshold is unchanged.
3	P & P Sauter	49 Quarry Ramble Edgewater 6027	<p>Objection</p> <p>As subdivision of blocks is becoming more widespread, people will be affected by new houses blocking light and views. The current policy at least provides minimum standards, although in some cases not strict enough. It is important that Council remains involved in setting and controlling these standards, especially in any non-compliant applications.</p> <p>Council should review Policy 3-2 to take more account of the actual impact of new buildings on existing ones, beyond the limited provisions of the Building Threshold Envelope and other Codes.</p>	See submission 2 above.

**PROPOSED MODIFICATION TO POLICY 3-2  
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING  
(CLOSED 29 MARCH 2007)**

4	S Kobelke	1 Hawkins Avenue Sorrento 6020	<p>Objection</p> <p>Applications which exceed the building threshold envelope continue to draw much angst amongst the community. Non complying applications are one of the reasons for the breakdown in community relations.</p> <p>There is some misguided belief that when an applicant seeks to build outside the envelope and it is approved despite neighbours objecting, that the neighbours get over it in time. In fact the opposite is the case, generally communication breaks down amongst neighbours and in many cases they do not ever talk again. There are whole streets in Joondalup where neighbours have not talked for years because of planning applications outside the building threshold were approved. This planning area is sensitive in the extreme.</p> <p>The proposed amendment pushes the chances of community breakdown further by taking out the involvement of the Council.</p> <p>There is nothing wrong with the existing policy, and the proposed change is detrimental to the community.</p>	<p>Policy 3-2 establishes a Building Threshold Envelope, and is not a prescriptive height limit. The BTE acts as a trigger to further assessment and consultation with adjoining owners. Substantial negotiation can occur with designers to ensure that applications are brought within the BTE, or only have as minor projections as possible. Many applications that project beyond the BTE have small projections through the sides of the BTE, rather than the height of the dwelling.</p> <p>The City does not get involved directly in communications between neighbours about the development of properties, or in resolving neighbour disputes. It is considered that the proposed modification will not contribute to community breakdown.</p>
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## **POLICY 1-1 – LEISURE**

**STATUS:** **Council Policy** - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.*

*Council policies are developed by the Policy Committee for approval by Council.*

**RESPONSIBLE DIRECTORATE:** Planning and Community Development

**OBJECTIVE:** To guide the provision of leisure services, facilities and programmes to assist in the achievement of the City of Joondalup's Mission, Vision and strategic objectives.

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### **STATEMENT:**

The City of Joondalup is committed to making a significant and sustainable contribution to the quality of life of its citizens, by supporting a broad range of leisure services, facilities and programmes.

#### Beliefs and Values

- Participation in leisure makes a significant contribution to the health, well-being and quality of life of the people of Joondalup.
- Leisure makes a positive contribution to the local economy.
- All people should have the opportunity to participate in leisure regardless of age, ability, discretionary income, ethnicity, gender and geographical location.
- The City must manage its limited leisure resources, including human, financial and physical assets, in a manner that ensures equity, efficiency and effectiveness.
- Leisure provides an ideal vehicle and provides “tools” to build and engender community spirit.
- The social and economic values of services are of equal importance and as such each programme/service must be carefully assessed in light of its financial return and economic viability as well as its social benefit.

## Roles

- Advocating on behalf of the community and community groups to local, regional and national service providers.
- Co-ordinating the provision of leisure via the development of a city-wide Leisure Strategic Plan.
- Monitoring and evaluating the provision of leisure services in Joondalup in accordance with all policies and strategic plan.
- Promoting:
  - The benefits of participation in Leisure Activities.
  - Joondalup as a leisure events city.
  - Opportunities for leisure in Joondalup.
- Providing leisure information and advice.
- Providing assistance to community groups via grants, subsidies, and contracts.
- Providing services, facilities and programmes where there is a proven need.
- Researching existing and future needs and trends in leisure.
- Working in partnerships with other providers wherever viable.

## Outcomes

- Joondalup residents are aware of and have access to a broad range of leisure activities.
- Consultation with the Joondalup community, leisure participants and service providers is ongoing and effective.
- Physical assets meet the identified and viable leisure needs of Joondalup and minimum legal standards.
- Leisure is making a positive contribution to the city's economy.
- Research into the existing and future leisure needs and trends of Joondalup is ongoing and findings are taken into account in the planning and provision of all services, facilities and programmes.
- Identified target groups are aware of, have access to, and are increasing their participation in a broad range of leisure activities.
- Resources are allocated and services, facilities and programmes are delivered efficiently, effectively and equitably.
- Services, facilities and programmes meet the leisure needs of the Joondalup community.
- Services, facilities and programmes complement and enhance the city's unique character and environment.
- Joondalup is widely recognised for hosting successful local, regional, and national recreation, sports and cultural events and festivals.
- Volunteers are acknowledged and supported.

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Amendments: CJ213-06/99, CJ206-10/05  
Related Documentation: N/A  
Issued: October 2005

## **POLICY 4-2 – SETTING FEES AND CHARGES**

**STATUS:** **Council Policy** - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.*

*Council policies are developed by the Policy Committee for approval by Council.*

**RESPONSIBLE DIRECTORATE:** Corporate Services and Resource Management

**OBJECTIVE:** To establish a fair and equitable fee structure on a user contributes basis which reflects actual costs for goods and services provided by council and takes into account the City's objectives and community obligations.

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### **STATEMENT:**

#### **Goods**

'Goods' includes the provision of anything that may be tangible, such as information reports or documentation.

The following shall apply to the provision of goods:

- (a) Fees for the provision of goods will aim at the full economic cost of producing the good;
- (b) Fees will be reviewed annually as part of the annual budget development program.

#### **Services**

'Services' includes licensing & inspection fees.

- (a) Fees for the provision of services shall aim at recovering the full economic cost of providing the service.
- (b) Fees will be reviewed annually as part of the annual budget development program
- (c) Authority to waive fees is delegated to the Chief Executive Officer.

## **Hire Charges**

'Hire Charges' includes halls, community rooms and sporting or recreation venues, hired for a specific period.

'Junior' is defined as 18 years and under

'Senior' is defined as 60 years and over, or retired.

## **Outside venues**

These are defined as parks, gardens, ovals and similar.

Council will aim to recover 20% of the annual maintenance cost for all outside recreation areas. To achieve this, hire charges will be set based on the following:

- (a) junior sport & recreation bodies - free of charge
- (b) senior sport & recreation bodies – free of charge
- (c) bodies where the majority of members are Pensioners or Seniors Cards holders - 50% of real cost of provision of area;
- (d) All other groups and individuals - 100% of real cost of provision of area

The area under use to be determined in consultation with the Director Community Development.

## **Inside venues**

These are defined as all built areas, including leisure and aquatic centres, local and community halls, sports centres, clubrooms, and other council owned property.

Council will aim at 100% cost recovery of operating costs for all leisure activities undertaken by Council, bearing in mind the need to:

- (a) maintain premises; and
- (b) provide for future additional and replacement premises.

However the minimum standard benchmark for individual leisure centres will be that established by the centre for Environment and Recreation Management at the University of South Australia.

Hire charges will be determined on a venue-by-venue basis, using the following criteria:

- (a) peak or off-peak booking;
- (b) permanent, temporary or one-off booking;

- (c) whether the booking group is recognised as a charitable organisation by the ATO;
- (d) the type of use to which the venue will be put;
- (e) the age and condition of the venue; and

Costs associated with goods, services and hire charges will be reviewed annually as part of the annual budget development process. The basic principles considered in establishing fees and charges will be:

- (a) cost-contribution;
- (b) fee-for service on a cost-recovery basis; and
- (c) charges that reflect the true cost of providing a facility.
- (d) the venue's population pool and location limitations
- (e) inclusion of GST where applicable.

#### **Lease fees**

'Lease Fees' includes all property where a formal agreement to lease, contract to lease or license to occupy is in place or should be in place.

- 1 Council recognises that not-for-profit groups are generally
  - (a) providing a benefit to the community; and
  - (b) not in a position to pay commercial lease rates.
- 2 The standard lease fee is therefore set as follows:-
  - (a) not-for-profit organisations - equivalent of 1% of current capital replacement cost per annum
  - (b) lease fees will be determined in proportion to any contribution made by a user group to the capital cost;
  - (c) all others - market value.
  - (d) inclusion of GST where applicable.
- 3 Lease fees for vacant land provided to not-for-profit organisations will be that determined by the Valuer-General. Such leases or rental agreements will provide mechanisms for revaluation every three years.
- 4 Capital cost will be determined by the Director Corporate Services & Resource Management.
- 5 Any existing anomalies to this policy will be rectified as the opportunity arises.

- 6 Licence to Occupy agreements to be phased out as each agreement ends and then leases will be implemented.

### **Authority to Waive Fees**

Authority to waive fees for goods, services or hire charges is delegated to the Chief Executive Officer on the written support of the responsible officer. This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the Rate Notice

**(See S6.16, 6.17, 6.18 & 6.19 of Local Government Act 1995).**

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Amendments: CJ213-06/99, CJ148-06/00, CJ121-06/02,  
CJ206-10/05

Related Documentation: National Competition Policy

Issued: October 2005

## **POLICY 7-3 COMMUNITY FACILITIES – BUILT**

<b>STATUS:</b>	<b>City Policy</b> - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i>  <i>City policies are referred to Council for review and endorsement.</i>
<b>RESPONSIBLE DIRECTORATE:</b>	Planning and Community Development
<b>OBJECTIVE:</b>	To provide a range of community facilities within the community which meet local and regional needs

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### **STATEMENT:**

The City recognises its responsibility to the community to ensure that community facilities:

- Achieve value for money;
- Have the widest possible application;
- Remain relevant to community needs; and
- Meet environmental, health and building standards;

while minimising the extent to which activities held at community facilities adversely affect local residents and the financial burden that they may impose on the wider Joondalup community.

### **Construction and Extensions/Alterations**

Proposals for the construction of new community facilities or extension or alteration of existing community facilities fall generally into three categories:

- 1 Proposals for facilities where the City provides all funding;
- 2 Proposals for facilities where community based organisations seek external funding (eg grants) which require council support and a council contribution; and
- 3 Proposals for facilities where community based organisations seek council support and contributions.

## **1 City funded facilities:**

Any building proposals within the City, whether for new buildings or for additions, shall be subject to review to ensure that they meet the objectives of the City's:

- Strategic Plan;
- Disabilities service Plan;
- Cultural Development Plan
- Corporate responsibilities, and
- identified needs.

A formal assessment procedure will be undertaken at the direction of the Chief Executive Officer. New buildings and substantial renovations will demonstrate the Council's commitment to sustainability, promotion of the arts and public consultation.

## **2 Community Proposals for Capital Works - grant applications:**

Local Community organisations seeking council funding or contributions for capital works are required to:

- Meet eligibility criteria;
- Prepare a needs analysis and facility plan for the facility; and
- Have their proposal assessed using the Community Funding Assessment Plan.

All proposals will be assessed on the following criteria:

- Relevance to strategic plan and the stated Council strategic objectives;
- Demonstrated community support;
- Contribution to a sense of community identity; and
- Immediate or long term needs in the community

Funding for capital works projects will not be considered until such an assessment has been completed to the satisfaction of the Chief Executive Officer.

Applications may only proceed by resolution of Council on recommendation from the Chief Executive Officer. A decision to list such an application as a priority will not be reconsidered during the financial year in which the application was made.

## **3 Support for External Funding Applications**

Where the City has supported external applications for funding and committed to providing a portion of the funds, but the application is unsuccessful, the proposal may proceed if the applying body contributes all the remaining funds.

### **Alterations to Leased Premises**

Where alterations are proposed to any facility owned by the City whether leased externally or occupied by the City, the Chief Executive Officer may approve alterations and additions, where the value of the alteration is less than \$50,000, subject to budget allocation in the case of City owned and occupied facilities.

## **Loans and Guarantees**

In recognition of the risks associated with the provision of self-supporting loans or guarantees, the City will not enter into any such agreements with any clubs or external organisations.

## **Child Protection**

The *Working with Children (Criminal Record Checking) Act 2004* outlines that all people employed (paid or un-paid) in child related work on more than five days per year must have applied for a Working With Children check, or hold a current Assessment Notice by the date they are required to under the phasing-in arrangements. All sporting clubs and community groups approved to use the City's facilities must ensure all relevant statutory obligations are adhered to.

## **Use of Community Facilities**

The CEO may approve the use of community facilities for private parties and functions under the following circumstances:

- The Chief Executive Officer is satisfied that the application will not cause undue disruption to the community.
- Use of facilities not extending beyond:
  - Thursdays to 12 midnight;
  - Fridays & Saturdays to 12 midnight;
  - Sundays to 10.00 pm

## **Alcohol on Council owned community facilities**

The Chief Executive Officer may approve the consumption and or sale of alcohol on community facilities under the following circumstances:

- The Chief Executive Officer is satisfied that the application will not cause undue disruption to the community.
- Appropriate liquor licence/s are in place;
- Restricted Licence applications as follows:
  - Thursdays to 11 pm;
  - Fridays & Saturdays to 12 midnight;
  - Sundays to 10.00 pm

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Amendments: CJ213-06/99, CJ148-06/00, CJ281-08/01,  
CJ121-06/02, CJ021-02/03, CJ213-09/03,  
CJ269-11/04, CJ206-10/05, CJ168-09/06

Related Documentation: Local Government & Public Property Local Law 1999  
Strategic Plan  
Community Facilities Assessment Process

Issued: October 2006

## **POLICY 7-4 – MANAGEMENT OF COMMUNITY FACILITIES**

<b>STATUS:</b>	<b>City Policy</b> - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i>  <i>City policies are referred to Council for review and endorsement.</i>
<b>RESPONSIBLE DIRECTORATE:</b>	Planning and Community Development
<b>OBJECTIVE:</b>	To provide equity and access in the provision and management of community recreation facilities and services, and to meet the changing needs of the community.

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### **Pre-School Centres**

Pre-school committees shall be responsible for all utility and operating charges, cleaning (including after community use) and all interior maintenance excluding plumbing and electrical repairs.

Council shall be responsible for water rates, Western Australian Fire Brigades Board charges, exterior, structural, plumbing and electrical maintenance of the building, plus proportional costs associated with the Child Health Centres.

### **Surf Life Saving Clubs**

Twenty-one year peppercorn leases may be issued to surf clubs.

Surf clubs shall be responsible for all utility and operating charges, cleaning (including after community use) and all interior maintenance.

Council shall be responsible for exterior and structural maintenance of the building and plumbing and electrical repairs.

### **Licences to Occupy**

Clubs that contribute to the cost of a facility shall share usage and ongoing operational and maintenance costs with Council in proportion to the contribution of each. These arrangements are administered under a “Licence to Occupy” agreement.

## **Design and Furnishing**

Standards shall be set for the construction of Council managed facilities in regard to size, design and finishes. Standard furnishings for any Council managed facilities shall be a domestic refrigerator and stove, chairs, tables, vinyl floorcovering and curtains if required. Any requirements over and above the standard are the responsibility of the organisation.

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Amendments: CJ213-06/99, CJ206-10/05

Related Documentation: N/A

Issued: October 2005