

Minutes **Policy Committee**

MEETING HELD ON **TUESDAY 16 SEPTEMBER 2008**

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 16 SEPTEMBER 2008

ATTENDANCE

Committee Members:

Cr Kerry Hollywood	<i>Presiding Person</i>	North Ward
Mayor Troy Pickard		
Cr Marie Macdonald		Central Ward
Cr Mike Norman		South-West Ward

Officers:

Mr Garry Hunt	Chief Executive Officer	<i>Absent from 1830 hrs to 1832 hrs.</i>
Mr Ian Cowie	Director Governance and Strategy	
Mr Clayton Higham	Director Planning and Community Development	
Mr Chris Terelinck	Manager Approvals Planning and Environmental Services	
Mrs Janet Foster	Administrative Services Coordinator	

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1745 hrs.

APOLOGIES/LEAVE OF ABSENCE

Apologies: Cr Fiona Diaz
Cr Sue Hart
Cr Trona Young

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD 23 JUNE 2008

MOVED Mayor Pickard **SECONDED** Cr Norman that the minutes of the meeting of the Policy Committee held on 23 June 2008 be confirmed as a true and correct record, subject to the following amendments being made to Pages 9 and 10 of the Minutes:

Deletion of Point 4 which reads:

“4 REQUESTS that a report be presented to Council establishing temporary parking permits for the Warwick train station catchment area where parking prohibitions are to be established.”

and replacement with a new Point 4 to read:

“4 IMPLEMENTS temporary parking permits for the Warwick train station catchment area.”

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Hollywood, Macdonald and Norman, Mayor Pickard

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

DECLARATIONS OF INTEREST

Nil

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

Nil

PETITIONS AND DEPUTATIONS

Nil

REPORTS

ITEM 1 LEGAL REPRESENTATION FOR ELECTED MEMBERS – [01173]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

For the Policy Committee to review the current financial limits under the City's policy, "Legal Representation for Elected Members and Employees" (City Policy 8 – 7).

It is recommended that the Committee supports an increase in the maximum payment for legal representation costs for Elected Members, (without Council approving a higher amount), to \$6,000 and to increase the maximum payment approvable by the Chief Executive Officer (CEO) to \$6,000 also.

BACKGROUND

At its meeting of 10 June 2008, Council resolved, inter alia, to:

“ENDORSE Option 2 by not supporting the City of Stirling’s proposal to lobby the State Government for an inclusion of independent legal representation for Elected Members issues in the Local Government Act 1995.”

In the lead up to this decision, it was noted that the current financial limit for legal representation in the City’s policy may not adequately cover advice being sought, particularly if the matter is of a complex nature. As such, the current limit should be reviewed.

This report provides a comparison of the Department of Local Government and Regional Development’s approach, (contained within its model policy), and the current maximum payment in the City’s policy, with the view to recommend options for increasing the limit.

DETAILS

Comparison of Relevant Policy Provisions: Total Amount Available

City of Joondalup

- 4.1 ***Unless otherwise determined by the Council***, payment of legal representation costs in respect of a particular application is not to exceed **\$5,000**.

Department of Local Government

- 4.1 The Council in approving an application in accordance with this policy shall set a limit on the costs to be paid ***based on the estimated costs in the application***.

Analysis:

Despite the stated limit of \$5,000 in the City’s policy, a larger payment can still be approved due to the inclusion of the phrase *“unless otherwise determined by the Council”*.

The model policy provided by the Department does not require a maximum limit to be set in the policy, but does require Council to determine a limit when considering each application. This would be decided on a case-by-case basis depending on the nature of the advice being sought and the costs estimated in the application.

On comparison, it is possible for the City to replicate the Department’s approach by removing a stated limit within the policy and allowing Council to determine the limit when considering each application. However, the benefit of providing a stated amount is that Council is provided with a guide outside of the estimated costs provided in the application.

Comparison of Relevant Policy Provisions: Emergency Situations

City of Joondalup

- 6.1 In cases of emergency, the CEO, subject to clause 6.2, may exercise, on behalf of the Council, any of the powers of the Council under clauses 5.1 and 5.2, to a limit of **\$2,000**, where a delay in approving an application would be detrimental to the legal rights of an Elected Member or Employee.

Department of Local Government

- 6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2, to a maximum of **\$10,000** in respect of each application.

Analysis:

There is an obvious significant difference between the maximum limit set in the City's policy and the Department's policy. Investigation into the reason for this disparity has not uncovered any explanation, however, a timeline of the relevant amendments made to both policies since their inception is provided below.

Previous Amendments made to policies:

The Department's Model Policy

(2000)

- Limit for **CEO** in cases of urgency \$5,000.
- No limit stated for **Elected Members** within the model policy.

(2006)

- Limit for **CEO** in cases of urgency increased from \$5,000 to \$10,000 in the model policy.
- Limit for **Elected Members** to be set by Council based on the estimated costs in the application.

Joondalup's Policy

(2001)

- Limit for **Elected Members** increased from \$3,000 to \$5,000 to reflect a proforma policy released by the Department (A report to Council on 13 February 2001 referenced the Department's policy; however, a copy of the policy at the time has not been uncovered).

(2004)

- Limit for **CEO** in cases of urgency reduced from \$5,000 to \$2,000 in both the policy and the Delegated Authority Manual, (based on a recommendation by the City's Policy Committee in 2003).

Issues and options considered:

The Policy Committee has several options to consider:

Option 1: *Do not amend the City's Policy to increase the maximum payment for legal representation costs for Elected Members or the delegated maximum payment approvable by the CEO.*

This option is *not* recommended based on the fact that the policy has not been amended since 2004 and the fact that the current limit for the CEO is drastically unaligned with the Department's model policy.

Option 2: *Increase the maximum payment limit for Elected Members in line with annual CPI increases.*

The current CPI figures are at 4.2%. This would equate to an increase of \$210. It would seem unnecessary to amend the City's Policy annually only to increase the limit by such a low amount. This approach also contrasts with the Department's model policy.

This option is *not* recommended.

Option 3: *Increase the maximum payment limit for Elected Members by a small amount, (say to \$6,000).*

This option *is* recommended as an additional \$1,000 would sufficiently absorb several increases in CPI and any additional payments that may be required could be applied for through Council.

Option 4: *Increase the maximum payment limit for Elected Members substantially, (say to \$10,000).*

Given that the City's Policy enables more than one application to be presented to Council in respect of the same matter, an initial amount of \$10,000 may seem excessive in the first instance if additional payments may be applied for.

This option is *not* recommended.

Option 5: *Increase the maximum payment approvable by the CEO to \$6,000.*

Given that the intention of this provision is to allow a preliminary legal consultation to be urgently undertaken before a Council Meeting is scheduled, \$6,000 would seem a sufficient payment to cover these costs. This amount is also closer to the amount in the Department's model policy than the current amount. It also mirrors the amount proposed to be allowable without any further representation to Council.

Should a greater amount of money be required following the initial consult, Council has the capacity to determine a more appropriate payment in respect of recommendations provided in the application.

This option *is* therefore recommended for endorsement by the Policy Committee.

Option 6: *Increase the maximum payment approvable by the CEO in line with the Department's model policy, namely \$10,000.*

Research has not uncovered any rationale for the Department opting to increase the maximum payment from \$5,000 to \$10,000; however, for an initial consultation it would seem unnecessary to approve an amount of \$10,000.

This option is *not* recommended.

Option 7: *Increase the maximum payment approvable by the CEO in line with annual CPI increases.*

The current CPI figures are at 4.2%. This would equate to an increase of \$84. It would seem unnecessary to amend the City's Policy annually for an increase of such a low amount. This approach also contrasts with the Department's model policy.

This option is *not* recommended.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Should Council choose not to amend the City's Policy 8 – 7 to increase the maximum payment approvable by the CEO, there is a risk that \$2,000 may not cover the costs of a preliminary consultation.

Financial/Budget Implications:

Not Applicable.

Policy implications:

The recommendations within this report relate to the City's Policy 8 – 7 "Legal Representation for Elected Members and Employees".

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Ultimately the approach and option taken is a matter of choice for Council There is no technical reason to reject any approach or amount suggested.

ATTACHMENTS

Attachment 1: City Policy 8–7 - Legal Representation for Elected Members and Employees.

Attachment 2: Department of Local Government and Regional Development “Operational Guideline No. 14 – Legal Representation for Council Members and Employees”.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman SECONDED Mayor Pickard that the Policy Committee RECOMMENDS that Council AMENDS Policy 8-7 – Legal Representation for Elected Members and Employees as follows:

- 1 In Clause 4.1, deleting the figure of “\$5,000” and replacing it with “\$6,000”;**
- 2 In Clause 6.1, deleting the figure of “\$2,000” and replacing it with “\$6,000”.**

Discussion ensued.

The Motion was Put and

CARRIED (3/1)

In favour of the Motion: Crs Hollywood and Norman, Mayor Pickard **Against the Motion:** Cr Macdonald.

**ITEM 2 PROPOSED PARKING POLICY FOR
COMMERCIAL DEVELOPMENT WITHIN
JOONDALUP CITY CENTRE – [00152]**

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To provide a parking policy which will ensure an adequate supply of private and public parking as well as providing an incentive for major commercial development within the City Centre.

EXECUTIVE SUMMARY

The proposed draft Parking Policy is aimed at ensuring that an adequate supply of both private and public parking occurs in the City Centre, as well as providing incentives for the significant commercial development.

The draft policy effectively requires parking for commercial developments at a rate of one bay per 60 square metres Net Lettable Area (NLA) and a normal financial contribution to the public parking component.

The draft policy has been prepared to recognise the current phase of growth in the City Centre and the desire to encourage major commercial development.

It is recommended that the draft policy be advertised for public comment.

BACKGROUND

The current requirement for parking for commercial developments within the City Centre is one bay per 30 square metres NLA. Research has shown that this is consistent with other local governments within metropolitan Perth however, some local governments have provided reduction factors to encourage sustainability and public transport usage. Consideration was given to a policy for the City which reduced the one per 30 requirement based on proximity to public transport facilities and the provision of end of trip facilities for cyclists. Validation of this approach for the Joondalup situation was sought from traffic consultants.

The traffic consultant advised that such reductions for the Joondalup City Centre are not recommended. The consultant did however, make a number of recommendations in relation to the overall strategy for parking within the City Centre (see attached report).

Based on the consultant's report a number of principles were established and adopted by the Council at its meeting on 15 July 2008 (CJ143-07/08 refers). The adopted principles are:

- The standard car parking rate is 1 car bay per 30 sqm of floorspace.
- The application of this standard is 50% provided on-site (ie 1 bay per 60 sqm), and 50% provided off-site in the form of public car parking.
- The development must provide on-site car parking at the rate of 1 per 60 sqm, with consideration given to cash in lieu (at the full rate) for a portion of the on-site requirement.
- In terms of the off-site provision, the City will be responsible for providing public car parking, with the developer contributing a portion as cash in lieu at a rate that will not be a disincentive to development.
- In order to encourage buildings of greater height, the developer's provision of on-site car bays will be reduced on a sliding scale depending on the height of the building.
- Support the provision of bays for smaller cars and scooters, as well as bike facilities including storage, lockers, and showers.
- In the longer term, 1 car bay per 45 sqm of floorspace will be the standard requirement.

DETAILS

Draft Policy - Joondalup City Centre Car Parking at Attachment 1 has been drafted on the basis of the principles adopted by the Council. Importantly, the policy assures that the City will achieve an overall parking provision of one car bay per 30 square metres of commercial net lettable area, however, a developer of commercial floor space will only be required to provide 50% of that overall requirement, with the City potentially ensuring the provision of the remaining 50% in public parking.

The policy also allows for the developer's 50% requirement to be discounted based on the height of the proposed building. The higher the building to be constructed the greater the discount. A proportion of the onsite parking can also be built as small vehicle bays and/or motorcycle or scooter bays. While the advantage for small vehicle bays is marginal, the floor area saving for motorcycles and scooters could be quite significant. There needs to be recognition that at the present time, motorcycles and scooters only represent a relatively small proportion of vehicle parking needs.

In terms of the off-site parking requirement, the general principle is that the City will be responsible for providing approximately 50% of the overall parking requirement, however, a contribution would be sought from the developer to off-set the cost of providing the public parking. The draft policy suggests that the contribution be diminished, as the number of bays required increases.

Link to Strategic Plan:

3.1 Objective: to encourage the development of the Joondalup CBD.

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.

Risk Management considerations:

Council's approach to the Policy and the future consideration of cash in lieu of parking will potentially have a major impact on the built form of the City Centre and its ability to fund/provide public parking.

COMMENT

The proposed parking policy is quite different to policies currently operating in other local governments. This policy has however, been drafted to recognise the particular circumstances within the City Centre of Joondalup and has regard to the current stage of development that the City is at. It is proposed that the policy be reviewed every two years to ensure that it is achieving its objectives and that the balance between public and private parking is being maintained.

Is it recommended that the draft policy be adopted for the purpose of advertising for a period of thirty (30) days.

ATTACHMENTS

Attachment 1 Draft Parking Policy - Joondalup City Centre Car Parking

Attachment 2 Explanatory Notes

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

An amendment was made to the draft Policy on Attachment 1, to alter reference to certain clauses.

A revised Policy was provided, with the amendment shown highlighted and underlined on page 2 – Appendix 1 refers.

MOVED Mayor Pickard SECONDED Cr Hollywood that the Policy Committee RECOMMENDS that Council ADVERTISES the draft Parking Policy - Joondalup City Centre Car Parking forming Appendix 1 to this Report for a period of 30 days.

Discussion ensued.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Hollywood, Macdonald and Norman, Mayor Pickard

ITEM 3 ALFRESCO ACTIVITIES POLICY – ISSUES – [03360]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To report to the Policy Committee on issues regarding the current Policy 7-5 Alfresco Activities.

EXECUTIVE SUMMARY/BACKGROUND

Policy 7-5 Alfresco Activities was recently reviewed, and the modifications adopted by Council at its meeting held on 15 April 2008. The amendments expanded the policy 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, in accordance with recent amendments to the Liquor Licensing Act 1988. Clarification in terms of application of the policy and planning approval requirements were also included.

The matter of alfresco dining has been requested to be placed before the Policy Committee, as issues have been raised in regard to the enclosure of alfresco areas, and the potential impact on pedestrian movement in the City Centre.

DETAILS**Issues and options considered:**

Principally, the issue has arisen from the City's refusal for the café 'Kulcha' (Boas Avenue) to enclose the existing alfresco dining area by the use of drop-down plastic blinds from the awning. Reasons for the refusal were based on the blinds preventing the public from using the area and the pedestrian shelter.

The Joondalup City Centre Development Plan and Manual (JCCDPM) places emphasis on pedestrian awnings being provided in the CBD for the comfort of pedestrians.

Currently Policy 7-5 does not state whether alfresco activities should be located against the building, or against the kerb/roadway. The Policy does state that a 1.8 – 2.1 metre clear footpath must be provided in either scenario.

Link to Strategic Plan:

3.1 – To encourage the development of the Joondalup CBD.

4.1 – To ensure high quality urban design within the City.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Council may wish to consider introducing fees and charges for the operation of alfresco activities.

Policy implications:

Modifications to the existing policy may be required as a result of Council's consideration.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

Alfresco dining is encouraged in the City Centre as it adds interest and activity in the streets, which contributes to a lively City Centre. However, there is balance between this objective, the commercial use of public land, and the amenity of streets for pedestrians.

Pedestrian shelter versus use of awning area for alfresco dining

For development within the CBD, the provision of awnings over the footpath area is required to provide pedestrian comfort, from both sun and rain, when moving around the City.

However, alfresco dining may also occur under existing building awnings, potentially generating a conflict between the use of awnings to provide pedestrian shelter, and the use of awnings for alfresco dining.

The current Policy does not express a particular view on the location of alfresco dining in relation to the location of awnings or pedestrian shelter. The policy does, however, state that a 1.8 – 2.1 metre pedestrian path must be maintained at all times.

Of the various Alfresco Policies obtained from other local authorities, only one considers the location of existing awnings as a factor in the location of alfresco areas. In that instance, the policy does not permit the pedestrian areas under awnings to be utilised for alfresco dining in inclement weather.

Within the Joondalup City Centre, 'Kulcha', 'La Vita', and 'Another Cup' utilise the area under the awning for alfresco dining. Pedestrians are largely excluded from using the awning when the alfresco area is in operation (see Attachment 1).

Others, for example 'T5 Espresso' and 'Elroys', do not utilise the under awning area. Rather they use umbrellas to provide shade protection, and do not use the outdoor area during inclement weather. The awnings are therefore available to provide protection to pedestrians (see Attachment 1).

'Sugar & Spice' have a permanent shade structure for the alfresco area. This structure is not located under the awning, thereby allowing the awning still to be used for pedestrian shelter (see Attachment 1.) This is possible due to the wide footpath in this location, and may not be possible in other locations.

Use of 'Café Blinds'

Requests for the enclosure of alfresco areas, such as the use of café blinds, occur from time to time. Potential concerns over the use of such items are:

- Privatisation of the footpath area (ie the area becomes an extension of the adjoining café or restaurant.
- are visually unattractive
- are used on a permanent basis (eg each night), not just during inclement weather
- prevent the public from utilising awnings for weather protection
- do not allow alfresco areas to add to the desired atmosphere of the City Centre, and defeats the purpose of 'outdoor' dining.

On the positive side, enclosures can:

- allow eating areas to be used during inclement or cold weather.

Public versus Private use of the footpath area

The footpath areas utilised for alfresco dining are largely located on public land. This may give rise to requests from food operators for exclusive use of these areas by way of a lease. However, this is not considered appropriate, and the City and other service authorities must retain the right of access to public footpaths, as needed.

Fees and charges

Planning application fees (\$123, renewed every 3 years) and an Outdoor Dining Licence fee (\$230 annually) are currently charged. However, fees are not charged for the use of the footpath area for alfresco dining.

Other local authorities do charge alfresco operators for the privilege of using the footpath area. This fee may be per chair, table, or both, per square metre, or based on the GRV.

Examples are:

- City of Perth, Melville – Fee per square metre
- City of Stirling – Fee based on GRV
- City of Subiaco – Fee per chair

There is an argument for the City charging some type of fee for the use of public land under its control or management, particularly when there is commercial gain for an operator.

However, significantly increasing the fees food businesses pay for alfresco dining may result in less businesses offering outdoor dining, and therefore have a detrimental effect on the amenity of the CBD. It would be possible to phase in the increase in fees.

Questions

The following questions are relevant when considering this issue:

- Is the provision of awnings primarily to provide comfort for pedestrians moving around the City? Is the use of the area under awnings for alfresco activities secondary, ie only used in fine weather?
- Should alfresco activities occur only when the weather permits? ie not allow enclosures and accept that alfresco dining is a seasonal activity, and not always possible.
- If enclosures are permitted, what form should they take? Free standing, attached to existing structures only, attached to existing awnings?

- Should alfresco operators be charged a fee to operate outdoor dining areas on public land? Would this be seen as detrimental to the desire to encourage these activities?

Possible Principles

Depending on the answers to the above, guiding principles can be developed that would inform a review of the Alfresco Activities Policy. Principles could be:

- Where awnings are provided, areas under those awnings will be retained for pedestrian access.
- Enclosures to alfresco areas may take the form of drop down clear café blinds, however, they may only be used during inclement weather. General use (eg each night) is not permitted. Pedestrian access under any awnings must be maintained.
- Permanent shade structures will be considered, where appropriate (eg wide footpaths)
- In order to encourage alfresco activities, the City will not charge fees for alfresco activities at present.

ATTACHMENTS

Attachment 1: Photos of Alfresco Areas with the Joondalup City Centre

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald SECONDED Cr Hollywood that the Policy Committee RECOMMENDS that Council REVIEWS Policy 7-5 Alfresco Activities, with the following principles incorporated:

- **Where awnings are provided, areas under those awnings will be retained for pedestrian access.**
- **Enclosures to alfresco areas may take the form of drop down clear café blinds, however, they may only be used during inclement weather. General use (eg each night) is not permitted. Pedestrian access under any awnings must be maintained.**
- **Permanent shade structures will be considered, where appropriate (eg wide footpaths)**
- **In order to encourage alfresco activities, the City will not charge fees for alfresco activities at present.**

Discussion ensued, with comments made in relation to the following issues:

- Definition of inclement weather to include sun protection;
- Use during inclement weather is difficult to police;
- Pedestrian flow needs to be identified;
- Footpath widths;
- Traders to pay for any benefit they derive from use of alfresco areas;
- Alfresco areas provide vibrancy for the City;
- Balustrades to be removable.

During discussion, the Chief Executive Officer left the Room at 1830 hrs and returned at 1832 hrs.

MOVED Mayor Pickard SECONDED Cr Macdonald that consideration of Policy 7-5 Alfresco Activities be REFERRED back to allow for further exploration of options for alfresco dining to reflect specific requirements of particular streets and footpath widths.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Hollywood, Macdonald and Norman, Mayor Pickard

ITEM 4 PROPOSED LOCAL PLANNING POLICY - CUBBY HOUSES – [74619]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

The purpose of this report is for the Policy Committee to consider a draft Local Planning Policy - Cubby Houses.

EXECUTIVE SUMMARY

The community's attention has recently been drawn to the installation of cubby houses for children and their subsequent potential impact on the amenity of adjoining property owners. The issues include inappropriate location and overlooking of adjoining properties.

The purpose of this policy is to outline the parameters where a cubby house can be erected without the need for planning approval. The proposed parameters aim to ensure that there is minimal impact on adjoining properties, and include limits on size, height and location.

It is recommended that the draft Local Planning Policy - Cubby Houses be advertised for public comment.

BACKGROUND

Currently the City does not have a policy relating to the erection of cubby houses. In the past 12 months, two complaints about cubby houses were received from adjoining neighbours. The first complaint was that a cubby house blocked views and was unsightly; the other complaint was that there was overlooking into the adjoining neighbour's property.

With the first complaint, City officers were able to negotiate with the cubby house owner to lower the structure and the matter was satisfactorily resolved. The second complaint is ongoing.

The City has received legal advice as to the controls which the City could use in regard to the erection of cubby houses. While it appears that the answer is not straight forward, due to inconsistencies between the City of Joondalup District Planning Scheme No 2 (DPS2) and the Residential Design Codes (Variation 1) (R-Codes), the advice does state that it would be reasonable for the City to produce a policy which sets out the circumstances where approval is required.

DETAILS

The R-Codes, which govern residential development, has inconsistent provisions which make it difficult for the City to obtain clear direction on whether or not the R-Codes control these structures. A cubby house could fall within the definition of “building” and “outbuilding” under the R-Codes and therefore could require approval from the City. However, the R-Codes also states that “cubby houses.....are exempted from planning control”. In addition, Clause 6.1.3 of DPS2 is silent on whether or not cubby houses require approval.

A draft policy has been prepared to address these inconsistencies between DPS2 and the R-Codes with regard to whether cubby houses require planning approval. The policy also provides parameters where cubby houses can be erected without the need for planning approval.

The proposed parameters aim to ensure that there is minimal impact on adjoining properties, and include limits on size, height and location. If a cubby house does not satisfy any one of the parameters, then an application for planning approval and a building licence must be submitted to the City for consideration. The draft policy requires that all planning applications be advertised to adjoining owners for a period of 14 days and that comments from adjoining owners are taken into consideration in the determination of the application.

Issues and options considered:

In regard to the draft policy, Council can:

- Advertise draft Policy 7-24 for public comment;
- Not support the advertising of Policy 7-24 for public comment.
- Advertise draft Policy 7-24, with modifications, for public comment.

Link to Strategic Plan:

Objective 4.1 - To ensure high quality urban development within the City.

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 policy, or an amendment to an existing 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:

It is proposed to implement a new policy.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

In the event that Council adopts the draft policy for advertising, advertising of the proposal for a period of 21 days is recommended. Upon completion of advertising, Council is required to consider all submissions and proceed to adopt, modify or refuse the amendment to the policy. There is no requirement under DPS2 for local planning policies to be forwarded to the Western Australian Planning Commission (WAPC) for approval, however a copy of the policy may be forwarded if its provisions affect the interests the WAPC.

COMMENT

It is recognised that cubby houses are a standard feature of many backyards, and an important play feature for children. In this respect, cubby houses should not be over regulated. Notwithstanding, it is also recognised that cubby houses may have an impact on the amenity of adjoining owners if inappropriately located and built above ground level. The City has, on an infrequent basis, been required to address situations relating to the construction, location and impact that cubby houses have on adjoining properties or on the streetscape.

As outlined previously, the inconsistent provisions of the R-Codes and DPS2 make it difficult for the City to obtain clear direction on whether or not the R-Codes or DPS2 control these structures. A draft policy has been developed to provide guidance and clarification regarding the circumstances when a cubby house needs approval and when it does not require approval.

The issues experienced with cubby houses are their impact on adjoining properties, particularly with regard to the potential loss of privacy, their height, location and the potential for noise. The policy seeks to address those issues by providing parameters where cubby houses can be erected without the need for planning approval. The proposed parameters aim to ensure that there is minimal impact on adjoining neighbours, and include limits on size, height, location and views into adjoining properties.

One of the main issues with cubby houses is when they are elevated above natural ground level and overlooking of adjoining properties occurs from the cubby house. The policy requires that cubby houses which can look into adjoining properties must be submitted for planning approval, and provides guidelines for assessment such as the need to protect the privacy of adjoining properties by preventing views into the main outdoor areas.

Overall, the draft policy seeks to control potential conflict between neighbours with regards to cubby houses and provides an avenue for the City to assess and determine cubby house applications. It is recommended that the Policy Committee recommend that Council initiate advertising of the policy.

ATTACHMENTS

Attachment 1 Draft Policy – Cubby Houses

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard SECONDED Cr Norman 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 draft City Policy - Cubby Houses, as shown in Attachment 1 to this Report, for public comment for a period of twenty one (21) days.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Hollywood, Macdonald and Norman, Mayor Pickard

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Report on temporary parking permits

Mayor Pickard requested a report on a policy for the provision of temporary parking permits to tradespersons for use whilst working on developments within the Joondalup City Centre.

Policy 7-9 – Home Business

Mayor Pickard requested that Policy 7-9 – Home Business be presented to the next meeting of the Policy Committee for consideration of review.

Report on backyard fires

Cr Hollywood requested a report be presented to the next meeting of the Policy Committee in relation to backyard fires.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 1845 hrs, the following Elected members being present at that time:

Cr Kerry Hollywood
Mayor Troy Pickard
Cr Marie Macdonald
Cr Mike Norman

POLICY– JOONDALUP CITY CENTRE CAR PARKING

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 provide guidance to the provision of private and public car parking in order to:

- Ensure that the Joondalup City Centre attains its position as the second major City in metropolitan Perth,
- To ensure an appropriate balance between private and public parking provision in the City Centre.

POLICY AREA

This policy applies to the section of the Joondalup City Centre as depicted on the attached plan.

OVERALL STRATEGY

The following overall strategy is proposed, taking into account both the current car parking demand of 1 car bay per 30sqm of commercial Net Lettable Area (NLA), as well as the possible long term car parking demand of 1 car bay per 45sqm:

- An overall car parking provision of 1 car bay per 30sqm of commercial NLA must be provided in the short/medium term, in order to satisfy the current level of demand.
- Approximately 50% of this should be provided in public car parks, in order to maximise opportunities for shared use of parking facilities, leaving the other 50% (1 car bay per 60sqm of commercial NLA) to be provided on the development site.
- In the long term, taking into account further increases in public transport usage, cycling, and walking, as well as the increases in the number of people living and working in the City Centre, the aim should be to achieve a reduction to 1 car bay per 45 sqm of commercial NLA overall, if possible (being comprised of 1 car bay per 90sqm on site, and 1 bay per 90sqm in public parking for the maximum possible overall floor space in the long term).

- The balance of public and private parking will be reviewed every 2 years to gauge the performance of the policy against actual built outcomes.

STATEMENT:

1 Overall Parking Requirement

The provision of car parking within the City Centre shall be in accordance with the following:

- (i) The overall parking requirement for commercial developments shall be calculated at 1 bay per 30sqm NLA, comprising two components:
 - (a) The private or **on site parking requirement**; and
 - (b) The public or **off site parking requirement**.
- (ii) The developer will be fully responsible for the on site parking component and will make a contribution to the off site parking component according to the schedule below.

2 On Site Parking Requirement

- (i) All of the overall parking requirement (ie 1 bay per 30sqm) can be provided on site, however the minimum on site parking requirement for commercial development is 50% of the overall parking requirement – ie 1 bay per 60sqm NLA.
- (ii) To encourage commercial buildings of greater height the on site parking requirement may be reduced according to the following schedule:

Proposed Building Height	% of Min On Site Parking Req't
Up to 4 storeys	0% reduction
5 storeys	15%
6 storeys	20%
7 storeys	25%
8 storeys	30%
9 storeys	35%
10 storeys plus	40%

- (iii) Cash in lieu payments may be made for up to 25% of the required on site bays at the full scheduled amount.

NOTE: The actual number of bays to be constructed on site will result from the application of clauses 2 (i), 2 (ii) and 2 (iii) and 2 (v). This number will be used in the application of the following clauses 2 (iv) and 2 (v).

- (iv) All parking areas and bays will be designed and constructed in accordance with AS2890.1 (Part1 Off Street Parking), however, up to 20% of the bays to be constructed on site may be designed and constructed as “small” vehicle bays.

- (v) Up to 10% of the bays to be constructed on site may be constructed as bays for motor cycles and scooters (ie 1 standard vehicle bay can be constructed as a motor cycle/scooter bay). In the case of bicycles a secure location or bicycle lockers and end of trip shower and change facilities is a requirement under the City Centre Structure Plan.

3 Off Site Parking Requirement

- (i) The City accepts the responsibility of providing approximately 50% of the overall parking requirement. A cash in lieu contribution will be made by the developer for the off site parking component (ie 1 bay per 60 sqm NLA) equivalent to the number of bays of that component not constructed on the development site. That contribution will be in accordance with the following schedule:

- 50% of the full scheduled cash in lieu fee for bays 1 - 5
- 40% of the full scheduled cash in lieu fee for bays 6 - 10
- 30% of the full scheduled cash in lieu fee for bays 11 - 25
- 25% of the full scheduled cash in lieu fee for bays 26 - 50
- 20% of the full scheduled cash in lieu fee for bays in excess of 50.

4 Parking For Residential Uses

- (i) The provision of any required car parking for residential uses shall be provided on-site at the rate stipulated under the Joondalup City Centre Structure Plan.

Previous Policy No:

Amendments:

Related Documentation: City of Joondalup District Planning Scheme No 2
Joondalup Development Plan and Manual.

Issued:

