

Minutes **Policy Committee**

MEETING HELD ON **MONDAY 15 DECEMBER 2008**

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 15 DECEMBER 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
Cr Fiona Diaz		South Ward

Officers:

Mr Garry Hunt	Chief Executive Officer
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 1933 hrs.

APOLOGIES/LEAVE OF ABSENCE

Leave of absence Cr Trona Young - 10-17 December 2008 inclusive

Apologies: Cr Sue Hart

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD 16 SEPTEMBER 2008

MOVED Cr Norman SECONDED Cr Macdonald that the minutes of the meeting of the Policy Committee held on 16 September 2008 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, 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 PROPOSED CATS LOCAL LAW - REPORT ON COMMUNITY CONSULTATION – [29182]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with a report on the outcomes of the consultation process for the proposed Cats Local Law and for the Policy Committee to consider how to progress the matter.

BACKGROUND

At the Council meeting of 24 April 2007 (CJ064–04/07 refers) it was resolved that a local law requiring the registration of cats within the City be enacted. Specifically, the resolution stated that the new local law provisions should mirror as closely as possible those contained in the Dog Act 1976.

A report relating to registering and identifying cats was presented at Council on 10 June 2008 meeting (CJ097-06/08 refers). Subsequently, the matter was referred to the Policy Committee for further consideration and the Committee resolved to recommend progress with drafting of a Cats Local Law that would include a requirement for compulsory sterilisation. At the meeting of Council on 15 July 2008 (CJ122 – 07/08), it was resolved that the proposed Cats Local Law would be advertised for public consultation for 44 days (with the additional requirement added), with the following purpose and effect:

“The purpose of this local law is to provide for the registration, sterilisation, control and identification of cats within the City of Joondalup”;

“The effect of this local law is that a system for the registering, sterilising, identifying and controlling of cats will be operational within the City of Joondalup.”

On 2 August 2008, the consultation process was advertised in The West Australian and subsequently in the two local community newspapers. To coincide with the appearance of the first advertisement, posters were placed in all the City’s libraries and at the Customer Service Centres in the Whitford City Shopping Centre and the City’s Administration Centre, Boas Avenue, Joondalup.

DETAILS

The surveys and the written submissions required different forms of analysis and are therefore reported on separately.

Quantitative Analysis – Survey Feedback

480 completed surveys were received in total, including 147 from people living outside the City of Joondalup.

The table below shows the results of the analysis:

- For all surveys received
- For City of Joondalup residents as a discrete group

Support introduction Local Cats Law				
	All submissions		City of Joondalup	
	No. of people	Percentage	No. of people	Percentage
Yes	327	68.1	205	61.6
No	147	30.6	122	36.6
Total	474	98.8	327	98.2
Not identified	6	1.3	6	1.8
	480	100.0	333	100.0
Support compulsory cat registration				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	333	69.4	218	65.5
No	145	30.2	115	34.5
Total	478	99.6	333	100.0
Not identified	2	0.4	0	0.0
	480	100.0	333	100.0
Support compulsory cat sterilisation				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	404	84.2	279	83.8
No	73	15.2	54	16.2
Total	477	99.4	333	100.0
Not identified	3	0.6	0	0.0
	480	100.0	333	100.0

Support control and identification of cats				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	319	66.5	197	59.2
No	158	32.9	136	40.8
Total	477	99.4	333	100.0
Not identified	3	0.6	0	0.0
	480	100.0	333	100.0

Support the introduction of \$50 subsidy				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	347	72.3	217	65.2
No	130	27.1	115	34.5
Total	477	99.4	332	99.7
Not identified	3	0.6	1	0.3
	480	100.0	333	100.0

296 people responding to the survey identified themselves as owners of cats. 198 were City of Joondalup residents and of that number, 142 stated that their cats were identifiable and a further 181 that their cats were already sterilised.

Of 198 resident owners of cats:

- 90 generally support the introduction of a Cats Local Law (45%)
- 99 support compulsory cat registration (50%)
- 151 support compulsory cat sterilisation (76%)
- 80 support control and identification of cats (40%)

Nineteen groups including resident/ratepayer groups, individual veterinary hospitals, the Australian Veterinary Association Ltd, RSPCA, Cat Haven, WA Rangers Association, Cat Sterilisation Society Inc and a number of other special interest groups for cats completed and returned surveys.

Of the 19 groups, 12 supported the proposed Local Law as is, including the RSPCA, the Cat Haven, three veterinary practices and the Northern Districts Cattery.

Qualitative data analysis of written submissions

The City received 54 written submissions. Six of these submissions were from groups, or from individuals indicating themselves to be part of, or representatives of a group, namely:

- RSPCA
- The Cat Haven
- The Australian Veterinary Association (AVA)
- Cat Owners Association of Western Australia (Inc)
- WA Rangers Association Inc (WARA)
- The Cat Sterilisation Society

Whilst the RSPCA and the Cat Haven support introduction of the proposed Local Law in its present form, the Cat Owners Association submission indicates that further clauses are needed to achieve effective cat control.

AVA supports compulsory identification of cats and, other than in the case of kittens under 12 weeks, supports sterilisation. The organisation also supports extensive community education on responsible cat ownership and on 'what to do' when coming into contact with stray animals.

WARA identifies cat control as a State, rather than a local government initiative, requiring appropriate resourcing for efficacy. Further that the State should embark on extensive public education campaigns to encourage responsible cat ownership.

48 people sent in emails and letters as individual submissions, some in addition to the completed surveys.

- 45 were from City residents
- 1 was from a person whose residence was not stated
- 2 were from people living outside the City of Joondalup

Of the 45 submissions attributed to residents, 7 fully supported the proposed Local Law while the remaining 38 either supported only aspects of the law or did not support the law at all.

The majority of submissions were from people identifying themselves as responsible owners of cats that were sterilised, identifiable and kept in at night. For the most part they supported the proposed Local Law with respect to compulsory sterilization and identification but had concerns with the following sections and issues:

- **Section 19: Registration Tags**

“19 (1) *A registration tag must be worn by the registered cat when in a place that is outside of the premises where the cat is ordinarily kept, as declared on the certificate of registration, and shall —*

(a) be of a durable material;

(b) be of a colour specified by Schedule in this Local Law in accordance with the relevant registration cycle; and

(c) contain the registration number of the cat.”

In 9 of 48 qualitative responses from the public, concerns were raised about compulsory use of collars and registration tags. Some identified that their pets would not wear them and others that the collar or tag may cause harm to the cat, perhaps by it becoming snagged on obstructions or being used to capture a cat with the intent of harming it. A number of residents responding in this way preferred to use microchips for this reason.

- **Section 21: Control of cats in public places**

“20 (1) *A cat shall not be —*

(a) in a public place unless the cat is, in the opinion of an authorised officer, under effective control; or

- (b) *in any designated area specified in a Schedule to this Local Law; or*
- (c) *on private premises where a complaint by the owner or occupier of the premises has been made to the City in relation to the cat's unwanted presence on the property.*
- (2) *If a cat is at any time in a place in contravention of –*
- (a) *Clauses 20(1)(a) or 20(1)(c), the owner of the cat commits an offence against these Clauses unless he establishes a defence under Clause 21.*

Penalty: \$500

- (b) *Clause 20(1)(b), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.*

Penalty: \$1000.”

Amongst the comments suggesting the impracticability of enforcing this section, 15 out of 48 people expressed their fears that it could result in neighbour/neighbour conflict and perhaps even violence towards cats.

- **Implementation costs**

Concerns about the human and financial resources needed to implement the proposed Local Law were articulated by 14 individuals.

These concerns also identified a common theme, that is, the sense that owners of cats who are already responsible will be carrying an additional financial impost unlike owners who do not act responsibly.

- **Control the point of purchase**

Nine residents suggested that the source of the cat problem lies with the market and that controls at the point where people are purchasing cats, and from whom they are purchasing them, would be more effective than a local law.

OPTIONS

Given the feedback received from the community, the Policy Committee may decide to recommend one of the following options:

- Option One: Proceed with adopting the Local Law in its current form.
 Option Two: Make minor amendments to the Local Law.
 Option Three: Make major amendments to the Local Law (will require a redraft and new period of consultation).

Link to Strategic Plan:

Key Focus Area	Leadership and Governance
Objective 1.2	To engage proactively with the community

Outcome The City acts with a clear understanding of the wishes of the community.

Legislation – Statutory Provisions:

Local Government Act (1995)

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Should Council choose to adopt the local law in its current form, consideration will need to be given to the operating costs of enforcing the law. This could be in excess of \$40,000 per annum.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Letters to stakeholders including local residents' and ratepayers' associations, the RSPCA, the Cat Haven, veterinarian services in the City of Joondalup and other, special interest groups, were sent copies of the proposed Local Law for their consideration.

The City received 480 completed surveys and 48 written submissions.

COMMENT

Two of the key components of the proposed Local Law - compulsory identification and sterilisation - are supported by cat owners and non cat owners alike. The feedback suggests that people who view themselves as responsible cat owners already ensure that their pets are identifiable (with microchipping the preferred option) and sterilised. Consequently, while there is support for these initiatives, it is highly questionable whether a Local Law would be effective as responsible owners, who are most likely to obey the law, are already undertaking these actions.

The issue of cat control is more contentious. People who do not own cats think that cats should be constrained from nuisance behaviours at all times. On the other hand, people who own cats cannot see how this can be achieved without their pets being kept permanently in or on the property, perhaps using outdoor cat runs. Whilst owners are generally prepared to keep their cats indoors between the hours of dusk and dawn, they find the notion of being able to control the movements of a cat similarly to those of dogs to be impracticable. Certainly, the impact of implementing

this section of Local Law would mean a radical change in cat ownership practices in the future. Further, community requests that the City enforce this section in circumstances where neighbours are already at odds over cat behaviours could (a) serve as a justification for involving the City in neighbour disputes or (b) increase levels of existing disputes and subsequently the extent of local law enforcement activities required across the whole of the City. It is therefore suggested that this situation would be resource intensive and not necessarily cost effective in the long run.

The intended effect of the Local Law as proposed is to operationalise a system for compulsory sterilisation, registration and control of cats. From the results of the consultation it is evident that whilst there is majority support for this state of affairs, owners of cats are questioning whether the Local Law will increase levels of compliance in these areas (even with subsidies for sterilisation). They point out that whilst the 'market' for cats and kittens is unregulated and it is still possible for people to obtain them without any of these requirements, they will do so. Respondents suggest that a more effective approach would be to target the cat 'market' with animals being identifiable and sterilised before they are available for sale or otherwise given away.

It should be noted that a number of points made in previous reports submitted to Council (*CJ097 – 06/08; CJ122 – 07/08 refers*) with respect to the practicalities associated with implementing a Local Law have been borne out by the consultation.

Firstly, that implementation of a Cats Local Law will represent an additional cost to owners of cats who already act responsibly with respect to their pets. Secondly, that the intended benefits of introducing a Cats Local Law are unlikely to be realized, as people who do not take their ownership responsibilities seriously will not comply.

Analysis of the feedback identifies differing levels of community support for the various sections of the Local Law, with most support being given to compulsory sterilisation. It should be noted however, that compulsory sterilisation cannot be achieved without compulsory registration and that support for this aspect of the law was not substantive.

The City also received feedback from the Department of Local Government and Regional Development regarding drafting issues around the proposed local law. Suggested amendments from the Department were only minor in nature, therefore, have been included in the copy of the law provided at Attachment 1. The Department's comments relate to legal drafting matters rather than policy positions.

Overall the City maintains its position that a Cats Local Law should not be introduced for the reasons canvassed above. Should the Policy Committee wish to progress the Local Law, great care will need to be taken if the Committee wishes to exclude some elements of the current draft law. This is because many elements depend on other elements for their operation. For instance, registration is ineffective without identification.

ATTACHMENTS

Attachment 1: Draft Cats Local Law 2008

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee IDENTIFIES a preferred option on this matter, either from the three presented to the Policy Committee or an alternative option as identified by the Policy Committee and RECOMMENDS that option to Council.

MOVED Mayor Pickard **SECONDED** Cr Norman that the Policy Committee **RECOMMENDS** that Council **ADOPTS** the Cats Local Law as advertised, subject to the deletion of Clause 20(1)(a).

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cr Macdonald, Norman, Diaz, Mayor Pickard **Against** Cr Hollywood,

ITEM 2 REVIEW OF POLICY 8-2 - ELECTED MEMBERS ALLOWANCES – [18058, 27122]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE

For the Policy Committee to give consideration to some minor amendments to Policy 8-2 Elected Members Allowances.

EXECUTIVE SUMMARY

Through the continued implementation of Policy 8-2 Elected Members Allowances a number of changes have required to be made over time.

This report canvasses two options relating to: -

- Reimbursement of private use of the Mayoral vehicle; and
- Clarification of the use of vehicles with City of Joondalup licence plates for election purposes.

BACKGROUND

City Policy 8-2 Elected Members Allowances was adopted by the Council some time ago with the objective to provide elected members with appropriate facilities, equipment, material and information to support them in performing their duties of office.

Since its adoption, the policy has undergone a number of amendments.

DETAILS

Two recent issues have arisen in relation to the policy, as follows: -

1 Reimbursement of private use of Mayoral vehicle

Following the ordinary local government elections held in May 2006 clarification was sought about the City vehicle issued to the office of the Mayor and the ability for the vehicle to be used for private use. The advice received was that if the City issues a vehicle to the office of the Mayor and that vehicle is used for private purposes, then the elected member using that vehicle shall ensure the private use is reimbursed. The current Mayor of the City of Joondalup is reimbursing the City for any private use and has done since his election to office.

The policy has not been amended to reflect this situation and the proposed amendment will clarify this requirement.

2 Elected members' vehicles displaying City of Joondalup number plates

Policy 8-2 allows for elected members to be issued with City of Joondalup number plates. With the exception of the Mayor, all elected members utilise their own vehicle or other forms of transport to perform their duties. An issue has been raised that a vehicle issued with City of Joondalup number plates was displaying electoral promotional material. It is proposed to amend the policy to clarify this situation.

Issues and options considered:

The Policy Committee has the following options:

- Not accept the proposed amendments;
- Accept the proposed amendments; or
- Accept the proposed amendments but with modifications.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

The payment of allowances and reimbursement of expenses to elected members is detailed within the Local Government Act 1995, and the associated regulations.

Risk Management considerations:

If the policy is not amended to provide clarification for those governed by the policy and those required to implement the policy, this may result in some non compliance.

Financial/Budget Implications:

There are no financial implications as a result of agreeing to amend the policy.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

The proposed amendments to Policy 8-2 Elected Members Allowances provide greater clarity to those persons governed by its provisions.

ATTACHMENTS

Attachment 1 City Policy 8-2 Elected Members Allowances – marked up.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS that Council adopts amended Policy 8-2 Elected Members Allowances as detailed in Attachment 1 to this Report.

MOVED Mayor Pickard SECONDED Cr Diaz that the Policy Committee RECOMMENDS that Council adopts amended Policy 8-2 Elected Members Allowances as detailed in Attachment 1 to this Report, subject to an amendment to Clause 2.5(6) to read as follows:

“2.5(6) Where an Elected Member is issued with a vehicle licence number plate as detailed within this policy, that vehicle fitted with the licence number plate shall not have visible electoral advertising place on or in the vehicle.”

The Motion was Put and

CARRIED (5/0)

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

ITEM 3 BACKYARD BURNING – [29061]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with information relating to the City's capacity to ban backyard fires within the City of Joondalup.

Several options have been provided for the Committee to consider how a possible ban may be achieved.

It is the City's recommendation that a blanket ban be introduced through notice in the *Government Gazette* and local newspaper. Provision should, however, be made for exceptional circumstances where burning may be unavoidable.

BACKGROUND

At the Policy Committee Meeting of 16 September 2008 a request for a report was made in relation to "backyard fires".

Subsequent research has been undertaken to determine the level of influence the City has in regulating backyard fires and if possible, the City's capacity to ban backyard fires via a local law.

DETAILS

The City has several instruments enabling it to regulate burning on private property to a certain degree. These include:

- Policy 6-5 "Burning on Private Property" which states:

"Residential Garden Refuse and other Rubbish

Garden refuse and rubbish intended for burning shall be placed on the ground in a heap no more than one metre across and to a height of no more than one metre. Only one heap may be burnt at any one time.

Between 1 October and 31 May annually, provided that the day of burning is not designated as an extreme or very high fire danger rating, garden refuse may be burned between 6.00pm and 11.00pm only.

Cleared Land Development Sites

The burning of cleared vegetation on subdivisional land development sites shall be prohibited at all times."

- *Bushfire Prevention and Control Local Law 1998* which allows:

Authorised City Officers to require occupiers of land within the City to establish and maintain firebreaks following the commencement of the firebreak period.
- *Bush Fires Act 1954* which provides the City, inter alia, with the following powers:
 - Ability to make local laws that require owners and occupiers of land to have sufficient firebreaks in place;
 - Ability to appoint Bush Fire Control Officers for the purposes of ensuring that effective firebreaks are in place during the bush fire season;
 - Ability to issue permits that allow bush to be burnt during restricted burning times;
 - Ability to prohibit the burning of garden refuse or rubbish in an incinerator or on the ground on private premises by publishing a notice in the *Government Gazette*; and
 - Ability to issue permits for lighting fires on private premises for cooking or camping.
- *Health Act 1911* which provides the City with the following powers:
 - Ability to make local laws for the purposes of preventing nuisances.

Most of the regulatory powers above only apply during prohibited and restricted burning times, which are as follows:

- Prohibited burning times are from 1 December to 31 March
- Restricted burning times are from 1 October – 30 November and from 1 April – 31 May

This means that the months of June, July, August and September are currently not subject to burning restrictions under the City's Local Law or the *Bush Fires Act 1954* and are therefore mostly unregulated by the City. The *Health Act 1911* enables smoke from burning to be dealt with under nuisance provisions, however, this only applies to the burning of rubbish and does not include garden refuse. Issues also surround prosecuting nuisance offences, which may reduce the effectiveness of such an approach.

For an effective blanket ban to be achieved, the months currently not subject to regulation will need to be incorporated into the restricted burning period. The options below provide examples of how this may be achieved.

Issues and options considered:

1. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that "backyard burning and the use of incinerators are prohibited within the City of Joondalup **at all times without a permit**" and amend the City's Policy 6-5 to reflect this.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year without obtaining a permit from the City.

The City could then develop criteria for determining the circumstances in which a permit would be issued (most likely for instances where removing a fire hazard is best achieved through controlled burning) and amend the City's Policy 6-5 to reflect this.

In all other circumstances an application for a permit would be refused.

2. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that “backyard burning and the use of incinerators are prohibited within the City of Joondalup **at all times**” and amend the City's current Policy 6-5 to state that the City will not issue permits.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year.

The City's policy would then make it clear to residents that backyard burning and the use of incinerators are banned, as permits will not be available.

3. Introduce a local law, under the general powers provisions of the *Local Government Act 1995*, which bans the burning of any materials either on the ground or in an incinerator in backyards

Effect: This option would achieve the same outcomes as options 1 and 2, however, legal advice would need to be obtained to ensure that no inconsistencies exist between provisions in the local law and other legislation.

In addition, it should be noted that the process for introducing a local law is often long and expensive and is best avoided if other effective options are also available.

4. Amend the City's *Health Local Laws 1999* to prohibit the burning of rubbish on the ground or in an incinerator.

Effect: This option has been pursued by the City of Rockingham; however, it is not very effective as the prohibition only captures a limited number of materials and does not extend to green waste.

Additionally, the new *Health Bill* has omitted the nuisance provisions and as such, the City's Health Local Laws will require a major review in the next 12 to 18 months and may not be able to capture offences relating to smoke emissions.

5. Do nothing.

Effect: This option would enable City Officers to issue permits for residents to burn garden refuse, rubbish or bush on the ground or in an incinerator during prohibited or restricted burning periods.

Outside of limited burning periods, permits would not be required to burn materials in backyards.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Relevant legislation includes:

- Local Government Act 1995
- Bush Fires Act 1954
- Health Act 1911
- Bush Fire Prevention and Control Local Law 1998
- Health Local Laws 1999

Risk Management considerations:

There is a risk that instituting a complete fire ban may seem unreasonable to residents who are undertaking all necessary precautions to ensure that backyard fires are contained. Limiting reasonable acts within a controlled environment on private land may appear to some residents as an unwarranted over-regulation on behalf of the City.

Financial/Budget Implications:

Should option 3 be adopted and a local law is pursued, the cost of instituting a blanket ban significantly increases. Consultation processes required under section 3.12 of the *Local Government Act 1995* cost a minimum of \$2,000 to undertake. The cost of obtaining legal advice would also need to be factored into this option.

Policy implications:

Should options 1, 2, 3 or 4 be adopted, the City's Policy 6-5 will require amending to reflect the elements of the option pursued.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

It is the City's position that instituting a blanket ban on backyard burning may be of some merit to residents from both a safety and public health perspective. However, provision should still exist for exceptional circumstances where the burning of materials may be unavoidable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS that Council ADOPTS Option 1, namely, agreeing to publish a notice in the Government Gazette and in a local newspaper stating that "*backyard burning and the use of incinerators are prohibited within the City of Joondalup at all times without a permit*" and AMENDS City Policy 6-5 – Burning on Private Property to reflect this.

MOVED Cr Hollywood **SECONDED** Cr Macdonald that the Policy Committee RECOMMENDS that Council ADOPTS Option 2, namely agreeing to publish a notice in the *Government Gazette* and in a local newspaper stating that "*backyard burning and the use of incinerators are prohibited within the City of Joondalup at all times*" and amend the City's current Policy 6-5 to state that the City will not issue permits.

The Motion was Put and

CARRIED (3/2)

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

**ITEM 4 FUTURE VERGE ENHANCEMENT STRATEGIES
– [87541]**

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present options for future verge enhancement strategies for consideration by the Policy Committee.

BACKGROUND

At the meeting of Council on 30 September 2008, a report (*CJ200 – 08/09 refers*) was presented which provided an evaluation on the effectiveness of the recent Heathridge Verge Competition in improving verges in Heathridge (Attachment 1). The results indicated that the project was not effective in this respect and some alternative concepts were put forward for consideration by Council. After deliberation,

Council resolved that “...consideration of future verge enhancements be referred to the Policy Committee for further consideration and a report presented to a future Council meeting.”

DETAILS

Issues and options considered:

Options originally presented to Council were:

- Option One To continue with the Heathridge Verge Competition model in partnership with the Great Gardens Team with a focus on verge enhancement and supported by updated Verge Treatment Guidelines.
- Option Two To develop the Front Verge Blitz whereby a model verge is developed to improve verges identified as being in a poor condition within a discrete suburb.
- Option Three To develop a Garden Competition with categories similar to those used in other Local Governments. The focus should be on gardens that are environmentally friendly and water-wise.
- Option Four To develop the Streetscape Verge Enhancement project whereby a model verge is developed and applied to a single selected street within the suburb. Residents in that street can nominate for their verge to be upgraded and the final decision rests with the City.

Option Four was recommended as the most likely to achieve real success in terms of verge enhancement in the most cost effective way.

To assist the Policy Committee in making a decision, a fifth option has been identified to encourage residents to tidy their verges. This would involve identifying streets with particular problems and then gauging the extent to which the residents are prepared to do something themselves to improve their street. This could be achieved by using a simple survey not only to identify the extent to which targeted residents are prepared to start maintaining their verges but also to identify what is preventing them from doing so. Residents who identify themselves as those most likely to take action are then selected for customised verge/front garden planning and development, supported in their efforts to some degree with funds for small purchases. This approach to achieving desired behaviour change through the identification of a person's readiness to adopt a particular behaviour, the identification of barriers and incentives toward adopting the behaviour and the subsequent “repackaging” of the desired behaviour with disincentives removed or ameliorated and the incentives increased to encourage uptake, is well documented in the literature on social change. Option Five is therefore identified as follows:

- Option Five To identify specific streets in need of improvement and the preparedness of local residents to become involved in such improvements through the provision of advice and minor financial assistance.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

To encourage householders to improve their verges is a difficult task given that there is competition for the time, physical effort and money of householders. Over and above verge maintenance, household or home maintenance tasks of a more immediate and 'essential' nature are likely to be of greater priority when those resources are needed.

Unfortunately, none of the four options originally presented to Council – even with the incentives of prizes and/or Council doing the work - will necessarily lead to behaviour change resulting in neater verges. Either people who are already committed to keeping the outside areas around their homes in a good condition are rewarded by a prize or, effectively, those who do not are rewarded by Council doing the work instead. The latter action runs counter to current practice with respect to the care, control and maintenance of verges vested in the City, which is to leave a verge until it presents a fire or safety risk to the surrounding properties. Whilst there is a moral imperative for householders to maintain their verges, there is nothing that compels them to do so. On the other hand, Option Five may overcome, or ameliorate this situation as it supports residents already thinking about taking better care of their verges to take action.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Option Five is sustainable as it builds on the residents own desire to do something, supporting them in a course of action they had already determined. It will not require continuous support or resources once a verge is established as residents will know how to maintain verge in a reasonable condition.

Consultation:

Not applicable.

COMMENT

Not applicable.

ATTACHMENTS

Attachment 1 – Council Report (CJ200-08/09) Future Verge Enhancement Projects

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee CONSIDERS Options One to Five and makes a recommendation to Council on the preferred option, or an alternative option as identified by the Policy Committee.

MOVED Mayor Pickard SECONDED Cr Macdonald that the Policy Committee RECOMMENDS that Council:

- 1 **IMPLEMENTS** a verge enhancement competition for Greenwood, similar to the competition that was held in Heathridge but with the following modifications:
 - A reduced prize pool of \$2,500;
 - That the competition covers both the front garden and the verge; and
 - That a prize be awarded for the best street which would include a sign in the street and \$500 for a street resident BBQ.
- 2 **REQUESTS** that, following the completion of the trial at Greenwood, a report be prepared and presented on the trial to the Policy Committee for consideration.

The Motion was Put and

CARRIED (5/0)

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

ITEM 5 PROPOSED PARKING POLICY FOR COMMERCIAL DEVELOPMENT WITHIN THE CITY CENTRE - ANALYSIS OF PUBLIC FEEDBACK – [00152]

WARD: North

RESPONSIBLE DIRECTOR: Mr Ian Cowie
A/Director Planning & Community Development

PURPOSE/EXECUTIVE SUMMARY

To provide comment on the feedback to the proposed Parking Policy and recommend that the policy be presented to the Council without amendment.

BACKGROUND

The Policy Committee considered the proposed Parking Policy in September 2008. At this meeting, the Committee recommended that the Policy be advertised for a 30 day period. This recommendation was accepted by the Council and the policy was advertised. (The report to the Policy Committee is found at Attachment 1).

DETAILS

The proposed Policy (Attachment 2) is a major shift from current practice, where a “flat rate” of 1 bay per 30 sqm of floorspace is required. Under the proposed Policy, development will be encouraged, in particular by providing a reduced parking requirement for:

- cash in lieu; and
- bays required for tall buildings

At the conclusion of the public consultation period, two submissions had been received. One was from the Joondalup Business Association (JBA) while the other was from a resident. Both commented negatively on the Policy.

The JBA’s submission stated that “the flexibility measures do not encourage development in any significant way”. This submission argued that there should be, ultimately, a zero parking requirement for commercial developments, but at the very least, there should be a requirement of 1 car bay for every 100 sqm of commercial retail floor space. This is almost half of the proposed starting policy requirement of 1 bay for every 60 sqm. The submission notes that “we need to provide, as a matter of urgency, a lot more public parking”.

The second submission from a resident indicated that the “local planning policy will do nothing to assist the situation”. This submission questions why the City is not providing 1 car bay per 45 sqm of floor space immediately, rather than the 1 car bay per 30 sqm as suggested in the draft policy (In response, the former report to the Committee at Attachment 1 notes that the 1 bay per 30 sqm is consistent with the approach of other local governments; it was recommended by the Traffic Consultant and that it is questionable whether the CBD is mature enough to respond positively to a lower parking requirement.) The submission also questioned whether the reductions posed in the policy will encourage major commercial development because there have been no design or economic studies to validate their effectiveness. (In response to this position, it is noted that the City suggests that the Policy be reviewed regularly to ensure that it is effective and meeting the changing needs of the City Centre). Specifically, the final dot point of the overall strategy states “the balance of public and private parking will be reviewed every two years to gauge the performance of the policy against actual built outcomes”.

Issues and Options:

The Policy Committee could recommend to Council:

- that the proposed parking policy be adopted;
- that amendments be made to the proposed parking policy; or

- that no parking policy be implemented.

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 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 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.

Financial/Budget Implications:

This policy will generate revenue for the City through cash in lieu to provide parking and also involve costs to the City, as the City provides public parking.

COMMENT

The views expressed in the two submissions are acknowledged. However, it is important to recognise that the proposed Parking Policy establishes a new approach to dealing with parking and it is almost impossible to determine how this Policy will be received unless it is trialled in the market. It is not considered appropriate for the City to take on responsibility for all of the parking provisions as suggested. This would significantly advantage developers and runs contrary to expert traffic advice.

The City could attempt to undertake detailed economic modelling and design analysis as suggested. However, this would delay the implementation of the Policy with no guarantee of a more favourable outcome. Consequently, for these reasons it is recommended that the Policy be introduced in its current format and trialled for a two year period.

In regard to the comment made about the construction of City provided car parks, it is noteworthy that the City's Parking team is charged with the responsibility of monitoring and implementing the City's Parking Scheme, including continual monitoring of parking behaviours, supply and demand.

ATTACHMENTS

Attachment 1 Report to Policy Committee on proposed parking policy

Attachment 2 Proposed Parking Policy

VOTING REQUIREMENTS

Simple majority

MOVED Mayor Pickard SECONDED Cr Macdonald that the Policy Committee RECOMMENDS that Council ADOPTS Policy – Joondalup City Centre Car Parking for Commercial Development, forming Attachment 2 to this Report.

The Motion was Put and

CARRIED (5/0)

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

ITEM 6 DRAFT POLICY 3-7 SIGNS – CONSIDERATION FOLLOWING ADVERTISING – [01907, 85510]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE / EXECUTIVE SUMMARY

The purpose for this report is for the Policy Committee to consider submissions received on the draft Signs Policy. It is recommended that the Committee support the adoption of the Policy.

BACKGROUND

On 23 June 2008, the Policy Committee recommended to Council that the draft Signs Policy be advertised for public comment for a period of 35 days. Council subsequently adopted this recommendation at its meeting held on 15 July 2008. Two submissions were received during the advertising period.

DETAILS

The draft Policy has been prepared in accordance with the objectives of District Planning Scheme No 2 (DPS2), addressing issues raised by the Policy Committee, including recognising and enabling a reasonable degree of signage to support business uses (Attachment 1). As signage can raise amenity concerns, particularly in terms of visual impacts, Council should consider common forms of signage within all areas of the City, not just within business areas.

Issues and options considered:

The options available to Council are:

- Adopt as final Policy 3-7 Signs.
- Adopt as final Policy 3-7, with modifications.
- Refuse to Adopt Policy 3-7 Signs.

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 (DPS2) 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:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

This report proposes a new policy.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The draft Signs Policy was available for public comment for 35 days from 31 July to 4 September 2008. The policy was advertised for two consecutive weeks in the Joondalup Weekender on 31 July and 7 August 2008. Two submissions were received which are addressed in the Schedule of Submissions (Attachment 2).

COMMENTResponse to Submissions

Submissions were received from the Joondalup Business Association (JBA) and ING Real Estate (representing Lakeside Shopping City).

ING Real Estate's submission generally expresses concern that the draft Policy does not meet the needs of a regional shopping centre. In response to this submission, it is considered that the shopping centre should not be considered in isolation from its location in the City Centre, particularly where it directly interfaces with the CBD area.

The JBA submission raises a number of issues which are addressed in the submission table, as well as suggesting that there should be a moratorium on the Policy, in order for the issues to be worked through with business and sign industry representatives. However, in response, it is considered that the Policy is generally suitable in its current form as it balances the needs of businesses with community expectations of the visual quality of an area. Modifications are proposed to the draft Policy in light of the submissions.

It is considered appropriate that, in the event that Council adopts the policy, the effectiveness of the Signs Policy be assessed and reviewed after a six month period to determine how the Policy has been operating.

It should be noted that the Policy is to provide guidance on signs, and will not cover every scenario. This does not mean that signs that do not comply with the Policy will not be considered, however, they will require information to ensure that signs comply with the objectives of DPS2.

Proposed Modifications to the Draft Policy

In light of the submissions, and further review of the draft Policy, the following modifications are proposed:

- Clause 2.1.1 Wall Signs – Remove the maximum 8m² requirement, as well as the requirement for a 4 metre separation between signs.
- Clause 2.1.4 Window Signs – Add a provision for the CBD that permits no more than 25% of a window to be used for signage.
- Clause 2.2.1 Verandah Signs – Remove the requirement for the aggregate area of all signs on any one façade of a verandah not to exceed 25%.
- Clause 2.4.3 Home Open Signs – Amend the maximum area of a sign from 0.2 m² to 0.3m², to cater for a standard size of sign.

ATTACHMENTS

Attachment 1 - Draft Signs Policy 3-7 (as modified).

Attachment 2 - Schedule of Submissions

Attachment 3 – Examples of Window Signs

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS that Council:

- 1 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS modified City Policy 3-7 Signs as shown in Attachment 1 to this Report, as final;
- 2 NOTES that the operation of Policy 3-7 Signs will be reviewed after six months of operation to assess the effectiveness of the policy.

MOVED Cr Hollywood SECONDED Mayor Pickard that City Policy 3-7 Signs be REFERRED BACK for further development and a subsequent report presented to the Policy Committee

The Motion was Put and

CARRIED (5/0)

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

ITEM 7 PROPOSED LOCAL PLANNING POLICY - CUBBY HOUSES – [74619]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE/ EXECUTIVE SUMMARY

The purpose of this report is for the Policy Committee to consider all submissions and proceed with a recommendation to Council to slightly modify the draft Local Planning Policy 7-24 Cubby Houses.

BACKGROUND

The draft policy has been prepared to address the inconsistencies between District Planning Scheme No 2 (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.

At its meeting held on 16 September 2008, the Policy Committee considered the draft policy relating to Cubby Houses, and Council subsequently resolved at its meeting held on 30 September 2008 to initiate public advertising (CJ199-09/08).

The draft Policy was advertised for comment for a period of 21 days, in which time two submissions of support were received. In response to the comments received and review of the draft Policy wording, some minor modifications to the Policy are recommended for the purpose of clarity and improved terminology.

It is recommended that the Policy Committee supports the proposed Local Planning Policy 7-24 Cubby Houses as modified.

DETAILS

As cubby houses can raise amenity concerns, particularly in terms of visual appearance, overlooking and noise, parameters have been established to reasonably protect the amenity of neighbouring properties. Development with variations to the parameters set out in the Policy will require a planning application involving advertising to properties likely to be affected by the development, and a subsequent building licence.

Issues and options considered:

The options available to Policy Committee are to:

- Recommend that the Council adopt as final Policy 7-24 Cubby Houses.
- Recommend that the Council refuse to adopt Policy 7-24 Cubby Houses as final.
- Recommend that the Council adopt Policy 7-24 Cubby Houses, as final, with modifications.

Link to Strategic Plan:

4.1 Objective: 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.

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:

The draft Policy 7-24 Cubby Houses was advertised for comment for a period 21 days closing on 17 November 2008. Advertising was undertaken by way of a notice published once a week for two consecutive weeks in the local newspaper, as well as on the City's website. Two submissions in support of the Policy were received during this period.

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.

Submissions

Two submissions were received, both which support the introduction of a policy related to cubby houses. In addition, one submission suggests consideration of regulations for finials or other roof decorations, and the other suggests consideration of regulations on raised, unenclosed platforms. The submissions are summarised, and comments provided, in the Schedule of Submissions (see Attachment 2).

Proposed modifications to draft Policy

In light of the submissions, and further review of the draft Policy, the following modifications are proposed:

- As originally drafted, the policy limits one cubby house per 'property'. The term 'property' has no explicit definition, and for clarity, it is recommended the Policy be amended to use the term 'survey strata or green title lot', as a definition for each can be found in the Residential Design Codes.
- Clarify that minor architectural features, such as finials, which are built into the design of the cubby house, or a flagpole, are not to exceed 2.5 metres measured from natural ground level.

ATTACHMENTS

Attachment 1 - Draft Policy 7-24 Cubby Houses (Modified)

Attachment 2 - Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood SECONDED Cr Macdonald that the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS modified City Policy 7-24 – Cubby Houses, as shown in Attachment 1 to this Report, as final.

The Motion was Put and

CARRIED (5/0)

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

**ITEM 8 REVIEW OF POLICY 7-9 – HOME BUSINESS –
[13048]**

WARD: All

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

PURPOSE

The purpose of this report is for Policy 7-9 Home Business to be presented to the Policy Committee for consideration of review.

EXECUTIVE SUMMARY

The Home Business Policy operates in recognition of the need to accommodate the growing trend towards working at home, whilst recognising that people still regard residential areas primarily as a place to live. The Policy provides a set of guidelines that are applied when home business applications are considered.

It is considered that the Home Business Policy has been operating successfully and no changes are proposed.

BACKGROUND

At the Policy Committee meeting of 16 September 2008, Council requested that Policy 7-9 – Home Business be presented to the next Policy Committee meeting for consideration of review.

The Home Business Policy was first adopted in June 1999 (Report CJ213-06/99 refers) and has been subject to minor reviews in September 1999 (Report CJ297-09/99 refers), February 2002 (CJ020-02/02 refers) and November 2005 (CJ238 - 11/05 refers).

The last review increased the car parking requirements for Category 2 and 3 home businesses by requiring 2 bays for the dwelling, plus 1 bay for each customer and 1 bay per employee, all of which must be contained within the lot boundary.

As part of the review of the City of Joondalup District Planning Scheme No. 2 (DPS2), the City prepared a draft issues paper on Homes Businesses which was sent out to the community for public comment.

The results of the Home Business issues paper found that the majority of residents believe that home businesses should be encouraged and that the rules for establishing a home business are easy to understand, however, a few respondents said they require review and simplification.

The primary negative issue the survey respondents had with home business was with regards to noise and parking.

DETAILS**Issues and options considered:**

Council can request a review of Policy 7-9 or determine that the current policy is working well and does not require any modifications or changes.

Link to Strategic Plan:

Objective 3.2: To increase employment opportunities 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.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

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

The current Home Business Policy appears to be working well. Very few complaints are received about approved home businesses. Most of the complaints received about home businesses are in regard to those that are operating without the required planning approval. The main causes of complaint in these instances are parking, materials visible from the street, deliveries and noise.

Each of those issues can and are evaluated through the application and evaluation process and there are procedures and resources in place to provide for an appropriate mix of certain "low key" businesses within the City's residential areas.

Approval for a home business is subject to a 12 month renewal requirement and therefore, if there are any issues with the operation of a home business, they can be identified within the 12 month period and addressed prior to the home business being considered for renewal of the approval.

No changes are currently recommended to the existing Home Business Policy, however the policy is forwarded to the Policy Committee for consideration of review.

ATTACHMENTS

Attachment 1 Policy 7-9 – Home Business

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee NOTES the report in relation to Policy 7-9 Home Business.

MOVED Mayor Pickard SECONDED Cr Macdonald that the Policy Committee RECOMMENDS that Council MODIFIES Policy 7-9 Home Business by:

- **Deleting all reference to Category 3;**
- **Amending hours of operation to read "9.00 am to 5.00 pm";**
- **Amending Section 3(g) by the deletion of the word "Large".**

The Motion was Put and

CARRIED (5/0)

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

ITEM 9 ALFRESCO ACTIVITIES POLICY – ISSUES - [03360]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE / EXECUTIVE SUMMARY

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

This report includes a street-by-street analysis of preferred alfresco activity locations to establish a standardised requirement for alfresco areas, or options that can be adopted for varied types of streetscapes.

BACKGROUND

At its 16 September 2008 meeting, the Policy Committee was presented with the following principles which could guide a review of Policy 7-5 Alfresco Activities, being:

- 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)

The Policy Committee subsequently requested further information for consideration. Accordingly the Council resolved at its 30 September meeting to refer the item back to Policy Committee “to allow for further exploration of options for alfresco dining to reflect specific requirements of particular streets and footpath widths”.

DETAILS

A street-by-street analysis has been conducted and a summary of findings is contained in Attachment 3. There are a number of key elements that influence the location of alfresco areas. The key elements are:

- Road reserve width

The road reserve extends from the lot boundary on one side of the street to the lot boundary on the other and generally includes the road, verge, and footpath.

- Verge width

The verge extends from the road to the lot boundary and generally accommodates landscaping and pavement. Generally, wider verges have a greater capacity to accommodate alfresco activities.

- On-street parking

The provision of embayed on-street parking can result in narrow verge widths, which can result in a lesser opportunity to accommodate alfresco activities.

- Street tree location

The provision of street trees can create a shaded canopy ideal for alfresco activities, however dependant on their size and location they can conflict with or limit the extent of alfresco activities.

- Provision of awnings/pedestrian shelter

The provision of pedestrian shelter is a mandatory requirement of development in the Joondalup City Centre. As such the provision of awnings should be maintained for the benefit of pedestrians and may limit alfresco areas to a roadside location.

- Planning controls

The Joondalup City Centre Development Plan and Manual 1995 requires all development within the CBD to provide continuous pedestrian shelter for the comfort of pedestrians from both sun and rain. In this regard areas beneath awnings should be retained for the benefit of pedestrians rather than alfresco dining areas.

The street-by-street analysis has been conducted and the road reserve and verge widths are summarised as follows:

STREET	ROAD RESERVE WIDTH	VERGE WIDTH
Grand Boulevard	50 metres	5.5 metres
Reid Promenade	25 metres	3.5 - 5.5 metres
Lakeside Drive	40 metres	9 metres
Boas Avenue	25 metres	3-6 metres
Davidson Terrace	25 metres	5 metres
Regents Park Road	20 metres	4 metres
Central Walk	NA	10 metres Pedestrian Mall

A number of options were explored in the report made to Policy Committee at its September meeting (Attachment 1 refers). It was recommended that the Policy be amended to ensure areas under awnings/pedestrian shelter are retained for pedestrian access. This report builds on this recommendation when presenting options for the location of alfresco areas.

Issues and options considered:

As a result of street-by-street analysis, parameters for alfresco location and size can be established for a range of locations. Based on these findings, the Policy Committee may recommend that Policy 7-5 (Attachment 2 refers) be reviewed to incorporate these principles.

Link to Strategic Plan:

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

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

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup 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:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

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:

If it is resolved that the policy is to be amended, the amended policy is required to be advertised for a period of not less than 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.

COMMENTStreet-by-street analysis

A number of road reserve and footpath widths have been examined within the Joondalup City Centre to determine if a standardised alfresco format can be established, or whether applications will need to be assessed on an individual basis. Attachment 3 provides a street-by-street alfresco analysis to demonstrate the indicative dimensions of potential alfresco areas.

Road reserves vary greatly from the 10 metre wide pedestrian mall of Central Walk, to 20, 25, 40 and 50 metre road reserves of Regent Park Road, Davidson Terrace, Lakeside Drive and Grand Boulevard respectively. Accordingly, verge widths also vary dependant on the road reserve and provision of on-street parking, however generally range from 3 to 9 metres. It is evident from the street-by-street analysis that the widest road reserves do not necessary yield the widest verges.

Some properties adjoin verge widths of 3 to 4 metres which limit opportunities for alfresco activities. The minimum dimension required to comfortably accommodate two chairs and a table is 800mm.

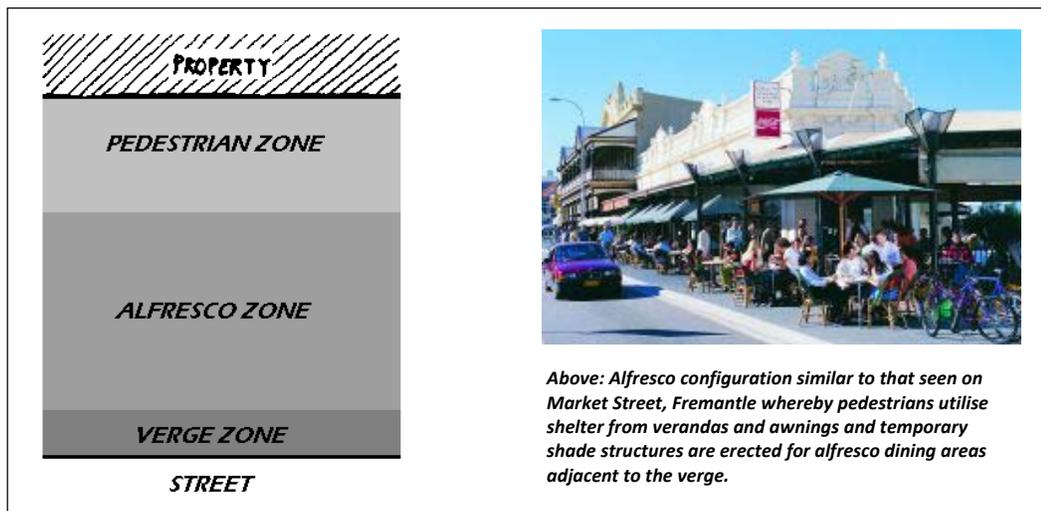
The location of street trees vary, with some being located between on-street parking embayments, on the kerb, aligned down the centre of verges, or sometimes a combination of these. In most instances, street trees would not conflict with potential alfresco areas. Lakeside Drive is one exception where street trees are located in the centre of possible future alfresco areas. Whilst it is possible to accommodate alfresco dining areas around street trees the opportunity to erect temporary or permanent shelters may be limited.

Location of verge activities

The current Policy 7-5 does not specify the format of verge activities and as a result some alfresco areas have located beneath awnings. For development within the city centre, the continuous provision of awnings over the verge is required to provide

pedestrian comfort, from both sun and rain, when moving around the City. The report to the September Policy Committee presented a range of options for the location of verge activities and recommended that where awnings are provided, areas under those awnings will be retained for pedestrian access rather than alfresco activities.

If a review of Policy 7-5 is to be initiated the location of verge activities could be specified as the current policy is silent on this issue. The following layout is preferred:



Size of verge activities:

It is possible to establish a standard size for verge activities that applies to the majority of verges within the Joondalup City Centre as follows:

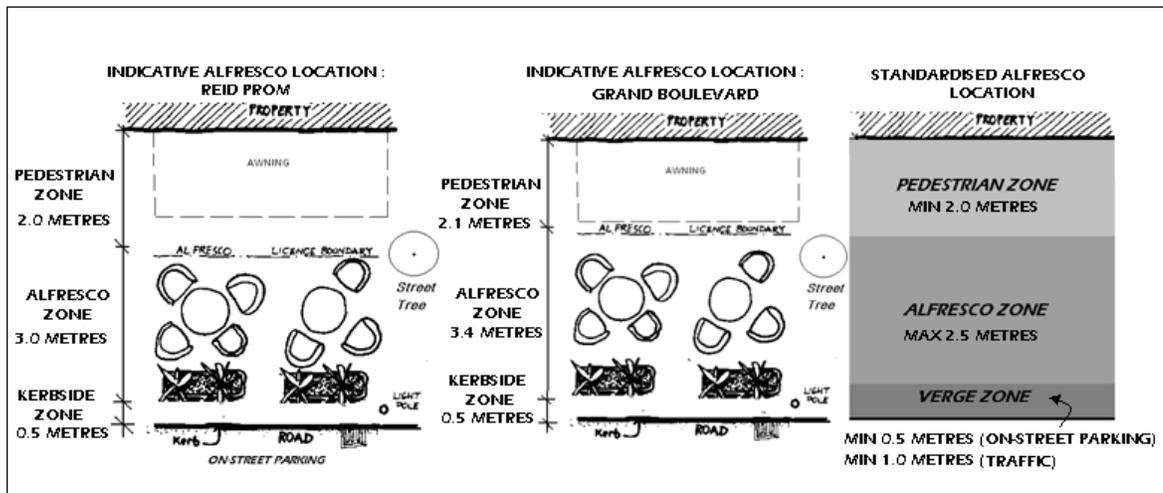
- **Pedestrian Zone: Minimum**
A minimum pedestrian zone will ensure a minimum standard and provision for pedestrians is provided for.
- **Alfresco Zone: Maximum**
Establishing a maximum alfresco zone depth will ensure that streets with wider verges will yield a wider pedestrian zone which may reflect the status and rate of pedestrian flow along these roads.
- **Kerbside Zone: Minimum**
The kerbside zone provides separation between diners and traffic to (a) provide a pedestrian refuge point for people crossing the road and (b) for the safety and comfort of diners. In instance where alfresco areas are separated from traffic by a buffer of on-street parking the kerbside zone may be a lesser width. It may be necessary to provide a wider kerbside zone where alfresco areas would directly adjoin a lane of traffic, to provide greater separation. The following options may then be applied as demonstrated:
 - Option (a) Where a kerbside zone abuts a lane of traffic, the kerbside zone must have a minimum depth of 1 metre. The provision of temporary planter boxes and removable bollards is encouraged in these locations.

- Option (b) Where a kerbside zone abuts on-street parking, the kerbside zone must have a minimum depth of 0.5 metre.

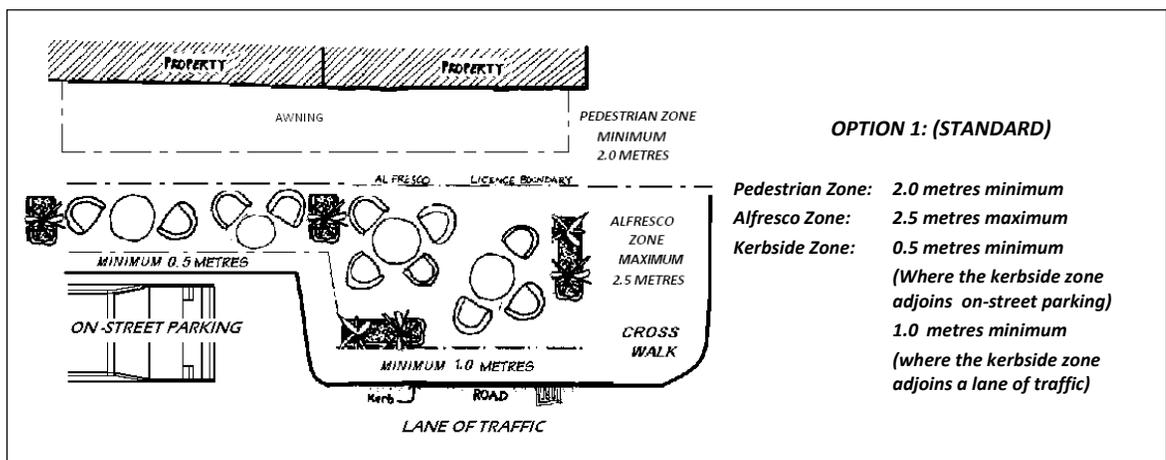
These standards will ensure a minimum pedestrian path width is provided with direct and continuous access that allows clear views into shop windows without the need for pedestrians to weave around alfresco areas.

Option 1(Standard)

The street-by-street analysis has identified a minimum and maximum range in size for verge activities that is common to most streets within the Joondalup City Centre as demonstrated below.



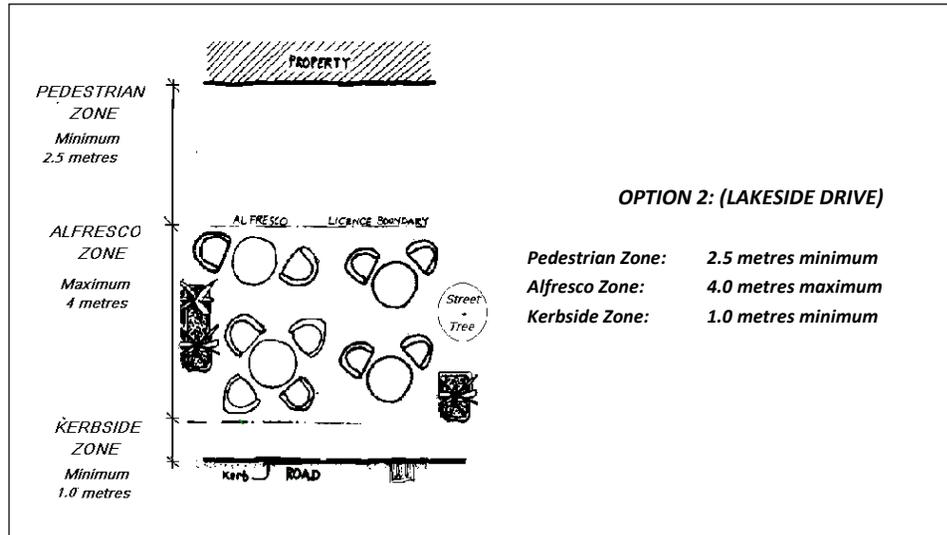
The following provisions could therefore be applied to guide the appropriate location and size of alfresco dining areas:



Size of verge activities: Option 2 (Lakeside Drive)

Lakeside Drive is characterised by mixed use development and terrace housing that frames a 40 metre road reserve. The existing verge width is approximately 9 metres which is the largest verge within the City Centre. The verge is characterised by a paved pedestrian path (2-3metres in width), large garden beds (4-5 metres) and a paved kerbside area (1-2 metres wide). If the standard alfresco dimensions are

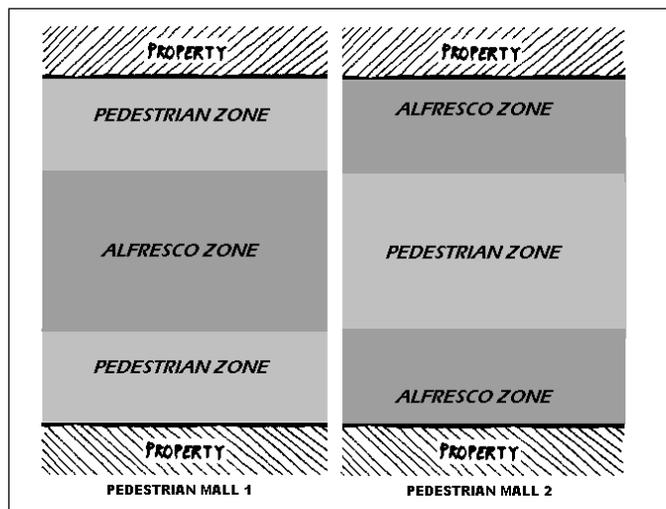
applied to Lakeside Drive, future alfresco activities may be found to locate within the established 2-3 metres pedestrian path directly in front of buildings. In order to retain this established pedestrian path, it is recommended that alfresco activities align with the landscape strip within the verge, just as ‘Sugar and Spice’ have done at Shop 3/189 Lakeside Drive. It is recommended a standard be applied unique to alfresco activities along Lakeside Drive that reflect the established verge characteristics as follows:



Size and location of verge activities: Option 3 (Central Walk)

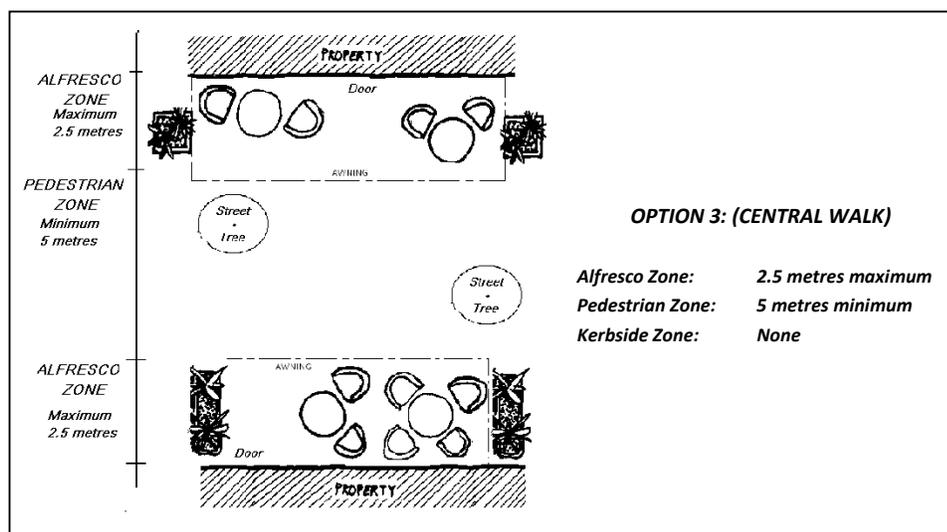
Central Walk is another example where a different alfresco standard may need to apply. Central Walk is approximately 10 metres wide and a number of restaurants are currently located here. At present La Vita is the only restaurant utilising alfresco dining.

There are a number of alfresco dining layouts that can be considered for pedestrian malls such as Central Walk.



The Pedestrian Mall 1 example may be suitable for Central Walk, however the alfresco location may impede pedestrian movement from one side of the pedestrian mall to the other. The configuration of the Pedestrian Mall 2 example is currently utilised by La Vita Café. Pedestrian Mall 2 enables a single flow of 'foot traffic' through the centre of the mall, however pedestrian shelter may be limited to areas where alfresco activities are not located beneath awnings.

It is considered that Pedestrian Mall 2 may be a preferred layout option which should adhere to the following:



Provision of temporary and permanent structures

Where alfresco areas are not located beneath awnings and verandas, it is a common practice for property owners to erect temporary shade structures such as umbrellas. In some instances, the canopy of a street tree can provide adequate shade. It is possible that the Policy can be amended to provide guidance on the erecting of temporary or permanent structures.

The policy could be amended to include the following:

- Temporary shade structure must not obstruct pedestrian access, damage street trees or pose a safety risk.
- 'Café blinds' may be affixed to temporary and permanent shade structures
- 'Café blinds' must not be affixed to awnings.
- Permanent shade structures will be considered, where the footpath width exceeds 5 metres.
- Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.

ATTACHMENTS

Attachment 1	Report to September 2008 Policy Committee
Attachment 2	Policy 7-5 - Alfresco Activities
Attachment 3	Street-by-street alfresco analysis

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS to Council that the process for amending Policy 7- 5 Alfresco Activities be commenced, with the following principles incorporated:

- Pedestrian access under any awnings must be maintained.
- 'Café blinds' may be affixed to temporary and permanent shade structures
- 'Café blinds' must not be affixed to awnings.
- Shade structures must not obstruct pedestrian access, damage street trees or pose a safety risk.
- Permanent shade structures will be considered, where the footpath width exceeds 5 metres.
- Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.
- Standard size and location for alfresco areas:

General Standard

Pedestrian Zone:	2.0 metres minimum width
Alfresco Zone:	2.5 metres maximum width
Kerbside Zone:	0.5 metres minimum (where the kerbside zone adjoins on-street parking)
	1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

Central Walk

Alfresco Zone:	2.5 metres maximum width
Pedestrian Zone:	5 metres minimum width
Kerbside Zone:	None

Lakeside Drive

Pedestrian Zone:	2.5 metres minimum width
Alfresco Zone:	4.0 metres maximum width
Kerbside Zone:	1.0 metres minimum width

MOVED Mayor Pickard SECONDED Cr Hollywood that the Policy Committee:

1 NOTES the following principles to be incorporated into the review of Policy 7- 5 Alfresco Activities:

- **Pedestrian access under any awnings must be maintained.**
- **'Café blinds' may be affixed to temporary and permanent shade structures**
- **'Café blinds' must not be affixed to awnings.**

- **Shade structures must not obstruct pedestrian access, damage street trees or pose a safety risk.**
- **Permanent shade structures will be considered, where the footpath width exceeds 5 metres.**
- **Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.**
- **Standard size and location for alfresco areas:**

General Standard

Pedestrian Zone:	2.0 metres minimum width
Alfresco Zone:	2.5 metres maximum width
Kerbside Zone:	0.5 metres minimum (where the kerbside zone adjoins on-street parking)
	1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

Central Walk

Alfresco Zone:	2.5 metres maximum width
Pedestrian Zone:	5 metres minimum width
Kerbside Zone:	None

Lakeside Drive

Pedestrian Zone:	2.5 metres minimum width
Alfresco Zone:	4.0 metres maximum width
Kerbside Zone:	1.0 metres minimum width

- 2 REQUESTS that input be sought from affected businesses prior to commencing the process to amend Policy 7-5 Alfresco Activities.**

The Motion was Put and

CARRIED (5/0)

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

The Chief Executive Officer sought guidance from the Committee members on any items that they would like submitted to the Council meeting scheduled for 16 December 2008. It was requested that reports be presented on the following items:

- Item 4 Future Verge Enhancement Strategies
- Item 5 Proposed Parking Policy for Commercial Development within the City Centre - analysis of public feedback

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Norman requested that a report be presented on Policy 1-2 Public Participation.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 2120 hrs, the following Elected Members being present at that time:

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