

# minutes

Policy Committee

MEETING HELD ON **MONDAY 30 NOVEMBER 2015**

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## CITY OF JOONDALUP

### MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 30 NOVEMBER 2015.

#### ATTENDANCE

##### Committee Members

Cr Liam Gobbert	<i>Presiding Member</i>	
Cr Kerry Hollywood		
Cr Philippa Taylor		
Cr Mike Norman	<i>Deputising for Cr Hamilton-Prime</i>	<i>absent from 6.06pm until 6.17pm</i>
Cr John Logan	<i>Deputising for Cr Chester</i>	
Cr Russ Fishwick, JP		

##### Observers

Cr Tom McLean  
Cr Russell Poliwka

##### Officers

Mr Garry Hunt	Chief Executive Officer	
Mr Nico Claassen	Director Infrastructure Services	
Mr Jamie Parry	Director Governance and Strategy	
Mr John Corbellini	Acting Director Planning and Community Development	<i>until 7.00pm</i>
Mr Brad Sillence	Manager Governance	
Mr Graeme Catchpole	Coordinator Urban Design and Policy	<i>until 7.00pm</i>
Ms Renae Mather	Coordinator Planning Approvals	<i>until 7.00pm</i>
Mr John Byrne	Governance Coordinator	

#### DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

## DECLARATIONS OF INTEREST

### Disclosures of Financial / Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	Item 2 – Installation of Telecommunications Facilities Policy Review.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Norman holds Telstra shares in excess of the threshold.

### Disclosures of interest affecting impartiality

Nil.

## APOLOGIES/LEAVE OF ABSENCE

### Apologies:

Mayor Troy Pickard.  
Cr Hamilton-Prime.

### Leave of Absence Previously Approved:

Cr John Chester	30 November 2015 to 8 December 2015 inclusive;
Cr Mike Norman	7 December to 11 December 2015 inclusive;
Cr Liam Gobbert	10 December to 15 December 2015 inclusive;
Cr Nige Jones	14 December to 18 December 2015 inclusive;
Cr Russell Poliwka	26 December 2015 to 6 January 2016 inclusive;
Cr John Logan	4 January to 10 January 2016 inclusive;
Cr Nige Jones	24 January to 26 January 2016 inclusive.
Cr Mike Norman	21 February to 5 March 2016 inclusive.

## **CONFIRMATION OF MINUTES**

### MINUTES OF THE POLICY COMMITTEE HELD 10 AUGUST 2015

**MOVED Cr Hollywood SECONDED Cr Norman that the minutes of the meeting of the Policy Committee held on 10 August 2015 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hollywood, Logan, Norman and Taylor.

### MINUTES OF THE SPECIAL POLICY COMMITTEE HELD 3 NOVEMBER 2015

**MOVED Cr Hollywood SECONDED Cr Norman that the minutes of the special meeting of the Policy Committee held on 3 November 2015 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hollywood, Logan, Norman and Taylor.

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting was not open to the public.

## **PETITIONS AND DEPUTATIONS**

Nil.

**REPORTS****ITEM 1                      REVISED STORMWATER MANAGEMENT POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101283, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Revised Stormwater Management Policy</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider a revised *Stormwater Management Policy*.

**EXECUTIVE SUMMARY**

The *Stormwater Management Policy* (the policy) sets out the key considerations for the management of stormwater resources, stormwater drainage and stormwater management planning. The review of the policy has not brought about significant change, apart from the addition of climate change to the policy objectives. The addition of climate change brings the policy in line with the *Climate Change Strategy 2014-2019* and strengthens the existing stormwater and climate change projects as well as better facilitating potential future development of the policy should climate change impacts require an adjustment to stormwater management best practice.

*It is therefore recommended that Council APPROVES the proposed amendments to the Stormwater Management Policy, as detailed in Attachment 1 to this Report.*

**BACKGROUND**

The current policy was adopted in August 2012 and is now due for review to ensure that it continues to meet current objectives and expectations for management of stormwater. The review of the policy aligns with Project 1.5 of the *Climate Change Strategy 2014-2019*.

**DETAILS**

There are no major modifications proposed to the policy, however, the overall objective has been modified to include the consideration of climate change impacts.

## Climate Change

The immediate impact of climate change is yet to be quantified in terms of seeing specific or identifiable changes in storm duration and intensity. The City continues to record localised rainfall patterns for use in the design of stormwater projects and ultimately in the long term monitoring of rainfall patterns across the City of Joondalup. This activity enables the City to be well positioned for the future in the event that climate change becomes noticeable via the ability to refer to detailed historical rainfall data. Stormwater monitoring was initially progressed following the storm events of May and June 2012 to assist with stormwater drainage design and also aligns specifically with Project 1.4 “Rainfall Monitoring and Stormwater Management” of the *Climate Change Strategy 2014-2019*.

With respect to the potential to increase stormwater runoff, the extent to which climate change impacts on the rainfall severity is currently unknown. In contrast, the impacts of urban infill and development of catchments, particularly by the increase in hard, impervious surfaces via new houses results in a loss of gardens and green space. Together with the modern trend to install double driveways and crossovers, urban infill and catchment development has a larger, quantifiable and immediate increase to the surface run-off volumes, whereas the impact of climate change on stormwater cannot be accurately assessed at the moment.

## State Government Documents

The state government documents continue to provide industry guidance for the management of stormwater.

*State Planning Policy 2.9* (Western Australian Planning Commission 2006), *Better Urban Water Management* (Western Australian Planning Commission 2008) remains unchanged. The *Stormwater Management Manual* for Western Australia (Department of Water 2007) remains unchanged, but with new information and updates available via the online publication available at [www.water.wa.gov.au](http://www.water.wa.gov.au).

## **Issues and options considered**

The overall objective to facilitate the integration of water sensitive design principles into planning and development within the City of Joondalup is considered to remain valid and continues to align with state government objectives.

The addition of the words “*appropriate stormwater management and consideration of climate change impacts*” to the objective of the policy has been included to capture firstly the ability to consider and implement appropriate stormwater management solutions and especially to consider the possible impacts of climate change. This inclusion also aligns with “Adaptation Objective A2 and A3” of the *Climate Changes Strategy 2014-2019*.

Adaptation Objective A2 states “*To identify the likely risks to the City’s environment, operations, infrastructure, activities and services as a result of climate change.*”

Adaptation Objective A3 states “*To put in place strategies that will minimise the risk to the City’s environment, operations, infrastructure activities and services as a result of climate change.*”

The inclusion of climate change considerations in the policy provides a logical alignment of the City’s *Climate Change Strategy 2014-2019* with the policy and specifically serves to address Adaptation Objectives A2 and A3 of the strategy.

In practice, where piped drainage systems have been installed and are no longer sufficient to cope with common storm events (principally due to catchment development and increased paved surfaces resulting in higher run-off), the “addition of storage” within the pipe network and applying “infiltration at source” principles can restore overall system capacity without the need for expensive major upgrades of the entire pipeline. This methodology has been successfully applied to reduce overall capital expenditure while meeting the need to provide drainage network improvements within the *Stormwater Drainage Capital Works Program*.

Consideration of climate change impacts remains a difficult issue to quantify. In some cases, climate change is predicted to lower the annual rainfall, yet increase the intensity of isolated rainfall events. Local knowledge about the extent of these changes has not been fully developed, however, it was considered important to include climate change in the overall objective of the policy in order to maintain focus and possible future development of such knowledge. State and Federal resources through the Bureau of Meteorology continue to work on broader modelling and measurement of key weather parameters and in time, the development of broad climate models for Australia to review and predict future weather patterns. In the meantime, the City continues to capture local rainfall data across the City of Joondalup in order to gain local data and knowledge of rainfall patterns which are otherwise not available through the Bureau of Meteorology.

### **Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	Section 26 of the <i>Planning and Development Act 2005</i> .
<b>Strategic Community Plan</b>	
<b>Key theme</b>	The Natural Environment.
<b>Objective</b>	Environmental resilience.
<b>Strategic initiative</b>	Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.
<b>Policy</b>	<i>Stormwater Management Policy</i> .

The policy adopted in 2012 is to be reviewed to include climate change and some minor adjustments for the ongoing future guidance of Stormwater Management Principles.

### **Risk management considerations**

There are no major changes proposed to the policy, outside of climate change.

Should Council decide not to include climate change in the revised policy, the approach to drainage management would not be significantly affected in the short term, given that actions such as rainfall monitoring and the coastal monitoring survey have already been activated as part of the *Climate Change Strategy 2014-2019* and are proposed to continue. The policy would however, not align with the *Climate Change Strategy 2014-2019* Adaptation Objectives A2 and A3 if the climate change issue is not included. The risk should climate change be left out of the policy, is inconsistency between the City's policies and strategies.



The inclusion of climate change in the policy enforces continued consideration and development of knowledge, which can be used in the future for measurement and management of change and the development of appropriate responses to climate change.

The inclusion of climate change brings this policy more in line with the *Climate Change Strategy 2014-2019*.

### **Financial / budget implications**

There are no additional costs foreseen for the immediate future associated with the adoption of the revised *Stormwater Management Policy*. Some additional costs may however occur in the future depending on the findings of future climate change science.

### **Regional significance**

The revised policy does not immediately impact on the current approach to stormwater management. It does however include or allow for possible future changes based on climate change. The policy is reflective of various regional considerations which are detailed with the City's *Climate Change Strategy 2014-2019*.

### **Sustainability implications**

#### Environmental

Appropriate management of stormwater is important for the continued protection and improvement of stormwater quality for the natural environment as well as management of stormwater volumes for control of storm events and flooding. Continued best practice management of stormwater also seeks to provide quality built outcomes and quality open spaces.

Future knowledge gained from historic data and the continued capture of data may one day prove to be valuable in review of climate change and help to guide future strategies to counter or at least manage change.

### **Consultation**

Not applicable.

### **COMMENT**

The proposed changes to the policy are considered to be generally of a minor or nominal nature, with review of the reference documents to ensure the policy remains current. The only matter of substance added to the policy is the issue of climate change.

The inclusion of climate change in the policy seeks to align the policy with the City's *Climate Change Strategy 2014-2019*, to provide consistency between the City's adopted policies and strategies. While no immediate implication to current practice is foreseen by adoption of the revised policy, there is potential for future development of climate change science which may result in the need for change to stormwater management practice in the future.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Logan, **SECONDED** Cr Hollywood that Council **APPROVES** the proposed amendments to the *Stormwater Management Policy* as detailed in Attachment 1 to this Report.

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hollywood, Logan, Norman and Taylor.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agnPOLICY301115.pdf](#)*

**Declaration of Financial Interest.**

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	Item 2 – Installation of Telecommunications Facilities Policy Review.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Norman holds Telstra shares in excess of the threshold.

*Cr Norman left the meeting at 6.06pm.*

## **ITEM 2                    INSTALLATION        OF        TELECOMMUNICATIONS FACILITIES POLICY REVIEW**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER:</b>	101289, 101515
<b>ATTACHMENTS:</b>	Attachment 1    Current City of Joondalup <i>Installation of Telecommunications Facilities Policy</i> Attachment 2 <i>State        Planning        Policy        5.2: Telecommunications Infrastructure</i> Attachment 3    Draft <i>Telecommunications Infrastructure Local Planning Policy</i> (tracked changes)

**PURPOSE**

For Council to consider amendments to the City's *Installation of Telecommunications Facilities Policy* in response to the recently released revision of *State Planning Policy 5.2: Telecommunications Infrastructure*.

**EXECUTIVE SUMMARY**

Following a review and public comment period in October 2014, the Western Australian Planning Commission (WAPC) released the final version of *State Planning Policy 5.2 Telecommunications Infrastructure* (SPP 5.2) in August 2015. The intent of the policy is to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas.

As with the draft version, the final version of SPP 5.2 does not specifically address health and safety matters relating to electromagnetic emissions (EME) and continues to outline policy measures in regard to the assessment of the visual impact of proposed telecommunications infrastructure.

SPP 5.2 also continues to specify that local planning schemes include a definition of telecommunications infrastructure but has gone further to require that telecommunications infrastructure not be designated as a 'use not permitted' or 'X' use by the scheme in any zone and also now prohibits the blanket application of buffer zones and/or setback distances through local planning schemes or local planning policies.

The initial version of revised SPP 5.2 contained a limit whereby advertising could occur only to those within a 200 metre radius of proposed infrastructure. The final version of SPP 5.2 has been modified to remove this limit but has included a maximum consultation period of 21 days.

It is considered necessary that the City's policy be amended to remove references to health related matters or EME; clarify that submissions on health or safety grounds cannot be considered and generally improve alignment with SPP 5.2.

It is recommended that Council supports the proposed amendments to the policy to allow it to be advertised for public comment for a period of 21 days.

## **BACKGROUND**

The City's *Installation of Telecommunication Facilities Policy* (Attachment 1 refers) has been in operation since December 2002 when it replaced a moratorium on the installation of telecommunications facilities throughout the City of Joondalup. Since then, the policy has been reviewed once, being August 2012.

In response to the public advertising by the WAPC of draft revised SPP 5.2, at its meeting held on 9 December 2014 (CJ229-12/14 refers), Council resolved to endorse the City's submission and noted that in the event that revised SPP 5.2 was finalised, the City would be required to review its *Installation of Telecommunications Facilities Policy* to ensure consistency with the final version of SPP 5.2.

The City's submission on draft revised SPP 5.2 generally supported the objectives of the draft policy, including the clarification that health and safety matters were not to form part of the planning assessment of telecommunication infrastructure proposals. However, the City's submission was not supportive of the proposed 200 metre limit on public notification, and noted that a maximum setback requirement from boundaries equivalent to the height of the infrastructure may not be adequate in all circumstances.

## **DETAILS**

In order to comply with the final version of SPP 5.2 (Attachment 2 refers), the City's *Installation of Telecommunications Facilities Policy* has been reviewed and amendments proposed (Attachments 3 and 4 refer). Various formatting and wording improvements have been proposed, including a proposed name change to *Telecommunications Infrastructure Local Planning Policy*. This is consistent with the title of SPP 5.2 and the land use 'Telecommunications Infrastructure' which is set out in the *Planning and Development (Local Planning Scheme) Regulations 2015*. The main changes proposed to the policy are outlined below.

### Health and safety impacts

As with the draft version, the final version of SPP 5.2 specifically does not address health and safety matters relating to EME, which are not considered to be a relevant planning consideration. As a result, reference to the general concern regarding the potential health effects of telecommunications facilities is proposed to be removed from the policy. In its place a statement has been included in the draft policy noting that submissions based on health or safety grounds are unable to be considered in assessing a proposal for telecommunications infrastructure.

### Buffer zones and excluded areas

SPP 5.2 requires that telecommunication infrastructure should be considered on a case by case basis and makes it clear that blanket restricted areas should not be applied through local planning policy. As a result, reference to not supporting the installation of telecommunication facilities unnecessarily close to schools, childcare establishments, hospitals and general residential areas is proposed to be removed from the policy.

### Advertising period for telecommunication infrastructure applications

The final version of SPP 5.2 has been modified to remove the limit imposed on the advertising to only those within a 200 metre radius limit; however, a maximum consultation period of 21 days has now been included. As such, the advertising period specified by the City's policy has been reduced from 30 days to 21 days. It is proposed to retain the public notification area of a 400 metre radius from the proposed telecommunications infrastructure.

### Exemptions

In addition to the existing exemptions under the *Telecommunication Act 1997*, SPP 5.2 recommends that local governments consider exempting telecommunications infrastructure from the requirement for development approval where:

- the infrastructure has a maximum height of 30 metres above finished ground level
- the proposal complies with the policy measures outlined in SPP 5.2.

However, the City considers it appropriate that all proposals for telecommunications infrastructure undergo assessment in regard to the potential visual impact they may have and, therefore, the City does not intend to make this use a land use that is exempt from the need for development approval at this time.

### Visual impact

The principal area of planning assessment of telecommunication infrastructure relates to potential visual impacts. Issues relating to potential visual impacts are valid planning considerations and continue to be incorporated in the City's policy. SPP 5.2 states that the visual impact of development proposals should be made on a case by case basis. This, together with not permitting buffer zones and/or setback distances through local planning schemes or local planning policies, provides limited ability to provide specific guidance within the City's policy on visual impact issues.

It is proposed that the City's policy will continue to require due regard be given to topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.

### **Issues and options considered**

Council has the option to:

- advertise the amended *Installation of Telecommunications Facilities Policy* (renamed *Telecommunications Infrastructure Local Planning Policy*), with or without further modifications  
or
- retain the *Installation of Telecommunications Facilities Policy* without amendment.

**Legislation / Strategic Community Plan / policy implications**

**Legislation** *Telecommunications Act 1997.*  
*Telecommunications (Low-impact Facilities) Determination Act 1997.*  
*Planning and Development Act 2005.*  
*City of Joondalup District Planning Scheme No. 2.*  
*Planning and Development (Local Planning Scheme) Regulations 2015.*

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Business capacity.

**Strategic initiative** Actively seek opportunities for improving local communication network infrastructure.

**Policy** *Installation of Telecommunications Facilities Policy.*

**Risk Management considerations**

Given that the provisions of SPP 5.2 will prevail over non-aligned local planning policies, there is an onus on the City to ensure that its policy functions within the policy framework and intent of SPP 5.2. In instances where the policies are not aligned there is the risk that the State Administrative Tribunal will not uphold decisions of Council based on the local planning policy in circumstances where the proposal would otherwise comply with SPP 5.2.

**Financial / budget implications**

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

**Regional Significance**

Not applicable.

**Sustainability implications**

One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. SPP 5.2 seeks to facilitate more cost-effective and timely planning, assessment and determination of proposals for telecommunications infrastructure across Western Australia. The challenge, however, is to balance this objective with the visual impact of telecommunication infrastructure on the public realm, adjoining landowners, surrounding residents and the community in general.

## Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* requires a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. Any proposed amendment to the existing policy would be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the Commission. The proposed revisions to the City's policy are not considered to be inconsistent with SPP 5.2.

## COMMENT

As the review of SPP 5.2 has now been finalised, a review of the City's *Installation of Telecommunications Facilities Policy* has been undertaken and a number of inconsistencies identified as outlined in this Report.

It is therefore recommended that Council advertise the draft revised *Telecommunications Infrastructure Local Planning Policy* for public comment for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr Gobbert, **SECONDED** Cr Logan that Council, in accordance with Clauses 3, 4 And 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PREPARES** and **ADVERTISES** the amendments to the *Installation of Telecommunications Facilities Policy*, including the proposed renaming of the policy to '*Telecommunications Infrastructure Local Planning Policy*', as shown in Attachment 3 to this Report, for a period of 21 days.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hollywood, Logan and Taylor.

*Cr Norman returned to the meeting at 6.17pm.*

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2agnPOLICY301115.pdf](#)*

### **ITEM 3                    DRAFT RESIDENTIAL DEVELOPMENT LOCAL PLANNING POLICY AND DRAFT HEIGHT OF NON-RESIDENTIAL BUILDINGS LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	104919, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Advertised draft Residential Development Local Planning Policy</i> Attachment 2 <i>Advertised draft Height of Non – Residential Buildings Local Planning Policy</i> Attachment 3 <i>Draft Residential Development Local Planning Policy</i> including modifications made after advertising (changes not tracked but main changes highlighted) Attachment 4 <i>Modified Height of Non – Residential Buildings Local Planning Policy</i> Attachment 5 <i>Modified (final) Residential Development Local Planning Policy</i> Attachment 6 <i>Indicative height drawings</i> Attachment 7 <i>Indicative streetscape drawings</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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#### **PURPOSE**

For Council to consider the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy* following advertising and to decide whether or not to adopt the policies as final. These policies will implement the outstanding recommendations of the City's *Local Housing Strategy (LHS)*.

#### **EXECUTIVE SUMMARY**

On 12 November 2013, the Western Australian Planning Commission (WAPC) resolved to support the City's LHS for the purpose of guiding future amendments to the City of Joondalup *District Planning Scheme No. 2 (DPS2)*.

The LHS contains ten recommendations. Eight of these will be implemented via Scheme Amendment No. 73, which was adopted by Council at its meeting held on 31 March 2015 (CJ032-03/15 refers) and forwarded to the WAPC for consideration and determination by the Minister for Planning.



At its meeting held on 17 August 2015 (CJ147-08/15 refers), Council considered a report outlining the implementation of the two outstanding LHS recommendations (Recommendations 3 and 6) that were not dealt with through Scheme Amendment No. 73 (CJ147-08/15 refers). These recommendations are to be addressed through the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy*, and Council resolved to adopt these two draft policies (included as Attachments 1 and 2 respectively) for the purposes of public advertising. Council also noted that should the policies be implemented, the current *Height and Scale of Buildings within Residential Areas Policy* and the current *Height of Buildings within the Coast Area (Non-Residential Zones) Policy* would be revoked.

The draft policies were advertised for 21 days closing on 8 October 2015. A total of 29 submissions were received. Following consultation, a number of refinements and modifications have been made to both policies in response to both the submissions received as well as feedback from the Department of Planning on Scheme Amendment No. 73. The modifications are proposed to provide clearer guidance on decision making for residential development.

*It is therefore recommended that Council adopts the Residential Development Local Planning Policy and the Height of Non-Residential Buildings Local Planning Policy as modified, and revokes the Height and Scale of Buildings within Residential Areas and the Height of Buildings within the Coastal Area (Non-Residential Zones) policies.*

## **BACKGROUND**

At its meeting held on 16 April 2013 (CJ044-04/13 refers), Council resolved to adopt the City's revised draft LHS, and the document was subsequently forwarded to the WAPC via the Department of Planning for endorsement. On 12 November 2013, the WAPC resolved to support the LHS for the purposes of guiding future amendments to DPS2.

A scheme amendment to implement eight of the 10 recommendations of the LHS was endorsed by Council for the purposes of public consultation at its meeting held on 10 December 2013 (CJ236-12/13 refers). The WAPC granted its consent to advertise the scheme amendment on 17 October 2014. The City subsequently advertised the scheme amendment for 42 days commencing on 29 October 2014 and concluding on 10 December 2014. Scheme Amendment No. 73 was presented to Council, post consultation, at its meeting held on 31 March 2015 (CJ032-03/15 refers) where it was resolved to adopt the scheme amendment and forward it to the WAPC for the Minister for Planning's consideration of final approval.

The WAPC considered Scheme Amendment No. 73 on 10 November 2015. The recommendation from the Department of Planning was confidential. However, following consideration of Scheme Amendment No. 73 by the WAPC, it is required to be forwarded to the Minister for Planning for determination. It is anticipated that determination of the Scheme Amendment No. 73 will occur during December 2015.

The two outstanding recommendations of the LHS (Recommendations 3 and 6), which were not captured in Scheme Amendment No. 73, are to be implemented via two local planning policies. At its meeting held on 17 August 2015 Council resolved to advertise these two policies, being the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy* (CJ147-08/15 refers). The advertised policies are provided at Attachment 1 and 2.

It should be noted that these policies will replace the existing *Height and Scale of Buildings in Residential Areas* and *Height of Buildings within the Coastal Area (Non-Residential Zones)* policies. Therefore, should Council resolve to adopt the new policies, these existing policies will need to be revoked.

## DETAILS

Following consultation, the *Residential Development Local Planning Policy* and *Height of Non-Residential Buildings Local Planning Policy* have been reviewed and further refined in response to both the submissions received and feedback from the Department of Planning on Scheme Amendment No. 73. The modifications are proposed to provide clearer guidance on decision making for residential development and are outlined below.

### *Residential Development Local Planning Policy*

The modified version of the draft *Residential Development Local Planning Policy* that was endorsed by Council was advertised for public comment is provided at Attachment 3.

This version of the draft policy is essentially a replacement set of *State Planning Policy 3.1: Residential Design Codes* (R-Codes) provisions, which contains both existing R-Code provisions and new policy provisions and will be used by the City's planners as the "new" set of R-Codes when assessing development applications.

It is proposed however that the final version of the policy that Council is being asked to adopt, removes the current R-Code provisions set out in Tables 1 and 2 that are not proposed to be changed through the policy (Attachment 5 refers). This is to avoid having to change the adopted policy every time the WAPC makes modifications to the R-Codes. As a result, Tables 1 and 2 of the final policy only include those deemed-to-comply provisions and objectives that have changed or are additional to the R-Codes.

It is intended however to make the combined working document or "new" set of R-Codes mentioned above and provided at Attachment 3 available to the public, in conjunction with the final adopted policy, to give context to the new provisions and to minimise confusion for land owners and developers.

The other modifications to the policy are detailed below:

#### *Changes to objectives section*

The third and fourth bullet points have been reworded to improve clarity, however the intent of the objectives remain unchanged.

#### *Changes to authority section*

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) came into effect on 19 October 2015 and replaced sections of DPS2, including Part 8 relating to Local Planning Policies. As a result, the authority section of the policy has been updated to reflect the relevant section of the Regulations that are applicable to the preparation of local planning policies.

### *Changes to application section*

This section has been modified to include reference to activity centre plans to reflect the introduction of these documents in the Regulations. The wording of this section has also been modified slightly to improve clarity.

### *Changes to definitions*

The definitions used in the policy are required to align with the R-Codes. As a result the definition of 'Approved or Natural Lot Level' has been removed from the policy, with development to be assessed from the 'natural ground level' as defined under the R-Codes, which states: *The levels on a site which precede the proposed development, excluding any site works unless approved by the decision maker or established as part of subdivision of the land preceding development.* This is to ensure consistency in the interpretation of ground level between the policy provisions and the R-Codes.

The definition of storey, which is not included in the R-Codes, has been modified to provide clarity that where the floor level to ceiling (or the floor above) exceeds 3.5 metres it will be treated as more than one storey.

Five new definitions have also been included being *battleaxe leg*, *battleaxe site*, *dwelling alignment*, *verge* and *visual interest*. These definitions have been added to provide clarity where they are used in the policy, particularly the development provisions outlined in the policy tables.

### *Changes to statement section*

Wording of this section has been updated in response to changes resulting from the Regulations. This section has also been modified to remove explanatory information regarding the policy tables, which has now been included in the details section of the policy.

### *Changes to details section*

The details section has been expanded to include the dual density provisions recommended to be removed from Scheme Amendment No. 73 by the WAPC. As a result this section has been reformatted with a number of sub-headings added to improve readability.

The *Residential Development Table 1 and Table 2* subsection provides details on the application of the two tables contained within the policy. While the intent remains unchanged, the wording has been modified to provide greater clarity on how the tables apply to residential development.

The *Development at the higher density code for dual-coded lots* subsection sets out specific development provisions that will apply where approval is being sought for development at the higher density code. The policy has been modified to provide clarification that the verge, crossover, on-street parking embayment(s) and upgrades to any retained dwelling(s) shall be in accordance with the requirements of the policy, specifically Schedule 1 and 2. Clarification is also provided on the application of the deemed-to-comply provisions where an adjoining site has not developed at the higher density to make it clear that additional restrictions for higher density development apply in this instance.

The *Neighbour consultation* subsection has been deleted, as community consultation requirements for residential development are set out under the Regulations and R-Codes and these requirements are not able to be modified by a local planning policy.

### *General changes to Table 1*

Following consultation, a number of the provisions and objectives of this table have been modified to correct referencing, typographical and grammatical errors; restructure some provisions to align with other parts of the policy and R-Codes; and ensure consistency with other City policies. This includes incorporating the changes to the R-Codes that came in effect on 23 October 2015.

### *Design quality*

The wording of the deemed-to-comply provisions that were previously drafted to deal with the design of structures like garages, carports, ancillary dwellings (granny flats) and the like has been expanded to apply to all development that is visible from the street. This provision requires all such development to be consistent with any existing development on the site, maintain and enhance the existing character of the local area, and be compatible with the existing and/or desired streetscape.

Gazettal of the new *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) has introduced a new challenge as far as this provision is concerned.

Before gazettal of the Regulations, even if a proposed development met all the deemed-to-comply standards of the R-Codes, but did not meet the requirements of the City's local planning policies, then the proposal needed development approval as per the requirements of the City's DPS2.

Therefore, the advertised version of the draft *Residential Development Local Planning Policy* included a stand alone provision that required all development visible from the street to match the existing dwelling on site or the street in terms of materials, roof design, roof pitch and colour.

The intention of inclusion of this policy provision was that even if a proposal met all the deemed-to-comply standards of the R-Codes, but was visually unappealing and detracted from the streetscape, the City could compel submission of a development application for the proposal and could refuse it on the basis of design quality.

However, under the new Regulations that became operational on 19 October 2015, 'Single House' development that meets the deemed-to-comply provisions of the R-Codes is automatically exempt from needing development approval, even if it doesn't comply with requirements of a local planning policy.

As a result, the stand alone provision included in the advertised version of the draft policy will no longer be able to be the trigger to require submission of a development application and therefore the policy provisions cannot be applied to these proposed developments by the City's planners.

Consequently, the City believes that the only way to now ensure that design outcomes are considered and managed appropriately is to amend existing deemed-to-comply provisions of the R-Codes (versus introducing the new provisions proposed).

However, the Department of Planning has advised that amending the R-Codes in this manner is not appropriate and has suggested that the City should instead incorporate design objectives and requirements into its local planning scheme.

The difficulty with this suggestion is that even if this was to occur, these scheme objectives and requirements could not be applied to development if the development is exempt from the need for approval under the new Regulations.

Therefore, contrary to the Department's advice, it is recommended that the deemed-to-comply provisions of the R-Codes be amended through the *Residential Development Local Planning Policy* to include a provision stating that development visible from the street is to be consistent with any existing development on the site; maintain and enhance the existing character of the local area; and be compatible with the existing and/or desired streetscape.

This will ensure that all new development is assessed for compatibility with development on the lot or in the street before it is built. Where a development is considered not to meet this provision it will then need to be the subject of a development application and the design of the development and impact on the streetscape would be assessed on a case by case basis.

The City will also include similar provisions, varying the same deemed-to-comply provisions, in the new local planning scheme.

#### *Retaining and fill*

The deemed-to-comply provision that applies to retaining and fill has been modified to include reference to natural ground level, to clarify how the level of excavation or fill is measured. Additional 'Local Housing Objectives' have also been added setting out that where fill is terraced within the street setback area a minimum landscaping strip of 500mm is required to be provided to ensure adequate landscaping can be established, and to ensure that adequate vehicle sightlines are provided.

#### *Affordable housing*

Local housing objectives have been added to the Ancillary Dwelling (clause 5.5.1) provisions to ensure that developments that are larger than the deemed-to-comply provision, demonstrate that the development is delivering the same level of affordable housing for the locality.

#### *Changes to multiple dwelling requirements - Table 2*

Advice has been received from the Department of Planning that the provisions included as part of Scheme Amendment No. 73 that restrict multiple dwellings to lots over 2,000m<sup>2</sup> are unlikely to be supported by the Minister. As such, a new Table 2 has been developed to provide guidance on multiple dwelling development with a density code of R40 or greater. The format and approach is consistent with Table 1 of the draft policy and the R-Codes.

The key aspects of Table 2 are:

- Building Height for Multiple Dwellings (Clause 6.1.2) – Inclusion of provisions that were previously provided in Table 1, allowing for additional height for Aged or Dependent Persons' multiple dwelling development where lots are of a certain size.
- Street Setback (Clause 6.1.3) - The deemed-to-comply provisions for development in a Housing Opportunity Area has been replicated from Table 1 where applicable to R40 or greater development, ensuring that a consistent built form outcome is achieved.

- Lot Boundary Setback (Clause 6.1.4) – Deemed-to-comply provisions has been included allowing boundary walls to a height of three metres, and average height of 3.5 metres for two-thirds the length of the boundary. This is consistent with the provisions for single house and grouped dwelling development with a density code of R30 or higher, and will ensure that the amenity of adjoining properties is not compromised by larger boundary walls that would have otherwise been permitted under the deemed-to-comply provision of the R-Codes. Boundary walls that exceed this requirement are still required to be considered on a case by case basis against the corresponding design principle.

### Height of Non-Residential Buildings Local Planning Policy

The modified draft *Height of Non-Residential Buildings Local Planning Policy* is provided at Attachment 4. The modifications to this policy are:

- correction of typographical errors
- wording to the authority section to reflect the changes to the Regulations
- as with the modified *Residential Development Policy* the definitions used in the policy are required to align with the *Residential Design Codes* (R-Codes). As such, the definition of Approved or Natural Lot Level has been removed from the policy, with development to be assessed from the natural ground level as defined under the *Residential Design Codes* (R-Codes)
- reference to “as amended” for Table 3 and 4 to reflect any future changes to the R-Codes.

### **Issues and options considered**

Council can either:

- proceed with the policies as advertised (Attachments 1 and 2 refer)
- proceed with the policies with the proposed modifications (Attachments 4 and 5 refer)
- proceed with the policies, with further modification  
or
- not proceed with the draft policies.

### **Legislation / Strategic Community Plan / policy implications**

**Legislation** *City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015.*

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Housing infill and densification is encouraged and enabled through strategic, planning approach in appropriate locations.

The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.

**Policy**

*State Planning Policy 3.1: Residential Design Codes of Western Australia (R-Codes).*

*Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*

Schedule 2, Division 2 of the Regulations enable Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area, and sets out the procedures to be followed.

*State Planning Policy 3.1: Residential Design Codes of Western Australia (R-Codes)*

The R-Codes stipulate development provisions for residential development which include aged and dependent persons' dwellings.

Clause 7.3.1 of the R-Codes permits local planning policies to amend or replace certain deemed-to-comply provisions of the R-Codes as well as augment the R-Codes by providing local housing objectives to guide judgements about the merits of proposal for any aspects of residential development.

**Risk management considerations**

Without the provisions contained within the draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy*, the City will be unable to effectively implement Recommendations 3 and 6 of the LHS. Furthermore, without appropriate controls in place, development could occur in an ad hoc manner which has the potential to negatively impact the City's streetscapes and on residential amenity should Scheme Amendment No. 73 be gazetted prior to the adoption of the policy.

There is a risk that the WAPC will not impose the City's recommended conditions on subdivision requiring developers to construct the verge parking embayments to the satisfaction of the City. If this was to occur, subdivision and development would be able to occur without the verge parking embayments being provided. This would likely lead to parking occurring on the verge and road, leading to a reduction in the amenity of the City's streetscapes.

There is also a risk that the provisions relating to the design of all development visible from the street may be considered inconsistent with the R-Codes and therefore invalid by the State Administrative Tribunal.

**Financial / budget implications**

The implementation of the LHS, Scheme Amendment No. 73 and in particular the *Residential Development Local Planning Policy* will generate additional development applications and more complex assessment and compliance procedures, resulting in the demand for additional staffing resources. The required number of additional full time employees is difficult to quantify at this early stage due to uncertainty about the likely uptake of development.

The costs associated with public advertising and notice of any final adoption of the policies will be approximately \$1,000.

**Regional significance**

Not applicable.

## Sustainability implications

The increase in the range of residential densities in the City of Joondalup will provide a greater choice of house and land sizes which can cater for a greater range of household types from single persons to large families. This provision of varied lot and dwelling sizes can also offer an increase in affordable housing choices. This will also improve social sustainability as it can assist residents to stay in their community, while changing housing choice to meet their needs throughout their life. The draft *Residential Development Local Planning Policy* and the draft *Height of Non-Residential Buildings Local Planning Policy* will help facilitate this proposed infill while minimising the impact on the existing streetscape.

Further to this, the increased density of the HOAs within appropriate walkable catchments will assist in reducing dependency on the private vehicle and encourage alternative modes of transport such as walking and cycling. This has potential health (social) and energy consumption (environmental) benefits.

A number of provisions have been included in the *Residential Development Local Planning Policy* to encourage environmentally sustainable design outcomes. These include:

- requiring any development with reduced setbacks to provide eaves and allowing eaves, porches, balconies and verandahs to encroach into front setback areas, which will improve passive solar design for new developments
- requiring any development with reduced open space to have at least one large living space with access to winter sunlight, which will improve passive solar design
- requiring trees to be provided in common space for grouped and multiple dwelling sites.

## Consultation

The draft policies were advertised for public comment for a period of 21 days, closing on 8 October 2015, by way of:

- a notice published in the *Joondalup Times*
- a notice and documents being placed on the City's website.

A total of 29 submissions were received, with submissions containing comments relating to both policies. This included two submissions from ratepayer associations.

In regard to the draft *Residential Development Local Planning Policy* general comments were received in relation to the:

- ability to create a local planning policy and relationship with the R-Codes
- appropriateness of heights within the Residential Zone
- requirement for proposed development to match existing development
- lack of provisions on energy efficiency
- need for additional definitions
- proposed development provisions
- cost of developing in accordance with the policy
- lack of development examples
- the impact on the streetscape
- the quality of footpaths within the City of Joondalup.



In regard to the draft *Height and Scale of Buildings within Residential Areas Policy* general comments were received in relation to:

- maintaining the existing 10 metre height limit within 300 metres of the horizontal shoreline datum
- increasing the 'coastal area' definition to include areas within 600 metres of the horizontal shoreline datum
- the impact of the heights proposed, particularly within coastline areas and commercial areas on lots less than 1,000m<sup>2</sup>
- incorporating the height requirements into the scheme.

Comments on both policies were in relation to the consultation process undertaken, lack of detailed examples of impact, and impact on future development.

These are discussed in the comments below.

## COMMENT

### *Residential Development Local Planning Policy*

The key issues raised in relation to this policy are discussed below:

#### *Ability to create a local planning policy and relationship with the R-Codes*

Comments were made relating to:

- the ability for a local planning policy to be developed
- the replacement of provisions of the R-Codes that are not able to be modified
- Local Housing Objectives replacing the design principles of the R-Codes.

The ability for a local government to prepare a local planning policy that varies the deemed-to-comply provisions of the R-Codes and applies local housing objectives, is set out under and permitted by both the Regulations and the R-Codes themselves. A number of the deemed-to-comply provisions set by the R-Codes cannot be varied without the approval of the WAPC; however, none of these provisions are proposed to be varied by the *Residential Development Local Planning Policy*.

The 'Local Housing Objectives' set out in the Residential Development Tables 1 and 2 are not designed to replace the 'Design Principles' of the R-Codes, but rather provide guidance on the exercise of discretion, and effectively bridge the gap between the very specific deemed-to-comply provisions of the R-Codes and policy and the 'Design Principles'. Where a development does not satisfy a 'Local Housing Objective' it will still be assessed against the corresponding 'Design Principle' and 'Objective' as required under the R-Codes. The development of these objectives is in accordance with the R-Codes.

#### *Appropriateness of heights within the Residential Zone*

Concerns were raised by submitters regarding the additional heights being permitted under the policies for aged persons' accommodation and land with a density code of R60 and higher.

As per Recommendation 6 of the LHS, Council and the WAPC supported a review of the existing *Height and Scale of Buildings within Residential Areas Policy* to allow additional height on:

- i) large parcels of land being developed for aged persons' accommodation such as retirement villages
- ii) large parcels of land with a density code of R60 and higher.

The provisions within the policy have been developed to address these recommendations. It is considered that the additional one storey in height proposed through the policies is appropriate for larger parcels of land and aged persons' accommodation. Examples of the maximum building height are provided at Attachment 6.

Furthermore, provisions that are applicable to multiple dwelling development with a density code of R40 and greater have been added to the policy (Table 2 refers), to take into consideration the desired built form outcome for this type of development.

#### *Appearance of proposed development in relation to existing development*

Concerns were raised by submitters regarding the requirement for additions to match a retained dwelling, particularly where it is not cost effective or where the existing development on-site is substandard and already detrimental to the desired streetscape outcome. Concerns also related to the ambiguous nature of these provisions and how this would be assessed.

If the existing characters of the City's streetscapes are to be maintained and improved, then the City needs to be able to control the quality of design of buildings, either via scheme provisions or policy provisions, or both.

In some instances, delivering design outcomes that compliment the street and contribute to the local area will add cost to development. However, applying these provisions is considered necessary in order to protect and enhance the amenity of the City's streetscapes.

#### *Energy efficiency and sustainability*

Comments were made requesting green star ratings be enforced, and the policy did not adequately provide for sustainable development as indicated within the LHS.

An amendment to the *Planning and Development Act 2005* in 2011 made it clear that requirements covered by the *Building Act 2011*, such as green building standards, cannot be superseded by a planning scheme or local planning policies. As such, the policy cannot include such provisions.

However, a number of provisions have been included in the draft *Residential Development Local Planning Policy* to encourage environmentally sustainable design outcomes. These include requiring any development with reduced setbacks to provide eaves, requiring any development with reduced open space to have a living space with access to winter sunlight; and allowing eaves, porches, balconies and verandahs to encroach into front setback areas. These provisions will improve passive solar design for new developments.

#### *Additional definitions*

A number of submissions requested that further clarification be provided on specific terms used within the policies.

The policies have subsequently been modified and where considered appropriate additional definitions have been included as set out under the details section of this report.

*Onerous nature of development provisions, development and subdivision conditions, and associated costs*

Concerns were raised by some submitters regarding the impact the policy provisions would have on the viability of development. Specifically comments were raised stating that:

- the development provisions were onerous and would inhibit development at the higher density due to requirements such as:
  - the cost associated with providing infrastructure within the verge, such as visitor parking
  - the cost associated with upgrades to the existing dwelling, such as the removal of asbestos fencing
  - the cost associated with the design and construction of new development
- no analysis has been undertaken to determine the costs and impacts associated with developing in accordance with the policy, and whether development at the higher density can be appropriately designed to meet the deemed-to-comply provisions.

The purpose of the LHS is to meet the future needs of the community while maintaining and enhancing the character and amenity of the existing residential areas. While in certain circumstances additional costs will be associated with developing at the higher density, the provisions are considered necessary to ensure that developments and the streetscapes are upgraded to achieve the desired outcomes of the LHS and enhance the amenity of these areas.

*Provision of development examples*

Comments were made that no examples have been provided demonstrating the height of development in the context of existing streetscapes.

Examples of building height were provided in the report to Council on 17 August 2015 (CJ147-08/15 refers) and are also provided at Attachment 6 and 7 to this report. It is considered that the heights proposed through the policy appropriately consider the impact on surrounding areas, and align with the recommendations of the LHS.

*Quality of footpaths*

Comments were made that the existing footpaths within the City of Joondalup were inadequate and all footpaths needed to be upgraded.

The policy relates to applications for development and subdivision approval. The policy does not relate to infrastructure maintenance such as footpath upgrades, which is determined through the City's *Capital Works Program* and *20 Year Strategic Financial Plan*.

*Height of Non-Residential Buildings Local Planning Policy*

Comments were made:

- supporting the current 10 metre height limit within 300 metres of the coastline
- requesting that the definition of 'coastal area' include areas within 600 metres of the horizontal shoreline datum, rather than 300 metres

- the impact of the heights proposed within commercial areas on lots less than 1,000m<sup>2</sup>
- requesting heights be incorporated into DPS2 rather than a local planning policy to avoid inconsistency, and DPS2 could contain provisions that the height may only be increased with community support
- raising concern that development to these heights would create impacts on traffic congestion, child safety and amenity.

A number of comments received appeared to largely relate to the draft *Sorrento Local Activity Centre Structure Plan*, which is currently on hold pending the submission of a community consultation and engagement plan by the applicant and engagement of the community by the applicant in relation to the draft structure plan. It is unclear at this stage whether the applicant will make changes to the draft structure plan as a result of this responses received during this consultation process.

As outlined in the report on 17 August 2015 (CJ147-08/15 refers), the City has previously sought to progress an amendment to DPS2 to include height limits. However, the then Minister for Planning and Infrastructure advised of concerns regarding the 'blanket' approach to height control, particularly along the City's coastal areas, and refused to grant final approval. As such, height controls have been retained in a local planning policy.

The definition of 'coastal area' is defined under *State Planning Policy 2.6* and therefore the 300 metre distance is required to maintain consistency.

It is considered that the heights proposed through the policy appropriately consider the impact on surrounding areas. This includes provisions requiring non-residential buildings to be of a lesser height where development is within six metres of an adjoining 'Residential' zoned lot.

Matters regarding traffic congestion and child safety are not specifically a result of building height, and would need to be assessed separately as part of any structure plan, local development plan or application for development approval.

#### Comments relating to both policies

A number of comments were made in relation to the consultation undertaken for the policies, including consultation not being extensive enough or providing a forum for the policies to be discussed and details clarified (such as in a public meeting). The consultation process undertaken aligned with the requirements of DPS2, aligns with the recommendations of the City's LHS and was in accordance with the approach endorsed by Council at its meeting held on 17 August 2015 (CJ147-08/15 refers).

A query was raised questioning whether community consultation would be undertaken if an aged and dependent persons' dwelling development was proposed, or where development meets the deemed-to-comply provisions. The community consultation requirements for residential development are set out under the Regulations and R-Codes and these requirements are not able to be modified by a local planning policy.

#### Conclusion

As set out in the details section of this report a number of modifications have been made to the policies in response to comments received and to provide clearer guidance for decision making.

The overall intent of the policies remains unchanged, and the modifications are considered consistent with the draft policies which were previously advertised. As such, further public advertising on these modifications is not considered necessary.

It is therefore recommended that Council adopts the draft Residential Development Local Planning Policy and the draft Height of Non-Residential Buildings Local Planning Policy as modified, and revoke the Height and Scale of Buildings within Residential Areas and the Height of Buildings within the Coastal area (Non-Residential Zones) policies.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Gobbert, SECONDED Cr Norman that Council:**

- 1** In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Height of Non-Residential Buildings Local Planning Policy*, subject to modifications as included in Attachment 4 to this Report;
- 2** In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Residential Development Local Planning Policy*, subject to modifications as included in Attachment 5 to this Report;
- 3** In accordance with clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **REVOKES** the *Height and Scale of Buildings within Residential Areas* and the *Height of Buildings within the Coastal area (Non-Residential Zones)* policies;

**AMENDMENT MOVED Cr Norman, SECONDED Cr Logan that a new part 4 be added to read as follows:**

- “4** *REQUESTS a report on the implementation of the Height of Non-Residential Buildings Local Planning Policy and Residential Development Local Planning Policy in 12 months time.”.*

The amendment was Put and

**CARRIED (6/0)**

In favour of the Motion: Crs Gobbert, Fishwick, Hollywood, Logan, Norman and Taylor.

The original motion as amended being:

That Council:

- 1** In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Height of Non-Residential Buildings Local Planning Policy*, subject to modifications as included in Attachment 4 to this Report;

- 2 In accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Residential Development Local Planning Policy*, subject to modifications as included in Attachment 5 to this Report;
- 3 In accordance with clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REVOKES the *Height and Scale of Buildings within Residential Areas* and the *Height of Buildings within the Coastal area (Non-Residential Zones)* policies;
- 4 REQUESTS a report on the implementation of the *Height of Non-Residential Buildings Local Planning Policy* and *Residential Development Local Planning Policy* in 12 months time.

was Put and

CARRIED (6/0)

In favour of the Motion: Crs Gobbert, Fishwick, Hollywood, Logan, Norman and Taylor.

*Acting Director Planning and Community Development, Coordinator Urban Design and Policy, and Coordinator Planning Approvals left the room at 7.00pm.*

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3agnPOLICY301115.pdf](#)*

## ITEM 4 MEMORIALS IN PUBLIC RESERVES POLICY

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	100385, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Memorials in Public Reserves Policy</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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### PURPOSE

For the Policy Committee to provide feedback on the *Memorials in Public Reserves Policy*.

### EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 15 September 2015 (C56-09/15 refers). The petition requested that Council grant permission for a plaque to be placed in the beach hut on Iluka Beach in memory of the same person and was signed by 947 electors of the district.

At its meeting held on 23 November 2015 (CJ200-11/15 refers), it was agreed, in part that Council:

“3      *REQUESTS the Policy Committee to conduct a review of the Memorials in Public Reserves Policy;*”

Members of the Policy Committee are requested to give consideration to the Policy in view of Councils decision and to provide feedback on those matters to be reviewed.

*It is therefore recommended that the Policy Committee GIVES CONSIDERATION to the review of the Memorials in Public Reserves Policy as detailed in Attachment 1 to this Report.*

### BACKGROUND

Council adopted the *Memorials in Public Reserves Policy* (the policy) at its meeting held on 15 December 2009 (CJ284-12/09 refers). The policy provides guidance on the installation of memorials in public reserves within the City of Joondalup.

The City encourages local residents to install memorials within appropriate memorial facilities such as cemeteries. However, under the policy community members and groups may seek the installation of a permanent memorial in a public reserve for a person who has significantly contributed to the local Joondalup community.

Clause 2.3 of the policy states the primary condition for installation of a *Significant Person* memorial is “a person who has contributed significantly to the local Joondalup community”.

Since the adoption of the Policy the City has received in excess of 30 applications for the installation of a permanent memorial. Of these applications, the following four were assessed as meeting the conditions of the policy and were approved by Council for installation.

#### Ms Ethel Margaret Goble-Garrett

At its meeting held on 25 May 2010 (CJ082-05/10 refers), Council approved the installation of a memorial bench with a plaque in memory of the late Ms Ethel Margaret Goble-Garrett:

- Ms Ethel Margaret (Dinky) Goble-Garratt was born on 20 April 1952 in Pretoria, South Africa. She relocated to Australia in the 1970s and completed her Masters of Science at the University of Western Australia as a botanist. Ms Goble-Garratt died on 3 January 2008, in Perth, Western Australia.
- Ms Goble-Garratt worked as a consultant for Main Roads from 1987 and during that time provided advice and assistance with the environmental aspects of major projects such as Roe Highway, Graham Farmer Freeway and more recently the Mitchell Freeway Extension. She was a Life Member and Founding Member of the Environmental Consultant's Association and a member of the Royal Society of Western Australia.
- Ms Goble-Garratt was passionate about her work and the environment and was instrumental in raising awareness at Main Roads WA of environmental issues and the need for community engagement in environmental issues.
- Ms Goble-Garratt's involvement with the Mitchell Freeway Extension project resulted in a reduction of the impact on natural vegetation. Whilst Ms Goble-Garratt represented Main Roads, she also worked very closely with the City of Joondalup and its community, through the Mitchell Freeway Extension Community Consultation Process to improve and protect Carnaby Reserve, Connolly.
- Ms Goble-Garratt also worked with the students from Connolly Primary School, educating them on the natural environment, flora and fauna and how to nurture native plants from seed collection to re-vegetation. She provided locally collected native plant seeds to the students who then grew the seedlings in the schools green house. The students then planted the seedlings in Carnaby Reserve.

A memorial bench with a plaque was installed within Carnaby Reserve, Connolly.

#### Mr Christopher McBride

At its meeting held on 15 February 2011 (CJ025-02/11 refers) Council approved the installation of a memorial plaque in memory of the late Mr Christopher McBride:

- Chris McBride had been a resident of Hillarys since 1993 and held the position of General Manager for Automotive Holdings Group (AHG) located in West Perth. With the help of his employer Chris initiated the Defensive Driving Course for drivers under the age of 25. Every car that was purchased from an AHG dealership by a person under the age of 25 also came with two free defensive driving lessons. This enabled younger drivers to gain a better understanding of their new car and the dangers of the road.



- Chris McBride donated his own old car to the Motor Industry Training Association (MITA) which helped every apprentice enrolled gain a wide range of skills in the automotive industry.
- On an annual basis Mr McBride spoke at numerous High Schools across Perth, where he addressed Years 11 and 12 students on the aftermath of losing a child in a road accident, his talks would hopefully encourage teenagers to be more careful on the roads.
- Chris McBride liaised with State Government Ministers and officers for a number of years before he passed away including Dr Geoff Gallop, Rob Johnson, Michelle Roberts and Grant Dorrington in his campaign to reduce the number of young deaths on our roads.
- Subsequent to the death of their son Andrew, Chris was an active volunteer with The Compassionate Friends of WA in West Perth, where he worked with bereaved parents, siblings and grandparents. He was also a member of the fund raising committee for the Compassionate Friends group.

A memorial plaque was installed on one of the existing bench seats located inside the shelter adjacent to Ozone Road, Marmion, within the City's Coastal Foreshore Reserve, 45 West Coast Drive, Marmion.

#### Mrs Norma Rundle

At its meeting held on 27 May 2013 (CJ083-05/13 refers), Council approved the placement on a memorial plaque on a plinth in honour of the late Mrs Norma Rundle:

- Mr Karl Rundle and his late wife lived in Padbury for many years and Mrs Rundle served as a City of Wanneroo Councillor between 1990 and 1994. Mrs Rundle is remembered for her work in conserving Hepburn Heights Bushland Reserve, both personally and as a Ward Councillor.
- Hepburn Heights Bushland Reserve is a bush forever site in Padbury which is adjacent to the Pinnaroo Valley Memorial Park (Attachment 2 refers). Mrs Rundle was a member of the Hepburn Woodland Preservation Group (HPWG) which was formed in 1988 to advocate for the preservation of the bushland from urban development and at one stage during the campaign she was the Chairperson of the HPWG. The sustained dedication of Mrs Rundle and other members of the community resulted in the preservation of a significant area of the bushland.
- Following the campaign to preserve the bushland the HPWG was succeeded by the Friends of Hepburn and Pinnaroo Bushland of which Mrs Rundle was an active member.
- The campaign to preserve the bushland was well documented and in 2009 a book by Alan Lloyd and Bill Marwick "Saving Hepburn Heights Bushland", which was sponsored by the City was published. Mrs Rundle's "fine leadership and hard work in the early stages of the campaign" were acknowledged by the authors and she also contributed to the book describing Hepburn Heights as "a place that people can enjoy, respect and protect".

A memorial plaque on a plinth was installed at the entrance to the Hepburn Heights Conservation Area, Parkhurst Rise, Padbury.

Ms Rhona Johnson

At its meeting held on 16 July 2013 (CJ139-07/13 refers), Council approved the installation of a memorial plaque in memory of the late Ms Rhona Johnson:

- Ms Rhona Johnson was the first Coordinator of the “Friends of Harman Park” in Sorrento from 2002 through to 2011 when due to illness she resigned from the role. Ms Johnson died on 19 February 2013 and will be remembered by City officers for her enthusiasm for the bushland at Harman Park and her ability to encourage other residents to participate in bushland activities.
- Ms Johnson coordinated community work at Harman Park in liaison with City officers which greatly assisted the City in the care of the park and contributed towards the upkeep of a pleasant area for local residents to enjoy.
- The application for a memorial for the late Ms Johnson is supported by the Friends of Harman Park and Ms Johnson’s family in the United Kingdom.

A memorial plaque was placed on a bench seat within Harman Park, Sorrento.

**DETAILS**

On 26 August 2015, the City received an application requesting the installation of a memorial plaque in memory of a late family member to be placed in a beach hut located on the Iluka Foreshore Reserve. Based on the information provided in the application, the City was unable to support the request for the installation of a memorial plaque at Iluka Beach.

A Petition of Electors was subsequently received by Council at its meeting held on 15 September 2015 (C56-09/15 refers). The petition requested that Council grant permission for a plaque to be placed in the beach hut on Iluka Beach in memory of the same person and was signed by 947 electors of the district.

The petition did not provide significant rationale in support of the request for a permanent memorial, however, the original application received by the City detailed the rationale and the following provides a summary:

- The person performed the type of community service that rarely receives awards, accolades or even recognition. He reached out to people too different to be part of any community organisation and made a difference to those who were often forgotten and lonely.
- They befriended and stayed in touch with a boy in Kallaroo whose behaviour was permanently impaired.
- As a coach at Nick Corrigan’s soccer schools they expertly taught the game to the sometimes rather spirited, young boys and girls who happily complied with his instructions.
- In his last years they provided support to a peer-group, consisting mostly of young men from broken homes, uplifting the spirits of those with abusive parents, drug problems or isolated from the community by their lack of education and opportunities in life.
- At the vigil and memorial service held for the person many stories were told of how he had been the last thread of hope in otherwise hopeless situations, his seemingly endless enthusiasm and optimism were contagious.

At its meeting held on 23 November 2015 (CJ200-11/15 refers), it was agreed, in part that Council:

- “1     *SUPPORTS the installation of a temporary memorial plaque for a period up to 12 months at Iluka Beach;*
- 2     *REQUIRES that the temporary memorial be installed and maintained in accordance with the Conditions of the Memorials in Public Reserves Policy;*
- 3     *REQUESTS the Policy Committee to conduct a review of the Memorials in Public Reserves Policy.”*

This report now seeks feedback from the Policy Committee to assist in the review of the policy.

### **Issues and options considered**

Issues to be considered during the review of the policy include, but are not limited to, the following:

- Under the existing policy a permanent memorial is only available for those who have contributed significantly to the Joondalup community. Further clarification regarding what is seen as a significant contribution may be required.
- The inability of people to contribute significantly if they pass away at a younger age.
- The potential impact on local amenity and public safety.

### **Legislation / Strategic Community Plan / policy implications**

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Community spirit.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	<i>Memorials in Public Reserves Policy.</i>

### **Risk management considerations**

The installation of memorials is a sensitive issue for family members and those people who may know the person and it may adversely impact on the people requesting the memorial.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Following input from members of the Policy Committee and subsequent drafting of any amendments, Council may decide to invite public feedback before adopting the revised Policy.

**COMMENT**

Members of the Policy Committee are requested to provide input to enable the City to assist the Committee in their review of the policy.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That the Policy Committee GIVES CONSIDERATION to the review of the Memorials in Public Reserves Policy as detailed in Attachment 1 to this Report.

**MOVED Cr Fishwick, SECONDED Cr Hollywood that the Policy Committee NOTES that a detailed report will be presented to a future meeting of the Policy Committee.**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Crs Gobbert, Fishwick, Hollywood, Logan, Norman and Taylor.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4agnPOLICY301115.pdf](#)

**URGENT BUSINESS**

Nil.

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

Nil.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Cr Norman requested a report be prepared for consideration at a future meeting of the Policy Committee presenting a policy encouraging the use of sustainable development and universal design principles on the ground floor of multiple storey developments.

**CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.23pm; the following Committee Members being present at that time:

Cr Liam Gobbert  
Cr Kerry Hollywood  
Cr Philippa Taylor  
Cr Mike Norman  
Cr John Logan  
Cr Russ Fishwick, JP