

minutes

Policy Committee

MEETING HELD ON **MONDAY 3 APRIL 2017**

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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
3 APRIL 2017.

ATTENDANCE

Committee Members

Cr Liam Gobbert	<i>Presiding Member</i>
Mayor Troy Pickard	
Cr Kerry Hollywood	
Cr Philippa Taylor	
Cr Christine Hamilton-Prime	
Cr John Chester	<i>Deputy Presiding Member</i>
Cr Russ Fishwick, JP	

Officers

Mr Mike Tidy	Director Corporate Services	<i>to 6.22pm</i>
Mr Jamie Parry	Director Governance and Strategy	<i>from 5.51pm</i>
Ms Dale Page	Director Planning and Community Development	
Mr Nico Claassen	Director Infrastructure Services	<i>to 6.20pm</i>
Mr Brad Sillence	Manager Governance	
Mr Chris Leigh	Manager Planning Services	
Mr Thomas de Mallet Burges	Coordinator Cultural Services	<i>to 6.21pm</i>
Mr John Byrne	Governance Coordinator	
Mrs Lesley Taylor	Governance Officer	

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.45pm.

DECLARATIONS OF INTEREST**Disclosures of Financial / Proximity Interest**

Nil.

Disclosures of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	Item 7 - Draft <i>Home-Based Business Local Planning Policy</i> .
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hollywood is a small business owner. Cr Hollywood answers telephones and uses computer equipment for those businesses, for convenience, even though she employs staff at an office she owns elsewhere.

Name/Position	Cr John Chester.
Item No./Subject	Item 13 - Draft <i>McLarty Avenue Local Planning Policy</i> .
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's daughter is developing a hospital adjacent to the area covered by the draft <i>McLarty Avenue Local Planning Policy</i> .

APOLOGIES/LEAVE OF ABSENCE**Leave of Absence Previously Approved:**

Cr Mike Norman	28 March to 3 April 2017 inclusive;
Cr Russell Poliwka	28 March to 5 April 2017 inclusive;
Cr Nige Jones	2 April to 7 April 2017 inclusive;
Cr Sophie Dwyer	2 April to 11 April 2017 inclusive;
Cr Liam Gobbert	11 April to 18 April 2017 inclusive;
Cr Sophie Dwyer	12 April to 19 April 2017 inclusive;
Cr Sophie Dwyer	20 April to 30 April 2017 inclusive;
Cr John Logan	22 April to 28 May 2017 inclusive;
Cr Nige Jones	4 May to 13 May 2017 inclusive;
Cr Sophie Dwyer	1 July to 17 July 2017 inclusive;
Cr Sophie Dwyer	9 July to 13 July 2017 inclusive;
Cr Sophie Dwyer	23 September to 8 October 2017 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD ON 29 NOVEMBER 2016

MOVED Cr Fishwick, **SECONDED** Cr Chester that the minutes of the meeting of the Policy committee held on 29 November 2016 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood 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 SETTING OF MEETING DATES - POLICY COMMITTEE**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	02153, 103963
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For the Policy Committee to consider the proposed schedule of committee meeting dates for 2017.

EXECUTIVE SUMMARY

In order to assist with forward planning for all Elected Members, management and staff, a schedule of meeting dates has been prepared for the Policy Committee, ensuring synergy between meeting dates and the flow of information and decision-making.

It is therefore recommended that the Policy Committee adopts the meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup.

BACKGROUND

The Policy Committee was established at the Special Council meeting held on 3 November 2015 (JSC02-11/15 refers). The role of the Policy Committee is to:

- make recommendations to Council on the development and review of the City's policies and overall policy framework
- develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies
- collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art
- collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public
- review the criteria established to determine award winners

- oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual Art Programs.

The proposed 2017 schedule of Council meeting dates is based on the format used in recent years. That is, a monthly meeting format with Strategy Sessions held on the first Tuesday of each month, Briefing Sessions held on the second Tuesday and Council meetings on the third Tuesday.

This enables committee meetings to be scheduled on the Monday, Tuesday or Wednesday of weeks one, two and three so as to minimise potential conflicts with other Council activities and provide a 'meeting-free' week in the fourth week of each month.

It is preferable to hold committee meetings in the first week of the month, thereby enabling committee recommendations to be listed in the Briefing Session agenda and subsequently the Council meeting agenda, however this may not always be possible due to other scheduled meetings.

DETAILS

The Policy Committee will oversee the development and review of the City's policies, and oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual Art Programs.

Meetings of this committee have historically aligned with the City's two premier art events, the Community Art Exhibition held in June and the Community Invitation Art Award held in October. However, this is no longer necessary as the committee assists the Chief Executive Officer with art acquisitions via a different process.

The proposed meeting day / date / times are as follows:

- Monday 12 June 2017, commencing at 7.00pm.
- Monday 2 October 2017, commencing at 7.00pm.

Dates for committee meetings have not been set beyond 2 October 2017 in view of the fact that the local government elections will be held on 21 October 2017. At that time all committees will disband and be re-established, if appropriate, following the holding of the elections.

Issues and options considered

The Policy Committee can either:

- adopt the meeting dates as proposed in this report
or
- amend the meeting dates.

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

*Local Government Act 1995.
Local Government (Administration) Regulations 1996.
City of Joondalup Meeting Procedures Local Law 2013.*

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Not applicable.

Policy

Not applicable.

Risk management considerations

Should forward planning of committee meetings not be identified, then there is a risk for meetings to be held on an ad-hoc basis; lacking coordination with other key meetings and corporate planning processes.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed dates have been based on a bi-monthly meeting cycle, with meetings to be held in the first week of the month, thereby enabling flow-on reporting within Council's monthly meeting cycle. In addition, the proposed meeting dates for the Policy Committee are cognisant of proposed meeting dates for a variety of other committees.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, **SECONDED** Cr Hollywood that the Policy Committee **ADOPTS** the following meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Policy Committee To be held in Conference Room 2
Monday 12 June 2017, commencing at 7.00pm.
Monday 2 October 2017, commencing at 7.00pm.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

ITEM 2 REVISED ELECTED MEMBERS' ENTITLEMENTS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	27122, 44688, 101515
ATTACHMENTS	Attachment 1 Revised Elected Members' Entitlements Policy (marked-up).
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt a revised *Elected Members' Entitlements Policy*.

EXECUTIVE SUMMARY

The current *Elected Members' Entitlements Policy* (the policy) was last significantly reviewed in 2013, following changes to the *Local Government Act 1995* (the Act) which resulted in the Salaries and Allowances Tribunal becoming responsible for the determination of annual allowances and meetings fees for local government elected members (CJ185-09/13 refers). At the Policy Committee meeting held on 29 November 2016, it was requested that a report be presented to the Policy Committee in relation to reviewing the policy with particular regard to the approval process of requests from elected members to attend overseas conferences. In view of this request and as a result of the City's need to periodically review its policy framework, a revised policy is presented for Council's consideration.

It is therefore recommended that Council ADOPTS the amended Elected Members' Entitlements Policy as detailed in Attachment 1 to this Report.

BACKGROUND

In accordance with the Act, elected members are entitled to fees and allowances as well as reimbursement for expenses, and these requirements were set within the *Local Government (Administration) Regulations 1996* prior to 1 July 2013. Changes were subsequently made to the legislation which resulted in the Salaries and Allowances Tribunal becoming responsible for the determination of the annual allowances and meetings fees for local government elected members, and therefore the policy was reviewed in late 2013 to reflect the legislative changes (CJ185-09/13 refers). The policy was further reviewed in 2015 to change the Elected Member reporting arrangements for interstate and overseas conferences (CJ050-03/15 refers).

At its meeting held on 15 November 2016, Council considered a report on an Elected Member's request to attend Local Government Association's Annual Conference and Exhibition in Birmingham, United Kingdom (4 - 6 July 2017), however no decision on this request was made (CJ200-11/16 refers).

Subsequently, at the Policy Committee meeting held on 29 November 2016, it was requested that a report be presented to the Policy Committee in relation to reviewing the policy with particular regard to the approval process for requests from elected members to attend overseas conferences. The policy currently stipulates that an Elected Member may, with Council approval, attend an overseas conference. In view of the request made at the Policy Committee, and as the policy has not been significantly reviewed since 2013, a revised policy has been prepared for Council's consideration.

DETAILS

Other than minor formatting improvements, the more significant changes to the policy are as follows:

- Amend clause 3.2 – The amendment clarifies the type of administrative support (through the Mayoral Office) provided to the Mayor in their role, and is a combination of the existing clauses relating to secretarial services and administrative assistance.
- Amend clause 4.2(a) and (b) – Elected members are entitled to a Macbook Air, Macbook Pro or an iMac however some elected members have preferred a different type of computer device. In view of this it is suggested that the policy be amended to reflect that a similar Microsoft Windows based devices and relevant supporting devices are available should an Elected Member choose that type over an Apple device.
- Delete clause 4.3 – This clause stipulates a number of documents that will be issued to elected members however most of the documents are available to elected members electronically through the City's website; elected member's portal; or through other external websites (such as the State Law Publisher for legislation). Elected members, as part of the Elected Member Induction Program are provided with a range of documents and presentations in support of their statutory role which includes the provision of the type of documents listed in this current clause. It is suggested therefore that this clause be deleted.
- Amend clause 5.4 – The amendment references that additional to the ICT allowance provided to elected members, a mobile phone is supplied as standard City issued equipment.
- Amend clause 6.6.4 – As part of an elected member's conference and training activities, accommodation may be paid for by the City. The clause has been clarified (with the inclusion of a new paragraph (c)) that the City, as part of an Elected Member's Conference and Training Expense Allocation, will cover the accommodation costs for hotels, motels or similar type accommodation, not accommodation provided by relatives or friends. However in return for accommodation provided a meal and refreshment costs can be offered to the hosts under the existing policy provision in clause 6.6.6(e).

- Amend clause 6.6.8 – Where an Elected Member attends an interstate or overseas conference or training event, a cash advance will be made available to an Elected Member to cover incidental expenses that are listed within the policy. A formulae applies for part days on departure and arrival in which a percentage of the daily allowance applies depending on the time an Elected Member departs the Joondalup district. As all cash advances are required to be acquitted on an elected member's return, and to minimise the administrative workload in calculating such percentages, it is suggested that the part day formulae be deleted and the full daily rate apply for the time the Elected Member is travelling. It has been clarified that payment of a cash advance will be by Electronic Funds Transfer into the Elected Member's nominated bank account.
- Amend clause 6.7 – From time to time an Elected Member will be accompanied by another person (usually a spouse) and it is suggested that this clause (a) be amended to clarify accommodation costs of the accompanying person, will be covered by the City, where the cost is associated with a shared room arrangement and not above a room rate for the Elected Member alone.
- Another inclusion in this clause is a provision that states where an Elected Member has a disability the City will meet the travel and accommodation costs for a carer to accompany that Elected Member, where that carer is a person who provides ongoing care and assistance, and as defined under the *Disability Services Act 1993*.
- Amend clause 7(a) – It is suggested that this clause be amended so that any Council approval to attend and overseas conference should state the authorised travel period for the Elected Member, which should include reasonable time for an Elected Member to acclimatise at the respective destination. It has also been clarified that the report to Council should include the benefit to the Elected Member and the City in attending the conference. Certain words are suggested to be deleted as any Council approval would reflect its satisfaction that the attendance would be of benefit to the City and the Elected Member.
- Amend clause 9.2(d) – It is suggested that the clause be better clarified to reflect the circumstances where the City will not cover the costs for child care, being when it is provided by a relative living in the same premises as the Elected Member. The term "relative" is now defined in the clause and is generally aligned with the definition as provided in the *Local Government Act 1995*.
- Amend clause 9.3(c) – It is suggested that this clause be amended to reflect recent changes to public transport industry with the introduction of Uber and other similar type providers outside the taxi industry. Changes along these lines have been included throughout the policy.
- Amend clause 9.4(a) – It is suggested that this clause be amended to clarify the type or other expense types that will be reimbursed by the City, including tickets to social functions and events where an Elected Member has been invited by a civic / cultural organisation or a stakeholder of the City.

As requested by the Policy Committee at its meeting held on 29 November 2016, a review has been undertaken in regard to requests from elected members to attend overseas conferences. The policy currently stipulates that an Elected Member may, with Council approval, attend an overseas conference (see clause 7(a) of the policy).

The current role of the Policy Committee is as follows:

“The role of the Policy Committee is to:

- *make recommendations to Council on the development and review of the City’s policies and overall policy framework*
- *develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies*
- *collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art*
- *collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public*
- *review the criteria established to determine award winners*
- *oversee the strategic direction of the City’s Art Award events, Visual Art Collection and Visual Art Programs.”*

Should Council wish Elected Member requests to attend overseas conferences to be referred to the Policy Committee before being formally considered by Council, a change to the role of the Policy Committee will be required. Should it be Council’s desire that the Policy Committee approve or decline such requests itself, the Committee would need formal delegated authority, and therefore future meetings of the Committee would be open to the public. As membership on the City’s committees are generally half of the elected body, any decision of the Committee, if formal delegation was given, would not be representative of the full Council.

Furthermore as the Policy Committee generally meets three to four times a year, any request from an Elected Member may not fall within the Policy Committee annual meeting scheduling although a special meeting of the Committee could be called for this purpose.

It is therefore suggested that the current arrangements remain in place, being all requests for overseas conferences being referred to Council directly for formal consideration rather than going through the established committee meeting process.

Issues and Options Considered

Council can either:

- adopt the amended policy as presented
- or
- adopt the amended policy as presented with further amendments as required.

Legislation / Strategic Community Plan / Policy Implications

Legislation *Local Government Act 1995.
Local Government (Administration) Regulations 1996.
Salaries and Allowances Determination on Local Government
Chief Executive Officers and Elected Members.*

Strategic Community Plan

Key Theme Governance and Leadership.

Objective Effective representation.

Strategic Initiative Attract a diverse elected body that represents, promotes and reflects the composition of the community.

Policy *Elected Members' Entitlements Policy.
Code of Conduct for Employees, Elected Members and
Committee Members (Code of Conduct).*

The Act confers entitlements to claim fees, expenses and allowances for individual elected members and these levels are now set by the Salaries and Allowances Tribunal or as prescribed by the City. The payments that can be lawfully made by the City to elected members are limited to:

- (a) a fee for attending Council or committee meetings (which may be either a fee per meeting up to an annual amount)
 - (b) a reimbursement of an expense of a kind that is prescribed by the Regulations and that has been incurred by an Elected Member
 - (c) in lieu of reimbursement for certain types of prescribed expenses, an allowance for that type of expense
- or
- (d) a cash advance to an Elected Member in respect of an expense for which the Elected Member can be reimbursed. The Act allows expense reimbursement payments to be made over and above allowances that are set by a local government.

Risk Management Considerations

Not applicable.

Financial / Budget Implications

Sufficient budget provisions are made in the City's annual budget to cover the Elected Member allowances, expenses and entitlements that are detailed under the policy.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The *Elected Members' Entitlements Policy* provides a framework to support an Elected Member's training and development needs as well as clarity around the entitlements, allowances and fees as stipulated in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. Changes to the policy are recommended to provide greater clarity around this framework and to support current arrangements for elected members in performing their statutory role.

VOTING REQUIREMENTS

Simple Majority.

The Director Governance and Strategy entered the meeting at 5.51pm.

MOVED Cr Gobbert, SECONDED Cr Hamilton-Prime that Council ADOPTS the amended *Elected Members' Entitlements Policy* as detailed in Attachment 1 to this Report.

AMENDMENT MOVED Cr Fishwick, SECONDED Cr Chester that a new Part 2 be added to the motion as follows:

"2 *BY AN ABSOLUTE MAJORITY AMENDS the role of the Policy Committee to include the following:*

"make recommendations to Council on the attendance of Elected Members at overseas conferences."

The Amendment was Put and

LOST (3/4)

In favour of the Amendment: Crs Gobbert, Chester and Fishwick.

Against the Amendment: Mayor Pickard, Crs Hamilton-Prime, Hollywood and Taylor.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Hollywood that the motion be amended to read as follows:

“That Council ADOPTS the amended Elected Members’ Entitlements Policy as detailed in Attachment 1 to this Report, subject to 3.2(a)(vi) being amended to read as follows:

“vi Administrative support associated with the role of Mayor in accordance with the provisions of the Local Government Act 1995.””.

The Amendment was Put and

CARRIED (7/0)

In favour of the Amendment: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

AMENDMENT MOVED Cr Fishwick, SECONDED Cr Hollywood that the motion be amended to read as follows:

“That Council ADOPTS the amended Elected Members’ Entitlements Policy as detailed in Attachment 1 to this Report, subject to:

1 *3.2(a)(vi) being amended to read as follows:*

“vi Administrative support associated with the role of Mayor in accordance with the provisions of the Local Government Act 1995.”;

2 *4.4 being amended to replace “Elected Member” with “Mayor or Deputy Mayor.””.*

The Amendment was Put and

LOST (2/5)

In favour of the Amendment: Crs Fishwick and Hollywood.

Against the Amendment: Cr Gobbert, Mayor Pickard, Crs Chester, Hamilton-Prime and Taylor.

The Original Motion as amended, being:

-

was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agnPOLICY170403.pdf](#)

ITEM 3 REVIEW OF RECOGNITION OF VOLUNTEERS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102666, 101515
ATTACHMENTS	Attachment 1 Revised <i>Volunteer Policy (tracked changes)</i> Attachment 2 Current <i>Recognition of Volunteers Policy</i>
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to review the *Recognition of Volunteers Policy* and adopt the revised *Volunteer Policy* as part of the Policy Manual review process.

EXECUTIVE SUMMARY

As a result of a review of the Policy Manual, the *Recognition of Volunteers Policy* was identified as requiring amendments, namely:

- re-title the *Recognition of Volunteers Policy* to the *Volunteer Policy* to reflect the broader policy objectives
- amend the objective to better reflect the purpose of the policy
- realign the format of the policy to the new template
- include additional information about the management of volunteers by the City.

The current *Recognition of Volunteers Policy* (Attachment 2 refers) was adopted by Council at its meeting held on 27 February 2007 (CJ007-02/07 refers) to recognise the significant contribution of volunteers through unpaid hours in delivery of services, programs and activities to the Joondalup community. The policy has remained unchanged since 2007.

At its meeting held on 17 February 2015 (CJ002-02/15 refers), Council adopted the *Community Development Plan 2015–2020* following community consultation. The *Community Development Plan* identified the need to review relevant policies relating to volunteer recognition. The review of such policies will position the City to deliver on priorities related to supporting opportunities for volunteer management, as well as acknowledging volunteers through recognition programs.

On 4 May 2016, the City held a Strategic Community Reference Group (SCRG) meeting to review the City's current volunteer recognition and support activities. In addition, the City sought to review its current role in supporting volunteering within the community, and identified opportunities to partner, promote and facilitate volunteer development in order to meet best practice standards. SCRG feedback indicated support for recognising volunteers through civic functions and a suggestion was made to benchmark the *Recognition of Volunteers Policy* against other local government authorities.

Research into other local government volunteer policies found that those with volunteer policies incorporated an overarching volunteer policy rather than a specific recognition policy. The proposed *Volunteer Policy* has subsequently been revised to align with best practice standards and incorporates a revised section on the management of volunteers.

It is therefore recommended that Council ADOPTS the Volunteer Policy, as shown in Attachment 1 to this Report.

BACKGROUND

At its meeting held on 27 February 2007 (CJ007-02/07 refers), Council adopted the current *Recognition of Volunteers Policy* following requests from community groups for acknowledgement and funding support to assist with celebrations related to key milestones and achievements.

At the time, Council acknowledged the benefits to the City from the unpaid hours provided by volunteers in support of the delivery of community services and the need to develop a policy that encompassed volunteer recognition. The *Recognition of Volunteers Policy* has remained unchanged since 2007.

Since the *Recognition of Volunteers Policy* was adopted, the City has continued to connect approximately 2,000 volunteers with opportunities through the Joondalup Volunteer Resource Centre each year, which results in significant economic, social and environmental benefit for the City.

DETAILS

Since the *Recognition of Volunteers Policy* was adopted, the City has continued to connect approximately 2,000 volunteers with opportunities through the Joondalup Volunteer Resource Centre each year, which results in significant economic, social and environmental benefit for the City.

The recognition and support of volunteers and volunteer groups remains a priority for the City and it is considered important for the City to continue recognising and supporting the contribution of volunteers and volunteer groups through a stated policy position.

Since the adoption of the *Recognition of Volunteers Policy* in 2007, the City's *Community Development Plan 2015–2020* has outlined a set of priorities to support and acknowledge contributions made to the City by volunteers through the development of a recognition program and working closely with the Joondalup Volunteer Resource Centre to promote the facility and enhance their ability to link volunteers to key positions within the community. The *Community Development Plan 2015 – 2020* also includes key performance targets related to increasing the number of volunteers referred to the Volunteer Resource Centre and increasing the number of people involved in a community based organisation.

The SCRG meeting held on 4 May 2016 addressed volunteer recognition through the lens of the *Community Development Plan 2015–2020*. SCRG feedback indicated that civic functions were considered a valuable recognition tool for contributions made by volunteers. Discussions also suggested opportunities for leadership development through volunteering and community participation remained an important mechanism to attracting and expanding volunteerism within the City of Joondalup. This has been taken into account during the review and subsequent amendments have been made within the policy to reflect the feedback from the SCRG.

Local Government Comparison

Based on SCRG feedback, research and benchmarking the City's *Recognition of Volunteers Policy* against other local governments was conducted. An analysis of other local government policies was undertaken to compare volunteer policies and recognition policies in order to inform the review of the City's *Recognition of Volunteers Policy*. Of the 30 local governments benchmarked in the greater Perth metropolitan area, seven local governments have a policy relating to volunteers and volunteer management. These policies are summarised in the table below:

Name of Local Government	Policy Name	Contains recognition clause?	Notes
City of Armadale	Volunteer Involvement	No	<ul style="list-style-type: none"> Includes a reference to volunteer management. Acknowledges contributions made by volunteers, but does not state how volunteers are recognised.
Town of Bassendean	Volunteer Policy	Yes	<ul style="list-style-type: none"> Focuses on volunteer management. Outlines specific components such as volunteer registration and application process, training and insurance.
City of Bayswater	Volunteer Principles and Management	Yes	<ul style="list-style-type: none"> Focuses on volunteer management. Outlines specific components such as volunteer registration and application process, training and insurance.
City of Gosnells	Volunteer Services	Yes	<ul style="list-style-type: none"> Focus on the provision and engagement of volunteer services. Incorporates sections on attracting, supporting valuing volunteers. Includes detail on a discount program for volunteers.
Shire of Mundaring	Volunteer Support Policy	Yes	<ul style="list-style-type: none"> Encompasses volunteer management, recognition and volunteer support initiatives. Outlines specifics on volunteer initiatives such as support grants, training workshops and volunteer networking. Promotes recognition through national and local volunteer events.

Name of Local Government	Policy Name	Contains recognition clause?	Notes
City of Subiaco	Volunteers	Yes	<ul style="list-style-type: none"> • Outlines commitment to supporting volunteers through recognition of service. • Contains information relating to adhering to occupational health and safety standards, training, reimbursement of expenses and insurance. • Specifies detail on yearly celebratory events and recognition of service awards.
City of Wanneroo	Volunteering Policy	Yes	<ul style="list-style-type: none"> • Guides best practice in volunteer management and support including recruitment, supervision and training requirements. • States a reward and recognition strategy will be developed to include funding volunteer functions.

The benchmarking exercise indicates that while most local governments that have volunteer policies also had recognition clauses, their policies generally encompass a broad approach rather than solely focusing on recognition. This research has highlighted an opportunity to expand the scope of the current *Recognition of Volunteers Policy* by including a definition section, a statement about volunteer management and reviewing the current section on volunteer recognition. Rationales for the amendments are indicated below:

Definition

The definitions of volunteer and volunteer groups have been adapted from Volunteering Australia's definitions.

Management of Volunteers

The policy objective, statement and details have been expanded to include a high-level statement addressing the management of volunteers within the City. The City currently has frameworks in place based on the National Standards for Volunteer Involvement and best practice documents endorsed by Volunteering Australia and it was deemed appropriate to include a clause addressing management based on these frameworks.

The addition of the management clause aligns the City with other local governments, but provides flexibility in the policy should the National Standards or best practice endorsement by Volunteering Australia change.

Recognition of Volunteers

The City currently holds numerous scheduled volunteer functions each year to recognise the contribution of volunteers and volunteer groups. SCRG feedback on recognising the contributions of volunteers through civic functions is consistent with the local government benchmarking and it is therefore recommended to be retained within the revised *Volunteer Policy*. Amendments have also been made to simplify and reduce the replication of content, namely "conducting volunteer functions" and "inviting volunteers to functions" within the policy.

Issues and options considered

Council may either:

- adopt the revised *Volunteer Policy*, as shown at Attachment 1 to this Report.
 - suggest further modifications to the revised *Volunteer Policy*.
- or
- retain the *Recognition of Volunteers Policy* in its current format as shown at Attachment 2 to this Report.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Community spirit.

Strategic initiative Support and encourage opportunities for local volunteering.

Promote the sustainable management of local organisations and community groups.

Promote and support the needs of disadvantaged communities.

Support and facilitate the development of community leaders.

Policy *Recognition of Volunteers Policy*.

Risk management considerations

In order to remain transparent and facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City, as well as contemporary best practice approaches.

Financial / budget implications

Civic functions to recognise the contributions of volunteers are currently included in the City's budget. Though the City holds numerous scheduled volunteer functions, an increase in volunteer functions may require additional resources to be allocated.

Regional significance

The efforts of volunteers and volunteer groups not only benefit the residents of the City of Joondalup, but also the broader region.

Sustainability implications

Environmental

A number of volunteer groups recognised by the City assist in the management and maintenance of natural areas managed by the City. A decrease in volunteers in this area would have an impact on the natural bushland managed by the City.

Social

Social sustainability enhances the lives of those within communities and the processes required to achieve social cohesion. Volunteers play a vital role in achieving social sustainability.

Economic

Volunteers contribute numerous hours of unpaid labour to the community and support the delivery of services to the community. There would be anticipated financial implications for the City and regional stakeholders if the City experienced a decline in volunteer service contributions to the community.

Consultation

Not applicable.

COMMENT

The *Recognition of Volunteers Policy* has provided guidance in regard to recognition of volunteers in the City of Joondalup. The expansion of the policy, including re-naming to the *Volunteer Policy*, will allow the City to continue to recognise the efforts of volunteers to the City, as well as provide a framework for supporting, encouraging and managing volunteer activities for the community. As such, it is considered appropriate that the proposed *Volunteer Policy* is adopted by Council.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ADOPTS the revised *Volunteer Policy* as detailed in Attachment 1 of this Report.

MOVED Mayor Pickard, **SECONDED** Cr Chester that Council **ADOPTS** the revised *Volunteer Policy* as detailed in Attachment 1 of this Report, subject to Clause 3.2 – Recognition of Volunteers being amended to read as follows:

“In order to recognise the significant efforts of volunteers within the community, the City will:

Conduct volunteer functions where possible, in alignment with best practice recognition events, as well as other local opportunities.”.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agnPOLICY170403.pdf](#)

**ITEM 4 LIGHT VEHICLE REPLACEMENT POLICY –
REVOCATION**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	28469, 101515
ATTACHMENTS	Attachment 1 <i>Light Vehicle Replacement Policy</i> Attachment 2 <i>Asset Management Policy</i>
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to revoke the *Light Vehicle Replacement Policy* as a result of the Policy Manual review process.

EXECUTIVE SUMMARY

The current *Light Vehicle Replacement Policy* was adopted by Council at its meeting held on 25 March 2008 (CJ052-04/08 refers) to minimise fleet whole-of-life costs to the City by guiding the replacement of its fleet vehicles through determination of optimum changeover periods. No amendments have been made to the policy since its adoption.

Since 2008, the City has developed and reviewed its *Asset Management Policy* in 2012. As the *Asset Management Policy* provides a consolidated Council position on all asset classes including fleet vehicles, it now has superseded the need for the *Light Vehicle Replacement Policy*.

It is therefore recommended that Council REVOKES the Light Vehicle Replacement Policy, as shown in Attachment 1 of this Report.

BACKGROUND

Following the split between the City of Wanneroo and the City of Joondalup, *Council Vehicles – Mayor and Council Officers Policy* was adopted by Council at its meeting held on 22 June 1999 (CJ213-06/99 refers), which replaced the former City of Wanneroo's policy on City vehicles.

In 2000, the City commissioned the former Western Australian Municipal Association (WAMA) to report on various fleet issues relating to light vehicles including:

- ownership structure
- salary packaging and novated leasing
- optimal changeover point.

The report listed numerous recommendations for cost efficiency which were considered at the Council meeting held on 22 May 2001 (CJ133-05/01). Council resolved in part to:

“RETAIN its 6 and 8 cylinder vehicles for 4 years or 90,000km whichever is the sooner.”

At its meeting held on 11 June 2002 (CJ121-06/02 refers), Council adopted further changes to the *Council Vehicles – Mayor and Council Officers Policy* relating to types of vehicles and changeover timeframes. The changes included the addition of replacement criteria of 12 months or earlier for the Mayor and CEO’s vehicles and the sooner of three years or 60,000km for all other passenger fleet vehicles.

A report and updated *Light Vehicle Replacement Policy* was provided to Council for consideration at its meeting held on 25 March 2008 (CJ052-04/08 refers). The updated *Light Vehicle Replacement Policy* removed the prescriptive optimum changeover period, replacing it with key principles for consideration thereby giving the City greater flexibility in replacement of fleet vehicles. The Council voted to adopt the *Light Vehicle Replacement Policy* in its current form at this meeting.

The policy has remained unchanged since 2008.

DETAILS

Since the *Light Vehicle Replacement Policy*’s last review in 2008, the City has developed and reviewed the *Asset Management Policy* which sets out the Council’s policy position on all asset classes.

The *Asset Management Policy* (Attachment 2 refers) has incorporated broader overarching statements in relation to the management of all City assets, including fleet vehicles and reflects the City’s vision and values along with guidance on managing assets in an affordable and sustainable manner. With the *Light Vehicle Replacement Policy* providing the same information with specific reference to light vehicles, it has now been superseded by the review of the *Asset Management Policy*.

Furthermore, the information contained within the *Light Vehicle Replacement Policy* such as ‘whole-of-life cost’ principles and references to obtaining external advice on the purchase, replacement and maintenance of the City’s light, heavy and plant vehicles have been integrated within the City’s *Fleet Asset Management Plan 2011-2031*. To ensure consistency across all City policies, the aspects outlined within the current policy have now been embedded into City processes and as such, a policy statement relating to light vehicle replacement is no longer required.

The current *Light Vehicle Replacement Policy* also makes references to the *City Owned Motor Vehicle Allocation and Usage Protocol* which outlines the allocation and vehicle use categories. This protocol sets out specific operational processes for the City and as such, is not required to be referenced in any high-level strategic policy document.

The *Light Vehicle Replacement Policy* also contains commentary relating to the fleet replacement values and relevant objectives within the *Strategic Plan 2008-2011* which is out-of-date and no longer relevant within the context of *Joondalup 2022*.

The information contained with the *Light Vehicle Replacement Policy* has now been superseded by the review of the *Asset Management Policy* and it is therefore recommended that the *Light Vehicle Replacement Policy* is revoked by Council.

Issues and options considered

Council has the option to:

- revoke the *Light Vehicle Replacement Policy*, as shown in Attachment 1 to this Report
- modify the *Light Vehicle Replacement Policy*
or
- retain the *Light Vehicle Replacement Policy* in its current format.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative

- Manage liabilities and assets through a planned long-term approach.
- Balance service levels for assets against long term funding capacity.

Policy *Light Vehicle Replacement Policy*.

Risk management considerations

In order to remain transparent and facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City.

Financial / budget implications

There are no anticipated financial budget implications with revoking the *Light Vehicle Replacement Policy*.

Regional significance

Not applicable.

Sustainability implications

Management of light vehicles in accordance with sound asset management principles supports financially and environmentally sustainable outcomes.

Consultation

Not applicable.

COMMENT

As part of the on-going Policy Manual review it has been noted that the *Light Vehicle Replacement Policy* has many instances of duplication with the *Asset Management Policy*. The City has introduced more detailed and appropriate decision-making frameworks and planning documents to support effective fleet management. As such, it is considered appropriate that out-of-date policy statements are revoked and more recent and relevant documents be relied upon, namely the *Asset Management Policy*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, **SECONDED** Mayor Pickard that Council **REVOKES** the current *Light Vehicle Replacement Policy* as shown in Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnPOLICY170403.pdf](#)

ITEM 5 PUBLIC ART POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101291, 101515
ATTACHMENTS	Attachment 1 <i>Public Art Policy</i> Attachment 2 <i>Public Art Management Plan</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the proposed *Public Art Policy* and note the associated *Public Art Management Plan*.

EXECUTIVE SUMMARY

After the review of the City's *Art and Memorabilia Collections Policy*, which resulted in the creation of the *Visual Arts Policy*, it was identified that a policy that specifically deals with public art would be required by the City at a future date.

The current *Visual Arts Policy* and *Art Collection Management Plan* were adopted by Council at its meeting held on 10 March 2016 (CJ044-03/16 refers) to better reflect the City's stance on art acquisition and management. However, the *Visual Arts Policy* and the *Art Collection Management Plan* lack substantial details specific to public art projects and it was decided that a separate *Public Art Policy* would be submitted to Council for approval.

Managing and commissioning public artworks is substantially different to other works in the art collection and may involve a greater level of City intervention to acquire and maintain. As such, the proposed *Public Art Policy* and *Public Art Management Plan* attempt to address that gap and guide this process of managing and commissioning public artwork.

Research and benchmarking of other local government authorities as well as internal stakeholder consultation has resulted in significant modification to the approach taken in the revoked *Art and Memorabilia Collections Policy*. The proposed *Public Art Policy* has been developed to incorporate State Government initiatives, such as the Percent for Art Scheme, and to guide City staff on the acquisition and commissioning of public art.

It is therefore recommended that Council:

- 1 *ADOPTS the proposed Public Art Policy as detailed in Attachment 1 to this Report;*
- 2 *NOTES the Public Art Management Plan as detailed in Attachment 2 to this Report.*

BACKGROUND

Following the split between the former City of Wanneroo and the City of Joondalup, the *Art Collection Policy* was adopted by Council at its meeting held on 22 June 1999 (CJ213-06/99 refers), which replaced the former City of Wanneroo's policy on art collections.

At its meeting held on 11 October 2005 (CJ206-10/05 refers), Council endorsed numerous changes to the Policy Manual which included combining the *Art Collection Policy*, *Museum Collections and Operations* and *Public Art Policy* into a new document called the *Cultural Development Policy*.

At its meeting held on 12 December 2006 (CJ238-12/06 refers), Council adopted the revised *Art and Memorabilia Collections Policy* following a request for review of the *Cultural Development Policy* as the wording did not accurately reflect the intent of the policy.

At its meeting held on 10 March 2016 (CJ044-03/16 refers), Council resolved to revoke the *Art and Memorabilia Collections Policy* and adopt the *Visual Arts Policy*. Incorporating amendments from Council (CJ044-03/16 refers), the *Visual Arts Policy* is now in effect. The *Art Collection Management Plan* (forming Attachment 3 to Report CJ044-03/16), is also in effect and provides operational direction to the management of the City's art collection and annual visual arts programs.

The *Visual Arts Policy* and *Art Collection Management Plan* lack substantial details specific to public art projects as it was decided after review that a separate *Public Art Policy* will be created and presented to Council for approval at a future date (paragraph 1 of page 112 of CJ044-03/16 refers).

DETAILS

City of Joondalup Art Collection

The City's art collection currently contains over 230 artworks, with a focus on Western Australian contemporary art. This collection was obtained through the separation from the former City of Wanneroo and has been cultivated through on-going acquisitions and commissions.

The City's art collection is contained in three distinct categories, encompassing the following:

- City's Art Collection.
- City's Public Art Collection.
- Murals and Ephemeral Artworks.

The proposed *Public Art Policy* and the associated *Public Art Management Plan* refer specifically to the public art collection, and murals and ephemeral artworks mentioned above.

Permanent public artworks

Through the separation from the former City of Wanneroo, the City of Joondalup acquired all existing public artworks within the City's boundaries. The former City of Wanneroo's public art program dates back to 1991 when it began installing artworks throughout the district. These works formed the origin of the City's public art collection which has since developed through the on-going commissioning of public art projects. The majority of these projects were commissioned by the City within the Joondalup CBD in the immediate years following the establishment of the City due to a number of major developments that took place at the time.

During its history, a number of works have also been decommissioned from the public art collection for various reasons. Reasons for decommissioning a public artwork may include the redevelopment of the site or where the work was considered to be in a state of disrepair such that it was judged not to be salvageable.

There are currently 18 permanent public artworks on display in the City from the City's public art collection, which includes sculptures, architectural details, and works integrated into streetscapes such as bollards or street furniture:

- Brandon Ballengée, *Emperor Gum Moth*, Grand Boulevard, 2016.
- Geoffrey Drake-Brockman, *Interlace*, Central Walk, 2015.
- Denise Brown, *Kerb Tiles*, city streets, 2014.
- Kate McMillan, *Kambarang (Windsocks)*, Seacrest Park, 2011.
- Bridget Norton, *Untitled (Acrylic plaques mural)*, Craigie Leisure Centre, 2009.
- Coral Lowry, *Xanthorrea Pressei*, Boas Avenue, 2007.
- Jon Tarry, *For the Boys (Bali Memorial)*, Kingsley Football Club, 2004.
- Ron Corbett, *Bibbulmun Yorga*, Neil Hawkins Park, 2002.
- Kevin Draper, *Metal Trees*, Central Park, 2001.
- Indra Geidans, *Untitled (Mosaic Pavers)*, Central Park, 2001.
- Steve Tepper, *Untitled (Bronze Plaques)*, Joondalup Library, 2001.
- Geoff York and Jane York, *Kerb Tiles*, City streets, 1999.
- Mark Cox, *Untitled (Floor Mosaic)*, Joondalup Library entrance portico, 1998.
- Peter Dailey, *Untitled (Street Bollards and Tree Grates)*, City Streets, 1998.
- Albie Herbert and Eric Schneider, *Odyssey*, Marmion Beach, 1998.
- Malcom McGregor, *Floor Inlay*, Civic Chambers entrance, 1998.
- Brian McKay, *Inscription (Roman lettering)*, Joondalup Library, 1998.
- Smith Sculptors, *Central Park War Memorial*, Central Park, 1998.

Murals and ephemeral artworks

The City has commissioned murals throughout the City of Joondalup since a pilot study in 1992. Murals were introduced as a method of combating illegal graffiti and as a way of engaging potential graffiti vandals in the creation of legal murals. The City has commissioned murals – for City-owned properties and sites that are visible to the public – in conjunction with young people in the community. The program continues to train participants in urban art skills and provides opportunities to be involved in painting vibrant and contemporary public artworks.

Over the years, several murals have been retired, which involves either repainting the site with a new commission or returning the site to its original state. Currently, all mural projects have an anticipated lifecycle of five years.

The City of Joondalup Inside-Out Billboard project is also part of the *Mural Arts Program*. Established in 2013, it provides an alternative method of displaying visual images within a public site. This on-going project has since commissioned seven Western Australian artists to create an original artwork to be reproduced and then installed onto permanent billboard infrastructures at the Joondalup Library and Joondalup Courthouse.

Western Australia State Government Percent for Art Scheme

The Percent for Art Scheme was established in 1989 through collaboration between the Department of Finance, Building Management and Works (BMW) and the Department of Culture and the Arts (DCA) to encourage and direct initiatives whereby public artworks are commissioned for Western Australia's civic buildings and major infrastructure projects.

The revoked *Art and Memorabilia Collections Policy* addressed the Percent for Art Scheme whereby it stated that the scheme will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. When the *Art and Memorabilia Collections Policy* was replaced by the *Visual Arts Policy* references to the Percent for Art Scheme were removed as it was intended that the Percent for Art Scheme would be addressed in the *Public Art Policy* for consideration by Council at a future date.

Since the *Art and Memorabilia Collections Policy* was revoked, the City has continued to implement Percent for Art projects as a way of enhancing the value of the City's capital projects and investing in publicly assessable visual art as per the objectives contained within the current strategic plan. Currently, there is no formal process in place regarding the incorporation of public art into the planning of the City's Capital Works projects.

The reconsideration of the City's approach to the Percent for Art Scheme has been addressed in the proposed *Public Art Policy* and associated *Public Art Management Plan*.

Public Art Management Plan

The City is committed to managing its public art collection, including murals and ephemeral artworks, and developing this collection through commissioning works on an on-going basis to ensure the City is in step with other Western Australian local governments with regard to innovative development of the built environment and public spaces.

The City currently commissions new public artworks and murals through the *Visual Arts Program*. These projects are managed informally and managed on a case-by-case basis guided by process maps that detail each development stage and approval procedures.

Managing and commissioning public artworks is significantly different to other works in the art collection and may involve the following:

- Consultation and planning with other business units at the City.
- Community input and collaboration.
- A different approach to selecting a commissioned artist for projects with a substantial budget.
- Consideration of the various sites within the City of Joondalup.
- Site preparation and installation.
- Access to or installation of infrastructure and facilities such as electrical and water.
- A different approach to acknowledgements and signage.
- A very different approach to ongoing maintenance and conservation.
- Re-location and de-accessioning or project lifecycles.

The timeline for commissioning public artworks is substantial and (may include) the following:

- Community consultation.
- An expressions of interest phase to a project brief.
- Convening a panel of external professionals to review submitted responses.
- Selecting and approving an artist(s).
- Briefing and consultation with Elected Members.
- Consultation and liaising with internal stakeholders.
- Consultation and sign off by engineers.
- Engaging with trade professionals for the fabrication of the artwork.
- Installation.
- Final approval of artwork.

There are a number of approaches that can be taken to acquiring public artworks, including:

- directly contracting a professional artist to create a site specific original public artwork
- expressions of interest submissions from artists for a site specific original public artwork
- directly purchasing an existing work of public art for installation at a site.

Most commonly, the City opts to commission artists for site-specific original public artwork that are in line with the objectives of the City's art collection – works that respond to the local community, native flora or fauna, or the cultural heritage of the area. The City is also open to purchasing existing works for the public art collection that are in line with these objectives and so long as they are appropriate to the site.

Where possible, the City calls for submissions from professional artists throughout Western Australia to respond to a creative brief for significant public art projects. This process is outlined in the *Public Art Management Plan*, which will provide guidance to staff through this process.

In order to adequately reflect processes and considerations that are unique to public art projects, the City has developed a *Public Art Policy* for the approval of Council and a *Public Art Management Plan* to guide the management and planning of public art projects. The following details are addressed in the proposed *Public Art Management Plan*:

- How the City will acquire or commission public artworks.
- The commissioning and selection processes the City will follow.
- The approach to the selection of sites for public artworks.
- The approach and procedures that the City will take for re-locating and de-accessioning public artworks.
- How the City intends to maintain works in the public art collection.

Local Government Public Art Policies

The City undertook a benchmarking exercise with the following local government authorities:

- City of Albany.
- City of Belmont.
- City of Bunbury.
- City of Claremont.
- City of Darwin.
- City of Fremantle.
- City of Kwinana.
- City of Melville.
- City of Stirling.
- City of Subiaco.
- City of Swan.
- City of Vincent.
- Shire of Busselton.
- Shire of Mundaring.
- Town of Claremont.

Policies regarding the management and commissioning of public artworks and Percent for Art projects were examined to ensure that the proposed *Public Art Policy* is innovative and aligned with other local government authorities of regional significance.

Issues and options considered

The proposed *Public Art Policy* and associated *Public Art Management Plan* required significant information that is not contained in the adopted *Visual Arts Policy* and *Art Collection Management Plan*.

The following details were considered for the proposed *Public Art Policy*:

- What the City considers to be public art.
- The City's position and approach to the Percent for Art Scheme.

It is recommended that Council consider the following options:

- adopts the *Public Art Policy* and note the *Public Art Management Plan*, as shown at Attachments 1 and 2
- modifies the *Public Art Policy*
or
- does not adopt the *Public Art Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation *Code of Practice for the Australian Visual Arts and Crafts Sector.*

Western Australian Government Percent for Art Scheme Guidelines.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

For the community to have access to world-class cultural and artistic events and facilities.

Strategic initiative

- Invest in publicly accessible visual art that will present a culturally-enriched environment.
- Promote local opportunities for arts development.

Policy *Public Art Policy.*

This report presents research for the proposed *Public Art Policy*. The *Public Art Policy* relates to and accompanies the adopted *Visual Arts Policy*.

Risk management considerations

The City's Public art projects are currently guided by the *Visual Art Policy* and *Art Collection Management Plan*. As these documents do not have substantial guidance and direction for public art, there is a gap in the procurement process and on-going maintenance for public art. In order to facilitate appropriate decision-making processes that are unique to public art, it is desirable that the City adopts policies and management plans specific to public art projects.

Financial / budget implications

There are no financial implications relating to this report and the adoption of the proposed *Public Art Policy*.

The following funds have been approved by Council for public art projects:

Capital

Capital Project Funds (C1077)	\$50,000 per annum
Capital Project Expenditure current balance	\$81,392

Operational

2016-17 Revised Public Art Maintenance Budget (4009)	\$12,684
2016-17 Revised Mural Art Program Budget (4008)	\$18,987
2016-17 Revised Billboard Project Budget (4054)	\$26,602

Regional significance

The proposed *Public Art Policy* attempts to drive cultural development and identity within the City that will be of regional significance. The City's on-going support of the visual arts is integral to the cultural vibrancy of the city centre as well as the entire northern region.

Sustainability implications

Social

The promotion and establishment of public art within the community contributes to the social wellbeing of residents and visitors through opportunities for cultural experiences.

Economic

The promotion of public art within the community and on-going commissioning of new public artworks, including those commissioned through the Percent for Art Scheme, will enhance the value of the City's art collection and the City's capital projects.

Consultation

Not applicable.

COMMENT

With the adoption of the *Visual Arts Policy* and revocation of the City's *Art and Memorabilia Collections Policy*, the City does not currently have a guiding policy in relation to public art. The development of a *Public Art Policy* and *Public Art Management Plan* will allow the City to continue to acquire, commission and maintain public artworks while providing a framework for staff in the management of those processes. As such, it is considered appropriate that the proposed *Public Art Policy* is adopted by Council.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Hollywood that Council:

- 1 **ADOPTS** the proposed *Public Art Policy* as detailed in Attachment 1 to this Report;
- 2 **NOTES** the *Public Art Management Plan* as detailed in Attachment 2 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agnPOL1CY70403.pdf](#)

The Director Infrastructure Services left the meeting at 6.20pm.

The Coordinator Cultural Services left the meeting at 6.21pm.

The Director Corporate Services left the meeting at 6.22pm.

ITEM 6 DRAFT COASTAL LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	105198, 101515
ATTACHMENTS	Attachment 1 Draft <i>Coastal Local Planning Policy</i> (with proposed modifications)
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Coastal Local Planning Policy* following advertising for the purposes of final adoption.

EXECUTIVE SUMMARY

Coastal areas are highly valued by the community and are a popular location for people to both visit and live. Erosion, inundation and sea level rise, as a result of climate change has the potential to impact on coastal foreshore areas and some coastal property.

State Planning Policy 2.6: State Coastal Planning Policy (SPP2.6), requires that future development in coastal areas takes into account coastal hazard risk and that property owners in areas subject to coastal hazard risk be informed of those risks.

The draft *Coastal Local Planning Policy* (Attachment 1 refers) is part of the City's response to coastal risk hazard management. The purpose of the draft *Coastal Local Planning Policy* is to, in accordance with SPP2.6, ensure that when developments occur in a coastal hazard risk area adequate notification and adaption measures are undertaken. This includes the requirement that a notification be put on the certificate of title when landowners are undertaking developments located in a coastal hazard area and that coastal hazard risk management and adaption planning is undertaken as appropriate.

At its meeting held on 13 October 2016 (CJ182-10/16 refers), Council considered the draft policy and resolved that it be advertised for public comment. The draft *Coastal Local Planning Policy* commenced public consultation on 25 November 2016 for a period of 21 days closing on 15 December 2016. A total of 11 submissions were received being three in support, six objections and two comments. The submissions of objections included the impact on house prices and insurance premiums, the placement of notifications on title,

request for assurances that the City is undertaking works to reduce impacts on the coastline, the need for individuals to undertake adaption planning and the requirement for the policy. In addition, the Department of Planning suggested some modifications to the wording of the draft policy to better align with SPP2.6.

It is not considered that the abovementioned issues impact on the operation and implementation of the draft policy, therefore it is recommended that Council endorses the draft policy as final, with minor modifications.

BACKGROUND

The Western Australian Planning Commission (WAPC) released a revised SPP2.6 in July 2013 to provide guidance for land use and development decision-making within the coastal zone. SPP2.6 requires local governments to identify coastal hazard areas and to inform future and current property owners in coastal hazard areas of the risk. Under the updated policy:

- 1 coastal Hazard Risk Management and Adaptation Planning (CHRMAP) should be undertaken where appropriate
- 2 when a subdivision or development application is received for an area at risk, then current and / or future lot owners should be made aware of the risk by providing a notification on the certificate of title. This will apply to all subdivision and / or development applications within the 100 year coastal vulnerability lines.

A coastal hazard assessment undertaken for the City's coastline has identified that some areas may become susceptible to coastal erosion within the next 100 years. In the short-term this may include beaches and associated infrastructure such as access ways and dune fencing. In the long-term (greater than 50 years) additional infrastructure such as car parks, some City owned buildings within coastal foreshore areas and some private property may potentially be at risk from severe storm erosion.

The draft policy was adopted by Council at its meeting held on 13 October 2016 (CJ182-10/16 refers), for the purposes of advertising for a period of 21 days.

DETAILS

SPP2.6 identifies the need for Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) to ensure an appropriate risk assessment and management planning framework for ensuring coastal hazard considerations are factored into decision making processes.

Consultation with the Department of Planning has outlined that it is not the intent of SPP2.6 that development applications for single dwellings would be required to develop a CHRMAP as the requirement would be too onerous. However a CHRMAP would need to be undertaken by proponents prior to subdivision of larger areas of land and it is likely that larger scale developments may be required to prepare a CHRMAP if located in a vulnerable area within the planning timeframe of 100 years. In such cases, it would be the City's responsibility to determine who would be required to prepare a CHRMAP as part of a structure plan, subdivision proposal or development application.

In terms of notifications on titles, Section 5.5 of SPP2.6 states that where coastal hazard risk is identified, it should be disclosed to those who could be affected and that current and / or future lot owners should be made aware of the coastal hazard risk by providing the following wording on the certificates of title:

“VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and / or inundation over the next 100 years.”

The placement of notifications on certificates of title can be achieved via two mechanisms, namely subdivision approval and development approval.

Under the draft policy, when an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles. When the City approves a development application, it will place a condition on the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.

If, through further detailed investigation or works to reduce risk, it can be demonstrated that a piece of land is no longer the subject of coastal hazard risk, then an owner may formally request removal or withdrawal of the notification.

The objective of the draft local planning policy is to ensure that the City complies with Part 5 of SPP2.6 through the application of local planning requirements in line with those set out in SPP2.6 as follows:

- When an application for subdivision is received by the City, the City will request the WAPC to impose a condition on the subdivision approval requiring notifications to be placed on all new titles.
- When the City approves a development application, it will place a condition on the approval requiring the owner to register a notification on the title under section 70A of the *Transfer of Land Act 1893*.
- For large areas of land, Coastal Hazard Risk Management and Adaption Planning is required prior to any subdivision or development of the land.
- Structure plans and local development plans will need to address the requirements of SPP2.6 and the City's *Coastal Local Planning Policy*.

Not every lot within a potentially vulnerable area will be the subject of a subdivision application or a development application. As such, not every lot within a potentially vulnerable area will have a notification placed on its title through these approval processes. Therefore, in order to ensure that all existing and future property owners of vulnerable lots are aware that their lot is potentially subject to coastal hazard risk the City has:

- allowed the areas subject to potential coastal hazard risk to be viewed using the City's *mapping online* tool
- made available coastal hazard risk maps for sections of the City's coastline for downloading from the City's website
- included coastal hazard risk alerts on any land purchase inquiry made in relation to lots within areas identified as potentially being vulnerable.

Issues and options considered

Council has the option to:

- endorse the draft *Coastal Local Planning Policy*, with or without modifications or
- not endorse the draft *Coastal Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

- | | |
|--------------------|--|
| Legislation | <ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Scheme) Regulations 2015.</i> • <i>Transfer of Land Act 1893.</i> |
|--------------------|--|

Strategic Community Plan

Key theme	Quality Urban Environment.
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Objective	Quality built outcomes.
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Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
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Key theme	The Natural Environment.
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Objective	Environmental resilience.
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Strategic initiative	Identify and respond to environmental risks and vulnerabilities.
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Policy	<i>State Planning Policy 2.6 - State Coastal Planning Policy.</i>
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Risk Management considerations

Local government liability in relation to coastal vulnerability is little different to its general liability arising from the performance of existing statutory functions, where such liability is determined by common law principles of negligence, as modified by the *Civil Liability Act 2002* and other written laws.

If a local government's decision-making and / or its planning framework (consisting of the local planning scheme and relevant planning policies) comply with the policy measures prescribed in SPP2.6 and are otherwise consistent with the performance of its obligations under the *Planning and Development Act 2005*, then the likelihood of it being exposed to liability in the context of coastal vulnerability is considered to be extremely remote.

Financial / budget implications

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

Regional Significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft local planning policy was advertised for 21 days concluding on 15 December 2016 by way of:

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

In addition to the statutory advertising mentioned above, a letter, copy of the draft *Coastal Local Planning Policy* and a set of frequently asked questions were sent directly to:

- affected residents
- attendees of information sessions
- community engagement network members
- local Members of Parliament.

A total of 11 submissions were received being three in support, six objections and two comments.

COMMENT

A number of concerns were raised during the public consultation period and are discussed below.

Concerns were raised by a number of residents that the draft policy will have impacts on property values and insurance premiums and furthermore that the policy would have negative impacts on the sale of land.

As outlined in the frequently asked questions provided as part of the community consultation, there are numerous factors that affect property values. The potential impact on property values when a lot is identified as subject to coastal hazard risk is not readily ascertained or predicted and property values will be determined by the property market at any given time.

In reference to the concern in regard to the rise in insurance premiums, the impact when a lot is identified as subject to coastal hazard risk is unclear and are determined by insurance providers, not the City.

A concern was raised that given a property is located within the 100 year zone that the subject property / ies would have a notification of title unilaterally endorsed.

SPP2.6 states that all subdivision and development approvals for land identified as subject to coastal hazard risk within the planning timeframe (100 years), should include a condition requiring a notification to be placed on the certificate of title. Under the City's draft local planning policy, notification is only to be placed on the subject lots certificate of title when a subdivision and / or development application has been supported by the City and / or WAPC and as a condition of approval. Should a land purchase inquiry be

received by the City the applicant will be advised that the property is located within a coastal hazard zone, however the City will not require further action to be undertaken as a result of the inquiry.

Scientific evidence is required in regard to calculated erosion (milestone year marks) to show that statements about erosion are accurate.

The *Joondalup Coastal Hazard Assessment Coastline Monitoring Program – Baseline Report* was prepared on behalf of the City by appropriately qualified and experienced consultants, implementing the methodology set out in SPP2.6.

Assurance is sought that the City of Joondalup was moving to proactively taking action to minimise any effects of coastal processes on its infrastructure closer to the shoreline.

The City is taking a number of steps to understand future potential impacts on the City's coastline, and furthermore to prepare and adapt to these impacts, including the following:

- Establishing an ongoing coastal monitoring program to monitor shoreline movements.
- Engaging and informing the community about coastal vulnerability.
- Developing an overarching plan to guide the City's adaptation activities along the coastline.
- Identifying sites which will require site-specific coastal adaptation plans to be developed in consultation with the community.

The City is responsible for preparing and adapting City-owned and managed coastal reserves, property and assets for future potential coastal hazard risk. The majority of private property identified as being potentially subject to coastal hazard risk within the next 100 years is located east of major City infrastructure and City property and therefore will benefit from the City's adaptation measures.

A concern was raised that subdivision proponents will have to undertake Coastal Hazard Risk Management Action Planning.

It is not the intent of the policy for individual land owners of single lots to be required to undertake coastal hazard risk management adaptation planning.

Dissemination of hazard information and reports – there is no requirement for the City to be open and accountable.

In July 2016 the City wrote to all property owners within identified coastal hazard areas advising them of the potential coastal hazard risk and the implications of SPP2.6. Workshops were also held during August 2016 with affected landowners.

Beyond the SPP2.6 requirements to inform current and future lot owners, the City is taking a number of steps to ensure it is able to prepare and adapt to future coastal hazard risk and that potential impacts are minimised and managed appropriately.

The following documents and tools have been developed and are provided on the City's website on the Coastal Vulnerability Response page:

- Joondalup Coastal Hazard Assessment.
- *Coastline Monitoring Program – Baseline Report.*
- Coastal Hazard Maps.

The policy is not needed and is a duplication as SPP2.6 is already in place and that due regard is given to it by the City.

The draft *Coastal Local Planning Policy* has been developed to guide how the City will implement aspects of SPP2.6. The local planning policy provides clarification on the specific clauses and sections of SPP2.6 that applicable and relevant to development in the City.

This is a surreptitious way of amending the local planning scheme

There is no basis or requirement for DPS2 to be amended to incorporate the provisions of the draft policy.

The Minister for Planning on advice from the Department of Planning suggested that the words ‘previously’ and ‘undeveloped’ be removed from the terms ‘undeveloped land’ and ‘previously undeveloped land’ within the draft policy.

The discussions undertaken with the Department of Planning clarified the above suggestion made by the Minister of Planning on behalf of the department. In reference to the removal of the words, it is aimed at reducing any confusion regarding what land is subject to certain requirements of SPP2.6.

It was clarified that SPP2.6 requires that for ‘greenfield’ locations, an appropriate coastal foreshore reserve in accordance with Clause 5.9 *Coastal foreshore reserve* is required, behind which all development is to be located. In this instance coastal hazards are to be avoided for the extent of the planning timeframe, thus CHRMAP should not be required.

The City acknowledges the abovementioned suggestion as an appropriate minor change to be made to the draft policy, however removal of the word ‘undeveloped’ may cause confusion that a CHRMAP is required prior to the subdivision of any lot, regardless of size or existing development. As it is not the intent of the City to require adaptation planning for small or single lots, clarification is needed in the draft policy that adaptation planning may apply to larger lots.

Minor modifications are proposed to the draft policy to ensure consistency of the wording of the ‘Authority’ section of other local planning policies.

The proposed local planning policy forms part of the City’s response to coastal risk hazard management, and it is recommended that the draft *Coastal Local Planning Policy* be adopted, with modifications.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, **SECONDED** Cr Fishwick that Council, in accordance with subclause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Coastal Local Planning Policy*, subject to replacing the words ‘undeveloped’ with ‘larger areas of’, and other minor modifications, as included in Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agnPOLICY170403.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Kerry Hollywood.
Item No./Subject	Item 7 - Draft <i>Home-Based Business Local Planning Policy</i> .
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Hollywood is a small business owner. Cr Hollywood answers telephones and uses computer equipment for those businesses, for convenience, even though she employs staff at an office she owns elsewhere.

ITEM 7 DRAFT HOME-BASED BUSINESS LOCAL PLANNING POLICY

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Community Development

FILE NUMBER: 13048, 101515

ATTACHMENTS:

Attachment 1	Current Home Business Policy
Attachment 2	Draft Home-based Business Local Planning Policy (tracked changes)
Attachment 3	Draft Home-based Business Local Planning Policy (non-tracked version)

AUTHORITY / DISCRETION Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Home-based Business Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

The existing *Home Business Policy* requires review as a result of the changes to the definitions of home-based businesses between *District Planning Scheme No. 2 (DPS2)* and draft *Local Planning Scheme No. 3 (LPS3)*. The existing policy has been reviewed and a revised local planning policy has been developed that aligns with the definitions in LPS3.

The existing policy is considered to be functioning well, and the majority of the provisions have been retained. However, due to the change in land use definitions, a small number of refinements are considered appropriate that will assist with the transition to the new home-based business definitions.

It is noted that the home-based business definitions in LPS3 do not include consideration of a family day care activity. DPS2 currently defines this activity as a 'Home Business – Category 1' and is therefore exempt from planning approval. It is considered appropriate to maintain family day care as a use that is exempt from planning approval, however this will entail modifications to draft LPS3 to include the use in the zoning table, through a process separate to this policy.

It is recommended that Council supports the draft revised *Home-based Business Local Planning Policy* (renamed from *Home Business Policy*) to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

DPS2 currently contains land use definitions for three scales of home-based business (that is Categories 1 - 3). The *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) contain model definitions for a range of land uses including home-based business activities. Those definitions are home office, home occupation, and home business, which differ in various aspects from those definitions currently in DPS2.

While it is generally expected that new local planning schemes will utilise the model land use definitions outlined in the LPS Regulations, in this instance, it was proposed to retain the current DPS2 definitions within LPS3 given that the existing home-based business definitions have been in place for a number of years, are well established, and work well.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. However, prior to the Western Australian Planning Commission (WAPC) granting approval to advertise draft LPS3, it required the home-based business definitions be changed to align with those within the LPS Regulations.

Therefore, the existing *Home Business Policy* requires review as a result of the new definitions that are included in draft LPS3. Public comment on the draft LPS3 closed on 14 February 2017.

DETAILS

The new hierarchy of home-based business under LPS3 will be (from the lowest scale to the highest) as follows:

- Home Office.
- Home Occupation.
- Home Business.

Generally, a 'Home Business - category 1' as defined under DPS2 is equivalent to a 'Home Office' under the draft LPS3, a 'Home Business - category 2' is equivalent to a 'Home Occupation', and a 'Home Business - category 3' is equivalent to a 'Home Business'.

The following table compares the main attributes for each type of home-based business under the existing DPS2 and draft LPS3:

Definition	Existing DPS2	Draft LPS3
Category 1 (DPS2) Home office (LPS3)	<ul style="list-style-type: none"> • 30m² maximum area. • Includes family day care. • Can only involve members of household. • No sign permitted. • No customers permitted. 	<ul style="list-style-type: none"> • No maximum area stated. • Does not refer to family day care. • Can only involve members of household. • No sign permitted. • No customers permitted.
Category 2 (DPS2) Home occupation (LPS3)	<ul style="list-style-type: none"> • 30m² area, or larger if demonstrated to be appropriate. • Can employ one person not a member of household. • No retail sales, hire or display. • 0.2m² sign. • Can involve customers at premises. 	<ul style="list-style-type: none"> • 20m² maximum area. • Can only involve members of household. • No retail sales, hire or display but can sell by internet. • 0.2m² sign. • Can involve customers at premises.
Category 3 (DPS2) Home Business (LPS3)	<ul style="list-style-type: none"> • 50m² area or up to 100m² with community consultation. • Can employ two people (not a member of household), or up to four people subject to community consultation. • No retail sales, hire or display. • 0.2m² sign, maximum two metres high. • Can involve customers at premises. 	<ul style="list-style-type: none"> • 50m² maximum area. • Can employ two people (not a member of household). • No retail sales, hire or display but can sell by internet. • Not stated. • Can involve customers at premises.

It is likely that the largest impact in the change of definitions will be for Category 2 / Home Occupation proposals, as the area permitted to be utilised is reduced from 30m² (with the possibility of a larger area) and one external employee under DPS2, to a maximum of 20m² with no external employees under LPS3.

It is also noted for Category 3 / Home Business, the possibility of up to four external employees and up to an area of 100m² is removed under LPS3.

Family day care provides early childhood education and care services within the educator's own home, up to a maximum of seven children. DPS2 specifically recognises a family day care activity as a 'Home Business - Category 1' activity and is therefore exempt from the requirement for planning approval. The home-based business definitions in LPS3 do not specifically recognise a family day care activity.

Proposed amendments

It is proposed that the following amendments to the existing *Home Business Policy* (Attachment 1 refers) be made:

- Rename the policy '*Home-based Business Local Planning Policy*'.
- Replace the generic term 'home business' used in the existing policy to 'home-based business' in order to differentiate it from the LPS3 land use definition of 'Home Business'.
- Expand the policy objectives.
- Include the new home-based business definitions as contained in draft LPS3.
- Remove provisions from the policy that are already covered by the land use definitions.
- Limit the need for a management plan to those proposed Home Businesses that seek to have two external employees.

The revised draft policy is included as Attachment 2 (tracked change version) and Attachment 3 (non-tracked version).

Issues and options considered

Council has the option to:

- advertise the draft *Home-based Business Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Home-based Business Rooms Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Scheme) Regulations 2015.
Draft Local Planning Scheme No. 3.*

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.

Policy *Home Business Policy.*

Risk Management considerations

The land use definitions related to home-based businesses within LPS3 will no longer align with those within the existing *Home Business Policy*. If an amendment to the policy is not progressed to align with the new planning scheme, there is a risk that the new scheme may become operational creating uncertainty how the existing policy relates to the new planning scheme.

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

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require 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. The proposed amendments to the existing *Home Business Policy* are considered non-minor and therefore the draft policy should be advertised for 21 days as follows:

- a notice published in the local newspaper
- a notice, documents and on-line comment form 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 WAPC. The proposed policy is not considered to be inconsistent with any State planning policy.

COMMENT

As a result of the modifications required by the WAPC to draft LPS3, it is recommended that the draft *Home-based Business Local Planning Policy* be progressed to ensure that the policy provisions align with the new home-based business definitions in LPS3. The majority of other policy provisions are retained to guide the establishment of home-based businesses in residential areas in a manner that will not have a negative impact on residential amenity.

Requirement for a management plan

The current *Home Business Policy* only requires a management plan for the highest level of home-based business (category 3) that is, where two or more external people are employed and / or the area utilised is 50m² or greater. The management plan outlines in more detail how the business would operate and be managed to ensure minimal impact on adjoining premises.

The new LPS3 definitions would place a business that employs only one external person in the highest scale of activity and therefore would effectively also require a management plan to be prepared and submitted with the proposal. This is contrary to the existing requirements for a business that only employs one external person (which currently functions well), and given this, it is not considered necessary to introduce the requirement for a management plan for this scale of business.

It is therefore proposed that the draft policy include provisions that only require a management plan to be prepared for home business that employs two external people, which would align with the current requirements for this scale of home-based business.

Family day care

Currently DPS2 recognises a family day care as a 'Home Business – Category 1' and is therefore exempt from the need for planning approval. However, the home-based business definitions in LPS3 do not specifically recognise a family day care and it is considered unlikely that a family day care could be considered to fit within the definitions, mainly due to the restrictions on the size of the area that can be utilised, as outlined in the definitions.

It is therefore considered appropriate that a new land use of 'Family Day Care' be included in the zoning table in LPS3, and that the land use then be exempted from the need for planning approval. This would ensure that a family day care activity is treated in the same manner as is currently the case. This amendment can be considered by Council when draft LPS3 is presented back to Council following the advertising period.

It is therefore recommended that Council ENDORSES advertising of the draft Home-based Business Local Planning Policy for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, **SECONDED** Cr Hamilton-Prime 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 draft *Home-based Business Local Planning Policy* (renamed from *Home Business Policy*), as shown in Attachment 3 to this Report, for a period of 21 days.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agnPOLICY170403.pdf](#)

ITEM 8 DRAFT CONSULTING ROOMS LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	101289, 101515
ATTACHMENTS	Attachment 1 Draft <i>Consulting Rooms Local Planning Policy</i> (with proposed modifications)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Consulting Rooms Local Planning Policy* following advertising for the purposes of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 13 December 2016 (CJ230-12/16 refers), Council considered the draft *Consulting Rooms Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017 to 23 March 2017. One submission was received indicating general support for the draft policy. Minor modifications are proposed to improve the consistency of the policy with the other proposed *Local Planning Scheme No. 3* policies.

It is therefore recommended that Council ENDORSES the Consulting Rooms Local Planning Policy, with modifications.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73* (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over its own development provisions and will ultimately save time as any updates to the development provisions will only need to be approved by Council rather than via a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34 (2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the site and development requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in a single document.

The existing *Consulting Rooms Policy* requires review as a result of the removal of the development provisions from DPS2, which will now be included in the policy. If the revised policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would not be sufficient provisions to guide the development of consulting rooms in residential areas. It is noted that, as with the existing policy, the draft *Consulting Rooms Local Planning Policy* only applies to consulting rooms in residential areas. It does not apply to consulting rooms in other areas as these would be covered by the relevant policy for that zone.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 13 December 2016 (CJ230-12/16 refers), Council resolved to proceed with the draft policy for the purpose of advertising.

DETAILS

As with the existing policy, the draft policy applies to consulting rooms on land zoned 'Residential', 'Special Residential' and the 'Urban Development' zone where the structure plan applies a 'Residential' zone (Attachment 1 refers).

It is noted that the definition of 'Consulting Rooms' within the *Planning and Development (Local Planning Scheme) Regulations 2015* allows up to two practitioners to operate at the same time and this definition is now included in DPS2 and is also included in draft LPS3. Previously the definition of consulting rooms only permitted one practitioner to operate from a site.

The current provisions contained within DPS2 and the existing policy have been reviewed and a revised local planning policy has been developed for use following gazettal of draft LPS3, however it is noted the majority of the provisions have been working well and remain relevant. The main policy provisions, including those proposed to be modified from the existing *Consulting Rooms Policy*, are outlined below and these were advertised for public comment.

Location

The location requirements in the current policy to avoid the conglomeration of consulting rooms in residential areas have been retained, as has the preference that battle-axe lots and lots at the head of a cul-de-sac be avoided due to the potential traffic issues created as a consequence of the concentration of activity.

Building setbacks

The building setbacks for non-residential buildings are currently contained in DPS2 and are applied to consulting rooms in residential areas. The non-residential building setbacks are large, being a nine metre front setback, six metre rear setback and three metre side setback. The existing policy does indicate that variations may be considered to more appropriately reflect building setbacks in the immediate vicinity.

It is considered that the current setback requirements do not facilitate development of consulting rooms that is in keeping with the residential area in which they are located. Therefore, it is proposed within the draft policy that building setbacks be assessed in accordance with the *Residential Design Codes* and the City's *Residential Development Local Planning Policy*, rather than simply including the non-residential building setbacks in DPS2. This will allow new buildings and additions to existing buildings to be set back in keeping with the existing residential context and maintain the residential streetscape. It is noted that consulting rooms proposed in other zones will be assessed against the relevant development policy for that zone, for example *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.

Building height

The proposed building height is the same as that outlined in the *Height on Non-Residential Buildings Local Planning Policy* for development in the 'Residential' zone, being a maximum height equivalent to two storeys. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into each relevant policy and therefore the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

Building design

The draft policy maintains the requirement that buildings must be of residential appearance and in keeping with the surrounding environment. An additional provision has been included that buildings and any additions must be consistent in style with any existing development on site and maintain the character of the local area. This provision is similar to that within the *Residential Development Local Planning Policy* and will help to ensure that buildings maintain a residential appearance and consistent form, and fit in with the surrounding area despite being a non-residential land use.

Parking and access

The proposed car parking standard is the same as currently within DPS2, being five car bays per practitioner.

The car park design requirements have been retained from the current policy in regard to car parking being located at the rear of the building and minimised in front of the building, in order to maintain a residential streetscape. A new provision has been included in the draft policy to require a maximum of two three metre wide crossovers or one six metre wide crossover. This is also to assist in retaining a residential appearance.

Bicycle parking

The Austroad guidelines encourage bicycle parking to be provided at a rate of one employee space per eight practitioners, and one space per four practitioners for visitors, although no minimum provision is stated. Given the small scale of the subject consulting rooms as defined by the draft LPS3 (maximum of two practitioners), it is considered that the provision of two bays for use by staff or visitors would be adequate and has been included in the draft policy.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. DPS2 also requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street, however does not include a landscaping requirement where a car parking area does not abut the street. The policy addresses this by including a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. A minimum size of 4m² for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Hours of operation

The hours of operation are proposed to be the same as in the current policy, being Monday to Friday 8.00am to 6.00pm and Saturday 9.00am to 5.00pm, with no operation on Sundays. As the policy only applies to consulting rooms in residential areas, it is considered appropriate to maintain the existing hours of operation in the interests of protecting residential amenity.

Public consultation

The requirement under the existing policy to advertise a new consulting rooms proposal to adjoining and nearby landowners for a period of 14 days has been retained in the draft policy. It has also been clarified that any intensification of an existing use, for example by increasing the number of practitioners, will also require consultation to be undertaken.

Issues and options considered

Council has the option to:

- proceed with the policy, with or without modification
or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Scheme) Regulations 2015.*
Draft Local Planning Scheme No. 3.

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.

Policy *Consulting Rooms Policy.*

Risk management considerations

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

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

Not applicable.

Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 23 February 2017, closing on 23 March 2017 by way of:

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

One submission was received during the public consultation period, indicating general support for the draft policy.

COMMENT

Minor modifications are proposed to the draft policy to align the wording with the other proposed LPS3 local planning policies, to ensure consistency across the City's suite of local planning policies. In addition, it is proposed to include a provision that any front fencing that is proposed for a consulting rooms development will be in accordance with the *Residential Design Codes* to ensure a residential appearance is maintained.

These modifications are considered to be minor, and it is therefore recommended that Council proceed with the *Consulting Rooms Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after *Local Planning Scheme No. 3* has been approved by the Minister for Planning and published in the *Government Gazette*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, **SECONDED** Cr Hollywood that Council:

- 1 In accordance with subclauses 4(3)(b)(ii) and 5(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Consulting Rooms Local Planning Policy*, with modifications, as included in Attachment 1 to this Report;
- 2 **NOTES** that the policy will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3 **NOTES** the submission received and **ADVISES** the submitter of Council's decision.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agnPOLICY170403.pdf](#)

ITEM 9 DRAFT SHORT-TERM ACCOMMODATION LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	72584, 101515
ATTACHMENTS	Attachment 1 Draft <i>Short-term Accommodation Local Planning Policy</i> (with proposed modifications) Attachment 2 Current <i>Short Stay Accommodation Policy</i> Attachment 3 Current <i>Bed and Breakfast Accommodation Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider the draft *Short-term Accommodation Local Planning Policy* following advertising for the purpose of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 13 December 2016 (CJ231-12/16 refers), Council considered the draft *Short-term Accommodation Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017, closing on 23 March 2017. Forty submissions were received, being 32 in support of the draft policy, two objecting, and six comments which specifically provided comment on various aspects of the draft policy including the definitions of 'Bed and Breakfast' and 'Serviced Apartment', car parking requirements and public consultation.

As a result of advertising, minor modifications are proposed to the draft policy to amend the car parking provisions for a 'Bed and Breakfast', as well as improve the consistency of the wording within the policy as well as other local planning policies. It is therefore recommended that Council adopts the draft *Short-term Accommodation Local Planning Policy* as final.

BACKGROUND

Currently, with the exception of land use permissibility, DPS2 does not contain any general development requirements relating to short-term accommodation, as these are contained with the existing *Short Stay Accommodation Policy* (Attachment 2 refers) and *Bed and Breakfast Accommodation Policy* (Attachment 3 refers). It is proposed through draft LPS3 that general development requirements will be located within local planning policies, with the exception of the necessary 'head of power' provisions for cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

The LPS Regulations include four land use definitions that relate to short-term accommodation and that are relevant to this policy, as well as a definition of 'short-term accommodation' itself. The definitions are:

- **Bed and Breakfast** means a dwelling –
 - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than four (4) adult persons or one family; and
 - (b) containing not more than two (2) guest bedrooms.
- **Holiday House** means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
- **Holiday Accommodation** means two (2) or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
- **Serviced Apartment** means a group of units or apartments providing –
 - (a) self-contained short stay accommodation for guests; and
 - (b) any associated reception or recreational facilities.
- **Short-term Accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three (3) months in any 12 month period.

Draft LPS3 includes the above definitions, however the existing *Short Stay Accommodation Policy* does not apply to the 'Residential' zone as currently, short-stay accommodation is not permitted in this zone.

The table below reflects land use permissibility of short-term accommodation within draft LPS3.

USE AND DEVELOPMENT CLASS	ZONES								
	RESIDENTIAL	SPECIAL RESIDENTIAL	MIXED USE	COMMERCIAL	SERVICE COMMERCIAL	LIGHT INDUSTRY	PRIVATE CLUBS, INSTITUTIONS & PLACES OF WORSHIP	CENTRE	URBAN DEVELOPMENT
Bed and Breakfast	D	D	D	P	X	X	D	*	**
Holiday Accommodation	D	X	D	D	X	X	D		
Holiday House	D	X	D	D	X	X	D		
Serviced Apartment	D X	X	D	D	X	X	D		

* Development and use of land is to be in accordance with an approved activity centre structure plan prepared and adopted under Part 4 of the deemed provisions.

** Development and use of land is to be in accordance with an approved structure plan prepared and adopted under Part 4 of the deemed provisions.

In regard to the above table, it is noted that the Western Australian Planning Commission (WAPC), in assessing draft LPS3, has required the land use 'Serviced Apartment' be an 'X' (not permitted) use within the 'Residential' zone. It has been clarified that a serviced apartment would usually take the form of a larger short-term accommodation building that has a dedicated reception, similar the 'Quest' apartment chain.

This draft local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no relevant provisions to guide short-term accommodation in the 'Residential' zone.

It is noted that the accommodation offered on platforms such as Airbnb and Stayz will fall into one of the categories of short-term accommodation outlined above and will be subject to the approval considerations and requirements as with any form of short-term accommodation.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 13 December 2016 (CJ233-12/16 refers), Council resolved to proceed with the draft *Short-term Accommodation Local Planning Policy* for the purposes of advertising.

DETAILS

The draft *Short-term Accommodation Local Planning Policy* aims to establish a framework for assessment of applications for short-term accommodation through provisions which encourage good quality, well managed accommodation for use by visitors, which minimise the impact on the amenity of surrounding residential areas.

The draft *Short-term Accommodation Local Planning Policy* includes the following provisions (summarised):

- Car parking requirements, including one bay per bedroom for bed and breakfast uses and compliance with the provisions of the *Residential Design Codes* for the other short-term uses.
- The submission of a management plan to address issues including complaint handling procedures, management of anti-social behaviour and waste management procedures.
- The requirement to keep a guest register.
- The requirement to include justification with the application as to how the proposed use will be compatible with the adjoining area and is consistent with the objectives of this policy.
- Public consultation procedures, including advertising to adjoining owners for a period of 14 days.
- The requirement for any new short-term accommodation building where the provisions of the 'Residential' zone apply to meet the provisions of the *Residential Design Codes*.

It is noted that the current provisions contained within the existing *Short Stay Accommodation Policy* and *Bed and Breakfast Accommodation Policy* have been reviewed, with amendments proposed through the implementation of this draft policy. The main changes proposed are outlined below, and these were advertised for public comment.

General

The draft policy applies to all 'Bed and Breakfast', 'Holiday House', 'Holiday Accommodation' and 'Serviced Apartment' uses, including those within the 'Residential' zone. Currently, the existing policy only applies to commercial zones as short-term uses (with the exception of a bed and breakfast) are not permitted within the 'Residential' zone under DPS2.

Car parking

On-site car parking bays are to be provided in accordance with the *Residential Design Codes* (R-Codes) *clause 5.3.3 Parking* for Location B. The R-Codes provide for a lesser parking standard where a site is located close to public transport (Location A), however, it is considered appropriate that the car parking be maintained at two bays for a two+ bedroom dwelling regardless of location to ensure that parking is provided for the short-stay use. In addition to this, one car parking bay per guest bedroom is required to be provided for 'bed and breakfast' uses.

The table below summarises the development provisions of R-Code clause 5.3.3 Parking.

Type of Dwelling	Car Parking Spaces	
	Location A	Location B
One bedroom dwelling	1	1
Two+ bedroom dwelling	1	2

Management plan

As with the existing policies, the draft policy requires the submission of a management plan which is required to include detailed information as to how the accommodation will be managed, operated and maintained. It is considered important that the operator be responsible for the maintenance of the amenity afforded to the surrounding areas and for the operator to manage any issues that may arise.

The requirement for the operation of the short-term accommodation in accordance with the approved management plan will be included as a condition of any development approval issued.

From discussions with the Holiday Rental Industry Association, it is understood that platforms such as Airbnb and Stayz will also address any lack of action by property owners to ensure the accommodation is operated in accordance with their standards and policies and may lead to listings being removed from the website(s).

Locational criteria

The current *Bed and Breakfast Accommodation Policy* has a statement encouraging the use to be located close to high frequency public transport, commercial centres, beaches, or tourist attractions. In practice, however, it is not reasonable to mandate these locations as the only suitable locations.

Information obtained from the Holiday Rental Industry Association indicates that studies show that short-term accommodation is used by a wide range of people, for a wide range of purposes. It is not limited to tourist activities and therefore limiting short-term accommodation to tourist or coastal areas, for example, would not meet the demand for this form of accommodation.

It is therefore not proposed to impose locational criteria for the operation of short-term accommodation. Rather, the provisions of the draft policy aim to ensure that the operation of the accommodation is appropriate to its proposed location.

Planning application requirements

Although it is not considered appropriate to restrict the location of short-term accommodation to particular residential densities, it is considered appropriate for justification to be provided by the applicant outlining why the short-term accommodation will be compatible with the adjoining area and consistent with the objectives of the policy. The draft policy requires this justification be provided as part of a development application.

Public consultation

It is proposed that all new applications for short-term accommodation within areas where the provisions of the 'Residential' zone apply will be advertised for a period of 14 days by giving notice to owners and occupiers of properties in the vicinity of the development who may be affected by the proposed development.

As these land uses will generally only be of relevance to the local nearby residents, it is proposed to remove the requirement to place a notice on the City's website as is currently required for bed and breakfast proposals.

Where an application involves short-term accommodation in a strata title arrangement, the strata body will be consulted. This is to assist in ensuring that the short-term accommodation is compliant with the regulations governing ownership of the property and gives the ability for the strata body to consult with its owners.

It is not proposed to specify particular advertising requirements for short-term accommodation proposals in zones other than the 'Residential' zone, as the amenity impacts are unlikely to be any greater than other permitted uses in those zones. A proposal may still be advertised if considered appropriate, in accordance with the provisions of the planning scheme and the LPS Regulations.

Development requirements for short-term accommodation

Proposals to utilise existing dwellings for short-term accommodation uses are treated as change of use applications. Applications for purpose built short-term accommodation within the areas subject to the provisions of the 'Residential' zone are to be subject to the siting and design requirements applicable under the R-Codes, as well as the City's *Residential Development Local Planning Policy*.

The exception to this is purpose built serviced apartments which will be subject to the development provisions of the applicable zone.

The policy also incorporates measures to reduce the potential amenity conflicts between serviced apartments and permanent residential dwellings on the same site or building by stating that serviced apartments are to be designed so as to separate short-term accommodation from permanent occupancy dwellings located on the same site or building.

Signage

The existing *Bed and Breakfast Accommodation Policy* includes details of the signage permitted in association with that use. However, it is considered appropriate that all signage provisions be consolidated with the City's *Signs Policy*, which is to be reviewed shortly. Therefore, the draft policy states that signage associated with short-term accommodation is to be in accordance with the City's *Signs Policy*.

Annual development approval renewal

The existing *Bed and Breakfast Accommodation Policy* states that the use will be limited to a 12 month approval period. In addition, currently, the *Short Stay Accommodation Policy* states that proposals that adjoin the 'Residential' zone, or are on a site that contains more than one dwelling, would also be limited to a 12 month approval period.

However, similar to home business approvals, it is not valid to arbitrarily limit an approval period where there is no justification to do so. Therefore, the draft policy does not include any time-limited approval provisions. In the event of a substantiated complaint in relation to the operation of a short-term accommodation activity, compliance action will be undertaken in accordance with established procedures.

Issues and options considered

Council has the option to:

- proceed with the policy, with or without modification
or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Scheme) Regulations 2015.
Draft Local Planning Scheme No. 3.*

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 Destination City.

Strategic initiative Encourage diverse accommodation options.

Policy *Short Stay Accommodation Policy.
Bed and Breakfast Accommodation Policy.*

Risk management considerations

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

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

The opportunity for the increased provision of short-term accommodation will improve economic sustainability by providing further opportunities for local businesses and tourism.

Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 23 February 2017, closing on 23 March 2017 by way of:

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

Forty submissions were received during the public consultation period being 32 submissions of support, two of objection and six comments which specifically provided comment on various aspects of the draft *Short-term Accommodation Local Planning Policy*.

COMMENT

Response to submissions

The submissions received primarily indicated strong support for the draft policy in that it provides the ability to apply to operate short-term accommodation, will help the local economy, provides affordable temporary accommodation and will provide for greater diversity of accommodation types to facilitate tourism within the City.

Other comments and objections were received as discussed below.

Definitions

Comments were made in relation to the restrictive nature of the 'Bed and Breakfast' definition and the inconsistent use of the term 'short stay' in the 'Serviced Apartment' definition.

The LPS Regulations prescribe the land use definitions to be used in local planning schemes and includes the four definitions that relate to short-term accommodation, as well as a definition of 'short-term accommodation' itself. Therefore, this draft policy is simply reflecting the land use definitions that are required to be included in draft LPS3, and the definitions are unable to be altered.

Car parking

Several comments were received regarding the excessive nature of the on-site car parking requirements, specifically the provision of one bay per guest bedroom and that the number of on-site car parking bays be provided in accordance with the R-Codes clause 5.3.3 *Parking Location B* (that is two bays for a 2+ bedroom dwelling) regardless of the location near public transport that would otherwise be classified as Category A requiring the provision of only one bay.

It should be noted that the requirement to provide one car parking bay per guest bedroom is applicable to a 'Bed and Breakfast' use class only. All other short-term accommodation car parking requirements are to be in accordance with the R-Codes, and do not require the allocation of bays on a per bedroom basis.

A 'Bed and Breakfast' use needs to provide car parking for the permanent residents of the dwelling, plus sufficient parking for guests. It is acknowledged that it may be unwarranted to require the provision of car parking for permanent occupants in accordance with Category B (that is two bays) where Category A (one bay) would otherwise be deemed to meet the R-Codes requirement. It is therefore considered appropriate to modify the draft policy to remove the reference to Category B for the 'Bed and Breakfast' land use, and simply refer to compliance with the R-Codes. In order to ensure sufficient car parking for guests, it is considered appropriate to retain the requirement for one car bay per guest bedroom.

In regard to the allocation of car bays for the other short-term land uses, it is considered reasonable that the Category B standard be retained to ensure that sufficient car parking is available for the use.

Consultation

Comments were made with regard to the public consultation requirements and queried whether the City would take a broad overview of each individual application, if an adjoining land owner was to object to short-term accommodation without justification.

As set out in the draft policy, for proposals where the provisions of the 'Residential' zone apply, the application will be advertised to adjoining and nearby landowners and the strata body in strata title arrangement. As part of the overall assessment of a particular proposal, comments received will be considered where those comments are relevant to the proposal.

Management of guests

Comments were made in relation to noise and behaviour management of guests and the concern that surrounding residents will have to contact external services in order to assist with short-term accommodation tenants.

The draft policy requires that a management plan be submitted with an application for short-term accommodation. The management plan is aimed at emphasising the landowner's responsibility to manage the facility appropriately and will be subject to compliance action by the City if valid complaints are received.

In addition, the management of noise and anti-social behaviours are also controlled by existing regulatory frameworks that apply in all circumstances, for example the *Environmental Protection (Noise) Regulations 1997* and in certain situations, police intervention. As previously mentioned in this report, it is understood that platforms such as Airbnb and Stayz will also take seriously any lack of action by property owners to ensure the accommodation is operated in accordance with their standards and policies, and may lead to listings being removed from the website(s).

Further modifications following consultation

A number of minor modifications are also proposed to the draft policy to improve the consistency of the use of various terms with the draft policy, as well as to align the wording across the City's suite of local planning policies.

The modifications are considered to be minor and it is therefore recommended that Council proceed with the *Short-term Accommodation Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after LPS3 has been approved by the Minister for Planning and published in the *Government Gazette*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hamilton-Prime, **SECONDED** Cr Fishwick 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 *Short-term Accommodation Local Planning Policy*, with modifications, as included in Attachment 1 to this Report;
- 2** **NOTES** that the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3** **NOTES** the submissions received and **ADVISES** the submitters of Council's decision.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8agnPOLICY170403.pdf](#)

ITEM 10 DRAFT COMMERCIAL, MIXED USE AND SERVICE COMMERCIAL ZONE LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106157, 101515
ATTACHMENTS	Attachment 1 <i>Draft Commercial, Mixed Use and Service Commercial Zone Local Planning Policy (with proposed modifications)</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* following advertising for the purposes of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 18 October 2016 (CJ180-10/16 refers), Council considered the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 10 November 2016 to 1 December 2016. One submission was received and as a result modifications are proposed to the draft policy to clarify building height in activity centre plans and local development plans in the coastal area. Minor modifications are also proposed to improve the formatting and consistency of the policy with the other proposed LPS3 zone policies, as well as update the bicycle end of trip facilities and fencing provisions (Attachment 1 refers).

It is therefore recommended that Council ENDORSES the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, with modifications.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2 (DPS2)*, such as building setbacks, parking standards and landscaping while other development requirements are contained within local planning policies such as signage, building height and small scale renewable energy systems.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73* (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over its own development provisions and will ultimately save time as any updates to the development provisions will only need to go through Council rather than the scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34 (2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the site and development requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in a single document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide non-residential development in the 'Commercial', 'Mixed Use' and 'Service Commercial' zones.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 18 October 2016 (CJ180-10/16 refers), Council resolved to proceed with the draft policy for the purposes of advertising.

DETAILS

The draft policy provides the development requirements for commercial development on land to be zoned 'Commercial', 'Mixed Use' and 'Service Commercial' within draft LPS3 (Attachment 1 refers).

The current provisions contained within DPS2 regulating commercial development within the City have been reviewed and a local planning policy has been developed for use following gazettal of LPS3. The main changes to the DPS2 provisions proposed through the policy are outlined below, and these were advertised for public comment.

Setbacks to buildings

Commercial and Mixed Use zone

It is proposed that street setbacks be decreased from the existing nine metre street setback to 3.5 metres to allow buildings to be built closer to the street boundary. It is considered that a minimum 3.5 metre street setback will allow sufficient space for a pedestrian path and landscaping strip adjacent to the street, and will generally allow for more a flexible building design and better utilisation of a site.

Currently under DPS2, the rear building setback required is six metres and the side setback is three metres. It is recommended that side and rear setbacks to buildings be made a consistent standard of a minimum of three metres. On larger commercial sites, it makes little difference to neighbouring properties and the streetscape whether a boundary that is not a street boundary is a rear or side boundary and therefore the same setback requirement should apply to both.

Service Commercial zone

Street setbacks in the 'Service Commercial' zone are proposed to be reduced from six metres to 3.5 metres to align with the proposed setbacks for the 'Commercial' and 'Mixed Use' zone. As indicated previously this will allow buildings to be built closer to the street boundary while allowing sufficient space for landscaping and pedestrian paths.

The side and rear setbacks are in accordance with those currently in DPS2 for the 'Business' zone (nil) with the exception that buildings adjacent to a 'Residential' zoned lot must be setback three metres to ensure that development does not impose on residential properties.

Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted in December 2015 (CJ228-12/15 refers) and no changes to buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

Built form and design

DPS2 contains very few provisions regarding the design and built form of commercial development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, glazing, building entrances and pedestrian shelter. These standards are not considered onerous or overly restrictive, and will ensure that commercial development positively contributes to the street and local environment.

One of the primary aims of the policy is to ensure that commercial development is street orientated, pedestrian friendly and provides a high standard of amenity. Therefore minimum glazing requirements have been included, external tenancies are required to be outward facing and no blank or unarticulated facades to the public realm are permitted.

Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is provided between tiered retaining walls to soften the visual impact of those walls.

Parking and access

Car parking

DPS2 does not list a car parking standard for every land use listed in the scheme. It is considered preferable however, that each land use has an applicable parking standard and therefore the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Commercial', 'Mixed Use' or 'Service Commercial' zone.

The proposed car parking standards are essentially the same as those currently contained within DSP2. Some of the parking standards have been updated to make them easier to apply. For example, parking standards for Hotel and Tavern have been modified from 'one per 3m² of standing area plus one per 5m² of seating area' to simply 'one per 5m² of bar and dining area'. The parking standard for Recreation Private has been modified from 'one per 2.5 people accommodated' to 'one per four people accommodated'. This is to align the parking standard with the existing standard for similar land uses such as Place of Assembly, Place of Worship and Reception Centre. The other major change is the reduction in the parking standard for Warehouse / Storage from 'one per 50m²' to 'one per 100m²' Net Lettable Area (NLA). A Warehouse / Storage land use is less intense than an Office or Bulky Goods Showroom (which also require parking be provided at 'one per 50m²' NLA) and therefore requires less parking.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to commercial lots.

Scooter and motorbike parking

Scooter and motorbike parking standards have been included as previously requested by the Policy Committee on 12 November 2012. These standards require the replacement of every 30th car bay with two scooter / motorbike bays.

Bicycle parking

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. DPS2 also requires a minimum three metre wide landscaping strip along all street boundaries where a development had a car parking area abutting the street, however does not include a landscaping requirement where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The policy also includes the introduction of a minimum size for landscaped areas. The reduction

in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping within the setback area, but still allow for landscaping to soften the appearance of commercial buildings and improve the visual amenity of the streetscape. A minimum size of 4m² for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air conditioning units, rainwater tanks and letterboxes have been included requiring that they are concealed from the street or located on the roof or basement. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Commercial', 'Mixed Use' and 'Service Commercial' zones have been incorporated into this draft policy.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have been incorporated into this draft policy. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

Issues and options considered

Council has the option to:

- proceed with the policy, with or without modification
or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Planning and Development (Local Planning Scheme) Regulations 2015. Draft Local Planning Scheme No. 3.</i>
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	Activity Centre development.
Strategic initiative	Support the development of fresh and exciting de-centralised areas of activity.

Policy

*Height of Non-Residential Buildings Local Planning Policy.
Small Scale Renewable Energy Systems Policy.
Use of Sea Containers Policy.*

Risk management considerations

General development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

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

Appropriately designed and developed commercial centres provide economic and social benefits to the community in which they are situated as they provide employment, housing and retail opportunities.

The introduction of crime prevention through environmental design (CPTED) principles through glazing and activation requirements could contribute to social sustainability by reducing crime in activity centres and service commercial areas and creating a focal point for the community.

Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* from 10 November 2016, closing on 1 December 2016 by way of:

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

One submission was received during the public consultation period. While this submission specifically related to the Sorrento Activity Centre, it stated that height provisions in the policy should be less prescriptive and that provision should be made to consider additional height in a local structure plan or an activity centre plan.

COMMENT

Response to submissions

The building heights contained in the draft policy are the same as those within the current *Height of Non-Residential Buildings Local Planning Policy*. However, it is considered that the provision outlining that greater building height can be approved as part of a structure plan or activity centre plan is not sufficiently clear. Therefore wording has been introduced into the draft policy to clarify that an activity centre plan can set its own building height, but must still consider issues such as topography, overshadowing and visual permeability, as outlined in the policy. The specified building heights as currently contained within the policy are not proposed to be modified.

Further modifications following consultation

In addition to the proposed modifications outlined above, a number of minor modifications are also proposed to the draft policy to align the wording and formatting with the other proposed LPS3 zone local planning policies to ensure consistency across the City's suite of local planning policies, and to update several development requirements. Wording from the *City's Use of Sea Containers Policy* in regard to the permanent use of a sea container is contained in the draft policy advertised for public comment, however, wording in regard to the temporary use of sea containers is also proposed to be included in the draft policy.

The requirement for end-of-trip bicycle facilities has been modified to allow the provision of unisex shower and change rooms rather than necessitating separate male and female showers, as this is consistent with Austroads guidelines.

Currently, the policy states that no fencing is permitted on the front boundary of a property. The fencing provisions are proposed to be modified to allow visually permeable fencing between the street alignment and the six metre building setback line, or the street alignment and a building, whichever is the lesser distance. It was not considered appropriate that the policy did not permit any fencing along the street boundary.

These proposed modifications are considered to be minor and it is therefore recommended that Council proceed with the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after *Local Planning Scheme No. 3* has been approved by the Minister for Planning and published in the *Government Gazette*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, **SECONDED** Cr Chester 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 *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, with modifications, as included in Attachment 1 to this Report;
- 2** **NOTES** that the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3** **NOTES** the submission received and **ADVISES** the submitter of Council's decision.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agnPOLICY170403.pdf](#)

ITEM 11 DRAFT PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP ZONE LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	106237, 101515
ATTACHMENTS:	Attachment 1 Draft <i>Private Clubs, Institutions and Places of Worship Zone Local Planning Policy</i> (with proposed modifications) Attachment 2 Location of land proposed to be zoned Private Clubs, Institutions and Places of Worship Zone under draft <i>Local Planning Scheme No. 3</i>
AUTHORITY/ DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy* following advertising for the purposes of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 13 December 2016 (CJ229-12/16 refers), Council considered the draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017, closing on 23 March 2017. Fifteen submissions were received, being generally related to the zoning of land, rather than comments on the content of the draft policy. It is noted that any submissions on proposed zoning changes received as part of the public advertising of draft *Local Planning Scheme No. 3* (LPS3) will be considered when the draft scheme is referred back to Council for consideration. One submission was received supporting the small scale renewable energy provisions and one submission was received opposing those provisions.

Minor modifications are proposed to the draft policy to improve the formatting and consistency of the policy with the other proposed LPS3 zone policies, as well as updating bicycle end of trip facilities requirements and fencing provisions.

It is therefore recommended that Council **ENDORSES** the Private Clubs, Institutions and Places of Worship Zone Local Planning Policy, with modifications.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73* (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without need to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this draft local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no relevant provisions to guide to guide non-residential development in the 'Private Clubs, Institutions and Places of Worship' zone.

At its meeting held on 13 December 2016 (CJ-005-02/16 refers), Council resolved to advertise draft LPS3 (CJ005-02/16 refers). After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 29 November 2016 (CJ229-12/16 refers), Council resolved to proceed with the draft policy for the purposes of advertising.

DETAILS

The draft policy provides the development requirements for non-residential development on land to be zoned 'Private Clubs, Institutions and Places of Worship' within draft LPS3 (Attachment 1 refers).

The current provisions contained within DPS2 have been reviewed and a local planning policy has been developed for use following gazettal of LPS3. The main changes proposed through the policy are outlined below, and these were advertised for public comment.

Setbacks to buildings

Unlike other zones, the 'Private Clubs, Institutions and Places of Worship' zone are mostly individual stand-alone lots rather than a series of adjoining lots or a large centre that have the same zoning and will create their own streetscape. The types of uses within the subject zone are also varied, from golf courses to small churches within residential areas.

It is considered that the existing DPS2 building setback of nine metres on primary street frontages for non-residential buildings is excessive. Given that it is not readily anticipated what the building setbacks on adjoining lots are likely to be, a proposed street setback of six metres is considered appropriate, particularly within residential areas where the density code of R20 requires an average building setback of six metres.

Currently under DPS2, the rear building setback required is six metres and the side setback is three metres. It is recommended that side and rear setbacks to buildings be made a consistent standard of a minimum of three metres, as generally it makes little difference to neighbouring properties and the streetscape whether a boundary that is not a street boundary is a rear or side boundary and therefore the same setback requirements should apply to both.

Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted in December 2015 (CJ228-12/15 refers) and no changes to buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and therefore the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

Built form and design

DPS2 contains very few provisions regarding the design and built form of non-residential development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation and building entrances. These standards are not considered onerous or overly restrictive and will ensure that development positively contributes to the street and local environment.

Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping be provided between tiered retaining walls to soften the visual impact of those walls.

Parking and access

Car parking

Within the 'Private Clubs, Institutions and Places of Worship' zone, a range of different land uses can be contemplated.

DPS2 currently includes car parking standards for most land uses listed in DPS2, but not all of them. Where a car parking standard is currently listed in DPS2, that standard has been included in the draft policy. As it is considered appropriate for each land use in LPS3 to have an applicable parking standard, the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Private Clubs, Institutions and Places of Worship' zone.

In addition, some of the parking standards have been updated to make them easier to apply. For example, parking standards for Hotel and Tavern have been modified from 'one per 3m² of standing area plus one per 5m² of seating area' to simply 'one per 5m² of bar and dining area'. The parking standard for Recreation Private has been modified from 'one per 2.5 people accommodated' to 'one per four people accommodated'. This is to align the parking standard with the existing standard for similar land uses such as Place of Assembly, Place of Worship and Reception Centre.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to the lot and building.

Scooter and motorbike parking

Scooter and motorbike parking standards have been included as previously requested by the Policy Committee on 12 November 2012. These standards require the replacement of every 30th car bay with two scooter / motorbike bays.

Bicycle parking

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street, however does not include requirement for landscaping where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping with the setback area, but still allows for landscaping to soften the appearance of buildings and improve the visual amenity of the streetscape. The policy also includes the introduction of a minimum size for landscaping areas, being 4m², to ensure a usable area of land is provided.

Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air conditioning units and rainwater tanks have been included requiring that they are concealed from the street or located on the roof or basement. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Private Clubs, Institutions and Places of Worship' zone have been incorporated into this draft policy.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have also been incorporated. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

Issues and options considered

Council has the option to:

- proceed with the policy with or without modification
or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Planning and Development (Local Planning Scheme) Regulations 2015. Draft Local Planning Scheme No. 3.</i>
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.
Policy	<i>Height of Non-Residential Buildings Local Planning Policy. Small Scales Renewable Energy Systems Policy. Use of Sea Containers Policy.</i>

Risk Management considerations

General development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

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

Appropriately designed and developed buildings provide economic and social benefits to the community in which they are situated as they provide employment and social inclusion opportunities.

The introduction of crime prevention through environmental design (CPTED) principles through glazing and activation requirements could contribute to social sustainability by reducing crime in activity centres and service commercial areas and creating a focal point for the community.

Consultation

The draft policy was advertised for public comment from 23 February 2017, closing on 23 March 2017 by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website
- letters sent to owners of those lots proposed to be zoned 'Private Clubs, Institutions and Places of Worship' under draft LPS3.

A total of 15 submissions were received during the public consultation period.

COMMENT**Response to submissions**

The submissions primarily related to the appropriateness of proposed changes to the zoning of individual sites or generally. This draft policy does not relate to the zoning of specific sites, rather it provides development provisions for the sites identified in draft LPS3 as 'Private Clubs, Institutions and Places of Worship'. It is noted that any submissions on proposed zoning changes received as part of the public advertising of draft LPS3 will be considered when the draft scheme is referred back to Council for consideration.

One comment was received in relation to the development provisions of the policy, being a compliment for the renewable energy provisions. However, one comment was received objecting to the provisions related to the wind energy systems. It is noted that the provisions have been directly transferred from the City's existing *Small Scale Renewable Energy Systems Policy*. This policy has been in operation since February 2011 and modifications are not considered necessary at this point in time.

No other submissions were received on the content of the draft policy.

Modifications following consultation

A number of minor modifications are proposed to the draft policy to align the wording and formatting with the other LPS zone local planning policies and to update several development requirements to ensure consistency across the City's suite of local planning policies.

Wording from the City's *Use of Sea Containers Policy* in regard to the permanent use of a sea container is contained in the draft policy, however wording in regard to the temporary use of sea container is also proposed to be included in the draft policy.

The requirement for end-of-trip bicycle facilities has been modified to allow the provision of unisex shower and change rooms rather than necessitating separate male and female showers, as this is consistent with Austroads guidelines.

The fencing provisions are proposed to be modified to allow visually permeable fencing between the street alignment and the six metre building setback line, or the street alignment and a building, whichever is the lesser distance.

The building heights in the draft policy were taken from the *Height of Non-Residential Buildings Local Planning Policy*. However, it is considered that the provision outlining that greater building height can be approved as part of an activity centre plan or local development plan is not sufficiently clear. Therefore wording has been introduced into the policy to clarify that an activity centre plan can set its own building height, but must still consider issues such as topography, overshadowing and visual permeability as outlined in the policy. The specified building heights as currently contained within the policy are not proposed to be modified.

These modifications are considered to be minor and it is therefore recommended that Council proceed with the *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy*. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after LPS3 has been approved by the Minister for Planning and published in the *Government Gazette*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr Hamilton-Prime that Council:

- 1** In accordance with clause 4(3)(b)(ii) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy*, with modifications, as included in Attachment 1 to this Report;
- 2** **NOTES** that the *Clubs, Institutions and Places of Worship Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No. 3* comes into effect;
- 3** **NOTES** the submissions received and **ADVISES** the submitters of Council's decision.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10agnPOLICY170403.pdf](#)

ITEM 12 DRAFT LIGHT INDUSTRY ZONE LOCAL PLANNING POLICY - CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106279, 101515
ATTACHMENTS	Attachment 1 Draft <i>Light Industry Zone Local Planning Policy</i> (with proposed modifications) Attachment 2 Location of land proposed to be zoned Light Industry under draft <i>Local Planning Scheme No. 3</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Light Industry Zone Local Planning Policy* following advertising for the purposes of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 13 December 2016 (CJ233-12/16 refers), Council considered the draft *Light Industry Zone Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 23 February 2017, closing on 23 March 2017. Two submissions were received. The comments sought clarification about the inclusion of a parking standard for the land use Reception Centre and the provisions for wind turbines.

Minor modifications are proposed to the draft policy in response to the comments and to update the fencing and the bicycle end-of-trip facilities requirements. Minor modifications are also proposed to improve the formatting and consistency of the policy with the other proposed *Local Planning Scheme No. 3* zone policies (Attachment 1 refers).

It is recommended that Council ENDORSES the draft *Light Industry Zone Local Planning Policy*, with modifications.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in a single document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide non-residential development in the 'Light Industry' zone.

At its meeting held on 13 December 2016 (CJ-005-02/16 refers), Council resolved to advertise draft LPS3 (CJ005-02/16 refers). After undertaking a number of modifications required by the WAPC, draft LPS3 was advertised for public comment closing on 14 February 2017.

At its meeting held on 13 December 2016 (CJ233-12/16 refers), Council resolved to proceed with the draft *Light Industry Zone Local Planning Policy* for the purposes of advertising.

DETAILS

The draft policy provides the development requirements for light industry development on land to be zoned 'Light Industry' within draft LPS3 (Attachment 1 refers). A map showing the locations of land proposed to be zoned 'Light Industry' under LPS3 is at Attachment 2.

The current provisions contained within DPS2 regulating light industry development within the City have been reviewed and a local planning policy has been developed for use following gazettal of draft LPS3. The main changes to the DPS2 provisions proposed through the policy are outlined below, and these were advertised for public comment.

Setbacks to buildings

It is proposed that the building setback of six metres on primary street frontages be decreased to 3.5 metres to allow buildings to be built closer to the street boundary. It is considered that a minimum 3.5 metre street setback will allow sufficient space for a pedestrian path and landscaping strip adjacent to the street, and will generally allow a more flexible building design and better utilisation of a site.

Currently under DPS2, a nil setback is permitted to the rear and side boundaries. This setback is not proposed to change, however, where a lot abuts a lot in the 'Residential' zone the minimum setback is proposed to be three metres to assist in reducing building bulk and ensuring adequate light and ventilation to the adjoining site is maintained.

Built form and design

DPS2 contains very few provisions regarding the design and built form of light industry development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, glazing and building entrances. These standards are not considered onerous or overly restrictive, but will ensure that development positively contributes to the street and local environment.

One of the primary aims of the policy is to ensure that light industry development is street orientated and provides a high standard of amenity. Therefore, minimum glazing requirements have been included, external tenancies are required to be outward facing and no blank or unarticulated facades to the public realm are permitted.

Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is provided between tiered retaining walls to soften the visual impact of those walls.

Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted by Council at its meeting held on 15 December 2015 (CJ228-12/15 refers) and no changes to building heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and therefore the scope of the *Height of Non-Residential Buildings Local Planning Policy* will be significantly reduced.

Parking and access

Car parking

Within the 'Light Industry' zone, a range of different land uses can be contemplated.

DPS2 does not list a car parking standard for every land use listed in the scheme. It is considered preferable, however, that each land use has an applicable parking standard and therefore the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Light Industry' zone.

In addition, some of the parking standards have been updated to make them easier to apply. For example, the parking standard for Recreation Private has been modified from 'one per 2.5 people accommodated' to 'one per four people accommodated'. This is to align the parking standard with the existing standard for similar land uses such as Place of Worship. The other major change is the reduction in the parking standard for Warehouse / Storage from 'one per 50m²' to 'one per 100m²' Nett Lettable Area (NLA). A Warehouse/Storage land use is less intense than a Bulky Goods Showroom (which also requires parking be provided at '1 per 50m²' NLA) and therefore requires less parking.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to light industry lots.

Scooter and motorbike parking

Scooter and motorbike parking standards have been included as previously requested by the former Policy Committee on 12 November 2012. These standards require the replacement of every 30th car bay with two scooter / motorbike bays.

Bicycle parking

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. DPS2 also requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street, however does not include a landscaping requirement where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The policy also includes the introduction of a minimum size for landscaped areas. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping within the setback area, but still allow for landscaping to soften the appearance of commercial buildings and improve the visual amenity of the streetscape. A minimum size of 4m² for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air-conditioning units have been included requiring that they are concealed from the street or located on the roof or to the rear of the building. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Light Industry' zone have been incorporated into this draft policy.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have been incorporated into this draft policy. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

Issues and options considered

Council has the option to:

- proceed with the policy, with or without modification
or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015. Draft Local Planning Scheme No. 3.</i>
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.
Policy	<i>Height of Non-Residential Buildings Local Planning Policy. Use of Sea Containers Policy. Small Scale Renewable Energy Systems Policy.</i>

Risk management considerations

Development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

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

Appropriately designed and developed light industry areas provide economic benefit to the broader community in which they are situated as they provide business and employment opportunities.

Consultation

The draft policy was advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 23 February 2017, closing on 23 March 2017 by way of:

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

Two submissions were received during the advertising period. One comment questioned the inclusion of a parking standard for 'Reception Centre' as this land use is not permitted in the 'Light Industry' zone. The second comment sought clarification regarding the provisions for wind turbines.

COMMENTResponse to submissions

In response to the comment about the inclusion of reference to the land use 'Reception Centre', this reference is proposed to be deleted from the policy as this land use is not permitted in the 'Light Industry' zone.

In regard to the comment seeking clarification regarding the wind turbine provisions, it is noted that the provisions have been directly transferred from the City's existing *Small Scale Renewable Energy Systems Policy*. This policy has been in operation since February 2011 and modifications are not considered necessary at this point in time.

Further modifications following consultation

A number of minor modifications are proposed to the draft policy to align the wording and formatting with the other proposed LPS3 zone local planning policies to ensure consistency across the City's suite of local planning policies.

Wording from the City's *Use of Sea Containers Policy* in regard to the permanent use of a sea container is contained in the draft policy, however, wording in regard to the temporary use of sea container is also proposed to be included in the draft policy.

The requirement for end-of-trip facilities has been modified to allow the provision of unisex shower and change rooms rather than necessitating separate male and female showers, as this is consistent with Austroads guidelines.

The fencing provisions have been modified to clarify that visually permeable fencing is permitted between the street alignment and the first six metres of the property or a building, whichever is the lesser distance. This ensures that surveillance of and connection with the street is maintained whilst meeting the practical needs for screening or securing the site.

These modifications are considered to be minor and it is therefore recommended that Council proceed with the *Light Industry Local Planning Policy* with modifications. It is noted that the policy will come into effect when a notice is published in the local newspaper, however this will not occur until after LPS3 has been approved by the Minister for Planning and published in the *Government Gazette*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, **SECONDED** Cr Chester 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 *Light Industry Zone Local Planning Policy*, with modifications, as included in Attachment 1 to this Report;
- 2 **NOTES** that the *Light Industry Zone Local Planning Policy* will come into effect when published in the local newspaper which will occur once *Local Planning Scheme No.3* comes into effect;
- 3 **NOTES** the submissions received and **ADVISES** the submitters of Council's decision.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11agnPOLICY170403.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr John Chester.
Item No./Subject	Item 13 - Draft <i>McLarty Avenue Local Planning Policy</i> .
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's daughter is developing a hospital adjacent to the area covered by the draft <i>McLarty Avenue Local Planning Policy</i> .

ITEM 13 DRAFT MCLARTY AVENUE LOCAL PLANNING POLICY

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	106461, 39603, 55579
ATTACHMENTS:	Attachment 1 Draft <i>McLarty Avenue Local Planning Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider the draft *McLarty Avenue Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

The City has prepared a *Local Planning Policy* (LPP) for Lot 9000 McLarty Avenue and Lot 999 Piccadilly Circle, Joondalup (the subject site). The draft LPP has been prepared in conjunction with the Housing Authority, the owner of the subject site, to guide the development of the subject site as an inner city, residential and mixed use precinct.

The proposed LPP is consistent with the provisions of *Precinct 2 - Health and Wellness* under the draft *Joondalup Activity Centre Plan* (JACP) which has recently been advertised for public comment. The LPP seeks to elaborate on, and further refine the broader development provisions and intent of the draft JACP for the subject site.

It is therefore recommended that Council SUPPORTS the draft LPP for the purpose of advertising for a period of 21 days.

BACKGROUND

The subject site is located to the north of the Joondalup City Centre, within *Precinct 2 – Health and Wellness* under the draft JACP. The site is bounded by Joondalup Drive to the west, Grand Boulevard to the north, McLarty Avenue to the east and Lot 1001 (63) McLarty Avenue (the existing North Metropolitan TAFE site) to the south.

At its meeting held on 21 February 2017, Council resolved to advertise the draft JACP (CJ004-02/17 refers). The draft JACP encompasses the entire Joondalup City Centre (including the subject site) and provides broad, overarching guidance on the future development and retail expansion of the City Centre. Public comment on the draft JACP concluded on 27 March 2017.

The JACP provides high level strategic guidance and broad development provisions to guide development throughout the entire City Centre. A large, undeveloped site such as that within the policy area requires an additional layer of detail to provide more specific direction for future development.

In consultation with the Department of Planning, it has been considered that a LPP is the most appropriate planning mechanism to provide more detailed specific development guidance for large undeveloped land parcels within the JACP. As a result, the draft LPP has been prepared for the subject site, providing a specific vision and development standards to reflect the site context and intended development outcomes.

The draft LPP has been prepared in close consultation with the Housing Authority, as landowner of the subject site.

DETAILS

The hierarchy of the relevant planning framework for this site (if endorsed by Council) will be as follows:

- 1 *Local Planning Scheme No. 3 (LPS3).*
- 2 *Joondalup Activity Centre Plan (JACP).*
- 3 *Local Planning Policy (LPP).*

All development applications submitted for the subject site will be assessed and determined taking into account the provisions and objectives of all three documents above, with LPS3 being a statutory document supported and supplemented by the JACP, and LPP to which the City will give “due regard”.

Table 1 below compares the current provisions of the draft JACP with those provisions incorporated in the draft LPP (as advertised):

TABLE 1 – PROVISION COMPARISON

Provision	Draft JACP	Draft LPP	Officer Comment
<u>Objectives</u>	<p>Precinct 2 – Health and Wellness Objectives:</p> <p>a) Establish Shenton Avenue as the northern gateway to JAC and as a multi-modal east-west connection linking Joondalup Arena and Joondalup Health Campus.</p>	<p>Development that meets the standards and provision of this Policy will support the following four key objectives:</p> <ul style="list-style-type: none"> • A highly walkable, cyclist friendly environment with good access to public transport and local employment opportunities. • A highly urban built-environment that transitions to a higher scale from the established built form to the east. 	<p>The proposed objectives under the draft LPP do not contradict the objectives for <i>Precinct 2 – Health and Wellness</i> under the draft JACP.</p> <p>It is considered the proposed objectives under the draft LPP further refine the broader precinct objectives and are more specific to the policy area, focusing on the development of the site.</p>
	<p>b) Encourage more intense development on both sides of Joondalup Drive and Grand Boulevard.</p> <p>c) Improve pedestrian connectivity between Joondalup Arena and Joondalup Health Campus.</p> <p>d) Establish Kennedy Drive as an east-west connector for all transport modes.</p> <p>e) Establish a centrally located community focal point or neighbourhood centre to serve the residential community in the precinct.</p>	<ul style="list-style-type: none"> • A landscaped and activated public realm with access to breezes and natural light to promote liveability. • A range of housing types that provide for a diversity of households. 	

Provision	Draft JACP	Draft LPP	Officer Comment
<u>Land Use</u>	Land use permissibility is included for the Precinct 2 – Health and Wellness under Table 2 of the draft JACP.	<p>‘Preferred uses’ are provided as a guide for each Precinct within the policy area as described in Diagram 2. Further permissible land uses are described in the Joondalup Activity Centre Plan, Table 2 Land Use Permissibility:</p> <p><u>Precinct 1:</u> Residential and aged care accommodation.</p> <p><u>Precinct 2:</u> Residential and short stay accommodation.</p> <p><u>Precinct 3:</u> Commercial uses including retail, restaurant, civic, community purpose and office at ground floor with residential above.</p> <p><u>Precinct 4:</u> Residential.</p> <p><u>Precinct 5:</u> Residential, short stay accommodation and educational establishment.</p>	<p>The preferred uses identified under the draft LPP do not contradict the land-use permissibility table under the draft JACP.</p> <p>The LPP seeks to provide further guidance as to where such uses would be preferable based on the vision for the policy area.</p> <p>The draft LPP clarifies that the ‘preferred uses’ listed for each precinct are provided as a guide, and further permissible land uses are described on the JACP.</p>
<u>Building Height</u>	Development within <i>Precinct 2 – Health and Wellness</i> is required to be a minimum of 13.5 metres and a maximum of 45 metres as per <i>Figure 4 – Building Heights Plan</i> .	<p>Development height, scale and intensity will vary across the precinct. Indicative storey heights are reflected in Figure 4 Indicative Building Heights.</p> <p>Key consideration will also be given to:</p> <ul style="list-style-type: none"> • the creation of active, well design streetscapes. • building orientation for solar access and addressing the street. • space between taller buildings on the same site to ensure privacy between habitable rooms and access to cooling summer breezes. 	<p>The draft LPP provides guidance on where buildings of a certain height are considered appropriate based on the vision for the site.</p> <p>The <i>Indicative Building Heights Plan</i> (Figure 4 under the draft LPP) illustrates potential building heights in storeys, taking into account the context of the surrounding land, while still maintaining the intent of the 13.5 metres to 45 metres building height range specified under the draft JACP is achieved.</p>

Provision	Draft JACP	Draft LPP	Officer Comment
		<ul style="list-style-type: none"> • the provision of shade, shelter and amenity to active pedestrian frontages. <p>Roof structures and screening associated with utilities / service infrastructure may extend up to 1.0 metre above the maximum building height specified under the JACP.</p>	<p>The increase in building height by 1.0 metre meets the intent and provisions under the draft JACP. The definition of building height under the JACP states that building height is determined based on the distance from natural ground level to the roof ridge height of any building. As a result, a building can still be built to a roof height of 45 metres; however additional services and utilities can be located on the roof of the building without varying the building height provision.</p> <p>The draft LPP therefore provides appropriate guidance as to what additional height is considered appropriate for minor incursions above the maximum building height.</p>
<u>Movement Network</u>	<p>Four-way intersection anticipated under JACP at the intersection of Joondalup Drive and Kennedy Drive.</p> <p>Upgrade required to the intersection of Shenton Avenue and Lawley Crescent.</p> <p>Number of additional inter-connected streets within subject site which link in with the existing road network.</p>	<p>Key road connections defined under the LPP as:</p> <p>a) Intersection access to Joondalup Drive (modification of the existing intersection required); and,</p> <p>b) Intersection access to the south of the policy area to connect with Shenton Avenue (modification to the existing intersection required).</p>	<p>The overall road network identified under the draft LPP is consistent with that shown under the Health and Wellness Precinct Plan (Figure 7) of the draft JACP.</p>

Provision	Draft JACP	Draft LPP	Officer Comment
<u>Public Realm</u>	Public Open Space (POS) site identified under the Health and Wellness Precinct Plan (Figure 7).	Public Realm Precincts are included within the draft LPP to identify the objectives and key considerations for each precinct. Public Open Space (POS) site is included on the western side of the policy area adjacent to Joondalup Drive.	The draft LPP provides further guidance on what is to be accommodated with the public areas of the policy area, and ensures that the POS site to the west of the policy area is consistent with that shown under the Health and Wellness Precinct Plan (Figure 7) of the draft JACP.

All other provisions which are silent (not defined) under the draft LPP will be assessed as per the relevant provision under the Residential Design Codes (R-Codes), the City's Scheme and / or the JACP.

Issues and options considered

Council has the option to:

- advertise the draft *McLarty Avenue Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *McLarty Avenue Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Scheme) Regulations 2015.*
Draft Local Planning Scheme No. 3.

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.

Policy Not applicable.

Risk Management considerations

The LPP will need to be consistent with the JACP. Should modifications to the draft JACP occur, this may result in modifications being needed to the LPP. Subject to the extent of these modifications, the LPP may need to be re-advertised if significantly different from that originally advertised. This would delay the consideration of the LPP and add additional costs associated with re-advertising.

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

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy to be advertised for public comment for a period of not less than 21 days. The LPP will therefore be advertised for a period of 21 days by way of:

- a notice published in the local newspaper
- a notice, documents and on-line comment form placed on the City's website.

The draft LPP will also be provided to North Metropolitan TAFE and the Department of Training and Workforce Development given this landowner / tenant directly abuts the subject site and integrates with it. Given the draft LPP is consistent with the provisions of the draft JACP and this document has only recently been advertised, it is not considered necessary to write to any other landowners in the vicinity of the subject site.

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 WAPC. The proposed policy is not considered to be inconsistent with any State planning policy.

COMMENT

As detailed in Table 1 above, the provisions of the draft LPP align with those under the draft JACP and therefore no inconsistency are proposed.

It is therefore recommended that Council ENDORSES advertising of the draft *McLarty Avenue Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, **SECONDED** Mayor Pickard 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 draft *McLarty Avenue Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick, Hamilton-Prime, Hollywood and Taylor.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12agnPOLICY170403.pdf](#)

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.52pm; the following Committee Members being present at that time:

Cr Liam Gobbert
Mayor Troy Pickard
Cr Kerry Hollywood
Cr Philippa Taylor
Cr Christine Hamilton-Prime
Cr John Chester
Cr Russ Fishwick, JP