

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 29 NOVEMBER 2005

ATTENDANCE AND APOLOGIES

CMR J PATERSON - Chairman
CMR S SMITH - Deputy Chairman
CMR M ANDERSON

Officers:

Chief Executive Officer:	G HUNT	
Director, Corporate Services:	P SCHNEIDER	
Director, Planning and Community Development:	C HIGHAM	
Director, Infrastructure Services:	D DJULBIC	<i>From 2009 hrs</i>
Manager Marketing Communications and Council Support:	M SMITH	
Team Leader, Organisational Policy and Planning:	G BLAKE	
Committee Clerk:	J HARRISON	

The Chairman declared the meeting open at 2000 hrs.

APOLOGIES

Apologies – Cmr Clough and Cmr Fox

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD ON 18 OCTOBER 2005

MOVED Cmr Smith **SECONDED** Cmr Anderson that the minutes of the meeting of the Policy Committee held on 18 October 2005 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (3/0)

ITEMS OF BUSINESS

ITEM 1 PROPOSED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 TO INCLUDE PROVISION IN REGARD TO THE HEIGHT OF DEVELOPMENTS IN NON-RESIDENTIAL ZONES ADJACENT TO THE COAST – [83573]

WARD: South Coastal, Whitford, Marina, North Coastal

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To request the Policy Committee to consider the initiation of an amendment to the District Planning Scheme No 2 (DPS2), to include provisions in regard to the height of developments in non-residential zones adjacent to the coast.

EXECUTIVE SUMMARY

In 2004, the Minister for Planning and Infrastructure recommended that the Council consider the introduction of commercial height controls for land along the coastal strip.

Maximum height requirements can be introduced via a Local Planning Policy, or via an amendment to DPS2. While a policy is an approach that can be considered by Council, it does not have the statutory status of the DPS2, and an amendment to DPS2 is recommended in this instance.

In order to address the Minister's recommendation, it is proposed to amend the DPS2 to introduce a height limit of 10 metres in the non-residential zones of the coastal strip. The coastal strip is proposed to be the area 300 metres from the horizontal setback datum of the coast as defined by the Western Australian Planning Commission's (WAPC) State Coastal Planning Policy (Statement of Planning Policy 2.6). The proposed coastal area is shown in Attachment 1.

To support the introduction of DPS2 height controls in the coastal area, a definition of 'Natural Ground Level', and minor amendments to the definition of 'Height' are proposed to be included within DPS2.

It is recommended that the Policy Committee refers to the Council that:

- 1 *Pursuant to section 7 of the Town Planning and Development Act 1928, Council AMENDS the City of Joondalup District Planning Scheme No 2, for the purpose of advertising for a period of 42 days, as follows:*

"1. A new clause 4.17 is added as follows:

4.17 BUILDING HEIGHT

4.17.1 This clause applies to all land other than land within the Residential Zone.

4.17.2 *On land within 300 metres of the horizontal set back datum of a coast, as defined in the Western Australian Planning Commission's Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height.*

4.17.3 *Notwithstanding clause 4.5, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.*

2 *Schedule 1 is amended as follows:*

(a) *the definition "height" is deleted and the following definition is substituted:*

"height: when used in relation to:

- (i) a building used exclusively for residential purposes, has the same meaning given to it in the Codes; or*
- (ii) a building used other than exclusively for residential purposes, means the vertical distance measured at any point from the natural ground level to the uppermost part of the building above that point excluding any chimney or vent pipe."*

(b) *by adding the following new definition:*

"natural ground level:

- (a) means the ground level as formed by nature; or*
- (b) where a level exists other than the ground level as formed by nature, and that level is the subject of all approvals required by law to authorise that level, means that level."*

3 *In accordance with Section 25 of the Town Planning Regulations 1967, prior to the advertising period commencing, Council FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.*

4 *That the advertising period for the proposed amendment to DPS2 as outlined in Point 1 and 2 commence following the Christmas and New Year period.*

5 *In accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the draft Policy as per Attachment 4 for the purpose of public advertising for a period of twenty-one (28) days for public comment.*

6 *NOTES that no amendments to Policy 3-2 Height and Scale of Buildings within a Residential Area are required.*

BACKGROUND

In 2004, the Minister for Planning and Infrastructure held an inquiry into whether the City/Council had enforced the provisions of its DPS2 in relation to the Mullaloo Tavern redevelopment. While the Minister found there was no case to answer, it was recommended that the lack of commercial height controls within the coastal view shed be addressed.

Western Australian Planning Commission (WAPC) – Clause 32 (Resolution No 62)

Subsequently, the issue has been considered on a generic basis for all coastal land within the Perth Metropolitan area.

The WAPC has recently adopted Clause 32 Resolution No 62 relating to Coastal Buildings Above Specified Heights. The resolution requires all Councils to refer for determination by the WAPC all applications for approval to commence development for residential, office and hotel purposes above specified heights on land within 300 metres of the horizontal setback datum of the coast, as defined in the State Coastal Planning Policy (Statement of Planning Policy 2.6), as follows:

- (i) *Where no building height is set out in the operative local government town planning scheme, development applications for the purposes indicated (or any combination of those purposes) exceeding five storeys and 21 metres in height.*

or

- (ii) *Where the operative local government town planning scheme sets out a building height limitation of eight storeys or above in respect of the area, developments for the purposes indicates (or any combinations of those purposes) exceeding eight storeys and 32 metres in height.*

At present, (i) above would apply to the City of Joondalup as DPS2 does not include coastal height provisions. However, Council Policy 3-2 (Height and Scale of Buildings within a Residential Area) applies to development within the Residential Zone.

In addition, the WAPC is currently advertising a proposed amendment to the State Coastal Planning Policy to incorporate height limits within that Policy. It is proposed that a height limit of 5 stories be included, while 8 stories may be considered in certain circumstances. Local Authority Town Planning Schemes may specify lower maximum height limits in order to achieve outcomes that respond to the desired character, built form, and the amenity of the locality.

Policy 3-2 Height and Scale of Buildings within a Residential Area

At its meeting held on 2 November 2005, Council considered a recommendation of the Policy Committee, and resolved the following:

“Requests that a draft policy be presented to the Policy Committee on Policy 3-2 Height and Scale of Buildings within Residential Areas, that includes coastal areas and is based on the expectation that full public participation is undertaken.”

Policy 3-2 currently covers all areas zoned Residential, including the coastal areas, unless otherwise determined by a structure plan. The policy establishes a ‘building envelope’ over a site, which at its maximum is 8.5m in height. The height envelope is not a statutory limit, rather it provides an ‘as of right’ path to development approval. If a proposed development exceeds the building envelope a neighbour consultation process is invoked.

The purpose of this report is to address those coastal areas not covered by Policy 3-2. No change to Policy 3-2 is therefore proposed.

Regional Reservations

The provisions of DPS2 do not apply to Regional Reservations under the Metropolitan Region Scheme. Therefore, any scheme amendment adopted by Council to include coastal height limits would not apply to those Reserves (eg Hillarys Boat Harbour, Ocean Reef Boat Harbour).

DETAILS

Issues and options considered:

Policy Approach vs Height Controls within DPS2

The issue of coastal building height controls can be progressed via a policy, or by an amendment to DPS2.

The policy approach would be in the form of a Local Planning Policy under the provisions of DPS2, however, such a policy does not form part of the DPS2. Clause 8.11.2.2 of DPS2 states:

“A Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of any Policy and the objectives which the Policy is designed to achieve before making its decision.”

Council is therefore obliged to have regard to the policy; however, a policy itself does not have any statutory power. An amendment to DPS2 provides a statutory tool to enforce any height controls, thereby potentially providing more certainty in the built form outcome.

An amendment to DPS2 can be worded to either:

- (a) set a coastal height limit that is not open for discretion to be exercised by Council or the State Administrative Tribunal (SAT).

Advantages: Sets a clear, maximum height limit for development in non-residential zones adjacent to the coast. Provides certainty to the community and developers as to the limit.

Disadvantages: Depending on the height limit chosen, this may be a disincentive for the redevelopment/improvement of a particular site. Does not allow any flexibility in assessing proposals that may otherwise be desirable and appropriate, or have community support.

- (b) set a height limit, however, maintain Council and the SAT's ability to exercise discretion.

Advantages: Allows Council to grant discretion in regard to the height of a building if considered appropriate. Council can establish the parameters for considering variations to the height limit.

Disadvantages: A less definitive approach given the available discretion. A refusal by Council would be open to appeal at the SAT.

- (c) set a height limit as per (a) above, however, require a structure plan to be prepared over a site if a development is proposed to be higher than the specified height limit. Among other things, the structure plan would address the height, scale and bulk of the development. The structure plan process is also subject to community consultation.

Advantages: Allows the structure plan process to be invoked to allow a holistic approach to be development of the site, including the implications of the height of buildings.

Disadvantages: a structure plan application may be subject to appeal and therefore the issue of height may be taken out of Council control.

The time needed to finalise an amendment to DPS2 can be in the order of 6 to 9 months given the statutory advertising process, and the required consideration by Council, the WAPC and the Minister for Planning and Infrastructure. A Local Planning Policy must be advertised for public comment for a minimum of 21 days, however, does not required the approval of the WAPC or the Minister for Planning and Infrastructure. Depending on the consultation process, a Local Planning Process can be implemented in approximately 3 months.

Council could consider the implementation of a Policy as an interim measure while any amendment to DPS2 is progressed. A Policy (Attachment 4) has been drafted which reflects the intent of the scheme amendment.

The current policy in regard to the height of buildings in the Residential zone (Policy 3-2) has been an effective tool in ensuring that a low-rise residential environment is maintained. It is not proposed to alter this policy.

Key Sites

There are a limited number of non-residential zoned sites in the coastal area. Some of these sites are covered by structure plans that contain provisions in regard to height. The key coastal sites area as follows:

Coastal areas (non-residential zonings) not currently covered by a structure plan are:

- West Coast Drive corner The Plaza, Sorrento (commercial area)
- West Coast Drive corner The Plaza, Sorrento (Sorrento Beach Resort)
- Oceanside Promenade (Mullaloo Tavern site), Mullaloo
- Sacred Heart College, West Coast Drive, Sorrento
- Northshore Country Club, West Coast Drive, Kallaroo

Other key areas covered by a structure plan:

- Hillarys Structure Plan - West Coast Drive corner Hepburn Ave ('Harbour Rise' mixed use area, 2 storey with possibility of 3 storey height limit)
- Iluka Structure Plan 'Centre Zone' (3 storey height limit)
- Burns Beach Structure Plan 'Beach Shop' precinct (no height limit stated)

As the provisions of DPS2 does not apply to land reserved under the Metropolitan Region Scheme, any proposed DPS2 amendment would not apply to those areas (eg Hillarys Boat Harbour, Ern Halliday Reserve).

Ocean Reef Boat Harbour will be developed in accordance with an approved structure plan. As the site is located on a regional reservation, it is not subject to the provisions of DPS2.

As noted previously, Policy 3-2 Height and Scale of Buildings covers all areas zoned 'Residential' and the proposed DPS2 amendment would be worded so as to not apply to this zone.

Defining the Coastal Strip

The WAPC State Coastal Planning Policy (Statement of Planning Policy No 2.6) defines the coastal strip as land within 300 metres of the horizontal setback datum of the coast. The same definition of the coastal strip can be utilised for the purposes of the proposed DPS2 amendment. This will provide a consistent approach to the issue.

Proposed Definitions within DPS2

Any amendment to include height controls within DPS2 will require a definition of how height is measured. The current method of measurement of height differs from the definition contained in the Residential Design Codes and the Model Scheme Text. It is considered preferable to more closely align the DPS2 definition with the R-Code definition to standardise how building height is measured, as follows:

“height: when used in relation to:

- (a) a building used exclusively for residential purposes, has the same meaning given to it in the Codes; or
- (b) a building used other than exclusively for residential purposes, means the vertical distance measured at any point from the natural ground level to the uppermost part of the building above that point excluding any chimney or vent pipe.”

If the above definition is adopted, a definition for 'natural ground level' would also need to be included within DPS2. The following definition is adapted from that contained within the Residential Design Codes:

“natural ground level:

- (a) means the ground level as formed by nature; or
- (b) where a level exists other than the ground level as formed by nature, and that level is the subject of all approvals required by law to authorise that level, means that level.”

Options

In considering this proposed amendment to DPS2, Council can:

- Not adopt the proposed amendment,
- Adopt the amendment for the purposes of public advertising,
- Modify the proposed amendment, and adopt the modified amendment for the purposes of public advertising.
- Council also has the option of developing coastal height provisions via a Local Planning Policy, rather than an amendment to DPS2.

Link to Strategic Plan:*Key Focus Area: City Development*

Outcome: The City of Joondalup has well maintained assets and built environment.

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

Legislation – Statutory Provisions:

Section 7 of the Town Planning and Development Act 1928 (TPD ACT 1928) together with Section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and set out the process to be followed (Attachment 3 refers).

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

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

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

Risk Management considerations:

Building height along Perth's coast is a current community issue and there is a risk involved in not addressing or providing direction on the issue.

Depending on the height limit determined, there is a risk that development incentives may be reduced as there is there seen to be limited economic return in rejuvenation or development of a particular site.

This is also a risk that the WAPC and the Minister for Planning and Infrastructure may not agree to the proposed amendment. However, as indicated in the documents relating to the WAPC proposal to introduce height limits into the State Coastal Policy, local authorities may specify a lower height limit in their town planning schemes.

Financial/Budget Implications:

There are sufficient funds within operational budgets to cover this statutory planning process.

Regional Significance:

The coastline within the City of Joondalup area is a regional asset, which attracts both locals and visitors to the area. There has been recent media attention on the various aspects of development on the Perth coast, including the potential height of buildings. The proposed amendment seeks to protect and enhance the coastal asset.

Sustainability implications:

The development of small community activity hubs near the coast is considered to be desirable, as these will provide facilities that allow the local and wider community to enjoy the coast. These facilities can add to the social wellbeing of the community, provide additional employment opportunities, and potentially provide a choice of housing. There are economic benefits by attracting small businesses to the area, as well as potential indirect economic benefits by attracting visitors to the City of Joondalup.

Consultation:

A statutory public consultation period of 42 days applies to town planning scheme amendments. Following Council adoption of any proposed amendment, the proposal is forwarded to the EPA, and then advertised for a public comment period of 42 days. The public comments are then referred back to Council for consideration.

The City's public participation strategy outlines that public participation (as opposed to public consultation) is appropriate for major town planning scheme reviews and studies, while public consultation is appropriate for scheme amendments. Given that there is community awareness and desire to implement coastal height limits, it is considered that community views will be appropriately addressed through the 42-day consultation process.

In regard to Local Planning Policies, once a draft policy is prepared or proposed to be modified, it is required to be advertised in accordance with clause 8.11.3 of DPS2 by way of a notice published once a week for two consecutive weeks in the local newspaper, giving notice where the draft policy may be inspected. The draft policy is also advertised on the Council's website. The specified period for advertising is not be less than twenty-one (21) days.

The Duncraig/Sorrento/Marmion Ratepayers Association has advised the City that its position in regard to the possible redevelopment of the commercial site on West Coast Drive, Sorrento, is that development should be no higher than the existing building, being 9.4m.

COMMENT**Height Rationale**

The coastal non-residential zoned areas within the City of Joondalup consist of relatively small nodes, rather than larger areas or continuous strips (eg. Cottesloe or Scarborough). As such, there is a community expectation that the scale of any development at these locations would be compatible with, and not dominate, the adjoining area. There is also an expectation that potential of the commercial sites is recognised, and high quality facilities and services be provided on these sites for the community to enjoy.

In the context of the City of Joondalup coastal areas, it is considered that only 'low-rise' buildings are appropriate. This is based on providing a balance on the above expectations, as well as not overdeveloping a particular site in terms of development standards. For example, the higher the building, the greater the requirement for the provision of on-site car parking.

The table below outlines various implications of different heights.

Building Height	Implications
12m	May allow 3-4 storey building. Potentially out of character with surrounding (residential) areas. May encourage over development of a site in regard to the applicable development standards (eg car parking) Allows flexibility in building design at 3 storeys.
10-11m	Allows 2-storey building, possibly 3 depending on design. Within +0.5m of maximum residential building heights in coastal structure plan areas (9.5m) Somewhat flexible in terms of building design at 2 storeys, more restrictive at 3 storeys
9m-10m	Allows 2 storey building Height akin to a number of coastal structure plan areas (eg residential building height limit of 9.5m)

Proposed Height Limit vs Proposed WAPC Height Limit

The WAPC are currently advertising a proposal to include height limits with the State Coastal Policy. This would establish a 5 storey (21m) height limit, with the possibility of 8 storeys (32m) with community support.

It is envisaged that any development of the non-residential nodes along the coast within the City of Joondalup would function as small community activity centres, providing low-key commercial development such as cafes and small retailers. It would be appropriate that the height and scale of the buildings reflect this, and it is considered that a 5 storey high limit is not appropriate in the context of the City of Joondalup.

It is acknowledged that the any proposed height limit may be subject to debate as to the appropriateness of that particular height. It is proposed that a 10m-height limit be established in the coastal strip. The rationale for the proposed height is that this height could enable, for example, a mixed-use development consisting of ground floor commercial tenancies, with residential above. For comparison, the current building height policy for Residential zoned areas establishes a building envelope with a maximum height of 8.5 metres. If a development exceeds the building envelope a neighbour consultation process is invoked. In other coastal residential areas covered by structure plans (i.e. Hillary's Harbour Rise, Iluka, Burns Beach) the maximum dwelling height is 9.5m.

It is considered that the proposed 10m height limit is akin to a residential scale, however, can provide some flexibility in terms of building design. Regardless of the limit, it is likely that the community in general is seeking more surety as to what building height can be expected in coastal locations.

The proposed amendment is required to be advertised for a period of 42 days in line with statutory requirements. All comments on the proposal will be reported back to Council for consideration. Submissions will be considered on planning merit, including (but not restricted to) such aspects as the current zoning and potential uses of the land, the desirability of the coastal area, the compatibility with the surrounding area, and the potential desirability for redevelopment of the existing sites.

Interim Policy

While an amendment to DPS2 to introduce height controls will give the controls statutory weight, the timeframe to finalise the amendment may take up to 9 months. In the interim, it is recommended that a draft Policy be advertised for public comment. The Policy would contain the same intent as the amendment to DPS2, however, is not a statutory tool. The Policy, however, could be implemented in a shorter time period (approximately 3 months), and would outline Council's position on the issue.

If the interim Policy is adopted, It is considered appropriate to extend the minimum advertising period from 21 days to 28 days due to the Christmas and New Year Period.

ATTACHMENTS

Attachment 1	Extent of Coastal Area (plan)
Attachment 2	Key coastal locations
Attachment 3	Scheme Amendment process
Attachment 4	Draft Local Planning Policy

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee refers to the Council:

- 1 *Pursuant to section 7 of the Town Planning and Development Act 1928, Council AMENDS the City of Joondalup District Planning Scheme No. 2, for the purpose of advertising for a period of 42 days, as follows:*

"1. A new clause 4.17 is added as follows:

4.17 BUILDING HEIGHT

4.17.1 This clause applies to all land other than land within the Residential Zone.

4.17.2 On land within 300 metres of the horizontal set back datum of a coast, as defined in the Western Australian Planning Commission's Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height.

4.17.3 Notwithstanding clause 4.5, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.

2 *Schedule 1 is amended as follows:*

- (a) *the definition “height” is deleted and the following definition is substituted:*

“height: when used in relation to:

- (i) a building used exclusively for residential purposes, has the same meaning given to it in the Codes; or*
- (ii) a building used other than exclusively for residential purposes, means the vertical distance measured at any point from the natural ground level to the uppermost part of the building above that point excluding any chimney or vent pipe.”*

- (b) *by adding the following new definition:*

“natural ground level:

- (i) means the ground level as formed by nature; or*
- (ii) where a level exists other than the ground level as formed by nature, and that level is the subject of all approvals required by law to authorise that level, means that level.”*

- 3 *In accordance with Section 25 of the Town Planning Regulations 1967, prior to the advertising period commencing, Council FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.*
- 4 *That the advertising period for the proposed amendment to DPS2 as outlined in Point 1 and 2 commence following the Christmas and New Year period.*
- 5 *In accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the draft Policy as per Attachment 4 for the purpose of public advertising for a period of twenty-one (28) days for public comment.*
- 6 *NOTES that no amendments to Policy 3-2 Height and Scale of Buildings within a Residential Area are required.*

MOVED Cmr Smith SECONDED Cmr Anderson that the Policy Committee refers to the Council:

- “1 Pursuant to section 7 of the Town Planning and Development Act 1928, Council AMENDS the City of Joondalup District Planning Scheme No. 2, for the purpose of advertising for a period of 42 days, as follows:**

“1. A new clause 4.17 is added as follows:

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6 *NOTES that no amendments to Policy 3-2 Height and Scale of Buildings within a Residential Area are required.*

SUBJECT TO the following amendments to the draft policy:

- 1 Greater emphasis in the document explaining to the community that the scheme amendment does not apply to MRS Reserve land;**
- 2 inclusion of clarity about the status of other reserve land;**
- 3 enhancement of the sustainability implications statement to include impact on the environment;**
- 4 in relation to the policy, that the delegation to officers would not apply.**

The Motion was Put and

CARRIED (3/0)

ITEM 2 SUSTAINABILITY POLICIES – [26176]

WARD: All

RESPONSIBLE Garry Hunt
DIRECTOR: Office of CEO

PURPOSE

To provide the Policy Committee with the following for consideration:

- Discussion Paper on Sustainability;
- Draft Council Policy committing all Council Policies to sustainability outcomes; and
- Draft City Sustainability Policy.

EXECUTIVE SUMMARY

All policies of Council have been categorised as 'Council' or 'City' Policies according to the Policy Governance Framework endorsed by the Council on 26 April 2005 (*refer CJO64 – 04/05*).

The Policy Committee has been established to oversee the review and development of Council Policies which are defined in the framework as *“strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions.”*

The Council has referred all Council Policies to the Policy Committee for review and further development. Those policies categorised as 'Council' Policies are:

- 1-1 Leisure
- 1-2 Public Participation
- 2-1 Environmental Sustainability
- 3-1 Child Care Centres
- 3-2 Height and Scale of Buildings within Residential Areas
- 3-3 Centres Strategy
- 4-1 Code of Conduct
- 4-2 Setting Fees and Charges

Council further identified a number of gaps in Council Policies and these matters were also referred to the Policy Committee for consideration, those being:

- Financial Planning – Strategic Matters
- Economic Development
- Service Delivery (range/scope/role)
- Community Development; (include leisure, cultural development etc)

On 18 October 2005 the Policy Committee determined:

- 1 That the following Council Policies are to be drafted in the following order of priority:
 - (a) Policy 3-2 – Height and Scale of Buildings within Residential Areas;
 - (b) Sustainability;
 - (c) Financial Planning – Strategic Matters;
 - (d) Economic Development;
 - (e) Service provision;
 - (f) Community Development;
 - (g) Public Participation.
- 2 A draft policy be presented to the Policy Committee on Policy 3-2 – Height and Scale of Buildings within Residential Areas that includes coastal areas and is based on the expectation that full public participation is undertaken.

This report provides a draft Council Policy on Sustainability and a draft City Policy on Sustainability for consideration by the Committee. The Height and Scale of Buildings in residential and coastal areas is dealt with by way of a report to the Committee under separate cover.

BACKGROUND

Council established a Policy Committee at the meeting of 26 April 2005 (*refer CJO64 – 04/05*). Council endorsed the following terms of reference for the Policy Committee:

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

The report to the Council Meeting of 26 April 2005 recommended a new framework for the development and review of policies at the City of Joondalup consisting of two distinct sets of policies:

- 1 *Council Policies* - strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions.
- 2 *City Policies* - policies that are developed for administrative and operational imperatives and have an internal focus.

The Policy Framework was endorsed by the Council and in accordance with that framework, Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community.

City policies will be drafted by officers for Council consideration and these policies will still require Council endorsement however this will occur as part of the normal Council meeting cycle. Council may direct that some or all City Policies be advertised for public comment prior to endorsement. In the case of Local Planning Policies it is a statutory requirement that draft policies are to be advertised, and that public submissions are to be considered prior to adoption of the policy.

In order to progress the Policy Framework and to facilitate the work of the Policy Committee in the development and review of Council Policies a detailed review of the Policy Manual was undertaken and a number of changes were made to those policies categorised as City Policies. The Council endorsed the revised Policy Manual on 11 October 2005 (*refer CJ206-10/05*).

Council Policies, other than their categorisation, were not reviewed, but were referred, by the Council, to the Policy Committee for review and further development.

Sections 3.1 and 3.2 – matters relating to development, many of which are subsidiary policies developed under the District Planning Scheme (DPS2) were excluded from the Review as they require a specific review process; (These local planning policies are currently being reviewed as a separate exercise in accordance with the provisions of the DPS2 and a separate report/s will be provided to Council following that review).

The Council endorsed the following policies as Council Policies:

- 1-1 Leisure
- 1-2 Public Participation
- 2-1 Environmental Sustainability
- 3-1 Child Care Centres
- 3-2 Height and Scale of Buildings within Residential Areas
- 3-3 Centres Strategy
- 4-1 Code of Conduct
- 4-2 Setting Fees and Charges

The Council further identified the following gaps in Council Policies for consideration by the Policy Committee:

- Financial Planning – Strategic Matters
- Economic Development
- Service Delivery (range/scope/role)
- Community Development; (include leisure, cultural development etc)

At the Policy Committee Meeting of 18 October 2005 the following changes were suggested:

- A more appropriate title for 'Setting of Fees and Charges' is 'Pricing Policy';
- 'Service Delivery' to become 'Service Provision' to better reflect the different roles of the City in providing services to the community, and
- 'Financial Planning – Strategic Matters' to become 'Stewardship of Financial Resources'.

On 18 October 2005 the Policy Committee determined:

- 1 That the following Council Policies are to be drafted in the following order of priority:
 - (a) Policy 3-2 – Height and Scale of Buildings within Residential Areas;
 - (b) Sustainability;
 - (c) Financial Planning – Strategic Matters;
 - (d) Economic Development;
 - (e) Service provision;
 - (f) Community Development;
 - (g) Public Participation.
- 2 A draft policy be presented to the Policy Committee on Policy 3-2 – Height and Scale of Buildings within Residential Areas that includes coastal areas and is based on the expectation that full public participation is undertaken.

The Policy Committee also requested that a report be provided to the next Policy Committee on a revised Council Sustainability Policy that commits all policies of the Council to sustainability objectives.

The Draft Council Policy on Sustainability, shown as *Attachment 2* to this report, is the overarching policy committing all Council Policies to sustainability objectives. The Policy Committee also requested that a City Sustainability Policy be prepared for consideration by the Committee. This draft City Policy is shown as *Attachment 3* and is intended to replace the current Environmental Sustainability Policy 2-1.

DETAILS

Issues and options considered:

The Local Government Act 1995 requires that

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

There are many definitions of sustainability. In the development context it can be described as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. In the larger context of local governance, it is about using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.

The Discussion Paper shown as *Attachment 1* to this report provides a summary of sustainability issues for Local Government and provides a number of definitions and approaches to sustainability from a range of organisations.

In order to align with the Western Australian Government it is suggested that the definition of sustainability contained in the Western Australian State Sustainability Strategy, be adopted by the Council, that being:

Meeting the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

Following consideration of a number of approaches to sustainability and varying principles adopted by organisations, it is recommended that the set of principles endorsed at the 2002 World Summit of local governments held in Johannesburg which focused on the issues of sustainable development, are used for the Council Policy on Sustainability, those being:

- 1 *The overarching principle of Sustainable Development (integrating the economic, social, cultural and environmental dimensions)*
- 2 *Effective Democratic Decentralisation (with a substantial set of key competences, and commensurate financial resources for local governments)*
- 3 *Good Governance (effective leadership, transparency, accountability, probity, proper management and effective services, equitable access to services, a commitment to partnership working, and institutional capacity building.); and*
- 4 *Co-operation and Solidarity (partnerships for exchange of good practice, support and mutual learning)*

Further, following consideration of the principles and approaches by a number of organisations to sustainable development, the framework established at the 1992 Rio Conference is suggested for the City Sustainability Policy to guide the decisions and actions of the City, those being:

- 1 Management, planning and development decisions should be based on an integration of economic, environmental and social/cultural considerations
- 2 Avoidance of the risk of serious or irreversible environmental damage should not be postponed because of a lack of full, scientific knowledge (the 'precautionary principle')
- 3 Recognition that environmental impacts can be felt right around the world and that international competitiveness should therefore be environmentally sustainable
- 4 Development of a strong, growing and diversified economy should enhance the capacity to protect the environment
- 5 Policy measures should encourage voluntary, cost effective achievement of environmental goals and responses to environmental problems
- 6 Acknowledgment should be made of the need for community consultation and participation in decision making to achieve a cooperative response to environmental, economic and community issues.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

The Local Government Act 1995 is the legislation under which Local Government bodies are constituted and contains detailed reporting and operational requirements which a Council has a duty to comply with. The Act establishes the framework for the system of local government in Western Australia.

Section 1.3 (2) states that the Act is intended to result in:

- (a) Better decision-making by local government
- (b) Greater community participation in the decisions and affairs of local governments
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government.

The degree to which this is achieved is dependant on the processes and practices for planning, and policy development.

Part 3 of the Act outlines the functions of local governments:

Section 3.1 - A *general function* to provide for good government

Section 3.4 - A *legislative function* to make local laws, and

Section 3.8 - An *executive function* to provide services and facilities.

The separation of powers and duties in relation to the Council and the Chief Executive Officers as detailed in the Local Government Act 1995 are:

Under the Act (Section 2.7) the role of the Council is to:

- (a) Direct and controls the local government's affairs;
- (b) Be responsible for the performance of the local government's functions;
- (c) Oversee the allocation of the local government's finances and resources; and
- (d) Determine the local governments policies.

The Local Government Act amendments of 2004-05 requires that local government consider sustainability as a core component of its decision making function.

Section 1.3 states:

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity

Risk Management considerations:

Policy development is central to good governance. Good governance is about formalising and making clear and consistent the decision-making processes in the organisation. The framework proposed in this report will help facilitate decision-making and appropriate delegation of accountability and responsibility within and outside the organisation and ensure that the varying needs of the stakeholders are appropriately balanced; that decisions

are made in a rational, informed and transparent fashion; and that those decisions contribute to the overall efficiency and effectiveness of the organisation.

Local Government operates under State legislation and Council is responsible for controlling the functions of the local government through its decision-making and policy development role.

The distinction between policy matters and procedural matters is central to the role of Council and the role of the CEO, and to the administration of local government. The new Policy Framework will assist Council to concentrate on policy matters rather than procedural issues, and for the CEO to provide advice to the Council and implement the decisions of Council.

Policy implications:

The report provides a draft Council and City Policy on sustainability.

Regional Significance:

The Council Policy committing all Council Policies to sustainability principles and outcomes includes a reference to the importance of regional considerations through cooperation and partnerships.

Sustainability implications:

The review and development of policies will align with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be '*A sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan determines the long-term orientation of the Council and was developed in consultation with the community. The Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

The policies of Council (Council and City policies) support the achievement of the Strategic Plan and state Council's position on social, environmental, and economic matters as well as governance issues.

The policy positions of Council attempts to balance the social, environmental and economic interests of the City, and the review of policies of the Council will ensure that social, economic, and environmental changes are reflected in policy statements and objectives.

Consultation:

One of the most important roles Council has is to participate in making policy and decisions on behalf of the community. An essential part of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The City of Joondalup values effective consultation in developing a positive relationship with its community; recognising that community input can assist in policy and decision making processes. Council also recognises the right of the community to be informed and influence decisions that affect their lives. As a result of this commitment Council has endorsed a Policy Framework that supports Council (major) policies being devised in consultation with the community.

The framework is intended to ensure that Council is in touch with the community and that the major policy decisions accurately reflect the views and aspirations of the community.

COMMENT

Local government is uniquely placed to take a leadership role in facilitating sustainable development. Local government is the sphere of government closest to the people. It has always been required to be highly responsive and to deal with economic, social and environmental issues at the coalface by providing the services necessary to support the community.

While local government is well positioned to tackle sustainability issues the reality is that it is not an easy task. There are a number of different approaches adopted by organisations and there is no standard guide. However, despite the difficulties and the absence of a standard guide, there are clearly a number of actions that a Council must take if sustainability is to become a part of normal business.

The Draft Council Policy committing all Council Policies to sustainability principles and outcomes (*Attachment 2*) and the Draft City Sustainability Policy (*Attachment 3*), along with the Discussion Paper (*Attachment 1*) provides a framework: for the Council to:

- Clarify its sustainability values;
- Identify how its business impacts on sustainability; and
- Establish how it can best make a contribution toward a more sustainable world.

Local government is uniquely placed to take the lead in sustainability. Increasing the social, economic and environmental capital of the City of Joondalup is the Council's core business.

ATTACHMENTS

Attachment 1: Discussion Paper - Sustainability

Attachment 2: Draft Council Policy – Sustainability

Attachment 3: Draft City Policy – Sustainability

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee recommends to the Council that it:

- 1 REFERS the Draft Council Policy on Sustainability to the Sustainability Advisory Committee for review and comment;
- 2 ADOPTS the City Policy on Sustainability shown as Attachment 3 to this report.

The Chief Executive Officer provided an overview of the report.

Discussion ensued on the draft policies, with the following comments/amendments being raised:

- The existing Policy 2-1 Environmental Sustainability will be replaced on adoption of the proposed Council Policy.
- Council Policy - Point 2 to be amended to read: “Effective Democratic participation”
- A sustainability statement to be included in the Council policy.
- The City Policy and Council policy to be cross-referenced.
- City Policy – Point 3 meaning is currently unclear.
- City Policy – second paragraph of the Policy Statement to be amended to read: “In achieving this, the following guiding principles will be incorporated into the development of policies and strategies”.

Cmr Paterson left the Room at 2015 hrs.

ADJOURNMENT OF MEETING

There being no quorum present, the Chief Executive Officer declared the meeting **ADJOURNED** for a period of three (3) minutes.

RESUMPTION OF MEETING

The meeting **RESUMED** at 2018 hrs, the following members being present:

CMR J PATERSON - Chairman
CMR S SMITH - Deputy Chairman
CMR M ANDERSON

Discussion continued, with the following comments/amendments being raised:

- City Policy – link to be provided between the specific guiding principles and objectives;
- Discussion paper – Diagram on page 11 to be amended to reflect the integration of social, environmental, cultural and economic, rather than the silo approach.
- Both policies to be referred to the Sustainability Advisory Committee – the Council Policy for review and comment and the City policy for information only.

MOVED Cmr Anderson SECONDED Cmr Smith that the Policy Committee recommends to the Council that it:

- 1 REFERS the Draft Council Policy on Sustainability to the Sustainability Advisory Committee for review and comment;**
- 2 ADOPTS the City Policy on Sustainability shown as Attachment 3 to this report and refers it to the Sustainability Advisory Committee for information.**

The Motion was Put and

CARRIED (3/0)

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2027 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR M ANDERSON
CMR S SMITH