

minutes

Policy Committee

MEETING HELD ON **TUESDAY 29 NOVEMBER 2016**

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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 TUESDAY
29 NOVEMBER 2016.**

ATTENDANCE

Committee Members

| | | |
|----------------------|---|-------------------------------------|
| Cr Liam Gobbert | <i>Presiding Member</i> | |
| Cr Kerry Hollywood | | <i>absent from 5.45pm to 5.47pm</i> |
| Cr Philippa Taylor | | |
| Cr Mike Norman | <i>Deputising for Cr Christine Hamilton-Prime</i> | <i>from 5.56pm</i> |
| Cr John Chester | <i>Deputy Presiding Member</i> | |
| Cr Russ Fishwick, JP | | |

Officers

| | | |
|-----------------------|---|---------------------|
| Mr Garry Hunt | Chief Executive Officer | |
| Ms Dale Page | Director Planning and Community Development | |
| Mr Jamie Parry | Director Governance and Strategy | <i>from 6.22pm</i> |
| Mr Nico Claassen | Director Infrastructure Services | |
| Mr Chris Leigh | Manager Planning Services | |
| Mr Brad Sillence | Manager Governance | |
| Ms Christine Robinson | Manager Executive and Risk Services | <i>until 5.52pm</i> |
| Mrs Deborah Gouges | Governance Officer | |

Observers

| | |
|--------------------|--------------------|
| Cr Russell Poliwka | |
| Cr Sophie Dwyer | <i>from 5.48pm</i> |

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.45pm.

Cr Hollywood left the room at 5.45pm.

DECLARATIONS OF INTEREST

Nil.

APOLOGIES/LEAVE OF ABSENCE**Apologies:**

Mayor Troy Pickard.
Cr Christine Hamilton-Prime.

Leave of Absence Previously Approved:

| | |
|-----------------------------|---|
| Cr Christine Hamilton-Prime | 4 December to 10 December 2016 inclusive. |
| Cr Liam Gobbert | 6 December 2016. |
| Cr Sophie Dwyer | 7 December to 9 December 2016 inclusive. |
| Cr Liam Gobbert | 17 December 2016. |

CONFIRMATION OF MINUTES**MINUTES OF THE POLICY COMMITTEE HELD ON 13 OCTOBER 2016**

MOVED Cr Fishwick SECONDED Cr Chester that the minutes of the meeting of the Policy Committee held on 13 October 2016 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Gobbert, Chester, Fishwick 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 DRAFT FRAUD, CORRUPTION AND MISCONDUCT CONTROL POLICY**

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Garry Hunt Office of the CEO |
| FILE NUMBER | 49586, 25586, 101515 |
| ATTACHMENTS | Attachment 1 <i>Draft Fraud, Corruption and Misconduct Control Policy</i> |
| AUTHORITY / DISCRETION | Legislative – includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to adopt the City's draft *Fraud, Corruption and Misconduct Control Policy*.

EXECUTIVE SUMMARY

The City continually reviews its risk profile in order to identify weaknesses, improve controls, increase risk awareness and promote a positive risk culture. This has included engaging independent consultants to undertake an assessment of the City's susceptibility to fraud and misconduct risks within procurement systems. The assessment was completed and made a number of recommendations including the implementation of a fraud and corruption control policy. The City accepted the recommendation and has now developed a draft *Fraud, Corruption and Misconduct Control Policy*.

It is therefore recommended that Council ADOPTS the draft Fraud, Corruption and Misconduct Control Policy forming Attachment 1 to this Report.

BACKGROUND

Following the review of procurement practices in five local governments, including the City, the Corruption and Crime Commission recommended that the City undertake an assessment of its susceptibility to fraud and misconduct risks in its procurement practices. The City engaged KPMG to undertake the assessment and the Audit Committee were presented with their *Final Report Fraud and Misconduct Risk Assessment – Procurement* at its meeting held on 29 February 2016.

The report made a number of recommendations including that the City implement a fraud and corruption control policy. The City accepted the recommendation and has now developed a draft *Fraud, Corruption and Misconduct Control Policy*.

DETAILS

There is no legislative requirement for the City to implement a policy related to fraud and corruption however it is recognised that such a policy will support the City in managing risk. The draft *Fraud, Corruption and Misconduct Control Policy* has been developed in line with various standards and guidelines including *Australian Standard 8001-2008 Fraud and Corruption Control* and the Australian National Audit Office's Best Practice Guide *Fraud Control in Australian Government Entities*. Similar policies have also been reviewed from other local governments within the Perth metropolitan area and other Australian states.

The *Fraud, Corruption and Misconduct Control Policy* sends a clear message of zero tolerance and is a key attribute of an overall fraud control framework that contains various strategies to prevent, detect and respond to such behaviour. Other attributes of the control framework include the City's *Code of Conduct*, the *Risk Management Policy* and the *Purchasing Policy*. The City's organisational structure provides clearly defined responsibilities and appropriate segregation of duties and controls within systems, particularly financial and procurement, that inhibits opportunities for fraud to occur. The structure also includes an independent internal audit function and a proactive Audit Committee who receives reports from the Chief Executive Officer on internal control, legislative compliance and risk management. On occasions independent external consultants are engaged by the City to undertake audit assignments. KPMG recently undertook a Fraud and Misconduct Risk Assessment in procurement which identified strategies which have been, or are in the process of being implemented to further improve the fraud control framework. The City's purchasing protocols are subject to regular review and have recently been updated in line with the *Purchasing Policy*. The City continues to review all of the attributes within the fraud control framework and makes improvements where necessary, including the development of a *Fraud, Corruption and Misconduct Control Policy* which was independently identified as a gap in the current control framework.

The policy includes:

1 Application

The policy applies to Elected Members, Committee Members and all employees including agency staff.

2 Definitions

The policy includes definitions for fraud and corruption as defined in the *Australian Standard AS8001:2008 Fraud and Corruption Control*. The definitions for serious misconduct, minor misconduct, public authority and public officer are as defined in the *Corruption, Crime and Misconduct Act 2003*.

3 Statement

The City expects its Elected Members, Committee Members and employees to act in compliance with the *Code of Conduct* and behave ethically and honestly when performing their functions and during their interactions with each other, the community and all stakeholders of the City. All suspected instances of fraudulent or corrupt conduct will be thoroughly investigated and the appropriate reporting, disciplinary, prosecution and recovery actions initiated.

4 Details

4.1 Prevention and Detection

Emphasises that controls already in place within the City assist in preventing and detecting fraudulent activity and the City's response should such activity be detected.

4.2 Chief Executive Officer's Duty to Notify

As a principal officer of a notifying authority the City's Chief Executive Officer is required by the *Corruption, Crime and Misconduct Act 2003* to notify the Corruption and Crime Commission or the Public Sector Commission in writing of any matter that they suspect, on reasonable grounds, concerns either serious or minor misconduct by a public officer.

4.3 Reporting Serious or Minor Misconduct

A public officer or any other person may report to the Corruption and Crime Commission or the Public Sector Commission any matter which that person suspects on reasonable grounds concerns or may concern serious or minor misconduct that:

- (a) has or may have occurred; or
- (b) is or may be occurring; or
- (c) is or may be about to occur; or
- (d) is likely to occur.

4.4 Public Interest Disclosure

This section of the policy provides information on the *Public Interest Disclosure Act 2003* which governs the disclosure of public interest information.

Public interest information means information that tends to show, in relation to its public function a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in:

- (a) improper conduct; or
- (b) an act or omission that constitutes an offence under a written law; or
- (c) a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
- (d) an act done or omission that involves a substantial and specific risk of–
 - (i) injury to public health; or
 - (ii) prejudice to public safety; or
 - (iii) harm to the environment;

or

- (e) a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971*.

4.4 Disciplinary and Recovery Action

On all occasions the City will seek to recover any losses it may have suffered through fraudulent or corrupt conduct, which for an employee may be the termination of employment.

The draft *Fraud, Corruption and Misconduct Control Policy* is included as Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation

Corruption, Crime and Misconduct Act 2003.
Public Interest Disclosure Act 2003.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

- Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
- Continuously strive to improve performance and service delivery across all corporate functions.

Policy

Not applicable.

Risk management considerations

A *Fraud, Corruption and Misconduct Control Policy* provides a clear statement of zero tolerance and is an important attribute of an overall fraud control framework that supports the City's overall approach to managing and controlling risk.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The on-going review of the City's risk management profile is intended to raise the profile of risk, improve the City's approach to risk and embed risk management across all its systems and processes. The implementation of a *Fraud, Corruption and Misconduct Control Policy* is an important addition to the City's overall control framework.

Following adoption of the policy it will be included in a documented *Fraud, Corruption and Misconduct Control Plan*.

VOTING REQUIREMENTS

Simple Majority.

Cr Hollywood entered the room at 5.47pm.

Cr Dwyer entered the room at 5.48pm.

MOVED Cr Fishwick SECONDED Cr Hollywood that Council ADOPTS the draft *Fraud, Corruption and Misconduct Control Policy* forming Attachment 1 to this Report.

The Motion was Put and

CARRIED (4/1)

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

Against the Motion: Cr Chester.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agnPOLICY161129.pdf](#)

The Manager Executive and Risk Services left the room at 5.52pm.

ITEM 2 REVIEW OF MEMORIALS IN PUBLIC RESERVES POLICY

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Nico Claassen Infrastructure Services |
| FILE NUMBER | 100385, 101515 |
| ATTACHMENTS | Attachment 1 Revised <i>Memorials in Public Reserves Policy</i> Attachment 2 Analysis of <i>Memorials in Public Reserves Policy</i> Review Consultation |
| 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 Council to adopt the revised *Memorials in Public Reserves Policy* (the Policy) following a public comment period.

EXECUTIVE SUMMARY

The *Memorials in Public Reserves Policy* provides guidance on the circumstances in which the City will support and manage the installation of memorials in public reserves.

In August 2015, the City received an application to consider the installation of a permanent memorial plaque within a City-owned hut on Iluka Beach in memory of a young local person who had passed away in tragic circumstances. The application was not supported on the basis that it did not meet the intentions of the current policy, which requires persons to have made a significant contribution to the local Joondalup community. A 947-signature petition was subsequently presented to Council by the applicants (family and community supporters), requesting re-consideration of the application (C56-09/15 refers).

At its meeting held on 23 November 2015 (CJ200-11/15 refers), Council considered a report in response to the petition where support was provided for the temporary installation of a memorial plaque for a period up to 12 months and a request was made for the Policy Committee to conduct a review of the current *Memorials in Public Reserves Policy*.

The policy was subsequently revised and at its meeting held on 28 June 2016 (CJ101-06/16 refers), Council resolved to advertise the revised policy for public comment. The revised policy was advertised for 21 days with 35 valid responses received.

It is therefore recommended that Council ADOPTS the Memorials in Public Reserves Policy as detailed in Attachment 1 to this Report.

BACKGROUND

Since its introduction in 2009, the City has received over 30 applications to install permanent memorials within public locations throughout the City in memory of loved ones who have passed. The *Memorials in Public Reserves Policy* required a decision of Council to support “significant person” applications, with four requests supported to date.

On 26 August 2015, the City received an application requesting the installation of a permanent memorial plaque in memory of a young local person who had passed away under tragic circumstances, to be placed in a City-owned hut located on Iluka Beach. Based on the information provided in the application, the City was unable to support the request, as it insufficiently described the level and significance of contribution the person had made to the local Joondalup community.

In response to the declined application, a 947-signature petition was subsequently submitted to Council at its meeting held on 15 September 2015 (C56-09/15 refers), seeking support for the permanent installation of a memorial at the requested location.

A report was presented to Council at its meeting held on 23 November 2015 (CJ200-11/15 refers) where the petitioner’s request was considered. Following significant discussion, Council resolved the following:

“That Council:

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

Feedback from the Policy Committee was sought in November 2015, however, the matter was deferred for consideration in more detail at a future meeting.

The Policy Committee considered the matter at its meeting held on 7 June 2016 and recommended:

“That Council:

- 1 *NOTES the issues raised in this Report to inform the review of the Memorials in Public Reserves Policy;*
- 2 *SUPPORTS the proposed amendments to the Memorials in Public Reserves Policy as detailed in Attachment 1, subject to the retention of clause 2.2.5(a);*
- 3 *ADVERTISES the policy for public comment including seeking direct feedback from the applicants previously engaged with by the City.”*

At its meeting held on 28 June 2016 (CJ101-06/16 refers) it was resolved:

“That Council:

- 1 *NOTES the issues raised in Report CJ101-06/16 to inform the review of the Memorials in Public Reserves Policy;*
- 2 *SUPPORTS the proposed amendments to the Memorials in Public Reserves Policy as detailed in Attachment 1 of Report CJ101-06/16, subject to:*
 - 2.1 *The retention of clause 2.2.5(a);*
 - 2.2 *Amending clause 2.2.1(a) to read as follows:*

“Family members may apply to the City for the installation of a temporary memorial for a deceased person who has resided in the City of Joondalup.

Family member means a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, cousin, spouse, defector partner or child of the deceased person”;
- 3 *ADVERTISES the policy for public comment including seeking direct feedback from the applicants previously engaged with by the City.”*

The results of advertising the policy for public comment are now presented.

DETAILS

The City advertised the revised *Memorials in Public Reserves Policy* for public comment from Monday 5 September 2016 to Monday 26 September 2016 and consulted directly with the following stakeholders:

- Previous memorial applicants.
- Local Resident and Ratepayer Associations.
- Local Parliamentarians.
- Representative(s) from City of Joondalup’s Community Engagement Network.

The consultation was advertised to the general public via the Joondalup Voice column and the City’s website. All stakeholder representatives also received personalised letters directing them to the City’s website to complete an online comment form. The City collected a total of 35 valid responses throughout the 21 day advertised consultation period with detailed results provided in Attachment 2.

A general summary of the most cited responses is provided below:

What did you like about the revised Policy?

- General support for the policy.
- Support the opportunity to honour the grieving process (to those deserving a memorial).
- Perception that the policy is clear in what the terms and conditions are for a memorial.
- Support a maximum timeframe for temporary memorials.

What changes or improvements could be made to the Policy?

- The City should recognise opportunities for all persons to have memorials, given applicants are covering all costs.
- The current policy is working well.
- Would like to know if crosses can be included as an approved type of permanent memorial?
- Would like access to information or City staff to assist in the completion of applications.
- Do not believe white crosses are appropriate or should be installed for longer than 12 months.
- The 12 month period for a temporary memorial is too short.
- Memorials should only be on Council facilities and within style regulations.

Due to the demonstrated level of support highlighted through the consultation process, it is suggested that the revised policy, as shown in Attachment 1, is adopted by Council. The suggestions for improvement offered by respondents varied based on differences in principled opinions, and as such, it is not considered appropriate that one is accepted over another.

The frequency of improvements cited were also low across the total number of submissions received and as such, the general level of support shown for the proposed content of the revised policy should be adopted to be consistent with Council's original intent.

Issues and options considered

While the issues relating directly to the content of the revised *Memorials in Public Reserves Policy* are outlined above, further matters for consideration in managing memorials in public areas also include the following:

- The potential for memorials to attract unsociable behaviour, depending on their location and the circumstances under which a person passed away.
- The potential for permanent memorials to act as a shrine for families, rather than to commemorate the achievements and contributions of a person to their local community.
- The potential loss of amenity in popular public locations throughout the City from the installation of permanent memorials, where deceased persons have had a personal connection or association. Some members of the community view these spaces as public areas and not the property of families, of which a permanent memorial may imply.

Option 1

Council can adopt the revised *Memorials in Public Reserves Policy*.

Option 2

Council can adopt with amendments the revised *Memorials in Public Reserves Policy*.

It is proposed that Council adopts the revised *Memorials in Public Reserves Policy* included as Attachment 1 (Option 1).

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Community spirit.

Strategic initiative Not applicable.

Policy *Memorials in Public Reserves Policy.*

Risk management considerations

While the *Memorials in Public Reserves Policy* has provided useful guidance to the City in the management and requests for public memorials, it is important that the content of the policy and its associated processes are transparent and appropriately reflect the policy's stated intentions. Without amendment, there is a risk that the current policy may continue to provide ambiguous information to the community with regard to the application process requirements.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City advertised the revised *Memorials in Public Reserves Policy* for public comment from Monday 5 September 2016 to Monday 26 September 2016 and consulted directly with the following stakeholders:

- Previous memorial applicants.
- Local Resident and Ratepayer Associations.
- Local Parliamentarians.
- Representative(s) from City of Joondalup's Community Engagement Network.

The City collected a total of 35 valid responses throughout the 21 day advertised consultation period with detailed results provided in Attachment 2.

COMMENT

In addition to the amendments to the revised *Memorials in Public Reserves Policy*, there are a number of intended supplementary changes to the application process. These process changes seek to both inform the community through improved and clear information, as well as streamlining the application process to make it easier for both the applicant and the City to consider and process memorial requests.

VOTING REQUIREMENTS

Simple Majority.

Cr Norman entered the room at 5.56pm.

MOVED Cr Fishwick SECONDED Cr Chester that Council ADOPTS the revised *Memorials in Public Reserves Policy* as detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (6/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agnPOLICY161129.pdf](#)

ITEM 3 DRAFT PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP ZONE LOCAL PLANNING POLICY

| | | |
|------------------------------|---|--|
| 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> |
| | Attachment 2 | Location of land proposed to be zoned Private Clubs, Institutions and Places of Worship Zone under draft Local Planning Scheme No. 3 |
| 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* for the purposes of public advertising.

EXECUTIVE SUMMARY

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.

In relation to the City's draft new *Local Planning Scheme No. 3* (LPS3), it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and contained within local planning policies.

The draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy* contains the development requirements for development on land that will be zoned 'Private Clubs, Institutions and Places of Worship' under LPS3. It builds on the existing development provisions contained within DPS2. Provisions relating to building setbacks, building height, built form design, parking standards and access, landscaping and servicing arrangements have been included in the draft policy to facilitate development with a high standard of amenity and functionality.

Relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*, the *Small Scale Renewable Energy Systems Policy* and the *Use of Sea Containers Policy* have also been included in order to consolidate relevant development provisions within one policy.

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

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*.

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 the 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 the 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 not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing 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 non-residential development in the 'Private Clubs, Institutions and Places of Worship' zone.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise the draft LPS3. The Department of Planning has recently advised that, subject to some required modifications, the draft scheme is suitable to be advertised for public comment.

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). A map showing the locations of land proposed to be zoned 'Private Clubs, Institutions and Places of Worship' zone under LPS3 is at Attachment 2.

The current provisions contained within DPS2 have been reviewed and a local planning policy has been developed. The main changes proposed through the policy are outlined below.

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 variable, 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.

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 buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into the relevant zone and use based policies and therefore this policy will ultimately be revoked.

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, but 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 is to 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 at its meeting held 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. 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. There is no 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 either:

- advertise the *Private Clubs, Institutions and Places of Worship Local Planning Policy*, with or without modifications
or
- not support the advertising of the *Private Clubs, Institutions and Places of Worship Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Schemes) 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 *Height of Non-Residential Buildings Local Planning Policy.*
Small Scales 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 buildings provide economic and social benefits to the community in which they are situated as they provide employment and social inclusion opportunities.

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 as follows:

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

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the Western Australian Planning Commission. The proposed policy is considered to be consistent with the *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the draft LSP3 by Council, it is recommended that the draft *Private Clubs, Institutions and Places of Worship Local Planning Policy* be progressed to ensure that provisions are in place that will encourage development that positively contributes to the surrounding area.

It is therefore recommended that Council advertises the draft revised *Private Clubs, Institutions and Place of Worship Local Planning Zone Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood SECONDED Cr Fishwick 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 draft Private Clubs, Institutions and Places of Worship Zone Local Planning Policy, as shown in Attachment 1 to this Report, for a period of 21 days.

The Motion was Put and

CARRIED (6/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnPOLICY161129.pdf](#)

ITEM 4 DRAFT CONSULTING ROOMS LOCAL PLANNING POLICY

| | |
|------------------------------|---|
| WARD: | All |
| RESPONSIBLE DIRECTOR: | Ms Dale Page Planning and Community Development |
| FILE NUMBER: | 101289, 101515 |
| ATTACHMENTS: | Attachment 1 <i>Draft Consulting Rooms Local Planning Policy</i> Attachment 2 <i>Current Consulting Rooms Policy</i> |
| 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* for the purposes of public advertising.

EXECUTIVE SUMMARY

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. In relation to the City's draft new *Local Planning Scheme No. 3 (LPS3)*, it was proposed to Council at its meeting held on 16 February 2016 that most development requirements be removed from LPS3 and contained within local planning policies (CJ005-02/16 refers).

The existing *Consulting Rooms Policy* requires review as a result of the changes between DPS2 and LPS3. The current provisions contained within DPS2 and the existing policy have been reviewed and a revised local planning policy has been developed. The draft policy includes provisions from DPS2 for parking and landscaping and relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*. Provisions from the existing policy have also been retained such as the requirement to avoid the conglomeration of consulting rooms in residential areas.

As with the existing policy, the draft *Consulting Rooms Policy* only applies to consulting rooms in residential areas. For consulting rooms in other areas, the relevant policy applicable to that zone will apply.

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

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 found in one place rather than some in the scheme and some in local planning policies.

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. The WAPC has recently advised that draft LPS3 is suitable for advertising subject to a number of modifications which are currently being undertaken by the City. It is anticipated that draft LPS3 will be advertised for public comment before the end of the year.

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 the '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. 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, however it is noted the majority of the provisions have been working well and remain relevant. The main policy provisions including proposed changes are outlined below.

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, although the existing policy does indicate that variations may be considered to more appropriately reflect building setbacks in the immediate vicinity. The non-residential building setbacks are large, being a nine metre front setback, six metre rear setback and three metre side setback.

It is considered that these setbacks do not assist in creating a building that is in keeping with the residential area in which it is 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 environment and maintain the residential streetscape. It is noted that medical consulting rooms proposed in other zones will be assessed against the relevant development policy for that zone, such as *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.

Building height

The proposed building height is the same as that listed 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 this policy will ultimately be revoked.

Building design

The draft policy seeks to maintain 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 fit in with the surrounding environment despite being a non-residential land use.

Car 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 (maximum of two practitioners), it is considered that the provision of two bays for use by staff or visitors would be adequate.

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. There is no 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. 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, Saturday 9.00am to 5.00pm, with no operation on Sundays. There is the option to modify the hours to include Sundays. However, there appears to currently be limited demand for this, and 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 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 either:

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

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Schemes) 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 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 policy are considered non-minor and therefore the draft revised policy should be advertised for 21 days as follows:

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

If, in the opinion of the City, the policy is inconsistent with any State Planning Policy, then notice of the proposed policy is to be given to the Western Australian Planning Commission. The proposed policy is considered to be consistent with any State Planning Policy.

COMMENT

In accordance with the review and subsequent endorsement of the draft LSP3 by Council, it is recommended that the draft revised *Consulting Rooms Local Planning Policy* be progressed to ensure that provisions are in place to guide the establishment of consulting rooms in residential areas in a manner that will not have a negative impact on residential amenity.

The main difference between the existing *Consulting Rooms Policy* and the revised *Consulting Rooms Local Planning Policy* is that the revised policy contains all the development provisions in the policy, rather than referencing development standards in the scheme. No major changes to the intent of the development provisions are proposed and the locational requirements to avoid the adverse cumulative impact of consulting rooms in residential areas have been retained.

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood **SECONDED** Cr Taylor 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** draft *Consulting Rooms Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days.

The Motion was Put and

CARRIED (6/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agnPOLICY161129.pdf](#)

ITEM 5 DRAFT SHORT-TERM ACCOMMODATION LOCAL PLANNING POLICY

| | |
|------------------------------|--|
| 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> 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* for the purposes of public advertising.

EXECUTIVE SUMMARY

Two City policies are currently in place that relate to short-term accommodation, being the *Short Stay Accommodation Policy* and *Bed and Breakfast Accommodation Policy*. In light of the support by Council for the advertising of draft *Local Planning Scheme No. 3* (LPS3), these policies are to be reviewed.

The term 'Short-Stay Accommodation' as currently used in *District Planning Scheme No. 2* (DPS2) prohibits this land use in the 'Residential' zone. The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) now provides four separate land use definitions for short-term accommodation; 'Holiday house', 'Holiday Accommodation', 'Serviced Apartment' and 'Bed and Breakfast'. These definitions are included in the draft LPS3 and are currently listed as discretionary ('D') land uses within the 'Residential' zone.

The draft *Short-term Accommodation Local Planning Policy* (Attachment 1 refers) is based on a review of the provisions within the City's existing *Short Stay Accommodation Policy* and *Bed and Breakfast Accommodation Policy*. It is considered appropriate to combine the two policies into one policy covering all short-term uses, and the new policy will contain provisions to encourage well managed accommodation for use by visitors, which minimises the impact on the amenity of surrounding residential areas. While the draft provisions are based on those within the current policies, given the new land use definitions and the shift to allow short-term accommodation to be approved in the 'Residential' zone, as provided for in draft LPS3, modified and additional provisions are proposed as outlined in this Report.

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

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 & 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, along the lines of 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.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. The Department of Planning has recently advised that, subject to some required modifications, the draft scheme is suitable to be advertised for public comment.

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.

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, 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.

General

The draft policy applies to all 'Bed & Breakfast', 'Holiday House', 'Holiday Accommodation' and 'Serviced Apartment' uses, including 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.

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.

See the table below for clarification as to the R-Code clause 5.3.3 Parking requirements.

| 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 arising issues.

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 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).

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 particular locations 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.

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 of Joondalup *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 *Signs Policy*.

Annual development approval renewal

The existing *Bed and Breakfast Accommodation Policy* indicates that this 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 either:

- advertise the draft *Short-term Accommodation Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Short-term Accommodation Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Schemes) 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 | <i>Short Stay Accommodation Policy.</i> <i>Bed and Breakfast Accommodation Policy.</i> |

Risk Management considerations

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 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. Any proposed amendment to the existing policy would be advertised for 21 days as follows:

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

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the draft LPS3 by Council, it is recommended that the draft *Short-Term Accommodation Local Planning Policy* be progressed to ensure that provisions are in place that will facilitate well managed short-term accommodation opportunities.

It is therefore recommended that Council advertises the draft *Short-term Accommodation Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

The Director Governance and Strategy entered the room at 6.22pm.

MOVED Cr Chester **SECONDED** Cr Norman 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 *Short-term Accommodation Local Planning Policy*, as shown in Attachment 1 to this Report, for a period of 21 days.

The Motion was Put and

CARRIED (6/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agnPOLICY161129.pdf](#)

ITEM 6 KEEPING OF POULTRY ON RESIDENTIAL LAND

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 01152, 101515 |
| ATTACHMENTS | Nil |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to consider the merits of developing a policy to restrict the number of poultry that are able to be kept on a residential property.

EXECUTIVE SUMMARY

At its meeting held on 7 June 2016, the Policy Committee resolved:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the merits or otherwise of developing a policy restricting the number of chickens able to be kept at a residential property.”

The *City of Joondalup Animals Local Law 1999* (the local law) contains provisions that relate to the keeping of poultry on residential land, including a limit on the maximum number of poultry that may be kept. Complaints investigated by the City in regard to the keeping of poultry are largely due to poor maintenance, and generally do not relate to the number of poultry being kept.

While a policy can provide guidance and direction on the way certain matters may be administered, a policy cannot override a local law. It is therefore not appropriate for a policy to place a restriction on the number of poultry that may be kept on residential land.

The introduction of a new *Public Health Act 2016* (the Act), will likely require a review of the existing local law, during its phased implementation over the next three to five years.

Benefits of allowing poultry to be kept on residential land include providing education for children, promoting interaction within communities, providing fresh food sources in the home and connecting people to the environment, food and animals.

It is therefore recommended that Council:

- 1 *NOTES that the City of Joondalup Animals Local Law 1999 contains provisions that restrict the number of poultry that may be kept on residential land;*
- 2 *DOES NOT SUPPORT the development of a policy that relates to the maximum number of poultry that may be kept on residential land as a policy cannot override a local law.*

BACKGROUND

At its meeting held on 7 June 2016, the Policy Committee resolved:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the merits or otherwise of developing a policy restricting the number of chickens able to be kept at a residential property”.

The local law contains provisions that relate to the keeping of poultry on residential land. The local law defines poultry as ‘any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock’. The keeping of a rooster, turkey, goose or geese, peacock or peahen, is not permitted in a residential area.

The local law provides restrictions on the design and maintenance of enclosures designed to keep poultry, as well as limiting the number of poultry that may be kept in a residential area.

This includes the following:

- Poultry must be kept in a shed or hut designed with a deep litter system.
- The floor shall be concrete, brick paving, compressed limestone or any other suitable impervious surface.
- Frames shall be of timber, steel, brick or other approved material.
- Cladding shall be of sheet metal, brick, weatherboard or other materials approved by an Environmental Health Officer.
- The roof shall have sufficient slope to shed storm water.
- Construction shall be of a sound and weatherproof manner and to be between 1.5 metres to two metres in height.
- Provision must be made for adequate ventilation during hot weather.
- The minimum size must allow for at least 0.3m² for each and every bird kept.
- The roof, walls, floor, doors and ventilating panels must be maintained in good order and condition at all times.
- The floor must be covered with a layer of dry sand or sawdust at least 75 millimetres deep.
- Sawdust or sand must be kept dry at all times and be changed at least once every six months or when directed by an Environmental Health Officer.
- A person shall not permit a poultry shed to be nearer than one metre from the boundary or nine metres from any dwelling house or street.
- A person shall not keep more than 12 poultry (including a maximum of two ducks) in any residential area.

These requirements are designed to manage issues that may be associated with the keeping of poultry, such as noise, odours and harbouring vermin.

DETAILS

Since 1 September 2014, the City has received 20 individual complaints regarding the keeping of poultry on residential land. Of those, six were complaints of poultry escaping their enclosure and entering another person’s land and 14 were related to issues on odour, vermin or noise.

Of the 14 complaints that have been received in relation to odour, vermin or noise, investigations concluded that the lack of maintenance and incorrect construction of poultry enclosures were the cause of the issue on each occasion.

The number of poultry being kept on residential land has not been identified as the cause for any issues in regard to amenity.

Local government comparison

An informal survey of other local governments has been undertaken to compare requirements for keeping poultry on residential land under individual local laws and the frequency and nature of complaints that are received. There were 14 responses received that have been summarised in the table below:

| Name of Local Government | Number of poultry permitted | Number of complaints received (since 1 September 2014) | Nature of complaints |
|---------------------------------|---|---|---|
| City of Joondalup | 12 | 20 | Complaints are based on poor maintenance and poorly designed structures that do not meet the local law. Key issues are odours and vermin. |
| Town of East Fremantle | 12 | 2 | Structures too close to the boundary. |
| City of Bayswater | Varying scale allows up to 20 for 2,000m ² | 6 | Majority relate to roosters being kept, or proximity to boundaries. |
| City of Stirling | 6 | 93 | Majority relate to maintenance issues and locations of structure. A minority relate to the number of chickens. |
| Town of Victoria Park | 12 | 2 | |
| City of Belmont | 12 | 23 | Poor maintenance and construction, resulting in vermin and odours. |
| City of South Perth | 12 | 7 | Poor construction and maintenance are the key issues. |
| Town of Cambridge | 12 | 0 | Not applicable. |
| City of Wanneroo | 12 | 2 | Poor maintenance is the main cause of concern. |
| City of Canning | 6 (with minimum lot size) | 60 | Odour is the primary concern due to poor maintenance. |
| City of Cockburn | 12 | 2 | Main issue is odour. |
| City of Bunbury | 6 | 4 | Odour issues relating to poor maintenance of poultry enclosures and proximity to neighbours. |
| City of Gosnells | 6 | 10 | About half of complaints received relate to the number of chickens being kept. |
| City of Subiaco | 12 | 0 | Not applicable. |
| Town of Cottesloe | 12 | 0 | Not applicable. |

Although some information provided may be anecdotal, there is clear evidence to suggest that poor maintenance and design of structures used for keeping poultry are the significant factors that may cause amenity issues.

Implementation of a policy in conflict of the Local Law

While a policy can provide guidance and direction in the way certain matters may be administered, a policy cannot override a legislative requirement.

The local law stipulates that a person may keep up to 12 poultry (a maximum of two ducks) and contain provisions that manage issues relating to amenity. A policy on the number of poultry that may be kept, cannot prevent a person from keeping up to 12 poultry on residential land.

Introduction of the Public Health Act

The *Public Health Act 2016*, received Royal Assent on 26 July 2016 and will be implemented in five stages over the next three to five years. During this time, amendments will be made to section 3.5 of the *Local Government Act 1995*, to allow local laws relating to public health to be made under that Act.

The Act will provide a flexible and proactive framework for the regulation of public health matters.

The City's existing local laws will need to be reviewed at that time and new local laws may need to be developed. It is likely that a model local law would be developed in consultation with local government.

Arbitrary restrictions on the number of poultry that may be kept on residential land may not be required, where regulations developed during the phased implementation of the Act are adequate for managing public health risks.

Issues and options considered

The options available to the Policy Committee are either to:

- support a policy to be developed that relates to the maximum number of poultry that may be kept on residential land
- seek an amendment to the existing local law, reducing the maximum number of poultry that may be kept on residential land
- or
- not support the development of a policy that relates to the maximum number of poultry that may be kept on residential land.

As a policy cannot override a provision of a local law, Option 1 is not recommended. Should this option be exercised, the existing local law provision restricting the number of poultry that are able to be kept on residential land, would need to be repealed. As a consequence, the City would have a reduced ability to take enforcement action in regard to the keeping of poultry.

In consideration that complaints received by the City in regard to keeping of poultry do not relate to the number of poultry, but instead relate to poor maintenance and inadequate design of poultry enclosures, Option 2 is not recommended.

The amendment of a local law made under the *Health Act 1911* and in accordance with the *Local Government Act 1995*, is required to follow a formal process. This includes the following:

- Documenting the purpose and effect of the local law.
- Seeking input from Council.
- Conducting public consultation.
- Notification to the Executive Director of Public Health and the Minister of Local Government.
- Consideration of public comments.
- Further consideration by Council.
- Endorsement by the Executive Director of Public Health.
- Publication in the *Government Gazette*, including public notification.
- Endorsement by the Joint Standing Committee on Delegated Legislation.

The process of amending a local law will likely take a minimum of four to six months.

Option 3 is therefore recommended, noting that a policy cannot override a local law and that issues associated with the keeping of poultry on residential land, relate to poor maintenance and design of enclosures not in accordance with the local law, rather than the number of poultry being kept.

This also considers that new local laws will likely be developed during the implementation of the Act.

Legislation / Strategic Community Plan / policy implications

Legislation

Health Act 1911.
Local Government Act 1995.
City of Joondalup Animals Local Law 1999.

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Community safety.

Strategic initiative

Build a healthy community that is aware and responsive to current public health risks.

Policy

Not applicable.

Risk management considerations

Should the requirements relating to the maximum number of poultry permitted to be kept on residential land change, any persons who are maintaining and managing their poultry to prevent nuisances, may be required to reduce their numbers.

There are currently no requirements for a person to be registered to keep poultry, therefore identification of persons keeping poultry would be difficult.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

A policy that restricts the number of poultry that may be kept on residential land would be inappropriate, as the local law would prevail in allowing up to 12 poultry to be kept. A policy cannot amend a local law.

The local law currently provides adequate controls to manage nuisances that may be caused by keeping poultry. The local law contains structural requirements for sheds and huts designed for keeping poultry that allow a deep litter system, deny access to rodents and prevent odours.

On all occasions that the City has been required to respond to a complaint regarding odours or other nuisances associated with the keeping of poultry, the cause has been related to poor maintenance, or inadequate design that is contrary to the local law.

There are many benefits to keeping poultry in the home, including:

- providing a relatively inexpensive pet
- providing education to children, connecting them to the environment, food and animals
- teaching them where food comes from, care and responsibility
- encouraging interaction within communities, such as handing out excess eggs
- providing a fresh food source to the home that can also improve economic wellbeing
- eggs and chicken can be healthier than commercial products due to their living environments that are generally less crowded.

Although the local law allows up to 12 poultry in a residential area, evidence suggests that a person will generally only keep between one and five poultry. Reducing the number of poultry that are permitted to be kept, is therefore unlikely to have any impact on reducing the number of complaints that are received.

In consideration that the number of poultry being kept is not a factor in any complaints the City currently receives and that the local law provides adequate controls where its provisions are met, an amendment to the local law to reduce the number of poultry is not recommended.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman SECONDED Cr Gobbert that Council:

- 1 NOTES that the *City of Joondalup Animals Local Law 1999* contains provisions that restrict the number of poultry that may be kept on residential land;**
- 2 DOES NOT SUPPORT the development of a policy that relates to the maximum number of poultry that may be kept on residential land as a policy cannot override a local law.**

The Motion was Put and

CARRIED (6/0)

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

ITEM 7 DRAFT LIGHT INDUSTRY ZONE LOCAL PLANNING POLICY

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBER | 83628, 101515 |
| ATTACHMENTS | Attachment 1 <i>Draft Light Industry Zone Local Planning Policy</i> 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* for the purposes of public advertising.

EXECUTIVE SUMMARY

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.

In relation to the City's draft new *Local Planning Scheme No. 3 (LPS3)*, it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and be contained within local planning policies.

The draft *Light Industry Local Planning Policy (LPP)* contains the development requirements for development on land zoned 'Light Industry' under LPS3. It builds on the existing development provisions contained within DPS2. Provisions relating to building setbacks, building height, built form design, parking standards and access, landscaping, and servicing arrangements have been included in the draft policy to facilitate light industry developments with a high standard of amenity and functionality.

Relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*, the *Small Scale Renewable Energy Systems Policy* and the *Use of Sea Containers Policy* have also been included in order to consolidate relevant development provisions within one policy.

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

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. Therefore, there is not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing 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 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 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise the draft LPS3. The Department of Planning has recently advised that, subject to required modifications, the draft scheme is suitable to be advertised for public comment.

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. The main changes proposed through the policy are outlined below.

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. The setback to a secondary street frontage will remain at three metres.

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 to be 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 this policy will ultimately be revoked.

Parking and access

Car parking

Within the 'Light Industry' 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 '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' 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. This land use is less intense than a bulky goods showroom 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 Policy Committee at its meeting held 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.

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.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required. 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. There is no 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 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 set back 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.

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 either:

- advertise the draft *Light Industry Zone Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Light Industry Zone Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development (Local Planning Schemes) 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 The subject of this Report.

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 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. Any proposed amendment to the existing policy would be advertised for 21 days as follows:

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

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the Western Australian Planning Commission. The proposed policy is considered to be consistent with *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the draft LPS3 by Council, it is recommended that the draft *Light Industry Zone Local Planning Policy* be progressed to ensure that provisions are in place that will create light industry development that positively contributes to the surrounding area.

It is considered that the inclusion of minimum glazing requirements, building materials, building articulation and clearly defined entrances will positively contribute to the development or redevelopment of industrial buildings and will provide a higher standard of amenity than is currently possible under DPS2.

It is therefore recommended that Council advertise the draft *Light Industry Zone Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester **SECONDED** Cr Norman 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 *Light Industry Zone Local Planning Policy*, as shown in Attachment 1 to this report, for a period of 21 days.

The Motion was Put and

CARRIED (6/0)

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agnPOLICY161129.pdf](#)

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Fishwick requested a report be presented to the Policy Committee in relation to reviewing the *Elected Member's Entitlements Policy* with particular regards to requests from Elected Members to attend overseas conferences.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.28pm; the following Committee Members being present at that time:

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