

minutes

Policy Committee

MEETING HELD ON

MONDAY 2 SEPTEMBER 2024

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

This document is available in alternate formats upon request

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Note:

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON 2 SEPTEMBER 2024.

ATTENDANCE

Committee Members:

Cr Daniel Kingston	<i>Presiding Member</i>	
Cr Rebecca Pizzey		
Cr Lewis Hutton	<i>Deputy Presiding Member</i>	<i>from 6.01pm</i>
		<i>absent from 7.26pm to 7.42pm</i>
Cr John Raftis		
Cr John Chester		<i>absent from 8.08pm to 8.11pm</i>
Cr Christine Hamilton-Prime, JP	<i>Deputising for Cr Vinciullo</i>	<i>to 7.42pm</i>

Officers:

Mr James Pearson	Chief Executive Officer	<i>absent from 7.48pm to 7.51pm</i>
Mr Jamie Parry	Director Governance and Strategy	
Mr Mat Humfrey	Director Corporate Services	
Mr Chris Leigh	Director Planning and Community Development	
Mr Michael Hamling	Acting Director Infrastructure Services	
Mr Mike Smith	Manager Leisure and Cultural Services	<i>absent from 6.01pm to 6.02pm</i>
		<i>absent from 6.52pm to 6.53pm</i>
		<i>to 8.31pm</i>
Mrs Cathrine Temple	Manager Planning Services	<i>absent from 7.41pm to 7.42pm</i>
		<i>to 8.00pm</i>
Mr Luke Willcock	Manager Economic Development and Advocacy	<i>to 7.48pm</i>
Ms Laura McKelvey	Coordinator Cultural Services	<i>from 6.02pm to 6.52pm</i>
Ms Aalia Merchant	Acting Coordinator Recreation Services	<i>to 8.31pm</i>
Mrs Vivienne Stampalija	Coordinator Governance	
Mrs Laura Napier	Governance Officer	

Guests:

Ms Kate Parker	Director & Principal – Social & Culture, Element WA	<i>from 6.02pm to 6.52pm</i>
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1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

2 DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

2.1 DISCLOSURES OF FINANCIAL INTEREST / PROXIMITY INTEREST

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

Name / Position	Cr Lewis Hutton
Meeting Type	Policy Committee Meeting
Meeting Date	2 September 2024
Item No. / Subject	Item 8.2 – Proposed Revisions to the Alfresco Activities Local Planning Policy and Draft Alfresco Space Guidelines
Nature of Interest	Indirect Financial Interest
Extent of Interest	Cr Hutton's family business is subject to the policy.

2.2 DISCLOSURES OF INTEREST AFFECTING IMPARTIALITY

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

Name / Position	Cr Rebecca Pizzey.
Meeting Type	Policy Committee Meeting.
Meeting Date	2 September 2024.
Item No. / Subject	Item 8.6 – Progress Report – Venue Hire Fees and Charges Policy Implementation Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Pizzey is known to, and her children play for, Kingsley Junior Football Club. Cr Pizzey is also known to the Senior Citizens Club and other sporting organisations.

Name / Position	Cr Lewis Hutton.
Meeting Type	Policy Committee Meeting.
Meeting Date	2 September 2024.
Item No. / Subject	Item 8.6 – Progress Report – Venue Hire Fees and Charges Policy Implementation Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Hutton has an association with organisations affected by the policy.

Name / Position	Cr Lewis Hutton.
Meeting Type	Policy Committee Meeting.
Meeting Date	2 September 2024.
Item No. / Subject	Item 8.8 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Hutton is a former member of the Burns Beach Residents Association Committee.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Phillip Vinciullo	30 August to 4 September 2024 inclusive.
Mayor Albert Jacob, JP	12 September to 2 October 2024 inclusive.

3.2 APOLOGIES

Mayor Albert Jacob, JP

Cr Hutton entered the Room at 6.01pm.

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE POLICY COMMITTEE HELD ON 29 JULY 2024

MOVED Cr Pizzey, **SECONDED** Cr Kingston that the Minutes of the Policy Committee held on 29 July 2024 be **CONFIRMED** as a true and correct record.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hamilton-Prime, Cr Hutton, Cr Pizzey and Cr Raftis.

Against the Motion: Nil.

5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

6 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 is not open to the public.

7 PETITIONS AND DEPUTATIONS

Nil.

8 REPORTS

8.1 PROPOSED PERCENT FOR ART SCHEME LOCAL PLANNING POLICY AND PROPOSED REVISIONS TO THE PUBLIC ART COUNCIL POLICY (WARD – ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	55029, 111603, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the proposed *Percent for Art Scheme Local Planning Policy* for the purposes of public advertising, as well as proposed revisions to the *Public Art Council Policy*.

EXECUTIVE SUMMARY

The City's *Public Art Masterplan* provides an overarching strategic framework, and proposes several funding options, for public art within the City. One of these options is the development of a Percent for Art Scheme, whereby public artworks are commissioned using a percentage of the total costs of development proposals.

In support of the *Public Art Masterplan*, the following modifications are proposed to the City's policy framework:

- Revision of the *Public Art Council Policy*, which outlines percent for art requirements for development proposals relating to City-owned properties.
- Development of a new *Percent for Art Scheme Local Planning Policy*, which outlines percent for art requirements for development proposals not subject to the *Public Art Council Policy* (such as those from private developers).

These proposed modifications would bring the City's public art policy framework in line with other Local Government Authorities (LGAs) in Perth, the majority of which have an established Percent for Art Scheme.

It is recommended that Council adopts the Public Art Council Policy and advertises the proposed Percent for Art Scheme Local Planning Policy.

BACKGROUND

The City's first *Public Art Masterplan* (Masterplan) was adopted at the 23 July 2024 Council meeting (CJ185-07/24 refers). The purpose of the Masterplan is to provide an overarching strategic framework and set of standards for all public art within the City. The Masterplan details the priorities and goals for public artwork and identifies opportunities to achieve these. The Masterplan proposes several options for funding public art within the City, including requiring a percentage of the total cost of development proposals to be spent on the commissioning of public art.

In support of the Masterplan, the City's policy framework has been reviewed, including revisions to the existing *Public Art Council Policy* and the development of a new *Percent for Art Scheme Local Planning Policy* (Percent for Art LPP).

Key Definitions

For ease of reference in this report and its policies, key definitions are included:

"Public space" refers to suitable spaces that can be programmed for public art. This commonly requires the space to be in clear view to the public. This includes but is not limited to parks, foreshores, city squares, streets, indoor spaces of buildings such as entry foyers, and outdoor spaces of buildings such as courtyards and forecourts.

"Public art" refers to an artistic work that is created and located for public accessibility. The defining principle of public art is that the work has been designed by a professional artist for enhancement of a particular public realm. Supported types of public art apply as per the City's *Public Art Council Policy* and *Public Art Masterplan*.

"Developer" means the applicant or owner as stated on the Application for Development Approval form for the relevant development.

"Development proposal" means an Application for Development (Planning) Approval submitted to the City or submitted to another approval authority and referred to the City for comment.

"Percent for Art" refers to the scheme whereby public artworks are commissioned using a percentage of the total costs of development proposals.

"Cash-in-lieu" means a payment made by the developer to the City in place of not completing the required public art component themselves.

The Need for a Percent for Art Policy

LGAs play an important role in guiding and approving public artworks commissioned by external sources, including public artworks as part of development proposals, and community-led public artworks. The growing prevalence of local government Percent for Art policies or schemes, requiring developments meeting certain financial threshold criteria to provide a percentage spend on public artworks, has created an important role for local government administrators in setting public art standards and guidelines and approving public art proposals.

The City's existing *Public Art Council Policy* applies to development proposals relating to City-owned properties where the total project costs exceed \$1,000,000. For these developments, 1% of the total project costs are to be used for the commissioning of public art. This aligns with the State Government's Percent for Art Scheme, which applies to new public buildings, such as schools, police stations and hospitals.

The proposed Percent for Art LPP would apply to all other development proposals not relating to City-owned properties or developments subject to the State Government's Percent for Art Scheme.

Existing Percent for Art Policies

The majority (83%) of Perth metropolitan LGAs have a public art strategy and supporting Percent for Art policy (Attachment 2 refers). Based on a review of these policies, typical Percent for Art requirements are as follows:

- Applicable to development proposals where the estimated cost of development meets \$2,000,000 and above.
- Not applicable to certain proposals, such as small-scale residential developments and developments within industrial areas.
- Subject development applications are to allocate an amount equal to one percent (1%) of the total project cost for the commissioning of public art.
- The public art contribution may be provided as part of the development, or as a cash-in-lieu payment to the City (which generally attracts a discount on the required contribution).
- The maximum required public art contribution is capped at \$500,000.

To inform the preparation of the proposed Percent for Art LPP, a review was undertaken of the number of development applications received by the City that would meet these typical requirements of Percent of Art policies.

Between 1 July 2020 and 24 April 2024, the City received 22 development applications which would meet these typical requirements (and which would not otherwise be covered by the State Government's Percent for Art Scheme). Based on a 1% contribution to public art, these development applications would have resulted in the collection of approximately \$1,900,000 during this time (not taking into account any discount for cash-in-lieu contributions). No development applications were received for which a 1% contribution would have exceeded \$500,000.

Strategic Context

The proposed revisions to the *Public Art Council Policy* (Attachment 3 refers) and proposed Percent for Art LPP (Attachment 1 refers) seek to align with the City's existing strategies and policies:

- *Strategic Community Plan 2022-2032*
- *Public Art Masterplan*
- *Place Activation Strategy*
- *Joondalup City Centre Place Activation Plan*
- *Local Planning Strategy*
- *Cultural Plan 2021-2025*
- *Environment Plan*
- *Public Open Space Framework*.

The City of Joondalup's strategies, including the *Public Art Masterplan*, are underpinned by strong community interest for cultural services and an appetite for more "art in the streets". Of survey respondents for the *Public Art Masterplan* 82% enjoy seeing public art. The supporting policies have been updated and formed by clear community and organisation needs.

Policy Alignment with Public Art Masterplan

The *Public Art Masterplan* outlines the City's approach for public art, addressing functional requirements and systems towards key practices. The following are proposed in support of the *Public Art Masterplan*:

- *Revised Public Art Council Policy* – a contextual and operational document to guide delivery of the program. This policy covers the City's project initiatives, Percent for Art for City-owned properties or new developments, and donations and gifts.
- *Proposed Local Planning Policy* – a new policy to provide a cohesive approach to City-wide developments. The policy proposes a Percent for Art Scheme for development proposals not covered by the *Public Art Council Policy*.

DETAILS

Public Art Council Policy

Responsible directorate: Corporate Services

Status: existing policy

Overview of updates:

Revised sections to match the *Public Art Masterplan* strategy including the following:

- Objective.
- Definitions.
- Statement.
- Types of public art – what is and is not public art.
- Program management.
- Percent for Art – aligning the City development application threshold from \$1,000,000 to \$2,000,000 to match the proposed Local Planning Policy.

Percent for Art Scheme Local Planning Policy

The development of the proposed Percent for Art LPP has been informed by a review of Percent for Art policies of other LGAs. The key provisions of the proposed Percent for Art LPP are as follows:

- Applies to all development proposals where the estimated cost of development meets \$2,000,000 and above, excluding:
 - Developments comprised of ten (10) or fewer residential dwellings.
 - Additions or extensions to existing buildings which are not visible from the public realm, as determined by the City.
 - Developments subject to the *Public Art Council Policy*.
 - Developments subject to an approved Structure Plan, Local Development Plan or other local planning instrument that contains requirements for the provision of public art in that area.
 - Developments subject to a State planning instrument that contains requirements for the provision of public art in that area.
 - Development comprised solely of demolition, site works or other servicing infrastructure, as determined by the City.

-
- Subject development applications are to allocate one percent (1%) of the total project cost for the commissioning of public art.
 - The maximum contribution is capped at \$500,000.

The proposed Percent for Art LPP provides applicants with two options for the required public art contribution:

- Provide public art on the site of the development proposal. This requires the developer to independently administer the public art project to City standards as detailed in a *Developer Guidebook for Public Art*. This guidebook provides an administrative and operational framework for developers to independently produce the required public art component at the standard that the City requires.
- Pay a cash-in-lieu contribution to the City in place of the developer providing the required public art component on site. The City would then retain the funds in its Public Art Reserve Fund and allocate the funds as part of its annual Public Art Program for new commissions, which would be expended within a five year period and allocated within the Ward of the associated development.

Benefits of proposed local planning policy

Public art has the potential to reflect community values, enliven public spaces and encourage social inclusion. The proposed Percent for Art LPP will ensure that the City's collection of public art is on par with other local government areas, including neighboring LGAs such as City of Wanneroo, City of Stirling and City of Swan.

The proposed Percent for Art LPP aligns with the City's strategy in the form of its *Public Art Masterplan*. It is vital the strategy is supported to perform and achieve its vision through supporting policies. As a result, the proposed Percent for Art LPP will provide beneficial structure and intended growth to the City's Public Art Program by facilitating the commissioning of high-quality art by developers, who have a responsibility to contribute to the character of the ward they are developing in. In turn, the City's public spaces will benefit from the enhancement that public art can bring to public space, including activation, beautification and facilitating community interaction.

The proposed Percent for Art LPP will also allow for developer contributions, or cash in lieu, as an alternative to the provision of art on site, which the City can strategically utilise in line with the *Public Art Masterplan*. This will build a public art budget for commissioning benchmark artworks and programming, and in turn further investing in the life of this region and the City's own valuable and valued art collection.

Issues and options considered

In relation to the draft revised *Public Art Council Policy*, Council has the option to either:

- approve the policy without modifications
- approve the policy with modifications
- or
- not approve the policy.

In relation to the proposed *Percent for Art Scheme Local Planning Policy*, Council has the option to either:

- advertise the proposed policy, without modifications
- advertise the proposed policy, with modifications
or
- not support the advertising of the proposed policy.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Planning and Development Act 2005.
 Planning and Development (Local Planning Scheme) Regulations
 2015.
 Local Planning Scheme No. 3.

10-Year Strategic Community Plan

Key theme	1. Community
Outcome	1-2 Inclusive and connected - you enjoy local services and programs that cater for different ages, abilities and backgrounds. 1-4 Artistic and creative - you celebrate, support and participate in art and events in your local area. 1-5 Cultural and diverse - you understand, value and celebrate the City's unique Aboriginal and other diverse cultures and histories.
Key theme	3. Place. 4.
Outcome	3-2 Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood. 3-3 Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes. 3-4 Functional and accessible - you have access to quality community facilities that are functional and adaptable
Key theme	4. Economy.
Outcome	4-2 Innovative and confident - you are attracted to the City's unique characteristics and potential and feel confident in investing. 4-3 Appealing and welcoming - you welcome residents, and local and international visitors to the City.

Risk management considerations

The policies are intended to align with the *Public Art Masterplan*, which serves as a strategy to mitigate holistic risk to the City's Public Art Program by providing operational structure and resource stability.

If the plan's supporting policies are not endorsed, significant risks pose threats to the program and the City not being able to meet its strategic vision, including the following:

- Lack of strategic framework to deliver the City's Public Art Program, affecting the realisation, quality, meaning, connectivity, and compliance of projects.
- Compromising the integrity of the management practices of the Public Art Collection.
- Reputational damage to the City – falling behind State and best practice approaches to public art.
- Missing opportunities to grow the program and collection.
- Reputational damage to the City – no outcomes following a rigorous consultation period and strong interest from community members for more public art.
- Limiting direction to achieve City's goals for activation and economic development.

If the proposed percent for Art LPP is adopted there may be a perceived disincentive for development due to the additional charge for public art. However, this risk will be managed by:

- A 21-day consultation period will be undertaken and developers will be invited to provide feedback.
- Similar Percent for Art policies are utilised by many local governments and include similar thresholds, as such it is not a unique or unfamiliar policy for developers.

Financial / budget implications

The *Public Art Masterplan* outlines five income generation and management strategies, which are serviced by the updated policies in the following way:

Public Art Council Policy - existing

- 1 *Public Art Reserve Fund:* a capital budget collects an investment per annum to build growth of the Public Art Program.
- 2 *Annual budget:* an operational budget is formed per annum to finance and produce new and identified public art projects and maintain the existing Public Art Collection.
- 3 *City developments:* new commissions are continued to be realised through City developments and a Percent for Art Scheme for projects over the agreed project budget threshold – 1% budget allocation for projects over \$2,000,000.
- 4 *City Partnerships:* collaboration across business units within the City that provide service, and community amenity. This approach shares City resources to meet its common goals and maximise collective impact.

Local Planning Policy - new - proposed cost to developers

- 5 *Developments:* a new Percent for Art Scheme is applied City-wide, matching the current scheme applicable to City developments.

Regional significance

LGA's across Western Australia are now actively engaging in the public art commissioning process and utilising an active strategy and supporting policy in the form of a Percent for Art Scheme (**24 of 29 LGAs - 83%**). This policy is a component of a practical and functioning public art program, and commonly practiced across Western Australia.

Both policies will bring the City in line with current State approaches and represent a best practice approach to public art programs.

Public art also has a role to play in improving the place identity of the region and contributing to its cultural, social and economic value. The policies seek to build the City of Joondalup's significance as a place, destination and home for local communities.

Sustainability implications

Environmental

The Public Art Council Policy will follow the City's environmental and sustainability processes where required towards the production of public art components.

Social

Implications associated with endorsing the policy

- Reputational risks associated with the public not understanding how the public art budget is accrued through developer funds, leading to criticism of budget expenditure on public art. This is countered by the following information:
 - 82% of survey respondents for the Public Art Masterplan enjoy seeing public art.
 - Cultural Services is rated in the City's top 10 most important services with a customer satisfaction rating of 84% in 2023.
 - More broadly, three in five Australians agree culture and creativity should receive public funding (61%) as noted in the Creative Australia study *Creating Value: Results of the National Arts Participation Survey*.
 - The City has an active and supportive arts community based on Australian Bureau of Statistics for the electorate of Moore (which covers Joondalup local wards), profile data for 2021-22 that shows that 71% of adults (aged 15+) attend cultural events or venues.

Implications associated with not endorsing the policy

- Reputational damage to the City – falling behind state and best practice approaches to public art.
- Reputational damage to the City – no outcomes following a rigorous consultation period and strong interest from community members for more public art.
- Risk of losing competitive edge as a cultural leader.

Economic

Implications associated with endorsing the policy

- Potential for additional resources required to manage growing the public art collection. This will be addressed by the introduction of a Public Art Officer.
- Perceived financial barrier to local developers and avoiding development within the City. This is countered by the following information:
 - A 21 day consultation period will be undertaken and developers will be invited to provide feedback.
 - The policy thresholds reflect current best practice.
 - The majority of Perth LGAs have an active Percent for Art policy, such that developers are familiar with meeting its requirements and it being common practice.
 - Specifically neighbouring LGAs in Wanneroo, Stirling and Swan each have an active Percent for Art Policy and developers are required to meet the same policy and financial requirements, reducing the likelihood of developers being attracted to neighbouring LGAs for financial reasons.

Implications associated with not endorsing the policy

- Failure to meet the City's strategy and limiting direction to achieve the City's goals for cultural services, activation and economic development.
- Missing opportunities to grow the program and invest in an economically valuable Public Art Collection.
- Missing opportunities to attract visitors and tourists to visit the City to view artworks.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* require a new local planning policy or major amendment to a local planning policy to be advertised for public comment for a period of not less than 21 days. The *Planning Consultation Local Planning Policy* also requires a local planning policy to be advertised for 21 days, unless the amendment is considered minor.

The proposed Percent for Art LPP is proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- Letters to registered resident and ratepayer groups.
- An email to the Community Engagement Network.
- A notice on the City's social media platforms.
- An email to the Joondalup Business Association.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the local planning 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 Percent for Art LPP is not considered to be inconsistent with any State planning policy.

There is no statutory requirement to advertise the proposed revisions to the *Public Art Council Policy*.

COMMENT

The City is well placed to update its public art policies, following the adoption of its first *Public Art Masterplan*. There is a clear need for the City to achieve strategic goals towards activation, economic development and cultural services, which can be realised through best practice supporting policies.

These are beneficial policies for the City that will provide positive outcomes and strengthen the City's current modest Public Art Collection and program - ensuring its stability, growth and legacy.

VOTING REQUIREMENTS

Simple Majority.

The Manager Leisure and Cultural Services left the room at 6.01pm and returned at 6.02pm.

The Director and Principal – Social & Culture, Element WA and the Coordinator Cultural Services entered the Room at 6.02pm and left at 6.52pm.

The Manager Leisure and Cultural Services left the room at 6.52pm and returned at 6.53pm.

OFFICER'S RECOMMENDATION MOVED Cr Hamilton-Prime, SECONDED Cr Chester that Council:

- 1 ADOPTS the revised Public Art Council Policy provided as Attachment 3 to this Report;
- 2 In accordance with Clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft Percent for Art Scheme Local Planning Policy, provided as Attachment 1 to this Report, for a period of 21 days.

During debate it was requested that Parts 1 and 2 be voted upon separately.

During debate Cr Kingston foreshadowed a Procedural Motion to defer Part 1 of the motion:

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

- 1 ADOPTS the revised Public Art Council Policy provided as Attachment 3 to this Report;

The Motion was Put and

LOST (1/5)

In favour of the Motion: Cr Hamilton-Prime.

Against the Motion: Cr Kingston, Cr Chester, Cr Hutton, Cr Pizzey and Cr Raftis.

PROCEDURAL MOTION - THAT THE ITEM BE DEFERRED

MOVED Cr Kingston, **SECONDED** Cr Chester that the Policy Committee **DEFER** the adoption of the revised Public Art Council Policy provided as Attachment 3 to this Report, as per clause 10.1(a) of the *City of Joondalup Meeting Procedures Local Law 2013*.

The Procedural Motion was Put and

CARRIED (6/0)

In favour of the Procedural Motion: Cr Kingston, Cr Chester, Cr Hamilton-Prime, Cr Hutton, Cr Pizzey and Cr Raftis.

Against the Procedural Motion: Nil.

During debate Cr Hutton foreshadowed a Procedural Motion to defer Part 2 of the motion.

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

- 2 In accordance with Clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft Percent for Art Scheme Local Planning Policy, provided as Attachment 1 to this Report, for a period of 21 days.

The Motion was Put and

LOST (2/4)

In favour of the Motion: Cr Hamilton-Prime and Cr Pizzey.

Against the Motion: Cr Kingston, Cr Chester, Cr Hutton and Cr Raftis.

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK

MOVED Cr Hutton, **SECONDED** Cr Kingston that the Policy Committee **REFER BACK** the draft Percent for Art Scheme Local Planning Policy provided as Attachment 1 to this Report to a future Strategy Session, as per clause 10.1(c) of the *City of Joondalup Meeting Procedures Local Law 2013*.

The Procedural Motion was Put and

CARRIED (6/0)

In favour of the Procedural Motion: Cr Kingston, Cr Chester, Cr Hamilton-Prime, Cr Hutton, Cr Pizzey and Cr Raftis.

Against the Procedural Motion: Nil.

ATTACHMENTS

1. Proposed Percent for Art Scheme Local Planning Policy [8.1.1 - 4 pages]
2. LGA Benchmarking Data Percent for Art [8.1.2 - 1 page]
3. Revised Public Art Council Policy 2024 (clean) [8.1.3 - 5 pages]
4. Revised Public Art Council Policy 2024 (marked up) [8.1.4 - 5 pages]

Disclosure of Financial Interest / Proximity Interest

Name / Position	Cr Lewis Hutton
Meeting Type	Policy Committee Meeting
Meeting Date	2 September 2024
Item No. / Subject	Item 8.2 – Proposed Revisions to the Alfresco Activities Local Planning Policy and Draft Alfresco Space Guidelines
Nature of Interest	Indirect Financial Interest
Extent of Interest	Cr Hutton's family business is subject to the policy.

8.2 PROPOSED REVISIONS TO THE ALFRESCO ACTIVITIES LOCAL PLANNING POLICY AND DRAFT ALFRESCO SPACES GUIDELINES (WARD – ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	03360, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider proposed revisions to the *Alfresco Activities Local Planning Policy*, and proposed *Alfresco Spaces Guidelines*, for the purposes of public advertising.

EXECUTIVE SUMMARY

One of the priority initiatives of the *Joondalup City Centre Place Activation Plan* (the Plan) is to encourage street activation and vibrancy by encouraging businesses to spill out into the adjacent public realm with alfresco activities. In support of this initiative, the Plan recommends that the City engage with local businesses to understand potential barriers to alfresco, simplify the alfresco application process, and review the fees for outdoor eating permits.

Element Advisory consultants were engaged to review the City's existing approach to alfresco activities, including engagement with street facing businesses in the Joondalup City Centre to understand barriers to alfresco and how to improve the uptake of alfresco activities. This engagement found that businesses saw the existing process as complex and confusing, and that there was a desire for the process to be simplified. The engagement also showed that businesses found the existing process especially difficult to navigate for proposals involving semi-permanent alfresco furniture (furniture that remains in the public realm outside of business hours).

The following modifications are recommended to the alfresco application process in light of the recommendations of the *Joondalup City Centre Place Activation Plan* and in response to engagement with the local street facing businesses in the Joondalup City Centre:

- Revision of the *Alfresco Activities Local Planning Policy* (the Policy) to provide exemptions from the need for planning approval for semi-permanent alfresco furniture within the Joondalup City Centre (in addition to the existing exemption for temporary furniture that is removed outside of business hours).
- Development of *Alfresco Spaces Guidelines* (the Guidelines), to provide a user-friendly guide to the proposed alfresco application process. The process outlined in the Guidelines has been simplified as much as possible, while still ensuring that matters of alfresco location, design and management are considered.

To further encourage alfresco uptake within the Joondalup City Centre, it is also proposed that the fees associated with outdoor eating permits be amended to \$0 for applications received for this area.

It is therefore recommended that Council advertise the draft revised Alfresco Activities Local Planning Policy and draft Alfresco Spaces Guidelines.

BACKGROUND

The *Alfresco Activities Local Planning Policy* (Attachment 1 refers), which was first adopted in June 1999 (CJ213-06/99 refers), applies to all alfresco activities situated on City owned or managed land. Alfresco activities include the consumption of food and/or beverages by the public, generally within the verge area next to an existing food business. Alfresco activities can contribute to the activation and vibrancy of City streets.

The Policy was updated in August 2020 (CJ119-08/20 refers) to simplify and streamline the alfresco approval process and to provide greater flexibility in the way that alfresco activity could be conducted.

The current approval requirements for alfresco activities within the City are as follows:

- Temporary furniture, which is removed from the public realm outside of the operating hours of the associated business, are exempt from the need to obtain planning approval where it meets the requirements of the Policy.
- All other forms of alfresco activities, including semi-permanent furniture which remains in the public realm outside of operating hours, and permanent structures, require planning approval.
- Irrespective of whether the alfresco proposal requires planning approval, an outdoor eating permit is required under the *Local Government and Public Property Local Law 2014* (Local Law) where food/beverage service is proposed.

The *Joondalup City Centre Place Activation Plan* (the Plan) was endorsed by Council on 28 June 2022 (CJ085-06/22 refers). The Plan defines a vision and outlines a series of initiatives to activate the area and foster vibrancy and growth in the Joondalup City Centre. One of the initiatives identified as a community priority was to make alfresco dining an 'as of right' activity, encouraging businesses to spill out into the adjacent public realm. In relation to the approval process for alfresco activities, the Plan provides the following recommendations:

- Engage with food businesses that are not utilising alfresco in order to understand the perceived barriers and identify opportunities to remove those barriers and expand alfresco take up.
- Review fees associated with outdoor eating permits under the *Local Government and Public Property Local Law 2014*.
- Simplify the alfresco application and approval process.

In October 2023, the City engaged Element Advisory consultants to lead a review of the City's current approach to alfresco activities in order to simplify the alfresco application and approval process in line with the recommendations of the *Joondalup City Centre Place Activation Plan*. This review involved engagement with a selection of street facing businesses in the Joondalup City Centre to understand barriers to alfresco and how to improve the uptake of alfresco activities. The following feedback on the existing alfresco application and approval process was provided as part of this engagement:

- The application and approval process is complex and confusing.
- The existing process is especially difficult to navigate for proposals involving semi-permanent alfresco furniture (furniture that remains in the public realm outside of business hours).
- The process should be made as easy as possible with limited paperwork and low or no fees.

Informed by the recommendations of the *Joondalup City Centre Place Activation Plan* and in response to engagement with the local businesses in the Joondalup City Centre, a revised *Alfresco Activities Local Planning Policy* has been developed, supported by draft *Alfresco Spaces Guidelines*. While the review focused primarily on the Joondalup City Centre, the development of these documents has considered a City-wide application.

DETAILS

The proposed revisions to the approval requirements for alfresco activities are as follows:

Form of alfresco space	Description	Existing approval requirements	Proposed approval requirements
Temporary furniture	Furniture that is not fixed in place and that is removed from the public realm outside of the operating hours of the associated business.	<ul style="list-style-type: none"> • Exempt from planning approval, where compliant with the Policy. Where proposal is non-compliant, planning approval is required. • Outdoor eating permit required under the Local Law where the proposal relates to an outdoor eating facility associated with a food business. 	<ul style="list-style-type: none"> • Exempt from planning approval in all cases under the Policy. • Permit required under the Local Law, issued as an outdoor eating permit where food/beverage service is proposed. • Assessment of the permit application in accordance with the Guidelines.

Form of alfresco space	Description	Existing approval requirements	Proposed approval requirements
Semi-permanent furniture (‘Vergelet’)	<p>Furniture that may remain in the public realm outside of the operating hours of the associated business.</p> <p>Vergelet furniture is to be fixed in place or significantly weighted (to the satisfaction of the City) and may be in the form of furniture attached to a decked platform.</p>	<ul style="list-style-type: none"> Planning approval required in all cases. Outdoor eating permit required under the Local Law where the proposal relates to an outdoor eating facility associated with a food business. 	<ul style="list-style-type: none"> Exempt from planning approval where located in the Joondalup City Centre, otherwise planning approval required under the Policy. Permit required under the Local Law, issued as an outdoor eating permit where food/beverage service is proposed. Assessment of the permit application in accordance with the Guidelines.
Other	Any form of alfresco space which does not meet the definition of temporary furniture or vergelet.	<ul style="list-style-type: none"> Planning approval required in all cases. Outdoor eating permit required under the Local Law where the proposal relates to an outdoor eating facility associated with a food business. 	<ul style="list-style-type: none"> Planning approval required in all cases. Policy revised to provide development objectives to guide assessment of development application. Permit required under the Local Law.

Proposed revisions to the Alfresco Activities Local Planning Policy

The following revisions are proposed to the Policy:

- Renamed to the *Alfresco Spaces Local Planning Policy* (Alfresco Spaces LPP).
- Removal of sections ‘5.1 Alfresco location’ and ‘5.2 Planning requirements’. The matters contained within these sections have been included, as required, in the proposed Guidelines (discussed in further detail below).
- New definition for alfresco spaces:
 - “*extensions of existing businesses into the adjacent public realm. These spaces may or may not be designed for the consumption of food and beverages. Alfresco spaces may include, but are not limited to, furniture such as chairs and tables, planter boxes, weather protection structures (such as umbrellas and café blinds) and fencing/barriers to define the alfresco space*”.
- Two new definitions of alfresco spaces, being ‘temporary furniture’ and ‘vergelets’ (semi-permanent alfresco furniture).
- Provide exemptions from the need for planning approval for vergelets within the Joondalup City Centre (in addition to the existing exemption for temporary furniture).
- For all other forms of alfresco spaces, confirms that development approval is required, and provides development objectives to guide the assessment of associated development applications.

A tracked changes (Attachment 2 refers) and clean version (Attachment 3 refers) of the draft revised Policy are provided as attachments to this Report.

Proposed Alfresco Spaces Guidelines

In support of the draft revised Policy, draft Guidelines (Attachment 4 refers) have been prepared to provide a user-friendly guide to the proposed alfresco application process. The process outlined in the Guidelines has been simplified as much as possible, while still ensuring that matters of location, design and management are considered. The Guidelines provide the following:

- Detail on the different forms of alfresco space considered by the Guidelines, being temporary furniture and vergelets.
- Location requirements, including setbacks from properties and public infrastructure to ensure that alfresco spaces do not impact on the movement of pedestrians and vehicles, adjoining properties, access to services, or works required within the public realm.
- Design requirements, including use of materials, accessibility, signage, lighting, and affixing and weighing down of furniture and structures.
- Management requirements, including maintenance, public liability insurance and protection of City property.
- Application process, including reference to the exemptions from the need for planning approval established under the draft revised Policy.

The Guidelines set out that a permit is required under the Local Law for temporary furniture and vergelets. Where a proposal relates to an outdoor eating facility associated with a food business, the permit would be issued as an outdoor eating permit in accordance with clause 11.15 of the Local Law. Where the proposal does not relate to an outdoor eating facility associated with a food business, the permit would be issued under clause 8.2 of the Local Law. For a permit to be issued, the proposal would need to meet the requirements of the Guidelines, to the satisfaction of the City. To reduce regulatory burden, it is considered appropriate that permits would only need to be renewed after five years.

Temporary furniture and vergelet permits

As outlined above, it is proposed that applicants for temporary furniture and vergelet proposals would need to obtain a permit from the City. The permit would contain conditions addressing the following matters:

- Proponent obligations.
- Maintenance (consistent with the management requirements of the Guidelines).
- Public liability insurance, for a minimum of \$20 million.
- Indemnification of the City, the State of Western Australia and the Minister for Lands from all claims in respect to the proposal.

Amending permit fees for the Joondalup City Centre

As discussed in the Background section of this report, the *Joondalup City Centre Place Activation Plan* outlines a series of initiatives to activate the area and foster vibrancy and growth in the City Centre. One of these initiatives is to review fees and charges for outdoor eating permits under the Local Law. Engagement with local businesses within the Joondalup City Centre also showed a desire for low or no fees.

The table below outlines the 2023/24 fees for outdoor eating permits, and the revenue that was received for the associated services within the Joondalup City Centre for the last three years.

Service	Fee (2023/24 FY)	Applications received	Total revenue
Initial application fee	\$361	21/22 FY: 14 22/23 FY: 12 23/24 FY: 11 Average: 12.3	21/22 FY: \$23,280 22/23 FY: \$22,608 23/24 FY: \$22,033 Average: \$22,640
Annual outdoor eating permit fee (renewal)	\$364 plus \$37 per square metre of land		
Outdoor eating permit transfer fee	\$44	Average across 21/22, 22/23 and 23/24 FY	
		1	\$44

To encourage the activation of the Joondalup City Centre, it is proposed that these fees above be amended to \$0 for applications received for the Joondalup City Centre. Based on applications received in the 2021/22, 2022/23 and 2023/24 financial years, this would result in the loss of approximately \$22,700 per year in revenue for the City.

Summary

The following changes outlined above are intended to:

- Provide more flexibility in how alfresco spaces can be activated, with the aim of encouraging more alfresco activities to occur, as well as allowing operators to be innovative in the use of alfresco spaces.
- Expand the exemption from the need to obtain planning approval to semi-permanent furniture (vergelets), thereby avoiding the timeframes and fees associated with obtaining that approval.
- Remove the annual fees under the Local Law associated with operating alfresco facilities in the City Centre.
- Provide guidance document that sets out the more streamlined approach for business operators seeking to set up an alfresco activity.

Issues and options considered

Council may choose to:

- advertise the revised *Alfresco Activities Local Planning Policy* and draft *Alfresco Spaces Guidelines*, without modifications
- advertise the revised *Alfresco Activities Local Planning Policy* and draft *Alfresco Spaces Guidelines*, with modifications
- or
- not support the advertising of the revised *Alfresco Activities Local Planning Policy* and draft *Alfresco Spaces Guidelines*.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>City of Joondalup Local Planning Scheme No. 3. Planning and Development (Local Planning Schemes) Regulations 2015. City of Joondalup Local Government and Public Property Local Law 2014.</i>
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10-Year Strategic Community Plan

Key theme	3. Place.
Outcome	3-3 Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes.
Policy	<i>Alfresco Activities Local Planning Policy. Planning Consultation Local Planning Policy</i>

Risk management considerations

Risks associated with exempting development approval for alfresco spaces can be reduced by requiring applicants to obtain a permit under the Local Law.

Any alleged non-compliance relating to alfresco spaces can be investigated and acted upon by the City should a complaint be received.

Financial / budget implications

A total of \$44,239 was spent on consultancy fees for the review of the City's approach to alfresco activities, as well as the investigation of an alfresco incentive or grant program for the Joondalup City Centre, which was included in the 2023/24 budget.

Between 1 July 2021 and 30 June 2024, only one planning application was received for alfresco spaces in the public realm. The potential loss of revenue which would result from proposals for alfresco spaces being made exempt from planning approval is therefore considered negligible.

As discussed in the Detail section of this report, it is proposed that fees associated with outdoor eating permits be amended to \$0 for proposals within the Joondalup City Centre. Based on applications received in the 2021/22, 2022/23 and 2023/24 financial years, this would result in the loss of approximately \$22,700 in revenue for the City.

In terms of costs associated with public advertising and notice of any final adoption of the draft revised Policy and supporting Guidelines, the approximate cost of this process will be \$1,000.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the LPS Regulations require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The *Planning Consultation Local Planning Policy* also requires a policy to be advertised for 21 days, unless the amendment is considered minor. The draft revised Policy is proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- Emails to registered resident and ratepayer groups.
- Emails to the businesses within the Joondalup City Centre that were engaged by Element Advisory consultants as part of their review of the City's alfresco approval framework.
- An email to the Community Engagement Network.
- A notice on the City's social media platforms.
- 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 revisions to the Policy are not considered to be inconsistent with any State planning policy.

There is no legislated requirement to advertise the draft Guidelines. Notwithstanding, it is recommended that advertising be undertaken for a period of 21 days, as part of the advertising of the draft revised Policy.

COMMENT

A review of the City's approach to alfresco activities has been undertaken. In light of the recommendations of the *Joondalup City Centre Place Activation Plan* and in response to engagement with the local street facing businesses in the Joondalup City Centre, revisions are proposed to the Policy and supporting Guidelines have been developed.

It is noted that additional place activation plans for other areas in the City may be developed under the City's *Place Activation Strategy*. Where these plans seek to encourage alfresco spaces in the public realm, further review of the alfresco application process, including applicable fees, may be undertaken.

It is recommended that Council advertise the draft revised Policy and draft Guidelines for a period of 21 days. Following advertising, a report will be presented to Council to further consider these documents, and well as the proposed amendments to permit fees for the Joondalup City Centre.

VOTING REQUIREMENTS

Simple Majority.

Cr Hutton left the Room at 7.26pm.

OFFICER'S RECOMMENDATION MOVED Cr Hamilton-Prime, SECONDED Cr Chester that Council:

- 1 In accordance with Clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft revised *Alfresco Activities Local Planning Policy*, provided as Attachment 3 to this report, for a period of 21 days;**
- 2 ADVERTISES the draft Alfresco Spaces Guidelines, provided as Attachment 4 to this report, for a period of 21 days.**

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hamilton-Prime, Cr Pizzey and Cr Raftis.

Against the Motion: Nil.

The Manager Planning Services left the Room at 7.41pm and returned at 7.42pm.

Cr Hutton entered the Room at 7.42pm.

Cr Hamilton-Prime left the Room at 7.42pm.

ATTACHMENTS

1. Current Alfresco Activities Local Planning Policy [8.2.1 - 6 pages]
2. Alfresco Activities Local Planning Policy (tracked changes) [8.2.2 - 10 pages]
3. Alfresco Activities Local Planning Policy (clean version) [8.2.3 - 5 pages]
4. Draft Alfresco Spaces Guidelines [8.2.4 - 16 pages]

8.3 PROPOSED REVOCATION OF GREENWOOD LOCAL STRUCTURE PLAN AND AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 (WARD – SOUTH-EAST)

WARD	South-East
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	104828, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider progressing the revocation of the *Greenwood Local Structure Plan*, following advertising of the proposal. The proposed revocation will be progressed by way of an amendment to *Local Planning Scheme No. 3*.

EXECUTIVE SUMMARY

The *Greenwood Local Structure Plan* (the structure plan) was adopted by Council at its meeting held on 17 August 2015 (CJ050-04/15 refers) and approved by the Western Australian Planning Commission (WAPC) on 15 February 2016. The structure plan was developed to facilitate the subdivision, zoning, and allocation of density for the former East Greenwood Primary School site. The structure plan area currently has six vacant lots remaining.

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the WAPC advised the City that a separate review of the City's existing structure plan areas should be undertaken to assess whether existing structure plans are still relevant and required.

The structure plan area is zoned 'Urban Development' under LPS3 and the structure plan specifies that land use permissibility is in accordance with the zones and reserves listed in the scheme. The structure plan also requires that development provisions be set out in a Local Development Plan. Following modifications, the final *Greenwood Local Development Plan* was approved by Council at its meeting of 20 October 2020 (CJ142-10/20 refers), as such there are no development provisions within the structure plan that need to be retained and incorporated into LPS3.

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the structure plan will automatically revoke the structure plan where a statement to that effect is included as part of the scheme amendment proposal. This type of scheme amendment is classified as a 'basic' amendment and there is no statutory provision to advertise this form of amendment.

Council considered the intention to revoke the *Greenwood Local Structure Plan* at its meeting held on 28 May 2024 and resolved to advertise the proposal for a period of 14 days (CJ134-05/24 refers).

The advertising period closed on 24 June 2024 and no formal submissions were received. It is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within *Greenwood Local Structure Plan* area in accordance with the zones set out in the structure plan. If approved by the Minister for Planning, this scheme amendment will facilitate the revocation of the structure plan.

BACKGROUND

Suburb/Location	Greenwood, including Assembly Way, Mulligan Drive, Carnival Lane, Dargin Place, Quadrangle Lane and Reilly Way.
Owner	Various.
Zoning	LPS Urban Development.
	MRS Urban.
Site area	3.86 hectares.
Structure plan	<i>Greenwood Local Structure Plan</i> .

Local Structure Plan review project

As part of the approval of LPS3, the WAPC advised that a separate review of the City's existing structure plan areas should be undertaken to assess the current status of each structure plan. This would determine if a structure plan covered an area:

- where development is still occurring, and the structure plan is still relevant and needs to be retained
- where development is complete or nearing completion, in which case the structure plan can be revoked via an amendment to LPS3 to rezone the area. This may include introducing relevant development provisions from the structure plan into the scheme.

The City has been progressing this review since LPS3 came into effect, with a number of structure plans revoked or in the process of being revoked.

Greenwood Local Structure Plan

The *Greenwood Local Structure Plan* applies to the land bounded by Dargin Place to the west, Reilly Way to the north, Assembly Way to the south and Mulligan Drive to the east (Attachment 1 refers). The structure plan area encompasses the site of the former East Greenwood Primary School site which was identified in 2007 as being surplus to the needs of the Department of Education. In 2010 the site was subsequently rezoned to 'Urban Development' under the former District Planning Scheme No. 2 (DPS2) to facilitate residential development ranging in density from R40 to R80.

The structure plan and associated *Greenwood Local Development Plan* (LDP) (Attachment 2 refers) was adopted by Council at its meeting of 17 August 2015 (CJ132-08/15 refers) and the structure plan approved by the WAPC on 15 February 2016. The current LDP was formally approved on 26 October 2020, following modifications made subsequent to the original LDP approved (CJ163-12/19 and CJ142-10/20 refers).

The LDP sets out the specific built form provisions for the lots within the structure plan area and will remain applicable following revocation of the structure plan. The subject area is now nearing completion, with six lots remaining vacant, including two sites intended for multiple dwelling (apartment) development. All remaining lots are under the same ownership.

Council considered the intention to revoke the *Greenwood Local Structure Plan* at its meeting held on 28 May 2024 (CJ134-05/24 refers) and resolved the following:

“That Council ADVERTISES the proposal to revoke the Greenwood Local Structure Plan to landowners within the structure plan area, for a period of 14 days.”

DETAILS

It is proposed that the structure plan be revoked as the estate is nearing completion, and the structure plan is not relevant to the development of the remaining lots as the development standards are captured in the provisions of the LDP.

Under the LPS Regulations, an amendment to the planning scheme to incorporate the zoning indicated in the structure plan will also revoke the structure plan, provided a statement is included to that effect. This means that the approval of an amendment to LPS3 to rezone the structure plan area from ‘Urban Development’ to those outlined in the structure plan, for example the ‘Residential’ zone and ‘Public Open Space’ reserve, will automatically revoke the structure plan. Such a scheme amendment is classified as ‘basic’ under the LPS Regulations.

Issues and options considered

Current need for the *Greenwood Local Structure Plan*

The structure plan consists of the ‘Residential’ zone, ‘Public Open Space’ reserve (Dandjoo Park) and ‘Road’ reserves. The ‘Residential’ zone consists of three density codes, being R40, R60 and R80 (Attachment 3 refers).

The structure plan was developed to facilitate the subdivision of the estate, setting the land use zones, residential density, dwelling yield and public open space requirements. All provisions of the structure plan have been met and addressed through the subdivision of the estate and as such it is not considered necessary to include any of the provisions within LPS3.

Specific development provisions for the dwellings are incorporated into the Greenwood LDP, with the LDP remaining applicable for future development of the remaining vacant lots.

Zoning

The land within the structure plan area is zoned ‘Urban Development’ under LPS3. If the proposed revocation of the structure plan is supported, it is proposed to rezone this land to ‘Residential R40’, ‘Residential R60’, ‘Residential R80’ and the ‘Public Open Space’ and ‘Local Road’ reserves in accordance with the proposed scheme amendment map (Attachment 4 refers).

Land use permissibility

The structure plan states that land use permissibility is in accordance with the zones and reserves listed in the scheme. If a scheme amendment is supported and the structure plan revoked, land use permissibility will be in accordance with the ‘Residential’ zone of LPS3.

Options

The options available to Council in considering the proposed scheme amendment are to:

- prepare the amendment to the local planning scheme without modification
- prepare the amendment to the local planning scheme with modifications
or
- not prepare the amendment to the local planning scheme.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes) Regulations
2015.*

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-2 Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

Policy Not applicable.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 28 of the deemed provisions of the LPS Regulations states that structure plans have effect for 10 years from their date of approval. The WAPC may extend the period of approval of a structure plan, revoke a structure plan or amend the planning scheme that covers a structure plan area which may automatically revoke the structure plan.

The LPS Regulations state that an amendment to a scheme map that is consistent with an approved structure plan is a 'basic' amendment if the scheme includes the zones outlined in the structure plan. A statement must be included within the amendment proposal specifying that when the amendment takes effect the approval of the structure plan is to be revoked. A basic amendment is not required to be advertised for public comment.

Should Council resolve to prepare the proposed amendment, it is required to be referred to the Environmental Protection Authority (EPA) to decide whether a formal environmental review is required. Should the EPA decide that an environmental review is not required, the City will notify the WAPC of the EPA's decision.

Separately, Council's decision is forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment, or require the amendment to be advertised for public comment. If the Minister approved the scheme amendment, the *Greenwood Local Structure Plan* will be revoked by the WAPC.

Structure Plan Framework

The Structure Plan Framework outlines the manner and form in which a structure plan and activity centre plan is to be prepared under the LPS Regulations. Clause 16 of the framework outlines that the WAPC may revoke its approval of a structure plan under the deemed provisions of the LPS Regulations and provides for common circumstances in which this would occur, including where the zoning of the land is covered within the scheme and following finalisation of the subdivision of the land.

Local Planning Scheme No. 3

The objectives of the 'Residential' zone in LPS3 are:

Zone name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The objectives of the 'Public Open Space' and 'Local Road' reserves in LPS3 are:

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none"> • To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. • To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Local Road	<ul style="list-style-type: none"> • To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

Risk management considerations

In the event Council elect to prepare the amendment to the local planning scheme and revoke the Greenwood Local Structure Plan, anticipating the Minister for Planning's support for the proposal, zoning and reserves identified in the local structure plan will be carried across into the City's Local Planning Scheme No. 3 (LPS3). Specific development provisions that apply to sites within the local structure plan area will remain in effect under the Greenwood Local Development Plan.

In the event Council elect not to prepare the amendment to the local planning scheme and revoke the Greenwood Local Structure Plan the structure plan will remain in effect until 15 February 2026. After this time the local structure plan will expire and in the absence of further action (such as a scheme amendment), there will be less certainty regarding the planning context for the site and potentially a reduced ability for the City to guide appropriate development outcomes.

Financial / budget implications

The City, as the proponent, is required to cover the costs associated with the cost of publishing a notice in the local newspaper and the Government Gazette should the amendment be approved by the Minister for Planning. The costs of publishing the amendment in the local newspaper is approximately \$130 and the costs for publishing within the Government Gazette is approximately \$160.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There are no provisions within the LPS Regulations or Structure Plan Framework which require consultation to be undertaken prior to a structure plan being revoked. However, it was considered appropriate to advise the landowners within the structure plan area of the proposal to revoke the structure plan and obtain any feedback prior to Council making its decision.

The proposal was advertised for a period of 14 days by way of letters to landowners within the structure plan area, closing 24 June 2024. No formal submissions were received.

COMMENT

The area encompassed by the *Greenwood Local Structure Plan* is nearing completion with six lots remaining for development. As detailed in this report, it is considered appropriate to incorporate the zones and density codes from the structure plan into LPS3. Development provisions for the undeveloped lots will continue to be set out in the *Greenwood Local Development Plan* which will remain in effect.

The proposed scheme amendment to rezone the land within the *Greenwood Local Structure Plan* from 'Urban Development' to 'Residential R40', 'Residential R60', 'Residential R80', 'Public Open Space' Reserve and 'Local Road' Reserve in accordance with the structure plan is considered appropriate given the land uses will remain consistent with the current and intended future use of the land. In the event that the Minister for Planning approves the scheme amendment, the *Greenwood Local Structure Plan* will be revoked by the WAPC.

No issues were identified through the advertising of the proposal, and it is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the *Greenwood Local Structure Plan* area in accordance with the structure plan, which will facilitate the revocation of the structure plan.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Kingston, SECONDED Cr Chester that Council:

- 1** In accordance with section 75 of the *Planning and Development Act 2005*, resolves to **PREPARE** an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:
 - 1.1** rezone the land within the *Greenwood Local Structure Plan* from 'Urban Development' to the 'Residential' zone and the 'Public Open Space' and 'Local Road' reserves;
 - 1.2** apply the 'R40' 'R60' and 'R80' residential density codes in accordance with the *Greenwood Local Structure Plan*;
- 2** In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **DETERMINES** that the scheme amendment is a basic amendment as the proposal is consistent with the zones, reserves and residential density codes within the *Greenwood Local Structure Plan*;
- 3** Pursuant to Regulation 35A(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **RESOLVES** that the amendment to the City of Joondalup *Local Planning Scheme No. 3* include the following statement:

"Approval of the City's Greenwood Local Structure Plan is to be revoked when this amendment is approved and takes effect."
- 4** **AUTHORISES** the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal the amendment to the City of Joondalup *Local Planning Scheme No. 3*.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hutton, Cr Pizzey and Cr Raftis.
Against the Motion: Nil.

ATTACHMENTS

1. Location Plan [8.3.1 - 1 page]
2. Greenwood Local Development Plan [8.3.2 - 2 pages]
3. Greenwood Local Structure Plan Map [8.3.3 - 1 page]
4. Proposed Scheme Amendment Map [8.3.4 - 1 page]

8.4 PROPOSED AMENDMENTS TO THE JOONDALUP DESIGN REVIEW PANEL LOCAL PLANNING POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	109501, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider proposed amendments to the *Joondalup Design Review Panel Local Planning Policy* and associated Joondalup Design Review Panel Terms of Reference.

EXECUTIVE SUMMARY

The Joondalup Design Review Panel (JDRP) is a Council-appointed panel providing independent expert advice on architecture, urban design, landscape design and sustainability of planning proposals. Implementation of the JDRP is undertaken through the *Joondalup Design Review Panel Local Planning Policy* (the Policy) and the Joondalup Design Review Panel Terms of Reference (JDRP Terms of Reference).

The Policy outlines the role and purpose of the Joondalup Design Review Panel (JDRP) and provides guidance on the types of planning proposals which must or may be referred to the JDRP and the matters to be considered by the JDRP once referred. The operation of the Policy is supported by the JDRP Terms of Reference.

The JDRP Terms of Reference outline the expertise of the panel pool, membership roles and responsibilities, meeting operation and remuneration of panel members. The JDRP Terms of Reference have been reviewed to facilitate the referral of specified planning proposals to individual JDRP members with commensurate remuneration. Additionally, it is proposed to modify the remuneration of the panel Chairperson and members to an hourly rate in place of the existing payment per meeting. This is proposed to reflect time spent by panel members preparing for meetings and to remain comparable with other local government design review panel remuneration. This will maintain the City's competitiveness in order to continue to attract quality panel members.

A review of the Policy has been undertaken to ensure it aligns with relevant legislation and current processes. Amendments to the Policy are proposed to reflect changes to the Development Assessment Panel (DAP) application process which came into effect on 1 March 2024. Further amendments are also proposed to correct minor typographical and formatting errors.

It is recommended that Council proceeds with the draft revised Policy and associated draft revised JDRP Terms of Reference, without advertising.

BACKGROUND

The City's Joondalup Design Advisory Panel was first established by Council at its meeting held on 30 September 2008 (CJ213-09/08 refers). The panel was renamed the Joondalup Design Reference Panel to avoid confusion in acronyms following creation of the 'Joint Development Assessment Panel' (JDAP) system in 2011.

Subsequent reviews of the panel have occurred since its inception to reflect ongoing changes to the planning framework, notably responding to the implementation of State Planning Policy 7.0 - Design of the Built Environment (SPP7.0) and the Design Review Guide published by the Department of Planning, Lands and Heritage (DPLH).

Amendments to the Policy and Terms of Reference were adopted by Council at its meeting held on 18 May 2021 (CJ070-05/21 refers), which also resulted in renaming of the panel to the Joondalup Design Review Panel.

Minor amendments to the Terms of Reference were adopted by Council at its meeting held on 6 November 2023 (CJ215-11/23 refers) to clarify certain procedures for JDRP panel meetings, including the Director Community and Planning Development or their delegate being the Presiding Member for JDRP rather than the Chief Executive Officer.

DETAILS

The JDRP is intended to continue operating in an advisory capacity to support the City's assessment of planning proposals through providing independent, impartial and expert design advice. The current JDRP model is considered to be operating effectively and is consistent in function with design review panels of other local governments.

The proposed Policy and Terms of Reference amendments are intended to align with changes to State Government legislation and to facilitate planned process improvements for JDRP referrals.

It is proposed to amend the Policy as follows:

- Replacing reference to '*mandatory Joint Development Assessment Panel (JDAP) proposals, excluding applications for site works and/or infrastructure*' under proposals required to be referred prior to lodgement of a planning proposal to '*All applications to be determined by the Development Assessment Panel (DAP), excluding grouped dwelling applications for less than five dwellings, applications for site works and/or infrastructure, and additions to buildings that do not significantly impact on the street or adjoining properties, as determined by the City*'.
- Undertake a number of small administrative changes to improve the legibility of the Policy.

The proposed amendments to the JDRP Terms of Reference are as follows:

- Introducing the ability for planning proposals to be referred to individual panel members (where appropriate), with commensurate remuneration.
- Modifying the remuneration of the JDRP chairperson and panel members to an hourly rate in place of remuneration per meeting.

Attachments 1 and 2 outline the proposed modifications to the Policy. Attachments 3 and 4 outline the proposed amendments to the JDRP Terms of Reference. Attachment 5 provides a comparison of the rates of remuneration between the JDRP and other local government design review panels.

Further discussion on the amendments to the Policy and JDRP Terms of Reference is provided below.

Joondalup Design Review Local Planning Policy

Historically, the Development Assessment Panel (DAP) system included two pathways for 'mandatory' and optional 'opt-in' applications. Recent amendments to the *Planning and Development (Development Assessment Panel) Regulations 2011* resulted in the following changes:

- Reduction in the number of panels from five to three (Metro-inner, Metro-outer and Regional) and the word 'Joint' being removed from their title.
- Removing most exclusions on applications allowing all multiple and grouped dwelling developments over \$2 million to be determined by a DAP.
- Removing mandatory application thresholds making DAPs a completely opt-in process for developments over \$2 million (except single houses).

These amendments came into effect on 1 March 2024.

The current Policy was prepared prior to the above amendments coming into effect and currently requires any mandatory DAP application, excluding applications for site works and/or infrastructure to be referred to the JDRP, and provides an optional referral for 'opt-in' DAP applications. At the time the current Policy was prepared, the value of mandatory proposals was \$10 million or greater, and 'opt-in' proposals excluded less than 10 grouped or multiple dwellings.

The changes to the DAP system mean that there are no longer mandatory DAP applications, with all eligible planning proposals now able to opt-in to the DAP system. Therefore, the Policy needs to be updated to remove reference to 'mandatory' DAP proposals, and instead provide guidance on what DAP proposals do not need to be referred. It is proposed to retain the current Policy exclusions relating to site works and/or infrastructure, and additions to existing buildings that do not significantly impact on the street or adjoining properties as determined by the City.

In addition, it is proposed to exclude DAP applications for less than five grouped dwellings. The current Policy does not require JDRP referral for non-DAP applications proposing less than five grouped dwellings, and it is recommended that this approach is also adopted for grouped dwelling proposals that opt-in and elect to be determined by the DAP in order to maintain consistency between the two pathways.

Terms of Reference

Design advice outside of design review panel meetings

On occasions, there is a requirement to seek further advice from the JDRP on particular elements of an application that has already been presented to a full DAP meeting. An example is where the JDRP is supportive of a planning proposal during a panel meeting, however requests further information on sustainability initiatives which would only require further review by the expert sustainability panel member. In this instance it is inefficient nor cost effective and would be of minimal benefit to require a full panel meeting to only review this additional information.

There is no provision in the current JDRP Terms of Reference for design advice to be provided by panel members outside of formal panel meetings. This option for design advice outside of design review panel meetings is used by other local governments for their design review panels.

It is intended to be used in limited circumstances as either supplemental to, or in place of panel meetings, at the discretion of the Presiding Member (or their delegate) and must be agreed to by the relevant panel member. The design advice provided by the panel member must be in relation to the relevant planning framework and the 10 Design Principles of SPP7.0, which is consistent with the advice provided by full JDRP meetings.

It is proposed to offer a payment of \$200 per hour (capped at two hours) for a panel member to provide design advice outside of formal panel meetings. It is envisaged that in most instances, this remuneration will be offset by a fee charged to applicants for referral to a single panel member.

Meeting fees for JDRP Chairperson and Panel Members

The JDRP Term of Reference currently sets the remuneration for the JDRP at a flat rate of \$500 for the panel Chairperson and \$400 for the panel members for attendance at each panel meeting. The Chairperson receives higher remuneration as they are responsible for coordinating feedback from panel members and preparing meeting minutes. This remuneration was last reviewed by Council at its meeting held on 18 May 2021 (CJ070-05/21 refers).

The JDRP meetings are scheduled on a monthly basis, with applications required to be submitted three weeks prior to the meeting. A standard JDRP meeting will have two applications presented and will run for a two-hour period (one hour per item). However, as the City has little control over the timing of applications to be presented, there are occasions where meetings have been held for a single item (with no reduction in the fee paid to panel members), or with three or four items (with no increase in the fee paid to panel members).

There is no standard rate of remuneration for design review panel members across local governments, and therefore the fees paid to members are set by each local government. A review of a number of local government design review panel fees has identified that the City of Joondalup and two other local governments provide a flat rate per meeting irrespective of the length or number of items being presented (the City and one other pay \$500 for the Chair and \$400 for the panel member, the other pays \$700 for the Chair and \$425 for a panel member), with the remainder of local governments paying an hourly rate for attendance at the meeting and an additional rate for preparation time (hourly rates ranging from \$200 per hour to \$275 per hour for meetings with panel members paid an additional hour for meeting preparation time).

It is therefore proposed to modify the remuneration structure for the City's JDRP from a set meeting rate to an hourly rate of \$250 for the Chair and \$200 for a panel member (based one item per hour), and a payment for one hour meeting preparation. This will ensure the City remains comparable with other local governments and will be best placed to attract and retain suitably qualified and experienced panel members.

Design Review Panel planning reform

The DPLH is currently progressing a review of the Design Review Guide, which at present involves advertising of a draft State Design Review Panel Manual. This manual has no direct implications for the City's JDRP. A second stage of this review proposes a future 'Manual for Local Government' to assist in local government design review processes, which may have implications for operation of the JDRP. There is no timeframe for this manual to be produced, nor any indication of what details this will include.

Publication of the Manual for Local Government may necessitate further review of the City's JDRP Policy and Terms of Reference, however given the lack of certainty, detail and timeframe for this project to proceed, this has not influenced the amendments proposed in this current review.

Issues and options considered

Joondalup Design Review Panel Local Planning Policy

Council may choose to:

- proceed with the draft revised *Joondalup Design Review Panel Local Planning Policy*, without modifications
- proceed with the draft revised *Joondalup Design Review Panel Local Planning Policy*, with modifications
- or
- not proceed with the draft revised *Joondalup Design Review Panel Local Planning Policy*.

Joondalup Design Review Panel Terms of Reference

Council may choose to:

- endorse the draft revised *Joondalup Design Review Panel Terms of Reference*, without modifications
- endorse the draft revised *Joondalup Design Review Panel Terms of Reference*, with modifications
- or
- not endorse the draft revised *Joondalup Design Review Panel Terms of Reference*.

Legislation / Strategic Community Plan / Policy implications

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

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-2 Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

Policy *Joondalup Design Review Panel Local Planning Policy.*
 State Planning Policy 7.0 – Design of the Built Environment.

Risk management considerations

The amendments to the Policy and JDRP Terms of Reference align with updates to legislation and reflect process improvements since the previous policy review in 2021. Not proceeding with the Policy and JDRP Terms of Reference amendments may result in uncertainty for applicants regarding which proposals are to be referred to the JDRP, and result in the City being less competitive in attracting and retaining suitably qualified and experienced panel members.

Financial / budget implications

The operation of the JDRP has resulted in a cost to the City of \$8,231 in 2023/24 and \$6,541 in 2022/23 (having regard to fees received from applicants and fees paid to panel members).

The proposed change to the remuneration structure for the JDRP panel members and introduction of a referral process outside formal meetings has been budgeted for in the 2024/25 budget, including an increase to applicant fees and a new fee for referrals to an individual panel member outside the formal meeting process.

The City has allocated \$30,000 in the 2024/25 budget for fees for the JDRP panel member payments, an increase of \$7,000 from 2023/24 in preparation of the proposed increase in fees. Actual fees paid to the JDRP panel members in 2023/24 were \$16,500 and in 2022/23 were \$15,400.

Regional significance

Not applicable.

Sustainability implications

The JDRP, when providing design advice, is required to consider matters within the planning framework including *State Planning Policy 7.0: Design of the Built Environment*, which contains Design Principle 5 - Sustainability. This is referenced in the current policy and will remain a consideration in the revised policy if endorsed by Council.

Consultation

The consultation requirements for proposed amendments to a local planning policy are stipulated in the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Planning Consultation Local Planning Policy.

The *Planning and Development (Local Planning Schemes) Regulations 2015* require a major amendment to a local planning policy to be advertised for public comment for a period of not less than 21 days. The local government may make an amendment to a local planning policy without advertising if, in the opinion of the local government, the amendment is a minor amendment.

The *Planning Consultation Local Planning Policy* states that minor amendments include correction of typographical or formatting errors, updates to legislation references and similar, but does not include an amendment to development provisions or standards.

The JDRP Policy has no development provisions or standards as the JDRP provides design advice on planning proposals only. The proposed Policy amendments include updated referral requirements to the JDRP to align with planning framework updates, and correction of typographical and formatting errors. The amendments proposed can all be categorised as minor in nature and therefore are not considered to require public advertising.

COMMENT

The JDRP play an important role in the City's assessment of significant development through the design advice they provide. Local Planning Scheme No. 3 requires the decision maker to give due regard to any advice provided by the JDRP when determining a planning proposal.

In virtually all instances of a proposal being presented to the JDRP, their advice has resulted in amendments to improve the overall design quality and functionality of a development. The City's panel offers a range of experience across the disciplines of architecture, urban design, sustainability and landscape architecture, all of which complement the City's planning expertise resulting in a robust assessment focussed on achieving the best outcomes. Panel members review proposals in detail ahead of meetings which enables them to provide well considered and practical advice, and to participate in discussion with the applicant(s) during the meeting.

The proposed amendments to the Policy and JDRP Terms of Reference are considered appropriate to ensure that the panel continues to operate effectively, aligns with relevant legislation, and reflect the City's current and planned processes to facilitate good design outcomes. In addition, proposed changes to the remuneration will ensure that the City is competitive and able to attract and retain the best members for the JDRP.

It is recommended that Council proceeds with the proposed amendments to the Policy and JDRP Terms of Reference.

VOTING REQUIREMENTS

Simple Majority.

The Manager Economic Development and Advocacy left the Room at 7.48pm.

The Chief Executive Officer left the Room at 7.48pm and returned at 7.51pm.

OFFICER'S RECOMMENDATION MOVED Cr Raftis, SECONDED Cr Kingston that Council:

- 1 In accordance with Clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Joondalup Design Review Panel Local Planning Policy* provided as Attachment 2 to this Report;**
- 2 ENDORSES the revised Joondalup Design Review Panel Terms of Reference provided as Attachment 4 to this Report;**
- 3 NOTES that the revised *Joondalup Design Review Panel Local Planning Policy* will come into effect when a public notice is published on the City's website.**

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hutton and Cr Raftis.

Against the Motion: Cr Pizzey.

ATTACHMENTS

1. Draft Amendments to Joondalup Design Review Panel Local Planning Policy (tracked changes) **[8.4.1 - 4 pages]**
2. Draft Amendments to Joondalup Design Review Panel Local Planning Policy (clean) **[8.4.2 - 4 pages]**
3. Draft Amendments to Terms of Reference (tracked changes) **[8.4.3 - 4 pages]**
4. Draft Amendments to Terms of Reference (clean) **[8.4.4 - 4 pages]**
5. Design Review Panel Remuneration Comparison **[8.4.5 - 1 page]**

8.5 PROPOSED PARKING AMENDMENT LOCAL LAW 2024 (WARD – ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	05885, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to make the proposed City of Joondalup Parking Amendment Local Law 2024 for the purpose of public advertising.

EXECUTIVE SUMMARY

On 26 March 2024, Council adopted the *City of Joondalup Parking Local Law 2023* (CJ059-03/24 refers). Following adoption of the *City of Joondalup Parking Local Law 2023* the following actions were undertaken:

- The adopted local law was signed, sealed and published in the *Government Gazette* on Monday 13 May 2024.
- A copy of the adopted local law was sent to the Minister for Local Government on Monday 13 May 2024.
- Local public notice was given from 20 May 2024 to 10 June 2024.
- Local public notice was given in the *PerthNow* on 23 May 2024.
- A copy of the adopted local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material was sent to the Joint Standing Committee on Delegated Legislation (JSCDL) on 4 June 2024.

Following receipt of the adopted local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting materials, the JSCDL wrote to the City on 12 June 2024, requesting the City provide an undertaking with regard to access to the Australian Standards referenced in the local law, and other minor typographical errors.

At the Council meeting held on 23 July 2024 (CJ179-07/24 refers), Council resolved as follows:

“That Council:

- 1 *NOTES the letter received from the Joint Standing Committee on Delegated Legislation dated 12 June 2024;*

-
- 2 *UNDERTAKES to the Joint Standing Committee on Delegated Legislation that:*
- 2.1 *within 6 months:*
- 2.1.1 *state how Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking can be accessed by the public free of charge*
- 2.1.2 *Correct the typographical errors in clauses 1.5, 1.6 and 3.16;*
- 2.2 *Not enforce the City of Joondalup Parking Local Law 2023 to the contrary before it is amended in accordance with the undertaking in Part 2.1 above;*
- 2.3 *Ensure all consequential amendments arising from the undertakings will be made;*
- 2.4 *Where the City of Joondalup Parking Local Law 2023 is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertakings."*

An amendment local law has been drafted to correct the typographical errors in clause 1.5, 1.6 and 3.16 as identified by the JSCDL, as well as some other minor amendments identified by the City.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY MAKES the proposed City of Joondalup Parking Amendment Local Law 2024, as detailed in Attachment 2 to this Report, for the purpose of public advertising;*
- 2 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*
- 2.1 *the City of Joondalup proposes to make the City of Joondalup Parking Amendment Local Law 2024, and a summary of its purpose and effect is as follows:*
- Purpose: The purpose of this local law is to amend the City of Joondalup Parking Local Law 2023.*
- Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Parking Local Law 2023.*
- 2.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, public libraries or the City's website;*
- 2.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*
- 3 *in accordance with section 3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*

- 4 *in accordance with section 3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
- 5 *the results of the public consultation be presented to Council for consideration of any submissions received.*

BACKGROUND

At its meeting held on 26 March 2024 (CJ059-03/24 refers), Council resolved to adopt the *City of Joondalup Parking Local Law 2023* (Attachment 1 refers).

Following adoption of the *City of Joondalup Parking Local Law 2023* the following actions were undertaken:

- The adopted local law was signed and sealed and published in the *Government Gazette* on Monday 13 May 2024.
- A copy of the adopted local law was sent to the Minister for Local Government on Monday 13 May 2024.
- Local public notice was given from 20 May 2024 to 10 June 2024.
- Local public notice was given in the *PerthNow* on 23 May 2024.
- A copy of the adopted local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material was sent to the JSCDL on 4 June 2024.

Following receipt of the adopted local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting materials, the JSCDL wrote to the City on 12 June 2024, requesting the City provide an undertaking with regard to access to the Australian Standards referenced in the local law, and other minor typographical errors.

An amendment local law has been drafted to correct the typographical amendments, as identified by the JSCDL, and other minor amendments as identified by the City.

DETAILS

The typographical errors as noted by the JSCDL, are identified below:

Typographical errors identified by JSCDL

Clause 1.5 – Application:

That subclause 1.5(2)(c) should end with a full stop rather than ‘; and’.

Clause 1.6 – Definitions

‘Electric rideable vehicle’ is a defined term, however the term is not used in the body of the Local Law.

The term ‘electric rideable device’ is not defined in the Local Law.

Where the term ‘electric rideable device’ appears in the Local Law (clause 1.6 – definitions of ‘Electric vehicle’ and ‘Motor vehicle’) it should be replaced with the defined term ‘electric rideable vehicle.’

Clause 3.16

The semi-colon at the end of subclause 3.16(1)(b) should be replaced with a full stop.

Other minor amendments

In addition to the typographical errors noted by the JSCDL, the City has taken the opportunity to review the *City of Joondalup Parking Local Law 2023*, and make some other minor amendments, as identified below:

Prescribed Offences

Under the prescribed offences, item numbers 71 and 72 incorrectly refer to offence No. 3.14 and 3.15 respectively:

71	3.14	Stopping or parking unlawfully in shared zone	100
72	3.15	Stopping or parking heavy or long vehicles for longer than 1 hour	100

They should refer to offence No. 3.15 and 3.16 respectively, and read as follows:

71	3.15	Stopping or parking unlawfully in shared zone	100
72	3.16	Stopping or parking heavy or long vehicles for longer than 1 hour	100

Clause 3.4

Amend subclause 3.4(b) to replace 'Road Traffic Act' with '*Road Traffic (Vehicles) Act 2012*' as follows:

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale or hire;
- (b) if the vehicle is not licensed under the ~~Road Traffic Act~~ *Road Traffic (Vehicles) Act 2012* or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

Clause 6.12

Replace clause 6.12 as follows:

6.12 Vehicles not to obstruct a public place (OLD)

~~Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it—(a) obstructs the use of any part of the public place; or~~

~~(b) — appears to an authorised person to have been abandoned, having regard to factors such as—~~

~~(i) — whether there are any licence plates on the vehicle;~~

~~(ii) — whether the vehicle is unregistered;~~

~~(iii) — the extent of any damage to the vehicle;~~

~~(iv) — whether the vehicle has been in the same position for more than 24 hours; and~~

~~(v) — whether the vehicle appears to be inoperable.~~

6.12 Vehicles not to obstruct a public place (NEW)

(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.

(2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction where the vehicle -

(a) is parked for any period exceeding 24 hours;

(b) is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign;

(c) is abandoned, unregistered or disused; or

(d) may cause a danger to the public or is jeopardising or is capable of jeopardising the safety of a person.

(3) Where an authorised person or a member of the Western Australian Police Force finds a vehicle stopped or parked contrary to the provisions of subclause (1) and (2), the authorised person or member of the Western Australian Police Force may remove the vehicle to a specified place and may use such force as is necessary to enter the vehicle for the purpose of so removing it.

In implementing the local law it has been suggested that an amendment to clause 6.12 proposed above will make the provision more enforceable as elements will be 'deemed' an obstruction, as opposed to including a series of 'due regard' considerations. The revised clause 6.12 matches a provision in the City of Mandurah's *Parking and Parking Facilities Local Law 2015*.

Prescribed Offences

Given the changes to clause 6.12, Schedule 1 will also require updating to reflect the changes as follows:

Remove prescribed offence 95 and replace as follows:

95	6.12	Leaving vehicle so as to obstruct a public place	\$150
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Remove the following prescribed offences:

96	6.12(b)(i)	Park vehicle without number plates in a public place	\$100
97	6.12(b)(ii)	Park unregistered vehicle in a public place	\$100
98	6.12(b)(iv)	Park vehicle in a public place in excess of 24 hours	\$100

Renumber prescribed offence 99, to prescribed offence 96 as follows:

96		All other offences not specified	\$100
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Local law-making procedure

The procedure for making local laws is detailed in the *Local Government Act 1995* (the Act). There is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

In the event that Council makes the proposed City of Joondalup Parking Amendment Local Law 2024, the following sequence of events will commence:

- 1 A public submission period of at least six weeks must be allowed, during which a copy of the proposed local law must also be submitted to the Minister for Local Government.
- 2 At the close of advertising, Council must consider any submissions received and then resolve to make the local law either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to the local law, then a further public submission period will be required.
- 3 Once the final version of the local law has been approved, it must be published in the Government Gazette, and a further copy provided to the Minister for Local Government.
- 4 After gazettal, local public notice must be given stating the title of the local law, its purpose and effect (including the date it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 5 A copy of the local law, together with an accompanying explanatory memorandum, must then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* also requires that, in commencing to make a local law, the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the purpose of the proposed City of Joondalup Parking Amendment Local Law 2024 is to amend the *City of Joondalup Parking Local Law 2023*.

The effect of the proposed City of Joondalup Parking Amendment Local Law 2024 is to better clarify the provisions and requirements within the *City of Joondalup Parking Local Law 2023*.

Issues and options considered

Council may choose to:

- 1 Amend the *City of Joondalup Parking Local Law 2023* to correct the typographical errors as identified by the JSCDL, and other minor amendments as identified by the City. In doing so, the Council will need to make the proposed City of Joondalup Parking Amendment Local Law 2024, as presented in Attachment 2, for the purposes of public advertising. This is the recommended option as Council has given an undertaking to the JSCDL to correct the typographical errors.
- 2 Retain the *City of Joondalup Parking Local Law 2023* without amendments. This option is not recommended as Council has given an undertaking to correct the typographical errors as identified by the JSCDL.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Functions and General) Regulations 1996.
 City of Joondalup Parking Local Law 2023.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

The proposed local law is yet to be considered by the Joint Standing Committee on Delegated Legislation (JSCDL), which review local laws created by local governments (including amendments) as well as other subsidiary legislation.

Should the City not follow the local law creation process as detailed in the Act, the JSCDL may recommend disallowance of the local law.

Financial / budget implications

The costs associated with the local law-making process is approximately \$500 being public advertising costs to publish the local law in the *Government Gazette* and other statutory advertising requirements. Funds are available in the 2024-25 Annual Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Should Council wish to make the proposed City of Joondalup Parking Amendment Local Law 2024, public consultation will be required in accordance with section 3.12 of the *Local Government act 1995*.

Consultation will occur as follows:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the district o displaying public notices at the City of Joondalup Administration Centre and public libraries
 - advertising on the City's website
 - advertising through the City's social media platforms.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government).

COMMENT

At the Council meeting held on 23 July 2024 (CJ179-07/24 refers), Council gave an undertaking to correct the typographical errors as identified by the JSCDL. If the Council does not progress with the proposed City of Joondalup Parking Amendment Local Law 2024, to correct the typographical errors, the JSCDL may recommend disallowance of the *City of Joondalup Parking Local Law 2023*.

As the City is required to correct these typographical errors, City Officers have taken the opportunity to review the *City of Joondalup Parking Local Law 2023* and make some other minor amendments to better clarify the provisions and requirements of the *City of Joondalup Parking Local Law 2023*. It is recommended that these minor amendments are also made.

VOTING REQUIREMENTS

Absolute Majority.

The Manager Planning Services left the Room at 8.00pm.

OFFICER'S RECOMMENDATION MOVED Cr Kingston, SECONDED Cr Chester that Council:

- 1 BY AN ABSOLUTE MAJORITY MAKES the proposed City of Joondalup Parking Amendment Local Law 2024, as detailed in Attachment 2 to this Report, for the purpose of public advertising;**
- 2 in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:**
 - 2.1 the City of Joondalup proposes to make the City of Joondalup Parking Amendment Local Law 2024, and a summary of its purpose and effect is as follows:**

Purpose:	The purpose of this local law is to amend the <i>City of Joondalup Parking Local Law 2023</i>.
Effect:	The effect of this local law is to better clarify the provisions and requirements within the <i>City of Joondalup Parking Local Law 2023</i>.
 - 2.2 copies of the proposed local law may be inspected at or obtained from the City's Administration office, public libraries or the City's website;**
 - 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;**
- 3 in accordance with section 3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;**
- 4 in accordance with section 3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;**
- 5 the results of the public consultation be presented to Council for consideration of any submissions received.**

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hutton, Cr Pizzey and Cr Raftis.

Against the Motion: Nil.

ATTACHMENTS

- 1. Parking Local Law 2023 SIGNED [8.5.1 - 38 pages]**
- 2. Proposed Parking Amendment Local Law 2024 [8.5.2 - 5 pages]**

Disclosures of Interest affecting Impartiality

Name / Position	Cr Rebecca Pizzey.
Meeting Type	Policy Committee Meeting.
Meeting Date	2 September 2024.
Item No. / Subject	Item 8.6 – Progress Report – Venue Hire Fees and Charges Policy Implementation Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Pizzey is known to, and her children play for, Kingsley Junior Football Club. Cr Pizzey is also known to the Senior Citizens Club and other sporting organisations.

Name / Position	Cr Lewis Hutton.
Meeting Type	Policy Committee Meeting.
Meeting Date	2 September 2024.
Item No. / Subject	Item 8.6 – Progress Report – Venue Hire Fees and Charges Policy Implementation Update.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Hutton has an association with organisations affected by the policy.

8.6 PROGRESS REPORT – VENUE HIRE FEES AND CHARGES POLICY IMPLEMENTATION UPDATE (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	101271, 101515
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’).

PURPOSE

For the Policy Committee to note progress in relation to the review of the *Venue Hire Fees and Charges Council Policy* and booking management software system.

EXECUTIVE SUMMARY

In 2018, the City began a review of the *Facility Hire Subsidy Council Policy* (FHSP) and on 18 February 2019 undertook an externally facilitated workshop with Elected Members, seeking their input. Following that workshop and several further review sessions and reports to Council, the *Venue Hire Fees and Charges Council Policy* (VHFCP) (Attachment 1 refers) was adopted on 16 August 2022 (CJ139-08/22 refers), with the policy to be implemented from 1 January 2024.

Following the adoption of the policy on 16 August 2022, the policy was further discussed by Council at its meeting on 18 April 2023 (C040-04/23 Notice of Motion No 1 refers), with a final position being agreed on 23 May 2023 (CJ067-05/23 Motion No. 16 refers) which reaffirmed the decision of 16 August 2022, and increased the level of subsidy for hirers defined within Category C from 50% to 75%.

In December 2023 (CJ284-12/23 refers), the Council requested a progress report regarding the implementation of the policy be presented to the Policy Committee in the third quarter of 2024. At the same meeting it was also requested that the finalised review of the VHFCP be presented in the first quarter of 2025.

Since the implementation of the VHFCP the following has occurred:

- City Officers have engaged with hirers to continue to educate them on the change in policy adopted by Council, particularly around any requests for financial hardship applications.
- Changes have been made to the booking management software that provided the option for seasonal hirers to have their upcoming booking period prepopulated with the past season's bookings. This change was utilised by five hirers, with 56 hirers submitting applications as blanket bookings for the entire period able to be booked, being 1 April to 30 September.
- Invoices are now issued monthly in arrears, which better reflects the hirers actual bookings without the need for adjustments to future invoices.
- Casual hire has increased 26% with average utilisation of City venues up 10%.
- Annual operating income for community venue hire decreased by approximately \$185,000 (20%) against budget for 2023-24.
- Of the total number of regular hirers (303) across the City's annual and winter seasonal booking periods who have been invoiced under the VHFCP:
 - Sixty-seven regular hirers have paid for their entire booking period
 - Five hirers have paid for six months of their booking period upfront
 - Two hundred and nine regular hirers have paid their monthly invoices
 - One hirer is yet to make any form of payment or apply for financial hardship.
- The City has received 21 financial hardship applications, with seven approved in full, five partially approved (75%, 90% and 95%), three declined and five were withdrawn.
- Consultation for annual and winter seasonal hirers was conducted 20 June 2024 to 24 July 2024, with 115 submissions received.

It is therefore recommended that Policy Committee NOTES the information detailed within this report that provides an update on the implementation of the Venue Hire Fees and Charges Council Policy.

BACKGROUND

In 2018, the City began a review of the *Facility Hire Subsidy Council Policy* (FHSP) and on 18 February 2019 undertook an externally facilitated workshop with Elected Members, seeking their input. The need for the review was primarily due to the amount of 'blanket' bookings by those groups that were generally afforded 100% subsidy of hire fees for City managed venues (parks and facilities).

The former FHSP categorised groups based on the type of activity they undertook and the size of their membership, to determine the extent of subsidy that was applied. These groups attracted either full or partial subsidy up to a certain number of hours per week by way of right, due to their pre-determined category. If a group exceeded their maximum weekly allocation, they could request for further subsidisation of the fees.

The policy also provided for the City to reimburse 50% of the hire rates charged by VenuesWest for junior use to the members of the Arena Community Sports and Recreation Association (ACSRA) being the following:

- Joondalup Netball Association and affiliate clubs.
- Joondalup Athletics Centre.
- Joondalup Brothers Rugby Union Club.

The workshop discussion centered around the policy objectives, Council's role in the decision-making process and the potential criteria that should be applied. The outcome of the workshop was for a policy to be drafted to meet the following key principles:

- The need to maximise 'real' utilisation of City venues (that is mitigating blanket bookings).
- The requirement for any new policy to be easier to interpret and apply with applications for fee waivers be determined by the City.
- The social value of groups to be 'proven' and not 'perceived' within a policy context.
- The importance of considering a hirer's financial capacity to pay.
- Ensuring all hirers have some exposure to operational costs.

This was followed by three sessions held on 2 July 2019, 4 February 2020 and 6 April 2021. At each of these information sessions, updates were provided, and discussions occurred.

At the 3 May 2022 information session, Council requested clarification on several minor details before progressing. A report relating to the revised policy position was presented to both the August 2022 Policy Committee meeting and the August 2022 Ordinary Council meeting, where the *Venue Hire Fees and Charges Council Policy* (VHFCP) was adopted unanimously. As part of the Council resolution it was agreed for the VHFCP to be implemented from 1 January 2024, with the Chief Executive Officer being requested to undertake a detailed community engagement program.

The City conducted one-on-one meetings with over 100 sporting clubs, community groups, and state sporting associations between the policy being adopted and its implementation on 1 January 2024.

These meetings were primarily with those groups negatively impacted, and enabled the City to explain the policy in more detail to ensure hirers were clear on the changes and present them with information on the anticipated financial impact of the policy on their specific group.

The meetings also enabled hirers to ask questions regarding the policy, and provide feedback to the City about the policy, their organisation and the wider environment they operate in.

After the August 2022 Council resolution, the VHFCP was subject to discussion at the proceeding Annual General Meeting (AGM) of Electors held on 7 March 2023. In response to the motion carried at the AGM of Electors, at its meeting held on 23 May 2023 (CJ067-05/23 Motion No. 16 refers), Council resolved as follows:

“That Council:

16.1 REAFFIRMS its decision of 16 August 2022 (CJ139-08/22 refers) regarding the Venue Hire Fees and Charges Policy subject to the level of subsidy detailed for category C within the policy being amended from 50% to 75% to read:

iii Category C – 75% of the average hourly operating costs;

16.2 AGREES that the 75% subsidy as detailed in Part 16.1 above be applicable from 1 January 2024 to 30 June 2025 inclusive; then to be amended to 50% from 1 July 2025;

16.3 REQUESTS a report be presented to the next Policy Committee meeting that details community groups which are eligible for financial hardship exemptions.”

In response to part 16.3 above, a Report was presented to the 7 August 2023 Policy Committee meeting and on 22 August 2023 (CJ159-08/23 refers), Council resolved as follows:

“That Council:

1 NOTES the proposed fee waiver process for Category B and C hirers under the Venue Hire Fees and Charges Policy;

2 REQUESTS a report be presented to a future Policy Committee meeting in 2023 reviewing the fee waiver process under the Venue Hire Fees and Charges Policy;

3 AGREES to reimburse 75% of the ground hire fees, incurred by ACSRA member clubs (Joondalup Little Athletics Association, Joondalup Netball Association and Joondalup Brothers Rugby Union Football Club) at HBF Arena from 1 January 2024 to 30 June 2025;

4 REQUESTS a report be presented to the Policy Committee to define not for profit service provider groups into category B.”

A Report was presented to the 20 November 2023 Policy Committee meeting and on 12 December 2023 (CJ284-12/23 refers), Council resolved as follows:

“That Council:

1 NOTES the proposed fee waiver process for Category B and C hirers under the Venue Hire Fees and Charges Policy;

2 NOTES the categorisation for not-for-profit service providers under the Venue Hire Fees and Charges Policy;

3 REQUESTS the Chief Executive Officer commence a review of the Venue Hire Fees and Charges Policy and the booking management software system, including:

3.1 Directly engaging with affected users including those users being afforded the opportunity to present directly to the Policy Committee;

3.2 Investigating the causes of the concerns from affected users;

-
- 3.3 *Formulating propositions for analysis to either develop an amendment to the Venue Hire Fees and Charges Policy or confirm the existing Venue Hire Fees and Charges Policy;*
- 3.4 *With a recommended timeframe for the review to be concluded no later than quarter one of 2025;*
- 3.5 *A progress report to be presented to the Policy Committee in the third quarter of 2024.”*

This Report provides an update that was requested in 3.5 above.

DETAILS

The FHSP focused on the level of subsidy afforded to groups, whereas the VHFCP looks at the way the City sets the fees and charges for all hirers of City managed venues.

The VHFCP came into effect from 1 January 2024. The following provides an update of what has occurred since the December 2023 decision of the Council to now:

Group Categories

The VHFCP groups hirers into the following three categories:

- “Category A user” means an organisation, group or individual hiring a venue as part of a business, for business purposes, and/or for financial benefit.
- “Category B user” means a charity, an incorporated association or a community group, government department / agency or educational provider with an annual gross revenue of less than \$10 million and more than \$3 million, occupying the premises for
- non-commercial purposes.
- “Category C user” means a charity, an incorporated association or a community group with annual revenue of less than \$3 million, or an individual hiring a venue for
- non-commercial purposes.

Fee structure

The fee structure was based on a cost contribution methodology assessment to identify the hourly cost of operation for each of the City’s hireable venue types. For community facilities, parks, open spaces, beaches and tennis courts the cost contribution fee has been based on total annual operating costs divided by total bookable hours.

The following rates were agreed to per category:

- Category A - 500% of cost contribution fee.
- Category B - 100% of cost contribution fee.
- Category C - 50% of cost contribution fee (25% of cost contribution fee till 30 June 2025 [CJ067-05/23 Motion No. 16 refers]).

Engagement

During the initial stages of the implementation of the VHFCP (December 2023 and January 2024), the City communicated via email advising all hirers of the pending policy change and offered opportunities for follow up discussions and to answer any queries hirers may have had. The focus on this communication was on the change in policy, the phased approach of the fees to align with seasonal bookings and the financial hardship provision available to hirers.

The City has three booking periods, annual hirers (bookings occur over a calendar year), winter seasonal hirers (April to September) and summer seasonal hirers (October to March). As part of the transition from the FHSP to the VHFCP, whilst the VHFCP was effective 1 January 2024, the winter seasonal hirers would start to incur the change in fees from 1 April 2024, with the summer seasonal hirers from 1 October 2024. This meant any seasonal hirer with a booking pre those dates would have the subsidy levels from the FHSP honoured.

Booking Management Software

Some concerns were raised from a small number of seasonal hirers that what was leading to the excessive 'blanket' bookings was the fact that the City was pre-populating the upcoming season with the relevant hirers past booking schedules. Changes were made to the system prior to the start of the winter seasonal bookings process where the booking dates were no longer pre-populated for each hirer.

The seasonal hire application form was customised to allow the hirer to submit specific bookings against specific venues for a specific period. The City approved 61 winter seasonal booking applications in 2024 and found that five winter hirers utilised this functionality to only request dates they required. The remaining 56 applications requested the pre-populated bookings for the entire period able to be booked, being 1 April to 30 September.

The City also adjusted the system to having invoices issued for the month in arrears. The intent of this change was to allow hirers to better manage their bookings and remove those bookings they do not require, with the invoice reflecting those changes.

Casual Hire

One of the principles when drafting the VHFCP was for the policy to 'maximise' real utilisation of the City's existing facilities.

The City has seen a significant increase in the number of casual bookings received, both in quantity of bookings and duration. During the first six months of the VHFCP implementation (1 January 2024 to 30 June 2024), the City has had 1,312 casual bookings, an increase of 268 (26%) during the same period in 2023.

The average utilisation rate of community facilities has also increased since the introduction of the VHFCP which sits at 50.07%, an increase of 10.25% compared to the same quarter last year.

Financial Hardships

The VHFCP allows for hirers defined within Category B and C to make an application for fee waivers where they can demonstrate they are experiencing financial hardship. Financial hardship requests are to be substantiated using financial records and must meet the definition within the policy, being “*a temporary situation affecting a hirer where that hirer is willing, but unable to meet their payment obligations due to an unforeseen circumstance*”.

Each request is considered on a case-by-case basis and only applicable for the booking period requested.

At the time of writing this report the City had received 21 financial hardship requests, seven have been approved in full, five received partial waivers (three at 90% waiver, one at 95% waiver and one at 75% waiver) and three have been declined. Five requests were withdrawn by the applicant, or the City was able to arrange alternate arrangements for those groups.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-4 Functional and accessible - you have access to quality community facilities that are functional and adaptable.

Policy *Property Management Framework Council Policy.*
 Venue Hire Fees and Charges Council Policy.

Risk management considerations

There is a risk of an ongoing adverse response from community groups whose previous subsidy value has changed under the VHFCP. To date, as only 21 financial hardship requests have been received, the City believes this will continue to be minimal.

It should also be noted that the new fees and charges have significantly reduced the community venue hire costs for individuals. This is primarily benefiting local residents using City community venues to host social functions (such as birthday parties, weddings).

Financial / budget implications

One of the outcomes of the workshop with Elected Members held in 2019 was that the change in policy was not driven to increase revenue for the City but to achieve the principles outlined earlier in the report.

Prior to the implementation of the VHFCP, the City derived approximately \$792,498 (2021-22) and \$896,616 (2022-23) in revenue relating to community venue hire. It should be noted that income in these years was also impacted by the COVID 19 pandemic.

The 2023-24 budget estimated an annual revenue of \$945,979 for community venue hire, based on the August 2022 decision of 50% subsidy offered to category C hirers. However, with the decision made by the Council in May 2023 (CJ067-05/23 Motion No. 16 refers) to increase the subsidy offered for category C hirers to 75%, the revenue decreased to \$762,184 as of 30 June 2024.

Each regular hirer can pay their venue hire fees on a monthly basis. Some hirers have chosen to pay their fees for the entire booking period (either annually or seasonally). Hirers are required to finalise payment within 30 days of the end of their booking period. There are 303 regular hirers across the City's annual and winter seasonal booking periods who have been invoiced for venue hire under the VHFCP and to date:

- sixty-seven regular hirers have paid for their entire booking period
- five hirers have paid for six months of their booking period upfront
- two hundred and nine regular hirers have paid based on monthly invoices
- one hirer is yet to make any form of payment or apply for financial hardship.

The following table depicts the payments made to ACSRA members under the FHSP and the VHFCP:

Year	Joondalup Netball Association and Affiliated Clubs	Joondalup Athletics Centre	Joondalup Brothers Rugby Union Club
2024 (75% subsidy)	No claim submitted to date	\$4,617	\$13,164.32
2024 (50% subsidy)	\$24,202	\$5,404	No claim submitted
2023 (50% subsidy)	\$48,007	No claim submitted	No claim submitted
2022 (50% subsidy)	\$10,298	\$5,681	No claim submitted
2021 (50% subsidy)	\$17,204	\$4,013	No claim submitted
2020 (50% subsidy)	\$28,792	\$4,944	No claim submitted

Note:

- Claims for reimbursement under the FHSP were for junior hire fees only and required 50% of the club's members to reside within the City of Joondalup.
- The 2024 figures are applicable to 1 January 2024 to 30 June 2024.
- The 2024 figures at 50% subsidy for bookings that took place in 2023 however the claim was processed in 2024.
- The VHFCP applies to junior and senior hire fees that ACSRA members incur from VenuesWest and not just junior hire fees as per FHSP.
- 2021 and 2022 claims may have been impacted by the COVID 19 pandemic.

Regional significance

The change in fee structure has led to an increase in bookings generally across the board, particularly casual use and bookings received from hirers based throughout the region.

The majority of local governments charge junior sporting clubs for venue hire in some way, be it through seasonal usage fees, per-player fees, or per-hour hire costs.

The City is not unique in charging junior sport for venue hire, with the LGAs included in the comparison charging the following (11 metro, one regional):

- 92% charge juniors for venue hire in some form.
- 50% charge for park use.
- 90% charge for facility use.
- 82% charge for floodlighting.

The application of charging fees for hire of City venues across various types of hirers has been a challenge across the local government industry for a long time, with no consistency being applied.

Since the adoption of the VHFCP the City has been approached by several metropolitan local governments to get a better understanding of the methodology behind it with a view to implementing it across their hirers.

Sustainability implications

The City has hundreds of community groups that provide wide and varied community services to the benefit of its residents. Allowing access to City venues through an affordable fee structure allows these groups to deliver their services which greatly assist the social fabric of the community.

Consultation

The VHFCP has been operational for more than six months. In addition to some initial casual interactions with hirers, the City has received four written comments with concerns about the revised policy, and eight written comments expressing appreciation and support of the revised policy.

In addition to the implementation plan applied straight after the August 2022 Council decision and the further engagement with hirers immediately prior and after the implementation date with user groups, to action the December 2023 Council resolution the City has forwarded a survey to all annual hirers and winter seasonal hirers for feedback.

The survey was open from 20 June 2024 to 24 July 2024. Summer seasonal hirers will be sent the same survey during the initial part of their season which commences 1 October 2024. The survey will be open from 12 November 2024 to 15 December 2024.

Results of the surveys received from annual, winter and summer seasonal hirers will be included in the report to be presented to Council in the first quarter of 2025.

COMMENT

The implementation of the VHFCP has progressed reasonably well. The City acknowledges that the change in policy is significant, and that some hirers were apprehensive about how it will impact their organisations. To date, only 21 financial hardship applications have been received from 263 annual hirer bookings, 61 winter seasonal booking applications and 1,312 casual bookings (as at 30 June 2024). This is 1.28% of all bookings.

To date the VHFCP:

- has assisted with maximising 'real' utilisation of City venues particularly with the significant increase in casual bookings
- is considerably easier to interpret and apply across the booking process
- reflects the social value of groups within category C by applying a level of subsidy currently at 75%
- has allowed all financial hardship applications to be determined on a case-by-case basis, with consideration of the applicant's capacity to pay
- ensured all hirers have some exposure to operational costs, with fees being determined based on a cost contribution methodology.

VOTING REQUIREMENTS

Simple Majority.

Cr Chester left the Room at 8.08pm and returned at 8.11pm.

OFFICER'S RECOMMENDATION MOVED Cr Chester, SECONDED Cr Kingston that the Policy Committee NOTES the information detailed within this report that provides an update on the implementation of the *Venue Hire Fees and Charges Council Policy*.

The Motion was Put and

CARRIED (3/2)

In favour of the Motion: Cr Kingston, Cr Chester and Cr Hutton.

Against the Motion: Cr Pizzey and Cr Raftis.

The Manager Leisure and Cultural Services and the Acting Coordinator Recreation Services left the Room at 8.31pm.

ATTACHMENTS

1. Venue Hire Fees and Charges Policy [8.6.1 - 3 pages]

8.7 DISPOSAL OF MINOR SURPLUS ASSETS POLICY REVIEW (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	101267, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to review the *Disposal of Minor Surplus Assets Council Policy* and adopt the revised policy.

EXECUTIVE SUMMARY

The *Disposal of Minor Surplus Assets Council Policy* was last reviewed in 2019. The policy is considered appropriate in its current form and no amendments are proposed.

It is therefore recommended that Council NOTES the review of the Disposal of Minor Surplus Assets Council Policy and AGREES to retain the Policy in its current form, as provided in Attachment 1 to this Report.

BACKGROUND

At its meeting held on 26 March 2002 (CJ060-03/02 refers), Council first adopted the *Disposal of Minor Surplus Assets Council Policy* as the *Policy for Disposal of Surplus Personal Computers*. This policy was developed as a mechanism for identifying community groups and education providers who were suitable recipients of surplus computer assets following equipment upgrades. This ensured that surplus minor assets were sustainably disposed of and reused by local community groups that required support and assistance for undertaking community activities.

During the 2005 Policy Manual review, the scope of the policy was broadened to incorporate any form of minor asset and the title was consequently amended to become the *Disposal of Surplus Assets (Minor) Policy* (CJ206-10/05 refers).

As part of the 2012 Policy Manual review, the *Disposal of Surplus Assets (Minor) Policy* was identified as requiring major review (CJ169-08/12 refers). Besides minor amendments to improve readability, the following changes were made:

- Changes to the 'Disposal Assessment' requirements which allowed the Chief Executive Officer discretion to determine whether an advertised application process was necessary.
- A definition of a 'minor asset' was included in an 'Application' section which aligned to the *Western Australian Local Government Accounting Manual*. This document defined a minor asset to be any asset with an acquisition value below the local government's capitalisation threshold, which for the City, is anything below \$5,000.

As part of the 2019 Policy Manual Review, minor amendments were recommended as follows:

- Inclusion of a 'Definition' section to define the terminology 'minor surplus assets'.
- A revision of the 'Statement' section to clearly articulate the consideration of disposing minor surplus assets that no longer have commercial value and that the City may choose to donate these assets to local community groups or education providers.
- Updated the 'Related Document' section to reference the *Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996* instead of the *Western Australian Local Government Accounting Manual*.
- Minor wording changes to improve readability.

DETAILS

The City's policies are regularly reviewed to ensure their continued relevance and applicability.

Local government comparison

An analysis of other local government policies relating to the disposal of minor surplus assets was undertaken to inform the review of the *Disposal of Minor Surplus Assets Council Policy*. Of the seven local governments benchmarked, only two have a policy which provides a position on disposal of minor surplus assets.

Name of Local Government	Related Policy
City of Canning	Disposal of Surplus Assets Policy; \$20,000 value threshold
City of Cockburn	No Policy
City of Perth	No Policy
City of Stirling	Information and Communication Technology Asset Disposal Policy; No value threshold
City of Wanneroo	No Policy
City of Swan	No Policy
City of Melville	No Policy

Review shows that these policies are consistent with the City's *Disposal of Minor Surplus Assets Council Policy*. This indicates that the current policy remains relevant and consistent with industry practice.

No amendments are proposed.

Issues and options considered

Council may choose to:

- Retain the *Disposal of Minor Surplus Assets Council Policy* in its current format, as shown in Attachment 1 to this Report
or
- Suggest further modifications to the *Disposal of Minor Surplus Assets Council Policy*.

The recommended option is to retain the current *Disposal of Minor Surplus Assets Council Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government (Financial Management) Regulations 1996.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-4 Responsible and financially sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

Policy *Disposal of Minor Surplus Assets Council Policy.*

Risk management considerations

The policy states that no risk liability be attached to any minor assets provided to groups through the disposal process. The City's *Risk Management Framework* and associated processes provide a system minimise and manage potential risks to the City.

Financial / budget implications

Not applicable

Regional significance

Not applicable.

Sustainability implications

Encouraging the re-use of surplus minor assets supports the objective that waste is diverted from land fill in accordance with the City's commitment to environmentally sustainable outcomes.

Consultation

Not applicable.

COMMENT

The *Disposal of Minor Surplus Assets Council Policy* continues to provide a clear direction for sustainably disposing of minor surplus assets to support local community groups and education providers.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Pizzey, SECONDED Cr Chester that Council:

- 1** **NOTES** the review of the *Disposal of Minor Surplus Assets Council Policy*;
- 2** **AGREES** to retaining the current *Disposal of Minor Surplus Assets Council Policy* in its current form, as provided in Attachment 1 to this Report.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hutton, Cr Pizzey and Cr Raftis.

Against the Motion: Nil.

ATTACHMENTS

1. Disposal of Minor Surplus Assets Council Policy [8.7.1 - 2 pages]

Disclosures of Interest affecting Impartiality

Name / Position	Cr Lewis Hutton.
Meeting Type	Policy Committee Meeting.
Meeting Date	2 September 2024.
Item No. / Subject	Item 8.8 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Hutton is a former member of the Burns Beach Residents Association Committee.

8.8 SPECIFIED AREA RATING COUNCIL POLICY REVIEW (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Michael Hamling Acting Director Infrastructure Services
FILE NUMBER	101278, 101515
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 consider and adopt the revised *Specified Area Rate Council Policy*.

EXECUTIVE SUMMARY

The *Specified Area Rating Council Policy* (Attachment 1 refers) guides the circumstances under which a specified area rate may be established, managed and terminated.

The City currently has four specified area rates in place at Iluka, Woodvale Waters, Harbour Rise and Burns Beach which are negotiated through the following representative bodies:

- Iluka Homeowner's Association Inc.
- Woodvale Waters Land Owners Association Inc.
- The Harbour Rise Association Inc.
- Burns Beach Residents' Association Inc.

A significant revision of the policy was undertaken in 2015 and a minor review was considered by Council at its meeting held on 18 May 2021 (CJ067-05/21 refers).

At the Policy Committee meeting held on 31 October 2022 and 7 November 2022, under the 'Request for Reports for Future Consideration' section, the following was requested by Cr Raftis:

“That the CEO undertake a review of the Specified Area Rating Council Policy with specific requests for the inclusion of:

- *A statement specifying that the service agreement and each annual service arrangement agreed with each specified area is to be made freely available on the City’s website, noting that commercial in confidence information may be obfuscated.*
- *The recognition of all additional costs incurred in the delivery of the specified area rate service arrangement, including but not limited to, the additional City staff costs in managing the additional services delivered and opportunity costs such as the value of groundwater utilised that is in excess of the standard utilised in City parks and reserves.”*

While the *Specified Area Rating Council Policy* has been operating effectively for a number of years, the recent review undertaken has identified further opportunities to refine and improve the policy including the following:

- Simplification of the policy’s language to provide greater clarity for the Council, City, and community members living in areas where specified area rates are applied.
- Articulating the Council’s position more clearly on establishing, managing and terminating specified area rates.
- Updating the name of the policy from “Specified Area Rating” to “Specified Area Rate” to more directly align with the frequently used acronym “SAR” which refers to “Specified Area Rate” (rather than “Rating”).

The revision also considered the two specific requests for additions to the policy as follows:

- Provision of SAR information on the City’s website.
- The recognition of all additional management costs incurred.

The City also revised the *Specified Area Rate Guidelines*, previously known as *Specified Area Rate — Capital Infrastructure Guidelines* which is a supporting document to the Policy. The scope of information in the guidelines has been expanded to include more detailed information on establishing, managing and terminating a specified area rate, as well as cover some of the more operational information considered not appropriate for the revised policy.

At the Policy Committee meeting held on 19 February 2024, a report was considered by the Committee under Item 8.9 Specified Area Rating Policy Review, which took into account the request to, amongst other things, investigate the recognition of all additional costs incurred in the delivery of the specified area rate service arrangement. The Committee, at this meeting resolved that this item be referred back to the Chief Executive Officer to undertake targeted consultation with the SAR representative groups on the proposed revised Policy and cost allocation model.

The City met with the SAR representative groups on 23 April 2024 and written feedback was provided to the City on the proposed revised Specified Area Rate Council Policy and Guidelines. Each of the representative groups were strongly opposed to the proposal to introduce an administration charge to manage and administer the SAR which is currently borne by the City (Attachment 4 refers).

It is therefore recommended that Council:

- 1 *DOES NOT SUPPORT the inclusion of the City's internal administration cost within the annual Specified Area Rate cost;*
- 2 *ADOPTS the revised Specified Area Rate Council Policy provided as Attachment 2 to this Report;*
- 3 *NOTES the revised Specified Area Rate Guidelines provided as Attachment 3 to this Report.*

BACKGROUND

At its meeting held on 21 July 2009 (C63-07/09 refers), Council requested "a report on the advantages and disadvantages of a Specified Area Rates Council Policy being developed by the City — a policy that would guide other areas of the City that might wish to pay a specified area rate for additional landscaping services".

In response to this request, a draft policy was presented to the Policy Committee in February 2010 and was subsequently adopted by Council on 16 March 2010 (CJ039-03/10 refers). The policy was based on the knowledge and experience attained in the management of existing specified area rates operating within the City of Joondalup, (namely Iluka, Woodvale Waters and Harbour Rise).

Since the policy was adopted, the City also established the Burns Beach specified area rate in 2015. At that time, the provisions of the policy were tested and reviewed, and the policy was updated to reflect that review. This followed from the results of a community consultation process undertaken with ratepayer and residents' groups after a request from the Burns Beach Residents' Association to establish a specified area rate for Burns Beach. No further specified area rates have been added since 2015.

All specified area rates are currently managed in accordance with the parameters established within the policy and the *Specified Area Rate — Capital Infrastructure Guidelines*.

The current policy considers three key issues as follows:

- The circumstances under which the Council may consider approving a specified area rate (either by request from a developer in a new land development area or a representative property owners' group of an established area).
- The management arrangements for a specified area rate once introduced (providing broad management parameters in relation to interactions with representative property owners' groups for the portion of land covered by the specified area rate, the timing of agreement negotiations and the collection and expenditure of funds).
- The termination arrangements for a specified area rate (including the circumstances under which a specified area rate should no longer apply, the expectations for reverting or maintaining levels of service and the effective timing of termination).

Portions of land in the following areas are currently covered by specified area rates:

- Iluka.
- Woodvale Waters.
- Harbour Rise.
- Burns Beach.

Significant changes were affected to the policy at the review in 2015, following consultation with the representative property owners' groups in the existing specified areas. In 2021, a minor review of the policy was undertaken which recommended only two changes to the policy, both of which served to enhance clarity.

At the Policy Committee meetings held on 31 October 2022 and 7 November 2022, under the 'Request for Reports for Future Consideration' section, the following was requested by Cr Raftis:

"That the CEO undertake a review of the Specified Area Rating Council Policy with specific requests for the inclusion of:

- *A statement specifying that the service agreement and each annual service arrangement agreed with each specified area is to be made freely available on the City's website, noting that commercial in confidence information may be obfuscated.*
- *The recognition of all additional costs incurred in the delivery of the specified area rate service arrangement, including but not limited to, the additional City staff costs in managing the additional services delivered and opportunity costs such as the value of groundwater utilised that is in excess of the standard utilised in City parks and reserves."*

Disclosure of Annual Service Review Agreements

Under the management arrangements for a specified area rate, the City's representatives must consult with the relevant representative property owners' group regularly. It is further required that the program of works and services proposed to be funded by a specified area rate in a financial year be agreed between the City's representatives and the representative property owners' group prior to the adoption by Council of the City's Annual Budget. To facilitate this requirement, the City enters into the following two agreements with the representative property owners' group:

- Service Level Agreement — A three-year agreement which defines the expected level of service of enhanced landscaping.
- Annual Service Review Agreement — A one-year agreement which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.

Previously, both agreements were entered into on a confidential basis and could only be made available to residents with agreement from both parties being the City and the representative property owners' group.

In early August 2022, the City received a request from a resident of Harbour Rise for a copy of the Annual Service Review Agreement for that area. As this document was, at the time, a confidential agreement between the City and The Harbour Rise Association (Inc) (HRA), the City contacted the HRA to seek their agreement prior to releasing the document. The HRA sought an alternate by agreeing to make the confidential document available to the resident, upon receipt of a request to them directly. They requested this so that they could answer any questions, provide clarity, or address any issues the resident might want to raise in relation to the document.

Since this time, the Chief Executive Officer has requested that future agreements between the City and representative property owners' group not be confidential to enable the City to share the information more easily with landowners of properties in portions of land covered by a specified area rate. This was actioned, with the *2023-24 Annual Service Review Agreements* made available on the City's website with commercially sensitive information removed.

Recognition of additional costs incurred in the delivery of the specified area rate agreement

The current management and administration of specified area rates amounts to approximately 25% of the time of a Level 7 employee (currently approximately \$24,601), the cost of which is borne by the City. This cost comprises the following:

- Oversight of the maintenance contracts and management agreements.
- Attendance at meetings outside of normal working hours.
- Negotiation of landscaping upgrade projects with the representative property owners' groups, including plans, costing, tendering and construction contract administration.

If this cost was to be recouped, the City could consider apportioning a fee structure based on the landscaped areas within the specific boundaries of the specified area as detailed in the annual service review contract. The costs incurred per annum are detailed in the financial/budget implications section of this Report.

The groundwater irrigation allocation for parks within specified rate areas is as per the allocation applied to all City areas as follows:

- Sports parks (regional, district and neighbourhood) and regional recreation parks are irrigated to 70% of the evapotranspiration rate.
- All other recreation parks and other irrigated areas are irrigated to 50% of the evapotranspiration rate.

The City's water use records show that the parks covered by specified area rates receive no more or less water than other City irrigated parks. The turf in these areas generally presents at a higher level than non-specified areas due to a higher level of maintenance, which includes additional mowing (with catchers), fertilising, and soil-wetter applications, amongst others. All of which are covered by the specified area rate.

All costs for the additional levels of service are borne by the specified area rate as detailed in the *Service Level Agreements* and *Annual Service Review Agreements*. For example, the mowing of turf in a recreation park every three weeks is a standard City service provision; in a specified area the agreement might be to mow the park weekly complete with catching and disposal of grass cuttings, the cost difference in providing this service over the City's standard service is borne by the Specified Area Rate.

Review of the Specified Area Rating Council Policy

While the *Specified Area Rating Council Policy* provided as Attachment 1 to this Report has been operating effectively for a number of years, the review undertaken has identified further opportunities to refine and improve the policy including the following:

- Simplification of the policy's language to provide greater clarity for the Council, City, and community members living in areas where specified area rates are applied.
- Articulating the Council's position more clearly on establishing, managing and terminating specified area rates.
- Updating the name of the policy from "Specified Area Rating" to "Specified Area Rate" to more directly align with the frequently used acronym "SAR" which refers to "Specified Area Rate" (rather than "Rating").

The revision also considered the two specific requests for additions to the policy as follows:

- Provision of SAR information on the City's website.
- The recognition of all additional management costs incurred.

The improvements and additions to the policy are summarised as follows:

- The policy was renamed to maintain consistency in terminology regarding legislation and other City documentation, from Specified Area RATING Council Policy to Specified Area RATE Council Policy.
- The policy objective and statement have been slightly reworded to align with the three principal areas that the policy addresses (i.e., establishment, management and termination of specified area rates). It should be noted that the intent of the policy has not been changed.
- Addition of a "Definitions" section to clarify terms and make the policy more legible and easier to follow.
- Removal of detailed operational information. This information is now contained within the more specific and practical *Specified Area Rate Guidelines* which will remain publicly available on the City's website.
- The simplified version of the policy aims to clearly set out the Council's criteria for establishment and termination of a specified area rate. It should be noted that none of the criteria have changed, with the exception of a requirement for community consultation added to process for termination to make this consistent with the process for establishment.
- Additional of a statement at 3.2(c) noting that "All Service Level Agreements and Annual Service Review Agreements will be made available on the City's website, with any commercial-in-confidence information removed."
- Modification of wording in the policy to include "costs of administering the specified area rate" within the definition of the Annual Service Review Agreement, as well as under 3.2(b).

At the Policy Committee meeting held on 19 February 2024, a report and the revised Specified Area Rate Council Policy was considered by the Committee under Item 8.9 Specified Area Rating Policy Review, which took into account the request to, amongst other things, investigate the recognition of all additional costs incurred in the delivery of the specified area rate service arrangement.

The Committee at this meeting resolved that this item be referred back to the Chief Executive Officer to undertake targeted consultation with the SAR representative groups on the proposed revised Policy and cost allocation model.

DETAILS

Following the Committees request, the City met with representatives from the four SAR representative groups on 23 April 2024 and requested written feedback on the proposed revised Specified Area Rate Council Policy, the proposed revised Specified Area Rate Guidelines and the cost allocation model be provided.

A summary of the consolidated feedback provided by the SAR representative groups on improvements and additions to the policy and guidelines, along with the proposal to include the City's internal administration cost within the annual Specified Area Rate cost is provided below, and in full as Attachment 6 to this Report.

- **Specified Area Rate Council Policy Document**

Section	Existing Wording	SAR Group Feedback	City Response
Definitions Section Annual Service Review in the Agreement	means an annual agreement between the City and a representative property owners group which details the annual costs associated with the delivery of enhanced landscaping and includes reference to costs associated with administering the specified area rate.	Remove the wording highlighted in yellow.	Two policies drafted to reflect inclusion and exclusion of costs associated with administering the specified area rate.
Section 3.2 b. Management of a specified area rate	which refers to the calculation of the rate in the dollar taking into consideration the agreed program of works, services, and costs of administering the specified area rate, specifically the costs of administering the SAR	Remove the wording highlighted in yellow.	Two policies drafted to reflect inclusion and exclusion of costs associated with administering the specified area rate.

- **Specified Area Rate Guidelines Document**

Section	Existing Wording	SAR Group Feedback	City Response
Definitions Section Annual Service Review Agreement,	an annual agreement between the City and a representative property owners group which details the annual costs associated with the delivery of enhanced landscaping and includes reference to costs associated with administering the specified area rate.	Remove this wording highlighted in yellow.	Two policies drafted to reflect inclusion and exclusion of costs associated with administering the specified area rate.
Managing a specified area rate, point 2 Annual Service Agreement	A one-year agreement which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.	Remove this wording highlighted in yellow.	Two policies drafted to reflect inclusion and exclusion of costs associated with administering the specified area rate.

Section	Existing Wording	SAR Group Feedback	City Response
Role (of) the representative property owners' group	A City Officer will attend meetings of the group on a regular basis to provide technical advice and performance reports with respect to the budget, contract services and the operation of the Annual Service Review Agreement. – add wording highlighted in yellow.	Add wording in yellow.	This is supported and the guidelines have been amended to reflect this request.

• **The introduction of administration charges to the SARs**

The SAR representative groups all strongly oppose the introduction of administration charges to the SARs based on the following:

- Each of the SARs contains one or more areas of high attraction with significant use by residents based outside the SAR areas.
- Harbour View Park in Harbour Rise where the tennis courts are predominantly used by non-residents who then enjoy the park's composure, and it is also often used for group gatherings.
- Leeward Park where a widened footpath runs through the estate is enjoyed by walkers and nature lovers.
- Burns Beach speaks for itself with its many parks, sporting oval, basketball courts and the very popular Sista's Cafe.
- The McCubbin Park Pond in Woodvale Waters is a great draw for lovers of wildlife.
- James McCusker Park in Iluka where weddings are carried out on a regular basis, plus many other photographic events, such as engagements, birthdays and awards.
- Enhanced landscaping and maintenance of these areas is paid for by the SARs which totals in excess of \$725,000 annually.
- Outside of the SARs and throughout the City there are countless public areas of high attraction and one example is Tom Simpson Park, Mullaloo. This park is extensively used both during the week and at weekends, especially at long weekends, where finding towel space is a challenge. Events are held there and the barbeques are heavily utilised. All of this activity requires clean-up and landscaping restoration yet there is no extra charge or levy on the Mullaloo residents.
- Based upon the evidence provided to us by the real estate agents, the annual additional general rates paid by the four SAR areas is estimated to be in order of \$700,000 per annum.

"When considering the above, our firm belief is that the indirect benefits of the SARs far exceed any small amount of administrative costs the City may incur in managing some of the requirements of the SAR. Further, there is no genuine justification to provide a greater imposte on the communities who already make a significant financial contribution to the presentation of the City for the benefit of all residents.

On behalf of the residents and ratepayers within the City of Joondalup Specified Area Rate precincts of Burns Beach, Harbour Rise, Iluka and Woodvale Waters, we strongly oppose the introduction of administration charges to the SARs."

Written feedback was also received from the following real estate agents, who were requested by the SAR representative groups to provide feedback directly to the City:

- Coronis.
- Noble Avenue Real Estate.
- The Agency.
- Realmark Coastal.
- Julie Ormston and Partners.

All responses received highlighted that a property value increase of the four SAR areas was directly related to the increased service level and that the significant increase in property values flowed through to the Gross Rental Values of these areas and therefore the amount of General Rate – Residential income the City receives from these areas.

Issues and options considered

With regard to the revised *Specified Area Rate Council Policy*, Council may choose to:

Option 1 Support the inclusion of the City's internal administration cost, apportioned based on the landscaped areas within the individual SAR areas, within the annual Specified Area Rate cost and adopt the revised *Specified Area Rate Council Policy* provided as Attachment 4 to this Report.

or

Option 2 Not support the inclusion of the City's internal administration cost within the annual Specified Area Rate cost and adopt the revised *Specified Area Rate Council Policy* provided as Attachment 2 to this Report.

This is the recommended option.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 6.37 of the *Local Government Act 1995*.

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-3 Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes.

Policy *Specified Area Rating Council Policy*.

Risk management considerations

The agreements, processes, and liaison with the SAR representative groups currently in place are functioning well, with minimal issues arising from the implementation of a specified area rate agreement on an annual basis. Including the City's internal administration cost within the annual Specified Area Rate cost may lead to a breakdown in the good working relationship between the City and the representative groups.

Financial / budget implications

The current management and administration of the portions of land covered by specified area rates equates to approximately 25% of the time of a Level 7 employee (currently approximately \$24,601).

If Council supports the inclusion of the City's internal administration cost within the annual Specified Area Rate cost, it is recommended that the additional cost be apportioned based on the landscaped areas within the individual SAR to be detailed in the annual service review contract. The indicative costs per annum are provided below:

SAR (Specified Area Rate)	Size (square metres)	Cost
Woodvale Waters	28,107	\$2,243
Harbour Rise	47,921	\$3,824
Iluka	143,778	\$11,473
Burns Beach	88,486	\$7,061

It must be noted, however, that as the Annual Service Reviews for the SAR areas for 2024-25 have been completed and the 2024-25 operational budget adopted, should Council wish to incorporate the City's internal administration cost within the annual Specified Area Rate cost, this can only be included in the discussions with the SAR representative groups in 2024-25 to inform the 2025-26 operational budget.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City met with representatives from all four SAR Groups on 23 April 2024 and the written feedback from the SAR Groups on the proposed revised Specified Area Rate Council Policy, the proposed revised Specified Area Rate Guidelines and the cost allocation model is detailed in this Report.

COMMENT

The agreements, processes, and liaison with the representative property owners' groups currently in place are functioning well, with minimal issues arising from the implementation of specified area rate agreements on an annual basis.

The proposed revision to the *Specified Area Rate Council Policy* and *Specified Area Rate Guidelines* is considered to provide greater clarity and understanding of its application. Whilst significant redrafting has taken place, the proposed changes, including the recovery of the City's administrative cost to manage the SAR area if supported by Council, do not alter the City's approach or criteria for approving, managing or terminating specified area rates.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Pizzey, SECONDED Cr Hutton that Council:

- 1 DOES NOT SUPPORT the inclusion of the City's internal administration cost within the annual Specified Area Rate cost;**
- 2 APOPTS the revised Specified Area Rate Council Policy provided as Attachment 2 to this Report;**
- 3 NOTES the revised Specified Area Rate Guidelines provided as Attachment 3 to this Report.**

During debate it was requested that Parts 1, 2 and 3 be voted upon separately.

MOVED Cr Pizzey, SECONDED Cr Hutton that Council:

- 1 DOES NOT SUPPORT the inclusion of the City's internal administration cost within the annual Specified Area Rate cost;**

The Motion was Put and

CARRIED (3/2)

In favour of the Motion: Cr Chester, Cr Hutton and Cr Pizzey.

Against the Motion: Cr Kingston and Cr Raftis.

MOVED Cr Pizzey, SECONDED Cr Hutton that Council:

- 2 APOPTS the revised Specified Area Rate Council Policy provided as Attachment 2 to this Report;**

The Motion was Put and

CARRIED (3/2)

In favour of the Motion: Cr Kingston, Cr Hutton and Cr Pizzey.

Against the Motion: Cr Chester and Cr Raftis.

MOVED Cr Pizzey, SECONDED Cr Hutton that Council:

- 3 NOTES the revised Specified Area Rate Guidelines provided as Attachment 3 to this Report.**

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hutton and Cr Pizzey.

Against the Motion: Cr Raftis.

COMMITTEE RECOMMENDATION MOVED Cr Pizzey, SECONDED Cr Hutton that Council:

- 1 DOES NOT SUPPORT the inclusion of the City's internal administration cost within the annual Specified Area Rate cost;**
- 2 ADOPTS the revised Specified Area Rate Council Policy provided as Attachment 2 to this Report;**
- 3 NOTES the revised Specified Area Rate Guidelines provided as Attachment 3 to this Report.**

ATTACHMENTS

1. Current Specified Area Rating Council Policy **[8.8.1 - 4 pages]**
2. Revised Specified Area Rate Council Policy Excluding Administration Cost **[8.8.2 - 4 pages]**
3. Revised Specified Area Rate Guidelines Excluding Administration Cost **[8.8.3 - 10 pages]**
4. Revised Specified Area Rate Council Policy Including Administration Cost **[8.8.4 - 4 pages]**
5. Revised Specified Area Rate Guidelines Including Administration Cost **[8.8.5 - 10 pages]**
6. SAR Council Policy Review - Consultation Feedback **[8.8.6 - 3 pages]**

9 URGENT BUSINESS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Kingston requested that the Chief Executive Officer prepare a report in relation to *State Planning Policy 4.2 - Activity Centres* and the requirements for Precinct Structure Plans for Strategic, Secondary, District and Specialised activity centres within the City. What timelines are expected for the remaining activity centres without a structure plan to have one created, and whether any major development of an activity centre is likely.

12 CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 9.21pm the following Committee Members being present at that time:

CR DANIEL KINGSTON
CR RECECCA PIZZEY
CR LEWIS HUTTON
CR JOHN RAFTIS
CR JOHN CHESTER

2 SEPTEMBER 2024 - POLICY COMMITTEE - MINUTES ATTACHMENTS

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Percent for Art Scheme Local Planning Policy

Responsible directorate: Planning and Community Development

Objectives:

- To support the City's approach to public art through a Percent for Art Scheme for developments within the City.
- To contribute to a sense of place.
- To promote the expression of local identity and shared community values.
- To invest in public amenity and the built environment through high quality public art.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

The policy applies to all development proposals where the estimated total cost of the development meets \$2,000,000 and above, excluding the following:

- a. Developments comprised of ten (10) or fewer residential dwellings.
- b. Additions or extensions to existing buildings which are not visible from public spaces, as determined by the City.
- c. Developments subject to the Public Art Council Policy.
- d. Developments subject to an approved Structure Plan, Local Development Plan or other local planning instrument that contains requirements for the provision of public art in that area.
- e. Developments subject to a State planning instrument that contains requirements for the provision of public art in that area.

- f. Development comprised solely of demolition, site works or other servicing infrastructure, as determined by the City.

3. Definitions:

“cash-in-lieu” means a payment made by the developer to the City in place of not completing the required public art component themselves.

“commissioning” means the act of securing the services of a practitioner to fulfil a brief for an art project for the payment of a fee.

“developer” means the applicant or owner as stated on the Application for Development Approval form for the relevant development.

“development proposal” means an Application for Development Approval submitted to the City or submitted to another approval authority and referred to the City for comment.

“Percent for Art” means the scheme whereby public artworks are commissioned using a percentage of the total costs of development proposals.

“professional artist” means a person who is actively engaged in and conducts a professional artistic practice, and has industry recognition for their work. No artist commissioned for a public art project associated with this policy can have a familial relationship to the Developer, or a financial interest in the development.

“public art” means an artistic work that is created and located for public accessibility. The defining principle of public art is that the work has been designed by a professional artist for enhancement of a particular public space. Supported types of public art apply in accordance with the City’s Public Art Council Policy and the City’s Public Art Masterplan.

“public space” means suitable spaces that can be programmed for public art. This commonly requires the space to be in clear view to the public. This includes, but is not limited to, parks, foreshores, city squares, streets, indoor spaces of buildings such as entry foyers, and outdoor spaces of buildings such as courtyards and forecourts.

“total project cost” means the approximate cost of the proposed development, as stated on the Application for Development Approval form.

4. Statement:

The City acknowledges the important role played by public art in creating a sense of place, shaping community identity, and activating vibrant public spaces. To fulfil these roles and enable a culturally-enriched environment within its public spaces, the City provides accessible public art, utilising the strategic vision and framework of its Public Art Masterplan and Percent for Art Scheme to guide public art programs.

The City recognises the role that developments in the built environment have in shaping the characteristics of the public space, and the responsibility of developers to provide positive public art amenity.

This Policy assists in the delivery of high-quality, place-relevant public art on site or in the ward-vicinity of the development.

5. Details:

5.1. Percent for Art Scheme:

Development proposals subject to this policy are required to allocate **one percent (1%)** of the total project cost for the commissioning of public art. The maximum contribution will be capped at \$500,000. Developers can choose to make the required public art contribution through:

- a. providing public art on the site of the development proposal; or
- b. paying a cash-in-lieu contribution to the City in place of the developer providing the required public art component on site.

Conditions related to the public art contribution will be placed on the development approval issued. Where the City is not the determining authority, conditions will be recommended to be placed on any development approval issued.

5.2. Developer providing public art on site:

- a. Public art shall be provided in accordance with the City's Public Art Council Policy, Public Art Masterplan, and Developer Guidebook, as well as any relevant precinct/area guidelines.
- b. Wherever possible, developers / landowners are to provide conceptual details of the artwork(s) in the development application for the main proposal to ensure that its design, installation and maintenance has been considered as part of the overall project.
- c. Details of the proposed public art are required to be provided to the City for approval prior to the building permit being issued.
- d. Inspection and sign-off of the installed public art are required to be undertaken by the City prior to the occupancy permit being issued.

5.3. Developer providing cash-in-lieu contribution:

- a. Cash-in-lieu contributions will receive a 15% contribution discount.
- b. Cash-in-lieu contributions must be received in full by the City prior to the occupancy permit being issued.
- c. Cash-in-lieu contributions will be placed in a City public art reserve account and expended on public art commissions within the Ward of the situated development.
- d. Cash-in-lieu contributions must be expended by the City within 5 years of receipt of the payment.

Creation date: <mmmm yyyy> <report ref>

Formerly:

Amendments:

Last reviewed:

Related documentation:

- Local Planning Scheme No. 3
- Public Art Council Policy
- Public Art Masterplan
- Visual Arts Collection Council Policy
- Western Australian Government Percent for Art Scheme

File reference: 109498

Attachment 3: LGA Benchmarking Data for Percent for Art Policies

LGA with Percent for Art requirement	Percent allocation	Threshold for triggering policy	Cap on contribution value
Armadale, City of	1%	\$1 million	None
Bassendean, Town of	1%	\$1 million	None
Bayswater, City of	1%	\$1 million	None
Belmont, City of	1%	\$4.5 million	None
Cambridge, Town of	1%	\$1 million	\$500,000
Canning, City of	1%	\$4 million	\$250,000
Claremont, Town of	1%	\$1 million	\$500,000
Cockburn, City of	1%	\$2 million	\$250,000
Cottesloe, Town of	1%	\$2 million	None
East Fremantle, Town of	1%	\$3 million	\$250,000
Fremantle, City of	1%	\$1 million	None
Gosnells, City of	1%	\$2 million	\$250,000
Kalamunda, City of	1%	\$500,000	\$250,000
Kwinana, City of	1%	\$2 million	\$500,000
Melville, City of	1%	\$2 million	None
Mundaring, Shire of	1%	\$2 million	None
Rockingham, City of	1%	\$5 million	None
Serpentine-Jarrahdale, Shire of	1%	\$1 million	\$500,000
South Perth, City of	1%	\$4 million	None
Stirling, City of	2%	\$2 million	None
Subiaco, City of	1%	\$2 million	None
Swan, City of	1%	\$2 million	\$500,000
Victoria Park, Town of	1%	\$2 million	None
Vincent, City of	1%	\$1 million	None
Wanneroo, City of	1%	\$2 million	\$500,000



Public Art Council Policy

Responsible directorate: Corporate Services

Objectives:

- To guide the delivery of public art projects that contribute to creating a sense of place and promote the expression of local identity and shared community values.
- To invest in public amenity and the built environment through high quality public art.

1. Definitions:

"Art Collection Management Plan" means a guiding plan for the accession, administration and maintenance of the City's Art Collection.

"commissioning" means the act of securing the services of a practitioner to fulfil a brief for an art project for the payment of a fee.

"curatorial area" means a defined geographic location or type of location within the City, which has been identified as having particular public art needs or linked by a similar role and use in the community.

"curatorial theme" means a conceptual starting point for commissioned projects to create meaningful and responsive public art in the contexts of the City and its Public Art Masterplan.

"ephemeral" means any art form that is transitory, changing and exists for a brief time in the public realm. Ephemeral works may include art that brings life, fun and interest to public spaces, such as street art and installations associated with pop-up events and activations.

"Expressions of Interest" means a project brief request for services from providers with relevant project expertise, such as artists, project managers, production suppliers.

"Maintenance Manual" means a guidebook of requirements for the care and conservation of a public artwork.

"Percent for Art" means the scheme whereby public artworks are commissioned using a percentage of the total costs of development proposals.

"permanent" means artwork that is permanently sited in the public realm as key infrastructure. Permanent works may include but are not limited to artwork such as sculptures, integrated, functional and play-based art.

“professional artist” means a person who is actively engaged in and conducts a professional artistic practice, and has industry recognition for their work.

“public art” means an artistic work that is created and located for public accessibility. The defining principle of public art is that the work has been designed by a professional artist for enhancement of a particular public realm. Supported types of public art apply as per this policy and the City’s Public Art Masterplan.

“public artist” means an artist that is involved in the process of creating artwork for the public realm. Responsibilities can include research, planning and delivery to realise successful public art projects.

“Public Art Masterplan” means the city’s strategic framework to commission new public art projects.

“public art priority” means a strategic priority or focus that reflects community and City aspirations. A priority articulates the role that public art can play in shaping experiences and building communities, and importantly with a specific lens for the Joondalup region.

“public space” means suitable spaces that can be programmed for public art. This commonly requires the space to be in clear view to the public. This includes but is not limited to parks, foreshores, city squares, streets, indoor spaces of public buildings such as entry foyers, and outdoor spaces of public buildings such as courtyards and forecourts.

“temporary” means artwork that has a limited life, such as a project or special event that is less than 5 years, or is subject to material “wear and tear”. Temporary works may include but are not limited to art such as light and sound installation, land and environmental art, murals and kinetic art.

“total project cost” means the approximate cost of the proposed budget for refurbishments of City-owned properties or new developments.

2. Statement:

The City acknowledges the important role played by public art in creating a sense of place, shaping community identity, and activating a vibrant public realm. To fulfil these roles and to enable a culturally-enriched environment within its public realms, the City provides accessible public art, utilising the strategic vision and framework of its Public Art Masterplan and Percent for Art Scheme to guide public art programs.

3. Details:

3.1. Alignment with Art Collection:

The purpose of the City’s Art Collection is to properly conserve, maintain and grow the value of the City’s art and cultural assets; and to preserve, protect and promote the unique social and cultural identity of the City. As a component of the City’s Art Collection, public art supports and aligns with its objectives and aims.

3.2. Public Art Program:

The City’s Public Art Program includes:

- an annual program delivered by Cultural Services

- maintenance of the Public Art Collection

The aims of the City's Public Art Program are to:

- showcase creativity through a strategic approach towards public art investment
- build upon the unique identity of Joondalup by valuing the role of public art and the vision of professional artists
- commission impactful public artworks and embrace new forms of public art for the purposes of appreciation, education and innovation
- create bespoke place-making and story-telling opportunities through responsive and region-driven strategies
- review public amenity and development opportunities across the City with a holistic creative approach
- contribute to economic development through the activation of key precincts and spaces and the development of a strong local creative and destination economy
- enhance resident and visitor appreciation of Joondalup as a place to live and visit, increasing civic pride, the brand of Joondalup and a sense of belonging.

3.3. Public Art types:

The City supports diverse and evolving forms of public art, broadening its definition and creating new ways for the community to engage with public art. Types of public art include:

- Large-scale sculptures
- Small-scale sculptures
- Murals
- Integrated artworks
- Functional artworks
- Play-based artworks
- Installations
- Lighting and technology-based artworks.

The City supports appropriate lifespans for various types of public art, noting the specific needs of different public art realms and curatorial areas within the City. This includes ephemeral, temporary and permanent artworks.

Public art does not include:

- branding or advertising signage or elements
- business logos

- off-the-shelf or mass-produced art objects
- art that is not in clear view from the public realm
- landscaping or architectural elements which would normally be associated with a development (unless integrating an artistic component designed by a professional artist and approved by the City)
- works in the public realm that have not been designed by a professional artist or an artist not approved by the City.

3.4. Program management:

The City's Public Art Program is guided by the Public Art Masterplan, as a strategic framework to commission new projects, and also aligns with the City's Art Collection Management Plan, a framework to maintain artworks. Both plans follow public art and visual art industry principles of best practice as outlined by the National Association for the Visual Arts (NAVA), the National Standards of the Australian Galleries and Museums Association (AMAGA), and Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts.

3.5. Percent for Art:

A Percent for Art Scheme (1%) will be utilised for all refurbishments of City-owned properties or new developments where the total project costs are over \$2,000,000.

3.6. Donations and gifts:

The City will consider suitable donations and gifts of artworks intended for permanent public display.

Creation date: April 2017 (CJ054-04/17)

Formerly:

Amendments:

Last reviewed:

Related documentation:

- Art Collection Management Plan
- Code of Practice for National Association for the Visual Arts (NAVA)
- Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts
- National Standards of the Australian Galleries and Museums Association
- Percent for Art Scheme Local Planning Policy
- Public Art Masterplan

- Register of Delegation of Authority
- Visual Arts Collection Council Policy
- Western Australian State Government Percent for Art Scheme Guidelines

File reference: 109498



Public Art Council Policy

Responsible directorate: Corporate Services

Objectives:

- To guide the delivery of public art projects that contribute to creating a sense of place, and promote the expression of local identity and shared community values, ~~and reflect on the shared values of the community.~~
- To invest in public amenity and the built environment through high quality public art.

1. Definitions:

"Art Collection Management Plan" means a guiding plan for the accession, administration and maintenance of the City's Art Collection.

"commissioning" means the act of securing the services of a practitioner to fulfil a brief for an art project for the payment of a fee.

"curatorial area" means a defined geographic location or type of location within the City, which has been identified as having particular public art needs or linked by a similar role and use in the community.

"curatorial theme" means a conceptual starting point for commissioned projects to create meaningful and responsive public art in the contexts of the City and its Public Art Masterplan.

"ephemeral" means any art form that is transitory, changing and exists for a brief time in the public realm. Ephemeral works may include art that brings life, fun and interest to public spaces, such as street art and installations associated with pop-up events and activations.

"Expressions of Interest" means a project brief request for services from providers with relevant project expertise, such as artists, project managers, production suppliers.

"Maintenance Manual" means a guidebook of requirements for the care and conservation of a public artwork.

"Percent for Art" refers to means the State Government Percent for Art Scheme whereby public artworks are commissioned using a percentage of the total costs of development proposals, capital projects for buildings and major infrastructure projects.

“permanent” means artwork that is permanently sited in the public realm as key infrastructure. Permanent works may include but are not limited to artwork such as sculptures, integrated, functional and play-based art.

“professional artist” refers to means a person who is actively engaged in and conducts a professional artistic practice, and has industry recognition for their work.

“public art” refers to means an artistic work that is created and located for public accessibility. The defining principle of public art is that the work has been designed by an professional artist for enhancement of a particular public realm. Supported types of public art apply as per this policy and the City’s Public Art Masterplan. Public art may take many forms or style; from traditional media to contemporary approaches; functional objects; multimedia installations; or interactive works. The City extends this definition to its Public Art Collection as approved art created by professional artists for public spaces.

“public artist” means an artist that is involved in the process of creating artwork for the public realm. Responsibilities can include research, planning and delivery to realise successful public art projects, the design, planning, making and/or installation of public artworks. Responsibilities include site research and project development, often involving consultation and involvement with stakeholders.

“Public Art Masterplan” means the city’s strategic framework to commission new public art projects.

“public art priority” means a strategic priority or focus that reflects community and City aspirations. A priority articulates the role that public art can play in shaping experiences and building communities, and importantly with a specific lens for the Joondalup region.

“public space” includes means suitable spaces that can be programmed for public art. This commonly requires the space to be in clear view to the public. This includes but is not limited to parks, foreshores, city squares, streets, indoor spaces of public buildings such as entry foyers, and outdoor spaces of public buildings such as courtyards and forecourts.

“temporary” means artwork that has a limited life, such as a project or special event that is less than 5 years, or is subject to material “wear and tear”. Temporary works may include but are not limited to art such as light and sound installation, land and environmental art, murals and kinetic art.

“total project cost” means the approximate cost of the proposed budget for refurbishments of City-owned properties or new developments.

2. Statement:

The City acknowledges the important role played by public art in creating a sense of place, shaping community identity, and activating a vibrant public realm, and developing a sense of community and identity.

To fulfil these roles and to enable a culturally-enriched environment within its public realms, the City provides accessible public art, utilising the strategic vision and framework of its Public Art Masterplan and Percent for Art Scheme to guide public art programs. of publically-accessible visual art, the City actively engages with professional artists through the commissioning of public art for the City of Joondalup Public Art Collection.

3. Details:

3.1. Alignment with Art Collection:

The purpose of the City's Art Collection is to properly conserve, maintain and grow the value of the City's art and cultural assets; and to preserve, protect and promote the unique social and cultural identity of the City. As a component of the City's Art Collection, public art supports and aligns with its objectives and aims.

3.2. Public Art Program:

The City's Public Art Program includes:

- an annual program delivered by Cultural Services
- maintenance of the Public Art Collection

The aims of the City's Public Art Program are to:

- showcase creativity through a strategic approach towards public art investment
- build upon the unique identity of Joondalup by valuing the role of public art and the vision of professional artists
- commission impactful public artworks and embrace new forms of public art for the purposes of appreciation, education and innovation
- create bespoke place-making and story-telling opportunities through responsive and region-driven strategies
- review public amenity and development opportunities across the City with a holistic creative approach
- contribute to economic development through the activation of key precincts and spaces and the development of a strong local creative and destination economy
- enhance resident and visitor appreciation of Joondalup as a place to live and visit, increasing civic pride, the brand of Joondalup and a sense of belonging.

3.3. Public Art types:

The City supports diverse and evolving forms of public art, broadening its definition and creating new ways for the community to engage with public art. Types of public art include:

- Large-scale sculptures
- Small-scale sculptures
- Murals
- Integrated artworks
- Functional artworks
- Play-based artworks
- Installations
- Lighting and technology-based artworks.

The City supports appropriate lifespans for various types of public art, noting the specific needs of different public art realms and curatorial areas within the City. This includes ephemeral, temporary and permanent artworks.

Public art does not include:

- branding or advertising signage or elements
- business logos
- off-the-shelf or mass-produced art objects
- art that is not in clear view from the public realm
- landscaping or architectural elements which would normally be associated with a development (unless integrating an artistic component designed by a professional artist and approved by the City)
- works in the public realm that have not been designed by a professional artist or an artist not approved by the City.

3.4. Program management:

The City's Public Art Program is guided by the Public Art Masterplan, as a strategic framework to commission new projects, and also aligns with the City's Art Collection Management Plan, a framework to maintain artworks. Both plans follow public art and visual art industry principles of best practice as outlined by the National Association for the Visual Arts (NAVA), the National Standards of the Australian Galleries and Museums Association (AMAGA), and Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts.

3.1. Public art project initiatives:

The City will fund the commissioning of new public art projects through an annual budget allocation from Council which may be permanent, semi-permanent or temporary in nature.

3.2.3.5. Percent for Art:

A Percent for Art Scheme (1%) will be utilised for all refurbishments of City-owned properties or new developments where the total project costs are over \$2,000,000.

The State Government Percent for Art Scheme will be utilised for all refurbishments of City-owned properties or new developments where the overall project costs are over \$1,000,000.

3.3.3.6. Donations and gifts:

The City will consider suitable donations and gifts of artworks intended for permanent public display.

Creation date: April 2017 (CJ054-04/17)

Formerly:

Amendments:

Last reviewed:

Related documentation:

- [Art Collection Management Plan](#)
- [Code of Practice for National Association for the Visual Arts \(NAVA\)](#)
- [Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts](#)
- [National Standards of the Australian Galleries and Museums Association](#)
- [Percent for Art Scheme Local Planning Policy](#)
- [Public Art Masterplan](#)
- [Register of Delegation of Authority](#)
- [The Code of Practice for the Australian Visual Arts and Crafts Sector](#)
- [Visual Arts Collection Council Policy](#)
- [The Western Australian State Government Percent for Art Scheme Guidelines](#)

File reference:

109498



Alfresco Activities Local Planning Policy

Responsible directorate: Planning and Community Development

- Objective:**
- To ensure alfresco activities are appropriate to the character and functions of the area in which they are proposed to be located.
 - To encourage high quality, pedestrian friendly, street-activated development that integrates with surrounding areas and enhances the streetscape whilst limiting any impact on adjoining properties.
 - To ensure any alfresco activities and incidental structures do not impact on the movement of pedestrians and vehicles, and do not impact on the future works required within the road reserve.
 - To maintain an open and accessible public space that retains the functionality and appearance of being publicly available to all pedestrians, whether paying customers or not.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy shall apply to all alfresco activities situated on City owned or managed land, typically within a road reserve (excluding any regional road reserve).

3. Definitions:

“alfresco activities” means the consumption of food and beverages by the general public that are located generally within the verge which are an extension of an existing adjacent business.

“alfresco zone” means the area of the verge or other public space where alfresco activities are permitted.

“kerbside zone” means the area between the road and the alfresco zone, which ensures that adequate space is provided between the alfresco zone and roadside activities.

“pedestrian zone” means the area that provides a continuous and unobstructed pathway.

“regional road” means a road reserve identified under the *Metropolitan Region Scheme* as an other regional road or primary regional road.

“verge” means the space between the property boundary and the road, commonly occupied by footpath or landscaping.

“visually permeable” means the same as that defined under the *State Planning Policy 7.3: Residential Design Codes*.

4. **Statement:**

The City encourages alfresco activities as a means of increasing vibrancy and choice for residents and visitors. It seeks to achieve this in a balanced way by employing a system of zones which take into consideration pedestrian safety, traffic flow and local amenity for residents and other commercial operators. As such, this local planning policy has been developed as a framework to guide the planning approval process for alfresco activities.

5. **Details:**

In determining the appropriateness of any alfresco activities within the City of Joondalup, the following will apply:

5.1. **Alfresco location:**

- a. Notwithstanding the Zone configurations identified below, all alfresco activities shall provide a 1 metre minimum setback from bus stops, fire hydrants, public telephones, electrical distribution boxes or any other public infrastructure.
- b. Alfresco activities located outside of the site-specific areas identified in Figures 2 and 3 are to comply with the following and be configured in the manner illustrated in Figure 1:

Pedestrian zone:	2 metres minimum width.
Alfresco zone:	Any area between the pedestrian zone and the kerbside zone.
Kerbside zone:	0.5 metres (kerbside zone abuts on-street parking) or 1 metre minimum (kerbside zone abuts a lane of traffic)

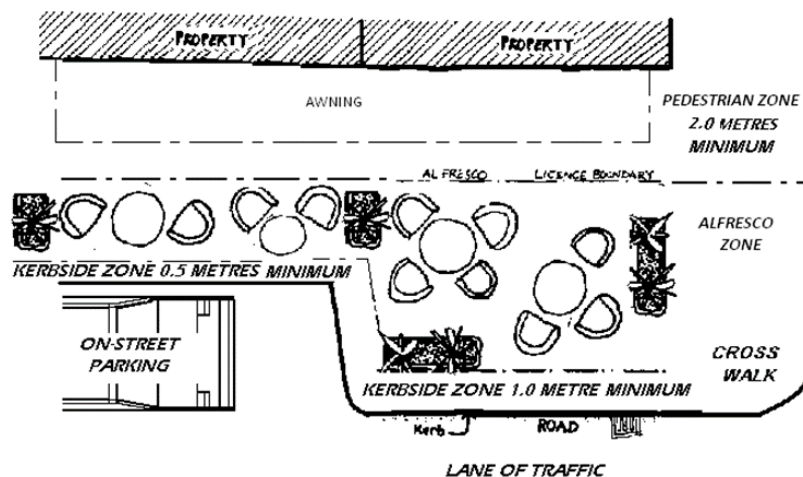


Figure 1. General standard for alfresco location

- c. Alfresco activities located on Lakeside Drive or Central Walk are to comply with the following and be configured in the manner illustrated in Figure 2 or 3 respectively:

Lakeside Drive:	
Pedestrian zone:	2.5 metres minimum width
Alfresco zone:	Any area between the pedestrian zone and kerbside zone
Kerbside zone:	1.5 metres minimum width

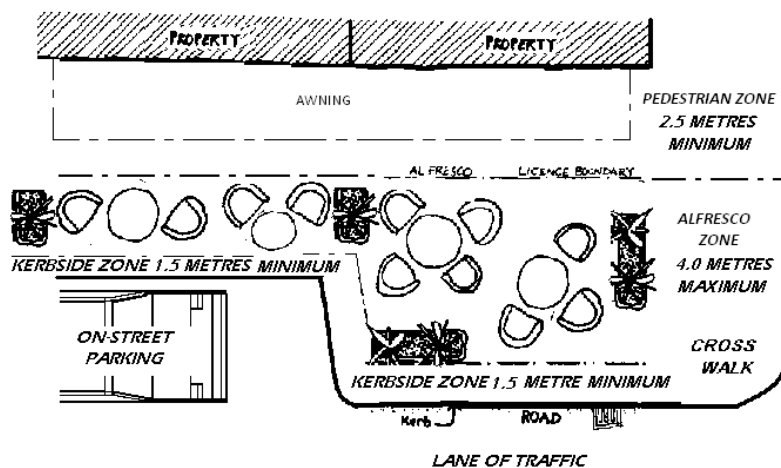


Figure 2. Alfresco Location for Lakeside Drive

Central Walk:	
Pedestrian zone:	2.5 metres minimum width
Alfresco zone:	Any area between the pedestrian zone and kerbside zone
Kerbside zone:	1.5 metres minimum width

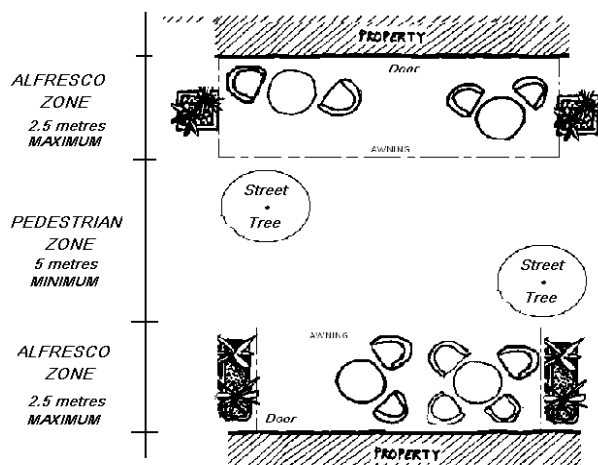


Figure 3. Alfresco location for Central Walk

- d. For the purpose of buildings with frontage to both Central Walk and Boas Avenue/Reid Promenade, alfresco activities may abut the building along both frontages and be located beneath awnings where provided in accordance with Figure 4.

Alfresco activities located along the Boas Avenue frontage must conform to the dimensions for the Alfresco, Pedestrian and Kerbside zones as specified in Figure 1.

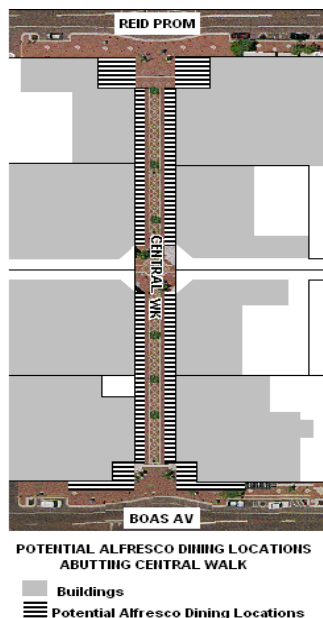


Figure 4. Alfresco location for buildings abutting Central Walk – between Boas Avenue and Reid Promenade

5.2. Planning requirements:

- a. The proposed alfresco activities must be associated with, and located adjacent to, a commercial tenancy which prepares and serves food and beverages to customers which has been granted planning approval by the City or is a permitted ("P") as designated under the City's *Local Planning Scheme No 3*.
- b. Consideration may be given to alfresco activities which extend beyond the area directly adjacent a commercial tenancy; however, this will require development approval to be issued prior to commencement and will be determined on a case-by-case basis taking into account the objectives of this policy, *Local Planning Scheme No 3* and any relevant activity/structure plan.
- c. Alfresco activities may include the following within the applicable alfresco zone:
 - i. non-permanent furniture or fixtures, including but not limited to, fencing/ barriers, planter boxes, umbrellas, chairs and tables, and may include signage affixed to this furniture which is associated with the approved use of the adjacent tenancy.
 - ii. Café-blinds which are retractable, clear (visually permeable), contained within the alfresco zone and do not require any additional posts or support structures which are permanent in nature.
 - iii. All works, furniture and structures are removed from the alfresco zone outside of the operating hours of the associated business.
- d. Alfresco activities may not include:
 - i. Permanent furniture, fixtures or structures.
 - ii. Signage which is not affixed to any permitted furniture, fixtures or barriers and/or signage which is not incidental with the approved use of the adjacent tenancy.
 - iii. Any retail display/sale of goods from the alfresco zone.
 - iv. Any other use/development which is not incidental or associated with the operation of the adjacent tenancy.

5.3. Management

- a. The applicant is solely responsible for all costs associated with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City) of the street carriageway, footpath, verge infrastructure or any part thereof arising from the alfresco activities.
- b. Council will accept no responsibility or liability for any interruption to business caused by the need for Council, other Authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the alfresco activities.

6. Requirement for development approval:

- a. In accordance with Schedule 2, Part 7, clause 61(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), any proposed alfresco activities which demonstrate compliance with the provisions of this policy (to the satisfaction of the City) is exempt from the need for development approval.
- b. The City's Alfresco Activities Checklist must be completed by the applicant to certify compliance with the provisions of this policy and be submitted with an application for an Outdoor Eating Permit.
- c. If the proposed alfresco activities do not comply with any of the provisions of this policy, the proposal will not be exempt from the requirement to obtain development approval and an Application to Commence Development form (and associated fee) will need to be submitted to the City and approved prior to the lodgement of an application for an Outdoor Eating Permit.

7. Public consultation:

- a. Refer to the City's *Planning Consultation Local Planning Policy*.

Creation date:	June 1999 CJ213-06/99
Formerly:	
Amendments:	CJ024-02/04, CJ052-04/08, CJ225-10/09, CJ032-03/12, CJ119-08/20
Last reviewed:	August 2020 CJ119-08/20
Related documentation:	<ul style="list-style-type: none">• City of Joondalup Alfresco Activities Checklist• City of Joondalup Local Planning Scheme No 3• Local Government and Public Property Local Law 2014• Metropolitan Region Scheme• Planning and Development (Local Planning Scheme) Regulations 2015• State Planning Policy 7.3: Residential Design Codes
File reference:	03360

Alfresco ~~Activities~~Spaces Local Planning Policy

Responsible directorate: Planning and Community Development

Objective:

~~To ensure alfresco activities are appropriate to the character and functions of the area in which they are proposed to be located.~~

~~To encourage high quality, pedestrian friendly, street-activated development that integrates with surrounding areas and enhances the streetscape whilst limiting any impact on adjoining properties.~~

~~To ensure any alfresco activities and incidental structures do not impact on the movement of pedestrians and vehicles, and do not impact on the future works required within the road reserve.~~

~~To maintain an open and accessible public space that retains the functionality and appearance of being publicly available to all pedestrians, whether paying customers or not.~~

- To support businesses seeking to contribute to the activation of the public realm through the provision of alfresco spaces by reducing the regulatory burden of the planning framework.
- To exempt certain forms of alfresco spaces from the requirement for development approval.
- To provide a framework for the assessment of development applications which are required for certain forms of alfresco spaces.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy shall apply to all alfresco ~~activities~~spaces situated on City owned or managed land, typically within a road reserve (excluding any regional road reserve).

3. Definitions:

“alfresco activities spaces” means extensions of existing businesses into the adjacent public realm. These spaces may or may not be designed for the consumption of food and beverages. Alfresco spaces may include, but are not limited to, furniture such as chairs and tables, planter boxes, weather protection structures (such as umbrellas and café blinds) and fencing/barriers to define the alfresco space.

~~means the consumption of food and beverages by the general public that are located generally within the verge which are an extension of an existing adjacent business.~~

“public realm” means all public spaces situated on City owned or managed land including verges, reserves/public open space, civic squares and other areas used by and accessible to the community.

“regional road” means a road reserve identified under the *Metropolitan Region Scheme* as an other regional road or primary regional road.

“temporary furniture” means furniture that is not fixed in place and that is removed from the public realm outside of the operating hours of the associated business.

“verge” means the space between the property boundary and the road, commonly occupied by footpath or landscaping.

“vergelet” means furniture that may remain in the public realm outside of the operating hours of the associated business. Vergelet furniture is to be fixed in place or significantly weighted (to the satisfaction of the City) and may be in the form of furniture attached to a decked platform.

“alfresco zone” means the area of the verge or other public space where alfresco activities are permitted.

“kerbside zone” means the area between the road and the alfresco zone, which ensures that adequate space is provided between the alfresco zone and roadside activities.

“pedestrian zone” means the area that provides a continuous and unobstructed pathway.

“visually permeable” means the same as that defined under the *State Planning Policy 7.3: Residential Design Codes*.

4. Statement:

~~The City encourages alfresco activities as a means of increasing vibrancy and choice for residents and visitors. It seeks to achieve this in a balanced way by employing a system of zones which take into consideration pedestrian safety, traffic flow and local amenity for residents and other commercial operators. As such, this local planning policy has been developed as a framework to guide the planning approval process for alfresco activities.~~

The *Planning and Development (Local Planning Schemes) Regulations 2015* identify development which is exempt from requiring development (planning) approval across Western Australia. The Regulations allow local governments to prepare local planning policies which specify additional development that is exempt from development approval.

The City recognises the benefits provided by alfresco spaces, which can contribute to the activation and vibrancy of the public realm. This local planning policy provides exemptions from the need to obtain development approval for some forms of alfresco spaces. Where an

application for development approval is required, this local planning policy provides a framework to guide the assessment of development applications.

5. Details:

~~In determining the appropriateness of any alfresco activities within the City of Joondalup, the following will apply:~~

~~5.1. Alfresco location:~~

- ~~a. Notwithstanding the Zone configurations identified below, all alfresco activities shall provide a 1 metre minimum setback from bus stops, fire hydrants, public telephones, electrical distribution boxes or any other public infrastructure.~~
- ~~b. Alfresco activities located outside of the site specific areas identified in Figures 2 and 3 are to comply with the following and be configured in the manner illustrated in Figure 1:~~

Pedestrian zone:	2-metres minimum width.
Alfresco zone:	Any area between the pedestrian zone and the kerbside zone.
Kerbside zone:	0.5 metres (kerbside zone abuts on-street parking) or 1 metre minimum (kerbside zone abuts a lane of traffic)

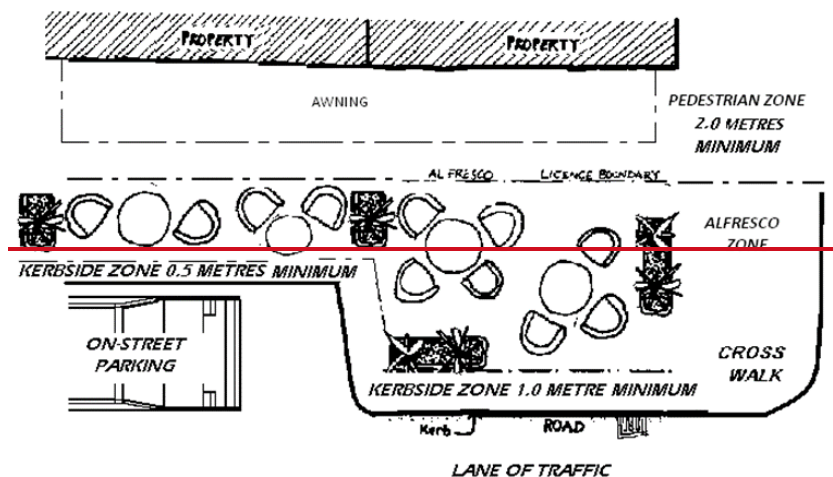


Figure 1. General standard for alfresco location

- e. Alfresco activities located on Lakeside Drive or Central Walk are to comply with the following and be configured in the manner illustrated in Figure 2 or 3 respectively:

Lakeside Drive:	
Pedestrian zone:	2.5-metres minimum width
Alfresco zone:	Any area between the pedestrian zone and kerbside zone
Kerbside zone:	1.5-metres minimum width

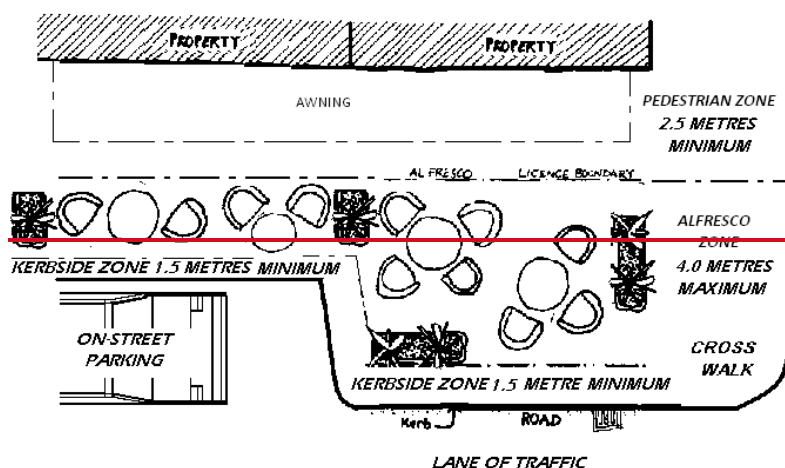


Figure 2. Alfresco Location for Lakeside Drive

Central Walk:	
Pedestrian zone:	2.5 metres minimum width
Alfresco zone:	Any area between the pedestrian zone and kerbside zone
Kerbside zone:	1.5 metres minimum width

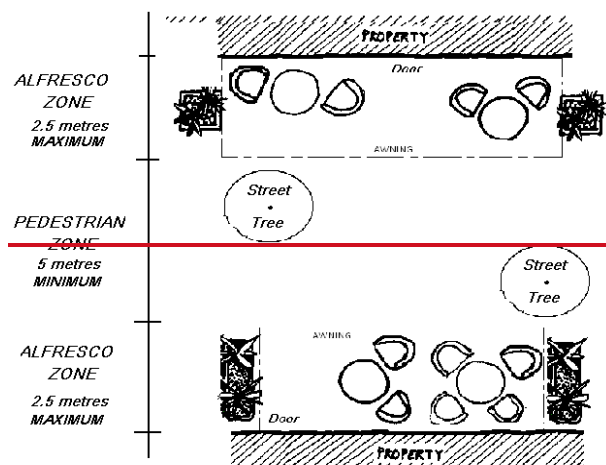


Figure 3. Alfresco location for Central Walk

- d. For the purpose of buildings with frontage to both Central Walk and Boas Avenue/Reid Promenade, alfresco activities may abut the building along both frontages and be located beneath awnings where provided in accordance with Figure 4.

Alfresco activities located along the Boas Avenue frontage must conform to the dimensions for the Alfresco, Pedestrian and Kerbside zones as specified in Figure 1.

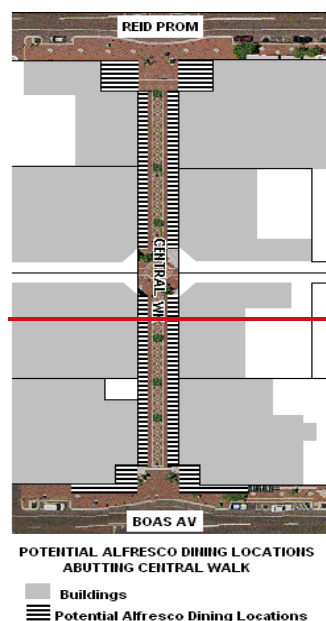


Figure 4. Alfresco location for buildings abutting Central Walk between Boas Avenue and Reid Promenade

5.2. Planning requirements:

- a. ~~The proposed alfresco activities must be associated with, and located adjacent to, a commercial tenancy which prepares and serves food and beverages to customers which has been granted planning approval by the City or is a permitted ("P") as designated under the City's Local Planning Scheme No 3.~~
- b. ~~Consideration may be given to alfresco activities which extend beyond the area directly adjacent a commercial tenancy; however, this will require development approval to be issued prior to commencement and will be determined on a case-by-case basis taking into account the objectives of this policy, Local Planning Scheme No 3 and any relevant activity/structure plan.~~
- c. ~~Alfresco activities may include the following within the applicable alfresco zone:~~
 - i. ~~non-permanent furniture or fixtures, including but not limited to, fencing/ barriers, planter boxes, umbrellas, chairs and tables, and may include signage affixed to this furniture which is associated with the approved use of the adjacent tenancy.~~
 - ii. ~~Café blinds which are retractable, clear (visually permeable), contained within the alfresco zone and do not require any additional posts or support structures which are permanent in nature.~~
 - iii. ~~All works, furniture and structures are removed from the alfresco zone outside of the operating hours of the associated business.~~
- d. ~~Alfresco activities may not include:~~
 - i. ~~Permanent furniture, fixtures or structures.~~
 - ii. ~~Signage which is not affixed to any permitted furniture, fixtures or barriers and/or signage which is not incidental with the approved use of the adjacent tenancy.~~
 - iii. ~~Any retail display/sale of goods from the alfresco zone.~~
 - iv. ~~Any other use/development which is not incidental or associated with the operation of the adjacent tenancy.~~

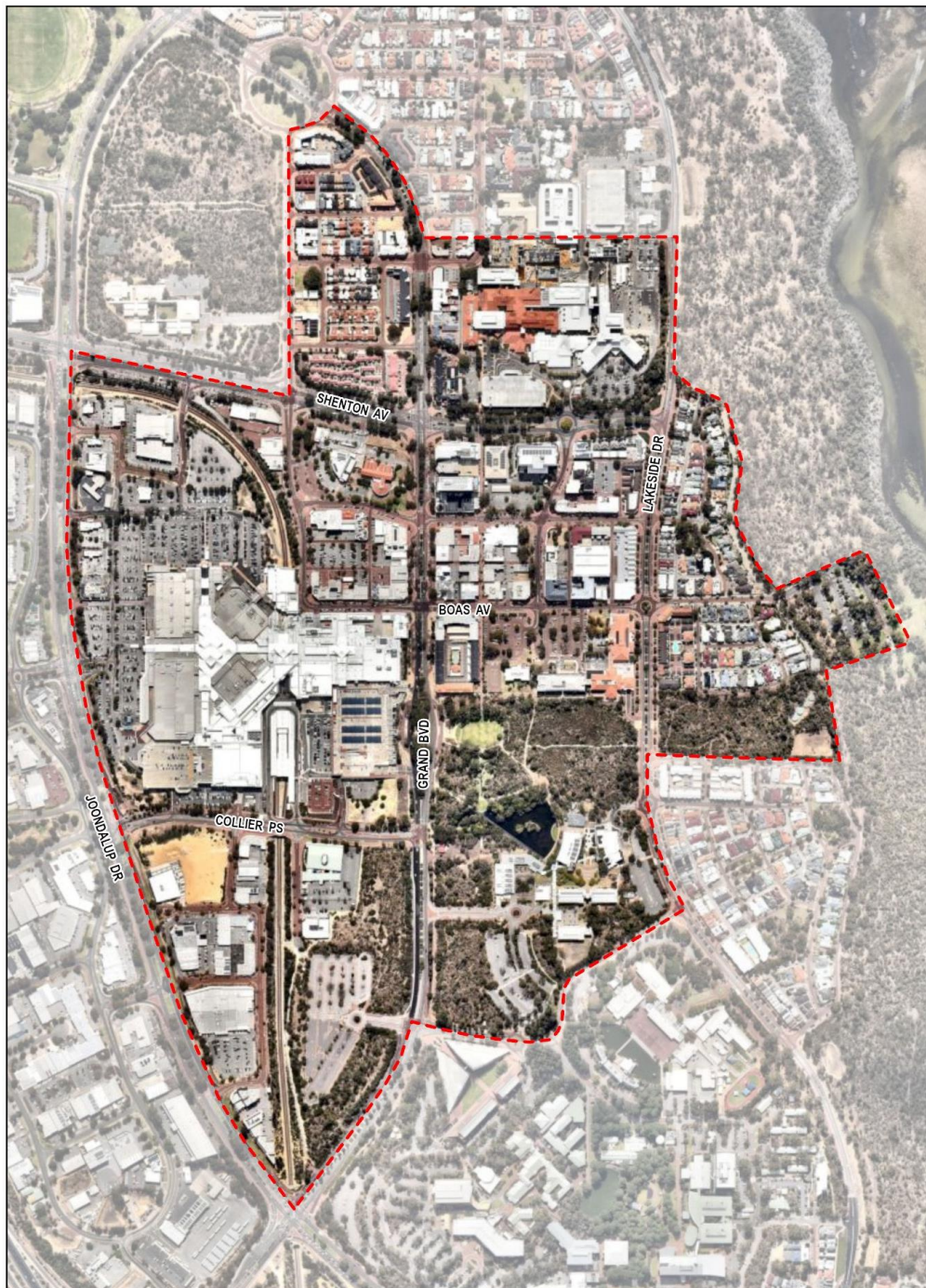
5.1. Exemptions from development approval

The Alfresco Spaces Exemptions table of this local planning policy (Table 1) applies to the forms of alfresco spaces as stated. Where an application for development approval is required, the proposed development will be assessed against the corresponding 'Development Objectives' set out in Table 1. Additional guidance for each form of alfresco space is provided in the 'Guidance' column.

Table 1 – Alfresco Spaces Exemptions

<u>Form of alfresco space</u>	<u>Development approval requirements</u>	<u>Development Objectives</u>	<u>Guidance</u>
<u>Temporary furniture</u>	<u>Exempt from the need for development approval.</u>	<u>Refer to the <i>Alfresco Spaces Guidelines</i>.</u>	<u>A permit is required under the <i>Local Government and Public Property Local Law 2014</i> - refer to the <i>Alfresco Spaces Guidelines</i>.</u>
<u>Vergelets</u>	<p><u>Within the Joondalup City Centre (refer Figure 1)</u></p> <ul style="list-style-type: none"> <u>Exempt from the need for development approval.</u> <p><u>Outside of the Joondalup City Centre (refer Figure 1)</u></p> <ul style="list-style-type: none"> <u>Development approval required.</u> 	<u>Refer to the <i>Alfresco Spaces Guidelines</i>.</u>	<u>A permit is required under the <i>Local Government and Public Property Local Law 2014</i> - refer to the <i>Alfresco Spaces Guidelines</i>.</u>
<u>Any form of alfresco space which does not meet the definition of temporary furniture or vergelet.</u>	<u>Development approval required.</u>	<p><u>Proposed development is to:</u></p> <ul style="list-style-type: none"> <u>a) Be high-quality and pedestrian friendly.</u> <u>b) Integrate with the surrounding area and enhance the streetscape.</u> <u>c) Be appropriate to the character and functions of the area in which they are located.</u> <u>d) Not impact on the movement of pedestrians and vehicles, adjoining properties, access to services, or works required in the public realm.</u> <u>e) Maintain an open public realm which is accessible to all.</u> 	<u>Assessment of development application is to have regard to the <i>Alfresco Spaces Guidelines</i>.</u>

Figure 1 – Joondalup City Centre



5.3. Management

- ~~a. The applicant is solely responsible for all costs associated with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City) of the street carriageway, footpath, verge infrastructure or any part thereof arising from the alfresco activities.~~
- ~~b.a. Council will accept no responsibility or liability for any interruption to business caused by the need for Council, other Authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the alfresco activities.~~

Requirement for development approval:

- ~~a. In accordance with Schedule 2, Part 7, clause 61(2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), any proposed alfresco activities which demonstrate compliance with the provisions of this policy (to the satisfaction of the City) is exempt from the need for development approval.~~
- ~~b. The City's Alfresco Activities Checklist must be completed by the applicant to certify compliance with the provisions of this policy and be submitted with an application for an Outdoor Eating Permit.~~
- ~~c. If the proposed alfresco activities do not comply with any of the provisions of this policy, the proposal will not be exempt from the requirement to obtain development approval and an Application to Commence Development form (and associated fee) will need to be submitted to the City and approved prior to the lodgement of an application for an Outdoor Eating Permit.~~

5.2 Public consultation:

Where a development application is required, Rrefer to the City's *Planning Consultation Local Planning Policy*.

Creation date:	June 1999 CJ213-06/99
Formerly:	<u>Alfresco Activities Local Planning Policy</u>
Amendments:	CJ024-02/04, CJ052-04/08, CJ225-10/09, CJ032-03/12, CJ119-08/20
Last reviewed:	<u>August 2020 CJ119-08/20</u> Month 2024 (CJXXX-XX/XX)
Related documentation:	<ul style="list-style-type: none">City of Joondalup Alfresco Activities Checklist<u>Alfresco Spaces Guidelines</u>City of Joondalup Local Planning Scheme No 3Local Government and Public Property Local Law 2014Metropolitan Region Scheme

- Planning and Development (Local Planning Scheme) Regulations 2015
- ~~State Planning Policy 7.3: Residential Design Codes~~

File reference: 03360

Alfresco Spaces Local Planning Policy

Responsible directorate: Planning and Community Development

Objective:

- To support businesses seeking to contribute to the activation of the public realm through the provision of alfresco spaces by reducing the regulatory burden of the planning framework.
- To exempt certain forms of alfresco spaces from the requirement for development approval.
- To provide a framework for the assessment of development applications which are required for certain forms of alfresco spaces.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy shall apply to all alfresco spaces situated on City owned or managed land, typically within a road reserve (excluding any regional road reserve).

3. Definitions:

“alfresco spaces” means extensions of existing businesses into the adjacent public realm. These spaces may or may not be designed for the consumption of food and beverages. Alfresco spaces may include, but are not limited to, furniture such as chairs and tables, planter boxes, weather protection structures (such as umbrellas and café blinds) and fencing/barriers to define the alfresco space.

“public realm” means all public spaces situated on City owned or managed land including verges, reserves/public open space, civic squares and other areas used by and accessible to the community.

“regional road” means a road reserve identified under the *Metropolitan Region Scheme* as an other regional road or primary regional road.

“temporary furniture” means furniture that is not fixed in place and that is removed from the public realm outside of the operating hours of the associated business.

“**verge**” means the space between the property boundary and the road, commonly occupied by footpath or landscaping.

“**vergelet**” means furniture that may remain in the public realm outside of the operating hours of the associated business. Vergelet furniture is to be fixed in place or significantly weighted (to the satisfaction of the City) and may be in the form of furniture attached to a decked platform.

4. Statement:

The *Planning and Development (Local Planning Schemes) Regulations 2015* identify development which is exempt from requiring development (planning) approval across Western Australia. The Regulations allow local governments to prepare local planning policies which specify additional development that is exempt from development approval.

The City recognises the benefits provided by alfresco spaces, which can contribute to the activation and vibrancy of the public realm. This local planning policy provides exemptions from the need to obtain development approval for some forms of alfresco spaces. Where an application for development approval is required, this local planning policy provides a framework to guide the assessment of development applications.

5. Details:

5.1. Exemptions from development approval

The Alfresco Spaces Exemptions table of this local planning policy (Table 1) applies to the forms of alfresco spaces as stated. Where an application for development approval is required, the proposed development will be assessed against the corresponding ‘Development Objectives’ set out in Table 1. Additional guidance for each form of alfresco space is provided in the ‘Guidance’ column.

Table 1 – Alfresco Spaces Exemptions

Form of alfresco space	Development approval requirements	Development Objectives	Guidance
Temporary furniture	Exempt from the need for development approval.	Refer to the <i>Alfresco Spaces Guidelines</i> .	A permit is required under the <i>Local Government and Public Property Local Law 2014</i> - refer to the <i>Alfresco Spaces Guidelines</i> .
Vergelets	<p><u>Within the Joondalup City Centre (refer Figure 1)</u></p> <ul style="list-style-type: none"> Exempt from the need for development approval. <p>Outside of the Joondalup City Centre (refer Figure 1)</p> <ul style="list-style-type: none"> Development approval required. 	Refer to the <i>Alfresco Spaces Guidelines</i> .	<p>A vergelet agreement is required under the <i>Local Government and Public Property Local Law 2014</i> - refer to the <i>Alfresco Spaces Guidelines</i>.</p> <p>Assessment of development application is to have regard to the <i>Alfresco Spaces Guidelines</i>.</p>
Any form of alfresco space which does not meet the definition of temporary furniture or vergelet.	Development approval required.	<p>Proposed development is to:</p> <ol style="list-style-type: none"> Be high-quality and pedestrian friendly. Integrate with the surrounding area and enhance the streetscape. Be appropriate to the character and functions of the area in which they are located. Not impact on the movement of pedestrians and vehicles, adjoining properties, access to services, or works required in the public realm. Maintain an open public realm which is accessible to all. 	Assessment of development application is to have regard to the <i>Alfresco Spaces Guidelines</i> .

Figure 1 – Joondalup City Centre



5.2 Public consultation:

Where a development application is required, refer to the City's *Planning Consultation Local Planning Policy*.

Creation date:	June 1999 CJ213-06/99
Formerly:	Alfresco Activities Local Planning Policy
Amendments:	CJ024-02/04, CJ052-04/08, CJ225-10/09, CJ032-03/12, CJ119-08/20
Last reviewed:	Month 2024 (CJXXX-XX/XX)
Related documentation:	<ul style="list-style-type: none">• Alfresco Spaces Guidelines• City of Joondalup Local Planning Scheme No 3• Local Government and Public Property Local Law 2014• Metropolitan Region Scheme• Planning and Development (Local Planning Scheme) Regulations 2015
File reference:	03360



Alfresco Spaces Guidelines

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1. Background

A key focus of the City of Joondalup *Place Activation Strategy* is the activation of the City's places and neighbourhoods to support a unique, iconic identity. **Alfresco spaces** are encouraged as a means of increasing vibrancy and activation of the **public realm**.

2. Purpose

The purpose of the Alfresco Guidelines is to provide guidance on the permissibility, location and design requirements, approval process and management responsibilities for proposals to deliver **alfresco spaces** in the **public realm**.

3. Objectives

- To encourage high quality, pedestrian friendly **alfresco spaces** that integrate with surrounding areas and enhance the streetscape.
- To ensure **alfresco spaces** are appropriate to the character and functions of the area in which they are located.
- To ensure **alfresco spaces** do not impact on the movement of pedestrians and vehicles, adjoining properties, access to services, or works required within the public realm.
- To maintain an open **public realm** which is accessible to all.



Alfresco Spaces Guidelines

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4. Forms of Alfresco Spaces

Alfresco Spaces

Alfresco spaces are extensions of existing businesses into the adjacent **public realm**. These spaces may or may not be designed for the consumption of food and beverages.

Alfresco spaces may include, but are not limited to, furniture such as chairs and tables, planter boxes, weather protection structures (such as umbrellas and café blinds) and fencing/barriers to define the alfresco space.

These Guidelines provide for the following forms of **alfresco spaces**:



Temporary furniture

Furniture that is not fixed in place and that is removed from the **public realm** outside of the operating hours of the associated business.



Vergelet

Furniture that may remain in the **public realm** outside of the operating hours of the associated business.

Vergelet furniture is to be fixed in place or significantly weighted (to the satisfaction of the City) and may be in the form of furniture attached to a decked platform.



5. Location requirements

5.1 The following table outlines where **alfresco spaces** may be supported:

		Joondalup City Centre (refer Figure 1)	Outside Joondalup City Centre (refer Figure 1)
Form of alfresco space	Temporary furniture	Supported	Supported
	Vergelets	Supported	May be supported on a case-by-case basis, subject to discussion with the City

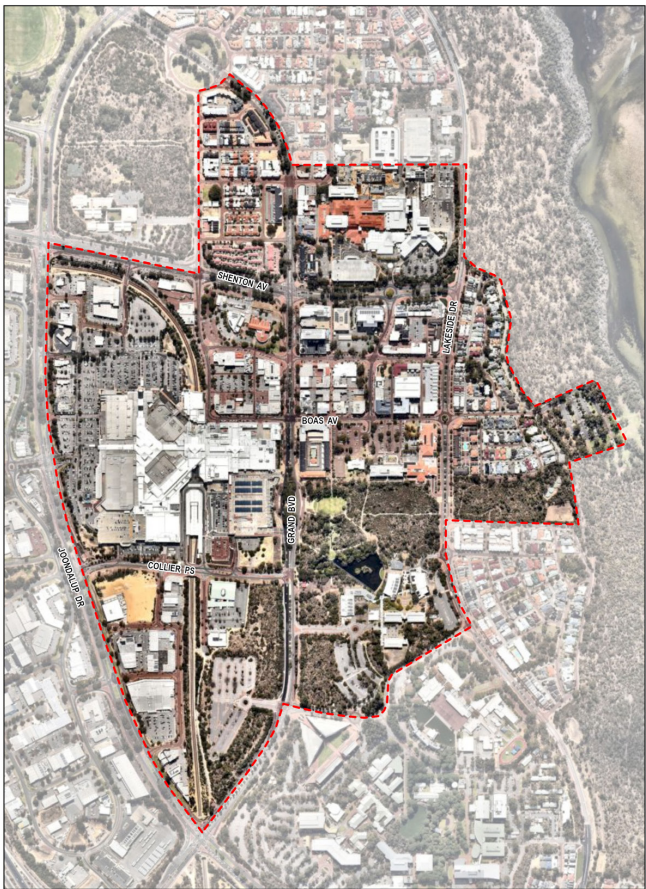


Figure 1 - Joondalup City Centre, as defined in the *Joondalup City Centre Place Activation Plan*

Alfresco Spaces Guidelines

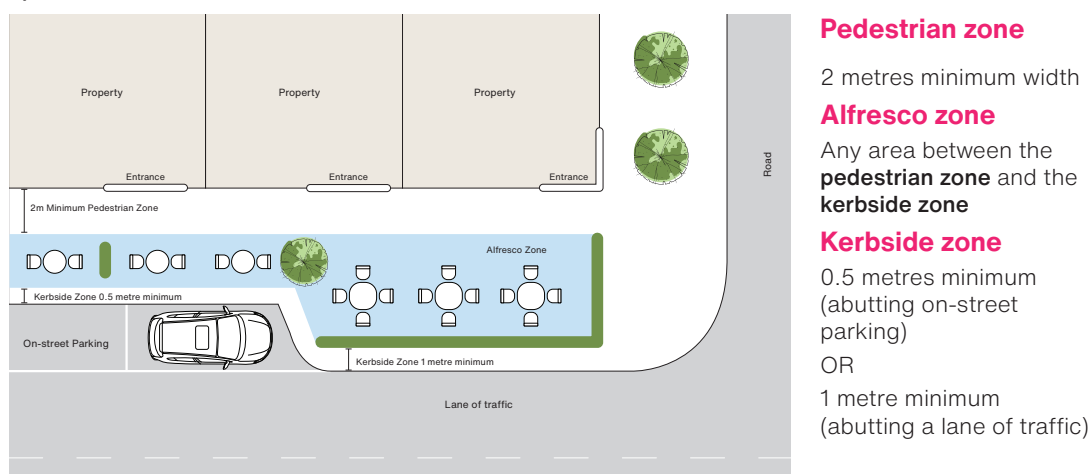
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5.2 The following location requirements apply to both **temporary furniture** and **vergelets**:

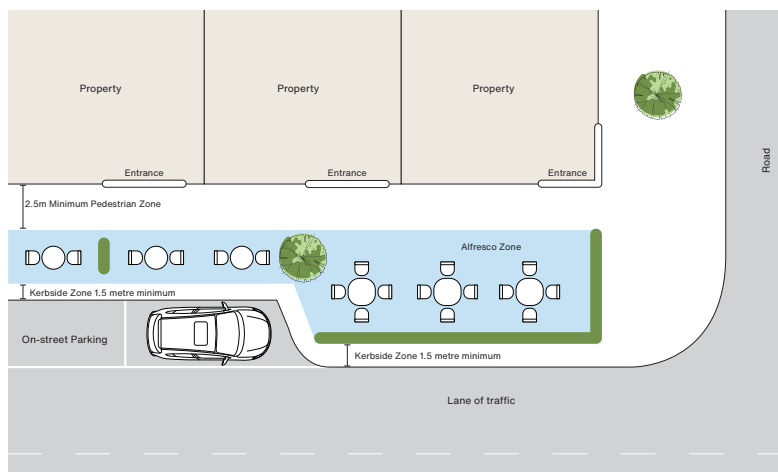
Location requirements	
a	To be located within City owned or managed land, typically within a verge (excluding verges within regional road reserves).
b	To be completely contained within the alfresco zone , as illustrated in Figure 2 . No furniture or fixtures associated with the alfresco space are to protrude into the pedestrian zone or kerbside zone .
c	To be associated with, and located adjacent to, a commercial tenancy which has been granted development (planning) approval by the City or is a permitted ("P") as designated under the City's <i>Local Planning Scheme No 3</i> .
d	Where the alfresco space is proposed to encroach in front of an adjacent property/business, the location must be supported by the adjacent owner and tenant.
e	Notwithstanding the configurations identified in Figure 2 , all alfresco spaces are to provide the following: <ul style="list-style-type: none"> i. 0.5 metre minimum setback from service pits. ii. 1 metre minimum setback from tree bases, bus stops, fire hydrants, public telephones or any other public infrastructure not specifically referred to in this section. iii. 1.5m minimum setback from street light poles and electricity poles. iv. 4m minimum setback from electrical distribution boards. v. Setbacks from intersections and pram ramps in accordance with Figure 3.

Figure 2 – Configurations for alfresco space locations

a) General



b) Joondalup City Centre - Lakeside Drive



Pedestrian zone

2.5 metres minimum width

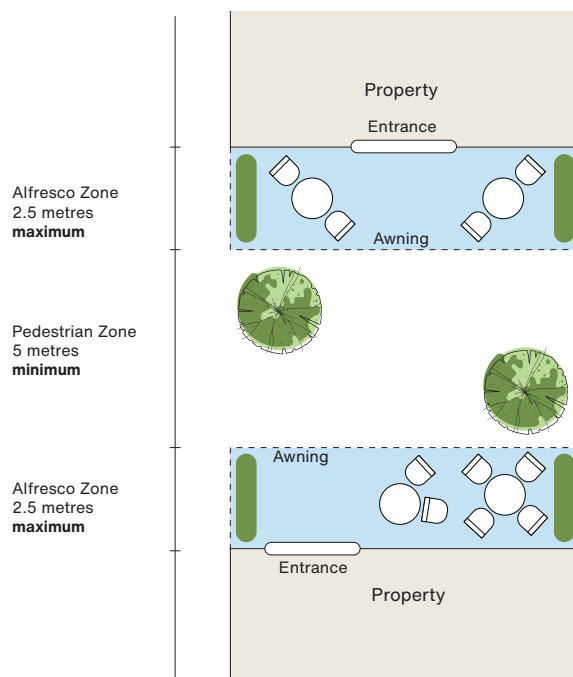
Alfresco zone

Any area between the **pedestrian zone** and the **kerbside zone**

Kerbside zone

1.5 metres minimum width

c) Joondalup City Centre - Central Walk



Pedestrian zone

5 metres minimum width

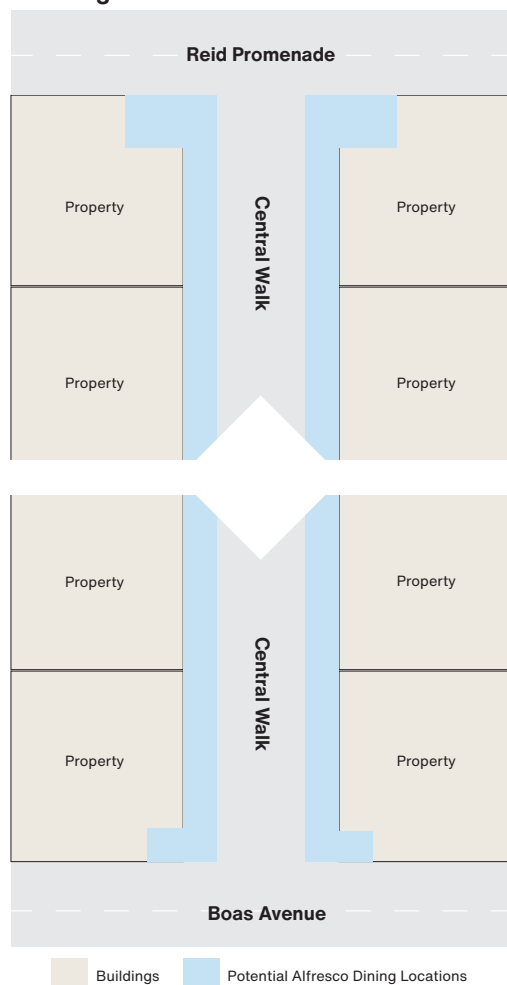
Alfresco zone

2.5m maximum width

Alfresco Spaces Guidelines

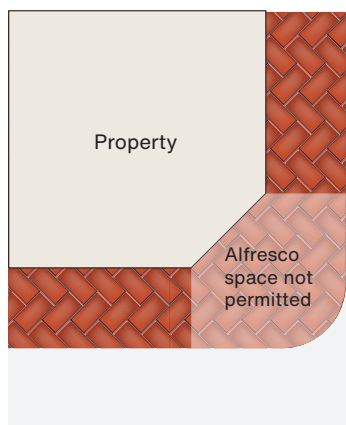
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**Potential Alfresco Dining Locations
Abutting Central Walk**

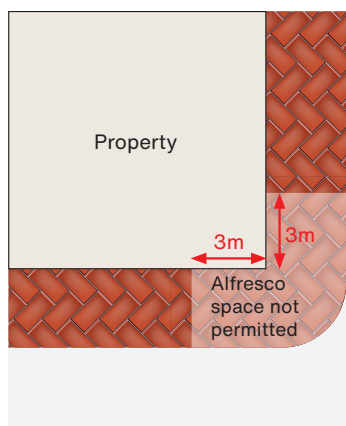


For the purpose of buildings with frontage to both Central Walk and Boas Avenue/Reid Promenade, **alfresco spaces** may abut the building along both frontages and be located beneath awnings where provided in accordance with this figure. **Alfresco spaces** located along the Boas Avenue frontage must conform to the dimensions for the **alfresco, pedestrian and kerbside zones** as specified in Figure 2 (a) - General.

Figure 3 – Required setbacks from intersections and pram ramps



Where property has corner truncation



Where property has no corner truncation



Pram ramp

Alfresco spaces are not permitted within the area between a pram ramp and the adjacent property line

6. Design requirements

6.1 The following design requirements apply to both **temporary furniture** and **vergelets**.

Design requirements	
a	To be well designed, using high quality materials that are durable, attractive and free from sharp edges.
b	To be accessible to all people, including those with prams and mobility aids (such as wheelchairs).
c	Are not to impede pedestrian, cyclist, vehicle or CCTV lines of sight.
d	Furniture and structures are to be visually permeable above 1.2m in height.
e	Umbrellas and similar shelter structures are to have a minimum clearance of 2m from the finished ground level to the lowest part of the umbrella canopy.
f	Signage, where proposed, is to be associated with the use of the adjacent business and is to have planning approval (unless it is one of the classes of signs for which planning approval is not required under the City's <i>Advertisements Local Planning Policy</i>).
g	Furniture and structures are not to negatively impede or divert the natural stormwater or overland flow of the site. Design is to allow for stormwater to access drains without causing harm or hazard to adjoining properties.
h	Where café blinds are proposed, they are to be retractable, clear (visually permeable) and are not to require any additional posts or support structures which are permanent in nature.

6.2 The following design requirements only apply to **temporary furniture**.

Design requirements	
a	Furniture and structures are not to be affixed to City infrastructure.
b	Furniture and structures are to be constructed of solid material that will not be affected by strong wind.

6.3 The following design requirements only apply to **vergelets**.

Design requirements	
a	Furniture and structures are to be affixed or weighted to the satisfaction of the City.
b	Where furniture is proposed to be attached to a decked platform, the surface of the platform is to be firm and slip-resistant, with a texture that is traversable by prams and mobility aids (such as wheelchairs).
c	Furniture and structures must be able to be removed within a 24-hour period where required to carry out street improvement, maintenance works or emergencies.
d	Solar-powered lighting elements are strongly encouraged.

7. Management requirements

7.1 The following management requirements apply to both **temporary furniture** and **vergelets**.

Design requirements	
a	The applicant must ensure that: <ul style="list-style-type: none"> i. the alfresco space and is well maintained, free from litter and remains safe and clean; and ii. the alfresco space does not negatively impact on the surrounding public realm (for example through litter blowing into footpaths and roads).
b	The applicant must maintain the alfresco space as a smoke-free environment.
c	The applicant must ensure that any planter boxes associated with the alfresco space are maintained in a healthy, neat and tidy condition at all times, and that no water is discharged from planter boxes into the public realm . Plant selection should consider species which will not drop seed pods, berries, and leaf and bark litter that would create a hazard for pedestrians.
d	In the case of verge maintenance, the applicant is responsible for the removal, storage and reinstallation of furniture and structures associated with the alfresco space .
e	Where required in accordance with 5.2 (d) the applicant is responsible for engaging with the adjacent property owner and tenant to obtain their support of the alfresco space which encroaches in front of their property/business.
f	The City will accept no responsibility or liability for any interruption to business caused by the need for the City, other authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the alfresco space .
g	The applicant must hold public liability insurance (minimum of \$20 million) which covers the area to be used for the alfresco space . The policy is to include the term 'To hold harmless the City of Joondalup and Minister for Lands'; this protects the City and Minister for Lands from all claims relating to the alfresco space .

7.2 The following design requirements only apply to **temporary furniture**.

Management requirements	
a	The applicant is responsible for moving furniture out of the alfresco zone , and storing furniture, outside of the operating hours of the associated business.

7.3 The following design requirements only apply to **vergelets**.

Management requirements	
a	The applicant must ensure that no damage is done to the verge , trees or other City property during installation, construction or removal of vergelet furniture.
b	The applicant is solely responsible for all costs associated with the removal, alteration, repair, reinstatement or reconstruction of the street carriageway, footpath, verge infrastructure or any part thereof arising from the vergelet .

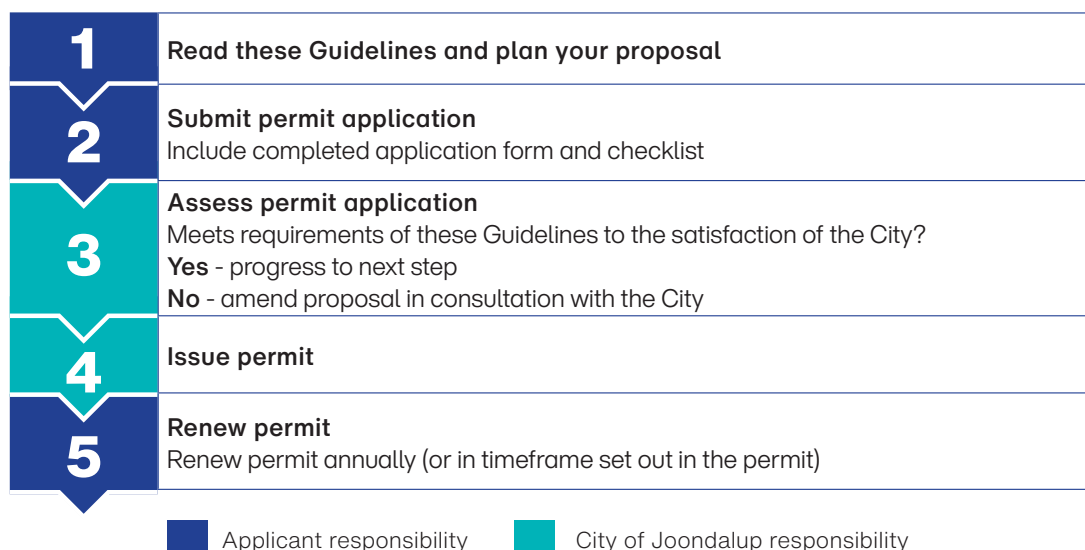
Alfresco Spaces Guidelines

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8. Application process

8.1 Temporary furniture

- a) In accordance with the City's *Alfresco Spaces Local Planning Policy*, proposals for **temporary furniture** are exempt from the need for development (planning) approval.
- b) Proposals for **temporary furniture** require a permit under the *Local Government and Public Property Local Law 2014*.
- c) A summary of the application process for **temporary furniture** is provided below.



8.2 Vergelets

- a) In accordance with the City's *Alfresco Spaces Local Planning Policy*, proposals for **vergelets** are exempt from the need for development (planning) approval where located in the Joondalup City Centre.
- b) Proposals for **vergelets** require a permit under the *Local Government and Public Property Local Law 2014*.
- c) Proposals for **vergelets** may require a Building Permit or Certificate of Structural Sufficiency, as determined by the City.
- d) Proposals for **vergelets** within certain parts of the **public realm** (such as a pedestrian access way) may require additional approvals and/or legal arrangements.
- e) A summary of the application process for **vergelets** is provided below.

1	Read these Guidelines and plan your vergelet
2	Express your interest in developing a vergelet Contact the City's Economic Development and Advocacy team via telephone 9400 4000 or email info@joondalup.wa.gov.au
3	Meet City representatives on site Determine site suitability and discuss vergelet ideas
4	Design your vergelet in consultation with the City Refer to the design requirements and location requirements in these Guidelines
5	Submit permit application Include completed application form and checklist
6	Assess permit application Meets requirements of these Guidelines to the satisfaction of the City? Yes - progress to next step No - amend proposal in consultation with the City
7	Issue Permit
8	Renew permit Renew permit every five years (or in timeframe set out in the permit)

Applicant responsibility

City of Joondalup responsibility

9. Definitions

Alfresco spaces	<p>Alfresco spaces are extensions of existing businesses into the adjacent public realm. These spaces may or may not be designed for consumption of food and beverages.</p> <p>Alfresco spaces may include, but are not limited to, furniture such as chairs and tables, planter boxes, weather protection structures (such as umbrellas and café blinds) and fencing/barriers to define the alfresco space.</p>
Alfresco zone	The area of the verge or other public space where alfresco spaces are permitted.
Kerbside zone	The area between the road and alfresco zone , which ensures that adequate space is provided between the alfresco zone and roadside activities.
Pedestrian zone	A continuous and unobstructed public footpath for the free passage of pedestrians.
Public realm	All public spaces situated on City owned or managed land including verges, reserves/public open space, civic squares and other areas used by and accessible to the community.
Regional road	A road reserve identified under the <i>Metropolitan Region Scheme</i> as an other regional road or primary regional road.
Vergelet	<p>Furniture that may remain in the public realm outside of the operating hours of the associated business.</p> <p>Vergelet furniture is to be fixed in place or significantly weighted (to the satisfaction of the City) and may be in the form of furniture attached to a decked platform.</p>
Temporary furniture	Furniture that is not fixed in place and that is removed from the public realm outside of the operating hours of the associated business.
Verge	The space between the property boundary and the road, commonly occupied by footpath or landscaping.
Visually permeable	Means the same as that defined under the <i>Residential Design Codes Volume 1</i> .





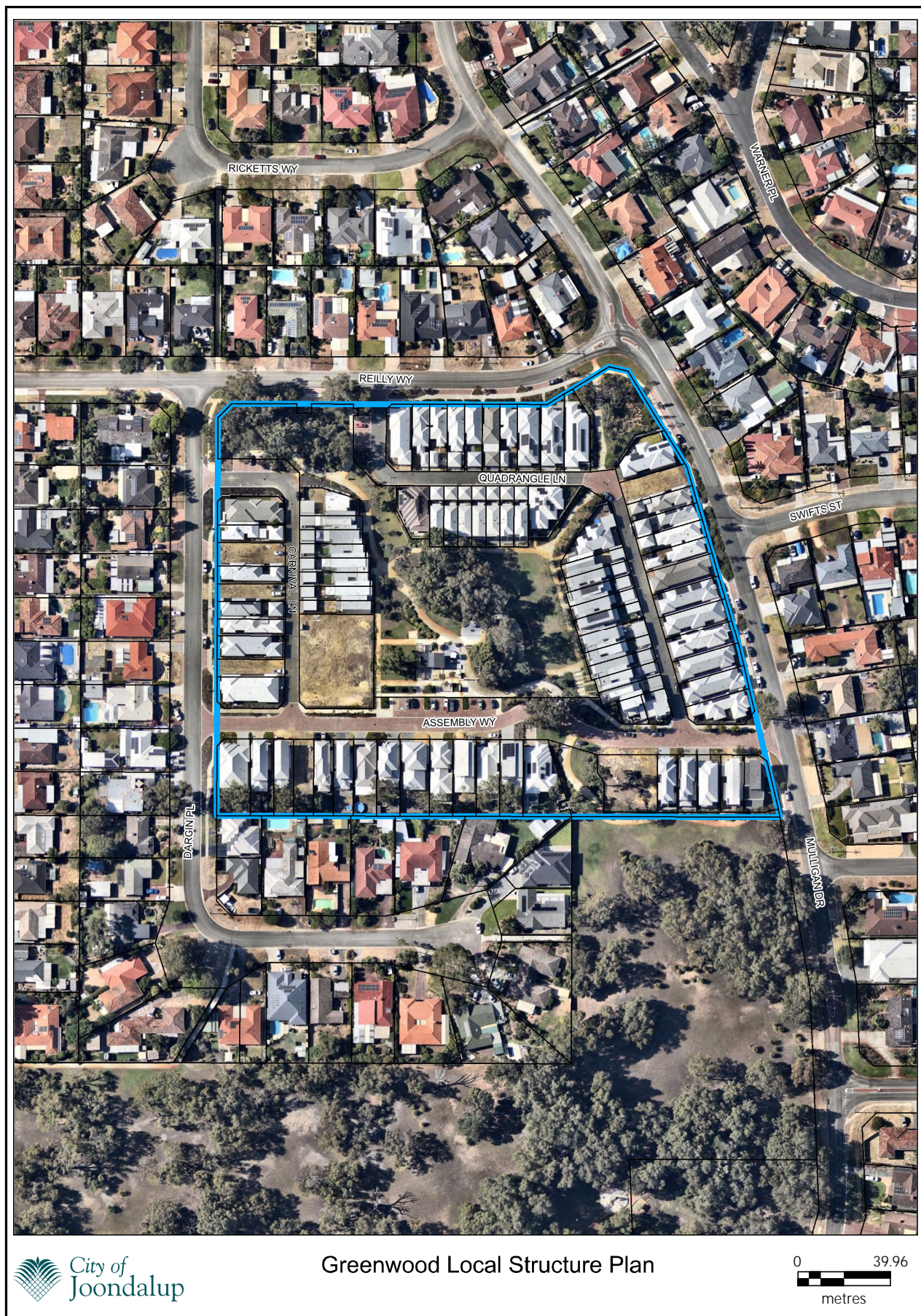
City of
Joondalup

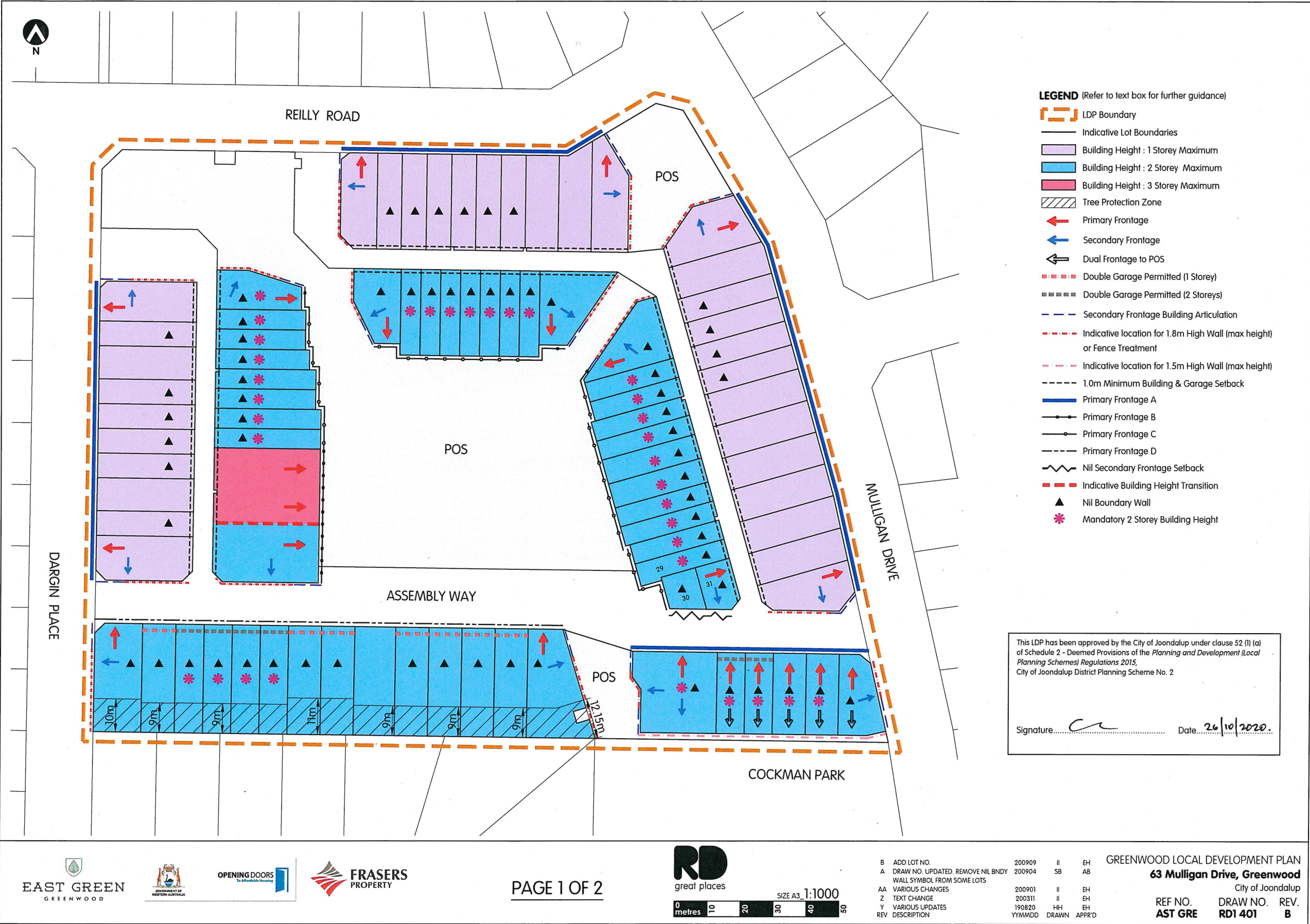
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90 Boas Avenue Joondalup WA 6027
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*This document is available in alternative
formats upon request.*







Greenwood Local Development Plan Provisions

1. Single Houses that are entirely compliant with the provisions of this Local Development Plan (LDP) and any relevant deemed-to-comply provisions of the R-Codes do not require approval under the City of Joondalup District Planning Scheme No. 2 (the Scheme). Development Approval is required for any Grouped Dwellings, Multiple Dwellings, and Ancillary Dwellings.
2. Any variations to the deemed-to-comply provisions, as outlined in this LDP, may be approved under the Scheme if they are considered to accord with the 'design principles' of the R-Codes, to the satisfaction of the City.
3. Where development standard is specifically stipulated within this LDP, that standard prevails over the requirements of the R-Codes and any other requirements of Local Planning Scheme.

This Local Development Plan amends/replaces/deletes the following 'deemed-to-comply' Residential Design Codes (R-Codes) development provisions, in accordance with clause 7.3.1 & 7.3.2 of the R-Codes, as outlined.															
Development Standard	'Deemed-to-comply' (R-Codes)	amend / replace / augment	Local Development Plan 'deemed-to-comply' provision												
STREET SETBACK	5.1.2 C2.1, C2.2, C2.3, C2.4	replace	Buildings setback from the primary and/or secondary street boundary, denoted on the plan as with the corresponding labels below: <ul style="list-style-type: none">• 'Primary Frontage A': setbacks as per R-Codes• 'Primary Frontage B': setbacks as per R-Codes, except a porch, verandah or balcony may have a nil setback for the width of the lot.• 'Primary Frontage C': setbacks as per R-Codes, except a porch, verandah or balcony may have a 0.5m setback for the width of the lot.• 'Primary Frontage D': minimum 3.0m primary street setback permitted.• 'Nil Secondary Frontage Setback': must achieve 1.0m average setback.• Nil setback from the corner truncation boundary, subject to adequate vehicle sight lines within adjoining public reserve.												
NIL BOUNDARY WALLS	5.1.3 C3.2	augment	TWO STOREY DWELLINGS <ul style="list-style-type: none">• Boundary walls are permitted to both side boundaries (excluding secondary street boundaries and boundaries abutting Public Open Space) providing that the boundary wall is behind the setback line. There is no maximum length restrictions for boundary walls, and building heights (including boundary walls) shall comply with the 'Building Height: 2 Storey' outlined in this LDP.• Lots 30 and 31: Boundary walls are permitted to the shared side boundary between Lots 30 and 31 and to the shared rear boundary with Lot 29, providing walls are behind the setback line. There is no maximum length restrictions and building heights shall comply with the 'Building Height: 2 Storey' outlined in this LDP SINGLE STOREY DWELLINGS <ul style="list-style-type: none">• Boundary walls are permitted to both side boundaries (excluding secondary street boundaries and boundaries to POS, unless depicted otherwise on the plan), subject to walls not higher than 3.5m with an average height of 3.0m, and for a maximum of 75% of the length of the boundary.												
OPEN SPACE	5.1.4 C4	replace	<ul style="list-style-type: none">• Open space to be provided in accordance with Table 1 for lots with a residential density code of R40 and a tree protection zone.• Open space of 25% of the site to be provided for lots with a residential density coded of R60 and R80.• For lots less than 200m², verandahs, patios and other such roofed structures may count towards the open space provision.												
BUILDING HEIGHT	5.1.6 C6	amend/replace	C6.1. Buildings which comply with Table 3 for category A area buildings, for lots shown on the plan as 'Building Height: 1 Storey'. C6.2. Buildings which comply with the following table, for lots shown on the plan as 'Building Height: 2 Storey' and 'Building Height: 3 Storey' <table><tr><th>Maximum building heights</th><th>2 Storey</th><th>3 Storey</th></tr><tr><td>Tops of external wall (roof above)</td><td>7m</td><td>10m</td></tr><tr><td>Tops of external wall (concealed roof)</td><td>8m</td><td>11m</td></tr><tr><td>Top of pitched roof</td><td>10m</td><td>13m</td></tr></table>	Maximum building heights	2 Storey	3 Storey	Tops of external wall (roof above)	7m	10m	Tops of external wall (concealed roof)	8m	11m	Top of pitched roof	10m	13m
Maximum building heights	2 Storey	3 Storey													
Tops of external wall (roof above)	7m	10m													
Tops of external wall (concealed roof)	8m	11m													
Top of pitched roof	10m	13m													
GARAGE SETBACK	5.2.1 C1.3	amend/replace	Garages and carports setback 1.0m from the boundary abutting a right-of-way which is not the primary or secondary street boundary for the dwelling, with manoeuvring space of at least 6m located immediately in front of the opening to the garage or carport.												
GARAGE WIDTH	5.2.2 C2	alignment/replace	<ul style="list-style-type: none">• For lots designated as 'Double Garage Permitted' (2 storey), a double garage is permitted where an upper floor or balcony extends the full width of the garage and the dwelling entrance and the entrance to the dwelling is clearly visible from the primary street.• For lots designated as 'Double Garage Permitted' (1 storey), a double garage is permitted provided to the entrance to the dwelling is clearly visible from the street and the garage is setback 1.0m behind entrance to the dwelling.• For a single dwelling house, the maximum garage width permitted is 6.0m (including carports adjacent to a garage)												
PARKING	5.3.3 C3.1	replace	The minimum number of on-site car parking spaces to be provided for single houses, grouped dwellings, special purpose dwellings, and multiple dwellings shall be in accordance with Location A.												
VEHICLE ACCESS	5.3.5 C5.3 (first dot point)	replace	Driveways may abut lot boundaries, provided they are no closer than 0.5m from a street pole.												
VISUAL PRIVACY	5.4.1 C1.1i	replace	In addition to the R-Codes provisions of 5.4.1 C1.1i: <ul style="list-style-type: none">• For major openings and unenclosed outdoor active habitable spaces which have an outlook toward the public realm within front setback areas, the cone of vision line of sight set back requirements does not apply, in the event they may affect adjoining lots.												
SOLAR ACCESS	5.4.2	delete	Solar access provisions do not apply.												
ANCILLARY DWELLINGS	5.5.1	replace	For the purpose of this LDP, an 'Ancillary Dwelling' shall be defined as a dwelling located over the garage of the primary dwelling but has amenities independent of the primary dwelling. The provision of 'Ancillary Dwellings' is permitted for lots shown as 'Building Height: 2 Storey' on the plan and subject to meeting the following criteria: <ul style="list-style-type: none">• A maximum plot ratio of 70m (as per the R-Codes);• Ablution, laundry and kitchen facilities that are independent from the primary dwelling;• Open space requirements are met for the parent lot; and• The ancillary dwelling to provide at least one habitable room major opening oriented towards the rear laneway.												

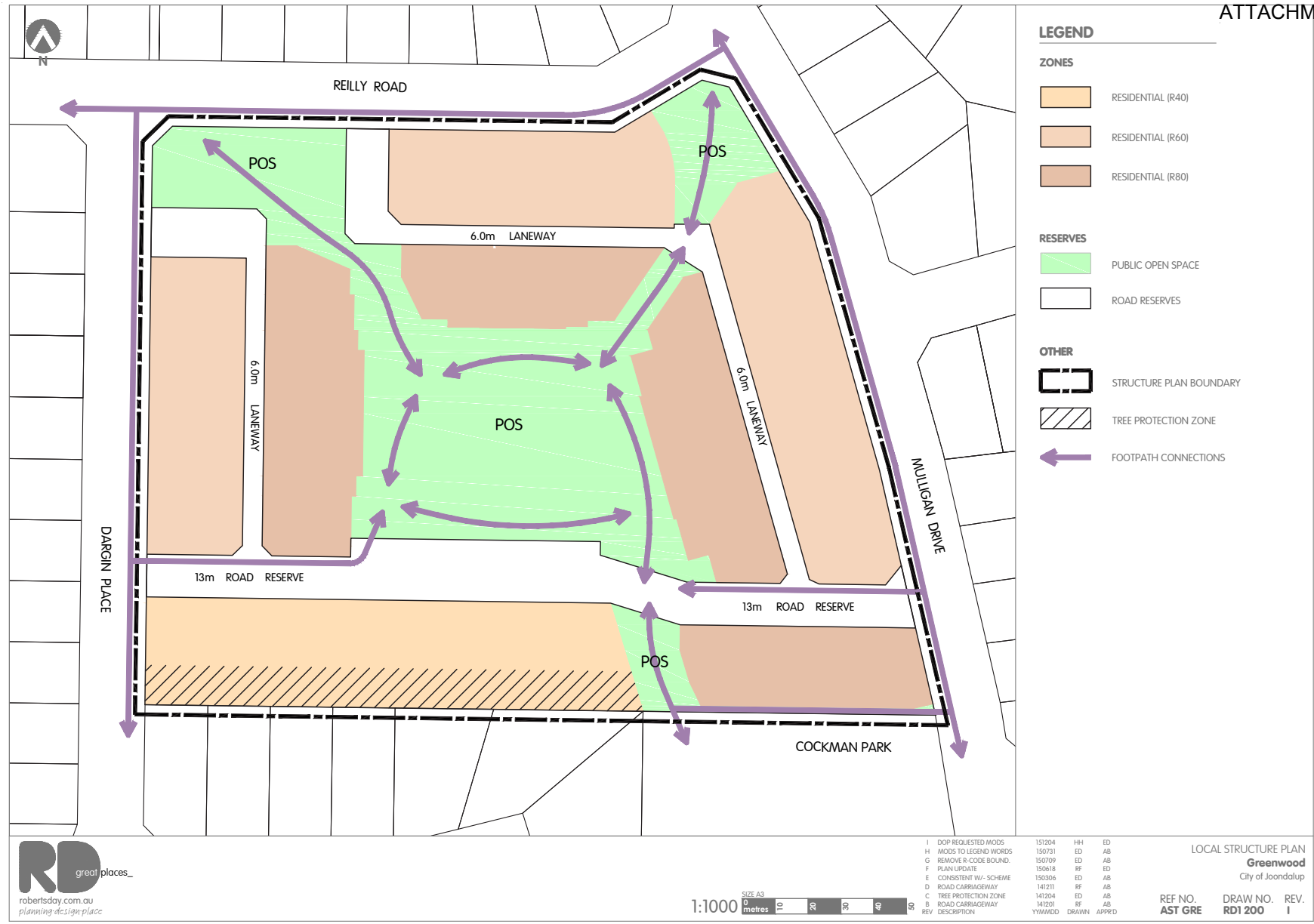
As provided in clause 48 (1) (c) of Schedule 2 - Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, this LDP includes additional design details.	
LDP reference	Local Development Plan design detail
'Front Fencing'	For all lot shown on the plan, front fencing is strictly not permitted.
'Secondary Frontage Building Articulation'	<ul style="list-style-type: none">Building frontages designed to wrap the corner within the area designated on the plan as 'Secondary Frontage Building Articulation', requiring buildings to address both frontages through the use of one or more architectural features including windows/openings, verandahs/porches/balconies, alternative materials, and/or relief in building mass.Corner lots shall provide at least one major opening from a habitable room that faces the 'Secondary Frontage' direction as annotated on the plan."Boundary walls or fences are not permitted forward of the habitable room major opening in the area designated as 'Secondary Frontage Building Articulation'
'Tree Protection zone'	Building envelopes shall not encroach into the area marked as 'Tree Protection Zone'. Approval under the Scheme is required for any small structures, such as sheds, decks, pools and pergolas proposed within the zone. The application will need to be accompanied by an arborist report that demonstrates no adverse impact to the health of a tree(s) within the zone, unless waived by the City where it is clear that no potential impact exists.
'Indicative location for 1.8m High Wall (max height) or Fence Treatment'	Wall or fence treatment to be installed by the developer to a maximum height of 1.8m above natural ground level (NGL). 30% of the total length must be visually permeable above 1200mm NGL. Colorbond or Hardiflex fencing or similar is not permitted.
'Indicative location for 1.5m High Wall (max height) or Fence Treatment'	Wall or fence treatment to be installed by the developer to a maximum height of 1.5m above NGL. 30% of the total length must be visually permeable above 800mm NGL. Colorbond or Hardiflex fencing or similar is not permitted.
n/a	Vehicular access shall be provided from internal roads and laneways only.
'Dual Frontage to POS'	'Dual Frontage' lots (as annotated on the plan) shall provide: <ul style="list-style-type: none">The main entry and a habitable room window fronting and clearly visible from the primary streetArticulated elevations to both the primary street and Public Open Space frontages, including variations in roof pitch, blade wall or portico, or an alternative architectural feature; so both elevations present as a front elevation of the dwelling; andA habitable room window to a living space and an outdoor living area (i.e. verandah/alfresco) fronting the Public Open Space
'Indicative Building Height Transition'	Indicative location of building height transition from 3 to 2 storeys, subject to minor variation within 2m to either side, based on the final detailed designs.



A	DRAW NO. UPDATED. REMOVE NIL BNDY	200904	SB	AB
AA	WALL SYMBOL CHANGES	200901	II	EH
Z	TEXT CHANGE	200311	II	EH
Y	VARIOUS UPDATES	190820	HH	EH
X	VARIOUS UPDATES	190819	II	EH
REV	DESCRIPTION	YYMMDD	DRAWN	APPR'D

GREENWOOD LOCAL DEVELOPMENT PLAN
63 Mulligan Drive, Greenwood
City of Joondalup

REF NO. **AST GRE** DRAW NO. **RD1 401** REV. **A**



Local Planning Scheme No.3
Amendment No.

LEGEND

 Boundary of Amendment

 Residential Density Code Boundary


LOCAL SCHEME RESERVES

 Public Open Space

 Local Road

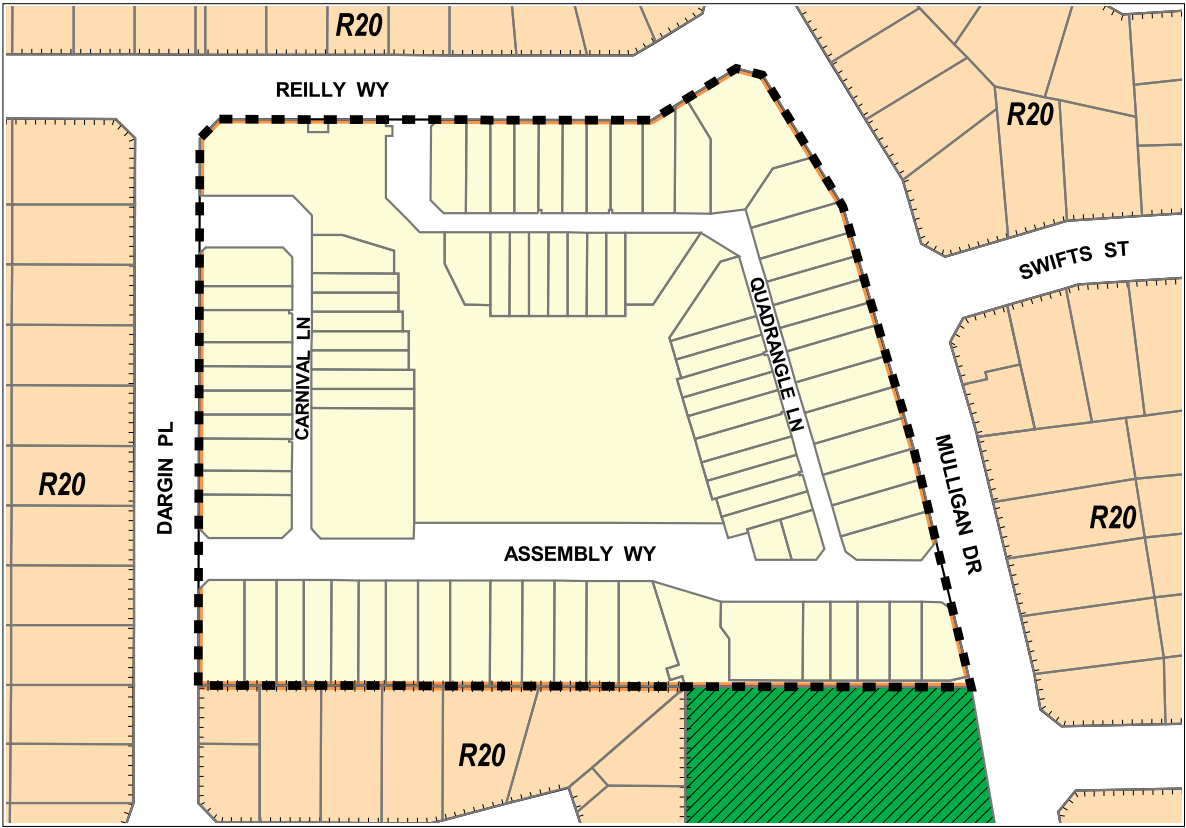
ZONES

 Residential

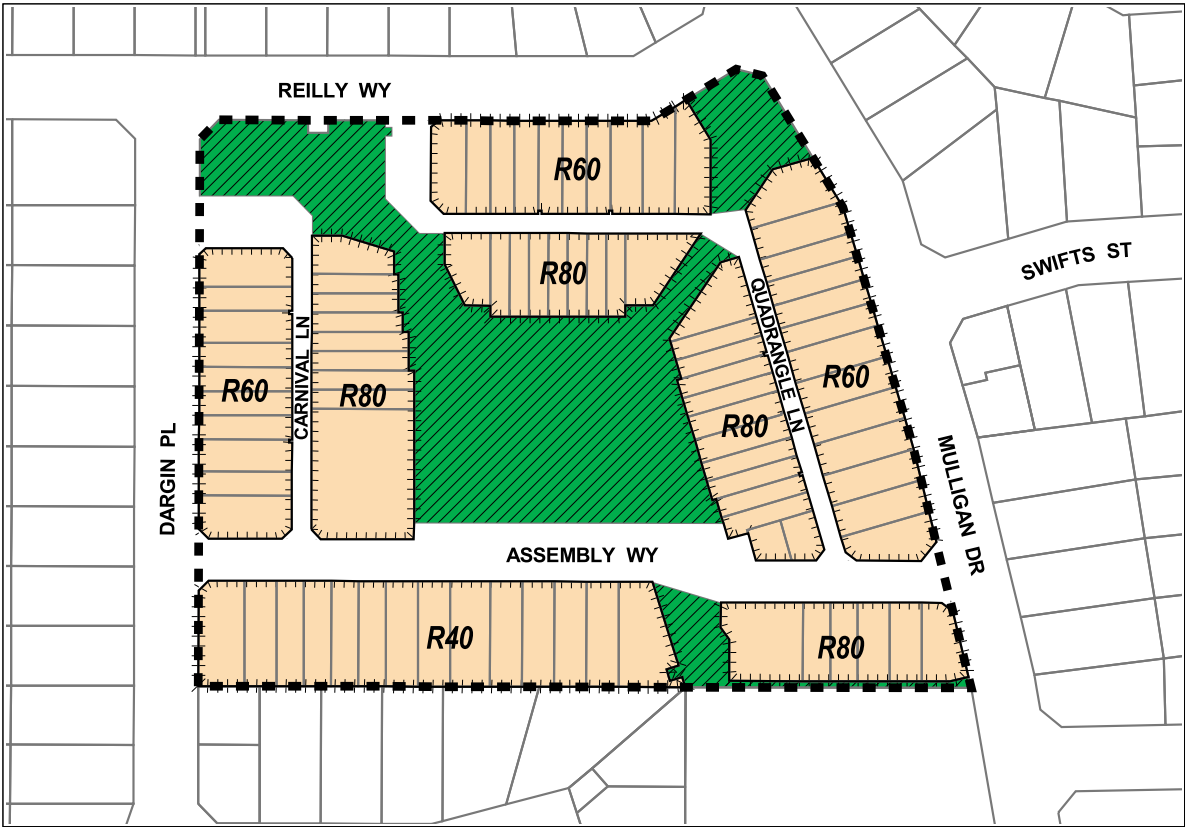
 Urban Development

SCALE 1: 2000 @A3

30 0 30 60 Meters



EXISTING ZONING



SCHEME AMENDMENT



Joondalup Design Review Panel Local Planning Policy

Responsible directorate: Planning and Community Development

Objective: To outline the role of the Joondalup Design Review Panel and planning proposals to be considered.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This Policy applies to planning proposals in the City of Joondalup as outlined in this Policy.

3. Definitions:

“planning proposal” means an application or proposal intended to become an application for consideration against the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and/or *Local Planning Scheme No. 3*.

4. Statement:

The City of Joondalup recognises the importance of assessing design quality and outcomes as part of the planning process. The ~~Joondalup~~ Design Review Panel provides independent performance-based design advice to inform planning decisions on large scale planning proposals. This advice is used to assist applicants in refining and enhancing the design of planning proposals and to inform planning decisions. The aim of the design review is to ensure that large scale planning proposals are designed to have a greater positive impact on their locality and maximise their contribution to the built environment.

5. Details:

5.1. Role and purpose of the Design Review Panel:

- a. To provide independent, impartial, expert advice on the design quality of eligible planning proposals to developers, local government officers and decision makers.
- b. The ~~Joondalup~~ Design Review Panel is advisory only, with no decision-making function.

5.2. Proposals to be referred to the Design Review Panel:

5.2.1. Referral prior to the lodgement of a planning proposal:

- a. A planning proposal that meets one or more of the following criteria is required to be referred to the Design Review Panel:
 - i. All Multiple Dwelling developments.
 - ii. Grouped Dwelling developments of five or more dwellings.
 - iii. New commercial and/or mixed use developments, excluding additions to existing buildings that due to their scale do not significantly impact the street or adjoining properties as determined by the City.
 - iv. ~~Mandatory Joint Development Assessment Panel proposals, excluding applications for site works and/or infrastructure. All applications to be determined by the Joint Development Assessment Panel, excluding Grouped Dwelling applications for less than five dwellings, applications for site works and/or infrastructure, and additions to existing buildings that do not significantly impact the street or adjoining properties as determined by the City.~~
 - ~~v. Optional 'opt-in' Joint Development Assessment Panel proposals, excluding additions to existing buildings that do not significantly impact on the street or adjoining properties as determined by the City.~~
 - v. Any amendment to a Joint Development Assessment Panel approval, which would benefit from a review by the Design Review Panel as determined by the City.
- b. The following planning proposals may be referred to the Design Review Panel where it is determined by the City that they will benefit from design review:
 - i. Structure plan (new or amendment to).
 - ii. Activity centre plan (new or amendment to).
 - iii. Local development plan (new or amendment to).
 - iv. Local planning policy (new or amendment to).
 - v. Amendment to Local Planning Scheme No. 3.
- c. Planning proposals to be referred to the Design Review Panel in accordance with 5.2.1 shall be at the applicant's cost, unless the proposal is being

prepared by the City. The fee is included in the City's Schedule of Fees and Charges.

- d. Pre-lodgement matters to be referred to the ~~panel~~ Design Review Panel must be provided to the City a minimum of three weeks prior to the next scheduled meeting of the ~~panel~~ Design Review Panel to allow for pre-assessment of the proposal by the City.
- e. Pre-lodgement referrals shall include all items listed on the associated Application for Development Approval Checklist, excluding relevant Development Application forms and Development Application fees.

5.2.2. Referral after lodgement of a planning proposal:

- a. Planning proposals listed under 5.2.1. will be referred to the Design Review Panel where it meets one or more of the following criteria:
 - i. The planning proposal was not referred to the Design Review Panel prior to lodgement.
 - ii. The planning proposal is substantially different from that previously referred to the Design Review Panel prior to lodgement and has not responded to the recommendations from the Design Review Panel, as determined by the City.
 - iii. The planning proposal has not adequately addressed the recommendations from the Design Review Panel and would benefit from further review, as determined by the City.
- b. Other planning proposals may be referred to the Design Review Panel where it is determined by the City that they would benefit from review.
- c. Planning proposals required to be referred to the Design Review Panel under 5.2.2a shall be at the ~~developers~~ applicant's cost, unless being prepared by the City. The fee is included in the City's Schedule of Fees and Charges.
- d. Information submitted as part of a condition of development approval may be referred to the Panel Chairperson or delegate to ensure the design quality of the proposal is maintained.

5.3. Matters to be considered by the Design Review Panel:

- a. In providing any advice and recommendations, the Design Review Panel shall consider design matters relating to:
 - i. ~~†~~The relevant planning framework.
 - ii. ~~†~~The 10 Design Principles provided in State Planning Policy 7.0: Design of the Built Environment.

5.4. Operation of the Design Review Panel:

The Design Review Panel shall operate in accordance with the ~~Joondalup Design Review Panel~~ Terms of Reference as endorsed by Council.

Creation date:	May 2021 (CJ070-05/21)
Formerly:	
Amendments:	CJXXX-10/2024
Last reviewed:	October 2024 (CJXXX-10/2024)
Related documentation:	<ul style="list-style-type: none">• Local Planning Scheme No. 3• Joondalup Design Review Panel Terms of Reference• Schedule of Fees and Charges• State Planning Policy 7.0: Design of the Built Environment
File reference:	109501



Joondalup Design Review Panel Local Planning Policy

Responsible directorate: Planning and Community Development

Objective: To outline the role of the Joondalup Design Review Panel and planning proposals to be considered.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This Policy applies to planning proposals in the City of Joondalup as outlined in this Policy.

3. Definitions:

“planning proposal” means an application or proposal intended to become an application for consideration against the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and/or *Local Planning Scheme No. 3*.

4. Statement:

The City of Joondalup recognises the importance of assessing design quality and outcomes as part of the planning process. The Design Review Panel provides independent performance-based design advice to inform planning decisions on large scale planning proposals. This advice is used to assist applicants in refining and enhancing the design of planning proposals and to inform planning decisions. The aim of the design review is to ensure that large scale planning proposals are designed to have a greater positive impact on their locality and maximise their contribution to the built environment.

5. Details:

5.1. Role and purpose of the Design Review Panel:

- a. To provide independent, impartial, expert advice on the design quality of eligible planning proposals to developers, local government officers and decision makers.
- b. The Design Review Panel is advisory only, with no decision-making function.

5.2. Proposals to be referred to the Design Review Panel:

5.2.1. Referral prior to the lodgement of a planning proposal:

- a. A planning proposal that meets one or more of the following criteria is required to be referred to the Design Review Panel:
 - i. All Multiple Dwelling developments.
 - ii. Grouped Dwelling developments of five or more dwellings.
 - iii. New commercial and/or mixed use developments, excluding additions to existing buildings that due to their scale do not significantly impact the street or adjoining properties as determined by the City.
 - iv. All applications to be determined by the Joint Development Assessment Panel, excluding Grouped Dwelling applications for less than five dwellings, applications for site works and/or infrastructure, and additions to existing buildings that do not significantly impact the street or adjoining properties as determined by the City.
 - v. Any amendment to a Joint Development Assessment Panel approval, which would benefit from a review by the Design Review Panel as determined by the City.
- b. The following planning proposals may be referred to the Design Review Panel where it is determined by the City that they will benefit from design review:
 - i. Structure plan (new or amendment to).
 - ii. Activity centre plan (new or amendment to).
 - iii. Local development plan (new or amendment to).
 - iv. Local planning policy (new or amendment to).
 - v. Amendment to Local Planning Scheme No. 3.
- c. Planning proposals to be referred to the Design Review Panel in accordance with 5.2.1 shall be at the applicant's cost, unless the proposal is being prepared by the City. The fee is included in the City's Schedule of Fees and Charges.
- d. Pre-lodgement matters to be referred to the Design Review Panel must be provided to the City a minimum of three weeks prior to the next scheduled meeting of the Design Review Panel to allow for pre-assessment of the proposal by the City.

- e. Pre-lodgement referrals shall include all items listed on the associated Application for Development Approval Checklist, excluding relevant Development Application forms and Development Application fees.

5.2.2. Referral after lodgement of a planning proposal:

- a. Planning proposals listed under 5.2.1. will be referred to the Design Review Panel where it meets one or more of the following criteria:
 - i. The planning proposal was not referred to the Design Review Panel prior to lodgement.
 - ii. The planning proposal is substantially different from that previously referred to the Design Review Panel prior to lodgement and has not responded to the recommendations from the Design Review Panel, as determined by the City.
 - iii. The planning proposal has not adequately addressed the recommendations from the Design Review Panel and would benefit from further review, as determined by the City.
- b. Other planning proposals may be referred to the Design Review Panel where it is determined by the City that they would benefit from review.
- c. Planning proposals required to be referred to the Design Review Panel under 5.2.2. shall be at the applicant's cost, unless being prepared by the City. The fee is included in the City's Schedule of Fees and Charges.
- d. Information submitted as part of a condition of development approval may be referred to the Panel Chairperson or delegate to ensure the design quality of the proposal is maintained.

5.3. Matters to be considered by the Design Review Panel:

- a. In providing any advice and recommendations, the Design Review Panel shall consider design matters relating to:
 - i. The relevant planning framework.
 - ii. The 10 Design Principles provided in *State Planning Policy 7.0: Design of the Built Environment*.

5.4. Operation of the Design Review Panel:

The Design Review Panel shall operate in accordance with the Terms of Reference as endorsed by Council.

Creation date:	May 2021 (CJ070-05/21)
Formerly:	
Amendments:	CJXXX-10/2024
Last reviewed:	October 2024 (CJXXX-10/2024)
Related documentation:	<ul style="list-style-type: none">• Local Planning Scheme No. 3• Joondalup Design Review Panel Terms of Reference• Schedule of Fees and Charges• State Planning Policy 7.0: Design of the Built Environment
File reference:	109501

JOONDALUP DESIGN REVIEW PANEL TERMS OF REFERENCE

1. DEFINITIONS

Council	Council of the City of Joondalup.
Financial interest	has the same meaning as the <i>Local Government Act 1995</i> .
Panel	means the Joondalup Design Review Panel.
Planning proposal	means an application or proposal intended to become an application for consideration against the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or <i>Local Planning Scheme No. 3</i> .
Proximity interest	has the same meaning as the <i>Local Government Act 1995</i> .

2. ROLE OF THE PANEL

The role of the panel is:

- To provide independent, impartial, expert advice on the design quality of eligible planning proposals to developers, local government officers and decision makers.
- To be advisory only, with no decision-making function.

3. MATTERS TO BE CONSIDERED

Planning proposals to be considered by the panel are as outlined in the *Joondalup Design Review Panel Local Planning Policy*.

4. STATUS OF ADVICE

The panel is advisory only and does not have a decision-making function. The panel advises on the design quality of proposals with reference to the ten design principles from *State Planning Policy 7.0: Design of the Built Environment* as well as the local planning framework. Decision makers will have due regard to the design review advice and recommendations in making a decision on a planning proposal.

5. MEMBERSHIP

5.1 The Director Planning and Community Development or their delegate shall be the Presiding Member of the panel meetings.

5.2 The panel pool shall comprise a maximum of 10 other members with appropriate skills and qualifications and substantial experience in one or more of the following:

- Architecture
- Landscape architecture
- Urban design
- Sustainability and environmental design
- Planning
- Transport planning
- Accessibility

- Civil and/or structural engineering

5.3 Members of the panel shall be registered with their respective professional bodies.

5.4 One member of the panel shall be the Chairperson for the purpose of leading the design discussion, reviewing minutes, providing the final design advice to the City and briefing decision-makers where required. A Deputy Chairperson shall also be selected from the panel to undertake the roles and responsibilities of the Chairperson where the Chairperson is unable to fulfil their roles and responsibilities. Where both the Chairperson and Deputy Chairperson are unable to attend a meeting, the Director Planning and Community Development may appoint a Panel Member to undertake the roles and responsibilities of the Chairperson.

5.5 An Elected Member of the City is not eligible for appointment as a member of the panel.

5.6 With the exception of the Presiding Member, City officers are not eligible to be members of the panel.

5.7 Terms of Appointment

5.7.1 Appointments to the panel shall be by a decision of Council following public advertising seeking form Expressions of Interest (EOI).

5.7.2 Council may appoint a pool of up to 10 persons to serve on the panel, however, each panel meeting shall comprise a maximum of six members.

5.7.3 Membership is for a two-year period in line with Council elections. After this two year term, all individuals must stand down. The process of appointment for the subsequent two year period will follow Council elections. Members can serve more than one term.

5.8 All members are required to abide by the City of Joondalup Code of Conduct.

5.9 Members are precluded from participating in State Administrative Tribunal matters on behalf of an applicant in instances where the City of Joondalup (or its representative) is the respondent or involved in the matter in some other capacity.

6. ROLES AND RESPONSIBILITIES

6.1 Presiding Member

The Presiding Member is responsible for:

- The administration of the panel meetings;
- Inducting panel members and briefing them regarding panel operations;
- Setting and communicating the meeting agenda;
- Circulating the draft minutes to the panel Chairperson for review;
- Circulating the final comments that result from the design review to the owner and proponent.

6.2 Panel Chairperson

The panel Chairperson is responsible for:

- Leading the design review discussion;

- Facilitating interactive and collaborative discussion and participation of all parties, including all panel members;
- Reviewing meeting minutes and liaising with other panel members in order to provide a final set of design advice to the City following each panel meeting.
- Briefing decision-makers through the preparation of a briefing note and/or attendance at the State Administrative Tribunal where a matter is referred for consideration, as required.

6.3 Deputy Chairperson

The panel Deputy Chairperson is responsible for undertaking the roles and responsibilities of the panel Chairperson in instances where the panel Chairperson is unable to fulfil their roles and responsibilities.

6.4 Panel Members

The panel members are responsible for:

- Attending meetings when required;
- Providing design advice which aligns with the state and local planning framework; and
- Reviewing minutes and providing feedback to the panel Chairperson on the design advice when required.

7. MEETINGS

7.1 Meetings of the panel shall be convened monthly, or as required. Where no proposals are required to be considered by the panel in any given month, the meeting shall be vacated.

7.2 Additional meetings may be convened by the City, where more planning proposals are received than can be considered by the panel at a scheduled meeting, in order to meet report deadlines for Council or Development Assessment Panel meetings.

7.3 Panel members for each meeting shall be selected based on the expertise required for the proposals being considered at a particular meeting. The Presiding Member shall determine the final panel members to attend each meeting.

7.4 A panel meeting cannot proceed unless there is a quorum of four panel members (including the Presiding Member).

7.5 The City shall prepare an agenda for the panel meeting, including:

7.5.1 Preliminary assessment of the proposal against the relevant statutory framework; and

7.5.2 An indication of aspects of the proposal requiring comments from the panel.

The agenda shall be distributed to all panel members at least five working days prior to the panel meeting.

7.6 Meetings are not open to members of the public (excluding proponents).

7.7 Minutes summarising the agreed actions, and relevant comments and recommendations from the panel are to be prepared by the City, reviewed by the panel

Chairperson and provided to the applicant within 10 working days of the meeting occurring.

7.8 Conflict of interest

7.8.1 If a member has an interest in the matter on receipt of the agenda for a meeting, then that member is required to declare the interest prior to the forthcoming meeting so that it can be noted. Where appropriate and possible, alternative panel members may be appointed for the meeting.

7.8.2 Any member that has a financial or proximity interest in a matter shall excuse themselves from the meeting room and not participate in the consideration of that item during the meeting.

7.9 Panel members who are regularly unavailable to attend panel meetings or are unable to complete the term of appointment may be replaced at the discretion of Council.

8. DESIGN ADVICE OUTSIDE OF PANEL MEETINGS

8.1 Planning proposals may be referred to a panel member for design advice outside or in lieu of a panel meeting at the discretion of the Presiding Member or their delegate.

8.2 Where a planning proposal has been referred to a panel member for their design advice outside or in lieu of a panel meeting, the panel member is to acknowledge the request for design advice within three days of receipt and is to state whether they agree to provide the design advice.

8.3 Where a panel member agrees to provide design advice on a planning proposal outside or in lieu of a panel meeting, the panel member shall provide that advice within seven days of agreeing to provide the advice, or another time as agreed with the Presiding Member or their delegate.

8.4 Panel members may be requested to attend State Administrative Tribunal proceedings in relation to a planning proposal for which they have previously provided design advice to the City.

8.5 Panel members shall provide design advice in accordance with Clause 5.3 of the Joondalup Design Review Local Planning Policy.

8.9. REMUNERATION

8.19.1 All panel members are to invoice the City for their attendance at meetings.

8.29.2 The panel members are to be paid per meeting as follows:

8.2.19.2.1 Panel Chairperson: ~~\$500~~250 per hour, including one hour meeting preparation.

8.2.29.2.2 Panel members: ~~\$400~~200 per hour, including one hour meeting preparation.

Attendance of panel members at the State Administrative Tribunal is subject to a mutually agreed hourly rate.

8.39.3 The Presiding Member will not be remunerated for attendance.

JOONDALUP DESIGN REVIEW PANEL TERMS OF REFERENCE

1. DEFINITIONS

Council	Council of the City of Joondalup.
Financial interest	has the same meaning as the <i>Local Government Act 1995</i> .
Panel	means the Joondalup Design Review Panel.
Planning proposal	means an application or proposal intended to become an application for consideration against the provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or <i>Local Planning Scheme No. 3</i> .
Proximity interest	has the same meaning as the <i>Local Government Act 1995</i> .

2. ROLE OF THE PANEL

The role of the panel is:

- To provide independent, impartial, expert advice on the design quality of eligible planning proposals to developers, local government officers and decision makers.
- To be advisory only, with no decision-making function.

3. MATTERS TO BE CONSIDERED

Planning proposals to be considered by the panel are as outlined in the *Joondalup Design Review Panel Local Planning Policy*.

4. STATUS OF ADVICE

The panel is advisory only and does not have a decision-making function. The panel advises on the design quality of proposals with reference to the ten design principles from *State Planning Policy 7.0: Design of the Built Environment* as well as the local planning framework. Decision makers will have due regard to the design review advice and recommendations in making a decision on a planning proposal.

5. MEMBERSHIP

5.1 The Director Planning and Community Development or their delegate shall be the Presiding Member of the panel meetings.

5.2 The panel pool shall comprise a maximum of 10 other members with appropriate skills and qualifications and substantial experience in one or more of the following:

- Architecture
- Landscape architecture
- Urban design
- Sustainability and environmental design
- Planning
- Transport planning
- Accessibility

- Civil and/or structural engineering

5.3 Members of the panel shall be registered with their respective professional bodies.

5.4 One member of the panel shall be the Chairperson for the purpose of leading the design discussion, reviewing minutes, providing the final design advice to the City and briefing decision-makers where required. A Deputy Chairperson shall also be selected from the panel to undertake the roles and responsibilities of the Chairperson where the Chairperson is unable to fulfil their roles and responsibilities. Where both the Chairperson and Deputy Chairperson are unable to attend a meeting, the Director Planning and Community Development may appoint a Panel Member to undertake the roles and responsibilities of the Chairperson.

5.5 An Elected Member of the City is not eligible for appointment as a member of the panel.

5.6 With the exception of the Presiding Member, City officers are not eligible to be members of the panel.

5.7 Terms of Appointment

5.7.1 Appointments to the panel shall be by a decision of Council following public advertising seeking form Expressions of Interest (EOI).

5.7.2 Council may appoint a pool of up to 10 persons to serve on the panel, however, each panel meeting shall comprise a maximum of six members.

5.7.3 Membership is for a two-year period in line with Council elections. After this two year term, all individuals must stand down. The process of appointment for the subsequent two year period will follow Council elections. Members can serve more than one term.

5.8 All members are required to abide by the City of Joondalup Code of Conduct.

5.9 Members are precluded from participating in State Administrative Tribunal matters on behalf of an applicant in instances where the City of Joondalup (or its representative) is the respondent or involved in the matter in some other capacity.

6. ROLES AND RESPONSIBILITIES

6.1 Presiding Member

The Presiding Member is responsible for:

- The administration of the panel meetings;
- Inducting panel members and briefing them regarding panel operations;
- Setting and communicating the meeting agenda;
- Circulating the draft minutes to the panel Chairperson for review;
- Circulating the final comments that result from the design review to the owner and proponent.

6.2 Panel Chairperson

The panel Chairperson is responsible for:

- Leading the design review discussion;

- Facilitating interactive and collaborative discussion and participation of all parties, including all panel members;
- Reviewing meeting minutes and liaising with other panel members in order to provide a final set of design advice to the City following each panel meeting.
- Briefing decision-makers through the preparation of a briefing note and/or attendance at the State Administrative Tribunal where a matter is referred for consideration, as required.

6.3 Deputy Chairperson

The panel Deputy Chairperson is responsible for undertaking the roles and responsibilities of the panel Chairperson in instances where the panel Chairperson is unable to fulfil their roles and responsibilities.

6.4 Panel Members

The panel members are responsible for:

- Attending meetings when required;
- Providing design advice which aligns with the state and local planning framework; and
- Reviewing minutes and providing feedback to the panel Chairperson on the design advice when required.

7. MEETINGS

7.1 Meetings of the panel shall be convened monthly, or as required. Where no proposals are required to be considered by the panel in any given month, the meeting shall be vacated.

7.2 Additional meetings may be convened by the City, where more planning proposals are received than can be considered by the panel at a scheduled meeting, in order to meet report deadlines for Council or Development Assessment Panel meetings.

7.3 Panel members for each meeting shall be selected based on the expertise required for the proposals being considered at a particular meeting. The Presiding Member shall determine the final panel members to attend each meeting.

7.4 A panel meeting cannot proceed unless there is a quorum of four panel members (including the Presiding Member).

7.5 The City shall prepare an agenda for the panel meeting, including:

7.5.1 Preliminary assessment of the proposal against the relevant statutory framework; and

7.5.2 An indication of aspects of the proposal requiring comments from the panel.

The agenda shall be distributed to all panel members at least five working days prior to the panel meeting.

7.6 Meetings are not open to members of the public (excluding proponents).

7.7 Minutes summarising the agreed actions, and relevant comments and recommendations from the panel are to be prepared by the City, reviewed by the panel

Chairperson and provided to the applicant within 10 working days of the meeting occurring.

7.8 Conflict of interest

7.8.1 If a member has an interest in the matter on receipt of the agenda for a meeting, then that member is required to declare the interest prior to the forthcoming meeting so that it can be noted. Where appropriate and possible, alternative panel members may be appointed for the meeting.

7.8.2 Any member that has a financial or proximity interest in a matter shall excuse themselves from the meeting room and not participate in the consideration of that item during the meeting.

7.9 Panel members who are regularly unavailable to attend panel meetings or are unable to complete the term of appointment may be replaced at the discretion of Council.

8. DESIGN ADVICE OUTSIDE OF PANEL MEETINGS

8.1 Planning proposals may be referred to a panel member for design advice outside or in lieu of a panel meeting at the discretion of the Presiding Member or their delegate.

8.2 Where a planning proposal has been referred to a panel member for their design advice outside or in lieu of a panel meeting, the panel member is to acknowledge the request for design advice within three days of receipt and is to state whether they agree to provide the design advice.

8.3 Where a panel member agrees to provide design advice on a planning proposal outside or in lieu of a panel meeting, the panel member shall provide that advice within seven days of agreeing to provide the advice, or another time as agreed with the Presiding Member or their delegate.

8.4 Panel members may be requested to attend State Administrative Tribunal proceedings in relation to a planning proposal for which they have previously provided design advice to the City.

8.5 Panel members shall provide design advice in accordance with Clause 5.3 of the *Joondalup Design Review Local Planning Policy*.

9. REMUNERATION

9.1 All panel members are to invoice the City for their attendance at meetings.

9.2 The panel members are to be paid per meeting as follows:

9.2.1 Panel Chairperson: \$250 per hour, including one hour meeting preparation.

9.2.2 Panel members: \$200 per hour, including one hour meeting preparation.

Attendance of panel members at the State Administrative Tribunal is subject to a mutually agreed hourly rate.

9.3 The Presiding Member will not be remunerated for attendance.

Design Review Panel Remuneration Comparison for Panel Meetings					
Local Government	Remuneration Model for Panel Meetings	Remuneration Amount (flat rate/hourly)		Remuneration Amount (3 hour panel meeting with additional prep time and meeting minutes)	
Joondalup (current)	Flat rate per meeting	Chairperson: \$500	Member: \$400	Chairperson: \$500	Member: \$400
Joondalup (proposed)	Hourly rate, no maximum time. Plus 1 hour of prep time	Chairperson: \$250	Member: \$200	Chairperson: \$1,000	Member: \$800
Bayswater	Flat rate per meeting	Chairperson: \$700	Member: \$425	Chairperson: \$700	Member: \$425
Vincent	Flat rate per meeting	Chairperson: \$500	Member: \$400	Chairperson: \$500	Member: \$400
Cockburn	Hourly, 3 hours maximum. Plus 1 hour of prep time	Chairperson: \$275	Member: \$240	Chairperson: \$1,100	Member: \$960
Fremantle	Hourly, no maximum time. Plus 1 hour of prep time for chair and members and 1 hour minute finalisation time for the chair	Chairperson: \$250	Member: \$250	Chairperson: \$1,250	Member: \$1,000
Mosman Park	Hourly, no maximum time. Plus 1 hour of prep time for chair and members and 1 hour minute finalisation time for the chair	Chairperson: \$250	Member: \$200	Chairperson: \$1,250	Member: \$800
Stirling	Hourly, no maximum time. Plus 1 hour of prep time	Chairperson: \$275	Member: \$240	Chairperson: \$1,100	Member: \$960
Swan	Hourly, 3 hours maximum. Plus 1 hour of prep time	Chairperson: \$250	Member: \$200	Chairperson: \$1,000	Member: \$800
Wanneroo	Hourly, no maximum time. Plus 1 hour of prep time for chair and members and 1 hour minute finalisation time for the chair	Chairperson: \$250	Member: \$200	Chairperson: \$1,250	Member: \$800

Local Government Act 1995

City of Joondalup

PARKING LOCAL LAW 2023

City of Joondalup

Parking Local Law 2023

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 26 March 2024 to make the *City of Joondalup Parking Local Law 2023*.

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Local Law 2023*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of parking within the district.
- (2) The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

1.4 Repeal

The following local laws are repealed on the day that this local law comes into operation –

- (1) *City of Joondalup Parking Local Law 2013*, as published in the *Government Gazette* on 19 August 2013.
- (2) *City of Joondalup Parking Amendment Local Law 2015*, as published in the *Government Gazette* on 4 September 2015.
- (3) *City of Joondalup Parking Amendment Local Law 2018*, as published in the *Government Gazette* on 3 August 2018.

1.5 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to –
 - (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads Western Australia;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads, Western Australia;
 - (c) a thoroughfare that comes under the control of the Commissioner of Main Roads Western Australia unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads Western Australia to the City; and
- (3) This local law does not apply to a parking station that –
 - (a) is not owned, controlled or occupied by the City; or
 - (b) is owned by the City but is leased to another person,
unless the City and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

1.6 Definitions

In this local law, unless the context requires otherwise –

Act means the *Local Government Act 1995*;

authorised person means a person appointed by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

authorised vehicle means a vehicle authorised by the City, the CEO, an authorised person or by any written law to stop or park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus lane has the meaning given in the Code;

bus stop has the meaning given in the Code;

busway has the meaning given in the Code;

bus zone has the meaning given in the Code;

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caravan means a vehicle that is fitted or designed to allow human habitation and which is capable of being drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given in the Code;

centre, in relation to a carriageway, means a line or a series of lines, marks or other indications-

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

CEO means the Chief Executive Officer of the City;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, and includes a passenger transport vehicle, but does not include a public bus;

children's crossing has the meaning given in the Code;

City means the City of Joondalup;

City property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the City;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle that is –

- (a) constructed, adapted or fitted for the conveyance of goods; and
- (b) used primarily for the conveyance of goods,

but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;

Council means the Council of the City;

crossover means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;

disability parking permit has the meaning given in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the City;

driver means a person driving or in control of a vehicle;

driveway means an area of land on private property which abuts a crossover and is designed primarily for vehicles to ingress and egress to that property;

edge line has the meaning given in the Code;

electric rideable vehicle means a bicycle, scooter, skateboard, wheelchair or any other vehicle that –

- (a) has at least 1 wheel; and

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(b) is designed to be used by a single person; and

(c) has an electric motor or motors,

but does not include an electric vehicle;

electric vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, moped and motorbike but does not include an electric rideable device.

electronic parking detection device means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility, or other public place and includes any instrument, display panel or transmitting apparatus associated with the device;

emergency vehicle has the meaning given in the Code;

entrance ticket means a ticket or token issued by an entrance ticket machine;

entrance ticket machine means a machine –

(a) installed at an entrance to a parking station; and

(b) from which tickets are issued to vehicles entering that parking station;

exit ticket means a ticket issued after payment of the fee by a fee collection machine;

fee collection machine means a machine installed in a parking station which, on the insertion of an entrance ticket or vehicle registration details, and payment of the required fee, issues an exit ticket or allows exit through a gate;

fee-paying machine means a ticket issuing machine, fee collection machine or parking meter;

fee-paying zone means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same –

(a) parking station; or

(b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;

fire hydrant has the meaning given in the Code;

funeral vehicle means a vehicle designed or modified for use in conducting funeral services;

footpath has the meaning given in the Code;

GVM (which stands for 'gross vehicle mass') means for a vehicle, the maximum loaded mass of the vehicle –

(a) specified by the manufacturer on an identification plate on the vehicle; or

(b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General under section 49 of the *Transport Co-ordination Act 1966*;

head of a cul-de-sac means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;

intersection has the meaning given in the Code;

keep clear marking has the meaning given in the Code;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

length of carriageway means the section on the same side of the carriageway, between intersections on that side of the carriageway;

loading zone means –

- (a) a parking facility or length of carriageway to which a loading zone sign applies; or
- (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign has the meaning given in the Code;

low clearance sign means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;

median strip has the meaning given in the Code;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;

metered zone means a road or reserve, or part of a road or reserve, in which a parking meter regulates the stopping or parking of vehicles;

money means any legal tender under the *Currency Act 1965* (Cth);

motorcycle means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and includes –

- (a) a trailer, semi-trailer or caravan while attached to a motor vehicle;
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
- (c) a 3-wheeled motor vehicle,

but does not include an electric rideable device;

nature strip has the meaning given in the Code and includes a verge;

no parking area has the meaning given in the Code;

no parking sign means a sign with –

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given in the Code;

no stopping sign means a sign with –

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or

- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

number plate has the meaning given in the *Road Traffic (Vehicles) Act 2012*;

obstruction has the meaning given in the Code;

occupier has the meaning given in the Act;

one-way carriageway has the meaning given in the Code;

owner –

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to 'responsible person' in the *Road Traffic (Administration) Act 2008*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
- (c) where used in relation to land, has the meaning given in the Act;

park has the meaning given in the Code;

parking app means a software program used by a computer, tablet, smartphone or other electronic device for the payment of parking by a vehicle for a specified period of time;

parking app zone means a parking facility within a fee-paying zone in which a parking app is available for use;

parking area has the meaning given in the Code;

parking bay means a section of a parking facility or carriageway which is marked or defined in any way to indicate where a vehicle may stop or park;

parking bay for people with disabilities has the meaning given to permit parking area in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

parking control sign has the meaning given in the Code;

parking facility includes –

- (a) land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a machine or device which, as a result of a payment by any permitted means, indicates (with or without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

parking period means an electronic authorisation to park a vehicle issued from a ticket issuing machine, a parking meter or a parking app;

parking permit means a permit issued by the City or an authorised person and includes a written or electronic permit;

parking region means the area to which this local law applies, as described in clause 1.5;

parking station means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, but does not include a road or reserve;

parking ticket means a ticket which is issued from a ticket issuing machine or parking meter and which authorises the parking of a vehicle;

passenger transport vehicle has the meaning given in the *Transport (Road Passenger Services) Act 2018*;

path has the meaning given in the Code;

pedestrian has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

permissive parking sign means a sign inscribed with –

- (a) the word ‘parking’, but excludes a sign inscribed with the words ‘no parking’; or
- (b) the letter ‘P’ with any arrow, figure, letter or words in green;

postal vehicle has the meaning given in the Code;

property line means the boundary between the land comprising a road and the land that abuts that road;

public bus has the meaning given in the Code;

public bus zone means a parking bay, bus embayment or length of carriageway designated for use by a public bus;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land –

- (a) which belongs to the City;
- (b) of which the City is the management body under the *Land Administration Act 1997*; or
- (c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;

but does not include a verge;

road means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

Road Traffic Act means the *Road Traffic Act 1974*;

roundabout has the meaning given in the Code;

Schedule means a schedule to this local law;

shared zone has the meaning given in the Code;

sign includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

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special purpose vehicle has the meaning given in the Code and also includes any commercial vehicle owned by the City;

stop has the meaning given in the Code;

symbol includes a symbol specified by Australian Standard 1742.11- 1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing machine means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

ticket machine zone means a parking facility within a fee-paying zone in which a ticket issuing machine is installed;

T-intersection means an intersection where the end of a road intersects with the continuous side of a continuing road but does not include a roundabout;

traffic includes the passage of both vehicles and pedestrians;

traffic-control signal has the meaning given to it by the Code;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

truck means a vehicle which has a minimum load capacity of 1,000 kilograms;

truck bay means a parking bay designated for use by trucks only;

truck lane is the meaning given in the Code;

unattended, in relation to a vehicle, means where the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

unexpired parking period means a parking period on which a date and expiry time is specified and the time specified has not expired;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

valve stem means the self-contained valve on a tyre used for inflation;

valve stem reading means observing and recording the position of a vehicles valve stem in relation to the associated tyre as a means of determining whether a vehicle has moved;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008*; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.7 Interpretation

- (1) For the purposes of the definitions of *no parking area*, *no stopping area* and *parking area*, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (3) Where a term is used but is not defined in the Act or this local law and that term is defined in the Road Traffic Act or the Code then, unless the context requires otherwise, the term is to have the meaning given in the Road Traffic Act or the Code.
- (4) A reference to a *thoroughfare*, *parking station*, *parking facility*, *metered zone*, *ticket machine zone*, *parking app zone* or *reserve* includes a reference to any part of the *thoroughfare*, *parking station*, *parking facility*, *metered zone*, *ticket machine zone*, *parking app zone* or *reserve*.

1.8 Sign erected by the Commissioner of Main Roads

A sign that –

- (a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the City under this local law.

1.9 Application of signs

- (1) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which –
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign; and
 - (c) is on that half of the road nearest to that sign.
- (2) A sign may prohibit or regulate parking or stopping by the use of a symbol.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

1.10 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows –

- (a) public buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles;
- (g) charter vehicles;
- (h) funeral vehicles;
- (i) electric vehicles; and
- (j) all other vehicles.

1.11 Establishment of parking facilities

The City may establish and vary parking facilities for the purposes of this local law.

1.12 Permitted payment

The City may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter or by use of a parking app.

1.13 Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the City may authorise a person to park in the parking facility, without paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).
- (2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.
- (3) An alternative method of payment may not be used by any person other than the person to whom it was given by the City.

PART 2 – STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

The Council may by resolution prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle, or of any class of person or vehicle, or both, but is to do so consistently with this local law.

2.2 Determinations in relation to stopping and parking

- (1) The Council may by resolution determine –
 - (a) permitted times and conditions of stopping and parking which may vary with the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles which may stop or park; or
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1), the City –
 - (a) must erect one or more signs to give effect to the determination; and
 - (b) may vary the determination.

2.3 Stopping or parking generally

- (1) A person must not stop or park a vehicle in a parking facility or in a thoroughfare –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 2.4 applies; or
 - (ii) the vehicle displays a disability parking permit in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
 - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces – unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it; or
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked.
- (2) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) in an area to which a 'clearway' sign applies;
 - (c) at the side of a carriageway marked with a continuous yellow edge line;
 - (d) in an area of a carriageway signed or marked with a keep clear marking;

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- (e) in a bay marked 'M/C' unless it is a motorcycle;
- (f) in a bus lane or busway;
- (g) in a truck lane; or
- (h) in a bicycle lane or on a bicycle path,

unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.

- (3) A person must not park a vehicle in a ***no parking area***, unless the driver –
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.

2.4 Parking with a parking permit

- (1) The City may issue to a person a parking permit which exempts the holder of the permit from a prohibition under this local law against the stopping or parking of vehicles on any part of a road or parking station subject to any conditions that the City considers appropriate.
- (2) Where –
 - (a) A parking permit issued is a physical parking permit, the parking permit must be displayed inside the vehicle on the dashboard of the vehicle and be clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the parking permit relates; or
 - (b) A parking permit is issued in electronic form, the vehicle registration number must be able to be entered into the City's electronic system when the permit is used and be able to be located by an authorised person in a database that contains all relevant information about the permit, permit holder and vehicle.
- (3) The City may, at any time, revoke a permit issued under subclause (1).

2.5 Stopping or parking contrary to consent

- (1) In this clause a reference to ***land*** does not include land –
 - (a) which belongs to the City;
 - (b) of which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (c) which is the subject of an agreement referred to in clause 1.5(3).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

2.6 Parking positions

Where a sign referring to a parking area is not inscribed with the words 'angle parking', then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position –

- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

2.7 Angle parking

Where a sign referring to a parking area is inscribed with the words 'angle parking', a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

2.8 Loading zones

- (1) A person must not stop or park a vehicle in a loading zone unless–
- (a) the vehicle is a commercial vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (c) alternatively to paragraphs (a) and (b), the vehicle is an authorised vehicle.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

2.9 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person –

- (a) is an employee of the City in the course of the employee's duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the City or an authorised person.

2.10 Occupied parking bays

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

2.11 Urgent, essential or official functions

(1) Where –

- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
- (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility,

the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

- (2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.

(3) Permission given under subclause (1) may –

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by an authorised person.

- (4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

2.12 Direction to move vehicle

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

2.13 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the City.

2.14 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.15 Removal and impounding of vehicles

- (1) The impounding of vehicles and other goods is dealt with in Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (2) The power of an authorised person to remove and impound any goods that are involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Act.
- (3) The power of a person to use reasonable force to exercise the power given by section 3.39(1) of the Act is dealt with in section 3.39(2) of the Act.

2.16 Authorised parking

A person must not, without the permission of the City or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of an authorised vehicle only.

2.17 Stopping or parking on City property

A person must not stop or park a vehicle on or over any portion of the City's property, other than an area specifically set aside for that purpose, unless the person –

- (a) is an authorised person; or
- (b) has obtained the permission of the City or an authorised person.

PART 3 – STOPPING AND PARKING ON ROADS AND OTHER AREAS

3.1 Stopping or parking on a carriageway

Subject to clauses 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it –

- (a) in the case of a two-way carriageway - so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least three metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;

- (d) so that it is more than one metre from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

3.2 Median strips and traffic islands

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island or median strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

3.3 Verges

- (1) A person shall not –
 - (a) stop or park a vehicle (other than a bicycle);
 - (b) stop or park a commercial vehicle or bus; or
 - (c) stop or park a vehicle during any period when the stopping or parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale or hire;
- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

3.5 Obstructions generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on a roundabout or intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked - unless the vehicle stops or parks –
 - (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
 - (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
 - (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway – if the vehicle would obstruct traffic;
 - (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;
 - (i) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines; or
 - (j) within the head of a cul-de-sac.

3.6 Double parking

- (1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.
- (2) Subclause (1) does not apply to –

- (a) a person who parks a motorcycle in a bay marked 'M/C'; or
- (b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.

3.7 Crossovers

A person shall not stop or park a vehicle on or across a crossover or other way of access for vehicles travelling to or from adjacent land, unless –

- (a) the vehicle is dropping off, or picking up, passengers and shall not remain for longer than two minutes;
- (b) the vehicle stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or
- (c) the driver is the owner or occupier of the premises that abuts the crossover or is a person permitted by the owner or occupier of the premises.

3.8 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a person shall not stop or park a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres.
- (2) A person may stop or park a vehicle on a crest or curve on a carriageway if the vehicle stops at a place on the carriageway, or in an area, to which parking control signs apply and the vehicle is permitted to stop at that place under this local law.

3.9 Stopping or parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is –

- (a) within one metre of a fire hydrant, or of any sign or mark indicating the existence of a fire hydrant; or
- (b) within three metres of a public post box unless the vehicle is a postal vehicle.

3.10 Bus stops, pedestrian, children and train crossings

- (1) A person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a bus embayment, bus stop or a bus zone unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of the approach side of–

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- (a) a bus embayment, bus stop or a bus zone, unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (3) This clause does not apply if –
 - (a) the vehicle is stopped or parked in a marked bay;
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond their control; or
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

3.11 Restrictions on avoiding time limitations

- (1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted - unless the vehicle has first been removed from the length of carriageway for at least two hours.
- (2) Where the stopping or parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within that parking facility so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking facility – unless the vehicle has first been removed from the parking facility for at least two hours.
- (3) Where in a parking facility –
 - (a) the parking of a vehicle is prohibited unless:
 - (i) a parking ticket from a ticket issuing machine is displayed on the dashboard of the vehicle; or
 - (ii) a parking period is obtained from a ticket issuing machine or parking app;
 - and
 - (b) a period of free parking is permitted before a fee for parking applies,

a person must not, at any time within the same day, obtain or use more than one parking ticket or parking period for the same vehicle in that parking facility.

3.12 Public bus zones

- (1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.
- (2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

3.13 Stopping or parking in a taxi zone

- (1) A person must not stop or park a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

3.14 Charter vehicle zones

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for not more than –
 - (a) 15 minutes – if the charter vehicle has 12 or more seats including the driver; or
 - (b) 5 minutes – if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.15 Stopping or parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle –

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;
- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

3.16 Stopping or parking - heavy and long vehicles

- (1) A person must not stop or park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes on a carriageway, verge or in a parking station for any period exceeding one hour, unless the vehicle is –
 - (a) engaged in the picking up or setting down of goods; or
 - (b) stopped in a truck bay;
- (2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

PART 4 – FEE-PAYING ZONES

4.1 Fee-paying zones

The fee-paying zones are –

- (a) a metered zone;
- (b) a ticket machine zone;
- (c) a parking app zone; and
- (d) any other fee-paying zone established by the local government under clause 1.11.

4.2 Payment of fees

- (1) This clause does not apply to a parking station that requires payment on exit.
- (2) A person who stops or parks a vehicle in a fee-paying zone must –
 - (a) in the case of a metered stall - immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the parking meter referable to the metered stall;
 - (b) in the case for a ticket issuing machine zone – immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone; or
 - (c) in the case of a parking app zone –
 - (i) immediately commence the parking app transaction and obtain notification that the transaction has commenced;
 - (ii) ensure that the transaction remains active at all times while the vehicle is stopped or parked; and
 - (iii) immediately before the vehicle is driven from where it had been stopped or parked, complete the pay by phone transaction and obtain notification that the required fee has been paid.
- (3) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in –
 - (a) a metered stall for the period shown on the sign referable to the stall; or
 - (b) the relevant ticket issuing machine zone or parking app zone for the period shown on the parking ticket,

but does not authorise the parking of the vehicle during any time when stopping or parking in that stall or zone is prohibited under this local law.

4.3 Operations of fee-paying machines

A person must not operate a fee-paying machine except in accordance with the operating instruction appearing on the fee-paying machine.

4.4 Metered space, parking limit

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.5 Display of parking tickets and parking limits

- (1) A person must not stop or park a vehicle in a fee-paying zone during the period in which stopping or parking is permitted only on the purchase of a printed parking ticket unless –
 - (a) an unexpired parking ticket issued by a ticket issuing machine in that fee-paying zone is displayed inside the vehicle; and
 - (b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that fee paying zone.
- (2) Unless subclause (3) applies, where in a ticket machine zone more than one printed parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of –
 - (a) the aggregate of those periods; or
 - (b) the maximum period of time a vehicle is permitted to park in the fee-paying zone,whichever occurs first.
- (3) If a trailer is attached to a vehicle or if a vehicle is too long or too wide to fit completely within a single metered stall or parking stall, the person parking the vehicle must –
 - (a) park the vehicle (or, as the case may be, the vehicle and the trailer) within the minimum number of metered stalls or parking stalls needed to park the vehicle (or, as the case may be, the vehicle and the trailer);
 - (b) purchase and obtain a parking ticket for each occupied metered stall or parking stall as permitted under this local law; and
 - (c) display each printed ticket inside the vehicle in accordance with subclause (1).

4.6 Reserved fee-paying zones

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, parking stall, or fee-paying zone if –

- (a) the parking meter or ticket machine or sign advising of a parking app zone is hooded with a covering bearing words or symbols that indicate parking is not permitted within the space or fee-paying zone; or
- (b) a parking zone is blocked or reserved by the City by any other physical means.

4.7 Parking restrictions in fee-paying zones

A person must not stop or park a vehicle in a fee-paying zone –

- (a) except during the period stated on a sign referable to the fee-paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee-paying zone, as stated on a sign referable to the fee-paying zone.

4.8 Use of counterfeit or altered parking tickets

A person must not park a vehicle in a fee-paying zone that requires a ticket, if there is displayed in that vehicle, so as to be visible from outside the vehicle, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

4.9 Payment for parking

A person must not insert into a fee-paying machine anything other than the designations of coin or banknote, or other form of permitted payment indicated by a sign on the fee-paying machine and only in accordance with the instructions printed on the fee-paying machine.

PART 5 – PARKING STATIONS

5.1 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within three working days from the time of issue of the notice.

5.2 Entering and exiting parking facilities

A person must not, in a vehicle, enter or exit a parking facility other than through an authorised entry or exit designated as such by a sign.

5.3 Locking of parking stations

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

5.4 Behaviour in a parking station

A person must not remain in a parking station after having been required to leave by an authorised person.

5.5 Low clearance signs

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

PART 6 – MISCELLANEOUS

6.1 Authorised person certificate of appointment

The requirement for an authorised person to be given the appropriate certificate of the person's appointment is dealt with in section 9.10(2) of the Act.

6.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out the person's functions.

6.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform that authorised person's functions under this local law.
- (2) An authorised person may –
 - (a) carry into effect the provisions of this local law;
 - (b) report to the City on the working effectiveness of this local law;
 - (c) recommend to the CEO the institution of prosecutions; and

- (d) institute and conduct prosecutions as directed by the CEO.

6.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

6.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of the authorised person's duties.

6.6 Removal of notices

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

6.7 Display of signs

A person must not, without the authorisation of the City or an authorised person –

- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the City under this local law;
- (b) remove, deface or misuse a sign or property set up by the City under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee-paying machine.

6.8 Marking tyres and valve stem readings

- (1) An authorised person may –

- (a) mark the tyres of a vehicle with chalk or any other non-indelible substance;
- (b) take a valve stem reading of a vehicle; or
- (c) record vehicle registration numbers,

for a purpose connected with the authorised person's functions.

- (2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

6.9 Exemption when complying with directions

A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

6.10 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of the driver's functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

6.11 Interfere with or damage to City property

A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.

6.12 Vehicles not to obstruct a public place

Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it –

- (a) obstructs the use of any part of the public place; or
- (b) appears to an authorised person to have been abandoned, having regard to factors such as –
 - (i) whether there are any licence plates on the vehicle;
 - (ii) whether the vehicle is unregistered;
 - (iii) the extent of any damage to the vehicle;
 - (iv) whether the vehicle has been in the same position for more than 24 hours; and
 - (v) whether the vehicle appears to be inoperable.

PART 7 – OFFENCES AND MODIFIED PENALTIES

7.1 Offences

- (1) A person who fails to do anything required to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence continues.

- (3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

7.2 Form of notices

For the purposes of this local law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the notice referred to in section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.3 Modified penalty

- (1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty, the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign –
 - (a) the amount of the modified penalty is to be the amount referred to in Schedule 1 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
 - (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

City of Joondalup

Parking Local Law 2023

SCHEDULE 1
CITY OF JOONDALUP PARKING LOCAL LAW 2023

PRESCRIBED OFFENCES

[Clause 7.3]

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
1	2.3(1)(a)	Stopping or parking by vehicles of a different class	100
2	2.3(1)(b)	Stopping or parking by persons of a different class	100
3	2.3(1)(c)	Stopping or parking during prohibited period	100
4	2.3(1)(d)	Stopping or parking for longer than maximum period	100
5	2.3(1)(e)	Failure to park wholly within parking bay or metered space	100
6	2.3(1)(f)	Stopping or parking contrary to signage	100
7	2.3(2)(a)	Stopping or parking in a no stopping area	150
8	2.3(2)(b)	Stopping or parking contrary to a 'clearway' sign	150
9	2.3(2)(c)	Stopping or parking at a continuous yellow edge line	150
10	2.3(2)(d)	Stopping or parking in a keep clear area of carriageway	150
11	2.3(2)(e)	Stopping or parking vehicle other than motorcycle in 'M/C' bay	100
12	2.3(2)(f)	Stopping or parking in a bus lane or busway	150
13	2.3(2)(g)	Stopping or parking in a truck lane	150
14	2.3(2)(h)	Stopping or parking in a bicycle lane or path	150
15	2.3(3)	Parking in a no parking area	100
16	2.4(2)	Parking in a permit parking area without a valid parking permit	100
17	2.5(2)	Stopping or parking on private land without consent	150
18	2.5(3)	Stopping or parking on private land not in accordance with consent	100
19	2.6(a)	Failure to park or stop as near as practicable and parallel to boundary of carriageway	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
20	2.6(b)	Failure to stop or park at approximately right angles to the centre of the carriageway	100
21	2.7	Failure to park at an appropriate angle in an angle parking area	100
22	2.8	Stopping or parking unlawfully in a loading zone	100
23	2.9	Driving, stopping or parking on a reserve	150
24	2.10	Stopping or parking, or attempting to stop or park in a bay occupied by another vehicle	100
25	2.11(4)	Stopping or parking contrary to permission given by an authorised person	100
26	2.12	Stopping or parking a vehicle contrary to the direction of an authorised person	150
27	2.13	Selling or hiring goods in a parking facility without authorisation	100
28	2.14	Removing, damaging, defacing, misusing or interfering with parking facility	150
29	2.16	Stopping or parking unauthorised vehicle in an area designated for 'Authorised Vehicle Only'	100
30	2.17	Stopping or parking on City property	100
31	3.1(a)	Stopping or parking against the flow of traffic on a two-way carriageway	100
32	3.1(b)	Stopping or parking against the flow of traffic on a one-way carriageway	100
33	3.1(c)	Stopping or parking a vehicle when distance from farther boundary, continuous line or median strip is less than 3 metres	150
34	3.1(d)	Stopping or parking a vehicle less than 1 metre from any other vehicle	100
35	3.2	Parking or stopping on a median strip or traffic island	150
36	3.3(1)	Stopping or parking a vehicle unlawfully on a verge	100
37	3.4(a)	Parking vehicle on any portion of a road or within a parking station for purpose of sale or hire	100
38	3.4(b)	Parking unlicensed vehicle on any portion of a road or within a parking station	100
39	3.4(c)	Parking unattached trailer or caravan on any portion of a road or within a parking station	100
40	3.4(d)	Parking vehicle on any portion of a road or within a parking station for the purpose of repairs	100
41	3.5(3)(a)	Stopping or parking a vehicle on a road so as to cause obstruction	150

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
42	3.5(3)(b)	Stopping or parking a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare in a parking facility	150
43	3.5(3)(c)	Stopping or parking a vehicle on a roundabout or intersection	200
44	3.5(3)(d)	Stopping or parking within 20 metres from an intersecting carriageway with traffic-control signals	100
45	3.5(3)(e)	Stopping or parking within 10 metres of the prolongation of nearest edge of intersecting carriageway	100
46	3.5(3)(f)	Stopping or parking on or over a footpath, pedestrian crossing, children's crossing or place for pedestrians	200
47	3.5(3)(g)	Stopping or parking alongside or opposite construction works where vehicle obstructs traffic	150
48	3.5(3)(h)	Stopping or parking on a bridge or within a tunnel or underpass	100
49	3.5(3)(i)	Stopping or parking between the boundaries of a carriageway and any continuous double line	100
50	3.5(3)(j)	Stopping or parking within head of a cul-de-sac	100
51	3.6(1)	Double parking	150
52	3.7	Stopping or parking unlawfully across a crossover or other way of access	200
53	3.8(a)	Stopping or parking on a crest or curve	100
54	3.9(a)	Stopping or parking within 1 metre of fire hydrant	100
55	3.9(b)	Stopping or parking within 3 metres of public post box	100
56	3.10(1)(a)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay, bus stop or bus zone	100
57	3.10(1)(b)	Stopping or parking a vehicle within 10 metres of the departure side of a pedestrian or children's crossing	100
58	3.10(2)(a)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus stop or bus zone	100
59	3.10(2)(b)	Stopping or parking a vehicle within 20 metres of the approach side of a pedestrian or children's crossing	100
60	3.11(1)	Moving a vehicle along carriageway to avoid time limitation	100
61	3.11(2)	Moving a vehicle within parking station to avoid time limitation	100
62	3.11(3)	Obtaining more than one free parking ticket or parking period	100
63	3.12(1)	Stopping or parking a vehicle in a public bus zone	150

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
64	3.12(2)	Stopping or parking public bus in bus zone when not picking up or setting down passengers	100
65	3.13(1)	Stopping or parking unlawfully in a taxi zone	100
66	3.13(2)	Leaving taxi unattended while in a taxi zone	100
67	3.14(1)	Stopping or parking in charter vehicle zone when not a charter vehicle	100
68	3.14(2)(a)	Stopping or parking charter vehicle (12 or more seats) in charter vehicle zone for longer than maximum period	100
69	3.14(2)(b)	Stopping or parking charter vehicle (less than 12 seats) in charter vehicle zone for longer than maximum period	100
70	3.14(3)	Leaving charter vehicle unattended in charter vehicle zone	100
71	3.14	Stopping or parking unlawfully in shared zone	100
72	3.15	Stopping or parking heavy or long vehicles for longer than 1 hour	100
73	4.2(2)	Failure to pay fee in a fee-paying zone	100
74	4.3	Operating a fee-paying machine contrary to instructions	100
75	4.4	Stopping or parking when meter has expired	100
76	4.5(1)	Failure to correctly display valid parking ticket in a ticket machine zone	100
77	4.6	Unlawfully stopping or parking a vehicle in a reserved fee-paying zone	100
78	4.7(a)	Stopping or parking in a fee-paying zone outside the period which stopping or parking is allowed	100
79	4.7(b)	Stopping or parking in a fee-paying zone for longer than the permitted period	100
80	4.8	Displaying a counterfeit, altered, obliterated or interfered with parking ticket	150
81	4.9	Inserting anything other than the permitted forms of payment in a fee-paying machine	150
82	5.1(1)	Unlawfully removing a parked vehicle from a parking station without paying the exit fee	150
83	5.1(2)	Failure to pay fee within 3 working days from the time of issue of the notice	100
84	5.2	Failure to enter and exit parking facility through authorised entry or exit	100
85	5.4	Failure to leave parking station at the direction of an authorised person	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
86	5.5	Driving a vehicle past a low clearance sign	150
87	6.4	Impersonating an authorised person	200
88	6.5	Obstructing an authorised person	200
89	6.6	Unlawfully removing notice from vehicle	150
90	6.7(a)	Unauthorised display, marking, setting up, exhibiting of a sign	150
91	6.7(b)	Removing, defacing or misusing a sign or the property of the City	150
92	6.7(c)	Affixing anything to a sign or fee-paying machine	100
93	6.8(2)	Removing or interfering with a lawful mark on a tyre	200
94	6.11	Interfering with, damaging or obstructing City property	200
95	6.12(a)	Leaving vehicle so as to obstruct a public place	150
96	6.12(b)(i)	Park vehicle without number plates in a public place	100
97	6.12(b)(ii)	Park unregistered vehicle in a public place	100
98	6.12(b)(iv)	Park vehicle in a public place in excess of 24 hours	100
99		All other offences not specified	100

City of Joondalup

Parking Local Law 2023

Dated

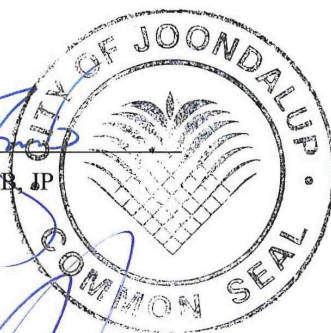
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April of 2024

The Common Seal of the City of Joondalup)
was affixed by authority of the resolution)
of the Council in the presence of:)


HON. ALBERT JACOB, JP
MAYOR


JAMES PEARSON
CHIEF EXECUTIVE OFFICER



Local Government Act 1995

City of Joondalup

Parking Amendment Local Law 2024

Local Government Act 1995

City of Joondalup

Parking Amendment Local Law 2024

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Local Government Act 1995

City of Joondalup

Parking Amendment Local Law 2024

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Joondalup resolved on [XXXX] to make the *City of Joondalup Parking Amendment Local Law 2024*.

Part 1 – Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Amendment Local Law 2024*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to amend the *City of Joondalup Parking Local Law 2023*.
- (2) The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Parking Local Law 2023*.

Part 2 – Amendments

2.1 City of Joondalup Parking Local Law 2023 amended

This Part of the *City of Joondalup Parking Amendment Local Law 2024* amends the *City of Joondalup Parking Local Law 2023* as published in the Government Gazette on 13 May 2024.

2.2 Clause 1.5 amended

In clause 1.5(2)(c) delete “; and” and insert “.”.

2.3 Clause 1.6 amended

In clause 1.6:

- (a) amend the definition of “electric vehicle” by replacing “electric rideable device” with “electric rideable vehicle”.
- (b) amend the definition of “motor vehicle” by replacing “electric rideable device” with “electric rideable vehicle”.

2.4 Clause 3.4 amended

In clause 3.4(b) delete “Road Traffic Act” and insert “*Road Traffic (Vehicles) Act 2012*”.

2.5 Clause 3.16 amended

In clause 3.16(1)(b) delete “,” and insert “.”.

2.6 Clause 6.12 replaced

Delete clause 6.12 and insert:

6.12 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction where the vehicle -
 - (a) is parked for any period exceeding 24 hours;
 - (b) is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign;
 - (c) is abandoned, unregistered or disused; or
 - (d) may cause a danger to the public or is jeopardising or is capable of jeopardising the safety of a person.
- (3) Where an authorised person or a member of the Western Australian Police Force finds a vehicle stopped or parked contrary to the provisions of subclause (1) and (2), the authorised person or member of the Western Australian Police

Force may remove the vehicle to a specified place and may use such force as is necessary to enter the vehicle for the purpose of so removing it.

2.7 Schedule 1 amended

In Schedule 1:

- (a) Amend item 71 by deleting "3.14" and replacing with "3.15".
- (b) Amend item 72 by deleting "3.15" and replacing with "3.16".
- (c) Delete item 95 and replace as follows:

95	6.12	Leaving vehicle so as to obstruct a public place	150
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- (d) Delete item 96.
- (e) Delete item 97.
- (f) Delete item 98.
- (g) In item 99 change "99" to "96".

Dated _____ of 2024.

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....
HON. ALBERT JACOB JP
MAYOR

.....
JAMES PEARSON
CHIEF EXECUTIVE OFFICER



Venue Hire Fees and Charges Council Policy

Responsible directorate: Corporate Services

Objective: To provide guidance on determining the fees and charges for the hire of City-managed venues.

1. Application:

This Policy shall apply to all groups and individuals hiring City-managed venues, excluding venues contained within the City of Joondalup Leisure Centres — Craigie.

2. Definitions:

“Category A user” means an organisation, group or individual hiring a venue as part of a business, for business purposes, and/or for financial benefit.

“Category B user” means a charity, an incorporated association or a community group, government department / agency or educational provider with an annual gross revenue of less than \$10 million and more than \$3 million, occupying the premises for non-commercial purposes.

“Category C user” means a charity, an incorporated association or a community group with annual revenue of less than \$3 million, or an individual hiring a venue for non-commercial purposes.

“educational provider” means a primary or secondary school, a tertiary institution or a registered training organisation.

“incorporated association” means a non-commercial organisation which is incorporated under the *Associations Incorporation Act 2015* (WA) or equivalent legislation from other states and territories.

“charity” means an organisation which is licensed under the *Charitable Collections Act 1946* (WA) or registered under the *Charities Act 2013* (Cth) and collects money or goods from the public for charitable purposes.

“financial hardship” means a temporary situation affecting a hirer where that hirer is willing, but unable to meet their payment obligations due to an unforeseen circumstance.

“financial records” means records pertaining to the management of the affairs of an incorporated association which are required under the *Associations Incorporation Act 2015* (WA).

“venue” means a City-owned or -managed property, part-property, facility or infrastructure which attracts a specific hire charge as per the City’s Schedule of Fees and Charges (e.g.: parks, gardens, sports fields, courts, rooms in community halls, clubrooms etc.).

3. Statement:

The City of Joondalup is committed to ensuring fees and charges for venue hire are set in a fair and equitable way that reflect the actual cost of operations and encourage maximum community usage. The City also acknowledges that its venues are primarily hired by non-commercial users and that many of these users play an important role in combating social exclusion and enhancing the economic, social and environmental wellbeing of the community. In recognition of this, the City will offer discounted fees and charges for City-managed venues to non-commercial users.

4. Details:

4.1. Fees and charges for venue hire:

- a. Fees and charges for venue hire will be set annually based on a cost contribution model and will be published in the City’s Schedule of Fees and Charges.
- b. Fees and charges for venue hire will be set at three different rates:
 - i. Category A rate — 500% of average hourly operating costs.
 - ii. Category B rate — 100% of average hourly operating costs.
 - iii. Category C rate — 50% of average hourly operating costs*.
- c. Fees and charges for venue hire will be applicable for use of venues where a booking has not been made.
- d. The City reserves the right that if a group is booking a facility at a Category C rate and it is not being utilised it may charge that group for the unutilised booking of that facility at the Category B rate.

4.2. Waiving of fees and charges:

- a. Category B and C users may request a waiver of fees and charges if:
 - i. they are an incorporated association and/or a charity

AND

 - ii. they can demonstrate they are experiencing financial hardship and can substantiate this through the provision of appropriate financial records.
- b. Waivers will only be valid for the specific booking or booking period approved.

- c. All waiver recipients will be subject to terms and conditions as determined by the City.
- d. Once a decision has been made on whether to grant a waiver, that decision is final and will only be subject to further administrative review if new information is presented to the City.

4.3. Recognition of the City's cost contribution to fees and charges for venue hire:

Category C users that have a regular or seasonal booking are required to acknowledge the City's cost contribution to fees and charges for venue hire.

4.4. Reporting to the community:

The City has a responsibility to all ratepayers to clearly identify the actual cost involved in waiving venue hire fees and charges. As such, the full details and cost of all waivers will be reported to the community on an annual basis in the City of Joondalup Annual Report.

**Category C rate will be set at 25% of average hourly operating costs from 1 January 2024 to 30 June 2025.*

Creation date:	October 2007 (CJ207-10/07)
Formerly:	<ul style="list-style-type: none">• Hire of Community Facilities and Venues Policy• Setting Fees and Charges Policy• Facility Hire Subsidy Policy
Amendments:	CJ207-10/07, CJ225-10/09, CJ234-11/12, CJ243-12/14, CJ139-08/22, CJ159-08/23
Last reviewed:	December 2023 (CJ285-12/23)
Related documentation:	<ul style="list-style-type: none">• Property Management Framework• Schedule of Fees and Charges
File reference:	101271



Disposal of Minor Surplus Assets Council Policy

Responsible directorate: Corporate Services

Objective: To provide for the sustainable disposal of minor surplus assets in support of community groups and education providers.

1. Authority:

This Policy applies only to minor surplus assets owned by the City of Joondalup which are no longer required.

2. Definitions:

“minor surplus assets” means any items that have an acquisition value below the City’s capitalisation threshold, as specified in the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

3. Statement:

In considering the disposal of minor surplus assets that no longer hold their commercial value where no risk liability is attached, the City may choose to donate minor surplus assets to support local community groups or education providers.

4. Details:

4.1. Disposal assessment:

Donating minor surplus assets will be subject to the Chief Executive Officer’s approval. The Chief Executive Officer may determine to advertise and seek applications from interested community groups.

Where such applications are sought, applications will be assessed on the following criteria:

- Demonstrated need for the asset.
- Proposed use for the asset.

Creation date:	March 2002 (CJ060-03/02)
Formerly:	Disposal of Surplus Personal Computers Policy
Amendments:	CJ060-03/02, CJ206-10/05, CJ169-08/12, CJ114-08/19
Last reviewed:	August 2019 (CJ114-08/19)
Related documentation:	<ul style="list-style-type: none">• Local Government Act 1995• Local Government (Financial Management) Regulation 1996
File reference:	101267



Specified Area Rating Policy

Council Policy

Responsible Directorate: Corporate Services

Objective: To provide guidance on the circumstances under which a Specified Area Rate may be applied and the arrangements for the management and control the Specified Area Rate collected.

1. Statement:

A Specified Area Rate may be imposed under Section 6.37 of the *Local Government Act 1995* for the purpose of meeting the cost of providing a higher standard of landscaping, capital infrastructure, specific work, service or facility that the Council considers has benefited or will benefit the ratepayers and/or residents within the proposed Specified Area or that they have contributed or will contribute to the need for that higher standard, improvement, work, service or facility.

2. Details:

2.1. Imposition of Specified Area Rating:

The Council may consider applying a Specified Area Rate under the following circumstances.

- a. In a new land development area, the developer has provided a higher standard of landscaping than the standard that the City would normally expect to be provided and for which the City would normally accept responsibility for ongoing maintenance. In this circumstance, the following will apply:
 - i. The landscaping standard and the proposal to fund the higher level of ongoing maintenance by a Specified Area Rate must be agreed between the developer and the City prior to the proposed landscaping being implemented.
 - ii. It will be conditional on the developer marketing the properties as having a Specified Area Rate applying in addition to the general rates levied by the City.
 - iii. It will be conditional on an incorporated property owners' body being formed representing property owners within the proposed Specified Area Rate area to be responsible for representing property owner interests between it and the City in relation to the Specified Area Rate.

- b. An incorporated body representing the property owners of an established area requests that the City provides a specific work, service or facility to their area to be funded by a Specified Area Rate imposed on the property owners. In this circumstance, the following will apply:
 - i. If the Council considers the proposal has merit, then, prior to a Council decision on such a proposal, the City will provide appropriate supporting information to conduct a survey of all proposed affected property owners.
 - ii. It is solely at the Council's discretion as to whether or not it will agree to impose a Specified Area Rate, however, the Council will not consider agreeing to a proposal unless the survey results show majority support by more than 40 per cent of all property owners surveyed.
- c. For any area to be considered for a Specified Area Rate, whether as a result of (a) or (b) above, it must be a reasonable size in terms of the number of properties and defined by clear and discernible geographic boundaries which may include main streets, or natural features. It shall be of a sufficient size and encompass an area significant enough that the Council believes a Specified Area Rate can be effectively applied. A Specified Area Rate will not be considered for a minor area such as a single property, small group of properties, or a single street. As a general guide, it is expected that a Specified Area Rate area would include no less than 100 properties.
- d. It is a condition for any Specified Area Rate to be imposed that there will be a representative property owners' group operating as an incorporated body, open to membership of all property owners in the Specified Area Rate area. The body will meet regularly to discuss the issues related to the services provided as part of the Specified Area Rate arrangement. The City will provide representation to attend meetings of the body to provide technical advice with respect to the services and the operation of the Specified Area Rate.

2.2. Management of the Specified Area Rate:

- a. City representatives will consult with the representative property owners' group on a regular basis in relation to the operation of the Specified Area Rate. The program of works and services proposed to be funded by the Specified Area Rate in a financial year will be agreed between representatives of the City and the representative property owners' group prior to the adoption by the Council of the budget for that year. If capital infrastructure items are requested through this process, consideration of the capital costs and ongoing operational costs associated with the maintenance of the item/s will be given before Council determines whether or not to approve their installation.
- b. The gross amount to be imposed for the Specified Area Rate is to be ascertained from the agreed program of works and services as part of the City's annual budgeting process. Consideration will be given to any surplus Specified Area Rate funds held in reserve from prior years when determining the gross amount to be imposed.
- c. The gross amount of the Specified Area Rate that needs to be raised is to be apportioned between the properties within the Specified Area based on the gross rental value applicable to each property and will be imposed in addition to the general rate levied by the Council.
- d. The delivery method of the work, service or facility the subject of the Specified Area Rate arrangement will be determined at the sole discretion of the City.

- e. The City will remain at all times the custodian of the Specified Area Rate and will administer the funds collected in compliance with the relevant provisions of the *Local Government Act 1995*, as amended, including establishing a reserve fund to hold any unspent or surplus funds at the end of the financial year.
- f. The City will ensure that there are appropriate management arrangements in place to maintain its relationship with the representative property owners' group, that there are processes to deal with concerns and issues raised by property owners in regard to the Specified Area Rate and to inform property owners of the City's requirements in regard to the operation of the Specified Area Rate. For any issue not able to be resolved by other means, Council will determine the matter at its sole discretion.

2.3. Termination of a Specified Area Rate Arrangement:

- a. The power to impose and to terminate a Specified Area Rate rests with the Council and will be considered on its merits as and when required.
- b. A Specified Area Rate will be considered for termination if it is established, to the satisfaction of the Council, that any of the following apply:
 - i. The representative property owners' group has ceased to operate, whether through loss of incorporation, loss of office bearers and/or membership, or through failure to meet on a regular basis to discuss the issues related to the services provided as part of the Specified Area Rate arrangement.
 - ii. The representative property owners' group no longer represents the majority of property owners affected by the Specified Area Rate.
 - iii. The representative property owners' group has, by a formal process at a duly constituted meeting of the group, resolved that it no longer wishes to continue with a Specified Area Rate arrangement.
 - iv. It is no longer appropriate, necessary or viable to continue to provide the additional services and to levy the Specified Area Rate.
- c. Once a Specified Area Rate arrangement is terminated, the service level in the area concerned will revert back to the normal service level. Where there was no previous normal service level (such as a new development that started as a Specified Area Rate area) it shall be that which the City may determine, at its sole discretion, is an appropriate normal level of service for the area.
- d. If, for any reason, a Specified Area Rate arrangement terminates, it shall be effective from the conclusion of the financial year in which that occurs, unless it occurs prior to the adoption of the budget for that year, in which case it will be effective immediately. Any unspent or surplus funds held in reserve at the termination of the Specified Area Rate arrangement will be dealt with in accordance with the provisions of Section 6.37 the *Local Government Act 1995* relating to Specified Area Rates and Section 6.11 relating to reserve funds.

Creation Date: March 2010
Amendments: CJ093-05/12, CJ149-08/15, CJ067-05/21
Related Documentation: • *Local Government Act 1995*

CURRENT



Specified Area Rate Council Policy

Responsible directorate: Infrastructure Services

Objective: To provide guidance on the circumstances under which a specified area rate may be established, managed and terminated.

1. Definitions:

"Annual Service Review Agreement" means an annual agreement between the City and a representative property owners' group which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance and any additional public open space infrastructure requested.

"public open space infrastructure" means new, upgraded or replacement items installed in public open spaces, that generally depreciate in value over a period of time.

"representative property owners' group" means an incorporated body representing the property owners of a portion of land which has a specified area rate applied.

"Service Level Agreement" means a three-year agreement between the City and a representative property owners' group which defines the expected level of service of enhanced landscaping.

"specified area rate" means an additional rate charge that the Council may impose under Section 6.37 of the *Local Government Act 1995* on a portion of rateable land contained by clear geographic boundaries (eg main streets, natural features, etc) for the purposes of enhanced landscaping and/or enhanced public open space infrastructure.

2. Statement:

Council will consider requests to establish or terminate a specified area rate for the purposes of enhanced landscaping and/or enhanced public open space infrastructure in accordance with Section 6.37 of the *Local Government Act 1995* and the City's *Specified Area Rate Guidelines*.

3. Details:

3.1. Establishment of a specified area rate:

The Council will consider establishing a specified area rate upon either:

- agreement with a developer in a new land development area
- application by a representative property owners' group in an established area.

3.1.1. Size and geographic requirements:

The Council will only consider applying a specified area rate to portions of land that:

- are defined by clear and discernible geographic boundaries, which may include main streets, or natural features
- encompass an area significant enough that a specified area rate can be effectively applied.

3.1.2. New land development areas:

- a. The developer must inform potential property owners of the intended specified area rate prior to purchase.
- b. The developer must ensure a representative owners' group is established prior to handing over maintenance to the City.

3.1.3. Community consultation:

- a. For established areas, the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications where the survey yields:
 - a response rate of at least 40 percent
 - support for the establishment of a specified area rate from the majority of respondents.
- b. Community consultation is not required prior to Council considering approval of the specified area rate for a new land development area.

3.2. Management of a specified area rate:

- a. The City will manage a specified area rate in accordance with Sections 6.11 and 6.37 of the *Local Government Act 1995*, Section 23(d) of the *Local Government (Financial Management) Regulations 1996*, the City's *Specified Area Rate Guidelines*, and via the following agreements between the City and the representative property owners' group:
 - Service Level Agreement
 - Annual Service Review Agreement

- b. For each portion of land covered by a specified area rate, the annual specified area rate-in-the-dollar will be calculated based on the agreed program of works and services.
- c. All Service Level Agreements and Annual Service Review Agreements will be made available on the City's website, with any commercial-in-confidence information removed.

3.3. Termination of a specified area rate:

The Council will consider termination of a specified area rate under one or the other of the following circumstances:

- a. The Council has determined that it is no longer appropriate, necessary and/or viable to continue to provide the additional services and to levy the specified area rate.
- b. The representative property owners' group:
 - has ceased to operate
 - has resolved that it no longer wishes to continue with the specified area rate agreement.
- c. The Council has been notified (eg by a petition or other means) that the majority of property owners of properties covered by a specified area rate no longer wish to continue with the specified area rate.

3.3.1. Community consultation:

Where the Council has received a request to terminate a specified area rate agreement from a group of property owners (outside of the representative property owners' group), the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications to terminate a specified area rate where the survey yields:

- a response rate of at least 40 percent
- support for the termination of the specified area rate agreement from the majority of respondents.

Creation date:	March 2010 (CJ039-03/10)
Formerly:	Specified Area Rating Council Policy
Amendments:	CJ039-03/10, CJ093-05/12, CJ149-08/15, CJ067-05/21, CJXXX-XX/XX
Last reviewed:	May 2021 (CJ067-05/21), Month 202X CJXXX-XX/XX
Related documentation:	<ul style="list-style-type: none">• Community Consultation Council Policy• Local Government Act 1995• Local Government (Financial Management) Regulations 1996

- Notification of Works Council Policy
- Specified Area Rate Guidelines

File reference: 101278

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City of Joondalup Specified Area Rate Guidelines

Specified Area Rate Guidelines

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Specified Area Rate Guidelines

Definitions

Annual Service Review Agreement

An annual agreement between the City and a representative property owners' group which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, and any additional public open space infrastructure requested.

Public open space infrastructure

New, upgraded or replacement items installed in public open spaces, that generally depreciate in value over a period of time.

Representative property owners' group

An incorporated body representing the property owners of a portion of land which has a specified area rate applied.

Service Level Agreement

A three-year agreement between the City and a representative property owners' group which defines the expected level of service of enhanced landscaping.

Specified area rate

An additional rate charge that the Council may impose under Section 6.37 of the *Local Government Act 1995* on a portion of rateable land contained by clear geographic boundaries (eg main streets, natural features, etc) for the purposes of enhanced landscaping and/or enhanced public open space infrastructure

Specified Area Rate Guidelines

INTRODUCTION

A specified area rate is an additional rate charge that the Council imposes on properties in an identified, demarcated area for the purposes of enhanced landscaping and/or enhanced public open space infrastructure. Establishment of a specified area rate may be requested by a developer (for a new land development area), or a representative property owners' group (for an established area).

The City of Joondalup *Specified Area Rate Council Policy* guides the circumstances under which a specified area rate may be established, managed and terminated.

These guidelines provide more detailed information about how specified area rates are established and terminated, and how the specified area rates are managed through Service Level Agreements and Annual Service Review Agreements.

For further information about specified area rates, please contact the City of Joondalup on **9400 4000** or email **info@joondalup.wa.gov.au**.

Specified Area Rate Guidelines

Establishing a specified area rate

Under the City of Joondalup *Specified Area Rate Council Policy*, the Council will consider establishing a specified area rate upon either:

- agreement with a developer in a new land development area
- application by a representative property owners' group in an established area.

For the purposes of complementing with the City's rate-setting process, Council will aim to commence the imposition of any new specified area rates from 1 July.

Size and geographic requirements

An application to establish a specified area rate must include details of the size of the proposed portion of land, including boundaries. The Council will only consider portions of land that:

- are defined by clear and discernible geographic boundaries, which may include main streets, or natural features
- encompass an area significant enough that a specified area rate can be effectively applied.

A specified area rate will **not** be considered for a minor area, such as a single property, small group of properties, or a single street. As a general guide, it is expected that a portion of land covered by specified area rate would include no less than 100 current or future properties.

New land development areas

Where a developer is seeking to include enhanced landscaping and/or enhanced public open space infrastructure in a new land development, a specified area rate may be imposed by the Council once the developer hands maintenance over to the City.

As part of a development application process, the Council may agree to impose a specified area rate on a new land development area. The developer will remain responsible for all maintenance until the specified area rate commences. **The developer must inform potential property owners of the intended specified area rate prior to purchase.**

Upon handing over maintenance to the City, the developer must ensure a representative property owners' group is established which represents the portion of land covered by the specified area rate. The representative property owners' group will be responsible for negotiating the Service Level Agreements and the Annual Service Review Agreements on behalf of property owners.

Established areas

Where property owners in an established area are seeking to initiate enhanced landscaping and/or enhanced public open space infrastructure, a specified area rate can be established upon application to the Council by a representative property owners' group.

The City will undertake a survey of all affected property owners in the portion of land to be covered by the specified area rate prior to consideration by the Council. The Council will only consider applications where the survey yields:

- a response rate of at least 40 percent
- support for the establishment of a specified area rate from the majority of respondents.

Specified Area Rate Guidelines

If a specified area rate is approved the Council, the City will establish an initial three-year Service Level Agreement with the representative property owners' group and the City. This agreement will include the details of the enhanced landscaping standards to be applied.

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Specified Area Rate Guidelines

Managing a specified area rate

In addition to the management requirements under Sections 6.11 and 6.37 of the *Local Government Act 1995* and Section 23(d) of the *Local Government (Financial Management) Regulations 1996*, specified area rates will be managed through the following formal agreements between the City and the representative property owners' group.

1. Service Level Agreement — A three-year agreement which defines the expected level of service of enhanced landscaping.
2. Annual Service Review Agreement — A one-year agreement which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, and any additional public open space infrastructure requested.

The Service Level Agreements and Annual Service Review Agreements for each specified area rate will be made available on the City's website, with any commercial in confidence information removed.

The delivery method of the enhanced standard of work and services covered by the specified area rate will be determined at the sole discretion of the City. Works may be undertaken by City staff or by a contractor of the City.

Annual Service Review Agreement

As part of developing the Annual Service Review Agreement, the representative property owners' group can request specified area rate funds be spent on either of the following:

- Enhanced landscaping
- Enhanced public open space infrastructure

Enhanced landscaping and public open space infrastructure is considered to be above and beyond works the City would normally install at a similar location. Alternatively, it can also refer to works that are already scheduled, but the representative property owners' group would like installed sooner than the City had planned.

The costs of enhanced landscaping and public open space infrastructure will be negotiated between the City and the representative property owners' group as part of the Annual Service Review Agreement.

The City will align its standard maintenance and service provision with specified area rate landscaping projects as much as possible. As such, a landscaping project funded by the specified area rate may include works which would be considered part of the City's standard service provision. Where this is the case, the relevant portion of the cost will be covered by the general rate, rather than the specified area rate.

Potential items for inclusion in the Annual Service Review Agreement

Listed below are the items the City **will** consider for enhanced landscaping and public open space infrastructure, and the items the City **will not** consider. Representative property owners' groups should take the lists into consideration as part of the Annual Service Review Agreement process.

The City will also take into consideration the City of Joondalup *Public Open Space Framework* which classifies public open spaces and identifies the appropriate infrastructure for each type of public space.

Specified Area Rate Guidelines

Enhanced landscaping:

Items the City **will** consider:

- Clearing of debris
- Litter removal
- Mulch application
- Pruning trees/shrubs
- Turf management
- Vegetation maintenance
- Vegetation renewal
- Weed management

Items the City **will not** consider:

- Increased water allocation

Enhanced public open space infrastructure:

Items the City **will** consider:

- Artificial shade
- Barbeque
- Basketball pad
- Bench seating
- Bin surrounds
- Dog facilities
- Drinking fountain
- Entry statement
- Fencing
- Lighting (security and amenity)
- Lookout/viewing platform
- Outdoor shower
- Path network
- Picnic structure
- Play space
- Public art
- Recreation infrastructure
- Signage
- Skate/BMX facility (incidental)
- Sports infrastructure

Items the City **will not** consider:

- Car parking
- Closed-circuit television (CCTV)
- Community facility
- Dog exercise area (fenced)
- Fitness equipment
- Irrigation
- Lighting (sports floodlighting)
- Monument/memorial (permanent)
- Skate/BMX facility (dedicated)
- Sports facility
- Storage facility (free-standing)
- Toilet/changeroom facility
- Toilet facility (free-standing)
- Waste bin
- Water body aerator

In evaluating the enhanced public open space infrastructure proposed by a representative property owners' group, the City takes into account the overall costs associated with renewing and the infrastructure to a high standard. In addition to the *Public Open Space Framework*, the City will also consider other relevant plans, frameworks, and policies, including the *5-Year Capital Works Program*, *Community Consultation Council Policy*, and *Notification of Public Works Council Policy*. The following factors will also be taken into account by the City when evaluating proposals:

- Whole-of-life cost
- Value for money
- Suitability of the proposed location
- Impact on public safety
- Local demographics
- Adverse environmental impacts

Specified Area Rate Guidelines

Funding and associated costs

All funding required to be collected for enhanced public open space infrastructure will be itemised in the Annual Service Review Agreement and collected through the specified area rate.

The City will provide a design service to the representative property owners' group for the development of specific items. All costs associated with the delivery of an item, including design and project management by the City, will be allocated to that item in the Annual Service Review Agreement.

Funds collected for a specific purpose can only be used for that item. Any residual funds collected for a specific enhanced public open space infrastructure item must be utilised to offset the following year's charges (if applicable) and **not** held in a specified area rate reserve account.

Ongoing maintenance

All enhanced public open space infrastructure items installed through specified area rate income become the property of the City. All associated costs relating to the item, including maintenance, disposal, reinstatement, renewal, and installation will be recovered from the relevant specified area rate.

These funds, and the agreed lifespan of the item, will be negotiated as part of the approval processes and incorporated into the Annual Service Review Agreement between the representative property owners' group and the City.

The Annual Service Review Agreement will confirm the representative property owners' group liability for all associated costs to remove or renew the item at the end of its useful life. The anticipated lifespan of the item will be confirmed during the Annual Service Review process, with a line item being added to all future Annual Service Review Agreements detailing the renewal cost.

Annual rate-in-the-dollar

As part of the Annual Service Review Agreement process, the City will calculate the annual specified area rate based by the agreed program of works and City management costs. Consideration will be given to any surplus funds from prior years.

In accordance with legislative requirements, the specified area rate charge will be apportioned between properties within portion of land covered by the specified area rate, based on the gross rental value applicable to each. The specified area rate is charged in addition to the general rate levied by the Council.

The City will remain the custodian of the funds collected and will administer the funds in accordance with the provisions of Sections 6.11 and 6.23 the *Local Government Act 1995*, and Section 23(d) of the *Local Government (Financial Management) Regulations 1996*. This includes establishing a reserve fund to hold any unspent or surplus funds at the end of the financial year.

Role the representative property owners' group

The representative property owners' group will be required to meet regularly to discuss any issues related to the services provided under the specified area rate as per the Service Level Agreement. The group is also required to inform property owners of the City's requirements regarding the operation of the specified area rate.

A City Officer will attend meetings of the group on a regular basis to provide technical advice and performance reports with respect to the budget, contract services and the operation of the Annual Service Review Agreement.

Specified Area Rate Guidelines

Terminating a specified area rate

The Council will consider termination of a specified area rate under any of the following circumstances:

1. The Council has determined that it is no longer appropriate, necessary and/or viable to continue to provide the additional services and to levy the specified area rate. For example, the general level of service provided by the City may increase over time resulting in the specified area rate no longer providing a "higher" level of service.
2. The representative property owners' group:
 - has ceased to operate, whether through loss of incorporation, loss of office bearers and/or membership, or through failure to meet on a regular basis to discuss the issues related to the services provided as part of the specified area rate.
 - has, by a formal process at a duly constituted meeting of the group, resolved that it no longer wishes to continue with a specified area rate.
3. The Council has been notified (eg by a petition or other means) that the majority of property owners of properties covered by a specified area rate no longer wish to continue with the specified area rate.

Where the Council has received a request to terminate a specified area rate from a group of property owners (outside of the representative property owners' group), the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications to terminate a specified area rate where the survey yields:

- a response rate of at least 40 percent
- support for the termination of the specified area rate from the majority of respondents.

Unspent or surplus funds

Any unspent or surplus funds held in reserve at the termination of the specified area rate will be dealt with in accordance with the provisions of Section 6.37 the *Local Government Act 1995* relating to specified area rates and Section 6.11 relating to reserve funds.

Reversion

Once a specified area rate is terminated, the service level in the portion of land covered by the specified area rate will revert back to the City's standard level of service.



Specified Area Rate Council Policy

Responsible directorate: Infrastructure Services

Objective: To provide guidance on the circumstances under which a specified area rate may be established, managed and terminated.

1. Definitions:

"Annual Service Review Agreement" means an annual agreement between the City and a representative property owners' group which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.

"public open space infrastructure" means new, upgraded or replacement items installed in public open spaces, that generally depreciate in value over a period of time.

"representative property owners' group" means an incorporated body representing the property owners of a portion of land which has a specified area rate applied.

"Service Level Agreement" means a three-year agreement between the City and a representative property owners' group which defines the expected level of service of enhanced landscaping.

"specified area rate" means an additional rate charge that the Council may impose under Section 6.37 of the *Local Government Act 1995* on a portion of rateable land contained by clear geographic boundaries (eg main streets, natural features, etc) for the purposes of enhanced landscaping and/or enhanced public open space infrastructure.

2. Statement:

Council will consider requests to establish or terminate a specified area rate for the purposes of enhanced landscaping and/or enhanced public open space infrastructure in accordance with Section 6.37 of the *Local Government Act 1995* and the City's *Specified Area Rate Guidelines*.

3. Details:

3.1. Establishment of a specified area rate:

The Council will consider establishing a specified area rate upon either:

- agreement with a developer in a new land development area
- application by a representative property owners' group in an established area.

3.1.1. Size and geographic requirements:

The Council will only consider applying a specified area rate to portions of land that:

- are defined by clear and discernible geographic boundaries, which may include main streets, or natural features
- encompass an area significant enough that a specified area rate can be effectively applied.

3.1.2. New land development areas:

- a. The developer must inform potential property owners of the intended specified area rate prior to purchase.
- b. The developer must ensure a representative owners' group is established prior to handing over maintenance to the City.

3.1.3. Community consultation:

- a. For established areas, the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications where the survey yields:
 - a response rate of at least 40 percent
 - support for the establishment of a specified area rate from the majority of respondents.
- b. Community consultation is not required prior to Council considering approval of the specified area rate for a new land development area.

3.2. Management of a specified area rate:

- a. The City will manage a specified area rate in accordance with Sections 6.11 and 6.37 of the *Local Government Act 1995*, Section 23(d) of the *Local Government (Financial Management) Regulations 1996*, the City's *Specified Area Rate Guidelines*, and via the following agreements between the City and the representative property owners' group:
 - Service Level Agreement
 - Annual Service Review Agreement

- b. For each portion of land covered by a specified area rate, the annual specified area rate-in-the-dollar will be calculated based on the agreed program of works, services, and costs of administering the specified area rate.
- c. All Service Level Agreements and Annual Service Review Agreements will be made available on the City's website, with any commercial-in-confidence information removed.

3.3. Termination of a specified area rate:

The Council will consider termination of a specified area rate under one or the other of the following circumstances:

- a. The Council has determined that it is no longer appropriate, necessary and/or viable to continue to provide the additional services and to levy the specified area rate.
- b. The representative property owners' group:
 - has ceased to operate
 - has resolved that it no longer wishes to continue with the specified area rate agreement.
- c. The Council has been notified (eg by a petition or other means) that the majority of property owners of properties covered by a specified area rate no longer wish to continue with the specified area rate.

3.3.1. Community consultation:

Where the Council has received a request to terminate a specified area rate agreement from a group of property owners (outside of the representative property owners' group), the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications to terminate a specified area rate where the survey yields:

- a response rate of at least 40 percent
- support for the termination of the specified area rate agreement from the majority of respondents.

Creation date:	March 2010 (CJ039-03/10)
Formerly:	Specified Area Rating Council Policy
Amendments:	CJ039-03/10, CJ093-05/12, CJ149-08/15, CJ067-05/21, CJXXX-XX/XX
Last reviewed:	May 2021 (CJ067-05/21), Month 202X CJXXX-XX/XX
Related documentation:	<ul style="list-style-type: none">• Community Consultation Council Policy• Local Government Act 1995• Local Government (Financial Management) Regulations 1996

- Notification of Works Council Policy
- Specified Area Rate Guidelines

File reference: 101278

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City of Joondalup Specified Area Rate Guidelines

Specified Area Rate Guidelines

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Specified Area Rate Guidelines

Definitions

Annual Service Review Agreement

An annual agreement between the City and a representative property owners' group which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.

Public open space infrastructure

New, upgraded or replacement items installed in public open spaces, that generally depreciate in value over a period of time.

Representative property owners' group

An incorporated body representing the property owners of a portion of land which has a specified area rate applied.

Service Level Agreement

A three-year agreement between the City and a representative property owners' group which defines the expected level of service of enhanced landscaping.

Specified area rate

An additional rate charge that the Council may impose under Section 6.37 of the *Local Government Act 1995* on a portion of rateable land contained by clear geographic boundaries (eg main streets, natural features, etc) for the purposes of enhanced landscaping and/or enhanced public open space infrastructure

Specified Area Rate Guidelines

INTRODUCTION

A specified area rate is an additional rate charge that the Council imposes on properties in an identified, demarcated area for the purposes of enhanced landscaping and/or enhanced public open space infrastructure. Establishment of a specified area rate may be requested by a developer (for a new land development area), or a representative property owners' group (for an established area).

The City of Joondalup *Specified Area Rate Council Policy* guides the circumstances under which a specified area rate may be established, managed and terminated.

These guidelines provide more detailed information about how specified area rates are established and terminated, and how the specified area rates are managed through Service Level Agreements and Annual Service Review Agreements.

For further information about specified area rates, please contact the City of Joondalup on **9400 4000** or email **info@joondalup.wa.gov.au**.

Specified Area Rate Guidelines

Establishing a specified area rate

Under the City of Joondalup *Specified Area Rate Council Policy*, the Council will consider establishing a specified area rate upon either:

- agreement with a developer in a new land development area
- application by a representative property owners' group in an established area.

For the purposes of complementing with the City's rate-setting process, Council will aim to commence the imposition of any new specified area rates from 1 July.

Size and geographic requirements

An application to establish a specified area rate must include details of the size of the proposed portion of land, including boundaries. The Council will only consider portions of land that:

- are defined by clear and discernible geographic boundaries, which may include main streets, or natural features
- encompass an area significant enough that a specified area rate can be effectively applied.

A specified area rate will **not** be considered for a minor area, such as a single property, small group of properties, or a single street. As a general guide, it is expected that a portion of land covered by specified area rate would include no less than 100 current or future properties.

New land development areas

Where a developer is seeking to include enhanced landscaping and/or enhanced public open space infrastructure in a new land development, a specified area rate may be imposed by the Council once the developer hands maintenance over to the City.

As part of a development application process, the Council may agree to impose a specified area rate on a new land development area. The developer will remain responsible for all maintenance until the specified area rate commences. **The developer must inform potential property owners of the intended specified area rate prior to purchase.**

Upon handing over maintenance to the City, the developer must ensure a representative property owners' group is established which represents the portion of land covered by the specified area rate. The representative property owners' group will be responsible for negotiating the Service Level Agreements and the Annual Service Review Agreements on behalf of property owners.

Established areas

Where property owners in an established area are seeking to initiate enhanced landscaping and/or enhanced public open space infrastructure, a specified area rate can be established upon application to the Council by a representative property owners' group.

The City will undertake a survey of all affected property owners in the portion of land to be covered by the specified area rate prior to consideration by the Council. The Council will only consider applications where the survey yields:

- a response rate of at least 40 percent
- support for the establishment of a specified area rate from the majority of respondents.

Specified Area Rate Guidelines

If a specified area rate is approved the Council, the City will establish an initial three-year Service Level Agreement with the representative property owners' group and the City. This agreement will include the details of the enhanced landscaping standards to be applied.

REVISED

Specified Area Rate Guidelines

Managing a specified area rate

In addition to the management requirements under Sections 6.11 and 6.37 of the *Local Government Act 1995* and Section 23(d) of the *Local Government (Financial Management) Regulations 1996*, specified area rates will be managed through the following formal agreements between the City and the representative property owners' group.

1. Service Level Agreement — A three-year agreement which defines the expected level of service of enhanced landscaping.
2. Annual Service Review Agreement — A one-year agreement which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.

The Service Level Agreements and Annual Service Review Agreements for each specified area rate will be made available on the City's website, with any commercial in confidence information removed.

The delivery method of the enhanced standard of work and services covered by the specified area rate will be determined at the sole discretion of the City. Works may be undertaken by City staff or by a contractor of the City.

Annual Service Review Agreement

As part of developing the Annual Service Review Agreement, the representative property owners' group can request specified area rate funds be spent on either of the following:

- Enhanced landscaping
- Enhanced public open space infrastructure

Enhanced landscaping and public open space infrastructure is considered to be above and beyond works the City would normally install at a similar location. Alternatively, it can also refer to works that are already scheduled, but the representative property owners' group would like installed sooner than the City had planned.

The costs of enhanced landscaping and public open space infrastructure will be negotiated between the City and the representative property owners' group as part of the Annual Service Review Agreement.

The City will align its standard maintenance and service provision with specified area rate landscaping projects as much as possible. As such, a landscaping project funded by the specified area rate may include works which would be considered part of the City's standard service provision. Where this is the case, the relevant portion of the cost will be covered by the general rate, rather than the specified area rate.

Potential items for inclusion in the Annual Service Review Agreement

Listed below are the items the City **will** consider for enhanced landscaping and public open space infrastructure, and the items the City **will not** consider. Representative property owners' groups should take the lists into consideration as part of the Annual Service Review Agreement process.

The City will also take into consideration the City of Joondalup *Public Open Space Framework* which classifies public open spaces and identifies the appropriate infrastructure for each type of public space.

Specified Area Rate Guidelines

Enhanced landscaping:

Items the City **will** consider:

- Clearing of debris
- Litter removal
- Mulch application
- Pruning trees/shrubs
- Turf management
- Vegetation maintenance
- Vegetation renewal
- Weed management

Items the City **will not** consider:

- Increased water allocation

Enhanced public open space infrastructure:

Items the City **will** consider:

- Artificial shade
- Barbeque
- Basketball pad
- Bench seating
- Bin surrounds
- Dog facilities
- Drinking fountain
- Entry statement
- Fencing
- Lighting (security and amenity)
- Lookout/viewing platform
- Outdoor shower
- Path network
- Picnic structure
- Play space
- Public art
- Recreation infrastructure
- Signage
- Skate/BMX facility (incidental)
- Sports infrastructure

Items the City **will not** consider:

- Car parking
- Closed-circuit television (CCTV)
- Community facility
- Dog exercise area (fenced)
- Fitness equipment
- Irrigation
- Lighting (sports floodlighting)
- Monument/memorial (permanent)
- Skate/BMX facility (dedicated)
- Sports facility
- Storage facility (free-standing)
- Toilet/changeroom facility
- Toilet facility (free-standing)
- Waste bin
- Water body aerator

In evaluating the enhanced public open space infrastructure proposed by a representative property owners' group, the City takes into account the overall costs associated with renewing and the infrastructure to a high standard. In addition to the *Public Open Space Framework*, the City will also consider other relevant plans, frameworks, and policies, including the *5-Year Capital Works Program*, *Community Consultation Council Policy*, and *Notification of Public Works Council Policy*. The following factors will also be taken into account by the City when evaluating proposals:

- Whole-of-life cost
- Value for money
- Suitability of the proposed location
- Impact on public safety
- Local demographics
- Adverse environmental impacts

Specified Area Rate Guidelines

Funding and associated costs

All funding required to be collected for enhanced public open space infrastructure will be itemised in the Annual Service Review Agreement and collected through the specified area rate.

The City will provide a design service to the representative property owners' group for the development of specific items. All costs associated with the delivery of an item, including design and project management by the City, will be allocated to that item in the Annual Service Review Agreement.

Funds collected for a specific purpose can only be used for that item. Any residual funds collected for a specific enhanced public open space infrastructure item must be utilised to offset the following year's charges (if applicable) and **not** held in a specified area rate reserve account.

Ongoing maintenance

All enhanced public open space infrastructure items installed through specified area rate income become the property of the City. All associated costs relating to the item, including maintenance, disposal, reinstatement, renewal, and installation will be recovered from the relevant specified area rate.

These funds, and the agreed lifespan of the item, will be negotiated as part of the approval processes and incorporated into the Annual Service Review Agreement between the representative property owners' group and the City.

The Annual Service Review Agreement will confirm the representative property owners' group liability for all associated costs to remove or renew the item at the end of its useful life. The anticipated lifespan of the item will be confirmed during the Annual Service Review process, with a line item being added to all future Annual Service Review Agreements detailing the renewal cost.

Annual rate-in-the-dollar

As part of the Annual Service Review Agreement process, the City will calculate the annual specified area rate based by the agreed program of works and City management costs. Consideration will be given to any surplus funds from prior years.

In accordance with legislative requirements, the specified area rate charge will be apportioned between properties within portion of land covered by the specified area rate, based on the gross rental value applicable to each. The specified area rate is charged in addition to the general rate levied by the Council.

The City will remain the custodian of the funds collected and will administer the funds in accordance with the provisions of Sections 6.11 and 6.23 the *Local Government Act 1995*, and Section 23(d) of the *Local Government (Financial Management) Regulations 1996*. This includes establishing a reserve fund to hold any unspent or surplus funds at the end of the financial year.

Role the representative property owners' group

The representative property owners' group will be required to meet regularly to discuss any issues related to the services provided under the specified area rate as per the Service Level Agreement. The group is also required to inform property owners of the City's requirements regarding the operation of the specified area rate.

A City Officer will attend meetings of the group on a regular basis to provide technical advice and performance reports with respect to the budget, contract services and the operation of the Annual Service Review Agreement.

Specified Area Rate Guidelines

Terminating a specified area rate

The Council will consider termination of a specified area rate under any of the following circumstances:

1. The Council has determined that it is no longer appropriate, necessary and/or viable to continue to provide the additional services and to levy the specified area rate. For example, the general level of service provided by the City may increase over time resulting in the specified area rate no longer providing a "higher" level of service.
2. The representative property owners' group:
 - has ceased to operate, whether through loss of incorporation, loss of office bearers and/or membership, or through failure to meet on a regular basis to discuss the issues related to the services provided as part of the specified area rate.
 - has, by a formal process at a duly constituted meeting of the group, resolved that it no longer wishes to continue with a specified area rate.
3. The Council has been notified (eg by a petition or other means) that the majority of property owners of properties covered by a specified area rate no longer wish to continue with the specified area rate.

Where the Council has received a request to terminate a specified area rate from a group of property owners (outside of the representative property owners' group), the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications to terminate a specified area rate where the survey yields:

- a response rate of at least 40 percent
- support for the termination of the specified area rate from the majority of respondents.

Unspent or surplus funds

Any unspent or surplus funds held in reserve at the termination of the specified area rate will be dealt with in accordance with the provisions of Section 6.37 the *Local Government Act 1995* relating to specified area rates and Section 6.11 relating to reserve funds.

Reversion

Once a specified area rate is terminated, the service level in the portion of land covered by the specified area rate will revert back to the City's standard level of service.

Thank-you for the opportunity to comment on the review of the Specified Area Rate Council Policy and Guidelines.

For the most part the proposed Policy and Guidelines are acceptable with the exception of the wording, highlighted in yellow, in the following sections:

Specified Area Rate Council Policy Document

Definitions Section Annual Service Review Agreement, means an annual agreement between the City and a representative property owners group which details the annual costs associated with the delivery of enhanced landscaping **and includes reference to costs associated with administering the specified area rate.** – remove this wording.

Section 3.2 b. Management of a specified area rate which refers to the calculation of the rate in the dollar taking into consideration the agreed program of works, services, **and costs of administering the specified area rate, specifically the costs of administering the SAR.** – remove this wording.

Specified Area Rate Guidelines Document

Definitions Section Annual Service Review Agreement, an annual agreement between the City and a representative property owners group which details the annual costs associated with the delivery of enhanced landscaping **and includes reference to costs associated with administering the specified area rate.** – remove this wording.

Managing a specified area rate, point 2 Annual Service Agreement, A one-year agreement which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and **costs of administering the specified area rate.** – remove this wording.

Role (of) the representative property owners' group

The representative property owners' group will be required to meet regularly to discuss any issues related to the services provided under the specified area rate as per the Service Level Agreement.

The group is also required to inform property owners of the City's requirements regarding the operation of the specified area rate.

A City Officer will attend meetings of the group on a regular basis to provide technical advice **and performance reports** with respect to **the budget, contract** services and the operation of the Annual Service Review Agreement. – add wording highlighted in yellow.

Our reasoning to support the above revisions

At the meeting held at City of Joondalup (the City) offices on 23 April 2024, representatives from the four SAR areas requested that the City take into consideration the positive effects that the SARs had on the ratable value of properties in those areas and the additional income provided to the City by way of the significant increase in GRV values when compared to similar estates and suburbs in the City which do not have a SAR.

This significant increase in property values flows through to the Gross Rental Values of these areas and therefore the amount of General Rate – Residential income the City receives from these areas.

At the meeting the representatives were asked to seek evidence from real-estate agents with a significant sales record in the SAR areas and the City agreed to compare the GRV's of properties across all four SAR areas with similar properties in neighbouring suburbs.

As requested, the letters were supplied to the City. They indicate that properties in the SAR areas generally have values in the vicinity of 10% to 15% greater than that of a similar property without a SAR, either within the same suburb or in an adjacent suburb.

Based upon the evidence provided to us by the real estate agents, the annual additional general rates paid by the four SAR areas is estimated to be in order of \$700,000 per annum.

A further important point, is that each of the SARs contains one or more areas of high attraction with significant use by residents based outside the SAR areas. James McCusker Park in Iluka is one such example where weddings are carried out on a regular basis, plus many other photographic events, such as engagements, birthdays and awards.

Another example is Harbour View Park in Harbour Rise where the tennis courts are predominantly used by non-residents who then enjoy the park's composure, and it is also often used for group gatherings. Leeward Park where a widened footpath runs through the estate is enjoyed by walkers and nature lovers. Burns Beach speaks for itself with its many parks, sporting oval, basketball courts and the very popular Sista's Cafe. The beach is often used for photoshoots and the wide dual use pathway that now goes all the way to Mindarie. The McCubbin Park Pond in Woodvale Waters is a great draw for lovers of wildlife.

Enhanced landscaping and maintenance of these areas is paid for by the SARs which totals in excess of \$725,000 annually.

Outside of the SARs and throughout the City there are countless public areas of high attraction and one example that springs to mind is Tom Simpson Park, Mullaloo. This park is extensively used both during the week and at weekends, especially at long weekends, where finding towel space is a challenge. Events are held there and the barbeques are heavily utilised. All of this activity requires clean-up and landscaping restoration yet there is no extra charge or levy on the Mullaloo residents. There are many other examples across the City.

We maintain that the four SARs are supporting the City financially, both directly and indirectly, as well as supporting the City's image of being a progressive, ecologically concerned, community friendly and most of all a desirable place to live. The proposal to charge us even more for the contribution that we make to the City, along with the additional rates revenue contributed by the SAR areas is unfair and defies the very benefits that the SARs bring to the City.

If the SAR was not paid by the residents, there would be a reduction in service level in some of the parks, but not all, as the City would be expected to maintain levels in the most popular parks eg James McCusker. Therefore the level of supervision would hardly diminish if the SARs were not paid but the income would no longer be available.

Due to the nature of the SAR service levels, the parks are serviced under contract. However, the SARs are not the only parks in the City serviced by these contractors. If the SAR contribution is removed, then economies of scale are removed from the contracts and the City would no doubt have to pay higher rates than they currently do for the services contracted.

In addition, the SAR areas representatives voluntarily contribute their own time and resources in working with the City for the effective management of the SAR related services within their area, including the review and monitoring of financial, deliverable and performance criteria at their monthly meetings

When considering the above, our firm belief is that the indirect benefits of the SARs far exceed any small amount of administrative costs the City may incur in managing some of the requirements of the SAR. Further, there is no genuine justification to provide a greater impost on the communities who already make a significant financial contribution to the presentation of the City for the benefit of all residents.

On behalf of the residents and rate payers within the City of Joondalup Specified Area Rate precincts of Burns Beach, Harbour Rise, Iluka and Woodvale Waters, we strongly oppose the introduction of administration charges to the SARs.

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