

Agenda **Policy Committee**

A MEETING WILL BE HELD IN

**CONFERENCE ROOM 3
JOONDALUP CIVIC CENTRE
BOAS AVENUE, JOONDALUP**

ON

MONDAY 15 DECEMBER 2008

COMMENCING AT

7.30 PM

Note:

Clause 77 of the City's Standing Orders Local Law 2005 states:

"Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of:

- (a) clause 29 (Members seating;) and
- (b) clause 54 (Limitation on members speaking.)"

GARRY HUNT
Chief Executive Officer
12 December 2008

www.joondalup.wa.gov.au

CITY OF JOONDALUP

Notice is hereby given that a meeting of the **POLICY COMMITTEE** will be held in Conference Room 3, Joondalup Civic Centre, Boas Avenue, Joondalup on **MONDAY 15 DECEMBER 2008** commencing at **7.30 pm**.

GARRY HUNT
Chief Executive Officer
12 December 2008

Joondalup
Western Australia

AGENDA

Committee Members (7)

Cr Kerry Hollywood	Presiding Person
Cr Trona Young	Deputy Presiding Person
Mayor Troy Pickard	
Cr Marie Macdonald	
Cr Mike Norman	
Cr Sue Hart	
Cr Fiona Diaz	

Quorum for meetings (4):

The quorum for a meeting is to be at least 50% of the number of offices (whether vacant or not) of member of the committee.

Simple Majority:

A simple majority vote is to be more than 50% of those members present at the meeting.

Absolute majority (4):

An absolute majority vote is to be more than 50% of the number of offices (whether vacant or not) of the committee.

Casting vote:

In the event that the vote on a motion is tied, the presiding person must cast a second vote.

Terms of Reference

- To make recommendations to Council on the development and review of Council and City policies to identify the direction of Council.
- To initiate and request the formulation and drafting of both Council and City policies.
- To devise and oversee the method of development (level and manner of community consultation) for the development of Council and City policies.
- To review the Council Policy Framework in order to ensure compliance with the provisions of the Local Government Act 1995.

DECLARATION OF OPENING**APOLOGIES/LEAVE OF ABSENCE****CONFIRMATION OF MINUTES**MINUTES OF THE POLICY COMMITTEE HELD 16 SEPTEMBER 2008**RECOMMENDATION**

That the minutes of the meeting of the Policy Committee held on 16 September 2008 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**DECLARATIONS OF INTEREST****IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS****PETITIONS AND DEPUTATIONS****REPORTS**

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MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

CLOSURE

ITEM 1 PROPOSED CATS LOCAL LAW - REPORT ON COMMUNITY CONSULTATION – [29182]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with a report on the outcomes of the consultation process for the proposed Cats Local Law and for the Policy Committee to consider how to progress the matter.

BACKGROUND

At the Council meeting of 24 April 2007 (CJ064–04/07 refers) it was resolved that a local law requiring the registration of cats within the City be enacted. Specifically, the resolution stated that the new local law provisions should mirror as closely as possible those contained in the Dog Act 1976.

A report relating to registering and identifying cats was presented at Council on 10 June 2008 meeting (CJ097-06/08 refers). Subsequently, the matter was referred to the Policy Committee for further consideration and the Committee resolved to recommend progress with drafting of a Cats Local Law that would include a requirement for compulsory sterilisation. At the meeting of Council on 15 July 2008 (CJ122 – 07/08), it was resolved that the proposed Cats Local Law would be advertised for public consultation for 44 days (with the additional requirement added), with the following purpose and effect:

“The purpose of this local law is to provide for the registration, sterilisation, control and identification of cats within the City of Joondalup”;

“The effect of this local law is that a system for the registering, sterilising, identifying and controlling of cats will be operational within the City of Joondalup.”

On 2 August 2008, the consultation process was advertised in The West Australian and subsequently in the two local community newspapers. To coincide with the appearance of the first advertisement, posters were placed in all the City’s libraries and at the Customer Service Centres in the Whitford City Shopping Centre and the City’s Administration Centre, Boas Avenue, Joondalup.

DETAILS

The surveys and the written submissions required different forms of analysis and are therefore reported on separately.

Quantitative Analysis – Survey Feedback

480 completed surveys were received in total, including 147 from people living outside the City of Joondalup.

The table below shows the results of the analysis:

- For all surveys received
- For City of Joondalup residents as a discrete group

Support introduction Local Cats Law				
	All submissions		City of Joondalup	
	No. of people	Percentage	No. of people	Percentage
Yes	327	68.1	205	61.6
No	147	30.6	122	36.6
Total	474	98.8	327	98.2
Not identified	6	1.3	6	1.8
	480	100.0	333	100.0
Support compulsory cat registration				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	333	69.4	218	65.5
No	145	30.2	115	34.5
Total	478	99.6	333	100.0
Not identified	2	0.4	0	0.0
	480	100.0	333	100.0
Support compulsory cat sterilisation				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	404	84.2	279	83.8
No	73	15.2	54	16.2
Total	477	99.4	333	100.0
Not identified	3	0.6	0	0.0
	480	100.0	333	100.0
Support control and identification of cats				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	319	66.5	197	59.2
No	158	32.9	136	40.8
Total	477	99.4	333	100.0
Not identified	3	0.6	0	0.0
	480	100.0	333	100.0
Support the introduction of \$50 subsidy				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	347	72.3	217	65.2
No	130	27.1	115	34.5
Total	477	99.4	332	99.7
Not identified	3	0.6	1	0.3
	480	100.0	333	100.0

296 people responding to the survey identified themselves as owners of cats. 198 were City of Joondalup residents and of that number, 142 stated that their cats were identifiable and a further 181 that their cats were already sterilised.

Of 198 resident owners of cats:

- 90 generally support the introduction of a Cats Local Law (45%)
- 99 support compulsory cat registration (50%)
- 151 support compulsory cat sterilisation (76%)
- 80 support control and identification of cats (40%)

Nineteen groups including resident/ratepayer groups, individual veterinary hospitals, the Australian Veterinary Association Ltd, RSPCA, Cat Haven, WA Rangers Association, Cat Sterilisation Society Inc and a number of other special interest groups for cats completed and returned surveys.

Of the 19 groups, 12 supported the proposed Local Law as is, including the RSPCA, the Cat Haven, three veterinary practices and the Northern Districts Cattery.

Qualitative data analysis of written submissions

The City received 54 written submissions. Six of these submissions were from groups, or from individuals indicating themselves to be part of, or representatives of a group, namely:

- RSPCA
- The Cat Haven
- The Australian Veterinary Association (AVA)
- Cat Owners Association of Western Australia (Inc)
- WA Rangers Association Inc (WARA)
- The Cat Sterilisation Society

Whilst the RSPCA and the Cat Haven support introduction of the proposed Local Law in its present form, the Cat Owners Association submission indicates that further clauses are needed to achieve effective cat control.

AVA supports compulsory identification of cats and, other than in the case of kittens under 12 weeks, supports sterilisation. The organisation also supports extensive community education on responsible cat ownership and on 'what to do' when coming into contact with stray animals.

WARA identifies cat control as a State, rather than a local government initiative, requiring appropriate resourcing for efficacy. Further that the State should embark on extensive public education campaigns to encourage responsible cat ownership.

48 people sent in emails and letters as individual submissions, some in addition to the completed surveys.

- 45 were from City residents
- 1 was from a person whose residence was not stated
- 2 were from people living outside the City of Joondalup

Of the 45 submissions attributed to residents, 7 fully supported the proposed Local Law while the remaining 38 either supported only aspects of the law or did not support the law at all.

The majority of submissions were from people identifying themselves as responsible owners of cats that were sterilised, identifiable and kept in at night. For the most part they supported the proposed Local Law with respect to compulsory sterilization and identification but had concerns with the following sections and issues:

- **Section 19: Registration Tags**

- “19 (1) *A registration tag must be worn by the registered cat when in a place that is outside of the premises where the cat is ordinarily kept, as declared on the certificate of registration, and shall —*
- (a) be of a durable material;*
 - (b) be of a colour specified by Schedule in this Local Law in accordance with the relevant registration cycle; and*
 - (c) contain the registration number of the cat.”*

In 9 of 48 qualitative responses from the public, concerns were raised about compulsory use of collars and registration tags. Some identified that their pets would not wear them and others that the collar or tag may cause harm to the cat, perhaps by it becoming snagged on obstructions or being used to capture a cat with the intent of harming it. A number of residents responding in this way preferred to use microchips for this reason.

- **Section 21: Control of cats in public places**

- “20 (1) *A cat shall not be –*
- (a) in a public place unless the cat is, in the opinion of an authorised officer, under effective control; or*
 - (b) in any designated area specified in a Schedule to this Local Law; or*
 - (c) on private premises where a complaint by the owner or occupier of the premises has been made to the City in relation to the cat’s unwanted presence on the property.*
- (2) If a cat is at any time in a place in contravention of –*
- (a) Clauses 20(1)(a) or 20(1)(c), the owner of the cat commits an offence against these Clauses unless he establishes a defence under Clause 21.*
- Penalty: \$500*
- (b) Clause 20(1)(b), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.*
- Penalty: \$1000.”*

Amongst the comments suggesting the impracticability of enforcing this section, 15 out of 48 people expressed their fears that it could result in neighbour/neighbour conflict and perhaps even violence towards cats.

- **Implementation costs**

Concerns about the human and financial resources needed to implement the proposed Local Law were articulated by 14 individuals.

These concerns also identified a common theme, that is, the sense that owners of cats who are already responsible will be carrying an additional financial impost unlike owners who do not act responsibly.

- **Control the point of purchase**

Nine residents suggested that the source of the cat problem lies with the market and that controls at the point where people are purchasing cats, and from whom they are purchasing them, would be more effective than a local law.

OPTIONS

Given the feedback received from the community, the Policy Committee may decide to recommend one of the following options:

- Option One: Proceed with adopting the Local Law in its current form.
Option Two: Make minor amendments to the Local Law.
Option Three: Make major amendments to the Local Law (will require a redraft and new period of consultation).

Link to Strategic Plan:

Key Focus Area	Leadership and Governance
Objective 1.2	To engage proactively with the community
Outcome	The City acts with a clear understanding of the wishes of the community.

Legislation – Statutory Provisions:

Local Government Act (1995)

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Should Council choose to adopt the local law in its current form, consideration will need to be given to the operating costs of enforcing the law. This could be in excess of \$40,000 per annum.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Letters to stakeholders including local residents' and ratepayers' associations, the RSPCA, the Cat Haven, veterinarian services in the City of Joondalup and other, special interest groups, were sent copies of the proposed Local Law for their consideration.

The City received 480 completed surveys and 48 written submissions.

COMMENT

Two of the key components of the proposed Local Law - compulsory identification and sterilisation - are supported by cat owners and non cat owners alike. The feedback suggests that people who view themselves as responsible cat owners already ensure that their pets are identifiable (with microchipping the preferred option) and sterilised. Consequently, while there is support for these initiatives, it is highly questionable whether a Local Law would be effective as responsible owners, who are most likely to obey the law, are already undertaking these actions.

The issue of cat control is more contentious. People who do not own cats think that cats should be constrained from nuisance behaviours at all times. On the other hand, people who own cats cannot see how this can be achieved without their pets being kept permanently in or on the property, perhaps using outdoor cat runs. Whilst owners are generally prepared to keep their cats indoors between the hours of dusk and dawn, they find the notion of being able to control the movements of a cat similarly to those of dogs to be impracticable. Certainly, the impact of implementing this section of Local Law would mean a radical change in cat ownership practices in the future. Further, community requests that the City enforce this section in circumstances where neighbours are already at odds over cat behaviours could (a) serve as a justification for involving the City in neighbour disputes or (b) increase levels of existing disputes and subsequently the extent of local law enforcement activities required across the whole of the City. It is therefore suggested that this situation would be resource intensive and not necessarily cost effective in the long run.

The intended effect of the Local Law as proposed is to operationalise a system for compulsory sterilisation, registration and control of cats. From the results of the consultation it is evident that whilst there is majority support for this state of affairs, owners of cats are questioning whether the Local Law will increase levels of compliance in these areas (even with subsidies for sterilisation). They point out that whilst the 'market' for cats and kittens is unregulated and it is still possible for people to obtain them without any of these requirements, they will do so. Respondents suggest that a more effective approach would be to target the cat 'market' with animals being identifiable and sterilised before they are available for sale or otherwise given away.

It should be noted that a number of points made in previous reports submitted to Council (*CJ097 – 06/08; CJ122 – 07/08 refers*) with respect to the practicalities associated with implementing a Local Law have been borne out by the consultation.

Firstly, that implementation of a Cats Local Law will represent an additional cost to owners of cats who already act responsibly with respect to their pets. Secondly, that the intended benefits of introducing a Cats Local Law are unlikely to be realized, as people who do not take their ownership responsibilities seriously will not comply.

Analysis of the feedback identifies differing levels of community support for the various sections of the Local Law, with most support being given to compulsory sterilisation. It should be noted however, that compulsory sterilisation cannot be achieved without compulsory registration and that support for this aspect of the law was not substantive.

The City also received feedback from the Department of Local Government and Regional Development regarding drafting issues around the proposed local law. Suggested amendments from the Department were only minor in nature, therefore, have been included in the copy of the law provided at Attachment 1. The Department's comments relate to legal drafting matters rather than policy positions.

Overall the City maintains its position that a Cats Local Law should not be introduced for the reasons canvassed above. Should the Policy Committee wish to progress the Local Law, great care will need to be taken if the Committee wishes to exclude some elements of the current draft law. This is because many elements depend on other elements for their operation. For instance, registration is ineffective without identification.

ATTACHMENTS

Attachment 1: Draft Cats Local Law 2008

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee IDENTIFIES a preferred option on this matter, either from the three presented to the Policy Committee or an alternative option as identified by the Policy Committee and RECOMMENDS that option to Council.

Appendix 1 refers

ITEM 2 REVIEW OF POLICY 8-2 - ELECTED MEMBERS ALLOWANCES – [18058, 27122]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For the Policy Committee to give consideration to some minor amendments to Policy 8-2 Elected Members Allowances.

EXECUTIVE SUMMARY

Through the continued implementation of Policy 8-2 Elected Members Allowances a number of changes have required to be made over time.

This report canvasses two options relating to: -

- Reimbursement of private use of the Mayoral vehicle; and
- Clarification of the use of vehicles with City of Joondalup licence plates for election purposes.

BACKGROUND

City Policy 8-2 Elected Members Allowances was adopted by the Council some time ago with the objective to provide elected members with appropriate facilities, equipment, material and information to support them in performing their duties of office.

Since its adoption, the policy has undergone a number of amendments.

DETAILS

Two recent issues have arisen in relation to the policy, as follows: -

1 Reimbursement of private use of Mayoral vehicle

Following the ordinary local government elections held in May 2006 clarification was sought about the City vehicle issued to the office of the Mayor and the ability for the vehicle to be used for private use. The advice received was that if the City issues a vehicle to the office of the Mayor and that vehicle is used for private purposes, then the elected member using that vehicle shall ensure the private use is reimbursed. The current Mayor of the City of Joondalup is reimbursing the City for any private use and has done since his election to office.

The policy has not been amended to reflect this situation and the proposed amendment will clarify this requirement.

2 Elected members' vehicles displaying City of Joondalup number plates

Policy 8-2 allows for elected members to be issued with City of Joondalup number plates. With the exception of the Mayor, all elected members utilise their own vehicle or other forms of transport to perform their duties. An issue has been raised that a vehicle issued with City of Joondalup number plates was displaying electoral promotional material. It is proposed to amend the policy to clarify this situation.

Issues and options considered:

The Policy Committee has the following options:

- Not accept the proposed amendments;
- Accept the proposed amendments; or
- Accept the proposed amendments but with modifications.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

The payment of allowances and reimbursement of expenses to elected members is detailed within the Local Government Act 1995, and the associated regulations.

Risk Management considerations:

If the policy is not amended to provide clarification for those governed by the policy and those required to implement the policy, this may result in some non compliance.

Financial/Budget Implications:

There are no financial implications as a result of agreeing to amend the policy.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

The proposed amendments to Policy 8-2 Elected Members Allowances provide greater clarity to those persons governed by its provisions.

ATTACHMENTS

Attachment 1 City Policy 8-2 Elected Members Allowances – marked up.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council adopts amended Policy 8-2 Elected Members Allowances as detailed in Attachment 1 to this Report.

Appendix2 refers

ITEM 3 BACKYARD BURNING – [29061]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with information relating to the City's capacity to ban backyard fires within the City of Joondalup.

Several options have been provided for the Committee to consider how a possible ban may be achieved.

It is the City's recommendation that a blanket ban be introduced through notice in the *Government Gazette* and local newspaper. Provision should, however, be made for exceptional circumstances where burning may be unavoidable.

BACKGROUND

At the Policy Committee Meeting of 16 September 2008 a request for a report was made in relation to "backyard fires".

Subsequent research has been undertaken to determine the level of influence the City has in regulating backyard fires and if possible, the City's capacity to ban backyard fires via a local law.

DETAILS

The City has several instruments enabling it to regulate burning on private property to a certain degree. These include:

- Policy 6-5 "Burning on Private Property" which states:

"Residential Garden Refuse and other Rubbish

Garden refuse and rubbish intended for burning shall be placed on the ground in a heap no more than one metre across and to a height of no more than one metre. Only one heap may be burnt at any one time.

Between 1 October and 31 May annually, provided that the day of burning is not designated as an extreme or very high fire danger rating, garden refuse may be burned between 6.00pm and 11.00pm only.

Cleared Land Development Sites

The burning of cleared vegetation on subdivisional land development sites shall be prohibited at all times."

- *Bushfire Prevention and Control Local Law 1998* which allows:

Authorised City Officers to require occupiers of land within the City to establish and maintain firebreaks following the commencement of the firebreak period.
- *Bush Fires Act 1954* which provides the City, inter alia, with the following powers:
 - Ability to make local laws that require owners and occupiers of land to have sufficient firebreaks in place;
 - Ability to appoint Bush Fire Control Officers for the purposes of ensuring that effective firebreaks are in place during the bush fire season;
 - Ability to issue permits that allow bush to be burnt during restricted burning times;
 - Ability to prohibit the burning of garden refuse or rubbish in an incinerator or on the ground on private premises by publishing a notice in the *Government Gazette*; and
 - Ability to issue permits for lighting fires on private premises for cooking or camping.
- *Health Act 1911* which provides the City with the following powers:
 - Ability to make local laws for the purposes of preventing nuisances.

Most of the regulatory powers above only apply during prohibited and restricted burning times, which are as follows:

- Prohibited burning times are from 1 December to 31 March
- Restricted burning times are from 1 October – 30 November and from 1 April – 31 May

This means that the months of June, July, August and September are currently not subject to burning restrictions under the City's Local Law or the *Bush Fires Act 1954* and are therefore mostly unregulated by the City. The *Health Act 1911* enables smoke from burning to be dealt with under nuisance provisions, however, this only applies to the burning of rubbish and does not include garden refuse. Issues also surround prosecuting nuisance offences, which may reduce the effectiveness of such an approach.

For an effective blanket ban to be achieved, the months currently not subject to regulation will need to be incorporated into the restricted burning period. The options below provide examples of how this may be achieved.

Issues and options considered:

1. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that "backyard burning and the use of incinerators are prohibited within the City of Joondalup **at all times without a permit**" and amend the City's Policy 6-5 to reflect this.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year without obtaining a permit from the City.

The City could then develop criteria for determining the circumstances in which a permit would be issued (most likely for instances where removing a fire hazard is best achieved through controlled burning) and amend the City's Policy 6-5 to reflect this.

In all other circumstances an application for a permit would be refused.

2. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that “backyard burning and the use of incinerators are prohibited within the City of Joondalup **at all times**” and amend the City’s current Policy 6-5 to state that the City will not issue permits.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year.

The City’s policy would then make it clear to residents that backyard burning and the use of incinerators are banned, as permits will not be available.

3. Introduce a local law, under the general powers provisions of the *Local Government Act 1995*, which bans the burning of any materials either on the ground or in an incinerator in backyards

Effect: This option would achieve the same outcomes as options 1 and 2, however, legal advice would need to be obtained to ensure that no inconsistencies exist between provisions in the local law and other legislation.

In addition, it should be noted that the process for introducing a local law is often long and expensive and is best avoided if other effective options are also available.

4. Amend the City’s *Health Local Laws 1999* to prohibit the burning of rubbish on the ground or in an incinerator.

Effect: This option has been pursued by the City of Rockingham; however, it is not very effective as the prohibition only captures a limited number of materials and does not extend to green waste.

Additionally, the new *Health Bill* has omitted the nuisance provisions and as such, the City’s *Health Local Laws* will require a major review in the next 12 to 18 months and may not be able to capture offences relating to smoke emissions.

5. Do nothing.

Effect: This option would enable City Officers to issue permits for residents to burn garden refuse, rubbish or bush on the ground or in an incinerator during prohibited or restricted burning periods.

Outside of limited burning periods, permits would not be required to burn materials in backyards.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Relevant legislation includes:

- Local Government Act 1995
- Bush Fires Act 1954
- Health Act 1911

- Bush Fire Prevention and Control Local Law 1998
- Health Local Laws 1999

Risk Management considerations:

There is a risk that instituting a complete fire ban may seem unreasonable to residents who are undertaking all necessary precautions to ensure that backyard fires are contained. Limiting reasonable acts within a controlled environment on private land may appear to some residents as an unwarranted over-regulation on behalf of the City.

Financial/Budget Implications:

Should option 3 be adopted and a local law is pursued, the cost of instituting a blanket ban significantly increases. Consultation processes required under section 3.12 of the *Local Government Act 1995* cost a minimum of \$2,000 to undertake. The cost of obtaining legal advice would also need to be factored into this option.

Policy implications:

Should options 1, 2, 3 or 4 be adopted, the City's Policy 6-5 will require amending to reflect the elements of the option pursued.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

It is the City's position that instituting a blanket ban on backyard burning may be of some merit to residents from both a safety and public health perspective. However, provision should still exist for exceptional circumstances where the burning of materials may be unavoidable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council ADOPTS Option 1, namely, agreeing to publish a notice in the Government Gazette and in a local newspaper stating that “backyard burning and the use of incinerators are prohibited within the City of Joondalup at all times without a permit” and AMENDS City Policy 6-5 – Burning on Private Property to reflect this.

**ITEM 4 FUTURE VERGE ENHANCEMENT STRATEGIES –
[87541]**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Ian Cowie
 Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present options for future verge enhancement strategies for consideration by the Policy Committee.

BACKGROUND

At the meeting of Council on 30 September 2008, a report (*CJ200 – 08/09 refers*) was presented which provided an evaluation on the effectiveness of the recent Heathridge Verge Competition in improving verges in Heathridge (Attachment 1). The results indicated that the project was not effective in this respect and some alternative concepts were put forward for consideration by Council. After deliberation, Council resolved that “...*consideration of future verge enhancements be referred to the Policy Committee for further consideration and a report presented to a future Council meeting.*”

DETAILS**Issues and options considered:**

Options originally presented to Council were:

- Option One To continue with the Heathridge Verge Competition model in partnership with the Great Gardens Team with a focus on verge enhancement and supported by updated Verge Treatment Guidelines.
- Option Two To develop the Front Verge Blitz whereby a model verge is developed to improve verges identified as being in a poor condition within a discrete suburb.
- Option Three To develop a Garden Competition with categories similar to those used in other Local Governments. The focus should be on gardens that are environmentally friendly and water-wise.
- Option Four To develop the Streetscape Verge Enhancement project whereby a model verge is developed and applied to a single selected street within the suburb. Residents in that street can nominate for their verge to be upgraded and the final decision rests with the City.

Option Four was recommended as the most likely to achieve real success in terms of verge enhancement in the most cost effective way.

To assist the Policy Committee in making a decision, a fifth option has been identified to encourage residents to tidy their verges. This would involve identifying streets with particular problems and then gauging the extent to which the residents are prepared to do something themselves to improve their street. This could be achieved by using a simple survey not only to identify the extent to which targeted residents are prepared to start maintaining their verges but also to identify what is preventing them from doing so. Residents who identify themselves as those most likely to take action are then selected for customised verge/front garden planning and development, supported in their efforts to some degree with funds for small purchases. This approach to achieving desired behaviour change through the identification of a person's readiness to adopt a particular behaviour, the identification of barriers and incentives toward adopting the behaviour and the subsequent "repackaging" of the desired behaviour with disincentives removed or ameliorated and the incentives increased to encourage uptake, is well documented in the literature on social change. Option Five is therefore identified as follows:

Option Five To identify specific streets in need of improvement and the preparedness of local residents to become involved in such improvements through the provision of advice and minor financial assistance.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

To encourage householders to improve their verges is a difficult task given that there is competition for the time, physical effort and money of householders. Over and above verge maintenance, household or home maintenance tasks of a more immediate and 'essential' nature are likely to be of greater priority when those resources are needed.

Unfortunately, none of the four options originally presented to Council – even with the incentives of prizes and/or Council doing the work - will necessarily lead to behaviour change resulting in neater verges. Either people who are already committed to keeping the outside areas around their homes in a good condition are rewarded by a prize or, effectively, those who do not are rewarded by Council doing the work instead. The latter action runs counter to current practice with respect to the care, control and maintenance of verges vested in the City, which is to leave a verge until it presents a fire or safety risk to the surrounding properties. Whilst there is a moral imperative for householders to maintain their verges, there is nothing that compels them to do so. On the other hand, Option Five may overcome, or ameliorate this situation as it supports residents already thinking about taking better care of their verges to take action.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Option Five is sustainable as it builds on the residents own desire to do something, supporting them in a course of action they had already determined. It will not require continuous support or resources once a verge is established as residents will know how to maintain verge in a reasonable condition.

Consultation:

Not applicable.

COMMENT

Not applicable.

ATTACHMENTS

Attachment 1 – Council Report (CJ200 – 08/09) Future Verge Enhancement Projects

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee CONSIDERS Options One to Five and makes a recommendation to Council on the preferred option, or an alternative option as identified by the Policy Committee.

Appendix 3 refers

**ITEM 5 PROPOSED PARKING POLICY FOR COMMERCIAL
DEVELOPMENT WITHIN THE CITY CENTRE -
ANALYSIS OF PUBLIC FEEDBACK – [00152]**

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr Ian Cowie
 A/Director Planning & Community Development

PURPOSE/EXECUTIVE SUMMARY

To provide comment on the feedback to the proposed Parking Policy and recommend that the policy be presented to the Council without amendment.

BACKGROUND

The Policy Committee considered the proposed Parking Policy in September 2008. At this meeting, the Committee recommended that the Policy be advertised for a 30 day period. This recommendation was accepted by the Council and the policy was advertised. (The report to the Policy Committee is found at Attachment 1).

DETAILS

The proposed Policy (Attachment 2) is a major shift from current practice, where a “flat rate” of 1 bay per 30 sqm of floorspace is required. Under the proposed Policy, development will be encouraged, in particular by providing a reduced parking requirement for:

- cash in lieu; and
- bays required for tall buildings

At the conclusion of the public consultation period, two submissions had been received. One was from the Joondalup Business Association (JBA) while the other was from a resident. Both commented negatively on the Policy.

The JBA’s submission stated that “the flexibility measures do not encourage development in any significant way”. This submission argued that there should be, ultimately, a zero parking requirement for commercial developments, but at the very least, there should be a requirement of 1 car bay for every 100 sqm of commercial retail floor space. This is almost half of the proposed starting policy requirement of 1 bay for every 60 sqm. The submission notes that “we need to provide, as a matter of urgency, a lot more public parking”.

The second submission from a resident indicated that the “local planning policy will do nothing to assist the situation”. This submission questions why the City is not providing 1 car bay per 45 sqm of floor space immediately, rather than the 1 car bay per 30 sqm as suggested in the draft policy (In response, the former report to the Committee at Attachment 1 notes that the 1 bay per 30 sqm is consistent with the approach of other local governments; it was recommended by the Traffic Consultant and that it is questionable whether the CBD is mature enough to respond positively to a lower parking requirement.) The submission also questioned whether the reductions posed in the policy will encourage major commercial development because there have been no design or economic studies to validate their effectiveness. (In response to this position, it is noted that the City suggests that the Policy be reviewed regularly to ensure that it is effective and meeting the changing needs of the City Centre). Specifically, the final dot point of the overall strategy states “the balance of

public and private parking will be reviewed every two years to gauge the performance of the policy against actual built outcomes”.

Issues and Options:

The Policy Committee could recommend to Council:

- that the proposed parking policy be adopted;
- that amendments be made to the proposed parking policy; or
- that no parking policy be implemented.

Link to Strategic Plan:

3.1 Objective: to encourage the development of the Joondalup CBD.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2 enables Council to prepare local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Council’s approach to the Policy and future consideration of cash in lieu of parking will potentially have a major impact on the built form of the City Centre and its ability to fund/provide public parking.

Financial/Budget Implications:

This policy will generate revenue for the City through cash in lieu to provide parking and also involve costs to the City, as the City provides public parking.

COMMENT

The views expressed in the two submissions are acknowledged. However, it is important to recognise that the proposed Parking Policy establishes a new approach to dealing with parking and it is almost impossible to determine how this Policy will be received unless it is trialled in the market. It is not considered appropriate for the City to take on responsibility for all of the parking provisions as suggested. This would significantly advantage developers and runs contrary to expert traffic advice.

The City could attempt to undertake detailed economic modelling and design analysis as suggested. However, this would delay the implementation of the Policy with no guarantee of a more favourable outcome. Consequently, for these reasons it is recommended that the Policy be introduced in its current format and trialled for a two year period.

In regard to the comment made about the construction of City provided car parks, it is noteworthy that the City’s Parking team is charged with the responsibility of monitoring and implementing the City’s Parking Scheme, including continual monitoring of parking behaviours, supply and demand.

ATTACHMENTS

Attachment 1 Report to Policy Committee on proposed parking policy

Attachment 2 Proposed Parking Policy

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council ADOPTS Policy – Joondalup City Centre Car Parking for Commercial Development, forming Attachment 2 to this Report.

Appendix 4 refers

**ITEM 6 DRAFT POLICY 3-7 SIGNS – CONSIDERATION
FOLLOWING ADVERTISING – [01907, 85510]**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning and Community Development

PURPOSE / EXECUTIVE SUMMARY

The purpose for this report is for the Policy Committee to consider submissions received on the draft Signs Policy. It is recommended that the Committee support the adoption of the Policy.

BACKGROUND

On 23 June 2008, the Policy Committee recommended to Council that the draft Signs Policy be advertised for public comment for a period of 35 days. Council subsequently adopted this recommendation at its meeting held on 15 July 2008. Two submissions were received during the advertising period.

DETAILS

The draft Policy has been prepared in accordance with the objectives of District Planning Scheme No 2 (DPS2), addressing issues raised by the Policy Committee, including recognising and enabling a reasonable degree of signage to support business uses (Attachment 1). As signage can raise amenity concerns, particularly in terms of visual impacts, Council should consider common forms of signage within all areas of the City, not just within business areas.

Issues and options considered:

The options available to Council are:

- Adopt as final Policy 3-7 Signs.
- Adopt as final Policy 3-7, with modifications.
- Refuse to Adopt Policy 3-7 Signs.

Link to Strategic Plan:

Objective 4.1 To ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme (DPS2) enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme Area.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

This report proposes a new policy.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The draft Signs Policy was available for public comment for 35 days from 31 July to 4 September 2008. The policy was advertised for two consecutive weeks in the Joondalup Weekender on 31 July and 7 August 2008. Two submissions were received which are addressed in the Schedule of Submissions (Attachment 2).

COMMENTResponse to Submissions

Submissions were received from the Joondalup Business Association (JBA) and ING Real Estate (representing Lakeside Shopping City).

ING Real Estate's submission generally expresses concern that the draft Policy does not meet the needs of a regional shopping centre. In response to this submission, it is considered that the shopping centre should not be considered in isolation from its location in the City Centre, particularly where it directly interfaces with the CBD area.

The JBA submission raises a number of issues which are addressed in the submission table, as well as suggesting that there should be a moratorium on the Policy, in order for the issues to be worked through with business and sign industry representatives. However, in response, it is considered that the Policy is generally suitable in its current form as it balances the needs of businesses with community expectations of the visual quality of an area. Modifications are proposed to the draft Policy in light of the submissions.

It is considered appropriate that, in the event that Council adopts the policy, the effectiveness of the Signs Policy be assessed and reviewed after a six month period to determine how the Policy has been operating.

It should be noted that the Policy is to provide guidance on signs, and will not cover every scenario. This does not mean that signs that do not comply with the Policy will not be considered, however, they will require information to ensure that signs comply with the objectives of DPS2.

Proposed Modifications to the Draft Policy

In light of the submissions, and further review of the draft Policy, the following modifications are proposed:

- Clause 2.1.1 Wall Signs – Remove the maximum 8m² requirement, as well as the requirement for a 4 metre separation between signs.
- Clause 2.1.4 Window Signs – Add a provision for the CBD that permits no more than 25% of a window to be used for signage.
- Clause 2.2.1 Verandah Signs – Remove the requirement for the aggregate area of all signs on any one façade of a verandah not to exceed 25%.
- Clause 2.4.3 Home Open Signs – Amend the maximum area of a sign from 0.2 m² to 0.3m², to cater for a standard size of sign.

ATTACHMENTS

Attachment 1 - Draft Signs Policy 3-7 (as modified).

Attachment 2 - Schedule of Submissions

Attachment 3 – Examples of Window Signs

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council:

- 1. in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS modified City Policy 3-7 Signs as shown in Attachment 1 to this Report, as final;**
- 2. NOTES that the operation of Policy 3-7 Signs will be reviewed after six months of operation to assess the effectiveness of the policy.**

Appendix 5 refers

ITEM 7 PROPOSED LOCAL PLANNING POLICY - CUBBY HOUSES – [74619]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
 Planning and Community Development

PURPOSE/ EXECUTIVE SUMMARY

The purpose of this report is for the Policy Committee to consider all submissions and proceed with a recommendation to Council to slightly modify the draft Local Planning Policy 7-24 Cubby Houses.

BACKGROUND

The draft policy has been prepared to address the inconsistencies between District Planning Scheme No 2 (DPS2) and the R-Codes with regard to whether cubby houses require planning approval. The Policy also provides parameters where cubby houses can be erected without the need for planning approval.

At its meeting held on 16 September 2008, the Policy Committee considered the draft policy relating to Cubby Houses, and Council subsequently resolved at its meeting held on 30 September 2008 to initiate public advertising (CJ199-09/08).

The draft Policy was advertised for comment for a period of 21 days, in which time two submissions of support were received. In response to the comments received and review of the draft Policy wording, some minor modifications to the Policy are recommended for the purpose of clarity and improved terminology.

It is recommended that the Policy Committee supports the proposed Local Planning Policy 7-24 Cubby Houses as modified.

DETAILS

As cubby houses can raise amenity concerns, particularly in terms of visual appearance, overlooking and noise, parameters have been established to reasonably protect the amenity of neighbouring properties. Development with variations to the parameters set out in the Policy will require a planning application involving advertising to properties likely to be affected by the development, and a subsequent building licence.

Issues and options considered:

The options available to Policy Committee are to:

- Recommend that the Council adopt as final Policy 7-24 Cubby Houses.
- Recommend that the Council refuse to adopt Policy 7-24 Cubby Houses as final.
- Recommend that the Council adopt Policy 7-24 Cubby Houses, as final, with modifications.

Link to Strategic Plan:

4.1 Objective: To ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

It is proposed to implement a new policy.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The draft Policy 7-24 Cubby Houses was advertised for comment for a period 21 days closing on 17 November 2008. Advertising was undertaken by way of a notice published once a week for two consecutive weeks in the local newspaper, as well as on the City's website. Two submissions in support of the Policy were received during this period.

COMMENT

It is recognised that cubby houses are a standard feature of many backyards, and an important play feature for children. In this respect, cubby houses should not be over regulated. Notwithstanding, it is also recognised that cubby houses may have an impact on the amenity of adjoining owners if inappropriately located and built above ground level.

Submissions

Two submissions were received, both which support the introduction of a policy related to cubby houses. In addition, one submission suggests consideration of regulations for finials or other roof decorations, and the other suggests consideration of regulations on raised, unenclosed platforms. The submissions are summarised, and comments provided, in the Schedule of Submissions (see Attachment 2).

Proposed modifications to draft Policy

In light of the submissions, and further review of the draft Policy, the following modifications are proposed:

- As originally drafted, the policy limits one cubby house per 'property'. The term 'property' has no explicit definition, and for clarity, it is recommended the Policy be amended to use the term 'survey strata or green title lot', as a definition for each can be found in the Residential Design Codes.
- Clarify that minor architectural features, such as finials, which are built into the design of the cubby house, or a flagpole, are not to exceed 2.5 metres measured from natural ground level.

ATTACHMENTS

Attachment 1 - Draft Policy 7-24 Cubby Houses (Modified)

Attachment 2 - Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS modified City Policy 7-24 – Cubby Houses, as shown in Attachment 1 to this Report, as final.

Appendix 6 refers

**ITEM 8 REVIEW OF POLICY 7-9 – HOME BUSINESS –
[13048]**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning and Community Development

PURPOSE

The purpose of this report is for Policy 7-9 Home Business to be presented to the Policy Committee for consideration of review.

EXECUTIVE SUMMARY

The Home Business Policy operates in recognition of the need to accommodate the growing trend towards working at home, whilst recognising that people still regard residential areas primarily as a place to live. The Policy provides a set of guidelines that are applied when home business applications are considered.

It is considered that the Home Business Policy has been operating successfully and no changes are proposed.

BACKGROUND

At the Policy Committee meeting of 16 September 2008, Council requested that Policy 7-9 – Home Business be presented to the next Policy Committee meeting for consideration of review.

The Home Business Policy was first adopted in June 1999 (Report CJ213-06/99 refers) and has been subject to minor reviews in September 1999 (Report CJ297-09/99 refers), February 2002 (CJ020-02/02 refers) and November 2005 (CJ238 - 11/05 refers).

The last review increased the car parking requirements for Category 2 and 3 home businesses by requiring 2 bays for the dwelling, plus 1 bay for each customer and 1 bay per employee, all of which must be contained within the lot boundary.

As part of the review of the City of Joondalup District Planning Scheme No. 2 (DPS2), the City prepared a draft issues paper on Homes Businesses which was sent out to the community for public comment.

The results of the Home Business issues paper found that the majority of residents believe that home businesses should be encouraged and that the rules for establishing a home business are easy to understand, however, a few respondents said they require review and simplification.

The primary negative issue the survey respondents had with home business was with regards to noise and parking.

DETAILS**Issues and options considered:**

Council can request a review of Policy 7-9 or determine that the current policy is working well and does not require any modifications or changes.

Link to Strategic Plan:

Objective 3.2: To increase employment opportunities within the City.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme No. 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Modifications to the existing policy may be required as a result of Council's consideration.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

The current Home Business Policy appears to be working well. Very few complaints are received about approved home businesses. Most of the complaints received about home businesses are in regard to those that are operating without the required planning approval. The main causes of complaint in these instances are parking, materials visible from the street, deliveries and noise.

Each of those issues can and are evaluated through the application and evaluation process and there are procedures and resources in place to provide for an appropriate mix of certain "low key" businesses within the City's residential areas.

Approval for a home business is subject to a 12 month renewal requirement and therefore, if there are any issues with the operation of a home business, they can be identified within the 12 month period and addressed prior to the home business being considered for renewal of the approval.

No changes are currently recommended to the existing Home Business Policy, however the policy is forwarded to the Policy Committee for consideration of review.

ATTACHMENTS

Attachment 1 Policy 7-9 – Home Business

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee NOTES the report in relation to Policy 7-9 Home Business.

Appendix 7 refers

**ITEM 9 ALFRESCO ACTIVITIES POLICY – ISSUES -
 [03360]****WARD:** All**RESPONSIBLE** Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE / EXECUTIVE SUMMARY

To report to the Policy Committee with additional information on issues regarding the current Policy 7-5 Alfresco Activities.

This report includes a street-by-street analysis of preferred alfresco activity locations to establish a standardised requirement for alfresco areas, or options that can be adopted for varied types of streetscapes.

BACKGROUND

At its 16 September 2008 meeting, the Policy Committee was presented with the following principles which could guide a review of Policy 7-5 Alfresco Activities, being:

- Where awnings are provided, areas under those awnings will be retained for pedestrian access.
- Enclosures to alfresco areas may take the form of drop down clear café blinds, however, they may only be used during inclement weather. General use (eg each night) is not permitted. Pedestrian access under any awnings must be maintained.
- Permanent shade structures will be considered, where appropriate (eg wide footpaths)

The Policy Committee subsequently requested further information for consideration. Accordingly the Council resolved at its 30 September meeting to refer the item back to Policy Committee “to allow for further exploration of options for alfresco dining to reflect specific requirements of particular streets and footpath widths”.

DETAILS

A street-by-street analysis has been conducted and a summary of findings is contained in Attachment 3. There are a number of key elements that influence the location of alfresco areas. The key elements are:

- Road reserve width

The road reserve extends from the lot boundary on one side of the street to the lot boundary on the other and generally includes the road, verge, and footpath.

- Verge width

The verge extends from the road to the lot boundary and generally accommodates landscaping and pavement. Generally, wider verges have a greater capacity to accommodate alfresco activities.

- On-street parking

The provision of embayed on-street parking can result in narrow verge widths, which can result in a lesser opportunity to accommodate alfresco activities.

- Street tree location

The provision of street trees can create a shaded canopy ideal for alfresco activities, however dependant on their size and location they can conflict with or limit the extent of alfresco activities.

- Provision of awnings/pedestrian shelter

The provision of pedestrian shelter is a mandatory requirement of development in the Joondalup City Centre. As such the provision of awnings should be maintained for the benefit of pedestrians and may limit alfresco areas to a roadside location.

- Planning controls

The Joondalup City Centre Development Plan and Manual 1995 requires all development within the CBD to provide continuous pedestrian shelter for the comfort of pedestrians from both sun and rain. In this regard areas beneath awnings should be retained for the benefit of pedestrians rather than alfresco dining areas.

The street-by-street analysis has been conducted and the road reserve and verge widths are summarised as follows:

STREET	ROAD RESERVE WIDTH	VERGE WIDTH
Grand Boulevard	50 metres	5.5 metres
Reid Promenade	25 metres	3.5 - 5.5 metres
Lakeside Drive	40 metres	9 metres
Boas Avenue	25 metres	3-6 metres
Davidson Terrace	25 metres	5 metres
Regents Park Road	20 metres	4 metres
Central Walk	NA	10 metres Pedestrian Mall

A number of options were explored in the report made to Policy Committee at its September meeting (Attachment 1 refers). It was recommended that the Policy be amended to ensure areas under awnings/pedestrian shelter are retained for pedestrian access. This report builds on this recommendation when presenting options for the location of alfresco areas.

Issues and options considered:

As a result of street-by-street analysis, parameters for alfresco location and size can be established for a range of locations. Based on these findings, the Policy Committee may recommend that Policy 7-5 (Attachment 2 refers) be reviewed to incorporate these principles.

Link to Strategic Plan:

Objective 3.1: To encourage the development of the Joondalup CBD.

Objective 4.1: To ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Modifications to the existing policy may be required as a result of Council's consideration.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

If it is resolved that the policy is to be amended, the amended policy is required to be advertised for a period of not less than 21 days. Advertising is undertaken by way of a notice published once a week for two consecutive weeks in a local newspaper, as well as on the City's website, giving notice where the draft policy or amendment may be inspected.

COMMENTStreet-by-street analysis

A number of road reserve and footpath widths have been examined within the Joondalup City Centre to determine if a standardised alfresco format can be established, or whether applications will need to be assessed on an individual basis. Attachment 3 provides a street-by-street alfresco analysis to demonstrate the indicative dimensions of potential alfresco areas.

Road reserves vary greatly from the 10 metre wide pedestrian mall of Central Walk, to 20, 25, 40 and 50 metre road reserves of Regent Park Road, Davidson Terrace, Lakeside Drive and Grand Boulevard respectively. Accordingly, verge widths also vary dependant on the road reserve and provision of on-street parking, however generally range from 3 to 9 metres. It is evident from the street-by-street analysis that the widest road reserves do not necessary yield the widest verges.

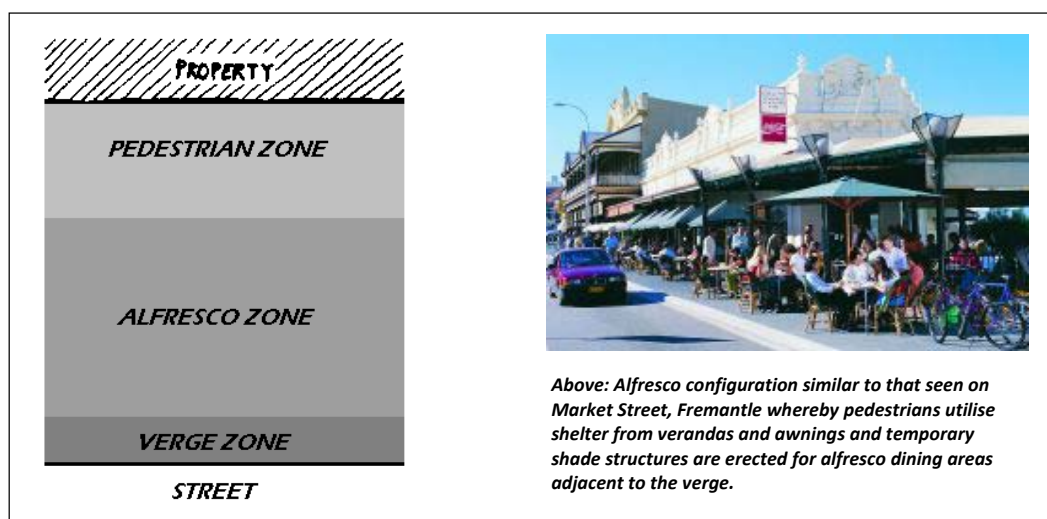
Some properties adjoin verge widths of 3 to 4 metres which limit opportunities for alfresco activities. The minimum dimension required to comfortably accommodate two chairs and a table is 800mm.

The location of street trees vary, with some being located between on-street parking embayments, on the kerb, aligned down the centre of verges, or sometimes a combination of these. In most instances, street trees would not conflict with potential alfresco areas. Lakeside Drive is one exception where street trees are located in the centre of possible future alfresco areas. Whilst it is possible to accommodate alfresco dining areas around street trees the opportunity to erect temporary or permanent shelters may be limited.

Location of verge activities

The current Policy 7-5 does not specify the format of verge activities and as a result some alfresco areas have located beneath awnings. For development within the city centre, the continuous provision of awnings over the verge is required to provide pedestrian comfort, from both sun and rain, when moving around the City. The report to the September Policy Committee presented a range of options for the location of verge activities and recommended that where awnings are provided, areas under those awnings will be retained for pedestrian access rather than alfresco activities.

If a review of Policy 7-5 is to be initiated the location of verge activities could be specified as the current policy is silent on this issue. The following layout is preferred:



Size of verge activities:

It is possible to establish a standard size for verge activities that applies to the majority of verges within the Joondalup City Centre as follows:

- **Pedestrian Zone: Minimum**
A minimum pedestrian zone will ensure a minimum standard and provision for pedestrians is provided for.
- **Alfresco Zone: Maximum**
Establishing a maximum alfresco zone depth will ensure that streets with wider verges will yield a wider pedestrian zone which may reflect the status and rate of pedestrian flow along these roads.
- **Kerbside Zone: Minimum**
The kerbside zone provides separation between diners and traffic to (a) provide a pedestrian refuge point for people crossing the road and (b) for the safety and comfort of diners. In instance where alfresco areas are separated from traffic by a buffer of

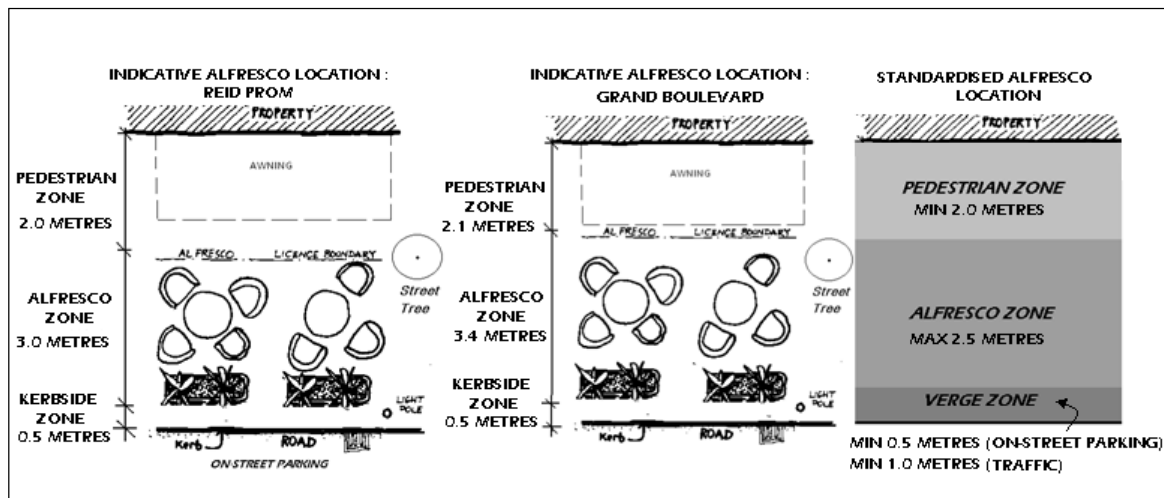
on-street parking the kerbside zone may be a lesser width. It may be necessary to provide a wider kerbside zone where alfresco areas would directly adjoin a lane of traffic, to provide greater separation. The following options may then be applied as demonstrated:

- Option (a) Where a kerbside zone abuts a lane of traffic, the kerbside zone must have a minimum depth of 1 metre. The provision of temporary planter boxes and removable bollards is encouraged in these locations.
- Option (b) Where a kerbside zone abuts on-street parking, the kerbside zone must have a minimum depth of 0.5 metre.

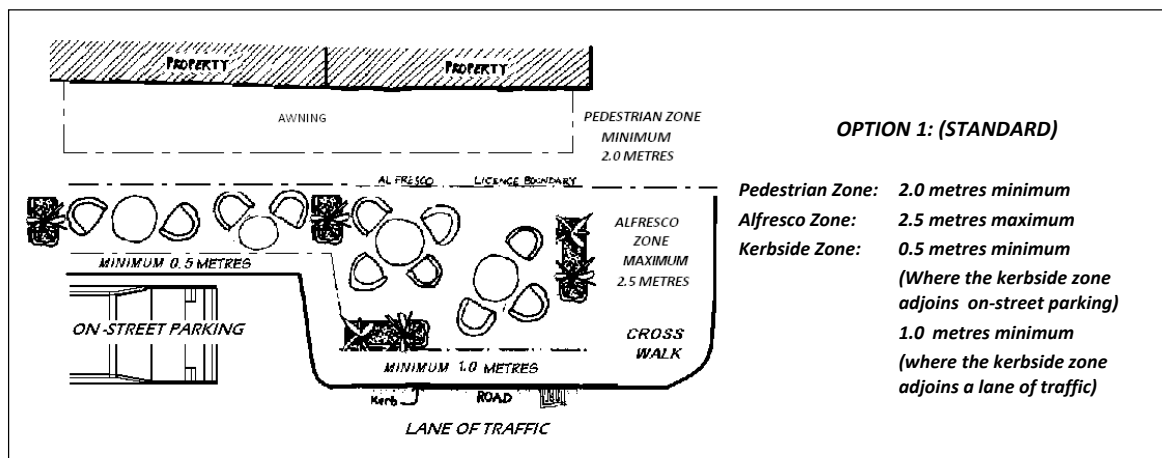
These standards will ensure a minimum pedestrian path width is provided with direct and continuous access that allows clear views into shop windows without the need for pedestrians to weave around alfresco areas.

Option 1(Standard)

The street-by-street analysis has identified a minimum and maximum range in size for verge activities that is common to most streets within the Joondalup City Centre as demonstrated below.

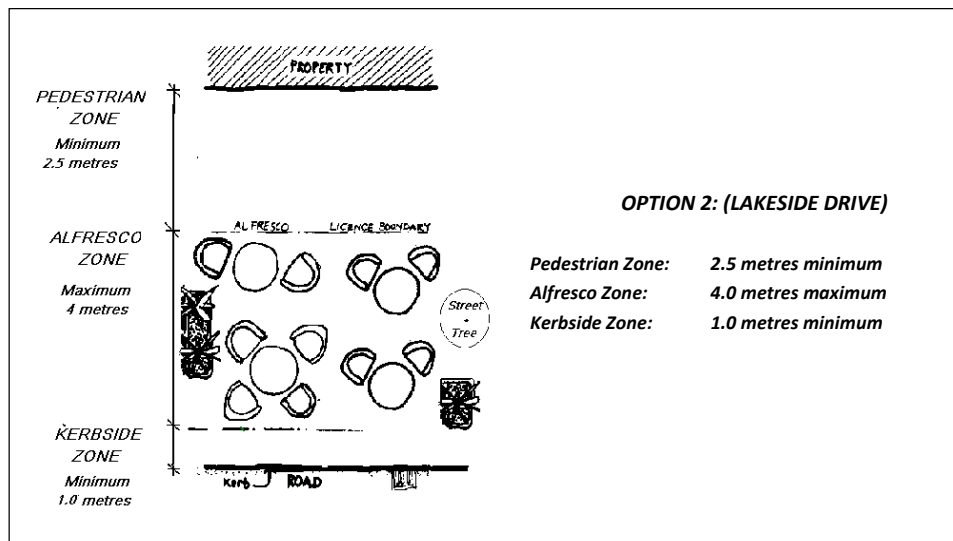


The following provisions could therefore be applied to guide the appropriate location and size of alfresco dining areas:



Size of verge activities: Option 2 (Lakeside Drive)

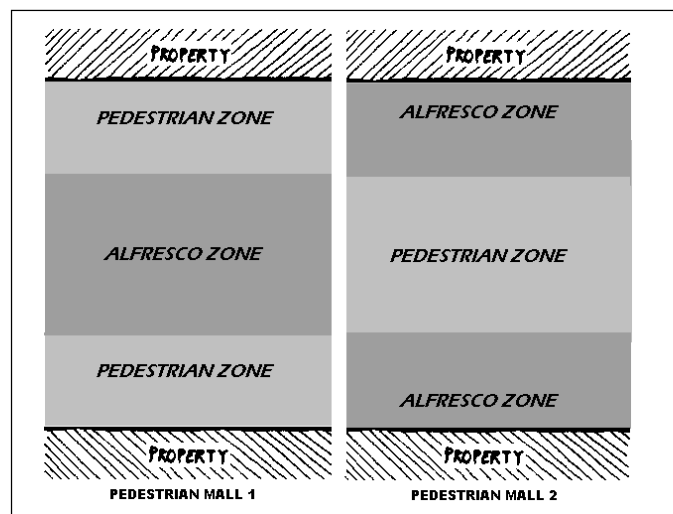
Lakeside Drive is characterised by mixed use development and terrace housing that frames a 40 metre road reserve. The existing verge width is approximately 9 metres which is the largest verge within the City Centre. The verge is characterised by a paved pedestrian path (2-3metres in width), large garden beds (4-5 metres) and a paved kerbside area (1-2 metres wide). If the standard alfresco dimensions are applied to Lakeside Drive, future alfresco activities may be found to locate within the established 2-3 metres pedestrian path directly in front of buildings. In order to retain this established pedestrian path, it is recommended that alfresco activities align with the landscape strip within the verge, just as ‘Sugar and Spice’ have done at Shop 3/189 Lakeside Drive. It is recommended a standard be applied unique to alfresco activities along Lakeside Drive that reflect the established verge characteristics as follows:



Size and location of verge activities: Option 3 (Central Walk)

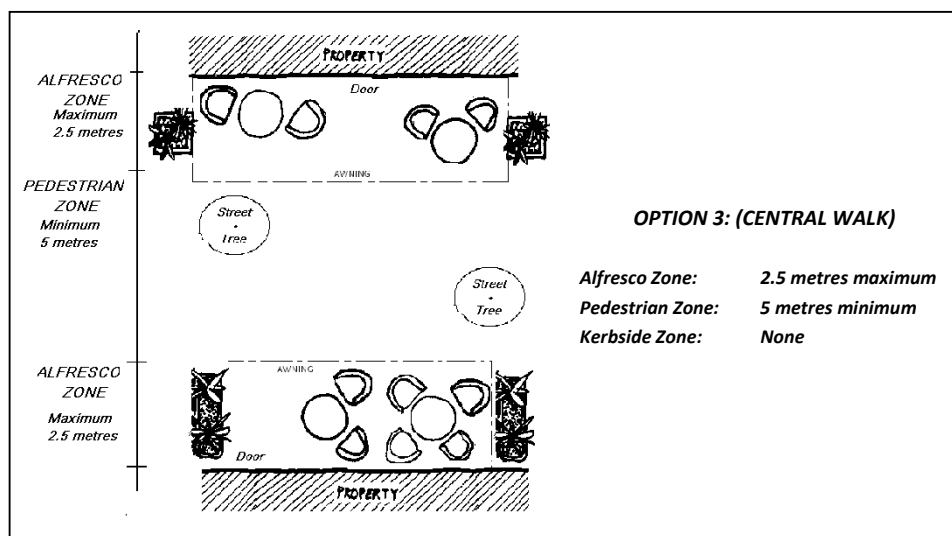
Central Walk is another example where a different alfresco standard may need to apply. Central Walk is approximately 10 metres wide and a number of restaurants are currently located here. At present La Vita is the only restaurant utilising alfresco dining.

There are a number of alfresco dining layouts that can be considered for pedestrian malls such as Central Walk.



The Pedestrian Mall 1 example may be suitable for Central Walk, however the alfresco location may impede pedestrian movement from one side of the pedestrian mall to the other. The configuration of the Pedestrian Mall 2 example is currently utilised by La Vita Café. Pedestrian Mall 2 enables a single flow of 'foot traffic' through the centre of the mall, however pedestrian shelter may be limited to areas where alfresco activities are not located beneath awnings.

It is considered that Pedestrian Mall 2 may be a preferred layout option which should adhere to the following:



Provision of temporary and permanent structures

Where alfresco areas are not located beneath awnings and verandas, it is a common practice for property owners to erect temporary shade structures such as umbrellas. In some instances, the canopy of a street tree can provide adequate shade. It is possible that the Policy can be amended to provide guidance on the erecting of temporary or permanent structures.

The policy could be amended to include the following:

- Temporary shade structure must not obstruct pedestrian access, damage street trees or pose a safety risk.
- 'Café blinds' may be affixed to temporary and permanent shade structures
- 'Café blinds' must not be affixed to awnings.
- Permanent shade structures will be considered, where the footpath width exceeds 5 metres.
- Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.

ATTACHMENTS

Attachment 1	Report to September 2008 Policy Committee
Attachment 2	Policy 7-5 Alfresco Activities
Attachment 3	Street-by-street alfresco analysis

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS to Council that the process for amending Policy 7- 5 Alfresco Activities be commenced, with the following principles incorporated:

- Pedestrian access under any awnings must be maintained.
- 'Café blinds' may be affixed to temporary and permanent shade structures
- 'Café blinds' must not be affixed to awnings.
- Shade structures must not obstruct pedestrian access, damage street trees or pose a safety risk.
- Permanent shade structures will be considered, where the footpath width exceeds 5 metres.
- Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.
- Standard size and location for alfresco areas:

General Standard

Pedestrian Zone:	2.0 metres minimum width
Alfresco Zone:	2.5 metres maximum width
Kerbside Zone:	0.5 metres minimum (where the kerbside zone adjoins on-street parking)
	1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

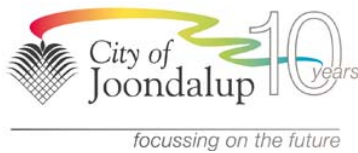
Central Walk

Alfresco Zone:	2.5 metres maximum width
Pedestrian Zone:	5 metres minimum width
Kerbside Zone:	None

Lakeside Drive

Pedestrian Zone:	2.5 metres minimum width
Alfresco Zone:	4.0 metres maximum width
Kerbside Zone:	1.0 metres minimum width

Appendix 8 refers



APPENDICES

ITEM	TITLE	APPENDIX	PAGE
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Item 6	Draft Policy 3-7 – Signs – Consideration following advertising Attachment 1 Draft Signs Policy 3-7 (as modified). Attachment 2 Schedule of Submissions Attachment 3 Examples of Window Signs	5	56
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LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

CATS LOCAL LAW 2008

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 _____ to make the "*City of Joondalup Cats Local Law 2008*".

ARRANGEMENT

PART 1 – PRELIMINARY..... Clauses 1 – 6
PART 2 – CATS..... Clauses 7 – 32
PART 3 – PENALTIES Clauses 33 – 36

PART 1 – PRELIMINARY

Title

1 This Local Law may be referred to as the *City of Joondalup Cats Local Law 2008*.

Commencement

2 This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose

- 3 (1) The purpose of this Local Law is to provide for the registration, compulsory sterilisation, control and identification of cats within the City of Joondalup.
- (2) The effect of this Local Law is that a system for the compulsory sterilisation, registration and control of cats will be operational within the City of Joondalup.

Application of Local Law

4 This Local Law applies throughout the district.

Definitions

5 In this Local Law unless the context otherwise requires:

“Act” means the *Local Government Act 1995*;

“animal welfare group” means any not-for-profit group that is incorporated under the *Associations Incorporation Act 1987* and whose aims predominantly relate to animal welfare;

“application” means the completed form lodged by an applicant as required by this Local Law;

“applicant” means a person who has lodged an application for a certificate of registration required by this Local Law;

“approved fees” means the fees and charges determined by the City of Joondalup from time to time in accordance with s 6.16-s 6.19 of the Act;

“authorised person” means a person authorised by the City of Joondalup under section 9.10 of the Act, to enforce the provisions of this Local Law;

“cattery” means any premises where 4 or more cats are boarded;

“City” means the local government of the City of Joondalup;

“district” means the district of the City;

“private premises” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

“public place” means any place to which the public has access.

PART 2 – CATS

Registration of cats

- 6 (1) All cats within the City shall be registered by 31 October each year except:
- (i) cats under the age of 3 months;
 - (ii) cats kept during the period when the owner is applying for registration;
 - (iii) cats in the custody of an animal welfare group;
 - (iv) cats held by a registered veterinary surgeon in the course of his or her professional practice;
 - (v) cats kept in any cattery.
- (2) Subject to clause 6(1), if a cat is not registered under this Local Law, the owner of the cat commits an offence.

Penalty: \$500

Sterilisation of cats

- 7 All registered cats within the City shall be sterilised except cats owned by residents in possession of written approval from the City to keep up to 6 adult breeding cats in accordance with clause 45(2) of the City’s *Animals Local Law 1999*.

Identification of registered cats outside of premises where ordinarily kept

- 8 Owners of cats shall ensure that their cats may be identified by one of the following means when outside of the premises where the cat is ordinarily kept:
- (a) The cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner of the cat; or
 - (b) The cat has a microchip implanted in its body containing information that may be used to obtain the name of the owner of the cat and a current address or telephone number of the owner.

Register to be maintained

- 9 The City shall maintain a register showing:
- (i) the details of the name, breed, approximate age, colour, distinguishing marks and sex of each cat which is the subject of an application for registration;
 - (ii) the particulars of the owner or, if the application is not made by the owner, the agent of the owner, and the premises stated as the place at which the cat is intended to be ordinarily kept;
 - (iii) any notification of an alleged change of ownership; and
 - (iv) the period of any registration effected and the registration number relevant to each cat.
- 10 The register shall be kept by the City and shall, as far as is practicable, be so maintained as to include any alteration or addition since the preparation of the register for the preceding year.
- 11 A person who applies to the City is, on payment of the prescribed fee, entitled to inspect and take copies of any entry in the register or, as the case may be, to receive a copy of an entry in the register certified by a registration officer.

Registration periods and fees

- 12 (1) Subject to the provisions of this clause, the registration fee payable in relation to a cat shall be such amount as is prescribed by Schedule in this Local Law.
- (2) The registration of a cat under this Local Law shall:
- (a) remain in force from the date specified in the certificate until 31 October either:
 - (i) next ensuing; or
 - (ii) where this Local Law permits an extended registration period and the owner has elected to register the cat for that extended period, ensuing in the last registration year of that period; and
 - (b) may be renewed to take effect as from 1 November in any year, within the preceding period of 21 days.

- 13 Schedules to this Local Law may provide that concessional rates of registration be payable:
- (a) by pensioners as defined in the *Rates and Charges (Rebates and Deferments) Act 1992*, or other persons of a specified class or in specified circumstances;
 - (b) by persons who elect to effect registration for such extended period as is prescribed by Schedule in this Local Law; and
 - (c) in respect of registration for a period of less than one year.

Registration procedure

- 14 The form of application prescribed by Schedule in this Local Law for registration shall require the applicant to state in the application the premises at which the cat will ordinarily be kept.
- 15 Where a cat is ordinarily kept by a person under the age of 18 years, application for registration of that cat shall be made by his parent or guardian or some other person who is over the age of 18 years and any registration shall be in the name of the applicant.

Change of ownership

- 16 Where the ownership of a cat is transferred to another person, the registered owner shall within 28 days thereafter cause the City of Joondalup to be notified in the manner and form prescribed by Schedule in this Local Law of the transfer.

Penalty: \$200

- 17 (1) No change shall be made in the record of the ownership of a cat unless:
- (a) the registered owner has notified the change to the City of Joondalup; or
 - (b) an application for registration is made by a person who alleges that he is the new owner.
- (2) A person aggrieved by a decision of the City relating to the ownership of a cat as recorded in a register may apply to the City for a review of the decision.

Registration tags

- 18 (1) A registration tag must be worn by the registered cat when in a place that is outside of the premises where the cat is ordinarily kept, as declared on the certificate of registration, and shall —
- (a) be of a durable material;
 - (b) be of a colour specified by Schedule in this Local Law in accordance with the relevant registration cycle; and

- (c) contain the registration number of the cat.

Offences relating to registration, etc.

- 19 A person who:
- (a) wilfully inserts or omits, or permits to be inserted or omitted, in any application for the grant or renewal of a registration any matter or thing whatsoever contrary to, or for the purpose of concealing, the truth;
 - (b) whether on his own behalf or that of another person, for the purpose of obtaining any benefit or avoiding any penalty or obligation under this Local Law, wilfully makes or causes to be made any representation or statement which is false or misleading in any material particular or which he knows or ought reasonably to know is likely to deceive any person;
 - (c) keeps any cat wearing a registration tag –
 - (i) issued in respect of another cat; or
 - (ii) in respect of a registration which is no longer current; or
 - (d) wrongfully removes or defaces any registration tag issued under this Local Law, or makes, uses, purchases or has in his possession any counterfeit or false certificate of registration or registration tag or any thing apparently intended to resemble or pass for the same, commits an offence.

Control of cats in public places

- 20 (1) A cat shall not be –
- (a) in a public place unless the cat is, in the opinion of an authorised officer, under effective control; or
 - (b) in any designated area specified in a Schedule to this Local Law; or
 - (c) on private premises where a complaint by the owner or occupier of the premises has been made to the City in relation to the cat's unwanted presence on the property.
- (2) If a cat is at any time in a place in contravention of –
- (a) Clauses 20(1)(a) or 20(1)(c), the owner of the cat commits an offence against these Clauses unless he establishes a defence under Clause 21.

Penalty: \$500
 - (b) Clause 20(1)(b), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.

Penalty: \$1000

Defences applicable to Clause 20

- 21 It is a defence to a charge of contravening Clause 20(2) if the person charged satisfies the Court –
- (a) in the case of the owner of the cat, that he took all reasonable precautions and exercised all due diligence to avoid the contravention; or
 - (b) that at the material time the cat was in the possession or control of some other person without his consent, express or implied.

Seizure and impounding of cats

- 22 If it appears to an authorised person that a cat is in a place in apparent contravention of Clause 20(1), the authorised person may seize and impound the cat.
- 23 Where a cat is seized pursuant to Clause 22 the authorised person may —
- (a) cause it to be returned to the owner; or
 - (b) impound it, and the owner shall be liable to pay to the City, before the cat is returned to the owner, the reasonable cost of returning the cat or of maintaining it during the period of impoundment, or both where that is appropriate, together with any charges levied in relation to the seizure and impounding of the cat.
- 24 Where a cat is seized under this Local Law and is not forthwith returned to the owner it shall be detained in a pound maintained by the City or at premises maintained by another body, or in any suitable premises.
- 25 If a cat impounded under Clause 22 is wearing a registration tag or the owner is otherwise readily identifiable, the authorised person causing it to be detained shall also cause notice to be given to the owner in the prescribed manner and form as soon as is practicable.
- 26 Where an unidentified cat is impounded and is not reclaimed within 7 days of its impoundment, the City may –
- (a) Offer the cat for sale; or
 - (b) Cause the cat to be destroyed; or
 - (c) Cause the cat to be rehoused.
- 27 Where a registered and identified cat is impounded and it is not reclaimed within the period specified in a notice of impoundment, the City may –
- (a) Offer the cat for sale; or
 - (b) Cause the cat to be destroyed; or
 - (c) Cause the cat to be rehoused.
- 28 If an impounded cat is sold under Clause 26(a) or 27(a), the proceeds of sale become the property of the City and may be disposed of in such manner as the City thinks fit.

Register of impounded cats

- 29 The City of Joondalup shall maintain an Impounding Register showing:
- (a) the details of the breed, approximate age, colour, distinguishing marks and sex of the cat subject to the impoundment;
 - (b) if known, the name and address of the owner of the cat;
 - (c) the date and time of impoundment;
 - (d) the name of the person who seized and impounded the cat;
 - (e) the reason for the impounding;
 - (f) a note of any order made by the authorised person relating to the cat;
 - (g) the method of disposal of the cat, whether sold, released, rehoused or destroyed; and
 - (h) the date of sale, release, rehousing or destruction of the cat.
- 30 The Impounding Register is to be available for inspection by the public.

Destruction of cats

- 31 An authorised person under this Local Law may cause a cat to be destroyed at the request of the owner of that cat, whether or not the cat has been seized or impounded.
- 32 Where a cat is destroyed under Clause 31, the owner is liable for the cost of both the destruction and the disposal of the cat.

PART 3 – PENALTIES

Offences

- 33 (1) Any person who fails to do anything required or directed 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) An offence against a clause specified in the Fourth Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

Offence Description and Modified Penalty

- 34 The amount appearing in the final column of the Fourth Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

- 35 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the City by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

- 36 The City shall cause adequate records to be kept of all infringements notices served and modified penalties received.

First Schedule

CITY OF JOONDALUP

CATS LOCAL LAW 2008

FEES FOR REGISTRATION

1	Inspection of register	\$0.50
2	Certified copy of an entry in the register	\$1.00
3	Annual registration, unless a concessional rate applies	\$10.00
4	Concessional registration rates —	
	a. Cats owned by pensioners referred to in Clause 13(a)	50% of fee otherwise payable
	b. Registration after 31 May in any year, for that registration year	50% of fee otherwise payable
	c. Three year registration period	\$25.00

Second Schedule

CITY OF JOONDALUP
CAT LOCAL LAW 2008

DESIGNATED PROHIBITED CAT AREAS

1. Any area listed under Schedule 5 of the City's District Planning Scheme No. 2.

2.	Location	Reserve Number(s)
	Neil Hawkins Park	28544
	Whitford Node, Hillarys	39497
	Mawson Park, Hillarys	33401
	McDonald Park, Padbury	33072
	Heathridge Park, Heathridge	34330
	Blue Lake Park, Joondalup	41893
	Percy Doyle Reserve, Duncraig	33894
	Hepburn Conservation Area, Padbury	42987
	Central Park, Joondalup	48354 and 46710
	Tom Simpson Park, Mullaloo	32074
	Coastal Foreshore Reserve	47831

Third Schedule

Form 1

CITY OF JOONDALUP
CATS LOCAL LAW 2008

CAT REGISTRATION FORM

APPLICATION FOR A CERTIFICATE OF REGISTRATION

FOR THE OWNER OF THE CAT

I, (1) of (2)
the owner of the cat, to which its particulars are listed in this application, declare that —

- (a) I am not under 18 years of age; and
- (b) The particulars shown in this application are true to the best of my knowledge and belief.

FOR APPLICANTS WHO ARE NOT THE OWNER OF THE CAT

I, (3) of (4).....
as the duly authorised agent of (1)
of (2) the owner of the cat, to which its
particulars are listed in this application, declare that —

- (a) I am not under 18 years of age; and
- (b) The particulars shown in this application are true to the best of my knowledge and belief.

Premises where cat will ordinarily be kept	Name of Cat	Sex	Colour and distinguishing marks ⁽⁵⁾	Breed or kind of cat	Approx. age of cat	Sterilisation certificate sighted, or other means ⁽⁶⁾	Concession claimed ⁽⁷⁾

(Signature)

Dated this day of 20.....

- (1) Insert name of owner.
- (2) Insert address of owner.
- (3) Insert name of applicant, if not the owner.
- (4) Insert address of applicant, if not the owner.
- (5) Describe any markings, including any tattooed mark.
- (6) State yes or no, if no, describe means by which sterilisation was confirmed or that written approval to breed cats has been sighted.
- (7) Insert reason for claiming concession e.g. owned by pensioner, etc.

For office use only _____

Registration Number.....
This registration is valid until
Date of issue Signature of registration officer

Third Schedule

Form 2

CITY OF JOONDALUP
CATS LOCAL LAW 2008

TRANSFER OF CAT OWNERSHIP FORM

PARTICULARS OF THE PERSON TRANSFERRING OWNERSHIP

Name:.....

Address:.....

Cat's Registration Tag Number:.....

Signature of the person transferring ownership:.....

Date:.....

PARTICULARS OF THE NEW OWNER (if known)

Name:.....

Address:.....

Telephone Number:.....

Signature of new owner:.....

Third Schedule

Form 3

CITY OF JOONDALUP
CATS LOCAL LAW 2008

CAT SEIZURE AND IMPOUNDMENT FORM

Date:.....

Time:.....

I, (1).....
as an authorised officer under this Local Law, seized and impounded the following cat –

Registration No. (if registered)	Name of Cat (if known)	Sex	Colour and distinguishing marks	Breed or kind of cat	Approx. age of cat

Owner Details (if known)

Name:.....

Address:.....

Phone:.....

The cat was seized and impounded under Clause.....of the Cats Local Law 2008
for.....

I order that

Details of Disposal

The abovementioned cat was (please circle): released to owner/sold/rehoused/destroyed on

(2).....at (3).....

.....
(signature of authorised person)

(1) Name of authorised officer

(2) Date of cat’s disposal

(3) Time of cat’s disposal

Third Schedule

Form 4

CITY OF JOONDALUP

NOTICE OF THE SEIZURE AND IMPOUNDMENT OF A CAT

Place found:.....

Date and time:.....

To (1).....

PLEASE TAKE NOTICE that a cat, of which you are the owner, has been seized and impounded pursuant to the powers conferred by the *Local Government Act 1995*, and is now

at.....

.....

If not claimed within 7 days from the date of the service of this notice, the cat will be disposed of pursuant to the *Cats Local Law 2008*. All fees and charges relating to offences committed and associated detainment costs will require full payment before the release of the cat is approved.

The registered number of the cat is.....

.....
(signature of authorised person)

(1) Insert name and address of owner.

Third Schedule

Form 5

CITY OF JOONDALUP
CATS LOCAL LAW 2008

INFRINGEMENT NOTICE

No.

Date/...../.....

To (1)

.....

It is alleged that at (2)

.....

on the day of 20.....

you committed an offence in that you (3)

.....

.....

.....

.....
(to be signed by an authorised person).

You may dispose of this matter —

(a) by payment of a modified penalty of (4) \$..... within 28 days of the
date of this Notice to (5); or

(b) by having it dealt with by a court.

If this modified penalty is not paid within the time specified, court proceedings may be taken
against you.

- (1) Insert name and address of alleged offender.
- (2) Insert place of alleged offence.
- (3) Insert short particulars of the offence alleged.
- (4) Insert amount of modified penalty prescribed.
- (5) Insert address of the office where payment may be made.

Third Schedule

Form 6

CITY OF JOONDALUP
CATS LOCAL LAW 2008

WITHDRAWAL OF INFRINGEMENT NOTICE

No.

Date/...../.....

To (1)

.....
Infringement Notice No. dated/...../.....
for the alleged offence of (2)

.....
.....
.....
..... is hereby withdrawn.

The modified penalty of \$.....

- has been paid and a refund is enclosed
- has not been paid and should not be paid

† No further action will be taken.

† It is proposed to institute court proceedings for the alleged offence.

.....
(to be signed by an authorised person).

-
- (1) Insert name and address of alleged offender.
 - (2) Insert short particulars of offence alleged.
 - (3) Insert amount of modified penalty prescribed.
 - Delete whichever does not apply
 - † Delete whichever does not apply

Fourth Schedule

CITY OF JOONDALUP CATS LOCAL LAW 2008

OFFENCES AND MODIFIED PENALTIES

Part 2 - Cats

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	6(2)	Failure to register cat	50
2	16	Failure to give notice of new owner	20
3	19(c)	Allowing cat to wear incorrect registration tag	50
4	19(d)	Wrongfully removing or defacing cat registration tag or producing counterfeit cat registration tag	50
5	20(1)(a)	Cat in a public place not under effective control	50
6	20(1)(b)	Cat in a prohibited area under Second Schedule	100
7	20(1)(c)	Cat on private premises following complaint	50

Fifth Schedule

CITY OF JOONDALUP
CATS LOCAL LAW 2008

REGISTRATION TAGS

1. Commencing in the year 2008, the following registration tag colours are to be utilised on a three-yearly rotational basis.

One Year Registrations

Year Number	Tag Colour
1*	Red
2	Blue
3	Yellow

Three Year Registrations

Year Number	Tag Colour
1*-3	Purple
4-6	Green
7-9	Orange

*Year 1 commences in the Year 2008.

POLICY 8-2 – ELECTED MEMBERS - ALLOWANCES

STATUS:	City Policy - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i>
	<i>Developed by the Policy Committee and/or the administration and adopted by Council.</i>
RESPONSIBLE DIRECTORATE:	Office of the CEO
OBJECTIVE:	The objective of this document is to provide a clear outline of the support and allowances available to the City's Elected Members.

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INTRODUCTION

The document has been prepared to conform with the provisions relevant to Elected Member entitlements under the Local Government Act 1995, Local Government Amendment Act 2004 and Regulations made under these Acts.

Where this policy refers to an annual period, the period shall be from October to October in the following year.

PART 1 – PROVISION OF SUPPORT

1.1 Objective

To provide elected members with appropriate facilities, equipment, material and information to support them in performing their duties of office.

1.2 Mayor

(1) The Mayor shall, in carrying out the duties and responsibilities of that office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under Section 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995:

(a) The provision of a luxury sedan type motor vehicle with unrestricted use for all official and social duties connected to the office of Mayor and for personal private use. This vehicle will be changed over in accordance with the City's general management of its light vehicles fleet.

(b) Where the office of Mayor is provided with a vehicle as detailed in (a) above, the costs associated with the Mayor's private use of the vehicle are to be reimbursed by the Mayor.

The calculation of the reimbursement for the private use is by way of a log book in accordance with the requirements of the Australian Taxation Office.

~~(c)~~ Membership of the Qantas Club;

~~(d)~~ The cost of the Mayor and Partner of attending any breakfast, dinner or similar function where invited as the Mayor and representative of the City provided such function does not fall into the category of a conference and training event as defined in clause 4.4 of this policy or is not for election purposes;

~~(e)~~ Suitable contemporary office accommodation within the Civic Centre;

~~(f)~~ Secretarial services including word processing, photocopying and postage;

- | (fg) Administrative assistance associated with any Council functions, meetings, publications and the like;
 - | (gh) Access to the Elected Members Lounge and Office refreshments;
- (2) All equipment and facilities subject of this policy are provided to the Mayor on the absolute understanding that they will not be used for any election purposes.

1.3 Deputy Mayor and Councillors

- (1) The Deputy Mayor and Councillors shall, in carrying out the duties and responsibilities of their office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under Section 5.98, 5.98A, 5.99 and 5.99A of the Act:
- (a) Access to the Elected Member Lounge and refreshments;
 - (b) Access to suitably equipped shared office accommodation, reading room, ward meeting and conference rooms within the Civic Centre with photocopying, printing, facsimile and telephone facilities;
 - (c) Some secretarial support as resources allow including limited word processing, photocopying, and postage;
 - (d) The cost of the Deputy Mayor or Councillor, plus his or her partner, attending any breakfast, dinner or similar function where invited as the Deputy Mayor or Councillor and representative of the City or Ward, provided such function does not fall into the category of a conference and training event as defined in clause 4.4 of this policy or is for election purposes.
- (2) All equipment and facilities subject of this document are provided to the Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

PART 2 – ISSUE AND RETURN OF COUNCIL EQUIPMENT

2.1 Objective

To enable elected members to be accessible to the community, their colleagues and the City's staff.

2.2 Equipment

This following equipment, documents, stationery and other items will be issued to Elected Members:

- (1) laptop computer and all in one printer (The Elected Member to determine whether new or second-hand).
- (2) Router and hub for internet use.
- (3) Elected Member lounge key
- (4) Security Card/Building Access Card and ID Card

- (5) Satchel or briefcase (optional)
- (6) 1 City of Joondalup vehicle licence number plate, selection of numbers 2 to 20 (optional) (See 2.5 below)

This equipment should either be new or in very good condition.

2.3 Documentation

The following documentation will be issued to Elected Members:

- (1) Committee members' booklet
- (2) Community Directory
- (3) Local Government Act 1995 and Regulations
- (4) Local Laws Manual
- (5) Policy Manual
- (6) Code of Conduct
- (7) Western Australian Local Government Association - Elected Member Manual
- (8) Internal Telephone directory
- (9) Planning Scheme text and report
- (10) Budget
- (11) Service Agreement – Elected Members & Information Services Business Unit
- (12) Short Guides produced by the City

2.4 Other Items

The following items will be issued to Elected Members:

- (1) Two name badges for the members, and one name badge for their partners.
- (2) Business cards
- (3) Appropriate stationery
- (4) Street directory
- (5) Elected Member Uniform issue (non -compulsory)
(1 Jacket, 2 Trousers/Skirts and 3 Shirts/Blouses)
- (6) Driz-a-bone Jacket or similar (optional)

Each elected member is entitled to be reimbursed to a maximum amount of \$1,050 (**July 2008**) following every ordinary election at which they were elected, or where an elected member is elected as a result of an extraordinary election, for the purchase of relevant office furniture/equipment to assist them to perform their role as an elected member and to be used for Council related purposes.

The amount allocated for reimbursement will be inflated annually as from 1 July 2008 based on the CPI rate of Australia, and rounded to the nearest \$10.

2.5 Vehicle Licence Number Plate

- (1) Elected Members may have a City of Joondalup vehicle licence number plate fitted to their vehicle for their term of office at the City's cost.
- (2) Vehicle Licence plate numbers 1 and 2 (and variations on this (eg 01; 001; 001)) are reserved for use by the Mayor and deputy Mayor.
- (3) An Elected Member is eligible to transfer the vehicle licence number plate to another vehicle once every two years at the City's cost.
- (4) If the vehicle licence number plate is to be transferred more than once every two years, then the second and subsequent transfer shall be at the cost of the Elected Member. The exception is where there is a change in the office of Deputy Mayor. Where this occurs this is not to be treated as a transfer for those affected members as per above.
- (5) Retiring Elected Members shall return the Council issued vehicle licence number to the City within fourteen (14) days of ceasing to be an Elected Member. Any costs associated with this transfer of the Elected Member's vehicle licence number plate shall be met by the City.
- (6) Where an Elected Member is issued with a vehicle licence number plate as detailed within this policy, that vehicle fitted with the licence number plate shall not **have electoral advertising placed on the vehicle.**

2.6 Return of Equipment Issued

- (1) An Elected Member is entitled to retain, at no charge, equipment, documents and other items issued by Council *with the exception of the following, which cannot be retained:*
 - (a) Any equipment that is less than three years old
 - (b) Equipment leased by Council;
 - (c) Security Card/Building Access Card and ID Card;
 - (d) Elected Member Lounge Key; and
 - (e) City of Joondalup Vehicle Licence Number Plate

PART 3 – PAYMENT OF FEES AND ALLOWANCES

3.1 Objective

To detail the amount of fees and allowances to be paid to Elected Members and the conditions under which those fees and allowances shall be paid

3.2 Annual Meeting Attendance Fees

Council will pay the maximum amount within the prescribed legislated limit that may be claimed annually for meeting attendance fees for the Mayor and Councillors.

Payments will be made monthly in arrears.

3.3 Annual Local Government Allowances - Mayor and Deputy Mayor

Council will pay the maximum Annual Local Government Allowance within the prescribed legislated limit that may be paid to the Mayor and Deputy Mayor.

Payments will be made monthly in arrears.

3.4 Telecommunications Allowance

- (1) Council will pay all Elected Members an annual telecommunication allowance to the maximum amount within the prescribed legislated limit.
- (2) The annual telecommunication allowance is for costs relating to telephone usage (including plans/contracts, payments and purchase of fax machines, mobile phones and extra telephone lines) and call costs and consumables associated with that use.
- (3) Any claims by Elected Members for expenses incurred over the maximum annual telecommunication allowance detailed in (1) above are to be submitted on the form provided. (Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed). Where a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.
- (4) In recognition of possible capital costs associated with telecommunications expenses, payment will be made as follows:
 - One third in advance on election, then;
 - monthly in arrears from the commencement of the fifth month of the term of office to the completion of the term.
- (5) Where Elected Members are re-elected to a second or further term of office, they will receive one third of the telecommunications allowance in advance at the commencement of the next term of office, in recognition of the potential need to upgrade associated telecommunications equipment.

3.5 Information Technology Allowance:

- (1) Council will pay all elected members an annual information technology allowance to the maximum amount within the prescribed legislated limit.
- (2) This allowance is in addition to the council provided laptop and printer and is in recognition of costs associated with Internet connection, electronic diaries and the like.
- (3) Any claims by elected members for expenses incurred over the maximum annual telecommunication allowance detailed in (1) above are to be submitted on the form provided. (Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed). Where a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.
- (4) Payment will be made as follows:
 - 50% in advance on election, then;
 - 25% at completion of third quarter;
 - 25% on completion of each subsequent quarter during the period of office.

- (5) Where elected members are re-elected to a second or further term of office, they will receive one half of the information technology allowance in advance at the commencement of the next term of office, in recognition of the potential need to upgrade information technology equipment.

3.6 Conditions of Payment

- (1) All allowances and fees shall be paid automatically unless an elected member has advised the CEO in writing that he/she does not want to claim any or part of those fees and allowances.
- (2) If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of such request.
- (3) The taxation liability arising from these payments is the individual responsibility of each Elected Member.

PART 4 – ATTENDANCE AT CONFERENCES AND TRAINING WITHIN AUSTRALIA

4.1 Objective

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the City of Joondalup.

4.2 Statement

Elected Members are encouraged to attend appropriate conferences and training to enable them to be more informed and better able to fulfill their duties of office. In order to support this, the following is provided.

4.3 Annual Conference and Training Expense Allocation

- (1) The following annual conference and training expense allocation shall be made available to Elected Members:
 - (a) The Mayor shall be entitled to an annual expense allocation of \$12,000 (**July 2008**), inflated annually from the date the \$10,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100; and
 - (b) All Councillors shall be entitled to an annual expense allocation of \$5,900 (**July 2008**), inflated annually from the date the \$5,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100.

- (2) In addition to the annual expense allocation detailed in clause (1)(a) above, the Mayor shall be entitled to attend the following conferences:
- Annual Western Australian Local Government Association;
 - Annual National Australian Local Government Association;
 - Annual National Congress of the Local Government Managers Australia.

4.4 Definition

In this part, “Conferences and Training” means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of local government and held within Australia.

4.5 Approval

- (1) Subject to Part 5 for overseas travel, Elected Members may attend conferences and training following:
- (a) approval by the Council through a resolution passed at a Council Meeting; or
 - (b) by informing the CEO in advance of attendance.

4.6 Conferences and Training that may be attended

The conferences and training to which this policy applies shall generally be limited to:

- (1) West Australian Local Government Association (WALGA) and Australian Local Government Association (ALGA) conferences;
- (2) Special “one off” conferences called or sponsored by or for the WALGA and/or ALGA on important issues;
- (3) Annual Conferences of the major Professions in Local Government;
- (4) Australian Sister Cities Conferences;
- (5) Municipal Training Service’s Councillor Induction Program;
- (6) WALGA Elected Member Training and Development;
- (7) Training relating to the role of elected members; and
- (8) other local government specific training courses, workshops and forums, relating to such things as understanding roles/responsibilities of Elected Members, meeting procedures, etc.

4.7 Payment of Conference and Training Costs

(1) Payment from Conference and Training Allocation

The City will pay Conference or Training costs where the Elected Member has been authorised to attend and there is sufficient funds remaining within the Elected Member's Annual Conference and Training Expense Allocation. Should insufficient funds be available, the Elected Member may meet the difference between the actual cost and the allowance themselves or receive funds from another Elected Member's allowance (see 4.9(7)).

(2) Booking Arrangements

Registration, travel and accommodation for Elected Members will be arranged through the Office of the Chief Executive Officer with the appropriate City discount for travel and accommodation being provided. In general, all costs including airfares, registration fees and accommodation will be paid direct by the City. The main exception relates to the payment of daily allowances in lieu of accommodation as considered in paragraph 4.7(8).

(3) Registration

The City will pay all normal registration costs for Elected Members/delegates that are charged by organisers, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the Council.

(4) Accommodation

(a) The City will pay reasonable accommodation costs for Elected Members including the night before and/or after the conference and training event where this is necessary because of travel and/or the conference and training event timetables which make it impossible to arrive at or return home in normal working hours.

(b) Where available, accommodation shall normally be booked at the venue.

(5) Conference and Training Travel

(a) Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the Conference and Training venue. All reasonable travel costs for Elected Members/ delegates to and from the venue/accommodation will be met by the City.

(b) Where air travel is involved, approval to attend should ideally be sought two months prior to departure to facilitate booking.

- (c) All air travel within Australia shall be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- (d) If accommodation is at the Conference or Training venue or in close proximity, taxis should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for the conduct of Council business. Costs of taxi fares, vehicle hire and parking which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the City.
- (e) Where in particular circumstances Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

(6) Reimbursement of Expenses

- (a) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling.
- (b) Such living costs would include, but are not limited to:
 - taxi fares to and from the airport;
 - taxi fares to and from the venue if the accommodation used is a substantial distance from the venue;
 - meals for the Elected Member;
 - refreshments for the Elected Member; and
 - vehicle hire, petrol and parking.
- (c) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.
- (d) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home.

Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:

- for the days of the event; and
- for the cost of travel from the airport directly to the accommodation to be used for the event and also, vice versa, from the accommodation to the airport.

- (e) Where a visit is extended, as discussed in paragraph (d), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the Conference and Training event. In such situations, the reimbursement of taxi fares will be to the estimated cost of travel between the event's accommodation and the airport and vice versa. The Elected Member will be required to pay any greater amount.
 - (f) Where an Elected Member does not require paid accommodation for a Conference and Training event because the Elected Member is able to source accommodation from another party (the hosts), the Elected Member is entitled to be reimbursed for meal and refreshment costs provided to the hosts up to the amount that would have been incurred had paid accommodation been used.
 - (g) Where an Elected Member attends two Conference and Training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than three days, only three days reimbursement can be claimed.
- (7) Cash Advances associated with payment through the reimbursement of expenses
- (a) A cash advance of \$110 per day (**July 2008**) for interstate travel and \$170 per day (**July 2008**) for overseas travel shall be made available for food, drink and incidental expenses that are of a reasonable nature. The cash advances per day above will be inflated annually as from 1 July 2008 based on the CPI rate of Australia, and rounded to the nearest \$10.
 - (b) The administrative arrangements for managing this will be the most appropriate to the circumstances in the view of the Chief Executive Officer.
 - (c) The Cash Advance shall be paid to cover all reasonable incidental expenses associated with the conference attendance such as:
 - (i) hotel/motel charges other than accommodation, ie. laundry;
 - (ii) reasonable telephone or facsimile use;
 - (iii) breakfasts, lunches, dinners and other meals not included in the conference registration fee;
 - (iv) any optional activity in a conference program.
 - (e) Documentary evidence in the form of original invoices and receipts must be provided for the acquittal of all advances. All advances must be acquitted within one week of the Elected Member returning to Perth. Amounts not acquitted shall be refunded to the City.

(8) Public Service Commission Allowance

Instead of being reimbursed for actual expenses, an Elected Member may receive a fixed allowance as reimbursement for attending a Conference and Training event. This allowance will be the amount identified in the Public Service Award as is specified in legislation.

The allowance will be paid in the following circumstances from the Elected Member's Conference and Training Expense Allocation.

The following is drawn from the Public Service Award.

- (a) When a trip necessitates an overnight stay and the Elected Member is fully responsible for his or her own accommodation, meals and incidental expenses:
- (i) where hotel or motel accommodation is utilised, reimbursement shall be in accordance with the rates prescribed in Column A, Items (4) to (8) of Schedule I – Travelling, Transfer and Relieving Allowance of the Award; and
 - (ii) where other than hotel or motel accommodation is utilised, reimbursement shall be in accordance with the rates prescribed in Column A, Items (9), (10) or (11) of Schedule I – Travelling, Transfer and Relieving Allowance of the Award.
- (b) When a trip necessitates an overnight stay and accommodation only is provided at no charge to the Elected Member, reimbursement shall be made in accordance with the rates prescribed in Column A, Items 1, 2 or 3 and Items 12, 13 or 14 of Schedule I – Travelling, Transfer and Relieving Allowances of the Award subject to the Elected Member's certification that each meal claimed was actually purchased.
- (c) To calculate reimbursement under (a) and (b) for a part of a day, the following formula shall apply:
- (i) If departure from Joondalup is:
 - before 8:00am – 100% of the daily rate.
 - 8:00am or later but prior to 1:00pm – 90% of the daily rate.
 - 1:00pm or later but prior to 6:00pm – 75% of the daily rate.
 - 6:00pm or later – 50% of the daily rate.
 - (ii) If arrival back at Joondalup is:
 - 8:00am or later but prior to 1:00pm – 10% of the daily rate.
 - 1:00pm or later but prior to 6:00pm – 25% of the daily rate.
 - 6:00pm or later but prior to 11:00pm – 50% of the daily rate.
 - 11:00pm or later – 100% of the daily rate.

Should the allowance not cover the actual costs of attendance, an Elected Member is entitled to be reimbursed the difference between the actual cost and the allowance amount as long as the reimbursement sought accords with 4.7(6) and all of the allowance monies have been used for items that can be reimbursed.

4.8 Elected Member/Delegate Accompanying Person

- (1) Where an Elected Member is accompanied at a Conference and Training event, all costs for or incurred by the accompanying person including but not limited to travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/accompanying person and not by the City. The exception to the above being the cost of attending any official event dinner where partners would normally attend.
- (2) An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- (3) Where the City meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Council by the Elected Member/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the Conference and Training event.

4.9 Guidelines for Conference and Training Attendance

- (1) Subject to the provisions of clause 4.3 "Annual Conference and Training Expense Allocation" the guidelines detailed in this clause shall apply.
- (2) Generally, no more than two Elected Members may attend a particular Conference or Training event outside Western Australia at the same time. The CEO or Council may however approve attendance by more than two members if a particular purpose or need arises.
- (3) All unspent funds shall be carried forward at the completion of each annual period.
- (4) Following each Ordinary Council election, elected members will forfeit any unspent funds, and commence their annual expense allowance as detailed in Clause 4.3.
- (5) Elected Members will only be registered for conference and training events itemised in this policy, if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the Conference and Training event in the Elected Member's conference and training expense allocation, Council approval must be obtained before attendance if the additional costs are going to be claimed.

- (6) The cost of training that is specifically arranged for attendance by all Elected Members, (eg team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Elected Member's allocation referred to in this policy.
- (7)
 - (a) An Elected Member may agree to meet Conference and Training costs for another Elected Member and forfeit the relevant amount from his/her own annual conference and training expense allocation, to enable another Elected Member to attend a Conference and Training event, where that member has insufficient funds remaining in their allocation.
 - (b) In such cases, the Elected Member agreeing to meet those costs shall provide the CEO with a written statement to that effect, signed by both Elected Members and authorising the CEO to initiate necessary arrangements and debit the authorising member's allocation.

PART 5 – ATTENDANCE AT OVERSEAS CONFERENCES

- (1) An Elected Member may, with Council approval, attend an overseas conference. The Council approval must include a specific Council resolution indicating that the conference attendance will be of benefit to the City and the Elected Member and detailing any conditions that may apply.
- (2) An Elected Member may attend an overseas conference if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the registered overseas Conference or Training in the Elected Member's conference and training expense allocation, Council approval must be obtained before costs are incurred in keeping with 4.9(5) above or the Elected Member agrees to meet the additional costs personally.
- (3) All air travel overseas shall be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- (4) Cash advances are payable for overseas conferences (see Section 4.7(7)).

PART 6 - REPORT

Upon attendance at any interstate or overseas Conference or Training event as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending Elected Member is required to prepare a report on their attendance and benefits, to be circulated to all members of the Council.

PART 7 – REIMBURSEMENT OF EXPENSES

7.1 Objective

To provide for the reimbursement of expenses necessarily incurred by Elected Members while performing their duties so that no Elected Member should be unreasonably disadvantaged financially due to meeting the requirements of their office.

7.2 Child Care

- (1) In accordance with Regulation 31, child care costs will be paid for an Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is a member and the expense is to be claimed on the form provided.
- (2) Where an Elected Member attends any other meeting, reception, citizenship or other Council function, or Council related activity and incurs child care costs, such costs may be claimed provided they are substantiated with details of the date, activity attended, the actual costs incurred and original receipts being provided and attached to the claim form.
- (3) Child care costs are applicable for children, either of natural birth or guardianship determined by legal process.
- (4) Child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.
- (5) Child care costs shall be debited to a separate account in the budget and not be debited to or form part of an Elected Member's Annual Expense Reimbursement Limit as referred to in clause 7.3 of this policy.

7.3 Travel

- (1) The payment of travel costs is covered under Local Government (Administration) Regulations 1996.

- (2) Travel costs incurred and paid by Elected Members will be reimbursed for:
 - (a) Travel and parking expenses incurred by a member using a private vehicle to, from and attending:-
 - (i) meetings of the Council or a Committee of the Council and civic or Council related functions;
 - (ii) as a delegate of the Council to statutory and other boards and committees, community organisations, conferences, local government association or industry groups or committees of them;
 - (iii) a specific request or instruction of the Council and/or including inspection, ratepayer/electors requests or other Council duty;
 - (iv) attending social functions where the member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity;
 - (b) The amount payable in respect of travelling expenses shall be paid from the time the Returning Officer has declared a person elected as a Council member.
 - (c) Travel expenses claimed under this policy are to be calculated in accordance with the rate per kilometre prescribed for the class of vehicle as detailed in the Local Government Officers' Award where the member's vehicle is used.
 - (d) A claim for reimbursement of expenses form indicating the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total travelled in kilometres, is to be completed by members to ensure that the transport expense can be verified.
- (3) Where an Elected Member deems it is more appropriate to attend a Council related commitment without a car, a taxi may be used and the costs incurred claimed.
- (4) Should an Elected Member travel in a vehicle which is not his or her own, the reimbursement will be calculated in accordance with (2) above.

7.4 Other Specified Expenses

- (1) Outside of child care and travel costs an Annual Reimbursement Limit of \$520 (**July 2008**) shall be available to Elected Members for reimbursement of costs incurred as a result of performing their duties as an Elected Member.

The amount allocated for reimbursement of other specified expenses will be inflated annually as from 1 July 2008, based on the CPI rate of Australia, and rounded to the nearest \$10.

Costs incurred and paid by Elected Members will be reimbursed by the City up to the reimbursement limit in each annual expense period. When a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval. All expenses claimed must have been incurred and substantiated with provision of original invoices/receipts attached to the claim form, prior to being reimbursed on a monthly basis.

- (2) Original invoices and receipts are required for audit purposes and to enable GST to be claimed. Where a GST refund is received it will be credited to the Elected Members Expense Reimbursement record.

7.5 Time Limit on Claims and Approval Process

Members electing to receive reimbursement of expenses in accordance with the provisions of this policy should submit the appropriate claim form to the CEO, together with supporting documentation, within two calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the annual financial statements.

Amendments:	CJ422-12/01, CJ121-06/02, C212-09/03, CJ206-10/05, CJ007-02/07, CJ207-10/07 CJ052-04/08
Related Documentation:	Delegated Authority Manual Local Government Act 1995
Issued:	August 2008

ATTACHMENT 1

CJ200-09/08 FUTURE VERGE ENHANCEMENT PROJECTS - [87541]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide Council with an evaluation of the effectiveness of the Heathridge Verge Enhancement Competition and recommendations for future initiatives of this nature.

BACKGROUND

In April 2008 Council resolved (*CJ054-04/08 refers*) to endorse a project that would encourage residents of Heathridge to take part in a verge enhancement competition. The project was finalised in August 2008 and Council was provided with a report on particular aspects of the Heathridge Competition - (*CJ153-08/08 refers*).

DETAILS

It should be noted that the task of developing a competition to encourage residents of Heathridge to tidy up their verges was a challenge for a number of reasons. Firstly, it was important not to offend Heathridge residents by suggesting that their verges were not maintained in a tidy condition. Secondly, it was known that approximately 20% of the properties in the suburb were rented and that tenants might not see verge maintenance as something for which they could, or should, be held responsible. Further, that such maintenance might not be of a high priority for landowners of these properties. Thirdly, there is a broad misconception that 'responsibility' for verges rests with the local government and that the role of residents is limited to reporting deficiencies in verge conditions.

To avoid causing unnecessary offence to residents, the focus of the competition, and all communications associated with it, was one of empowerment. Rather than relying on the financial incentive of prizes, residents needed to understand how they could tidy up or enhance their verges in ways that would increase the amenity of their properties and that of the local area. Additionally, they would become knowledgeable about water-wise and environmentally friendly designs for their gardens and verges.

Successes with the Heathridge Trial

As noted in the previous report on the outcomes of the competition, letters were sent to over 2000 householders in Heathridge telling them about the competition and launch. This ensured direct contact with the target group.

As a vehicle for community engagement and empowerment, the competition launch was conducted by members of the Great Gardens Team at a local community hall. During the launch the City's current Verge Treatment Guidelines were explained in ways that assisted residents in knowing what to do to comply with, and indeed, exceed the guidelines.

Feedback forms were distributed to the participants at the end of the evening. Twenty four were completed and the outcomes are summarised in the table below. This shows that the launch was very successful.

Question	Response
Rating for the workshop	100% positive response from “good” to “excellent.” Format – Excellent (71%); very good (25%) Material/issues - Excellent (71%); very good (21%) Skills/knowledge of presenters – Excellent (91%)
Objective 1 - Understanding value of verges and improvement possibilities	100% positive response from “agree” (37.5%) to “strongly agree” (62.5%)
Objective 2 - Understanding competition categories and how to enter	100% positive response from “agree” (62.5%) to “strongly agree” (37.5%)
Objective 3 – Understanding verge improvements that meet City guidelines	87.5% positive response from “agree” (66.7%) to “strongly agree” (20.8%).
Stage of readiness to participate in the competition indicated by responses to the statement: “I am seriously considering entering the competition.”	79.2% positive response from “agree” (65.2%) to “strongly agree” (16.7%).
Quality of information received indicated by responses to the statement: “I still don’t feel I have the information I need to be able to do something about my verge.”	87.5% negative response to the statement with “disagree” (45.8%) and “strongly disagree” (41.7%).
Determination of whether participant’s personal objectives for attending were met.	95.8% responded positively. The remainder did not indicate their response to the question.

The participation of six Year 10 students from Ocean Reef Senior High School contributed to the success of the launch as they were most courteous and helpful with the following activities:

- setting up the venue
- welcoming and registering attendees
- distributing information
- serving and clearing away supper
- taking down signage, presentation materials and
- clearing the hall

The students were recruited through the Give 20 program which requires that all high school students perform 20 hours of service to their communities to gain the Year 12 Education Certificate on leaving school.

Weaknesses of the Heathridge Trial

Poor response rate

Despite over 2000 letters being sent to every household in Heathridge and posters being placed at local venues about the competition and the launch that preceded it, the overall

response from the community was low. The City received only 50 inquiries from Heathridge residents concerning the launch, 35 registered their interest in attending and only 24 people actually attended on the night. Further, only nine competition entries were received. In noting this, direct mail is considered the most effective way of reaching residents and additional promotion and advertising, while possible, is viewed as unlikely to have a dramatic impact on levels of participation. Other reasons for the poor response rate could have been as anticipated from the outset i.e., responsibility for verges, costs etc.

Verge Treatment Guidelines

The content of the current Verge Treatment Guidelines is somewhat technical and does not provide guidance on the environmental or water-wise issues that should be considered when designing or upgrading a verge. Although the Great Gardens Team members were able to 'interpret' this information for community participants at the launch and provide practical guidance on how they could improve their verges to incorporate environmental and water-wise considerations at the same time, this information was not available to the general public.

The Council decision (*CJ153-08/08 refers*) to use the \$5,000 surplus funds from the Heathridge competition to improve the Verge Treatment Guidelines will provide an opportunity for placing a greater emphasis on water-wise and environmentally friendly verges together with a practical 'how to' approach for residents and ratepayers.

No improvements achieved

Heathridge residents who did enter the competition already had established verges that complied with the City's Verge Treatment Guidelines. However, with one exception, most did not appear to any great extent to be either water-wise or environmentally friendly. Nevertheless, their contribution toward the overall ambience of the suburb in terms of money, time and effort invested has been acknowledged through the competition. Overall there has been no additional enhancement of verges as an outcome of the Verge Enhancement Competition.

Value for money

The cost of the competition (\$20,000) relative to the impact of having run it cannot be said to have provided value for money. Expenses incurred included postage, printing, catering at the launch, the contribution of the Great Gardens Team and prizes, but the competition itself did not result in the desired outcome of improved verges in Heathridge.

Issues and options considered:

The evaluation has shown that the competition as a model for motivating residents to clean up their verges was ineffective. The people who submitted entries already had verges that met the Verge Treatment Guidelines.

While minor amendments to the Heathridge approach could be made for a competition in Greenwood i.e., providing a longer time frame leading up to the competition, greater local publicity and using revised Guidelines, it is concluded that the outcomes may again not be significantly improved.

In the circumstances, three alternative models that may lead to improvements in local streetscapes, provide greater value for money and increase the likelihood of residents and ratepayers developing water-wise and environmentally friendly gardens are presented.

Model 1 Best Garden model

Refocus the competition as a 'best garden' competition rather than concentrating on verges alone. Entrants for the various categories could be nominated by anyone. In Western Australia, the metropolitan Towns of Mosman Park, Vincent and Cambridge have previously held gardening competitions with sponsorship from a number of local businesses and some State Government departments. In country Western Australia, the City of Geraldton-Greenough has had notable success with categories for Best Public Place and Best Commercial Property. In NSW, Campbelltown City Garden Competition is an annual feature. There are numerous categories and cash prizes are awarded. Rockhampton Regional Council in Queensland has just commenced a Regional Garden Competition in partnership with a local newspaper and radio station. For judging purposes, the region is divided into 4 precincts with 8 categories including "Best Kitchen Garden" and "Best Corporate Garden" considered for each area. In Victoria, the State runs the annual "Victoria in Bloom" competition, again with multiple categories and prizes in the form of vouchers or cash. The emphasis for this competition is that gardens of all categories be water-wise.

The advantages of this model are:

- The concept of a garden competition is well known and widely accepted across Australia.
- As an annual or ongoing event it may encourage residents to compete with one another on a regular basis whether they live in public housing, group homes, residential aged care facilities, rental accommodation or are owner occupiers.

The disadvantages with this model include:

- This model would to a large extent move away from the focus on verges.
- It is also likely that such a program would require greater cost and administration to conduct.

Model 2 Front Verge Blitz model

Council may wish to consider using the popular "Backyard Blitz" styled approach as seen on television. In this case, the City would brand this as the "Front Verge Blitz" whereby a design for a high quality front verge would be developed by the City to a budget of around \$1,000. This design would then be applied to approximately 20 verges in the suburb that are selected randomly from nominated verges in need of improvement. This would equate to the \$20,000 budget. The City would publicise the initiative and encourage residents to also submit their verge or others for the nomination process. Those selected would then receive a free verge enhancement treatment.

The advantages of this model are:

- Resident participation would be limited to nominating verges. (It could be their own or a neighbour's). Disincentives to enter the competition such as financial outlay or labour required have been removed.
- The outcome of the competition would be the guaranteed improvement of approximately 20 verges.
- Local amenity would be enhanced, perhaps leading to an increase in property values.
- Value for money would be achieved with actual verge upgrades.

The disadvantages with this model include:

- The impact of 20 upgraded verges within a suburb would be minimal given the spread of the works.
- The cost of upgrading verges that are not in close proximity would be greater as economies of scale are lost.

Model 3 Streetscape Verge Enhancement

A streetscape model would involve a street being selected to be enhanced. This enhancement would achieve maximum benefit if it were to occur in conjunction with the City's road resurfacing program. The City currently plans to resurface Karuah Way from Coolibah Drive to Hepburn Avenue and Canham Way from Wanneroo Road to Cockman Road. It would be appropriate to select a street that is being resurfaced to maximise the impact of beautification in a street.

Once a street is selected, all residents in that street would be contacted and invited to nominate their verge for the program. The City would then select a number of those verges that have nominated (up to the \$20,000 budget available). The City would engage a contractor to the value of \$20,000 to upgrade the chosen verges in that street.

The advantages of this model are:

- Resident participation would be limited to nominating verges. Disincentives to enter the competition such as financial outlay or labour required have been removed
- The overall impact of this approach would be maximised given works are confined to a single location within the suburb.
- The outcome of the competition would be the guaranteed improvement of 30 verges.
- Local amenity would be enhanced.
- The greatest amount of value for money would be achieved with actual verge upgrades and economies of scale can be gained by confining works to a single street.

The disadvantage with this model is:

- Participation in the project is limited to a single street and does not engage the entire suburb.

The options available are therefore:

Option One To continue with the Heathridge Verge Competition model in partnership with the Great Gardens Team with a focus on verge enhancement and supported by updated Verge Treatment Guidelines.

Option Two To develop the Front Verge Blitz whereby a model verge is developed to improve verges identified as being in a poor condition within a discrete suburb.

Option Three To develop a Garden Competition with categories similar to those used in other Local Governments. The focus should be on gardens that are environmentally friendly and water-wise.

Option Four To develop the Streetscape Verge Enhancement project whereby a model verge is developed and applied to a single selected street within the suburb.

Residents in that street can nominate for their verge to be upgraded and the final decision rests with the City.

Option Four is recommended.

Link to Strategic Plan:

In the section on Sustainability at the City, the requirement to play a key role in sustainable development is noted, in particular with respect to:

- Raising awareness and assisting the community to achieve sustainable practices.
- Providing leadership to positively influence the community.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Selecting the Verge Competition Option without modification or with minor modification for use in Greenwood is likely to yield the same low levels of entry and achieve the same results in terms of verge improvement. Further, improving the guidelines to include environmental and water-wise practices, whilst important and worthwhile, will not be a driver for verge improvement. Currently there is little to no demand for this information and 'push' marketing strategies would be necessary to encourage public take up.

Financial/Budget Implications:

The \$20,000 budget set aside for the Heathridge Verge Competition was in excess of that required due to the low level of entries. The recommended option for a Streetscape Enhancement model would be likely to provide greater value for money.

Should this model be selected it should be noted that the works will be contracted out to a specialised gardening landscaping firm.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

As a vehicle for encouraging sufficient numbers of residents to improve the conditions of their verges the Heathridge Verge Competition was unsuccessful. The only entrants were

those who already had established verges, not people whose verges needed to be improved to lift the overall amenity of the suburb. Nevertheless, the partnership with the Great Gardens Team to launch the competition and the involvement of local high school students was successful. The communication and presentation skills of the Team were effective and empowering for the audience who felt they had a better idea of what to do about their verges in the future and had some intention to act.

The Garden Competition model is one that could be used at the level of the whole City rather than on a suburb by suburb basis. This model lifts the focus from compliance with Verge Treatment Guidelines alone to designing 'gardens for the future,' allowing for creativity and self-expression across all types of housing and even extending to the business, commercial or educational sectors.

However, of all the options presented for consideration by Council, the Streetscape Enhancement model is the most likely to provide the greatest value for money. It does not require that householders spend their own money to improve a verge, only that they nominate for the work to be done. By developing a 'model' verge it will be possible to demonstrate best practice in water-wise, environmentally friendly and low maintenance design in selected suburbs.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the content of the report, which provides an evaluation of the Heathridge Verge Competition as a vehicle for verge enhancement by residents within a suburb;
- 2 SUPPORTS Option Four, being the development of a Streetscape Verge Enhancement concept to replace of the current Verge Competition model for application in Greenwood.

MEETING DATE: 16 September 2008

**PROPOSED PARKING POLICY FOR COMMERCIAL DEVELOPMENT
WITHIN JOONDALUP CITY CENTRE
00152**

RESPONSIBLE Clayton Higham
DIRECTOR: Director Planning & Community Development

PURPOSE

To provide a parking policy which will ensure an adequate supply of private and public parking as well as providing an incentive for major commercial development within the City Centre.

EXECUTIVE SUMMARY

The proposed draft Parking Policy is aimed at ensuring that an adequate supply of both private and public parking occurs in the City Centre, as well as providing incentives for the significant commercial development.

The draft policy effectively requires parking for commercial developments at a rate of 1 bay per 60 square metres Net Lettable Area (NLA) and a normal financial contribution to the public parking component.

The draft policy has been prepared to recognise the current phase of growth in the City Centre and the desire to encourage major commercial development.

It is recommended that the draft policy be advertised for public comment.

BACKGROUND

The current requirements for parking for commercial developments within the City Centre is one bay per 30 square metres in net lettable area (NLA). Research has shown that this is consistent with other local governments within metropolitan Perth however, some local governments have provided reduction factors to encourage sustainability and public transport usage. Consideration was given to a policy for the City which reduced the one per 30 requirement based on proximity to public transport facilities and the provision of end of trip facilities for cyclists. Validation of this approach for the Joondalup situation was sought from traffic consultants, Darren Levy, of Uloth and Associates.

The traffic consultant advised that such reductions for the Joondalup City Centre are not recommended. The consultant did however, make a number of recommendations in relation to the overall strategy for parking within the City Centre (see attached report).

Based on the consultant's report a number of principles were established and adopted by the Council at its meeting on 15 July 2008 (CJ143-07/08 refers). The adopted principles are

- The standard car parking rate is 1 car bay per 30 sqm of floorspace.

Version No.	Date	Status	Amendments / Comments	Distributed by:

- The application of this standard is 50% provided on-site (ie 1 bay per 60sqm), and 50% provided off-site in the form of public car parking.
- The development must provide on-site car parking at the rate of 1 per 60sqm, with consideration given to cash in lieu (at the full rate) for a portion of the on-site requirement.
- In terms of the off-site provision, the City will be responsible for providing public car parking, with the developer contributing a portion as cash in lieu at a rate that will not be a disincentive to development.
- In order to encourage buildings of greater height, the developers provision of on-site car bays will be reduced on a sliding scale depending on the height of the building.
- Support the provision of bays for smaller cars and scooters, as well as bike facilities including storage, lockers, and showers.
- In the longer term, 1 car bay per 45 sqm of floorspace will be the standard requirement.

DETAILS

Draft Policy 3.7 - Joondalup City Centre Car Parking at Attachment 1 has been drafted on the basis of the principles adopted by the Council. Importantly, the policy assures that the City will achieve an overall parking provision of one car bay per 30 square metre of commercial net lettable area, however, a developer of commercial floor space will only be required to provide 50 % of that overall requirement, with the City potentially insuring the provision of the remaining 50% in public parking.

The policy also allows for that 50% requirement to be discounted based on the height of the proposed building. The higher the building to be constructed the greater the discount. A proportion of the onsite parking can be built as small vehicle bays and/or motorcycle or scooter bays. While the advantage for small vehicle bays is marginal, the floor area saving for motorcycles and scooters could be quite significant. There needs to be recognition that at the present time, motorcycles and scooters only represent a relatively small proportion of vehicle parking needs.

In terms of the off-site parking requirement, the general principle is that the City will be responsible for providing approximately 50% of the overall parking requirement, however, a contribution would be sought from the developer to off-set the cost of providing the public parking. The draft policy suggests that the contribution be diminished, as the number of bays required increases.

Link to Strategic Plan:

3.1 Objective: to encourage the development of the Joondalup CBD

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Council's approach to the Policy and the future consideration of cash in lieu of parking will potentially have a major impact on the built form of the City Centre and its ability to fund/provide public parking.

COMMENT

The proposed parking policy is quite different to policies currently operating in other local governments. This policy has however, been drafted to recognise the particular circumstances within the City Centre of Joondalup and has regard to the current stage of development that the City is at. It is proposed that the policy be reviewed every two years to ensure that it is achieving its objectives and that the balance between public and private parking is being maintained.

Is it recommended that the draft policy be adopted for the purpose of advertising for a period of thirty (30) days.

ATTACHMENTS

Attachment 1 Explanatory Notes

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That the Council ADOPTS the draft Parking Policy 3.7 Joondalup City Centre Car Parking at Attachment 1 for the purpose of public advertising for a period of 30 days.

Signature of Originating Manager

Signature of Originating Director

Explanatory notes - Parking Policy

The following is a guide to how each clause in the policy would operate using a range of examples.

OVERALL PARKING REQUIREMENT

Clause 1 (i) Overall Parking requirement

Proposed Commercial Building Height	NLA/Floor space per floor	Total floor area sqm	Clause 1 (i) Overall Parking requirement (ie 1/30 sqm) Bays
2 storey	600	1200	40
4 storey	900	3600	120
5 storey	1200	6000	200
6 storey	1200	7200	240
7 storey	1200	8400	280
8 storey	1200	9600	320
9 storey	1200	10800	360
10 storey	1200	12000	400

e.g. 8 storey building with 1200sqm per floor (NLA) would have a total NLA of 9600sqm. The overall parking requirement at 1 bay/30sqm NLA would be 9600 divide 30 = 320 bays.

ONSITE OR PRIVATE PARKING COMPONENT

Clause 2 (i) Onsite requirement

Proposed Commercial Building Height	NLA/Floor space	Total floor area sqm	Clause 1 (i) Overall Parking requirement (ie 1/30 sqm) Bays	Clause 2 (i) Onsite requirement (min) (ie 1/60 sqm) Bays
2 storey	600	1200	40	20
4 storey	900	3600	120	60
5 storey	1200	6000	200	100
6 storey	1200	7200	240	120
7 storey	1200	8400	280	140
8 storey	1200	9600	320	160
9 storey	1200	10800	360	180
10 storey	1200	12000	400	200

e.g. Based on the 8 storey example, the minimum on site requirement could be reduced by 50%. The 320 bays divide 2 = 160 bays.

Clause 2 (ii) Building Height Reduction

Proposed Commercial Building Height	NLA/Floor space	Total floor area sqm	Clause 1 (i) Overall Parking requirement (ie 1/30 sqm) Bays	Clause 2 (i) Onsite requirement (min) (ie 1/60 sqm) Bays	Clause 2 (ii) Building Height Discount (new minimum) Bays
2 storey	600	1200	40	20	20
4 storey	900	3600	120	60	60
5 storey	1200	6000	200	100	85
6 storey	1200	7200	240	120	96
7 storey	1200	8400	280	140	105
8 storey	1200	9600	320	160	112
9 storey	1200	10800	360	180	117
10 storey	1200	12000	400	200	120

e.g. Using the 8 storey example the minimum on site requirement could be reduced by 30%. 160 bays - 30% of 160 (48) = 112 bays.

Clause 2 (iii) Cash in lieu reduction

Proposed Commercial Building Height	NLA/Floor space	Total floor area sqm	Clause 1 (i) Overall Parking requirement (ie 1/30 sqm) Bays	Clause 2 (i) Onsite requirement (min) (ie 1/60 sqm) Bays	Clause 2 (ii) Building Height Discount (new minimum) Bays	Clause 2 (iii) Onsite cash in lieu Bays \$30,458/bay 75%	
						Bays	Cash in lieu
2 storey	600	1200	40	20	20	15	\$152,290
4 storey	900	3600	120	60	60	45	\$456,870
5 storey	1200	6000	200	100	85	64	\$639,618
6 storey	1200	7200	240	120	96	72	\$730,992
7 storey	1200	8400	280	140	105	79	\$791,908
8 storey	1200	9600	320	160	112	84	\$852,824
9 storey	1200	10800	360	180	117	88	\$883,282
10 storey	1200	12000	400	200	120	90	\$913,740

e.g. Based on the 8 storey example of the 112 bays calculated above, up to 25% could be provided as cash in lieu, but at the full scheduled rate (currently \$30,458). The developer could then provide 84 bays (75% of 112) on site plus \$852,824 (28 x \$30,458) as cash in lieu.

_Clause 2 (iv) & (v) Type of Bays

Proposed Commercial Building Height	NLA/Floor space	Total floor area sqm	Clause 2 (iii) cash in lieu \$30,458/bay	Onsite Bays 75%	On Site Parking Options		
					Clause 2(iv) Standard	Clause 2 (v) Small	Motorcycle/scooter
2 storey	600	1200	15	\$152,290	9	4	2
4 storey	900	3600	45	\$456,870	30	10	5
5 storey	1200	6000	64	\$639,618	46	12	6
6 storey	1200	7200	72	\$730,992	51	14	7
7 storey	1200	8400	79	\$791,908	55	16	8
8 storey	1200	9600	84	\$852,824	59	17	8
9 storey	1200	10800	88	\$883,282	62	17	9
10 storey	1200	12000	90	\$913,740	63	18	9

e.g. This clause allows the developer to determine (up to a percentage) how many of the parking bays that are to be constructed on site (that is, the number of bays at Clause 2 (iii) after any cash in lieu) could be converted to small vehicle bays or motorcycle/scooter bays.

In the 8 storey example, the 84 bays could be constructed as 8 motorcycle/scooter bays (10% of 84), 17 small vehicle bays (20% of 84) with the remaining 59 bays as standard (84 – 17 – 8 = 59).

Off site or Public Parking Component

Clause 3 (i)

Proposed Commercial Building Height	NLA/Floor space	Total floor area sqm	Clause 1 (i) Overall Parking requirement (ie 1/30 sqm) Bays	Clause 3 (i) Off Site Parking - Maximum contribution assuming built on site	
				Bays	Cash in lieu
2 storey	600	1200	40	20	\$228,430
4 storey	900	3600	120	60	\$525,410
5 storey	1200	6000	200	100	\$769,090
6 storey	1200	7200	240	120	\$890,930
7 storey	1200	8400	280	140	\$1,012,770
8 storey	1200	9600	320	160	\$1,134,572
9 storey	1200	10800	360	180	\$1,256,450
10 storey	1200	12000	400	200	\$1,378,290

This clause relates to the other 50% of the overall parking requirement referred to in Clauses 1 (i) and 1 (ii). The developer is only required to contribute to up to 50% of the overall parking requirement for the offsite component. If a developer chooses to build more than the 50% of the on site bays, then the cash in lieu contribution is calculated as per the following example.

Using the 8 storey building example again, the overall parking requirement is 320 bays. The maximum off site requirement for which a contribution is sought is 160 bays. If a developer chooses to build 200 bays on site, then the cash in lieu contribution for off site parking is based on 120 bays (320 – 200) and not 160 bays.

Continuing with the 8 storey building example, should the developer wish to provide the minimum number of bays on site and leave an off site parking contribution of 160 bays, the cash in lieu for these bays is calculated in the following way.

On the basis of the current scheduled fee of \$30,458 per bay, the off site parking contribution for 160 bays is calculated using clause 3 (i) as follows:

Bays 1-5	50% of \$30,458 = \$15,229	x 5 =	\$76,145
Bays 6-10	40% of \$30,458 = \$12,183	x 5 =	\$60,915
Bays 11-25	30% of \$30,458 = \$9,137	x 15 =	\$137,061
Bays 26-50	25% of \$30,458 = \$7,615	x 25 =	\$190,375
Bays over 50	20% of \$30,458 = \$6,091	<u>x 110 =</u>	\$670,010
		160 bays	\$1,134,506

In summary, using the example of the 8 storey building, and applying the clauses to the maximum, the developer would be required to construct 84 bays (of the original 320 bays) and contribute a total cash in lieu payment of \$1,987,330 (\$852,824 + \$1,134,506). For this payment the City would construct 236 bays (320 – 84) of public parking.

POLICY – JOONDALUP CITY CENTRE CAR PARKING FOR COMMERCIAL DEVELOPMENT

STATUS: **Council Policy** - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations.*

Council policies are developed by the Policy Committee for approval by Council.

RESPONSIBLE DIRECTORATE: **Planning and Community Development**

OBJECTIVE: To provide guidance to the provision of private and public car parking in order to ensure:

- that the Joondalup City Centre attains its position as the second major City in metropolitan Perth;
- an appropriate balance between private and public parking provision in the City Centre.

POLICY AREA

This policy applies to the section of the Joondalup City Centre as depicted on the attached Plan.

OVERALL STRATEGY

The following overall strategy is proposed, taking into account both the current car parking demand of 1 car bay per 30sqm of commercial Net Lettable Area (NLA), as well as the possible long term car parking demand of 1 car bay per 45sqm:

- An overall car parking provision of 1 car bay per 30sqm of commercial NLA must be provided in the short/medium term, in order to satisfy the current level of demand.
- Approximately 50% of this should be provided in public car parks, in order to maximise opportunities for shared use of parking facilities, leaving the other 50% (1 car bay per 60sqm of commercial NLA) to be provided on the development site.
- In the long term, taking into account further increases in public transport usage, cycling, and walking, as well as the increases in the number of people living and working in the City Centre, the aim should be to achieve a reduction to 1 car bay per 45 sqm of commercial NLA overall, if possible (being comprised of 1 car bay per 90sqm on site, and 1 bay per 90sqm in public parking for the maximum possible overall floor space in the long term).

- The balance of public and private parking will be reviewed every 2 years to gauge the performance of the policy against actual built outcomes.

STATEMENT:

1. Overall Parking Requirement

The provision of car parking within the City Centre shall be in accordance with the following:

- The overall parking requirement for commercial developments shall be calculated at 1 bay per 30sqm NLA, comprising two components:
 - The private or **on site parking requirement**; and
 - The public or **off site parking requirement**.
- The developer will be fully responsible for the on site parking component and will make a contribution to the off site parking component according to the schedule below.

2. On Site Parking Requirement

- All of the overall parking requirement (ie 1 bay per 30sqm) can be provided on site, however the minimum on site parking requirement for commercial development is 50% of the overall parking requirement – ie 1 bay per 60sqm NLA.
- To encourage commercial buildings of greater height the on site parking requirement may be reduced according to the following schedule:

Proposed Building Height	% of Min On Site Parking Req't
Up to 4 storeys	0% reduction
5 storeys	15%
6 storeys	20%
7 storeys	25%
8 storeys	30%
9 storeys	35%
10 storeys plus	40%

- Cash in lieu payments may be made for up to 25% of the required on site bays at the full scheduled amount.

The actual number of bays to be constructed on site will result from the application of clauses 2 (i), 2 (ii) and 2 (iii), and (v). This number will be used in the application of the following clauses 2 (iv) and 2 (v).

- All parking areas and bays will be designed and constructed in accordance with AS2890.1 (Part1 Off Street Parking), however, up to 20% of the bays to be constructed on site may be designed and constructed as “small” vehicle bays.

- v) Up to 10% of the bays to be constructed on site may be constructed as bays for motor cycles and scooters (ie 1 standard vehicle bay can be constructed as a motor cycle/scooter bay). In the case of bicycles a secure location or bicycle lockers and end of trip shower and change facilities is a requirement under the City Centre Structure Plan.

3. Off Site Parking Requirement

- i) The City accepts the responsibility of providing approximately 50% of the overall parking requirement. A cash in lieu contribution will be made by the developer for the off site parking component (ie 1 bay per 60 sqm NLA) equivalent to the number of bays of that component not constructed on the development site. That contribution will be in accordance with the following schedule:

- 50% of the full scheduled cash in lieu fee for bays 1 - 5
- 40% of the full scheduled cash in lieu fee for bays 6 - 10
- 30% of the full scheduled cash in lieu fee for bays 11 - 25
- 25% of the full scheduled cash in lieu fee for bays 26 - 50
- 20% of the full scheduled cash in lieu fee for bays in excess of 50.

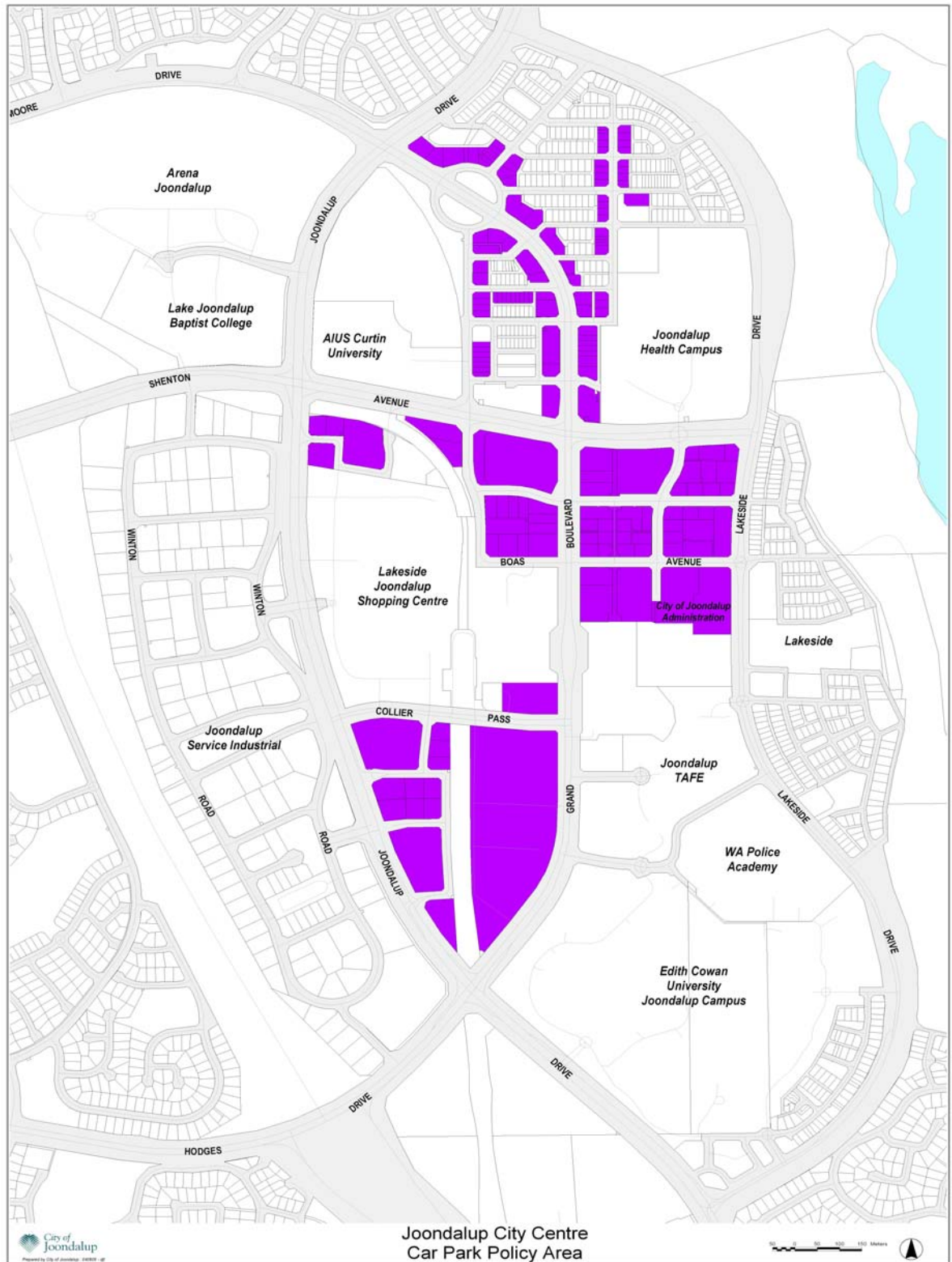
4. Parking For Residential Uses

- i) The provision of any required car parking for residential uses shall be provided on-site at the rate stipulated under the Joondalup City Centre Structure Plan.

Amendments:

Related Documentation: City of Joondalup District Planning Scheme No 2
Joondalup Development Plan and Manual.

Issued:



POLICY 3-7 SIGNS

STATUS: Council Policy - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations. The policy has a strategic focus and aligns with the Mission, Vision and Strategic directions.*

Council policies are developed by the Policy Committee for approval by Council.

RESPONSIBLE DIRECTORATE: Planning and Community Development

OBJECTIVES:

1. To provide guidance on the design and placement of signs located within the City of Joondalup.
2. To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.
3. To encourage signs that are well designed and positioned, appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.
4. To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.
5. To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law (1999).

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of District Planning Scheme No 2 (DPS2) which allows Council to prepare planning policies relating to planning and development within the Scheme area.

This policy provides guidance on the extent and location of various forms of signage that are not exempt from planning approval under DPS2 and complements the requirements of the City's Signs Local Law (1999) which focuses on safety and maintenance issues.

POLICY AREA

This policy applies to signs located throughout the City of Joondalup.

1. POLICY STATEMENT

This policy is to be read in conjunction with the City's DPS2 and Signs Local Law (1999) and any relevant Agreed Structure Plan. The provisions of Agreed Structure Plans prevail over this policy.

Words and expressions used in this policy shall have the meanings given to them in DPS2 and the Signs Local Law. For the purposes of interpretation, the terms 'sign', 'advertisement' and 'advertising device' referred to within these documents have the same meaning.

DPS2 contains the following objectives for the control of advertising signs:

- a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded
- b) to achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic
- c) to minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising
- d) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content
- e) to reduce and minimise clutter; and
- f) to promote a high standard of design and presentation in outdoor advertising

A sign may not be attached or erected on property within the City unless approval has been obtained in accordance with DPS2 and the provisions of this policy. Signs that are exempt from the requirement to obtain planning approval are listed in Schedule 4 of DPS2.

Unless otherwise specified in this policy, where signage that is compliant with this policy is shown as part of a development application submitted to the City for development of a property, the signage is deemed approved in the event of the development application being granted approval.

2. DESIGN REQUIREMENTS

The following design requirements relate to all signs located within the City.

Overall, signs shall:

- Not be located on land zoned or used for residential purposes, unless expressly permitted in this policy.
- Advertise goods or services that relate to the land use of the site on which the sign is located, unless expressly permitted in this policy.
- Integrate with the building design, particularly through the provision of signage panels within the building façades, where possible.
- Be contained within the boundary of the lot on which they are situated, unless expressly permitted in this policy.
- Maintain the existing amenity of the locality, including minimising noise generated by the sign or supporting structures.
- Not present a hazard or be misleading to vehicles or pedestrians.
- Not obstruct visual sightlines required for vehicular access to and from properties.
- Not obstruct access to or from any door, window or fire escape.
- Not contain any obscene or vulgar material.

- Not be affixed to boundary fences or boundary walls.

Where a particular type of sign could fit within the definition of more than one sign type described below, the requirements for the more specific type of sign shall apply.

In determining the size of a sign, the measurements are taken as the greatest horizontal dimension multiplied by the greatest vertical dimension, excluding any support structures.

Unless otherwise indicated in this policy, signs may be illuminated.

2.1 Signs on Buildings

2.1.1 Wall Sign

A wall sign is a sign attached to or painted directly onto the external wall of a building or a wall panel. A wall sign includes a sign located on support pillars and columns, parapets and fascia.



The following specifications of a wall sign apply:

- The aggregate area of all wall signs is not to exceed 25% of the façade, to a maximum area of 8m².
- Not project more than 300 mm from the wall or surface to which it is attached.
- Where projecting, provide a minimum clearance of 2.75 metres from the level of the footpath, pavement or ground level, whichever is the higher level.
- Not extend beyond the top or either end of the wall.
- Be positioned at right angles or parallel to the wall of the building to which it is attached.
- Not be located within 4.0 metres of another wall sign on the same building.
- Not obscure architectural details.

Where a wall sign is located within a residential zone and attached to a building that is used predominately for non-residential purposes, the sign shall:

- Be limited to one sign per strata or 'green' title lot
- Not exceed 1.2m² in area

- Not be illuminated.

Where a wall sign is located within a residential zone and attached to a building used predominately for residential purposes, the sign shall:

- Be limited to one sign per strata or 'green' title lot.
- Not exceed 0.2m² in area.
- Not be illuminated.

2.1.2 Verandah Sign

A verandah sign is a sign affixed on or above a verandah fascia or under a verandah and includes a sign that is affixed to cantilevered awnings and balconies.

A verandah sign fixed on or above a verandah shall comply with the following specifications:

- ~~The aggregate area of all signs on any one façade of a verandah is not to exceed 25%.~~
- Not exceed 400mm in height and 2.4 metres in length.
- Not extend above or beyond the width of the fascia, verandah, awning or balcony.
- Provide a minimum clearance of 2.75 metres from the level of the footpath pavement or ground level, whichever is the higher level.
- Not be located within 2.0 metres of another such sign on the fascia of the same verandah.

A sign situated under a verandah shall:

- Not exceed 400mm in height and 2.4 metres in length.
- Not extend beyond the width of the verandah.
- Provide a minimum clearance of 2.75 metres from the level of the footpath pavement or ground level, whichever is the higher level.
- Not be located within 2.0 metres of another such sign under the same verandah.

2.1.3 Roof Sign

A roof sign is a sign that is erected or painted directly on the roof of a building or attached to the top of a parapet wall of a building.

Roof signs are not permitted within the City of Joondalup.

2.1.4 Window Signs

A window sign is a sign painted or affixed to either the interior or exterior surface of the glazed area of a window.

Notwithstanding the provisions of Schedule 4 of District Planning Scheme No 2, window signs shall:

- Not cover more than 50% of the glazed surface of any window or exceed 10m² in total area per tenancy on a lot on any building façade (all floors).
- In the case of the Central Business District, not cover more than 25% of the glazed surface of any window.

2.1.5 Semaphore Signs

A semaphore sign is a sign that is affixed to a building or structure at or by one of its ends.



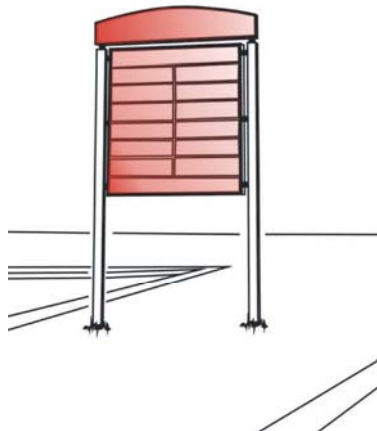
Semaphore signs shall:

- Not be fixed over or under a verandah.
- Be a maximum height of 1.5 metres.
- Be a maximum width of 1.5 metres.
- Not project more than 1.0 metre from the wall or structure to which it is attached.
- Provide a minimum clearance of 2.75 metres from the level of the footpath, pavement or ground level, whichever is the higher level.

2.2 Free-standing Signs

2.2.1 Pylon Signs

A pylon sign is a sign that is not attached to a building, is supported by one or more supports, and includes a sign framework to which sign infill panels may be added. A pylon sign shall:



- Not be permitted in the Central Business District of the City Centre.
- Be restricted to one sign per lot unless relating to a corner lot where one sign per frontage is permitted.
- Be located no closer than 3 metres to a side boundary or secondary street.
- Not exceed 6.0 metres in height.
- Not exceed 6.0m² in area.
- Provide a minimum clearance of 2.75 metres from the level of the footpath pavement or ground level, whichever is the higher level.

Where pylon signs are proposed to be erected on a lot where there are multiple tenancies, signs are to be incorporated into one composite sign. The composite pylon sign shall provide one infill space for each tenancy and not exceed 8 metres in height and 12.0m² in area.

2.3 Other Signs

2.3.1 Monolith Signs

Monolith signs are signs that are fixed to the ground and not attached to a building or structure, with its largest dimension being vertical. Monolith signs shall:

- Not be permitted in the Central Business District of the City Centre.
- Be restricted to one sign per lot unless relating to a corner lot where one sign per frontage may be permitted.
- Not be permitted in the case where a pylon sign or other free standing sign has been approved and erected on the same frontage of the property.
- Not exceed 6 metres in height and 2 metres in width.
- Not be located within 1.0 metre of the boundaries of the lot on which it is erected.
- Not be located within 15 metres of the intersecting point of corner truncations.
- Not impede vehicle sightlines for access to and from the property.

2.3.2 Flag Pole Sign

A flag pole sign is made from a piece of material, usually oblong or square, and attached to a pole. Flag poles shall:

- Be limited to two per lot, or in the case of a corner lot, two per street frontage, unless in a residential area where a limit of one pole per lot applies.
- Not exceed 6 metres in height.

Each flag shall not exceed 4m² in area and be securely fixed to a pole of sufficient size and strength to support the flag under all conditions.

2.3.3 Bunting

A bunting is an advertising device that is made from strips of material used for decorative purposes or to highlight a location.

Bunting signs shall not be permitted within the City of Joondalup.

2.4 Temporary Signs

Temporary signs are not permanently fixed to or erected on a building, structure or site and have a limited duration of planning approval. Temporary signs include signs related to estate

developments, display homes, real estate home opens, real estate sales, inflatable, banner and community information and portable signs, and trade displays.

The provisions of this policy apply to temporary signs, in the same manner as for permanent signs. The duration of approved temporary signs shall depend on the type, extent and details of the proposal and be based on the merits of the proposal.

2.4.1 Estate Development Sign

An estate development sign is a sign erected on a lot which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no housing or commercial development, other than display home construction, has taken place.

Estate development signs shall:

- Be removed from the site within two years of the date of planning approval being issued for the sign, or whenever 80% of the lots in the subdivision have been sold, whichever is the sooner.
- Not be illuminated.

2.4.2 Display Home Sign

A display home sign is a sign used for the purpose of advertising a home or homes on display for public inspection.

Display Home Signs shall:

- Be limited to one sign per display home.
- Not exceed 6 metres in height or 2.5 metres measured horizontally across the face of the sign.
- Be removed within 10 days of closure of the display home.
- Not be illuminated.

2.4.3 Home Open Signs

A home open sign is a sign placed on a road reserve or street verge that advertises a home for sale is open for inspection.

Home Open Signs shall:

- Be portable, freestanding and not affixed to an existing structure and have a maximum area of 0.3m², with a maximum height above ground level of 600mm.
- Be placed no earlier than 2 hours before the home is open for inspection and be removed immediately following the conclusion of the home open.
- Not be placed on the median strip of a road open to use by vehicles, on the road surface itself, on a vehicle access way or on a pedestrian footpath or dual use path.
- Be secured and stabilised, and not be constructed of a hard or sharp material that may be dangerous to pedestrians or road users in the event the sign may be hit, become wind blown or present any other hazard.
- Not be erected further than 1 kilometre from the property that is being advertised for sale.

2.4.4 Real Estate Sale Signs/Builder's Signs

A real estate sale/builder's sign is a sign relating to the sale, leasing, auctioning of, or construction on, a property upon which the sign is displayed.

Real estate/builder's signs that exceed the dimensions exempted from planning approval under Schedule 4 of District Planning Scheme No 2 shall:

- Be permitted on land zoned or used for residential purposes.
- Not exceed one sign per street frontage for each property.
- Not exceed a maximum area of 3m² for commercial, mixed use, multiple and grouped dwellings developments.
- Not exceed a maximum area of 5m² for large properties comprising shopping centres, service industry and buildings in excess of 4 storeys in height.
- Be fully contained within the property boundaries.
- Not be illuminated.

2.4.5 Inflatable Sign

An inflatable sign is a sign that is painted, stencilled or attached to an inflatable device such as a balloon.

Inflatable signs shall:

- Not be permitted in residential areas.
- Not exceed 7 metres in diameter.
- Not exceed 9 metres in height above the roof ridge.
- Only be displayed for a maximum period of 21 days at a time at no less than 3 monthly intervals.
- Be covered by General Liability Insurance, a copy of which is to be provided to the City.
- Require a certificate from a structural engineer certifying that the connection of the inflatable object to the building or lot is structurally sound. This should be submitted to the City with the sign application.

2.4.6 Banner Sign

A banner sign is a temporary sign normally made of a lightweight, non rigid material, such as fabric, canvas or cloth and is generally used to promote a particular event. A banner sign shall comply with the following requirements:

- Be restricted to one banner on any occasion.
- Not exceed dimensions of 1 metre in height and 4 metres in length.
- May be displayed for up to one week prior to the promotional event or offer.
- Be removed immediately following the event or offer.
- Not be displayed for a period of time greater than 4 weeks.
- Be restricted to promote no more than 4 promotional events per year.

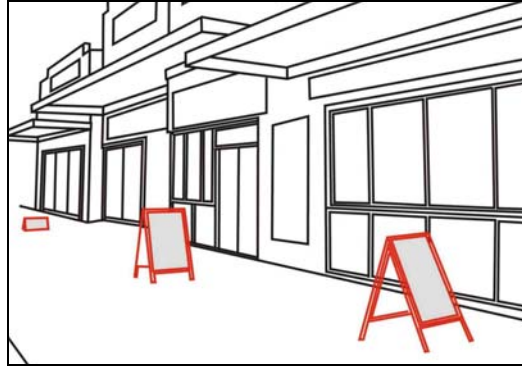
2.4.7 Community Information Signs

A community information sign is a temporary sign relating to or giving directions to a charitable, cultural, educational, recreational or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain.

Community information signs shall be considered in accordance with the provisions contained within the Signs Local Law 1999.

2.4.8 Portable Sign

A portable sign is a sign that is not permanently attached to a building, structure, fence or the ground. Portable signs include “A-frame” and ‘sandwich board’ signs.



Portable signs are not be permitted within the City of Joondalup.

2.4.9 Trade Display

A trade display means the use of land or buildings for the display of trade goods and equipment for advertisement as an ancillary activity.

A trade display shall:

- Display goods or equipment relevant to the premises in front of which it is located.
- Be incidental in extent compared to the primary activity on the land and be located in a manner that does not compromise approved car parking, access or landscaping.
- Where located on a footpath in the Joondalup City Centre, not project more than 1.0 metre from the front of the premises and provide a minimum footpath width of 1.8 metres between the goods or equipment and kerb.

2.5 Variation to Standard Signs

Applications for planning approval for signage that complies with the provisions of this policy are encouraged. Should an application not comply, the applicant will be required to submit written justification for the non-compliance and additional information, including but not limited to, an overall plan of the whole of the subject site showing the location, size and details of all existing and proposed advertising signs for the site, as well as the outline of any buildings, car parking areas and vehicular access points and landscaping for the site.

**PROPOSED SIGNS POLICY 3-7
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 4 SEPTEMBER 2008)**

NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER COMMENT
1	Ing Real Estate Investment Management Australia Pty Ltd	Lakeside Joondalup Shopping City 420 Joondalup Drive Joondalup 6027	<ol style="list-style-type: none"> 1. Clause 2.1. The requirement of not allowing signs to exceed 25% of the building facade and to a maximum of 8m² is unacceptable and will affect commercial interests in shopping centres that have supermarkets and department stores. 2. Clause 2.1.1. Wall signs should not be allowed to be located within 4 metres of each other. This is impracticable for multiple tenants who require individual tenant signage. The 4 metre restriction is impractical especially with tenancies with frontages that have limited advertising space. 3. In relation to verandah signs, pictorial or photographs should be required to clarify this requirement. Submission queries whether the 25% relates to solid or shopfront facade. 4. In regard to under verandah signage requiring 2.75m clearance from the footpath and 2m separation between signs, this is impractical for situations where a verandah is less than 2.75 metres high and where multiple 	<ol style="list-style-type: none"> 1. The policy has been designed to be flexible to varying business types and sizes. The majority of businesses affected by the policy are likely to be small businesses. Notwithstanding, the removal of the 8m² limit is considered appropriate. 2. It is agreed that the draft provision requiring a 4 metre separation between signs is impracticable and can be deleted. 3. It is agreed that, in relation to verandah signs, the 25% maximum requirement is impractical and can be deleted. 4. The 2.75 metre high limit is considered appropriate, given that awnings etc are generally 3m high. The 2 metre separation between signs under a verandah is also considered appropriate in order to avoid a cluttered appearance

**PROPOSED SIGNS POLICY 3-7
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 4 SEPTEMBER 2008)**

			<p>tenancies are narrow in width and hence have limited frontage. The proposed 2 metre clearance would not be practical to enforce.</p> <p>5. Clause 2.2.1 Pylon Signs. Proposed restrictions are not acceptable for a strategic shopping centre, such as Lakeside. Fast food tenants along Joondalup Drive will require / seek pylon signage which exceed 6m height / 6 sqm area restriction.</p>	<p>and to allow a sign not to be obscured by another sign that is positioned too close.</p> <p>5. Lots with multiple tenancies may have larger signs (8m high). It should be noted that the Policy is to provide guidance on signs, and will not cover every scenario. It is acknowledged that Lakeside Shopping City is likely to require larger pylon signs. This does not mean that signs that do not comply with the Policy will not be considered, however, they will require information to ensure that signs comply with the objectives of DPS2, and are appropriate for the site.</p>
2	Russell Crook President, Joondalup Business Association (JBA)	N/A	<p>1. Concern as to who will adjudicate and assess the vague notions such as “considered superfluous or unnecessary” or “reduce clutter”, and “promote a high standard of design” Describes these notions as being subjective and needing to be justified.</p> <p>2. States “Current Policy is not monitored and far too random. – Will this new policy penalise the compliant businesses and reward those who do not seek approval as in the current case?”</p>	<p>1. The City will adjudicate and assess the design criteria. As indicated in the draft Policy, the objectives are those existing within the DPS2.</p> <p>2. There is currently no Signs Policy. The purpose of having a Signs Policy is so that decisions are based on a set of guidelines, and is not designed to ‘penalise’ businesses.</p>

**PROPOSED SIGNS POLICY 3-7
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 4 SEPTEMBER 2008)**

			<ol style="list-style-type: none"> 3. In regards to “obscene and vulgar signs” not being allowed. Is this not a form of censorship? 4. Not allowed to hang signs on a wall or fence – why not? 5. Point 2.1.1 states the aggregate area of a wall sign is not to exceed 25% of the facade to a maximum of 8m². This is deemed to be an arbitrary and ridiculous measure that could lead to silly looking signs and debates about measurement. 6. States Policy 2.1.1 is unworkable given design and structure of commercial building units. In relation to having signs located within 4 metres of each other on the same building, this is seen to be unworkable given the limited space applicable. This ridiculous scenario has been presented with Verandah signs under 2.1.2 but the measurement of distance separation is 2 metres. 7. In regard to not allowing roof signs, businesses that back onto Mitchell Freeway should be able to advertise on their roof tops due to the great opportunity that it presents. 8. Signs should not cover more than 50% 	<ol style="list-style-type: none"> 3. The City will display appropriate discretion in determining what constitutes vulgar, obscene and/or offensive. 4. It is considered that the streetscape will not be enhanced by allowing signs to be hung on walls or fences. 5. See Submission 1 (comment 1) above. 6. See Submission 1 (comment 2) above. 7. It is considered that permitting roof signs backing along Mitchell freeway will have a detrimental affect on visual amenity and presentation to the freeway. 8. The submission does not indicate why the provision is extreme or absurd. It is
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**PROPOSED SIGNS POLICY 3-7
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 4 SEPTEMBER 2008)**

			<p>of the glazed area or exceed 10m² per tenancy. This is an extreme requirement, not practiced anywhere else and is deemed to be absolutely absurd.</p> <p>9. Questioned whether the policy of not allowing pylon signs would mean the signs at the end of Central Walk would have to be removed.</p> <p>10. Portable signs should be permitted as they have been accepted for centuries, provided they are sensibly designed and do not present a danger to the public.</p> <p>11. JBA believe the City should engage with more local businesses to ensure all needs are met.</p> <p>12. A moratorium be held on this matter and a working group to be formed comprising of the City of Joondalup, local businesses and sign industry representatives. This would produce a</p>	<p>also incorrect to state this requirement is not practiced elsewhere, as the provision is included in various other Signs Policies (eg Belmont, Wanneroo). It is considered that the visual amenity of the streetscape is not enhanced by allowing more than 50% or 10m² of an area to be glazed (Refer Attachment 3). Windows that have a significant portion that is glazed do not provide passive surveillance or contribute to streetscape amenity.</p> <p>9. The existing pylon signs at both ends of Central Walk are considered to be directional in nature.</p> <p>10. Portable signs can create clutter, pose sightline issues and safety risks.</p> <p>11. The policy has been advertised for a 35 day comment period in an attempt to gain public input regarding the proposed policy.</p> <p>12. The Policy attempts to provide parameters to enable a balance between the needs of the business community, streetscape amenity and the needs of the community. Notwithstanding, it is recommended that the signs policy be reviewed after 6 months to assess the</p>
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**PROPOSED SIGNS POLICY 3-7
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 4 SEPTEMBER 2008)**

			policy that will encompass those needs and not simply a bureaucratic document that dictates unreasonable, obscure requirements.	policy's effectiveness.
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Examples of windows with over 50% of the glazed surface for signage.



Examples of windows with under 50% window area used for signage.





DRAFT POLICY 7-24 - CUBBY HOUSES

STATUS:	City Policy - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i>
	<i>City policies are referred to Council for review and endorsement.</i>
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To establish a criteria for cubby houses that ensures that the structures are of a minor nature, are not detrimental to the amenity of adjoining properties, and therefore do not require planning or building licence approvals.

Authority

This policy has been prepared in accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2 (DPS2) which allows Council to prepare planning policies relating to planning or development within the scheme area.

Area

This policy applies to the whole of the City of Joondalup

Definitions:

Interpretations and definitions of terms used in this policy are as per DPS2 and the Residential Design Codes, with the addition and clarification of the following:

“architectural feature” means finial or other minor decorative feature built into the design and construction of the building.

“amenity” shall have the same meaning as DPS2:- meaning all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.

“building” shall have the same meaning as DPS2:- meaning any structure or appurtenance thereto whether fixed or moveable, temporary or permanent, and without limiting the generality of the foregoing includes a shed, stall, fence, wall, barrier, hoarding, outbuilding, tent, caravan or swimming pool.

“cubby house” means an enclosed structure such as a small-scale replica of a dwelling and includes tree houses, usually of simple construction which is used primarily by children for the purposes of play, but excludes unenclosed platforms. A cubby house may also be commonly referred to by other names, such as an outdoor fort or children’s den.



“**natural ground level**” shall have the same meaning as the Codes:- meaning the levels on a site which precede the proposed development, excluding any site works unless approved by the council or established as part of the land proceeding development.

Statement

A Cubby House does not require planning approval or a building licence provided each of the following criteria are met:

A Cubby House shall:

1. not have a floor level elevated more than 500mm above natural ground level.
2. not have balconies, windows, doors and like which overlook adjoining properties.
3. not be located within the primary street setback area.
4. not be used for habitable purposes.
5. be limited to one cubby house per lot **survey strata or green title lot.**
6. **not exceed 2.1 metres in height above the natural ground level, with the exception of architectural features or a flagpole, which shall not exceed 2.5 metres above natural ground level.**
7. not exceed 6m² in total floor area.
8. not be attached to a boundary fence or other buildings.
9. not abut more than one side or rear boundary.
10. apart from statement 9, must be setback a minimum of 1.0 metre from all other boundaries.
11. contain all stormwater run off onsite.

If a cubby house fails to satisfy any one or more of the above, an application for planning approval and thereafter a building licence will be required.

Advertising of Applications

All applications for planning approval will require the City of Joondalup to consult with property owners likely to be affected by the proposal for a minimum period of 14 days, prior to the determination of the application.

Planning Consideration



Where an application for planning approval is required such applications will be considered on their individual merits.

In determining whether to approve a planning application the City of Joondalup will consider whether the proposal has the potential to adversely impact adjoining properties and/or streetscape with regard to:

- the comments of any objectors or supporters of the application;
- the degree to which the proposal impacts the amenity of adjoining properties and/or streetscape;
- the need to protect the privacy of adjoining properties by preventing views into adjoining active habitable spaces and outdoor living areas;
- the requirement to consider matters stipulated under clause 6.8 of the DPS2; and
- any other relevant planning matter the City of Joondalup considers appropriate or is required to consider.

When submitting an application for planning approval, the applicant is required to provide justification addressing the above mentioned planning considerations.

Amendments:

Related Documentation: District Planning Scheme No. 2
Residential Design Codes

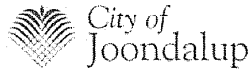
Issued:

**PROPOSED DRAFT POLICY 7-24 – CUBBY HOUSES
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 6 NOVEMBER 2008)**

NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER COMMENT
1	K & P Hall	47 Lateral Loop Beldon 6027	<p>Support</p> <p>Submitter suggests clarification or establishment of regulations for the height of finials or other roof decorations.</p> <p>Submitter queries if the "digging out of earth underneath a cubby house, in effect creating a double storey cubby house" is permitted. The submitter noted that this had occurred on their neighbour's property; however it did not negatively affect their amenity.</p>	<p>Comments Noted</p> <p>For the purpose of clarity and to prevent the need for planning applications for minor height projections it is recommended that the policy be modified to exempt finials or other minor roof decorations from the height limit.</p> <p>The draft policy does not preclude excavation of earth for this purpose where the structure does not exceed 2.1 metres above natural ground level. The building height parameters set out in the policy have regard to the potential visual impact the structure may impose on adjoining properties, thus if a cubby house can create two storeys without protruding beyond 2.1 metres from natural ground level the amenity of neighbouring properties is considered to be reasonably protected.</p>
2	G May	44 St Andrews Way Duncraig 6023	<p>Support</p> <p>Submitter suggests the establishment of regulations for raised unenclosed platforms within this policy.</p>	<p>Comments Noted</p> <p>The policy, as drafted, does not regulate the development of unenclosed, elevated platforms.</p> <p>The reason for this being that the purpose of the</p>

**PROPOSED DRAFT POLICY 7-24 – CUBBY HOUSES
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 6 NOVEMBER 2008)**

				<p>policy was to rectify the ambiguity in the Codes, BCA and DPS2 as an enclosed structure such as cubby houses could be classified as a building and may be subject to the development controls planning and building approvals.</p> <p>Secondly, the Codes regulate overlooking and setbacks for elevated active habitable spaces (such as a platform or balcony) that exceed 3m² in area with a minimum dimension of 1m. The Codes are silent on active habitable spaces smaller than these dimensions and such development is generally tolerated. The existing measures of the Codes are considered to appropriately control this type of development.</p>
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POLICY 7-9 – HOME BUSINESS

STATUS:	City Policy - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i> <i>Developed by the Policy Committee and/or the administration and adopted by Council.</i>
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To establish guidelines for the exercise of Council's discretion when assessing Home Business uses.

RELATED DOCUMENTATION

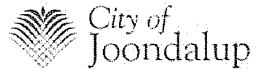
This Local Planning Policy is part of a wider framework of documents, which relate to people working from home. It should be read in conjunction with section 4.4 of the City's District Planning Scheme No 2 (The Scheme) and the 'Local Planning Strategy Relating to People Working From Home' which contains strategies and a statement of principles.

This Policy draws on these principles and supports the strategies by setting down aims and provisions, which the Council will consider before making a decision in relation to home business activities.

STATEMENT

1 Policy Aims

- (a) To maintain residential areas as primarily a place to live, not primarily a place to work whilst recognizing that working from home is an expanding area of employment, and a significant contributor to local employment.
- (b) To protect the amenity and character of residential areas by ensuring that potential impacts associated with home business such as noise, traffic, pollution, people and advertising signs are minimised and adequately controlled.
- (c) To enhance the effectiveness of Council's decision making through consultation with interested parties.
- (d) To provide a measure of the extent of the home business to ensure that it does not dominate the use of the land nor be so large or intensive that it changes the residential character of the neighbourhood.



- (e) To guide the location of home business proposals to minimise any impact on the amenity and character of residential locations.

2 Policy Area:

This Policy applies to the whole of the City of Joondalup.

3 Policy Statement

- (a) The applicant must use the dwelling as the principal place of residence.
- (b) Only one Home Business Category may be undertaken on the site at any one time.
- (c) Where a Category 3 Home Business is proposed in either a Residential zone or Special Residential zone, the preferred location of the proposal is where it abuts or is directly opposite one of the commercial centres listed in the City of Joondalup Centres Strategy.
- (d) Where a Home Business attracts customers, the maximum number of customers must be as follows:-

Category 1:

No Customers permitted
No additional car bays necessary

Category 2:

- (i) Customer visits must be by appointment only
- (ii) No more than 2 customers are to be at the premises at any one time
- (iii) 2 bays for the residents of the dwelling, plus 1 bay per customer, plus 1 bay per employee
- (iv) All parking bays are to be provided within the lot boundary

Category 3:

- (i) Customer visits must be by appointment only
 - (ii) No more than three customers may attend the premises at any one time;
 - (iii) 2 bays for the residents of the dwelling, plus 1 bay per customer, plus 1 bay per employee
 - (iv) All parking bays are to be provided within the lot boundary
- (e) Regular deliveries of goods and equipment including deliveries carried out at intervals of less than a month are not considered appropriate. Proposals involving intervals of less than a month will only be considered taking into account the following factors:



- (i) nature of the goods delivered;
 - (ii) frequency of deliveries;
 - (iii) type of delivery vehicle used;
 - (iv) likely inconvenience to existing traffic.
- (f) A Home Business must not result in a substantial and or inappropriate modification of the dwelling.
- (g) Any appliances or machinery used for the purpose of the home business must be of a domestic scale. Large industrial appliances or machinery will be prohibited.
- (h) Where an application relates to property on a Strata Title, the written permission of the Body Corporate is to be submitted with the application.
- (i) For the purpose of this policy, amenity refers to all factors that combine to form the character of the area to residents and passers by and shall include the present and likely future amenity. In determining whether a proposed home business is likely to detrimentally affect the amenity of the neighbourhood, the following factors will be considered:
- (i) emission of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
 - (ii) hours of operation;
 - (iii) number of customers visiting the premises;
 - (iv) traffic likely to be generated;
 - (v) additional parking requirements created by the proposed home business;
 - (vi) storage of harmful or poisonous chemicals,
 - (vii) compliance with the management plan;
 - (viii) compliance with the requirements set out by the City's District Planning Scheme No 2;
 - (ix) public submissions and or complaints by adjoining owners.
- (j) Applicants proposing to carry out a Home Business -Category 3 use, must submit a Management Plan as part of the application. As a minimum, Management Plans are to include the following information:
- (i) measures to minimise and control noise;
 - (ii) measures to minimise vehicle loading and unloading and traffic movements;
 - (iii) the proposed hours of operation;
 - (iv) a car parking plan;
 - (v) a landscaping plan including landscape buffers;
 - (vi) details of any poisonous, flammable or harmful chemicals or other hazardous materials proposed to be stored or used and measures to ensure that no polluting or harmful substances will escape from the site;
 - (vii) measures to minimise emissions of odours, dust or vapours from the site;
 - (viii) ways to limit the number of people visiting the house at any one time in relation to the business;
 - (ix) a diagram of proposed signage;



- (x) a plan showing any proposed outdoor storage areas;
 - (xi) measures to ensure that no detrimental impact occurs to the character of the neighbourhood;
 - (xii) measures to manage the impact of the home business on any building or place listed on the Municipal Inventory of Heritage Places.
 - (xiii) compliance with all other relevant State and Commonwealth legislation and or Regulations.
 - (xiv) details of all appliances or machinery to be used in the Home Business.
- (k) The days and hours of operation for each category of home business shall not exceed the following:
- (i) 8.00 am to 5.00 pm Monday to Friday
 - (ii) 9.00 am to 5.00 pm Saturday
- (l) When determining an application, the Council:
- (i) may limit the number of hours and/or days of operation of a home business proposal where it is deemed necessary to protect the amenity of the surrounding area
 - (ii) elect to grant an initial term of approval of twelve (12) months. In some instances where it is considered appropriate a longer period may be considered. The applicant is to seek renewals thereafter to effect the continuance of the home occupation
- (m) Community Consultation

In considering any variations to the required standards, Council will carry out community consultation as part of the decision making process. Planning related concerns of consulted owners will be considered as a relevant factor in the assessment of applications for planning approval. Because of the differing range of issues which may be involved with individual applications it is recognised that Council and staff will need to make value judgments on the level of consultation required in specific cases. However, in all cases Council will respond with:

- a commitment to community consultation;
- a systematic approach;
- accountability;
- post consultation follow up.

Decisions about consultation are to be documented for future reference and must consider the following:

- decision in relation to views being sought, e.g. immediate neighbourhood or wider community;
- a short explanation of the issues canvassed;
- description of the method used, e.g. letter, pamphlet, advertisement;
- the duration of consultation period, e.g. 14 days, 21 days etc.;
- respondents are to be advised of the outcome



Amendments: CJ213-06/99, CJ297-09/99, CJ020-02/02,
CJ238-11/05 CJ207-10/07

Related Documentation: N/A

Issued: October 2007

Extract of Minutes of Policy Committee Meeting - 16 September 2008**ITEM 3 ALFRESCO ACTIVITIES POLICY – ISSUES –
[03360]****WARD:** All**RESPONSIBLE** Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To report to the Policy Committee on issues regarding the current Policy 7-5 Alfresco Activities.

EXECUTIVE SUMMARY/BACKGROUND

Policy 7-5 Alfresco Activities was recently reviewed, and the modifications adopted by Council at its meeting held on 15 April 2008. The amendments expanded the policy to cover alfresco activities associated with all licensed premises within the City and allow the consumption of alcohol without a meal, subject to patrons sitting on chairs at tables, in accordance with recent amendments to the Liquor Licensing Act 1988. Clarification in terms of application of the policy and planning approval requirements were also included.

The matter of alfresco dining has been requested to be placed before the Policy Committee, as issues have been raised in regard to the enclosure of alfresco areas, and the potential impact on pedestrian movement in the City Centre.

DETAILS**Issues and options considered:**

Principally, the issue has arisen from the City's refusal for the café 'Kulcha' (Boas Avenue) to enclose the existing alfresco dining area by the use of drop-down plastic blinds from the awning. Reasons for the refusal were based on the blinds preventing the public from using the area and the pedestrian shelter.

The Joondalup City Centre Development Plan and Manual (JCCDPM) places emphasis on pedestrian awnings being provided in the CBD for the comfort of pedestrians.

Currently Policy 7-5 does not state whether alfresco activities should be located against the building, or against the kerb/roadway. The Policy does state that a 1.8 – 2.1 metre clear footpath must be provided in either scenario.

Link to Strategic Plan:

3.1 – To encourage the development of the Joondalup CBD.

4.1 – To ensure high quality urban design within the City.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Council may wish to consider introducing fees and charges for the operation of alfresco activities.

Policy implications:

Modifications to the existing policy may be required as a result of Council's consideration.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

Alfresco dining is encouraged in the City Centre as it adds interest and activity in the streets, which contributes to a lively City Centre. However, there is balance between this objective, the commercial use of public land, and the amenity of streets for pedestrians.

Pedestrian shelter versus use of awning area for alfresco dining

For development within the CBD, the provision of awnings over the footpath area is required to provide pedestrian comfort, from both sun and rain, when moving around the City.

However, alfresco dining may also occur under existing building awnings, potentially generating a conflict between the use of awnings to provide pedestrian shelter, and the use of awnings for alfresco dining.

The current Policy does not express a particular view on the location of alfresco dining in relation to the location of awnings or pedestrian shelter. The policy does, however, state that a 1.8 – 2.1 metre pedestrian path must be maintained at all times.

Of the various Alfresco Policies obtained from other local authorities, only one considers the location of existing awnings as a factor in the location of alfresco areas. In that instance, the policy does not permit the pedestrian areas under awnings to be utilised for alfresco dining in inclement weather.

Within the Joondalup City Centre, 'Kulcha', 'La Vita', and 'Another Cup' utilise the area under the awning for alfresco dining. Pedestrians are largely excluded from using the awning when the alfresco area is in operation (see Attachment 1).

Others, for example 'T5 Espresso' and 'Elroys', do not utilise the under awning area. Rather they use umbrellas to provide shade protection, and do not use the outdoor area during inclement weather. The awnings are therefore available to provide protection to pedestrians (see Attachment 1).

'Sugar & Spice' have a permanent shade structure for the alfresco area. This structure is not located under the awning, thereby allowing the awning still to be used for pedestrian shelter (see Attachment 1.) This is possible due to the wide footpath in this location, and may not be possible in other locations.

Use of 'Café Blinds'

Requests for the enclosure of alfresco areas, such as the use of café blinds, occur from time to time. Potential concerns over the use of such items are:

- Privatisation of the footpath area (ie the area becomes an extension of the adjoining café or restaurant.
- are visually unattractive
- are used on a permanent basis (eg each night), not just during inclement weather
- prevent the public from utilising awnings for weather protection
- do not allow alfresco areas to add to the desired atmosphere of the City Centre, and defeats the purpose of 'outdoor' dining.

On the positive side, enclosures can:

- allow eating areas to be used during inclement or cold weather.

Public versus Private use of the footpath area

The footpath areas utilised for alfresco dining are largely located on public land. This may give rise to requests from food operators for exclusive use of these areas by way of a lease. However, this is not considered appropriate, and the City and other service authorities must retain the right of access to public footpaths, as needed.

Fees and charges

Planning application fees (\$123, renewed every 3 years) and an Outdoor Dining Licence fee (\$230 annually) are currently charged. However, fees are not charged for the use of the footpath area for alfresco dining.

Other local authorities do charge alfresco operators for the privilege of using the footpath area. This fee may be per chair, table, or both, per square metre, or based on the GRV.

Examples are:

- City of Perth, Melville – Fee per square metre
- City of Stirling – Fee based on GRV
- City of Subiaco – Fee per chair

There is an argument for the City charging some type of fee for the use of public land under its control or management, particularly when there is commercial gain for an operator.

However, significantly increasing the fees food businesses pay for alfresco dining may result in less businesses offering outdoor dining, and therefore have a detrimental effect on the amenity of the CBD. It would be possible to phase in the increase in fees.

Questions

The following questions are relevant when considering this issue:

- Is the provision of awnings primarily to provide comfort for pedestrians moving around the City? Is the use of the area under awnings for alfresco activities secondary, ie only used in fine weather?
- Should alfresco activities occur only when the weather permits? ie not allow enclosures and accept that alfresco dining is a seasonal activity, and not always possible.
- If enclosures are permitted, what form should they take? Free standing, attached to existing structures only, attached to existing awnings?

- Should alfresco operators be charged a fee to operate outdoor dining areas on public land? Would this be seen as detrimental to the desire to encourage these activities?

Possible Principles

Depending on the answers to the above, guiding principles can be developed that would inform a review of the Alfresco Activities Policy. Principles could be:

- Where awnings are provided, areas under those awnings will be retained for pedestrian access.
- Enclosures to alfresco areas may take the form of drop down clear café blinds, however, they may only be used during inclement weather. General use (eg each night) is not permitted. Pedestrian access under any awnings must be maintained.
- Permanent shade structures will be considered, where appropriate (eg wide footpaths)
- In order to encourage alfresco activities, the City will not charge fees for alfresco activities at present.

ATTACHMENTS

Attachment 1: Photos of Alfresco Areas with the Joondalup City Centre

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald SECONDED Cr Hollywood that the Policy Committee RECOMMENDS that Council REVIEWS Policy 7-5 Alfresco Activities, with the following principles incorporated:

- **Where awnings are provided, areas under those awnings will be retained for pedestrian access.**
- **Enclosures to alfresco areas may take the form of drop down clear café blinds, however, they may only be used during inclement weather. General use (eg each night) is not permitted. Pedestrian access under any awnings must be maintained.**
- **Permanent shade structures will be considered, where appropriate (eg wide footpaths)**
- **In order to encourage alfresco activities, the City will not charge fees for alfresco activities at present.**

Discussion ensued, with comments made in relation to the following issues:

- Definition of inclement weather to include sun protection;
- Use during inclement weather is difficult to police;
- Pedestrian flow needs to be identified;
- Footpath widths;
- Traders to pay for any benefit they derive from use of alfresco areas;
- Alfresco areas provide vibrancy for the City;
- Balustrades to be removable.

During discussion, the Chief Executive Officer left the Room at 1830 hrs and returned at 1832 hrs.

MOVED Mayor Pickard SECONDED Cr Macdonald that consideration of Policy 7-5 Alfresco Activities be REFERRED back to allow for further exploration of options for alfresco dining to reflect specific requirements of particular streets and footpath widths.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Crs Hollywood, Macdonald and Norman, Mayor Pickard

POLICY 7-5 – ALFRESCO ACTIVITIES

STATUS: **City Policy** - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: Planning and Community Development

- OBJECTIVES:**
- 1 To encourage and facilitate alfresco activities within the City of Joondalup as a means of increasing vibrancy and choice. Alfresco activities refers to outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within an adjacent building.
 - 2 To allow for the operations of alfresco activities in such a manner that will not conflict with, or prejudice, the activities in adjacent premises (commercial and/or residential) or interfere with the traffic flow in the area or any other normal function of the area.
 - 3 To provide guidelines for the granting of planning approval for alfresco activities.
 - 4 To complement the provisions for outdoor dining as specified in Part 3 – Outdoor Dining – Trading in Public Places Local Law.

STATEMENT:

Definition

“Alfresco activities” means outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within the adjacent building.

Area

This policy shall apply to alfresco activities within the City of Joondalup. The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup’s Trading in Public Places Local Law.

Requirements to operate Alfresco Activities

In order to operate alfresco activities prospective operators require

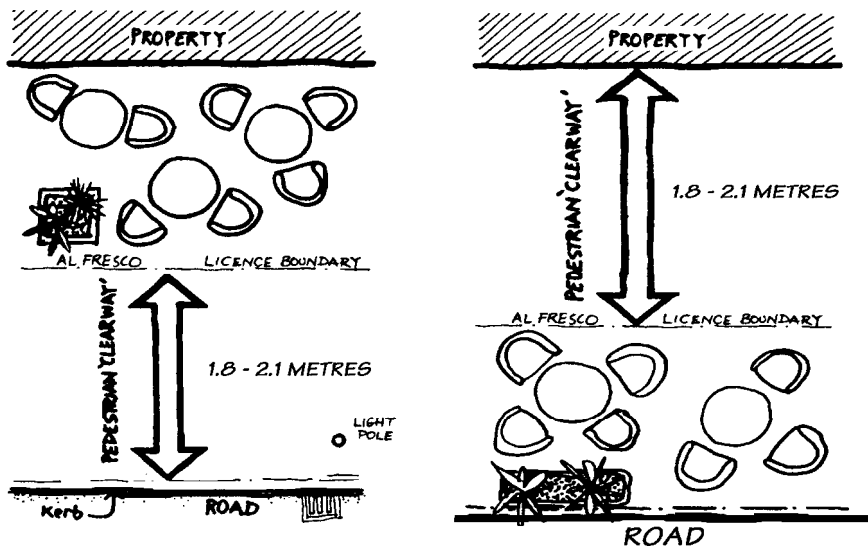
- a valid planning approval and

- a valid outdoor dining licence issued under the City of Joondalup's Trading in Public Places Local Law.

Statements

Guidelines for locating Alfresco Activities

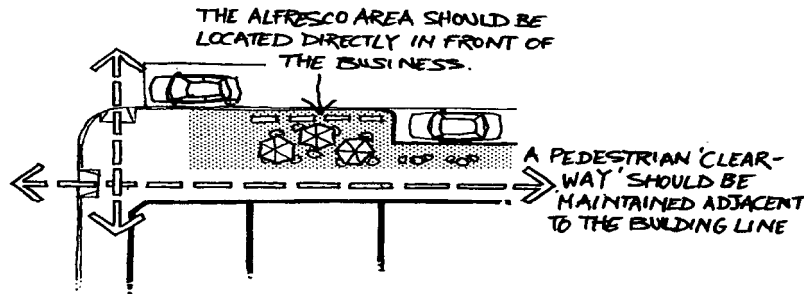
- 1 Alfresco activities should be appropriate to the character and functions of the area in which they are proposed to be located.
- 2 Alfresco activities will not be approved where the gathering of customers or the elements of design will impede pedestrian or vehicular movements, or cause conflicts with or inconvenience other adjoining activities. A minimum clear footpath width of 1.8 - 2.1 metres should be provided, dependent on the pedestrian traffic volume within the area. Determination shall be made by the City on the individual merit of the location. Pedestrians should be able to make normal use of the footpath without being obliged to step into the road at any point, or make other unwarranted detours.



- 3 Applications to establish alfresco activities will also need to comply with specific requirements of any relevant policy relating to the location and/or type of activity proposed, unless the City of Joondalup considers such compliance is not necessary in a particular instance.
- 4 Structures associated with alfresco activities may only be fixed to the footpath or to any other structures with the prior written approval of the City of Joondalup.
- 5 In instances where permanent structures are proposed, the proposal must be referred to the Department for Planning and Infrastructure and/or the Minister for Local Government for approval.
- 6 Alfresco activities are to be designed to accommodate disabled access.

- 7 The exits to a building that adjoins the alfresco area are not to be impeded in any way.
- 8 Any alfresco activities should not obstruct sight lines for either vehicles or pedestrians, both at road junctions and vehicle access crossovers.

Location of alfresco dining on footpaths and car parking embayments



- 9 The alfresco activities shall be presented in a way that enhances the amenity of the adjoining properties and the street in general. This may be achieved through using decorative pot plants and chairs and tables of an appropriate style. Any structures placed within the public domain in accordance with this clause must be considered in respect to other clauses in this policy and the City of Joondalup's Trading in Public Places Local Law.
- 10 Alfresco activities shall be demarcated using furniture, planter pots, barrier fencing/bollards and similar items, to the satisfaction of the City of Joondalup.

Planning Approval requirements

- 1 Applications for alfresco activities will be treated as Development Applications (Form 1). The application form is required to be signed by the City of Joondalup as the managers of the public land where non-permanent (temporary and moveable) structures are proposed. If permanent structures are proposed as part of the application, the Department for Planning and Infrastructure is required to sign the Form 1.
- 2 Applications must be accompanied by plans and a management plan as outlined under part 3 (clause 17 d and e) Outdoor Dining of the City of Joondalup's Trading in Public Places Local Law
- 3 A planning approval for alfresco activities will include the following conditions and advice notes:
 - A. The licence holder shall make adequate insurance arrangements to the satisfaction of the City of Joondalup, in the joint names of the City and the operator, for public liability insurance cover to provide indemnity in respect to both injury to persons and damage to property. A copy of the policy will need to be provided to the City prior to the commencement of trading. The City of Joondalup shall be advised directly by the insurance company of any possible changes to the policy.

- B Structures and furniture must be stable under windy conditions.
- C. The operator shall not, without the prior approval of the City of Joondalup:
 - (a) make use of any method of noise making (ie live music, record, tape, radio, etc);
 - (b) carry out any specific functions (ie fashion parades, art exhibitions, etc);
 - (c) prevent the public from using the alfresco area, whether paying customers or not.
- D. The operator shall keep the alfresco area clean and free from rubbish to the satisfaction of the City of Joondalup.
- E The approval is valid for a period of 36 months.
- F The tables, chairs and all equipment associated with the alfresco area shall be removed from the public space outside normal trading hours for the associated premises, unless permanent structures have been approved by the Department for Planning and Infrastructure and/or the Minister for Local Government.
- G Any modifications of the street verge or any relocation of existing street furniture, trees or services shall not be undertaken without the prior approval of the City of Joondalup. All costs associated with any such works will be totally at the applicant(s) expense.

Advice Notes

- 1 In granting approval, the City of Joondalup may limit operating hours.
- 2 The City of Joondalup reserves the right to require the alfresco area to be removed at any time at the applicant's expense to undertake essential maintenance work.

Fees

Development Application Fee} To be set by Council as part of the annual schedule of fees and charges.

Renewal Fee } As above.

Amendments: CJ213-06/99; CJ024-02/04, CJ206-10/05
Related Documentation: Schedule of Fees and Charges; Trading in Public Places Local Law – Outdoor Dining
Issued: 20 November 2007

REID PROMENADE



T5 EXPRESSO

ROAD RESERVE CHARACTERISTICS:

- Total Road Reserve Width: Approx 25 metres
- Verge width: 3.5 metres (North side of street)
- 5.5 metres (South side of street)
- Street tree location: Approx aligned down the centre of the footpath and some within the kerbside zone.
- Other characterises: Some on street parking
Refuge islands
Single lane (two way) traffic movement.

SUGGESTED ALFRESCO LOCATION:

- Alfresco Zone: 2.5 metres maximum
- Pedestrian Zone: 2.0 metres minimum
- Kerbside Zone: 0.5 metres minimum (where the kerbside zone adjoins on-street parking)
- 1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

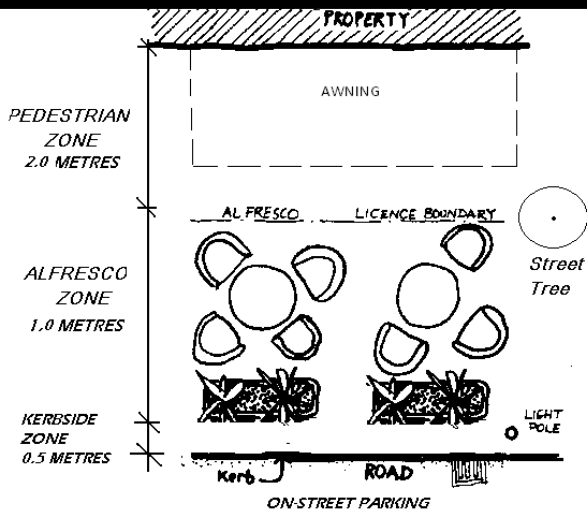
BENEFITS:

- Pedestrians can utilise awnings for shelter
- Pedestrians do not have to weave in and out of alfresco areas to view shop windows.

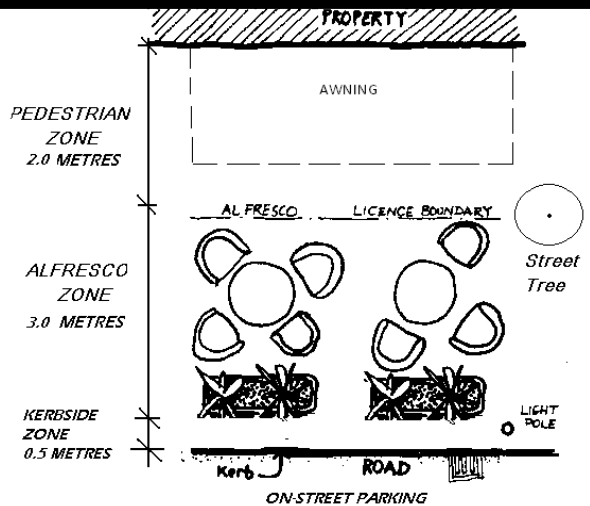
ISSUES:

- The potential need to regulate the use of umbrellas and other temporary shade structures which may include drop down blinds.

PREFERRED ALFRESCO LAYOUT AND SIZE (NORTH SIDE OF THE STREET)



PREFERRED ALFRESCO LAYOUT AND SIZE (SOUTH SIDE OF THE STREET)



GRAND BOULEVARD



ANOTHER CUP

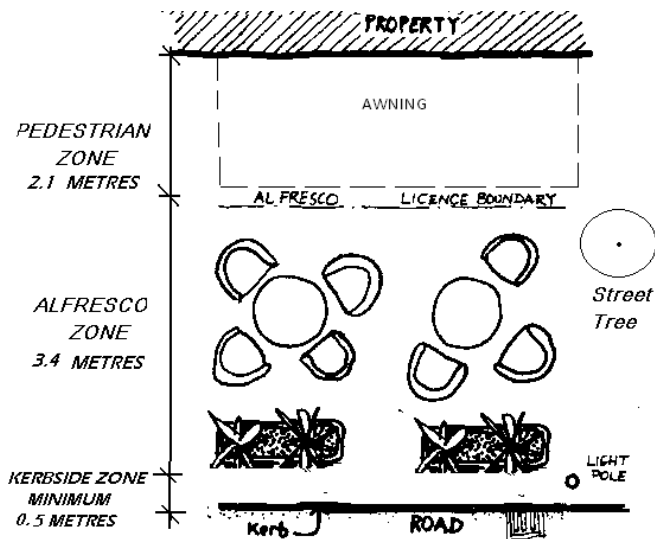
ROAD RESERVE CHARACTERISTICS:

- Total Road Reserve Width: Approx 50metres
- Verge width: Approx 5.5 metres
- Street tree location: Aligned within Kerbside Zone
- Other characterises: On street parking (Slip lanes, 6 lanes parking)
- Refuge islands
- Single lane (two way) traffic movement.

SUGGESTED ALFRESCO LOCATION:

- Alfresco Zone: 2.5 metres maximum
- Pedestrian Zone: 2.0 metres minimum
- Kerbside Zone: 0.5 metres minimum (where the kerbside zone adjoins on-street parking)
- 1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

Preferred Alfresco Layout and Size



ON-STREET PARKING EXAMPLE

BENEFITS:

- Pedestrians can utilise awnings for shelter
- Pedestrians do not have to weave in and out of alfresco areas to view shop windows.

ISSUES:

- The potential need to regulate the use of umbrellas and other temporary shade structures which may include drop down blinds.
- Current alfresco arrangement against buildings.

LAKESIDE DRIVE



ROAD RESERVE CHARACTERISTICS:

- Total Road Reserve Width: Approx 40 metres
- Verge width: Approx 9 metres
- Street tree location: Centre of verge within garden bed.
- Other characterises: On street parking
Refuge islands
Single lane (two way) traffic movement.

SUGGESTED ALFRESCO LOCATION:

- Alfresco Zone: 4.0 metres maximum
- Pedestrian Zone: 2.5 metres minimum
- Kerbside Zone: 0.5 metres (public seating, poles, bins) min

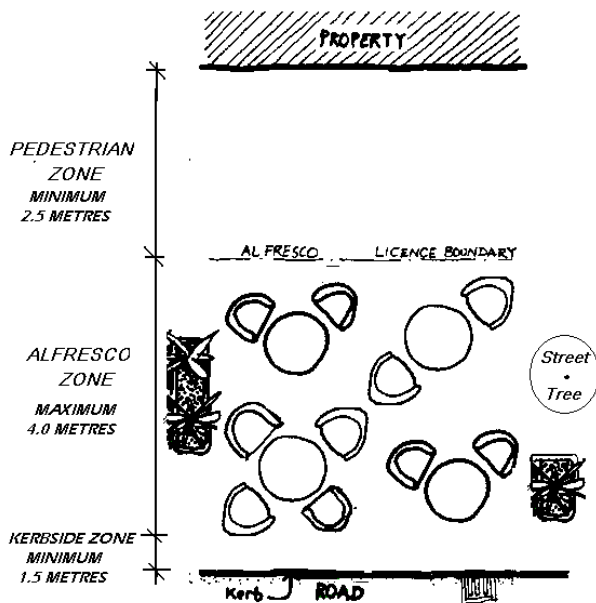
BENEFITS:

- Pedestrians can utilise pedestrian shelter
- Pedestrians do not have to weave in and out of alfresco areas to view shop windows.

ISSUES:

- Loss of landscaped verges – to be replaced with paved alfresco areas.
- The potential need to regulate the use of umbrellas and other temporary shade structures which may include drop down blinds.

Preferred Alfresco Layout and Size Permitted



BOAS AVENUE



KULCHA NOODLE HOUSE

ROAD RESERVE CHARACTERISTICS:

Total Road Reserve Width: Approx 25 metres
 Verge width: Approx 3-6 metres
 Street tree location: Centre of verge
 Other characterises: On street parking
 Refuge islands
 Single lane – two lane at intersection (two way) traffic movement.

SUGGESTED ALFRESCO LOCATION:

Alfresco Zone: 2.5 metres maximum
 Pedestrian Zone: 2.0 metres minimum
 Kerbside Zone: 0.5 metres minimum (where the kerbside zone adjoins on-street parking)
 1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

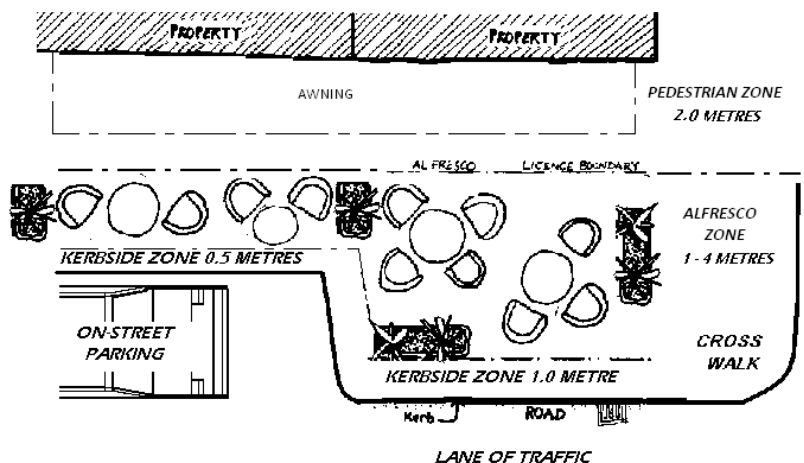
BENEFITS:

Pedestrians can utilise pedestrian shelter
 Pedestrians can clearly view goods and property listing in windows.

ISSUES:

The potential need to regulate the use of umbrellas and other temporary shade structures which may include drop down blinds.
 Current alfresco arrangement against buildings.

Preferred Alfresco Layout and Size



CENTRAL WALK



SUGGESTED ALFRESCO LOCATION:

Alfresco Zone:	2.5 metres maximum
Pedestrian Zone:	5 metres minimum
Kerbside Zone:	None

PEDESTRIAN MALL CHARACTERISTICS:

Total Width:	Approx 10 metres
Footpath/Verge width:	Approx 10 metres
Street tree location:	Centre of verge
Other characterises:	Street Trees aligned of both sides of the mall

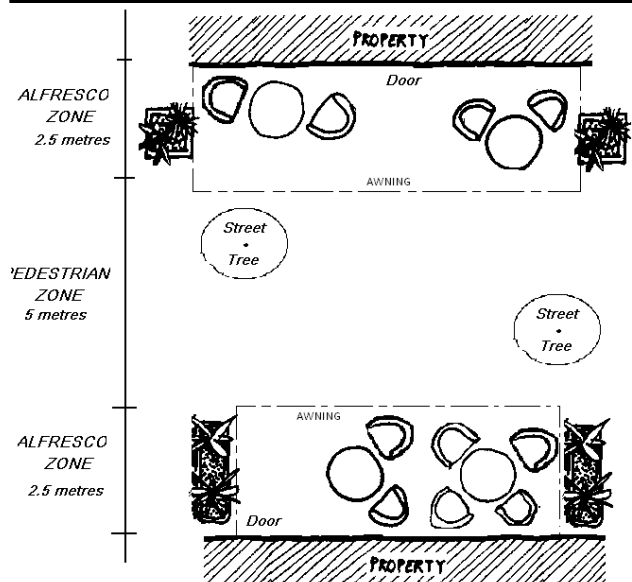
BENEFITS:

Alfresco areas are sheltered from the weather
 Pedestrians can view and access businesses on both sides of the mall easily without the need to navigate around alfresco activities if located in the centre of the mall.

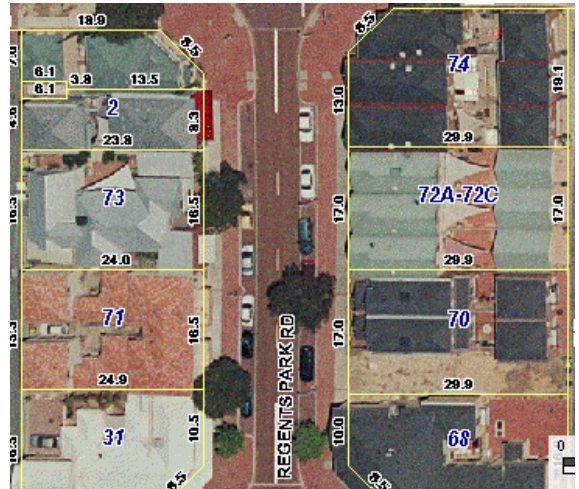
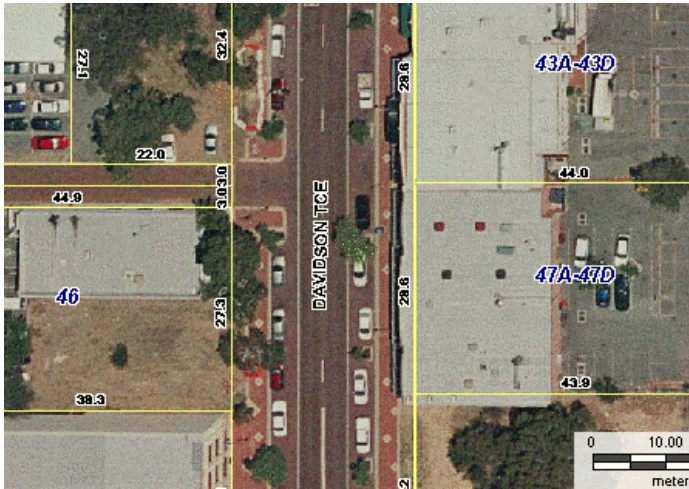
IMPACTS:

Limited pedestrian shelter as alfresco areas may occupy areas beneath awnings.

Preferred Alfresco Layout and Size



DAVIDSON TERRACE / REGENTS PARK ROAD



ROAD RESERVE CHARACTERISTICS:

Total Road Reserve Width:	Davidson Terrace
Approx 25m	
	Regents Park Road
Approx 20m	
Verge width:	Davidson Terrace
	Approx 5m (Min)
	Regents Park Road
	Approx 4m (Min)
Street tree location:	Kerbside zone/on street parking lane
Other characterises:	On street parking
	Single lane (two way) traffic movement.

SUGGESTED ALFRESCO LOCATION:

Alfresco Zone:	2.5 metres maximum
Pedestrian Zone:	2.0 metres minimum
Kerbside Zone:	0.5 metres minimum (where the kerbside zone adjoins on-street parking)
	1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

BENEFITS:

- Pedestrians can utilise pedestrian shelter
- Pedestrians can clearly view goods and property listing in windows.

ISSUES:

The potential need to regulate the use of umbrellas and other temporary shade structures which may include drop down blinds.

Preferred Alfresco Layout and Size

