

minutes

Policy Committee

MEETING HELD ON

TUESDAY 29 SEPTEMBER 2009

TABLE OF CONTENTS

Item No	Title	Page No
	Declaration of Opening	3
	Apologies/Leave of absence	3
	Confirmation of Minutes	3
	Announcements by the Presiding Person without discussion	4
	Declarations of Interest	4
	Identification of matters for which the meeting may sit behind closed doors	4
	Petitions and deputations	4
	Reports	
Item 1	Policy Review - Alfresco Activities - Report on Submissions	4
Item 2	Draft Signs Policy	9
Item 3	Draft Policy - Notification of Approved Commercial Development - Report on Submissions	15/23
Item 4	Public Participation Policy 1.2 - Review	15
Item 3	Draft Policy - Notification of Approved Commercial Development - Report on Submissions	23/15
Item 5	Policy 7-20 – Hire of Community Facilities and Venues	26
	Motions of which previous notice has been given	32
	Requests for Reports for future consideration	32
	Closure	32

CITY OF JOONDALUP**MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 29 SEPTEMBER 2009****ATTENDANCE****Committee Members:**

Cr Kerry Hollywood	<i>Presiding Person</i>
Cr Trona Young	<i>Deputy Presiding Person</i>
Mayor Troy Pickard	
Cr Mike Norman	

Officers:

Mr Garry Hunt	Chief Executive Officer	<i>Absent from 1812 hrs to 1816 hrs; 1842 hrs to 1844 hrs; and from 1910 hrs to 1915 hrs</i>
Mr Jamie Parry	Director, Governance and Strategy	<i>Absent from 1942 hrs to 1844 hrs and from 1925 hrs to 1927 hrs</i>
Mr Clayton Higham	Acting Director, Planning and Development	
Mr Gavin Taylor	Manager, Leisure and Cultural Services	
Mr Rob Farley	Manager, Planning Approvals and Environmental Services	<i>to 1917 hrs</i>
Mrs Lesley Taylor	Acting Administrative Services Coordinator	
Ms Anne Purdy	Administrative Secretary	

Observer:

Cr Geoff Amphlett

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1810 hrs.

APOLOGIES/LEAVE OF ABSENCE

Apology: Cr Fiona Diaz

CONFIRMATION OF MINUTES**MINUTES OF THE POLICY COMMITTEE HELD ON 4 JUNE 2009**

MOVED Mayor Pickard, SECONDED Cr Young that the minutes of the meeting of the Policy Committee held on 4 June 2009 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (4/0)

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil.

DECLARATIONS OF INTEREST

Nil.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil.

PETITIONS AND DEPUTATIONS

Nil.

ITEM 1 POLICY REVIEW - ALFRESCO ACTIVITIES - REPORT ON SUBMISSIONS

WARD: All

RESPONSIBLE DIRECTOR: Mr. Clayton Higham
Planning and Development (Acting)

FILE NUMBER: 03366

ATTACHMENTS: Attachment 1: Alfresco Activities Policy
Attachment 2: Summary of submissions

PURPOSE

The purpose of this report is for the Policy Committee to consider all submissions and proceed with a recommendation to Council to adopt the revised Policy – Alfresco Activities.

EXECUTIVE SUMMARY

The Policy Committee, at its meeting held on 4 June 2009, was presented with the revised and modified Alfresco Activities Policy. Subsequently, Council at its meeting held on 16 June 2009 resolved as follows:

- “(a) *In accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy 7-5 – Alfresco Activities, as shown in Attachment 5 to Report CJ123-06/09;*
- “(b) *NOTES that, if adopted, the new alfresco activities policy would be applied to existing alfresco activities upon renewal of planning approval, or within 24 months of the adoption of the new policy, whichever is the longer period.*”

The draft policy was advertised for comment for a period of 30 days, in which time 16 submissions were received.

It is recommended that the Policy Committee supports the adoption of Policy 7-5 Alfresco Activities.

BACKGROUND

In September 2008 a review of the Policy 7-5 Alfresco Activities was initiated to give consideration to the uniform location of alfresco activities within the footpath for the Joondalup City Centre. It was considered that the current practice to locate alfresco activities beneath awnings was not in keeping with the objective of providing pedestrians with a continuous sheltered path of travel throughout the City Centre. As such a review was undertaken to establish an appropriate location for alfresco dining in a relative uniform manner throughout the City Centre.

As part of this review a number of other aspects of alfresco activity development were examined and various policy modifications were presented to the Policy Committee at its meeting held on 15 December 2008. Modifications included:

- A standard location for alfresco activities was suggested which reserved a pedestrian path abutting a building so pedestrians can utilise protection from awnings. This aligns alfresco activities, in the majority of locations beside the road or on-street parking. A small buffer zone is required for safety and comfort reasons.
- Attaching café blinds to awnings is not permitted.
- Erecting of permanent shade structures is only permitted on verges with a width of 5.0 metres or more.

The Policy was referred back for further development and additional modifications were presented to the Policy Committee at its meeting held on 4 June 2009. Additional matters for inclusion in the revised policy were:

- Plastic chairs and tables are not permitted
- Permanent fences will not be permitted
- Café blinds may be erected on shade structures (with the exception of awnings), however must be visually permeable and retracted outside of business hours.
- Provision of planter boxes (to be provided at cost to the City) to define alfresco activity areas.
- Introduction of fees for the use of public land. Not to come into effect until 1 July 2010.

Council resolved at its meeting on 16 June 2009 to advertise the policy for 30 days.

DETAILS

The draft policy is contained in attachment 1 of this report.

Issues and options considered:

The options available to the Policy Committee are to:

- Recommend that the Council adopts as final, amended Policy 7-5 Alfresco Activities (as resolved by the Council at its June 2009 meeting).
- Recommend that the Council retains Policy 7-5 Alfresco Activities, without modification.
- Recommend that the Council adopts Policy 7-5 Alfresco Activities, as final, with modifications.

Legislation/Strategic Plan/Policy Implications

Legislation 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.

Strategic Plan

Key Focus Area: Economic Prosperity and Growth

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

Key Focus Area: The Built Environment

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

Policy This policy will replace the existing Policy 7-5 Alfresco Activities.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The policy modifications incorporate additional fees for the use of public land which the City will receive. The City will on the other hand need to provide planter boxes to delineate alfresco activity areas. This cost can be recouped from the fees incurred from the 'use of public land' charges.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The Draft Policy was advertised for comment for a period 30 days closing on 3 August 2009. Advertising was undertaken by way of a notice published in the local newspaper, as well as on the City's website. A total of 16 submissions were received during this period comprising 15 objections and 1 support (refer attachment 2).

COMMENTConsideration of Submissions

A total of 16 submissions were received regarding the draft Alfresco Activities Policy consisting of 1 submission of support and 15 objections. The majority of objections received were from patrons of Kulcha Café, Boas Avenue, Joondalup, that raised concerns relating to the impact on this business. One objection was also received from The Butty Bar, Davidson Terrace, Joondalup, for similar reasons. A summary of submissions are contained in Attachment 2 of this report. The main concerns raised were categorised as follows:

Safety:

In most instances the draft policy prescribes a format for verge activities whereby a clear pedestrian path abuts the building and alfresco dining will be located adjacent to the road or on-street parking. This has a multitude of benefits including the ability for pedestrians to benefit from shelter provided by awnings and for people with impaired vision to utilise the adjoining building alignment for orientation. The majority of objections relating to the proposed roadside alfresco location were due to concerns for diners' safety which may deter customers.

The proposed layout will bring alfresco diners, in some locations closer to traffic than at present. Whilst this may be perceived to increase safety risks a number of measures have been taken to minimise such concerns.

The prescribed layout accounts for a buffer distance (kerbside zone) between diners and the road/on-street parking of 0.5-1.5 metres depending on the location. These buffer zones are intended to minimise safety risks and provide comfort to diners by separating traffic from alfresco activities. In addition, this buffer zone will act as a pedestrian refuge for informal street crossing and where applicable accommodate for opening of car doors. Furthermore the City's provision of planter boxes to delineate alfresco areas will act as a barrier and provide additional protection from traffic. The proposed alfresco layout will bring diners closer to the kerb which may have other benefits including the capacity to influence driving behaviour and deter speeding.

The policy has been drafted such that, where necessary, conditions may be imposed on an approval to require the provision of formal bollards for safety reasons. This will generally apply to alfresco areas adjoining traffic speeds of 70km/hr or more. Alternatively consideration may be given to another alfresco location.

Impact on dining experience:

A number of submissions were received that expressed concerns that the proposed draft policy would detach alfresco activities from the main building which would be less attractive to diners. Further to this, proposed changes would result in more exposure to the elements, be it sun, wind, rain, cold or heat.

The proposed alfresco layout has proven popular in locations such as parts of Oxford Street Leederville, Rokeby Road Subiaco, Murray and Hay Streets Perth and Market Street Fremantle. The proposed alfresco dining layout for Central Walk does however differ from the typical format of pedestrian malls in central Perth as the generous width of these malls (16-25 metres) provides the opportunity for multiple pedestrian zones. No objections were received with relation to the proposed Central Walk alfresco layout. Whilst the draft policy removes the opportunity for alfresco activities in many (but not all) locations to be sited beneath awnings, enclosed by café blinds attached to these awnings, it does not preclude the provision of temporary shade structures such as umbrellas. It is important to note that alfresco dining by its definition is open-air dining and as such is exposed to the elements. Alfresco dining therefore favours 'fine' weather, and use of such an area may not be desirable in times of inclement weather. The idea that an approved alfresco activity licence provides businesses with the right to operate year round at any cost or detriment to the streetscape is not correct.

Impacts on businesses:

A number of comments were received relating to the management implications the draft policy imposes on existing businesses. These difficulties were namely the inconvenience or risk to staff serving diners whilst navigating passing pedestrians, loss of business due to a

lesser appeal or ability to accommodate patrons in times of inclement weather and additional operation costs due to higher fees.

As noted previously the proposed alfresco layout has proven popular in places such as Fremantle. In these other locations there are greater rates of foot traffic and verges are narrow. Whilst servicing diners in these locations may be inconvenient, it is certainly possible and proven successful.

It is acknowledged that the proposed changes may result in a lesser ability to operate alfresco dining year-round, however this is generally the case in any instance. It is not the intent of alfresco dining to permit year-round dining. The ability to increase patronage may be possible through the provision of temporary shelters and gas heating; such structures will be considered on case by case basis as part of an application.

The implementation of fees for the use of public land is a practice common to many local authorities. Furthermore the proposed fee, likely to be in the order of \$60 per square metre is considered quite reasonable when compared with income returns, land rents and fees imposed by other Councils. In exchange, the City will provide planter boxes to delineate approved areas, which will prevent operating outside of these areas, and provide greater amenity for diners and the street. The sum of all proposed changes in the draft policy will seek to create an attractive system of alfresco activities throughout the City which will benefit pedestrians, businesses and patrons.

Conclusion

The Policy is considered to be appropriate for adoption as drafted.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman, SECONDED Cr Hollywood that the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS Amended City Policy 7-5 – Alfresco Activities, as shown in Attachment 1 to this Report.

CEO left the Room at 1812 hrs and returned at 1816 hrs.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Norman that the following words be added after the words “to this Report.”

.... subject to the following changes:

- **Initial charge to be \$30.00 per square metre per annum;**
- **Those premises with frontage to both Central Walk and Boas Avenue, to be permitted to have alfresco activities abutting the building along both frontages and located under the awning.**

The Amendment was Put and

CARRIED (4/0)

In favour of the Amendment: Crs Hollywood, Norman and Young, Mayor Pickard

The Original Motion as amended, being:

That the Policy Committee **RECOMMENDS** that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, **ADOPTS** Amended City Policy 7-5 – Alfresco Activities, as shown in Attachment 1 to this Report, subject to the following changes:

- Initial charge to be \$30.00 per square metre per annum;
- Those premises with frontage to both Central Walk and Boas Avenue, to be permitted to have alfresco activities abutting the building along both frontages and located under the awning.

Was Put and**CARRIED (4/0)****In favour of the Motion:** Crs Hollywood, Norman and Young, Mayor Pickard*Appendix 1 refers**To access this attachment on electronic document, click here: [Attach1agn290909.pdf](#)***ITEM 2 DRAFT SIGNS POLICY****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr. Clayton Higham
Planning and Development (Acting)**FILE NUMBER:** 01907**ATTACHMENTS:** Attachment 1: Draft Signs Policy 3-7 (as modified July 2009)

PURPOSE

The purpose of this report is to provide a draft Signs Policy for consideration by the Policy Committee.

EXECUTIVE SUMMARY

Planning applications as well as sign licences are required for signage within the City. There is currently no policy to guide the extent and location of various forms of signage within the City. Planning applications are assessed on the merits of the proposal.

A draft Signs Policy was prepared in late 2007 and advertised for comment in early 2008. As a result of submissions received during this advertising period the draft Policy was referred back for further development. A number of options to guide the control of signage throughout the City of Joondalup were referred to Policy Committee on 4 May 2009 for consideration. Council made the following resolution at its meeting held on 16 May 2009:

- “(a) *NOTES the decision of the Policy Committee to amend the draft Council Policy 3-7 – Signs in accordance with Option 2, being different size of signage in different Zones, subject to:*

- *A-Frame signs only permissible in service industrial zones;*
 - *Signs occupying no more than 25% of the glazed area, and that the sign is to be permeable;*
- (b) *REQUESTS that a revised draft Council Policy 3-7 – Signs be submitted to a future Policy Committee meeting;”*

The draft policy has been modified in accordance with the resolution of Council and forms attachment 1 of this Report.

BACKGROUND

Signs are currently considered under the provisions of the City’s Signs Local Law (1999), however, this focuses on safety and maintenance issues. Planning applications for signage are considered on the merits of the proposal and in accordance with the objectives of DPS2 relating to advertising signage.

On 28 August 2007 Council resolved that a report be prepared for the Policy Committee on business signage.

The Policy Committee considered an initial report at its meeting held on 8 October 2007, highlighting key aspects to be considered in the draft policy, including limitations on certain types and sizes of signs, minimising visual clutter and the impacts on building facades. Specifically, the Policy Committee noted that:

- “1 *the development of a Signs Policy is underway, and when completed the draft policy will be presented to the Policy Committee for consideration;*
- 2 *that the following issues will be considered in formulating the Policy:*
- *Limiting certain types of signs to particular land uses*
 - *Regulating the amount of building façade that can be covered by signage*
 - *Providing parameters to regulate on-roof signage and minimising the impact of that (for example within the Joondalup City Centre on-roof signage is generally not approved).*
 - *Limiting the amount of signage to avoid “clutter” on a building*
 - *Providing prescriptive limits for the maximum size of types of signage including:*
 - (a) *pylon signs*
 - (b) *panel signs*
 - (c) *free standing hoardings*
 - (d) *product displays*
 - *Encouraging multi panel shared pylon signs in lieu of individual signs*
 - *Regulating and providing reasonable limits on temporary signage*
 - *Regulating inflatable balloon signage*
 - *Illumination of signs*
 - *Public safety and amenity.”*

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. The draft Signs Policy was advertised for public comment for 35 days from 31 July to 4 September 2008.

Submissions were received from the Joondalup Business Association and ING Real Estate (representing Lakeside Shopping Centre). Some minor changes were made to the draft policy in light of these submissions and a report was presented to the Policy Committee on 15 December 2008. Upon consideration of the submissions the Policy Committee moved to refer the policy back for further development. The subsequent Council resolution on 17 February 2009 was:

“That City Policy 3-7 Signs be REFERRED BACK for further development and a subsequent report presented to the Policy Committee.”

The draft policy was reported to Policy Committee on 4 May 2009 for consideration of a number of options to guide the control of signage throughout the City of Joondalup. The options considered included, Option 1 being a specified size for each sign type, however different signs would be permitted in different Zones, or Option 2 being different sizes for each signage type dependant on the Zone in which it is located. Council made the following resolution at its meeting held on 16 May 2009:

- (a) *NOTES the decision of the Policy Committee to amend the draft Council Policy 3-7 – Signs in accordance with Option 2, being different size of signage in different Zones, subject to:*
- *A-Frame signs only permissible in service industrial zones;*
 - *Signs occupying no more than 25% of the glazed area, and that the sign is to be permeable;*
- (b) *REQUESTS that a revised draft Council Policy 3-7 – Signs be submitted to a future Policy Committee meeting;”*

The draft policy has been modified in accordance with the resolution of Council.

DETAILS

The modified draft policy forms Attachment 1 of this report.

Issues and options considered:

In regard to the draft policy, Council can:

- Advertise the draft Policy for public comment,
- Not support the advertising of Policy for public comment,
- Advertise the draft Policy for public comment with modifications.

Legislation/Strategic Plan/Policy Implications

Legislation

Clause 8.11 of the City of Joondalup District Planning Scheme No 2 (DPS2) enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Should Council adopt principles to guide further changes to the draft policy, the proposal is required under clause 8.11 to be again 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. Significant stakeholders such as the Joondalup Business

Association may also be invited to contribute during the consultation stage

Strategic Plan

Key Focus Area: The built environment

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

Policy This report proposes a new policy.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The draft Signs Policy has been modified significantly from the version that was previously advertised. It has been reformatted in accordance with the previous resolution of Council. The general objectives and design requirements are contained in the policy text, whilst specific sign requirements are contained in Table 1. The sign requirements are dependent on the sign type and zone.

The following changes have been made to provide more flexibility as not all signs are appropriate in all zones nor is one size for each sign type appropriate for all locations.

Locations in which different sign types are permitted

The Signs Policy has been drafted so that Table 1 states the Zones of DPS2 in which different sign types are permitted. This will ensure the appropriate type of signage is permitted in each locality or Zone.

Number of signs

Sign clutter not only detracts from the appearance of an area, but also reduces the overall effectiveness of signs and for these reasons it is in the interest of businesses and the City to make an overall effort to reduce sign clutter. The draft Policy limits the number of signs, for specified sign types, based on number of street frontages, tenancies or lots.

Size of signs

It is important for signs to relate to the scale of a building and size of the space or land in which they are located. To avoid applying a standard sign size for each sign type that may in some instances dominate a small building, a maximum sign area and/or dimension has been applied to various sign types based on its location, in some instances this relates to a percentage of a building façade or street frontage. The size of different sign types has therefore been revised to provide more flexibility dependant on location.

Portable/A-frame signs

In accordance with the direction give at previous Policy Committee meetings, the Draft Policy has been modified to permit portable signs in the Service Industrial Zone (Winton Road, Joondalup and Canham Way, Greenwood) and Southern Business District (Otherwise known as the Quadrangle).

Amendment required to District Planning Scheme No.2

In accordance with the direction give at previous Policy Committee meetings, the Draft Policy has been modified to restrict the size of window signs. Table 1 of the draft Policy introduces the following controls.

- Residential Zone:
Not permitted
- Service Industrial Zone, Southern Business District and Western Business District:
Max 25% of the glazing or 10m² per tenancy, whichever is lesser.
- All other zones:
Max 50% of the glazing or 20m² per tenancy, whichever is lesser.

Currently, a range of signs are exempt from the need for planning approval in accordance with Schedule 4 of the DPS2. Included in this list of exempt advertisements are window signs. As it is desirable to introduce controls for window signs, DPS2 will need to be amended to remove window signs of the list of exempt development following the adoption of the Policy.

Conclusion

The modifications and reformatting of the draft Policy – Signs provides parameters for signage throughout the City of Joondalup based on the Zone in which they are located. The modifications to signage controls have been undertaken in line with the submissions received during the advertising period and additional guidance from the Policy Committee. The draft Policy has therefore been modified to provide greater flexibility rather than introducing further limitations. The draft Policy – Signs is recommended for adoption as there is no need to re-advertise the modifications.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S 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 Council Policy 3-7 – Signs, as shown in Attachment 1 to this Report, as final;
- 2 pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate an amendment to the City of Joondalup's District Planning Scheme No. 2 accordingly.

MOVED Cr Hollywood, SECONDED Mayor Pickard 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 Council Policy 3-7 – Signs, as shown in Attachment 1 to this Report, as final;
- 2 subject to deleting Clause (1) of Schedule 4 (City of Joondalup District Planning Scheme No 2), CONSENTS to initiating an amendment to the City of Joondalup District Planning Scheme No 2 pursuant to Part 5 of the Planning and Development Act 2005;
- 3 NOTES that policies are subject to an annual review and that issues identified as requiring modification can be dealt with in that timeframe.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Young that the words "Must not be fixed over or under a verandah" be REMOVED from Table 1 of proposed Policy 3-7 Signs in reference to Semaphore Signs.

The Amendment was Put and

CARRIED (4/0)

In favour of the Amendment: Crs Hollywood, Norman and Young, Mayor Pickard

The Original Motion as amended, being:

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 Council Policy 3-7 – Signs, as shown in Attachment 1 to this Report, as final, subject to the removal of the following words:

"Must not be fixed over or under a verandah" from Table 1 of proposed Policy 3-7 Signs in reference to Semaphore Signs.
- 2 subject to deleting Clause (1) of Schedule 4 (City of Joondalup District Planning Scheme No 2), CONSENTS to initiating an amendment to the City of Joondalup District Planning Scheme No 2 pursuant to Part 5 of the Planning and Development Act 2005;
- 3 NOTES that policies are subject to an annual review and that issues identified as requiring modification can be dealt with in that timeframe.

Was Put and

CARRIED (4/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agn290909.pdf](#)

ITEM 3 DRAFT POLICY - NOTIFICATION OF APPROVED COMMERCIAL DEVELOPMENT - REPORT ON SUBMISSIONS

This Item was considered after Item 4 – Public Participation Policy 1.2 – Review.

ITEM 4 PUBLIC PARTICIPATION POLICY 1.2 – REVIEW

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr. Jamie Parry
Governance and Strategy

FILE NUMBER: 75521

ATTACHMENTS: Attachment 1. Public Participation Policy 1.2
Attachment 2. Public Participation Strategy (2006)

PURPOSE/EXECUTIVE SUMMARY

To present information pertinent to a considered review of the City's Public Participation Policy.

BACKGROUND

At the meeting of Council on 15 December 2008, a request was received for a report to the Policy Committee on the Public Participation Policy 1.2.

The current Public Participation Policy 1.2 was last reviewed in 2006. The intent of this Policy is: *"...to encourage greater community participation in the decisions and affairs of the local government."* The Policy notes that participation is more than public consultation, public relations, information dissemination and conflict resolution and a definition is given that participation is: *"...the provision of opportunities for the public to be involved in a range of issues affecting their communities and lifestyles. Such opportunities would enable the public to provide information, ideas and opinions on plans, proposals, policies and services; partner the City in working towards specific objectives; or actively contribute to physical works (eg. Environmental projects)."*

The Policy goes on to identify requirements for a Public Participation Strategy to address a range of matters including: identification of issues requiring public participation; inclusion in the annual budget process of funding for public participation activities; increasing staff awareness and skills in public participation techniques; how all sectors and groups within the community can have the opportunity to participate in the City's activities and details of a community education program relating to public participation in the City's affairs.

A Strategy that met the requirements was developed and formally adopted by Council in 2005. Following extensive research to determine how levels of public participation in local governance could be increased, the Strategy was revised in 2006. It is considered timely to review the City's approach to community consultation.

DETAILS

In the proposed review of the Policy (and possibly the supporting Strategy) consideration has been given to the practical experience gained from the use of these documents in designing and carrying out consultation processes. Further, and with a view to ensuring that the City's Policy is informed by developments in the field of community engagement and consultation, a desktop review of the literature and policy documents of other local governments has been conducted.

Review of Practical Experience in Consultation:

Since 2006 the following significant consultations have been undertaken:

- Development of proposed or amended Local Laws/Policies
- West Coast Drive Dual Use Path upgrade
- Proposal for Underground Power
- Review of the District Planning Scheme No. 2
- Edgewater Quarry Development
- Housing Strategy
- Ocean Reef Marina Development Site (2 stage consultation process)
- Seacrest Park Facilities Upgrade
- City Centre Structure Plan

The experience gained in conducting the consultations listed was considered against the methodologies recommended in the Strategy under the following areas:

- Who is to be consulted?
- How will they be consulted?

Who is to be Consulted?

The Strategy identifies a range of methodologies by which participation may best be achieved and states that: "*representation will be sought from all sectors and groups (stakeholders) likely to be directly affected by an issue.*" The Strategy provides the following guide for determining who should be consulted based on geographic proximity to a site:

Where the issue is at the level of a specific suburb, participation should be sought from people within that suburb. Where the issue is considered to impact on all residents of the City, participation should be sought from each ward of Council. In the event that the issue is located within a discrete suburb but has wider implications, representation should be weighted toward those most directly affected in the first instance and then to other identified stakeholders proportionate to how they will be affected.

The Strategy also refers to setting participation targets for the number of people to be consulted by suburb/ward that may be used as a sample size. The original intent was to ensure that every effort would be made to involve those most closely (geographically) affected. This approach was to avoid situations in which only a very limited number of people provide input as the extent to which this represents wider community views is hard to ascertain.

In practice, selection of participants for the various consultations is not always carried out on the suburb/ward basis indicated in the Strategy and invitations to participate are sometimes advertised more broadly in the interests of obtaining more feedback. The most common method is to invite all residents/ratepayers within a predetermined distance of a site to participate. One difficulty with this approach, combined with advertising and freely available

feedback forms, is that a sample size is difficult to establish as a benchmark to determine levels of representation.

Further, use of geographic proximity to a site as the main method for selecting and inviting participation from the public does not recognise that all matters for consultation are site based (policies, local laws, planning strategies). In those instances, participation is sought as follows:

- through invitations to a sample population from each of the City's 6 wards;
- by sending invitations to participate to individuals or groups with special interest or knowledge of the matter; and
- using general advertising in community newspapers and on the City's website

Whilst the principle of 'those most closely affected' is followed, it is evident that the people who could and actually do respond to an invitation issued by the City (whether by random selection or through other media) vary considerably. Questions have invariably been raised regarding what constitutes a valid survey response, and as neither the Policy nor the Strategy currently provide guidance there is a need to review this issue for a consistent approach

Another difficulty encountered in inviting participation related to the distribution of community newspapers to some areas of the City. Members of the public complained that they did not receive the newspapers and therefore were unaware of the opportunity.

How will they be Consulted?:

As the Policy does not stipulate the methods to be used for consultation, the following section refers to guidance provided in the Strategy on 'how to' consult with the public and identifies areas for future consideration, possibly by updating the Policy itself or updating the Strategy.

Currently, the Strategy outlines three methods for encouraging participation in a consultative process: random selection; invitations to identified special interest groups and individuals and advertising. The effectiveness of each of these methods will be considered below, based on practical experience.

Random Selection:

The Strategy identifies random selection of participants as one method for involving the public in a consultative process. This method has worked well when using surveys to elicit opinions from a representative sample of the population. By incorporating demographic factors such as age and sex in the surveys it has been possible to determine 'fit' with the population of a given area. By controlling the process by which participants are selected, it has also been possible to set a participation target (sample size) that can easily be measured against the rate of return. A benchmark for a good rate of return is 20% of those surveyed and this is considered to be indicative of representativeness.

Invitations to Identified Special Interest Groups and Individuals:

Random selection has also been used successfully in identifying and recruiting individuals to serve on a Community Reference Group. As noted in the literature on public participation (John, 2009; Green & Gerber, 2005; Rosenstone and Hansen, 2003), being invited to contribute, regardless of how a person is identified, is the major factor in the decision to do so. In practice, any and all invitations to participate, whether through returning a survey or attending a reference group, have been supported with information about the topic from the outset.

One issue that has arisen when seeking written input from individuals and groups with a special interest has been a tendency by respondents not to use the feedback formats provided for that purpose. The reasons for this need to be explored, as the outcome has been uncertainty about how to analyse and then include the feedback in the final report on the consultation in ways that are balanced and fair for the majority.

In circumstances where analysis of survey data has shown that the public contribution overwhelmingly supports a particular option, and the views of the individuals and special interest groups are in opposition, it is necessary to clarify how to incorporate their feedback in a report on a consultative process without giving them undue weight. One way of incorporating input from both the general public and interest groups has been to request that respondents identify whether they are representing their own households or one of a list of the groups invited to participate. However, the requirement to provide this information has been optional so respondents may decide to identify themselves as they wish.

Advertising:

Setting participation targets and being able to work out a rate of return has been an issue in instances where the public are participating in response to advertisements. On these occasions surveys were made available in a variety of formats, at a number of sites throughout the City, from the website and on request. As those most strongly affected by a matter would make the greatest effort to get copies of surveys, or perhaps influence others of a similar opinion to participate, self selection may introduce bias and the outcome may not be representative of the (geographic) community.

A recent development to ensure the legitimacy of survey respondents was to introduce a requirement for the provision of contact details i.e. name and address. This occurrence was in response to concerns that individuals submitting multiple copies of photocopied or downloaded surveys or completing multiple online surveys might 'hijack' the outcome of a consultation through sheer weight in numbers. However, this has been a departure from standard practice where the norm is survey respondents to be anonymous on the understanding that they may participate without risk of 'fear or favour.' In the recent Ocean Reef Marina survey, a number of participants indicated their displeasure at having to provide this information and queried why it was necessary.

Risks of a 'hijack' in a consultation process are minimised in circumstances where (a) participants are part of an identifiable and representative sample; (b) only those selected will receive and return surveys and (c) surveys are not available on demand or in any other formats.

Community Education for Participation:

The Policy identified one of the requirements of the Strategy as being community education for participation. To date, this has focussed on developing Frequently Asked Questions as part of a package of information to be posted to potential participants or made available on the City's website. Whilst this method was not stipulated in the Strategy, it has nevertheless been an effective communication tool and provided information about the consultations in a user-friendly manner. However, this type of 'education' is project specific and does not raise awareness of the many ways in which citizens can participate, or engage, in matters of local governance that are likely to affect them.

One proposal has been for linking generic community education for participation with Citizenship Ceremonies as approximately 2000 people become citizens in Joondalup each year. The research completed on behalf of the City in 2006 into what it would take to encourage greater participation for 'the common good' identified that motivation to participate is often grounded in the desire for connectedness and a sense of belonging with community. Therefore, the approximately 2000 people each year who have decided to make a public

commitment to their country and their community through seeking citizenship may be a suitable target market for an education program of this type.

Developments in Community Consultation and Participation Practice:

To determine the extent to which consultation practice has evolved since the City's Policy and Strategy were last reviewed, desktop research into the literature on community consultation and engagement and of the policies written for local government in Australia and abroad was undertaken.

The original intent of the City's Public Participation Policy was to go beyond the notion of one-way communication of Council activity to the public and provide genuine opportunities for participation or, as it is now being termed, engagement. Presently, the Policy defines 'public participation' as:

The provision of opportunities for the public to be involved in a range of issues affecting their communities and lifestyles. Such opportunities would enable the public to provide information, ideas and opinions on plans, proposals, policies and services; partner the City in working towards specific objectives; or actively contribute to physical works (e.g. environmental projects.)

While public participation can include the following elements it is far more than:

- *Public Consultation*
- *Public Relations*
- *Information Dissemination*
- *Conflict Resolution.*

Face to Face or 'Arm's Length' Consultation:

Whilst the City's Strategy provides options for levels and styles of consultation from surveying the public (arm's length) through to the institution of community reference groups (face to face, deliberative) they are not mandated by the Policy. In practice, decisions to consult with the public have usually been of the 'arm's length' variety and opportunities to participate involve only the completion and return of surveys.

The literature on community consultation and engagement strongly supports deliberative methodologies which provide opportunities for stakeholders to be informed and discuss issues with each other, either in person by attending public workshops, or through the Internet. Many local governments, the City of Joondalup included, have used facilitated community forums to this end.

Use of websites to host e-government initiatives involving moderated discussion forums were originally developed and piloted in the UK (Speakers Corner and Policy Forum, 2000; UK Online Campaign, 2001) and in Australia the Darebin Council in Victoria launched its eForum in 2006. In both UK and Australian experiences, unanticipated difficulties in the use of moderators emerged. They could not respond to queries and concerns raised through the forums and in Darebin, moderators felt an obligation to respond as employees and representatives of that Local Government. The role of moderator required greater definition for efficacy. Also raised as an issue was the notion of linking discussions to outcomes in governance. Commenting on the UK Online Campaign's Citizen Space, Stephen Coleman of the Oxford Internet Institute (cited in Wright's *Electrifying Democracy? 10 years of Policy and Practice*) concluded that it:

...lacked a clear purpose or connection to Government policy-making. For a handful of enthusiasts, it provided an outlet for ill-informed opinion, prejudice and abuse. For most users, it held out the promise of interaction with Government, but proved to be a one-way street leading nowhere. (2006)

The downside of 'live' deliberative processes whether online or at a public forum are that those attending are unrepresentative of the wider community; firstly, because they come along only in circumstances where they have a direct interest in or strong concerns about the matter in hand. Secondly, because their views or opinions will influence, and be influenced by, group interaction.

Nevertheless, the popularity of public events for consultation purposes continues apace with the emergence of IAP2 (International Association for Public Participation) as a lead organisation seeking to "promote and improve the practice of public participation in relation to individuals, governments, institutions, and other entities that affect the public interest in nations throughout the world..." However, perusal of the available techniques listed on that organisation's website for facilitated participation states that these techniques may be considered to be unrepresentative.

Goodin's recent paper "First Talk, Then Vote" (2008) appears to have considered the practicalities associated with public deliberation and it being: *'simply unrealistic to expect any moderately large group to come to complete consensus, however long they talk together.'* Goodin postulates that talking is a good 'discovery procedure' but not an end in itself. He suggests that the development of a preferred position on a matter based on information from *'...others [who] know something we do not, something that we should take into account and revise our own beliefs in light of it'* and authenticated by voting, is the best outcome. A deliberation, or a conversation on a matter should stop – and be voted on – when no new information is forthcoming from participants.

By adhering to the processes set out by Goodin and using technologies that allow (a) for a vote to be taken simultaneously by all participants at a workshop and then (b) the results to be fed back to them during the workshop, it is considered that sufficient data may be captured to provide feedback to participants throughout the event and later to inform decision-making of Council. To avoid circumstances in which representativeness of findings may be at issue, invitations to randomly selected individuals rather than general advertisements is considered to be the most appropriate method for recruiting participants.

Rather than thinking of 'consultation' and 'engagement' as discreet processes where one involves 'voting' and the other 'deliberation' it might be more fruitful to identify the former as a process and the latter as a desired outcome. A local government may be desirous of 'engaging with' a community but determination of whether or not engagement has occurred rests with those who were consulted. Did they feel sufficiently informed on an issue to be able to contribute to decision making? Did they feel they had been actively involved in tackling a local issue? The benefit of this approach is that a range of methods may be used to consult with the community with a view to achieving the outcome of engagement.

A desktop review of recent consultation policy documents that have been written or revised within the last year (Balonne Shire Council, QLD; Borough of Barrow, UK; Blue Mountains City Council, ACT; Ceduna District Council, SA; City of Geelong, VIC; City of Holdfast Bay, SA; Logan City Council, QLD; Roxby Downs Council, SA; Sutherland Shire Council, NSW; City of Unley, VIC) identified a number of common themes that, when combined, make clear statements about what a local government 'will do' with respect to consultation. Pertinent statements and the benefits of including them in a revised Public Participation Policy are outlined in the following table.

Statement	Benefits
The purpose and scope of each consultation exercise is clear and unambiguous.	<ul style="list-style-type: none"> • Identifies issue/Sets agenda • Identifies “out of scope” matters up front • Provides for the articulation of a representative sample • Explains how information will be sought from the public and what it will be used for • Sets a standard for the information to be provided to the public
Timeframes of any consultation undertaken, including the opening and closing dates, are stated	
Non negotiable aspects of a consultation are stated	
The target audience for a consultation exercise is stated	
The extent to which the outcome of a consultation will influence a Council decision is identified	
The consultation methods to be employed for each consultation exercise are stated	
Accurate, adequate and unbiased information is provided for the public to give informed opinions	
Adequate time and resources are provided for consultation processes to take place	<ul style="list-style-type: none"> • Identifies level of resources needed for consultation – indicative of commitment
Analysis of the feedback from a consultation process will be published on the City’s website	<ul style="list-style-type: none"> • Public education/information. Could be linked to an opportunity for the public to evaluate the extent to which they were ‘engaged.’
Where applicable, statutory legislative requirements for community consultation are satisfied	<ul style="list-style-type: none"> • Indicates base level requirements for consultation
Circumstances where wide consultation is not possible <ul style="list-style-type: none"> • Emergencies – matters concerning public safety etc • Legal constraints 	<ul style="list-style-type: none"> • Identifies practical limitations of consultative processes

Strategic Plan: Key Focus Area: Leadership and Governance
Objective: To engage proactively with the community

Policy: 1.2: Public Participation

Risk Management Considerations:

Community consultation and engagement processes are evolving exponentially as tools of governance on the national and international stage. However, representativeness must be built into any policy or process developed to avoid invalidating the outcome or making decisions based on vocal minorities. The research in 2006 identified that random selection of participants – with personalised invitations to participate – was not only considered to be acceptable, but also fair and transparent. Fairness and transparency will be the standard by which the City is judged by its stakeholders.

Financial/Budget Implications:

Not applicable

Regional Significance:

Not applicable

Sustainability Implications:

Social:

Improvements in the ways in which the City consults based on practical experience and informed by the literature on participation and engagement will serve to increase public trust and confidence in local governance.

Consultation:

To be conducted in the event that a revised Policy is developed in alignment with the requirements of Council.

COMMENT

Consideration should be given to rewording the Policy as a series of statements or standards on what the City 'will do' with respect to consultation. This will provide clearer guidance to both administration and the community in one public document without being overly prescriptive. The revised Policy could then be backed up by a protocol for implementation purposes.

Consideration should also be given to the proposal for community education in participation linked to the Citizenship Program. As many of the City's residents were born overseas, there is limited knowledge on how to actively contribute as a citizen or the opportunities available for doing so. By empowering new citizens to become involved in local affairs, the City will be contributing to the long term social sustainability of the region.

VOTING REQUIREMENTS

Not applicable.

Chief Executive Officer and Director Governance and Strategy left the Room at 1842 hrs and returned at 1844 hrs.

MOVED Cr Norman, SECONDED Mayor Pickard that the Policy Committee:

- 1 NOTES the contents of the report related to the City's application of Council Policy 1.2 – Public Participation Policy;**
- 2 IDENTIFIES requirements for inclusion in a future Community Consultation and Engagement Policy.**

The Motion was Put and

CARRIED (5/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agn290909.pdf](#)

Chief Executive Officer left the Room at 1910 hrs.

ITEM 3 DRAFT POLICY - NOTIFICATION OF APPROVED COMMERCIAL DEVELOPMENT - REPORT ON SUBMISSIONS

WARD: All

RESPONSIBLE DIRECTOR: Mr. Clayton Higham
Planning and Development (Acting)

FILE NUMBER: 10010

ATTACHMENTS: Attachment 1 Draft Policy - Notification of Approved Commercial Development

PURPOSE

The purpose of this report is for the Policy Committee to consider all submissions and proceed with a recommendation to Council to adopt the Draft Policy - Notification of Approved Commercial Development.

EXECUTIVE SUMMARY

Council at its meeting of 16 June 2009 resolved to adopt the minutes of the Policy Committee meeting as follows:

“In accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy – Notification of Approved Commercial Development, as shown in Attachment 4 to Report CJ123-06/09, for public comment for a period of twenty-one (21) days.”

The draft policy was advertised for comment for a period of 21 days. No submissions were received.

It is recommended that the Policy Committee supports the adoption of the Draft Policy - Notification of Approved Commercial Development.

BACKGROUND

Within the City there are many areas where the Residential Zone abuts a Mixed Use, Business, Commercial or Service Industrial Zone. As a result, adjacent residents may not be aware of new commercial development, when the development was approved due to general compliance and no advertising required. As such Council, at its meeting held on 25 November 2008 made the request for the following:

“...a report from the Chief Executive Officer on developing a policy that will enable the owner/s of property adjacent to a proposed commercial development to be informed of that development even when the proposed development is a “P” use pursuant to District Planning Scheme 2.”

The Policy Committee, at its meeting held on 4 March 2009, was presented with a range of options to guide the development of the requested policy. Subsequently, Council at its 17 March 2009 meeting resolved as follows:

“REQUESTS the preparation of a Policy that will ensure owners of residential zoned land that adjoins land zoned Business, Commercial, Service Industrial or Mixed Use, are notified of planning approvals granted on that land”.

The Policy Committee, at its meeting held on 4 June 2009, was presented with the Draft Policy Notification of Approved Commercial Development. Subsequently, Council at its meeting held on 16 June 2009 resolved to adopt the minutes of the Policy Committee meeting as follows:

“In accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy – Notification of Approved Commercial Development, as shown in Attachment 4 to Report CJ123-06/09, for public comment for a period of twenty-one (21) days.”

The draft policy has now been advertised with no submissions being received at the close of advertising.

DETAILS

The Policy is considered to be appropriate for adoption as drafted.

Issues and options considered:

The options available to Policy Committee are to:

- Recommend that the Council adopt as final Draft Policy - Notification of Approved Commercial Development.
- Recommend that the Council refuse to adopt Draft Policy - Notification of Approved Commercial Development as final.
- Recommend that the Council adopt Draft Policy - Notification of Approved Commercial Development, with modifications.

Legislation/Strategic Plan/Policy Implications

Legislation

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.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Policy A new Policy is proposed. The new policy will have no impact on any existing policies; however will have implications on current operations and procedures.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The adoption of this Policy will require the City to send letters to residents neighbouring approved commercial developments. This will incur some additional costs and staff time to carry out this additional notification procedure.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The Draft Policy was advertised for comment for a period of 21 days closing on 23 July 2009. 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. No submissions were received during this period.

COMMENT

The Policy is considered to be appropriate for adoption as drafted.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, **SECONDED** Cr Norman that the Policy Committee **RECOMMENDS** that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, **ADOPTS** City Policy – Notification of Approved Commercial Development, as shown in Attachment 1 to this Report.

The Motion was Put and

CARRIED (4/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agn290909.pdf](#)

Manager, Planning Approvals and Environmental Services left the Room at 1914 hrs.

Chief Executive Officer entered the Room at 1915 hrs.

ITEM 5 POLICY 7-20 - HIRE OF COMMUNITY FACILITIES AND VENUES

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 29110

ATTACHMENTS: Attachment 1 Joondalup Little Athletics Club and
Beaumaris Little Athletics Club Request for
Reimbursement of Hire Fees

Attachment 2 Policy 7-20 – Hire of Community Facilities
and Venues

Attachment 3 Alternative Discount Rates

PURPOSE

For the Policy Committee to consider whether City Policy 7-20 should be amended to facilitate the possible reimbursement of hire fees for non City-owned facilities.

EXECUTIVE SUMMARY

In March 2009, the City received a request from the Joondalup Little Athletics Centre (JLAC) and Beaumaris Little Athletics Club (BLAC) for reimbursement of hire fees the Clubs had incurred for use of facilities at Joondalup Arena. A report was subsequently prepared for Council, as agreeing to such a request would require an amendment to City Policy 7-20 Hire of Community Facilities and Venues (Item CJ148-07/09 refers). A copy of the report is shown as Attachment 1.

The Council recommended that the matter be referred to the Policy Committee for further consideration and possible review of City Policy 7-20.

This report considers the options available to subsidise community and sporting groups under Policy 7-20 when those groups are using facilities that are not owned by the City, specifically being the Arena Joondalup.

It is recommended that the Policy Committee RECOMMENDS that Council:

- 1 *DOES NOT SUPPORT any amendment to City Policy 7-20 to facilitate the reimbursement or discount of hire fees for sporting clubs and groups using Arena Joondalup;*
- 2 *REQUESTS the CEO to notify the Joondalup Little Athletics Club and the Beaumaris Little Athletics Club that the City will not reimburse their hire fees at Arena Joondalup;*

- 3 *NOTES that the City will meet with Joondalup Little Athletics Club and Beaumaris Little Athletics Club to investigate opportunities for the use of City parks for training purposes.*

BACKGROUND

The City provides support and assistance to over 155 community, sport and recreation groups through the provision, maintenance and renewal of facilities, funding and grants, and its Club Development program. As part of this support, Policy 7-20, which was revised in October 2007, also provides a method for determining reduced fees and charges for not-for-profit, incorporated clubs and groups using City facilities.

These groups include:

-
- Playgroups;
- Community childcare providers;
- Junior sporting and community groups;
- Service clubs and community groups;
- Seniors clubs and groups; and
- Public schools.

Under Policy 7-20, the clubs and groups are required to provide evidence that demonstrates 50% of their members reside within the City of Joondalup to receive the discounted fees.

Policy 7-20 does not provide for reduced fees or reimbursement of fees for non City-owned buildings, such as the Arena Joondalup.

DETAILS

In March 2009, the City received a letter from JLAC and BLAC outlining a number of issues the Clubs were facing, and seeking assistance from the City for, amongst other things, reimbursement of hire fees for facilities used at Arena Joondalup.

In accordance with Policy 7-20, junior sporting clubs can apply for a 100% discount on the hire fees for City owned facilities if they meet the following eligibility criteria:

- Not-for-profit organisation;
- Incorporated; and
- Greater than 50% of members reside within the City of Joondalup.

The number of hours per week available at the discounted rate is determined by the number of members in the Club (refer attachment 2 to this report).

Both Clubs believe they should be eligible for the discount offered under City Policy 7-20 for junior sporting clubs.

In addition to the Joondalup Little Athletics Centre, there are a number of other junior teams/participants that regularly hire facilities at the Arena, as well as potentially eligible clubs and groups that book the Arena on a casual basis, as detailed below:

Regular Users

- Arena Swim Club
- Joondalup Brothers Rugby Union Club

- Joondalup Giants Rugby League Club
- Joondalup Netball Association

Casual Bookings

- Basketball – junior membership
- Hockey – junior membership
- Soccer – junior membership
- Lifeball – senior membership
- Badminton – senior membership
- Seniors Dancing – senior membership
- Seniors Arts and Crafts – senior membership

There are also a number of other private or State owned and operated facilities located within the City, where sporting clubs and community groups pay hire fees for the facilities they use, including:

- Edith Cowan University
- Warwick Leisure Centre
- State Swim (Joondalup and Whitfords City) and
- Local High Schools

Craigie Leisure Centre also charges fees for the hire of its facilities.

Issues and options considered:

In considering the request from JLAC and BLAC, an amendment to Policy 7-20 would be required, and the following issues and options have been considered:

Option 1: Maintain the Status Quo

Under this option City Policy 7-20 would remain unchanged, with eligible clubs and groups that hire non-City facilities being charged hire fees.

In 2007/2008 the total value of the juniors teams hire fees at the Arena Joondalup was \$38,000. This does not include an estimated \$5,000 in casual hire fees from what would be eligible junior and senior sporting teams or groups. The Arena Joondalup charges junior sporting teams a discounted community hire rate. Hourly hire fees and charges are reviewed by the Arena Joondalup on an annual basis with some of these fees increasing by up to 10% in 2008/2009.

Option 1	
Advantages	Disadvantages
City Policy 7.20 has proven to be an effective approach to community clubs and groups	Discount does not apply to clubs eligible under Policy 7-20 (ie juniors, seniors) using private or State owned facilities
City is not exposed to increased costs.	Groups using non City owned facilities would need to pay applicable fees
Does not create a new condition to Policy 7-20 for specific groups to access.	
The City's budgeted level of subsidy will not increase.	
Does not create an expectation that other clubs using non COJ facilities can seek a reimbursement of their hire fees.	

Option 2: Amend City Policy 7-20 to allow 100% discount to be applied to the hire of facilities at Joondalup Arena.

In this option the full reimbursement of hire fees at Arena Joondalup would provide the clubs and groups (eligible under Policy 7-20) with an increased level of financial assistance. This option is consistent with the current level of support provided to other clubs and groups hiring City owned facilities. This option would meet the current needs of JLAC and BLAC.

Under this scenario, the cost to the City is estimated at \$43,000 per annum, which would increase each year as a result of the annual fee increases.

Option 2	
Advantages	Disadvantages
An increase in the financial support for all eligible community groups and sporting clubs	Increased cost to the City currently estimated at \$43,000 pa.
Would meet the direct request of JLAC and BLAC	City has no control over the cost increases each year
	Increased number, length and frequency of bookings, as clubs take advantage of reduced fees
	Increased financial risk. Clubs using other state government or privately owned facilities may request similar application of the subsidy, or transfer their activities to Arena

Option 3 Amend City Policy 7-20 to provide all eligible clubs and groups with an alternative discount rate for the hire of facilities at Arena Joondalup.

Under this option, clubs and groups would be provided with an alternative discount rate as decided by Council. This option recognises the needs of groups and clubs by offering a level of support that will assist them financially.

The cost of extending the discount to all clubs and groups using Arena Joondalup is difficult to calculate. In this option, the annual cost to the City would be dependent on the discount option chosen. The cost implications for a range of discount options has been summarised in Attachment 3.

Option 3	
Advantages	Disadvantages
An increase in the financial support for all eligible community groups and sporting clubs	Increased cost to the City
Would meet the direct request of JLAC and BLAC	The City has no control over the cost increases each year
Reduced financial impact on the City than Option 2	Increased number, length and frequency of bookings, as clubs take advantage reduced fees

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Not Applicable.

Objective: Not Applicable.

Policy Should Options 2 or 3 be adopted, an amendment would be required to Policy 7-20 Hire of Community Facilities and Venues.

Risk Management considerations:

Should Option 2 or 3 above be chosen as the preferred option for dealing with the JLAC and BLAC request, there could be an increased financial burden on the City through meeting the hire fees of Arena Joondalup for all eligible Clubs.

Additionally, other City of Joondalup clubs may choose to transfer their activities to Arena Joondalup, which could further increase the cost burden on the City.

Financial/Budget Implications:

Based on the recommendation of maintaining the status quo, there are no budget implications.

Regional Significance:

The conditions of Policy 7-20 have regional significance to all sporting clubs and groups within the City. By maintaining the status quo, as recommended in this report, the City's level of support to those clubs would remain unchanged.

Sustainability implications:

Whilst this report recommends that the City does not amend its current policy 7-20, sporting clubs and groups who use Arena Joondalup are able to access a number of the City's funding programs as a means of subsidising their operations. This includes the Community Funding Program, Sports Development Funding Program and the Sporting Achievement Grants.

The City's long term support of the clubs using Arena Joondalup is also reflected in previous capital investments at the Arena for facility developments which to date has totalled over \$6.8 million. Most recently, the City committed \$710,000 towards the construction of a community sporting facility, specifically for the Arena Community Sporting Recreation Association, of which Joondalup Little Athletics is a member. The proposed kiosk in the new facility will also offer the JLAC a new revenue source once constructed.

COMMENT

The City's Policy 7-20 provides a fair and equitable method for determining fees and charges for the hire of community facilities and venues by community, sporting and recreation groups.

The adoption of Options 2 or 3 identified in this report would require an amendment to City Policy 7-20, and would significantly increase the financial support the City provides to junior sporting teams in the City. Under these options, the City would be required to pay market fees for the junior clubs using Arena Joondalup facilities. These costs are likely to increase over time due to annual (unknown) fee increases by Arena Joondalup and the potential for other clubs to seek similar reimbursement.

Supporting the JLAC and BLAC request for reimbursement of fees for the use of Arena Joondalup sets a precedent for other sporting clubs to request financial assistance for payment of facility hire fees at privately owned facilities. The risk to the City is significant, as the total cost of this scenario is unknown. Only the JLAC and BLAC have approached the City seeking reimbursement of fees, whilst the two other representative clubs of JLAC,

namely the Connolly Little Athletics Club (CLAC) and the Kinross Little Athletics Club (KLAC) have not made claim nor approached the City regarding this issue. This may indicate that two of the four Little Athletics Clubs are managing to meet the cost of hire fees as part of their operations.

Similar to other clubs who operate at Arena Joondalup, the JLAC and BLAC are able to impose membership fees that cover the hire fees for use of the facilities. Arena Joondalup also provides all ACSRA member clubs with a discounted community hire rate aimed to assist in providing affordable facilities to regular users.

It is considered that given the above, the other funding opportunities available through the City to JLAC and BLAC, and the City agreeing to meet with the Clubs to discuss alternative venues for some of their training activities, the City has carefully considered the request from the Clubs. At the same time the City has maintained an approach that is fair and equitable to all sporting clubs in the City. It is therefore recommended that the current conditions of City Policy 7-20 should be maintained.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Policy Committee RECOMMENDS that Council:

- 1 DOES NOT SUPPORT any amendment to City Policy 7-20 to facilitate the reimbursement or discount of hire fees for sporting clubs and groups using Arena Joondalup;
- 2 REQUESTS the CEO to notify the Joondalup Little Athletics Club and the Beaumaris Little Athletics Club that the City will not reimburse their hire fees at Arena Joondalup;
- 3 NOTES that the City will meet with Joondalup Little Athletics Club and Beaumaris Little Athletics Club to investigate opportunities for the use of City parks for training purposes.

Director, Governance and Strategy left the Room at 1925 hrs and returned at 1927 hrs.

MOVED Mayor Pickard, SECONDED Cr Young the Policy Committee RECOMMENDS that Council AMENDS City Policy 7.2 – Hire of Community Facilities and Venues to facilitate the discount of hire fees for:

- 1 **the Arena Community Sport and Recreation Association (ACSRA) sporting clubs at the Arena Joondalup;**
- 2 **sporting clubs and groups with less than 50% of their membership being residents of the City of Joondalup to receive a discount for junior sports equivalent to their membership levels of residence within the City of Joondalup.**

The Motion was Put and

CARRIED (4/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn290909.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**Requirements relating to Roads on Private Property**

Cr Young raised a query in relation to the fact that roads built on private property are not subject to the same requirements as roads within subdivisions that are constructed by the City.

It was advised that a briefing paper would be provided to Elected Members setting out what the Codes cover.

Dual Use Car parking bays for seniors/parents with prams

Mayor Pickard requested a report in relation to dual use car parking bays that could be utilised by both seniors and parents with prams.

Signage

Cr Hollywood advised that a number of shopping centres within the City of Joondalup still display City of Wanneroo Disabled signs.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 1937 hrs, the following Elected Members being present at that time:

Cr Kerry Hollywood
Mayor Troy Pickard
Cr Mike Norman
Cr Trona Young