

Minutes **Policy Committee**

MEETING HELD ON THURSDAY 4 JUNE 2009

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CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON THURSDAY 4 JUNE 2009

ATTENDANCE

Committee Members:

Cr Kerry Hollywood	Presiding Person
Cr Trona Young	Deputy Presiding Person
Mayor Troy Pickard	
Cr Mike Norman	

Officers:

Mr Garry Hunt	Chief Executive Officer
Mr Jamie Parry	Director Governance and Strategy
Mr Mike Tidy	Director Corporate Services
Ms Debbie Terelinck	Acting Director Planning and Community Development
Mr Graeme Catchpole	Acting Manager Planning Approvals and Environmental Services
Mrs Janet Foster	Administrative Services Coordinator

In Attendance:

Cr Russ Fishwick *to 1922 hrs*

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1825 hrs.

APOLOGIES/LEAVE OF ABSENCE

Apologies: Cr Marie Macdonald
 Cr Fiona Diaz
 Cr Sue Hart

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

MOVED Mayor Pickard SECONDED Cr Norman that the minutes of the meeting of the Policy Committee held on 4 March 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 8.3 – ELECTED MEMBERS – GENERAL
– AMENDMENT - [18058] [27122]**

WARD: All

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

PURPOSE

For the Council to give consideration to amending Policy 8.3 – Elected Members – General, in order to clarify the application of provisions relating to the timing of the City's advertising of the availability of Elected Members to meet with residents prior to an election, and the timing of meetings held.

EXECUTIVE SUMMARY

Policy 8.3 – Elected Members – General, provides, inter alia, that:

“The City shall include in its annual budget the provision for advertisements to be placed in local newspapers up to six times each year, except that no advertising shall occur within six months of an election where the Elected Member has a direct

interest. The advertisements will detail the availability of Elected Members to meet with residents to discuss matters of community concern.”

Clarification has been sought as to the implications of an advertisement being placed outside of the six month time limit, in accordance with the policy provision, however, the Elected Member meeting with residents occurring within the six month period prior to the election. Whilst the policy intent would tend to indicate that both actions should not occur within the six month period prior to an election, it is considered that the policy should be amended to clarify the matter.

BACKGROUND

An Elected Member has sought clarification with regard the six month period prior to the election and whether the meeting is to be held outside of this period.

DETAILS

Policy 8.3 – Elected Members – General, includes a section related to Elected Member Availability which provides that Elected Members may request that advertisements are placed in local newspapers up to six times each year, except that no advertising shall occur within six months of an election where the Elected Member has a direct interest. The advertisements will detail the availability of Elected Members to meet with residents to discuss matters of community concern.

Where the Elected Member wishes to meet with residents within a City of Joondalup facility, the Elected Member is to contact the CEO, who will make the necessary arrangements.

Where the Elected Member wishes to use a non City of Joondalup facility, the Elected Member is to make all the necessary arrangements and meet any associated costs. These costs may be claimed in accordance with Policy 8.2.

The policy intent would tend to indicate that both actions (advertising and the meeting) should not occur within the six month period prior to an election, however, the policy is not specific in relation to restrictions placed on the timing of meetings.

It is therefore suggested that the following paragraph from the section titled “Elected Members Availability” within Policy 8.3 – Elected Members – General, be amended to read as follows:

“The City shall include in its annual budget the provision for these advertisements to be placed in local newspapers up to six times each year. However, no advertisements shall be placed nor any related meetings shall occur between residents/electors and elected members (where that elected member has a direct interest) which are at the cost of the City, within six (6) months of an election.”

Link to Strategic Plan:

Key Focus Area 1: Leadership and Governance
Objective 1.3: To Lead and Manage the City Effectively

Legislation – Statutory Provisions:

Local Government (Rules of Conduct) Regulations 2007.

Risk Management considerations:

The Council and Elected Members may be at risk of there being a perception that Elected Members due for election are supported by the policy and to some extent the administration, should the policy intent not be clarified.

Policy 4.1 – Code of Conduct and the Rules of Conduct also deal with the improper use by an Elected Member of his or her position. The *Local Government (Rules of Conduct) Regulations 2007* provide that a member or employee must not make improper use of his or her office or position to gain directly or indirectly an advantage for him or her, or for any other person.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Amendment to Policy 8.3 – Elected Members – General, to clarify the intent of policy provisions.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

It is proposed that Policy 8.3 – Elected Members – General be amended to ensure there can be no confusion related to the timing of meetings, and that the intent of the policy, being that meetings are not to be held within the six month period prior to an election, is clarified.

ATTACHMENTS

Attachment 1 Policy 8.3 – Elected Members – General

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman SECONDED Cr Hollywood that the Policy Committee RECOMMENDS that Council AMENDS Policy 8.3 – Elected Members – General, Elected Members Availability, in the manner prescribed in Attachment 1 to this Report, to read as follows:

“Elected Members Availability

Elected Members may request that advertisements are placed in local newspapers indicating their availability to meet with electors/residents to discuss issues of concern.

The advertisements will detail the availability of Elected Members to meet with residents to discuss matters of community concern.

Where the Elected Member wishes to meet with residents within a City of Joondalup facility, the Elected Member is to contact the CEO, who will make the necessary arrangements.

Where the Elected Member wishes to use a non City of Joondalup facility, the Elected Member is to make all the necessary arrangements and meet any associated costs. These costs may be claimed in accordance with Policy 8-2.

The City shall include in its annual budget the provision for these advertisements to be placed in local newspapers up to six times each year. However, no advertisements shall be placed nor any related meetings shall occur between residents/electors and elected members (where that elected member has a direct interest) which are at the cost of the City, within six (6) months of an election.”

Discussion ensued.

AMENDMENT MOVED Mayor Pickard SECONDED Cr Norman that the words “within six (6) months of an election” be amended to read “within three (3) months of an election day”.

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 AMENDS Policy 8.3 – Elected Members – General, Elected Members Availability, in the manner prescribed in Attachment 1 to this Report, to read as follows:

“Elected Members Availability

Elected Members may request that advertisements are placed in local newspapers indicating their availability to meet with electors/residents to discuss issues of concern.

The advertisements will detail the availability of Elected Members to meet with residents to discuss matters of community concern.

Where the Elected Member wishes to meet with residents within a City of Joondalup facility, the Elected Member is to contact the CEO, who will make the necessary arrangements.

Where the Elected Member wishes to use a non City of Joondalup facility, the Elected Member is to make all the necessary arrangements and meet any associated costs. These costs may be claimed in accordance with Policy 8-2.

The City shall include in its annual budget the provision for these advertisements to be placed in local newspapers up to six times each year. However, no advertisements shall be placed nor any related meetings shall occur between residents/electors and elected members (where that elected member has a direct interest) which are at the cost of the City, within three (3) months of an election day.”

Was Put and

CARRIED (4/0)

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

ITEM 2 PARKING SCHEMES FOR SUBURBAN AREAS OUTSIDE OF THE JOONDALUP CITY CENTRE – POLICY - [05787] [57618]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with a Draft City Policy for its consideration relating to the introduction of Parking Schemes in suburban areas outside of the Joondalup City Centre.

The report identifies ways in which parking regimes may assist in preserving the amenity of a particular neighbourhood or location by utilising a combination of parking restriction types. Criteria for determining the particular combination of restrictions required is also provided.

It is recommended that the Policy Committee recommends that Council AGREES:

- 1 to release the Draft Policy “Parking Schemes for Suburban Areas Outside of the Joondalup City Centre” in the format presented in Attachment 1 to this Report to the public for a consultation period of 3 weeks;*
- 2 that should no significant public submissions be received during the consultation period, the Draft Policy, in the format presented in Attachment 1 to this Report, be presented to Council at its July 2009 meeting for approval.*

BACKGROUND

There are a number of parking prohibition schemes in place around the City which are designed to preserve the amenity of local residents. These schemes have generally been introduced in response to demand without utilising a consistent methodology in their development. As such, the introduction of Parking Schemes continues to apply in an ad-hoc manner.

A current Scheme involving permits applies in the vicinity of Warwick train station and additionally there are restrictions associated with Greenwood train station/St Stephens School, and Whitfords train station (with the latter currently preventing residents from parking on the carriageway in front of their own property during the restriction periods).

All day commuter parking by those seeking to access the local train stations is the main driver for the introduction of the above schemes.

DETAILS

The major factors influencing suburban parking are proximity to train/bus stations or interchanges, venues which host major events and popular or heavily visited locations. As local neighbourhoods come under increased pressure from parking and the accompanying hazardous traffic issues (such as blocked driveways, corner parking and significant carriageway congestion), it has become evident that a consistent approach to the application of parking resolutions is required.

In response to this need, the Draft Policy provided at Attachment 1 has been developed to provide a basis from which decisions can be made in relation to suburban parking issues. The Policy is consistent, clear and articulates the necessary requirements needed for a suburban Parking Scheme to be considered by the City.

The Draft Policy also contains several parking restriction options that may be used either individually or as a combination within a Parking Scheme. The options are as follows:

1 Time Limited Parking

One of the simplest parking prohibitions to implement this option has particular application in deterring long stay and all day car parking. It is usually applied in areas of heavy use which is linked to specific times of the day. A four hour time limit is the most common currently applied but a lesser time could be applied if the circumstances warranted.

Prohibitions of this nature prevent all day parking, for example, by commuters around train stations who cannot return during the day to move their vehicle. At the same time it allows plenty of latitude for short term parking by visitors to the area.

While simple to implement (as only signage is required), enforcement processes can be fairly labour intensive as it requires two visits to determine if a time limit has been breached.

2 Limited Parking Prohibition

This option involves the application of parking prohibitions at certain times. For example, prohibiting parking on a carriageway before 9am but allowing parking in the location at any other time. Again, this has particular application in deterring long stay and all day car parking in areas where heavy use is linked to specific times of the day.

The effect of this approach is that motorists are prohibited from parking in specific locations during morning commuter periods, when demand is the greatest. The prohibition period would also apply to local residents; however they would be able to park in the location outside of prohibition times, (after 9.00 am for example).

This approach is easier to enforce than time limited parking as only one visit is required per day to identify offenders. There may be short term issues, however, when train commuters want to park during school holidays or special events (e.g. Perth Royal Show) which generate parking demand outside of the restricted period.

3 Area Wide Prohibitions

A third option is area wide prohibitions. These prohibitions generally prevent parking on specific carriageways, (and may include City controlled verges), for an extended period of the day. The prohibition period could for example apply between 9.00am and 4.00pm with the aim to limit parking in locations where issues are prevalent during business hours. Area wide prohibitions have a more blanket approach than limited parking prohibitions and time limited parking because they apply over an extended period of the day. In addition, not only are all day parkers prevented from parking, but also late start commuters, special event commuters, casual commuters and other short stay parkers who may want to park in the location at different times of the day.

Applying an area wide prohibition to local residents and their visitors can have serious impacts on their amenity. It is therefore necessary that a permit scheme be simultaneously introduced to ensure that residents and their visitors are identifiable and therefore exempt from the prohibitions. The use of permits facilitates enforcement only requiring a single visit to identify offenders but there is an overhead in managing the permit system.

A Parking Scheme may apply one or more of these options to ensure that the most appropriate response is applied to a particular circumstance. Specific drivers will inform the recommended approach proposed by the City, which have been identified in the options above.

Issues and options considered:Option 1: Do Nothing

By choosing not to adopt a City Policy, Parking Schemes in suburban areas outside of the Joondalup City Centre will continue to be applied in an ad-hoc manner. This may lead to opposition from within the community regarding the City's inconsistent approach to applying suburban parking restrictions.

Option 2: Adopt the City Policy in the format provided at Attachment 1

Notwithstanding the fair and equitable basis from which the Policy has been drafted, it is not recommended that this option be pursued without prior community consultation. Many factors have been taken into consideration in the Policy's development; gained from past experiences in introducing Residential Parking Schemes throughout the City, though, lack of consultation with regard to parking matters has been an ongoing issue for the community.

Option 3: Release the City Policy in the format provided at Attachment 1 to the public for a community consultation period of 3 weeks

This option is recommended given previous community concerns with a lack of consultation undertaken by the City in relation to parking matters. Opportunities for residents to comment on the Policy should alleviate these concerns.

It should be noted that delaying Council's adoption of the Policy will affect outstanding parking scheme issues at Warwick train station and Whitfords train station, which will remain unresolved as a consultation process is undertaken. It is felt, however, that the delay to allow consultation is warranted.

To reduce any further delays, it is recommended that if this option is pursued, the Draft Policy presented at Attachment 1 should immediately progress to Council following the end of the consultation period if no significant submissions have been received by the City. Should residents submit comments to amend the Policy, the outcomes of the consultation process will be presented back to the Policy Committee for its consideration.

Link to Strategic Plan:

1.3 To lead and manage the City effectively

1.3.1 The City develops and implements comprehensive and clear policies which are reviewed regularly.

Legislation – Statutory Provisions:

Parking Local Laws 1999.

Risk Management considerations:

Delaying the opportunity for Council to adopt the Policy because of a consultation process, may have implications on outstanding parking issues within suburban areas. Though alternatively, failing to consult on the Draft Policy may incite opposition from residents who will ultimately be affected by potential Parking Schemes in the future.

Financial/Budget Implications:

There are no financial or budget implications for considering the proposed policy. Though, there will be operational financial and budget implications for Parking Schemes that are implemented as a result of the policy.

Policy Implications:

No policy currently exists in relation to managing parking issues outside of the Joondalup City Centre.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No community consultation has been carried out in the development of this Policy, however, it is recommended that the Draft be released to the community for feedback. This would seem an appropriate action given the City's previous experiences regarding the introduction of Parking Schemes.

It is suggested that consultation on the Policy be limited to an advertisement in a local newspaper, posters in the City's Administration Centres, Libraries and Leisure Centres and an advertisement on the City's website. The consultation period should not exceed 3 weeks as it is believed that such a period will allow sufficient time for comments to be received and for the Policy to be referred to the July 2009 Council meeting should no significant submissions be made.

COMMENT

It is the City's position that a Policy should be introduced to prevent Parking Schemes, outside of the Joondalup City Centre, from being introduced in an ad-hoc manner.

ATTACHMENTS

Attachment 1 Draft Policy - Parking Schemes For Suburban Areas Of Joondalup

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young SECONDED Cr Norman that the Policy Committee recommends that Council AGREES:

- 1 to release the Draft Policy “Parking Schemes for Suburban Areas Outside of the Joondalup City Centre” in the format presented in Attachment 1 to this Report to the public for a consultation period of three (3) weeks;**
- 2 that should no significant public submissions be received during the consultation period, the Draft Policy, in the format presented in Attachment 1 to this Report, be presented to Council at its July 2009 meeting for approval.**

Discussion ensued.

The Motion was Put and

CARRIED (4/0)

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

ITEM 3 DRAFT POLICY - NOTIFICATION OF APPROVED COMMERCIAL DEVELOPMENT - [12950] [06094]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for the Policy Committee to consider a draft Local Planning Policy - Notification of Approved Commercial Development.

EXECUTIVE SUMMARY/BACKGROUND

The Policy Committee, at its meeting held on 4 March 2009, were presented with a range of options to guide the development of the requested policy. Subsequently, Council at its March 2009 meeting (CJ051-03/09 refers) 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 has now been prepared for consideration.

DETAILS

Currently, adjoining owners are not notified of development on adjoining commercial lots where the development complies with standards, or has minor variations that are unlikely to affect adjoining owners.

The draft policy (Attachment 1 refers) will ensure that residential land owners would be notified of any approved commercial development, or when advertising has not otherwise been undertaken.

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.

Link to Strategic Plan:

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

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:

A new Policy is proposed.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

In the event that Council adopts the draft policy for advertising, a period of 21 days is required. Upon completion of advertising, Council is required to consider all submissions and proceed to adopt, modify or refuse the policy. There is no requirement under DPS2 for local planning policies to be forwarded to the Western Australian Planning Commission (WAPC) for approval, however a copy of the policy may be forwarded to if its provisions affect the interests the WAPC.

COMMENT

The draft policy has been developed to identify when notification will take place and the extent of notification. It is proposed that Residential zoned properties abutting, or within 30 metres of the Business, Commercial, Service Industrial or Mixed Use zoned sites where development has been approved, would be notified of that approval.

ATTACHMENTS

Attachment 1 Draft Policy

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood SECONDED Mayor Pickard that the Policy Committee RECOMMENDS that Council, 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 1 to this Report, for public comment for a period of twenty-one (21) days.

Discussion ensued.

The Motion was Put and

CARRIED (4/0)

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

**ITEM 4 DRAFT POLICY 3-7 SIGNS ADDITIONAL
INFORMATION FOR CONSIDERATION -
[01907]**

WARD: All

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

PURPOSE

The purpose of this report is to provide additional options to be considered by the Policy Committee in relation to the draft Signs Policy.

EXECUTIVE SUMMARY/ 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. 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 City). 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 (Attachment 1 refers). 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 format of the draft policy has been reviewed, and two options developed that can outline which sizes are permitted in different zones, or allow for different sizes of signs, depending on their location.

DETAILS

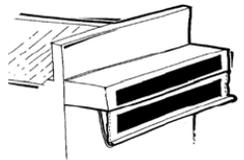
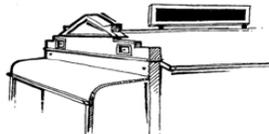
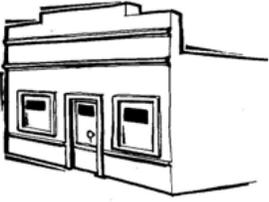
The Draft Signs Policy currently lists a range of signage types and the parameters for each including maximum size, clearance and in some instances where certain signs are not permitted. The approach to the regulation of signage in the draft policy is relatively consistent throughout the City of Joondalup.

The following options have been developed as an alternative to the ‘city wide’ approach to signage. Both options share many similarities with the current draft policy, but contain more detail on the size and location of signage permitted.

Option 1: Same sign size in all zones – different permissibility

A more specific approach to sign permissibility may be to restrict the permissibility of sign types within the different zones, but for each sign type to remain the same size (across the different zones).

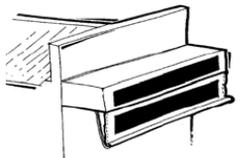
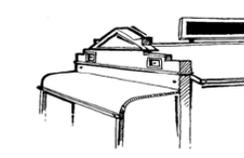
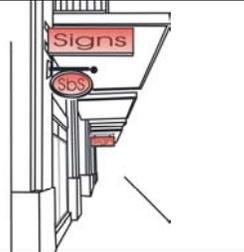
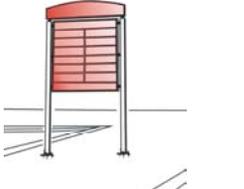
An example of how this could work is illustrated in the table below.

		RESIDENTIAL	COMMERCIAL/ BUSINESS/ MIXED USE	SERVICE INDUSTRIAL	CENTRAL CORE
<p>WALL Max 25% of the façade</p> <p>Dimension: No Max</p>		x	✓	✓	✓
<p>VERANDAH Area: Max 0.96m²</p> <p>Dimension: Max 0.4m height Max 2.4m length</p>		x	✓	✓	✓
<p>ROOF</p>		x	x	x	x
<p>WINDOW Max 50% of the glazed area</p> <p>Dimension: No Max</p>		x	✓	✓	✓
<p>SEMAPHORE Area: 2.25m²</p> <p>Dimension: Max 1.5m height Max 1.5m width</p>		x	✓	✓	✓
<p>PYLON Area: 6.0m²</p> <p>Dimension: Max 6.0m height</p>		x	✓	✓	x

Option 2: Different size of signage in different Zones

Another option is for the size of sign to vary across the different zones in addition to the permissibility of the signage type within the Zone.

This is illustrated in the table below.

		RESIDENTIAL	COMMERCIAL/ BUSINESS/ MIXED USE	SERVICE INDUSTRIAL	CENTRAL CORE
WALL		Area: Max 1.2m ² Dimension: No Max	Area: Max 25% of the façade Dimension: No Max	Area: Max 30% of the façade Dimension: No Max	Area: Max 25% of the façade Dimension: No Max
VERANDAH		x	Area: Max 0.96m ² Dimension: Max 0.4m height Max 2.4m length	Area: Max 2.0m ² Dimension: No Max	Area: Max 0.96m ² Dimension: Max 0.4m height Max 2.4m length
ROOF		x	x	x	x
WINDOW		x	Max 50% of the glazed area Dimension: No Max	Max 50% of the glazed area Dimension: No Max	Max 25% of the glazed area Dimension: No Max
SEMAPHORE		x	Area: 2.25m ² Dimension: Max 1.5m height Max 1.5m width	Area: 3.0m ² Dimension: Max 2.0m height Max 1.5m width	Area: 2.25m ² Dimension: Max 1.5m height Max 1.5m width
PYLON		x	Area: 6.0m ² Dimension: Max 6.0m height	Area: 10m ² Dimension: Max 6.0m height	x

A-FRAME		x	x	Area: 1m ² Dimension: Max: 1m height Max: 1m width	x
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Link to Strategic Plan:

The following objective in the City's Strategic Plan 2008-2011 is applicable to this report:

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 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.

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:

Not Applicable.

COMMENT

The current draft signage policy prescribes standards based on the type of sign with variations and exclusions specified for certain zones. The above two options present an alternative method for controlling signage within the City. In option 1, the sign size remains the same for each type of sign, but the permissibility is different in the different zones. Option 2 allows both the sign size and permissibility to change within the different zones.

Option 2 therefore provides the greatest flexibility as it allows specific sign sizes to be applied to the different zones. Not all signs are appropriate in all zones, nor is one standard for each sign type necessarily appropriate for all locations.

The current draft policy is a combination of both options as for some of the zones the sign size remains the same where as in other zones the sign size varies. Should Council wish to pursue either of the alternative two options further work will be required to determine the appropriate permissibility and sign size for each zone.

ATTACHMENTS

Attachment 1 Draft Signs Policy 3-7 (as modified December 2008)

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee consideration and recommendation.

MOVED Cr Hollywood SECONDED Mayor Pickard that the Policy Committee:

1 REQUESTS that draft Council Policy 3-7 – Signs be amended 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;**

2 RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the draft Council Policy 3-7 – Signs for public comment for a period of forty two (42) days.

Discussion ensued.

The Motion was Put and

CARRIED (4/0)

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

ITEM 5 ALFRESCO ACTIVITIES POLICY – REVIEW - [03360]

WARD: All

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

PURPOSE

For the Policy Committee to consider modifications to Policy 7-5 Alfresco Activities in accordance with the principles adopted by the Committee.

BACKGROUND

At its 15 December 2008 meeting, the Policy Committee was presented with a range of possible principles which would guide a review of Policy 7-5 Alfresco Activities. The Policy Committee adopted the following:

“1 *NOTES the following principles to be incorporated into the review of Policy 7- 5 Alfresco Activities:*

- *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

- 2 *REQUESTS that input be sought from affected businesses prior to commencing the process to amend Policy 7-5 Alfresco Activities.”*

Council noted the above at its meeting held on 17 February 2009.

DETAILSPolicy restructure

The policy has been restructured to improve ease of reference. The policy guidelines have been grouped into the following elements:

Element 1: Alfresco Location
Element 2: Streetscape and Amenity
Element 3: Tables and Chairs
Element 4: Shelter, Shade, Barriers and Incidental Structures
Element 5: Hazard Management
Element 6: Management

An appendix has been created which contains supplementary information such as details about how to make an application.

Policy changes

In light of the principles adopted at the Policy Committee Meeting held on 15 December 2008, the following proposed amendments and additions have been made to the policy:

- Standards for alfresco locations have been incorporated into Element 1.
- A clause has been incorporated into Element 2 to clarify that alfresco activity should not restrict pedestrian access under awnings.
- Provisions have been incorporated into Element 2 to preserve amenity and safety with regards to tables and chairs including:
 - Plastic chairs and tables will not be permitted.
 - Chairs and tables must be able to withstand windy conditions yet be moveable so to access the area for cleaning purposes.
- Provisions have been incorporated into Element 4 to provide parameters for the use of 'café blinds' including:

- Café blinds must be visually permeable and readily removable. Canvas, and shade cloth type materials will not be permitted.
 - Clear plastic rolled down blinds are not to be affixed to awnings.
 - Café blinds must be retracted or removed when the alfresco area is not in operation.
- Provisions have been incorporated into Element 4 to provide safety parameters for shade structures.

In addition permanent shade structures should satisfy the following:

- the verge to which the permanent shade structure is located exceeds 5 metres in width.
 - the shade structure does not exceed 3.0 metres in height above pavement level.
 - the shade structure is to be constructed of similar materials and be sympathetic to the building to which it adjoins.
- Provisions have been incorporated into Element 4 to provide parameters for barriers such as screens, planter boxes or fence structures including:
 - Solid breeze barriers used to define the boundary of an alfresco area should not be greater than 1.2 metre in height.
 - Barriers are removed from a public place at the close of business each day;
 - Barriers must not hinder use of a public place after trading hours;
 - Alfresco activities and associated structures (shade structures, seating, planter boxes, screens, fencing etc) must not damage street trees, street furniture or pose a safety risk.
 - Information has been incorporated as Element 6 to clarify responsibilities of alfresco dining operators.
 - The following clause has been deleted from the policy and replaced with supplementary information in the policy appendix.

“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.”

Issues and options considered:

In regard to the draft policy, Council can:

- Advertise draft Policy 7-24 for public comment;
- Not support the advertising of Policy 7-24 for public comment.
- Advertise draft Policy 7-24, with modifications, for public comment.

Link to Strategic Plan:

Objective 3.1 To encourage the development of the Joondalup CBD.

Objective 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:Initial consultation with alfresco area operators

Letters were sent to the 13 business owners that have current alfresco dining areas, inviting them to meet with a City officer to provide input into the review of the Alfresco Policy. Two business owners contacted the City in this regard; one was in support of the proposed changes and the other raised concerns with regard to the standard alfresco area location.

The business owner in support of the changes to the policy currently operates within the parameters of the proposed policy changes and as such the review would have little impact on this business.

The business owner that raised concerns would be affected by the potential policy changes as the existing alfresco activities would need to be relocated from under the existing awning. The following concerns were raised with regards to this configuration:

- The alfresco area may cause obstruction to drivers parking and exiting their cars.
- Close proximity to on street parking and car fumes would not be conducive to alfresco dining.

- The need to carry foods and hot liquids across a walkway would increase the risk of collisions, accidents and spillages.
- The public have the ability to walk under awnings between the alfresco tables during rain and sun.

Statutory Consultation

If the proposed amendments to the policy are considered suitable, the draft 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. Alfresco operators would also be contacted in writing.

COMMENT

Input from alfresco area operators

Concerns were raised from one operator in regard the appropriateness of alfresco activities abutting the kerb rather than the building. These concerns have been given consideration, however the general alfresco location provisions are considered to be best served in this location for the following reasons:

- The alfresco area zone will be separated from the road by a 0.5m kerbside (buffer zone) where it adjoins on-street parking, and 1.0m where it adjoins a lane of traffic. This buffer zone is considered adequate to accommodate access to and from vehicles. This is a similar practice to that imposed at within the Town of Vincent and the City of Subiaco.
- The cappuccino strip in Fremantle has a similar format to that proposed, where by awnings primarily accommodate pedestrians and alfresco activities abut the road. Alfresco dining is serviced and accommodated very successfully in this location.
- The occupation of awnings by alfresco activities can give the impression that the verge is a private space, and the area may become less inviting to pedestrians in times of inclement weather. Furthermore the use of breeze barriers to frame alfresco areas can create a physical barrier that prevents direct pedestrian access to awnings and pedestrian shelter.

Introduction of fees

Currently the City of Joondalup does not charge a specific fee for the use/rent of the footpath area used for alfresco dining. At present the operation of an alfresco dining area within a road reserve requires a Planning Application fee of \$127 valid for 3 years in addition to an annual Outdoor Dining Licence of \$230 issued under the Trading in Public Places Local Law. The Outdoor Dining Licence is to ensure the appropriate management of the alfresco area, including food hygiene and safety considerations. Furthermore, the applicant is required to obtain public liability insurance cover of up to 10 million dollars for the alfresco area.

Other local authorities 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 Gross Rental Value (GRV).

Examples are:

- City of Perth, Melville Fee per square metre from \$61m²/pa to 127 m²/pa.
- City of Stirling Fee based on GRV
- City of Subiaco Fee of \$132 per chair.

Applying the above rates to established alfresco areas in the City Centre is outlined for 4 examples below:

Name	Area (sqm)	\$61m per sqm p/a	\$127 per sqm p/a	No. of chairs	\$132 per chair p/a	GRV (\$)	50% of GRV when expressed as sqm p/a
Kulcha Cafe	36.5	\$2226	\$4635	71	\$9372	47748	\$4515
Sugar and Spice	45	\$2745	\$5715	40	\$5280	32002	\$3850
T5	11.25	\$686	\$1428	10	\$1320	28665	\$1506
La Vita	108	\$6588	\$13716	120	\$15840	43660	\$13359

Whilst it may be reasonable to charge a fee for the use of public land under the control or management of the City, particularly when there is commercial gain for an operator, it may discourage further alfresco dining activities in the future. Careful consideration would need to be given as significant fees, coupled with limited use of alfresco areas in cooler months and inclement weather.

Currently the Joondalup City Centre has 13 current alfresco dining licences. Alfresco activities are a desirable activity as they generate street activity and vibrancy. A loss of outdoor dining opportunities may have a detrimental effect on the amenity of the CBD.

It is recommended that the Policy Appendix note the following:

Fees and charges relating to placement of tables and chairs on public land will be set by the Council each year.

This would allow the matter to be revisited, and fees introduced as part of the City's Schedule of Fees and Charges.

Implementation of amended policy

In the event that the modified policy is approved, it is considered appropriate that the provisions of the new policy will be applied to existing alfresco operators on the expiration of their current planning approval and outdoor dining licence, or within 12 months of the adoption of the policy, whichever is longer. This would ensure affected owners would be given at least 12 months to modify their current alfresco arrangements, if required. It is noted that the proposed amendments to the policy may result in additional costs for some operators who may currently be using awnings for weather protection, and to maintain that protection, would need to purchase umbrellas or similar.

ATTACHMENTS

Attachment 1 Draft Modified Alfresco Activities Policy

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard **SECONDED** Cr Norman that the Policy Committee **RECOMMENDS** that Council:

- 1 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 1 to this Report, for public comment for a period of thirty (30) days;
- 2 **NOTES** that, if adopted, the new alfresco activities policy would be applied to existing alfresco activities upon renewal of planning approval, or within 12 months of the adoption of the new policy, whichever is the longer period.

Discussion ensued.

Cr Fishwick left the Room at 1922 hrs.

AMENDMENT MOVED Mayor Pickard **SECONDED** Cr Norman that the Motion be amended as follows:

- 1 inclusion of the following words at the end of Point 1:

"... subject to the following amendments being made:

- *The policy requiring that barriers are to be permanent planter boxes or other structures deemed appropriate by the City;*
- *Planter boxes are to be installed by the City and remain a City asset, but managed by the trader in accordance with an approved management plan;*
- *The standard planning approval conditions including a clause that requires all structures associated with the alfresco activities be maintained in good condition, to the satisfaction of the City;*
- *The policy reflecting that fees for alfresco dining areas will be charged on a per square metre basis;*
- *Fees are recommended to be a notional figure of \$60 per square metre and be applicable from 1 July 2010 for new applications, or within 24 months of the adoption of the fee structure for existing alfresco activities.*

- 2 the words "*12 months*" in Point 2 be amended to read "*24 months*".

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's District Planning Scheme No 2, ADVERTISES the draft City Policy 7-5 – Alfresco Activities, as shown in Attachment 1 to this Report, for public comment for a period of thirty (30) days, subject to the following amendments being made:
 - *The policy requiring that barriers are to be permanent planter boxes or other structures deemed appropriate by the City;*
 - *Planter boxes are to be installed by the City and remain a City asset, but managed by the trader in accordance with an approved management plan;*
 - *The standard planning approval conditions including a clause that requires all structures associated with the alfresco activities be maintained in good condition, to the satisfaction of the City;*
 - *The policy reflecting that fees for alfresco dining areas will be charged on a per square metre basis;*
 - *Fees are recommended to be a notional figure of \$60 per square metre and be applicable from 1 July 2010 for new applications, or within 24 months of the adoption of the fee structure for existing alfresco activities.*

- 2 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.

Was Put and

CARRIED (4/0)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 2005 hrs, the following Elected Members being present at that time:

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