

minutes

Policy Committee

MEETING HELD ON **MONDAY 17 MARCH 2014**

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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 MONDAY
17 MARCH 2014.

ATTENDANCE

Committee Members

Cr Liam Gobbert	<i>Presiding Member</i>	
Mayor Troy Pickard		<i>from 5.05pm</i>
Cr Russ Fishwick, JP	<i>(deputising for Cr Teresa Ritchie, JP)</i>	
Cr John Chester	<i>Deputy Presiding Member</i>	
Cr Mike Norman		

Officers

Mr Mike Tidy	Director Corporate Services	
Ms Dale Page	Director Planning and Community Development	
Mr Jamie Parry	Director Governance and Strategy	
Mr John Corbellini	Manager Planning Services	<i>until 5.56pm</i>
Mr Brad Sillence	Manager Governance	
Mr John Byrne	Governance Coordinator	
Mrs Dawn Anderson	Governance Officer	

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.02pm.

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

Nil.

Disclosures of interest affecting impartiality

Nil.

APOLOGIES/LEAVE OF ABSENCE

Apologies:

Cr Kerry Hollywood
Cr Teresa Ritchie, JP
Cr Philippa Taylor

Leave of Absence Previously Approved:

Cr Brian Corr	27 March to 5 April 2014 inclusive;
Cr Geoff Amphlett, JP	16 April to 29 April 2014 inclusive;
Cr Kerry Hollywood	16 April to 4 May 2014 inclusive;
Cr Liam Gobbert	16 April to 17 May 2014 inclusive;
Cr John Chester	1 May to 12 May 2014 inclusive.

CONFIRMATION OF MINUTES**MINUTES OF THE POLICY COMMITTEE HELD ON 2 SEPTEMBER 2013**

MOVED Cr Chester, SECONDED Cr Norman that the minutes of the meeting of the Policy Committee held on 2 September 2013 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (4/0)

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

Mayor Pickard arrived at the meeting at 5.05pm.

MINUTES OF THE SPECIAL POLICY COMMITTEE HELD ON 5 NOVEMBER 2013

MOVED Cr Norman, SECONDED Cr Chester that the minutes of the special meeting of the Policy Committee held on 5 November 2013 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick and Norman.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting was not open to the public.

PETITIONS AND DEPUTATIONS

Nil.

REPORTS**ITEM 1 ADOPTION OF MEETING DATES FOR 2014 -
POLICY COMMITTEE**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103963, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For the Policy Committee to consider the proposed schedule of committee meeting dates for 2014.

EXECUTIVE SUMMARY

In order to assist with forward planning for all Elected Members, management and staff, a schedule of meeting dates has been prepared for the Policy Committee, ensuring synergy between meeting dates and the flow of information and decision-making.

It is recommended that the Policy Committee ADOPTS the proposed meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup.

BACKGROUND

The Policy Committee was established at the Ordinary Council Meeting held on 26 April 2005 (CJ064 - 04/05 refers). The purpose of the committee is to:

- 1 Make recommendations to Council on the development and review of Council and City policies to identify the direction of Council.
- 2 Initiate and request the formulation and drafting of both Council and City policies.
- 3 Devise and oversee the method of development (level and manner of community consultation) for the development of Council and City policies.
- 4 Review the Council Policy Framework in order to ensure compliance with the provisions of the *Local Government Act 1995*.

At its meeting held on 19 November 2013 (CJ208-11/13 refers) Council adopted the meeting dates for its Strategy and Briefing sessions, and ordinary Council meetings.

The schedule of Council meeting dates was based on the format used for the last five years; a monthly meeting format with Strategy Sessions held on the first Tuesday of each month; Briefing Sessions held on the second Tuesday and Council meetings on the third Tuesday.

This enables committee meetings to be scheduled on the Monday, Tuesday or Wednesday of weeks one, two and three so as to minimise potential conflicts with other Council activities and provide a 'meeting-free' week in the fourth week of each month.

DETAILS

The proposed meeting dates have been determined to align with the existing Council meeting structure, and enable adequate consideration and consultation where necessary on policy issues between meetings.

Issues and options considered

The Policy Committee can either:

- adopt the meeting dates as proposed in this report
or
- amend the meeting dates.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
Local Government (Administration) Regulations 1996.
Meeting Procedures Local Law 2013.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Should forward planning of committee meetings not be identified, then there is a risk for meetings to be held on an ad-hoc basis; lacking coordination with other key meetings and corporate planning processes.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The dates proposed are intended to provide Council, committee members and staff with an indicative meeting timeline for the Policy Committee. This will assist in ensuring adequate consultation and review of policies are undertaken prior to reporting recommended outcomes to the committee and Council.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That the Policy Committee **ADOPTS** the following meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Policy Committee meetings to be held in Conference Room 2
6.00pm on Monday, 30 June 2014
6.00pm on Monday, 3 November 2014

MOVED Cr Norman, SECONDED Cr Chester that the Policy Committee adopts the following meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Policy Committee meetings to be held in Conference Room 2
6.00pm on Monday, 30 June 2014
6.00pm on Monday, 15 September 2014
6.00pm on Monday, 3 November 2014

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Norman that the date "3 November 2014" be substituted with "1 December 2014".

The Amendment was Put and

CARRIED (5/0)

In favour of the Amendment: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick and Norman.

The original Motion, as amended, being:

That the Policy Committee adopts the following meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Policy Committee meetings to be held in Conference Room 2
6.00pm on Monday, 30 June 2014
6.00pm on Monday, 15 September 2014
6.00pm on Monday, 1 December 2014

was Put and

CARRIED (5/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick and Norman.

ITEM 2 HOME BUSINESS POLICY - REVIEW

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	03170, 101515	
ATTACHMENTS	Attachment 1	Draft <i>Home Business Policy</i>
	Attachment 2	Comparison of Local Government Home Business Policies
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider advertising proposed amendments to the *Home Business Policy* for public comment.

EXECUTIVE SUMMARY

A review of the *Home Business Policy* was undertaken in early 2013. The review indicated that improvements to the policy could be made with regard to textual and formatting changes and identified the possibility of extending the home business operating hours currently permitted to allow for greater flexibility.

The Policy Committee has previously considered the outcomes of the policy review at its meetings held on 11 March 2013 and 2 September 2013, where it was resolved on both occasions to defer the item to allow for a further review of various items within the policy.

Those items have been reviewed and further amendments to the *Home Business Policy* are now proposed. These include additional provisions pertaining to customer and employee parking, hours of operation and the location of 'home business – category 3' land uses.

The car parking requirements have been clarified to ensure the maximum number of customers and employees permitted in association with the home business are provided on-site. As verge parking is controlled by the City's *Parking Local Law 2013*, it is not proposed to prohibit this through planning approvals. Rather, home business operators are required to make and maintain all on-site customer and employee car parking bays available for customers and employees during their approved operating hours and discourage verge parking during this time.

The general operating hours set out in the policy are proposed to be from 9.00am until 6.00pm on week days and 9.00am until 5.00pm on Saturdays, with the ability to further increase or restrict these through conditions of development approval, depending on the potential impact a proposal may have on the amenity of the surrounding area.

The location of 'home business category 3' land uses is proposed to be determined on a case by case basis, with a requirement included in the policy stating that applications for such land uses must demonstrate that the proposal will not have an undue impact on surrounding uses.

The *Home Business Policy* covers the whole of the City of Joondalup and it is considered that the draft amended policy will provide clearer guidelines for those wishing to operate a business from their place of residence while at the same time further protecting the amenity of residential areas. It is recommended that the draft amended policy be advertised for a period of 21 days.

BACKGROUND

The *Home Business Policy* applies to the whole of the City of Joondalup and ensures that residential areas remain primarily a place to live while recognising that working from home is an expanding area of employment.

The policy was last updated by Council at its meeting held on 1 November 2005 (CJ238-11/05 refers) and has generally been working well since that time. The policy provides guidance on the requirements for home business applications for each category as defined within the City's *District Planning Scheme No. 2 (DPS2)*. In addition the policy identifies elements which are taken into consideration during the assessment process to ensure that the amenity of residential neighbourhoods is maintained.

The City has undertaken a review of the existing Policy Manual. As part of this review, it was noted that the existing *Home Business Policy* was required to be amended in line with recent policy updates in respect to formatting and textual changes. As a result, the Policy Committee, at its meeting held on 11 March 2013, considered a review of the existing *Home Business Policy*. That review indicated that improvements to the policy could be made through textual and formatting changes and recommended incorporating the change in operating area for 'home business category 1,' from 20m² to 30m², as proposed as a part of the Omnibus Scheme Amendment No. 65, and extending the hours of operation permitted for home businesses from until 5.00pm weekdays as is currently permitted, until 6.00pm to allow for greater flexibility.

The item was deferred to allow the City to review the following:

- 1 Maximum and type of employees permitted under the home business categories.
- 2 Maximum number of vehicles permitted for employees and customers under the home business categories.
- 3 Reduction of hours of operation for category 2 and 3 home businesses.
- 4 Placement of signage for home businesses.
- 5 Occupancy area for category 1 home businesses.

The above items were reviewed in conjunction with the state government's *Model Scheme Text*, the City of Joondalup draft *Local Planning Strategy* and with due regard to other Local Government local planning policies and schemes. The amended policy was then presented to the Policy Committee meeting held on 2 September 2013 and included the following:

- Modification to the design and the number of car bays required for home businesses in line with changes to the *Residential Design Codes of Western Australia* gazetted on 2 August 2013.
- A limit on the placement of signage for a home business, being to the front facade of the dwelling only.
- Removal of the need for 'Home Business – Category 2' to apply for annual renewals where no complaints or changes to the business are made within that period.

The item was again deferred, this time to allow the City to review the following:

- 1 Number of applications which have been refused due to proposed operating hours
- 2 Reasons for the removal of safeguards for Category 3 businesses
- 3 Restriction of operating hours on a case by case basis or category basis
- 4 Necessity or appropriateness of car parking provisions
- 5 Impact of the policy on the growth of small businesses within the City of Joondalup.

The above items have been investigated, with some further modifications to the policy proposed.

DETAILS

The amendments to the *Home Business Policy* that have previously been presented to the Policy Committee are as follows:

- Text and format changes in line with the current policy manual review.
- Removal of commentary and irrelevant wording from policy.
- Reorganisation of the criteria applying to home businesses for ease of reading.
- Removal of references to other legislation.
- Inclusion of the definitions of 'amenity' and each category of home business in line with *District Planning Scheme No.2 (DPS2)*.
- Increase in the operating hours from 8.00am to 5.00pm to 8.00am to 6.00pm on weekdays.
- Placement of signage to be limited to the front facade of the dwelling only.
- Modifications to the design and number of bays required in line with the *Residential Design Codes of Western Australia* as gazetted on 2 August 2013.
- Inclusion of a provision allowing a 'home business – category 2' that has been operating for 12 months without any complaints being registered with the City, to be approved for a longer period of time.

These amendments are highlighted in red (additions) and strikethrough (deletions) within Attachment 1.

Further amendments to the Home Business policy are proposed as a result of a review of the issues raised at the Policy Committee meeting held on 2 September 2013 as follows:

- Provisions relating to the location of 'home business category 3' land uses.
- Requirement for the maximum necessary amount of car parking associated with the home business to be provided on-site with all bays to be made available and maintained for parking of customers and employees during the operating hours of the home business, with verge parking discouraged.
- Generally limiting operating hours from 8.00am to 5.00pm to 8.00am to 6.00pm Monday-Friday although allowing flexibility to increase or restrict further operating hours on a case by case basis.

These proposed amendments are highlighted in yellow within Attachment 1.

A set of tables, one for each home business category, is included as Attachment 2 and compares the items previously raised by the Policy Committee between various local governments as well as the *Model Scheme Text*.

Issues and options considered

Council has the option to:

- advertise the amended policy for public comment
- advertise the amended policy for public comment with further amendments or
- not support the advertising of the amended policy for public comment.

Legislation / Strategic Community Plan / policy implications**Legislation**

City of Joondalup District Planning Scheme No. 2.

Clause 8.11 of DPS2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

If Council decides to adopt a draft amended policy, Council shall advertise the draft amended policy for not less than 21 days and publish a notice in a local newspaper circulating within the scheme area once a week for two consecutive weeks.

Following advertising Council is required to review the draft amended policy in light of any submissions received and resolve to finally adopt the draft amended policy with or without modifications or not to proceed with the draft amended policy.

Strategic Community Plan**Key theme**

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

Buildings and landscaping is suitable for the immediate environment and reflect community values.

Policy

Home Business Policy.

Risk management considerations

Should the policy remain unchanged it is considered that there will be minimal risk given that the majority of amendments sought relate to improving wording and formatting of the policy.

Financial/budget implications

The costs associated with advertising the amended policy in the local newspaper and notice of any final adoption of the amended policy, will be approximately \$810.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Clause 8.11 of DPS2 requires a new policy or amendment to a policy to be advertised for public comment for a period of 21 days. The proposed amendment would be advertised as follows:

- A notice will be published once a week for two consecutive weeks in the local newspaper.
- A notice and documents will be placed on the City's website.

COMMENT

Each of the items the Policy Committee requested the City to review at its meeting held on 2 September 2013 are discussed below.

The number of applications refused for home businesses due to proposed operating hours

The City's records identify that from 1999 to the present, a total of 34 home business applications have been refused. Of those, five applications were refused where the proposal included extended trading hours, with three of those specifically making reference to the operating hours and the potential adverse impact on the amenity of the residential locality.

Home business applications are required to be considered on a case by case basis. Applications that propose operating hours outside of those prescribed by the current policy should still be considered on their merits against the objectives of the policy and relevant scheme zone. If a proposal meets these objectives and it is demonstrated that it will not significantly impact on the amenity of the surrounding area, the City should approve the proposal. It is not considered that extending the operating hours prescribed in the policy until 6.00pm on week days will have a significant impact on the amenity of residential areas, particularly considering all applications are considered on case by case basis.

It is proposed that the policy be amended to clarify the requirement for each application to be assessed on its merits. The policy has been modified to state that operating hours of all home business applications are to be *generally* limited to hours of operation between 8.00am to 6.00pm Monday-Friday.

Further clarification is provided within the policy that the hours and days of operation may, through conditions of development approval, be increased where no issues are identified, or reduced where necessary to protect the amenity of the surrounding area. The latter will effectively render the hours of operation less flexible and more stringent for those applications where it is not easily demonstrated that neighbourhood amenity will be maintained.

While the amended policy is flexible in increasing or restricting operating hours on a case by case basis, providing general hours of operation offers applicants and nearby residents certainty in the likely restrictions that may apply. It was also considered whether applications could be restricted on a category basis, particularly in regard to those that fall within a category 3, however, it was found that the majority of category 3 applications approved were for office type uses. Placing further operating hours restrictions on these types of land uses would be unlikely to achieve any significant beneficial outcome and it is considered more appropriate to assess applications on a case by case basis.

The reasons for removal of Category 3 safeguards

In order to simplify the policy for ease of reading, modifications were made to the Category 3 requirements contained within the policy. It was considered appropriate to remove those items that were unenforceable, covered elsewhere within the policy or covered under separate legislation as follows:

Location of Home Business Category 3

The existing policy states that where a 'Home Business – Category 3' is proposed to be located in either a 'Residential' zone or 'Special Residential' zone, the preferred location is where it abuts or is directly opposite one of the commercial centres listed within the *City of Joondalup Centres Strategy*. The wording of this provision was not considered to provide adequate certainty for applicants or the community in circumstances where a 'home business category 3' was proposed to be located away from a commercial centre. In order to maintain the safeguards relating to the location of 'home business category 3' land uses, it is proposed to required all 'home business category 3' land uses to be located adjoining or directly opposite a commercial centre, unless the applicant can demonstrate that the proposal will not have an undue impact on the amenity of the surrounding area as a result of noise, traffic, parking, pollution, people and advertising.

A landscaping plan including landscaping buffers

A landscaping plan is not considered necessary for a 'home business category 3' as it is considered that landscaping is generally not an adequate means of alleviating amenity concerns. It is considered that a proposal should be able to demonstrate compliance with the requirements of both DPS2 and the *Home Business Policy*, without relying on landscaping, as this would likely indicate that the proposed business is not of a scale that is appropriate in a residential area.

A diagram of proposed signage to be included as part of the Management Plan

The current policy requires a diagram of signage to be in a management plan for the proposed home business. Signage for category 2 and 3 home business is limited to 0.2m² in line with the provisions contained within DPS2. The policy is proposed to be amended to remove the need for a diagram of proposed signage to be provided and instead limit the placement of such signage to the front facade of the dwelling only, so as to be inconspicuous and ensure that the residential character and amenity of the area is retained. As these proposed signage provisions are highly prescriptive, and the planning application itself would need to include the details and location of any proposed signage, it was not necessary to include a requirement for a diagram of signage to be included in the home business management plan.

Compliance with all other relevant State and Commonwealth legislation and regulations

Policies and schemes are unable to amend or enforce the provisions of legislation that is beyond the scope of planning requirements. While the City endeavours to refer applications to internal and external authorities for comment where applicable, it is not the City's responsibility to identify all relevant legislation in the assessment of such applications. Therefore, it is considered appropriate to delete this provision from the policy.

The necessity or appropriateness of car parking provisions

DPS2 sets broad standards around parking for each home business category as follows:

'home business – category 1'

“will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in any increase in the amount of vehicular traffic in the vicinity; does not entail the presence, parking and garaging of a vehicle of more than 1.5 tonnes tare weight”

'home business – category 2'

“will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight”

'home business – category 3'

“will not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience for adjoining residents and road users; will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight”

The City's current policy provides further parameters around car parking by specifically requiring car bays for the residents of the dwelling, plus one bay per customer and one bay per non resident employee (if any). This requirement has been modified in the amended policy to reflect that the on-site car parking bays for residents must be provided in accordance with the *Residential Design Codes of Western Australia (R-Codes)*. It is noted that the R-Codes no longer require two bays per dwelling for those dwellings located within 800metres of a train station on a high frequency rail route or within 250metres of a high frequency bus route. In these instances, only one car bay per dwelling is required.

The car parking requirements have been clarified to ensure the maximum number of customers and employees permitted in association with the home business are provided on-site. As verge parking is controlled by the City's *Parking Local Law 2013*, it is not proposed to prohibit this through planning approvals. Rather, home business operators are required to make and maintain all on-site customer and employee car parking bays available for customers and employees during their approved operating hours and discourage verge parking during this time. The provisions will ensure adequate parking is provided for home businesses to ensure that amenity impacts on adjoining residential properties are minimised.

The impact of the policy on the growth of small businesses within the City of Joondalup

Figures taken from the 2012 Australian Bureau of Statistics Census indicate that 2.5% of the City's population undertake or are employed within a home based business. This figure is similar to that found within the City of Wanneroo where no Home Business policy is in place. It therefore appears that the City's *Home Business Policy* is not necessarily restricting the number of home businesses operating. In addition, there is no data to suggest that the policy is restricting the growth of small businesses within the City.

Initial figures also indicate that the number of home business within the City of Joondalup (and City of Wanneroo) is substantially lower than the state average, demonstrating that the City has fewer home based businesses in operation than other regions within the state.

Conclusion

In response to the Policy Committee's request from the meeting held on 2 September 2013, the following additional amendments have been made to the draft amended *Home Business Policy*:

- Provisions requiring applicants of 'home business category 3' land uses to demonstrate that their proposal will not have an undue impact on amenity of the surrounding area.
- Requirement for the maximum necessary amount of car parking associated with the home business to be provided on-site with all bays to be made available and maintained for parking of customers and employees during the operating hours of the home business, with verge parking discouraged.
- Generally limiting operating hours from 8.00am to 5.00pm to 8.00am to 6.00pm Monday-Friday with the ability to increase or restrict the operating hours on a case by case basis following assessment of each application.

The City's *Local Planning Strategy* identifies the need to "encourage home businesses and to remove existing impediments to potential home business incubators." The draft *Economic Development Strategy* also recognises the need to provide support to home business operators to enable the future growth of businesses beyond the home environment. Modifications to the policy will enable the further growth of this sector while maintaining the amenity and character of existing residential neighbourhoods.

It is recommended that the draft amended *Home Business Policy* be advertised for a period of 21 days for public comment.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 ADOPTS the draft *Home Business Policy* as detailed in Attachment 1 to this Report, for the purpose of public advertising, pursuant to clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*;
- 2 ADVERTISES the proposed amendments to the *Home Business Policy* for public comment for a period of 21 days, pursuant to clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*.

MOVED Cr Norman, SECONDED Cr Chester that Council:

- 1 **ADOPTS the draft *Home Business Policy* as detailed in Attachment 1 to this Report for the purposes of public advertising, pursuant to clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*, subject to clause 5.3.1(b) being amended by replacing the words "Customers and employees should be discouraged from parking on the verge." With "No verge parking for the business is permissible."**

- 2** **ADVERTISES** the proposed amendments to the *Home Business Policy* for public comment for a period of 21 days, pursuant to clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick and Norman.

Manager Planning Services left the meeting at 5.50pm.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agnPolicy170314.pdf](#)

ITEM 3 PROPOSED NEW POLICY - HIGH RISK BOOKINGS IN COMMUNITY FACILITIES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	13010, 101515
ATTACHMENTS	Attachment 1 Proposed policy – High Risk Bookings in Community Facilities
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt a new policy for the management of high risk bookings in community facilities.

EXECUTIVE SUMMARY

The City has 32 community facilities that can be hired on a 'casual' basis for private functions and activities. Each separate booking is subject to an application process and a set of booking terms and conditions which the hirer must agree to before a booking can be confirmed.

The vast majority of bookings that occur in the City's community facilities go ahead without incident, however, the City has previously experienced some property damage and anti-social behaviour issues with some casual bookings. These bookings typically involve consumption of alcohol and / or significant numbers (over 50) of younger people (that is 18th and 21st birthday parties).

In May 2012, the City commenced a trial period during which no new bookings for 18th and 21st birthday parties were accepted. Since the commencement of the trial period, there have not been any incidents of property damage or anti-social behaviour associated with casual bookings in community facilities.

The City has considered some different options for the management of these casual bookings and consequently, a new policy for the management of high risk casual bookings (Attachment 1 refers) is proposed for Council's consideration.

BACKGROUND

Between January 2011 and April 2012 (prior to the temporary ban on 18th and 21st parties) the City had 80 bookings (approximately 8% of all casual bookings) which could be categorised as high risk due to the type of booking and the number of people involved. Most of the 80 bookings were either 18th or 21st birthday parties.

Of these 80 bookings, the City experienced issues with 12 of them. Ten of these were 18th or 21st birthday parties, one was a 16th birthday party and the other was a 40th birthday party. The issues ranged from relatively minor concerns (such as the facility not being adequately cleaned) through to more significant issues such as vandalism/damage, violence and general anti-social behaviour at the venue.

Two of these bookings required police attendance.

There is also anecdotal evidence to indicate that other anti-social behaviour was associated with some of these bookings, such as large groups of young people walking the streets and being disruptive to local residential areas.

Of the 12 bookings that resulted in issues for the City, four of them were at Beaumaris Community Centre. A local resident contacted the City and commented that several of her neighbours are concerned with the anti-social behaviour that accompanies some of the bookings.

When incidences such as this occur, City staff spend a significant amount of time rectifying the issues, responding to complaints from other user groups and residents, and liaising with the hirer to resolve the bond and/or recover costs.

In May 2012, the City commenced a trial period during which no new bookings for 18th and 21st birthday parties were accepted. Since the commencement of the trial period, there have not been any incidents of property damage or anti-social behaviour associated with casual bookings in community facilities.

During the trial period, the City also conducted a general review of high risk casual bookings, focussing on:

- review of approach taken by other local governments on high risk bookings
- reviewing the booking documentation and processes to determine if improvements could be made to mitigate risk
- monitoring all existing and new bookings to determine if hirers attempted to circumvent the ban on high risk bookings by submitting false booking applications
- monitoring of enquiries to gauge customer reaction to ban on high risk bookings.

DETAILS

For the purposes of this report, a high risk casual booking is one which:

- is a birthday party for the age range 16 to 21, a buck's night/hen's night or any other function where the City has a reasonable concern that there is a risk of property damage, vandalism and/or anti-social behaviour
- involves provision or sale of alcohol
- involves more than 20 guests (as indicated on the booking form).

A recent review of high risk casual bookings has focussed on the following:

- Review of approach taken by other Local Governments on high risk bookings.
- Reviewing the booking documentation and processes to determine if improvements could be made to mitigate risk.
- Monitoring all existing and new bookings to determine if hirers attempted to circumvent the ban on high risk bookings by submitting false booking applications.
- Monitoring of enquiries to gauge customer reaction to ban on high risk bookings.

The review of other local governments showed that there is not a consistent approach to high risk bookings. There are generally three different approaches:

- 1 No special arrangements, normal bond, hire fees and booking terms and conditions apply.
- 2 Charge a higher bond and/or requirement to complete additional specific booking forms.
- 3 Do not accept 18th, 21st or other potentially high risk bookings (such as buck's/hen's nights).

Some local governments have formalised procedures, others have internal processes to identify high risk bookings. For example, the City of Wanneroo has additional booking forms and a higher bond for functions that it deems to be high risk.

In some cases, the additional bond charged by the local government is so significant (up to \$5,000) that it basically acts as a deterrent, causing the applicant not to proceed with their booking.

Generally, the provision of alcohol at a private booking in a City facility does not require additional approval from the City, unless the alcohol is being sold and/or the booking takes place in a public place such as a park. However, the City has specific booking processes and requirements in place to minimise the potential for issues with high risk bookings, such as:

- hirers must be over 18 years of age
- licensed security for 16th to 21st birthday parties, or other high risk functions, where alcohol will be consumed
- restrictions on late bookings at some facilities
- bond required for all bookings (\$700)
- booking notifications forwarded to City Watch and local Police
- regular engagement with customers with referral to the Police's Party Alert booklet and City Watch's Party Alert form
- minimum of two City Watch patrol visits per 'high risk' booking.

The current facility booking forms require the applicant to provide certain information about their function, such as:

- type of activity/function being undertaken
- number of participants expected
- times of booking
- details of provision or sale of alcohol (if any).

In addition, the City's terms and conditions of hire, which must be read and signed by the applicant prior to the City confirming the booking, clearly point out the obligations of the hirer, such as:

- safety of participants
- cleaning and damage
- alcohol and gambling
- noise
- contacting Police and City watch.

The City's current booking processes, booking forms and terms and conditions of hire are quite rigorous and it would be fair to say that when major incidents occur, it is not caused by a lack of due process by the City, rather from unforeseeable circumstances. They are usually caused by the negligence of the hirer, either deliberately or inadvertently, such as providing false information to the City or by details of their function published on social media and attracting additional unwanted guests.

Since the temporary ban on high risk bookings, the City has received on average approximately two enquiries per week for these types of functions. The City has received two special requests for 18th birthday parties, both of which were presented to the CEO for consideration. One of these requests was approved as the City was satisfied that there was negligible risk to the City due to the circumstances of the booking. In this case, most of the guests had muscular dystrophy and the City's community centre in Connolly was requested as a venue due to its good wheelchair accessibility. However, after providing approval for the booking, the City was subsequently advised by the applicant that the booking was no longer required. The other request was not approved.

On two occasions, the City's processes have been effective in identifying false information on booking applications that subsequently led to the hirer cancelling their booking or the City not accepting it due to significant concerns about the nature of the function.

The City has received one written complaint about not being able to book a community facility for a 21st birthday party.

The temporary ban on high risk bookings has shown that by not accepting casual bookings which appeared to be high risk, the City had a significant reduction in property damage and/or anti-social behaviour.

In proposing a policy, it is suggested that the definition of a high risk booking should also distinguish between private casual bookings and those made by regular hire groups such as community groups. It is not uncommon for community groups, such as sporting clubs, to host functions in the venues they hire on a seasonal or annual basis. There have been occasions where these functions have resulted in anti-social behaviour and/or property damage. However, these incidences are comparatively few and easier to manage compared to a private casual booking because:

- 1 The City already has an established relationship with its community groups and their representatives.
- 2 The community group has a vested interest in continuing to hire the venue and therefore is more likely to show positive intent to handle any incidences promptly and correctly.
- 3 The ramifications of liquor licence breaches are more significant for established groups such as sporting clubs.
- 4 The City can ultimately refuse the groups future bookings and/or liquor licence requests if incidences re-occur.
- 5 The City's Club Development program provides ongoing support, information and education to assist community groups with all aspects of club governance and appropriate conduct in the City's facilities.

Issues and options considered

In reviewing the City's approach to high risk casual bookings, the following options were considered:

- 1 Maintain normal approach – all bookings are subject to the current rigorous processes, booking forms and Terms and Condition of Hire.
- 2 Increased requirement for high risk bookings – additional requirements are placed on hirers, such as a higher bond (the City's current fees and charges enables a bond of \$2,000 to be charged), requirement to meet with City staff and completion of additional booking forms governing how the hirer will manage guests and the provision of alcohol.
- 3 Permanent ban on high risk bookings – the City formalises a ban on high risk bookings, as defined earlier in this Report.

While Option two does put additional controls in place, both Options One and Two still leave the City exposed to the risk of incidences occurring at high risk casual bookings.

Option Three is the preferred Option and it is proposed that the City formalises this through the development and implementation of a policy.

Legislation / Strategic Community Plan / policy implications

Legislation

The City's *Local Government and Public Property Local Law 1999* allows the City to have absolute discretion over whether it approves an application for use of local government or public property (Clause 9). The *Local Government and Public Property Local Law 1999* (Clauses 23 & 24) would also support the development of a specific policy on particular types of bookings (that is 18th and 21st parties).

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Quality facilities.

Strategic initiative

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

Policy

No policy exists, however a new policy is being proposed.

Risk management considerations

Large private, social gatherings in City facilities involving alcohol and young adults provide the following significant risks to the City:

- 1 Damage to the facility – while property damage can generally be repaired and the costs recovered, the facility may be unusable for a period of time, which can impact on other members of the public.
- 2 Anti-social behaviour – the popularity of social media now means that a private function can be inadvertently or deliberately ‘shared’ with large numbers of people in a short space of time. As is often shown in the media in recent times, when this occurs there is significant potential for major anti-social behaviour issues which can have a negative impact on the surrounding community.

Financial/budget implications

The financial implications of the previously mentioned 12 bookings are summarised below:

Income generated by bookings	\$3,682.14
Cost of damage/cleaning and the like	\$8,249.41

In most cases, the cost of damages is recovered via the bond, or by invoicing the hirer if the cost exceeds their bond. However, there is still a significant amount of staff time required to deal with all the issues that arise when a major incident occurs at a booking in one of the City’s community facilities.

In addition, other user groups can be affected if the facility is unusable for a period of time while issues are rectified.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Private bookings in City community facilities involving large numbers of young people and consumption of alcohol now present a greater risk to the City than in previous times. Changes in social culture and the high use of social media mean there is a higher potential for property damage, vandalism, violence and anti-social behaviour to occur at these types of functions.

The draft policy proposes that the City implement a permanent ban on casual bookings which it defines as high risk to help minimise the potential for damage to the City’s community facilities and inconvenience to the City and other users of the facilities.

One concern with implementing a ban or restrictions on particular high risk bookings is that applicants may provide false information in their booking application to circumvent the restrictions. If this occurs and can be proven, the City's *Local Government and Public Property Local Law 1999* includes the capacity for a \$100 penalty to be applied to the applicant.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ADOPTS the *High Risk Bookings in Community Facilities Policy* as included in Attachment 1 to this Report.

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK TO THE CEO

MOVED Mayor Pickard, **SECONDED** Cr Fishwick that the item relating to the *High Risk Bookings in Community Facilities Policy* be REFERRED BACK to the Chief Executive Officer for further research and clarification of information.

The Procedural Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick and Norman.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agnPolicy170314.pdf](#)

ITEM 4 PROPOSED VISUAL ARTS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101291, 101515
ATTACHMENTS	Attachment 1 Existing City's Art and Memorabilia Collections Policy Attachment 2 Proposed Visual Arts Policy
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider revoking *The City's Art and Memorabilia Collections Policy* and to create a new *Visual Arts Policy*.

EXECUTIVE SUMMARY

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council resolved to establish a commissioning program for visual art that depicts iconic landmarks within the City of Joondalup. A further resolution also requested the preparation of a report for the Policy Committee to amend *The City's Art and Memorabilia Collections Policy* by incorporating a process for the new commissioning program.

The report was subsequently delayed to facilitate a more comprehensive review through the Policy Manual review process and to reflect any outcomes resulting from the adoption of the new *Strategic Community Plan 2012-2022 'Joondalup 2022'*.

As a result of the recent adoption of *Joondalup 2022* and the progress of the Policy Manual review, *The City's Art and Memorabilia Collections Policy* has since been reviewed by officers and the Art Collection and Advisory Committee. It is recommended that the existing policy be revoked and a new *Visual Arts Policy* be created that supports the City's new strategic objectives in relation to cultural development through *Joondalup 2022*.

It is recommended that Council revokes *The City's Art and Memorabilia Collections Policy* and create a new *Visual Arts Policy*.

BACKGROUND

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to support the introduction of a new commissioning process for artwork and the allocation of \$15,000 in the annual budget for projects of this nature. Subsequent to that determination, Council requested that a further report be prepared for the Policy Committee to review *The City's Art and Memorabilia Collections Policy* and to include an agreed process for the commissioning

of artworks. Given the nature of the policy it was determined that the Art Collection and Advisory Committee (ACAC) consider the policy first before referring to the Policy Committee.

The development of this report was delayed as:

- *Joondalup 2022* was finalised and reviewed
- a complete review of the existing *Art Collection and Memorabilia Management Plan* took place
- direction was received from the City's ACAC on future direction of the visual arts program and, in particular the Community Invitation Art Award.

This sought to ensure that any policy review would align with new strategic objectives relating to visual arts and cultural development and be consistent with the Policy Manual review process that had recently commenced.

At its meeting held on 23 October 2012 (CJ210-10/12 refers), Council adopted the new *Strategic Community Plan 2012-2022 'Joondalup 2022'* and as a result, *The City's Art and Memorabilia Collections Policy* has since been reviewed. In alignment with the review of the policy, the existing *Art and Memorabilia Collection Management Plan* (detailed in Attachment 2) has also been revised to reflect changes in policy and operations.

These amendments were considered by the ACAC at its meeting held on 10 February 2014, where the committee resolved as follows:

"That the Art Collection and Advisory Committee:

- 1 *SUPPORTS revoking The City's Art and Memorabilia Collection Policy as detailed in Attachment 1 to this Report;*
- 2 *SUPPORTS creating a new Visual Arts Policy as detailed in Attachment 3 to this Report;*
- 3 *REFERS the policy matters detailed in Parts 1 and 2 above to the Policy Committee for its consideration;*
- 4 *NOTES the City's new Art Collection Management Plan, as outlined in Attachment 4 to this Report, which incorporates operational matters pertaining to the management of visual arts programs."*

This report presents a new *Visual Arts Policy* for consideration by Council as supported by ACAC.

DETAILS

Policy History

The City's art collection was first established following the separation of the City of Joondalup from the former City of Wanneroo in 1998. Upon separation, the collection was divided equally by value, with the former City of Wanneroo retaining the historical works, regional landscapes and Indigenous collection, while the City of Joondalup acquired the contemporary works.

During this separation process, the City also readopted the following former City of Wanneroo policies to support the management of the new Collection, namely: *Art Collection*

Policy, Museum Collections and Operations Policy and Public Art Policy (CJ213-06/99 refers).

These policies outlined the City's commitment to:

- supporting contemporary art and artists
- the development of a high quality art collection
- the appointment of a professional art consultant to manage acquisition processes
- the effective management of the City's museum collection
- the implementation of artworks in public spaces to promote the cultural identity of the City.

As part of the Policy Manual review conducted in October 2005, the City consolidated the abovementioned policies into a single *Cultural Development Policy* (CJ206-10/05 refers). At its meeting held on 12 December 2006 (CJ238-12/06 refers), Council renamed the *Cultural Development Policy* to '*The City's Art and Memorabilia Collections Policy*' to better reflect the intent of the policy and additional amendments outlined the role of Elected Members in the acquisition process, demonstrated a preference for local content and context within the collection and removed references to contemporary works.

At its meeting held on 15 April 2008 (CJ052-04/08 refers), Council made further amendments to the policy to broaden the purchasing criteria for artworks from local content and context, to local, quality and contemporary pieces. This ensured that the investment value of the City's art collection continued to appreciate and was not limited by specific content criteria.

At its meeting held on 26 June 2012 (CJ108-06/12 refers), Council endorsed minor amendments to the policy to change the delegation of authority relating to the acquisition of artworks by the Chief Executive Officer from \$7,500 to \$15,000, with approval for the acquisition based on the advice of the City's Art Consultant.

Joondalup 2022

Despite the policy being subject to several formats in recent years, it is considered timely that the purpose and content of the policy is comprehensively reviewed to reflect the new strategic directions outlined in *Joondalup 2022*.

New directions in the plan relating to cultural development and visual arts are as follows:

Key Theme: Community Wellbeing.

Aspirational Outcome: *"The City has world-class facilities and a thriving cultural scene. It encourages and supports local organisations and community groups. Community spirit is felt by all residents and visitors, who live in safe and friendly neighbourhoods."*

Objective: Cultural Development - *For the community to have access to world-class cultural and artistic events and facilities.*

Relevant Strategic Initiatives:

- *Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.*
- *Invest in publicly accessible visual art that will present a culturally-enriched environment.*
- *Promote local opportunities for arts development.*

This strategic direction focuses on two main components:

1 At the macro level:

An aspiration to reposition the City of Joondalup as a modern, urban and culturally-enriched environment that will support its recognition as a significant location within the Perth metropolitan area. At present, the City provides a diverse mix of cultural and art experiences, including a strong visual arts component. This requires the management of a high quality and highly valued art collection, two annual art exhibitions and a commissioning artwork program.

In the future, attracting large investments within the City of Joondalup will demand the establishment of complementary entertainment and cultural experiences for residents and visitors that are of a quality standard. This will be one of several major objectives of the City over the medium term.

2 At the micro level:

Encouraging and supporting opportunities for local organisations and individuals to engage in artistic and cultural events. The City currently achieves this through the provision of an extensive community events calendar and the support of local arts organisations. Recent direction from Council (CJ249-11/12 refers) enhanced these opportunities, by establishing a Community Invitation Art Award to support the aspirations of the local arts community.

From the strategic initiatives described above, most components are captured within the existing policy, excluding City investments in public art and references to the new Community Invitation Art Award.

Proposed Policy

To reflect new strategic directions in relation to cultural development and visual art at the City, it is suggested a new *Visual Arts Policy* be created and the existing policy revoked. In the main the differences between the two are as follows:

- The policy being retitled from *The City's Art and Memorabilia Collections Policy* to the *Visual Arts Policy*, to reflect broader policy objectives rather than just the management of collections.
- Amend the objective of the policy to reflect broader outcomes relating to cultural development and arts promotion.
- Create a new policy statement that reflects the City's ambitions of leveraging quality visual arts programs to promote and enhance the cultural identity of the City.

- Transfer administrative and operational components of the existing policy into a new *Art Collection Management Plan* (provided at Attachment 4) that includes a new commissioning process (highlighted in yellow) and which generally becomes the City's management tool for visual arts programs.
- Simplify the details of the new policy to outline supported program areas and include references to a commissioning process for visual arts and a Community Invitation Art Award.
- Remove references to specific delegated acquisition approvals by the Chief Executive Officer that duplicate existing references within the Register of Delegation of Authority.
- Generally reference the role of the ACAC in the management of art acquisitions and program delivery.
- Remove references to the archive and memorabilia collection within the new policy, given its different management approach to visual arts. The current section on this subject is also not appropriate at a policy level as it does not guide the management of the collection but merely references that the City has one. It should also be noted that the City manages this collection at an operational level through an agreement with the City of Wanneroo, which is currently under review.

Issues and options considered:

Council can either:

- adopt the new *Visual Arts Policy* as presented
- adopt the new *Visual Arts Policy* with further modifications
or
- retain the existing policy in its current format.

Option 1 is the preferred option and has been supported by ACAC.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key Theme Community Wellbeing.

Objective Cultural development.

Strategic Initiative

- Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.
- Invest in publicly accessible visual art that will present a culturally-enriched environment.
- Promote local opportunities for arts development.

Policy

This report presents the outcomes of a review of *The City's Art and Memorabilia Collections Policy*.

Risk Management considerations

In order to remain transparent and to facilitate appropriate decision-making processes, it is imperative that policies reflect the current positions of Council and work practices at the City. If not effectively maintained, there are risks associated with potentially misleading the community through publicly available, un-reviewed policies.

Financial / Budget Implications

There are no identified financial or budget implications in revoking *The City's Art and Memorabilia Collections Policy* and creating a new *Visual Arts Policy*.

Regional Significance

The new *Visual Arts Policy* attempts to drive cultural development within the City that will be of regional significance.

Sustainability implications

The promotion and establishment of visual art within the community contributes to the social wellbeing of residents and visitors through opportunities for cultural experiences. It also provides regional attractions that support economic development activities within the City.

Consultation

Not applicable.

COMMENT

For the City to effectively achieve its cultural and economic development ambitions, it is important that its policies and planning documents are aligned and promote a consistent vision to the community.

The proposed *Visual Arts Policy* was referred to the ACAC in the first instance, given its oversight of visual art acquisitions and reference to the committee within the revised policy. The committee has supported its adoption.

Elevating the City's commitment to visual arts and cultural development is a major objective over the medium term, which aims to improve the attractiveness, liveability and investment within the City of Joondalup.

Using a policy mechanism to promote the City's support for visual arts is an essential action following the adopted plan '*Joondalup 2022*'.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 REVOKES *The City's Art and Memorabilia Collection Policy* as detailed in Attachment 1 to this Report;
- 2 ADOPTS the new *Visual Arts Policy* as detailed in Attachment 2 to this Report.

PROCEDURAL MOTION – THE ITEM BE REFERRED BACK TO A COMMITTEE

MOVED Cr Fishwick, **SECONDED** Mayor Pickard that the item relating to the proposed *Visual Arts Policy* be **REFERRED BACK** to the Art Collection and Advisory Committee for further research and clarification of information.

The Procedural Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cr Gobbert, Mayor Pickard, Crs Chester, Fishwick and Norman.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnPolicy170314.pdf](#)

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6.29pm; the following Committee Members being present at that time:

Cr Liam Gobbert
Mayor Troy Pickard
Cr John Chester
Cr Russ Fishwick, JP
Cr Mike Norman