

minutes

Policy Committee

MEETING HELD ON **MONDAY 1 DECEMBER 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 1 DECEMBER 2014.

ATTENDANCE

Committee Members

Cr Liam Gobbert	<i>Presiding Member</i>	
Mayor Troy Pickard		<i>from 6.15pm</i>
Cr John Chester	<i>Deputy Presiding Member</i>	
Cr Kerry Hollywood		
Cr Mike Norman		
Cr Teresa Ritchie, JP		
Cr Philippa Taylor		

Observer

Cr Tom McLean, JP

Officers

Mr Mike Tidy	Director Corporate Services	<i>from 6.15pm</i>
Ms Dale Page	Director Planning and Community Development	
Mr Jamie Parry	Director Governance and Strategy	
Mr Brad Sillence	Manager Governance	<i>Absent from 6.08pm to 6.13pm</i>
Mr John Corbellini	Manager Planning Services	<i>to 6.50pm</i>
Mr Mike Smith	Manager Leisure and Cultural Services	<i>from 6.15pm</i>
Mr John Byrne	Governance Coordinator	<i>Absent from 6.08pm to 6.12pm</i>
Mrs Lesley Taylor	Governance Officer	

DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

Nil.

Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Cr Mike Norman.
Item No./Subject	Item 1 - Review of Facility Hire Subsidy Policy.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is the chairman of the Joondalup Coastcare Community Forum that use a 100% subsidised facility for bi-monthly meetings.

APOLOGIES/LEAVE OF ABSENCE**Leave of Absence previously approved**

Cr Brian Corr	2 December to 7 December 2014 inclusive;
Cr Sam Thomas	3 December 2014 to 5 December 2014 inclusive;
Cr Christine Hamilton-Prime	6 December 2014 to 5 January 2015 inclusive.

CONFIRMATION OF MINUTES**MINUTES OF THE POLICY COMMITTEE MEETINGS HELD ON 30 JUNE 2014 AND 15 SEPTEMBER 2014**

MOVED Cr Hollywood, SECONDED Cr Ritchie that the minutes of the meetings of the Policy Committee held on 30 June 2014 and 15 September 2014 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Gobbert, Crs Chester, Hollywood, Norman, Ritchie and Taylor.

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.

Nil.

PETITIONS AND DEPUTATIONS

Nil.

The Policy Committee agreed to deal with Item 3 – Use of Sea Containers within the City of Joondalup prior to Item 1 – Review of *Facility Hire Subsidy Policy*.

REPORTS**ITEM 3 USE OF SEA CONTAINERS WITHIN THE CITY OF JOONDALUP**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	18058
ATTACHMENT	Attachment 1 <i>Use of Sea Containers Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

To advise the Policy Committee of the current processes relating to the use of sea containers for storage within the City of Joondalup and consider options available for guiding this form of development.

EXECUTIVE SUMMARY

Currently the City does not have any specific guidelines or policies on the use of sea containers within the City of Joondalup. Due to their bulk and often dilapidated appearance, the use of sea containers can have a negative visual impact on the surrounding area, particularly when used in residential areas. In addition, inappropriately located sea containers may have an impact on vehicle sightlines.

When a building permit has been issued for a development, approval may be granted by way of a Hoarding Licence to store building materials, including within a sea container, on the verge to which the development relates. The temporary placement or construction of an office, shed or sanitary facility used by a builder in connection with building works within the lot is permitted without the need for a building permit.

Through researching the practices of other local governments for dealing with sea containers, it appears that generally the use of sea containers within the 'Residential' zone is not permitted, however there is some tolerance for their use on a temporary basis, particularly during construction on the adjoining lot or for delivery and/or collection of goods.

This report outlines the options available in dealing with this issue.

BACKGROUND

A report was requested by the Policy Committee in September 2013 in relation to the use of sea containers on verges and on private properties for the purposes of storage of construction and other materials. Due to the significant number of priority projects, including finalisation of the *Local Housing Strategy*, *Local Commercial Strategy*, *Local Planning Strategy* and initiation of the Local Housing Strategy Scheme Amendment, as well as the

larger than anticipated number of planning applications progressed by the City, such as the multiple Whitford City and Lakeside Joondalup Shopping Centre applications, the City has been unable to finalise this report before now.

Permanent sea containers in the 'Residential' zone

The use of a sea container associated with a dwelling can be assessed as an outbuilding, applying the provisions of the Residential Design Codes (R-codes). The R-codes assessment provisions relate to the wall and ridge height, floor area and setbacks for the structure. Outbuildings, being '*an enclosed non-habitable structure that is detached from any dwelling, but not a garage*', are not permitted within the front setback area, but could be placed so that they are visible from the street. It should be noted that the R-codes do not control for colours, materials and architectural design used and as such a sea container could potentially comply with the R-codes if located outside of the front setback area with sufficient side and rear setbacks.

Permanent sea containers on non-residential zoned land

Sea containers are occasionally used on a non-residential site in association with a business, usually for the purpose of storage, including cool rooms.

For non-residential zoned land, sea containers are typically incidental to the existing land use on the site, with only the structure requiring planning approval. The provisions of clause 4.7 of *District Planning Scheme No.2*. for building setbacks to non-residential buildings are applied, requiring buildings to be set back nine metres from the street (front) boundary, three metres from the side boundary and six metres from the rear boundary.

Temporary sea containers

Where a building permit has been issued, a Hoarding Licence (issued under the *Local Government (Miscellaneous Provisions) Act*), may be approved for the storage of materials, including within a sea container, on the verge adjoining the lot for a specified period of time. This licence allows the landowner or builder to use a portion of the verge for the purpose of securely storing building material during the construction process. Once the licence expires, the materials and/or sea container are required to be removed from the site.

It is noted that Schedule 4 of the *Building Regulations 2012* exempts the need to obtain a building permit for the temporary placement or construction of an office, shed or sanitary facility used by a builder in connection with building works within the lot where the development is to occur. This can include a sea container.

Planning approval is not required for the above structures where they are placed on a site or verge for less than 48 hours or for a longer temporary period as agreed by the City. Currently, a Hoarding Licence is taken as agreement from the City that the development is temporary and exempt from the need for planning approval. However, there is no guidance on what constitutes an appropriate temporary duration.

Approach by other local governments

Examples of the approach to the use of sea containers by other local governments are outlined below:

Local Government	Policy		Land use within scheme? (Y/N)
Armadale	<i>Sea containers, railway carriages and other decommissioned transport conveyances</i>	Sea containers are not acceptable in the Residential, Special Residential, Mixed Business/Residential, Rural Living & Urban Development. However, may be used in conjunction with development/subdivision works for the duration of those works or for the delivery and/or collection of goods for a period of seven days.	No
Gosnells	<i>Outbuildings and Sea containers policy</i>	Permits sea containers without needing planning approval on a residential lot where it is being used for the purpose of relocating personal effects for no more than seven days or for securing construction tools and materials for a maximum of 12 months.	No
Cockburn	Sea containers	Does not permit sea containers in the 'Residential', zone except for a temporary period (maximum 18 months) when in association with building construction, subject to planning approval. There is some tolerance for sea containers in non 'Residential' zones where it is located behind a building, screened from view with building setbacks maintained and the structure is painted in a colour similar to the existing building on the property.	No
Kalamunda	<i>Outbuildings – Guidelines for Assessment</i>	Sea containers in the Residential, Residential Bushland and Urban Development zones only permitted for the purpose of moving domestic items or during construction of an approved building and must be removed with 48 hours of the building's completion.	No
Broome	<i>Shipping and/or storage containers</i>	Permanent use of shipping/storage containers considered in non 'Residential' zones only. Containers may be permitted for 14 days for the purpose of loading or unloading items or used to store equipment and materials related to construction of a building.	No, and the use of the containers shall be related directly to and be ancillary to the approved use of the land.

DETAILS

Issues and options considered

The issue to be considered is where it is appropriate to allow the use of sea containers on a temporary or permanent basis. Therefore, there are a number of options available to Council in providing guidance on the use of sea containers within the City of Joondalup.

Option 1

- Prohibit the use of all sea containers, whether permanent or temporary, within all or specific zones.

This option could be implemented through a local planning policy which prohibits the use of sea containers on a temporary or permanent basis within all or specific zones, due to the impact on the amenity of the adjoining properties and surrounding area.

Option 2

- Permit the use of sea containers on a temporary basis only (private property, verge or both) for building or subdivisional works and only for a defined period, such as a maximum of one week for the delivery or collection of goods, or for the period of construction works.

Some examples of how this could be achieved include the following:

- Develop a separate local planning policy which clarifies what constitutes a temporary development, including that sea containers may be used on a temporary basis on a verge without the need for planning approval provided the container only remains for one week when delivering or collecting goods or for the duration of construction on an adjoining property (maximum 12 months).
- Amend DPS2 so that storage on the verge (including in sea containers) that has a Hoarding Licence or is for delivery or collection of goods, is exempt from the need for planning approval.

Option 3

- Permit the use of sea containers on a permanent basis on private property in all or only certain zones when its location and appearance complies with specific criteria, and
- Permit the use of sea containers on a temporary basis only (private property, verge or both) for building or subdivisional works and only for a defined period, such as a maximum of one week for the delivery or collection of goods, or for the period of construction works.

This could be achieved by a local planning policy with associated design guidelines which sets the urban design standards for particular areas, including that permanent sea containers are only permitted on private property when they are not visible from the street or when they have been treated to match the existing dwelling or streetscape. The temporary use of sea containers could be regulated as outlined in option 2 above.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2.</i>
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	Not applicable.

Risk management considerations

As previously indicated, planning approval is required for structures where they are placed on a site or verge for more than 48 hours, or where the City has not agreed on a longer temporary period. In practice, the issuance of a Hoarding Licence or building permit exemption is considered to be agreement from the City for the temporary nature of a sea container and is used as the mechanism to control this type of activity. It is considered appropriate to use the DPS2 and its associated local planning policies to clarify how long temporary sea container should be permitted from an amenity perspective.

Without a clear and documented position on what length of time constitutes an exemption under DPS2 for a temporary sea container, it is difficult to control this practice and permit it only when appropriate.

The development of design provisions through policy would provide clarity for both landowners or builders seeking to use a sea container and for the City in advising them of when it is appropriate to do so, if at all.

Financial / budget implications

In the event that Council requests a new policy, the costs associated with public advertising and notice of any final adoption will be approximately \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In the event that Council requests a policy be prepared, public advertising would occur for 21 days as follows:

- A notice published in the local newspaper for two weeks.
- A notice and documents placed on the City's website.

COMMENT

From the research undertaken, it appears generally that the use of sea containers on a permanent basis in the residential area is not permitted by a number of local governments. In addition, it is clear that the temporary use of sea containers for the delivery and collection of goods or when used for the storage of materials during construction, is generally accepted by the local governments researched.

Due to their bulk and often dilapidated appearance, sea containers can have a negative visual impact on the surrounding area, particularly when used in residential areas. As a result, it is recommended that the permit the permanent use of sea containers be prohibited in the 'Residential' zone. This is also considered appropriate for the 'Special Residential', 'Mixed Use', 'Urban Development', 'Civic and Cultural' and 'Rural' zones. The research has indicated that there is more tolerance to the use of sea containers in industrial related zones, and so any requirements should be based on the zoning and associated amenity of an area.

The temporary use of sea containers is an essential part of the construction and building process in Western Australia. Given the significant amount of redevelopment set to occur in the City of Joondalup under the *Local Housing Strategy* and *Local Commercial Strategy*, and the limited space afforded to builders when redeveloping a site, it seems essential that temporary storage of some sort be permitted for builders in the front of properties during the course of construction. However, the use of sea containers on the verge has the potential to have a negative impact on adjoining properties as well as the surrounding area by way of adverse visual appearance and impact on vehicle sightlines. As such, it is considered necessary to control the location of temporary sea containers in the verge and to limit the period they are permitted.

Given the above, it is considered appropriate that sea containers be controlled through local planning policy, on the basis that policy is able to provide adequate detail around issues such as location and treatment, which the scheme is unable to achieve. In addition, a local planning policy would not require the approval of the Western Australian Planning Commission, and could be implemented much more rapidly than amendments to the planning scheme.

Therefore, it is recommended that a draft *Use of Sea Containers* Policy be advertised for public comment. The draft policy which is shown as Attachment 1:

- prohibits the use of sea containers within the 'Residential', 'Special Residential', 'Mixed Use', 'Urban Development', 'Civic & Cultural', and 'Rural' zones
- allows the permanent use of sea containers within 'Commercial', 'Business', 'Service Industrial', 'Private Clubs/Recreation', and 'Centre' zones subject to criteria being met
- allows the temporary use of sea containers in all zones for storage associated with building construction or subdivision and for the loading and unloading of goods.

VOTING REQUIREMENTS

Simple Majority.

Governance Coordinator left the room at 6.08pm and returned at 6.12pm.

Manager Governance left the room at 6.08pm and returned at 6.13pm.

Mayor Pickard, Director Corporate Services and Manager Leisure and Cultural Services entered the room at 6.15pm.

OFFICER'S RECOMMENDATION

That Council:

- 1 In accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, **ADOPTS** the draft *Use of Sea Containers Policy* as detailed in Attachment 1 to this Report, for the purpose of public advertising;
- 2 In accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, **ADVERTISES** the draft *Use of Sea Containers Policy* for public comment for a period of 21 days.

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

MOVED Cr Chester, SECONDED Cr Taylor that the matter related to the proposed draft *Use of Sea Containers Policy* be **REFERRED BACK** to the Chief Executive Officer for further investigation and review of the policy to consider allowing sea containers in all zones, subject to meeting certain criteria, which could include (but not necessarily be restricted to):

- 1 The sea container being new or in as new condition;
- 2 The sea container being only 20 foot in length or smaller;
- 3 The sea container only being in a location as approved by the City and not in view of the street;
- 4 The sea container being finished in a colour consistent with its surroundings.

The Procedural Motion was Put and

LOST (3/4)

In favour of the Procedural Motion: Crs Chester, Ritchie and Taylor.

Against the Procedural Motion: Cr Gobbert, Mayor Pickard, Crs Hollywood and Norman.

The Committee agreed to change the fourth dot point under clause 4.2 of the policy to read as follows:

- *A formal request is received and a letter is issued from the City approving the temporary nature of the sea container, and its period of use.*

MOVED Cr Hollywood, SECONDED Mayor Pickard that Council:

- 1 **In accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, **ADOPTS** the draft *Use of Sea Containers Policy* as detailed in Attachment 1 to this Report, as amended, for the purpose of public advertising;**
- 2 **In accordance with clause 8.11 of the City of Joondalup *District Planning Scheme No. 2*, **ADVERTISES** the draft *Use of Sea Containers Policy* for public comment for a period of 21 days.**

The Motion was Put and

CARRIED (7/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agnPOLICY021214.pdf](#)

Manager Planning Services left the room at 6.50pm.

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman.
Item No./Subject	Item 1 - Review of Facility Hire Subsidy Policy.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman is the chairman of the Joondalup Coast Care Community Forum that use a 100% subsidised facility for bi-monthly meetings.

ITEM 1 REVIEW OF FACILITY HIRE SUBSIDY POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101271
ATTACHMENT	Attachment 1 Revised <i>Facility Hire Subsidy Policy</i> (marked up version)
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 amending the *Facility Hire Subsidy Policy*.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/13 refers), Council adopted a *Property Management Framework* (PMF) which now provides a guide to the City in managing all property under its ownership. As a supporting document to the PMF, the Council also adopted a revised *Facility Hire Subsidy Policy* which provides guidance on determining the extent of subsidy to be offered to groups hiring City managed facilities. It also ensures that subsidies are offered in a consistent, transparent and equitable manner.

The policy came into effect on 1 January 2013, and was applied across the hire of all City facilities. Now that the policy has been operational for a full year, a review has been undertaken and some amendments are suggested. The more significant issues with implementing the policy include the following:

- The number of groups requesting an increase in their level of subsidies and the need for Council approval to consider applying the increases.
- The extent to which the subsidy applies such as specifying a time period.

- Determining the application of subsidies to Senior Citizens Recreational or Sporting Groups (including Seniors' Interest Groups) with a high percentage of members over the age of 55, but not exclusively for that age group.
- Those groups that request a level of subsidisation as per the policy, however, primarily operate outside of the City's boundaries.

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework*.

The PMF provides the City with a guide to managing all property under the City's ownership, care and control. The PMF takes into account the City's statutory obligations and the desire to promote the wellbeing of all people in the community through the support of recreational and community groups and the provision of high quality and accessible facilities.

The PMF has the following objectives:

- To define the classifications for which City owned and managed property is held.
- To establish the categories and associated principles under which City owned and managed property may be used and occupied.
- To promote equitable, effective and sustainable management practices for the use and occupation of City owned and managed property.

As a supporting document to the PMF, the Council reviewed and subsequently adopted at the same meeting a *Facility Hire Subsidy Policy*. The policy was developed to align with the principles and objectives of the PMF. This policy builds on the current *Hire of Community Facilities and Venues Policy* and provides a greater subsidised use to not-for-profit community groups in the City.

The objectives of the policy are:

- to provide guidance on determining the extent of subsidy to be offered to groups hiring City managed facilities
- to ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The intention of the policy is for the City to subsidise the cost of facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members/participants reside within the City of Joondalup.

DETAILS

The *Facility Hire Subsidy Policy* has been operational since 1 January 2013. Given it has been operational for some time, capturing both summer and winter seasonal groups, and annual users, it is opportune to undertake a review of the policy.

Issues and options considered

The following is an explanation of the proposed issues with the implementation of the policy.

Section 4 – Details

- 4.2 (b) – Requests for subsidies - This section of the policy requires any request received from a community group for an additional subsidy be referred to the Chief Executive Officer, who is then required to refer to the Council for a determination. A number of requests have been received from community groups seeking additional subsidised use which have been reported to the Council. A majority of these requests have come from groups who had previously been allocated 100% subsidised use (generally incorrectly classified under the former policy).

A majority of these requests are not requests for additional subsidies, but rather requests to waive fees that are applicable over and above an allocated subsidy. In order to better streamline the approval process, it is proposed that requests to waive fees and requests for additional subsidies be dealt with by the CEO (with delegated limits).

Table 1 – Matrix for determining Facility Hire Subsidies

- Extent to which subsidy applies: It is proposed to clarify in the policy the time period in which the subsidy applies. That is, per calendar year, per school term or per season.
- Senior Citizens Recreational or Sporting Groups (including Seniors' Interests Groups): This category within the matrix affords those groups that provide services/programs exclusively to people aged 55 years and above 100% subsidy up to a certain number of hours per week. As there is no defined age for an individual to be classified as a senior, the category was mirrored on the Junior Recreational or Sporting Groups being afforded 100% subsidy for services and programs under the age of 18, with the age 55 being used as a compromise.
- A majority of requests for subsidies have come from groups that do not meet the definition where membership to these groups are not exclusive to those 55 and over, that is. they are predominately above 55 but indicate they have some members under that age group. Therefore those groups are not eligible for the 100% subsidy but are afforded the 50% subsidy as a not-for-profit community group. In dealing with this situation, some clubs have amended their constitution to reflect that they are exclusively for people 55 and above, others have paid the revised fee, or some have made application to have their fees waived.

The Council could:

- revise the age down for those groups to be eligible seeking 100% subsidy, however, this will not resolve the issue of groups allowing members to participate under that age
- revise the term exclusively and replace predominately and assign a percentage of members that must be 55 years and above (for example 75%). The issue will still remain that there will be occasions where groups do not meet this criteria and will request special consideration.

Given that the level of subsidisation is targeted to groups providing services exclusively to those 55 years and older, it is proposed not to make any changes to the criteria for this category within the matrix. The policy makes provisions for those groups not meeting the criteria to apply for consideration to any fees imposed and these can be considered on a case by case basis.

- Educational Institution Groups: It is proposed to amend the access to City buildings based on a ‘per term’ rather than a ‘per year’ period.

General issues

- The definition of a “not-for-profit community group” is different in the *Facility Hire Subsidy Policy* to that which appears in the PMF. The policy states:

“not-for-profit community group” means a non-commercial organisation, including a religious organisation, operating within the City of Joondalup and in which any profit made by the organisation goes back into the operation of that organisation and is not distributed to any of its members.

The PMF states:

Not-for-Profit Community Groups are defined as those which are incorporated under the Associations Incorporation Act 1987 and have their primary base of operation located within the City of Joondalup. In general, Not-for-Profit Community Groups will only be permitted to lease or licence facilities which are located on property held for Community Purposes. As such, where appropriate, these organisations will be granted a lease or licence at a subsidised rate in recognition of their perceived benefit to the community and their ability to pay.

The definition of a not-for-profit community group differs between the *Property Management Framework* and *Facility Hire Subsidy Policy*. Namely, the former refers to a group needing to be “based” in the City, while the latter only requires the group to “operate” within the City.

Because of these differences, facility hire fees will have different applications:

		Currently applied by the City →	“Operates” within the City	“Based” within the City	Example Group
Not-for-profit community groups	Non-COJ based groups	Less than 50% local membership	Community rate:	Community rate:	e.g. University of the Third Age
	Non-COJ based groups	More than 50% local membership	Subsidised rate:	Community rate:	e.g. Kallaroo Embroidery Group
	COJ based groups	Less than 50% local membership	Community rate:	Community rate:	e.g. Greenwood Tennis Club
	COJ based groups	More than 50% local membership	Subsidised rate:	Subsidised rate:	e.g. Joondalup- Kinross Junior Football Club

- If a community group needs to be “based” within the City to attract a subsidy (*Property Management Framework* definition), groups located just outside of the City’s border with significant City of Joondalup resident numbers, would be ineligible for a subsidy. The City currently applies the “operates” definition, as specified by the policy, in this scenario, which allows groups such as the North Beach Amateur Football Club to attract a subsidy rate, given they have over 50% of their members residing within the City.
- The current *Facility Hire Subsidy Policy* is not clear as to whether the 50% local membership/participant requirement applies to the group’s entire membership base, or just those attending the facility. If the entire group membership is required, satellite groups would not be eligible for subsidies, even if most of their participants were residents of the City (such as Cancer Council WA, Alcoholics Anonymous, Shamrock Masters Soccer Club).
- Following on from the issue above, community groups and sporting groups often keep different membership data, making it difficult to determine if members are “active” or “inactive”. For instance, sporting groups will often provide membership options for social or lifetime members, etc. who will not be considered as “active” for the purposes of hiring a facility. Community groups will not often collect membership data in this manner and therefore, assessing their membership requirements can be difficult.

As a result of feedback received from Elected Members through an issues paper circulated addressing the matters described above, the following is recommended:

- The definition with the *Facility Hire Subsidy Policy* be amended to reflect that for not-for-profit community groups to be eligible for a subsidy as detailed within the matrix of the policy, the groups primary base of operation must be located within the City of Joondalup. To provide clarity, a definition of ‘primary base’ has been included in the policy.
- Those not-for-profit groups that do not meet the criteria for any level of subsidisation detailed in the policy will be afforded the community rate detailed within the City’s annual fees and charges.
- Those not-for-profit community groups that have their primary base of operation located within the City of Joondalup will be afforded a priority for use of a City facility to those groups that do not.

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

Specific sections of the *Local Government Act 1995* relate to the City adopting a Schedule of Fees and Charges during a financial year. These are described below.

6.16 Imposition of fees and charges

1 *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

2 *A fee or charge may be imposed for the following:*

a providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government.

3 *Fees and charges are to be imposed when adopting the annual budget but may be:*

a imposed during a financial year*

b amended from time to time during a financial year.*

** Absolute majority required.*

6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

a its intention to do so

b the date from which it is proposed the fees or charges will be imposed.

Strategic Community Plan**Key theme**

Community Wellbeing.

Objective

To provide facilities of the highest quality which reflects the needs of the community now and into the future.

Strategic initiative

Understand the demographic context of local communities to support effective facility planning.

Policy

Facility Hire Subsidy Policy.

Risk management considerations

There is a risk of an adverse response from community groups whose subsidised hire arrangements or the application of these arrangements is inconsistent. Considerable research and engagement was undertaken to develop the PMF and the supporting *Facility Hire Subsidy Policy* to enable the City to administer its assets in an equitable, effective and sustainable manner. Significant diversion from these principles will lead to the management of City facilities in an ad hoc and inconsistent manner.

Financial / budget implications

For the year 2013, the City provided a total of approximately 105,000 hours of subsidised use across the City facilities, which equates to approximately \$1.1m (which includes the additional requests forwarded direct to the Council).

To date in 2014 the City has provided an approximately \$1.0 million which equates to approximately 90,000 hours of subsidised use across its facilities.

In regards to actual income received for park and facility hire:

Financial Year	Park Hire	Facility Hire	Other Hire Charges	Total
2011-12	\$97,450	\$456,998	\$45,377	\$599,825
**2012-13	\$77,626	\$421,050	\$54,102	\$552,778
2013-14	\$100,689	\$471,737	\$40,718	\$613,144
2014-15 (Oct 2014)	\$33,494	\$148,014	\$11,061	\$192,569

** the revised *Facility Hire Subsidy Policy* was in effect from 1 January 2013.

Future financial year impact

20 Year Strategic Financial Plan impact

Based on the figure of \$1.1 million subsidised use, compounded at 3.5% over 20 years, equates to approximately \$31.1m of subsidised use provided by the City during that period.

Regional significance

The policy does not have any regional significance as it is only initiated where groups meet the criteria of 50% active members/participants.

Sustainability implications

The PMF aims to support the equitable, efficient and effective management of City-owned and -managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate.

Consultation

Through an issues paper, feedback was sought from elected members, with three submissions being returned.

COMMENT

The PMF now provides the City with a guide to managing all property under the City's ownership, care and control. The framework takes into account the City's statutory obligations and the desire to promote the wellbeing of all people in the community through support of recreational and community groups and the provision of high quality and accessible facilities. The draft framework also recognises the City's obligations to support not-for-profit community groups through subsidisation.

Through the *Facility Hire Subsidy Policy*, the City has substantially reduced the hire charges for several types of not-for-profit community groups. The hire charges for adult recreational or sporting groups, for example, have been reduced by 50%. This has substantially reduced the fees imposed on these groups which in turn will help these non-commercial groups in continuing to provide important recreational and sporting opportunities to the community and will assist the City in achieving a greater utilisation of its assets.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman, SECONDED Cr Chester that Council ADOPTS the amended *Facility Hire Subsidy Policy* as detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

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

Appendix 1 refers

To access this attachment on electronic document, click here:

[Attach1agnPOLICY021214.pdf](#)

ITEM 2 **REVOCAION OF THE TENNIS COURT LIGHTING STANDARDS POLICY**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101290
ATTACHMENT	Attachment 1 <i>Tennis Court Lighting Standards Policy</i>
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 revoke the *Tennis Court Lighting Standards Policy* as part of the on-going Policy Manual Review.

EXECUTIVE SUMMARY

The *Tennis Court Lighting Standards Policy* was previously established by the former City of Wanneroo and has been the subject of minor amendments since its inception. The original intention of this policy was to ensure all new tennis courts would be floodlit to a minimum illumination standard dependant on the level of play, and a consistent process was followed when dealing with requests for new and upgraded tennis court floodlighting requests from the community.

As part of the ongoing review of the Policy Manual, the *Tennis Court Lighting Standards Policy* is recommended for revocation due to its inconsistency with current Australian Standards for floodlighting and other relevant decision making guidelines that exist both internally and externally. In addition, the detailed and technical content is considered too operational at a policy level.

BACKGROUND

As part of the City's ongoing review of the City's Policy Manual, the current *Tennis Court Lighting Standards Policy* (Attachment 1 refers) has been reviewed against the following criteria:

- 1 Consistency – with regard to language, style and format.
- 2 Relevance – in terms of new plans and strategies that now supersede previously endorsed positions with existing policies.
- 3 Duplication – identified sections of policies that duplicate other policies, City plans and strategies, local laws and/or other legislation.
- 4 Operational content – identified sections of policies deemed 'too operational' and therefore more appropriate to be incorporated into a City protocol or operational plan.

The *Tennis Court Lighting Standards Policy* was established by the former City of Wanneroo and formally adopted by the Joint Commissioners of the City of Joondalup at its meeting held on 22 June 1999 (CJ2013-06/99 refers). The intention of the policy was to ensure:

- all new tennis courts would be floodlit to a minimum illumination standard dependent on the level of play
- a consistent process was followed for requests for new or upgrades to tennis court floodlighting from the community (including responsibilities for capital costs where installation is above the minimum standard and ongoing operating costs).

Since its inception, the policy has been reviewed on a few occasions and only minor amendments have been made. These include changes to 'Table 2 - Standard of Illumination – All Tennis Courts' (in reference to tennis court locations) and the directorate responsible for implementing the policy. Consideration was made to merge the policy with the *Reserves, Parks and Recreation Grounds Policy* in 2005; however, this did not eventuate as at the time the policy was considered to deal with complex and sensitive matters and was regularly used.

The *Tennis Court Lighting Standards Policy* is considered to be out of date given its variation with the current Australian Standard. In addition, it is inconsistent with internal and external planning documents and decision making mechanisms and is deemed too technical and operational in its content for a policy document. As such, it is being recommended for revocation to consolidate the City's Policy Manual.

DETAILS

Since 2005, the *Tennis Court Lighting Standards Policy* has not been reviewed nor applied. As part of the ongoing review of the City's Policy Manual, it is recommended that the policy be revoked for the following reasons:

1 The policy suggests that all new tennis court facilities shall be floodlit which is inconsistent with positions in other relevant planning documents.

The provision of floodlighting to all new tennis courts may not provide a strong return on investment given installation and ongoing operational costs may outweigh actual utilisation. In addition, this position does not align with a recent internal sporting infrastructure needs assessment, the *Active Reserve and Community Facilities Review* (CJ116-07/14 refers) and Tennis Australia's, *Tennis 2020: Facility development and management framework for Australian Tennis*.

The City's *Active Reserve and Community Facilities Review* identifies sports floodlighting priorities for the City's *Five Year Capital Works Program*. These priorities are based on participation trends, existing and potential utilisation, user group requests and needs, available funding and ongoing operational costs. In addition, no particular sport is given priority and projects are based on overall community need. Notably, no tennis court floodlighting projects were identified as the current infrastructure was deemed sufficient to service the community and trends indicate tennis participation is declining.

Tennis Australia's document has identified a new hierarchal approach to tennis facilities depending on factors such as the number of courts, standard of play and catchment population. This approach recommends that a percentage of courts be illuminated to a particular standard depending on the facilities association with the hierarchy. When applying *Tennis 2020: Facility development and management framework for Australian tennis* within the context of the City of Joondalup tennis facilities, only 50% of the courts would be required to be illuminated.

2 The policy's minimum standard specification for illuminating courts is not consistent with relevant Australian Standards.

Australian Standard 2560.2.1-2003, *Sports lighting Part 2.1: Specific applications – Lighting for outdoor tennis* specifies a minimum standard of illumination for tennis courts dependant on the level of play. The levels of illumination indicated in the policy are significantly lower than that of the Australian Standard, and as such the Australian Standard supersedes the City's *Tennis Court Lighting Standards Policy*.

3 The process within the policy for dealing with new and upgrade requests from the community is not consistent with other City sporting infrastructure decision making mechanisms.

Requests for sports floodlighting are currently considered by the City on a case by case basis. Each request is directed towards either an expression of interest process for the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) or the City's Club-Funded Upgrade process.

The expression of interest process is a precursor to the Department's CSRFF application process whereby groups with infrastructure projects are identified who are willing to jointly fund on an equal one-third basis between the City, State Government and relevant user group/third-party. The City's Club-Funded Upgrade process is designed for groups seeking to upgrade or construct facilities where the City has no capital funding involvement. The City determines each application on its merits, which includes any ongoing operational costs for maintaining and using the infrastructure.

If a request is made and the City is to provide a level of funding toward a sports floodlighting project, the project would be reviewed against the priorities listed in the City's *Active Reserve and Community Facilities Review*. The priority may improve if a higher level of external funding is available.

4 Management of ongoing operational costs within the policy is not consistent with current practices.

Where a lease/licence agreement is involved, the City's *Property Management Framework* provides guidance on ongoing operational costs with relevant users. However, if a lease/licence is not in place (hired facility) and the user group funds the upgrade (through the CSRFF process or Club-Funded Upgrade process), the City acquires all of the ongoing operational costs. This scenario is not reflected in the current policy.

5 Trends indicate tennis participation is declining, therefore a specific policy is not required and tennis court floodlighting can be including when determining overall floodlighting priorities.

No new tennis courts have been constructed since the last review of the policy in 2005, given that trends indicate that participation has declined over that period. The *Participation in Sport and Physical Recreation 2011-12* survey from the Australian Bureau of Statistics suggests that overall tennis participation for people aged over 15 years in Western Australia has declined from 3.9% in 2005-06 to 3.6% in 2011-12. This is further supported by the City implementing the *Tennis Court Provision and Maintenance Strategy* (CJ010-02/11 refers) and as a result four tennis courts were decommissioned at Percy Doyle Reserve, Duncraig (near the Duncraig Library) in 2011-12 and one at Fenton Park, Hillarys in 2013-14 due to low levels of utilisation.

Since 2005, the City has completed only one tennis court floodlighting project at Falklands Park (Kinross College) in 2013-14. This project was identified as a result of the City relocating the tennis court floodlights at Percy Doyle Reserve when decommissioning the four courts. At Falklands Park a shared-use agreement exists with the Department of Education for the oval and tennis courts and given the limited availability of City managed tennis courts in the northern area of the City, the site was deemed the most suitable.

It is worth noting the City owns (and manages) 12 tennis court facilities of which all currently have floodlighting to various standards. The policy specifies that all new tennis courts would be floodlit; however no new tennis court facilities and tennis floodlighting projects are proposed in the City's *Five Year Capital Works Program* given the decline in participation numbers and other activities increasing in popularity. Therefore a specific policy is not required and all new and upgrade tennis court floodlighting projects should be included in the assessment of overall sports floodlighting for the City through existing decision making frameworks.

Issues and options considered

Council may choose to either:

- support the revocation of the *Tennis Court Lighting Standards Policy*
or
- not support the revocation of the *Tennis Court Lighting Standards Policy*.

For the reasons outlined in this report, it is recommended that the policy be revoked.

Legislation / Strategic Community Plan / policy implications

Legislation	Not applicable.
Strategic Community Plan	
Key theme	Community Wellbeing.
Objective	Quality facilities.
Strategic initiative	Understand the demographic context of local communities to support effective facility planning.
Policy	<i>Tennis Court Lighting Standards Policy</i> .

Risk management considerations

There are no significant risks associated with revoking the *Tennis Court Lighting Standards Policy*. Existing planning documents and decision-making mechanisms enable the City to make informed and appropriate decisions for all new and upgrade tennis court floodlighting requests and proposals.

In addition, revocation of the policy removes the complexity among the various planning documents and the standard of illumination that is to be provided for future projects.

Financial / budget implications

Revoking the policy will have no financial implications for existing capital works, projections or budgets, as it is not currently applied.

Regional significance

Existing decision-making processes provide for the consideration of tennis court floodlighting needs based on the regional significance of the facility.

Sustainability implications

All capital works decisions pertaining to floodlighting take into consideration opportunities for increasing participation trends, supporting local clubs and off-setting capital and operational costs.

Consultation

The *Tennis Court Lighting Standards Policy* is considered to be out-of-date in comparison with Australian Standards and relevant planning documents. Therefore, consultation is deemed not required to revoke the policy.

COMMENT

The ongoing Policy Manual review has been comprehensive in addressing inconsistencies and relevance with policy frameworks, planning documents and regulatory standards. When the *Tennis Court Floodlighting Policy* was developed, the policy provided a position on a number of factors relating to the installation of floodlighting on new tennis courts.

Since this time, a number of planning documents have been developed, decision-making frameworks adopted and the technical aspects have been superseded by the relevant Australian Standard which limits the policy's relevance.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, **SECONDED** Mayor Pickard that Council **REVOKES** the *Tennis Court Lighting Standards Policy* as detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (7/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here:

[Attach2agnPOLICY021214.pdf](#)

ITEM 3 USE OF SEA CONTAINERS WITHIN THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	18058
ATTACHMENT	Attachment 1 <i>Use of Sea Containers Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

This Item was dealt with earlier in the meeting, prior to Item 1 – Review of Facility Hire Subsidy Policy.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**Elected Member Representation on Regional Councils**

Cr Chester requested a report on the possibility of developing a policy restricting the timeframe an Elected Member serves on a regional Council to a maximum of four consecutive years and that any changes in representation should align with each election cycle.

Elected Members' Entitlements Policy

Mayor Pickard requested a report amending the existing *Elected Members' Entitlements Policy*, specifically in relation to conference attendances and the requirement for Elected Members to submit a verbal report at the conclusion of the conference.

Special Area Rates Policy

Mayor Pickard requested a report analysing the current *Special Area Rates Policy* following the recent consultation for special area rates in Burns Beach, with a view to identifying any gaps as a result of the public consultation and how the policy could be amended to achieve a better outcome.

CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.14pm; the following Committee Members being present at that time:

Cr Liam Gobbert
Mayor Troy Pickard
Cr John Chester
Cr Kerry Hollywood
Cr Mike Norman
Cr Teresa Ritchie, JP
Cr Philippa Taylor