

# minutes

## Policy Committee

MEETING HELD ON **TUESDAY 7 JUNE 2016**

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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 TUESDAY  
7 JUNE 2016.

### ATTENDANCE

#### Committee Members

|                      |                                |
|----------------------|--------------------------------|
| Cr Liam Gobbert      | <i>Presiding Member</i>        |
| Mayor Troy Pickard   |                                |
| Cr Kerry Hollywood   |                                |
| Cr John Chester      | <i>Deputy Presiding Member</i> |
| Cr Russ Fishwick, JP |                                |

#### Observer

Cr Russell Poliwka

#### Officers

|                   |   |                  |
|-------------------|---|------------------|
| Mr Mike Tidy      | Director Corporate Services                 |                  |
| Mr Jamie Parry    | Director Governance and Strategy            |                  |
| Ms Dale Page      | Director Planning and Community Development |                  |
| Mr Nico Claassen  | Director Infrastructure Services            |                  |
| Mr Brad Sillence  | Manager Governance                          |                  |
| Mr Mike Smith     | Manager Leisure and Cultural Services       | <i>to 6.07pm</i> |
| Mrs Lesley Taylor | Governance Officer                          |                  |

### DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.45pm.

### DECLARATIONS OF INTEREST

Nil.

**APOLOGIES/LEAVE OF ABSENCE****Apology:**

Cr Philippa Taylor.

**Leave of Absence Previously Approved:**

|                             |                                    |
|-----------------------------|------------------------------------|
| Cr Christine Hamilton-Prime | 7 June 2016;                       |
| Cr John Chester             | 18 June to 23 June 2016 inclusive; |
| Cr Sophie Dwyer             | 21 June to 26 June 2016 inclusive; |
| Cr John Logan               | 27 June to 3 July 2016 inclusive.  |

**CONFIRMATION OF MINUTES****MINUTES OF THE POLICY COMMITTEE HELD ON 3 MARCH 2016**

**MOVED** Cr Fishwick, **SECONDED** Mayor Pickard that the minutes of the meeting of the Policy Committee held on 3 March 2016 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 Hollywood.

**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        DRAFT TELECOMMUNICATIONS INFRASTRUCTURE  
LOCAL PLANNING POLICY - CONSIDERATION  
FOLLOWING ADVERTISING**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Ms Dale Page<br>Planning and Community Development   |
| <b>FILE NUMBER</b>            | 101289, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1    Current City of Joondalup <i>Installation of Telecommunications Facilities Policy</i><br>Attachment 2 <i>State Planning Policy 5.2: Telecommunications Infrastructure</i><br>Attachment 3    Draft <i>Telecommunications Infrastructure Local Planning Policy</i> (tracked changes)<br>Attachment 4    Advertised draft <i>Telecommunications Infrastructure Local Planning Policy</i> |
| <b>AUTHORITY / DISCRETION</b> | Legislative - includes the adoption of local laws, planning schemes and policies.  |

**PURPOSE**

For Council to consider the draft *Telecommunications Infrastructure Local Planning Policy* following advertising and to decide whether or not to adopt the policy as final. This policy represents the realignment of the City's current policy entitled *Installation of Telecommunications Facilities Policy* with *State Planning Policy 5.2 Telecommunications Infrastructure Policy*.

**EXECUTIVE SUMMARY**

At its meeting held on 15 December 2015 (CJ227-12/15 refers), Council considered a report outlining proposed amendments to the City's *Installation of Telecommunications Facilities Policy* and resolved to adopt the draft *Telecommunications Infrastructure Local Planning Policy* for public advertising.

The draft policy was advertised for 21 days closing on 24 March 2016. No submissions were received. As no further modifications to the draft policy are proposed, it is recommended that Council adopts the draft *Telecommunications Infrastructure Local Planning Policy* as final.

## BACKGROUND

The City's *Installation of Telecommunication Facilities Policy* (Attachment 1 refers) has been in operation since December 2002 when it replaced a moratorium on the installation of telecommunications facilities throughout the City of Joondalup. Since then, the policy has been reviewed once, being August 2012.

Following a review and public comment period in October 2014, the Western Australian Planning Commission (WAPC) released the final version of *State Planning Policy 5.2 Telecommunications Infrastructure* (SPP 5.2) in August 2015 (Attachment 2 refers). The City's submission to the WAPC on its draft policy SPP 5.2 was endorsed by Council at its meeting held on 9 December 2014 (CJ229-12/14 refers). In addition to Council's endorsement of the City's submission to the WAPC it noted that in the event that revised SPP 5.2 was finalised, the City would be required to review its *Installation of Telecommunications Facilities Policy* to ensure consistency with the final version of SPP 5.2.

The review of the City's policy entitled *Telecommunications Facilities Policy* was considered by Council on 15 December 2015 (CJ227-12/15 refers) where it was resolved to proceed with advertising the draft policy, including the proposed renaming of the policy to '*Telecommunications Infrastructure Local Planning Policy*' (Attachments 3 and 4 refer).

This report represents the culmination of the process of reviewing the City's policy, including public consultation, so that it is aligned with SPP 5.2.

## DETAILS

In order to comply with the final version of SPP 5.2 (Attachment 2 refers), the City's current *Installation of Telecommunications Facilities Policy* has been reviewed and amendments proposed (Attachment 3 refers). Various formatting and wording improvements have been proposed, including a proposed name change to *Telecommunications Infrastructure Local Planning Policy*. This is consistent with the title of SPP 5.2 and the land use 'Telecommunications Infrastructure' which is set out in the *Planning and Development (Local Planning Scheme) Regulations 2015*. The main changes proposed to the policy are outlined below.

### Health and safety impacts

As with the draft version, the final version of SPP 5.2 specifically does not address health and safety matters relating to Electromagnetic Emissions (EME), which are not considered to be a relevant planning consideration. As a result, reference to the general concern regarding the potential health effects of telecommunications facilities is proposed to be removed from the policy. In its place a statement has been included in the draft policy noting that submissions based on health or safety grounds are unable to be considered in assessing a proposal for telecommunications infrastructure.

### Buffer zones and excluded areas

SPP 5.2 requires that telecommunication infrastructure should be considered on a case by case basis and makes it clear that blanket restricted areas should not be applied through local planning policy. As a result, reference to not supporting the installation of telecommunication facilities unnecessarily close to schools, childcare establishments, hospitals and general residential areas is proposed to be removed from the policy.

### Advertising period for telecommunication infrastructure applications

Unlike the draft version, the final version of SPP 5.2 does not include a restriction preventing consultation with landowners outside the limit imposed on the advertising to only those within a 200 metre radius of the site; however, a maximum consultation period of 21 days has now been included. As such, the advertising period specified by the City's policy has been reduced from 30 days to 21 days. It is proposed to retain the City's current policy position of consulting with residents within a 400 metre radius from the proposed telecommunications infrastructure.

### Exemptions

In addition to the existing exemptions under the *Telecommunication Act 1997*, SPP 5.2 recommends that local governments consider exempting telecommunications infrastructure from the requirement for development approval where:

- the infrastructure has a maximum height of 30 metres above finished ground level
- the proposal complies with the policy measures outlined in SPP 5.2.

However, the City considers it appropriate that all proposals for telecommunications infrastructure undergo assessment in regard to the potential visual impact they may have and, therefore, the City does not intend to make this use a land use that is exempt from the need for development approval at this time.

### Visual impact

The principal area of planning assessment of telecommunication infrastructure relates to potential visual impacts. Issues relating to potential visual impacts are valid planning considerations and continue to be incorporated in the City's draft policy. SPP 5.2 states that the visual impact of development proposals should be made on a case by case basis. This, together with not permitting buffer zones and/or setback distances provides limited ability to provide specific guidance within the City's policy on visual impact issues.

It is proposed that the City's policy will continue to require due regard be given to topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.

### **Issues and options considered**

Council has the option to:

- proceed with the amended policy, as advertised (Attachment 3 refers)
- proceed with the amended policy, with modification  
or
- not proceed with the draft amended policy.





### **Sustainability implications**

One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. SPP 5.2 seeks to facilitate more cost-effective and timely planning, assessment and determination of proposals for telecommunications infrastructure across Western Australia. The challenge, however, is to balance this objective with the visual impact of telecommunication infrastructure on the public realm, adjoining landowners, surrounding residents and the community in general.

### **Consultation**

The draft policy was advertised for public comment in the prescribed manner for a period of 21 days, closing on 24 March 2016, by way of:

- a notice published in the *Joondalup Weekender*
- a notice and documents being placed on the City's website.

No submissions were received.

### **COMMENT**

The City's review of its current *Telecommunications Facilities Policy*, in line with SPP 5.2, was completed during the latter part of 2015 and the new amended draft policy document adopted by Council for the purposes of public consultation in December 2015. The public consultation process attracted no submissions.

Following public consultation and the absence of any submissions in response thereto it is not considered necessary to make any further modifications to the draft policy that was considered by Council on 15 December 2015. It is therefore recommended that the City's draft *Telecommunications Infrastructure Local Planning Policy*, as presented in December 2015 (CJ227-12/15 refers), be adopted as final.

As the draft document represents a review of the existing policy on telecommunications facilities there is no requirement that the current document entitled '*Installation of Telecommunications Facilities*' Policy be revoked.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Chester, **SECONDED** Cr Fishwick that Council in accordance with subclause 5(1) and 4(3)(b)(i) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Telecommunications Infrastructure Local Planning Policy*, without modification, as included in Attachment 4 to this Report.

**The Motion was Put and**

**CARRIED (5/0)**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agnPOLICY070616.pdf](#)*

## ITEM 2 WASTE MANAGEMENT POLICY – REVOCATION

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|                               |   |
|-------------------------------|---|
| <b>WARD:</b>                  | All   |
| <b>RESPONSIBLE DIRECTOR:</b>  | Mr Jamie Parry<br>Governance and Strategy   |
| <b>FILE NUMBER:</b>           | 16285, 101515   |
| <b>ATTACHMENTS:</b>           | Attachment 1 Waste Management Policy  |
| <b>AUTHORITY / DISCRETION</b> | Legislative – includes the adoption of local laws, planning schemes and policies. |

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### PURPOSE

For Council to revoke the City's current *Waste Management Policy*.

### EXECUTIVE SUMMARY

At its meeting held on 22 June 1999 (CJ213-06/99 refers), Council adopted the City's *Waste Management Policy*, which highlighted the City's commitment to developing a comprehensive waste management strategy and providing an overview of current local waste disposal services. There have been only minor amendments made to the policy since its introduction in 1999.

As part of the ongoing review of the City's Policy Manual, the *Waste Management Policy* has been identified for revocation due to its operational content and inconsistency with the *Waste Management Plan 2016-2021* adopted by Council at its meeting held on 16 February 2016 (CJ024-02/16 refers). Information contained within the current policy pertaining to service levels is also considered more appropriate for access by the community on the City's website, rather than through a policy instrument.

It is therefore recommended that Council agrees to revoke the *Waste Management Policy*, as shown in Attachment 1 of this Report.

### BACKGROUND

Following the split between the Cities of Wanneroo and Joondalup, the City adopted a *Waste Management Policy* at its meeting held on 22 June 1999 (CJ213-06/99 refers), which replaced the former City of Wanneroo's policies on waste management. In June 2000 (CJ148-06/00 refers), the *Waste Management Policy* was amended to reflect Council's role in setting service levels for waste collections and to update the process for retrieving lost green waste disposal vouchers.

In October 2003 (CJ253-11/03 refers), the policy was amended again to remove references to the promotion and marketing of compost bins and worm farms, due to its operational nature.

The policy has remained unchanged since 2003.

## DETAILS

Since the *Waste Management Policy's* last review date in 2003, the Western Australian State Government introduced the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), requiring all local governments to develop *Strategic Waste Minimisation Plans*.

The City's newly adopted *Waste Management Plan 2016-2021* (CJ024-02/16 refers), fulfils the requirements of the WARR Act by providing strategic direction for the City to meet State Government imposed targets for waste reduction and diversion from landfill. The development and review of this plan is now imbedded within City processes and as such, a policy statement to commit the City to its development is not required.

Furthermore, the operational content contained within the *Waste Management Policy* is currently available on the City's website with more up-to-date information on waste disposal services and education programs available to the community.

Due to the out-dated information contained within the policy, its operational content and inconsistency with the City's current *Waste Management Plan 2016-2021*, it is recommended that the *Waste Management Policy* is revoked by Council.

### Issues and options considered

Council has the option to:

- revoke the *Waste Management Policy* (Option 1), as shown in Attachment 1
- modify the *Waste Management Policy* (Option 2)  
or
- retain the *Waste Management Policy* in its current format (Option 3).

It is recommended that option 1 be adopted.

### Legislation / Strategic Community Plan / policy implications

|                                 |  |
|---------------------------------|--|
| <b>Legislation</b>              | <i>Waste Avoidance and Resource Recovery 2007.</i>   |
| <b>Strategic Community Plan</b> |  |
| <b>Key theme</b>                | The Natural Environment.   |
| <b>Objective</b>                | Environmental resilience.  |
| <b>Strategic Initiative</b>     | Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources. |
| <b>Policy</b>                   | <i>Waste Management Policy.</i>  |

### 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, unreviewed policies.

**Financial/Budget Implications**

Not applicable.

**Regional Significance**

Waste management services are delivered on a regional basis through the City's involvement in the Mindarie Regional Council. Revoking the City's *Waste Management Policy* will have no impact on this regional partnership, due to its operational content.

**Sustainability implications**

The City is committed to the sustainable provision of waste management services through its *Waste Management Plan 2016-2021*.

**Consultation**

Not applicable.

**COMMENT**

While there may be some benefits to retaining the current *Waste Management Policy* to demonstrate the City's ongoing commitment to the provision of waste disposal services; the City's website and *Waste Management Plan 2016-2021* are considered better mechanisms for achieving this.

The *Policy Manual* is an unlikely resource from which the community would seek out information on service levels. The City's website already outlines how waste is collected regularly from households, specifies the correct way to dispose of waste properly, as well as educating and informing the community of ways to better manage the disposal of waste. The community is more likely to utilise the City's website and hardcopy information brochures as references for information than a City policy.

It is also standard practice for the City to revoke out-dated policies following the adoption of new strategic documents as these plans now provide strategic direction for the City, rather than a policy format.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Fishwick, SECONDED Cr Hollywood that Council REVOKES the *Waste Management Policy*, as shown in Attachment 1 of this Report.**

**The Motion was Put and**

**CARRIED (5/0)**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2agnPOLICY070616.pdf](#)

**ITEM 3 VISUAL ARTS COMMISSIONING PROGRAM  
EVALUATION**

|                               |  |
|-------------------------------|--|
| <b>WARD</b>                   | All  |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Mike Tidy<br>Corporate Services   |
| <b>FILE NUMBER</b>            | 103931, 101515   |
| <b>ATTACHMENT</b>             | Attachment 1 Images of commissioned artworks<br>Attachment 2 Illustration of recommended option for<br>residency / commission cycle  |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight<br>role of Council, such as adopting plans and reports,<br>accepting tenders, directing operations, setting and<br>amending budgets. |

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**PURPOSE**

For Council to consider an evaluation of the Visual Art Commissioning Program and options for the program from 2017 onwards.

**EXECUTIVE SUMMARY**

The Visual Art Commissioning Program provides the City with a unique opportunity to commission and acquire artworks at the discretion of the City from high profile Western Australian, national and international artists.

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to establish an annual Visual Art Commissioning Program designed to commission artists to develop an artwork documenting and capturing the iconic landmarks and people who represent the City of Joondalup to be acquired for the City's Art collection. The value of this commission is \$15,000 per annum.

In 2012, the inaugural commission was awarded to Western Australian artist Tony Windberg who created a mixed-media artwork entitled *Meeting Points*. The second commission in 2013 was awarded to Western Australian artist Lindsay Harris who created a painting entitled, *Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going)*.

At its meeting held on 19 February 2013 (CJ021-02/13 refers), Council endorsed changes to the Visual Arts Commissioning Program and approved the option to invite an international or national artist to undertake the commission through an artist residency over a two year period to the value of \$30,000.

At its meeting held on 16 October 2014 (Item 2 refers), the former Art Collection and Advisory Committee (ACAC) selected artist, Brandon Ballengée from New York, United States of America. Ballengée undertook a six week artist residency from September to October 2015. Ballengée has prepared an artwork commission set for installation in late October 2016 entitled *Emperor Gum Moth*. The proposed artwork is a 2.6 metres high public artwork sculpture.

It is recommended the Visual Art Commissioning Program continues by alternating between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency comprised of two parts, a residency and commission, taking place over the following two years and that Council agrees to list \$15,000 per annum going forward to fund the program.

## **BACKGROUND**

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to establish an Annual Visual Art Commissioning Program designed to commission artists to create artworks that document and capture the iconic landmarks and people who represent the City of Joondalup to be acquired for the City's Art Collection. The City agreed to allocate \$15,000 per annum for the program. The intent of this decision was to allow Council some direct influence over the art to be included as part of its art collection.

### Visual Art Commissioning projects

The inaugural commission in 2011 was awarded to Western Australian artist Tony Windberg who created a mixed-media artwork entitled *Meeting Points*. As part of the commission the artist explored the City of Joondalup's natural and urban environment with a focus on Lake Joondalup and areas of remnant bushland. Windberg used separate panels, alternate approaches and multiple materials (both organic and synthetic) to depict iconic landmarks within the City of Joondalup.

The second commission was awarded to Western Australian artist Lindsay Harris who created a large painting entitled, *Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going)*. Harris's artwork represents Lake Joondalup and the ancient walking tracks of the Noongar people who have lived, breathed and walked through this region over millennia. This is interwoven with the roads and passageways of modern Joondalup, such as the railway line.

Images of the commissioned artworks are provided. (Attachment 1 refers).

### Artist Residency - 2015-16

At its meeting held on 19 February 2013 (CJ021-02/13 refers), Council endorsed the completion of the City of Joondalup's artwork commission over a two year period to the value of \$30,000 with an option to invite an international or national artist to undertake the commission through an arts residency to encourage a greater level of engagement by the artist with the place, people, culture and history of Joondalup.

At its meeting held on 19 February 2013 (CJ021-02/13 refers) Council resolved that it:

- “1 *ENDORSES the completion of the artwork commission over a two year period to the value of \$30,000;*
- 2 *AGREES to invite an international or national artist to undertake an arts residency in the City of Joondalup, developing an artwork commission that documents and captures the iconic landmarks and people who represent the City of Joondalup;*
- 3 *that the arts residency detailed in Part 2 above be completed by 2014-15.”*

In October 2014, Council agreed to engage Brandon Ballengée as the inaugural artist to undertake a residency program at the City of Joondalup. Ballengée is a visual artist, biologist and environmental activist. His practice is centred on educating communities across the world about various ecological issues and he combines his scientific and artistic expertise to communicate his message.

The artist residency was divided in two parts, the residency, which took place over six weeks between September and October 2015 and the commission, which results from this residency, scheduled for completion in October 2016.

Both the processes described have produced quality outputs. Commissioning an artist to create an original work is quicker and less costly than a residency, however, the process is less connected to community. Inviting an artist to participate in a residency offers greater engagement with the community but takes longer to effect and is more costly.

As a result of the Visual Arts Commission program completing a cycle of commissioning and a residency, a report was presented to the Policy Committee evaluating the program.

At its meeting held on 3 March 2016 the Policy Committee resolved as follows:

- “1 *That the report on the Visual Art Commissioning Program Evaluation be REFERRED BACK to the Chief Executive Officer to determine additional costs and resource capacity to deliver a two year rolling implementation of the Artist in Residency and Visual Arts Commissioning Program.”*

## **DETAILS**

### **Issues and options considered**

Through information provided in this report, Council is asked to consider the Visual Arts Commissioning Program, and to assess the recommended option for the program following the 2015-16 artist residency and commission.

The timeframes of a Visual Arts commission and residency are explained below.

### The Visual Arts Commissioning Program

Commissioning involves the contracting of an artist to create an original artwork for a particular purpose.



The direct commissioning of artists is intended to ensure that high quality works featuring local themes, which are at the discretion of the City, are represented in the City's Art Collection. Commissioning allows the City to determine the overall content or theme of the artworks and allows the City to capture a site, person or theme of particular significance, which over time will provide an historical perspective of the City.

The Visual Art Commissioning program also provides the City with an opportunity to commission and acquire artworks at the City's discretion from high profile Western Australian artists through the annual artwork commission and from national or international artists through an artist residency.

A visual art commission project follows the City's Visual Art Commissioning process and involves two major stages: Research, proposal and approval components to select the artist; concept development, approval and fabrication components by the selected artist to produce the commissioned work. The minimum time required for optimum outcomes vary with the artist (and medium) selected but as a rule of thumb the process can be comfortably achieved within an 18 to 24 month cycle and with the first project stage taking place concurrently with other aspects of the visual arts program.

#### Artist residency

An artist residency is an opportunity for an invited artist to spend time in a new location to research, reflect, produce artwork and engage with the local community allowing the community to view their local area through the objective perspective of a visiting professional artist.

An artist residency project consists of three major stages, these are:

*Stage One Planning Stage:* Research of artists, proposing of artists, seeking approval from the Policy Committee to select the final artist.

*Stage Two Residency Stage:* Contracting the artist (including establishing availability), planning a public program, hosting the artist for the residency period of between four and six weeks.

*Stage Three Commission Stage:* Using research from the residency period, the artist develops and proposes a concept for an artwork, and once approved creates the artwork and delivers it to the City.

The minimum time required for optimum outcomes vary with the artist (and medium) selected but as a rule of thumb the process can be comfortably achieved within a thirty month cycle and with the first project stage taking place concurrently with other aspects of the visual arts program.

A number of options were considered for managing the Visual Arts Commissioning Program from 2017 onwards.

#### Option 1: Maintain the current cycle

The current pattern involves the following events over a four year cycle with three artwork commissions resulting:

- Visual Art Commission (Year 1 – Research for artist undertaken previous year).
- Visual Art Commission (Year 2 – Research undertaken for forthcoming artist residency).
- National/International Artist Residency (Year 3).

- National/International Artist Residency Commission (Year 4 – Research undertaken following commissioning).

#### Option 2: Alternate an artist residency and a visual art commission

This pattern involves the following events over a three year cycle with two artwork commissions resulting:

- Visual Art Commission (Year 1 – Research undertaken previous year; research undertaken for forthcoming artist residency).
- National/International Artist Residency (Year 2).
- National/International Artist Residency Commission (Year 3 – Research for forthcoming artist for visual art commissioning).

This option would amend the Visual Art Commissioning Program to alternate between a visual art commission in one year, an artist residency the following year, and a commissioned work that comes from the residency in the year after that, within an allocated budget of \$15,000 each year. (Attachment 2 refers).

#### Option 3: Commission a work each year with the artist residency and commission happening in the same year

This pattern involves the following events over a two year cycle with two artwork commissions resulting:

- Visual Art Commission (Year 1 – Research undertaken for forthcoming artist residency).
- National/International Artist Residency Commission (Year 2 – Research for forthcoming artist for visual art commissioning).

#### Option 4: Commission a work each year, with a visual art commission and the residency component occurring same year

- Visual Art Commission (Year 1 – Research undertaken previous year – research undertaken for following visual art commission and proposed artist residency).
- Visual Art Commission and Artist Residency (Year 2).
- Artist Residency, and Visual Art Commissioning (Year 3 – Research undertaken for following visual art commission).

This pattern invites a commissioning of art every year over a three year cycle.

#### Current Visual Arts Program and resources

The City's Visual Arts team comprises one full-time employee, being a Visual Arts Officer (38 hours per week full time), one Curator (23 hours per week part time) and one Administration Officer (16 hours per week part time). With these allocated resources, the team delivers the following programs over a 12 month period:

- Commission and installation of works for the City's two Inside-Out Billboards.
- Coordination and curation of the City's two art awards, the Community Invitation Art Award and Community Art Exhibition.
- Commission and installation of three murals, one of which involves extensive engagement with the participating school as part of the Schools Connections Program.

- Curate and manage the City's Art Collection, including triennial evaluations, annual acquisitions, annual repairs and maintenance and updating the City's online catalogue.
- Provide professional advice for the programming of the City's annual NAIDOC celebrations, including curating an Aboriginal art exhibition.
- Commission and manage Public Art projects including those associated with the commissioning of new city facilities within the Per Cent for Art Scheme (Bramston Park Sporting and Community Facility, for example).
- Manage the City's current Visual Arts Commissioning Program, including the Artist in Residence Program.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally enriched environment.

**Policy** Not applicable.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

Since the commencement of the program the following budget allowances have been made:

- 2014-15 - Artist Residency \$30,000 (continuing into 2015-16)
- 2013-14 - \$15,000 Artwork commission
- 2012-13 - \$15,000 Artwork commission.

### **Regional significance**

The City's art collection, including its public art, archives and memorabilia, plays an important part in shaping and developing a sense of community. The on-going provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

### **Sustainability implications**

Art strengthens the public realm (environment) by creating points of interest, animating spaces and providing beauty, character and colour to places. Art provides a catalyst for public discussion about current social, economic and environmental issues. Art is a driver for cultural tourism.

**Consultation**

Not applicable.

**COMMENT**

The decision of the Policy Committee on 3 March 2016, was to determine additional costs and resource capacity to deliver a two year rolling program, specifically in line with an artwork being commissioned each financial year (Option 3 or 4).

The City's current human resources will not facilitate the ability to achieve a rolling program within such a tight timeframe. The ability to achieve this does not revolve solely around resource (human or financial) but often mitigating factors that may complicate/delay the timeframe, such as:

- the recommendation on a preferred artist or the artist's concept to the CEO and/or the Council may not be endorsed
- there may be complications in contract negotiations, booking flights, accommodation, visas and the like
- the type of medium the selected artist works or may choose to work in may delay the finalisation of the commissioning, for example, the time taken to deliver an oil based landscape painting, versus a large scale steel fabricated public artwork cannot be achieved within the same time period
- the allocation of funds for the commissioning of the art may not be sufficient, therefore, consideration would need to be made on allocating additional funds to finalise the commission
- the selected artist may not be available with the timeframe set by the Council.

The Visual Art Commissioning Program is part of the City's Visual Arts Program and provides a unique opportunity to specifically commission and acquire artworks at the discretion of the City from high profile Western Australian, national and international artists through an artist residency.

The City currently has detailed process maps that relate to levels of sign-off and consultation on projects to maximise quality outcomes and ensure that members of the Policy Committee are properly and regularly consulted during the process of artist selection, concept response, final concept. In and of themselves these processes require time in both preparation and consideration that would mitigate against telescoping the process as outlined in Option 3.

It is recommended the Visual Art Commissioning Program continues by alternating between an annual artwork commission from a high profile Western Australian artist in one year and an Artist Residency comprised of two parts, a residency and commission, taking place over the following two years, as per Option 2 detailed within this Report.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Chester, SECONDED Cr Hollywood that Council:**

- 1 NOTES the evaluation information provided for the Visual Art Commissioning program;**
- 2 APPROVES alternating between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency comprised of two parts, a Residency and Commission, taking place over the following two years, as per Option 2 detailed within this Report;**
- 3 AGREES to list \$15,000 each year going forward to fund the program.**

**The Motion was Put and**

**CARRIED (5/0)**

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

*The Manager Leisure and Cultural Services left the room at 6.07pm.*

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3agnPOLICY070616.pdf](#)*

## **ITEM 4                      REVIEW OF MEMORIALS IN PUBLIC RESERVES POLICY**

|                               |   |
|-------------------------------|---|
| <b>WARD</b>                   | All   |
| <b>RESPONSIBLE DIRECTOR</b>   | Mr Nico Claassen<br>Infrastructure Services   |
| <b>FILE NUMBER</b>            | 103963, 100385, 101515  |
| <b>ATTACHMENTS</b>            | Attachment 1    Revised <i>Memorials in Public Reserves Policy</i><br>Attachment 2    Supported applications  |
| <b>AUTHORITY / DISCRETION</b> | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

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### **PURPOSE**

For Council to review the City's *Memorials in Public Reserves Policy*.

### **EXECUTIVE SUMMARY**

The *Memorials in Public Reserves Policy* provides guidance on the circumstances in which the City will support and manage the installation of memorials in public reserves.

Since its introduction, the City has received over 30 applications to install permanent memorials within public locations throughout the City of Joondalup in memory of persons who have passed and made a significant contribution to the community during their lifetime. The current policy requires a decision of Council to support "significant person" applications, with four requests supported to date.

In August 2015, the City received an application to consider the installation of a permanent memorial plaque within a City-owned hut on Iluka Beach in memory of a young local person who had passed away in the vicinity. The application was not supported on the basis that it did not meet the intentions of the current policy, which requires persons to have made a significant contribution to the local Joondalup community. A 947-signature petition was subsequently presented to Council at its meeting held on 15 September 2015 (C56-09/15 refers) by the applicants (family and community supporters), requesting re-consideration of the application.

Council considered a report in response to the petition at its meeting held on 23 November 2015 (CJ200-11/15 refers), where support was provided for the temporary installation of a memorial plaque for a period up to 12 months and a request was made for the Policy Committee to conduct a review of the current *Memorials in Public Reserves Policy*.

The Policy Committee deferred consideration of the matter at its meeting held on 23 November 2015 and this report is now being presented to facilitate a review of the *Memorials in Public Reserves Policy*.

## **BACKGROUND**

### Policy Background

At its meeting held on 15 December 2009 (CJ284-12/09 refers), Council adopted the City's first *Memorials in Public Reserves Policy*. The policy was developed in response to a growing number of requests from the community to install memorials within City-owned public open spaces. Its context was shaped, in particular, by several high-profile incidences within the community at the time, where young residents had passed away in City parks and memorials were being requested and/or placed in public spaces by members of the community.

Following research into approaches adopted by other State Government agencies and local governments, a new policy was drafted to provide guidance on the circumstances in which the installation of memorials in public reserves would be supported and managed by the City in the future.

It focussed on two categories namely: "significant person memorials" and "temporary memorials". The first category supported the management and installation of permanent memorials to celebrate and commemorate the achievements and significant contributions of persons to the local Joondalup community. The second category provided opportunities for the families of persons who had passed away in tragic circumstances, to remember their loved ones and support a process of grieving through the placement of temporary memorial items in approved public spaces.

Each category is supported by an application process, which requires families of the deceased to contact the City and provide detailed information on the requested memorial format, proposed location and, if relevant, contributions of the deceased person to the local Joondalup community (only for "significant person memorials"). The City maintains this information in a database to manage the timeframes and contact/memorial details associated with the placement and maintenance of approved items.

In addition to these processes, all "significant person memorial" applications also require Council support. Since the policy's introduction in 2009, four applications for this memorial category have obtained Council support, with over 30 applications received to date.

### Petition History

On 26 August 2015, the City received an application requesting the installation of a permanent memorial plaque to be placed in a City-owned hut located on Iluka Beach, in memory of a young local person who had passed away in the vicinity. Based on the information provided in the application, the City was unable to support the request, as it insufficiently described the level and significance of contribution the person had made to the local Joondalup community.

In response to the declined application, a 947-signature petition was subsequently submitted to Council at its meeting held on 15 September 2015 (C56-09/15 refers), seeking support for the permanent installation of a memorial at the requested location.

A report was presented to Council at its meeting held on 23 November 2015 (CJ200-11/15 refers) where the petitioners' request was considered. Following significant discussion, Council resolved that it:

- “1     *SUPPORTS the installation of a temporary memorial plaque for a period up to 12 months at Iluka Beach;*
- 2     *REQUIRES that the temporary memorial be installed and maintained in accordance with the Conditions of the Memorials in Public Reserves Policy;*
- 3     *REQUESTS the Policy Committee to conduct a review of the Memorials in Public Reserves Policy.”*

Feedback from the Policy Committee was sought in November 2015, however, the matter was deferred for consideration in more detail at a future meeting. This report provides a detailed overview of relevant issues to facilitate a review of the *Memorials in Public Reserves Policy*.

## DETAILS

Since 2009, the *Memorials in Public Reserves Policy* has provided useful guidance for the City and community in the support and management of memorials in public areas. In doing so, it has attempted to strike an appropriate balance between compassionately supporting local residents when they are experiencing and processing grief; and acknowledging community expectations in the maintenance of public open space amenity and safety.

While the policy has provided greater consistency in the City’s approach to managing memorials, recently declined applications have highlighted some issues with regard to the following:

- *Language used in the current policy (such as describing a memorial category as “significant persons” instead of highlighting the differences between a temporary and permanent memorial).*

Such language may create perceptions that persons must be considered “significant” in order to be eligible for the installation of permanent memorials, when the actual intention of the policy is to acknowledge contributions made to the local community and not the status of an individual. This may be resolved by exchanging references to “significant persons” throughout the policy with the term “permanent memorials”.

- *The lack of transparent criteria used to assess the level of contributions made by persons to the local community when applying for the installation of a permanent memorial.*

While a variety of factors are considered in the assessment process, it is acknowledged they are not clearly articulated within the policy, which can give rise to ambiguity. At present, the City considers factors such as:

- length of time contributed to a cause/s or service/s within the local community
- the level of impact their contributions have had on the local community and the subsequent legacy and sustained outcomes their efforts have achieved
- the capacity in which the contributions were made, namely, whether they are a volunteer or in a paid position. If in a paid capacity, it is considered whether the person went over and above what a person would normally achieve in such a position in leading and advocating for the community
- a connection or association to a particular location in which the memorial is being requested for installation



- the level of support received from the family and other organisations and persons within the local community to substantiate the information contained within the application.

By amending the policy to consider factors such as those highlighted above, families would be provided with a greater understanding of the requirements needed to submit a successful application and potentially avoid disappointment during an already difficult time.

- *The need for more information for family members to consider when compiling their applications.*

While amendments to the policy will improve the process for potential applicants, further supporting information and tools may also provide greater clarity and assistance such as:

- an on-line Frequently Asked Questions page that outlines the necessary processes for submitting an application
- on-line application forms, including a checklist of items and acknowledgement of the conditions contained in the *Memorials in Public Reserves Policy*
- example case studies of applications for permanent memorials that have been supported by Council, to assist in the compilation of a new application.

These supporting documents may help to manage expectations and avoid potential disappointment if an application is declined.

- *The length of time a temporary memorial may be placed on site / time in which a permanent memorial may be applied for.*

The current length of time temporary memorials are permitted to remain in place (six months following City approval) may not provide sufficient opportunity for families to commemorate the one year anniversary of their loved one's passing while their memorial is in-situ. As such, an extension of time for temporary memorials up to 12 months may be considered appropriate.

This seeks to provide a compassionate approach in acknowledging and facilitating the grieving process for families, without creating an expectation that memorials will be permanently installed. However, once a temporary memorial is removed, families will have an opportunity to apply for a permanent memorial, should their application meet the requirements of the policy.

To further distinguish between the temporary and permanent memorials it is also suggested that a 12 month waiting period apply before an application for a permanent memorial may be submitted. This is to ensure that an appropriate historical perspective may be developed, as well as the compilation of supporting documentation for any application.

- *A lack of opportunity for Council to consider all applications for permanent memorials.*

At present, the ad-hoc nature in which applications for permanent memorials are received by the City does not enable a structured and efficient way for Council to consider the merits of each individual application. As such, the City currently assesses all applications and only progresses those to Council that are deemed to meet the intentions and requirements of the policy.

To improve this process, there may be merit in compiling all applications periodically for consideration by Elected Members. This would enable an easier comparison of applications to be made and to avoid situations where applications declined by the City are progressed to Council outside of the existing process and are declined again, which can cause further trauma and distress for families. Presenting all applications to Elected Members in the first instance may provide a more final decision for families to accept the outcome of the application process.

### **Issues and options considered**

While the issues relating directly to the content of the *Memorials in Public Reserves Policy* are outlined above, further matters for consideration in managing memorials in public areas also include the following:

- The potential for memorials to attract unsociable behaviour, depending on their location and the circumstances under which a person passed away.
- The potential for permanent memorials to act as a shrine for families, rather than to commemorate the achievements and contributions of a person to their local community.
- The potential loss of amenity in popular public locations throughout the City from the installation of permanent memorials, where deceased persons have had a personal connection or association. Some members of the community view these spaces as public areas and not the property of families, of which a permanent memorial may imply.

To assist in the review process, it is requested that consideration be given to the issues raised in this Report on:

- suggested improvements to the current *Memorials in Public Reserves Policy* and City processes, as outlined in the details section of this Report
- additional criteria that should be considered in the assessment of applications for permanent memorials
- any additional process improvements, not currently highlighted in the Report.

### Options

With regard to the *Memorials in Public Reserves Policy*, Council can choose to either:

- support the proposed amendments to the *Memorials in Public Reserves Policy*, as outlined in Attachment 1  
or
- request alternative amendments to the *Memorials in Public Reserves Policy*.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Community spirit.

**Strategic initiative** Not applicable.

**Policy** *Memorials in Public Reserves Policy.*

**Risk management considerations**

While the *Memorials in Public Reserves Policy* has provided useful guidance to the City in the management and requests for public memorials, it is important that the content of the policy and its associated processes are transparent and appropriately reflect the policy's stated intentions. Without amendment, there is a risk that the current policy may continue to provide ambiguous information to the community with regard to the application process requirements.

As such, it is important that consideration be given as to the intentions of the *Memorials in Public Reserves Policy* by reviewing its current content.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

In addition to the potential amendments to the *Memorials in Public Reserves Policy*, there are a number of intended supplementary changes to the application process. These process changes seek to both inform the community through improved and clear information, as well as streamlining the application process to make it easier for both the applicant and the City to consider and process memorial requests.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the issues raised in this Report to inform the review of the *Memorials in Public Reserves Policy*;
- 2 SUPPORTS the proposed amendments to the *Memorials in Public Reserves Policy* as detailed in Attachment 1 to this Report.

**MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:**

- 1 **NOTES** the issues raised in this Report to inform the review of the *Memorials in Public Reserves Policy*;
- 2 **SUPPORTS** the proposed amendments to the *Memorials in Public Reserves Policy* as detailed in Attachment 1 to this Report, subject to the retention of clause 2.2.5(a);
- 3 **ADVERTISES** the policy for public comment including seeking direct feedback from the applicants previously engaged with by the City.

**The Motion was Put and**

**CARRIED (5/0)**

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4agnPOLICY070616.pdf](#)

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION – CR LIAM GOBBERT – RESTRICTION OF CHICKEN NUMBERS**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Liam Gobbert gave notice of his intention to move the following Motion at the Policy Committee meeting to be held on Tuesday 7 June 2016:

***“That Council REQUESTS the Chief Executive Officer to prepare a report on the merits or otherwise of developing a policy restricting the number of chickens able to be kept at a residential property.”***

**Reason for Motion**

From time to time, concerns are expressed by members of the community about the impact of keeping chickens on smaller lots in built up residential areas. These impacts include noise, odours and the potential to attract rats and mice. Currently the City's *Animals Local Law 1999* contains provisions on the keeping of poultry, including placing a limit on the number of animals that may be kept and certain structural requirements. The local law provisions are made under the *Health Act 1911*. This legislation will be repealed in the future with the introduction of a new *Public Health Bill*. The bill has been introduced into Parliament but will only become a law after it is debated and passed by both Houses of Parliament. The implementation of the bill will require all current local laws to be reviewed at that time. It is not known when this will be and it could still take quite some time.

Therefore, as an interim measure a report is requested to be presented to a future meeting of the Policy Committee detailing with the merits or otherwise of developing a policy restricting the number of chickens able to be kept at a residential property.

**Officer's Recommendation**

A report can be prepared.

**MOVED Cr Gobbert, SECONDED Mayor Pickard that Council REQUESTS the Chief Executive Officer to prepare a report on the merits or otherwise of developing a policy restricting the number of chickens able to be kept at a residential property.**

**The Motion was Put and**

**CARRIED (5/0)**

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

## **REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

### **Proposed Artwork for the Bramston Park Community Sporting Facility**

Cr Hollywood requested a report with respect to not progressing the proposed public artwork for the Bramston Park Community Sporting Facility, but instead contributing the funds towards the Joondalup Performing Arts and Cultural Facility project.

## **CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 6.26pm; the following Committee Members being present at that time:

Cr Liam Gobbert  
Mayor Troy Pickard  
Cr John Chester  
Cr Kerry Hollywood  
Cr Russ Fishwick, JP