

Minutes **Policy Committee**

MEETING HELD ON **MONDAY 15 DECEMBER 2008**

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 15 DECEMBER 2008

ATTENDANCE

Committee Members:

Cr Kerry Hollywood	<i>Presiding Person</i>	North Ward
Mayor Troy Pickard		
Cr Marie Macdonald		Central Ward
Cr Mike Norman		South-West Ward
Cr Fiona Diaz		South Ward

Officers:

Mr Garry Hunt	Chief Executive Officer
Mr Ian Cowie	Director Governance and Strategy
Mr Clayton Higham	Director Planning and Community Development
Mr Chris Terelinck	Manager Approvals Planning and Environmental Services
Mrs Janet Foster	Administrative Services Coordinator

DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1933 hrs.

APOLOGIES/LEAVE OF ABSENCE

Leave of absence Cr Trona Young - 10-17 December 2008 inclusive

Apologies: Cr Sue Hart

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE HELD 16 SEPTEMBER 2008

MOVED Cr Norman SECONDED Cr Macdonald that the minutes of the meeting of the Policy Committee held on 16 September 2008 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

DECLARATIONS OF INTEREST

Nil

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

Nil

PETITIONS AND DEPUTATIONS

Nil

REPORTS**ITEM 1 PROPOSED CATS LOCAL LAW - REPORT ON COMMUNITY CONSULTATION – [29182]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with a report on the outcomes of the consultation process for the proposed Cats Local Law and for the Policy Committee to consider how to progress the matter.

BACKGROUND

At the Council meeting of 24 April 2007 (CJ064–04/07 refers) it was resolved that a local law requiring the registration of cats within the City be enacted. Specifically, the resolution stated that the new local law provisions should mirror as closely as possible those contained in the Dog Act 1976.

A report relating to registering and identifying cats was presented at Council on 10 June 2008 meeting (CJ097-06/08 refers). Subsequently, the matter was referred to the Policy Committee for further consideration and the Committee resolved to recommend progress with drafting of a Cats Local Law that would include a requirement for compulsory sterilisation. At the meeting of Council on 15 July 2008 (CJ122 – 07/08), it was resolved that the proposed Cats Local Law would be advertised for public consultation for 44 days (with the additional requirement added), with the following purpose and effect:

“The purpose of this local law is to provide for the registration, sterilisation, control and identification of cats within the City of Joondalup”;

“The effect of this local law is that a system for the registering, sterilising, identifying and controlling of cats will be operational within the City of Joondalup.”

On 2 August 2008, the consultation process was advertised in The West Australian and subsequently in the two local community newspapers. To coincide with the appearance of the first advertisement, posters were placed in all the City’s libraries and at the Customer Service Centres in the Whitford City Shopping Centre and the City’s Administration Centre, Boas Avenue, Joondalup.

DETAILS

The surveys and the written submissions required different forms of analysis and are therefore reported on separately.

Quantitative Analysis – Survey Feedback

480 completed surveys were received in total, including 147 from people living outside the City of Joondalup.

The table below shows the results of the analysis:

- For all surveys received
- For City of Joondalup residents as a discrete group

Support introduction Local Cats Law				
	All submissions		City of Joondalup	
	No. of people	Percentage	No. of people	Percentage
Yes	327	68.1	205	61.6
No	147	30.6	122	36.6
Total	474	98.8	327	98.2
Not identified	6	1.3	6	1.8
	480	100.0	333	100.0
Support compulsory cat registration				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	333	69.4	218	65.5
No	145	30.2	115	34.5
Total	478	99.6	333	100.0
Not identified	2	0.4	0	0.0
	480	100.0	333	100.0
Support compulsory cat sterilisation				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	404	84.2	279	83.8
No	73	15.2	54	16.2
Total	477	99.4	333	100.0
Not identified	3	0.6	0	0.0
	480	100.0	333	100.0

Support control and identification of cats				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	319	66.5	197	59.2
No	158	32.9	136	40.8
Total	477	99.4	333	100.0
Not identified	3	0.6	0	0.0
	480	100.0	333	100.0

Support the introduction of \$50 subsidy				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	347	72.3	217	65.2
No	130	27.1	115	34.5
Total	477	99.4	332	99.7
Not identified	3	0.6	1	0.3
	480	100.0	333	100.0

296 people responding to the survey identified themselves as owners of cats. 198 were City of Joondalup residents and of that number, 142 stated that their cats were identifiable and a further 181 that their cats were already sterilised.

Of 198 resident owners of cats:

- 90 generally support the introduction of a Cats Local Law (45%)
- 99 support compulsory cat registration (50%)
- 151 support compulsory cat sterilisation (76%)
- 80 support control and identification of cats (40%)

Nineteen groups including resident/ratepayer groups, individual veterinary hospitals, the Australian Veterinary Association Ltd, RSPCA, Cat Haven, WA Rangers Association, Cat Sterilisation Society Inc and a number of other special interest groups for cats completed and returned surveys.

Of the 19 groups, 12 supported the proposed Local Law as is, including the RSPCA, the Cat Haven, three veterinary practices and the Northern Districts Cattery.

Qualitative data analysis of written submissions

The City received 54 written submissions. Six of these submissions were from groups, or from individuals indicating themselves to be part of, or representatives of a group, namely:

- RSPCA
- The Cat Haven
- The Australian Veterinary Association (AVA)
- Cat Owners Association of Western Australia (Inc)
- WA Rangers Association Inc (WARA)
- The Cat Sterilisation Society

Whilst the RSPCA and the Cat Haven support introduction of the proposed Local Law in its present form, the Cat Owners Association submission indicates that further clauses are needed to achieve effective cat control.

AVA supports compulsory identification of cats and, other than in the case of kittens under 12 weeks, supports sterilisation. The organisation also supports extensive community education on responsible cat ownership and on 'what to do' when coming into contact with stray animals.

WARA identifies cat control as a State, rather than a local government initiative, requiring appropriate resourcing for efficacy. Further that the State should embark on extensive public education campaigns to encourage responsible cat ownership.

48 people sent in emails and letters as individual submissions, some in addition to the completed surveys.

- 45 were from City residents
- 1 was from a person whose residence was not stated
- 2 were from people living outside the City of Joondalup

Of the 45 submissions attributed to residents, 7 fully supported the proposed Local Law while the remaining 38 either supported only aspects of the law or did not support the law at all.

The majority of submissions were from people identifying themselves as responsible owners of cats that were sterilised, identifiable and kept in at night. For the most part they supported the proposed Local Law with respect to compulsory sterilization and identification but had concerns with the following sections and issues:

- **Section 19: Registration Tags**

“19 (1) *A registration tag must be worn by the registered cat when in a place that is outside of the premises where the cat is ordinarily kept, as declared on the certificate of registration, and shall —*

(a) be of a durable material;

(b) be of a colour specified by Schedule in this Local Law in accordance with the relevant registration cycle; and

(c) contain the registration number of the cat.”

In 9 of 48 qualitative responses from the public, concerns were raised about compulsory use of collars and registration tags. Some identified that their pets would not wear them and others that the collar or tag may cause harm to the cat, perhaps by it becoming snagged on obstructions or being used to capture a cat with the intent of harming it. A number of residents responding in this way preferred to use microchips for this reason.

- **Section 21: Control of cats in public places**

“20 (1) *A cat shall not be —*

(a) in a public place unless the cat is, in the opinion of an authorised officer, under effective control; or

- (b) *in any designated area specified in a Schedule to this Local Law; or*
- (c) *on private premises where a complaint by the owner or occupier of the premises has been made to the City in relation to the cat's unwanted presence on the property.*
- (2) *If a cat is at any time in a place in contravention of –*
- (a) *Clauses 20(1)(a) or 20(1)(c), the owner of the cat commits an offence against these Clauses unless he establishes a defence under Clause 21.*

Penalty: \$500

- (b) *Clause 20(1)(b), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.*

Penalty: \$1000.”

Amongst the comments suggesting the impracticability of enforcing this section, 15 out of 48 people expressed their fears that it could result in neighbour/neighbour conflict and perhaps even violence towards cats.

- **Implementation costs**

Concerns about the human and financial resources needed to implement the proposed Local Law were articulated by 14 individuals.

These concerns also identified a common theme, that is, the sense that owners of cats who are already responsible will be carrying an additional financial impost unlike owners who do not act responsibly.

- **Control the point of purchase**

Nine residents suggested that the source of the cat problem lies with the market and that controls at the point where people are purchasing cats, and from whom they are purchasing them, would be more effective than a local law.

OPTIONS

Given the feedback received from the community, the Policy Committee may decide to recommend one of the following options:

- Option One: Proceed with adopting the Local Law in its current form.
 Option Two: Make minor amendments to the Local Law.
 Option Three: Make major amendments to the Local Law (will require a redraft and new period of consultation).

Link to Strategic Plan:

Key Focus Area	Leadership and Governance
Objective 1.2	To engage proactively with the community

Outcome The City acts with a clear understanding of the wishes of the community.

Legislation – Statutory Provisions:

Local Government Act (1995)

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Should Council choose to adopt the local law in its current form, consideration will need to be given to the operating costs of enforcing the law. This could be in excess of \$40,000 per annum.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Letters to stakeholders including local residents' and ratepayers' associations, the RSPCA, the Cat Haven, veterinarian services in the City of Joondalup and other, special interest groups, were sent copies of the proposed Local Law for their consideration.

The City received 480 completed surveys and 48 written submissions.

COMMENT

Two of the key components of the proposed Local Law - compulsory identification and sterilisation - are supported by cat owners and non cat owners alike. The feedback suggests that people who view themselves as responsible cat owners already ensure that their pets are identifiable (with microchipping the preferred option) and sterilised. Consequently, while there is support for these initiatives, it is highly questionable whether a Local Law would be effective as responsible owners, who are most likely to obey the law, are already undertaking these actions.

The issue of cat control is more contentious. People who do not own cats think that cats should be constrained from nuisance behaviours at all times. On the other hand, people who own cats cannot see how this can be achieved without their pets being kept permanently in or on the property, perhaps using outdoor cat runs. Whilst owners are generally prepared to keep their cats indoors between the hours of dusk and dawn, they find the notion of being able to control the movements of a cat similarly to those of dogs to be impracticable. Certainly, the impact of implementing

this section of Local Law would mean a radical change in cat ownership practices in the future. Further, community requests that the City enforce this section in circumstances where neighbours are already at odds over cat behaviours could (a) serve as a justification for involving the City in neighbour disputes or (b) increase levels of existing disputes and subsequently the extent of local law enforcement activities required across the whole of the City. It is therefore suggested that this situation would be resource intensive and not necessarily cost effective in the long run.

The intended effect of the Local Law as proposed is to operationalise a system for compulsory sterilisation, registration and control of cats. From the results of the consultation it is evident that whilst there is majority support for this state of affairs, owners of cats are questioning whether the Local Law will increase levels of compliance in these areas (even with subsidies for sterilisation). They point out that whilst the 'market' for cats and kittens is unregulated and it is still possible for people to obtain them without any of these requirements, they will do so. Respondents suggest that a more effective approach would be to target the cat 'market' with animals being identifiable and sterilised before they are available for sale or otherwise given away.

It should be noted that a number of points made in previous reports submitted to Council (*CJ097 – 06/08; CJ122 – 07/08 refers*) with respect to the practicalities associated with implementing a Local Law have been borne out by the consultation.

Firstly, that implementation of a Cats Local Law will represent an additional cost to owners of cats who already act responsibly with respect to their pets. Secondly, that the intended benefits of introducing a Cats Local Law are unlikely to be realized, as people who do not take their ownership responsibilities seriously will not comply.

Analysis of the feedback identifies differing levels of community support for the various sections of the Local Law, with most support being given to compulsory sterilisation. It should be noted however, that compulsory sterilisation cannot be achieved without compulsory registration and that support for this aspect of the law was not substantive.

The City also received feedback from the Department of Local Government and Regional Development regarding drafting issues around the proposed local law. Suggested amendments from the Department were only minor in nature, therefore, have been included in the copy of the law provided at Attachment 1. The Department's comments relate to legal drafting matters rather than policy positions.

Overall the City maintains its position that a Cats Local Law should not be introduced for the reasons canvassed above. Should the Policy Committee wish to progress the Local Law, great care will need to be taken if the Committee wishes to exclude some elements of the current draft law. This is because many elements depend on other elements for their operation. For instance, registration is ineffective without identification.

ATTACHMENTS

Attachment 1: Draft Cats Local Law 2008

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee IDENTIFIES a preferred option on this matter, either from the three presented to the Policy Committee or an alternative option as identified by the Policy Committee and RECOMMENDS that option to Council.

MOVED Mayor Pickard **SECONDED** Cr Norman that the Policy Committee **RECOMMENDS** that Council **ADOPTS** the Cats Local Law as advertised, subject to the deletion of Clause 20(1)(a).

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cr Macdonald, Norman, Diaz, Mayor Pickard **Against** Cr Hollywood,

ITEM 2 REVIEW OF POLICY 8-2 - ELECTED MEMBERS ALLOWANCES – [18058, 27122]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE

For the Policy Committee to give consideration to some minor amendments to Policy 8-2 Elected Members Allowances.

EXECUTIVE SUMMARY

Through the continued implementation of Policy 8-2 Elected Members Allowances a number of changes have required to be made over time.

This report canvasses two options relating to: -

- Reimbursement of private use of the Mayoral vehicle; and
- Clarification of the use of vehicles with City of Joondalup licence plates for election purposes.

BACKGROUND

City Policy 8-2 Elected Members Allowances was adopted by the Council some time ago with the objective to provide elected members with appropriate facilities, equipment, material and information to support them in performing their duties of office.

Since its adoption, the policy has undergone a number of amendments.

DETAILS

Two recent issues have arisen in relation to the policy, as follows: -

1 Reimbursement of private use of Mayoral vehicle

Following the ordinary local government elections held in May 2006 clarification was sought about the City vehicle issued to the office of the Mayor and the ability for the vehicle to be used for private use. The advice received was that if the City issues a vehicle to the office of the Mayor and that vehicle is used for private purposes, then the elected member using that vehicle shall ensure the private use is reimbursed. The current Mayor of the City of Joondalup is reimbursing the City for any private use and has done since his election to office.

The policy has not been amended to reflect this situation and the proposed amendment will clarify this requirement.

2 Elected members' vehicles displaying City of Joondalup number plates

Policy 8-2 allows for elected members to be issued with City of Joondalup number plates. With the exception of the Mayor, all elected members utilise their own vehicle or other forms of transport to perform their duties. An issue has been raised that a vehicle issued with City of Joondalup number plates was displaying electoral promotional material. It is proposed to amend the policy to clarify this situation.

Issues and options considered:

The Policy Committee has the following options:

- Not accept the proposed amendments;
- Accept the proposed amendments; or
- Accept the proposed amendments but with modifications.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

The payment of allowances and reimbursement of expenses to elected members is detailed within the Local Government Act 1995, and the associated regulations.

Risk Management considerations:

If the policy is not amended to provide clarification for those governed by the policy and those required to implement the policy, this may result in some non compliance.

Financial/Budget Implications:

There are no financial implications as a result of agreeing to amend the policy.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

The proposed amendments to Policy 8-2 Elected Members Allowances provide greater clarity to those persons governed by its provisions.

ATTACHMENTS

Attachment 1 City Policy 8-2 Elected Members Allowances – marked up.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS that Council adopts amended Policy 8-2 Elected Members Allowances as detailed in Attachment 1 to this Report.

MOVED Mayor Pickard SECONDED Cr Diaz that the Policy Committee RECOMMENDS that Council adopts amended Policy 8-2 Elected Members Allowances as detailed in Attachment 1 to this Report, subject to an amendment to Clause 2.5(6) to read as follows:

“2.5(6) Where an Elected Member is issued with a vehicle licence number plate as detailed within this policy, that vehicle fitted with the licence number plate shall not have visible electoral advertising place on or in the vehicle.”

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

ITEM 3 BACKYARD BURNING – [29061]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Ian Cowie Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with information relating to the City's capacity to ban backyard fires within the City of Joondalup.

Several options have been provided for the Committee to consider how a possible ban may be achieved.

It is the City's recommendation that a blanket ban be introduced through notice in the *Government Gazette* and local newspaper. Provision should, however, be made for exceptional circumstances where burning may be unavoidable.

BACKGROUND

At the Policy Committee Meeting of 16 September 2008 a request for a report was made in relation to "backyard fires".

Subsequent research has been undertaken to determine the level of influence the City has in regulating backyard fires and if possible, the City's capacity to ban backyard fires via a local law.

DETAILS

The City has several instruments enabling it to regulate burning on private property to a certain degree. These include:

- Policy 6-5 "Burning on Private Property" which states:

"Residential Garden Refuse and other Rubbish

Garden refuse and rubbish intended for burning shall be placed on the ground in a heap no more than one metre across and to a height of no more than one metre. Only one heap may be burnt at any one time.

Between 1 October and 31 May annually, provided that the day of burning is not designated as an extreme or very high fire danger rating, garden refuse may be burned between 6.00pm and 11.00pm only.

Cleared Land Development Sites

The burning of cleared vegetation on subdivisional land development sites shall be prohibited at all times."

- *Bushfire Prevention and Control Local Law 1998* which allows:

Authorised City Officers to require occupiers of land within the City to establish and maintain firebreaks following the commencement of the firebreak period.
- *Bush Fires Act 1954* which provides the City, inter alia, with the following powers:
 - Ability to make local laws that require owners and occupiers of land to have sufficient firebreaks in place;
 - Ability to appoint Bush Fire Control Officers for the purposes of ensuring that effective firebreaks are in place during the bush fire season;
 - Ability to issue permits that allow bush to be burnt during restricted burning times;
 - Ability to prohibit the burning of garden refuse or rubbish in an incinerator or on the ground on private premises by publishing a notice in the *Government Gazette*; and
 - Ability to issue permits for lighting fires on private premises for cooking or camping.
- *Health Act 1911* which provides the City with the following powers:
 - Ability to make local laws for the purposes of preventing nuisances.

Most of the regulatory powers above only apply during prohibited and restricted burning times, which are as follows:

- Prohibited burning times are from 1 December to 31 March
- Restricted burning times are from 1 October – 30 November and from 1 April – 31 May

This means that the months of June, July, August and September are currently not subject to burning restrictions under the City's Local Law or the *Bush Fires Act 1954* and are therefore mostly unregulated by the City. The *Health Act 1911* enables smoke from burning to be dealt with under nuisance provisions, however, this only applies to the burning of rubbish and does not include garden refuse. Issues also surround prosecuting nuisance offences, which may reduce the effectiveness of such an approach.

For an effective blanket ban to be achieved, the months currently not subject to regulation will need to be incorporated into the restricted burning period. The options below provide examples of how this may be achieved.

Issues and options considered:

1. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that "backyard burning and the use of incinerators are prohibited within the City of Joondalup **at all times without a permit**" and amend the City's Policy 6-5 to reflect this.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year without obtaining a permit from the City.

The City could then develop criteria for determining the circumstances in which a permit would be issued (most likely for instances where removing a fire hazard is best achieved through controlled burning) and amend the City's Policy 6-5 to reflect this.

In all other circumstances an application for a permit would be refused.

2. Following a resolution of Council, publish a notice in the *Government Gazette* and in a local newspaper stating that "backyard burning and the use of incinerators are prohibited within the City of Joondalup **at all times**" and amend the City's current Policy 6-5 to state that the City will not issue permits.

Effect: This option would effectively restrict people from burning any materials either on the ground or in an incinerator at any time during the year.

The City's policy would then make it clear to residents that backyard burning and the use of incinerators are banned, as permits will not be available.

3. Introduce a local law, under the general powers provisions of the *Local Government Act 1995*, which bans the burning of any materials either on the ground or in an incinerator in backyards

Effect: This option would achieve the same outcomes as options 1 and 2, however, legal advice would need to be obtained to ensure that no inconsistencies exist between provisions in the local law and other legislation.

In addition, it should be noted that the process for introducing a local law is often long and expensive and is best avoided if other effective options are also available.

4. Amend the City's *Health Local Laws 1999* to prohibit the burning of rubbish on the ground or in an incinerator.

Effect: This option has been pursued by the City of Rockingham; however, it is not very effective as the prohibition only captures a limited number of materials and does not extend to green waste.

Additionally, the new *Health Bill* has omitted the nuisance provisions and as such, the City's Health Local Laws will require a major review in the next 12 to 18 months and may not be able to capture offences relating to smoke emissions.

5. Do nothing.

Effect: This option would enable City Officers to issue permits for residents to burn garden refuse, rubbish or bush on the ground or in an incinerator during prohibited or restricted burning periods.

Outside of limited burning periods, permits would not be required to burn materials in backyards.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Relevant legislation includes:

- Local Government Act 1995
- Bush Fires Act 1954
- Health Act 1911
- Bush Fire Prevention and Control Local Law 1998
- Health Local Laws 1999

Risk Management considerations:

There is a risk that instituting a complete fire ban may seem unreasonable to residents who are undertaking all necessary precautions to ensure that backyard fires are contained. Limiting reasonable acts within a controlled environment on private land may appear to some residents as an unwarranted over-regulation on behalf of the City.

Financial/Budget Implications:

Should option 3 be adopted and a local law is pursued, the cost of instituting a blanket ban significantly increases. Consultation processes required under section 3.12 of the *Local Government Act 1995* cost a minimum of \$2,000 to undertake. The cost of obtaining legal advice would also need to be factored into this option.

Policy implications:

Should options 1, 2, 3 or 4 be adopted, the City's Policy 6-5 will require amending to reflect the elements of the option pursued.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

It is the City's position that instituting a blanket ban on backyard burning may be of some merit to residents from both a safety and public health perspective. However, provision should still exist for exceptional circumstances where the burning of materials may be unavoidable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS that Council ADOPTS Option 1, namely, agreeing to publish a notice in the Government Gazette and in a local newspaper stating that “*backyard burning and the use of incinerators are prohibited within the City of Joondalup at all times without a permit*” and AMENDS City Policy 6-5 – Burning on Private Property to reflect this.

MOVED Cr Hollywood **SECONDED** Cr Macdonald that the Policy Committee RECOMMENDS that Council ADOPTS Option 2, namely agreeing to publish a notice in the *Government Gazette* and in a local newspaper stating that “*backyard burning and the use of incinerators are prohibited within the City of Joondalup at all times*” and amend the City’s current Policy 6-5 to state that the City will not issue permits.

The Motion was Put and

CARRIED (3/2)

In favour of the Motion: Crs Hollywood, Macdonald and Diaz Against the Motion: Mayor Pickard, Cr Norman

**ITEM 4 FUTURE VERGE ENHANCEMENT STRATEGIES
– [87541]**

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present options for future verge enhancement strategies for consideration by the Policy Committee.

BACKGROUND

At the meeting of Council on 30 September 2008, a report (*CJ200 – 08/09 refers*) was presented which provided an evaluation on the effectiveness of the recent Heathridge Verge Competition in improving verges in Heathridge (Attachment 1). The results indicated that the project was not effective in this respect and some alternative concepts were put forward for consideration by Council. After deliberation,

Council resolved that “...*consideration of future verge enhancements be referred to the Policy Committee for further consideration and a report presented to a future Council meeting.*”

DETAILS

Issues and options considered:

Options originally presented to Council were:

- Option One To continue with the Heathridge Verge Competition model in partnership with the Great Gardens Team with a focus on verge enhancement and supported by updated Verge Treatment Guidelines.
- Option Two To develop the Front Verge Blitz whereby a model verge is developed to improve verges identified as being in a poor condition within a discrete suburb.
- Option Three To develop a Garden Competition with categories similar to those used in other Local Governments. The focus should be on gardens that are environmentally friendly and water-wise.
- Option Four To develop the Streetscape Verge Enhancement project whereby a model verge is developed and applied to a single selected street within the suburb. Residents in that street can nominate for their verge to be upgraded and the final decision rests with the City.

Option Four was recommended as the most likely to achieve real success in terms of verge enhancement in the most cost effective way.

To assist the Policy Committee in making a decision, a fifth option has been identified to encourage residents to tidy their verges. This would involve identifying streets with particular problems and then gauging the extent to which the residents are prepared to do something themselves to improve their street. This could be achieved by using a simple survey not only to identify the extent to which targeted residents are prepared to start maintaining their verges but also to identify what is preventing them from doing so. Residents who identify themselves as those most likely to take action are then selected for customised verge/front garden planning and development, supported in their efforts to some degree with funds for small purchases. This approach to achieving desired behaviour change through the identification of a person's readiness to adopt a particular behaviour, the identification of barriers and incentives toward adopting the behaviour and the subsequent “repackaging” of the desired behaviour with disincentives removed or ameliorated and the incentives increased to encourage uptake, is well documented in the literature on social change. Option Five is therefore identified as follows:

- Option Five To identify specific streets in need of improvement and the preparedness of local residents to become involved in such improvements through the provision of advice and minor financial assistance.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

To encourage householders to improve their verges is a difficult task given that there is competition for the time, physical effort and money of householders. Over and above verge maintenance, household or home maintenance tasks of a more immediate and 'essential' nature are likely to be of greater priority when those resources are needed.

Unfortunately, none of the four options originally presented to Council – even with the incentives of prizes and/or Council doing the work - will necessarily lead to behaviour change resulting in neater verges. Either people who are already committed to keeping the outside areas around their homes in a good condition are rewarded by a prize or, effectively, those who do not are rewarded by Council doing the work instead. The latter action runs counter to current practice with respect to the care, control and maintenance of verges vested in the City, which is to leave a verge until it presents a fire or safety risk to the surrounding properties. Whilst there is a moral imperative for householders to maintain their verges, there is nothing that compels them to do so. On the other hand, Option Five may overcome, or ameliorate this situation as it supports residents already thinking about taking better care of their verges to take action.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Option Five is sustainable as it builds on the residents own desire to do something, supporting them in a course of action they had already determined. It will not require continuous support or resources once a verge is established as residents will know how to maintain verge in a reasonable condition.

Consultation:

Not applicable.

COMMENT

Not applicable.

ATTACHMENTS

Attachment 1 – Council Report (CJ200-08/09) Future Verge Enhancement Projects

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee CONSIDERS Options One to Five and makes a recommendation to Council on the preferred option, or an alternative option as identified by the Policy Committee.

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

- 1 **IMPLEMENTS** a verge enhancement competition for Greenwood, similar to the competition that was held in Heathridge but with the following modifications:
 - A reduced prize pool of \$2,500;
 - That the competition covers both the front garden and the verge; and
 - That a prize be awarded for the best street which would include a sign in the street and \$500 for a street resident BBQ.
- 2 **REQUESTS** that, following the completion of the trial at Greenwood, a report be prepared and presented on the trial to the Policy Committee for consideration.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

ITEM 5 PROPOSED PARKING POLICY FOR COMMERCIAL DEVELOPMENT WITHIN THE CITY CENTRE - ANALYSIS OF PUBLIC FEEDBACK – [00152]

WARD: North

RESPONSIBLE DIRECTOR: Mr Ian Cowie
A/Director Planning & Community Development

PURPOSE/EXECUTIVE SUMMARY

To provide comment on the feedback to the proposed Parking Policy and recommend that the policy be presented to the Council without amendment.

BACKGROUND

The Policy Committee considered the proposed Parking Policy in September 2008. At this meeting, the Committee recommended that the Policy be advertised for a 30 day period. This recommendation was accepted by the Council and the policy was advertised. (The report to the Policy Committee is found at Attachment 1).

DETAILS

The proposed Policy (Attachment 2) is a major shift from current practice, where a “flat rate” of 1 bay per 30 sqm of floorspace is required. Under the proposed Policy, development will be encouraged, in particular by providing a reduced parking requirement for:

- cash in lieu; and
- bays required for tall buildings

At the conclusion of the public consultation period, two submissions had been received. One was from the Joondalup Business Association (JBA) while the other was from a resident. Both commented negatively on the Policy.

The JBA’s submission stated that “the flexibility measures do not encourage development in any significant way”. This submission argued that there should be, ultimately, a zero parking requirement for commercial developments, but at the very least, there should be a requirement of 1 car bay for every 100 sqm of commercial retail floor space. This is almost half of the proposed starting policy requirement of 1 bay for every 60 sqm. The submission notes that “we need to provide, as a matter of urgency, a lot more public parking”.

The second submission from a resident indicated that the “local planning policy will do nothing to assist the situation”. This submission questions why the City is not providing 1 car bay per 45 sqm of floor space immediately, rather than the 1 car bay per 30 sqm as suggested in the draft policy (In response, the former report to the Committee at Attachment 1 notes that the 1 bay per 30 sqm is consistent with the approach of other local governments; it was recommended by the Traffic Consultant and that it is questionable whether the CBD is mature enough to respond positively to a lower parking requirement.) The submission also questioned whether the reductions posed in the policy will encourage major commercial development because there have been no design or economic studies to validate their effectiveness. (In response to this position, it is noted that the City suggests that the Policy be reviewed regularly to ensure that it is effective and meeting the changing needs of the City Centre). Specifically, the final dot point of the overall strategy states “the balance of public and private parking will be reviewed every two years to gauge the performance of the policy against actual built outcomes”.

Issues and Options:

The Policy Committee could recommend to Council:

- that the proposed parking policy be adopted;
- that amendments be made to the proposed parking policy; or

- that no parking policy be implemented.

Link to Strategic Plan:

3.1 Objective: to encourage the development of the Joondalup CBD.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 enables Council to prepare local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Council's approach to the Policy and future consideration of cash in lieu of parking will potentially have a major impact on the built form of the City Centre and its ability to fund/provide public parking.

Financial/Budget Implications:

This policy will generate revenue for the City through cash in lieu to provide parking and also involve costs to the City, as the City provides public parking.

COMMENT

The views expressed in the two submissions are acknowledged. However, it is important to recognise that the proposed Parking Policy establishes a new approach to dealing with parking and it is almost impossible to determine how this Policy will be received unless it is trialled in the market. It is not considered appropriate for the City to take on responsibility for all of the parking provisions as suggested. This would significantly advantage developers and runs contrary to expert traffic advice.

The City could attempt to undertake detailed economic modelling and design analysis as suggested. However, this would delay the implementation of the Policy with no guarantee of a more favourable outcome. Consequently, for these reasons it is recommended that the Policy be introduced in its current format and trialled for a two year period.

In regard to the comment made about the construction of City provided car parks, it is noteworthy that the City's Parking team is charged with the responsibility of monitoring and implementing the City's Parking Scheme, including continual monitoring of parking behaviours, supply and demand.

ATTACHMENTS

Attachment 1 Report to Policy Committee on proposed parking policy

Attachment 2 Proposed Parking Policy

VOTING REQUIREMENTS

Simple majority

MOVED Mayor Pickard SECONDED Cr Macdonald that the Policy Committee RECOMMENDS that Council ADOPTS Policy – Joondalup City Centre Car Parking for Commercial Development, forming Attachment 2 to this Report.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

ITEM 6 DRAFT POLICY 3-7 SIGNS – CONSIDERATION FOLLOWING ADVERTISING – [01907, 85510]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE / EXECUTIVE SUMMARY

The purpose for this report is for the Policy Committee to consider submissions received on the draft Signs Policy. It is recommended that the Committee support the adoption of the Policy.

BACKGROUND

On 23 June 2008, the Policy Committee recommended to Council that the draft Signs Policy be advertised for public comment for a period of 35 days. Council subsequently adopted this recommendation at its meeting held on 15 July 2008. Two submissions were received during the advertising period.

DETAILS

The draft Policy has been prepared in accordance with the objectives of District Planning Scheme No 2 (DPS2), addressing issues raised by the Policy Committee, including recognising and enabling a reasonable degree of signage to support business uses (Attachment 1). As signage can raise amenity concerns, particularly in terms of visual impacts, Council should consider common forms of signage within all areas of the City, not just within business areas.

Issues and options considered:

The options available to Council are:

- Adopt as final Policy 3-7 Signs.
- Adopt as final Policy 3-7, with modifications.
- Refuse to Adopt Policy 3-7 Signs.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme (DPS2) enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme Area.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

This report proposes a new policy.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The draft Signs Policy was available for public comment for 35 days from 31 July to 4 September 2008. The policy was advertised for two consecutive weeks in the Joondalup Weekender on 31 July and 7 August 2008. Two submissions were received which are addressed in the Schedule of Submissions (Attachment 2).

COMMENTResponse to Submissions

Submissions were received from the Joondalup Business Association (JBA) and ING Real Estate (representing Lakeside Shopping City).

ING Real Estate's submission generally expresses concern that the draft Policy does not meet the needs of a regional shopping centre. In response to this submission, it is considered that the shopping centre should not be considered in isolation from its location in the City Centre, particularly where it directly interfaces with the CBD area.

The JBA submission raises a number of issues which are addressed in the submission table, as well as suggesting that there should be a moratorium on the Policy, in order for the issues to be worked through with business and sign industry representatives. However, in response, it is considered that the Policy is generally suitable in its current form as it balances the needs of businesses with community expectations of the visual quality of an area. Modifications are proposed to the draft Policy in light of the submissions.

It is considered appropriate that, in the event that Council adopts the policy, the effectiveness of the Signs Policy be assessed and reviewed after a six month period to determine how the Policy has been operating.

It should be noted that the Policy is to provide guidance on signs, and will not cover every scenario. This does not mean that signs that do not comply with the Policy will not be considered, however, they will require information to ensure that signs comply with the objectives of DPS2.

Proposed Modifications to the Draft Policy

In light of the submissions, and further review of the draft Policy, the following modifications are proposed:

- Clause 2.1.1 Wall Signs – Remove the maximum 8m² requirement, as well as the requirement for a 4 metre separation between signs.
- Clause 2.1.4 Window Signs – Add a provision for the CBD that permits no more than 25% of a window to be used for signage.
- Clause 2.2.1 Verandah Signs – Remove the requirement for the aggregate area of all signs on any one façade of a verandah not to exceed 25%.
- Clause 2.4.3 Home Open Signs – Amend the maximum area of a sign from 0.2 m² to 0.3m², to cater for a standard size of sign.

ATTACHMENTS

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

Attachment 2 - Schedule of Submissions

Attachment 3 – Examples of Window Signs

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS that Council:

- 1 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS modified City Policy 3-7 Signs as shown in Attachment 1 to this Report, as final;
- 2 NOTES that the operation of Policy 3-7 Signs will be reviewed after six months of operation to assess the effectiveness of the policy.

MOVED Cr Hollywood SECONDED Mayor Pickard that City Policy 3-7 Signs be REFERRED BACK for further development and a subsequent report presented to the Policy Committee

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

ITEM 7 PROPOSED LOCAL PLANNING POLICY - CUBBY HOUSES – [74619]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE/ EXECUTIVE SUMMARY

The purpose of this report is for the Policy Committee to consider all submissions and proceed with a recommendation to Council to slightly modify the draft Local Planning Policy 7-24 Cubby Houses.

BACKGROUND

The draft policy has been prepared to address the inconsistencies between District Planning Scheme No 2 (DPS2) and the R-Codes with regard to whether cubby houses require planning approval. The Policy also provides parameters where cubby houses can be erected without the need for planning approval.

At its meeting held on 16 September 2008, the Policy Committee considered the draft policy relating to Cubby Houses, and Council subsequently resolved at its meeting held on 30 September 2008 to initiate public advertising (CJ199-09/08).

The draft Policy was advertised for comment for a period of 21 days, in which time two submissions of support were received. In response to the comments received and review of the draft Policy wording, some minor modifications to the Policy are recommended for the purpose of clarity and improved terminology.

It is recommended that the Policy Committee supports the proposed Local Planning Policy 7-24 Cubby Houses as modified.

DETAILS

As cubby houses can raise amenity concerns, particularly in terms of visual appearance, overlooking and noise, parameters have been established to reasonably protect the amenity of neighbouring properties. Development with variations to the parameters set out in the Policy will require a planning application involving advertising to properties likely to be affected by the development, and a subsequent building licence.

Issues and options considered:

The options available to Policy Committee are to:

- Recommend that the Council adopt as final Policy 7-24 Cubby Houses.
- Recommend that the Council refuse to adopt Policy 7-24 Cubby Houses as final.
- Recommend that the Council adopt Policy 7-24 Cubby Houses, as final, with modifications.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

It is proposed to implement a new policy.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The draft Policy 7-24 Cubby Houses was advertised for comment for a period 21 days closing on 17 November 2008. Advertising was undertaken by way of a notice published once a week for two consecutive weeks in the local newspaper, as well as on the City's website. Two submissions in support of the Policy were received during this period.

COMMENT

It is recognised that cubby houses are a standard feature of many backyards, and an important play feature for children. In this respect, cubby houses should not be over regulated. Notwithstanding, it is also recognised that cubby houses may have an

impact on the amenity of adjoining owners if inappropriately located and built above ground level.

Submissions

Two submissions were received, both which support the introduction of a policy related to cubby houses. In addition, one submission suggests consideration of regulations for finials or other roof decorations, and the other suggests consideration of regulations on raised, unenclosed platforms. The submissions are summarised, and comments provided, in the Schedule of Submissions (see Attachment 2).

Proposed modifications to draft Policy

In light of the submissions, and further review of the draft Policy, the following modifications are proposed:

- As originally drafted, the policy limits one cubby house per 'property'. The term 'property' has no explicit definition, and for clarity, it is recommended the Policy be amended to use the term 'survey strata or green title lot', as a definition for each can be found in the Residential Design Codes.
- Clarify that minor architectural features, such as finials, which are built into the design of the cubby house, or a flagpole, are not to exceed 2.5 metres measured from natural ground level.

ATTACHMENTS

Attachment 1 - Draft Policy 7-24 Cubby Houses (Modified)

Attachment 2 - Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood SECONDED Cr Macdonald that the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS modified City Policy 7-24 – Cubby Houses, as shown in Attachment 1 to this Report, as final.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

**ITEM 8 REVIEW OF POLICY 7-9 – HOME BUSINESS –
[13048]**

WARD: All

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

PURPOSE

The purpose of this report is for Policy 7-9 Home Business to be presented to the Policy Committee for consideration of review.

EXECUTIVE SUMMARY

The Home Business Policy operates in recognition of the need to accommodate the growing trend towards working at home, whilst recognising that people still regard residential areas primarily as a place to live. The Policy provides a set of guidelines that are applied when home business applications are considered.

It is considered that the Home Business Policy has been operating successfully and no changes are proposed.

BACKGROUND

At the Policy Committee meeting of 16 September 2008, Council requested that Policy 7-9 – Home Business be presented to the next Policy Committee meeting for consideration of review.

The Home Business Policy was first adopted in June 1999 (Report CJ213-06/99 refers) and has been subject to minor reviews in September 1999 (Report CJ297-09/99 refers), February 2002 (CJ020-02/02 refers) and November 2005 (CJ238 - 11/05 refers).

The last review increased the car parking requirements for Category 2 and 3 home businesses by requiring 2 bays for the dwelling, plus 1 bay for each customer and 1 bay per employee, all of which must be contained within the lot boundary.

As part of the review of the City of Joondalup District Planning Scheme No. 2 (DPS2), the City prepared a draft issues paper on Homes Businesses which was sent out to the community for public comment.

The results of the Home Business issues paper found that the majority of residents believe that home businesses should be encouraged and that the rules for establishing a home business are easy to understand, however, a few respondents said they require review and simplification.

The primary negative issue the survey respondents had with home business was with regards to noise and parking.

DETAILS**Issues and options considered:**

Council can request a review of Policy 7-9 or determine that the current policy is working well and does not require any modifications or changes.

Link to Strategic Plan:

Objective 3.2: To increase employment opportunities within the City.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Modifications to the existing policy may be required as a result of Council's consideration.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

The current Home Business Policy appears to be working well. Very few complaints are received about approved home businesses. Most of the complaints received about home businesses are in regard to those that are operating without the required planning approval. The main causes of complaint in these instances are parking, materials visible from the street, deliveries and noise.

Each of those issues can and are evaluated through the application and evaluation process and there are procedures and resources in place to provide for an appropriate mix of certain "low key" businesses within the City's residential areas.

Approval for a home business is subject to a 12 month renewal requirement and therefore, if there are any issues with the operation of a home business, they can be identified within the 12 month period and addressed prior to the home business being considered for renewal of the approval.

No changes are currently recommended to the existing Home Business Policy, however the policy is forwarded to the Policy Committee for consideration of review.

ATTACHMENTS

Attachment 1 Policy 7-9 – Home Business

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee NOTES the report in relation to Policy 7-9 Home Business.

MOVED Mayor Pickard SECONDED Cr Macdonald that the Policy Committee RECOMMENDS that Council MODIFIES Policy 7-9 Home Business by:

- **Deleting all reference to Category 3;**
- **Amending hours of operation to read "9.00 am to 5.00 pm";**
- **Amending Section 3(g) by the deletion of the word "Large".**

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

ITEM 9 ALFRESCO ACTIVITIES POLICY – ISSUES - [03360]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE / EXECUTIVE SUMMARY

To report to the Policy Committee with additional information on issues regarding the current Policy 7-5 Alfresco Activities.

This report includes a street-by-street analysis of preferred alfresco activity locations to establish a standardised requirement for alfresco areas, or options that can be adopted for varied types of streetscapes.

BACKGROUND

At its 16 September 2008 meeting, the Policy Committee was presented with the following principles which could guide a review of Policy 7-5 Alfresco Activities, being:

- Where awnings are provided, areas under those awnings will be retained for pedestrian access.
- Enclosures to alfresco areas may take the form of drop down clear café blinds, however, they may only be used during inclement weather. General use (eg each night) is not permitted. Pedestrian access under any awnings must be maintained.
- Permanent shade structures will be considered, where appropriate (eg wide footpaths)

The Policy Committee subsequently requested further information for consideration. Accordingly the Council resolved at its 30 September meeting to refer the item back to Policy Committee “to allow for further exploration of options for alfresco dining to reflect specific requirements of particular streets and footpath widths”.

DETAILS

A street-by-street analysis has been conducted and a summary of findings is contained in Attachment 3. There are a number of key elements that influence the location of alfresco areas. The key elements are:

- Road reserve width

The road reserve extends from the lot boundary on one side of the street to the lot boundary on the other and generally includes the road, verge, and footpath.

- Verge width

The verge extends from the road to the lot boundary and generally accommodates landscaping and pavement. Generally, wider verges have a greater capacity to accommodate alfresco activities.

- On-street parking

The provision of embayed on-street parking can result in narrow verge widths, which can result in a lesser opportunity to accommodate alfresco activities.

- Street tree location

The provision of street trees can create a shaded canopy ideal for alfresco activities, however dependant on their size and location they can conflict with or limit the extent of alfresco activities.

- Provision of awnings/pedestrian shelter

The provision of pedestrian shelter is a mandatory requirement of development in the Joondalup City Centre. As such the provision of awnings should be maintained for the benefit of pedestrians and may limit alfresco areas to a roadside location.

- Planning controls

The Joondalup City Centre Development Plan and Manual 1995 requires all development within the CBD to provide continuous pedestrian shelter for the comfort of pedestrians from both sun and rain. In this regard areas beneath awnings should be retained for the benefit of pedestrians rather than alfresco dining areas.

The street-by-street analysis has been conducted and the road reserve and verge widths are summarised as follows:

STREET	ROAD RESERVE WIDTH	VERGE WIDTH
Grand Boulevard	50 metres	5.5 metres
Reid Promenade	25 metres	3.5 - 5.5 metres
Lakeside Drive	40 metres	9 metres
Boas Avenue	25 metres	3-6 metres
Davidson Terrace	25 metres	5 metres
Regents Park Road	20 metres	4 metres
Central Walk	NA	10 metres Pedestrian Mall

A number of options were explored in the report made to Policy Committee at its September meeting (Attachment 1 refers). It was recommended that the Policy be amended to ensure areas under awnings/pedestrian shelter are retained for pedestrian access. This report builds on this recommendation when presenting options for the location of alfresco areas.

Issues and options considered:

As a result of street-by-street analysis, parameters for alfresco location and size can be established for a range of locations. Based on these findings, the Policy Committee may recommend that Policy 7-5 (Attachment 2 refers) be reviewed to incorporate these principles.

Link to Strategic Plan:

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

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Modifications to the existing policy may be required as a result of Council's consideration.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

If it is resolved that the policy is to be amended, the amended policy is required to be advertised for a period of not less than 21 days. Advertising is undertaken by way of a notice published once a week for two consecutive weeks in a local newspaper, as well as on the City's website, giving notice where the draft policy or amendment may be inspected.

COMMENTStreet-by-street analysis

A number of road reserve and footpath widths have been examined within the Joondalup City Centre to determine if a standardised alfresco format can be established, or whether applications will need to be assessed on an individual basis. Attachment 3 provides a street-by-street alfresco analysis to demonstrate the indicative dimensions of potential alfresco areas.

Road reserves vary greatly from the 10 metre wide pedestrian mall of Central Walk, to 20, 25, 40 and 50 metre road reserves of Regent Park Road, Davidson Terrace, Lakeside Drive and Grand Boulevard respectively. Accordingly, verge widths also vary dependant on the road reserve and provision of on-street parking, however generally range from 3 to 9 metres. It is evident from the street-by-street analysis that the widest road reserves do not necessary yield the widest verges.

Some properties adjoin verge widths of 3 to 4 metres which limit opportunities for alfresco activities. The minimum dimension required to comfortably accommodate two chairs and a table is 800mm.

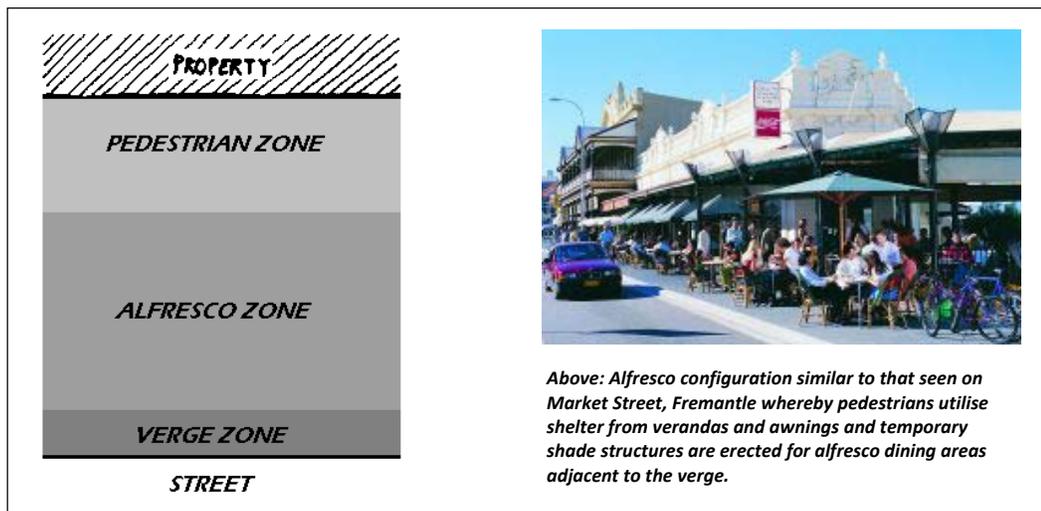
The location of street trees vary, with some being located between on-street parking embayments, on the kerb, aligned down the centre of verges, or sometimes a combination of these. In most instances, street trees would not conflict with potential alfresco areas. Lakeside Drive is one exception where street trees are located in the centre of possible future alfresco areas. Whilst it is possible to accommodate alfresco dining areas around street trees the opportunity to erect temporary or permanent shelters may be limited.

Location of verge activities

The current Policy 7-5 does not specify the format of verge activities and as a result some alfresco areas have located beneath awnings. For development within the city centre, the continuous provision of awnings over the verge is required to provide

pedestrian comfort, from both sun and rain, when moving around the City. The report to the September Policy Committee presented a range of options for the location of verge activities and recommended that where awnings are provided, areas under those awnings will be retained for pedestrian access rather than alfresco activities.

If a review of Policy 7-5 is to be initiated the location of verge activities could be specified as the current policy is silent on this issue. The following layout is preferred:



Size of verge activities:

It is possible to establish a standard size for verge activities that applies to the majority of verges within the Joondalup City Centre as follows:

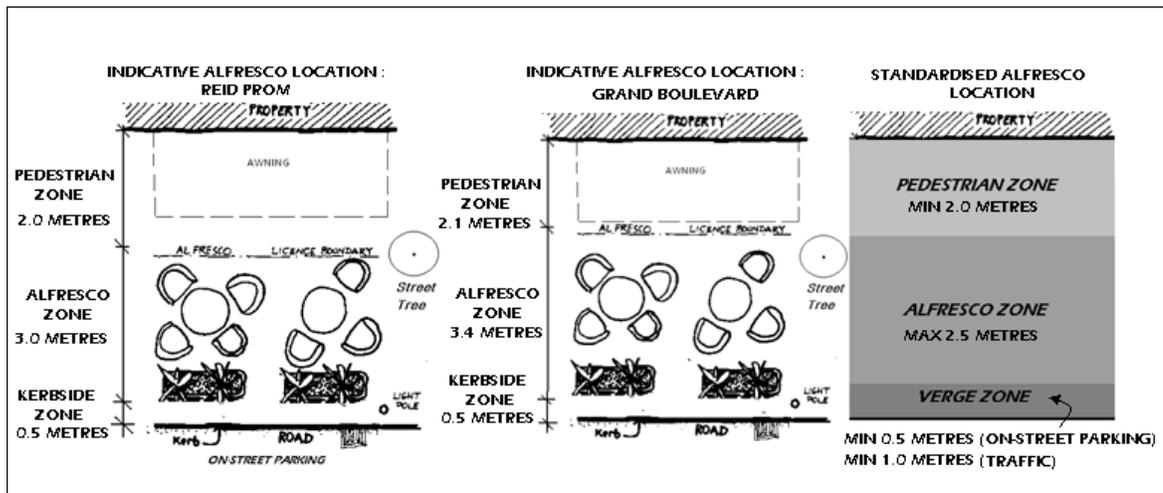
- **Pedestrian Zone: Minimum**
A minimum pedestrian zone will ensure a minimum standard and provision for pedestrians is provided for.
- **Alfresco Zone: Maximum**
Establishing a maximum alfresco zone depth will ensure that streets with wider verges will yield a wider pedestrian zone which may reflect the status and rate of pedestrian flow along these roads.
- **Kerbside Zone: Minimum**
The kerbside zone provides separation between diners and traffic to (a) provide a pedestrian refuge point for people crossing the road and (b) for the safety and comfort of diners. In instance where alfresco areas are separated from traffic by a buffer of on-street parking the kerbside zone may be a lesser width. It may be necessary to provide a wider kerbside zone where alfresco areas would directly adjoin a lane of traffic, to provide greater separation. The following options may then be applied as demonstrated:
 - Option (a) Where a kerbside zone abuts a lane of traffic, the kerbside zone must have a minimum depth of 1 metre. The provision of temporary planter boxes and removable bollards is encouraged in these locations.

- Option (b) Where a kerbside zone abuts on-street parking, the kerbside zone must have a minimum depth of 0.5 metre.

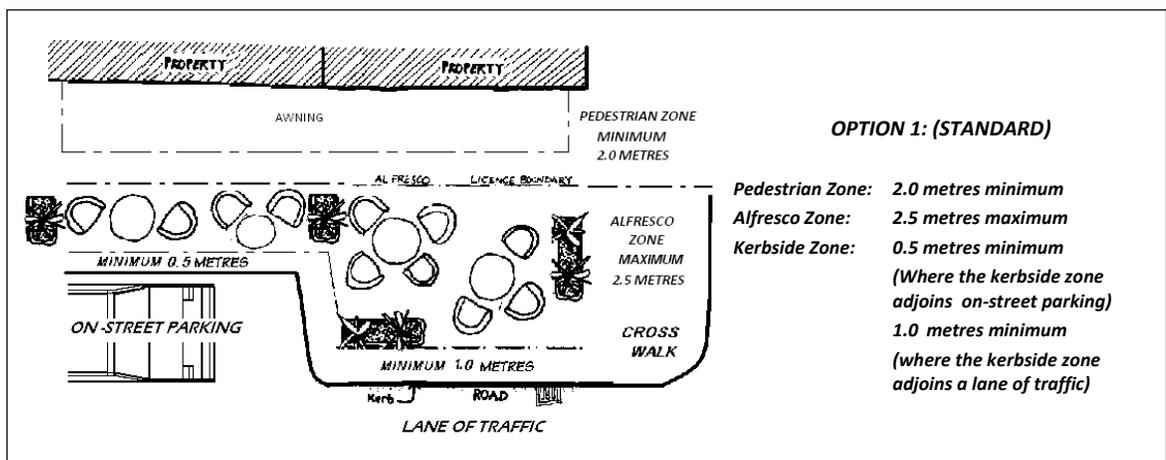
These standards will ensure a minimum pedestrian path width is provided with direct and continuous access that allows clear views into shop windows without the need for pedestrians to weave around alfresco areas.

Option 1(Standard)

The street-by-street analysis has identified a minimum and maximum range in size for verge activities that is common to most streets within the Joondalup City Centre as demonstrated below.



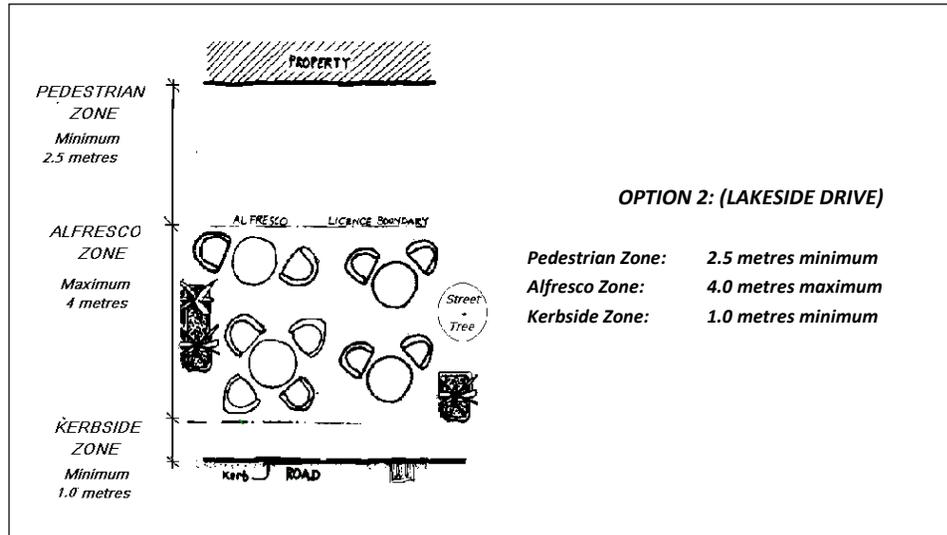
The following provisions could therefore be applied to guide the appropriate location and size of alfresco dining areas:



Size of verge activities: Option 2 (Lakeside Drive)

Lakeside Drive is characterised by mixed use development and terrace housing that frames a 40 metre road reserve. The existing verge width is approximately 9 metres which is the largest verge within the City Centre. The verge is characterised by a paved pedestrian path (2-3metres in width), large garden beds (4-5 metres) and a paved kerbside area (1-2 metres wide). If the standard alfresco dimensions are

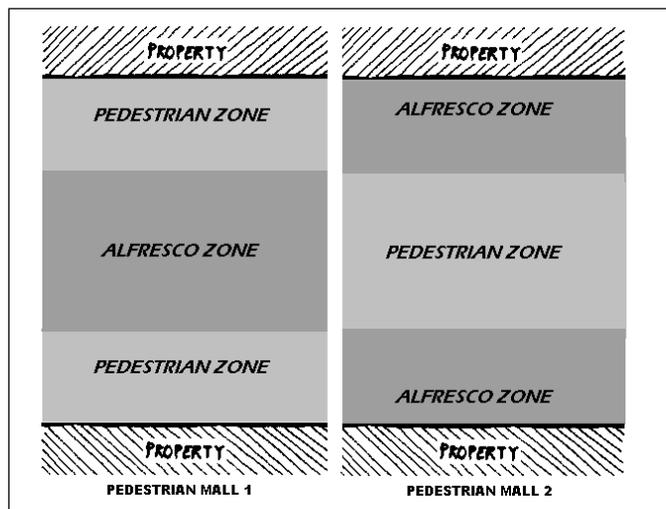
applied to Lakeside Drive, future alfresco activities may be found to locate within the established 2-3 metres pedestrian path directly in front of buildings. In order to retain this established pedestrian path, it is recommended that alfresco activities align with the landscape strip within the verge, just as ‘Sugar and Spice’ have done at Shop 3/189 Lakeside Drive. It is recommended a standard be applied unique to alfresco activities along Lakeside Drive that reflect the established verge characteristics as follows:



Size and location of verge activities: Option 3 (Central Walk)

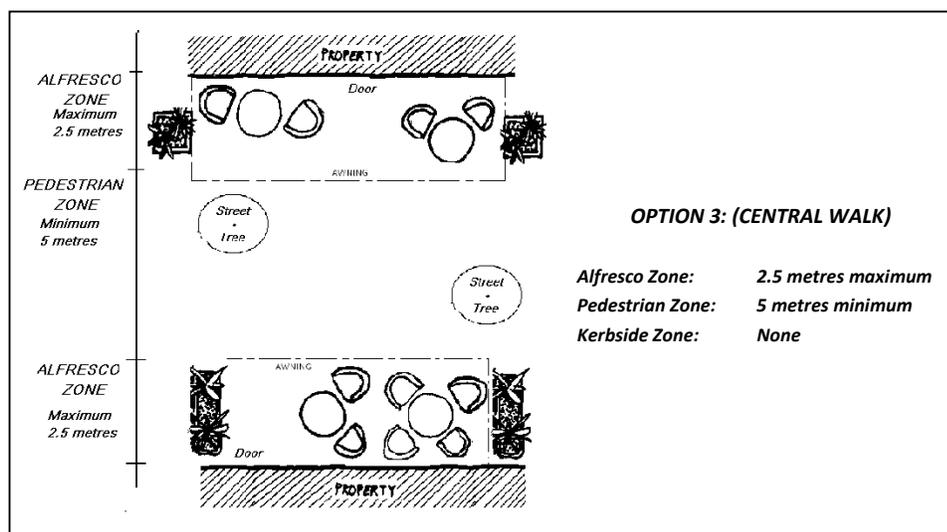
Central Walk is another example where a different alfresco standard may need to apply. Central Walk is approximately 10 metres wide and a number of restaurants are currently located here. At present La Vita is the only restaurant utilising alfresco dining.

There are a number of alfresco dining layouts that can be considered for pedestrian malls such as Central Walk.



The Pedestrian Mall 1 example may be suitable for Central Walk, however the alfresco location may impede pedestrian movement from one side of the pedestrian mall to the other. The configuration of the Pedestrian Mall 2 example is currently utilised by La Vita Café. Pedestrian Mall 2 enables a single flow of 'foot traffic' through the centre of the mall, however pedestrian shelter may be limited to areas where alfresco activities are not located beneath awnings.

It is considered that Pedestrian Mall 2 may be a preferred layout option which should adhere to the following:



Provision of temporary and permanent structures

Where alfresco areas are not located beneath awnings and verandas, it is a common practice for property owners to erect temporary shade structures such as umbrellas. In some instances, the canopy of a street tree can provide adequate shade. It is possible that the Policy can be amended to provide guidance on the erecting of temporary or permanent structures.

The policy could be amended to include the following:

- Temporary shade structure must not obstruct pedestrian access, damage street trees or pose a safety risk.
- 'Café blinds' may be affixed to temporary and permanent shade structures
- 'Café blinds' must not be affixed to awnings.
- Permanent shade structures will be considered, where the footpath width exceeds 5 metres.
- Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.

ATTACHMENTS

Attachment 1	Report to September 2008 Policy Committee
Attachment 2	Policy 7-5 - Alfresco Activities
Attachment 3	Street-by-street alfresco analysis

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the Policy Committee RECOMMENDS to Council that the process for amending Policy 7- 5 Alfresco Activities be commenced, with the following principles incorporated:

- Pedestrian access under any awnings must be maintained.
- 'Café blinds' may be affixed to temporary and permanent shade structures
- 'Café blinds' must not be affixed to awnings.
- Shade structures must not obstruct pedestrian access, damage street trees or pose a safety risk.
- Permanent shade structures will be considered, where the footpath width exceeds 5 metres.
- Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.
- Standard size and location for alfresco areas:

General Standard

Pedestrian Zone:	2.0 metres minimum width
Alfresco Zone:	2.5 metres maximum width
Kerbside Zone:	0.5 metres minimum (where the kerbside zone adjoins on-street parking) 1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

Central Walk

Alfresco Zone:	2.5 metres maximum width
Pedestrian Zone:	5 metres minimum width
Kerbside Zone:	None

Lakeside Drive

Pedestrian Zone:	2.5 metres minimum width
Alfresco Zone:	4.0 metres maximum width
Kerbside Zone:	1.0 metres minimum width

MOVED Mayor Pickard SECONDED Cr Hollywood that the Policy Committee:

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

- **Pedestrian access under any awnings must be maintained.**
- **'Café blinds' may be affixed to temporary and permanent shade structures**
- **'Café blinds' must not be affixed to awnings.**

- **Shade structures must not obstruct pedestrian access, damage street trees or pose a safety risk.**
- **Permanent shade structures will be considered, where the footpath width exceeds 5 metres.**
- **Any proposal to erect temporary screens to frame alfresco dining areas must be included with an application for alfresco dining and the appropriateness of these structures will be considered on individual merit.**
- **Standard size and location for alfresco areas:**

General Standard

Pedestrian Zone:	2.0 metres minimum width
Alfresco Zone:	2.5 metres maximum width
Kerbside Zone:	0.5 metres minimum (where the kerbside zone adjoins on-street parking)
	1.0 metres minimum (where the kerbside zone adjoins a lane of traffic)

Central Walk

Alfresco Zone:	2.5 metres maximum width
Pedestrian Zone:	5 metres minimum width
Kerbside Zone:	None

Lakeside Drive

Pedestrian Zone:	2.5 metres minimum width
Alfresco Zone:	4.0 metres maximum width
Kerbside Zone:	1.0 metres minimum width

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

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Hollywood, Macdonald, Norman, Diaz, Mayor Pickard

The Chief Executive Officer sought guidance from the Committee members on any items that they would like submitted to the Council meeting scheduled for 16 December 2008. It was requested that reports be presented on the following items:

- Item 4 Future Verge Enhancement Strategies
- Item 5 Proposed Parking Policy for Commercial Development within the City Centre - analysis of public feedback

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Norman requested that a report be presented on Policy 1-2 Public Participation.

CLOSURE

There being no further business, the Presiding Person declared the Meeting closed at 2120 hrs, the following Elected Members being present at that time:

Cr Kerry Hollywood
Mayor Troy Pickard
Cr Marie Macdonald
Cr Mike Norman
Cr Fiona Diaz

POLICY 8-2 – ELECTED MEMBERS - ALLOWANCES

STATUS:	City Policy - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i>
	<i>Developed by the Policy Committee and/or the administration and adopted by Council.</i>
RESPONSIBLE DIRECTORATE:	Office of the CEO
OBJECTIVE:	The objective of this document is to provide a clear outline of the support and allowances available to the City's Elected Members.

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INTRODUCTION

The document has been prepared to conform with the provisions relevant to Elected Member entitlements under the Local Government Act 1995, Local Government Amendment Act 2004 and Regulations made under these Acts.

Where this policy refers to an annual period, the period shall be from October to October in the following year.

PART 1 – PROVISION OF SUPPORT

1.1 Objective

To provide elected members with appropriate facilities, equipment, material and information to support them in performing their duties of office.

1.2 Mayor

(1) The Mayor shall, in carrying out the duties and responsibilities of that office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under Section 5.98, 5.98A, 5.99 and 5.99A of the Local Government Act 1995:

(a) The provision of a luxury sedan type motor vehicle with unrestricted use for all official and social duties connected to the office of Mayor and for personal private use. This vehicle will be changed over in accordance with the City's general management of its light vehicles fleet.

(b) Where the office of Mayor is provided with a vehicle as detailed in (a) above, the costs associated with the Mayor's private use of the vehicle are to be reimbursed by the Mayor.

The calculation of the reimbursement for the private use is by way of a log book in accordance with the requirements of the Australian Taxation Office.

(bc) Membership of the Qantas Club;

(ed) The cost of the Mayor and Partner of attending any breakfast, dinner or similar function where invited as the Mayor and representative of the City provided such function does not fall into the category of a conference and training event as defined in clause 4.4 of this policy or is not for election purposes;

(de) Suitable contemporary office accommodation within the Civic Centre;

(ef) Secretarial services including word processing, photocopying and postage;

- | (fg) Administrative assistance associated with any Council functions, meetings, publications and the like;
 - | (gh) Access to the Elected Members Lounge and Office refreshments;
- (2) All equipment and facilities subject of this policy are provided to the Mayor on the absolute understanding that they will not be used for any election purposes.

1.3 Deputy Mayor and Councillors

- (1) The Deputy Mayor and Councillors shall, in carrying out the duties and responsibilities of their office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under Section 5.98, 5.98A, 5.99 and 5.99A of the Act:
- (a) Access to the Elected Member Lounge and refreshments;
 - (b) Access to suitably equipped shared office accommodation, reading room, ward meeting and conference rooms within the Civic Centre with photocopying, printing, facsimile and telephone facilities;
 - (c) Some secretarial support as resources allow including limited word processing, photocopying, and postage;
 - (d) The cost of the Deputy Mayor or Councillor, plus his or her partner, attending any breakfast, dinner or similar function where invited as the Deputy Mayor or Councillor and representative of the City or Ward, provided such function does not fall into the category of a conference and training event as defined in clause 4.4 of this policy or is for election purposes.
- (2) All equipment and facilities subject of this document are provided to the Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

PART 2 – ISSUE AND RETURN OF COUNCIL EQUIPMENT

2.1 Objective

To enable elected members to be accessible to the community, their colleagues and the City's staff.

2.2 Equipment

This following equipment, documents, stationery and other items will be issued to Elected Members:

- (1) laptop computer and all in one printer (The Elected Member to determine whether new or second-hand).
- (2) Router and hub for internet use.
- (3) Elected Member lounge key
- (4) Security Card/Building Access Card and ID Card

- (5) Satchel or briefcase (optional)
- (6) 1 City of Joondalup vehicle licence number plate, selection of numbers 2 to 20 (optional) (See 2.5 below)

This equipment should either be new or in very good condition.

2.3 Documentation

The following documentation will be issued to Elected Members:

- (1) Committee members' booklet
- (2) Community Directory
- (3) Local Government Act 1995 and Regulations
- (4) Local Laws Manual
- (5) Policy Manual
- (6) Code of Conduct
- (7) Western Australian Local Government Association - Elected Member Manual
- (8) Internal Telephone directory
- (9) Planning Scheme text and report
- (10) Budget
- (11) Service Agreement – Elected Members & Information Services Business Unit
- (12) Short Guides produced by the City

2.4 Other Items

The following items will be issued to Elected Members:

- (1) Two name badges for the members, and one name badge for their partners.
- (2) Business cards
- (3) Appropriate stationery
- (4) Street directory
- (5) Elected Member Uniform issue (non -compulsory)
(1 Jacket, 2 Trousers/Skirts and 3 Shirts/Blouses)
- (6) Driz-a-bone Jacket or similar (optional)

Each elected member is entitled to be reimbursed to a maximum amount of \$1,050 (**July 2008**) following every ordinary election at which they were elected, or where an elected member is elected as a result of an extraordinary election, for the purchase of relevant office furniture/equipment to assist them to perform their role as an elected member and to be used for Council related purposes.

The amount allocated for reimbursement will be inflated annually as from 1 July 2008 based on the CPI rate of Australia, and rounded to the nearest \$10.

2.5 Vehicle Licence Number Plate

- (1) Elected Members may have a City of Joondalup vehicle licence number plate fitted to their vehicle for their term of office at the City's cost.
- (2) Vehicle Licence plate numbers 1 and 2 (and variations on this (eg 01; 001; 001)) are reserved for use by the Mayor and deputy Mayor.
- (3) An Elected Member is eligible to transfer the vehicle licence number plate to another vehicle once every two years at the City's cost.
- (4) If the vehicle licence number plate is to be transferred more than once every two years, then the second and subsequent transfer shall be at the cost of the Elected Member. The exception is where there is a change in the office of Deputy Mayor. Where this occurs this is not to be treated as a transfer for those affected members as per above.
- (5) Retiring Elected Members shall return the Council issued vehicle licence number to the City within fourteen (14) days of ceasing to be an Elected Member. Any costs associated with this transfer of the Elected Member's vehicle licence number plate shall be met by the City.
- (6) Where an Elected Member is issued with a vehicle licence number plate as detailed within this policy, that vehicle fitted with the licence number plate shall not have visible electoral advertising placed on or in the vehicle.

2.6 Return of Equipment Issued

- (1) An Elected Member is entitled to retain, at no charge, equipment, documents and other items issued by Council *with the exception of the following, which cannot be retained:*
 - (a) Any equipment that is less than three years old
 - (b) Equipment leased by Council;
 - (c) Security Card/Building Access Card and ID Card;
 - (d) Elected Member Lounge Key; and
 - (e) City of Joondalup Vehicle Licence Number Plate

PART 3 – PAYMENT OF FEES AND ALLOWANCES

3.1 Objective

To detail the amount of fees and allowances to be paid to Elected Members and the conditions under which those fees and allowances shall be paid

3.2 Annual Meeting Attendance Fees

Council will pay the maximum amount within the prescribed legislated limit that may be claimed annually for meeting attendance fees for the Mayor and Councillors.

Payments will be made monthly in arrears.

3.3 Annual Local Government Allowances - Mayor and Deputy Mayor

Council will pay the maximum Annual Local Government Allowance within the prescribed legislated limit that may be paid to the Mayor and Deputy Mayor.

Payments will be made monthly in arrears.

3.4 Telecommunications Allowance

- (1) Council will pay all Elected Members an annual telecommunication allowance to the maximum amount within the prescribed legislated limit.
- (2) The annual telecommunication allowance is for costs relating to telephone usage (including plans/contracts, payments and purchase of fax machines, mobile phones and extra telephone lines) and call costs and consumables associated with that use.
- (3) Any claims by Elected Members for expenses incurred over the maximum annual telecommunication allowance detailed in (1) above are to be submitted on the form provided. (Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed). Where a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.
- (4) In recognition of possible capital costs associated with telecommunications expenses, payment will be made as follows:
 - One third in advance on election, then;
 - monthly in arrears from the commencement of the fifth month of the term of office to the completion of the term.
- (5) Where Elected Members are re-elected to a second or further term of office, they will receive one third of the telecommunications allowance in advance at the commencement of the next term of office, in recognition of the potential need to upgrade associated telecommunications equipment.

3.5 Information Technology Allowance:

- (1) Council will pay all elected members an annual information technology allowance to the maximum amount within the prescribed legislated limit.
- (2) This allowance is in addition to the council provided laptop and printer and is in recognition of costs associated with Internet connection, electronic diaries and the like.
- (3) Any claims by elected members for expenses incurred over the maximum annual telecommunication allowance detailed in (1) above are to be submitted on the form provided. (Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed). Where a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.
- (4) Payment will be made as follows:
 - 50% in advance on election, then;
 - 25% at completion of third quarter;
 - 25% on completion of each subsequent quarter during the period of office.

- (5) Where elected members are re-elected to a second or further term of office, they will receive one half of the information technology allowance in advance at the commencement of the next term of office, in recognition of the potential need to upgrade information technology equipment.

3.6 Conditions of Payment

- (1) All allowances and fees shall be paid automatically unless an elected member has advised the CEO in writing that he/she does not want to claim any or part of those fees and allowances.
- (2) If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of such request.
- (3) The taxation liability arising from these payments is the individual responsibility of each Elected Member.

PART 4 – ATTENDANCE AT CONFERENCES AND TRAINING WITHIN AUSTRALIA

4.1 Objective

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the City of Joondalup.

4.2 Statement

Elected Members are encouraged to attend appropriate conferences and training to enable them to be more informed and better able to fulfill their duties of office. In order to support this, the following is provided.

4.3 Annual Conference and Training Expense Allocation

- (1) The following annual conference and training expense allocation shall be made available to Elected Members:
 - (a) The Mayor shall be entitled to an annual expense allocation of \$12,000 (**July 2008**), inflated annually from the date the \$10,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100; and
 - (b) All Councillors shall be entitled to an annual expense allocation of \$5,900 (**July 2008**), inflated annually from the date the \$5,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100.

- (2) In addition to the annual expense allocation detailed in clause (1)(a) above, the Mayor shall be entitled to attend the following conferences:
- Annual Western Australian Local Government Association;
 - Annual National Australian Local Government Association;
 - Annual National Congress of the Local Government Managers Australia.

4.4 Definition

In this part, “Conferences and Training” means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of local government and held within Australia.

4.5 Approval

- (1) Subject to Part 5 for overseas travel, Elected Members may attend conferences and training following:
- (a) approval by the Council through a resolution passed at a Council Meeting; or
 - (b) by informing the CEO in advance of attendance.

4.6 Conferences and Training that may be attended

The conferences and training to which this policy applies shall generally be limited to:

- (1) West Australian Local Government Association (WALGA) and Australian Local Government Association (ALGA) conferences;
- (2) Special “one off” conferences called or sponsored by or for the WALGA and/or ALGA on important issues;
- (3) Annual Conferences of the major Professions in Local Government;
- (4) Australian Sister Cities Conferences;
- (5) Municipal Training Service’s Councillor Induction Program;
- (6) WALGA Elected Member Training and Development;
- (7) Training relating to the role of elected members; and
- (8) other local government specific training courses, workshops and forums, relating to such things as understanding roles/responsibilities of Elected Members, meeting procedures, etc.

4.7 Payment of Conference and Training Costs

(1) Payment from Conference and Training Allocation

The City will pay Conference or Training costs where the Elected Member has been authorised to attend and there is sufficient funds remaining within the Elected Member's Annual Conference and Training Expense Allocation. Should insufficient funds be available, the Elected Member may meet the difference between the actual cost and the allowance themselves or receive funds from another Elected Member's allowance (see 4.9(7)).

(2) Booking Arrangements

Registration, travel and accommodation for Elected Members will be arranged through the Office of the Chief Executive Officer with the appropriate City discount for travel and accommodation being provided. In general, all costs including airfares, registration fees and accommodation will be paid direct by the City. The main exception relates to the payment of daily allowances in lieu of accommodation as considered in paragraph 4.7(8).

(3) Registration

The City will pay all normal registration costs for Elected Members/delegates that are charged by organisers, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the interests of the Council.

(4) Accommodation

(a) The City will pay reasonable accommodation costs for Elected Members including the night before and/or after the conference and training event where this is necessary because of travel and/or the conference and training event timetables which make it impossible to arrive at or return home in normal working hours.

(b) Where available, accommodation shall normally be booked at the venue.

(5) Conference and Training Travel

(a) Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the Conference and Training venue. All reasonable travel costs for Elected Members/ delegates to and from the venue/accommodation will be met by the City.

(b) Where air travel is involved, approval to attend should ideally be sought two months prior to departure to facilitate booking.

- (c) All air travel within Australia shall be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- (d) If accommodation is at the Conference or Training venue or in close proximity, taxis should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for the conduct of Council business. Costs of taxi fares, vehicle hire and parking which are reasonable, required and incurred in attending Conferences and Training, will be reimbursed by the City.
- (e) Where in particular circumstances Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

(6) Reimbursement of Expenses

- (a) An Elected Member attending a Conference and Training event is entitled to be reimbursed for 'normally accepted' living costs while travelling.
- (b) Such living costs would include, but are not limited to:
 - taxi fares to and from the airport;
 - taxi fares to and from the venue if the accommodation used is a substantial distance from the venue;
 - meals for the Elected Member;
 - refreshments for the Elected Member; and
 - vehicle hire, petrol and parking.
- (c) Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.
- (d) Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home.

Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:

- for the days of the event; and
- for the cost of travel from the airport directly to the accommodation to be used for the event and also, vice versa, from the accommodation to the airport.

- (e) Where a visit is extended, as discussed in paragraph (d), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the Conference and Training event. In such situations, the reimbursement of taxi fares will be to the estimated cost of travel between the event's accommodation and the airport and vice versa. The Elected Member will be required to pay any greater amount.
 - (f) Where an Elected Member does not require paid accommodation for a Conference and Training event because the Elected Member is able to source accommodation from another party (the hosts), the Elected Member is entitled to be reimbursed for meal and refreshment costs provided to the hosts up to the amount that would have been incurred had paid accommodation been used.
 - (g) Where an Elected Member attends two Conference and Training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than three days, only three days reimbursement can be claimed.
- (7) Cash Advances associated with payment through the reimbursement of expenses
- (a) A cash advance of \$110 per day (**July 2008**) for interstate travel and \$170 per day (**July 2008**) for overseas travel shall be made available for food, drink and incidental expenses that are of a reasonable nature. The cash advances per day above will be inflated annually as from 1 July 2008 based on the CPI rate of Australia, and rounded to the nearest \$10.
 - (b) The administrative arrangements for managing this will be the most appropriate to the circumstances in the view of the Chief Executive Officer.
 - (c) The Cash Advance shall be paid to cover all reasonable incidental expenses associated with the conference attendance such as:
 - (i) hotel/motel charges other than accommodation, ie. laundry;
 - (ii) reasonable telephone or facsimile use;
 - (iii) breakfasts, lunches, dinners and other meals not included in the conference registration fee;
 - (iv) any optional activity in a conference program.
 - (e) Documentary evidence in the form of original invoices and receipts must be provided for the acquittal of all advances. All advances must be acquitted within one week of the Elected Member returning to Perth. Amounts not acquitted shall be refunded to the City.

(8) Public Service Commission Allowance

Instead of being reimbursed for actual expenses, an Elected Member may receive a fixed allowance as reimbursement for attending a Conference and Training event. This allowance will be the amount identified in the Public Service Award as is specified in legislation.

The allowance will be paid in the following circumstances from the Elected Member's Conference and Training Expense Allocation.

The following is drawn from the Public Service Award.

- (a) When a trip necessitates an overnight stay and the Elected Member is fully responsible for his or her own accommodation, meals and incidental expenses:
- (i) where hotel or motel accommodation is utilised, reimbursement shall be in accordance with the rates prescribed in Column A, Items (4) to (8) of Schedule I – Travelling, Transfer and Relieving Allowance of the Award; and
 - (ii) where other than hotel or motel accommodation is utilised, reimbursement shall be in accordance with the rates prescribed in Column A, Items (9), (10) or (11) of Schedule I – Travelling, Transfer and Relieving Allowance of the Award.
- (b) When a trip necessitates an overnight stay and accommodation only is provided at no charge to the Elected Member, reimbursement shall be made in accordance with the rates prescribed in Column A, Items 1, 2 or 3 and Items 12, 13 or 14 of Schedule I – Travelling, Transfer and Relieving Allowances of the Award subject to the Elected Member's certification that each meal claimed was actually purchased.
- (c) To calculate reimbursement under (a) and (b) for a part of a day, the following formula shall apply:
- (i) If departure from Joondalup is:
 - before 8:00am – 100% of the daily rate.
 - 8:00am or later but prior to 1:00pm – 90% of the daily rate.
 - 1:00pm or later but prior to 6:00pm – 75% of the daily rate.
 - 6:00pm or later – 50% of the daily rate.
 - (ii) If arrival back at Joondalup is:
 - 8:00am or later but prior to 1:00pm – 10% of the daily rate.
 - 1:00pm or later but prior to 6:00pm – 25% of the daily rate.
 - 6:00pm or later but prior to 11:00pm – 50% of the daily rate.
 - 11:00pm or later – 100% of the daily rate.

Should the allowance not cover the actual costs of attendance, an Elected Member is entitled to be reimbursed the difference between the actual cost and the allowance amount as long as the reimbursement sought accords with 4.7(6) and all of the allowance monies have been used for items that can be reimbursed.

4.8 Elected Member/Delegate Accompanying Person

- (1) Where an Elected Member is accompanied at a Conference and Training event, all costs for or incurred by the accompanying person including but not limited to travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/accompanying person and not by the City. The exception to the above being the cost of attending any official event dinner where partners would normally attend.
- (2) An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- (3) Where the City meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the Council by the Elected Member/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the Conference and Training event.

4.9 Guidelines for Conference and Training Attendance

- (1) Subject to the provisions of clause 4.3 "Annual Conference and Training Expense Allocation" the guidelines detailed in this clause shall apply.
- (2) Generally, no more than two Elected Members may attend a particular Conference or Training event outside Western Australia at the same time. The CEO or Council may however approve attendance by more than two members if a particular purpose or need arises.
- (3) All unspent funds shall be carried forward at the completion of each annual period.
- (4) Following each Ordinary Council election, elected members will forfeit any unspent funds, and commence their annual expense allowance as detailed in Clause 4.3.
- (5) Elected Members will only be registered for conference and training events itemised in this policy, if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the Conference and Training event in the Elected Member's conference and training expense allocation, Council approval must be obtained before attendance if the additional costs are going to be claimed.

- (6) The cost of training that is specifically arranged for attendance by all Elected Members, (eg team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Elected Member's allocation referred to in this policy.
- (7)
 - (a) An Elected Member may agree to meet Conference and Training costs for another Elected Member and forfeit the relevant amount from his/her own annual conference and training expense allocation, to enable another Elected Member to attend a Conference and Training event, where that member has insufficient funds remaining in their allocation.
 - (b) In such cases, the Elected Member agreeing to meet those costs shall provide the CEO with a written statement to that effect, signed by both Elected Members and authorising the CEO to initiate necessary arrangements and debit the authorising member's allocation.

PART 5 – ATTENDANCE AT OVERSEAS CONFERENCES

- (1) An Elected Member may, with Council approval, attend an overseas conference. The Council approval must include a specific Council resolution indicating that the conference attendance will be of benefit to the City and the Elected Member and detailing any conditions that may apply.
- (2) An Elected Member may attend an overseas conference if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the registered overseas Conference or Training in the Elected Member's conference and training expense allocation, Council approval must be obtained before costs are incurred in keeping with 4.9(5) above or the Elected Member agrees to meet the additional costs personally.
- (3) All air travel overseas shall be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- (4) Cash advances are payable for overseas conferences (see Section 4.7(7)).

PART 6 - REPORT

Upon attendance at any interstate or overseas Conference or Training event as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending Elected Member is required to prepare a report on their attendance and benefits, to be circulated to all members of the Council.

PART 7 – REIMBURSEMENT OF EXPENSES

7.1 Objective

To provide for the reimbursement of expenses necessarily incurred by Elected Members while performing their duties so that no Elected Member should be unreasonably disadvantaged financially due to meeting the requirements of their office.

7.2 Child Care

- (1) In accordance with Regulation 31, child care costs will be paid for an Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is a member and the expense is to be claimed on the form provided.
- (2) Where an Elected Member attends any other meeting, reception, citizenship or other Council function, or Council related activity and incurs child care costs, such costs may be claimed provided they are substantiated with details of the date, activity attended, the actual costs incurred and original receipts being provided and attached to the claim form.
- (3) Child care costs are applicable for children, either of natural birth or guardianship determined by legal process.
- (4) Child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the Elected Member.
- (5) Child care costs shall be debited to a separate account in the budget and not be debited to or form part of an Elected Member's Annual Expense Reimbursement Limit as referred to in clause 7.3 of this policy.

7.3 Travel

- (1) The payment of travel costs is covered under Local Government (Administration) Regulations 1996.

- (2) Travel costs incurred and paid by Elected Members will be reimbursed for:
 - (a) Travel and parking expenses incurred by a member using a private vehicle to, from and attending:-
 - (i) meetings of the Council or a Committee of the Council and civic or Council related functions;
 - (ii) as a delegate of the Council to statutory and other boards and committees, community organisations, conferences, local government association or industry groups or committees of them;
 - (iii) a specific request or instruction of the Council and/or including inspection, ratepayer/electors requests or other Council duty;
 - (iv) attending social functions where the member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity;
 - (b) The amount payable in respect of travelling expenses shall be paid from the time the Returning Officer has declared a person elected as a Council member.
 - (c) Travel expenses claimed under this policy are to be calculated in accordance with the rate per kilometre prescribed for the class of vehicle as detailed in the Local Government Officers' Award where the member's vehicle is used.
 - (d) A claim for reimbursement of expenses form indicating the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total travelled in kilometres, is to be completed by members to ensure that the transport expense can be verified.
- (3) Where an Elected Member deems it is more appropriate to attend a Council related commitment without a car, a taxi may be used and the costs incurred claimed.
- (4) Should an Elected Member travel in a vehicle which is not his or her own, the reimbursement will be calculated in accordance with (2) above.

7.4 Other Specified Expenses

- (1) Outside of child care and travel costs an Annual Reimbursement Limit of \$520 (**July 2008**) shall be available to Elected Members for reimbursement of costs incurred as a result of performing their duties as an Elected Member.

The amount allocated for reimbursement of other specified expenses will be inflated annually as from 1 July 2008, based on the CPI rate of Australia, and rounded to the nearest \$10.

Costs incurred and paid by Elected Members will be reimbursed by the City up to the reimbursement limit in each annual expense period. When a member reaches the limit, all claims for reimbursement shall be referred to the Council for approval. All expenses claimed must have been incurred and substantiated with provision of original invoices/receipts attached to the claim form, prior to being reimbursed on a monthly basis.

- (2) Original invoices and receipts are required for audit purposes and to enable GST to be claimed. Where a GST refund is received it will be credited to the Elected Members Expense Reimbursement record.

7.5 Time Limit on Claims and Approval Process

Members electing to receive reimbursement of expenses in accordance with the provisions of this policy should submit the appropriate claim form to the CEO, together with supporting documentation, within two calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the annual financial statements.

Amendments:	CJ422-12/01, CJ121-06/02, C212-09/03, CJ206-10/05, CJ007-02/07, CJ207-10/07 CJ052-04/08
Related Documentation:	Delegated Authority Manual Local Government Act 1995
Issued:	August 2008

POLICY 7-24 - CUBBY HOUSES

STATUS: **City Policy** - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: Planning and Community Development

OBJECTIVE: To establish a criteria for cubby houses that ensures that the structures are of a minor nature, are not detrimental to the amenity of adjoining properties, and therefore do not require planning or building licence approvals.

Authority

This policy has been prepared in accordance with clause 8.11 of the City of Joondalup District Planning Scheme No. 2 (DPS2) which allows Council to prepare planning policies relating to planning or development within the scheme area.

Area

This policy applies to the whole of the City of Joondalup

Definitions:

Interpretations and definitions of terms used in this policy are as per DPS2 and the Residential Design Codes, with the addition and clarification of the following:

“architectural feature” means finial or other minor decorative feature built into the design and construction of the building.

“amenity” shall have the same meaning as DPS2:- meaning all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.

“building” shall have the same meaning as DPS2:- meaning any structure or appurtenance thereto whether fixed or moveable, temporary or permanent, and without limiting the generality of the foregoing includes a shed, stall, fence, wall, barrier, hoarding, outbuilding, tent, caravan or swimming pool.

“cubby house” means an enclosed structure such as a small-scale replica of a dwelling and includes tree houses, usually of simple construction which is used primarily by children for the purposes of play, but excludes unenclosed platforms. A cubby house may also be commonly referred to by other names, such as an outdoor fort or children’s den.

“**natural ground level**” shall have the same meaning as the Codes:- meaning the levels on a site which precede the proposed development, excluding any site works unless approved by the council or established as part of the land proceeding development.

Statement

A Cubby House does not require planning approval or a building licence provided each of the following criteria are met:

A Cubby House shall:

1. not have a floor level elevated more than 500mm above natural ground level.
2. not have balconies, windows, doors and like which overlook adjoining properties.
3. not be located within the primary street setback area.
4. not be used for habitable purposes.
5. be limited to one cubby house per lot **survey strata or green title lot.**
6. **not exceed 2.1 metres in height above the natural ground level, with the exception of architectural features or a flagpole, which shall not exceed 2.5 metres above natural ground level.**
7. not exceed 6m² in total floor area.
8. not be attached to a boundary fence or other buildings.
9. not abut more than one side or rear boundary.
10. apart from statement 9, must be setback a minimum of 1.0 metre from all other boundaries.
11. contain all stormwater run off onsite.

If a cubby house fails to satisfy any one or more of the above, an application for planning approval and thereafter a building licence will be required.

Advertising of Applications

All applications for planning approval will require the City of Joondalup to consult with property owners likely to be affected by the proposal for a minimum period of 14 days, prior to the determination of the application.

Planning Consideration

Where an application for planning approval is required such applications will be considered on their individual merits.

In determining whether to approve a planning application the City of Joondalup will consider whether the proposal has the potential to adversely impact adjoining properties and/or streetscape with regard to:

- the comments of any objectors or supporters of the application;
- the degree to which the proposal impacts the amenity of adjoining properties and/or streetscape;
- the need to protect the privacy of adjoining properties by preventing views into adjoining active habitable spaces and outdoor living areas;
- the requirement to consider matters stipulated under clause 6.8 of the DPS2; and
- any other relevant planning matter the City of Joondalup considers appropriate or is required to consider.

When submitting an application for planning approval, the applicant is required to provide justification addressing the above mentioned planning considerations.

Amendments:

Related Documentation: District Planning Scheme No. 2
 Residential Design Codes

Issued:

POLICY 7-9 – HOME BUSINESS

STATUS:	City Policy - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i> <i>City policies are referred to Council for review and endorsement.</i>
RESPONSIBLE DIRECTORATE:	Planning and Community Development
OBJECTIVE:	To establish guidelines for the exercise of Council's discretion when assessing Home Business uses.

RELATED DOCUMENTATION

This Local Planning Policy is part of a wider framework of documents, which relate to people working from home. It should be read in conjunction with section 4.4 of the City's District Planning Scheme No 2 (The Scheme) and the 'Local Planning Strategy Relating to People Working From Home' which contains strategies and a statement of principles.

This Policy draws on these principles and supports the strategies by setting down aims and provisions, which the Council will consider before making a decision in relation to home business activities.

STATEMENT

1 Policy Aims

- (a) To maintain residential areas as primarily a place to live, not primarily a place to work whilst recognizing that working from home is an expanding area of employment, and a significant contributor to local employment.
- (b) To protect the amenity and character of residential areas by ensuring that potential impacts associated with home business such as noise, traffic, pollution, people and advertising signs are minimised and adequately controlled.
- (c) To enhance the effectiveness of Council's decision making through consultation with interested parties.
- (d) To provide a measure of the extent of the home business to ensure that it does not dominate the use of the land nor be so large or intensive that it changes the residential character of the neighbourhood.

- (e) To guide the location of home business proposals to minimise any impact on the amenity and character of residential locations.

2 Policy Area:

This Policy applies to the whole of the City of Joondalup.

3 Policy Statement

- (a) The applicant must use the dwelling as the principal place of residence.
- (b) Only one Home Business Category may be undertaken on the site at any one time.

~~(c) Where a Category 3 Home Business is proposed in either a Residential zone or Special Residential zone, the preferred location of the proposal is where it abuts or is directly opposite one of the commercial centres listed in the City of Joondalup Centres Strategy.~~

- (dc) Where a Home Business attracts customers, the maximum number of customers must be as follows:-

Category 1:

No Customers permitted
No additional car bays necessary

Category 2:

- (i) Customer visits must be by appointment only;
- (ii) No more than 2 customers are to be at the premises at any one time.
- (iii) 2 bays for the residents of the dwelling, plus 1 bay per customer, plus 1 bay per employee
- (iv) All parking bays are to be provided within the lot boundary

Category 3:

- ~~(i) Customer visits must be by appointment only~~
- ~~(ii) No more than three customers may attend the premises at any one time;~~
- ~~(iii) 2 bays for the residents of the dwelling, plus 1 bay per customer, plus 1 bay per employee~~
- ~~(iv) All parking bays are to be provided within the lot boundary~~

- (ed) Regular deliveries of goods and equipment including deliveries carried out at intervals of less than a month are not considered appropriate. Proposals involving intervals of less than a month will only be considered taking into account the following factors:

- (i) nature of the goods delivered;
- (ii) frequency of deliveries;
- (iii) type of delivery vehicle used;
- (iv) likely inconvenience to existing traffic.

(fe) A Home Business must not result in a substantial and or inappropriate modification of the dwelling.

(gf) Any appliances or machinery used for the purpose of the home business must be of a domestic scale. Large industrial appliances or machinery will be prohibited.

(hg) Where an application relates to property on a Strata Title, the written permission of the Body Corporate is to be submitted with the application.

(ih) For the purpose of this policy, amenity refers to all factors that combine to form the character of the area to residents and passers by and shall include the present and likely future amenity. In determining whether a proposed home business is likely to detrimentally affect the amenity of the neighbourhood, the following factors will be considered:

- (i) emission of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
- (ii) hours of operation;
- (iii) number of customers visiting the premises;
- (iv) traffic likely to be generated;
- (v) additional parking requirements created by the proposed home business;
- (vi) storage of harmful or poisonous chemicals,
- (vii) compliance with the management plan;
- (viii) compliance with the requirements set out by the City's District Planning Scheme No 2;
- (ix) public submissions and or complaints by adjoining owners.

~~(j) Applicants proposing to carry out a Home Business Category 3 use, must submit a Management Plan as part of the application. As a minimum, Management Plans are to include the following information:~~

- ~~(i) measures to minimise and control noise;~~
- ~~(ii) measures to minimise vehicle loading and unloading and traffic movements;~~
- ~~(iii) the proposed hours of operation;~~
- ~~(iv) a car parking plan;~~
- ~~(v) a landscaping plan including landscape buffers;~~
- ~~(vi) details of any poisonous, flammable or harmful chemicals or other hazardous materials proposed to be stored or used and measures to ensure that no polluting or harmful substances will escape from the site;~~
- ~~(vii) measures to minimise emissions of odours, dust or vapours from the site;~~
- ~~(viii) ways to limit the number of people visiting the house at any one time in relation to the business;~~
- ~~(ix) a diagram of proposed signage;~~

- ~~(x) a plan showing any proposed outdoor storage areas;~~
- ~~(xi) measures to ensure that no detrimental impact occurs to the character of the neighbourhood;~~
- ~~(xii) measures to manage the impact of the home business on any building or place listed on the Municipal Inventory of Heritage Places.~~
- ~~(xiii) compliance with all other relevant State and Commonwealth legislation and or Regulations.~~
- ~~(xiv) details of all appliances or machinery to be used in the Home Business.~~

(ki) The days and hours of operation for each category of home business shall not exceed the following:

- (i) 9.00 am to 5.00 pm Monday to Friday
- (ii) 9.00 am to 5.00 pm Saturday.

(kj) When determining an application, the Council:

- (i) may limit the number of hours and/or days of operation of a home business proposal where it is deemed necessary to protect the amenity of the surrounding area.
- (ii) elect to grant an initial term of approval of twelve (12) months. In some instances where it is considered appropriate a longer period may be considered. The applicant is to seek renewals thereafter to effect the continuance of the home occupation.

(kl) Community Consultation

In considering any variations to the required standards, Council will carry out community consultation as part of the decision making process. Planning related concerns of consulted owners will be considered as a relevant factor in the assessment of applications for planning approval. Because of the differing range of issues which may be involved with individual applications it is recognised that Council and staff will need to make value judgments on the level of consultation required in specific cases. However, in all cases Council will respond with:

- a commitment to community consultation;
- a systematic approach;
- accountability;
- post consultation follow up.

Decisions about consultation are to be documented for future reference and must consider the following:

- decision in relation to views being sought, e.g. immediate neighbourhood or wider community;
- a short explanation of the issues canvassed;
- description of the method used, e.g. letter, pamphlet, advertisement;
- the duration of consultation period, e.g. 14 days, 21 days etc.;
- respondents are to be advised of the outcome.

Amendments: CJ213-06/99, CJ297-09/99, CJ020-02/02,
CJ238-11/05

Related Documentation: Not applicable

Issued:

Before exercising its powers of discretion Council may require that a proposal be advertised and plans made available for public inspection in accordance with the procedures laid down in clause 6.7.

- 4.3.2 In areas that are covered by an Agreed Structure Plan the provisions of the Residential Design Codes may be varied by the provisions of the Agreed Structure Plan set out under clause 9.8.3(b).

4.4 HOME BUSINESS

4.4.1 Home Business – Category 1

4.4.1.1 Subject to Clause 4.4.4, a person may conduct a Home Business – Category 1 within a dwelling without the need to submit an application for approval to commence development.

4.4.1.2 Deleted (Amendment 31 – 14/8/2007).

4.4.2 Home Business – Category 2

4.4.2.1 A person wishing to conduct a Home Business - Category 2 on residential premises is required to apply to Council for an approval to commence development, and such use or occupation may be approved by Council at its discretion.

~~4.4.3 Home Business – Category 3~~

~~4.4.3.1 A person wishing to conduct a Home Business – Category 3 on residential premises is required to apply to Council for an approval to commence development, and such use or occupation may be approved by Council at its discretion.~~

~~4.4.3.2 The provisions of the Residential Design Codes and all other clauses in the Scheme relating to developments in a Residential Zone shall apply to a Home Business – Category 3. Council may exercise its discretion and vary a provision of the Codes, except the minimum area of lot per dwelling prescribed in Column 3, Table 1 of the Codes.~~

4.4.34 Review

4.4.34.1 At any time Council may undertake a review of the status of an occupation being carried out in a dwelling as a Home Business – Category 1, by requiring the resident to submit a statement setting out the nature and extent of the occupation being carried out on the premises or, on reasonable notice, permitting inspection of the dwelling by Council.

4.4.34.2 Following completion of a review, Council may designate the occupation either as a Home Business – Category 1, or Category 2 ~~or 3~~ and require the resident to comply with the requirements of the Scheme in a manner applicable to that designation and if the designation has changed, then notwithstanding that the occupation may have been lawful up to the time of the review, such occupation shall be carried out only in conformity with Council provisions of either a Home Business Category 1 or Category 2 ~~or a Home Business – Category 3~~, whichever is applicable, once issued.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 Except for development in respect of which the Residential Design Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

4.6.1 In accordance with section 50 of the Act, environmental conditions imposed by the Minister for the Environment on the Scheme or amendments to the Scheme and contained in Statements under Section 48F Environmental Protection Act 1986, are incorporated into the Scheme by Schedule 9 of the Scheme.

Golf Course	X	X	X	X	X	D	X	X	X
Grouped Dwelling	D	D	D	D	X	X	X	X	X
Hairdresser	X	P	P	P	X	D	X	X	X
Hall	X	D	D	D	P	D	X	X	X
Hardware Store	X	X	D	P	X	X	D	X	X
Holiday Village	X	X	X	X	X	D	X	X	X
Home Business – Category 1	P	P	P	P	X	X	X	P	X
Home Business – Category 2	D	P	P	P	X	X	X	P	X
Home Business – Category 3	A	P	P	P	X	X	X	D	X
Hospital	X	X	D	D	D	X	X	X	X
Hotel	X	X	D	D	X	D	X	X	X
Industry – Extractive	X	X	X	X	X	X	X	X	X
Industry – General	X	X	X	X	X	X	X	X	X
Industry – Hazardous	X	X	X	X	X	X	X	X	X
Industry – Light	X	X	X	X	X	X	P	X	X
Industry – Rural	X	X	X	X	X	X	D	X	X
Kindergarten	D	D	D	D	D	D	X	X	X
Land Sales Office (Temporary)	P	P	P	P	D	D	P	D	D
Landscape Supplies	X	X	X	X	X	X	D	X	X
Laundrette	X	X	P	P	X	X	P	X	X
Laundry	X	X	D	D	X	X	P	X	X
Liquor Store	X	X	D	P	X	X	X	X	X
Lunch Bar	X	P	P	P	X	X	D	X	X
Markets (Retail)	X	X	D	D	X	X	X	X	X
Market Garden	X	X	X	X	X	X	X	X	X
Medical Centre	X	P	P	P	D	X	X	X	X
Milk Depot	X	X	X	X	X	X	D	X	X
Motel	X	X	D	D	X	D	X	X	X
Multiple Dwelling	D	D	D	D	X	D	X	X	X
Night Club	X	X	D	D	X	D	D	X	X
Nursing Home	D	D	D	D	D	X	X	X	X
Office	X	P	P	P	X	X	X	X	X
Open Air Display	X	X	X	X	X	X	D	X	X
Park	D	D	D	D	D	D	D	D	D
Park Home Park	D	X	X	X	X	D	X	X	X
Place of Assembly	X	D	D	D	P	D	D	X	X
Place of Worship	X	D	D	D	P	D	D	X	X
Private Recreation	X	D	D	D	D	P	X	X	X
Public Exhibition Facility	X	D	D	D	P	P	X	X	X
Public Utility	P	P	P	P	P	P	P	P	P
Reception Centre	X	D	D	P	D	D	X	X	X
Recreation Centre	X	D	D	D	D	D	D	X	X
Residential Building	D	D	D	D	X	D	X	X	X
Resort	X	X	X	X	X	D	X	X	X
Restaurant	X	D	P	P	D	D	X	X	A
Restricted Premises	X	X	X	D	X	X	X	X	X
Retirement Village	D	D	D	D	X	D	X	X	X
Rural Use	X	X	X	X	X	X	X	X	P
Salvage Yard	X	X	X	X	X	X	D	X	X

- (e) does not occupy an area greater than 30m². Council may permit an area greater than 30m² where it is considered that the scale of the business is limited by other factors and the increase in floorspace will not have a detrimental effect on the amenity of the surrounding areas;
- (f) does not have more than one advertisement sign and the sign displayed does not exceed 0.2 square metres in area;
- (g) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (h) does not involve the servicing or repair for gain of motor vehicles; and
- (i) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.

~~**home business — category 3 :** means an occupation or professional practice undertaken for the purposes of commercial gain; and carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:~~

- ~~(a) does not entail the retail sale, outdoor display or hire of goods of any nature;~~
- ~~(b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;~~
- ~~(c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;~~
- ~~(d) entails employment of a maximum of 2 persons not members of the occupier's household. Council may approve a greater number of employees, not exceeding 4 persons, subject to community consultation;~~
- ~~(e) occupies an area not exceeding 50 square metres. Council may approve; subject to community consultation; an area of up to 100 square metres, or one third of the floor area of the dwelling whichever is the lesser;~~
- ~~(f) displays a sign describing the nature of the approved home occupation. The sign must not exceed 0.2 square metres, and a maximum 2 metres high;~~
- ~~(g) will not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience for adjoining residents and road users;~~
- ~~(h) will not result in a substantial increase in the amount of vehicular traffic in the vicinity;~~
- ~~(i) does not involve the servicing or repair for gain of motor vehicles; and~~
- ~~(j) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.~~

hospital : means any land or buildings where people are admitted and lodged for medical treatment or care.

hotel : means any land or buildings used for the overnight accommodation of patrons and may include facilities for consumption of beverages or a restaurant, or a betting agency operated in accordance with the Totalisator Agency Betting Board Act 1960, or facilities for entertainment, but does not include a bed and breakfast facility, and which may be the subject of a hotel licence granted under the provisions of the Liquor Licensing Act 1988.

incidental use : means a use of premises which is ancillary and subordinate to the predominant use.