

# minutes

## Policy Committee

MEETING HELD ON **MONDAY 3 AUGUST 2020**

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## CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER,  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON 3 AUGUST 2020.

### ATTENDANCE

#### Committee Members

Cr Christine Hamilton-Prime, JP	<i>Presiding Member</i>	
Mayor Hon. Albert Jacob, JP		
Cr Kerry Hollywood	<i>Deputy Presiding Member</i>	
Cr Christopher May		<i>from 5.55pm</i>
Cr Philippa Taylor	<i>Deputising for Cr Jones</i>	
Cr Russ Fishwick, JP		
Cr John Chester		

#### Officers

Mr Jamie Parry	Director Governance and Strategy
Ms Dale Page	Director Planning and Community Development
Mr Nico Claassen	Director Infrastructure Services
Mr Mat Humfrey	Director Corporate Services
Mr Chris Leigh	Manager Planning Services
Mr Brad Sillence	Manager Governance
Mrs Jennifer Nebel	Coordinator Cultural Services
Mrs Deborah Gouges	Governance Officer

### DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.48pm.

**DECLARATIONS OF INTEREST****Disclosures of Financial / Proximity Interest**

Nil.

**Disclosures of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No./Subject</b>	Item 4 - Draft Container Deposit Scheme Infrastructure Local Planning Policy.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Joel Alexander of 'Ucanrecycle' contacted Cr Hamilton-Prime, JP via a phone call and email on the matter at Sorrento Bowling Club.

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

Cr Nige Jones.

**Leave of Absence previously approved**

Cr John Logan	23 to 30 August 2020 inclusive;
Cr Russell Poliwka	2 to 12 September 2020 inclusive.

**CONFIRMATION OF MINUTES****MINUTES OF THE POLICY COMMITTEE HELD ON 11 MAY 2020**

**MOVED** Cr Fishwick, **SECONDED** Cr Chester that the minutes of the meeting of the Policy Committee held on 11 May 2020 be confirmed as a true and correct record.

The Motion was Put and

**CARRIED (6/0)**

**In favour of the Motion:** Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Hollywood and Taylor.

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

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

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

**PETITIONS AND DEPUTATIONS**

Nil.

**REPORTS****ITEM 1                    NOTIFICATION OF PUBLIC WORKS POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	108874, 108222, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Draft <i>Notification of Public Works Policy</i> Attachment 2 <i>Notification of Public Works Protocol</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to adopt the draft *Notification of Public Works Policy*.

**EXECUTIVE SUMMARY**

A draft *Notification of Public Works Policy* (Attachment 1 refers) has been developed to provide clarity and certainty to the community around the circumstances whereby they will be notified about upcoming public works. The draft policy was developed to complement the City's existing *Community Consultation Policy*. Where the *Community Consultation Policy* states the City's commitment to seeking feedback from identified stakeholders whenever it is required to do so under legislation, or whenever it is considered valuable to inform decision-making, the draft *Notification of Public Works Policy* states the City's commitment to notifying identified stakeholders about upcoming public works whenever it is required to do so under legislation, or whenever the City determines the public works could impact or inconvenience the community to a significant degree.

*It is therefore recommended that Council:*

- 1     *ADOPTS the Notification of Public Works Policy provided as Attachment 1 to this Report;*
- 2     *NOTES the Notification of Public Works Protocol provided as Attachment 2 to this Report.*

**BACKGROUND**

The *Community Consultation Policy*, recently amended by Council at its meeting held on 20 August 2019 (CJ111-08/19 refers), specifies the City's commitment to seeking feedback from identified stakeholders whenever it is required to do so under legislation, or whenever it is considered valuable to inform decision-making.

For a number of public works, particularly those which form the approved Capital Works Program, community consultation is not required as the works have already been approved to commence. In such cases, where upcoming public works are likely to impact or inconvenience community members to a significant degree, the City instead notifies identified stakeholders that works are about to take place.

On some occasions, there has been uncertainty in the community as to the circumstances whereby the City formally notifies identified stakeholders. The draft *Notification of Public Works Policy*, provided as Attachment 1, states the City's commitment to notifying identified stakeholders about upcoming public works whenever it is required to do so under legislation, or whenever the City determines the public works could impact the community to a significant degree. The internal *Notification of Public Works Protocol*, provided for reference as Attachment 2, details the operational procedure for notifications.

## DETAILS

A draft *Notification of Public Works Policy* (Attachment 1 refers) has been prepared to complement the *Community Consultation Policy*. The draft *Notification of Public Works Policy* states the City's commitment to formally notifying identified stakeholders whenever it is required to do so under legislation, or whenever the City determines the public works could impact or inconvenience the community to a significant degree. It is anticipated that this policy will provide greater clarity that, while the City will not necessarily seek community feedback on certain public works (particularly those which form the approved Capital Works Program), the City will still notify the community about those works.

The City's *Notification of Public Works Protocol* (Attachment 2 refers), has also been provided for reference. This internal document provides guidance to the City's workforce as to where and how identified stakeholders are to be formally notified of upcoming public works. The protocol includes the procedure for notifying stakeholders, including the drafting of communication material, approvals process and branding.

## Issues and options considered

Council can either:

- adopt the draft *Notification of Public Works Policy* as presented
- suggest further modifications to the draft *Notification of Public Works Policy*  
or
- not adopt the draft *Notification of Public Works Policy*.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** To conduct business in a financially sustainable manner.

**Strategic initiative** Manage liabilities and assets through a planned, long-term approach.

**Policy** *Community Consultation Policy*.

## Risk management considerations

The *Notification of Public Works Policy* has been developed to complement the City's *Community Consultation Policy* and to state the City's commitment to formally notifying identified stakeholders of upcoming public works (as opposed to seeking feedback to inform decision-making). If this policy is not endorsed, there is a risk that members of the community may feel that the City does not communicate information about public works which may affect them.

**Financial / budget implications**

Financial implications associated with notification of public works are considered during the annual budget planning process.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

In recent years, community expectations around local government information provision have shifted significantly. Members of the community have an increased interest in infrastructure management and an increased desire to be abreast of public works taking place in their local area. It is therefore important that the City demonstrates its commitment to notifying the community about upcoming public works which may affect them. The draft *Notification of Public Works Policy* (Attachment 1 refers) has been developed to provide clarity and certainty to the community around when they will be notified about upcoming public works. The internal *Notification of Public Works Protocol* (Attachment 2 refers) provides clear direction to the City's workforce on the process and minimum requirements of notifications.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Fishwick, SECONDED Mayor Jacob that Council:**

- 1**     **ADOPTS** the draft *Notification of Public Works Policy* provided as Attachment 1 to this Report;
- 2**     **NOTES** the *Notification of Public Works Protocol* provided as Attachment 2 to this Report.

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Hollywood and Taylor.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agnPOLICY200803.pdf](#)*



## ITEM 2                    REVIEW OF LOCAL PLANNING POLICIES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	57155, 05787, 101515
<b>ATTACHMENT / S</b>	Attachment 1 <i>Closure of Pedestrian Accessways Local Planning Policy – tracked changes</i> Attachment 2 <i>Closure of Pedestrian Accessways Local Planning Policy – clean</i> Attachment 3 <i>Joondalup City Centre Car Parking for Commercial Development Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to consider proposed amendments to the *Closure of Pedestrian Accessways Policy* and the proposed revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*.

### EXECUTIVE SUMMARY

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) allow local government to prepare, amend and revoke local planning policies relating to planning and development within the scheme area.

The City is currently undertaking a review of its existing local planning policies to identify which policies require minor updates, which policies require a more significant review and which policies can be revoked as they are no longer relevant.

The *Closure of Pedestrian Accessways Policy* was last updated in 2012. Since that time, the LPS Regulations have come into effect and the City of Joondalup *Local Planning Scheme No. 3* (LPS3) has been adopted. The policy is proposed to be updated to refer to LPS3 and the LPS Regulations, align with the City's current policy template along with minor formatting and terminology updates. No significant changes to policy objectives or standards are proposed.

The *Joondalup City Centre Car Parking for Commercial Development Policy* is proposed to be revoked as the parking standards for commercial development are now specified in the *Joondalup Activity Centre Plan*, which was adopted in 2018, and therefore, the policy is no longer applicable.

It is therefore recommended that Council proceeds with the proposed amendment and revocation of the relevant policies.

## BACKGROUND

The LPS Regulations, which came into effect in October 2015, govern the way local planning schemes, local planning policies, structure plans and activity centre plans are prepared and amended. They are comprised of the model provisions and deemed provisions. The model provisions provide a template for local planning schemes. The deemed provisions provide a range of standardised processes and provisions that apply automatically to all local planning schemes.

Local planning policies are prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the LPS Regulations. These provisions allow the local government to prepare local planning policies relating to planning and development within the Scheme area.

### Closure of Pedestrian Accessways Policy

The *Closure of Pedestrian Accessways Policy* was adopted by Council at its meeting held on 20 November 2012 (CJ256-11/12 refers) and replaced the previously titled “Pedestrian Accessways Policy”. It provides guidance on the process and assessment for requests to close pedestrian accessways within the City of Joondalup.

### Joondalup City Centre Car Parking for Commercial Development Policy

The *Joondalup City Centre Car Parking for Commercial Development Policy* was adopted by Council at its meeting held on 16 December 2008 (C89-12/08 refers). The policy sets the parking standard for commercial development within the Joondalup City Centre.

It specifies that parking should be provided at a rate of one bay per 30 square metres net lettable area (NLA), of which only 50% had to be provided on site. The remaining requirement could be provided off site or as a cash in lieu contribution. The policy was developed in association with the draft *Joondalup City Centre Structure Plan* to assist in encouraging commercial development in the CBD.

### Joondalup Activity Centre Plan

The *Joondalup Activity Centre Plan* (JACP) came into effect on 23 October 2018 upon gazettal of the City’s current planning scheme, LPS3. The JACP provides a guiding framework for development within the Joondalup Activity Centre including land use, built form provisions, residential density and parking standards.

## DETAILS

### Closure of Pedestrian Accessways Local Planning Policy

The policy is considered to be operating well and is still relevant, however, since the current *Closure of Pedestrian Accessways Policy* was adopted in 2012 a number of changes have occurred.

These include updates to the City’s policy template, introduction of the LPS Regulations and gazettal of the City’s current planning scheme, LPS3. These changes make the current *Closure of Pedestrian Accessways Policy* outdated in terms of its format and references to planning legislation.

Proposed amendments relate only to minor formatting and terminology updates to align with the current policy template and refer to LPS3 and the LPS Regulations (Attachments 1 and 2 refer).

*Joondalup City Centre Car Parking for Commercial Development Policy*

The *Joondalup City Centre Car Parking for Commercial Development Policy* (Attachment 3 refers) is proposed to be revoked as it has been superseded by the JACP.

The *Joondalup City Centre Car Parking for Commercial Development Policy* includes parking rates for development within the city centre and was developed in association with the draft *Joondalup City Centre Structure Plan*.

The JACP is now the current guiding framework for development within the city centre, replacing the draft *Joondalup City Centre Structure Plan*. The JACP also includes updated parking rates for development in the city centre.

For these reasons the *Joondalup City Centre Car Parking for Commercial Development Policy* is redundant and is recommended to be revoked.

**Issues and options considered***Closure of Pedestrian Accessways Policy*

Council has the option to:

- proceed with the amendment to the *Closure of Pedestrian Accessways Policy*, with or without modifications and without advertising
- advertise the amendment to the *Closure of Pedestrian Accessways Policy*, with or without modifications  
or
- not proceed with the amendments to the policy.

*Joondalup City Centre Car Parking for Commercial Development Policy*

Council has the option to:

- support the revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*  
or
- not support the revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation**                      *Planning and Development (Local Planning Scheme) Regulations 2015*  
*Local Planning Scheme No. 3.*

**Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

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

**Objective**                      City Centre development.

**Strategic initiative** Pursue the development of commercial office buildings within the Joondalup City Centre.

**Policy** *Closure of Pedestrian Accessways Local Planning Policy.*  
*Joondalup City Centre Car Parking for Commercial Development Policy.*

*Planning and Development (Local Planning Schemes) Regulations 2015*

Schedule 2 of the deemed provisions of the LPS Regulations enable local government to prepare, adopt, amend and revoke local planning policies and sets out the procedure for this.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Costs associated with advertising the revised policy and the revocation in the local newspaper will be approximately \$400.

**Regional significance**

Not applicable.

**Sustainability implications**

The *Closure of Pedestrian Accessways Policy* ensures that appropriate consideration is given to the role of a pedestrian accessways in the context of the pedestrian environment and access to key community facilities.

**Consultation**

*Closure of Pedestrian Accessways Policy*

The City's *Planning Consultation Local Planning Policy* sets out the advertising requirements for planning proposals, including local planning policies.

In relation to local planning policies the *Planning Consultation Local Planning Policy* states that Council may decide not to advertise an amendment to a local planning policy if the amendment is of a minor nature. The *Planning Consultation Local Planning Policy* considers a 'minor amendment' to include the correction of typographical and formatting errors, updates to legislation references and similar.

The modifications to the *Closure of Pedestrian Accessways Policy* are considered to be of a minor nature and it is therefore recommended that the amendments are not advertised, in accordance with the City's *Planning Consultation Local Planning Policy*.

*Joondalup City Centre Car Parking for Commercial Development Policy*

In accordance with clause 6 (b) of the deemed provisions of the LPS Regulations, the City is required to publish a notice of revocation of the policy in the local community newspaper.

## COMMENT

The modifications to the *Closure of Pedestrian Accessways Policy* are considered to be minor and are predominantly formatting changes.

The revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy* is considered appropriate as the policy relates to a structure plan for the city centre which is no longer applicable and the parking standards within the policy are no longer applicable as they have been replaced by those outlined in the JACP.

It is therefore recommended that Council proceeds with the proposed amendment to the *Closure of Pedestrian Accessways Policy* and the revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*.

## VOTING REQUIREMENTS

Simple Majority.

*Cr May entered the Chamber at 5.55pm.*

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

- 1** in accordance with clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the amendment to the *Closure of Pedestrian Accessways Local Planning Policy*, without advertising as included in Attachment 1 to this Report;
- 2** NOTES that the amended *Closure of Pedestrian Accessways Local Planning Policy* will come into effect when a notice is published in the local newspaper;
- 3** In accordance with clause 6 (b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REVOKES the *Joondalup City Centre Car Parking for Commercial Development Policy* as included in Attachment 3 to this Report, and publishes a notice in the local newspaper to that effect.

The Motion was Put and

**CARRIED (7/0)**

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Hollywood, May and Taylor.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2agnPOLICY200803.pdf](#)

### ITEM 3                    DRAFT REVISED ALFRESCO ACTIVITIES LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	03360, 101515
<b>ATTACHMENTS</b>	Attachment 1    Current <i>Alfresco Activities Policy</i> Attachment 2    Revised <i>Alfresco Activities Local Planning Policy</i> - as advertised Attachment 3    Alfresco Activities Checklist Attachment 4    Revised <i>Alfresco Activities Local Planning Policy</i> - proposed modification
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

#### PURPOSE

For Council to consider the draft revised *Alfresco Activities Local Planning Policy* following public advertising.

#### EXECUTIVE SUMMARY

At its meeting held on 12 December 2017 (CJ96-12/17 refers), Council requested that the City investigates opportunities to stimulate and encourage employment in the hospitality and tourism sectors within the City of Joondalup. Subsequently, a report was presented to Council on 16 October 2018 (CJ170-10/18 refers), which proposed certain measures to expand on the initiatives the City is currently undertaking to stimulate tourism ventures. One of these measures included the possibility of changing the regulations and licensing arrangements applicable to alfresco activities to encourage this form of development.

Currently, development (planning) approval is required for all alfresco activities and this approval must be renewed every three years. In accordance with Council's resolution, the City's current *Alfresco Activities Policy* (Attachment 1 refers) has been reviewed to:

- simplify and streamline the approval process for businesses seeking to operate alfresco activities within the City of Joondalup
- provide greater flexibility in the way alfresco activity can be conducted
- exempt alfresco activities that comply with specific policy provisions from the need to obtain planning approval.

In addition to a planning approval, alfresco operators also need to obtain an outdoor eating permit, which is governed by the *Local Government and Public Property Local Law 2014*. Currently, both the planning approval and outdoor eating permit need to be approved by the City (and conditions of approval met) prior to commencing the alfresco activities.

Under the proposed changes there may be instances where only an outdoor eating permit is needed prior to commencing.

Council, at its meeting held on 19 May 2020 (CJ069-05/20 refers), resolved to proceed to advertise the draft revised *Alfresco Activities Local Planning Policy* (Attachment 2 refers), for a period of 21 days. Advertising concluded on 2 July 2020, with no submissions being received during this time.

A minor modification is proposed to the revised *Alfresco Activities Local Planning Policy* to provide greater flexibility in the location of alfresco activities. It is recommended that Council proceeds with the revised *Alfresco Activities Local Planning Policy*, subject to this modification (Attachment 4 refers).

## BACKGROUND

Alfresco activities include the consumption of food and/or beverages by the public, generally within the verge area next to an existing food business. Alfresco activities can add vibrancy and contribute to creating a greater sense of place.

Currently, planning approval is required for all alfresco activities in the City of Joondalup, and that approval is required to be renewed every three years. The assessment of planning applications for alfresco activities is undertaken against the City's current *Alfresco Activities Policy*. The policy contains provisions that aim to maintain pedestrian and vehicle safety, whilst allowing businesses to utilise public areas to increase vibrancy and choice for residents and visitors.

The current *Alfresco Activities Policy* includes provisions related to the following:

- Where alfresco areas can be located in the street verge.
- Managing the potential impact on amenity of the streetscape.
- The type of tables and chairs permitted in the alfresco area.
- The location, materials, height and size of shelters and shade structures.
- Hazard management and liability implications.
- Operational implications should access to the land be required by a public authority (such as Water Corporation, Western Power, the City, telecommunication providers).

In addition to the requirement for planning approval, operators also need to obtain an outdoor eating permit under the *Local Government and Public Property Local Law 2014*. Both the planning application and outdoor eating permit need to be approved by the City prior to commencing the alfresco activities.

At its meeting held on 12 December 2017 (CJ96-12/17 refers), Council resolved in part:

*“That Council REQUESTS the Chief Executive Officer to prepare a report that examines initiatives which can stimulate opportunities and employment in hospitality and tourism ventures within the City of Joondalup, with the examination of measures including, but not limited to:*

- 1 *possible changes to alfresco regulation and licensing including allowances for signage and verge / sidewalk alfresco structures to encourage greater alfresco hospitality provision within the City of Joondalup...”*

In response to Council's December 2017 resolution, at its meeting held on 16 October 2018 (CJ170-10/18 refers), Council was presented with a further report, which outlined the tourism and hospitality related initiatives currently being undertaken by the City and a number of additional potential actions and initiatives to encourage economic development and tourism development in the City of Joondalup. One of these options included the review of the *Alfresco Activities Policy* to investigate exempting alfresco operators from the need for planning approval in certain circumstances.

At its meeting on 19 May 2020 (CJ069-05/20 refers), Council resolved to commence public consultation on the revised *Alfresco Activities Local Planning Policy* for a period of 21 days.

## DETAILS

The revisions to the *Alfresco Activities Policy*, as advertised, can be summarised as follows:

- The exempting of alfresco activities from the requirement to obtain planning approval where compliance is demonstrated with the relevant provisions of the policy. This will assist in expediting the approval process and in some cases, avoid planning application fees altogether.
- Allowing operators greater flexibility to determine their own needs in respect to the use and style of temporary barriers and planter boxes.
- Allowing temporary structures, fixtures and furniture within the alfresco dining area, noting that planning approval will be required for the consideration of any permanent structures within the verge.
- Allowing signage on temporary furniture and barriers within the alfresco areas, provided the signage directly relates to the business or goods and services offered.
- Providing greater flexibility in the permitted width of alfresco zones (in some areas), provided separation distances from the kerb and pedestrian zones are maintained.
- Removing requirements which are already addressed as part of the Outdoor Eating Permit process.
- To determine whether planning approval is required, the applicant will be required to complete a simple *Alfresco Activities Self-Assessment Checklist* (Attachment 3 refers).

### Proposed minor modification

Clause 5.2(a) of the advertised version of the revised *Alfresco Activities Local Planning Policy* requires that any proposed alfresco activities must be associated with, and located adjacent to, a commercial tenancy which prepares and serves food and beverages to customers.

In order to allow some flexibility in the configuration and location of alfresco activities, it is proposed to include an additional provision as clause 5.2(b) which states:

*“b Consideration may be given to alfresco activities which extend beyond the area directly adjacent a commercial tenancy; however this will require Development Approval to be issued prior to commencement and will be determined on a case-by-case basis taking into account the objectives of the policy, Local Planning Scheme No. 3 and any relevant activity/structure plan.”*

The above provision may assist in allowing activation of an area, for example within a nearby public space, or cater for an unusual tenancy or verge arrangement. A planning application will be required in these instances and will allow each proposal to be considered by the City on a case-by-case basis. The proposed provision is included in the draft revised *Alfresco Activities Local Planning Policy* at Attachment 4.



## Issues and options considered

Council has the option to either:

- proceed with the draft revised *Alfresco Activities Local Planning Policy*, without modifications
- proceed with the revised *Alfresco Activities Local Planning Policy*, with modifications or
- not proceed with the revised *Alfresco Activities Local Planning Policy*.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** *Metropolitan Region Scheme.  
Local Planning Scheme No. 3.  
Planning and Development (Local Planning Schemes) Regulations 2015.*

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Building and landscape is suitable for the immediate environment and reflect community values.

**Policy** *Alfresco Activities Policy.*

### Risk management considerations

Risks associated with exempting development approval for alfresco activities can be reduced by requiring applicants to complete the Alfresco Activities Self-Assessment Checklist which will be reviewed by the City as part of the outdoor eating permit application process.

Any alleged non-compliance can be investigated and acted upon by the City should a complaint be received for any alfresco activity which does not comply with the relevant provisions of the revised *Alfresco Activities Local Planning Policy*.

### Financial / budget implications

There will be a minor loss of revenue, should proposed alfresco activities meet the provisions of the revised *Alfresco Activities Local Planning Policy* and not require planning approval.

In the 2018-19 financial year, the City received and approved six planning applications for alfresco activities (including both new and renewal applications). The total fees received for these applications was \$882 (\$147 per application) and represents 0.1% of the planning application revenue the City received that year.

In addition to the planning application fee, an annual outdoor eating permit fee of \$338 plus \$34 per square metre applies to all alfresco areas. This outdoor eating permit process and associated fee is not proposed to be changed as part of this policy review. This is a standard fee applicable to all alfresco dining operations under the City's *Schedule of Fees and Charges*.

In terms of costs associated with public advertising and notice of any final adoption of the revised *Alfresco Activities Local Planning Policy*, the approximate cost of this process will be \$1,000.

**Regional significance**

Not applicable.

**Sustainability implications**

The revised *Alfresco Activities Local Planning Policy* will allow hospitality businesses to adapt and expand, whilst activating the public realm and providing varied dining experiences for visitors and residents. The additional seating and dining areas within these alfresco areas may also assist in the growth of businesses and subsequent employment opportunities.

**Consultation**

The revised *Alfresco Activities Local Planning Policy* was advertised for 21 days, commencing on 11 June 2020 and concluding on 2 July 2020 as follows:

- A notice published in the local newspaper.
- A letter sent to the Joondalup Business Association.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

No submissions were received during the consultation period.

**COMMENT**

The revised *Alfresco Activities Local Planning Policy* aims to provide clarity as to the City's expectations in respect to alfresco activities from a planning perspective, whilst providing greater flexibility for businesses.

No submissions were received during the consultation period. It is recommended that Council proceed with the draft revised *Alfresco Activities Local Planning Policy* subject to a minor modification to allow the City to consider alfresco activities which are not directly adjacent to the associated tenancy.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Alfresco Activities Local Planning Policy*, with modification, as shown in Attachment 4 to this Report.

**MOVED** Mayor Jacob, **SECONDED** Cr Hollywood that Council in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the revised *Alfresco Activities Local Planning Policy*, with modification, as shown in Attachment 4 to this Report, subject to the following changes being made:

- 1 in clause 5.1(c), amend the Kerbside Zone for Lakeside Drive to read *“0.5 metres (Kerbside Zone abuts on-street parking) or 1.5 metre minimum (Kerbside Zone abuts a lane of traffic)”*;
- 2 in clause 5.1(c), amend the Pedestrian Zone for Central Walk to read *“3 metres minimum width”* and amend the Alfresco Zone for Central Walk to read *“3.5 metres maximum width”*;
- 3 in clause 5.2(c) amend the last paragraph to read *“All works, furniture and structures can be retained in the alfresco zone outside of the operating hours of the associated business, subject to the operator accepting all responsibility for works, furniture and structures they have installed.”*.

The Motion was Put and

**CARRIED (7/0)**

In favour of the Motion: Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Hollywood, May and Taylor.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3agnPOLICY200803.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No./Subject</b>	Item 4 - Draft Container Deposit Scheme Infrastructure Local Planning Policy.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Joel Alexander of 'Ucanrecycle' contacted Cr Hamilton-Prime, JP via a phone call and email on the matter at Sorrento Bowling Club.

## **ITEM 4                      DRAFT                      CONTAINER                      DEPOSIT                      SCHEME INFRASTRUCTURE LOCAL PLANNING POLICY**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	04300, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Draft <i>Container Deposit Scheme Infrastructure Local Planning Policy</i> Attachment 2    WAPC Position Statement: Container Deposit Scheme Infrastructure Attachment 3 <i>Planning and Development (Local Planning Schemes) Amendment Regulations 2019</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider the draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

**EXECUTIVE SUMMARY**

Legislation to implement a container deposit scheme in Western Australian was passed by State Parliament in March 2019. The container deposit scheme provides for a refund to be paid to any person who returns an eligible beverage container to a designated collection point.

In May 2019, the Western Australian Planning Commission (WAPC) released a *Position Statement: Container Deposit Scheme Infrastructure* and a model local planning policy, which sets out exemptions from the need to obtain development approval for certain infrastructure associated with the container deposit scheme. The position statement outlines that, where the model local planning policy is adopted by a local government, public advertising is not required.

Amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) have been drafted and were released for comment by the WAPC in December 2019. The amendments, as proposed, include planning exemptions for infrastructure associated with the container deposit scheme. When implemented, the amendments to the regulations will effectively supersede any container deposit scheme local planning policy. A date for the implementation of the amendments is currently not known.

The container deposit scheme is due to commence operation on 1 October 2020 at which point certain infrastructure associated with the scheme will require development approval unless an exemption is provided under a local planning policy.

The amendments to the regulations will supersede any container deposit scheme local planning policy, however, to avoid delays in the implementation of the infrastructure associated with the scheme, it is recommended that Council proceed with the draft *Container Deposit Scheme Local Planning Policy*, in line with the model planning policy within the *Position Statement: Container Deposit Scheme Infrastructure*.

## BACKGROUND

Legislation to implement a container deposit scheme in Western Australian was passed by State Parliament in March 2019. The scheme complements existing kerbside recycling services and provides for a refund to be paid to any person who returns an eligible beverage container through the scheme. The scheme will be launched under the banner of 'Containers for Change'.

To assist in the implementation of this scheme, the WAPC has released a position statement and model local planning policy on the infrastructure associated with the container deposit scheme. The position statement encourages local governments to develop a local planning policy exempting infrastructure from the requirement to obtain development approval (Attachment 2 refers).

In December 2019, the Department of Planning, Lands and Heritage (DPLH) released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for comment. The amended Regulations provide for exemptions for infrastructure associated with the container deposit scheme established prior to 2 June 2021. The draft regulations align with the exemptions included in the model local planning policy, with additional exemptions around commercial vehicles accessing the infrastructure and container deposit recycling centres (Attachment 3 refers).

Once the draft amendments to the Regulations are implemented, the Regulations will override any planning exemptions provided within a container deposit scheme local planning policy. DPLH have advised that a date for the gazettal of these amendments is not currently known.

The State Government has announced that the container deposit scheme will come into effect on 1 October 2020.

## DETAILS

The draft *Container Deposit Scheme Infrastructure Local Planning Policy* (LPP) aligns with the WAPC's model local planning policy and provides an exemption from the need to obtain development approval for container collection cages and reverse vending machines (CDS Infrastructure) as outlined below.

### Container collection cages

The position statement describes a container collection cage as:

*“...a cage which containers are placed in and stored for collection and return for refund. These cages will generally be donation points, rather than refund points. They may be located in association with schools, sporting or other clubs or not-for-profit organisations. Individuals will deposit the containers into the collection cages and the receiving organisation will arrange collection of the containers and receive the refund as a donation to their organisation.”*

In accordance with WAPC's model local planning policy, the draft LPP exempts container collection cages that comply with the provisions of the policy in all zones, including a residential zone or public purpose reserve where the land is used for the purposes of a civic use, community purpose or educational establishment.

### Reverse vending machines

Reverse vending machines are permanently located structures that accept eligible containers in exchange for a refund. The position statement provides for descriptions of both small and large machines. Small vending machines are akin to a traditional vending machine and would likely be located in shopping centres or other public places. Given that traditional vending machines are exempt from the need for development approval as they are generally incidental to the predominant land use and located internally or in passageways, there would be no requirement for a small reverse vending machine to require approval.

Large reverse vending machines are described within the position statement as:

*"...generally mounted onto a storage structure similar to a sea container. The location of large reverse vending machines may vary, but they could be placed within existing commercial or industrial premises. These machines allow for greater volume of returns and it is likely that participants would travel to these sites with a variety of eligible containers."*

Under the draft LPP, these machines are permitted in all zones except for the Residential and Urban Development zones.

Page six of the position statement provides examples of the likely appearance of large reverse vending machines (Attachment 2 refers).

### General development standards

The draft LPP, in line with WAPC's model local planning policy, sets out a number of development standards associated with location, visual amenity, operational amenity and development footprint. The provisions are designed to ensure that the impact on adjoining or nearby residential properties is negligible and that the infrastructure has minimal visual impact by way of cladding and promotional branding. Operation of the infrastructure is also subject to compliance with the *Environmental Protection (Noise) Regulations 1997*.

### Amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015*

Proposed amendments to the Regulations (Attachment 3 refers) were released in December 2019 to assist in the rollout of the container deposit scheme. Should these be approved by the Minister for Planning, they will override any local planning policies on CDS Infrastructure.

The draft Regulations encompass all the exemptions within the model local planning policy and provide for additional exemptions and clarification around recycling centres, drop-off refund points and commercial vehicles associated with the container deposit scheme. Recycling centres provide solely for the return of eligible containers for refund and associated sorting and storage in bulk. The draft regulations will exempt the need for development approval for these centres where the:

- site is located outside of a residential area
- operation of the centre begins by 2 June 2021
- the building is not within 200 metres of the boundary of a residential lot
- the floor area does not exceed 2,000m<sup>2</sup>
- one car parking bay is provided for each 100m<sup>2</sup> of floor area or a six-metre length of car queuing lane is provided.

Drop-off refund points generally operate within a premise such as a shop, incidental to the main land use. They are not permitted in residential areas.

DPLH have advised that a date for gazettal of these amendments is currently not known.

### Issues and options considered

Council has the option to either:

- proceed with the draft *Container Deposit Scheme Infrastructure Local Planning Policy*, without modifications
- proceed with the draft *Container Deposit Scheme Infrastructure Local Planning Policy*, with modifications
- or
- not proceed with the draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

### Legislation / Strategic Community Plan / Policy implications

**Legislation**                      *Local Planning Scheme No. 3.  
Planning and Development (Local Planning Schemes) Regulations 2015.*

### Strategic Community Plan

**Key theme**                      Quality Built Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Building and landscape is suitable for the immediate environment and reflect community values.

**Policy**                              Draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

### Risk management considerations

Should Council not support the draft LPP, any infrastructure associated with the container deposit scheme will require development approval, however there would be no specific provisions against which a proposal would be assessed. Instead, proposals would be assessed against the general objectives of the particular zone as outlined in the City of Joondalup *Local Planning Scheme No. 3*.

Proceeding with the policy will avoid any potentially unnecessary planning applications that would otherwise be exempt when the draft Regulations come into effect which would divert City resources from other activities and delay businesses from operating.

While Council could request that modifications be made to the draft LPP, the WAPC has stipulated that where a policy does not align with the model LPP, advertising of that policy will be required. If the draft LPP is advertised for public comment, the finalisation of the LPP may not occur until after the commencement of the container deposit scheme which, similar to the above, would mean that any infrastructure associated with the container deposit scheme will require development approval.

**Financial / budget implications**

The container deposit scheme is due to commence on 1 October 2020. Should exemptions via the draft local planning policy not be in place, it is likely that the minimum development application fee of \$147 will be required for every proposal that includes infrastructure associated with the container deposit scheme. It is not known how many development applications the City will receive; however, a number of preliminary meetings have already been had with potential operators.

**Regional significance**

The container deposit scheme is a State Government initiative, allowing for infrastructure to be provided throughout the State. 145 refund point locations have been selected by the State Government with the number of these expected to increase to 229 by the end of the first year. Forty per cent of refund points will be operated by social enterprises including charities, disability sector organisations, Aboriginal corporations and sporting and community groups.

**Sustainability implications**

The draft LPP will allow for the recycling of eligible beverage containers. 'Containers for Change' have identified that beverage containers make up 44 per cent of all litter in Western Australia. The State Government expects that such a container deposit scheme will see a significant reduction in Western Australia's litter and recycling waste rate.

**Consultation**

The LPS Regulations state that if a local government resolves to prepare a local planning policy, the local government must advertise the policy unless the WAPC agrees otherwise.

The WAPC's *Position Statement: Container Deposit Scheme Infrastructure* stipulates that where a local government resolves to adopt the provided model local planning policy, the WAPC agrees that advertising of the policy is not required. Prior to the Council making a resolution however, the WAPC is required to be notified of the City's intention to do so.

The City has notified the WAPC that it intends to present to Council a draft LPP that aligns with the model local planning policy for consideration. DPLH have confirmed that the draft LPP aligns with the model local planning policy and that advertising is not required.

**COMMENT**

The draft *Container Deposit Scheme Infrastructure Local Planning Policy* will provide an exemption from the need to obtain development approval for certain infrastructure associated with the State Government's container deposit scheme which is due to commence on 1 October 2020. The draft policy fully aligns with the WAPC's model local planning policy and will assist in the implementation and delivery of the scheme. It is recommended that Council adopts the draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

**VOTING REQUIREMENTS**

Simple Majority.



**MOVED** Cr Hollywood, **SECONDED** Cr May that Council, in accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Container Deposit Scheme Infrastructure Local Planning Policy*, as shown in Attachment 1 to this Report.

**The Motion was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Fishwick, Hollywood, May and Taylor.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4agnPOLICY200803.pdf](#)*

## **ITEM 5                      REVIEW OF THE VISUAL ARTS COMMISSIONING PROGRAM FOLLOWING ITS FIRST FULL CYCLE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	14158, 101515
<b>ATTACHMENT</b>	Attachment 1    Commissioned artwork by Tony Windberg Attachment 2    Commissioned artwork by Lindsay Harris Attachment 3    Commissioned artwork by Brandon Ballengée Attachment 4    Commissioned artwork by Nien Schwarz Attachment 5    Options considered (six-year cycles) Attachment 6    Local Government benchmarking
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to review the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission.

### **EXECUTIVE SUMMARY**

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

This report provides a review of the current commissioning program for the City's Art Collection and recommends that the City adjusts the cycle to become a biennial commission of Western Australian artists only and removes the international / national residency every third year.

The program would continue to commission artists to document and capture the iconic landmarks and people that represent the City of Joondalup. The commissioning of artworks by the City allows clear themes and content to be established to ensure artworks represent the social, urban, and natural aspects of the City of Joondalup. It is recommended that a biennial budget of \$15,000 is maintained for the City's collection, however, with only Western Australian artists under consideration and the residency component to be removed from the cycle.

*It is therefore recommended that Council:*

- 1        *NOTES the review of the first full cycle of the three-year commissioning program;*
- 2        *APPROVES changing the cycle to become an artwork commission from a high profile Western Australian artist every second year (biennial);*
- 3        *LISTS for consideration an amount of \$15,000 every two years in the draft Budget to fund the Visual Art Commissioning program.*

## BACKGROUND

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

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

At its meeting held on 19 February 2013 (CJ021-02/13 refers), Council endorsed changes to the Visual Arts Commissioning program and approved the option to invite an international or national artist to undertake the commission with an artist in residence component over a two-year period. The program would allocate \$15,000 in year one for hosting an artist in residence and \$15,000 in year two for the same artist to produce an artwork in response to the residency.

At its meeting held on 16 October 2014, the former Art Collection and Advisory Committee (ACAC) selected New York-based artist Brandon Ballengée. Ballengée undertook a six-week artist residency from September to October 2015. Ballengée's residency resulted in a commissioned sculpture titled *Emperor Gum Moth* installed in 2016. This work is on permanent public display on Grand Boulevard, Joondalup. There was a total cost of \$54,844 for the commissioning of this artwork and a further \$26,222 for landscaping. In March 2016, Council approved additional funds from Public Art Reserve Fund Capital Item C1077 to be added to this commission to cover the shortfall (CJ045-03/16 refers).

As a result of the Visual Arts Commission program completing a cycle of commissioning and a residency, a report was presented to the Policy Committee evaluating the program. This report was presented to Council at its meeting held 28 June 2016 (CJ100-06/16 refers), where it was resolved that Council:

- 1 *NOTES the evaluation information provided for the Visual Art Commissioning program;*
- 2 *APPROVES alternating between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency comprised of two parts, a Residency and Commission, taking place over the following two years, as per Option 2 detailed within Report CJ100-06/16;*
- 3 *AGREES to list \$15,000 each year going forward to fund the program;*
- 4 *REQUESTS a report be provided to the Policy Committee evaluating the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency and an artist residency commission.*

This report provides the Policy Committee with an evaluation of the Visual Arts Commissioning program as requested in 2016 (Part 4).

## DETAILS

### City of Joondalup Art Collection

The City of Joondalup Art Collection was first established following the separation of the City of Joondalup from the City of Wanneroo in 1997. The collection was divided equally in value between the two local governments. The City of Wanneroo retained the historical collection, the regional landscapes, and works by Indigenous artists and the City of Joondalup acquired contemporary works (artworks created within a recent period).

The City's Art Collection holds over 269 examples of Western Australian contemporary art, including paintings, sculptural works, drawings, prints, watercolours, photographic works, glasswork, textile works, installation, and video work. It is housed within various City buildings including the Council Chambers, Libraries, Administrative Offices, and Leisure Centres. The Art Collection is valued on a regular basis and insured accordingly (estimated market value). The collection is currently in the process of being valued by an accredited art valuer with an individual assessment of each artwork. The previous valuation of the collection in 2018 had a total value of over \$765,000. The current valuation will also include an assessment of a further 20 works in the City's Public Art Collection.

The Art Collection is a growing asset – works are collected by purchasing existing works (acquisitions), donations from artists and other collections (donation), or through appointing an artist to produce new work in response to an artwork brief (commissions). An artist residency program has many models – for the City, this model is when an artist spends time in Joondalup and then responds to their experience and produces an artwork as a result of their residency (artist residency).

The City's Art Collection is directed by the City's *Visual Art Policy* and *Art Collection Management Plan*.

#### Purpose of the Art Collection

The purpose of the collection is:

- to properly conserve, maintain, and grow the value of the City's art and cultural assets
- to preserve, protect and promote the unique social and cultural identity of the city.

#### Aims of the Art Collection

As stated in the City's *Visual Arts Policy*, the aims of the Art Collection are to:

- i. support contemporary art and artists, with a focus on Western Australian artists
- ii. acquire exemplary artworks that are contemporary, conceptually resolved and reflect current practice
- iii. provide Joondalup citizens with access to high quality, contemporary visual art, free of charge
- iv. be of sufficient scope and range to sustain a diversity of views and interpretations
- v. increase the understanding and enjoyment of contemporary art as they pertain to the culture of the City
- vi. develop the Collection holdings by attracting donations, bequests and other means of support
- vii. acquire items that will appreciate in value over time
- viii. operate guided by museum standards.

### Recognition of the Art Collection

The City's Art Collection is recognised for its significance to the Joondalup region and key works by prominent Western Australian artists.

The collection has several works that are significant to the local area, particularly through landscape works that depict the northern suburbs or explore the suburban growth of the area in the 1990s and early 2000s.

The scope of the collection has since expanded and reflects the range of styles and practices of many prominent Western Australian artists which have been particularly built upon by the City's Invitation Art Prize (previously known as the Invitation Art Award and Community Invitation Art Award) and commissioning program.

### Measuring the value of the Art Collection

The City's Art Collection is an asset that appreciates in value over time. The valuation of artworks and the rate of fluctuation cannot be ascertained over the short term. For this reason, it is challenging to determine the value of the inclusion of recent acquisitions and the inclusion of artworks by interstate and international artists in the collection while the Artist Residency program is in its infancy.

The Art Collection is valued by an authorised valuer every three years. The total value of the collection from the 2018 valuation is \$765,818 (excluding works from the Public Art Collection). In general, the works in the collection appreciate at the rate of 5-10%. The City maintains the Art Collection and Public Art Collection to museum standards and best practices to ensure that the value of the works appreciates according to market value.

The steepest rise in the value of artworks in a collection occurs when an artist transitions from the emerging to the mid-career or mid-career to highly esteemed. The greatest appreciation can, therefore, be realised by acquiring works from promising professional artists in these phases of their career. Key works by prominent artists appreciate after the artist is deceased. Works by Indigenous artists also increase in value at a satisfactory rate.

Conversely, there is usually little or even negative growth in the value of artworks by amateur artists. Works collected by artists for the criteria of their locality and not their professional standing as an artist, depreciate and has a negative effect on the value of the collection as a whole.

The overall value of an art collection benefits from having a strong definition of the parameters of works included in the collection and discipline to maintaining cohesion in the artworks included in the collection. The value of a collection is built, not by how many works are in a collection, but by the quality of the works and cohesion of the collection. Works of lower cultural or financial value have a negative effect on the collection as a whole.

Tony Windberg's artwork has appreciated in value – in 2018 the work was valued at \$18,000. This artwork appreciated at the rate of 20% in a five-year period.

Lindsay Harris' artwork has appreciated in value – the work was valued at \$16,500 in 2018. This artwork has appreciated at the rate of 10% since it was commissioned.

Brandon Ballengee's artwork has appreciated in value – the current value of the work is \$65,000. This artwork has appreciated by 18% since it was completed in 2017.

Nien Schwarz's artwork was completed in 2019 and is too early for the work to have appreciated since it was acquired.

### Acquisitions

The City has an annual budget of \$15,000 for acquisitions into the Art Collection. One acquisition is made automatically from the Invitation Art Prize (IAP) by acquiring the winning work. The prize is selected by an external panel of industry professionals.

Within the available budget, recommendations for purchases are made with reference to artistic merit, investment potential and value as a cultural investment, and historical reference point in the future.

### Commissioning

In April 2011, Council resolved to commission on an annual basis an artwork for the City's Art Collection to the value of \$15,000.

Commissioning involves the contracting of an artist to create an original artwork for a particular purpose, exhibition, or collection. The Visual Art Commissioning program was introduced in 2011 to ensure that works in the collection are by reputable artists with significant value while allowing themes and content to be determined to ensure artworks represent the people, places, and culture of the City of Joondalup.

### Artist Residency program

In 2015 the City introduced the residency component to the commissioning program whereby an artist is invited to spend time within the City of Joondalup to research, reflect, produce artwork and engage with the local community. The program allows the community to view their local area through the perspective of a visiting professional artist.

The rationale for expanding the commissioning program to interstate or international artists with a residency component was to expand the focus of the City's Art Collection and align the program to the City's *Strategic Community Plan, Joondalup 2022*.

Since the City introduced a Visual Art Commissioning program in 2011 and the Artist Residency program in 2015, it has commissioned artworks by Western Australian, interstate and international artists as follows:

<b>Artist</b>	<b>Artwork</b>	<b>Local / Interstate / International</b>	<b>Financial Year</b>	<b>Budget</b>
<b>Commissioning Program Commences</b>				
Tony Windberg	<i>Meeting Points</i>	Western Australian	2012–13	\$15,000
Lindsay Harris	<i>Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going).</i>	Western Australian	2013–14	\$15,000
<b>Residency Cycle Introduced to Commissioning Program</b>				
Brandon Ballengée	N/A (residency year)	International	2015–16	\$15,000
Brandon Ballengée	<i>Emperor Gum Moth</i>	International	2016–17	\$54,800
Nien Schwarz	<i>Place of Glistening</i>	Western Australian	2017–18	\$15,000
Helen Pynor	N/A (residency year)	Interstate	2018–19	\$15,000
Helen Pynor	N/A (to be received)	Interstate	2019–20	\$15,000
Paul Kaptein	N/A (forthcoming)	Western Australian	2020–21	\$15,000

### Criteria for acquisitions

Works acquired for the City's Art Collection, whether by purchase, commission or donation must adhere to criteria set out in the *Art Collection Management Plan*. Notable criteria for artworks include:

- i. be a quality example that will be a significant addition to the collection (essential)
- ii. enhance the current scope of the City's Art Collection (essential)
- iii. be quality artwork by a contemporary Western Australian artist (desirable)
- iv. represent the artistic practice of a Western Australian artist (or artist residing in Western Australia) who has received acclaim for their work locally, nationally or internationally (desirable)
- v. build on identifiable themes within the whole collection (desirable)
- vi. be informed by or associated with the City of Joondalup (desirable)
- vii. created by an artist during a residency hosted by the City of Joondalup (desirable)
- viii. be in response to the creative brief (additional).

### **Local Government benchmarking**

The commissioning of special-purpose artworks is common practice amongst private art collections. Commissioning is typically undertaken in addition to a general acquisition program. In 2011 the City of Perth was the only Western Australia local government that had a distinct commissioning program for its art collection; in 2018 this program was suspended. Currently the City of Joondalup may be the only local government in Western Australia that has a distinct commissioning program in addition to regular acquisitions (Attachment 6 refers).

Out of eight Western Australian local governments benchmarked, seven have an acquisition budget, with the average allocation of \$10,000–\$20,000 per annum.

An additional three interstate local governments were benchmarked. Two of these local governments allocate \$20,000–\$30,000 towards commissioning, and the third local government only allocating funds for acquisitions.

### **Issues and options considered**

Through information provided in this report, Council is asked to consider the Visual Arts Commissioning program, and to assess the recommended option for the future format of the program.

### Success of the Artist Residency program

The success of the Artist Residency program against the program objectives and a summary of the success and shortfalls of the program are as follows:

- A significant link to the *Strategic Community Plan Joondalup 2022*.
  - i. the Artist Residency program may not contribute to the Cultural Development strategic initiatives outlined in the Community Wellbeing of the strategic plan
  - ii. the Artist Residency program may align with the Bold, Ambitious, Innovative, Enterprising, Prosperous, Compassionate values listed in the strategic plan
  - iii. the Artist Residency program may align with the City's global aspirations.
- Genuine and focused engagement between the artist, community, and landscape.
  - i. both Brandan Ballengée and Helen Pynor spent significant time engaging with the community and area during their residencies.

- The artist to approach the City of Joondalup without preconceptions or pre-knowledge of what the City, Western Australia, the people, and landscape is like.
  - i. with only a six-week residency schedule, a significant amount of planning is required to achieve a high level of productivity during the residency. As a result, it is not feasible for the artist to approach the City of Joondalup without preconceptions or prior knowledge of the area.
- The spirit of exploration and discovery would be reflected in the artwork – culminating in a work based on experience and genuine interaction.
  - i. at the end of his residency, Ballengée proposed an artwork that belongs to a series of artworks titled *Love Motels for Insects*. Similar works from this series exist around the world, however, the artwork commissioned for the City's Art Collection is a unique design
  - ii. Pynor's interaction with the community during her residency directly influenced her artwork.
- Cultural and social benefits the community through hands-on engagement.
  - i. both residencies consisted of hands-on engagement with the community.
- A recognition that the City supports a significant migrant population.
  - i. the achievement of this objective has been unsuccessful through the Artist Residency program to date.

#### Benefits of the Artist Residency program

The Artist Residency program has provided several benefits for the community. The program allows for the tangible promotion of the City's Art Collection and increases the interest of the community in the collection.

The program is aligned with the *Visual Arts Policy* to deliver a contemporary visual arts program that supports quality cultural opportunities for the local community, recognising the value of culture in our society as a driving force for change, innovation, vibrant communities, a strong sense of place, the economy and tourism.

#### Shortfalls of the Artist Residency program

The program would benefit from increasing community access to the visiting artist by allowing for drop-in opportunities or appointments. The residency program relies on local accommodation for the artist during their stay (Sorrento Quay, Joondalup Resort, short-stay accommodation). The City currently does not have the appropriate facilities such as an artist studio to accommodate ongoing access to the artist while they are visiting. As a result, the program receives less visibility and engagement with the community and City stakeholders. Successful artist residency programs are often delivered where a gallery has an adjacent artist studio and accommodation option. This allows the artist to live and work in one venue and conduct workshops and exhibit the outcome of their residency in the same venue.

#### Alignment to Joondalup's Art Collection (Western Australian focus)

Artworks in the City's Art Collection have been created by Western Australian artists with the exception of the two works created through the Artist Residency program. Although it is not clarified in the *Art Collection Management Plan*, Western Australian artists refer to artists who:

- were born in Western Australia
- are current residents of Western Australia who have lived here for 12 months or more or
- lived and worked in Western Australia for a significant amount of time and produced a significant body of work here.



As a condition of entry, artists participating in the City's Invitation Art Prize must be a resident of Western Australia for 12 months before the closing date for submissions.

The current commissioning cycle is too infrequent to build a significant portion of national / international works within the City's Art Collection and as a result, creates a deviation to the cohesion of the collection.

#### Baseline Option 1: Maintain the current cycle

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

- Interstate / international artist residency including research for forthcoming commission (year one).
- Interstate / international artist commission (year two).
- Western Australian artist commission (year three).

This option makes no changes to this existing program whereby it cycles through an interstate or international artist residency in one year, a commission by the same artist in the proceeding year, and a commission by a Western Australian artist in the third year.

The City will acquire two artworks in this three-year cycle. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 2: Remove the residency component with an interstate / international artist and retain a commission by a Western Australian artist only

This option will roll back the commissioning program to its original model and remove the residency component plus commission by an interstate or international artist. This model will include one commission each year by a Western Australian artist.

The City will acquire one artwork every year in this model. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 3: Keep the residency but with a Western Australian regional focus

This option retains the Visual Art Commission program and Residency program; however, the artist residency component is re-focussed to include regional Western Australian artists only and excludes interstate and international artists from the program.

The program will cycle through an artist residency with a regional Western Australian artist in one year, the commission of an artwork by the same regional Western Australian artist in the following year, and commission of an artwork by an artist based in the greater Perth region in the next year.

The City will acquire two artworks in this three-year cycle. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 4: Only commission an artwork by a Western Australian artist every two years and remove the residency component

This option will roll back the Art Commissioning program to its original model where artworks are commissioned by Western Australian artists only. This model also cuts the frequency of commissions in half and eliminates the residency component from the program.

The City will acquire one artwork every two years. This model generates a saving of \$15,000 every other year.

All options are listed with the alternating cycles over a six-year period in Attachment 5.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Cultural development.

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

**Policy** *Visual Arts Policy.*

#### Risk management considerations

Not applicable.

#### Financial / budget implications

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

Financial Year	Program Model	Allocated Funds
2012-13	Art commission	\$15,000
2013-14	Art commission	\$15,000
2014-15	-	-
2015-16	Artist Residency	\$15,000
2016-17	Art commission	\$15,000
2017-18	Art commission	\$15,000
2018-19	Artist Residency	\$15,000
2019-20	Art Commission	\$15,000
2020-21	Art Commission (forthcoming Paul Kaptein)	\$15,000

No activity in 2014-15 during the commencement of the Artist Residency program.

#### Current financial year impact

**Account no.** C1078.  
**Budget Item** Commission for the City's Art Collection.  
**Budget amount** \$ 15,000  
**Amount spent to date** \$ 15,000  
**Proposed cost** \$ 15,000  
**Balance** \$ 0

#### Future financial year impact

**Annual operating cost** \$ 15,000  
**Estimated annual income** \$ 0  
**Capital replacement** Not applicable.

**20 Year Strategic Financial Plan impact****Option 1 and 3**

While the formats of the commissioning cycles vary in these options, the City would continue to acquire two artworks in a three-year cycle. This model adheres to the current budget allocation of \$15,000 each year.

**Option 2**

The City would acquire one artwork every year. This model adheres to the current budget allocation of \$15,000 each year.

**Option 4**

The City would acquire one artwork every two years. This model generates a saving of \$15,000 every other year. This would result in a \$150,000 saving over 20 years.

Option 4 is the recommended option.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

The City's Art Collection, including its public art, archives, and memorabilia, plays an important part in shaping and developing a sense of community.

The ongoing provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

**Sustainability implications**

Art strengthens the public realm (environment) by creating points of interest, animating spaces, and providing beauty, character, and colour to places. Art provides a catalyst for public discussion about current social, economic, and environmental issues. Art is a driver for cultural tourism. Art collections transcend time and become a connection to the past, telling stories of previous civilisations, social movements, and points in history. The collection should be viewed as a long-term investment for future communities to access the history of a region.

**Consultation**

Not applicable.

**COMMENT**

The commissioning of special purpose artworks complements the acquisition program to ensure the development of a relevant and comprehensive art collection. Other local governments have had to discontinue their commissioning programs over recent years and while no local governments in Western Australia currently have a distinct commissioning program, a number do undertake sporadic commissioning and lack a consistent approach to this important aspect of developing an art collection. Most local governments that described commissioning work on a case-by-case basis will do so in response to important anniversaries, milestones or celebrating honoured people through portraiture as the occasion arises. Having a regular commissioning program provides an opportunity for the City to commission works in response to gaps in the existing collection. Inviting a prominent artist to respond to the region every two years will provide a historical reference point for future generations.

The commissioning of various artworks that are reflective of the City of Joondalup offers the following benefits:

- The resulting works would be a culturally valuable asset for the City and would be a welcome addition to the City's growing art collection.
- Through the acquisition process, which may include recommending the purchase of artworks from the Invitation Art Prize and Community Art Exhibition, it has been difficult to locate works that relate to local area in content or context that are also of strong artistic merit. To ensure artworks of quality that also reflect the City of Joondalup can be included in the collection, a more targeted approach such as commissioning is required.
- Commissioning allows the City to determine the overall content or theme of the artworks. Commissioning thereby allows the City to capture a site, person, or theme of particular significance, which over time will provide a historical perspective of the City.

The introduction of a residency program can continue and perhaps be re-focused to regional Western Australian artists. However, with a lack of facility for the community to readily access the artist, it reduces the effectiveness and reach of hosting the artist and exhibiting the outcomes of their visit. For this reason, it is recommended that the program is refocused to commissioning works by prominent Western Australian artists and the cycle becomes biennial whereby the City would acquire one artwork every two years. This model will also generate a saving of \$15,000 every other year.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the review of the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission;
- 2 APPROVES changing the cycle to become an artwork commission from a high profile Western Australian artist every second year (biennial);
- 3 LISTS for consideration an amount of \$15,000 every two years in the draft Budget to fund the Visual Art Commissioning program.

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

- 1**     **NOTES** the review of the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission;
- 2**     **APPROVES** changing the cycle to become an artwork commission from a high profile Western Australian, Australian or international artist every second year (biennial);
- 3**     **LISTS** for consideration an amount of \$15,000 every two years in the draft Budget to fund the Visual Art Commissioning program.

**The Motion was Put and**

**CARRIED (6/1)**

**In favour of the Motion:** Cr Hamilton-Prime, Mayor Jacob, Crs Chester, Hollywood, May and Taylor.  
**Against the Motion:** Cr Fishwick.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5agnPOLICY200803.pdf](#)*

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

An elected member called for a report on the review of the City's *Naming of Public Facilities Policy*.

**CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 6.45pm; the following Committee Members being present at that time:

Cr Christine Hamilton-Prime, JP  
Mayor Hon. Albert Jacob, JP  
Cr Kerry Hollywood  
Cr Christopher May  
Cr Philippa Taylor  
Cr Russ Fishwick, JP  
Cr John Chester