

minutes

Policy Committee

MEETING HELD ON MONDAY 28 JULY 2025

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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Note:

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 28 JULY 2025.

1 DECLARATION OF OPENING

1.1 MEETING OPENING AND ATTENDANCE

The Presiding Member declared the meeting open at 6.04pm.

ATTENDANCE

Committee Members:

Cr Daniel Kingston	<i>Presiding Member</i>	
Mayor Hon. Albert Jacob, JP		<i>from 6.22pm</i>
Cr Rebecca Pizzey	<i>via electronic means</i>	
Cr Lewis Hutton	<i>Deputy Presiding Member</i>	
Cr John Chester		<i>from 6.15pm</i>
Cr Phillip Vinciullo		

Observers

Cr Adrian Hill	<i>via electronic means</i>	<i>from 7.29pm</i>
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Officers:

Mr Jamie Parry	Director Governance and Strategy	
Mr Mat Humfrey	Director Corporate Services	<i>absent from 6.12pm to 6.15pm</i>
Mr Joe Hussey	Acting Director Planning and Community Development	
Mr Ryan Ferts	Manager Asset Management	
Ms Christine Robinson	Manager Audit, Risk and Executive Services	
Mrs Cathrine Temple	Manager Planning Services	<i>to 6.24pm</i>
Mrs Kylie Bergmann	Manager Governance	
Ms Caitlin Wood	Governance Officer	

1.2 REQUESTS FOR ELECTRONIC ATTENDANCE

In accordance with regulation 14C(2)(b) of the *Local Government (Administration) Regulations 1996* and the *Electronic Attendance at Meetings Council Policy*, Mayor Jacob gave approval for Cr Pizzey to attend this meeting via electronic means.

Cr Pizzey made the following declaration:

"I Rebecca Pizzey declare that I am able to maintain confidentiality during the closed part of this meeting. And if I am no longer able to maintain confidentiality, I will excuse myself from the meeting."

2 DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr John Raftis	23 July to 10 August 2025 inclusive.
Cr Nige Jones	27 July to 7 August 2025 inclusive.
Cr Rohan O'Neill	5 August to 8 August 2025 inclusive.
Cr Daniel Kingston	5 August and 12 August 2025 inclusive.
Cr Lewis Hutton	9 August to 31 August 2025 inclusive.
Cr John Raftis	11 August to 14 August 2025 inclusive.
Cr Daniel Kingston	14 August 2025 inclusive.
Cr Christopher May, JP	29 August 2025 inclusive.
Cr Daniel Kingston	2 September, 9 September and 30 September 2025 inclusive.
Cr John Raftis	8 September to 11 September 2025 inclusive.
Cr Daniel Kingston	7 October 2025 inclusive.

3.2 APOLOGIES

Mr James Pearson, Chief Executive Officer.

Mr Mat Pennington, Acting Director Infrastructure Services.

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE POLICY COMMITTEE HELD ON 14 APRIL 2025

MOVED Cr Hutton, **SECONDED** Cr Kingston that the Minutes of the Policy Committee held on 14 April 2025 be **CONFIRMED** as a true and correct record.

The Motion was Put and

CARRIED (4/0)

In favour of the Motion: Cr Kingston, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Motion: Nil.

5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

6 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 is not open to the public.

7 PETITIONS AND DEPUTATIONS

Nil.

8 REPORTS

8.1 PROPOSED PERCENT FOR ART LOCAL PLANNING POLICY CONSIDERATION FOLLOWING ADVERTISING (WARD – ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	111603, 101515

PURPOSE

For Council to consider the draft *Percent for Art Scheme Local Planning Policy* and revised *Public Art Council Policy* for adoption.

EXECUTIVE SUMMARY

In July 2024, Council adopted the City's first *Public Art Masterplan* including the City's strategic approach for public art comprising the existing *Public Art Council Policy* and a new local planning policy to facilitate contributions for public art from private development.

In support of the approved *Public Art Masterplan*, revisions are proposed to the *Public Art Council Policy* and a new draft *Percent for Art Scheme Local Planning Policy* has been developed which creates a framework for developers to contribute to public art provision as a percentage of development costs (known as a 'percent for art scheme').

The proposed changes would align the City's public art policy framework with other Local Government Authorities (LGAs) in Perth, the majority of which have an established percent for art scheme.

At its meeting held on 25 March 2025 (CJ058-03/25 refers), Council resolved to proceed to advertise the draft *Percent for Art Scheme Local Planning Policy* for a period of 21 days. Public consultation concluded on 22 May 2025, with nine submissions received, with four submissions in support and five in opposition. No modifications to the draft LPP are proposed in response to submissions.

There were no requirements for the *Public Art Council Policy* to be advertised.

It is therefore recommended that Council proceeds with the draft Percent for Art Scheme Local Planning Policy and adopts the revised Public Art Council Policy.

BACKGROUND

The City's first *Public Art Masterplan* was adopted by Council on 23 July 2024 (CJ85-07/24 refers). The purpose of the Masterplan is to provide an overarching strategic framework and set of standards for all public art within the City. The Masterplan deals with the priorities and goals for public artwork and identifies opportunities to achieve these.

The City's policy framework was reviewed to support the implementation of the *Public Art Masterplan*. As a result of the review, updates were proposed to the *Public Art Council Policy*, which guides the funding and provision of public art by the City, and a new *Percent for Art Scheme Local Planning Policy* has been developed to guide the provision of developer contributions to public art, commonly known as a 'percent for art scheme'.

On 2 September 2024, the Policy Committee considered a report on the draft *Percent for Art Scheme Local Planning Policy* (draft LPP) and proposed revisions to the *Public Art Council Policy* (Council Policy). The Policy Committee resolved to defer the adoption of the revised Council Policy and refer the draft LPP to a Strategy Session. Modifications were made to the draft LPP in response to feedback raised at the Strategy Session, including the proposed maximum contribution of \$500,000 being removed from the draft LPP.

The draft LPP was presented to the Policy Committee on 17 February 2025 and subsequently to the Council meeting held on 25 March 2025 where public advertising of the draft LPP was endorsed.

The draft LPP and Council Policy are now provided along with the outcomes of consultation for consideration for final adoption.

DETAILS

Percent for Art Scheme Local Planning Policy

The development of the draft LPP (Attachment 1 refers) has been informed by a review of Percent for Art Policies of other LGAs (Attachment 2 refers). The key provisions of the draft LPP are as follows:

- Applies to all development proposals where the estimated cost of development meets \$2,000,000 and above, excluding the following:
 - Developments comprised of ten (10) or fewer residential dwellings.
 - Additions or extensions to existing buildings which are not visible from the public realm, as determined by the City.
 - Developments subject to the *Public Art Council Policy*.
 - Developments subject to an approved Structure Plan, Local Development Plan or other local planning instrument that contains requirements for the provision of public art in that area.
 - Developments subject to a State planning instrument that contains requirements for the provision of public art in that area.
 - Development comprised solely of demolition, site works or other servicing infrastructure, as determined by the City.
- Subject development applications are to allocate one percent (1%) of the total project cost for the commissioning of public art.

The draft LPP provides applicants with two options for the required public art contribution:

- Provide public art on the site of the development proposal. This requires the developer to independently administer the public art project to City standards as detailed in a *Developer Guidebook for Public Art* (currently under development). This guidebook provides an administrative and operational framework for developers to independently produce the required public art component.
- Pay a cash-in-lieu contribution to the City in place of providing the required public art component on site. The City would then retain the funds in its Public Art Reserve Fund and allocate the funds as part of its annual Public Art Program for new commissions, which would be expended within a five-year period and allocated within the Ward of the associated development.

Public Art Council Policy

The Council Policy has been revised to align it with the *Public Art Masterplan* and draft LPP, including updates to the following:

- Objective, definitions and statement.
- Types of public art – what is and is not public art.
- Program management.
- Percent for Art – aligning the City development application threshold from \$1,000,000 to \$2,000,000 to align with the draft Percent for Art Scheme Local Planning Policy.

A marked up and clean version of the revised Council Policy have been included as Attachment 3 and 4 to this Report.

Issues and options considered

In regard to the *Percent for Art Scheme Local Planning Policy*, Council may choose to:

- proceed with the draft LPP without modifications.
- proceed with the draft LPP with modifications.
- or
- not proceed with the draft LPP.

In regard to the revised Public Art Council Policy, Council may choose to:

- adopt the revised Council Policy without modifications.
- adopt the revised Council Policy with modifications.
- or
- not adopt the revised Council Policy.

Legislation / Strategic Community Plan / Policy implications

Legislation

*Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes) Regulations 2015.
Planning and Development Act 2005.
Local Planning Scheme No.3.*

10-Year Strategic Community Plan

Key theme 1. Community.

Outcome 1-2 Inclusive and connected - you enjoy local services and programs that cater for different ages, abilities and backgrounds.
1-4 Artistic and creative - you celebrate, support and participate in art and events in your local area.
1-5 Cultural and diverse - you understand, value and celebrate the City's unique Aboriginal and other diverse cultures and histories.

Key theme 3. Place.

Outcome 3-2 Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.
3-3 Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes.
3-4 Functional and accessible - you have access to quality community facilities that are functional and adaptable

Key theme 4. Economy.

Outcome 4-2 Innovative and confident - you are attracted to the City's unique characteristics and potential and feel confident in investing.
4-3 Appealing and welcoming - you welcome residents, and local and international visitors to the City.

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	EXPECTATIONS	REPUTATION
Risk Description	Ineffective / improper decision making	Inability to understand community expectations	Loss of community trust
Risk Responsibility	Director Governance and Strategy		Chief Executive Officer
Residual Risk	High		
Control Effectiveness	Strong		
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.		
Risk Control	The relevant control, to mitigate risk, is the provision of a report detailing policy changes relative to the Public Art Masterplan.		

Risk	ATTRACTION
Risk Description	Lack of desirability as a place to visit live, work, invest and do business
Risk Responsibility	Director Planning and Community Development
Residual Risk	Medium
Control Effectiveness	Strong
Risk Appetite	Medium risk is acceptable without variation to existing control activities.

Other risk information

The draft LPP has been prepared in response to the strategic direction set out in the Council-endorsed *Public Art Masterplan*. If Council does not adopt a Percent for Art Scheme Local Planning Policy, this may result in the City not being able to achieve the strategic vision for its *Public Art Masterplan*. In addition, this will result in the City being required to fund public art in lieu of funding from developer contributions. If Council does not support the adoption of a Percent for Art Local Planning Policy, it would need to review its funding options contained in the *Public Art Masterplan*.

If the draft LPP is adopted there may be a perceived disincentive for development due to the additional cost for public art. However, this risk will be managed as follows:

- A 21-day consultation period has been undertaken, with feedback sought from businesses and the community.
- Similar percent for art schemes are utilised by many local governments in metropolitan Perth and include similar thresholds, as such it is not a unique or unfamiliar policy for developers. Specifically, neighbouring LGAs in Wanneroo, Stirling and Swan each have an active percent for art scheme and developers are required to meet similar requirements, reducing the likelihood of developers being attracted to neighbouring LGAs for financial reasons.

Financial / budget implications

There is no cost associated with the notice of final adoption of the draft LPP or Council Policy being placed on the City's website.

Percent for Art Scheme Local Planning Policy

To provide an indication of the funds that would be raised through the draft LPP from developer contributions, between 1 July 2020 and 24 April 2024, the City received 22 development applications which would be subject to the proposed 1% contribution requirement. These development proposals would have resulted in the collection of approximately \$1,900,000 during this period (not taking into account any discount for cash-in-lieu contributions).

Public Art Council Policy

The proposed revisions to the Council Policy result in the threshold for public art contributions made by the City to be raised from \$1,000,000 to \$2,000,000 (to align with the draft LPP).

Regional significance

LGAs across Western Australia are now actively engaging in the public art commissioning process and utilising an active strategy and supporting policy in the form of a Percent for Art Scheme (24 of 29 metropolitan LGAs - 83%). The draft LPP is a component of a practical and functioning public art program, and commonly practiced across Western Australia.

The draft LPP will bring the City in line with current State approaches and represents a best practice approach to public art programs.

Public art also has a role to play in improving the place identity of the region and contributing to its cultural, social and economic value. The policies seek to build the City of Joondalup's significance as a place, destination and home for local communities.

Sustainability implications

Environmental

Not applicable.

Social

Implications associated with endorsing the LPP/Council Policy are as follows:

- Reputational risks associated with the public not understanding how the public art budget is accrued through developer funds, leading to criticism of budget expenditure on public art. This is countered by the following information:
 - 82% of survey respondents for the Public Art Masterplan enjoy seeing public art.
 - Cultural Services is rated in the City's top 10 most important services with a customer satisfaction rating of 84% in 2023.
 - More broadly, three in five Australians agree culture and creativity should receive public funding (61%) as noted in the Creative Australia study *Creating Value: Results of the National Arts Participation Survey*.
 - The City has an active and supportive arts community based on Australian Bureau of Statistics for the electorate of Moore (which covers Joondalup local wards), profile data for 2021-22 that shows that 71% of adults (aged 15+) attend cultural events or venues.

Implications associated with not endorsing the LPP/Council Policy are as follows:

- Reputational damage to the City – falling behind state and best practice approaches to public art.
- Reputational damage to the City – no outcomes following a rigorous consultation period and strong interest from community members for more public art.
- Risk of losing competitive edge as a cultural leader.

Economic

Implications associated with endorsing the LPP/Council Policy are as follows:

- Potential for additional resources required to manage growing the public art collection. This will be addressed by the introduction of a Public Art Officer.
- Perceived disincentive for development within the City due to the additional charge for public art. The management of this risk has been discussed above.

Implications associated with not endorsing the LPP/Council Policy are as follows:

- Failure to meet the City's strategy and limiting direction to achieve the City's goals for cultural services, activation and economic development.
- Missing opportunities to grow the program and invest in an economically valuable Public Art Collection.
- Missing opportunities to attract visitors and tourists to visit the City to view artworks.

Consultation

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Planning Consultation Local Planning Policy*, the draft LPP was advertised for a period of 21 days closing on 22 May 2025, by way of the following:

- A notice published in the local newspaper.
- An email to the Community Engagement Network.
- An email to registered resident and ratepayer groups.
- A notice on the City's social media platforms.
- An email to the Joondalup Business Association.
- A notice and documents placed on the City's website.

Nine submissions were received, comprising four submissions of support and five in opposition. Of the five submissions opposing the draft LPP, some opposed the expenditure of ratepayers' money on public art. The remaining objections expressed opposition to the provision of public art in general and raised concerns that it may increase development costs and that the public art may be vandalised.

Submissions in support of the draft LPP expressed that developers contributing to public art is a good thing, as well as showcasing local artists and making public areas attractive.

A schedule of submissions and the City's comment is included as Attachment 5 to this Report. No modifications to the draft LPP are proposed in response to submissions received.

There were no requirements for the Council Policy to be advertised.

COMMENT

The City is well placed to update its public art policy framework following the adoption of its first *Public Art Masterplan*. There is a clear need for the City to achieve strategic goals towards activation, economic development and cultural services, which can be realised through best practice supporting policies.

The draft LPP and revised Council Policy are considered beneficial policies for the City that will provide positive outcomes and strengthen the City's existing public art collection and program, ensuring its stability, growth and legacy.

The development of the draft LPP has been informed by a review of percent for art policies of other LGAs, resulting in a draft policy that broadly aligns with those of surrounding LGAs and elsewhere in the Perth metropolitan area. The changes would bring the City's public art policy framework in line with other Local Government Authorities (LGAs) in Perth, the majority of which have an established Percent for Art Scheme.

VOTING REQUIREMENTS

Simple Majority.

The Director Corporate Services left the Room at 6.12pm.

The Director Corporate Services and Cr Chester entered the Room at 6.15pm.

OFFICER'S RECOMMENDATION MOVED Cr Vinciullo, SECONDED Cr Kingston that Council:

- 1** In accordance with Clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the *Percent for Art Scheme Local Planning Policy*, provided as Attachment 1 to this Report.
- 2** **NOTES** that the *Percent for Art Scheme Local Planning Policy* will come into effect when published on the City's website.
- 3** **ADOPTS** the revised Public Art Council Policy provided as Attachment 4 to this Report.

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Pizzey and Cr Vinciullo.

Against the Motion: Cr Hutton.

ATTACHMENTS

1. Proposed Percent for Art Scheme Local Planning Policy [8.1.1 - 4 pages]
2. LGA Benchmarking Data Percent for Art [8.1.2 - 1 page]
3. Revised Public Art Council Policy (marked up) [8.1.3 - 5 pages]
4. Revised Public Art Council Policy (clean) [8.1.4 - 5 pages]
5. Schedule of Submissions Percent for Art Scheme LPP [8.1.5 - 4 pages]

8.2 PROPOSED AMENDMENTS TO THE PRIVATE COMMUNITY PURPOSES ZONE LOCAL PLANNING POLICY - CONSIDERATION FOLLOWING ADVERTISING (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	106237, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the proposed revised *Private Community Purposes Zone Local Planning Policy* for adoption following public advertising.

EXECUTIVE SUMMARY

The *Private Community Purposes Zone Local Planning Policy* provides development standards for non-residential development on land that is zoned 'Private Community Purposes' under the City's *Local Planning Scheme No. 3* (LPS3). These standards include building setbacks, height, built form design, parking standards and access, landscaping, and service arrangements to facilitate development.

A review of the operation of the Policy has been undertaken to ensure it aligns with relevant legislation and current practices. Amendments to the Policy are proposed to address potential overlooking issues for adjoining properties, provide consistency with the *Residential Design Codes* (R-Codes) in relation to building height, include additional parking standards, to address screening of external fixtures and the use of security devices, to expand the scope of the Policy to include 'Civic and Community' reserves, and to address other minor inconsistencies.

At its meeting held on 25 March 2025 (CJ060-03/25 refers), Council resolved to proceed to advertise the draft revised *Private Community Purposes Zone Local Planning Policy* for a period of 21 days. Public consultation concluded on 22 May 2025, with two submissions received, being one neutral submission and one submission in opposition. No modifications to the policy are proposed in response to submissions received.

It is therefore recommended that Council proceeds with the draft revised Private Community Purposes Zone Local Planning Policy as advertised.

BACKGROUND

Local planning policies are prepared in accordance with the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations). While there is no requirement in the LPS Regulations for local planning policies to be reviewed, it is good practice to regularly review the operation of policies to ensure that the policy framework reflects changes in the planning legislation and current practices. Hence the City has undertaken a review of the *Private Community Purposes Zone Local Planning Policy* (LPP) and proposed updates to ensure the Policy remains fit for purpose.

The *Private Community Purposes Zone Local Planning Policy* (Attachment 1 refers) was first adopted by Council at its meeting held on 16 October 2018 (CJ184-10/18 refers).

At its meeting held on 4 November 2024, the Policy Committee considered a report on proposed amendments to the LPP and resolved that the item be referred back to the Chief Executive Officer to clarify requirements relating to windows and glazing, external structures, and definitions. Modifications were then made to the LPP to address these matters.

At its meeting held on 25 March 2025 (CJ060-03/25 refers), Council resolved to proceed to advertise the draft revised *Private Community Purposes Zone Local Planning Policy* for a period of 21 days.

DETAILS

The *Private Community Purposes Zone Local Planning Policy* applies to non-residential development within the 'Private Community Purposes' zone. While it is considered that the LPP has been working adequately since adoption, several amendments are proposed, including the following:

- Minor format changes to align with the current policy template.
- Updating the application section to provide clarity on how the LPP relates to the 'Residential Building' land use.
- Updating the statement section to include reference to precinct structure plans and other local planning policies.
- Updating the building setback requirements to increase the setback of upper floors where a development abuts the 'Residential' zone or other sensitive land use.
- Aligning the maximum building heights with the R-Codes.
- Including parking standards for 'Residential building' land use.
- Removal of provisions relating to solar energy systems.
- Updating clause references.

In response to feedback provided at the 4 November 2024 Policy Committee meeting, the following additional amendments were made to the draft revised LPP:

- The removal of the requirement for external fixtures to be located on the roof, basement or at the rear of the building, and instead requiring that they be suitably screened where they are in view of the public realm.
- The addition of a definition for 'visitor'.
- The removal of the requirement for security devices to be installed on the inside of a window.

It is also proposed that the LPP be amended so that it applies to 'Civic and Community' reserves within the City. Further comment on this is provided below.

The main proposed amendments to the LPP are outlined below. A tracked changes version of the draft revised LPP is included as Attachment 2 to this Report and a clean version of the draft revised LPP is included as Attachment 3 to this Report.

It is noted that this review only relates to the current operation of the LPP to ensure that there are no fundamental implementation issues. A comprehensive review of local planning policies will be undertaken as part of the review of LPS3.

Building setbacks

While this LPP relates to non-residential development (such as development which is not assessed against the provisions of the R-Codes), some development may nonetheless include residential accommodation, for example, a residential care facility. In order to provide a level of visual privacy to adjoining properties for these types of uses, it is proposed that the side and rear minimum building setback requirements be increased from three metres to six metres for upper floors where a lot abuts the 'Residential' zone or a sensitive use, unless suitable screening is provided. Sensitive land uses would include child care premises, education establishments, residential aged care facilities and other land uses as determined by the City. The proposed amendments would reduce the impact of potential overlooking onto these adjoining properties.

Building height

The maximum height standards included in the LPP are intended to reflect the two-storey height standard in the R-Codes. It is proposed that maximum building heights (including those within coastal areas) be increased by one metre to align with the current maximum height requirements of the R-Codes Volume 1 Part B, which are as follows:

- Seven metre maximum wall height.
- Eight metre maximum height of gable, skillion and concealed roof.
- 10 metre hipped and pitched roof.

The proposed amendments will provide consistency with the height provisions of other relevant City local planning policies.

Car parking standards

The LPP does not currently specify a parking standard for the 'Residential Building' land use despite it being a discretionary 'D' land use in the 'Private Community Purposes' zone. It is proposed that the LPP be amended to include a car parking standard of one bay for every two people accommodated, and a recommended bicycle parking standard of one space per 50 visitors, which is consistent with the standard in other City local planning policies.

It is noted that the definition of 'Residential Building', as set out in the R-Codes, includes a permanent accommodation component and a temporary accommodation component. The permanent accommodation component falls within the R-Codes definition of residential development and is therefore subject to the R-Codes. The temporary accommodation component does not fall within the R-Codes definition of residential development and is not subject to the R-Codes. As the LPP only applies to non-residential development, the proposed parking standard for 'Residential Building' in the LPP would only apply to the temporary accommodation component of the land use. Parking standards for the permanent accommodation component would be as per the R-Codes.

In addition, a new provision is proposed which would allow the consideration of a reduction in the required number of car parking bays where a suitable parking management plan is provided. This would allow for a more nuanced consideration of parking needs for developments which may have unique operational requirements. A parking management plan would provide detail such as anticipated staff and customer numbers, alternative transport options, shared parking arrangements and parking management strategies.

Solar energy systems

The LPP includes a provision requiring that solar energy systems be integrated into the overall design of the building and located on rooftops so as not to detract from the building or streetscape. It is proposed that this provision be removed, as the LPS Regulations have been updated to exempt the installation of solar panels on the roof of a building from requiring development approval.

External fixtures

The current LPP requires external fixtures (which includes utilities, plant and other structures necessary for a building to achieve efficient, comfortable operating outcomes) to be screened from view from the street through building design and located on the roof, basement or at the rear of the building. In response to feedback received at the 4 November 2024 Policy Committee meeting, it is proposed that this requirement be amended to instead require that they be suitably screened where they are in view of the public realm.

It is noted that certain low-impact telecommunications facilities are exempt from requiring development approval under the Commonwealth *Telecommunications Act 1997*. As such, the LPP is not able to include provisions relating to this form of external fixture.

Visitor bike parking

The current LPP sets out bicycle parking standards for visitors but does not provide a definition for visitors. In response to feedback received at the 4 November 2024 Policy Committee meeting, it is proposed that the LPP be amended to include a definition of visitor, as follows:

“**visitor**” means a person who is temporarily visiting the facility and is not employed or volunteering at or for the facility.

Windows and glazing

The current LPP sets out that where window security devices are provided, they must be installed on the inside of a window and be 75% visually permeable. The intent of this provision is to reduce the visual impact of security devices, which can create unappealing, blank facades that present poorly to the public realm. Excessive use of certain security devices, such as solid roll down shutters, can also reduce opportunities for passive surveillance over the public realm, reducing perceptions of safety for people using such spaces.

In response to feedback received at the 4 November 2024 Policy Committee meeting, it is proposed that the LPP be amended to remove the requirement for security devices to be installed on the inside of a window.

Civic and Community reserve

The current LPP only applies to the ‘Private Community Purposes’ zone. It is proposed that the scope of the Policy be expanded so that it also applies to “Civic and Community” reserved land within the City.

Council resolved at its meeting on 25 March 2025 (CJ059-03/25 refers), to support the revocation of the *Kinross Neighbourhood Centre Structure Plan* and the *Currambine Structure Plan*. Both structure plans contained development provisions for 'Civic and Community' reserves within the respective structure plan areas. There are no LPS3 or local planning policy provisions that currently apply to 'Civic and Community' reserves that will apply in the absence of the structure plan provisions. It was identified that the Private Community Purposes Zone Local Planning Policy could provide a relevant assessment framework and that it was appropriate to amend the LPP so that it applies to all 'Civic and Community' reserves within the City. This amendment includes renaming the Policy to the *Private Community Purposes Zone and Civic and Community Reserve Local Planning Policy*.

Issues and options considered

Council has the option to either:

- proceed with the draft revised *Private Community Purposes Zone Local Planning Policy*, without modifications.
- proceed with the draft revised *Private Community Purposes Zone Local Planning Policy* with modifications.
- or
- not proceed with the draft revised *Private Community Purposes Zone Local Planning Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes) Regulations 2015.
Residential Design Codes Volume 1.*

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-2 Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

Policy *Private Community Purposes Zone Local Planning Policy.
Planning Consultation Local Planning Policy.*

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	EXPECTATIONS	REPUTATION
Risk Description	Ineffective / improper decision making	Inability to understand community expectations	Loss of community trust
Risk Responsibility	Director Governance and Strategy		Chief Executive Officer
Residual Risk	High		
Control Effectiveness	Strong		
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.		
Risk Control	The relevant control, to mitigate risk, is the provision of an updated policy detailing changes required to maintain alignment to current planning legislation and framework		

Risk	ATTRACTION
Risk Description	Lack of desirability as a place to visit live, work, invest and do business
Risk Responsibility	Director Planning and Community Development
Residual Risk	Medium
Control Effectiveness	Strong
Risk Appetite	Medium risk is acceptable without variation to existing control activities.

Not progressing with the updated LPP will mean the policy will not align with the current planning legislation, framework and practices, leading to possible errors or inconsistent application of development requirements.

Financial / budget implications

There is no cost associated with the notice of final adoption of the draft LPP being placed on the City's website.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Planning Consultation Local Planning Policy*, the draft LPP was advertised for a period of 21 days closing on 22 May 2025, by way of the following:

- A notice published in the local newspaper.
- Letter sent to registered resident and ratepayer groups.
- An email to the Community Engagement Network.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

Two submissions were received, comprising one neutral submission and one in objection. The neutral submission queried whether the LPP will apply retrospectively, and the submission in objection raised concerns that are not considered relevant to the LPP.

A schedule of submissions and the City's comment is included as Attachment 4 to this Report.

COMMENT

While the *Private Community Purposes Zone Local Planning Policy* has been working adequately since adoption, the minor amendments that are proposed would bring the LPP into alignment with current practices and improve consistency and clarity. It is recommended that Council supports the proposed changes and proceeds with the LPP.

VOTING REQUIREMENTS

Simple Majority.

Mayor Jacob entered the Room at 6.22pm.

OFFICER'S RECOMMENDATION MOVED Cr Kingston, SECONDED Cr Vinciullo that Council:

- 1** In accordance with Clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEEDS** with the draft revised *Private Community Purposes Zone and Civic and Community Reserve Local Planning Policy*, provided as Attachment 3 to this Report.
- 2** **NOTES** that the *Private Community Purposes Zone and Civic and Community Reserve Local Planning Policy* will come into effect when published on the City's website.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Chester, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. Current Private Community Purposes Zone Local Planning Policy [8.2.1 - 10 pages]
2. Tracked Changes - Proposed Private Community Purposes Zone and Civic and Community Reserve Local Plan [8.2.2 - 11 pages]
3. Clean Version - Proposed Private Community Purposes Zone and Civic and Community Reserve Local Plan [8.2.3 - 11 pages]
4. Schedule of Submissions Private Community Purposes LPP [8.2.4 - 1 page]

8.3 REVIEW OF BUSINESS CONTINUITY COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Chief Executive Officer
FILE NUMBER	109251, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the revised *Business Continuity Council Policy*.

EXECUTIVE SUMMARY

The *Business Continuity Council Policy* (the Policy) outlines the City's commitment and approach to ensuring proper planning and preparation for the continuation of critical service delivery whilst protecting life and assets during any disruptive risk event, with a return to normal service with the least amount of interference possible. The Policy was first adopted by Council at its meeting held on 20 October 2020 (CJ159-10/20 refers).

In line with the need for periodic reviews of policies, one minor change to the Policy is suggested; with the addition of the *Risk Management Council Policy* as related documentation.

It is therefore recommended that Council ADOPTS the revised Business Continuity Council Policy, provided as Attachment 1 to this Report.

BACKGROUND

The implementation of the Policy allows for the identification of critical services by their consequence, also known as a Business Impact Analysis. This allows the City to assess the consequence of non-delivery of services, as defined by the Corporate Business Plan, with the results being included in the City's *Business Continuity Plan*.

To maintain business continuity the City must be able to anticipate and adapt to changes, to avoid either a disruption or failure to service delivery.

DETAILS

The Policy is retained in its current form, with one minor change being suggested; the addition of the *Risk Management Council Policy* as related documentation.

The *Risk Management Council Policy* is an important link to business continuity, as it is through the use of risk management processes that risks to business continuity are continually monitored at strategic and operational level using the best knowledge available at the time.

The nature of risk management is to review information regularly including when known changes occur, to assess the ongoing impact, which is the essence of business continuity. Using the risk management approach, the City conducts risk assessments on services with the understanding of which services are critical, and through expertise, the risk events that need to be planned for that could disrupt service delivery.

Issues and options considered

Council may choose to:

- adopt the revised *Business Continuity Council Policy*, as presented in Attachment 1 to this Report
- adopt the revised *Business Continuity Council Policy*, as presented in Attachment 1 to this Report with modifications
or
- not adopt the revised *Business Continuity Council Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government (Audit) Regulations 1996.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy *Business Continuity Council Policy.*
Risk Management Council Policy.

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	EXPECTATIONS	REPUTATION
Risk Event Description	Ineffective / improper decision making	Inability to understand community expectations	Loss of community trust
Risk Responsibility	Director Governance and Strategy		Chief Executive Officer
Residual Risk	High		
Control Effectiveness	Strong		
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.		
Risk Control	A relevant control, to mitigate risk, is to ensure the City's Business Continuity Plan reflects the intent of the Policy, to effectively manage the possibility of disruptive risk events.		

Financial / budget implications

Business continuity activities are carried out using existing budgeted resources.

Regional significance

A strong business continuity function enhances the City's capability to deliver services during disruptive risk events to the District, and beyond, as relevant.

Sustainability implications

The financial sustainability of the City's operations depends on an effective business continuity function, with the aim to decrease disruptive risk events relating to significant reputational damage and/or financial losses being incurred. Being responsible and financially sustainable is part of the goals of the City's *Strategic Community Plan*.

Consultation

Not applicable.

COMMENT

The objective of the business continuity planning process, as outlined in the City's *Business Continuity Plan* is to provide a cost-effective means of:

- preventing or minimising the impact of disruptive risk events
- ensuring Business Units can respond to unavoidable disruptions
- ensuring a plan for returning to normal business operations following a disruption.

VOTING REQUIREMENTS

Simple Majority.

The Manager Planning Services left the Room at 6.24pm.

OFFICER'S RECOMMENDATION MOVED Cr Vinciullo, SECONDED Cr Hutton that Council ADOPTS the revised *Business Continuity Council Policy*, provided as Attachment 1 to this Report.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Chester, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. Revised Business Continuity Council Policy [8.3.1 - 3 pages]

8.4 NEW PRIVACY COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Chief Executive Officer
FILE NUMBER	111876, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider adopting the Privacy Council Policy.

EXECUTIVE SUMMARY

A privacy policy is a requirement of the *Privacy and Responsible Information Sharing Act 2024* (the Act), specifically Information Privacy Principle 5 – Openness and Transparency.

An open and transparent policy helps build trust by informing how the City handles personal information. It also provides confidence that the City collects, uses and discloses personal information in accordance with the privacy protections contained in the 11 Information Privacy Principles (Attachment 2 refers).

The Policy also provides direction to City employees of their obligations to handle personal information according to the requirements of the Act, and helps employees understand the context for their responsibilities and expected behaviours, building a privacy-aware organisational culture.

It is therefore recommended that Council ADOPTS the Privacy Council Policy, provided as Attachment 1 to this Report.

BACKGROUND

On 28 November 2024, the Western Australian Government passed the *Privacy and Responsible Information Sharing Bill 2024*, to support privacy and responsible information sharing (PRIS) reforms. These reforms build on an extensive consultation process that commenced in 2019 to develop a fit-for-purpose model for Western Australia. The Office of Digital Government within the Department of the Premier and Cabinet is leading the reforms.

On 6 December 2024, the Act received Royal assent, with commencement of Part 1 and Part 7 from this date; with the remainder of the Act yet to be proclaimed. Part 1 is titled *Preliminary*, and Part 7 is titled *Amendment to this Act linked to commencement of Criminal Law (Mental Impairment) Act 2023*. The Act is accessible via the Western Australia Legislation website link shown below:

https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a147470.html&view=consolidated

State government responsibility for the Act is shared between the following:

- Attorney General (except Part 3 and Schedule 2 which will be administered by the Minister for Science and Innovation principally assisted by Department of Premier and Cabinet).
- Minister for Science and Innovation (Part 3 and Schedule 2 only; remainder of Act administered by the Attorney General principally assisted by the Department of Justice).

Since May 2023, the City has been preparing for the new legislation using the State Government prepared Agency PRIS Readiness Plan and Agency PRIS Readiness Checklist. These documents describe the approach, governance, key activities, deliverables and milestones to ensure agencies are prepared to meet both the privacy and responsible information sharing requirements; as well as the requirement for five self-assessment and reporting activities. Further information on how the City is preparing for the new legislation, and how it currently manages personal information is outlined in Attachment 3 to this Report (CJ155-06/25 refers).

One of the key activities is to develop and publish a privacy policy.

DETAILS

The Office of Digital Government's *Readiness Guidance 10: Privacy Policy* purpose states:

"The PRIS legislation establishes a framework that strengthens privacy protections for Western Australians and introduces Information Privacy Principles (IPPs) to govern the handling of personal information by IPP entities.

This guide is designed to help agencies develop and maintain a publicly available Privacy Policy aligned with IPP 5 Openness and Transparency.

Agencies may also develop internal policies and procedures that offer more detailed guidance to staff about their responsibilities and how to handle personal information in the course of their duties."

The Readiness Guidance includes the following benefits of such a policy:

- Supporting the City to handle personal information in accordance with the Act.
- Informing employees of the new legislation and providing key messages about their responsibility to handle personal information appropriately.
- Helping to prevent unauthorised collection, use or disclosure of personal information.
- Providing a framework to assist the City when responding to a privacy complaint.
- Promoting public confidence in the City's handling of personal information.

The objective of the Policy is to ensure personal information is handled and protected in accordance with the Act.

The application of the Policy applies to all Elected Members and employees of the City, as well as business partners, contractors, suppliers, consultants, outsourced service providers and third parties, who are responsible for handling personal information held and managed by the City.

The Policy's Statement is as follows:

"The City is committed to upholding the right to privacy of all individuals who have dealings with the City and will take reasonable steps to ensure that personal information is protected in accordance with the Act.

The City collects, holds, manages, uses and discloses personal information to enable it to exercise powers and perform functions under a range of legislative and policy requirements and to carry out certain business functions.

The City is committed to ensuring that effective privacy management remains central to all its operations while delivering a wide and diverse range of services to its community, including residents, ratepayers, businesses and visitors. Maintaining privacy is the responsibility of everyone and is an integral part of organisational culture which is reflected in various policies and related documentation, systems and processes used."

A Guide to how the City handles personal information is currently under development which will outline in further detail how the City meets its obligations to protect the privacy of personal information. This Guide will also be made available publicly.

Issues and options considered

Council may choose to:

- adopt the proposed *Privacy Council Policy*, as presented in Attachment 1 to this Report
- adopt the proposed *Privacy Council Policy*, as presented in Attachment 1 to this Report, with modifications
or
- not adopt the proposed *Privacy Council Policy*.

The Policy will come into effect once the remainder of the Act has been proclaimed; likely in 2026.

Legislation / Strategic Community Plan / Policy implications

Legislation *Privacy and Responsible Information Sharing Act 2024.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	EXPECTATIONS	REPUTATION
Risk Event Description	Ineffective / improper decision making	Inability to understand community expectations	Loss of community trust
Risk Responsibility	Director Governance and Strategy		Chief Executive Officer
Residual Risk	High		
Control Effectiveness	Strong		
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.		
Risk Control	<p>A relevant control, to mitigate risk, is to ensure the intent of the Policy aligns with the Information Privacy Principles within the Act.</p> <p>A further control is to ensure the City's Administration operational structure includes dedicated and experienced employees with responsibility and accountability for privacy and responsible information sharing activities.</p>		

Financial / budget implications

Privacy and responsible information sharing activities are carried out using existing budgeted resources.

Regional significance

An open and transparent privacy policy enhances the City's capability to deliver services to the District, and beyond, as relevant.

Sustainability implications

The financial sustainability of the City's operations depends on an open and transparent privacy policy, with the aim to reduce significant reputational damage and/or financial losses being incurred from inappropriate handling of personal information. Being responsible and financially sustainable is part of the goals of the City's *Strategic Community Plan*.

Consultation

If the proposed Policy is endorsed by Council, it is proposed to review the Policy 12 months after implementation to ensure the operational intent of the Policy is as intended.

COMMENT

A second policy is to be drafted for information breaches; with the City waiting for the Office of Digital Government to release the readiness guidance notes.

The objective of the policy will be to enable the City to respond to a personal information breach and to reduce the impact of the breach on affected individuals.

The policy will apply to any affected individual whose personal information handled by the City has been compromised via unauthorised access, unauthorised disclosure and/or loss of information. This extends to personal information handled on behalf of the City via its business partners, contractors, suppliers, outsourced service providers and third parties.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Kingston, SECONDED Cr Hutton that Council ADOPTS the new Privacy Council Policy, provided as Attachment 1 to this Report.

The Motion was Put and

CARRIED (5/1)

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Chester, Cr Hutton and Cr Vinciullo.

Against the Motion: Cr Pizzey.

ATTACHMENTS

1. New Privacy Council Policy [8.4.1 - 4 pages]
2. Schedule 1 [8.4.2 - 15 pages]
3. Council Report 12.6 [8.4.3 - 10 pages]

8.5 ELECTED MEMBERS' ENTITLEMENTS COUNCIL POLICY - ELECTED MEMBER LOUNGE (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	101269, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For the Policy Committee to give consideration to the *Elected Members' Entitlements Council Policy* subsequent to a Notice of Motion submitted to the Council meeting held on 24 June 2025.

EXECUTIVE SUMMARY

At the Council meeting held on 24 June 2025 (CJ186-06/25 refers), consideration was given to a Notice of Motion related to the *Elected Members' Entitlements Council Policy* and proposed amendments to restrict access to alcohol in the Elected Member Lounge outside of functions and events.

The Council resolved as follows:

That Item 16.1 – Cr Daniel Kingston - Elected Members' Entitlements Council Policy – BE REFERRED to the Policy Committee for further consideration.

The item has been referred to the Policy Committee for its consideration.

BACKGROUND

At the Council meeting held on 24 June 2025 (CJ186-06/25 refers), consideration was given to a Notice of Motion related to the *Elected Members' Entitlements Council Policy* and proposed amendments to restrict access to alcohol in the Elected Member Lounge outside of functions and events.

The Council resolved as follows:

That Item 16.1 – Cr Daniel Kingston - Elected Members' Entitlements Council Policy – BE REFERRED to the Policy Committee for further consideration.

The item has been referred to the Policy Committee for its consideration.

It is therefore recommended to the Policy Committee that:

The Policy Committee gives consideration to the following Notice of Motion submitted to the Council meeting of 24 June 2025:

That Council:

AMENDS the current Elected Members' Entitlements Council Policy, as provided in Attachment 1 to this Report, as follows:

1 *that clause 3.2(a)(viii) of the Policy be amended to read as follows:*

"Access to the Elected Member Lounge and refreshments. However, access to alcohol provided by the City outside of functions and events is prohibited."

2 *that clause 3.3(a)(i) of the Policy be amended to read as follows:*

"Access to the Elected Member Lounge and refreshments. However, access to alcohol provided by the City outside of functions and events is prohibited."

DETAILS

The *Elected Members' Entitlements Council Policy* was last reviewed by the Council at its meeting held in March 2024 (CJ058-03/24 refers), The Policy is reviewed following each local government election and is proposed to be reviewed in 2025-26.

The following Officer comment was provided to the Notice of Motion:

"The Elected Members' Entitlements Council Policy was last reviewed by the Council at its meeting held in March 2024 (CJ058-03/24 refers). The Policy is reviewed following each local government election and is proposed to be reviewed in 2025-26.

As no advice has been provided with regard the intent of the motion an officer's comment is unable to be provided.

It is at the Council's discretion whether to amend the Policy in relation to the prohibition of alcohol consumption in the Elected Member Lounge at this juncture or wait until after the 2025 local government election when the Policy is proposed to be reviewed.

It is also important to note that the Council has established a Policy Committee, the role of which includes to: "make recommendations to Council on the development and review of the City's policies and overall policy framework."

Reference was made at the Council meeting, however to the 2025 OAG Report *Local Government Management of Purchasing Cards* which can be accessed here:

https://audit.wa.gov.au/wp-content/uploads/2025/05/Report-17_Local-Government-Management-of-Purchasing-Cards.pdf

It is at the Council's discretion whether to amend the Policy in relation to the prohibition of alcohol consumption in the Elected Member Lounge.

Issues and options considered

The Policy Committee may recommend to Council that it:

- amend the *Elected Members' Entitlements Council Policy* and proposed amendments (as suggested in the Notice of Motion, or similar) to restrict access to alcohol in the Elected Member Lounge outside of functions and event or
- retain the *Elected Members' Entitlements Council Policy* without amendment.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy *Elected Members' Entitlements Council Policy.*

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	EXPECTATIONS	REPUTATION	HEALTH/SAFETY
Risk Description	Ineffective / improper decision making	Inability to understand community expectations	Loss of community trust	Failure to maintain safe and healthy workplace
Risk Responsibility	Director Strategy	Governance and	Chief Executive Officer	
Residual Risk	High			
Control Effectiveness	Strong			
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.			
Risk Control	The relevant control, to mitigate risk, is the provision of information supporting updates to conduct and governance arrangements that aim to protect workplace safety.			

Other risk information

It is considered that the Chief Executive Officer is responsible as the Person Conducting a Business or Undertaking (PCBU) and for the worksite as under s29 of the *Work Health and Safety Act 2020*, Elected Members fall under the term others and are exempt from the term Officer and PCBU.

s. 29 Duties of other persons at the workplace

A person at a workplace (whether or not the person has another duty under this Part) must —

- (a) take reasonable care for the person's own health and safety; and*
- (b) take reasonable care that the person's acts or omissions do not adversely affect the health and safety of other persons; and*
- (c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.*

Elected Members are therefore responsible for their own health, safety and wellbeing and must ensure that any act or omission they conduct does not affect the health, safety and wellbeing of themselves or others. As such, Elected Members must:

- adhere to all City Protocols including the alcohol and drug protocol and Code of Conduct
- not consume any alcohol if they are still performing or undertaking any duties in an official capacity
- not pressure anyone to drink or make others feel embarrassed by not drinking
- be responsible for ensuring they have access to safe transport home for those who have consumed alcoholic beverages and could be over the BAC limit of 0.05%.

Financial / budget implications

There is no stock take of alcohol in the Elected Member Lounge following meetings given the minimal amount consumed.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is at the Council's discretion whether to amend the *Elected Members' Entitlements Council Policy* in relation to the prohibition of alcohol consumption in the Elected Member Lounge.

VOTING REQUIREMENTS

Simple Majority.

Cr Hill entered the meeting via electronic means at 7.29pm.

OFFICER'S RECOMMENDATION

MOVED Cr Kingston, SECONDED Cr Hutton that the Policy Committee gives consideration to the following Notice of Motion submitted to the Council meeting of 24 June 2025 (CJ186-06/25 refers):

That Council AMENDS the current Elected Members' Entitlements Council Policy, as provided in Attachment 1 to this Report, as follows:

1 *that clause 3.2(a)(viii) of the Policy be amended to read as follows:*

"Access to the Elected Member Lounge and refreshments. However, access to alcohol provided by the City outside of functions and events is prohibited."

2 *that clause 3.3(a)(i) of the Policy be amended to read as follows:*

"Access to the Elected Member Lounge and refreshments. However, access to alcohol provided by the City outside of functions and events is prohibited."

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK TO THE CHIEF EXECUTIVE OFFICER

MOVED Mayor Jacob, SECONDED Cr Vinciullo that Item 8.5 - Elected Members Entitlements Council Policy, BE REFERRED BACK to the Chief Executive Officer for a report that considers options to ensure that strong effectiveness controls continue to apply for the management of alcohol at the City of Joondalup, as per clause 10.1(c) of the *City of Joondalup Meeting Procedures Local Law 2013*.

The Motion was Put and

CARRIED (5/1)

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Motion: Cr Kingston.

ATTACHMENTS

1. Elected Members Entitlements Council Policy [8.5.1 - 19 pages]

8.6 REVIEW OF THE PURCHASING COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	59174, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to approve the proposed amendments to the City's *Purchasing Council Policy*.

EXECUTIVE SUMMARY

The *Purchasing Council Policy* is required to be reviewed at least once every five years. The policy was last reviewed in May 2020.

Some necessary improvements have been identified to the City's *Purchasing Council Policy* to enhance operational efficiency and reflect the prevailing economic environment in the context of procurement activity.

The specific quotation requirements currently provided for the engagement of artists and performers in the Summer Events Season have been reviewed and updates are proposed to reflect the current market and the cultural events calendar by raising the value threshold to which this requirement applies. It is proposed to expand the provision to the Cultural Services Program as a whole, insofar as it pertains to engagement of artists, performers and/or entertainment services.

In addition, the quotation requirements for all procurement values have been reviewed and updated to reflect the ongoing market conditions, as well as to better align these requirements with those in comparable organisations, by prescribing a minimum number of quotations to be sought and a minimum number to be obtained.

A revised *Purchasing Council Policy* with the above changes was presented to the Policy Committee at its meeting held on 14 April 2025. The committee had adopted the policy with some amendments, limiting significantly accessing the exemption from tender provisions as per sub regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*. The changes proposed by the committee would have had significant consequences in the City's ability to make purchases in a timely, efficient and effective way thus having potential consequences for the City's ability to deliver many of its services.

At its meeting held on 27 May 2025, Council considered the Policy Committee's report on Review of the Purchasing Council Policy and resolved to refer the item back to the Policy Committee (CJ133-05/25).

The revised Purchasing Policy is being presented again with the same set of changes as originally proposed in April 2025 committee meeting without limiting any access to the tender provisions under regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*.

It is therefore recommended that Council ADOPTS the revised Purchasing Council Policy forming Attachment 1 to this Report.

BACKGROUND

The *Purchasing Council Policy* was presented to the Policy Committee in October 2022 with some proposed amendments, however, it was referred back to obtain further clarity on City's purchasing protocols and integrity controls. All the relevant documents were made available to the Elected Members but the reviewed policy was not presented again to the Policy Committee.

At the Audit and Risk Committee held in August 2024, a detailed report was presented to the committee on applicability of WA procurement rules 2021 to City of Joondalup Procurement Activity. It was noted in the report that the scale and breadth of *WA Procurement Rules 2021* are for Western Australian State Government departments to harmonise State's approach to procurement in order to achieve certain key objectives whereas the City, as a Local Government, exists and operates within a fairly narrow frame of reference and accordingly the City's *Purchasing Policy* was considered appropriate and adequate for the City's operations as a Local Government to drive value from procurement activities.

A number of years ago, the City's *Purchasing Council Policy* introduced specific quotation requirements for procurement of services from artists and performers during the Summer Event to accommodate the lower likelihood of multiple providers offering the exact same service/product. This provision has been reviewed for currency in the present environment.

Quotation requirements for the different procurement thresholds have been reviewed and updated to enhance the request for quotation process. The market conditions that have been a feature of the economy for the past few years have rendered it particularly difficult, in respect of construction, maintenance and related services, to meet the requirement to obtain the prescribed minimum quotations, in spite of requests being issued to multiple potential respondents.

The proposed changes to the *Purchasing Council Policy* are similar to the amendments presented to the Policy Committee back in October 2022 and subsequently in April 2025 as our operational requirements are still the same and the City's policy is still fit for purpose and contemporary to our needs.

During recent comparison of the Purchasing Policy of comparable councils it was established that the changes proposed are aligned to other similar sized councils.

The *Purchasing Council Policy* was adopted by the committee at its meeting held on 14 April 2025 with certain amendments. A memo was circulated to all the Elected Members explaining the impact of these amendments on the City's ability to deliver its services. The memo is attached as Attachment 10 to this Report.

At its meeting held on 27 May 2025, Council considered the Policy Committee's report on Review of the Purchasing Council Policy and resolved to refer the item back to the Policy Committee (CJ133-05/25).

DETAILS

Quotation Requirements - Cultural Services Program

The *Purchasing Council Policy* prescribes quotation requirements for different procurement value thresholds. In general, a minimum of two verbal quotations are required for procurement between \$5,001 and \$10,000 while at least three written quotations are required for values from \$10,001 and up.

Special provision is included in the policy for procurement of services from artists or performers for events during the City's Summer Events season, which allows the City to procure services up to \$10,000 on the strength of a single quotation, in recognition of the uniqueness of product offerings from different artists/performers.

The current requirement is:

<p><i>\$5,001 to \$10,000 Summer Season Events Only</i></p>	<p><i>One verbal/written quotation required by officers within Leisure and Cultural Services for unique artists or performers at events including, but not limited to:</i></p> <ul style="list-style-type: none"> • <i>Music in the Park</i> • <i>Valentine's Concert</i> • <i>Joondalup Festival</i> <p><i>A record of details of the quotation received is to be made in accordance with the Purchasing Protocols and clause 3.6 of this Policy.</i></p>
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The current market for artists/performers has been considered in reviewing this provision and it is proposed to amend the requirement as highlighted below:

<p><i>\$5,001 to \$20,000 Cultural Services Program</i></p>	<p><i>One verbal/written quotation required by officers within Leisure and Cultural Services for unique artists, performers, acts or entertainment at events within the Cultural Services Program including, but not limited to:</i></p> <ul style="list-style-type: none"> • <i>Music in the Park</i> • <i>Valentine's Concert</i> • <i>Joondalup Festival</i> • <i>Any other event requiring artists or performers</i> <p><i>A record of details of the quotation received is to be made in accordance with the Purchasing Protocols and clause 3.6 of this Policy.</i></p>
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The review has not only considered the current market but has also taken account of the broader requirements of the Cultural Services Program, and concluded that the City regularly engages artists or performers for cultural events within the Program outside the Summer Events Season.

The proposed change would allow the City to engage artists/performers with a unique product or service offering for any cultural services events during the year, through the same purchasing policy provision that is currently available only for the Summer Events Season.

The value threshold is also proposed to be increased to \$20,000 in recognition of the current market.

Quotation requirements – General

The policy currently prescribes a minimum number of quotations to be obtained for the different procurement value thresholds, as follows:

Procurement threshold (ex GST)	Current Quote requirements
Up to \$5,000	Direct procurement, no quotes required
\$5,001 to \$10,000	Minimum of two verbal quotations required
\$10,001 to \$50,000	Minimum of two written quotations required
\$50,001 to \$250,000	Minimum of three written quotations required

For the past few years, it has become increasingly difficult to obtain the minimum number required in several Request for Quote (RFQ) processes, despite RFQs being issued to several potential respondents.

The nature of the current market conditions has meant that several suppliers have limited spare capacity to take on additional work and, therefore, often do not respond to RFQs issued by the City.

This presents a challenge to the City to obtain the requisite number of quotes, and lengthens the procurement process – considerably, in some cases – unnecessarily, in order to ensure compliance with the policy.

The proposed amendments therefore seek to ease this pressure and require officers to seek a minimum number of quotations and obtain a lesser minimum to progress with procurement, as follows:

Procurement threshold (ex GST)	Proposed Quote requirements
Up to \$5,000	Direct procurement, no quotes required
\$5,001 to \$10,000	Seek a minimum of two verbal quotations, obtain a minimum of one quotation
\$10,001 to \$50,000	Seek a minimum of two written quotations, obtain a minimum of one quotation
\$50,001 to \$250,000	Seek a minimum of three written quotations, obtain a minimum of one quotation

This is a well-established procurement practice, as evidenced in the procurement policies of other similar organisations, such as:

City of Wanneroo	Purchasing Policy requires a minimum number of quotations to be sought
City of Swan	Purchasing Policy requires a minimum number of quotations to be sought and a minimum of one obtained
City of Stirling	Procurement Policy requires a minimum number of quotations to be sought
City of Perth	Purchasing Policy requires a minimum number of quotations to be sought

It is also noteworthy that the WA State Government procurement rules, while prescribing in great detail the procurement process to be followed by state agencies, do not stipulate a minimum number of responses to be obtained in a request for quotes process.

The proposed amendment will also deliver a similar outcome to the City's tender process which, while a public process, does not prescribe a minimum number of respondents and allows the City to progress with procurement even in the event that there is a single response to the request for tender, provided the tender evaluation panel determines this to be value for money to the City.

The City has considered the recommendation of the Policy Committee for seeking and obtaining more number of quotations as proposed at the April 2025 Policy Committee meeting. The City is once again proposing to amend the policy to obtain at least one quotation as it reflects the current market conditions and will help the City deliver its services in timely manner. Even with a single quotation, the value for money criteria is always applied as all purchase of goods and services are made in strict compliance with the following purchasing protocols (Attachments 4 – 10 refers):

- Purchasing — Panels of Pre-qualified Suppliers Protocol.
- Purchasing — Purchasing of Goods and Services Protocol.
- Purchasing — Quotations for Providing Goods and Services Protocol.

-
- Purchasing — Tenders for Providing Goods and Services Protocol.
 - Purchasing — Procurement of Travel, Accommodation and Vehicle Hire Protocol.
 - Purchasing — Use of Corporate Credit Cards Protocol.
 - Purchasing — Use of Trade Cards for Procurement of Goods and Materials Protocol.

In addition to the above stated changes, the following minor changes have been proposed to the policy:

- Clause 3 on 'Definitions' has been added for the first time in accordance with the new policy template.
- Purchasing protocols list expanded to include protocols relating to use of cards and procurement of travel, accommodation and vehicle hire.
- Clause 4.6 on 'Sustainable Procurement' has been revised in accordance with Sustainability Council Policy.
- There are also a few minor wording changes to better clarify phrases and expressions in the policy, which do not alter either the meaning or intent, and some minor structure and formatting changes.

A marked-up version of the revised *Purchasing Council Policy* is provided as Attachment 2 to this Report.

Issues and options considered

Option 1 – Approve the proposed changes to the *Purchasing Council Policy*.

Should the proposed amendments be approved, the value threshold to which unique artists and/or performers can be engaged by means of a single quotation will rise to \$20,000, giving the City more flexibility to engage entertainment, acts, artists or performers in the current market. The expansion of the provision to the full Cultural Services Program recognises that the events the City may undertake in any year, which do not all fall within the Summer Events season.

In addition, amending the quotation requirement as outlined would allow procurement to progress more easily where the City encounters difficulties obtaining sufficient quotation responses to satisfy the policy requirements. There would be no increased risk of obtaining less value in the procurement process as the policy requirements as to value for money, sustainability and the like will not change.

This option is recommended.

Option 2 – Not approve the proposed change to the *Purchasing Council Policy*.

Should the proposed amendment not be approved, the existing provisions in the *Purchasing Council Policy* remains in place.

Since the provision for artists and performers was originally introduced into the policy, there have been significant changes in the environment for arts and entertainment offerings.

The current policy provision is no longer fit for purpose and limits the City's ability to engage with the market in a flexible and reasonable manner.

Retaining the existing general provision to obtain a minimum number of quotations, as opposed to seeking a minimum number will continue the City's current constraints in obtaining sufficient quotations to meet the policy requirement. Should the current economic climate persist or deteriorate further, as expected in the medium term, the City's difficulties in this vein can be expected to worsen and cause the procurement process to become even less efficient and more burdensome.

This option is not recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government (Functions and General) Regulations 1996.
Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-4 Responsible and financially sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

Policy *Purchasing Council Policy.*

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	REPUTATION
Risk Event Description	Ineffective / improper decision making	Loss of community trust
Risk Responsibility	Director Governance and Strategy	Chief Executive Officer
Residual Risk	High	
Control Effectiveness	Strong	
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.	
Risk Control	<p>The relevant control, to mitigate risk, is the requirement for the Policy to be reviewed at least once every five years; however may be reviewed at an earlier date as a result of legislative changes which have a bearing, Council decisions which affect the continued validity or applicability of the policy, important technological, industry or social changes, or any other such circumstance that would justify an earlier review.</p> <p>The current review ensures operational efficiency and reflects the prevailing economic environment in the context of procurement activity.</p>	

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No specific consultation was undertaken. Purchasing policies of other entities, as well as the WA State Government procurement rules, were reviewed during this process.

COMMENT

The proposed amendments are expected to improve outcomes of the procurement process while not increasing any attendant risks.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

MOVED Cr Kingston, SECONDED Mayor Jacob that Council ADOPTS the revised *Purchasing Council Policy* forming Attachment 1 to this Report.

AMENDMENT MOVED Cr Pizzey, SECONDED Cr Hutton that the Motion be AMENDED to read as follows:

That Council ADOPTS the revised Purchasing Council Policy forming Attachment 1 to this Report, subject to the following amendment:

"1 That clause 4.5 – Quotation Thresholds - be amended as follows:

- For the category \$10,001 to \$50,000 – seek a minimum of two written quotations with specifications of requirements and obtain at least two quotations;***
- For the category \$50,001 to \$250,000 – seek a minimum of three written quotations with full specifications using quotation documents in accordance with the purchasing protocols as applicable, and obtain at least two quotations."***

The Amendment was Put and

CARRIED (5/1)

In favour of the Amendment: Cr Kingston, Cr Chester, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Amendment: Mayor Jacob.

The Original Motion as Amended being:

That Council ADOPTS the revised *Purchasing Council Policy* forming Attachment 1 to this Report, subject to the following amendment:

1 That clause 4.5 – Quotation Thresholds - be amended as follows:

- **For the category \$10,001 to \$50,000 – seek a minimum of two written quotations with specifications of requirements and obtain at least two quotations;**
- **For the category \$50,001 to \$250,000 – seek a minimum of three written quotations with full specifications using quotation documents in accordance with the purchasing protocols as applicable, and obtain at least two quotations.**

The Motion was Put and

CARRIED (5/1)

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Motion: Cr Kingston.

ATTACHMENTS

1. Purchasing Council Policy - 2025 Review (Final) [8.6.1 - 6 pages]
2. Purchasing Council Policy - 2025 Review (Marked up version) [8.6.2 - 8 pages]
3. Panels of Pre-qualified Suppliers Protocol [8.6.3 - 8 pages]
4. Protocol Travel, Accommodation and Vehicle Hire [8.6.4 - 4 pages]
5. Purchasing of Goods and Services Protocol July 2020 [8.6.5 - 10 pages]
6. Quotations for Providing Goods and Services Protocol July 2020 [8.6.6 - 5 pages]
7. Tenders for Procurement of Goods and Services Protocol July 2020 [8.6.7 - 14 pages]
8. Use of Corporate Credit Cards Protocol - February 2022 [8.6.8 - 5 pages]
9. Protocol Use of Trade Cards August 2016 [8.6.9 - 5 pages]
10. Purchasing Policy Memo to Elected Members - May 2025 [8.6.10 - 8 pages]

8.7 GAMBLING ON CITY- OWNED OR MANAGED PROPERTY COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Director Infrastructure Services
FILE NUMBER	111875, 101409, 22513, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For the Policy Committee/Council to adopt the draft Gambling on City-Owned or Managed Property Council Policy.

EXECUTIVE SUMMARY

At its meeting held on 25 July 2023 (CJ120-07/23 refers), Council requested a report be presented to the Policy Committee that considered the development of a formal position on gambling activities on City-owned or managed property.

At its meeting held on 19 November 2024 (CJ316-11/24 refers), a report was presented to Council providing background information on the various legislation that governs gambling practices in Western Australia and outlining the options for developing a Council Policy. Council requested that the Chief Executive Officer proceed with the development of a Council Policy that prohibits wagering activities on City-owned or managed property but still allows for gaming activities that may/may not require a permit.

The City has now prepared a draft policy for Council's consideration.

It is therefore recommended that Council ADOPTS the draft Gambling on City-Owned or Managed Property Council Policy provided as Attachment 1 to this Report.

BACKGROUND

At its meeting held on 25 July 2023 (CJ120-07/23 refers), Council requested a report be presented to the Policy Committee that considers the development of a formal position on the installation and conducting of any gambling or wagering activities on City-owned or managed property. This report was requested in relation to a petition to Council requesting support for an application to Racing and Wagering WA for the installation of a self-service Club TAB within the Sorrento Bowling Club facility at Percy Doyle Reserve, Duncraig.

At its meeting held on 19 November 2024 (CJ316-11/24 refers), a report was considered by Council, following consideration by the Policy Committee at its meeting held on 4 November 2024, that provided information on the following:

- Various legislation that governs gambling practices in Western Australia.
- Types of gambling — wagering and gaming.
- Roles and responsibilities of State and local governments.

- Summary of existing wagering activities in the City of Joondalup.
- Summary of existing gaming activities in the City of Joondalup.
- Options for developing a Council Policy.

Following review of this report at the meeting, Council resolved as follows:

“1 SUPPORTS the development of a formal position to limit gambling activities in all City-owned or managed properties;

2 PROVIDES clear guidance on the specific gambling activities it wishes to limit in City-owned and managed properties, namely:

2.1 Prohibit only wagering activities;

3 REQUESTS the Chief Executive Officer develops a Council Policy to limit gambling activities in City-owned and managed properties, taking into consideration the guidance provided by Council in Part 2 above.”

DETAILS

Types of gambling — wagering and gaming

The Gaming and Wagering Commission defines gambling as undertaking any activity that constitutes wagering or gaming.

Wagering

“Wagering”, also known as betting, involves staking money (or money’s worth) on the outcome of an undecided event, such as the result of a sports match or race. A person makes a wager by putting up collateral (in money or money’s worth) on a prediction of an unknown outcome, hoping to win more money than was risked.

Wagering is commonly associated with racing events, such as thoroughbred, harness and greyhound races, and sporting events, such as football matches and basketball games. In Western Australia, racing and wagering activities are controlled by the authority known as Racing and Wagering WA and require a licence.

Gaming

“Gaming” refers to games of chance for winnings in money or money’s worth, whether any person playing the game is at risk of losing any money or money’s worth or not. A “game of chance” is a game, or a pretended game, that includes a degree of chance, whether or not combined with a skill (or degree of skill). A game of chance does not include any athletic sport or game. Examples of gaming include the following:

- Amusements with prizes and minor fundraising (including tipping competitions).
- Bingo.
- Senior citizen’s bingo.
- Calcutta.
- Continuing lottery.
- Social gambling (including poker that is not played for money or money’s worth).
- Standard lottery.
- Two-up.
- Video lottery terminal (not including electronic gaming/poker machines).

Depending on the length of time a game runs for, and the value and content of the prizes, a Gaming Function Permit may need to be submitted to the Gaming and Wagering Commission (via the Department of Local Government, Industry Regulation and Safety) before an organisation undertakes any of the games above. To be approved for a Gaming Function Permit, the game must be conducted in accordance with the approved rules, and the funds expected to be raised must be in support of religious or charitable purposes, or the promotion or advancement of social welfare (including sports or games) and cultural or public recreational activities.

Existing policy mechanisms for gambling activities in Western Australia

In Western Australia, local governments have a limited role and authority concerning the conduct of gambling within their district. Most powers and responsibilities related to gaming and wagering are vested in the State Government via the Department of Local Government, Industry Regulation and Safety, the Gaming and Wagering Commission, and Racing and Wagering WA. However, local governments are required to contribute to the assessment and approval process of applications to conduct some gaming and wagering activities.

Local governments may be asked to comment on licence applications to establish a TAB agency (together with the Western Australian Police and other organisations that address health or financial issues in the area surrounding the proposed TAB site). Local governments may also be asked to issue a Section 55 Certificate of Local Government Authority as part of the permit application process for some gaming activities to demonstrate compliance with town planning matters and the *Health (Miscellaneous Provisions) Act 1911 (WA)*. It must be noted that local governments are obligated to issue Section 55 Certificates regardless of any formal policy position they may hold.

After the local government assesses and issues a Section 55 Certificate, the Department issues the applicant with an “Approval of Premises” as part of their permit to conduct a gaming activity. Most social gaming activities do not require a permit (for example, minor raffles, lucky dips, chocolate wheels, some guessing games, and number-based games), and in these cases, the City is not notified or consulted on the proposed activities. It should be noted, however, that the City can limit gambling activities on land it manages or controls through hire, leasing or licensing arrangements.

Currently, the City does not have a formal position regarding gaming or wagering activities on City-owned or managed property. Each application for a Section 55 Certificate of Local Government Authority, or request for comment on an application for a wagering licence (TAB licence) is assessed and issued by the City on a case-by-case basis.

Existing policy mechanisms for City-owned or managed property

The City has existing policy mechanisms that govern the type of activities that can be undertaken on City-owned or managed property:

- *Local Government and Public Property Local Law 2014* — A local law which provides for the regulation, control and management of activities and facilities of local government and public property, and establishes the usage requirements that persons must comply with. Section 3.1(1)(v) of the local law currently states that appropriate permits for gambling must be obtained for any gambling activities on City-owned or managed property. This is reflected in the City’s Terms and Conditions of Hire documents.
- *Property Management Framework* — A framework that defines the classifications for which City-owned and managed property is held, establishes the categories and associated principles under which City-owned and managed property may be used and occupied, and promotes equitable, effective and sustainable management practices for the use and occupation of City-owned and managed property. This framework currently does not address gambling activities.

New policy mechanism for gambling activities on City-owned or managed property

As requested, the City has now prepared a draft Gambling on City-Owned or Managed Property Council Policy that outlines a formal position on gambling activities on City-owned or managed property (either hired, leased or licensed). The policy acts to prohibit wagering activities but still allows for gaming activities that may/may not require a permit.

It should be noted that implementation of the new policy will still rely on hirers, lessees and licensees to be largely self-policing. In the future, as now, it is likely that the majority of gambling activities that hirers/lessees/licensees would want to undertake on City-owned or managed property would be minor gaming activities (for example raffles, chocolate wheels, lucky dips, and the like), which do not require a permit. Therefore, even if these activities were to take place, it is unlikely the City would be made aware.

Issues and options considered

Council may choose to:

- adopt the draft policy
or
- provide amendments to the draft policy.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>Betting Control Act 1954.</i> <i>Casino Control Act 1984.</i> <i>Gaming and Wagering Commission Act 1987.</i> <i>Health (Miscellaneous Provisions) Act 1911.</i> <i>Local Government and Public Property Local Law 2014.</i> <i>Racing and Wagering Western Australia Act 2003.</i>
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10-Year Strategic Community Plan

Key theme	3. Place.
Outcome	3-4 Functional and accessible - you have access to quality community facilities that are functional and adaptable.
Policy	Not applicable.

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	EXPECTATIONS	REPUTATION
Risk Event Description	Ineffective / improper decision making	Inability to understand community expectations	Loss of community trust
Risk Responsibility	Director Governance and Strategy		Chief Executive Officer
Residual Risk	High		
Control Effectiveness	Strong		
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.		
Risk Control	The relevant control, to mitigate risk, is the provision of a mechanism to control unpermitted wagering activities on City owned or managed property and reinforce the City's commitment to contribute to community wellness.		

Other risk information

Gambling-related harm is widely acknowledged as impacting not only the people who gamble, but also their families, friends and the wider community. Should the City choose not to apply limitations on gambling activities on City-owned or managed property, this harm could continue or grow in the future.

Notwithstanding, a number of local community groups conduct gaming activities to raise funds for their organisation's needs, or for charitable purposes. Should the City choose to apply limitations on gambling activities on City-owned or managed property, especially gaming activities, this may reduce the fundraising capacity of these local groups.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

There are a number of social and economic sustainability implications linked to gambling. Gambling is often associated with negative consequences and harms; however, it can also have positive effects on individuals and communities. The benefits of gambling include offering entertainment, mental stimulation, social interaction, and the opportunity to support local community organisations and charitable causes. Although it is noted that these benefits are not solely associated with undertaking gambling activities and can also be achieved through other means.

Gambling-related harm is comprised of seven main domains: financial, relationships, emotional/psychological, decrements to health, reduced performance at work/study, and cultural harm and criminal activities. In recent years, it has been increasingly recognised that gambling-related harms not only affect the people who gamble, but also their families, friends and the wider community.

Consultation

No community consultation has been undertaken to date to determine whether or not the community supports limitations on gambling activities on City-owned or managed property.

COMMENT

Should the Council decide to adopt the new Gambling Council Policy, the City's Terms and Conditions of Hire and lease/licence agreements may need to be amended to include a clause to ensure that hirers/lessees/licensees are made aware of what gambling activities are/are not permitted, and that the City would rely on users to comply.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Kingston, SECONDED Cr Vinciullo that Council ADOPTS the Gambling on City-Owned or Managed Property Council Policy provided as Attachment 1 to this Report.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Chester, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. DRAFT Gambling on City Owned or Managed Council Policy [8.7.1 - 3 pages]

8.8 NOTIFICATION OF PUBLIC WORKS COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Director Infrastructure Services
FILE NUMBER	108874, 108222, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

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

EXECUTIVE SUMMARY

The *Notification of Public Works Council Policy* (Attachment 1 refers) was first adopted by Council at its meeting on 18 August 2020 (CJ117-08/20 refers) and complements the *Community Consultation Council Policy*. The *Notification of Public Works Council 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.

There have been no changes to this policy since its adoption in August 2020.

The City's approach to notifying the community about public works has not changed since the adoption of this policy and it continues to be implemented effectively by the City. However, the recent review has identified some minor changes to the policy wording that could assist in providing further clarity to the community on the types of public works that the City will notify identified stakeholders of.

It is therefore recommended that Council ADOPTS the revised Notification of Public Works Council Policy provided as Attachment 2 to this Report.

BACKGROUND

The *Community Consultation Council Policy* 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.

The *Notification of Public Works Council Policy* (Attachment 1 refers) was first adopted by Council at its meeting on 18 August 2020 (CJ117-08/20 refers) and complements the *Community Consultation Council Policy*. The *Notification of Public Works Council 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.

DETAILS

The City's approach to notifying the community about public works has not changed since the adoption of this Policy. The Policy continues to be implemented effectively by the City and continues to demonstrate the City's commitment to notifying the community about upcoming public works which may affect them. It provides clarity and certainty to the community around when they will be notified about upcoming public works.

The recent review has identified some minor changes to the policy wording that could assist in providing further clarity to the community on the types of public works that the City will notify identified stakeholders of. The recommended changes are as follows:

- Amendment to the definition of "public works" to specifically include "trees" in the notification process, due to the City often receiving a lot of community feedback in relation to the removal and planting of trees.
- Amendment to section 4.2 to clarify that notification will not be required when general maintenance is to be undertaken by the City.

Issues and options considered

Council may choose to:

- adopt the revised *Notification of Public Works Council Policy*, as shown in Attachment 2 to this Report
or
- suggest further modifications to the *Notification of Public Works Council Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-3 Engaged and informed - you are able to actively engage with the City and have input into decision-making.

Policy *Closure of Pedestrian Accessways Local Planning Policy.*
Community Consultation Council Policy.
Notification of Public Works Council Policy.
Planning Consultation Local Planning Policy.

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	EXPECTATIONS	REPUTATION
Risk Description	Ineffective / improper decision making	Inability to understand community expectations	Loss of community trust
Risk Responsibility	Director Governance and Strategy		Chief Executive Officer
Residual Risk	High		
Control Effectiveness	Strong		
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.		
Risk Control	The relevant control, to mitigate risk, is the provision of a policy to allow legislative compliance (where it applies) and maintenance of stakeholder relationships by using clearly defined procedures.		

Other risk information

The *Notification of Public Works Council Policy* was developed to complement the City's *Community Consultation Council 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). It is imperative that policies reflect the current positions of Council and work practices at the City, as well as contemporary best practice approaches.

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

The City also has an internal policy and processes that provide guidance to the City's workforce as to where and how identified stakeholders are to be formally notified of upcoming public works. These documents include the procedure for notifying stakeholders, including the drafting of communication material, approvals process and branding.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Hutton, SECONDED Cr Kingston that Council ADOPTS the revised *Notification of Public Works Council Policy* as provided in Attachment 2 to this Report.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Chester, Cr Hutton, Cr Pizzey and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. Notification of Public Works Council Policy (current) [8.8.1 - 2 pages]
2. Notification of Public Works Council Policy (revised) [8.8.2 - 2 pages]

9 URGENT BUSINESS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

12 CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 7.59pm the following Committee Members being present at that time:

CR DANIEL KINGSTON
MAYOR HON. ALBERT JACOB, JP
CR REBECCA PIZZEY
CR LEWIS HUTTON
CR JOHN CHESTER
CR PHILLIP VINCIULLO

28 JULY 2025 - POLICY COMMITTEE ATTACHMENTS

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Percent for Art Scheme Local Planning Policy

Responsible directorate: Planning and Community Development

Objectives:

- To support the City's approach to public art through a Percent for Art Scheme for developments within the City.
- To contribute to a sense of place.
- To promote the expression of local identity and shared community values.
- To invest in public amenity and the built environment through high quality public art.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

The policy applies to all development proposals where the estimated total cost of the development meets \$2,000,000 and above, excluding the following:

- a. Developments comprised of ten (10) or fewer residential dwellings.
- b. Additions or extensions to existing buildings which are not visible from public spaces, as determined by the City.
- c. Developments subject to the Public Art Council Policy.
- d. Developments subject to an approved Structure Plan, Local Development Plan or other local planning instrument that contains requirements for the provision of public art in that area.
- e. Developments subject to a State planning instrument that contains requirements for the provision of public art in that area.

- f. Development comprised solely of demolition, site works or other servicing infrastructure, as determined by the City.

3. Definitions:

“cash-in-lieu” means a payment made by the developer to the City in place of not completing the required public art component themselves.

“commissioning” means the act of securing the services of a practitioner to fulfil a brief for an art project for the payment of a fee.

“developer” means the applicant or owner as stated on the Application for Development Approval form for the relevant development.

“development proposal” means an Application for Development Approval submitted to the City or submitted to another approval authority and referred to the City for comment.

“Percent for Art” means the scheme whereby public artworks are commissioned using a percentage of the total costs of development proposals.

“professional artist” means a person who is actively engaged in and conducts a professional artistic practice, and has industry recognition for their work. No artist commissioned for a public art project associated with this policy can have a familial relationship to the Developer, or a financial interest in the development.

“public art” means an artistic work that is created and located for public accessibility. The defining principle of public art is that the work has been designed by a professional artist for enhancement of a particular public space. Supported types of public art apply in accordance with the City’s Public Art Council Policy and the City’s Public Art Masterplan.

“public space” means suitable spaces that can be programmed for public art. This commonly requires the space to be in clear view to the public. This includes, but is not limited to, parks, foreshores, city squares, streets, indoor spaces of buildings such as entry foyers, and outdoor spaces of buildings such as courtyards and forecourts.

“total project cost” means the approximate cost of the proposed development, as stated on the Application for Development Approval form.

4. Statement:

The City acknowledges the important role played by public art in creating a sense of place, shaping community identity, and activating vibrant public spaces. To fulfil these roles and enable a culturally-enriched environment within its public spaces, the City provides accessible public art, utilising the strategic vision and framework of its Public Art Masterplan and Percent for Art Scheme to guide public art programs.

The City recognises the role that developments in the built environment have in shaping the characteristics of the public space, and the responsibility of developers to provide positive public art amenity.

This Policy assists in the delivery of high-quality, place-relevant public art on site or in the ward-vicinity of the development.

5. Details:

5.1. Percent for Art Scheme:

Development proposals subject to this policy are required to allocate **one percent (1%)** of the total project cost for the commissioning of public art. Developers can choose to make the required public art contribution through:

- a. providing public art on the site of the development proposal; or
- b. paying a cash-in-lieu contribution to the City in place of the developer providing the required public art component on site.

Conditions related to the public art contribution will be placed on the development approval issued. Where the City is not the determining authority, conditions will be recommended to be placed on any development approval issued.

5.2. Developer providing public art on site:

- a. Public art shall be provided in accordance with the City's Public Art Council Policy, Public Art Masterplan, and Developer Guidebook, as well as any relevant precinct/area guidelines.
- b. Wherever possible, developers / landowners are to provide conceptual details of the artwork(s) in the development application for the main proposal to ensure that its design, installation and maintenance has been considered as part of the overall project.
- c. Details of the proposed public art are required to be provided to the City for approval prior to the building permit being issued.
- d. Inspection and sign-off of the installed public art are required to be undertaken by the City prior to the occupancy permit being issued.

5.3. Developer providing cash-in-lieu contribution:

- a. Cash-in-lieu contributions will receive a 15% contribution discount.
- b. Cash-in-lieu contributions must be received in full by the City prior to the occupancy permit being issued.
- c. Cash-in-lieu contributions will be placed in a City public art reserve account and expended on public art commissions within the Ward of the situated development.
- d. Cash-in-lieu contributions must be expended by the City within 5 years of receipt of the payment.

Creation date: <mmmm yyyy> <report ref>

Formerly:

Amendments:

Last reviewed:

Related documentation:

- Local Planning Scheme No. 3
- Public Art Council Policy
- Public Art Masterplan
- Visual Arts Collection Council Policy
- Western Australian Government Percent for Art Scheme

File reference: 109498

Attachment 3: LGA Benchmarking Data for Percent for Art Policies

LGA with Percent for Art requirement	Percent allocation	Threshold for triggering policy	Cap on contribution value
Armadale, City of	1%	\$1 million	None
Bassendean, Town of	1%	\$1 million	None
Bayswater, City of	1%	\$1 million	None
Belmont, City of	1%	\$4.5 million	None
Cambridge, Town of	1%	\$1 million	\$500,000
Canning, City of	1%	\$4 million	\$250,000
Claremont, Town of	1%	\$1 million	\$500,000
Cockburn, City of	1%	\$2 million	\$250,000
Cottesloe, Town of	1%	\$2 million	None
East Fremantle, Town of	1%	\$3 million	\$250,000
Fremantle, City of	1%	\$1 million	None
Gosnells, City of	1%	\$2 million	\$250,000
Kalamunda, City of	1%	\$500,000	\$250,000
Kwinana, City of	1%	\$2 million	\$500,000
Melville, City of	1%	\$2 million	None
Mundaring, Shire of	1%	\$2 million	None
Rockingham, City of	1%	\$5 million	None
Serpentine-Jarrahdale, Shire of	1%	\$1 million	\$500,000
South Perth, City of	1%	\$4 million	None
Stirling, City of	2%	\$2 million	None
Subiaco, City of	1%	\$2 million	None
Swan, City of	1%	\$2 million	\$500,000
Victoria Park, Town of	1%	\$2 million	None
Vincent, City of	1%	\$1 million	None
Wanneroo, City of	1%	\$2 million	\$500,000



Public Art Council Policy

Responsible directorate: Corporate Services

Objectives:

- To guide the delivery of public art projects that contribute to creating a sense of place, and promote the expression of local identity and shared community values, and reflect on the shared values of the community.
- To invest in public amenity and the built environment through high quality public art.

1. Definitions:

“Art Collection Management Plan” means a guiding plan for the accession, administration and maintenance of the City’s Art Collection.

“commissioning” means the act of securing the services of a practitioner to fulfil a brief for an art project for the payment of a fee.

“curatorial area” means a defined geographic location or type of location within the City, which has been identified as having particular public art needs or linked by a similar role and use in the community.

“curatorial theme” means a conceptual starting point for commissioned projects to create meaningful and responsive public art in the contexts of the City and its Public Art Masterplan.

“ephemeral” means any art form that is transitory, changing and exists for a brief time in the public realm. Ephemeral works may include art that brings life, fun and interest to public spaces, such as street art and installations associated with pop-up events and activations.

“Expressions of Interest” means a project brief request for services from providers with relevant project expertise, such as artists, project managers, production suppliers.

“Maintenance Manual” means a guidebook of requirements for the care and conservation of a public artwork.

“Percent for Art” refers to means the State Government Percent for Art Scheme whereby public artworks are commissioned using a percentage of the total costs of development proposals, capital projects for buildings and major infrastructure projects.

“permanent” means artwork that is permanently sited in the public realm as key infrastructure. Permanent works may include but are not limited to artwork such as sculptures, integrated, functional and play-based art.

“professional artist” refers to means a person who is actively engaged in and conducts a professional artistic practice, and has industry recognition for their work.

“public art” refers to means an artistic work that is created and located for public accessibility. The defining principle of public art is that the work has been designed by an professional artist for enhancement of a particular public realm. Supported types of public art apply as per this policy and the City’s Public Art Masterplan. Public art may take many forms or style; from traditional media to contemporary approaches; functional objects; multimedia installations; or interactive works. The City extends this definition to its Public Art Collection as approved art created by professional artists for public spaces.

“public artist” means an artist that is involved in the process of creating artwork for the public realm. Responsibilities can include research, planning and delivery to realise successful public art projects, the design, planning, making and/or installation of public artworks. Responsibilities include site research and project development, often involving consultation and involvement with stakeholders.

“Public Art Masterplan” means the city’s strategic framework to commission new public art projects.

“public art priority” means a strategic priority or focus that reflects community and City aspirations. A priority articulates the role that public art can play in shaping experiences and building communities, and importantly with a specific lens for the Joondalup region.

“public space” includes means suitable spaces that can be programmed for public art. This commonly requires the space to be in clear view to the public. This includes but is not limited to parks, foreshores, city squares, streets, indoor spaces of public buildings such as entry foyers, and outdoor spaces of public buildings such as courtyards and forecourts.

“temporary” means artwork that has a limited life, such as a project or special event that is less than 5 years, or is subject to material “wear and tear”. Temporary works may include but are not limited to art such as light and sound installation, land and environmental art, murals and kinetic art.

“total project cost” means the approximate cost of the proposed budget for refurbishments of City-owned properties or new developments.

2. Statement:

The City acknowledges the important role played by public art in creating a sense of place, shaping community identity, and activating a vibrant public realm, and developing a sense of community and identity.

To fulfil these roles and to enable a culturally-enriched environment within its public realms, the City provides accessible public art, utilising the strategic vision and framework of its Public Art Masterplan and Percent for Art Scheme to guide public art programs, of publically accessible visual art, the City actively engages with professional artists through the commissioning of public art for the City of Joondalup Public Art Collection.

3. Details:

3.1. Alignment with Art Collection:

The purpose of the City's Art Collection is to properly conserve, maintain and grow the value of the City's art and cultural assets; and to preserve, protect and promote the unique social and cultural identity of the City. As a component of the City's Art Collection, public art supports and aligns with its objectives and aims.

3.2. Public Art Program:

The City's Public Art Program includes:

- an annual program delivered by Cultural Services
- maintenance of the Public Art Collection

The aims of the City's Public Art Program are to:

- showcase creativity through a strategic approach towards public art investment
- build upon the unique identity of Joondalup by valuing the role of public art and the vision of professional artists
- commission impactful public artworks and embrace new forms of public art for the purposes of appreciation, education and innovation
- create bespoke place-making and story-telling opportunities through responsive and region-driven strategies
- review public amenity and development opportunities across the City with a holistic creative approach
- contribute to economic development through the activation of key precincts and spaces and the development of a strong local creative and destination economy
- enhance resident and visitor appreciation of Joondalup as a place to live and visit, increasing civic pride, the brand of Joondalup and a sense of belonging.

3.3. Public Art types:

The City supports diverse and evolving forms of public art, broadening its definition and creating new ways for the community to engage with public art. Types of public art include:

- Large-scale sculptures
- Small-scale sculptures
- Murals
- Integrated artworks
- Functional artworks
- Play-based artworks
- Installations
- Lighting and technology-based artworks.

The City supports appropriate lifespans for various types of public art, noting the specific needs of different public art realms and curatorial areas within the City. This includes ephemeral, temporary and permanent artworks.

Public art does not include:

- branding or advertising signage or elements
- business logos
- off-the-shelf or mass-produced art objects
- art that is not in clear view from the public realm
- landscaping or architectural elements which would normally be associated with a development (unless integrating an artistic component designed by a professional artist and approved by the City)
- works in the public realm that have not been designed by a professional artist or an artist not approved by the City.

3.4. Program management:

The City's Public Art Program is guided by the Public Art Masterplan, as a strategic framework to commission new projects, and also aligns with the City's Art Collection Management Plan, a framework to maintain artworks. Both plans follow public art and visual art industry principles of best practice as outlined by the National Association for the Visual Arts (NAVA), the National Standards of the Australian Galleries and Museums Association (AMAGA), and Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts.

3.1. Public art project initiatives:

The City will fund the commissioning of new public art projects through an annual budget allocation from Council which may be permanent, semi-permanent or temporary in nature.

3.2-3.5. Percent for Art:

A Percent for Art Scheme (1%) will be utilised for all refurbishments of City-owned properties or new developments where the total project costs are over \$2,000,000.

The State Government Percent for Art Scheme will be utilised for all refurbishments of City-owned properties or new developments where the overall project costs are over \$1,000,000.

3.3-3.6. Donations and gifts:

The City will consider suitable donations and gifts of artworks intended for permanent public display.

Creation date: April 2017 (CJ054-04/17)

Formerly:

Public Art

4

Amendments:

Last reviewed:

Related documentation:

- [Art Collection Management Plan](#)
- [Code of Practice for National Association for the Visual Arts \(NAVA\)](#)
- [Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts](#)
- [National Standards of the Australian Galleries and Museums Association](#)
- [Percent for Art Scheme Local Planning Policy](#)
- [Public Art Masterplan](#)
- [Register of Delegation of Authority](#)
- [The Code of Practice for the Australian Visual Arts and Crafts Sector](#)
- [Visual Arts Collection Council Policy](#)
- ~~The~~ Western Australian State Government Percent for Art Scheme Guidelines

File reference: 109498



Public Art Council Policy

Responsible directorate: Corporate Services

Objectives:

- To guide the delivery of public art projects that contribute to creating a sense of place and promote the expression of local identity and shared community values.
- To invest in public amenity and the built environment through high quality public art.

1. Definitions:

“Art Collection Management Plan” means a guiding plan for the accession, administration and maintenance of the City’s Art Collection.

“commissioning” means the act of securing the services of a practitioner to fulfil a brief for an art project for the payment of a fee.

“curatorial area” means a defined geographic location or type of location within the City, which has been identified as having particular public art needs or linked by a similar role and use in the community.

“curatorial theme” means a conceptual starting point for commissioned projects to create meaningful and responsive public art in the contexts of the City and its Public Art Masterplan.

“ephemeral” means any art form that is transitory, changing and exists for a brief time in the public realm. Ephemeral works may include art that brings life, fun and interest to public spaces, such as street art and installations associated with pop-up events and activations.

“Expressions of Interest” means a project brief request for services from providers with relevant project expertise, such as artists, project managers, production suppliers.

“Maintenance Manual” means a guidebook of requirements for the care and conservation of a public artwork.

“Percent for Art” means the scheme whereby public artworks are commissioned using a percentage of the total costs of development proposals.

“permanent” means artwork that is permanently sited in the public realm as key infrastructure. Permanent works may include but are not limited to artwork such as sculptures, integrated, functional and play-based art.

“professional artist” means a person who is actively engaged in and conducts a professional artistic practice, and has industry recognition for their work.

“public art” means an artistic work that is created and located for public accessibility. The defining principle of public art is that the work has been designed by a professional artist for enhancement of a particular public realm. Supported types of public art apply as per this policy and the City’s Public Art Masterplan.

“public artist” means an artist that is involved in the process of creating artwork for the public realm. Responsibilities can include research, planning and delivery to realise successful public art projects.

“Public Art Masterplan” means the city’s strategic framework to commission new public art projects.

“public art priority” means a strategic priority or focus that reflects community and City aspirations. A priority articulates the role that public art can play in shaping experiences and building communities, and importantly with a specific lens for the Joondalup region.

“public space” means suitable spaces that can be programmed for public art. This commonly requires the space to be in clear view to the public. This includes but is not limited to parks, foreshores, city squares, streets, indoor spaces of public buildings such as entry foyers, and outdoor spaces of public buildings such as courtyards and forecourts.

“temporary” means artwork that has a limited life, such as a project or special event that is less than 5 years, or is subject to material “wear and tear”. Temporary works may include but are not limited to art such as light and sound installation, land and environmental art, murals and kinetic art.

“total project cost” means the approximate cost of the proposed budget for refurbishments of City-owned properties or new developments.

2. **Statement:**

The City acknowledges the important role played by public art in creating a sense of place, shaping community identity, and activating a vibrant public realm. To fulfil these roles and to enable a culturally-enriched environment within its public realms, the City provides accessible public art, utilising the strategic vision and framework of its Public Art Masterplan and Percent for Art Scheme to guide public art programs.

3. **Details:**

3.1. **Alignment with Art Collection:**

The purpose of the City’s Art Collection is to properly conserve, maintain and grow the value of the City’s art and cultural assets; and to preserve, protect and promote the unique social and cultural identity of the City. As a component of the City’s Art Collection, public art supports and aligns with its objectives and aims.

3.2. **Public Art Program:**

The City’s Public Art Program includes:

- an annual program delivered by Cultural Services

- maintenance of the Public Art Collection

The aims of the City's Public Art Program are to:

- showcase creativity through a strategic approach towards public art investment
- build upon the unique identity of Joondalup by valuing the role of public art and the vision of professional artists
- commission impactful public artworks and embrace new forms of public art for the purposes of appreciation, education and innovation
- create bespoke place-making and story-telling opportunities through responsive and region-driven strategies
- review public amenity and development opportunities across the City with a holistic creative approach
- contribute to economic development through the activation of key precincts and spaces and the development of a strong local creative and destination economy
- enhance resident and visitor appreciation of Joondalup as a place to live and visit, increasing civic pride, the brand of Joondalup and a sense of belonging.

3.3. Public Art types:

The City supports diverse and evolving forms of public art, broadening its definition and creating new ways for the community to engage with public art. Types of public art include:

- Large-scale sculptures
- Small-scale sculptures
- Murals
- Integrated artworks
- Functional artworks
- Play-based artworks
- Installations
- Lighting and technology-based artworks.

The City supports appropriate lifespans for various types of public art, noting the specific needs of different public art realms and curatorial areas within the City. This includes ephemeral, temporary and permanent artworks.

Public art does not include:

- branding or advertising signage or elements
- business logos

- off-the-shelf or mass-produced art objects
- art that is not in clear view from the public realm
- landscaping or architectural elements which would normally be associated with a development (unless integrating an artistic component designed by a professional artist and approved by the City)
- works in the public realm that have not been designed by a professional artist or an artist not approved by the City.

3.4. Program management:

The City's Public Art Program is guided by the Public Art Masterplan, as a strategic framework to commission new projects, and also aligns with the City's Art Collection Management Plan, a framework to maintain artworks. Both plans follow public art and visual art industry principles of best practice as outlined by the National Association for the Visual Arts (NAVA), the National Standards of the Australian Galleries and Museums Association (AMAGA), and Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts.

3.5. Percent for Art:

A Percent for Art Scheme (1%) will be utilised for all refurbishments of City-owned properties or new developments where the total project costs are over \$2,000,000.

3.6. Donations and gifts:

The City will consider suitable donations and gifts of artworks intended for permanent public display.

Creation date: April 2017 (CJ054-04/17)

Formerly:

Amendments:

Last reviewed:

Related documentation:

- Art Collection Management Plan
- Code of Practice for National Association for the Visual Arts (NAVA)
- Creative Australia's Protocols for using First Nations Cultural and Intellectual Property in the Arts
- National Standards of the Australian Galleries and Museums Association
- Percent for Art Scheme Local Planning Policy
- Public Art Masterplan

- Register of Delegation of Authority
- Visual Arts Collection Council Policy
- Western Australian State Government Percent for Art Scheme Guidelines

File reference: 109498

PROPOSED PERCENT FOR ART SCHEME LOCAL PLANNING POLICY**SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING**

NO	OVERALL POSITION	SUBMISSION	ADMINISTRATION COMMENTS
1.	Oppose	<p>1. It will increase development costs. Once introduced it will also enable future increases.</p> <p>2. Furthermore, most of what is already in place and on display is far from attractive or enhancing the local vista. They draw damage and graffiti.</p> <p>3. I would prefer a levy such as this for sporting infrastructure.</p>	<p>1. The draft policy was identified through the approved Public Art Masterplan as a way to fund the implementation of the plan. Whilst this may increase upfront development costs, it will also contribute to improving the amenity of the public realm, resulting in greater public benefit. Numerous other Perth metropolitan local governments have had similar policies in place for quite some time and are still attracting investment, as detailed in the report.</p> <p>2. Artwork on private land will be required to be maintained by the landowner. The City is responsible for maintaining public art that is on City-owned or public land.</p> <p>3. This request is not within the scope of the current consideration of the draft policy.</p>
2.	Support	<p>1. Public art can have a major influence in making the public access areas of a development interesting and relatable.</p> <p>2. As large developments can also have a major effect on the local environment it would be good to see a similar scheme for the environment and to support wildlife carers who have to deal with the injured animals resulting from the increased activity caused by the developments.</p>	1. Noted.
3.	Oppose	1. I am increasingly concerned that our rates are covering unnecessary spending. I believe art is important but should not be such a large part of the City's expenditure. My rates are going up considerably each year and some of what it is being spent on is beautification that is lovely but not necessary. I	1. The draft policy is to enable developers to contribute the provision of public art. The amount of City funds spend on public art is determined by Council and is separate from the draft policy.

		<p>would prefer our rates covering things directly related to local government. Such as roads and rubbish and recreation such as local park and facility infrastructure.</p> <p>2. Trees are a great way to beautify things while adding to the environment and reducing greenhouse gases.</p> <p>3. State and Federal Government already cover much of the arts expenditure. I understand there can always be more but my increase in rates are increasingly leading me to question what the role of local govt actually is, and I am pretty sure it isn't a increasing funding supply for the arts. Lets plant more trees and beautify buildings etc when they are built.</p>	<p>2. Noted.</p> <p>3. Council's priorities in relation to economic development and activation of the Joondalup City Centre gave rise to the Public Art Masterplan, which the proposed LPP provides part of the supporting framework to implement.</p>
4.	Oppose	<p>1. City councils have responsibility for Roads, Rates and Rubbish.</p> <p>2. I do not support squandering of my very high rates payments on arty farty projects for the benefit of very few interested people</p> <p>2. If you have extra cash, please reduce the rates.</p>	<p>1. Noted.</p> <p>2. The draft policy is to enable developers to contribute the provision of public art. The amount of City funds spend on public art is determined by Council, not the draft policy.</p> <p>3. This not relevant to the draft policy.</p>
5.	Support	<p>1. Given the threshold and where these developments may occur, will we end up with an agglomeration of similar art installations all dated to a specific period in time. Once one sees what gets approved (especially contrived indigenous motives) others may simply copy to meet this obligation.</p> <p>2. Five years is too long for the Council to sit on these funds and any earnings of the fund should be retained for the benefit of the fund.</p>	<p>1. This is unlikely to occur due to some developers likely opting for the cash-in-lieu contribution option as this option incurs a 15% discount. The City will be responsible for commissioning public art using funds contributed from the cash-in-lieu option and will prevent duplication of artworks. Artworks provided by developers will also require City approval.</p> <p>2. As per the policy, the City must expend the funds received within a maximum of 5 years of receipt of the payment, and may expend the funds sooner.</p>

<p>6.</p>	<p>Support</p>	<p>1. I strongly support this proposal. I make the following comments/suggestions:</p> <p>2. Reduce the number of residential dwellings, in a single development, excluded from this regulation from 10 to 6. This reflects what is reasonably considered a substantive development but would not be sufficient to discourage the development.</p> <p>3. It is not mentioned what percentage of the project cost would be requested. I would suggest a minimum of 0.5% for a 2 million dollar development .</p> <p>4. It should exclude developers claiming part of the architectural design or landscaping as an in kind “art” contribution. The art needs to be independently sourced from artists unconnected with the developer/ builder/project manager.</p>	<p>1. Noted.</p> <p>2. Developer contributions to public art is usually associated with larger scale development. It is therefore considered that developments comprising ten or fewer residential dwellings to be a suitable threshold for exclusion from the public art contribution in order to exclude smaller residential developments.</p> <p>3. The Policy states a 1% contribution of the development cost is required as a public art contribution.</p> <p>4. The policy intentionally does not exclude architectural or landscaping elements as an art contribution. Art contributions will require approval from the City and will be assessed against the requirements contained within the Developer Guidebook (currently under development).</p>
<p>7.</p>	<p>Support</p>	<p>1. I think it is a great idea. The Department of Education do it for their new schools and there are some fantastic examples of artistry going into these projects, so think it is a great idea to showcase local artists in a unique way and when you work out 1% it honestly is not a lot of money.</p>	<p>1. Noted.</p>
<p>8.</p>	<p>Oppose</p>	<p>1. This is far too much money on public art. Works should be commissioned on a demand basis, not to spend up an income stream. IMHO, "public art" is generally not appreciated by the public, is subject to vandalism and does not add to amenity nor "sense of place". Has the Council undertaken a survey of ratepayers about this?</p>	<p>1. The City advertised the proposed LPP as required in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>2. The percent for art contribution requirement will not specifically apply to ratepayers, but to developments within the City that trigger the requirement for a contribution to the provision of public art. The LPP provides options to either provide a cash contribution for</p>

		2. Instead of a tax on development, please instead allow ratepayers to tick a box if they wish to contribute an additional 1% on top of their rates to these undisclosed projects.	art, or for the provision of artwork by the developer, if the developer wishes to have control over the artwork provision.
9.	Oppose	In the current climate art is immaterial.	Noted.



Private Community Purposes Zone Local Planning Policy

Responsible directorate: Planning and Community Development

Objectives:

- To create good quality-built form and functional development that contributes towards a sense of place and community.
- To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
- To ensure that the standard of development is in keeping with surrounding development and does not negatively affect the amenity of the locality.
- To establish a framework for the assessment of applications for development within this zone.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy applies to all non-residential development on "Private Community Purposes" zoned land in the City of Joondalup. Where equivalent development provisions are contained within an approved activity centre plan or local development plan, those provisions shall prevail.

3. Definitions:

In addition to the definitions contained within the City of Joondalup Local Planning Scheme No 3 (the Scheme), the following definitions apply:

"coastal area" means land within 300 metres of the horizontal shoreline datum of a coast, as defined within State Planning Policy 2.6 State Coastal Planning Policy.

“external fixtures” means utilities, equipment, plant or other structures necessary for a building to achieve efficient, comfortable operating outcomes and may include rainwater storage tanks, air conditioning units, communication, power and water infrastructure, or other fixtures necessary for the use of the building.

“height” when used in relation to a building, means the maximum vertical distance between natural ground level and the finished roof height directly above.

“landscape, landscaping or landscaped” means land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries or ornamental ponds.

“outbuilding” means an enclosed non-habitable structure that is detached from any dwelling.

“small scale renewable energy system” means a solar energy system of up to 100 kilowatts capacity or a small wind energy system of up to 10 kilowatts capacity.

“solar energy system” means a system which converts energy from the sun into useable electrical energy, heats water or produces hot air or a similar function through the use of solar panels.

“visually permeable” means a wall, gate, door or fence that the vertical surface has:

- Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area.
- Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
- A surface offering equal or lesser obstruction to view;

as viewed from the street.

“wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

4. **Statement:**

The City of Joondalup supports the development of a range of private community infrastructure such as schools, places of worship, and club premises. This policy provides development provisions for non-residential development that aim to create high quality-built form outcomes. It should be read in conjunction with the Scheme and any relevant structure plans, activity centre plans or local development plans.

5. Details:

5.1. Building setbacks:

- a. Buildings shall be setback from property boundaries as follows:

Provision	Minimum setback distance
(a) Primary street setback	(i) 6.0 metres
(b) Secondary street setback	(ii) 3.0 metres
(c) Side/rear setbacks	(iii) 3.0 metres
(d) Rear setbacks	(iv) 3.0 metres
(e) Right of way/laneway setback	(v) Nil

5.2. Building height:

- a. The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Maximum building height		
Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
6 metres	7 metres	9 metres

5.3. Coastal area building height:

- a. The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Maximum building height		
Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
6 metres	7 metres	9 metres

- b. Notwithstanding clause 5.3(a), the building height in an activity centre or local development plan must take into account:
- i. existing built form, topography and landscape character of the surrounding area;
 - ii. building siting and design;
 - iii. bulk and scale of buildings and the potential to unreasonable overshadow adjoining properties or the foreshore;
 - iv. visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces; and
 - v. whether the development is sympathetic to the desired character, built form and amenity of the surrounding area.

5.4. Built form and design

- a. Development is to be in accordance with the following requirements:

Design element	Development standard
(a) Materials	<p>(i) Buildings (with the exception of outbuildings that are not visible from the street) must be constructed of high quality materials including but not limited to stone, concrete, brick, timber and glass.</p> <p>(ii) Concrete walls that are visible from an adjoining property or public realm must be painted and provided with an articulated or detailed finish.</p>
(b) Articulation	<p>(i) Buildings must incorporate appropriate design features to enhance appearance, create visual interest and reduce blank walls, including a combination of the following:</p> <ul style="list-style-type: none"> • Varied colours, textures, finishes and materials; • Varied roof forms and design; • Balconies and balustrades; • Windows, screens and sun shading devices.
(c) Windows and glazing	<p>(i) Where window security devices are provided, they must be installed on the inside of a window and be 75% visually permeable.</p> <p>(ii) Windows in an external wall which faces north, east or west must be protected from direct summer sun.</p>
(d) Building entrances	<p>(i) Building entrances must be clearly defined and easily identifiable from the street and public realm.</p> <p>(ii) Building entrances must directly front the street, car park and key pedestrian routes.</p>

5.5. Retaining walls:

Provision	Development requirement
(a) Retaining walls	<p>(i) Retaining walls visible from a street or car park greater than 1 metre in height must be tiered so no tier is greater than 1 metre in height. A landscaping area of no less than 1 metre in width shall be provided between tiers.</p>

5.6. Parking and access:

5.6.1. Car parking standards:

- a. Car parking bays are to be provided in accordance with the following table:

Use class	Number of on-site parking bays
Caravan park	1 per 10 sites
Caretaker's dwelling	1 per dwelling
Cinema/theatre, civic use, club premises, place of worship, reception centre, recreation — private, restaurant/café, small bar	1 per 4 people accommodated
Community purpose, exhibition centre	1 per 50m ² NLA
Consulting rooms, medical centre	5 bays per health consultant
Convenience store, market	1 per 25m ² NLA
Educational establishment, primary school, secondary school, tertiary college	1 per 3 students accommodated. 2 per classroom but not less than 10 2 per classroom but not less than 10 1 per 3 students accommodated
Hospital	1 per 3 beds plus 1 per staff member on duty
Hotel, motel	1 per bedroom/unit plus 1 per 5m ² of bar and dining area
Park home park	1 per 10 park homes
Residential aged care facility	1 per 5 beds plus 1 per staff member on duty
Tavern	1 per 5m ² of bar and dining area
Tourist development	1 per unit

5.6.2. Car park location and design

- a. Car park access and design is to be in accordance with the following requirements:

Design element	Development requirement
(a) Car park design	(i) Car parks should be consolidated where practicable. (ii) Car parks shall be designed in accordance with Australian Standards AS 2890.1 and/or AS 2890.2 as amended from time to time.

Design element	Development requirement
(b) Vehicle access	(i) The number of crossovers should be kept to the minimum to provide efficient ingress and egress. (ii) The location of crossovers should minimise traffic or pedestrian hazards and not conflict with pedestrian/cyclist paths. (iii) Vehicles are required to enter and exit the site in forward gear
(c) Pedestrian access	(i) A footpath must be provided from the car park and the street to the building entrance.
(d) Reciprocal car parking and access	(i) Where car parking and access is approved on neighbouring properties that relies on the reciprocal movement of vehicles and pedestrians across those properties, the necessary reciprocal access and parking shall be allowed at all times to the local government's satisfaction.

5.6.3. Scooter and motorbike parking standards:

- a. For every 30 car bays required, the 30th car bay shall be replaced with two scooter/motorcycle parking bays to be designed in accordance with relevant Australian standards. The car parking bays required under 6.6.1 may be reduced accordingly.

5.6.4. Bicycle parking standards:

- a. Bicycle parking is to be provided in accordance with the following table and relevant Australian standards. Bicycle parking is only required to be provided for new buildings; however, it is encouraged to be provided for existing developments and additions to existing developments.

Use class	Employee bicycle parking (ratios are part thereof)	Visitor bicycle parking (ratios are part thereof)
Cinema/theatre, community purpose, civic use, club premises, place of worship, reception centre, recreation – private, restaurant/café, small bar	N/A	1 per 50 people recommended
Convenience store, Lunch bar, market	1 per 100m ² NLA	1 per 50m ² NLA
Consulting rooms, medical centre	1 per 8 practitioners	1 per 4 practitioners
Educational establishment, primary school, secondary school, tertiary college	N/A	1 per 20 students 5 per classroom 5 per classroom 1 per 20 students

Use class	Employee bicycle parking (ratios are part thereof)	Visitor bicycle parking (ratios are part thereof)
Hospital, residential aged care facility	1 per 15 beds	1 per 30 beds
Hotel, motel, tavern	1 per 150m ² of bar and dining area	1 per 100m ² of bar and dining area
Exhibition centre	1 per 750m ² NLA	1 per 1000m ² NLA

5.6.5. End of trip facilities:

All developments that are required to provide 6 or more employee bicycle parking bays must provide end of trip facilities, designed in accordance with the following criteria:

- a. A minimum of one female and one male shower, located in separate change rooms or a minimum of two separate unisex showers and change rooms.
- b. Additional shower facilities to be provided at a rate of one shower for every 10 additional bicycle parking bays.
- c. A locker for every bicycle parking bay provided.
- d. The end-of-trip facilities are to be located as close as possible to the bicycle parking facilities.

5.7. Landscaping:

- a. Landscaping is to be in accordance with the following requirements:

Design element	Development standard
(a) % Landscaping	(i) A minimum of 8% of the area of a lot shall be landscaped. (ii) The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries.
(b) Size	(i) Any landscaped area shall have a minimum width of 1.0 metre and distributed in areas of not less than 4.0 square metres.
(c) Shade trees	(i) Shade trees shall be provided and maintained in uncovered car parks at the rate of one tree for every four car parking bays

5.8. Fencing:

- a. Any fence located between the street alignment and 6 metres from the street alignment, or the street alignment and a building, whichever is the lesser distance, must be visually permeable above 0.75 metres from natural ground level, and must have a maximum height of 2.0 metres from natural ground level.

5.9. Servicing:

- a. Servicing, deliveries, lighting and waste collection should be considered as part of the integral design of the building. Services should be screened from view and located at the rear of the building where practicable. Servicing is to be in accordance with the following requirements:

Provision	Development requirement
(a) Service access	(i) Service access must be provided to all buildings to cater for the loading and unloading of goods, and waste collection.
(b) Service yards	(i) Service yards must be screened from view and located at the rear of a building. (ii) Service yards must not be located directly adjacent to a Residential zoned lot.
(c) Bin storage areas	(i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material. (ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access
(d) External fixtures	(i) External fixtures must be screened from view from the street through building design and located on the roof, basement or at the rear of the building.
(j) Lighting	(i) To minimise the negative impacts of lighting, lighting is to be installed in accordance with Australian Standard AS 4282.

5.10. Sea containers:

The location and use of sea containers should not detract from the amenity, character and streetscape of an area.

- a. The permanent use of sea containers is to be in accordance with the following requirements:

Provision	Development requirement
(a) Visibility	(i) The sea container is not visible from any street or adjoining property. (ii) Where visible from an area internal to the site, the sea container is painted or clad with material in a colour that matches, or is complementary to, the colour of the existing buildings on the property.
(b) Location	(i) The sea container is not located within any approved car park, access way or landscaped area.

- b. The temporary use of a sea container can be considered in accordance with the following requirements:
- i. The sea container is only used in conjunction with building construction or subdivision work that is occurring or approved to occur on the subject site, up to a maximum of 12 months; or
 - ii. The sea container is only used for the loading or unloading of goods that is occurring on the subject site up to a maximum of 7 days; and
 - iii. The sea container is positioned so as not to obscure vehicle sightlines.
 - iv. A formal request is received and a letter is issued from the City approving the temporary nature of the sea container, and its period of use, in accordance with the provisions of subclause 61(1)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - v. Clause iv. above does not apply if the sea container is in place for less than 48 hours.

5.11. Small scale renewable energy systems:

- a. The development of small scale renewable energy systems is encouraged in order to reduce the production of greenhouse gas emissions. Small scale renewable energy systems are to be in accordance with the following requirements:

Provision	Development requirement
Solar energy system	(i) Solar energy systems must be integrated into the overall design of the building and located on rooftops so as not to detract from the building itself or impose on the existing streetscape.
Wind energy system	(i) The system must be well setback from any overhead power lines. (ii) The turbine system must be fitted with an automatic and manual braking system or an over-speed protection device. (iii) Unless colour-matched to the supporting roof, the wind energy system and any tower structure must remain painted or finished in the colour or finish applied by the manufacturer. (iv) No signage, other than the manufacturer's or installer's identification, shall be attached to the system. (v) Any electrical components and wires associated with a small wind energy system must not be visible from the street. (vi) The system must not be located on a property/building on the City's Heritage List

Provision	Development requirement
	<p>(vii) A maximum of 1 turbine per 1000m² of lot area is permitted.</p> <p>(viii) Turbines are not permitted on lots less than 1000m².</p> <p>(ix) The maximum height of a pole mounted system is 10m above natural ground level.</p> <p>(x) The maximum height of a roof mounted system is 7.5m above the roofline.</p> <p>(xi) The maximum blade diameter is 5.5m.</p> <p>(xii) Not permitted between the building and street.</p> <p>(xiii) A pole mounted system must be setback from side and rear boundaries not less than half the total height of the wind energy system,</p> <p>(xiv) A roof mounted system must be setback a minimum of 7.5m from a major opening of an adjoining building.</p>

Creation date: October 2018 (CJ184-10/18)

Formerly:

Amendments:

Last reviewed: October 2018 (CJ184-10/18)

Related documentation: • Local Planning Scheme No 3

File reference: 106237



Private Community Purposes Zone and Civic and Community Reserve Local Planning Policy

Responsible directorate: Planning and Community Development

Objectives:

- To create good quality-built form and functional development that contributes towards a sense of place and community.
- To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
- To ensure that the standard of development is in keeping with surrounding development and does not negatively affect the amenity of the locality.
- To establish a framework for the assessment of applications for development within this zone and reserve.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy applies to all non-residential development on "Private Community Purposes" zoned land and "Civic and Community" reserved land in the City of Joondalup. Where equivalent development provisions are contained within an approved ~~activity centre plan~~ precinct structure plan, ~~or local development plan~~, or land use specific local planning policy, those provisions shall prevail.

Further to the above, the 'Residential Building' land use, as defined in the Residential Design Codes Volume 1 (R-Codes), includes either permanent or temporary accommodation. Permanent accommodation falls within the R-Codes definition of residential development and is therefore subject to the provisions of the R-Codes. Temporary accommodation does not fall within the R-Codes definition of residential development and is therefore subject to this Policy.

3. Definitions:

In addition to the definitions contained within the City of Joondalup Local Planning Scheme No 3 (the Scheme), the following definitions apply:

“**coastal area**” means land within 300 metres of the horizontal shoreline datum of a coast, as defined within State Planning Policy 2.6 State Coastal Planning Policy.

“**external fixtures**” means utilities, equipment, plant or other structures necessary for a building to achieve efficient, comfortable operating outcomes and may include rainwater storage tanks, air conditioning units, communication, power and water infrastructure, or other fixtures necessary for the use of the building.

“**height**” when used in relation to a building, means the maximum vertical distance between natural ground level and the finished roof height directly above.

“**landscape, landscaping or landscaped**” means land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries or ornamental ponds.

“**outbuilding**” means an enclosed non-habitable structure that is detached from any dwelling.

“**small scale renewable energy system**” means ~~a solar energy system of up to 100 kilowatts capacity or~~ a small wind energy system of up to 10 kilowatts capacity.

~~“**solar energy system**” means a system which converts energy from the sun into useable electrical energy, heats water or produces hot air or a similar function through the use of solar panels.~~

“**screening**” means devices such as obscure glazing, timber screens, external blinds, window hoods and shutters, which:

- are at least 1.6 metres in height;
- are at least 75% obscure;
- are permanently fixed;
- are made of durable material; and
- restrict the view in the direction of overlooking into any adjoining property.

“**visitor**” means a person who is temporarily visiting the facility and is not employed or volunteering at or for the facility.

“**visually permeable**” as defined in the Residential Design Codes Volume 1 means in reference to a wall, gate, door, screen or fence that the vertical surface, when viewed directly from the street or other public space, has:

- ~~Continuous-continuous~~ vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
- ~~Continuous-continuous~~ vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or

- ~~A~~ a surface offering equal or lesser obstruction to view;

- ~~as viewed from the street.~~

“wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

4. Statement:

The City of Joondalup supports the development of a range of ~~private~~ community infrastructure ~~such as including, but not limited to,~~ schools, places of worship, and club premises. This policy provides development provisions for non-residential development that aim to create high quality-built form outcomes. It should be read in conjunction with the Scheme and any relevant structure plans, ~~activity centre plans~~ precinct structure plans, ~~or~~ local development plans or other local planning policies.

5. Details:

5.1. Building setbacks:

- ~~a-~~ Buildings shall be setback from property boundaries as follows:

Provision	Minimum setback distance
(a) Primary street setback	(i) 6.0 metres
(b) Secondary street setback	(ii) 3.0 metres
(c) Side/rear setbacks	(i) 3.0 metres, <u>or;</u> (ii) <u>6.0 metres for upper floors where a lot abuts the Residential zone or an existing sensitive land use (such as a child care premises, educational establishment, residential aged care facility or other land use as determined by the City), unless suitable screening is provided.</u>
(d) Rear setbacks	(iv) 3.0 metres
(e) Right of way/laneway setback	(v) Nil

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5.2. Building height:

- ~~a-~~ The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Maximum building height		
Top of external wall Maximum height of wall	Maximum total building height	
	Top of external wall (concealed roof) Gable,	Top of pitched roof Hipped and pitched roof

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	skillion and concealed roof	
6-7 metres	7-8 metres	9-10 metres

5.3. Coastal area building height:

- a. The maximum building height as measured from the natural ground level is to be in accordance with ~~the following table: clause 5.2.~~

Maximum building height		
Top of external wall		
	Top of external wall (concealed roof)	Top of pitched roof
6 metres	7 metres	9 metres

- b. Notwithstanding clause 5.3(a), the building height in an ~~an activity centre precinct structure plan~~ or local development plan must take into account:
- existing built form, topography and landscape character of the surrounding area;
 - building siting and design;
 - bulk and scale of buildings and the potential to ~~unreasonable-unreasonably~~ overshadow adjoining properties or the foreshore;
 - visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces; and
 - whether the development is sympathetic to the desired character, built form and amenity of the surrounding area.

5.4. Built form and design

- a. Development is to be in accordance with the following requirements:

Design element	Development standard
(a) Materials	(i) Buildings (with the exception of outbuildings that are not visible from the street) must be constructed of high quality materials including but not limited to stone, concrete, brick, timber and glass. (ii) Concrete walls that are visible from an adjoining property or public realm must be painted and provided with an articulated or detailed finish.
(b) Articulation	(c) Buildings must incorporate appropriate design features to enhance appearance, create visual interest and reduce blank walls, including a combination of the following:

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	<ul style="list-style-type: none"> Varied colours, textures, finishes and materials; Varied roof forms and design; Balconies and balustrades; Windows, screens and sun shading devices.
(+) Windows and glazing	<p>(i) Where window security devices are provided, they must be installed on the inside of a window and be 75% visually permeable.</p> <p>(ii) Windows in an external wall which faces north, east or west must be protected from direct summer sun.</p>
(+) Building entrances	<p>(i) Building entrances must be clearly defined and easily identifiable from the street and public realm.</p> <p>(ii) Building entrances must directly front the street, car park and key pedestrian routes.</p>

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5.5. Retaining walls:

Provision	Development requirement
(+) Retaining walls	(+) Retaining walls visible from a street or car park greater than 1 metre in height must be tiered so no tier is greater than 1 metre in height. A landscaping area of no less than 1 metre in width shall be provided between tiers.

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5.6. Parking and access:

5.6.1. Car parking standards:

- a. Car parking bays are to be provided in accordance with the following table:

Use class	Number of on-site parking bays
Caravan park	1 per 10 sites
Caretaker's dwelling	1 per dwelling
Cinema/theatre, civic use, club premises, place of worship, reception centre, recreation — private, restaurant/café, small bar	1 per 4 people accommodated
Community purpose, exhibition centre	1 per 50m ² NLA net lettable area
Consulting rooms, medical centre	5 bays per health consultant
Convenience store, market	1 per 25m ² NLA net lettable area
Educational establishment, primary school, secondary school, tertiary college	1 per 3 students accommodated. 2 per classroom but not less than 10 2 per classroom but not less than 10 1 per 3 students accommodated
Hospital	1 per 3 beds plus 1 per staff member on duty

Hotel, motel	1 per bedroom/unit plus 1 per 5m ² of bar and dining area
Park home park	1 per 10 park homes
Residential aged care facility	1 per 5 beds plus 1 per staff member on duty
<u>Residential building</u>	<u>1 per 2 people accommodated</u>
Tavern	1 per 5m ² of bar and dining area
Tourist development	1 per unit

b. The number of on-site parking bays may be reduced based on a parking management plan being submitted, which outlines the following:

- i. Anticipated number of staff and customers at any one time.
- ii. Alternative transport options available.
- iii. Potential for shared parking arrangements.
- iv. Parking management strategies.

5.6.2. Car park location and design

a. Car park access and design is to be in accordance with the following requirements:

Design element	Development requirement
(a) Car park design	(i) Car parks should be consolidated where practicable. (ii) Car parks shall be designed in accordance with Australian Standards AS 2890.1 and/or AS 2890.2 as amended from time to time.
(b) Vehicle access	(i) The number of crossovers should be kept to the minimum to provide efficient ingress and egress. (ii) The location of crossovers should minimise traffic or pedestrian hazards and not conflict with pedestrian/cyclist paths. (iii) Vehicles are required to enter and exit the site in forward gear.
(c) Pedestrian access	(d) A footpath must be provided from the car park and the street to the building entrance.
(d) Reciprocal car parking and access	(e) Where car parking and access is approved on neighbouring properties that <u>rely</u> on the reciprocal movement of vehicles and pedestrians across those properties, the necessary reciprocal access and parking shall be allowed at all times to the local government's satisfaction.

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5.6.3. Scooter and motorbike parking standards:

a- For every 30 car bays required, the 30th car bay shall be replaced with two scooter/motorcycle parking bays to be designed in accordance with relevant Australian standards. The car parking bays required under 65.6.1 may be reduced accordingly.

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5.6.4. Bicycle parking standards:

a- Bicycle parking is to be provided in accordance with the following table and relevant Australian standards. Bicycle parking is only required to be provided for new buildings; however, it is encouraged to be provided for existing developments and additions to existing developments.

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Use class	Employee bicycle parking (ratios are part thereof)	Visitor bicycle parking (ratios are part thereof)
Cinema/theatre, community purpose, civic use, club premises, place of worship, reception centre, recreation – private, restaurant/café, small bar, residential building	N/A	1 per 50 people recommended
Convenience store, Lunch-lunch bar, market	1 per 100m ² NLA net lettable area	1 per 50m ² NLA net lettable area
Consulting rooms, medical centre	1 per 8 practitioners	1 per 4 practitioners
Educational establishment, primary school, secondary school, tertiary college	N/A	1 per 20 students 5 per classroom 5 per classroom 1 per 20 students
Hospital, residential aged care facility	1 per 15 beds	1 per 30 beds
Hotel, motel, tavern	1 per 150m ² of bar and dining area	1 per 100m ² of bar and dining area
Exhibition centre	1 per 750m ² NLA net lettable area	1 per 1000m ² NLA net lettable area

5.6.5. End of trip facilities:

All developments that are required to provide 6 or more employee bicycle parking bays must provide end of trip facilities, designed in accordance with the following criteria:

- a. A minimum of one female and one male shower, located in separate change rooms or a minimum of two separate unisex showers and change rooms.
- b. Additional shower facilities to be provided at a rate of one shower for every 10 additional bicycle parking bays.
- c. A locker for every bicycle parking bay provided.
- d. The end-of-trip facilities are to be located as close as possible to the bicycle parking facilities.

5.7. Landscaping:

a- Landscaping is to be in accordance with the following requirements:

Design element	Development standard
(a) % Landscaping	(i) A minimum of 8% of the area of a lot shall be landscaped. (ii) The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries.
(b) Size	(i) Any landscaped area shall have a minimum width of 1.0 metre and distributed in areas of not less than 4.0 square metres ² .
(c) Shade trees	(i) Shade trees shall be provided and maintained in uncovered car parks at the rate of one tree for every four car parking bays

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5.8. Fencing:

a- Any fence located between the street alignment and 6 metres from the street alignment, or the street alignment and a building, whichever is the lesser distance, must be visually permeable above 0.75 metres from natural ground level, and must have a maximum height of 2.0 metres from natural ground level.

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5.9. Servicing:

a- Servicing, deliveries, lighting and waste collection should be considered as part of the integral design of the building. Services should be screened from view and located at the rear of the building where practicable. Servicing is to be in accordance with the following requirements:

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Provision	Development requirement
(a) Service access	(i) Service access must be provided to all buildings to cater for the loading and unloading of goods, and waste collection.
(b) Service yards	(i) Service yards must be screened from view and located at the rear of a building. (ii) Service yards must not be located directly adjacent to a Residential zoned lot.
(c) Bin storage areas	(i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material. (ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access
(d) External fixtures	(i) External fixtures must be suitably screened, from where they are in view from of the street/public realm, through building design and located on the roof, basement or at the rear of the building.

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(f)	Lighting	(f)	To minimise the negative impacts of lighting, lighting is to be installed in accordance with Australian Standard AS 4282.
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5.10. Sea containers:

The location and use of sea containers should not detract from the amenity, character and streetscape of an area.

- a. The permanent use of sea containers is to be in accordance with the following requirements:

Provision	Development requirement
(a) Visibility	(i) The sea container is not visible from any street or adjoining property. (ii) Where visible from an area internal to the site, the sea container is painted or clad with material in a colour that matches, or is complementary to, the colour of the existing buildings on the property.
(b) Location	(f) The sea container is not located within any approved car park, access way or landscaped area.

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- b. The temporary use of a sea container can be considered in accordance with the following requirements:
- i. The sea container is only used in conjunction with building construction or subdivision work that is occurring or approved to occur on the subject site, up to a maximum of 12 months; or
 - ii. The sea container is only used for the loading or unloading of goods that is occurring on the subject site up to a maximum of 7 days; and
 - iii. The sea container is positioned so as not to obscure vehicle sightlines.
 - iv. A formal request is received and a letter is issued from the City approving the temporary nature of the sea container, and its period of use, in accordance with the provisions of subclause 61(1)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - v. Clause iv. above does not apply if the sea container is in place for less than 48 hours.

5.11. Small scale renewable energy systems:

- a. The development of small scale renewable energy systems is encouraged in order to reduce the production of greenhouse gas emissions. Small scale renewable energy systems are to be in accordance with the following requirements:

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Provision	Development requirement
Solar energy system	(i) Solar energy systems must be integrated into the overall design of the building and located on rooftops so as not to

Provision	Development requirement
	detract from the building itself or impose on the existing streetscape.
Wind energy system	<ul style="list-style-type: none"> (i) The system must be well setback from any overhead power lines. (ii) The turbine system must be fitted with an automatic and manual braking system or an over-speed protection device. (iii) Unless colour-matched to the supporting roof, the wind energy system and any tower structure must remain painted or finished in the colour or finish applied by the manufacturer. (iv) No signage, other than the manufacturer's or installer's identification, shall be attached to the system. (v) Any electrical components and wires associated with a small wind energy system must not be visible from the street. (vi) The system must not be located on a property/building on the City's Heritage List (vii) A maximum of 1 turbine per 1,000m² of lot area is permitted. (viii) Turbines are not permitted on lots less than 1000m². (ix) The maximum height of a pole mounted system is 10 m metres above natural ground level. (x) The maximum height of a roof mounted system is 7.5 m metres above the roofline. (xi) The maximum blade diameter is 5.5 m metres. (xii) Not permitted between the building and street. (xiii) A pole mounted system must be setback from side and rear boundaries not less than half the total height of the wind energy system, (xiv) A roof mounted system must be setback a minimum of 7.5 m metres from a major opening of an adjoining building.

Creation date: October 2018 (CJ184-10/18)
Formerly:
Amendments:
Last reviewed: October 2018 (CJ184-10/18)
Related documentation:

- Local Planning Scheme No 3

File reference: 106237



Private Community Purposes Zone and Civic and Community Reserve Local Planning Policy

Responsible directorate: Planning and Community Development

Objectives:

- To create good quality-built form and functional development that contributes towards a sense of place and community.
- To provide for a range of community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
- To ensure that the standard of development is in keeping with surrounding development and does not negatively affect the amenity of the locality.
- To establish a framework for the assessment of applications for development within this zone and reserve.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy applies to all non-residential development on "Private Community Purposes" zoned land and "Civic and Community" reserved land in the City of Joondalup. Where equivalent development provisions are contained within an approved precinct structure plan, local development plan or land use specific local planning policy, those provisions shall prevail. Further to the above, the 'Residential Building' land use, as defined in the Residential Design Codes Volume 1 (R-Codes), includes either permanent or temporary accommodation. Permanent accommodation falls within the R-Codes definition of residential development and is therefore subject to the provisions of the R-Codes. Temporary accommodation does not fall within the R-Codes definition of residential development and is therefore subject to this Policy.

3. Definitions:

In addition to the definitions contained within the City of Joondalup Local Planning Scheme No 3 (the Scheme), the following definitions apply:

“coastal area” means land within 300 metres of the horizontal shoreline datum of a coast, as defined within State Planning Policy 2.6 State Coastal Planning Policy.

“external fixtures” means utilities, equipment, plant or other structures necessary for a building to achieve efficient, comfortable operating outcomes and may include rainwater storage tanks, air conditioning units, communication, power and water infrastructure, or other fixtures necessary for the use of the building.

“height” when used in relation to a building, means the maximum vertical distance between natural ground level and the finished roof height directly above.

“landscape, landscaping or landscaped” means land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries or ornamental ponds.

“outbuilding” means an enclosed non-habitable structure that is detached from any dwelling.

“small scale renewable energy system” means a small wind energy system of up to 10 kilowatts capacity.

“screening” means devices such as obscure glazing, timber screens, external blinds, window hoods and shutters, which:

- are at least 1.6 metres in height;
- are at least 75% obscure;
- are permanently fixed;
- are made of durable material; and
- restrict the view in the direction of overlooking into any adjoining property.

“visitor” means a person who is temporarily visiting the facility and is not employed or volunteering at or for the facility.

“visually permeable” as defined in the Residential Design Codes Volume 1 means in reference to a wall, gate, door, screen or fence that the vertical surface, when viewed directly from the street or other public space, has:

- continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
- continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
- a surface offering equal or lesser obstruction to view.

“wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

4. Statement:

The City of Joondalup supports the development of a range of community infrastructure including, but not limited to, schools, places of worship, and club premises. This policy provides development provisions for non-residential development that aim to create high quality-built form outcomes. It should be read in conjunction with the Scheme and any relevant structure plans, precinct structure plans, local development plans or other local planning policies.

5. Details:

5.1. Building setbacks:

Buildings shall be setback from property boundaries as follows:

Provision	Minimum setback distance
Primary street setback	6.0 metres
Secondary street setback	3.0 metres
Side/rear setbacks	(i) 3.0 metres, or; (ii) 6.0 metres for upper floors where a lot abuts the Residential zone or an existing sensitive land use (such as a child care premises, educational establishment, residential aged care facility or other land use as determined by the City), unless suitable screening is provided.
Right of way/laneway setback	Nil

5.2. Building height:

The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Maximum building height		
Maximum height of wall	Maximum total building height	
	Gable, skillion and concealed roof	Hipped and pitched roof
7 metres	8 metres	10 metres

5.3. Coastal area building height:

- a. The maximum building height as measured from the natural ground level is to be in accordance with clause 5.2.
- b. Notwithstanding clause 5.3(a), the building height in a precinct structure plan or local development plan must take into account:

- i. existing built form, topography and landscape character of the surrounding area;
- ii. building siting and design;
- iii. bulk and scale of buildings and the potential to unreasonably overshadow adjoining properties or the foreshore;
- iv. visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces; and
- v. whether the development is sympathetic to the desired character, built form and amenity of the surrounding area.

5.4. Built form and design

- a. Development is to be in accordance with the following requirements:

Design element	Development standard
Materials	<ol style="list-style-type: none"> (i) Buildings (with the exception of outbuildings that are not visible from the street) must be constructed of high quality materials including but not limited to stone, concrete, brick, timber and glass. (ii) Concrete walls that are visible from an adjoining property or public realm must be painted and provided with an articulated or detailed finish.
Articulation	<p>Buildings must incorporate appropriate design features to enhance appearance, create visual interest and reduce blank walls, including a combination of the following:</p> <ul style="list-style-type: none"> • Varied colours, textures, finishes and materials; • Varied roof forms and design; • Balconies and balustrades; • Windows, screens and sun shading devices.
Windows and glazing	<ol style="list-style-type: none"> (i) Where window security devices are provided, they must be 75% visually permeable. (ii) Windows in an external wall which faces north, east or west must be protected from direct summer sun.
Building entrances	<ol style="list-style-type: none"> (i) Building entrances must be clearly defined and easily identifiable from the street and public realm. (ii) Building entrances must directly front the street, car park and key pedestrian routes.

5.5. Retaining walls:

Provision	Development requirement
Retaining walls	Retaining walls visible from a street or car park greater than 1 metre in height must be tiered so no tier is greater than 1 metre in height. A landscaping area of no less than 1 metre in width shall be provided between tiers.

5.6. Parking and access: 5.6.1. Car parking standards:

- a. Car parking bays are to be provided in accordance with the following table:

Use class	Number of on-site parking bays
Caravan park	1 per 10 sites
Caretaker's dwelling	1 per dwelling
Cinema/theatre, civic use, club premises, place of worship, reception centre, recreation — private, restaurant/café, small bar	1 per 4 people accommodated
Community purpose, exhibition centre	1 per 50m ² net lettable area
Consulting rooms, medical centre	5 bays per health consultant
Convenience store, market	1 per 25m ² net lettable area
Educational establishment, primary school, secondary school, tertiary college	1 per 3 students accommodated. 2 per classroom but not less than 10 2 per classroom but not less than 10 1 per 3 students accommodated
Hospital	1 per 3 beds plus 1 per staff member on duty
Hotel, motel	1 per bedroom/unit plus 1 per 5m ² of bar and dining area
Park home park	1 per 10 park homes
Residential aged care facility	1 per 5 beds plus 1 per staff member on duty
Residential building	1 per 2 people accommodated
Tavern	1 per 5m ² of bar and dining area
Tourist development	1 per unit

- b. The number of on-site parking bays may be reduced based on a parking management plan being submitted, which outlines the following:
- i. Anticipated number of staff and customers at any one time.
 - ii. Alternative transport options available.
 - iii. Potential for shared parking arrangements.
 - iv. Parking management strategies.

5.6.2. Car park location and design

Car park access and design is to be in accordance with the following requirements:

Design element	Development requirement
Car park design	<ul style="list-style-type: none"> (i) Car parks should be consolidated where practicable. (ii) Car parks shall be designed in accordance with Australian Standards AS 2890.1 and/or AS 2890.2 as amended from time to time.
Design element	Development requirement
Vehicle access	<ul style="list-style-type: none"> (i) The number of crossovers should be kept to the minimum to provide efficient ingress and egress. (ii) The location of crossovers should minimise traffic or pedestrian hazards and not conflict with pedestrian/cyclist paths. (iii) Vehicles are required to enter and exit the site in forward gear.
Pedestrian access	A footpath must be provided from the car park and the street to the building entrance.
Reciprocal car parking and access	Where car parking and access is approved on neighbouring properties that rely on the reciprocal movement of vehicles and pedestrians across those properties, the necessary reciprocal access and parking shall be allowed at all times to the local government's satisfaction.

5.6.3. Scooter and motorbike parking standards:

For every 30 car bays required, the 30th car bay shall be replaced with two scooter/motorcycle parking bays to be designed in accordance with relevant Australian standards. The car parking bays required under 5.6.1 may be reduced accordingly.

5.6.4. Bicycle parking standards:

Bicycle parking is to be provided in accordance with the following table and relevant Australian standards. Bicycle parking is only required to be provided for new buildings; however, it is encouraged to be provided for existing developments and additions to existing developments.

Use class	Employee bicycle parking (ratios are part thereof)	Visitor bicycle parking (ratios are part thereof)
Cinema/theatre, community purpose, civic use, club premises, place of worship, reception centre, recreation – private, restaurant/café, small bar, residential building	N/A	1 per 50 people recommended
Convenience store, lunch bar, market	1 per 100m ² net lettable area	1 per 50m ² net lettable area
Consulting rooms, medical centre	1 per 8 practitioners	1 per 4 practitioners
Educational establishment, primary school, secondary school, tertiary college	N/A	1 per 20 students 5 per classroom 5 per classroom 1 per 20 students
Hospital, residential aged care facility	1 per 15 beds	1 per 30 beds
Hotel, motel, tavern	1 per 150m ² of bar and dining area	1 per 100m ² of bar and dining area
Exhibition centre	1 per 750m ² net lettable area	1 per 1000m ² net lettable area

5.6.5. End of trip facilities:

All developments that are required to provide 6 or more employee bicycle parking bays must provide end of trip facilities, designed in accordance with the following criteria:

- a. A minimum of one female and one male shower, located in separate change rooms or a minimum of two separate unisex showers and change rooms.
- b. Additional shower facilities to be provided at a rate of one shower for every 10 additional bicycle parking bays.
- c. A locker for every bicycle parking bay provided.
- d. The end-of-trip facilities are to be located as close as possible to the bicycle parking facilities.

5.7. Landscaping:

Landscaping is to be in accordance with the following requirements:

Design element	Development standard
% Landscaping	(i) A minimum of 8% of the area of a lot shall be landscaped. (ii) The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries.

Size	Any landscaped area shall have a minimum width of 1.0 metre and distributed in areas of not less than 4.0m ² .
Shade trees	Shade trees shall be provided and maintained in uncovered car parks at the rate of one tree for every four car parking bays

5.8. Fencing:

Any fence located between the street alignment and 6 metres from the street alignment, or the street alignment and a building, whichever is the lesser distance, must be visually permeable above 0.75 metres from natural ground level, and have a maximum height of 2.0 metres from natural ground level.

5.9. Servicing:

Servicing, deliveries, lighting and waste collection should be considered as part of the integral design of the building. Services should be screened from view and located at the rear of the building where practicable. Servicing is to be in accordance with the following requirements:

Provision	Development requirement
Service access	Service access must be provided to all buildings to cater for the loading and unloading of goods, and waste collection.
Service yards	(i) Service yards must be screened from view and located at the rear of a building. (ii) Service yards must not be located directly adjacent to a Residential zoned lot.
Bin storage areas	(i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material. (ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access
External fixtures	External fixtures must be suitably screened where they are in view of the public realm.
Lighting	To minimise the negative impacts of lighting, lighting is to be installed in accordance with Australian Standard AS 4282.

5.10. Sea containers:

The location and use of sea containers should not detract from the amenity, character and streetscape of an area.

- a. The permanent use of sea containers is to be in accordance with the following requirements:

Provision	Development requirement
Visibility	<p>(i) The sea container is not visible from any street or adjoining property.</p> <p>(ii) Where visible from an area internal to the site, the sea container is painted or clad with material in a colour that matches, or is complementary to, the colour of the existing buildings on the property.</p>
Location	The sea container is not located within any approved car park, access way or landscaped area.

- b. The temporary use of a sea container can be considered in accordance with the following requirements:
- i. The sea container is only used in conjunction with building construction or subdivision work that is occurring or approved to occur on the subject site, up to a maximum of 12 months; or
 - ii. The sea container is only used for the loading or unloading of goods that is occurring on the subject site up to a maximum of 7 days; and iii. The sea container is positioned so as not to obscure vehicle sightlines.
 - iv. A formal request is received and a letter is issued from the City approving the temporary nature of the sea container, and its period of use, in accordance with the provisions of subclause 61(1)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - v. Clause iv. above does not apply if the sea container is in place for less than 48 hours.

5.11. Small scale renewable energy systems:

The development of small scale renewable energy systems is encouraged in order to reduce the production of greenhouse gas emissions. Small scale renewable energy systems are to be in accordance with the following requirements:

Provision	Development requirement
Wind energy system	<ul style="list-style-type: none"> <li data-bbox="639 367 1356 427">(i) The system must be well setback from any overhead power lines. <li data-bbox="639 450 1356 533">(ii) The turbine system must be fitted with an automatic and manual braking system or an over-speed protection device. <li data-bbox="639 555 1356 680">(iii) Unless colour-matched to the supporting roof, the wind energy system and any tower structure must remain painted or finished in the colour or finish applied by the manufacturer. <li data-bbox="639 703 1356 763">(iv) No signage, other than the manufacturer's or installer's identification, shall be attached to the system. <li data-bbox="639 786 1356 891">(v) Any electrical components and wires associated with a small wind energy system must not be visible from the street. <li data-bbox="639 913 1356 974">(vi) The system must not be located on a property/building on the City's Heritage List. <li data-bbox="639 996 1356 1057">(vii) A maximum of 1 turbine per 1,000m² of lot area is permitted. <li data-bbox="639 1079 1356 1140">(viii) Turbines are not permitted on lots less than 1,000m². <li data-bbox="639 1162 1356 1223">(ix) The maximum height of a pole mounted system is 10 metres above natural ground level. <li data-bbox="639 1245 1356 1305">(x) The maximum height of a roof mounted system is 7.5 metres above the roofline. <li data-bbox="639 1328 1356 1388">(xi) The maximum blade diameter is 5.5 metres. <li data-bbox="639 1411 1356 1471">(xii) Not permitted between the building and street. <li data-bbox="639 1494 1356 1597">(xiii) A pole mounted system must be setback from side and rear boundaries not less than half the total height of the wind energy system. <li data-bbox="639 1619 1356 1597">(xiv) A roof mounted system must be setback a minimum of 7.5 metres from a major opening of an adjoining building.

Creation date: October 2018 (CJ184-10/18)

Formerly: Amendments:

Last reviewed: October 2018 (CJ184-10/18)

Related documentation: Local Planning Scheme No 3

File reference: 106237

PROPOSED AMENDMENTS TO PRIVATE COMMUNITY PURPOSES ZONE LOCAL PLANNING POLICY

SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING

NO	OVERALL POSITION	SUBMISSION	ADMINISTRATION COMMENTS
1.	Neutral	1. Section 5.7 shade trees, will this be retrospective or only for new developments?	1. The revised Local Planning Policy will not apply retrospectively.
2.	Oppose	<p>1. This appears to be a land grab since it conflates the uses for private property with those allowed on publicly owned Civic and Community land. The uses that appear to be allowed under the revised Policy include Private Recreation and, at Council discretion such functions as Market and Motel. Many of these are most inappropriate on public land and the change seems to permit deals between Council and private developers to use land that should be kept for future public uses to become private developments.</p> <p>2. The way that this has been advertised with no mention of Civic and Community in the flag on the website is most misleading and gives added fuel to the suspicion that something illicit is being contemplated.</p> <p>3. If these provisions are appropriate to Civic and Community then the Policy should be duplicated and reissued under a separate name.</p>	<p>1. The Local Planning Policy does not alter land use permissibility – this is the purpose of the Local Planning Scheme. The proposed Local Planning Policy provides development standards to guide built form requirements for development proposals on land within the Private Community Purposes zone and the Civic and Community reserve.</p> <p>2. The community consultation page on the City’s website included in the list of proposed amendments to the policy “Expanding the scope of the policy to apply to ‘Civic and Community’ reserved land.”</p> <p>3. It is common practice for local planning policies to apply development requirements to similar planning matters.</p>



Business Continuity Council Policy

Responsible directorate: Office of the Chief Executive Officer

Objective: To ensure proper planning and preparation for the continuation of critical service delivery whilst protecting life and assets during any disruptive risk event, with a return to normal service with the least amount of interference possible.

1. Application:

The *Business Continuity Policy* and any associated frameworks, guidelines and protocols, apply to all elements of the City's operations regardless of location and function.

2. Definitions:

"business continuity management" developing and maintaining plans of action that enable the response to disruptive risk events to allow continuation of critical service delivery with the minimum amount of disruption or impact.

"control strategies" activities implemented that aim to prevent the occurrence of a disruptive risk event or that will mitigate the impact of one should it occur.

"crisis management" planned response to an event that is not disaster or emergency related.

"critical services" services identified as essential for the survival of the organisation following a disruptive risk event.

"disruptive risk event" event that disrupts the ability to provide business as usual services that is sustained and/or noticeably interrupting service.

"emergency management" planned immediate response to disaster situations that threaten life and/or property (assets).

3. Statement:

The City is committed to demonstrating organisational resilience by planning to mitigate risk events that disrupt services. Effective business continuity management helps to prevent and mitigate the severity of potential business interruptions on the City and its stakeholders and fully restore operations in the most efficient manner following an interruption. The City's Business

Continuity Program will reflect good practice and sound corporate governance and be consistent with the *AS/NZS 5050-2010 Business continuity — Managing disruption-related risks*.

4. Details:

4.1. Business continuity approach:

The following applies to the City's approach to business continuity:

- a. The Council, Chief Executive Officer and Directors are committed to ensuring that effective risk management provides the foundation to a comprehensive Business Continuity Program.
- b. The Business Continuity Program seeks to ensure that timely and effective communication takes place to ensure disruption to community services are both communicated and minimised, and where necessary incorporate emergency procedures that protect both life and assets.
- c. Business as usual will be returned to with the least amount of disruption to service possible for any given disruptive risk event.
- d. The Business Continuity Program is integrated into any City arrangements, as required, to allow services to return to normal.

4.2. Business continuity management:

Support from the Council, Chief Executive Officer and Directors is required to embed business continuity throughout the City.

City plans, frameworks or protocols that are linked to business continuity must be identified along with when and how they are used.

4.3. Risk and business impact analysis:

A review of business activities must identify critical services that are required to be maintained, along with determination of acceptable outage times and resources required to return to business as usual. Risk registers must reflect potential disruptive risk events, their causes and proactive control strategies that are part of the Business Continuity Plan, strategic and/or operational risk registers.

4.4. Response options:

Appropriate disruptive risk event response options and associated resource requirements will be presented to the Chief Executive Officer and/or Directors for their approval.

4.5. Response plans:

Plans are developed and maintained as a requirement to respond to a disruptive risk event to maintain business continuity. These plans are part of the processes needed for incident notification and subsequent action taken to ensure delivery of critical services.

4.6. Train, exercise and maintain:

All employees require an awareness of business continuity and those with specific roles require training on how to fulfil responsibilities. Regular testing exercises (at least annually)

are required to provide updates on gaps and improvements. To maintain the program validity, internal reviews of the documented processes will occur regularly (at least every six months) to ensure capture of changing responsibilities and risk issues.

Creation date: October 2020 (CJ159-10/20)

Formerly:

Amendments:

Last reviewed:

- Related documentation:**
- AS/NZ 5050-2010 Business continuity — Managing disruption-related risks
 - Business Continuity Plan
 - Emergency Management Arrangements
 - Information Technology Incident Response and Disaster Recovery Plan
 - [Risk Management Council Policy](#)
 - Risk Management Framework

File reference: 109251



Privacy Council Policy

Responsible directorate: Office of the CEO

Objective: To ensure personal information is handled and protected in accordance with the *Privacy and Responsible Information Sharing Act 2024*.

1. Application:

This Policy applies to all Elected Members and employees of the City, as well as business partners, contractors, suppliers, consultants, outsourced service providers and third parties, who are responsible for handling personal information held and managed by the City.

2. Definitions:

As defined in the *Privacy and Responsible Information Sharing Act 2024* (the Act):

“handle”, in relation to information, means to collect, hold, manage, use or disclose the information.

“personal information”

- a. means information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion; and
- b. includes information of the following kinds to which paragraph a. applies —
 - i. a name, date of birth or address
 - ii. a unique identifier, online identifier or pseudonym
 - iii. contact information
 - iv. information that relates to an individual's location
 - v. technical or behavioural information in relation to an individual's activities, preferences or identity

- vi. inferred information that relates to an individual, including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information
- vii. information that relates to one or more features specific to the physical, physiological, genetic, mental, behavioural, economic, cultural or social identity of an individual.

“sensitive personal information” means personal information —

- a. that relates to an individual's —
 - i. racial or ethnic origin; or
 - ii. gender identity, in a case where the individual's gender identity does not correspond with their designated sex at birth; or
 - iii. sexual orientation or practices; or
 - iv. political opinions; or
 - v. membership of a political association; or
 - vi. religious beliefs or affiliations; or
 - vii. philosophical beliefs; or
 - viii. membership of a professional or trade association; or
 - ix. membership of a trade union; or
 - x. criminal record;or
- b. that is health information; or
- c. that is genetic or genomic information (other than health information); or
- d. that is biometric information; or
- e. from which information of a kind referred to in any of paragraph's a. to d. can reasonably be inferred.

3. Statement:

The City is committed to upholding the right to privacy of all individuals who have dealings with the City and will take reasonable steps to ensure that personal information is protected in accordance with the Act.

The City collects, holds, manages, uses and discloses personal information to enable it to exercise powers and perform functions under a range of legislative and policy requirements and to carry out certain business functions.

The City is committed to ensuring that effective privacy management remains central to all its operations while delivering a wide and diverse range of services to its community, including residents, ratepayers, businesses and visitors. Maintaining privacy is the responsibility of everyone and is an integral part of organisational culture which is reflected in various policies and related documentation, systems and processes used.

4. Details:

The City handles a broad range of information about individuals including, but not limited to, customers, ratepayers, residents, volunteers, employees and prospective employees, and Elected Members. A significant part of that information is personal information.

The City is bound by the Act when handling personal information during its operations as a local government, and adheres to the requirements of the following Information Privacy Principles (IPPs) as described in Schedule 1 of the Act:

- Collection (IPP 1)
- Use and disclosure (IPP 2)
- Information quality (IPP 3)
- Information security (IPP 4)
- Openness and transparency (IPP 5)
- Access and correction (IPP 6)
- Unique identifiers (IPP 7)
- Anonymity (IPP 8)
- Disclosures outside of Australia (IPP 9)
- Automated decision-making (IPP 10)
- De-identified information (IPP 11).

A Guide to how the City handles personal information outlines in further detail how the City meets its obligations to protect the privacy of personal information.

Creation date:	<mmmm yyyy> <report ref>
Formerly:	NA
Amendments:	NA
Last reviewed:	NA
Related documentation:	<ul style="list-style-type: none">• Freedom of Information Act 1992• Guide to how the City handles personal information• Information Breach Council Policy• Local Government Act 1995• Local Government (Administration) Regulations 1996• Privacy and Responsible Information Sharing Act 2024• Records Management Council Policy• State Records Act 2000• Statement of Business Ethics
File reference:	111876

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cl. 1

Schedule 1 — Information privacy principles

[s. 4, 5 and 19]

1. Principle 1: Collection

- 1.1 An IPP entity must not collect personal information (other than sensitive personal information) unless the information is necessary for 1 or more of the IPP entity's functions or activities.
- 1.2 An IPP entity must not collect sensitive personal information that relates to an individual unless the information is necessary for 1 or more of the IPP entity's functions or activities and —
- (a) the individual consents to the collection of the information; or
 - (b) the collection of the information is required or authorised by or under law; or
 - (c) both of the following apply —
 - (i) the collection of the information is necessary to prevent or lessen a serious threat to the life, health, safety or welfare of any individual, or a threat to the life, health, safety or welfare of any individual due to family violence;
 - (ii) the individual to whom the information relates is incapable under section 154(4) of giving consent to the collection;
- or
- (d) the collection of the information is necessary for the establishment, exercise or defence of a legal or equitable claim; or
 - (e) the collection of the information is permitted under subclause 1.3.
- 1.3 For the purposes of subclause 1.2(e), collecting sensitive personal information is permitted if —
- (a) the collection —
 - (i) is necessary for research, or the compilation or analysis of statistics, relevant to government-funded targeted welfare or educational services; or

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- (ii) is of information relating to an individual's racial or ethnic origin and is collected for the purpose of providing government-funded targeted welfare or educational services;
 - and
 - (b) there is no reasonably practicable alternative to collecting the information for that purpose; and
 - (c) it is impracticable for the IPP entity to seek the individual's consent to the collection.
- 1.4 An IPP entity must not collect personal information that relates to an individual unless the collection is fair and reasonable in the circumstances, taking into account the following matters —
- (a) whether the individual would reasonably expect the information to be collected in the circumstances;
 - (b) the kind of personal information collected, including whether any of that information is sensitive personal information;
 - (c) the amount of personal information collected;
 - (d) whether the collection of the information is necessary for 1 or more of the IPP entity's functions or activities;
 - (e) whether there is a risk of loss, harm or other detriment to any individual as a result of the collection of the information;
 - (f) whether the collection of the information for 1 or more of the IPP entity's functions or activities is, on balance, in the public interest;
 - (g) in the case of personal information that relates to a child — whether the collection of the information is in the best interests of the child;
 - (h) the objects of this Act.
- 1.5 Subclause 1.4 does not apply to the collection of personal information if —
- (a) the collection is required or authorised by or under law; or

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- (b) the IPP entity reasonably believes that the collection is necessary to prevent or lessen —
 - (i) a serious threat to the life, health, safety or welfare of any individual; or
 - (ii) a threat to the life, health, safety or welfare of any individual due to family violence;or
 - (c) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.
- 1.6 An IPP entity must not collect personal information in an unreasonably intrusive way.
- 1.7 Before collecting personal information, an IPP entity must make a written record of the purposes for which the information will be collected and used or disclosed.
- 1.8 An IPP entity must collect personal information that relates to an individual only from the individual unless —
- (a) the individual consents to the collection of the information from someone other than the individual; or
 - (b) the collection of the information is required or authorised by or under law; or
 - (c) it is unreasonable or impracticable to do so.
- 1.9 At or before the time (or, if that is not practicable, as soon as practicable after) an IPP entity collects personal information that relates to an individual from the individual, it must take such steps (if any) as are reasonable in the circumstances to ensure that the individual is given, or made aware of, the following information —
- (a) the identity of the IPP entity and how to contact it;
 - (b) how the individual may access the information (if applicable);
 - (c) the purposes for which the information is collected and will be used or disclosed;

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- (d) whether the IPP entity usually discloses information of that kind and, if so, the persons or bodies or kinds of persons or bodies to which the information is usually disclosed;
 - (e) any law that requires the particular information to be collected;
 - (f) the main consequences (if any) for the individual if all or part of the information is not provided.
- 1.10 If an IPP entity collects personal information that relates to an individual from someone other than the individual, the IPP entity must take such steps (if any) as are reasonable in the circumstances —
- (a) to satisfy itself that the information was not originally collected from the individual in contravention of this clause; and
 - (b) to ensure that the individual is given, or made aware of, the information referred to in subclause 1.9(a) to (f), except to the extent that giving or making the individual aware of that information would pose —
 - (i) a serious threat to the life, health, safety or welfare of any individual; or
 - (ii) a threat to the life, health, safety or welfare of any individual due to family violence.
- 1.11 If an IPP entity collects personal information that relates to an individual from someone other than the individual in connection with a complaint made about the individual, the IPP entity is not required to comply with subclause 1.10 in relation to the collection of the information unless the IPP entity contacts the individual about the complaint.
- 1.12 An IPP entity must ensure that the information that an individual is given, or made aware of, under subclause 1.9 or 1.10(b) is up-to-date, clear, concise and expressed in plain language.
- 2. Principle 2: Use and disclosure**
- 2.1 If an IPP entity holds personal information that relates to an individual that was collected to be used or disclosed for a particular purpose (the *primary purpose*), the IPP entity must not use or disclose

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the information for another purpose (the *secondary purpose*)
unless —

- (a) the individual would reasonably expect the IPP entity to use or disclose the information for the secondary purpose and the secondary purpose is —
 - (i) if the information is not sensitive personal information — related to the primary purpose; or
 - (ii) if the information is sensitive personal information — directly related to the primary purpose;

or

- (b) the individual consents to the use or disclosure; or
- (c) all of the following apply —
 - (i) the use or disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) the research or statistics are not to be published in a form that identifies any particular individual;
 - (iii) it is impracticable for the IPP entity to seek the individual's consent before the use or disclosure or, in the case of disclosure, the IPP entity reasonably believes that the recipient of the information will not further disclose the information;

or

- (d) the IPP entity reasonably believes that the use or disclosure is necessary to prevent or lessen —
 - (i) a serious threat to the life, health, safety or welfare of any individual; or
 - (ii) a serious threat to public health, public safety or public welfare; or
 - (iii) a threat to the life, health, safety or welfare of any individual due to family violence;

or

- (e) the IPP entity has reason to suspect that unlawful activity has been, is being, or may be, engaged in and uses or discloses the information as a necessary part of its investigation of the

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- matter or in reporting the matter to relevant persons or authorities; or
- (f) the use or disclosure is required or authorised by or under law; or
 - (g) the IPP entity reasonably believes that the use or disclosure is necessary for —
 - (i) a law enforcement function to be performed by a law enforcement agency; or
 - (ii) proceedings before a court or tribunal.
- 2.2 An IPP entity must not use or disclose personal information unless the use or disclosure is fair and reasonable in the circumstances, taking into account the following matters —
- (a) whether the individual would reasonably expect the information to be used or disclosed in the circumstances;
 - (b) the kind of personal information used or disclosed, including whether any of that information is sensitive personal information;
 - (c) the amount of personal information used or disclosed;
 - (d) whether the use or disclosure is necessary for 1 or more of the IPP entity's functions or activities;
 - (e) whether there is a risk of loss, harm or other detriment to any individual as a result of the use or disclosure of the information;
 - (f) whether the disclosure or use of the information for 1 or more of the IPP entity's functions or activities is, on balance, in the public interest;
 - (g) in the case of personal information that relates to a child — whether the use or disclosure of the information is in the best interests of the child;
 - (h) the objects of this Act.
- 2.3 Subclause 2.2 does not apply to the use or disclosure of personal information if —
- (a) the use or disclosure is required or authorised by or under law; or

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- (b) the IPP entity reasonably believes that the use or disclosure is necessary to prevent or lessen —
 - (i) a serious threat to the life, health, safety or welfare of any individual; or
 - (ii) a serious threat to public health, public safety or public welfare; or
 - (iii) a threat to the life, health, safety or welfare of any individual due to family violence;or
 - (c) the IPP entity has reason to suspect that unlawful activity has been, is being, or may be, engaged in and uses or discloses the information as a necessary part of its investigation of the matter or in reporting the matter to relevant persons or authorities; or
 - (d) the IPP entity reasonably believes that the use or disclosure is necessary for —
 - (i) a law enforcement function to be performed by a law enforcement agency; or
 - (ii) proceedings before a court or tribunal.
- 2.4 Before using or disclosing personal information for a secondary purpose, the IPP entity must make a written record of the secondary purpose.
- 2.5 If an IPP entity uses or discloses personal information in a manner permitted by subclause 2.1(g) or 2.3(d), the IPP entity must make a written record of the use or disclosure.
- 2.6 For the purposes of this clause, a disclosure of information that is covered by an express exception from a secrecy provision in a written law is taken to be authorised by law.

3. Principle 3: Information quality

An IPP entity must take such steps (if any) as are reasonable in the circumstances to ensure that personal information it collects, uses or discloses is accurate, complete and up-to-date.

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4. Principle 4: Information security

- 4.1 An IPP entity must take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- 4.2 An IPP entity must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose for which it may be used or disclosed under this Schedule, unless the IPP entity is expressly required or authorised to retain the information by or under another law.

5. Principle 5: Openness and transparency

- 5.1 An IPP entity must develop a document setting out policies on its handling of personal information and must make the document available to anyone who requests it.
- 5.2 A document referred to in subclause 5.1 must be up-to-date, clear, concise and expressed in plain language.
- 5.3 On request by a person, an IPP entity must take reasonable steps to let the person know, generally —
 - (a) the kinds of personal information that the IPP entity collects and holds; and
 - (b) how the IPP entity handles personal information; and
 - (c) the purposes for which the IPP entity handles personal information; and
 - (d) whether any personal information held by the IPP entity is used for an automated decision-making process.

6. Principle 6: Access and correction

- 6.1 If an IPP entity holds personal information that relates to an individual, it must provide the individual with access to the information on a request made by the individual in accordance with section 40, except to the extent that —
 - (a) providing access would endanger the life or physical safety of any person; or

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- (b) there are reasonable grounds to believe that —
 - (i) the person requesting access is a perpetrator, or alleged perpetrator of family violence; and
 - (ii) denying access is necessary to prevent or lessen a threat to the life, health, safety or welfare of any individual due to family violence;

or

 - (c) providing access would enable the existence, non-existence or identity of any confidential source of information in relation to the enforcement or administration of the law to be discovered; or
 - (d) providing access would have an unreasonable impact on the privacy of other individuals; or
 - (e) the request for access is frivolous or vexatious; or
 - (f) the information relates to existing legal proceedings between the IPP entity and the individual, and the information would not be accessible by the process of discovery or subpoena in those proceedings; or
 - (g) providing access would reveal the intentions of the IPP entity in relation to negotiations with the individual in such a way as to prejudice those negotiations; or
 - (h) providing access would be unlawful; or
 - (i) denying access is required or authorised by or under law; or
 - (j) providing access would be likely to prejudice an investigation of possible unlawful activity; or
 - (k) providing access would be likely to prejudice any of the law enforcement functions of a law enforcement agency; or
 - (l) providing access would be likely to reveal evaluative information generated within the IPP entity about a commercially sensitive decision-making process.
- 6.2 If the IPP entity denies access to the personal information because of subclause 6.1(l), the IPP entity may include in the reasons for the denial of access referred to in subclause 6.7 an explanation for the commercially sensitive decision.

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- 6.3 If an IPP entity is not required to provide an individual with access to information because of any of subclause 6.1(a) to (l), the IPP entity must, if reasonable, consider whether the use of mutually agreed intermediaries would allow sufficient access to meet the needs of both parties.
- 6.4 If a fee for making a request for access to personal information applies under regulations made for the purposes of section 40(2)(e), the IPP entity may refuse access to the personal information until the fee is paid.
- 6.5 If an individual makes a request to an IPP entity in accordance with section 41 for the correction of personal information that relates to the individual, and the individual establishes that the information is not accurate, complete and up-to-date, the IPP entity must take reasonable steps to correct the information so that it is accurate, complete and up-to-date.
- 6.6 If the individual and the IPP entity disagree about whether the information is accurate, complete and up-to-date, and the individual requests the IPP entity to associate with the information a statement claiming that the information is not accurate, complete or up-to-date, the IPP entity must take reasonable steps to do so.
- 6.7 An IPP entity must provide reasons for a denial of access to, or a refusal of a request for the correction of, personal information.
- 6.8 If an individual requests access to, or the correction of, personal information held by an IPP entity, the IPP entity must, as soon as practicable, but no later than 45 days after the day on which the request is made —
- (a) provide access to the information or reasons for the denial of access; or
 - (b) correct the information or provide reasons for the refusal of the request for the correction of the information; or
 - (c) provide reasons for the delay in responding to the request.

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7. Principle 7: Unique identifiers

- 7.1 An IPP entity must not assign unique identifiers to individuals unless the assignment of unique identifiers is necessary to enable the IPP entity to perform any of its functions or activities efficiently.
- 7.2 An IPP entity must not adopt as its own unique identifier of an individual a unique identifier of the individual that has been assigned by another IPP entity unless —
- (a) the adoption of the unique identifier is necessary to enable the IPP entity to perform any of its functions efficiently; or
 - (b) the individual consents to the use of the unique identifier; or
 - (c) the IPP entity is an outsourcing entity under a State services contract and is adopting the unique identifier assigned by a contracted service provider in the provision of services under the contract; or
 - (d) the IPP entity is a contracted service provider under a State services contract and is adopting the unique identifier assigned by the relevant outsourcing entity.
- 7.3 An IPP entity must not use or disclose a unique identifier assigned to an individual by another IPP entity unless —
- (a) the use or disclosure is necessary for the IPP entity to fulfil its obligations to the other IPP entity; or
 - (b) circumstances referred to in IPP 2.1(c), (e), (f) or (g) apply to the use or disclosure; or
 - (c) the individual consents to the use or disclosure.
- 7.4 An IPP entity must not require an individual to provide a unique identifier in order to obtain a service unless —
- (a) the provision of the identifier is required or authorised by or under law; or
 - (b) the provision is in connection with the purpose for which the identifier was assigned or a directly related purpose.

8. Principle 8: Anonymity

- 8.1 Individuals must have the option of not identifying themselves when dealing with an IPP entity.

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- 8.2 Subclause 8.1 does not apply to an IPP entity in relation to a matter if —
- (a) the IPP entity is required or authorised by or under law to deal with individuals who have identified themselves in relation to that matter; or
 - (b) it is impracticable for the IPP entity to deal with individuals who have not identified themselves in relation to that matter.

9. Principle 9: Disclosures outside Australia

- 9.1 An IPP entity must not disclose personal information that relates to an individual to a person (other than the individual) outside Australia unless —
- (a) the IPP entity reasonably believes that the person to whom the information is disclosed is subject to a law, binding administrative scheme, or contract, that requires the person to comply with principles for handling the information that are substantially similar to the information privacy principles; or
 - (b) the individual consents to the disclosure; or
 - (c) the disclosure is required or authorised by or under law; or
 - (d) the disclosure is necessary for the performance of a contract between the individual and the IPP entity or for the implementation of pre-contractual measures taken in response to the individual's request; or
 - (e) the disclosure is necessary for the conclusion or performance of a contract that is concluded in the interest of the individual between the IPP entity and a third party; or
 - (f) all of the following apply —
 - (i) the disclosure is for the benefit of the individual;
 - (ii) it is impracticable to obtain the consent of the individual to the disclosure;
 - (iii) if it were practicable to obtain that consent, the individual would be likely to give it;
- or
- (g) the IPP entity has taken reasonable steps to ensure that the information will not be held, used or disclosed by the

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recipient inconsistently with the information privacy principles.

- 9.2 An IPP entity must not disclose de-identified information that relates to an individual to a person (other than the individual) outside Australia unless the IPP entity takes reasonable steps to ensure that the person to whom the de-identified information is disclosed —
- (a) protects the de-identified information from misuse and loss and from unauthorised re-identification, access, modification or disclosure; and
 - (b) does not —
 - (i) re-identify the de-identified information (except in circumstances referred to in IPP 11.2(c) or (d)); or
 - (ii) further disclose the information in a manner that is likely to undermine the effectiveness of the de-identification of the information.

10. Principle 10: Automated decision-making

- 10.1 An IPP entity that employs an automated decision-making process involving the use of personal information in making significant decisions about individuals must —
- (a) conduct an assessment of the impact of the automated decision-making process on those individuals, having regard to —
 - (i) the elimination or minimisation of harm, bias and discrimination; and
 - (ii) whether there is a process by which individuals about whom decisions are made can request human intervention; and
 - (iii) whether the handling of personal information in the process complies with any applicable requirements under this Act;
- and
- (b) periodically evaluate the operation and effectiveness of the automated decision-making process; and

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- (c) reassess the matter referred to in paragraph (a) when changes are made to the automated decision-making process.
- 10.2 If an IPP entity employs an automated decision-making process involving the use of personal information in making a significant decision about an individual, the IPP entity must —
 - (a) notify the individual that an automated decision-making process has been employed in making the decision; and
 - (b) on request, give the individual information about how the automated decision-making process is employed in making decisions; and
 - (c) provide a process by which the individual can request human intervention in relation to the decision.
- 10.3 A notification under subclause 10.2(a) —
 - (a) may be given with, or as part of, any notification of the significant decision required to be given under a written law; and
 - (b) subject to paragraph (a), must be given as soon as practicable.
- 10.4 Information provided under subclause 10.2(b) must be reasonably comprehensive and provided in a form that is capable of being understood by a person without specialist knowledge.
- 11. Principle 11: De-identified information**
 - 11.1 An IPP entity must take reasonable steps to protect the de-identified information it holds from misuse and loss and from unauthorised re-identification, access, modification or disclosure.
 - 11.2 An IPP entity must not re-identify de-identified information that it holds unless —
 - (a) the de-identified information was de-identified by the IPP entity itself; or
 - (b) all of the following apply —
 - (i) the de-identified information was collected from another IPP entity;

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- (ii) that other IPP entity has given written authorisation for the IPP entity to re-identify the de-identified information for a specified purpose;
 - (iii) the re-identification is undertaken for the specified purpose;
- or
- (c) the re-identification is undertaken to test the effectiveness of de-identification processes or security measures protecting information; or
 - (d) the re-identification is required or authorised by or under law.

12.6 NOTICE OF MOTION - CITY'S APPROACH TO PRIVACY AND RESPONSIBLE INFORMATION SHARING (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Chief Executive Officer
FILE NUMBER	110887, 101515
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to consider information in response to a Notice of Motion for a report on the City's approach to privacy and responsible information sharing.

EXECUTIVE SUMMARY

At its meeting held on 27 August 2024 as a result of a Notice of Motion (CJ299-08/24 refers) Council resolved that it *"REQUESTS the Chief Executive Officer to prepare a report on the City's approach to Privacy and Responsible Information Sharing."*

Privacy and responsible information sharing reforms are listed as a key non-capital project within the City's *Corporate Business Plan* for 2024/25 – with milestones updates provided quarterly – this report extends upon these updates.

It is therefore recommended that Council NOTES the City's approach to privacy and responsible information sharing.

BACKGROUND

As outlined in the Officer Comments in response to the Notice of Motion (Attachment 1 refers), the City has processes in place to manage the secure storage and appropriate use of information and data. The City is working with the Office of Digital Government within the Department of the Premier and Cabinet, which is leading public sector reforms on privacy and responsible information sharing. The Office has published a readiness plan and checklist to assist state agencies and local governments, including the City, to prepare for the new legislation.

This includes key actions which relate to the collection, handling (protection) and storage of personal and sensitive information – and will be implemented via the development of, or updating of internal processes and documentation, including relevant Council policies.

The City has appointed an officer to lead the privacy and responsible information sharing implementation project, assisted by a project team, and includes progress reporting via the Council-endorsed 2024/25 Corporate Business Plan.

DETAILS

Privacy and responsible information sharing reforms

On 28 November 2024, the Western Australian Government passed the *Privacy and Responsible Information Sharing Bill 2024*, to support privacy and responsible information sharing (PRIS) reforms. These reforms build on an extensive consultation process that commenced in 2019 to develop a fit-for-purpose model for Western Australia. The Office of Digital Government within the Department of the Premier and Cabinet is leading the reforms.

On 6 December 2024, the *Privacy and Responsible Information Sharing Act 2024* (the Act) received Royal assent.

Commencement of Part 1 and Part 7 was from 6 December 2024, with the remainder of the Act yet to be proclaimed. Part 1 is titled *Preliminary*, and Part 7 is titled *Amendment to this Act linked to commencement of Criminal Law (Mental Impairment) Act 2023*. The Act is accessible via the Western Australia Legislation website link shown below:

https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a147470.html&view=consolidated

State government responsibility for the Act is shared between:

- Attorney General (except Part 3 and Schedule 2 which will be administered by the Minister for Science and Innovation principally assisted by Department of Premier and Cabinet); and
- Minister for Science and Innovation (Part 3 and Schedule 2 only; remainder of Act administered by the Attorney General principally assisted by the Department of Justice).

Since May 2023, the City has been preparing for the new legislation using the state government prepared *Agency PRIS Readiness Plan* and *Agency PRIS Readiness Checklist*. These documents describe the approach, governance, key activities, deliverables and milestones to ensure agencies are prepared to meet both the privacy and responsible information sharing requirements; as well as the requirement for five self-assessment and reporting activities.

The activities within the *Agency PRIS Readiness Plan* align with other existing information management obligations under whole of government legislation (such as the *State Records Act 2000*) and policies (such as the *Western Australian Government Information Classification Policy*) rather than a stand-alone set of requirements. This approach has been adopted to build awareness and understanding that PRIS reforms integrate with information management best practice.

The milestone dates – first published in May 2023 and updated in May 2024 – within the *Agency PRIS Readiness Checklist* will be updated again by the PRIS Implementation Steering Committee Secretariat to align with the commencement of the main provisions of the Act.

The Secretariat is comprised of 20 Members and Observers, representing the views of large and small agencies, government trading enterprises, local governments (via the Department of Local Government) and public universities. Milestone dates are subject to decisions of the Western Australian Government, and it is anticipated that the main provisions of the legislation are likely to commence in 2026.

The status of key milestone activities by the City is as follows:

Completed

- Designating a PRIS champion to lead and drive the implementation of the reforms.
- Submitting baseline readiness assessment and progress reports to the PRIS Implementation Steering Committee Secretariat.
- Identifying a Privacy Officer and Information Sharing Officer.
- Mapping PRIS to City values.
- Designing a privacy and responsible information sharing control framework matrix.

Prepared; not implemented

- Staff awareness intranet page.
- Procedures for:
 - privacy impact assessments
 - information breach notifications
 - information sharing.

In progress

- Reviewing City legislation for PRIS implications.
- Surveying information holdings and establishing an information asset register.
- Drafting a privacy policy and guide as to how the City handles personal information.
- Drafting a web privacy statement and privacy page.
- Drafting collection notices.
- Drafting an information breach policy.
- Drafting an information breach management response plan.
- Drafting a privacy management plan.
- Updating contracts with new clauses/terms.

To be commenced

- Procedures for:
 - handling and tracking requests for access and/or correction to personal information
 - handling privacy complaints
 - handling information sharing and information holding requests
 - internal register of information breaches
 - monitoring and compliance reporting.
- Internal training and awareness of the 11 information privacy principles and the handling and sharing of personal information.

To be developed once the remainder of the Act is proclaimed

- Establishing an internal register of information breaches.

Data governance

Several related activities are being undertaken in conjunction with preparing for the new legislation; such as the following:

- An external high level assessment of the City's regulatory obligations concerning data and/or information privacy and security has been undertaken.
- Drafting of an information classification internal policy and handling guide to align with the *Western Australian Government Information Classification Policy*; to assist in identifying risks and applying security control measures for the protection, storage and sharing of information.
- Working with a Microsoft partner to configure the compliance features of M365 E5 licensing to provide data and/or information loss protection, as well as identifying insider risk management.

Current practices

The City has a range of security controls and policies in place designed to protect personal information, such as:

- computer systems, databases and registers under restricted access, password and authenticator control
- computer systems and networks monitoring and security protected
- policies and procedures providing instructions and guidance
- staff training to ensure upskilling and responsibilities
- audits of systems and procedures to ensure compliance.

Personal information collection and intended uses

Residents and/or ratepayers personal information that is collected goes through secure processes to manage, store and ensure protection. Ensuring the privacy and security of community and/or third party related information is a priority; as the collection of information must be necessary for service delivery.

To strengthen the City's current practice, and in accordance with Information Privacy Principle 1 (Collection) of the Act, the City must take reasonable steps to provide individuals with a 'notice of collection of personal information' and only collect personal information for a primary purpose, directly from the individual, or:

- unless the individual consents to the collection of their personal information from someone other than the individual
- the collection is required or authorised by or under law
or
- it is unreasonable or impracticable to do so.

Personal information handling processes

The City's internal information handling processes are designed with security as a core principle. The City uses data minimisation, secure data transmission and regular security awareness training for employees. As an example, access to ratepayer data is restricted to role-based access control; employee access is logged and monitored, with regular audits to ensure compliance.

To strengthen the City's current practice, and in accordance with Information Privacy Principle 3 (Information quality) and 4 (Information security) of the Act, the City must take reasonable steps to ensure that personal information is accurate, complete and up to date – as well as being relevant for the functions or activities undertaken. The City must also take reasonable steps to prevent unauthorised access, modification, disclosure, interference, misuse and loss of personal information.

Personal information usage

Residents' and ratepayers' personal information is used to deliver services such as issuing rates notices, managing property records and providing customer support. The City also uses online webforms to collect information and enable digital access, which also assists in analysing trends for better planning and enhancing service delivery and responsiveness. Personal information usage is governed by strict privacy and security policies to protect information.

The City will disclose personal information where it is reasonably required for the purpose of service delivery, or if otherwise required or permitted under law.

To strengthen the City's current practice, and in accordance with Information Privacy Principle 2 (Recipients) the City will only use personal information collected for the purpose for which it was collected – or for a related secondary purpose – where it would be reasonable to do so. The City may use personal information for an unrelated secondary purpose once consent has been obtained.

Personal information storage

Personal information and data are securely stored within dedicated database environments engineered with stringent access controls and security protocols. This ensures that, in the event of a security breach, the personal information would remain unreadable and unusable without the appropriate decryption keys. As a part of Project Axiom, residents' and ratepayers' personal information is stored within Microsoft's Australian data centre regions; Microsoft complies with industry security standards for data storage.

Access to, or correction of, personal information held by the City, may be requested by the individual under the *Freedom of Information Act 1992*. This will also be permitted in accordance with Information Privacy Principle 6 of the Act.

Personal information is disposed of in accordance with the *State Records Act 2000*.

Issues and options considered

Council may choose to:

- note the information provided in response to a Notice of Motion for a report on the City's approach to privacy and responsible information sharing or
- not note the information provided in response to a Notice of Motion for a report on the City's approach to privacy and responsible information sharing.

Legislation / Strategic Community Plan / Policy implications

Legislation *Privacy and Responsible Information Sharing Act 2024.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

Risk management considerations in reports to Council consider the relevant strategic risk(s).

This category of risk requires input from Council and is managed by the Chief Executive Officer and relevant Director(s).

Strategic risks are external or internal risks that affect the achievement of the City's long-term objectives.

Strategic Risk Relationship

Risk	DECISIONS	REPUTATION
Risk Event Description	Ineffective / improper decision making	Loss of community trust
Risk Responsibility	Director Governance and Strategy	Chief Executive Officer
Residual Risk	High	
Control Effectiveness	Strong	
Risk Appetite	High risk requires close monitoring with assurance of the highest levels of controls – strong – including plans for improving effectiveness levels.	
Risk Control	The relevant control, to mitigate risk, is the implementation of the City's Project Plan – lead by a Project Manager and overseen by a Project Sponsor – as well as quarterly milestone reporting via the City's <i>Corporate Business Plan</i> for 2024/25.	

Other risk information

The City's Project Plan has self-assessment activities that are to be reported to the PRIS Implementation Steering Committee Secretariat. This reporting assesses the current state of readiness – for all state and local government agencies – and identifies any gaps to address before the full Act comes into force.

Financial / budget implications

Privacy and responsible information sharing activities are carried out using existing budgeted resources.

Regional significance

Strong focus on privacy and responsible information sharing requirements enhances the City's capability to deliver services to the District, and beyond, as relevant.

Sustainability implications

The financial sustainability of the City's operations depends on effective privacy and responsible information sharing activities with the aim to decrease the risks of significant reputational damage and/or financial losses being incurred through error or fraudulent activity. Being responsible and financially sustainable is part of the goals of the City's *Strategic Community Plan*.

Consultation

The City's officer appointed to lead the privacy and responsible information sharing implementation project – supported by dedicated resource – continue to consult with relevant areas of the Administration to ensure the aim of the *Agency PRIS Readiness Plan* are met; which is to ensure staff and supporting personnel:

- understand and are engaged with the process of reform
- are prepared and capable of complying with the proposed privacy provisions
- are ready to meet the responsible information sharing provisions within the PRIS legislation.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the City's approach to privacy and responsible information sharing.

ATTACHMENTS

1. Notice of Motion [12.6.1 - 3 pages]

14 REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil.

15 URGENT BUSINESS

Nil.

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 NOTICE OF MOTION NO. 1 - CR ROHAN O'NEILL - PRIVACY AND RESPONSIBLE INFORMATION SHARING

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Rohan O'Neill has given notice of his intention to move the following Motion at the Council meeting to be held on 27 August 2024:

That Council REQUESTS the Chief Executive Officer to prepare a report on the City's approach to Privacy and Responsible Information Sharing.

REASON FOR MOTION

Understanding how data is stored and used is crucial for any community in today's digital age. As individuals and organizations increasingly rely on digital services, the amount of personal and sensitive information shared online has grown exponentially. This data, ranging from basic personal details to complex behavioural patterns, holds immense value for various stakeholders, including businesses, governments, and malicious actors.

Several weeks ago, a linkedin post on the City of Joondalup's page made statement in relation to the city working with the ECU on some data collection exercises that were going to be occurring.

This caused several of the residents of the City to become slightly concerned with the statement.

Upon communication with the CEO, Mr James Pearson it became clear that the post had not been intended to mean the way it was read by the residents of the city. However, by the time the true intent of the program was released to the public to clarify what was actually occurring it had already caused the residents of the City of Joondalup to question what was happening to any Data that was collected by the City and what was its intended uses if any.

It is for this reason that I'm asking the CEO to prepare a report on the City's approach to privacy and responsible information sharing.

I'm asking this from the city in the hopes that it will address some, if not all of the residents concerns in relation to how the information that is collected is used within the confines of the City of Joondalup.

My reasons for this are as follows.

First and foremost, awareness of data storage and usage practices empowers individuals to protect their privacy. Personal data, if mishandled or accessed by unauthorized entities, can lead to identity theft, financial fraud, and other forms of cybercrime. By understanding where and how their data is stored, community members can make informed decisions about the platforms they use, opting for services with robust security measures and transparent data practices.

Secondly, knowledge of data practices fosters trust between the community and the City.

Organizations that are transparent about their data handling processes are more likely to gain the trust of their users. When people understand how their data is being utilized, whether for improving services, targeting advertisements, or other purposes, they can consent to these practices more knowingly. This transparency also holds the city to account, encouraging them to adopt ethical data handling practices and to prioritize user privacy.

Furthermore, understanding data usage has significant implications for broader societal issues. Data can be used to influence public opinion, manipulate behaviors, and even impact democratic processes. Awareness of these potential uses helps communities recognize and guard against misinformation, targeted manipulation, and other forms of digital exploitation. Educated communities are better equipped communities.

In an era where data breaches and leaks are increasingly common, knowing how data is stored and the security measures in place can mitigate the impact of such incidents. Communities that understand the importance of data encryption, secure storage solutions, and the principle of data minimization can advocate for and adopt best practices to protect their information. This proactive approach not only reduces the risk of data breaches but also ensures that, if a breach occurs, the amount of exposed data is minimized.

Finally, understanding data storage and its usage is essential for fostering innovation and competition in the digital economy. When communities are knowledgeable about data practices, they can choose to support businesses and technologies that prioritize user privacy and data security. This demand drives innovation, encouraging the development of new solutions that better protect personal information while still offering valuable services through superior data practices.

In conclusion, it is imperative for communities to understand how their data is stored and used. This knowledge empowers individuals to protect their privacy, fosters trust in digital services, guards against societal manipulation, mitigates the impact of data breaches, and drives innovation.

As we navigate an increasingly data-driven world, informed communities are better equipped to ensure that their personal information is handled responsibly, ethically, and securely.

It is for these reasons that I hope Council will support this notice of motion.

OFFICER'S COMMENT

The City has processes in place to manage the secure storage and appropriate use of data.

The City is working with the Office of Digital Government within the Department of the Premier and Cabinet which is leading reforms on privacy and responsible information sharing (PRIS). The Office has published a readiness plan and checklist to assist state agencies and local governments, including the City, to prepare for new legislation.

This includes key actions which relate to the collection, handling (protection) and storage of personal and sensitive information – and will be implemented via the development of, or updating of internal processes and documentation, including relevant Council policies.

The City has appointed an officer to lead and drive the privacy and responsible information sharing implementation project, assisted by a project team, and includes progress reporting via the Council-endorsed *2024/25 Corporate Business Plan*.

In regard to the ECU research which was the subject of a post on the City's LinkedIn page, the City has sponsored research by ECU, following an approach from ECU to conduct research which would benefit residents of the City through improving an understanding of how to more effectively promote the City as a destination. The ECU research has the approval of the ECU Ethics Committee and the City will not collect or store data as part of this sponsorship.

The City will only partner, sponsor or work with an external party that collects data in instances where it is certain that data collection is managed in an appropriate manner.

The request for a report can be supported.

COUNCIL RESOLUTION (Resolution No: CJ229-08/24)

MOVED Cr O'Neill, SECONDED Cr Kingston that Council REQUESTS the Chief Executive Officer to prepare a report on the City's approach to Privacy and Responsible Information Sharing.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill, Cr Kingston, Cr O'Neill, Cr Pizzey, Cr Raftis and Cr Vinciullo.
Against the Motion: Nil.



Elected Members' Entitlements Council Policy

Responsible directorate: Governance and Strategy

Objective: To set out the support and allowances available to the City's Elected Members.

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1. Definitions:

“**annual period**” means the third Saturday in October to the third Saturday in October in the following year.

“**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.

“**fair value**” means the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date (AASB 13).

“**ICT expenses**” means:

- a. rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
- b. any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

2. Statement:

This policy has been prepared to comply with the provisions relevant to Elected Members' entitlements under the *Local Government Act 1995* and supporting Regulations.

3. Provision of support:

3.1. Objective:

To provide Elected Members with appropriate facilities, equipment, material and information to support them in performing their duties of Office.

3.2. Mayor:

- a. 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*:
 - i. The provision of a luxury sedan type motor vehicle with unrestricted use for all official and civic 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. The Mayor may elect to have City of Joondalup vehicle licence number plates fitted to the vehicle at the City's expense for their term of Office (i.e. COJ 1, COJ 001, COJ 001 etc.).
 - ii. Where the Mayor is provided with a vehicle as detailed in 3.2(a)(i) 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.

- iii. Membership of the Qantas Club.
 - iv. The registration cost or ticket cost for the Mayor to attend a pre-approved event or non-approved event under the City's Attendance at Events Council Policy, provided the event does not fall into the category of a conference and training event (as defined in section 1 of this policy).
 - v. The registration cost or ticket cost of the Mayor's accompanying person (such as a spouse, family member or relative) to an event, where the Mayor is attending, or been invited to attend in an official capacity (as prescribed in clause 4(a) of the City's Attendance at Events Council Policy).
 - vi. Suitable contemporary office accommodation within the Civic Centre.
 - vii. Administrative support associated with the role of Mayor in accordance with the provisions of the *Local Government Act 1995*.
 - viii. Access to the Elected Member Lounge and refreshments.
- b. 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.

3.3. Deputy Mayor and Councillors:

- a. 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 *Local Government Act 1995*:
- i. Access to the Elected Member Lounge and refreshments.
 - ii. Access to suitably equipped shared office accommodation, reading room, ward meeting and conference rooms within the Civic Centre with photocopying, printing, facsimile, internet and telephone facilities.
 - iii. Some secretarial support as resources allow, including limited word processing, photocopying, and postage.
 - iv. The registration cost or ticket cost for the Deputy Mayor or Councillor to attend a pre-approved event or non-approved event under the City's Attendance at Events Council Policy provided the event does not fall into the category of a conference and training event (as defined in section 1 of this policy).
 - v. The registration cost or ticket cost of the Deputy Mayor's or Councillor's accompanying person (such as a spouse, family member or relative) to an event, where the Deputy Mayor or Councillor is attending, or been invited to attend in an official capacity (as prescribed in clause 4(a) of the City's Attendance at Events Council Policy).
- b. All equipment and facilities subject of this policy are provided to the Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

4. Issue and return of Council equipment:

4.1. Objective:

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

4.2. Equipment:

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

- a. Either a Macbook Air, Macbook Pro or an iMac (or similar Microsoft Windows based device); an Apple iPhone; an Apple iPad; and all-in-one printer.
- b. A file backup device and a Wi-Fi capable broadband modem (such as a Time Capsule device for Mac, or an external USB device and a Wi-Fi modem for non-Mac).
- c. Elected Member Lounge key.
- d. Security card/building access card.
- e. Satchel or briefcase (optional).

Computer equipment supplied (if required) will be issued new and replaced following each local government election where the Elected Member is elected (that is every four years). Apple iPhones will be issued new and replaced following each local government election (that is every two years). Notwithstanding, equipment issued under 4.2(a) and 4.2(b) will be replaced on failure if this occurs prior to its scheduled replacement.

At the end of each two and four year period (for mobile phones and computer equipment respectively), Elected Members will have the option to either return or purchase the devices provided by the City, at fair value. The Chief Executive Officer is authorised to approve the purchase of devices at a value to be determined by the Chief Executive Officer.

The specification of the equipment supplied under 4.2(a) and 4.2(b) shall be the highest specification for the model proposed. Elected Members will be consulted prior to the provision of the equipment and have the opportunity to make requests for changes to the equipment supplied.

4.3. Other items:

- a. The following items will be issued to Elected Members:
 - i. Two name badges, and one name badge for their partner.
 - ii. Business cards.
 - iii. City of Joondalup Elected Members' letterhead.
 - iv. Christmas cards or a Christmas e-card.
 - v. Elected Member uniform (optional) (one jacket, two trousers/skirts and three shirts/blouses) and two casual City of Joondalup polo-shirts (or similar).

- b. Each Elected Member is entitled to be reimbursed to a maximum amount of \$1,560 (**July 2024**) following their inaugural election and every second ordinary election thereafter in which they are elected, or where an Elected Member is elected as a result of an extraordinary election, for the purchase of relevant home 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 based on the Consumer Price Index (All Groups Perth) Rate, rounded to the nearest \$10.

4.4. Return of equipment issued:

- a. An Elected Member must return the following equipment to the City within 14 days of ceasing to be an Elected Member:
 - i. Any mobile phone or computer equipment issued by the City (unless otherwise negotiated to purchase, at fair value). The Chief Executive Officer is authorised to approve the purchase of devices at a value to be determined by the Chief Executive Officer.
 - ii. All equipment leased by the City and provided to the Elected Member.
 - iii. Security card/building access card.
 - iv. Elected Member Lounge key.
 - v. City of Joondalup vehicle licence number plates (to be returned and exchanged at the Department of Transport Licensing Centre at the cost of the City).
- b. The value of any equipment retained by an Elected Member on retirement cannot be more than the limits set under regulation 34AC of the *Local Government (Administration) Regulations 1996*. This value will also be deducted from the value of any retirement gift given by the City under 11.2 of this policy.

5. Payment of fees and allowances:

5.1. 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.

5.2. Annual meeting attendance fees in lieu of Council meeting and committee meeting attendance fees:

- a. In lieu of paying the Mayor and Councillors a meeting attendance fee for each prescribed meeting, the City will pay the maximum amount within the range set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid annually for meeting attendance fees for the Mayor and Councillors (see Item CJ128-07/13).
- b. Payments will be made monthly in arrears on a pro-rata basis throughout the annual period.

5.3. Annual local government allowances — Mayor and Deputy Mayor:

- a. The City will pay the maximum annual local government allowance within the range set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid to the Mayor and Deputy Mayor (see Item CJ128-07/13).
- b. Payments will be made monthly in arrears on a pro-rata basis throughout the annual period.

5.4. Annual allowance for ICT expenses:

- a. The City will pay all Elected Members the maximum annual allowance for ICT expenses as set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid to Elected Members (see Item CJ128-07/13). Additional to the annual allowance for ICT expenses, a mobile telephone is provided to Elected Members under 4.2 of this policy.
- b. Any claims by Elected Members for expenses incurred over the maximum annual allowance for ICT expenses detailed in 5.4(a) above are to be submitted on the form provided for the purpose. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Where an Elected Member reaches the limit, all claims for reimbursement shall be referred to Council for approval.
- c. Subject to 5.4(d) full payment of the annual allowance for ICT expenses will be made in advance at the commencement of the financial year.
- d. Where an Elected Member's term of Office ceases at a local government election in a financial year, the Elected Member will be paid the annual allowance for ICT expenses on a pro-rata basis up until the local government election day. Should that Elected Member be re-elected at the local government election the remainder of the annual allowance for ICT expenses will be paid following the local government election day.
- e. Where an Elected Member commences their term of Office at a local government election, the annual allowance for ICT expenses will be paid on a pro-rata basis following the local government elections (end of October) and for the period between the local government election day and the end of the financial year in which the local government election occurred.

5.5. Conditions of payment:

- a. All allowances and fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer, in writing, that he/she does not want to claim any or part of those fees and allowances.
- b. 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 the Chief Executive Officer receiving such a request.
- c. The taxation liability arising from these payments is the individual responsibility of each Elected Member.

6. Mandatory Elected Member Training:

Elected Members are required to complete the Council Member Essentials Course within 12 months from the day on which they are elected, unless exempt under regulation 36 of the *Local Government (Administration) Regulations 1996*. Elected Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

All costs associated with mandatory Elected Member training will be paid for by the City. The Annual Budget will include an allocation for Council as a whole, to be used for this purpose.

The City of Joondalup will provide new Elected Members with information on training options from which the Elected Member may select according to their preferred delivery mode and availability. The City will make the necessary arrangements for enrolment.

7. Continuing Professional Development within Australia:

7.1. Objective:

To enable Elected Members to develop and maintain skills and knowledge relevant to either their role as an Elected Member or the Council's role as defined under the Act.

7.2. Statement:

Elected Members are encouraged to attend conferences and training relating to the business of the City and to enable them to be more informed and better able to fulfil their duties of Office. In accordance with regulation 37(2) of the *Local Government (Administration) Regulations 1996*, Continuing Professional Development must be relevant to the Elected Member's role as defined under the Act, or the Council's role as defined under the Act.

7.3. Annual conference and training expense allocation:

- a. The following conference and training expense allocation shall be made available to Elected Members during an annual period:
 - i. The Mayor shall be entitled to \$19,200 (**July 2024**) inflated by the Consumer Price Index (All Groups Perth) Rate on 1 July each year and rounded to the nearest \$100.
 - ii. All Councillors shall be entitled to \$8,800 (**July 2024**) inflated by the Consumer Price Index (All Groups Perth) Rate on 1 July each year and rounded to the nearest \$100.
- b. In addition to the conference and training expense allocation detailed in 7.3(a) above, the Mayor shall be entitled to attend the following conferences, at the City's cost:
 - i. Annual Western Australian Local Government Association.
 - ii. Annual National Australian Local Government Association.
 - iii. Annual National Congress of the Local Government Professionals Australia.

- c. In addition to the conference and training expense allocation detailed in 7.3(a) above, Councillors shall be entitled to attend the Annual Western Australian Local Government Association conference, at the City's cost.

7.4. Approval:

Subject to section 8 of this policy for overseas travel, Elected Members may attend conferences and training:

- a. following approval by the Council where such approval is required; and
- b. by informing the Chief Executive Officer in advance of attendance.

In accordance with regulation 37(3) of the *Local Government (Administration) Regulations 1996*, approval will not be granted for training or continuing professional development that is scheduled to occur within the last three (3) months of an Elected Member's term of office or upon delivery of a notice of resignation to the Chief Executive Officer.

7.5. Conferences and training that may be attended:

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

- a. Western Australian Local Government Association and Australian Local Government Association conferences.
- b. Special 'one off' conferences called for or sponsored by the Western Australian Local Government Association and/or Australian Local Government Association on important issues.
- c. Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- d. Australian Sister Cities conferences.
- e. Western Australian Local Government Association Elected Members' training and development.
- f. Training relating to the role of Elected Members.
- g. Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.

7.6. Payment of conference and training expenses:

7.6.1. Payment from conference and training expense allocation:

The City will pay conference or training expenses where the Elected Member has been authorised to attend and there are sufficient funds remaining within the Elected Member's annual conference and training expense allocation. Should sufficient funds be unavailable, the Elected Member may meet the difference between the actual cost and their remaining conference and training expense allocation themselves.

7.6.2. Booking arrangements:

Registration, travel and accommodation for Elected Members will normally be arranged by the City, 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. Alternatively, Elected Members may make their own booking arrangements.

7.6.3. Support activities:

The City will pay all costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

7.6.4. 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 unreasonable to arrive at or return home in normal working hours.
- b. Accommodation shall normally be booked at the conference and training venue or, where unavailable, at a similar-rated accommodation in the vicinity of the conference and training venue.
- c. Only accommodation costs for hotels, motels or accommodation of a similar type will be paid utilising an Elected Member's annual conference and training expense allocation. Accommodation provided by relatives or friends at a private address will not be reimbursed by the City although a meal and refreshment costs can be offered in return to the hosts under 7.6.6(e).

7.6.5. 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 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 arrangements.
- c. All air travel within Australia shall be by Economy Class.
- d. If accommodation is at the conference or training venue, or in close proximity, taxis (or similar type service) 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 (or similar type service), 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.

7.6.6. Extent of expenses to be reimbursed:

- a. An Elected Member attending a conference and training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs would include, but are not limited to:
 - i. meals and refreshments for the Elected Member (that are not covered by the conference and training registration costs);
 - ii. dry-cleaning and laundry expenses; and
 - iii. reasonable telephone, internet and facsimile charges.
- b. 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.
- c. 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:
 - i. for the days of the conference and training event only; and
 - ii. for the cost of travel to and from the airport to the accommodation to be used for the conference and training.
- d. Where a visit is extended, as discussed in 7.6.6(c), 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 (or similar type service) will be to the estimated cost of travel between the conference and training event's accommodation and the airport. The Elected Member will be required to pay any greater amount.
- e. 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.
- f. 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.

7.6.7. Payment of expense reimbursements:

- a. The extent to which an Elected Member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the Regulations is as set by the Salaries and Allowances Tribunal through a determination published from time to time.

- b. Nothing prevents an Elected Member from being reimbursed expenses for intrastate and interstate travel and accommodation costs above the levels set in 7.6.7(a) where an Elected Member produces receipts or other sufficient information for the total cost to support their claim.

7.6.8. Cash advances associated with interstate and overseas travel:

- a. A cash advance of \$160 per day (**July 2024**) for interstate travel and \$260 per day (**July 2024**) for overseas travel shall be made available to Elected Members for each day the Elected Member is travelling. The cash advances per day will be inflated annually from 1 July based on the Consumer Price Index (All Groups Perth) Rate and rounded to the nearest \$10.
- b. Payments will be made by Electronic Funds Transfer into the Elected Member's nominated bank account. Any other 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 attending conference and training events attendance such as:
 - i. hotel/motel charges other than accommodation, such as dry-cleaning and laundry expenses;
 - ii. reasonable telephone, or facsimile or internet use;
 - iii. meals and refreshments for the Elected Member that are not covered by the conference and training registration cost; and
 - iv. any optional activity in a conference and training program.
- d. Documentary evidence, in the form of original invoices and receipts, must be provided for the acquittal of all cash advances. All cash advances must be acquitted within two weeks of the Elected Member returning to Perth. Amounts not acquitted shall be refunded to the City or, where agreed by the Elected Member, deducted from their annual attendance meeting fee.

7.7. Elected Member / delegate accompanying person:

- a. Subject to 7.7(d) 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 conference and training event dinner where partners would normally attend as well as accommodation costs associated with a shared room with the Elected Member where such costs are not above a room rate for the Elected Member alone.
- b. 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.
- c. 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

City by the Elected Member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the conference and training event.

- d. Where an Elected Member is attending a conference and training event and has a 'disability' as defined in the *Disability Services Act 1993*, the City will meet the travel, accommodation, and registration costs for a carer (as defined by section 3A of the *Disability Services Act 1993*) to accompany that Elected Member where that carer is a person who provides ongoing care or assistance. Costs paid by the City will not be deducted from the relevant Elected Member's annual conference and training expense allocation.

7.8. Guidelines for conference and training attendance:

Subject to the provisions of 7.3 of this policy the guidelines detailed in this section shall apply to all conference and training under this policy:

- a. An Elected Member is only entitled to attend up to two interstate conference and training events per financial year.
- b. Generally, no more than two Elected Members may attend a particular conference or training event outside Western Australia at the same time. The Chief Executive Officer or Council may, however, approve attendance by more than two Elected Members if a particular purpose or need arises.
- c. All unspent funds within an Elected Member's conference and training expense allocation shall be carried forward at the completion of each annual period.
- d. Following each ordinary local government election, Elected Members will forfeit any unspent funds, and commence their annual Elected Member's conference and training expense allocation as detailed in 7.3 of this policy.
- e. 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.
- f. The cost of training that is specifically arranged for attendance by all Elected Members (e.g. 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 conference and training expense allocation referred to in this policy.

8. Attendance at overseas conferences:

- a. An Elected Member may, with Council approval, attend an overseas conference. The Council report must include details of the anticipated benefits to the City and the Elected Member in attending the requested overseas conference. The specific Council resolution must state the authorised travel period that would include sufficient time to travel to and from the conference location (including a reasonable acclimatisation period) and attendance at the conference; and
- b. 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 7.8(d) above or the Elected Member agrees to meet the additional costs personally.

- c. Air travel overseas may 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. Cash advances are payable for overseas conferences (see 7.6.8).

9. Report:

Upon return from any interstate or overseas conference and 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:

- a. prepare a detailed written report on their attendance and benefits to them and the City, to be circulated to all Elected Members within one month; or
- b. present a verbal report on their attendance and benefits to them and the City, at the next available Strategy Session.

10. Reimbursement of expenses:

10.1. 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.

10.2. Child care:

- a. In accordance with regulation 31 of the *Local Government (Administration) Regulations 1996*, child care costs will be paid at the rate set by the Salaries and Allowances Tribunal through a determination published from time to time 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.
- b. 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 at the rate set by the Salaries and Allowances Tribunal through a determination published from time to time, 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.
- c. Child care costs are applicable for children, either of natural birth or guardianship determined by legal process.
- d. Child care costs will not be paid for where the care is provided by a relative living in the same premises as the Elected Member. For this purpose "relative" means a spouse, de facto partner, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, cousin, lineal descendant of the Elected Member or a relative of the Elected Member's spouse or de facto partner.
- e. 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 10.4 of this policy.

10.3. Travel:

- a. The payment of travel costs is covered under regulations 31 and 32 of the *Local Government (Administration) Regulations 1996*.
- b. Travel costs incurred and paid by Elected Members will be reimbursed for the following:
 - i. Travel and parking expenses incurred by an Elected Member using a private motor vehicle or bicycle to, from and attending:
 - meetings of the Council or a committee of the Council and civic or Council-related functions;
 - 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;
 - a specific request or instruction of the Council and/or including inspection, ratepayer/electors' requests or other Council duty; and
 - social functions where the Elected Member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity.
 - ii. The amount payable in respect of travelling expenses shall be paid from when a Councillor-Elect makes their declaration of Office.
 - iii. Travel expenses claimed for motor vehicles under this policy are to be calculated in accordance with the rate set by the Salaries and Allowances Tribunal through a determination published from time to time.
 - iv. Travel expenses claimed for bicycles under this policy are to be calculated in accordance with the rate of \$0.10 per kilometre.
 - v. 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.
- c. Where an Elected Member deems it is more appropriate to attend a Council-related commitment without a motor vehicle or bicycle, a taxi or similar type service may be used and the costs incurred reimbursed.
- d. Should an Elected Member travel by a motor vehicle or bicycle which is not his or her own, the reimbursement will be calculated in accordance with 10.3(b) above.

10.4. Other specified expenses:

Outside of child care and travel costs an annual reimbursement limit of \$1,430 (**July 2024**) shall be available to Elected Members during an annual period for reimbursement of costs incurred as a result of performing their duties as an Elected Member. Other specified expenses include:

- a. business attire, including footwear;

- b. dry-cleaning;
- c. stationery; and
- d. paid tickets to events where the Elected Member has been invited and attendance is approved under the City's Attendance at Events Council Policy, including costs of tickets for accompanying persons to events under 3.2(a)(v) and 3.3(a)(v) of this policy.

The amount allocated for reimbursement of other specified expenses will be inflated annually from 1 July, based on the Consumer Price Index (All Groups Perth) Rate, 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 period. When an Elected 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.

10.5. 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 Chief Executive Officer, 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 City's annual financial statements.

10.6. Allowances and limits are exclusive of G.S.T:

Unless otherwise specified in this policy, all allowances and limits set out in this policy are exclusive of G.S.T.

Where an Elected Member does not provide appropriate documentary evidence to enable G.S.T to be claimed, the full amount of the expense incurred by the City, inclusive of G.S.T, will be applied to the relevant allocation.

10.7. Supporting documentation:

Documentary evidence is required for all expenses claimed. Original tax invoices and receipts are required for audit purposes and to enable G.S.T to be claimed.

11. Other entitlements:

11.1. Elected Member dinners:

- a. To provide an avenue to facilitate networking possibilities and for Elected Members to undertake discussions with various representatives of the community, the Council has agreed to host Elected Member dinners.
- b. The Mayor is entitled to host six dinners per calendar year, and each Ward a total of 12 each year, based on six dinners per Ward Councillor.
- c. Each table will allow for the Elected Member as host, plus up to a maximum of nine guests. Except for the Elected Member's spouse or partner, all guests invited are to have a relationship with the City or be a stakeholder of the City. Prior to an Elected

Member dinner, Elected Members are to advise the City the details of their invited guests and their relationship with the City. Details of invited guests that attend Elected Member dinners are to be reported to the Audit and Risk Committee on a quarterly basis.

11.2. Acknowledgement of service:

On retirement, Council will acknowledge the service of Elected Members through the provision of an appropriate memento, which will take the form of an engraved plate (or plaque) commemorating the Elected Member's service and a suitable gift.

The value of any gift provided to a retiring Elected Member plus the residual value of any furniture and/or office equipment retained by a retiring Elected Member is limited to the prescribed amount (excluding GST) as set out in regulation 34AC of the *Local Government (Administration) Regulations 1996*.

Creation date:	June 2002 (CJ121-06/02)
Formerly:	<ul style="list-style-type: none">• Elected Member — Allowances• Elected Member Training• Elected Members' Attendance Fees• Issue and Return of Council Related Equipment to Elected Members• Members of Council — Reimbursement of Expenses• Travel/Accommodation — Elected Members and Staff
Amendments:	CJ121-06/02, CJ206-10/05, CJ007-02/07, CJ052-04/08, CJ007-02/09, CJ094-06/10, CJ174-10/10, CJ041-03/11, CJ032-03/12, CJ185-09/13, CJ050-03/15, CJ051-04/17, CJ072-05/21, CJ077-05/22, CJ067-05/23, CJ058-03/24.
Last reviewed:	March 2024 (CJ058-03/24)
Related documentation:	<ul style="list-style-type: none">• Annual Budget• Attendance at Events Council Policy• Code of Conduct for Employees, Elected Members and Committee Members• Information Technology Service Agreement for Elected Members• Local Government Act 1995• Local Government (Administration) Regulations 1996• Public Service Officers Award• Register of Delegation of Authority• Salaries and Allowances Tribunal Determination for Local Government Chief Executive Officers and Elected Members
File reference:	101269

2021-2022 CPI (6.0%)	Existing (July 2021)	New (July 2022)	Rounded (July 2022)
Office Equipment	\$1,331.86	\$1,411.77	\$1,410
Conference	(Mayor) \$16,356.21 (Councillors) \$7,477.11	\$17,337.58 \$7,925.73	\$17,300 \$7,900
Cash Advance	(Interstate) \$140.16 (International) \$221.99	\$148.56 \$235.30	\$150 \$230
Other Specified Exp.	\$1,215.02	\$1,287.92	\$1,290

2022-2023 CPI (6.2%)	Existing (July 2022)	New (July 2023)	Rounded (July 2023)
Office Equipment	\$1,411.77	\$1,499.29	\$1,500
Conference	(Mayor) \$17,337.58 (Councillors) \$7,925.73	\$18,412.50 \$8,417.12	\$18,400 \$8,400
Cash Advance	(Interstate) \$148.56 (International) \$235.30	\$157.77 \$249.88	\$160 \$250
Other Specified Exp.	\$1,287.92	\$1,367.77	\$1,370

2023-2024 CPI (4.3%)	Existing (July 2023)	New (July 2024)	Rounded (July 2024)
Office Equipment	\$1,499.29	\$1,563.75	\$1,560
Conference	(Mayor) \$18,412.50 (Councillors) \$8,417.12	\$19,204.23 \$8,779.05	\$19,200 \$8,800
Cash Advance	(Interstate) \$157.77 (International) \$249.88	\$164.55 \$260.62	\$160 \$260
Other Specified Exp.	\$1,367.77	\$1,426.58	\$1,430



Purchasing Council Policy

Responsible directorate: Corporate Services

Objective: To outline the City's commitment and approach to achieving value for money in an equitable and transparent manner when purchasing goods and services.

1. Application:

The Purchasing Policy and the associated purchasing protocols will apply to all employees within the City involved in the purchase of goods and services for the City.

2. Statement:

The City is committed to developing and maintaining purchasing systems and practices that ensure goods and services are obtained in an equitable and transparent manner that complies with applicable legislation and delivers value for money.

3. Definitions:

'Contract' means an agreement which creates legally enforceable obligations between parties. A purchase order is a form of Contract.

'Open Market' means Officers are free to select suppliers from any source to participate in procurement activity. There is no obligation to issue a statewide public notice under Open Market conditions. The City may restrict which suppliers are invited to respond to such requests.

'Public Tender' means a tender process conducted in accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996*. Public tenders require statewide public notice to be lodged. Suppliers may not be restricted from responding to the tender request.

'WALGA' means the Western Australian Local Government Association.

4. Details:

4.1. Procurement principles:

All employees of the City are expected to observe the highest standards of ethics and integrity when undertaking purchasing activities and act in an honest, fair and professional manner consistent with the City's values. Ethical behaviour includes avoiding any conflict of interest and/or disclosing any potential conflict of interest.

The following principles, standards and behaviours must be observed at all stages of the purchasing process.

- a. All purchasing practices are carried out in compliance with the applicable legislation including the *Local Government Act 1995* and the *Local Government (Function and General) Regulations 1996*.
- b. Purchasing practices will be in compliance with the City's purchasing protocols and the Code of Conduct.
- c. All purchasing decisions will remain free from bias and all suppliers will be treated equitably and fairly.
- d. All processes, evaluations and decisions shall be transparent, free from bias and fully documented.
- e. Any actual or perceived conflict of interest will be scrupulously avoided and declared.
- f. Detailed information provided to the City by a supplier will be treated as commercial-in confidence and not released to a third party unless authorised by the supplier or required by law.
- g. All transactions are fully documented, recorded and stored in compliance with applicable legislation and audit requirements.

4.2. Value for money:

The value for money principle underlies all procurement activities, which measures the benefits realisable by the City from the whole-of-life costs. Value for money does not mean obtaining the lowest quote, but includes taking into account the financial viability of suppliers, past contractor performance, safety and quality standards, timely supply, risk exposure and other relevant service considerations.

A strong element of competition will be applied through tendering and quotation processes. Where a higher priced offer is recommended there should be clear and demonstrable benefits over and above lower priced offers.

4.3. Buying local:

Where possible, suppliers operating within the City of Joondalup are to be given the opportunity to quote for goods and services required by the City. However, it is recognised that not every category of goods and services required by the City will lend itself to supply by local businesses.

4.4. Purchasing protocols:

Purchasing practices must be carried out in compliance with the following City purchasing protocols:

- Purchasing of Goods and Services
- Tenders for Providing Goods and Services
- Quotations for Providing Goods and Services
- Purchasing Goods and Services Under Panels of Pre-Qualified Suppliers
- Purchasing — Procurement of Travel, Accommodation and Vehicle Hire Protocol
- Purchasing — Use of Corporate Credit Cards Protocol
- Purchasing — Use of Trade Cards for Procurement of Goods and Materials Protocol

4.5. Quotation thresholds:

Quotations are required for all purchases made on behalf of the City with a value ranging from \$5,001 to \$250,000 as detailed in the following table:

Expenditure level	Quotation requirements
Up to \$5,000	No quotations required. Direct purchase by authorised officers.
\$5,001 to \$10,000	Seek a minimum of two verbal quotations and obtain a minimum of one quotation with the exception of artists or performers as set out below. A record of the details of quotations received is to be made in accordance with the purchasing protocols and clause 4.8 of this Policy.
\$5,001 to \$20,000 Cultural Services Program	One verbal/written quotation required by officers within Leisure and Cultural Services for unique artists, performers, acts or entertainment for the Cultural Services Program including, but not limited to: <ul style="list-style-type: none"> • Music in the Park • Valentine’s Concert • Joondalup Festival • Any other cultural services event requiring artists or performers A record of details of the quotation received is to be made in accordance with the purchasing protocols and clause 4.8 of this Policy.
\$10,001 to \$50,000	Seek a minimum of two written quotations with specifications of requirements and obtain at least one quotation. Formal request for quotation (RFQ) documents are to be issued by Business Units and a record of the details of written quotations received is to be made in accordance with the purchasing protocols and clause 4.8 of this Policy

\$50,001 to \$250,000	<p>Seek a minimum of three written quotations with full specifications using quotation documents in accordance with the purchasing protocols as applicable, and obtain at least one quotation.</p> <p>Formal request for quotation (RFQ) documents are to be issued by Business Units and a record of the details of written quotations received is to be made in accordance with the purchasing protocols and clause 4.8 of this Policy</p>
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Quotations may be obtained from either:

- an existing list of suppliers administered by the City; or
- an existing panel of pre-qualified suppliers administered by the City (refer clause 4.9); or
- a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use arrangement; or
- from the open market.

Where the City has a requirement for goods or services and the consideration under the resultant contract is, or is expected to be, more than \$250,000 or worth more than \$250,000, a public tender must be called, unless any of the provisions of clause 11 (2) or 24AB of the *Local Government (Functions and General) Regulations 1996* applies.

4.6. Sustainable procurement:

Sustainable procurement is defined as the purchasing of goods and services that maximise positive environmental, social and economic impacts over the entire life cycle.

Where appropriate, the City will consider positive environmental and social impacts along with value for money outcomes when making purchasing decisions to deliver sustainable outcomes in accordance with the City's Sustainability Council Policy.

Within reason, the City will consider goods and services that:

- minimise negative environmental impacts over the entire life cycle
- maximise positive social and economic impacts
- consider reusable, recycled or recyclable materials.

4.7. Australian disability enterprises:

Disability enterprises are not-for-profit organisations operating as commercial businesses providing employment opportunities for people with disability. Where appropriate, the City will invite quotations from relevant Australian disability enterprises for the supply of goods and services.

4.8. Recordkeeping information:

All written information and documentation related to purchases is to be retained and stored in accordance with the City's Recordkeeping Plan including outgoing and incoming

documents, quotations received, recommendation forms, supporting information and other correspondence related to each quotation.

4.9. Panels of pre-qualified suppliers:

- a. The City may establish panels of pre-qualified suppliers in instances where goods or services are required on a continuing basis and multiple suppliers are due to the volume of work and/or the capacity of suppliers in the relevant field.
- b. Panels will be established in accordance with the provisions of Part 4, Division 3 of the *Local Government (Functions and General) Regulations 1996*.
- c. Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the panel. A panel shall be established with not less than two members. Panels shall not be established for a term exceeding three years.
- d. The invitation to join the panel advertised through State-wide notice will contain the following:
 - A brief description of the goods or services that the members of the panel of pre-qualified suppliers will be expected to supply.
 - The term of the panel.
 - The evaluation criteria by which applications will be assessed.
 - The expected number of panel members.
 - How work will be distributed amongst panel members.
- e. All submissions will be evaluated and ranked in accordance with the terms and conditions of the invitation and based on the information provided in each offer.
- f. The suppliers that best demonstrate their ability to deliver the goods and/or services to the expected standard at a competitive price will be invited to join the panel.
- g. At the commencement of each panel of pre-qualified suppliers, a communications plan will be developed. This will set out how all communication between the City and panel of pre-qualified suppliers will take place during the term of the panel.
- h. Quotations will be obtained from panel members by either:
 - Issuing a quotation for each purchase to all pre-qualified suppliers in the panel. The selection decision will be based on pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance.
 - Issuing a quotation to supply goods or services for a fixed term to all pre-qualified suppliers in the panel and entering into separate contracts of not more than 12 months each. The selection decision will be based on pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance;

- i. All pre-qualified supply panels will be established as local panels in the City's electronic quotation system. Each quotation process, including the invitation to quote, clarifications with panel members, quotations received, and notification of award will be made only through this system. Officers will store all information pertaining to each purchase in the City's records management system.

Creation date:	July 1999 (CJ257-07/99)
Formerly:	<ul style="list-style-type: none">• Regional Purchasing Policy• Purchasing Goods and Services Policy
Amendments:	CJ031/02/02, CJ126-07/14, CJ047-03/16, CJ070-05/20
Last reviewed:	May 2020 (CJ070-05/20)
Related documentation:	<ul style="list-style-type: none">• Code of Conduct• <i>Local Government Act 1995</i>• Local Government (Functions and General) Regulations 1996• Purchasing Protocols• Recordkeeping Plan
File reference:	105800



Purchasing Council Policy

Responsible directorate: Corporate Services

Objective: To outline the City's commitment and approach to achieving value for money in an equitable and transparent manner when purchasing goods and services.

1. Application:

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3. Definitions:

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'Open Market' means Officers are free to select suppliers from any source to participate in procurement activity. There is no obligation to issue a statewide public notice under Open Market conditions. The City may restrict which suppliers are invited to respond to such requests.

'Public Tender' means a tender process conducted in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996. Public tenders require statewide public notice to be lodged. Suppliers may not be restricted from responding to the tender request.

'WALGA' means the Western Australian Local Government Association.

3.4. Details:

3.4.1. Procurement principles:

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- a. All purchasing practices are carried out in compliance with the applicable legislation including the *Local Government Act 1995* and the *Local Government (Function and General) Regulations 1996*.
- b. Purchasing practices will be in compliance with the City's purchasing protocols and the Code of Conduct.
- c. All purchasing decisions will remain free from bias and all suppliers will be treated equitably and fairly.
- d. All processes, evaluations and decisions shall be transparent, free from bias and fully documented.
- e. Any actual or perceived conflict of interest will be scrupulously avoided and declared.
- f. Detailed information provided to the City by a supplier will be treated as commercial-in confidence and not released to a third party unless authorised by the supplier or required by law.
- g. All transactions are fully documented, recorded and stored in compliance with applicable legislation and audit requirements.

3-2-4.2. Value for money:

The value for money principle underlies all procurement activities, which measures the benefits realisable by the City from the whole-of-life costs. Value for money does not mean obtaining the lowest quote, but includes taking into account the financial viability of suppliers, past contractor performance, safety and quality standards, timely supply, risk exposure and other relevant service considerations.

A strong element of competition will be applied through tendering and quotation processes. Where a higher priced offer is recommended there should be clear and demonstrable benefits over and above lower priced offers.

3-3-4.3. Buying local:

Where possible, suppliers operating within the City of Joondalup are to be given the opportunity to quote for goods and services required by the City. However, it is recognised that not every category of goods and services required by the City will lend itself to supply by local businesses.

3-4-4.4. Purchasing protocols:

Purchasing practices must be carried out in compliance with the following City purchasing protocols:

- Purchasing of Goods and Services

- Tenders for Providing Goods and Services
- Quotations for Providing Goods and Services
- [Purchasing Goods and Services Under Panels of Pre-Qualified Suppliers](#)
- [Purchasing — Procurement of Travel, Accommodation and Vehicle Hire Protocol](#)
- [Purchasing — Use of Corporate Credit Cards Protocol](#)
- [Purchasing — Use of Trade Cards for Procurement of Goods and Materials Protocol](#)

3.5.4.5. Quotation thresholds:

Quotations are required for all purchases made on behalf of the City with a value ranging from \$5,001 to \$250,000 as detailed in the following table:

Expenditure level	Quotation requirements
Up to \$5,000	No quotations required. Direct purchase by authorised officers.
\$5,001 to \$10,000	<p data-bbox="651 378 1325 443"><u>Seek Aa</u> minimum of two verbal quotations <u>and obtain a minimum of one quotation required</u> with the exception of artists or performers as set out below.</p> <p data-bbox="651 474 1325 548">A record of the details of quotations received is to be made in accordance with the purchasing protocols and clause <u>3-64.8</u> of this Policy.</p>
\$5,001 to \$120,000 <u>Summer season events only Cultural Services Program</u>	<p data-bbox="651 554 1325 663">One verbal/written quotation required by officers within Leisure and Cultural Services for unique artists, or performers, <u>acts or entertainment for the Cultural Services Program at events</u> including, but not limited to:</p> <ul data-bbox="651 695 1325 831" style="list-style-type: none"> • Music in the Park • Valentine’s Concert • <u>Joondalup Festival</u> • <u>Any other cultural services event requiring artists or performers</u> <p data-bbox="651 863 1325 926">A record of details of the quotation received is to be made in accordance with the purchasing protocols and clause <u>3-64.8</u> of this Policy.</p>
\$10,001 to \$50,000	<p data-bbox="651 932 1325 997"><u>Seek Aa</u> minimum of two written quotations required with specifications of requirements <u>and obtain at least one quotation.</u></p> <p data-bbox="651 1020 1325 1115">Formal request for quotation (RFQ) documents are to be issued by Business Units and a record of the details of written quotations received is to be made in accordance with the purchasing protocols and clause <u>3-64.8</u> of this Policy</p>
\$50,001 to \$250,000	<p data-bbox="651 1121 1325 1230"><u>Seek Aa</u> minimum of three written quotations are required with full specifications using quotation documents in accordance with the purchasing protocols as applicable, <u>and obtain at least one quotation.</u></p> <p data-bbox="651 1253 1325 1360">Formal request for quotation (RFQ) documents are to be issued by Business Units and a record of the details of written quotations received is to be made in accordance with the purchasing protocols and clause <u>3-64.8</u> of this Policy</p>

Quotations may be obtained from either:

- ~~Greater likelihood of achieving objectives~~ an existing list of suppliers administered by the City; or
- an existing panel of pre-qualified suppliers administered by the City (refer clause 34.9); or
- a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use arrangement; or
- from the open market.

| Where the City has a requirement for goods or services and the consideration under the resultant contract is, or is expected to be, more than \$250,000 or worth more than \$250,000, a public tender must be called, unless any of the provisions of clause 11 (2) or 24AB of the *Local Government (Functions and General) Regulations 1996* applies.

3.6.4.6. Sustainable procurement:

Sustainable procurement is defined as the purchasing of goods and services that ~~have less-maximise positive~~ environmental, ~~and social~~ and economic impacts ~~than competing products and services over the entire life cycle.~~

Where appropriate, the City will consider positive environmental and social impacts along with value for money outcomes when making purchasing decisions to deliver sustainable outcomes in accordance with the City's Sustainability Council Policy.

Within reason, the City will consider goods and services that:

- minimise negative environmental impacts over the entire life cycle
- maximise positive social and economic impacts
- consider reusable, recycled or recyclable materials.

3.7.4.7. Australian disability enterprises:

Disability enterprises are not-for-profit organisations operating as commercial businesses providing employment opportunities for people with disability. Where appropriate, the City will invite quotations from relevant Australian disability enterprises for the supply of goods and services.

3.8.4.8. Recordkeeping information:

All written information and documentation related to purchases is to be retained and stored in accordance with the City's Recordkeeping Plan including outgoing and incoming documents, quotations received, recommendation forms, supporting information and other correspondence related to each quotation.

3.9.4.9. Panels of pre-qualified suppliers:

- a. The City may establish panels of pre-qualified suppliers in instances where goods or services are required on a continuing basis and multiple suppliers are due to the volume of work and/or the capacity of suppliers in the relevant field.
- b. Panels will be established in accordance with the provisions of Part 4, Division 3 of the *Local Government (Functions and General) Regulations 1996*.
- c. Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the panel. A panel shall be established with not less than two members. Panels shall not be established for a term exceeding three years.
- d. The invitation to join the panel advertised through State-wide notice will contain the following:
 - A brief description of the goods or services that the members of the panel of pre-qualified suppliers will be expected to supply.
 - The term of the panel.
 - The evaluation criteria by which applications will be assessed.

- The expected number of panel members.
- How work will be distributed amongst panel members.
- e. All submissions will be evaluated and ranked in accordance with the terms and conditions of the invitation and based on the information provided in each offer.
- f. The suppliers that best demonstrate their ability to deliver the goods and/or services to the expected standard at a competitive price will be invited to join the panel.
- g. At the commencement of each panel of pre-qualified suppliers, a communications plan will be developed. This will set out how all communication between the City and panel of pre-qualified suppliers will take place during the term of the panel.
- h. Quotations will be obtained from panel members by either:
 - Issuing a quotation for each purchase to all pre-qualified suppliers in the panel. The selection decision will be based on pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work.
 - Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance.
 - Issuing a quotation to supply goods or services for a fixed term to all pre-qualified suppliers in the panel and entering into separate contracts of not more than 12 months each. The selection decision will be based on pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance;
- i. All pre-qualified supply panels will be established as local panels in the City's electronic quotation system. Each quotation process, including the invitation to quote, clarifications with panel members, quotations received, and notification of award will be made only through this system. Officers will store all information pertaining to each purchase in the City's records management system.

Creation date:	July 1999 (CJ257-07/99)
Formerly:	<ul style="list-style-type: none">• Regional Purchasing Policy• Purchasing Goods and Services Policy
Amendments:	CJ031/02/02, CJ126-07/14, CJ047-03/16, CJ070-05/20
Last reviewed:	May 2020 (CJ070-05/20)
Related documentation:	<ul style="list-style-type: none">• Code of Conduct• <u>Local Government Act 1995</u>• <u>Local Government (Functions and General) Regulations 1996</u>

- Purchasing Protocols
- Recordkeeping Plan

File reference: 105800



Purchasing Goods and Services under Prequalified Supplier Panels Protocol

Protocol owner:	Manager Financial Services
Contact person (extension):	Coordinator Contract Administration and Purchasing Services on Ext 4390
Promapp link:	<Promapp minimode link>
Related protocols:	<ul style="list-style-type: none"> • Purchasing of Goods and Services • Tenders for Providing Goods and Services • Quotations for Providing Goods and Services
Related policies:	<ul style="list-style-type: none"> • Purchasing Policy
Other related documentation/legislation:	<ul style="list-style-type: none"> • City's Code of Conduct • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i> • Delegated Authority Manual
HPE reference:	INT20/581
Last reviewed:	October 2019

Objective

- To ensure consistency and ethical and professional standards for purchasing activities from panels of prequalified suppliers.
- To ensure best value and sustainable procurement of products and services.
- To ensure best practice and compliance with Division 3 of the *Local Government (Functions and General) Regulations 1996*.

Background

The Local Government (Functions and General) Regulations 1996 set out the regulations that apply to the establishment and operation of panels of pre-qualified suppliers. The City is required to follow these regulations when establishing a panel of suppliers for any goods and services.

A panel of suppliers may be established where, for practical reasons, a single provider may not be able to meet the City's needs in terms of volume of work, timeframes or the items to be supplied.

Panels are beneficial when established for products and services that are required on a regular basis, allowing a simplified procurement process that ensures the City is receiving best value.

A panel of pre-qualified suppliers or service providers is normally established where panel members provide the same type of goods, service, trade or profession, i.e. building materials, office supply, plumbers, electricians, painters, lawyers, surveyors and the like.

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Purchasing Goods and Services under Prequalified Supplier Panels

A panel cannot be established where each member of the panel operates in different fields, trade or profession, i.e. a panel contract cannot comprise a plumber, an electrician and a painter as members of the one panel.

Where necessary, a panel may be divided to include different sub-groups or sub-panels providing different products or services as may be required by the City. However, each sub-group must consist of those members who provide the same type of product or service in order to realise the potential benefits of a panel arrangement.

Scope

This protocol covers the establishment and operation of panels of pre-qualified suppliers.

This protocol relates to all employees at the City.

Definitions

Panel of Pre-qualified suppliers – Is a panel of two or more suppliers of goods or services established in accordance with the provisions of Division 3 of the *Local Government (Functions and General) Regulations 1996*.

Pre-qualified Supplier – Is a supplier selected through a public invitation to establish a Panel of Pre-qualified Suppliers.

VendorPanel (eQuotes) – Is the electronic quotation system used by the City for seeking quotations from suppliers. All quotations issued to a Panel of Pre-Qualified Suppliers must be issued via this system.

Employee responsibilities

Employees must:

- Ensure panels are established through a statewide public invitation which sets out the City's requirement, the proposed number of panel members and the way in which the goods or services will be sought from the panel.
- Treat all pre-qualified suppliers impartially, honestly and in an equitable manner.
- Ensure that the contracts established through the panel do not exceed 12 months.
- Not commit the City to any expenditure of goods or services until a purchase order has been issued to the supplier.

Procedure:

Establishing a Panel of Pre-qualified Suppliers

1. The Business Unit officer prepares a scope of work/specification for the requirement when an officer identifies a need for a Panel of Pre-qualified Suppliers that is not already accommodated under the WALGA pre-Qualified Supplier, panel arrangements or other contractual arrangements. The process to prepare, issue and evaluate a Panel of Pre-qualified Suppliers is the same as that of a tender and is outlined below.
2. The Business Unit officer completes a **Tender and Contract Establishment Request Form** (available on Intranet *How do I – Forms and Templates – Finance and Purchasing*). The form must be signed by the relevant Business Unit Manager, Director and CEO (when applicable) and then provided to the Contract Administration and Purchasing team for processing. The preferred evaluation method, the weighting percentage and the minimum acceptable

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Purchasing Goods and Services under Prequalified Supplier Panels

weighted qualitative score (if any) are to be nominated by the Business Unit in the Tender and Contract Establishment Request Form at the commencement of the process.

3. The Chief Executive Officer signs off the Tender and Contract Establishment Request Form for the following services.
 - Waste management collection services.
 - Consultancy services with expected consideration greater than \$250,000
 - Any other as determined from time to time by the CEO.
4. The officer provides information setting out the requirements of the Panel to the Contract Administration and Purchasing team. This may include:
 - Scope of requirements;
 - Technical specifications;
 - How work will be sought from the panel (individual quotation basis or a fixed quotation for a specified period of time not more than 12 months).
 - How the selection decision will be made (price, availability, quality of product).
 - Safety questionnaire generated from the Joondalup Contractor OSH Management tool for the requirement (when applicable);
 - Pricing schedule items;
 - Key performance indicators or quantity of supply;
 - Obligations of the Panel members;
 - Drawings or plans (where applicable).
5. The Contracts Officer prepares an Invitation to Join a Panel of Pre-qualified Suppliers document and provides to the relevant Business Unit Officer for comment and revision as required.
6. The Director Corporate Services, relevant Business Unit Manager, the nominated contract Superintendent and an officer from the Contracts Team will review the final Invitation document. Additional officers may be required to attend the review meetings for any clarifications as required.
7. The Director Corporate Services must approve the selected evaluation criteria and weighting assigned to each, where these apply, except for panels (as noted above) where the CEO is the final signatory. (See below for "Establishment of evaluation criteria").

Establishment of Evaluation Panel

8. The relevant Business Unit Manager nominates appropriate officers to undertake the evaluation of submissions, specifying the reasons for their nomination, eg the technical expertise, qualifications and relevant experience. The nomination is required to be supported by the relevant Director. Nominees are to be of sufficient seniority and expertise relative to the complexity and importance of the Panel in question.

Nominated evaluation panel members should have completed mandatory tender process and evaluation training within the 12 months prior to their nomination, unless a longer period has been permitted or an exemption provided by the CEO or Director Corporate Services. Nominated officers are to be drawn from a designated pool of potential tender evaluation panellists, who have been previously appointed by the CEO on the basis of seniority and expertise in various business areas within the City. All Directors and Business Unit Managers are part of the evaluation panel pool by default.

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It is mandatory that a Contracts Officer be appointed a member of the Evaluation Panel, who will undertake the role of chairperson, unless advised otherwise by the CEO or Director Corporate Services.

Evaluation Panel nominations are not effective unless approved by the Director Corporate Services.

Establishment of Evaluation Criteria and Weighting

9. Where evaluation criteria other than price are considered, the following key qualitative aspects of a submission must be evaluated.

Sample Qualitative Evaluation Criteria		
a.	Capacity	The ability of the respondent to provide the goods or services required including the following: <ul style="list-style-type: none"> • Primary business or market; • Size, by personnel and/or market share; • Organisational structure; • Key personnel, including skills and knowledge; • History and track record, including safety and any other aspects • Financial capacity, including history, current position and/or other ongoing operations with a significant recourse impact; • Access to specialised equipment, where applicable; • Ability to deal with emergencies, where applicable.
b.	Experience with provision of similar goods and services	This includes: <ul style="list-style-type: none"> • Details of work performed, including scope, value and time; • Results of work performed in each case; • Key personnel involved in each case; • A minimum of three referees from each customer.
c.	Demonstrated understanding of the requirements	This is the respondent's description of its proposed approach to provide the goods/services in accordance with the City's requirements, which shows how well it has understood these requirements;
d.	Impact on local community within the City of Joondalup boundaries	This includes aspects such as personnel who are City residents, procurement of materials and supplies from businesses within the City, among other things.

The above criteria are not exhaustive. The Panel of Pre-qualified Suppliers establishment process must include a careful consideration of various qualitative aspects that may apply to each proposed Invitation and may require the inclusion of criteria not specifically mentioned above. Similarly, not all these criteria will be relevant in each Panel and must be disregarded where not applicable, eg consideration of financial capacity may not be applicable in the case of supply of simple goods like sand or fuel.

10. The Evaluation Panel must consider the appropriate weighting to be applied to each criterion. Historical precedence is not prescriptive for future Panel establishment, but only as guidance. Criteria and weighting must be assigned as appropriate to the specific Panel in question.

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Purchasing Goods and Services under Prequalified Supplier Panels

Completion of Safety Questionnaire

11. The Business Unit must use the Joondalup Contractor OSH Management tool to generate a safety questionnaire to form part of the Panel Invitation.

The questionnaire will be included in the compliance criteria section of the Panel Invitation to assess the risk of appointing respondents to the Panel of Pre-qualified Suppliers.

The safety questionnaire only applies to panels for work undertaken on a designated worksite that has a potential safety risk. It does not apply to the supply of goods or the provision of consultancy or other services completed in an office environment.

Panel advertising and open period

12. The Contracts Officer completes an **Approval to Issue Document Form C002**. This is reviewed and signed by the Director Corporate Services, relevant Business Unit Manager and Director and then returned to the Contracts Section to issue the Invitation to Join a Panel of Pre-qualified Suppliers.

The Contracts Officer advertises through a statewide public invitation in the West Australian Newspaper, Local Government Tender section in addition to the City's on-line channels.

While the Panel Invitation remains open for submissions, officers must treat all prospective respondents equally under the same terms and conditions. The timeframe for Panel submissions must apply for all who must be asked to submit offers for the same goods or services. This includes the following:

- Any clarification requested on an open Panel Invitation by one prospective respondent must be communicated to all individuals or organisations that have requested the Panel Invitation if the matter is relevant to all potential respondents.
- Where an addendum to the Panel Invitation is required, the addendum must be issued to all organisations that have requested the Panel Invitation. In addition, the Panel Invitation must be made available on the Tenderlink web portal to incorporate the addendum for any future downloads by prospective respondents.

Panel Submissions

13. Two officers from Contracts Administration open the electronic tender box with an electronic key supplied by the City's electronic tendering service provider. The Contracts Officer nominated to be chairperson of the evaluation panel for the Panel of Pre-qualified Suppliers will not be either of these two officers.

Declaration of Confidentiality and Interest

14. All members of the Evaluation Panel are required to complete a declaration of confidentiality and interest in the prescribed form prior to receiving copies of the respondents' offers and the associated evaluation documents. This form is issued to the Evaluation Panel members electronically with a list of the names of the respondents who have submitted an offer to the Panel Invitation.
15. The Director Corporate Services assesses actual or perceived interest declared by an Evaluation Panel member and will determine whether the member should be withdrawn from the Evaluation Panel.

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If an Evaluation Panel member is withdrawn from the evaluation panel, an appropriate replacement will be appointed in accordance with the procedure for initial nomination of panel members.

16. The Contracts Team subsequently prepares copies of respondents' offers and associated evaluation documents and distributes electronically to the members of the Evaluation Panel.

Evaluation

17. The Chairperson of the Evaluation Panel directs the evaluation process. Prior to the commencement of the evaluation meeting, the Chairperson should ensure that:
 - a. Evaluation Panel members have attended the mandatory training and individually understand their assigned role on the panel.
 - b. Evaluation Panel members have read and fully understand the requirements and terms and conditions of the Panel Invitation.
 - c. All Evaluation Panel members have individually assessed the offers prior to the evaluation meeting.
18. Before commencing the evaluation process, panel members must identify and document any issue associated with the submitted offers that may represent a potential risk to the City, the degree of that risk and, in consultation with the internal auditor, identify the appropriate action(s) to mitigate the risk(s).
19. The Coordinator Contract Administration and Purchasing Services, Principal Legal Officer and the Internal Auditor as appropriate will address and clarify any issues relating to wording of the Panel Invitation documentation, offers received or the evaluation score sheets.
20. Members of the Evaluation Panel must record on their individual assessment sheets the determination of their qualitative score and any subsequent amendment, including the discussions and the issues which arise.

The evaluation methods used in the assessment of Invitations to join a Panel of Pre-qualified Suppliers are the same as those used to evaluate tenders. These are provided in Appendix 1 to the Tenders for Procurement of Goods and Services Protocol.

21. If necessary, the Evaluation Panel Chairperson will obtain clarification of any information provided in the respondents' offer through documented correspondence. All communications with respondents must be recorded in the City's Record Management System. An example is where a need arises to confirm the respondent's understanding of the requirements and the conditions of supply based on which the submitted price has been determined.
22. The Evaluation Panel must assess the returned safety questionnaires for each Respondent using the Joondalup Contractor OSH Management tool. Any Respondent that achieves an unacceptable risk rating will be deemed non-compliant.

Reference Checks

23. As part of the evaluation process, the Panel Chairperson will undertake a reference check by email for the preferred or shortlisted respondent(s). If made by telephone, the Panel Chairperson and one other member of the Evaluation Panel will undertake the reference for the preferred or shortlisted Respondent(s) (when applicable). All feedback must be documented and stored to HPE.

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Purchasing Goods and Services under Prequalified Supplier Panels

In addition, the Evaluation Panel Chairperson will obtain commercial and financial reports from an independent source such as Illion, a consultant or any other source as considered necessary by the Evaluation Panel.

Evaluation and Recommendation Reports

24. The Contracts Administration and Purchasing Team compile the evaluation report and the report to the CEO or Council in conjunction with the Evaluation Panel and the relevant Business Unit as required.
25. Business Units must confirm financial information on budget, actual or estimated expenditure to be included in the report to the CEO or Council for the proposed contract period.
26. All Evaluation Panel members must sign the panel recommendation report and summary score sheet.

The content of the recommendation and the report to the CEO or Council must be based on factual information and material contained in the tendered offer from Respondents.

Tender Register

27. The Contracts Administration and Purchasing Team maintain and update a Tender Register. All Invitations to Join a Panel of Pre-qualified Suppliers, although not tenders, must be included in this register in accordance with regulation 24AG of the *Local Government (Functions and General) Regulations 1996*.

Establishment of Panels in Vendorpanel (eQuotes)

28. Once a Panel of Pre-qualified Suppliers is approved by the CEO or Council, the Contract Administration and Purchasing team will set up the Panel in the City's Vendorpanel system. Information regarding the Vendorpanel will be included in the letter of acceptance issued to each Pre-qualified Supplier.
29. The Panel in Vendorpanel will set out a description of the goods or services supplied, the end date of the Panel and may have an enforcement turned on to ensure all Pre-qualified Suppliers are included in each quotation request, subject to the allocation of work rules set out in the Invitation to Join a Panel of Pre-qualified Suppliers.
30. Each approved Pre-qualified Supplier will be invited into the system via a system-generated email. Pre-qualified Suppliers will not be activated until they have accepted the City's invitation to join the Panel.

Using the Vendorpanel for Panel Suppliers

31. Business Unit officers must seek all quotations via the Vendorpanel. Officers are only required to include the specification and pricing of the Goods or Services requested. The City's quotation templates are not required.

Business Unit officers must follow the allocation of work rules set out in the Invitation to join the Panel of Pre-qualified Suppliers.

Business Unit officers must award quotations via the Vendorpanel setting out the reasons for the purchasing decision.

A User Guide for the Vendorpanel is available on the Intranet in *Corporate Protocols, Procedures and Guidelines* under *Finance – Purchasing and Contracts*.

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Purchasing Goods and Services under Prequalified Supplier Panels

Changes to Panel Membership

32. Where a member of an established Panel ceases to operate for any reason during the specified term of the Panel, resulting in an inadequate number of panellists to service the City, a new procurement process may be required to fill the gap created.

Appointment of a new member to fill the gap created may be achieved by an invited or public invitation to join a panel of pre-qualified suppliers and evaluation of submissions received. Documentation used for the invitation must be the same request documentation used to establish the original Panel.

The appointment of a new panel member to fill a gap created in membership must only be to the same end date of the original Panel Contract.

Termination of a Panel

33. Panels of Pre-qualified Suppliers must include a provision allowing the City at its sole discretion to terminate the Panel and re-call the invitation where a member or members of the Panel are unable to meet their contractual obligations and a fill gap appointment is not practically possible.



Protocol	Travel, Accommodation and Vehicle Hire
Keywords	Flights, hotel, car hire, car rental
Protocol	<p>To provide guidance on making travel, accommodation and vehicle hire reservations for City business through the City's approved service provider/travel agent.</p> <p>Further enquiries regarding this protocol should be directed to the Coordinator Contracts Administration and Purchasing Services on Ext 4390.</p>
Related Policies (Council/City)	Purchasing Policy Elected Members Entitlements
Related Documentation (Plans/Legislative Authority).	<ul style="list-style-type: none"> • <i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996, and the Local Government (Functions and General) Regulations 1996.</i> • City's Code of Conduct • Purchasing of Goods and Services Protocol • Corporate Credit Card Protocol • Travel Authorisation Form – Travel Accommodation, Vehicle Hire • Travel Authorisation Variation Form - Travel, Accommodation, Vehicle Hire • Register of Delegated Authority – Incurring liability and making payments • Elected Members Entitlements Policy
Protocol Owner	Manager Financial Services
Last Reviewed	September 2014

PROTOCOL/PROCEDURE	
Protocol Name	Travel, Accommodation and Vehicle Hire

Objectives:

- To ensure a consistent process across the organisation for the booking of travel, accommodation and vehicle hire;
- To ensure that the City achieves the best value for money for travel, accommodation and vehicle hire expenses through use of the City's approved supplier/travel agent for travel and accommodation related expenditure;
- To ensure all travel related expenditure is in compliance with the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996*, and the *Local Government (Functions and General) Regulations 1996*.

Scope

This Protocol relates to City officers and Elected Members travelling within Australia and overseas for City Business.

Preferred Supplier for Flights, Accommodation and Vehicle Hire

The City has preferred supplier a travel agent to arrange flights, accommodation and vehicle hire to ensure that the City benefits from corporate rates, best available prices and discounts negotiated by the travel agent, and to ensure that appropriate insurance cover is provided.

The City makes payments for corporate travel and associated reservations with a corporate credit card used solely for travel, hotels and car hire. Details of the credit card are encoded into the approved travel agent's system to facilitate payment for reservations made.

Employees Responsibilities

The provisions of the City of Joondalup's Code of Conduct and ethical and professional standards (defined in the Purchasing of Goods and Services Protocol) must be observed. City officers must:

- Use the City's appointed travel agent for all flights, accommodation and vehicle hire;
- Obtain the approval to book travel, accommodation and vehicle hire from the relevant Manager or Director;
- Keep all itemised receipts for all expenses and provide these to the Business Unit/Directorate Authorised Booking Officers; and
- Pay any fines for traffic and parking infringements incurred when driving a hire car on City business.

- Not use private credit cards to book corporate travel and associated accommodation or vehicle hire.

Authorised Booking Officers

The City nominates authorised officers to make bookings on behalf of the City and provides these officers with the approved travel agent's system security code access. Contract Administration and Purchasing Services provide the names of authorised officers to the travel agent. The approved travel agent will only accept reservation requests when made by authorised officers.

Flight Reservations

Elected Members fly Business Class and City officers fly Economy Class, unless approved otherwise.

Vehicle Rental

Vehicle hire should only be organised where there are no transport alternatives or where the cost of taxi travel is likely to exceed the cost of vehicle hire and associated parking expenses. The driver of a hired vehicle is personally responsible for traffic infringements and parking fines incurred during the rental period.

Group Travel

Consideration should be given to possible risks associated with a number of key personnel flying together. Generally, no more than two Directors or Managers and other key staff from the same Business Unit/Directorate should fly together on the same flight.

Group travel arrangements should be coordinated via one designated travel consultant, who may be able to obtain reduced air fares and rates where travel, accommodation and vehicle hire can be booked as a package.

Travel Insurance

The City's Workers' Compensation and personal accident insurance covers all employees and Elected Members for injuries or loss of personal belongings while travelling on City business.

Incentive Schemes

The City's corporate credit card allocated for travel, accommodation and vehicle hire is not to be linked to any incentive scheme. Any third party incentive or promotional benefits associated with reservations made through the approved travel agent can only be used at the discretion of the Chief Executive Officer.

Procedure for Booking Travel, Accommodation or Vehicle Hire

1. Where possible, bookings should be made at least four weeks before the services are required so that the approved travel agent can obtain any discounted prices available.

2. **Corporate Travel Authorisation Form** - Complete the *Corporate Travel Authorisation Form*. The form is found on the *How Do I Page/ Forms and Templates/Finance – Purchasing and Contracts*.
3. The appropriate Manager or Director approves the *Corporate Travel Authorisation Form*.
4. *Corporate Travel Authorisation Forms* for Elected Members must be approved and signed by the Manager, Governance.
5. The Business Unit/Directorate booking officer arranges the booking with the approved travel agent once the *Corporate Travel Authorisation Form* has been approved.
6. Record all reservation details on the approved *Corporate Travel Authorisation Form* and forward to the Contracts Support Officer together with all other supporting documentation.
7. **Changes to itinerary and charges/cancellation** - Record additional charges for itinerary changes, cancellations, excess baggage, fuel surcharge, etc on the *Variation Form Travel, Accommodation and Vehicle Hire* found on the *How Do I Page/ Forms and Templates/Finance – Purchasing and Contracts*.
8. Provide the *Variation Form Travel, Accommodation and Vehicle Hire* to the approving Manager or Director for signature and then forward the approved form to the Contracts Support Officer for reconciliation purposes.
9. **Itemised receipts** - The officer who is travelling must keep itemised receipts of all expenditure incurred which is to be charged to the travel agent's account. The receipts must clearly identify personal expenditure, if incurred, on any receipt. The officer must make arrangements to reimburse the City for any personal expenditure.
10. Contract Administration and Purchasing Services will reconcile the approved travel agent's monthly transaction statement with approved *Corporate Travel Authorisation Forms* and other travel expense vouchers for the period and provide monthly reconciled statements and vouchers to the Manager Financial Services for review, approval and processing.

Monitoring and Control

Contract Administration and Purchasing Services are responsible for the administration of this protocol and a monthly exception report listing irregular activities will be provided to the relevant Business Unit Manager.

Non-compliance with this protocol may be subject to disciplinary action.



Purchasing of Goods and Services Protocol

Protocol owner:	Manager Financial Services
Contact person (extension):	Coordinator Contract Administration and Purchasing Services on Ext 4390
Promapp link:	N/A
Related protocols:	<ul style="list-style-type: none"> • Tenders for procurement of Goods and Services • Quotations for provision of Goods and Services • Use of Trade Cards • Use of Corporate Credit Cards • Procurement of Travel, Accommodation and Vehicle Hire • Purchasing Goods and Services under Prequalified Supplier Panels
Related policies:	<ul style="list-style-type: none"> • Purchasing Policy • Sustainability Policy
Other related documentation/legislation:	<ul style="list-style-type: none"> • City's Code of Conduct • <i>Local Government Act 1995 Local Government (Functions and General) Regulations 1996</i> • Delegated Authority Manual
CM reference:	INT20/28301
Last reviewed:	July 2020

Objective

- To ensure consistency and ethical and professional standards for all purchasing activities within the City;
- To ensure best value and sustainable procurement of products and services;
- To ensure best practice and compliance with the relevant provisions of the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996*, and the *Local Government (Functions and General) Regulations 1996*.

Background

The City buys a range of goods and services. Suppliers may be businesses or individuals who supply equipment, utilities and fleet, assist with maintenance and construction of buildings, community and sporting facilities, roads, parks and landscaping, and assist with delivery of services such as waste and recycling, street cleaning, immunisation, professional presenters and trainers, and consultancy services.

All purchasing is conducted in compliance with the requirements of *the Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* and in accordance with the City's *Purchasing Policy*, internal protocols and the City's *Code of Conduct*.

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Purchasing of Goods and Services

The City has systems and processes in place for managing the procurement process with the City's approved suppliers and contractors.

All values referenced in this protocol are exclusive of GST.

Scope

This protocol provides general guidance on the various methods of procurement and the standards required within the procurement process.

The following methods of purchasing of goods and services are covered in separate protocols on the Corporate Page of the intranet - *Finance and Contracts*:

- Tenders or quotations;
- Panels of Pre-qualified Suppliers;
- Use of Corporate credit cards;
- Use of Trade cards; and
- Travel expenses, accommodation and vehicle hire.

There are specific protocols on the Corporate Page of the intranet for services such as:

- Engaging Consultants or Engaging Legal Advisors; and
- Purchasing mobile phone and mobile devices.

This protocol relates to all employees at the City.

Definitions

Ethical and professional standards - acting with honesty, fairness and in an open and accountable manner, making decisions, free from bias, based on relevant and factually correct information and in line with relevant legislation. A breach of ethical and professional standards may require an investigation under the City's Code of Conduct.

Delegated Officers - are delegated to incur expenditure on behalf of the City as granted by the Chief Executive Officer under section 5.44 of the *Local Government Act 1995*. Only officers delegated by the Chief Executive Officer are **authorised to approve payment of invoices** for goods or services supplied. Delegated Officers are listed in the Delegated Authority Manual.

Authorised Officers - nominated by their Director using the online form the intranet. (*Forms and Templates – Finance - Purchasing and Contracts – Creation of Authorised Officer for Requisitions or Approval Limit Change Request*). Authorised officers can approve purchase orders only and cannot authorise the payment of invoices associated with these purchase orders.

Sustainable Procurement - is a process whereby organisations meet their need for goods and services in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation but also to society, the economy and the natural environment.

State of Emergency – has the meaning set out in Part 5 Division 1 section 56 of the *Emergency Management Act 2005*.

Employee responsibilities

All employees:

In line with the ethical and professional standards all **employees** must:

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Purchasing of Goods and Services

- Make purchases through the City's purchasing system.
- Follow the relevant protocols for other methods of purchasing, (eg the Use of Credit Cards Protocol, Use of Trade Cards Protocol, and Travel, Accommodation and Vehicle Hire Protocol.
- Follow specific procedures for purchases through petty cash, standing orders, a cheque request, etc (See pages 7 and 8 of this protocol.)
- Follow the specific procedures for assessment of the safety risk of a requirement prior to engagement of a supplier.
- Ensure that all purchasing complies with relevant legislation, the City's Purchasing Policy and protocols.
- Ensure that there is no actual or perceived conflict of interest or receipt of gifts (financial benefit, reward, donation or hospitality) when dealing with current or potential suppliers in accordance with the City's Code of Conduct.
- Treat all potential suppliers impartially, honestly, and in an equitable manner.
- Purchase products and services on a competitive basis to ensure best value for the City.
- Ensure all processes, evaluations and decisions are transparent, accountable in line with set criteria, free from bias and fully documented;
- Treat all information provided by suppliers as commercial-in-confidence and not released to third parties unless authorised by the supplier or required by law.
- Not commit the City to any expenditure on goods and services until a purchase order has been issued to the supplier, except for credit card, cheque, petty cash or other exempt purchases set out in clause 7.
- Ensure purchase orders have been created and sent to the supplier before the goods and services are received and receipted.
- Use the online catalogues within the purchasing system to ensure the appropriate contracted rates are applied. An exception is permitted if the contracted service provider is unable to supply the goods or service within the required timeframe and where the contract permits an alternative supplier. In this case, the inability of the contracted supplier to supply the goods or services must be recorded.
- Ensure all transactions are fully documented, recorded and stored in compliance with recordkeeping and audit requirements.

Authorised/Delegated Officers:

- Must ensure that expenditure is incurred under the approved budget, that goods and services are sourced from approved or contracted suppliers (where applicable) and that the prices sought are in line with agreed or contract prices.
- Can approve requisitions up to their authorised or delegated limit. Any purchase that exceeds the limit must be referred to an officer with a higher limit for approval.
- Must be sure that goods and services have been received or delivered to the satisfaction of the City before receipting an invoice.
- Cannot approve requisitions for their own personal expenditures such as meal, travel and attendance at professional development events. Such requisitions must be referred to a higher authorised officer to approve.
- Cannot authorise payment of invoices related to purchase orders they themselves have previously approved.

Note: Where an officer has instructed another officer to raise a requisition, the name of the instructing officer is recorded as the requisition requestor. The requestor may approve the requisition but cannot approve the invoice for payment.

Purchasing Officers

- Are responsible for administration of this protocol and will review requisitions made for **compliance** with purchasing protocols.

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Purchasing of Goods and Services

Purchasing Selection

When selecting purchases, the following needs to be considered.

1. Value for Money

Value for money is the principle underlying all procurement activities. The objective of the value for money principle is to maximise the benefits from the expenditure being considered.

When assessing best value for money outcome, the cost is not the only aspect to be considered. The following elements shall also be taken into account in the evaluation of best value outcome:

- All relevant whole-of-life costs and benefits for goods and services with due consideration of the time value of money. These costs shall be inclusive of transaction costs associated with acquisition, delivery, distribution, holding costs, consumables, deployment, maintenance, disposal, potential to recycle and any other relevant costs;
- The technical merits of the goods or services being offered and the degree of compliance with the specifications, contractual terms and conditions and any relevant quality assurance method.
- The financial viability of potential contractors, past performance and capacity to supply without risk or default. (Competency of prospective suppliers in terms of managerial and technical capabilities and compliance history).
- Terms and conditions of supply, follow up service or a guarantee need to be considered.
- A strong element of competition in the allocation of orders or the awarding of contracts achieved by obtaining sufficient number of competitive offers or quotations wherever practicable.
- Where a higher priced conforming offer is recommended, there are to be clear and demonstrable benefits over and above the lowest total priced conforming offer.

2. Safety

Business Unit officers are required to assess the safety risk of a requirement prior to requesting pricing from suppliers. This assessment only applies to work undertaken at a designated work site. This does not apply to the supply of goods or provision of consultancy or other services undertaken in an office environment.

Business Unit officers are required to use the Joondalup Contractor OSH Management tool to assess safety risk, generate a safety questionnaire for suppliers and assess the responses received.

3. Buy Local

Where possible, local suppliers operating within the City's boundaries are to be given the opportunity to quote for goods and services required by the City. Social, economic and environmental benefits may result from supporting local businesses, as well as reducing transport costs and minimising the carbon footprint. It is recognised, however, that not all goods and services can be accessed locally.

4. Sustainable Procurement

Where possible, environmental sustainability, ecological issues and social implications are to be taken into account in the purchasing decision. This includes considering the following:

- Level of recycled content or recycled materials in a product;

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Purchasing of Goods and Services

- Sustainable source of raw materials;
- Ethical manufacture;
- Locally produced products;
- End of life options such as the potential to recycle or safe disposal methods which do not cause pollution;
- Energy and water efficient products; and
- Whole of life costs.

5. Unique and Specialist Suppliers

If it is likely that only one supplier can provide the service or produce because of the specialist or unique nature of the service or product, the supplier is considered to be a **Unique or Specialist Supplier**. For purchases exceeding \$250,000, regulation 11(2) (f) of the *Local Government (Functions and General) Regulations 1996* will apply which states that tenders do not have to be publicly invited. A unique or specialist supplier does not usually apply to specific brands unless the specific brand is required for compelling technical reasons. The process for purchasing from a unique or specialist supplier is as follows.

- The officer conducts a rigorous market assessment to determine the suitability of suppliers for the City's requirement, the outcome of which may be that a single supplier is suitable and clearly record the reasons for this conclusion.
- The officer must seek a quotation from the single supplier using one of the City's quotation templates (or WALGA/CUA templates where applicable). Use of Vendorpanel is not compulsory.
- The officer must then complete the Unique/Specialist Q005 Recommendation Form on the intranet under *How Do I/Forms and Templates/Finance-Purchasing and Contracts/Q005 Recommendation Form.*) This does not apply to unique artists and performers for summer season events in the value range of \$5,000 to \$10,000 (refer quotations for Provisions of Goods and Services Protocol). For purchases exceeding \$250,000, the Unique/Specialist Q005 Recommendation Form must be addressed to the CEO and refer to Regulation 11(2)(f).
- The officer's Manager and Director (or just Director, if the officer is a Manager or does not have a Manager) sign the Q005 Recommendation Form to demonstrate endorsement of the proposal.
- The Q005 Recommendation Form is then sent to the Coordinator Contract Administration and Purchasing Services for review and recommendation for approval or otherwise.
- The Q005 Recommendation Form is then reviewed and authorised by the Director Corporate Services and returned to Contracts and Purchasing who will add this to the register of unique/specialist suppliers and then return the approved form to the originating officer. Final authorisation to procure via a sole/specialist supplier is therefore only from the Director Corporate Services.
- The originating officer saves the signed form to Content Manager.
- The officer raises the purchase requisition for the product or service and attaches a link within the requisition to the authorised Q005 Recommendation Form in Content Manager.

6. Tenders or Quotations

If the cumulative cost of the goods or services is expected to be more than \$250,000 over a three-year period or less, a **tender** must be undertaken.

If the cumulative cost of the goods or services is expected to be less than \$250,000 over a three-year period or more, a **quotation** or **direct purchase** must be undertaken in accordance with the City's Purchasing Policy.

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Purchasing of Goods and Services

Note: - The City must not enter into two or more contracts of a similar nature to bring estimated value of a contract below the tender threshold or written quotation limit in order avoid calling for a tender or request quotations. **(Anti Avoidance)**

Refer to the Tenders for Procurement of Goods and Services Protocol and the Quotations for Providing Goods and Services Protocols on the Corporate Page of the intranet.

7. Purchasing Exemptions

Officers are not required to issue a purchase order prior to authorising payment of an invoice for the following:

- Legal services
- Utility usage payments (Synergy, Telstra or other Telco, Water Corporation)
- Advertising – Newspaper (the West Australian, the Australian, Sunday Times, Community News)
- Advertising – State Government Gazette
- Advertising Social Media (Facebook, Twitter, LinkedIn)
- Photocopying impression charges
- Purchases less than \$100 (ex GST) organised through Petty Cash, or petty cash purchases over \$100 (ex GST) that have been authorised by the Manager Financial Services.
- Reimbursements to employees (including training course fees, accommodation/meal costs, telephone and internet, etc). Such expenditure must be authorised before it is incurred
- Banking Fees, including credit card merchant fees
- Cash collection fees
- Software and Hardware licence fees/subscriptions for ongoing software maintenance and support
- Travel and accommodation fees booked via the corporate credit card
- Any payment made by a City corporate credit card via telephone, internet or other means for goods and services to a supplier.

8. Panels of Pre-qualified Suppliers

Panels of pre-qualified suppliers involving two or more suppliers may be established where, for practical reasons, a single provider may not be able to meet the City's needs at any location and any time the supply or service is required.

Panels of pre-qualified suppliers can also be established if, in the opinion of the responsible Director, a competitive advantage or economic benefit to the City will be realised as a result.

The purchase of Goods or Services through panels of pre-qualified suppliers will be requested by quotation through the City's electronic quotation system (VendorPanel).

9. State Government Common Use Arrangements and West Australian Local Government Association Preferred Supplier Panels

Procurement for goods or services can be made using 'common use arrangements' and West Australian Local Government Association (WALGA) Preferred Supplier Panels. This applies to direct purchases, quotations and tenders. Officers may compare alternative prices before purchasing through common use arrangements and preferred supplier panels to ensure best value.

Common Use Arrangements – an electronic Buyers' Guide is available for each arrangement at the following state government website – <https://www.wa.gov.au/government/cuas>.

WALGA Preferred Supplier Panels – A login access to Vendorpanel can be provided by the Contract Administration and Purchasing Services team in Financial Services. Once logged in, officers can request quotes for goods and services via a wizard which prompts officers to provide

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Purchasing of Goods and Services

relevant information sufficient for a supplier to submit a quotation. Advice and assistance is provided by Contract Administration and Purchasing Services.

Note: If a purchase is made through a Common Use Arrangement (CUA) or a WALGA preferred supplier panel, the CUA or preferred supplier contract reference number must be quoted on the purchase order.

10. Variations to Contracts

Where a variation to a contract is required, City Officers must:

- Complete a Contract Variation Request form (CVR) providing the following details:
 - the reason(s) for the variation;
 - the effect of the variation on the contract price, contract term and delivery date;
 - the effect and degree to which the original scope of the contract will be changed by the variation;
 - the performance measure(s) that will ensure the variation is executed as intended;
 - attach supporting documents including but not limited to the variation claim from the Contractor, calculation of price variation, original approval of quotation/tender and expenditure reports;
- The Contract Superintendent and Business Unit Manager and/or Director (where appropriate) formally approve the CVR form and refers the form to the Contracts Team.
- The City issues a confirmation of variation to the contractor.
- All documents must be stored in the contract file and to Content Manager.

Note:

- A major variation to a contract or multiple variations, which change the original scope of works, will require a new tender or quotation (as applicable).
- The approving delegated officer (Business Unit Manager, Director or other) must have sufficient delegated authority to approve the combined value of the original contract sum plus all variations applied to the contract.
- Variations should not be introduced to deal with poor performance of the contractor.
- All variations associated with tenders will be processed by the Contract Administration and Purchasing team into the Finance One Contracts module.
- In instances where purchase orders have been issued prior to the approval of a variation to Contract, but the work has not commenced, officers are required to amend the purchase order and change the rate to reflect the new approved rate.
- In instances where the contract sum is less than \$250,000 and a proposed variation is valued at 5% of the contract sum or less, a contract variation form is not required. The variation may be processed via a purchase order amendment which sets out the reasons for the variation in the order comments and is thus approved by an officer with the appropriate purchasing authority for the original order amount plus the variation. This exemption does not apply to any contracts established through a tender process.

11. Contract Extensions

Where an extension of a contract is required, City Officers must extend the contract in accordance with the provisions set out in the *Local Government (Functions and General) Regulations 1996*, the individual contract terms and/or the City's delegated authority register.

Contracts entered into via a tender process

For contracts that have extension option(s) provided for in the original contract terms, the Chief Executive Officer may approve a contract extension under delegated authority.

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Purchasing of Goods and Services

The Business Unit must determine whether the contract is still required, provides good value to the City and the contractor's performance merits continuation of the contract.

The Contract Administration and Purchasing Team will prepare a report to the Chief Executive Officer seeking approval to extend the contract. This report will set out the contract's provision for extension, performance of the Contractor and budget and expenditure information pertaining to the Contract. Once authorised by the CEO, the Contractor will be issued a notice setting out the details of the extension. The Finance One Contracts Module will be updated to reflect the new contract term and any pricing changes. A report is also prepared to the Audit Committee bi-annually reporting on any contract extensions approved under this delegation.

In instances where the CEO may have a conflict of interest vis-a-vis the Contractor, the Director Corporate Services may approve the contract extension in accordance with the City's delegation register.

Contracts that have no provision for extension in the original contract terms, may only be extended where a State of Emergency declaration that applies to the City of Joondalup is in force and provided that:

- The original contract is to expire within three months; and
- The extension is for a term of not more than 12 months from the expiry of the original contract.

Refer Part 4 Division 2 Regulation 2(ja) of the *Local Government (Functions and General) regulations 1996*.

These extensions must be submitted to Council for approval.

No further exemptions apply.

Contracts entered into via a quotation or other process

Contracts may be extended in accordance with the terms set out in the quotation or other form of agreement. If the contract has no specific provision for extension in the conditions of contract, then the City Officer may only extend the contract if it has provision for variation and must gain the approval of Contractor in writing prior to proceeding with any extension of the contract term.

Any extension exercised in this manner must be documented in writing via a memo or report setting out the reasons for extension, performance of the Contractor and budget and expenditure information pertaining to the Contract. This must be authorised by a Delegated Officer that is not the originating officer of the quotation and has sufficient approval authority for the combined value of the original contract sum plus the estimated or known value of the extension period.

12. Access and Inclusion

The requirements of the City's Access and Inclusion Plan, prepared in compliance with the provisions of the *Disability Services Act 1993*, must be observed in the purchasing process. Items purchased or services and activities delivered must ensure accessibility for all community members, including people with disabilities and diverse backgrounds.

Purchasing Procedures

1. Purchasing through the Purchasing Module

Finance One Purchasing Procedure Manuals are available on the intranet on the Financial Services Business Unit Page/Procedures.

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Purchasing of Goods and Services

- An officer raises a requisition in the City's purchasing system selecting catalogue items where possible and assigns to an authorised officer for approval. *(The authorised officer for approval may also be the creator if within the authorised limit of authority).*
- The authorised officer approves the requisition up to the financial limit for that position. On approval, the purchase order is referred within the purchasing system to Purchasing Officers in Financial Services.
- Purchasing Officers review and release the purchase order which is sent to the relevant supplier if all details comply with the purchasing protocol.
- Officers must ensure goods or services have been received to the satisfaction of the City before payment can be authorised.
- The delegated officers approve payment, ie sign the invoice, *(unless they have approved the purchase order)* and refer the invoice to Financial Services (Accounts Payable) for payment to the supplier.

2. Standing Purchase Orders through the Purchasing Module

Standing orders are an efficient purchasing method which can eliminate multiple requisitions, reduce purchasing costs and increase budget compliance.

Standing purchase orders are appropriate for the purchase of goods or services that are needed on an ongoing basis from the same supplier over a specified period, usually one year and expire on 30 June. Standing purchase orders can be used **when purchasing goods or services through a tender or quotation process or for direct purchases of up to \$5,000.**

Officers create a standing order through the purchasing system and nominate a maximum dollar value.

A system procedure is available on the intranet at on the Financial Services Business Unit Page/Procedures.

3. Petty Cash

An officer may purchase minor goods to the value of \$100 and claim back the expenditure through petty cash or arrange for a petty cash advance of up to \$100. This applies to minor out of pocket expenses incurred by officers only.

- Officer completes the *Petty Cash Reimbursement and Purchasing Card Request Form* on the intranet (*How Do I – Forms and Templates – Purchasing and Contracts*) enclosing receipts or details of credit card purchases.
- The authorised officer signs the form.
- The officer takes the form to the Purchasing Officers for reimbursement or petty cash advance.
- For petty cash advances, the officer returns the receipts and any unused balance to the Purchasing Officers once the purchase has been completed.
- Any petty cash advances or claims in excess of \$100 may be allowed in special circumstances at the discretion of the Manager Financial Services.

4. Purchasing through Use of Credit Cards and Trade Cards

Refer to the Use of Corporate Credit Cards and Use of Trade Card Protocols for information about purchasing through credit cards and trade cards.

5. Purchasing through Cheques and EFT Payment

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Purchasing of Goods and Services

If an officer makes a purchase on behalf of the City, payment can be reimbursed to the officer by cheque or EFT payment as follows:

- The officer completes the Payment Request – Cheque/Electronic Form on the intranet (How do I? Forms and Templates/ Finance - General and Assets) and refers to the authorised officer for approval.
- An authorised officer approves the form.
- The officer takes the form to Accounts Payable in Financial Services.
- Accounts Payable officers process the payment via electronic transfer or by creating a cheque in favour of the officer.

6. Advance Payments

Occasionally, suppliers will not accept a purchase order. In these instances, an advance payment may be made by cheque or EFT as follows:

- The officer completes the Payment Request – Cheque/Electronic Form on the intranet (How do I? Forms and Templates/ Finance - General and Assets) and attaches appropriate details of the purchase and refers to the authorised officer for approval.
- An authorised officer approves the form.
- The officer takes the form to Accounts Payable in Financial Services.
- Accounts Payable officers process the advance payment creating a cheque for the officer.
- The officer collects the goods and returns an invoice and/or receipt to Accounts to process the advance payment from the clearing account.

For advance payments via credit card, refer to the Use of Corporate Credit Cards Protocol.

7. Provision of Goods and Services for an Emergency

Where the City needs to purchase goods or services in an emergency situation and no budgeted funds are available, purchases may be made outside of established procedures if authorised in advance by the Mayor through the CEO as provided under clause 6.8 (1) (c) of the *Local Government Act 1995*.

Where the City needs to purchase goods and services valued at more than \$250,000 to address needs arising out of a declared State of Emergency that is in force in the City of Joondalup, purchases may be made without publicly inviting tenders as provided under Part 4 Division 2 Regulation 11(2)(aa) of the *Local Government (Functions and General) Regulations 1996*.



Quotations for Provision of Goods and Services Protocol

Protocol owner:	Manager Financial Services
Contact person (extension):	Coordinator Contract Administration and Purchasing Services on Ext 4390
Promapp link:	N/A
Related protocols:	<ul style="list-style-type: none"> • Purchasing of Goods and Services Protocol • Tenders for procurement of Goods and Services Protocol
Related policies:	<ul style="list-style-type: none"> • Purchasing Policy • Sustainability Policy
Other related documentation/legislation:	<ul style="list-style-type: none"> • Code of Conduct • Regulation 11A of <i>Local Government (Functions and General) Regulations 1996</i> • Quotation Templates • Recommendation (RFQ) templates and Recommendation Package • Unsuccessful Letter
HPE RM reference:	INT20/28300
Last reviewed:	July 2020

Objective

- To ensure a consistent and transparent process for purchasing through a request for quotation.
- To ensure best value is obtained for products and services via quotations.
- To ensure compliance with the relevant provisions of the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996*, and the *Local Government (Functions and General) Regulations 1996*.

Background

In line with the City's Purchasing Policy, quotations are required for all for goods, consultancy or services with a value ranging from **\$5,001 to \$250,000**.

All values referenced in this protocol are exclusive of GST.

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Quotations for Provision of Goods and Services

Scope

This protocol outlines employee and approving officer responsibilities and information on the purchase of goods and services **from \$5,001 to \$250,000** for which quotations must be called. The protocol applies to all employees at the City.

This protocol does not cover tenders. *Refer to the Tenders for Procurement of Goods and Services Protocol on the Corporate Page of the intranet.*

Employee responsibilities

The Purchasing of Goods and Services Protocol outlines the professional standards required by City employees. Employees must:

- Ensure that all potential suppliers are treated equitably and provided with the same information.
- Requests businesses within the City of Joondalup to quote for the services or the supply sought, where possible.
- Not enter into two or more contracts of a similar nature to bring estimated value of a contract below the quotation limit in order avoid calling for quotations. (**Anti Avoidance**)

A breach of the professional standards may result in investigation under the City’s Code of Conduct.

Quotation Thresholds

Quotations are required for all for goods, consultancy or services with a value ranging from **\$5,001 to \$250,000** as specified in the table below.

Expenditure Level	Quotation Requirements
Up to \$5,000	No quotations required. Direct purchase by authorised officers.
\$5,001 to \$10,000	A minimum of two verbal quotations required with the exception of artists or performers as set out below. Verbal quotes must be documented e.g. Email or file note. Recommendation Form Q001 is to be used for recording details of quotations received.
\$5,001 to \$10,000 Summer Season Events Only	One verbal/written quotation required by officers from Leisure and Cultural Services for unique artists or performers at events including, but not limited to: <ul style="list-style-type: none"> • Music in the Park • Valentine’s Concert • Joondalup Festival. Recommendation Form Q001 is to be used for recording details of quotations received.
\$10,001 to \$50,000	A minimum of two written quotations required with specifications of requirements. Formal Request For Quotation (RFQ) documents are to be issued by Business Units and Recommendation Form Q002 is to be used for recording details of written quotations received.
\$50,001 to \$250,000	A minimum of three written quotations are required with full specifications using quotation documents G1 for Goods, S1 for Services and C1 for Consultants as applicable. Formal Request For Quotation (RFQ) documents are to be issued by Business Units and Recommendation Form Q003 is to be used for recording details of quotations received.

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Quotations for Provision of Goods and Services

Quotation Exemptions

Officers are not required to undertake a competitive purchasing process, ie are exempt from seeking multiple quotations for the following:

- Stationery (Provided it is sourced via the City's designated WALGA preferred supplier).
- Work undertaken by State or Federal Government Departments (eg Main Roads, Western Power, Water Corporation, DWER).
- Legal fees (provided it is sourced from a WALGA preferred supplier and endorsed by the Business Unit Manager and Principal Legal Officer).
- Attendance fees for conferences, seminars and training courses.
- Annual Memberships/Subscriptions.
- Annual software maintenance/licence/support fees.
- Purchases from original equipment manufacturers or agents where warranty provisions may be voided.
- Appointment of employment agency staff (accessed via WALGA Preferred supplier panel).
- Purchases from a specific supplier as determined by Council Resolution (eg Artists).

Procedure

1. Business Unit officers must complete the relevant quotation template according to the type of purchase. Separate Templates are available on the intranet (*How do I? - Forms and Templates – Finance and Purchasing*) as follows:

- Quotation Template Goods
- Quotation Template Services
- Quotation Template Consultancy

These templates are to be used when seeking quotations from City suppliers only. They are not to be used when seeking quotations via a WALGA preferred supplier panel or a State Government CUA. Refer to item 11-13 for further instructions.

2. Officers must develop a concise description of the City's requirements and provide to all potential suppliers. Potential suppliers must be asked to quote on the same goods and services and must be given the same information and timeframe to provide their quotes.
3. Officers are required to assess the safety risk of a requirement prior to requesting quotations from suppliers. This assessment only applies to work undertaken on designated worksites. This does not apply to the supply of goods or provision of consultancy or other services undertaken in an office environment.

Officers are required to use the Joondalup Contractor OSH Management tool to assess safety risk, generate a safety questionnaire for suppliers and assess the responses received.

4. Where the purchase threshold requires written quotation and specification, the request for quotation must include, but is not limited to the following:
 - Terms of reference and conditions of supply;
 - Technical specifications as required;
 - A safety questionnaire (if applicable);
 - A consultant's brief where applicable;
 - Standard of service or quality and quantity of supply required;
 - The manner and place of delivery;
 - The timeframe during which the service or supply is to be provided; and

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Quotations for Provision of Goods and Services

- Assessment criteria, such as relevant experience, resources and understanding of the requirements.
5. Officers must issue, receive and award all quotations valued above \$10,000 via the City's electronic quotation system – Vendorpanel. If an officer wishes to request a quotation from a supplier not listed in Vendorpanel, the officer must contact the Contract Administration and Purchasing Services team, who will invite the supplier to join the system as required. The use of the Vendorpanel is compulsory for all officers. In instances where circumstances do not allow for use of the Vendorpanel, officers must provide substantive evidence justifying this non-compliant process. If an officer fails to provide this information, the officer will be directed to re-start the procurement.

Acceptable circumstances for not using Vendorpanel include:

- obtaining quotations through a state government Common Use Arrangement (CUA);
 - engaging temporary personnel from a supplier on the WALGA preferred supplier panel for temporary personnel services; or
 - obtaining a quotation from a unique or specialist supplier.
6. Officers must ensure all incoming quotations and related documents are stored to HPE Records Manager.

Assessment and Selection of Quotations

7. Officers must assess quotations received in accordance with the assessment criteria set out in the quotation document in a fair and equitable manner. Any decision made must be in accordance with the principle of **Value for Money** which is documented in the Purchasing of Goods and Services Protocol. Where price is the only factor, the lowest priced quotation should be accepted.
8. Officers must document the assessment of quotations received and record the outcome on either Recommendation Form Q001, Q002, Q003 or Recommendation Report Q004, depending on the expenditure recommended. The form/report must be signed by a delegated officer who did not initiate the request for quotation within the appropriate approval limits.
9. Send letters to successful and unsuccessful suppliers using templates on the intranet for **Unsuccessful Suppliers** and for **Letter of Acceptance of Goods and Services**, where deemed appropriate. For a simple purchase of goods these templates are not required to be used. Award and decline via Vendorpanel is sufficient. It is recommended using these templates for more complex and long-term quotations.
10. **Preparation of Requisitions / Issue of Purchase Orders** - Officers must attach the completed recommendation form and all offers received for the quotation to the requisition prepared for the purchase. Incomplete documentation will be returned to the officer for correction.

State Government Common Use Arrangements and West Australian Local Government Association (WALGA) Preferred Supplier Panels

11. If a Common Use Arrangement (CUA) exists for the required goods or services through the State Government or a Preferred Supplier Panel through the purchasing services of WALGA, the City may obtain its requirements through either of these arrangements without the need to call tenders if the value exceeds \$250,000.

When quotations are obtained from qualified suppliers in a WALGA Preferred Supplier Panel or State Government Common Use Arrangement (CUA), the number of quotations required is either what is required under the buying rules of the CUA, at least the minimum number required under the quotation protocol or quotations from all qualified suppliers, whichever is less.

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Quotations for Provision of Goods and Services

	Example 1	Example 2
Qualified Suppliers	4	2
Minimum Quotations Protocol Requires	3	3
Minimum Number to be Obtained	3	2

Where officers obtain a quotation through a Preferred Supplier Panel/CUA for a requirement with a value in excess of \$250,000, approval for the purchase must be in accordance with the delegation for Incurring Liability and Making Payments and as set out in Recommendation Report Q004.

Where the value of the requirement is above the tender threshold, quotations from all or at least three qualified suppliers must be obtained, whichever is less. A detailed specification is to be prepared as if for a City tender and that specification is to be reviewed and approved by the Manager of the business unit in the same manner as the review process for a tender under the Tenders for Provision Goods and Services Protocol, except where the value and/or complexity of the requirement needs the approval of the Director. Approval for the purchase must be in accordance with the delegation for Incurring Liability and Making Payments and as set out in Recommendation Report Q004.

To ensure best value to the City, officers may compare alternative market prices to those offered by the CUA or Preferred Supplier Panel suppliers. Appropriate documentation must be maintained and recorded for alternative prices received to justify any purchase outside an existing CUA/Preferred Supplier Panel.

Common Use Arrangements

- Electronic Buyers' Guides are available at the following state government website <https://www.wa.gov.au/government/cuas>.

WALGA Preferred Supplier Panel

- A login to access Vendorpanel can be provided by the Contract Administration and Purchasing team in Financial Services. Once logged in, officers can request quotes for services via a wizard which prompts officers to provide relevant information sufficient for a supplier to make a quotation. Advice and assistance is provided by the Coordinator Contract Administration and Purchasing Services.

Where a CUA or Preferred Supplier Panel is used in procuring goods or services for the City, **the contract reference number must be quoted** on all associated purchase orders to ensure the benefits of the CUA/Preferred Supplier Panel are obtained by the City.

For further information and assistance with CUA/Preferred Supplier Panels contact Contract Administration and Purchasing Services.

Western Australian Disability Enterprises

- Disability Enterprises are not for profit organisations operating as commercial businesses providing employment opportunities for people with disability. Where appropriate, staff are encouraged to invite quotations from these organisations when obtaining quotations for goods and services.



Tenders for Procurement of Goods and Services Protocol

Protocol owner:	Manager Financial Services
Contact person (extension):	Coordinator Contract Administration and Purchasing Services Ext 4390
Promapp link:	N/A
Related protocols:	<ul style="list-style-type: none"> • Purchasing of Goods and Services Protocol • Quotations for Provision of Goods and Services • Purchasing Goods and Services under Prequalified Supplier Panels
Related policies:	<ul style="list-style-type: none"> • Purchasing Policy • Sustainability Policy
Other related documentation/legislation:	<ul style="list-style-type: none"> • Tender and Contract Establishment Request Form • Contract Variation Request Form
HPERM reference:	INT20/28299
Last reviewed:	July 2020

Objective

- To ensure a consistent and transparent process for the establishment and evaluation of tenders for goods and services.
- To ensure best value is obtained from procurement through tender processes.
- To ensure compliance with the relevant provisions of the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996*, and the *Local Government (Functions and General) Regulations 1996*.

Background

In line with the City's Purchasing Policy, a public tender must be called for goods and services with a value of more than \$250,000 unless any of the provisions of clause 11 (2) of the *Local Government (Functions and General) Regulations 1996* apply.

All values referenced in this protocol are exclusive of GST.

Scope

This protocol outlines employee and approving officer responsibilities and information on the purchasing of goods and services **above \$250,000** for which a tender must be called. This protocol applies to all employees at the City.

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Tenders for Procurement of Goods and Services

This protocol does not cover quotations for purchases under \$250,000. *Refer to the Quotations for Providing Goods and Services Protocol on the Corporate Page of the intranet.*

Employee responsibilities

The Purchasing of Goods and Services Protocol outlines employee responsibilities and professional standards in the purchasing process. Employees must:

- Ensure that all potential suppliers are treated equitably and provided with the same information.
- Request businesses within the City of Joondalup to submit a tender for the services or the supply sought where possible.
- Not enter into two or more contracts of a similar nature to bring the estimated value of a contract below the tender limit in order to avoid call for a tender. **(Anti Avoidance)**

A breach of the professional standards will require an investigation under the City's Code of Conduct.

Procedure

Request for Tender

1. Business Unit officers must complete the **Tender and Contract Establishment Request Form** on the intranet. (*How do I – Forms and Templates – Finance and Purchasing*). This includes documenting the preferred tender evaluation method, the weighting percentage and the minimum acceptable weighted qualitative score (if any) and the Tender Evaluation Panel members.
2. The relevant Business Unit Manager, Director and CEO (when applicable) sign the completed form.

NB The CEO signs off the Tender and Contract Establishment Request Form for the following services and may request the Internal Auditor to oversee the evaluation process of any of these tenders.

- Waste management collection services.
 - Consultancy services with expected consideration greater than \$250,000
 - Any other as determined from time to time by the CEO.
3. The Business Unit Officer provides the signed Tender and Contract Establishment Request Form to the Coordinator Contracts Administration and Purchasing Services.
 4. The Business Unit Officer also provides detailed information to the Contracts Administration and Purchasing Team on the following:
 - Scope of requirements;
 - Technical specifications;
 - Safety questionnaire generated from the Joondalup Contractor OSH Management tool for the requirement (when applicable);
 - Pricing schedule items or bill of quantities;
 - Key performance indicators or quantity of supply;
 - List of deliverables;
 - Specific milestones or clearly defined timeframes for the supply is to be delivered;
 - Obligations of the Contractor; and
 - Drawings or plans (where applicable).
 5. Contracts officers use this information to compile a draft **Request for Tender (RFT)**.

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Tenders for Procurement of Goods and Services

6. The Director Corporate Services, relevant Business Unit Manager, the nominated contract Superintendent and an officer from the Contracts Team will review the final RFT. Additional officers may be required to attend the RFT review meetings for any clarifications as required.
7. The Director Corporate Services must approve the selected evaluation criteria and weighting assigned to each, where these apply, except for tenders where the CEO is the final signatory (as noted above). See below for “Establishment of tender evaluation criteria”.

Establishment of Tender Evaluation Panel (TEP)

8. The relevant Business Unit Manager nominates appropriate officers to undertake the evaluation of tender submissions, specifying the reasons for their nomination, e.g. the technical expertise, qualifications and relevant experience. The nomination must be supported by the relevant Director. Nominees are to be of sufficient seniority and expertise relative to the complexity and importance of the tender in question.
9. Nominated evaluation panel members should have completed mandatory tender process and evaluation training within the 12 months prior to their nomination, unless a longer period has been permitted or an exemption provided by the CEO or Director Corporate Services. Nominated officers are drawn from a designated pool of potential tender evaluation panellists, who have been previously appointed by the CEO on the basis of seniority and expertise in various business areas within the City. All Directors and Business Unit Managers are part of the evaluation panel pool by default.
10. It is mandatory that a Contracts Officer or the Coordinator Contract Administration and Purchasing Services be appointed a member of the TEP, who will undertake the role of chairperson, unless advised otherwise by the CEO or Director Corporate Services.
11. Tender Evaluation Panel nominations are not appointed unless approved by the Director Corporate Services.

Tender Evaluation Criteria

12. Where tender evaluation criteria other than price are considered, the following key qualitative aspects of a tender submission must be evaluated:

Sample Evaluation Criteria		
a	Capacity –	The ability of the tenderer to provide the goods or services including the following: <ul style="list-style-type: none"> • Primary business or market; • Size, by personnel and/or market share; • Organisational structure; • Key personnel, including skills and knowledge; • History and track record, including safety and any other aspects • Financial capacity, including history, current position and/or other ongoing operations with a significant recourse impact; • Access to specialised equipment, where applicable; • Ability to deal with emergencies, where applicable.
b.	Experience	The experience with provision of similar goods and services, including: <ul style="list-style-type: none"> • Details of work performed, including scope, value and time; • Results of work performed in each case; • Key personnel involved in each case. • A minimum of three referees from each customer.

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Tenders for Procurement of Goods and Services

Sample Evaluation Criteria		
c.	Demonstrated understanding of the requirements	This is the tenderer's description of the proposed approach to provide the goods/services in accordance with the City's requirements which shows how well the tenderer has understood these requirements.
d.	Impact on the local community within the City of Joondalup boundaries	This includes aspects such as personnel who are City residents, procurement of materials and supplies from businesses within the City, among other things.

The above criteria are not exhaustive. The tender establishment process must include a careful consideration of various qualitative aspects that may apply to each proposed tender and may require the inclusion of criteria not specifically mentioned above. Similarly, not all these criteria will be relevant in each tender and must be disregarded where not applicable, eg. consideration of financial capacity may not be applicable in the case of supply of simple goods like sand or fuel.

- The Evaluation Panel must assign the appropriate weighting for each criterion. Historical precedence is not prescriptive for future tender establishment, but only as a guide. Criteria and weighting must be assigned as appropriate to the specific tender in question.

Completion of Safety Questionnaire

- The Business Unit must use the Joondalup Contractor OSH Management tool to generate a safety questionnaire to form part of the RFT. This must be done and provided to Contracts and Purchasing at the time the Tender and Contract Establishment Request Form is completed.

Completion of the questionnaire will be included in the compliance criteria section of the RFT to assess the risk of engaging respondents.

The safety questionnaire only applies to tenders for work undertaken on site that has a potential safety risk. It does not apply to the supply of Goods or the provision of consultancy or other services completed in an office environment.

The TEP will assess the responses to the safety questionnaire using the OSH Management tool.

The TEP is to conduct the compliance (excluding safety) and qualitative assessment of all submissions first. At the conclusion of the assessment, safety will be assessed on the recommended Respondent in the first instance. If the recommended Respondent fails the safety assessment, it will be deemed non-compliant. The TEP must then assess safety of the next most advantageous offer. This shall be repeated until the recommended respondent achieves a pass score in the safety assessment.

In tenders assessed utilising the Qualitative method of assessment, should all respondents that achieve over the minimum pass score fail the safety assessment, then All Offers are to be declined and the tender re-issued.

Tender advertising and open period

- The Contracts Officer completes an Approval to Issue RFT Document Form C002. The Director Corporate Services, relevant Business Unit Manager and Director review and sign the document and return to the Contracts Section to issue the tender.

The Contracts Officer advertises through a statewide public invitation in the West Australian Newspaper, Local Government Tender section.

- While the tender remains open for submissions, officers must treat all prospective respondents equally under the same terms and conditions. The timeframe for tender submissions must apply

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Tenders for Procurement of Goods and Services

for all, who must be asked to submit offers for the same goods or services. This includes the following:

- Any clarification requested on an open tender by one prospective respondent must be communicated to all individuals or organisations that have requested the RFT if the matter is relevant to all potential respondents.
- Where an addendum to the RFT is required, the addendum must be issued to all organisations that have requested the RFT. In addition, the RFT must be made available on the Tenderlink web portal to incorporate the addendum for any future downloads by prospective respondents.

Tender Submissions

17. Two officers from Contracts Administration open the electronic tender box with an electronic key supplied by the City's electronic tendering service provider. The Contracts Officer nominated to be chairperson of the evaluation panel for that tender will not be either of these two officers.

Declaration of Confidentiality and Interest

18. All members of the TEP are required to complete a declaration of confidentiality and interest in the prescribed form prior to receiving copies of the respondents' offers and the associated evaluation documents. This form is issued to the TEP members electronically with a list of the names of the respondents who have submitted an offer to the RFT.
19. The Director Corporate Services assesses actual or perceived interest declared by a TEP member and will determine whether the member should be withdrawn from the TEP.

If a TEP member is withdrawn from the evaluation panel, an appropriate replacement will be appointed in accordance with the procedure for initial nomination of panel members.

20. The Contracts Team subsequently prepares copies of tenderers' offers and associated evaluation documents and distributes electronically to the members of the TEP.

Tender Evaluation

21. The Chairperson of the TEP directs the tender evaluation process. Prior to the commencement of the tender evaluation meeting, the Chairperson should ensure that:
 - a. TEP members have attended the mandatory training and individually understand their assigned role on the panel.
 - b. TEP members have read and fully understand the requirements and terms and conditions of the RFT.
 - c. All TEP members have individually assessed the offers prior to the tender evaluation meeting.
 - d. The TEP members agree that qualitative scoring will be either a consensus or average of the scores of the TEP.
22. Before commencing the evaluation process, panel members must identify and document any issue associated with the submitted offers that may represent a potential risk to the City, the degree of that risk and, in consultation with the internal auditor, identify the appropriate action(s) to mitigate the risk(s).
23. The Coordinator Contract Administration and Purchasing Services, Principal Legal Officer and/or the Internal Auditor, as appropriate, will address and clarify issues relating to the wording of the tender documentation, tendered offers received, or the evaluation score sheets.

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Tenders for Procurement of Goods and Services

Members of the TEP must record on their individual assessment sheets the determination of their qualitative score and any subsequent amendment, including the discussions and the issues which arise.

Tender evaluation methods are provided in Appendix 1 to this protocol.

24. If necessary, the TEP Chairperson will clarify of any information provided in the respondents' tendered offer through documented correspondence. All communications with the respondents must be recorded in the HPE Records Manager. An example is where a need arises to confirm the tenderer's understanding of the requirements and the conditions of supply based on which the tendered price has been determined.
25. The TEP must assess the returned safety questionnaires for Respondents using the Joondalup Contractor OSH Management tool in accordance with the rules set out in Item 14. Any Respondent that achieves an unacceptable risk rating will be deemed non-compliant.

Reference Checks

26. As part of the evaluation process, the TEP Chairperson will undertake a reference check by email for the preferred or shortlisted Respondent(s) (when applicable). If made by telephone, the TEP Chairperson and one other member of the TEP will undertake the reference for the preferred or shortlisted Respondent(s) (when applicable). All feedback must be documented and stored to HPE.

In addition, the TEP Chairperson will obtain commercial and financial reports from an independent source such as Illion, a consultant or any other source as considered necessary by the TEP.

Evaluation and Recommendation Reports

27. The Contracts Administration and Purchasing Team compile the evaluation report and the report to the CEO or Council in conjunction with the TEP and the relevant Business Unit as required.
28. Business Units must confirm financial information on budget, actual or estimated expenditure to be included in the report to the CEO or Council for the proposed contract period.
29. The tender recommendation report and summary score sheet must be signed by all TEP members.

The content of the recommendation and the report to the CEO or Council must be based on factual information and material contained in the tendered offer from Respondents.

Post-Tender Negotiations

30. It may be necessary to enter into negotiations with the preferred supplier, prior to finalising a contract. Post-tender negotiations are undertaken by two members of the TEP when:
 - An aspect of the proposed contract that may lead to cost saving has been identified and needs to be refined; and/or
 - The tendered price is well above budget and there are reasonable prospects of achieving a cost reduction.

The outcome of any post tender negotiations must be fully documented and reflected in the contract before its final execution.

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Tenders for Procurement of Goods and Services

Tender Register

31. The Contracts Administration and Purchasing Team maintain and update a Tender Register with the details prescribed under regulation 17 of the *Local Government (Functions and General) Regulations 1996*.

State Government Common Use Arrangements and West Australian Local Government Association (WALGA) Preferred Supplier Panels

- 32 If a Common Use Arrangement (CUA) exists for the required goods or services through the State Government or a Preferred Supplier Panel through the purchasing services of WALGA, the City may obtain goods and services through these arrangements without the need to call for separate tenders.

Where the estimated value of the requirement is above the prescribed tender threshold, quotations from all or at least three qualified suppliers must be obtained, whichever is less. A detailed specification is to be prepared as if for a City tender and should be subjected to the same RFT review process as detailed above. Approval for the purchase will be in accordance with the delegation for Incurring Liability and Making Payments and as set out in Recommendation Report Q004.

To ensure best value to the City, officers may compare alternative market prices to those offered by the CUA or WALGA Preferred Supplier Panel suppliers. Appropriate documentation must be maintained and recorded for alternative prices received to justify any purchase outside an existing CUA/Preferred Supplier Panel.

Common Use Arrangements

33. Electronic Buyers' Guides are available at the following state government website:
<https://www.wa.gov.au/government/cuas>.

WALGA Preferred Supplier Panel

34. A login to access the VendorPanel can be provided by Contracts Administration and Purchasing Services. Once logged in, officers can request quotes for services via a wizard which prompts officers to provide relevant information sufficient for a supplier to make a quotation. Advice and assistance is available from Contracts Administration and Purchasing Services.

Where a CUA or WALGA Preferred Supplier Panel is used in procuring goods or services for the City, **the contract reference number must be quoted** on all associated purchase orders to ensure that the benefits of the CUA/Preferred Supplier Panel are obtained by the City.

For further information and assistance with CUA/Preferred Supplier Panels contact Contract Administration and Purchasing Services.

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Tenders for Procurement of Goods and Services

Appendix 1 Tender Evaluation Methods

The evaluation methods to be utilised are as follows:

Least Cost Comparative	Price is the pre-eminent factor and the lowest priced compliant tender is preferred, subject to Value for Money assessment
Comprehensive Weighting	Each selection criterion including the price is to be weighted and scored and the submission receiving the highest overall score is to be recommended, regardless of price ranking subject to relative price evaluation.
Qualitative Weighting	The evaluation process will focus on the qualitative assessment, eliminate the submissions that do not meet the predetermined minimum acceptable qualitative score and then recommend the lowest priced acceptable offer.

Other alternative tender evaluation methods may be considered and selected, particularly for highly complex or non-traditional contracts, as determined through the RFT process and approved by the Director Corporate Services.

The tender documentation will reflect the evaluation method selected. The evaluation method nominated in the Tender and Contract Establishment Request Form cannot be subsequently changed without the approval of the Director Corporate Services.

The table below summarises the most suitable tender evaluation method for different types of procurement.

Procurement Type	Evaluation Method	Evaluation Element	Weighting
Where price is the most important factor e.g. simple standard goods	Least Cost Comparative	Qualitative	No
		Price	No
Where both price and overall capability are important, but to different degrees	Comprehensive Weighting	Qualitative	Yes
		Price	Yes
For highly technical or difficult work where the overall ability to deliver is more critical than price	Qualitative Weighting	Qualitative	Yes
		Price	No

A. LEAST COST COMPARATIVE METHOD

Least cost method is to be used in evaluating tenders in which the requirements are well defined with sufficient precision that leaves no room for any material variation in the specifications of products or services provided.

In such cases the price offered by complying tenders will be the deciding factor and a preliminary assessment will be based on the lowest price offered, subject to a Value for Money assessment and sufficient funds being available as shown in the following example:

Respondent	Price	Rank	Assessment Result
A	\$535,000	2	
B	\$600,000	3	
C	\$499,000	1	Lowest Bid

Respondent C has put in the lowest bid so would normally be preferred. If detailed assessment of the bid has, however, revealed any concerns or risks identified with Respondent C, further assessment, which

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may include post tender submissions and/or post tender meetings, must be conducted to ensure these are addressed to the City's satisfaction and that value for money is maintained. Where the variance between the two lowest price submissions is less than 3% or \$15,000, more detailed assessments of both tenderers must be undertaken, which may include post tender meetings and/or submissions, as determined by the evaluation panel to ensure that the City derives maximum value for money.

This method is most appropriate in procurement of fairly standard and simple products or services, such as supply and delivery of sand, supply of fuel, supply and delivery of dog bags, etc.

B. COMPREHENSIVE WEIGHTING METHOD

The comprehensive weighting method is to be used only to evaluate tenders where price and quality are both important, but to differing degrees. Quality may vary according to product specifications or the experience, capacity and past performance of the supplier or service provider, e.g. mechanical or electrical maintenance services, laying of asphalt, supply and laying of concrete kerbing, landscaping and the like. However, price is also key because quality and output variations between suppliers should not be significant for such services or products.

In this case both the qualitative criteria and price are to be weighted and the recommended supplier will be the Respondent receiving the highest weighted score, subject to budget available. Price weighting would be expected to lie between 20% and 40%. A proposed price weighting in excess of 40% may indicate that the comprehensive weighting method may not be appropriate, and the least cost method or other similar alternative may be preferable. Where price weighting proposed is less than 20%, its importance may need to be reviewed and the qualitative weighting method considered as the more appropriate evaluation alternative.

Scores in the assessment are allocated on a scale of zero to ten as set out below.

Rating	Definition
10	Highly convincing and credible. Response demonstrates exceptional capability relevant to the requirements of the Evaluation Criterion and could not reasonably be improved upon. Comprehensively documented with all claims fully substantiated. Insignificant risk.
9	Highly convincing and credible. Response demonstrates outstanding capability relevant to the requirements of the Evaluation Criterion. Documentation provides complete details. All claims adequately demonstrated and substantiated. Insignificant risk.
8	Response complies, is convincing and credible. Response demonstrates excellent capability relevant to the requirements of the Evaluation Criterion. Some minor lack of substantiation but the Respondent's overall claim is supported. Low risk.
7	Response complies, is convincing and credible. Response demonstrates very good capability relevant to the requirements of the Evaluation Criterion. Minor uncertainties and shortcomings in the Respondent's claims or documentation. Low risk.
6	Response complies and is credible but not completely convincing. Response demonstrates adequate capability relevant to the requirements of the Evaluation Criterion. Respondent's claims have some gaps. Low risk.
5	Credible but barely convincing. Response demonstrates only a marginal capability relevant to the requirements of the Evaluation Criterion. Response has minor omissions. Medium risk.
4	Barely convincing. Response has shortcomings and deficiencies in demonstrating the Respondent's capability relevant to the requirements of the Evaluation Criterion. Medium risk.
3	Unconvincing. Response has significant flaws in demonstrating the Respondent's capability relevant to the requirements of the Evaluation Criterion. Medium risk.
2	Very Unconvincing. Response has major flaws, and fundamental details are lacking. Minimal information has been provided to demonstrate the Respondent's capability relevant to the requirements of the Evaluation Criterion. High risk.

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Rating	Definition
1	Response is totally unconvincing , and requirements have not been met. Response has inadequate information to demonstrate the Respondent's capability relevant to the requirements of the Evaluation Criterion. High risk.
0	Respondent was not evaluated as it did not provide any requested information and/or contravened nominated restrictions. High risk.

Each member of the assessment panel independently assesses each submission and scores each component of each of the criteria. The panel scores are then averaged for each component, totalled and averaged again to arrive at one cumulative score for each criterion as in the following example. Alternatively, if consensus scoring was agreed to be used by the TEP, then the consensus scores are totalled and averaged to arrive at one score for each criterion.

Qualitative Criteria	Weighting	Respondent A			
		Assessor 1	Assessor 2	Assessor 3	Av. Score
Capacity	25%				
History & number of staff		6	7	6	6.33
Structure, key personnel		8	7	6	7
Equipment		6	6	6	6
Ability to provide additional resources		5	6	6	5.67
Safety		6	8	6	6.67
Capacity Total Average Score					6.33
Experience	20%				
Scope & outcomes		8	7	8	7.67
Period /dates of Contracts		4	4	4	4
Referees (Minimum 3)		0	0	0	0
Experience Total Average Score					3.89
Demonstrated understanding	20%	4	6	7	5.67
Social & economic effects on the local community	5%	3	3	3	3

The average raw qualitative scores are then converted to a weighted score out of 100 by dividing the raw score by 10 (being the maximum possible score) and then multiplying by the percentage weighting assigned to the criterion in question.

In the example above, the weighting assigned to capacity is 25%. The average raw score achieved of 6.33 is to be divided by 10 and then multiplied by 25 to derive the capacity weighted score of 15.83 out of 100. The same process applies to the raw scores for other qualitative criteria.

Where subsidiary weights are assigned to separate components within an overall criterion, the same principle applies. Sub-weightings must be considered carefully before being assigned.

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Tenders for Procurement of Goods and Services

Tender prices must also be converted to weighted scores out of 100.

The lowest price submission receives the maximum possible weighted percentage assigned to price. The weighted scores assigned to other tender prices are then expressed as functions of the lowest price by dividing the lowest price by each tender price and multiplying the result by the percentage weighting assigned to price.

$$\text{Weighted Price Score} = \frac{\text{lowest tendered price}}{\text{Tendered price}} \times \text{price weighting \%}$$

In the example set out below and based on a 30% weighting assigned to price, the respondents' weighted price score is arrived at as follows:

Respondent	Price	Weighted Price Score
A	\$499,000	30
B	\$535,000	$(499,000/535,000) \times 30 = 27.9$
C	\$600,000	$(499,000/600,000) \times 30 = 24.96$

At the completion of the qualitative and price assessment the weighted scores of each are calculated and a final score out of 100 is achieved as set out in the example in the following table.

Criteria & Weighting	Respondent A		Respondent B		Respondent C	
	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Qualitative						
Capacity 25%	6.33	$(6.33/10) \times 25 = 15.83$	7	$(7/10) \times 25 = 17.5$	7	$(7/10) \times 25 = 17.5$
Experience 20%	3.89	$(3.89/10) \times 20 = 7.78$	6	$(6/10) \times 20 = 12$	7	$(7/10) \times 20 = 14$
Demonstrated Understanding - 20%	5.67	$(5.67/10) \times 20 = 11.34$	6	$(6/10) \times 20 = 12$	7	$(7/10) \times 20 = 14$
Social/Economic Effects- 5%	3	$(3/10) \times 5 = 1.5$	5	$(5/10) \times 5 = 2.5$	0	0
Total Qualitative		36.45		44.00		45.50
Price 30%	N/A	30.00		27.90		24.96
Total of 100		66.45		71.90		70.46

In the example above the offer from Respondent B would be recommended as the preferred tenderer, provided that it achieves a pass score in the safety assessment.

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Tenders for Procurement of Goods and Services

Relative Price Evaluation

The comprehensive weighting method carries the obvious risk that a bid scoring lower on qualitative criteria but priced significantly better than other submissions may receive the maximum weighting which outweighs the lower non-price score achieved. This may result in distorted scores being assigned to bids. It is for this reason that price weighting must be carefully considered and assigned. Where the lowest price submitted is 15% or more below the median price of the other submissions, further investigation/assessment should be performed, which may include post tender meetings or submissions, as determined by the evaluation panel to ascertain the reason for the price differential from a value for money perspective. If the reasonableness of this lowest price submitted cannot be substantiated through such further investigation, the submission is to be bypassed in favour of the lowest bid from the remaining tenderers, subject to final investigation and assessment.

In the previous example cited, the lowest price was by Respondent A, namely \$499,000. The median price of the other submissions is \$567,500. Respondent A's price is therefore \$68,500, or 12%, below this median value. As this is less than the threshold of 15%, no further relative price evaluation is required to establish value for money.

If, however, Respondent A had submitted a price of \$480,000 this would trigger further investigation as this price is 15% less than the median price of the other submissions. The nature and extent of such further investigation is dependent on the particular circumstances and risk associated with the tender in question.

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Tenders for Procurement of Goods and Services

C. QUALITATIVE WEIGHTING METHOD

The qualitative weighting method is to be used in evaluating tenders for goods or services that are relatively more technical, complex or high risk services where the technical ability, capacity, quality and timing of delivery are the most critical procurement aspects, e.g. construction contracts, complex consultancy services.

In this case the evaluation is a two stage process where the qualitative criteria are weighted and scored first without any reference to the price submission. A predetermined minimum acceptable pass score is set prior to the assessment as nominated by the Business Unit in the Contract Establishment Request Form at the commencement of the tender process. The minimum acceptable score in each case is determined with reference to minimum acceptable quality requirements, among others, and the premium the City is prepared to pay for higher quality deliverables. Setting a minimum score higher than 50% must be properly substantiated and approved by the Director Corporate Services. In the majority of situations, a minimum acceptable score of 50% should be adequate for qualitative criteria.

The qualitative criteria of each submission are assessed using the same scoring scale of 0 to 10 as in the comprehensive weighting method. Each member of the assessment panel independently assesses each submission and scores the elements of each of the criteria. The panel scores are then averaged for each element, then totalled and averaged again to arrive at one score for each criterion. Alternatively, if consensus scoring was agreed to be used by the TEP, then the consensus scores are totalled and averaged to arrive at one score for each criterion.

The average qualitative scores are then converted to a weighted score out of 100 points. Any offer that achieved a qualitative score below the minimum acceptable pass score would be eliminated from further consideration.

In the example set out below the minimum pass score is set at 60. Any submission that does not achieve the minimum weighted qualitative score of 60 will be eliminated and not considered any further.

The second stage of the evaluation process is conducted after completing the qualitative scoring and eliminating the submissions that did not qualify for further consideration. At the second stage the prices offered are ranked based on lower to higher and the lowest price will be ranked first.

The following two tables show an example of this type of evaluation.

Criteria & Weighting	Respondent A		Respondent B		Respondent C	
	Score	Weighted Score	Score	Weighted Score	Score	Weighted Score
Capacity- 35%	6.33	$(6.33/10) \times 35 = 22.16$	3.5	$(7/10) \times 35 = 24.5$	3.5	$(7/10) \times 35 = 24.5$
Experience- 30%	3.89	$(3.89/10) \times 30 = 11.67$	3	$(6/10) \times 30 = 18$	3.5	$(7/10) \times 30 = 21$
Demonstrated Understanding 30%	5.67	$(5.67/10) \times 30 = 17.01$	3	$(6/10) \times 30 = 18$	4	$(8/10) \times 30 = 24$
Social/ Economic Effects 5%	3	$(3/10) \times 5 = 1.5$	2.5	$(5/10) \times 5 = 2.5$	0	0
Total Weighted Score of 100		52.34		63.0		69.5

In the above case, respondent A would be eliminated at the conclusion of stage one of the assessment and will not be considered any further as it did not meet the minimum acceptable score of 60.

The prices submitted by other respondents will then be considered and ranked only and the assessment result and recommendation will be as follows:

CM REF: INT20/28299

Tenders for Procurement of Goods and Services

Respondent	Qualitative score of 100	Total Cost	Price Ranking	Assessment Result
A	Failed			
B	63	\$535,000	1	Preferred
C	69.5	\$575,000	2	

As capacity, quality or technical ability were critical to the tender assessment; selection would be based on the lowest priced offer that achieves or exceeds the minimum acceptable weighted qualitative score set at the time of tender establishment and before the evaluation process began.

In the above example Respondent B would be recommended, subject to achieving a pass score in the safety assessment.



Use of Corporate Credit Cards Protocol

Protocol owner:	Manager Financial Services
Contact person (extension):	Coordinator Contracts Administration and Purchasing Services (4390)
Promapp link:	<Promapp minimode link>
Related protocols:	<ul style="list-style-type: none"> • <Protocol name>
Related policies:	<ul style="list-style-type: none"> • Purchasing Policy • Sustainability Policy
Related plans/strategies:	<ul style="list-style-type: none"> •
Other related documentation/legislation:	<ul style="list-style-type: none"> • Code of Conduct • Purchasing of Goods and Services Protocol • Regulation 11(1)(a) of the <i>Local Government (Financial Management) Regulations 1996</i> as amended • Use of Trade Cards Protocol • Delegation of Authority Manual
HPERM reference:	INT22/12397
Last reviewed:	February 2022

Objective

To ensure the correct use and management of credit cards by authorised City employees.

Background

The protocol exists to provide direction on the issuing of corporate credit cards to individual staff members and the use of these credit cards.

Scope

This protocol relates to all employees authorised to hold, use and/or manage the use of a corporate credit card for City purchases.

Definitions

Authorised officer

A City officer who has delegated authority to incur liabilities and make payments from the Municipal Fund, subject to the limits stipulated in the City's Delegation of Authority Manual

HPERM REF: <####>

Use of Corporate Credit Cards Protocol

Corporate credit card A credit card issued to an employee of the City to be used for purchase of goods and services for the City

Employee responsibilities

- Corporate credit cards are to be used for the purchasing of goods and services on behalf of the City and within the financial limits set.
- Corporate credit cards must not be used for personal purchases and should not be used to obtain cash advances.
- Corporate credit cards can only be used by the cardholder. The use of the card is not transferable nor should the credit card details (eg card number and expiry date) be shared with another person for making payments on behalf of the cardholder.
- The cardholder is only authorised to make payment for budgeted business expenditures.
- Credit card holders must take strict care over the custody and use of the card at all times and ensure the card is not used inappropriately or by an unauthorised person.
- The provisions of the City of Joondalup’s Code of Conduct and ethical and professional standards (defined in the Purchasing of Goods and Services Protocol) must be observed when using a corporate credit card.

Issue and Return of Corporate Credit Cards

1. Corporate credit cards may be issued to the CEO where authorised by Council, and officers where authorised by the CEO, to use for purchases and payments on behalf of the City.
2. Corporate credit cards have a maximum credit limit for each card as approved by Council for a card issued to the CEO and by the CEO for cards issued to officers. Credit card limits are as follows.

Position	Credit Purpose Limit	Card and	Expenditure Reviewing and Approving Officer
Chief Executive Officer	CEO \$10,000		Director Corporate Services
Manager Financial Services	Corporate Card \$12,000	Travel	Director Corporate Services
Purchasing Officer 1	Purchasing Credit Card \$20,000		Manager Financial Services
Civic Function Officer	Civic \$5,000	Functions	Manager Communications and Stakeholder Relations

3. Council approves changes to credit card limits for the CEO. The Director Corporate Services approves changes to credit card limits for City Officers.

HPERM REF: <####>

Use of Corporate Credit Cards Protocol

4. The Chief Executive Officer must surrender the corporate credit card to the Director Corporate Services, no later than the day prior to termination of employment.
5. Business Unit cardholders, other than the Manager Financial Services, must surrender their assigned corporate credit card to the Manager Financial Services no later than the day prior to the termination of the position or termination of employment for cancellation and settlement of the account. The Manager Financial Services must surrender the corporate credit card to the Director Corporate Services no later than the day prior to the termination of the position or termination of employment for cancellation and settlement of the account.
6. Financial Services must notify the issuing bank to cancel a surrendered corporate credit cards no later than one working week following date of termination of the cardholder's employment.
7. A copy of the notification to the bank will be retained along with a confirmation of such cancellation from the bank when it is received, as a record of the cancellation of the card.
8. On receipt of confirmation of cancellation from the issuing bank, Financial Services will proceed to physically destroy the card by cutting it up and disposing in a secure bin.

Corporate Credit Card held by the Purchasing Officer

1. Corporate credit cards issued to a Purchasing Officer can be used in situations where urgent payment is required or where payment by credit card is the most appropriate method of payment and/or provides a recognised advantage to the City.
2. Business Unit officers must complete the *Purchasing Card Request/Petty Cash Reimbursement* form on the Intranet – How Do I? Page\FORMS and Templates\Purchasing and Contracts.
3. An authorised officer must approve the *Purchasing Card Request* form. A Business Unit officer who is also an authorised officer cannot approve their own form. The authorised officer approving a form must be different to the requesting officer.
4. The Business Unit officer refers the approved form to the Purchasing Officer who will make the necessary arrangements to effect payment.
5. Payment may be effected online, via a website, or by phone where this is accommodated. Where payment is to be effected online, the website for the relevant goods/services requested must be accessed by the Business Unit officer. When the payment by credit card stage is reached in the online purchase process, only the Purchasing Officer may input the relevant corporate credit card details into the webpage.
6. The Business Unit officer must forward to the Purchasing Officer any receipts or invoices pertaining to the transaction(s) that are received by the officer, whether as hard copies or electronically via email or other means.

Corporate Travel Credit Card held by the Manager Financial Services

1. The corporate travel credit card is held for the purpose of paying for travel and related costs, including accommodation, for elected members and employees who may travel for City business including conferences.
2. This card can occasionally be used to make payments for other business requirements, where urgent and necessary. This includes situations where the purchasing corporate card is unavailable or has insufficient funds for payment purposes.

HPERM REF: <####>

Use of Corporate Credit Cards Protocol

3. Where a request for such a purpose is made to the cardholder, the Business Unit officer uses the same *Purchasing Card Request/Petty Cash Reimbursement* form used to request payment by the purchasing credit card, noting that the request is for payment from the corporate travel card.
4. The cardholder will refer such payment requests to the Director Corporate Service who will approve or decline the request accordingly. If the Director Corporate Service is not available, the Chief Executive Officer will approve or decline such a request.

Processing of Credit Card Expenditure for all Cardholders

1. Cardholders must retain the customer copy of the charge slip together with any other transaction receipt for all payments made by a corporate credit card for verification and reconciliation of the expenditure incurred.
2. On settlement date, the card issuer (bank) charges the City's bank account by direct debit for all credit card purchases and payments each calendar month, and provides to the City a transaction statement or each credit card, listing all transactions associated with the bank charge.
3. On receipt of the credit card transaction statement, Financial Services will provide a copy of the statement to the relevant cardholder.
4. The cardholder is required to:
 - Review the statement to verify that the payments shown on the statement are correct;
 - Attach the supporting invoices, charge slips and/or receipts for all transactions listed;
 - Provide the appropriate account codes for costing purposes on the charge slips; and
 - Sign the monthly statement, as the cardholder, confirming that the payments made are for goods and services purchased on behalf of the City. Confirmation may be effected either on the statement (whether as a wet signature or a digital signature), by way of an email which has the particular statement attached, or by other appropriate digital means as may be put in place by the City
5. Tax invoices and receipts are required by the City to make a claim for GST paid. Where the goods or services provided relate to business hospitality or staff appreciation, the cardholder must write on the receipt (or attach to the receipt) details of the purchase, the names of the City of Joondalup employees and non-employees involved to allow proper assessment of any Fringe Benefits Tax which may apply.

Lost or Stolen Credit Cards

1. The cardholder must report the loss or theft of a corporate credit card to the card provider (bank) as soon as possible but not more than 1 working day following the discovery of the loss or theft.
2. The Westpac Bank is the City's current card provider. The dedicated Westpac number to call to report lost or stolen cards is displayed on the back of each card.
3. The cardholder should advise the Manager Financial Services of the theft or loss together with details of the report made to the bank within 1 working day of this report, including details of any report made to police. The Manager Financial Services will liaise with the bank, confirm the cancellation of the card and arrange for the issue of a replacement card as necessary.

HPERM REF: <####>

Use of Corporate Credit Cards Protocol

Incentive Schemes

Any reward points or credits accumulated under an incentive schemes associated with credit card purchases, if any, can only be used at the discretion of the Chief Executive Officer or, in the case of the Chief Executive Officer's card, the Director of Corporate Services.

Management Review and Audit

Regular review will be conducted by the Manager Financial Services and periodic audit undertaken by the Internal Auditor to verify compliance and address any breach that may occur in adhering to the provisions of this protocol.



Protocol	Use of Trade Cards
Keywords	
Protocol	<p>This Protocol provides guidance on the use of trade cards for purchasing.</p> <p>Further enquiries regarding this protocol should be directed to the Manager Financial Services on Ext 4384.</p>
Related Policies (Council/City)	Purchasing Policy
Related Documentation (Plans/Legislative Authority.	<p>City's Code of Conduct Purchasing Policy Regulation 11(1) (a) of the <i>Local Government (Financial Management) Regulations 1996</i> as amended Purchasing of Goods and Services Protocol</p>
Protocol Owner	Manager Financial Services
Last Reviewed	August 2016

PROTOCOL	
Protocol Name	Use of Trade Cards

Objective:

To ensure the correct use and management of trade cards by authorised City employees.

Scope

This protocol relates to the employees authorised to hold, use and/or manage the use of a trade card providing a credit facility for City purchases from identified suppliers.

The current trade card holders are the tradespersons working in Asset Management who maintain City facilities and selected staff from Operation Services that require regular access to a trade supplier purchase items without negatively affecting day-to-day operations.

Definitions

Authorised Officer – Is an officer authorised to approve purchase requisitions up to a stipulated value, but is not a delegated officer.

Trade Card - A purchasing card issued by a supplier with whom the City enjoys a trade credit facility. The card is issued to specific employees who can use it to purchase items from the supplier for work requirements and have the cost of these charged to the City's trade account with the supplier.

Delegated Officer – Is an officer delegated by Council either generally to incur liabilities and make payments from the municipal fund of the City up to a prescribed limit set out in the City's delegated authority register, or to incur liabilities on behalf of the City specifically through the use of trade cards. A delegated officer may also approve purchase requisitions within the delegated limit.

Employees Responsibilities

- Trade cards are to be used only for purchasing of goods from identified trade suppliers (e.g. Bunnings) on behalf of the City within the financial limits assigned by the supplier to each trade account and subject to applicable purchasing protocols.
- Trade cards must only be used to purchase items that are required in the performance of authorised work where a purchase order is not accepted by a supplier, or a purchase order cannot be processed within the timeframe required to complete the work or the work is an after-hours emergency that requires quick resolution.
- Trade cards must not be used for personal purchases.

- Trade cards must be used only by the authorised card holder. The use of the card is not transferable and must not be used by another person. Trade card holders must exercise strict care at all times over the custody and use of the card issued to them and ensure the card is not used inappropriately or by an unauthorised person.
- The provisions of the City of Joondalup's Code of Conduct and ethical and professional standards (defined in the Purchasing of Goods and Services Protocol) must be observed in the use of a trade card.

Procedure – Asset Management

1. An employee must complete a trade card application form from the identified supplier subject to written nomination by the Business Unit Manager and endorsement by the Coordinator Contract Administration and Purchasing.
2. The form must then be approved and signed by the Director Infrastructure Services.
3. Upon receipt of the trade card from the supplier, the employee must acknowledge its receipt in writing. An electronic copy of the receipt must be filed in the appropriate records container within the City's electronic records management system.
4. The trade card holder can use the card to either purchase items in-store direct from the supplier or over the phone or online and, subsequently, to receive the goods, sign the invoice and related delivery/collection receipts.
5. The officer must record the work order number for which the goods were purchased on the supplier invoice.
6. The invoice accompanied by a copy of the work order must be provided to the Coordinator Building Maintenance, who will review, sign and forward all documentation to the Administration Officer in Building Maintenance for processing. Purchases made through a trade card by the Coordinator Building Maintenance are to be forwarded to the Manager Asset Management for signature and approval.
7. A copy of the signed invoice is scanned and attached to the work order in the Works and Assets module.
8. The invoices and supporting documents are sent to Accounts Payable in Financial Services for payment.

Procedure – Operation Services

1. An employee must complete a trade card application form from the identified supplier subject to written nomination by the Business Unit Manager and endorsement by the Coordinator Contract Administration and Purchasing.
2. The form must be approved and signed by the Director Infrastructure Services.
3. Upon receipt of the trade card from the supplier, the employee must acknowledge its receipt in writing. An electronic copy of the signed receipt must

be filed in the appropriate records container within the City's electronic records management system.

4. The trade card holder can use the card to either purchase items in-store direct from the supplier or over the phone or online and, subsequently, to receive the goods, sign the invoice and related delivery/collection receipts.
5. The invoice is stamped with the relevant cost account information entered and then forwarded to the cardholder's coordinator (a Delegated Officer) who will review, sign and send all documentation to an Administration Officer for processing. For trade card purchases initiated by a Stores Issues Form, a copy of the completed form must be attached to the corresponding invoice.
6. The invoices and supporting documents are sent to Accounts Payable in Financial Services for payment.

Lost or Stolen Cards

1. The cardholder must report the loss or theft of a trade card to the Coordinator Building Maintenance or Manager Operation Services and Coordinator Contract Administration and Purchasing Services and the card provider (supplier) within 24 hours. The card holder must provide proof of the stolen card report, (eg report number and time of report) made to the card provider to the Coordinator Administration and Purchasing Services. The cardholder is not liable for purchases made on lost or stolen cards after they have been reported to the card provider.
2. Contract Administration and Purchasing Services will arrange for cancellation of the card and the issue of a replacement card as required.

Return of Trade Cards

Cardholders leaving the City's employment must surrender the trade card to the Coordinator Contract Administration and Purchasing Services one week before leaving the City or as otherwise determined by the relevant Business Unit Manager.

Where the Business Unit Manager and Director have determined a cardholder no longer requires the use of a trade card, the cardholder must return the trade card to the Coordinator Contract Administration and Purchasing Services by the date determined by the Business Unit Manager. The cardholder will be liable for any purchases made on the trade card after this deadline.

Contract Administration and Purchasing Services will arrange for cancellation of the card.

Incentive Schemes

Any incentive scheme or promotional benefits associated with trade card purchases must be used for the benefit of the City. Incentive schemes are not to be used for personal gain.

Management Review and Audit

Regular review will be conducted by the Manager Financial Services and periodic audit undertaken by the Internal Auditor to verify compliance and address any breach that may occur in adhering to the provisions of this Protocol.



MEMORANDUM

TO: ELECTED MEMBERS
CC: CEO & DIRECTORS
FROM: MAT HUMFREY, DIRECTOR CORPORATE SERVICES
DATE: 23 MAY 2025
FILE REF: 105800
OTHER REFS:
LETTER NO:
SUBJECT: PURCHASING POLICY

Mayor and Councillors

Further to my presentation at the Briefing Session, please find further detailed information below. As requested, we have outlined all of the exemptions permitted by Regulation 11(2) of the Local Government (Functions and General) Regulations 1996.

Background

The Local Government (Functions and General) Regulations require all local governments to have a Purchasing Policy that covers purchases up to \$250,000. Regulation 11A states;

- (1) *A local government is to prepare or adopt, and is to implement, a policy in relation to contracts for other persons to supply goods and services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less.*

The City of Joondalup current has a compliant purchasing policy. The policy was last reviewed in May 2020 with only minor amendments being made. A revised policy was presented to the Policy Committee meeting 14 April 2025, consistent with Council’s policy of reviewing policies at least once every five years.

The Administration presented minor amendments to the policy following internal review. The proposed amendments are consistent with similar sized local governments. When the Policy Committee considered the policy, it recommended the adoption of the policy with amendments. The amendments recommended are captured in the table below;

	Existing Policy	Amendment proposed by the City	Amendment adopted by the Policy Committee
1	For expenditure between \$10,001 to \$50,000 a minimum of	Seek a minimum of two written quotations with	Seek a minimum of three written quotations with specifications of

	two written quotations required.	specifications of requirements and obtain at least one quote.	requirements and obtain at least two quotations.
2	For expenditure between \$50,001 to \$250,000 a minimum of three written quotations required.	Seek a minimum of three written quotations with full specifications using quotation documents in accordance with the Purchasing Protocols, as applicable, and obtain at least one quotation.	Seek a minimum of three written quotations with full specifications using quotation documents in accordance with the Purchasing Protocols, as applicable, and obtain at least two quotations.

The Policy Committee has also made a further amendment, being;

	Existing Policy	Amendment proposed by the City	Amendment adopted by the Policy Committee
3	Where the City has a requirement for goods or services and the consideration under the resultant contract is, or is expected to be, more than \$250,000 or worth more than \$250,000, a public tender must be called, unless any of the provisions of clause 11 (2) or 24AB of the Local Government (Functions and General) Regulations 1996 applies.	None	Where the City has a requirement for Goods or Services and the consideration under the resultant contract is, or is expected to be, more than \$250,000 or worth more than \$250,000, a public tender must be called, unless any of the provisions of clause 11(2)(a), or 11(2)(aa) , or 24AB of the Local Government (Functions and General) Regulations 1996 applies.

Details

As per clause 11A of the *Regulations*, a local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods and services where the consideration under the contract is, or is expected to be, \$250,000 or less; or worth \$250,000 or less.

The requirement to implement the policy implies that the Council is required to follow the policy for the purpose which the policy is required.

The Regulation requires tenders to be publicly invited, when consideration under the contract is, or is expected to be, more, or worth more than \$250,000 unless any of the exemptions in Sub regulation 11(2) apply. The Regulations allow for several exemptions a local government may access for such purchases.

The amendment to the Policy, as adopted by the Committee seeks to limit significantly the exemptions, reducing them to only 2.

The Policy, and amendments to it, is not able to set aside the Regulation, including the exemptions provided in the Regulation, as the Regulation prevails over the Policy.

The Policy can provide direction to the Administration on how delegated authority is to be used.

However, the position adopted by the Policy Committee seeks to prevent staff from accessing most of the exemptions that the Regulation provides for.

If implemented, this would have significant consequences for the City's ability to make purchases in a timely, efficient and effective way; and therefore significant potential consequences for the City's ability to deliver the many services that depend on timely, efficient and effective purchasing.

The table below lists each exemption provided by the Regulation, examples of how the exemption has been used and the potential consequences that removing access to the exemption may have.

Exemption	Examples of use	Potential Impact if exemption not available
11(2) (a) the supply of goods or services is to be obtained from expenditure authorised in an emergency under section 6.18(a)(c) of the Act	N/A	Permitted within Policy
11(2) (aa) the supply of the goods or services is associated with a state of emergency	N/A	Permitted within the Policy
11(2)(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program	<ul style="list-style-type: none"> • temporary personnel • purchase of trucks, mowers, tractors, sweepers and the like. • library books and materials • IT software and hardware • other parks and landscaping services such as softfall installation and landscape works or maintenance • Other waste services such as processing garden organics • Production and issue of rates notices • Town planning consultancy services 	<p>Tendering for each of these items is unlikely to see prices less than what would be obtained under the WALGA Panel arrangements and will increase lead times for each purchase. It will also reduce the ability for staff to negotiate as tenders must be accepted as is.</p> <p>It is highly probable that this will result in delays, an increase in administrative work and an overall reduction in the number of projects and services that can be delivered.</p>
11(2)(c) within the last 6 months – (i) The local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or (ii) the local government has, under regulation 21(1) sought expressions of interest with respect to the supply of the goods and services but no person was, as a	This exemption has not been used in recent times.	It is not anticipated that removing access to the exemption will have any material impact.

result, listed as an acceptable tenderer.		
11(2)(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government	This exemption has not been used in recent times.	It is not anticipated that removing access to this exemption will have any material impact.
11(2)(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government	<p>Removing this exemption may impact on the ability of the City to obtain services from either the Mindarie Regional Council or Catalina Regional Council. A review of the agreements would be required to determine this.</p> <p>Removing access to the Common Use Agreements (CUA's) which are provided by the State Government will impact the following areas;</p> <ul style="list-style-type: none"> • Passenger vehicle fleet • Microsoft licensing • IT hardware 	<p>Tendering for these items individually is not practical. The City would need to contemplate either a tender for a period of time (for example 3 years) or seek individual quotes for each and every purchase.</p> <p>It is unlikely that there would be any cost reductions generated by this change, however it could significantly add to the time taken to undertake this work and depending on the wording of the contracts between the City and Mindarie Regional Council / Catalina Regional Council could result in service disruptions.</p>
11(2)(ea) the goods or services to be supplied – (i) In respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph	Not used by the City	No impact
11(2)(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any	Not a commonly used exemption, however it does apply to the City's contract with Surf Life Saving Western Australia.	The City would be required to tender these services. Given that it is likely only one tender would be received, it is not likely that any cost savings would be realised.

other reason, it is unlikely that there is more than one potential supplier		However, as this exemption is rarely used, its removal is not anticipated to have a material impact on City operations.
11(2)(g) the goods to be supplied under the contract are- (i) petrol or oil; or (ii) any other liquid, or any gas, used for internal combustion engines;	This exemption is used for sourcing fuel for the City's fleet.	The City would be required to advertise a tender for the provision of fuel. Given the large market and uncertainty of pricing, it is unlikely that any significant cost savings would occur.
11(2)(h) the following apply (i) the goods or services are supplied by- (I) a person registered on the Aboriginal Business Directory WA... (II) a person registered with the Australian Indigenous Minority Supplier Office...	The exemption is not currently accessed by the City	No material impact on the City's operations is anticipated.
11(2)(i) the goods or services are to be supplied by an Australian Disability Enterprise	The exemption is not currently accessed by the City	No material impact on the City's operations is anticipated
11(2)(ia) the contract is formed by the novation of a contract to which subregulation (1) applies	This exemption is used from time to time, normally when a company with which the City has a contract changes ownership.	This would require the re-tendering of contracts where a company changes its structure or ownership (in some circumstances). While it would not have a substantial impact, if a company providing an essential service (bin collections) were to change ownership, it could represent a major disruption until the resulting tender was settled.
11(2)(j) the contract renewal or extension of the term of a contract (the original contract) where – (i) the original contract was entered into after the local government, according the requirements of this Division, publicly invited tender for	This exemption is regularly used by the City. It is good practice to have contract terms that allow an extension of a contract, at the City's sole discretion, where a contractor has performed well and it is still commercially beneficial to do so.	If this exemption was removed, all contracts that currently have extensions would terminate at the end of the first term. This would increase the number of tenders that are required to be called and assessed, as well as the number of tenders Council is required to determine.

<p>(ii) the supply of goods or services; and the invitation for tenders contained a provision for the renewal or extension of a contract entered into with a successful tenderer</p>	<p>(Note: All contract extensions are reported to the Audit and Risk Committee).</p>	<p>This would not result in any cost savings as an assessment is undertaken prior to any options being exercised and the option is only taken where it is of benefit to the City.</p>
<p>11(2)(k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.</p>	<p>The City has a number of pre-qualified suppliers for goods and services such as;</p> <ul style="list-style-type: none"> • Supply and laying of turf • Hand weeding in natural areas • Pre-cast stormwater drainage products • Provision of mowing services • Traffic management 	<p>While the City is still required to undertake advertising and assessments for panels of pre-qualified suppliers and staff are still required to obtain quotes when using the panels, the advantage is that we do not need to estimate how much each supplier will be paid over three years to ensure we do not breach tender regulations.</p> <p>The impact of removing the exemption is that the City will be required to tender, with specific requirements, for each service in advance. This will reduce the flexibility available to the City and is highly unlikely to result in any cost savings – but may result in delays in delivering projects or services.</p>

Recommended Action

A request for a procedural motion was made at the Briefing Session of 13 May, for the item to be referred back to the Policy Committee.

This is supported by the Administration.

Referral to the Policy Committee will allow the potential consequences of the removal of the exemptions to be more fully considered and addressed.

It will also allow consideration to be given to alternative mechanisms to increase the level of oversight of purchasing decisions, if this is a concern for the Policy Committee.

For example, the Audit and Risk Committee already receives regular reports on contract extensions, where each contract that is extended under Regulation 11(2)(k) is reported to the committee.

If Elected Members have any questions or concerns, please contact me directly.

Mat Humfrey
Director Corporate Services



Gambling on City-Owned or Managed Property Council Policy

Responsible directorate: Infrastructure Services

Objective: To outline the City's position on hirers, lessees and licensees undertaking gambling on City-owned or managed property.

1. Application:

This policy applies to all groups and individuals seeking to undertake gambling activities on City-owned or managed property.

This policy does not apply to:

- groups and individuals undertaking gambling activities on property within the City of Joondalup district that is not City-owned or managed; or
- groups and individuals undertaking fundraising activities, that do not involve gambling, on City-owned or managed property.

2. Definitions:

“gambling” means gaming or wagering activities.

“gaming” means playing a game of chance for winnings in money (or money's worth), whether any person playing the game is at risk of losing any money (or money's worth) or not. (Examples of gaming include bingo, Culcutta, two-up, tipping competitions, etc.)

“wagering” means betting or the staking of money (or money's value) on the outcome of an undecided event, and the collection or payment of winnings on a wager. (Examples of wagering include betting on racing events, sporting events, etc.)

“totalisator agency” means any premises on which wagers may be made on a race or event through or with Racing and Wagering Western Australia, via the totalisator agency board (TAB), trading as WATAB and TabTouch, including PubTAB and PubTAB self-service.

3. Statement:

The City recognises that gambling-related harm is widely acknowledged as impacting not only the people who gamble, but also their families, friends and the wider community.

To assist with the reduction of harm to the community and other social sustainability issues that gambling may cause, the City prohibits any wagering activities on City-owned or managed property, for any purpose.

The City does support gaming activities and functions for regular fundraising, fundraising events and cultural or public recreational activities on City-owned or managed property.

4. Details:

4.1 Wagering activities:

The City prohibits hirers, lessees or licensees undertaking wagering activities through, with, or as a totalisator agency (such as Club TAB facilities) on City-owned or managed property, for any purpose.

4.2 Gaming activities:

The City supports hirers, lessees or licensees conducting gaming activities and functions for regular fundraising, fundraising events, and cultural or public recreational activities on City-owned or managed property; on the condition that the hirer/lessee/licensee lodges, and is granted, the appropriate Gaming Function Permit from the relevant State Government agency, if required.

Gaming activities (whether or not a permit is required) for private gain or commercial undertaking are prohibited.

Creation date: <mmmm yyyy> (<report ref>)

Formerly: NA

Amendments: NA

Last reviewed: NA

- Related documentation:**
- Betting Control Act 1954
 - Casino Control Act 1984
 - Gaming and Wagering Commission Act 1987
 - Health (Miscellaneous Provisions) Act 1911
 - Local Government and Public Property Local Law 2014
 - Property Management Framework
 - Racing and Wagering Western Australia Act 2003

File reference: 111875



Notification of Public Works Council Policy

Responsible directorate: Infrastructure Services

Objective: To state the City of Joondalup's commitment to notifying the community about upcoming public works which may affect them.

1. Application:

This policy applies to formal notifications from the City about upcoming public works.

2. Definitions:

"public works" means any works to assets such as, but not limited to, City-owned or managed buildings, roads, footpaths, lighting, playspaces, sporting infrastructure, parks, sumps and car parks, carried out by the City or agents of the City.

"notification" means the provision of information to affected stakeholders regarding the commencement of public works. It does not include consultation with the community to inform decision-making.

3. Statement:

The City of Joondalup recognises the importance of providing effective, timely and transparent information to the community about upcoming public works which may affect them.

4. Details:

4.1. Public works where notification is required:

The City will notify 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.

4.2. Public works where notification is not required:

Notification is not required where an emergency, or other public safety issue has necessitated urgent or immediate action.

4.3. Principles of notifications:

To ensure notifications are effective, timely and transparent, the following principles will apply, unless bound by statutory or legislative requirements.

- a. The City will identify stakeholders to be notified by considering any persons, groups or organisations that could be affected by the public works.
- b. The City will identify and implement the most appropriate communication methodology to meet the needs of stakeholders. Communication methods could include letters, on-site signage, newspaper advertisements, website information, eNewsletter items, media announcements, or social media posts, amongst others.
- c. The City will ensure that the timing of notifications has due regard for the potential disruption caused by the public works.

Creation date: August 2020 (CJ117-08/20)

Formerly:

Amendments:

Last reviewed:

Related documentation:

- Community Consultation Council Policy
- Planning Consultation Local Planning Policy

File reference: 108874



Notification of Public Works Council Policy

Responsible directorate: Infrastructure Services

Objective: To state the City of Joondalup's commitment to notifying the community about upcoming public works which may affect them.

1. Application:

This policy applies to formal notifications from the City about upcoming public works.

2. Definitions:

“**notification**” means the provision of information to affected stakeholders regarding the commencement of public works. It does not include consultation with the community to inform decision-making.

“**public works**” means any works to assets such as, but not limited to, City-owned or managed buildings, roads, footpaths, lighting, playspaces, sporting infrastructure, parks, **trees**, sumps and car parks, carried out by the City or agents of the City.

3. Statement:

The City of Joondalup recognises the importance of providing effective, timely and transparent information to the community about upcoming public works which may affect them.

4. Details:

4.1. Public works where notification is required:

The City will notify 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.

4.2. Public works where notification is not required:

Notification is not required where an emergency, or other public safety issue has necessitated urgent or immediate action, or where general maintenance is to be undertaken.

4.3. Principles of notifications:

To ensure notifications are effective, timely and transparent, the following principles will apply, unless bound by statutory or legislative requirements.

- a. The City will identify stakeholders to be notified by considering any persons, groups or organisations that could be affected by the public works.
- b. The City will identify and implement the most appropriate communication methodology to meet the needs of stakeholders. Communication methods could include letters, on-site signage, newspaper advertisements, website information, eNewsletter items, media announcements, or social media posts, amongst others.
- c. The City will ensure that the timing of notifications has due regard for the potential disruption caused by the public works.

Creation date: August 2020 (CJ117-08/20)

Formerly:

Amendments: Month 2025 (CJXXX-XX/25)

Last reviewed: Month 2025 (CJXXX-XX/25)

Related documentation:

- Closure of Pedestrian Accessways Local Planning Policy
- Community Consultation Council Policy
- Planning Consultation Local Planning Policy

File reference: 108874