

# agenda

## Briefing Session

A BRIEFING SESSION WILL BE HELD IN  
CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

**ON TUESDAY 8 MARCH 2016**

**COMMENCING AT 6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
4 March 2016

[joondalup.wa.gov.au](http://joondalup.wa.gov.au)

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Monday 7 March 2016**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### INTRODUCTION

The modern role of Council is to set policy and strategy, and provide goals and targets for the local government (the City). The employees, through the Chief Executive Officer, have the task of implementing the decisions of Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by Council
- seek points of clarification
- ask questions
- be given adequate time to research issues
- be given maximum time to debate matters before Council,

and ensures that the elected body is fully informed to make the best possible decisions for the City of Joondalup community.

### PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

### PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City:

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate among Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Briefing Session. When disclosing an interest the following is suggested:
  - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
  - (b) Elected Members disclosing a financial interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
  - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 11 Elected Members have the opportunity to request the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Briefing Session.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final
  - nominate an Elected Member and/or City employee to respond to the question  
or
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Briefing Session that is not relevant to a matter listed on the agenda  
or
  - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.

- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

**Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only).**

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

#### **DISCLAIMER**

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

## PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

- 1 Members of the public are invited to make statements at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing Session, that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Briefing Session may present a written statement rather than making the statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the notes of the Briefing Session.

## PROCEDURES FOR DEPUTATIONS

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer by 4.00pm on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to matters listed on the agenda of the Briefing Session.
- 4 Other requirements for deputations are to be in accordance with clause 5.10 of the *City of Joondalup Meeting Procedures Local Law 2013* in respect of deputations to a committee.

### **RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION**

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.

## TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
1	OPEN AND WELCOME		x
2	DECLARATIONS OF FINANCIAL INTEREST /INTEREST THAT MAY AFFECT IMPARTIALITY		x
3	DEPUTATIONS		x
4	PUBLIC QUESTION TIME		x
5	PUBLIC STATEMENT TIME		x
6	APOLOGIES AND LEAVE OF ABSENCE		xi
7	REPORTS		1
1	DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS – JANUARY 2016 - [07032]	All	1
2	PROPOSED EXCISION OF A PORTION OF RESERVE 38081 (72) KINGSLEY DRIVE, KINGSLEY – [07174, 34534]	South-East	6
3	PROPOSED AMENDMENT NO. 83 TO INCLUDE THE LAND USE ‘STORAGE’ IN DISTRICT PLANNING SCHEME NO. 2 – CONSIDERATION FOLLOWING ADVERTISING – [105118]	All	11
4	BURNS BEACH MASTERPLAN – [101571]	North	17
5	EXECUTION OF DOCUMENTS – [15876]	All	30
6	MINUTES OF EXTERNAL COMMITTEES – [03149]	All	33
7	STATUS OF PETITIONS – [05386]	All	37
8	LIST OF PAYMENTS DURING THE MONTH OF JANUARY 2016 – [09882]	All	40
9	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2016 – [07882]	All	43
10	TENDER 006/16 - CIVIL WORKS FOR OCEANSIDE PROMENADE, MULLALOO – [105643]	North Central	46

ITEM NO.	TITLE	WARD	PAGE NO.
11	CONSIDERATION TO PERMIT DOGS TO BE EXERCISED ON A LEASH AROUND THE PERIMETER OF MAWSON PARK, HILLARYS – [06098]	South-West	53
12	NAMING OF WARWICK OPEN SPACE HOCKEY – INFRASTRUCTURE PROJECT (WOSHIP) – [100981, 26520]	South	58
13	REQUEST FOR ADDITIONAL SUBSIDIES – FACILITY HIRE SUBSIDY POLICY – [101271]	All	62
	<b>REPORT – AUDIT COMMITTEE – 29 FEBRUARY 2016</b>		
14	2015 COMPLIANCE AUDIT RETURN – [09492, 32481]	All	<b>Error! Bookmark not defined.</b>
<b>8</b>	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>		<b>77</b>
<b>9</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		<b>77</b>
	NOTICE OF MOTION – CR SOPHIE DWYER – ADDITIONAL SUPPORT FOR MICRO-COMMUNITY GROUPS - [55469]		77
<b>10</b>	<b>REPORTS REQUESTED BY ELECTED MEMBERS</b>		<b>79</b>
<b>11</b>	<b>CLOSURE</b>		<b>79</b>

#### **LATE ITEMS / ADDITIONAL INFORMATION**

In the event that further documentation becomes available prior to this Briefing Session, the following hyperlink will become active:

[Additional Information080316.pdf](#)

## **CITY OF JOONDALUP – BRIEFING SESSION**

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 8 March 2016** commencing at **6.30 pm**.

### **ORDER OF BUSINESS**

#### **1 OPEN AND WELCOME**

#### **2 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

#### **3 DEPUTATIONS**

#### **4 PUBLIC QUESTION TIME**

#### **5 PUBLIC STATEMENT TIME**

The following statements were made at the Briefing Session held on 9 February 2016:

**Mr R Repke, Kallaroo:**

*Re: Item 25 – Ocean Reef Marina – Draft Bush Forever Negotiated Planning Outcome.*

Mr Repke congratulated the City on having the courage to drive this iconic project forward.

**Ms A Keppel, Edgewater:**

*Re: Item 10 – Minutes of the Annual General Meeting of Electors held on 15 December 2015.*

Ms Keppel requested that Council take measures to address the issue of control of stray cats in the community.

**Ms D Hodgson, Mullaloo:**

*Re: Item 25 – Ocean Reef Marina – Draft Bush Forever Negotiated Planning Outcome.*

Ms Hodgson stated she was a marine biology student and raised her concerns in relation to the difficulty of finding information on recent surveys undertaken with respect to bush forever sites which encompassed the flora and fauna living within those sites.

## **6 APOLOGIES AND LEAVE OF ABSENCE**

**Leave of Absence Previously Approved:**

Cr Christine Hamilton-Prime	14 March to 4 April 2016 inclusive;
Cr Philippa Taylor	15 March to 18 March 2016 inclusive;
Cr Mike Norman	19 April to 27 April 2016 inclusive.

## 7 REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2016

<b>WARD</b>	All		
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development		
<b>FILE NUMBER</b>	07032, 101515		
<b>ATTACHMENT</b>	Attachment 1	Monthly Development Determined – January 2016	Applications
	Attachment 2	Monthly Subdivision Processed – January 2016	Applications
<b>AUTHORITY / DISCRETION</b>	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 note the number and nature of applications considered under delegated authority during January 2016.

#### EXECUTIVE SUMMARY

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed every two years, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during January 2016 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during January 2016 (Attachment 2 refers).

#### BACKGROUND

Schedule 2 clause 82 (deemed provisions for local planning schemes) of the regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

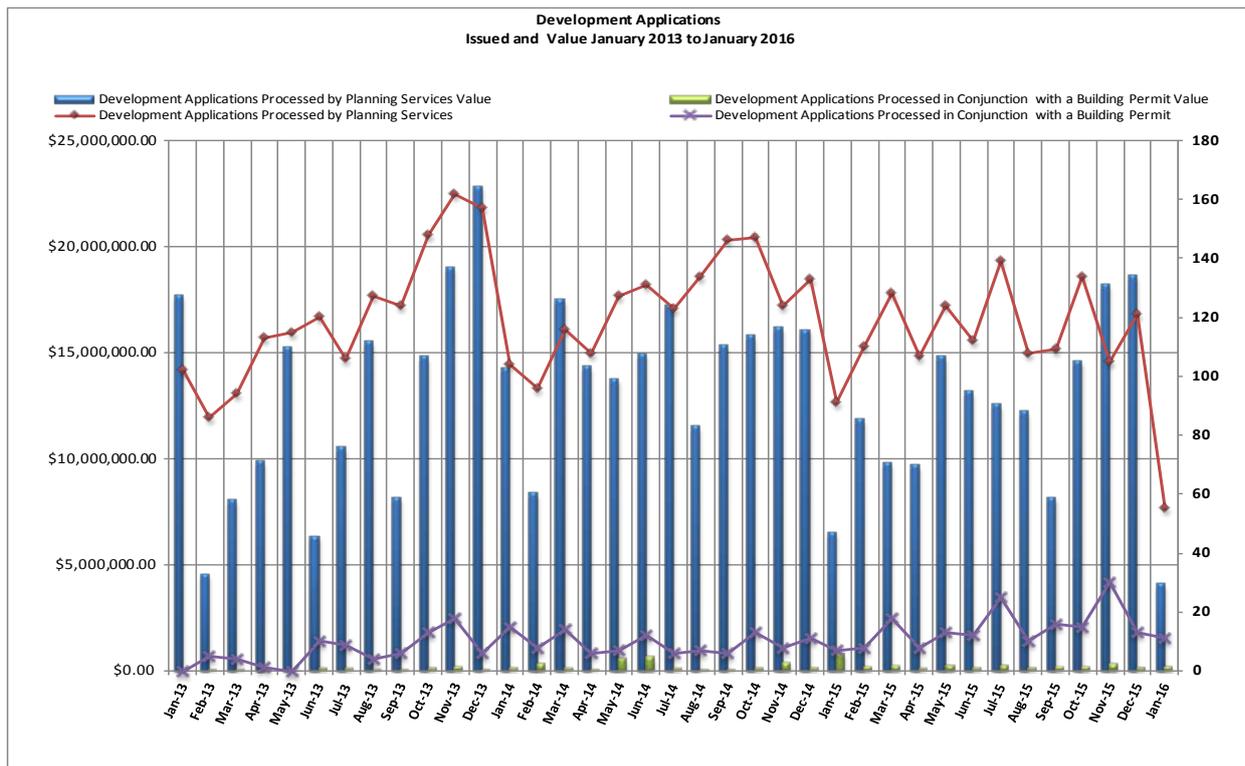
At its meeting held on 6 October 2015 (CJ167-10/15 refers) Council considered and adopted the most recent Town Planning Delegations, necessitated by the regulations taking effect from 19 October 2015.

**DETAILS**

The number of development applications determined under delegated authority during January 2016 is shown in the table below:

Development Applications determined under delegated authority – January 2016		
Type of Application	Number	Value (\$)
Development applications processed by Planning Services	55	\$ 4,073,093
Development applications processed by Building Services	11	\$169,099
<b>TOTAL</b>	<b>66</b>	<b>\$ 4,242,192</b>

The total number and value of development applications determined between January 2013 and January 2016 is illustrated in the graph below:



The number of development applications received during January was 108. (This figure does not include any development applications to be processed by building as part of the building permit approval process).

The number of development applications current at the end of January was 259. Of these, 63 were pending additional information from applicants and eight were being advertised for public comment.

In addition to the above, 192 building permits were issued during the month of January with an estimated construction value of \$31,741,898.

The number of subdivision and strata subdivision referrals processed under delegated authority during January 2016 is shown in the table below:

<b>Subdivision referrals processed under delegated authority for January 2016</b>		
<b>Type of referral</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	5	41
Strata subdivision applications	1	2

### **Issues and options considered**

Not applicable.

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

#### **Legislation**

*City of Joondalup District Planning Scheme No. 2. Planning and Development (Local Planning Schemes) Regulations 2015.*

#### **Strategic Community Plan**

#### **Key theme**

Quality Urban Environment.

#### **Objective**

Quality built outcomes.

#### **Strategic initiative**

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

#### **Policy**

Not applicable.

All decisions made under delegated authority have due regard to any of the City's policies that apply to the particular development.

Schedule 2 clause 82 of the regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Schedule 2 clause 82 of the regulations.

All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

**Risk management considerations**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

**Financial / budget implications**

A total of 66 development applications were determined for the month January with a total amount of \$21,893 received as application fees.

All figures quoted in this Report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or DPS2 and the regulations.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to town planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported on and cross checked in accordance with relevant standards and codes.

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 development applications described in Attachment 1 to this Report during January 2016;**
- 2 subdivision applications described in Attachment 2 to this Report during January 2016.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf080316.pdf](#)*



## BACKGROUND

<b>Suburb/Location</b>	Kingsley Park – Reserve 38081 (72) Kingsley Drive, Kingsley.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land with a Management Order to the City of Joondalup.
<b>Zoning</b>	<b>DPS</b> Local Reserve – Parks and Recreation.
	<b>MRS</b> Urban.
<b>Site area</b>	58,150m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Reserve 38081 is a crown reserve created under Section 20A of the former *Town Planning and Development Act 1928* as a reserve for 'Public Recreation'. The reserve is approximately 5.8 hectares in area and supports active sporting fields, passive park areas, tennis courts, car parking area and clubroom facilities.

At its meeting held on 29 April 2003 (CJ101-04/03 refers), Council approved the excision of a 953m<sup>2</sup> portion of Reserve 38081 to accommodate the Kingsley Memorial Clubrooms (now Reserve 47094). On 28 May 2003, a management order was issued to the City with power to lease for the purposes of club and club premises. It is noted for Reserve 47094 that the clubrooms are not currently subject to a lease agreement, however, the ability exists for this to occur in the future, if required.

At its meeting held on 15 December 2015 (CJ217-12/15 refers), Council approved refurbishment works at the Kingsley Memorial Clubrooms (Attachment 2 refers).

## DETAILS

In order to facilitate extensions to the existing clubroom, an additional 900m<sup>2</sup> of land is proposed to be excised from existing Reserve 38081 (Attachment 3 refers).

### Issues and options considered

The options available to Council are:

- support the land excision, and forward the proposal to the Department of Lands  
or
- not support the land excision.

### Legislation / Strategic Community Plan / policy implications

**Legislation** *Land Administration Act 1997.*

#### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Policy** Not applicable.

Land Administration Act 1997

The Department of Lands through its publication ‘*Crown Land Administrative and Registration Practice Manual*’ sets out the necessary procedures in respect to the land excision process for reserves created under Section 152 of the *Planning and Development Act 2005* (this includes reserves formerly created under Section 20A of the *Town Planning and Development Act 1928*).

As part of the process, any excision of a Section 152 Reserve is required to be referred to the Western Australian Planning Commission (WAPC) for comment. The proposal is also referred to service authorities to determine whether there is any service infrastructure that may be affected by the proposal.

Once approval is obtained from the WAPC and service authorities have provided comment, the proposal is advertised for public comment. While an exact consultation timeframe is not set in the *Land Administration Act 1997*, previous practice in respect to these proposals is to consult for a period of 30 days.

Upon closure of the advertising period, Council is required to consider submissions received and determine whether or not to support the land excision. Council’s decision is then forwarded to Department of Lands for further action.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City has incurred costs of \$1,167 (including GST) as a result of advertising the proposal. Should the Department of Lands progress the proposal, the City will incur future costs associated with the required survey of the excised area by a licensed land surveyor, which is estimated to be \$4,000 to \$5,000. Adequate funds exist in the Refurbishment of Kingsley Memorial Clubrooms project budget to cover the costs of both the advertising and land survey.

Current financial year impact

<b>Account no.</b>	W2820
<b>Budget Item</b>	BCW2524 Refurbishment of Kingsley Memorial Clubrooms.
<b>Budget amount</b>	\$650,000
<b>Amount spent to date</b>	\$547,770 including commitments.
<b>Proposed cost</b>	\$ 5,000
<b>Balance</b>	\$ 97,230

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The proposed land excision was advertised for public comment for a period of 30 days closing on 29 September 2015, by way of:

- a notice placed in the Joondalup Community newspaper
- a sign on the site
- a notice placed on the City's website.

No submissions were received.

Advice was also sought from the following relevant authorities and service providers:

- ATCO Gas.
- WAPC.
- Western Power.
- Water Corporation.

The WAPC has no objection to the proposed excision. The Water Corporation advised that any future development on the site will require approval from their Building Services. ATCO Gas and Western Power had no specific comments to provide relating to the proposed land excision.

**COMMENT**

The area of the additions to the existing clubrooms is proposed to be excised from Reserve 38081 and amalgamated into Reserve 47094. Reserve 47094 has a management order which grants the City power to lease over the site which, after the excision process has been finalised, can be amended to include the Kingsley Memorial Clubroom additions. It is noted that currently there is no lease agreement between the City and any party regarding the clubrooms.

The area proposed to be excised includes the proposed additions to the existing clubrooms as well as previous additions.

The proposal is not considered to have any adverse impact upon public access to the reserve and it is therefore recommended that Council supports the land excision.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1 SUPPORTS the proposed excision of portion of Reserve 38081 and amalgamation into Reserve 47094 Kingsley Drive, Kingsley, in accordance with Attachment 3 to this Report;**
- 2 REQUESTS the Department of Lands to:**
  - 2.1 proceed with the excision of portion of Reserve 38081 in accordance with Attachment 3 to this Report and its amalgamation into Reserve 47094 Kingsley Drive, Kingsley;**
  - 2.2 in the event that the excision process is finalised, provide the City of Joondalup a management order with power to lease over of the excised land area.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf080316.pdf](#)

### **ITEM 3                    PROPOSED AMENDMENT NO. 83 TO INCLUDE THE LAND USE ‘STORAGE’ IN DISTRICT PLANNING SCHEME NO. 2 – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	105118, 101515
<b>ATTACHMENTS</b>	Attachment 1    Original Advertising Notice Attachment 2    Modified Advertising Notice
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

#### **PURPOSE**

For Council to consider Scheme Amendment No. 83 to *District Planning Scheme No. 2* (DPS2), following public advertising.

#### **EXECUTIVE SUMMARY**

The intended purpose of proposed Scheme Amendment No. 83 was to include the land use ‘storage’ in DPS2 and remove ‘salvage yard’ and ‘storage yard’ from DPS2. This proposal aligned with the then draft *Planning and Development (Local Planning Schemes) Regulations 2014*.

However, the final version of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), which commenced operation on 19 October 2015, has modified the land use and definition of ‘storage’ to ‘warehouse/storage’.

As Scheme Amendment No. 83 no longer aligns with the LPS Regulations, it is recommended that the scheme amendment be modified to accord with the gazetted version of the LPS Regulations. It is therefore proposed to modify the amendment by replacing the land use and definition of ‘storage’, with the land use and definition of ‘warehouse/storage’.

The land use permissibility of ‘warehouse/storage’ is slightly different to that previously proposed for the land use ‘storage’. ‘Storage’ was proposed to be a ‘D’ (discretionary) use in the ‘Service Industrial’ zones and an ‘X’ (not permitted) use in all other zones. However, in order to align with the existing permissibility of ‘warehouse’ in DPS2, ‘warehouse/storage’ is proposed to be a ‘D’ (discretionary) use in the ‘Business’ zone, a ‘P’ (permitted) use in the ‘Service Industrial’ zone and an ‘X’ use in all other zones. It is not considered that this change will have an impact on the ‘Business’ or ‘Service Industrial’ zones given the storage land use is considered appropriate in the ‘Service Industrial’ zone, and control is still maintained, allowing a storage use to be refused on land use grounds in the ‘Business’ zone.

The amendment was advertised for a period of 42 days closing on 21 January 2016. No submissions were received.

It is therefore recommended that proposed Scheme Amendment No. 83 be supported subject to modification.

## BACKGROUND

At its meeting held on 23 June 2015 (C31-06/15 refers), Council resolved as follows:

*“That Council REQUESTS the Chief Executive Officer prepare a report on the initiation of an amendment to District Planning Scheme No. 2 to include the use class ‘storage’ to replace the uses classes ‘storage yard’ and ‘salvage yard’.”*

DPS2 controls how land may be developed and utilised within the City of Joondalup. Land use classes that may be considered within the City of Joondalup are listed in the Zoning Table (Table 1) of DPS2 and defined in Schedule 1. Table 1 also details the permissibility of land use classes within each zone set out in DPS2.

DPS2 does not include a land use which has a broad definition related to storage. Currently, the two storage related land uses in DPS2 are ‘storage yard’, which relates to the storage of materials related to a particular trade, and ‘salvage yard’ which relates to the storage and sale of salvaged materials. As a result of the specific restrictions contained within each definition, the City is unable to readily use DPS2 to undertake compliance action against inappropriate general storage activities. This is particularly problematic where land owners in a residential area have excessive storage on their property that is not associated with a trade.

Scheme Amendment No. 83 to DPS2 proposed to include the definition of ‘storage’ in DPS2 as provided in the draft *Planning and Development (Local Planning Schemes) Regulations 2014* and remove the use classes ‘salvage yard’ and ‘storage yard’ (Attachment 1 refers).

At its meeting held on 17 August 2015 (CJ131-08/15 refers), Council resolved that it:

*“Pursuant to Part 5 of the Planning and Development Act 2005 and Regulations 13 and 25 of the Town Planning Regulations 1967, PROCEEDS with Amendment No. 83 to the City of Joondalup District Planning Scheme No. 2 as follows:*

- 1 *Deleting the use class ‘Storage yard’ and ‘Salvage yard’ from Table 1;*
- 2 *Inserting the use class ‘Storage’ before the use class ‘Take Away Food Outlet’ in Table 1 as a ‘D’ use in the ‘Service Industrial’ zone and a ‘X’ use in all other zones;*
- 3 *Deleting the definitions of ‘salvage yard’ and ‘storage yard’ in Schedule 1;*
- 4 *Inserting the definition ‘storage’ before the definition of ‘Street alignment’ in Schedule 1 as follows:*
  - 4.1 *‘storage: means premises used for the storage of goods, equipment, plant or materials.’;*

*for the purposes of public advertising for a period of 42 days.”*

## DETAILS

Scheme Amendment No. 83 proposed to incorporate the land use 'storage' into DPS2, in accordance with the model provisions for local planning schemes in the then draft *Planning and Development (Local Planning Schemes) Regulations 2014*.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) were gazetted on 25 August 2015 and came into operation on 19 October 2015. The definition of 'storage' in the gazetted version of the LPS Regulations is different to the definition in the draft version of the LPS Regulations. The definition has been combined with the land use 'warehouse' and is now as follows:

**warehouse/storage** means premises including indoor or outdoor facilities used for:

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

Due to the change to the definition, Scheme Amendment No. 83 no longer aligns with the model provisions of the LPS Regulations. New local planning schemes and amendments to existing schemes should accord with the model provisions of the LPS Regulations. It is therefore proposed to modify Scheme Amendment No. 83 to align with the gazetted LPS Regulations by replacing the land use and definition of 'storage', with the land use and definition of 'warehouse/storage' (Attachment 2 refers).

The following table outlines the proposed modifications to Scheme Amendment No. 83 to align with the LPS Regulations. It is proposed to retain the permissibility currently applied to the land use 'warehouse' and apply this to the land use of 'warehouse/storage'. This would have the effect of storage becoming a 'D' (discretionary) use in the 'Business' zone, and a 'P' (permitted) use in the 'Service Industrial' zone.

ZONES	RESIDENTIAL	MIXED USE	BUSINESS	COMMERCIAL	CIVIC & CULTURAL	SERVICE INDUSTRIAL	PRIVATE CLUBS/RECREATION	SPECIAL RESIDENTIAL	RURAL
USE CLASSES									
Salvage Yard (DPS2)	X	X	X	X	X	D	X	X	X
Storage Yard (DPS2)	X	X	X	X	X	D	X	X	X
Warehouse (DPS2)	X	X	D	X	X	P	X	X	X
Storage (original Amendment No. 83)	X	X	X	X	X	D	X	X	X
Warehouse/Storage (modified Amendment No. 83)	X	X	D	X	X	P	X	X	X

## Issues and options considered

The options available to Council in considering the scheme amendment are:

- to support the amendment to the local planning scheme without modification
- to support the amendment to the local planning scheme with modifications  
or
- not to support the amendment to the local planning scheme.

## Legislation / Strategic Community Plan / policy implications

**Legislation** *Planning and Development Act 2005.  
Planning and Development (Local Planning Schemes)  
Regulations 2015.*

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

*Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015*

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a local government to amend a local planning scheme and sets out the process to be followed.

At its meeting held on 17 August 2015 (CJ131-08/15 refers), Council resolved to initiate the scheme amendment for the purposes of public advertising. The proposed amendment was then referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that Amendment No. 83 should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

Upon closure of the advertising period, Council is required to consider all submissions received and to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC), which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Since the initiation of the scheme amendment the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) have come into effect replacing the *Town Planning Regulations 1967*. Under the LPS Regulations the amendment would have been considered a basic amendment as it is consistent with the model provisions of the LPS Regulations. However, as the Council had already resolved to advertise the amendment, the advertising was undertaken in accordance with the Council resolution.

### **Risk management considerations**

Not applicable.

### **Financial / budget implications**

The City, as the proponent is required to cover the costs associated with the scheme amendment process. The costs incurred are for the advertising of the scheme amendment which consisted of placing a notice in the local newspaper. The total cost of advertising was \$440. A notice will also be placed in the *Government Gazette* and the local newspaper in the event that the scheme amendment is approved. Adequate funds exist in the budget to cover the costs of both the advertising and notice.

#### Current financial year impact

<b>Account no.</b>	3277
<b>Budget Item</b>	Advertising – Public/Statutory
<b>Budget amount</b>	\$10,000
<b>Amount spent to date</b>	\$ 7,163
<b>Proposed cost</b>	\$ 400
<b>Balance</b>	\$ 2,437

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 21 January 2016, by way of:

- a notice placed in the *Joondalup Weekender* newspaper
- a notice placed on the City's website.

At the close of the advertising period, no submissions had been received.

### **COMMENT**

The scheme amendment is proposed to be modified (Attachment 2 refers) to align with the model provisions of the gazetted version of the LPS Regulations. This is considered appropriate as amendments to existing schemes are required to accord with the LPS Regulations, where those matters are covered by the LPS Regulations.

The proposed change to the use class permissibility, necessary to align with the existing permissibility of 'warehouse', is considered to be appropriate as although the land use 'storage' is now able to be contemplated in the 'Business' zone, control is still maintained as it is designated a 'D' (discretionary) land use. This allows for storage in the 'Business' zone to be refused on land use grounds. In addition, the change to a 'P' land use in the 'Service Industrial' zone is considered appropriate as the storage land use is considered appropriate in that zone.

There is the option to retain the scheme amendment as originally proposed, with separate definitions for 'warehouse' and 'storage'. However, any proposals to alter or vary the model provisions must be fully justified to the WAPC and Minister for Planning.

No issues have been identified in aligning the proposed scheme amendment with the LPS Regulations. It is therefore recommended that proposed Scheme Amendment No. 83 be supported subject to modifications to align with the model provisions of the LPS Regulations.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 Pursuant to Section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 83, as contained in Attachment 1 to this Report, with the following modifications:
  - 1.1 Deleting point two and replacing with the following:

*“Modify the use class ‘Warehouse’ in Table 1 by inserting ‘/Storage’ after ‘Warehouse’.”;*
  - 1.2 Deleting point four and replacing with the following:

*“Replace the definition of ‘warehouse’ in Schedule 1 with:*

*‘warehouse/storage: means premises including indoor or outdoor facilities used for:*

    - (a) the storage of goods, equipment, plant or materials; or*
    - (b) the display or sale by wholesale of goods.’”;*
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Amendment No. 83 to the *City of Joondalup District Planning Scheme No. 2*;
- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Amendment No. 83 and Council's decision to the Western Australian Planning Commission for consideration.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf080316.pdf](#)

## ITEM 4                      BURNS BEACH MASTERPLAN

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	101571, 101515
<b>ATTACHMENTS</b>	Attachment 1     Draft Burns Beach Masterplan Attachment 2     Indicative Coastal Node concept designs
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### PURPOSE

For Council to consider options and determine the most appropriate course of action in relation to progressing the *Burns Beach Masterplan* project.

### EXECUTIVE SUMMARY

At its meeting held on 28 August 2007 (C54-08/07 refers), Council requested a report on:

*“The Master Plan Project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, cafe facility, parking, groyne refurbishment, enhancement of Burns Beach foreshore park, a safe swimming beach and a snorkelling trail.”*

The draft *Burns Beach Masterplan* and associated indicative concept design for the possible future upgrade and development of the coastal node in Burns Beach were consequently presented to the Council at its meeting held on 23 June 2015 (CJ087-06/15 refers).

As a result of concerns expressed at the meeting by certain members of the public, Council resolved:

*“ ... that report CJ087-06/15 Draft Burns Beach Masterplan and Indicative Coastal Node Concept Design BE REFERRED BACK to the Chief Executive Officer to allow for additional work to be undertaken on the design and in particular the relocation of the 110 bay car park marked F as shown on the concept design.”*

Further work has now been undertaken to produce additional design ideas for the possible future development of the Burns Beach Coastal Node. The draft *Burns Beach Masterplan* is at Attachment 1 and all indicative concept designs considered so far are at Attachment 2.

There is no current provision for funding of detailed design or implementation of any of the indicative concept designs in the City's *20 Year Strategic Financial Plan* or the City's *Five Year Capital Works Budget*.

## BACKGROUND

Burns Beach comprises approximately 290 hectares of land, of which 147.5 hectares is zoned 'Urban' and the remaining 144 hectares is reserved as "Parks and Recreation" under the Metropolitan Region Planning Scheme (MRS).

There are a number of documents which relate to and assist in the management of the Burns Beach area as follows:

- The *Burns Beach Structure Plan* (2004): This structure plan articulates the intentions and objectives; and the nature and extent of the urban development for the Burns Beach Estate.
- The *Burns Beach Foreshore Management Plan* (2006) and the *Beach Management Plan*: The *Burns Beach Foreshore Management Plan* and the *Beach Management Plan* documents ensure the appropriate management and preservation of these areas, while promoting integrated and sustainable community use with the conservation of the coastline and associated natural features.
- The *Tamala Park Conservation Park Draft Establishment Plan* (2011): The proposed *Tamala Park Conservation Park Draft Establishment Plan* articulates a proposal for integrating sustainable community use with sustainable heritage and environmental conservation.

At its meeting held on 28 August 2007 (C54-08/07 refers), Council requested a report on:

*"The Master Plan Project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, cafe facility, parking, groyne refurbishment, enhancement of Burns Beach foreshore park, a safe swimming beach and a snorkelling trail."*

As a precursor to the preparation of the masterplan, at its meeting held on 17 April 2012 (CJ046-04/12 refers), Council endorsed a project vision and philosophy for the project as follows:

*"Philosophy/Project Vision*

*Through the development and implementation of the Burns Beach Master Plan:*

- *Create a high amenity, coastal destination with sustainably managed community facilities and small scale commercial activities for residents and visitors;*
- *Guide the future development of Burns Beach in an integrated, sustainable and holistic manner;*
- *Complement and cooperate with the Burns Beach Foreshore Plan and Beach Management Plan;*
- *Provide and/or enhance recreational, leisure, service, commercial and retail facilities within identified activity nodes; and*
- *Promote the community use of natural areas whilst promoting the enhancement, preservation and conservation of valuable natural resources."*

Preparation of the draft masterplan has involved the following key tasks:

- Site inspections, literature review and review of demographics and trends.
- First phase consultation with key stakeholders to obtain an understanding of current issues and community and stakeholder needs and expectations.
- Identification of issues emerging from the preceding tasks, for input into the draft master plan.
- Development of a draft masterplan, which sets out the issues raised by stakeholders, contains a number of recommendations for the possible future enhancement and upgrade of the existing Burns Beach Coastal Node and other actions for the City to pursue in conjunction with State Government agencies and the developer of the Burns Beach Estate.
- On-site workshop and numerous meetings with Elected Members to refine the draft masterplan and indicative concept designs.

The resultant draft masterplan and a preferred indicative concept design for the possible future upgrade and development of the coastal node in Burns Beach were presented to Council at its meeting held on 23 June 2015 (CJ087-06/15 refers).

At the meeting, a number of residents expressed concern about the preferred concept design, specifically the perceived impact the proposed car park on the north-eastern edge of the park may have on nearby residents. As a result of concerns expressed, Council resolved:

*“ ... that report CJ087-06/15 Draft Burns Beach Masterplan and Indicative Coastal Node Concept Design BE REFERRED BACK to the Chief Executive Officer to allow for additional work to be undertaken on the design and in particular the relocation of the 110 bay car park marked F as shown on the concept design.”*

## **DETAILS**

Through the literature review and initial stakeholder consultation process, a number of issues emerged. The issues were grouped into the following broad themes:

- Access and connectivity.
- Public open space and associated facilities.
- Upgrade to and provision of community facilities.
- Development of commercial facilities.
- Traffic and transport.
- Parking.
- Tamala Conservation Park.
- Other environmental issues.
- Swimming and surfing.

The draft masterplan document outlines the key issues that have emerged and recommends a suite of future actions intended to address the issues raised. Unfortunately, not all the concerns or issues raised by stakeholders are able to be resolved via this masterplan or by the City in isolation. In the case of these issues, the City would need to negotiate and play an influencing or advocacy role (as appropriate) with the developer of the Burns Beach Estate and with relevant State Government agencies in an attempt to see these issues addressed.

The first key recommendation of the draft masterplan is to release an indicative coastal node concept design, together with the draft masterplan for public consultation, noting that:

- 1 implementation of the indicative coastal node concept design is not a project that has yet been formally endorsed by Council
- 2 there is currently no funding available for implementation of the indicative coastal node concept design in the City of Joondalup's *20 Year Strategic Financial Plan* or the City's *Five Year Capital Works Budget*
- 3 in future, if and when funding becomes available for implementation of the indicative coastal node concept design, the project would need to be delivered in a number of stages and over multiple financial years.

Initially, two concept design options were developed for the coastal node. As a result of Elected Member input, an additional two concept designs were developed.

The previous report to Council included a recommendation for Concept Design Option 4 to be included in the draft masterplan for advertising purposes. A number of community members outlined concerns about this concept design, which largely centred around location of a parking area on the north-eastern edge of the existing park and in close proximity to existing residences.

As a result of this concern Council requested that additional work be undertaken on the design and in particular the relocation of the 110 bay car park marked F as shown on the concept design.

The resultant work undertaken produced a further three concept design options, bringing the total number of options explored to seven. All seven options, as well as explanatory text highlighting the benefits and challenges of each option are at Attachment 2.

### **Issues and options considered**

- 1 *Include an indicative coastal node concept design into the draft Burns Beach Masterplan*

Inclusion of a concept design for the future development of the Burns Beach Coastal Node in the adopted *Burns Beach Masterplan* could create expectations in the community that the upgrades shown in the concept design would be implemented by the City in the near future.

Given there is currently no funding available for implementation of any indicative coastal node concept design in the City of Joondalup's *20 Year Strategic Financial Plan* or the City's *Five Year Capital Works Budget*, the community's expectations in this regard would need to be carefully managed.

Therefore, if Council decides to endorse the draft masterplan and an indicative coastal node concept design for advertising, it should be made clear to the community that:

- there is no current provision for funding of the project in the *20 Year Strategic Financial Plan* or the *Five Year Capital Works Budget*
- the concept (and therefore the costs) may change slightly as part of negotiations with a preferred proponent for the signature cafe/restaurant site
- costs may change with detailed design of the components and geotechnical studies
- some of the costs may be borne by the developer of the signature cafe/restaurant and by the existing cafe owner
- in future, if and when funding becomes available for implementation of the indicative Coastal Node concept design, the project would need to be delivered in a number of stages and over multiple financial years.

2 *Advertise the draft Burns Beach Masterplan without a coastal node concept design*

Council could decide not to include a concept design for the coastal node in the draft *Burns Beach Masterplan*. The first recommendation of the draft masterplan could then be altered to indicate that a concept design for the coastal node would be developed and separately consulted on at an appropriate point in the future.

The draft masterplan would then, at this stage, serve only to outline the other issues raised by stakeholders and related actions for the City to pursue in conjunction with State Government agencies and the developers of the Burns Beach and Iluka Estates. Although this may cause disappointment in the community in the short-term, it would send a clear signal that the City is not currently in the position financially to undertake significant upgrades of the Burns Beach Coastal Node.

In the event Council decides not to include a concept design for the coastal node in the draft *Burns Beach Masterplan*, Council could decide to immediately initiate a new EOI for the development of a cafe/restaurant at Burns Beach.

3 *Do not progress the Burns Beach Master Plan*

Strictly speaking, the draft *Burns Beach Master Plan* is not a masterplan. Instead it is a strategy, containing a number of recommendations for addressing certain issues and concerns in the Burns Beach area.

If Council does not wish to advertise a concept design for the Burns Beach Coastal Node, then it could be argued that a masterplan is no longer required given the actions captured as recommendations in the draft masterplan document could be dealt with via resolution of Council and do not necessarily form part of a strategic document or masterplan.

In addition, the issues/requests raised in the original request in August 2007 can either not be implemented or have been largely addressed as follows:

<i>Issue</i>	<i>Action taken to date</i>
Enhancement/provision of facilities within the foreshore catchment area	Approximately \$42,000 was spent on drainage upgrades in 2009-10 and 2010-11 and around \$310,000 was spent on upgrading and constructing new cycle/footpaths over three different financial years.
Establishment of a surf club	The potential for a surf club to be established within the area is constrained by the lack of access to a safe swimming beach. Essential to a surf club is the ability to host and compete in surf lifesaving competitions and inter-club sporting events. Such events require significant parking and related amenities to support patrons and visitors. The ability to accommodate such a development is difficult in this location and for this reason the establishment of a surf club within Burns Beach is not envisaged at this stage. Surf Lifesaving WA has confirmed a surf club will not be viable in this location.
Redevelopment of Jack Kikeros Hall	Some community groups may argue it is convenient and desirable to retain a community meeting space in the coastal node. However, with the development of the new community and sporting facility at Bramston Park, the community space at Jack Kikeros Hall is no longer needed and a new community space would be an unnecessary duplication of facilities.
Provision of a restaurant/cafe facility	The City has commenced an Expression of Interest (EOI) process for the development of a cafe/restaurant at Burns Beach. Although this project was put on hold in late 2014, pending the outcome of the masterplan process, the project is not contingent on having a master plan in place and could be resurrected at any time.
Parking	Approximately \$66,000 was spent on upgrades to parking in and around the coastal node in 2007-08.
Groyne refurbishment	Approximately \$210,000 was spent on refurbishing the Burns Beach groyne and access steps over three financial years.
Enhancement of Burns Beach foreshore park	Approximately \$154,000 has been spent on upgrading infrastructure in the existing foreshore park in different financial years since 2010-11.

<i>Issue</i>	<i>Action taken to date</i>
Safe swimming beach	<p>The beach immediately west of the <i>Burns Beach Structure Plan</i> area is not suitable for a swimming beach. Extensive limestone rocks and platforms line this beach and it is not suitable from an amenity or public safety point of view. If a swimming beach and associated parking and other facilities were to be developed at the northern most point of the Burns Beach Estate, there would be a concern about the potential impact of traffic moving through quiet residential streets seeking to access the swimming beach.</p> <p>Therefore, while this beach may hold some appeal to snorkelers and some swimmers, it is not promoted as a swimming beach and no vehicle access should be provided to any beaches to the north of Burns Beach from within the Burns Beach Estate.</p> <p>Part 2 of the <i>Burns Beach Structure Plan</i> and the <i>Foreshore Management Plan</i> identifies a stretch of beach further north as being a more appropriate swimming beach, however this area is limited in respect to access as there is no road, parking or other facilities in this location. Development of the adjacent reserve in this location is further constrained by the 'Bush Forever' classification which does not generally support clearing of vegetation. The identification and enhancement of a general swimming beach is difficult to undertake within this particular area.</p>
Snorkelling trail	<p>Although snorkelling in the area occurs on an informal basis, no formal snorkelling trail has been identified or implemented. Development of a snorkelling trail could be investigated in the future but there is no need for a master plan for the area as a precursor to this.</p>

In the event Council decides no longer to pursue the master plan as outlined in this option, Council could decide to immediately initiate a new EOI for the development of a cafe/restaurant at Burns Beach.

## Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	Nil.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Buildings and landscaping are suitable for the immediate environment and reflect community values.

## Risk management considerations

If the masterplan is adopted, this could create expectations in the community that all recommendations, concept designs and associated outcomes would be implemented by the City or otherwise achieved in the near future. The community's expectations will need to be carefully managed in this regard.

If a decision is made not to progress the masterplan, the community may be concerned given they have been waiting for the outcome of this project for some time. This could be ameliorated by capturing the majority of recommendations of the draft masterplan in a Council resolution. This would indicate the City's commitment to work towards and assisting to resolve the concerns and issues identified by the community and stakeholders.

## Financial / budget implications

The financial implications of implementing all recommendations are not known at this stage. All developments or improvements planned and/or implemented after the adoption of the masterplan, including those instigated by the City, require independent financial feasibility studies, cash flow projections and/or the establishment of commercial venture models.

A preliminary estimate of the probable cost of implementing a coastal node concept design is in the region of between \$4.5 million and \$5.5 million. In light of this, it is likely that any future implementation of a coastal node concept design will need to be carefully budgeted for and may need to occur across a number of different stages and across multiple financial years.

It is important to note that there is no budget allocated within the *20 Year Strategic Financial Plan* or the *Five Year Capital Works Budget* for the implementation of a coastal node concept design.

It is reasonable to expect however, that the successful respondent to the City's Expression of Interest process for the development of a signature café/restaurant on the site of the existing Jack Kikeros hall, could contribute towards the cost of the parking adjoining the proposed café/restaurant and potentially some other upgrades and enhancements that would afford direct benefit to a future café/restaurant. This will form the subject of negotiations with the successful proponent.

## Regional significance

Given the size and level of interest in the Burns Beach Coastal Node, any sizeable future developments in this area will be of significant local and regional importance. The types of development envisaged in an indicative coastal node concept design would meet the needs of the local community and attract people living outside the region, including tourists.

## Sustainability implications

Any development undertaken in the future as a result of this masterplan will incorporate environmentally sensitive design principles. Any proposal that will potentially lead to damage or removal of remnant vegetation in the foreshore reserve will need to be considered carefully and may require a vegetation survey to be undertaken during the detailed design process and a clearing permit from the Department of Environment Regulation, to ensure the vegetation being removed is not of significance.

## Consultation

If Council decides to proceed with advertising of the draft masterplan, with or without inclusion of a coastal node concept design, consultation for this project will be conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

The development of the draft *Burns Beach Masterplan* has involved consultation with the key stakeholders and community groups in the Burns Beach area. Information sessions and workshops were held in late 2013 and early 2014 with the following key stakeholders:

- Jack Kikeros Hall user groups.
- Caravan park and cafe operators.
- Burns Beach Ratepayers, Residents and Community Recreation Association.
- Iluka Homeowners Association.
- Peet on behalf of Burns Beach Property Trust and Unit Holders Advisory Committee.
- Satterley Property Group.
- Surf Lifesaving Western Australia.
- Department of Planning.
- Department of Parks and Wildlife.
- Department of Education.

The issues raised in the initial stakeholder consultation are outlined in section 2.4 of the draft masterplan.

If endorsed for the purposes of advertising by Council, then the draft *Burns Beach Masterplan*, with or without inclusion of an indicative coastal node concept design, could be advertised for public comment for a period of 60 days, in the following manner:

- Letters to all owners and occupiers in the locality of Burns Beach.
- Letters to business operators and key community facility users in Burns Beach.
- Letters to relevant government agencies and the City of Wanneroo.
- A notice placed in the local newspaper.
- A notice on the City's website.
- Static display/TV display in the City's administration office and Customer Service Centres.

## COMMENT

### Indicative coastal node concept design(s)

Given the cost associated with implementation of any of the concept designs, if Council decides to proceed with implementation of any of the design options, the City would want to obtain maximum benefit from its investment for all residents and visitors to Burns Beach.

There are two issues to consider in this regard:

- the amount of car parking provided
- the location of car parking and its relationship with public open space and a future cafe/restaurant.

#### *Amount of car parking*

Development of a new cafe/restaurant would increase the demand for car parking and therefore construction of additional car parking is important. To this end, all options propose extra parking in a new parking area west of the existing caravan park, new on-street parking along Ocean Parade and additional parking to service the parkland and a new cafe/restaurant.

The amount of extra parking proposed varies from option to option and ranges between 83 and 138 additional bays. This does not include car parking bays that could possibly be integrated into a new cafe/restaurant building.

If Council decided not to pursue detailed design and implementation of a coastal node concept design at this stage, it could still separately pursue the development of car park 'J' to the west of the caravan park. Construction of this additional parking area is expected to cost in the region of around \$470,000.

#### *Location of car parking*

Optimising the amount, location and functionality of recreational open space areas is important. Leaving car parking in the existing location next to the future cafe/restaurant site and expanding this parking (Options 1, 2, 3, 5 and 7) would be of benefit to users of the cafe/restaurant and would minimise impact on the nine owners/occupiers of the dwellings adjoining the park.

However, it would compromise the ability to create a large and useable area of high quality open space on the foreshore as open space areas would be separated by roads and car parking.

Relocating the car parking from the existing location next to the future cafe/restaurant site to either the northern edge of the park (Option 4) or along Ocean Parade (Option 6) would result in a large, new foreshore open space area, dissected only by pedestrian paths and a low-speed service road to the cafe/restaurant.

Developing the car parking as per Option 4 would be of most benefit to a new cafe/restaurant as this parking would integrate well with a new facility, but this option may potentially compromise the amenity of existing residents of old Burns Beach.

Developing the car parking as per Option 6 is operationally less desirable for a new cafe/restaurant, but would minimise impact on residents.

Option 4 proposes 15 more parking bays than Option 6 does.

### Deciding whether or not to include an indicative coastal node concept design into the draft Burns Beach Masterplan

There is currently no funding available for implementation of any indicative coastal node concept design in the City of Joondalup's *20 Year Strategic Financial Plan* or the City's *Five Year Capital Works Budget*.

Therefore Council needs make one of the following decisions:

- 1 Include a preferred design option in the draft masterplan for advertising and to allocate funds in the short-term to proceed with detailed design and implementation of the concept.
- 2 Include a preferred design option in the draft masterplan for advertising, with no intention to implement the concept in the short-term and with the inclusion of all necessary disclaimers to manage community expectations.
- 3 Advertise the draft masterplan without inclusion of a concept design and indicate via an amended Recommendation 1 that development of a concept design for the coastal node will be developed and separately consulted on, if required and at an appropriate point in the future.
- 4 Do not proceed with the advertising of a draft masterplan, acknowledging that the recommendations of the draft masterplan are operational actions that can be guided and reinforced via a resolution of Council.

Option 3 above is the recommended course of action, for the following reasons:

- It will provide the community with an indication of how the City proposes to address the issues and concerns raised by key stakeholders during the information gathering stage of the master plan project.
- Through a consultation process, it will allow the broader community to verify or validate the concerns that have been raised by key stakeholders or to identify other issues, which may have been missed.
- It will prevent creating expectations in the community that the City will undertake significant and costly upgrades of the coastal node area in the short term.

### Implications on the EOI for a cafe/restaurant at Burns Beach

The City's EOI process for the development of a cafe/restaurant at Burns Beach was placed on hold in late 2014, pending the outcome of the masterplan process.

If Council proceeds with course of action 1 above, this should provide any future developer of the cafe/restaurant a relatively high degree of certainty about the physical context in which the cafe/restaurant will be located. For this to occur though, it should ideally mean the EOI process be delayed until advertising of the masterplan and preferred design option has concluded and Council has made a final decision on the matter.

If Council proceeds with course of action 2 above, this could create some uncertainty about timing and impact of future upgrades of the area, which could potentially impact on the success of the EOI process. However, it would mean the EOI could progress immediately as it would not be contingent on the outcome of advertising and final adoption of the masterplan.

If Council proceeds with course of action 3 above, this could create some uncertainty about potential future upgrades of the area, which could potentially impact on the success of the EOI process. Conversely, this course of action may also create comfort for a proponent that they could be involved in future planning of the coastal node. It would also mean the EOI could progress immediately as it would not be contingent on the outcome of advertising and final adoption of the masterplan.

If Council proceeds with course of action 4 above, this should provide any future developer of the cafe/restaurant a relatively high degree of certainty about the physical context in which the cafe/restaurant will be located. It would also mean the EOI could progress immediately.

## **CONCLUSION**

Given there is currently no funding available for implementation of any indicative coastal node concept design, it is considered that the most appropriate course of action for Council to take at this time is to make a decision to:

- advertise the draft masterplan without inclusion of a concept design
- indicate via an amended Recommendation 1 that development of a concept design for the coastal node will be developed and separately consulted on, if required and at an appropriate point in the future.

This course of action will provide the community with an indication of how the City proposes to address the issues/concerns raised by key stakeholders in the area and, through the consultation process, will allow the broader community to verify or validate the concerns that have been raised or to identify other issues, which may have been missed.

It is also considered that if Council chooses to proceed with this course of action, there is no impediment to the City immediately resurrecting the EOI process for a development of a cafe/restaurant in the Burns Beach Coastal Node.

If Council is concerned that there may not be adequate parking in the area without endorsement or implementation of any of the concept designs for the coastal node, Council could consider inclusion of funds into the City's *Five Year Capital Works Budget* for the development of car park 'J' to the west of the existing caravan park.

## **VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **AGREES** not to include an indicative concept design for possible future development of the Burns Beach Coastal Node into the draft *Burns Beach Masterplan* for advertising purposes;
- 2 **NOTES** that Recommendation 1 of the draft *Burns Beach Masterplan* has been amended to read as follows:  
  
*“RECOMMENDATION 1*  
  
*a) It is recommended that, if required, a concept design showing potential future upgrades of and development in the Burns Beach Coastal Node be developed and separately consulted on at an appropriate point in the future.*  
  
*b) It is recommended that any such future concept design considers and investigates opportunities to, inter alia:*
  - *Optimise the amount and functionality of recreational open space;*
  - *Provide additional car parking and landscaping to soften any parking areas;*
  - *Enhance efficient and safe pedestrian access to and through the coastal node.”;*
- 3 **ENDORSES** the draft *Burns Beach Masterplan* for the purposes of advertising for a period of 60 days;
- 4 **NOTES** that not all the concerns or issues raised by stakeholders will be able to be resolved via the masterplan or by the City in isolation. In the case of these issues, the City will negotiate and place an influencing or advocacy role (as appropriate) with the developers of the Burns Beach and Iluka Estates and with relevant State Government agencies in an attempt to see these issues addressed;
- 5 **NOTES** that a further report on consultation outcomes will be presented to Council on conclusion of the advertising period;
- 6 **NOTES** that a new Expression of Interest process for the development of a cafe/restaurant in the Burns Beach Coastal Node will be initiated;
- 7 **REQUESTS** the Chief Executive Officer to list for future consideration by Council an amount of \$470,000 into a future year of the City’s *Five Year Capital Works Program* for construction of a new car park to the west of the existing caravan park in the Burns Beach Coastal Node.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf080316.pdf](#)

## ITEM 5 EXECUTION OF DOCUMENTS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENTS</b>	Attachment 1 Documents executed by affixing the Common Seal for the period 2 to 17 February 2016.
<b>AUTHORITY / DISCRETION</b>	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 note the documents executed by means of affixing the Common Seal for the period 2 to 17 February 2016 (Attachment 1 refers).

### EXECUTIVE SUMMARY

The City enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the City is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to Council for information on a regular basis.

*It is therefore recommended that Council NOTES the Schedule of Documents for the period 2 to 17 February 2016 executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.*

### BACKGROUND

During the period 2 to 17 February 2016, four documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Deed of Surrender of Easement.	1
Section 70A Notification.	1
Contract to Lease.	1
Agreement to Lease	1

**Issues and options considered**

Not applicable.

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

**Legislation** *Local Government Act 1995.*

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to Council for information (Attachment 1 refers).

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents for the period 2 to 17 February 2016, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf080316.pdf](#)*

**ITEM 6                      MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENTS</b>	Attachment 1    Minutes of Mindarie Regional Council meeting held on 18 February 2016.  <i>(Please Note: These minutes are only available electronically).</i>
<b>AUTHORITY / DISCRETION</b>	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 note the minutes of various bodies on which the City has current representation.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of Mindarie Regional Council meeting held on 18 February 2016.

**DETAILS**

The following information details those matters that were discussed at these external meetings and may be of interest to the City of Joondalup.

**Mindarie Regional Council meeting – 18 February 2016.**

A meeting of the Mindarie Regional Council was held on 18 February 2016.

At the time of this meeting Cr Russ Fishwick JP and Cr Mike Norman were Council's representatives on the Mindarie Regional Council.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Mindarie Regional Council meeting:

9.3 Mid Year Budget Review – 2015-16

It was resolved by the Mindarie Regional Council as follows:

*“That Council:*

*Approve by Absolute Majority the forecast surplus position estimated to be \$1,488,307 at 30 June 2016, which includes the following:*

- *A net decrease in members’ user charges of \$312,905;*
- *A net decrease in non-members’ user charges of approximately \$2,155,804;*
- *A net increase in total other charges of \$518,790;*
- *A net decrease in expenditures of \$1,304,742;*
- *A net increase in the loss on sale of assets of \$49,173;*
- *A net decrease in capital expenditures of \$34,341, with the reallocations as noted in the officer’s report.*

9.4 Adoption of 2015 Annual compliance Return

It was resolved by the Mindarie Regional Council as follows:

*“That Council:*

- 1 *In accordance with the provisions of Regulation 14(3) of the Local Government (Audit) Regulations 1996 and in line with the recommendation from the Audit Committee, the Local Government Compliance Audit Return in the form approved by the Minister for the period 1 January to 31 December 2015 as contained within the Appendices be adopted;*
- 2 *The Chairperson and the Chief Executive Officer be authorised to complete the Joint Certification contained in the adopted Return detailed in (1) above;*
- 3 *The adopted Return detailed in (1) above be submitted to the Director General, Department of Local Government and Communities prior to 31 March 2016.*

9.5 Tender Variation (Tender No: 13/128) – Side Slope Surface Preparation and Installation of Geo-synthetic Liner

It was resolved by the Mindarie Regional Council as follows:

*“That Council:*

- 1 *Approve an increase of \$49,969 in the contingency sum set aside for the installation of the Geo-Synthetic Linder System to Stage 2 Phase 3 of the Tamala Park Landfill (Tender No.13/128) to cover the variations to the contracted approved by the Superintendent;*
- 2 *Approve a transfer of \$49,969 from the Monitoring Program (Leachate Treatment) as detailed in the 2015-16 Budget to fund the increase in the contingency sum.*

*(Absolute Majority Required)*

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

**Strategic initiative** Seek out City representation on key external and strategic bodies.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the minutes of the Mindarie Regional Council meeting held on 18 February 2016 forming Attachment 1 to this Report.**

*To access this attachment on electronic document, click here:*  
[EXTERNAL MINUTES080316.pdf](#)

## ITEM 7 STATUS OF PETITIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENT</b>	Attachment 1 Status of Petitions – 15 September 2015 to 16 February 2016
<b>AUTHORITY / DISCRETION</b>	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 note the status of outstanding petitions.

### BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

### DETAILS

#### Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 15 September 2015 to 16 February 2016, with a comment on the status of each petition.

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

**Legislation** *City of Joondalup Meeting Procedures Local Law 2013.*

#### Strategic Community Plan

**Key Themes** Governance and Leadership.

**Objective** Active democracy.

- Strategic Initiatives**
- Fully integrate community consultation practices into City activities.
  - Optimise opportunities for the community to access and participate in decision-making processes.
  - Adapt to community preferences for engagement formats.

**Policy Implications**

Each petition may impact on the individual policy position of the City.

**Risk Management Considerations**

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction of the community.

**Financial/Budget Implications**

Individual requests made by the way of petitions may have financial implications.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 15 September 2015 to 16 February 2016, forming Attachment 1 to this Report;
- 2 in relation to the petition that Council engage with, and where appropriate, initiate proceedings against the owners of the Ocean Reef Shopping Centre to address the state of its disrepair:
  - 2.1 the City has met with the owner's representatives during November advising them of the petition and requesting action be taken to address the concerns of the petition;
  - 2.2 the City will continue to liaise with the owner regarding the site;
  - 2.3 the City will continue to keep the lead petitioner informed of progress;
- 3 that a report in relation to the petition requesting that Council provide safer crossing facilities to and from Kinross and Burns Beach via the installation of underpasses or overpasses across Marmion Avenue was presented to Council at its meeting held on 15 December 2015;
- 4 that a report in relation to the petition requesting that Council approves the expansion of the Poynter Farmers Market to include an additional 10 market stalls, one community and five market stalls for special occasions such as Christmas, Mothers Day and the market anniversary is proposed to be presented to Council at its meeting to be held on 19 April 2016;
- 5 that a report in relation to the following petitions:
  - 5.1 a section of Burns Beach be made available as an animal exercise area;
  - 5.2 a change to the City's *Beach Management Plan* to reduce the congestion at Hillarys Dog Beach,is proposed to be presented to Council at its meeting to be held on 28 June 2016.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf080316.pdf](#)

## **ITEM 8 LIST OF PAYMENTS DURING THE MONTH OF JANUARY 2016**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of January 2016 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of January 2016 Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2016
<b>AUTHORITY / DISCRETION</b>	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 note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of January 2016.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of January 2016 totalling \$12,483,389.67.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2016 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 in Attachments 1, 2 and 3 to this Report, totalling \$12,483,389.67.*

### **BACKGROUND**

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

## DETAILS

The table below summarises the payments drawn on the funds during the month of January 2016. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 102678 – 102792 & EF052822 – EF053376 Net of cancelled payments.	\$7,746,273.82
	Vouchers 1568A – 1585A	\$4,708,614.97
Trust Account	Trust Cheques & EFT Payments 206928 – 206939 & TEF000561 – TEF000604 Net of cancelled payments.	\$28,500.88
<b>Total</b>		<b>\$12,483,389.67</b>

### Issues and options considered

There are two options in relation to the list of payments.

#### Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

#### Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

The Council has delegated to the Chief Executive Officer the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

#### Strategic Community Plan

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

**Risk management considerations**

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial / budget implications**

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

**Regional significance**

Not applicable.

**Sustainability implications**

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the 2015-16 Annual Budget as adopted by Council at its meeting held on 23 June 2015 (CJ085-06/15 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for January 2016 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$12,483,389.67.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf080316.pdf](#)

## **ITEM 9                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2016**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882, 101515
<b>ATTACHMENTS</b>	Attachment 1    Financial Activity Statement for the period ended 31 January 2016
<b>AUTHORITY / DISCRETION</b>	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 note the Financial Activity Statement for the period ended 31 January 2016.

### **EXECUTIVE SUMMARY**

At its meeting held on 23 June 2015 (CJ085-06/15 refers), Council adopted the Annual Budget for the 2015-16 financial year. The figures in this report are compared to the Adopted Budget.

The January 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,781,796 for the period when compared to the adopted Budget. This variance does not represent the end of year position. It represents the year to date position to 31 January 2016. There are a number of factors influencing the favourable variance but it is predominantly due to the timing of revenue and expenditure compared to the adopted budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$4,594,090 higher than budget, made up of higher operating revenue \$1,885,135 and lower operating expenditure of \$2,708,954.

Operating revenue is higher than budget on Contributions, Reimbursements and Donations \$904,806, Profit on Asset Disposals \$1,199,975, Rates \$350,483, Specified Area Rates \$6,160, Interest Earnings \$382,330 and Other Revenue \$238,723, partly offset by lower than budget revenue from Fees and Charges \$366,831 and Grants and Subsidies \$830,510.

Operating Expenditure is lower than budget on Materials and Contracts \$2,873,898, Utilities \$179,889, Interest expenses \$7,792, Insurance \$103,856 and Loss on Asset Disposals \$1,320,957. These are partly offset by higher than budget expenditure on Depreciation and Amortisation \$1,314,361 and Employee Costs \$463,077.

The Capital Deficit is \$687,777 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$1,648,404 and Loan Principal Repayments \$165,622 and higher than budgeted Capital Contribution revenue \$300,569, offset by lower than budgeted revenue for Capital Grants and Subsidies \$44,739 and higher than budgeted expenditure on Capital Works \$929,929 and Vehicle and Plant Replacements \$452,149.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2016 forming Attachment 1 to this Report.*

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council approved to accept the monthly Financial Activity Statement according to nature and type classification.

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 31 January 2016 is appended as Attachment 1.

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

#### **Legislation**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **Risk management considerations**

In accordance with section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its municipal funds for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial / budget implications**

All amounts quoted in this Report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation**

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the *Strategic Community Plan*, prepared under Section 5.56 of the *Local Government Act 1995*, which was made available for public comment.

**COMMENT**

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2015-16 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 January 2016 forming Attachment 1 to this Report.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf080316.pdf](#)

## **ITEM 10                    TENDER 006/16 - CIVIL WORKS FOR OCEANSIDE PROMENADE, MULLALOO**

<b>WARD</b>	North Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	105643, 101515
<b>ATTACHMENTS</b>	Attachment 1    Summary of Tender Submissions Attachment 2    Consultation Analysis
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to accept the tender submitted by CQ & JM Dowsing ATF For The Dowsing Family Trust trading as Dowsing Group for civil works for Oceanside Promenade, Mullaloo between Warren Way and Westview Boulevard.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 16 January 2016 through statewide public notice for the civil works for Oceanside Promenade, Mullaloo. Tenders closed on 3 February 2016. A submission was received from each of the following:

- Curnow Group (Hire) Pty Ltd.
- Densford Civil Pty Ltd.
- CQ & JM Dowsing ATF For The Dowsing Family Trust trading as Dowsing Group.
- Ertech Pty Ltd.
- Tracc Civil Pty Ltd.
- Neo Infrastructure Pty Ltd.

The submission from CQ & JM Dowsing ATF For The Dowsing Family Trust trading as Dowsing Group represents best value to the City. Dowsing Group demonstrated experience in completing similar projects including the Hill View Terrace Intersection upgrade and Lathlain Place Street Revitalisation projects for the Town of Victoria Park, civil works for Forrest Square car station for the City of Subiaco, Newman Drive widening for the Shire of East Pilbara and Morley Drive – Tonkin Highway intersection upgrade and Canning Highway – Ardross Street intersection upgrade for MRWA. It demonstrated an understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

*It is therefore recommended that Council:*

- 1 *NOTES the soft landscaping design has been amended to exclude any new trees along the western verge of the Oceanside Promenade carriageway between Warren Way and West View Boulevard, as a result of the feedback from those residents who were consulted;*
- 2 *ACCEPTS the tender submitted by CQ & JM Dowsing ATF For The Dowsing Family Trust trading as Dowsing Group for civil works for Oceanside Promenade, Mullaloo as specified in Tender 006/16 for the fixed lump sum of \$775,745 (GST Exclusive) and completion of the works by 24 June 2016.*

## **BACKGROUND**

This requirement is to undertake the civil works for Oceanside Promenade, Mullaloo between Warren Way and Westview Boulevard.

## **DETAILS**

Tenders were advertised on 16 January 2016 through statewide public notice for a fixed lump sum contract to undertake the civil works for Oceanside Promenade, Mullaloo. The proposed upgrade works between Warren Way and West View Boulevard include the installation of on-street parking bays along the western verge, the installation of a flush red asphalt median, the provision of new pedestrian crossings and pathways. The purpose of the traffic treatments are to limit informal parking during summer peak periods, control traffic movements and improve the pedestrian road safety situation along this section of Oceanside Promenade. All works will be within the road reserve and there will be no encroachment on the adjacent bushland. All works to be completed by 24 June 2016. The tender period was for two weeks and tenders closed on 3 February 2016.

## **Tender Submissions**

A submission was received from each of the following:

- Curnow Group (Hire) Pty Ltd.
- Densford Civil Pty Ltd.
- CQ & JM Dowsing ATF For The Dowsing Family Trust trading as Dowsing Group.
- Ertech Pty Ltd.
- Tracc Civil Pty Ltd.
- Neo Infrastructure Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

## **Evaluation Panel**

The evaluation panel comprised three members:

- one with tender and contract preparation skills
- two with the appropriate technical expertise and involvement in supervising the contract.

The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Compliance Assessment

All offers were assessed as compliant.

## Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 55%.

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

Curnow Group (Hire) Pty Ltd scored 44.9% and was ranked sixth in the qualitative assessment. It demonstrated an understanding of the requirements and has the capacity to carry out the works. The company did not demonstrate experience in completing similar projects. All project examples provided were completed by Curnow Group Pty Ltd (currently under external administration), not Curnow Group (Hire) Pty Ltd.

Tracc Civil Pty Ltd scored 56.4% and was ranked fifth in the qualitative assessment. It demonstrated experience in completing similar projects. Five examples of works were provided and these were Mundijong Road extension (2014) for the City of Rockingham, Gilmore Avenue duplication (2015) for the City of Kwinana and civil works of Golden Bay Stage 2C sub-division (2013 – 2014) for Department of Housing. The company is resourced to complete the works for the City. It demonstrated some understanding of the project requirements with a brief methodology without a detailed construction methodology.

Neo Infrastructure scored 56.8% and was ranked fourth in the qualitative assessment. The company did not demonstrate sufficient experience completing projects of a similar nature to the civil works for Oceanside Promenade. The majority of its projects are bridge works and marine infrastructure construction. Although the projects were civil in nature and included some road works, it did not demonstrate sufficient experience completing road works in a high volume traffic area requiring complex traffic management. It demonstrated an understanding of the project requirements with a detailed methodology specific to the project and a provisional construction program. The company is resourced and has the capacity to complete the work.

Dowsing Group scored 57% and was ranked third in the qualitative assessment. The company is resourced and has the capacity to complete the work. It demonstrated an understanding of the project requirements with a project specific methodology addressing various stages of the project and a three month project program. It demonstrated experience completing similar projects including Hill View Terrace Intersection upgrade and Lathlain Place Street Revitalisation projects for the Town of Victoria Park, civil works for Forrest Square car station for the City of Subiaco, Newman Drive widening for the Shire of East Pilbara and Morley Drive – Tonkin Highway intersection upgrade and Canning Highway – Ardross Street intersection upgrade for MRWA.

Densford Civil scored 60.3% and was ranked second in the qualitative assessment. The company demonstrated an understanding of the project requirements and has the capacity to undertake the work. It demonstrated experience completing similar projects to the Oceanside Promenade duplication including Hodges Drive carriageway duplication completed in 2013 for the City of Joondalup, Craigie Senior High School redevelopment for LandCorp, Port Coogee redevelopment for Australand and Bus-Bridge Roadwork project at James Street, Perth for Public Transport Authority.

Ertech Pty Ltd scored 69.8% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the scope of works through a detailed staged construction methodology specific to this project, pictorial representation highlighting work and traffic areas and a well documented preliminary construction program. It demonstrated considerable experience in completing similar projects including Catalina Marmion Avenue intersection civil works completed in 2013 for Tamala Park Regional Council, Beeliar Drive improvement works completed in 2013 for Perron Investments, Connolly Drive duplication completed in 2009 for the City of Joondalup and Mirrabooka Regional Centre improvement works for the City of Stirling (on-going). The company is the contractor for the Whitfords Avenue Carriageway duplication and Ocean Reef Road carriageway duplication projects for the City (both on-going). It has sufficient resources to complete the project.

Based on the minimum acceptable score (55%), all Respondents except Curnow Group (Hire) Pty Ltd qualified for stage 2 (price) assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage 2 to assess value for money to the City.

Tenderer	Lump Sum Price
Neo Infrastructure	\$727,679
Dowsing Group	\$775,745
Ertech Pty Ltd	\$807,684
TRAAC Civil Pty Ltd	\$933,795
Densford Civil Pty Ltd	\$961,781

### Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

Tenderer	Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Ertech Pty Ltd	\$807,684	3	69.8%	1
Densford Civil Pty Ltd	\$961,781	5	60.3%	2
Dowsing Group	\$775,745	2	57%	3
Neo Infrastructure	\$727,679	1	56.8%	4
TRAAC Civil Pty Ltd	\$933,795	4	56.4%	5

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of Dowsing Group and is therefore recommended.

Though Neo Infrastructure's offered price is 6.6% less than Dowsing Group's Offer, the company (Neo Infrastructure) did not demonstrate sufficient experience completing projects of a similar nature to the civil works for Oceanside Promenade. The majority of its projects are bridge works and marine infrastructure construction. Although the projects were civil in nature and included some road works, it did not demonstrate sufficient experience completing road works in a high volume traffic area requiring complex traffic management.

### **Issues and options considered**

Civil works are required for Oceanside Promenade, Mullaloo. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

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

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with Clause 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

**Strategic initiative** Provide for diverse transport options that promote enhanced connectivity.

**Policy** Not applicable.

### **Risk management considerations**

Should the contract not proceed, the risk to the City will be moderate as the City may lose \$390,000 of Government grant for the project.

It is considered that the contract will represent a low risk to the City as the recommended Tenderer is a well-established company with considerable industry experience and has the capacity to complete the works for the City by 24 June 2016.

**Financial/budget implications**

<b>Project number</b>	LTM2091	SBS2062
<b>Cost code</b>	W2662	W3010
<b>Budget Item</b>	Oceanside Promenade – Warren Way to Westview Boulevard.	Oceanside Promenade
<b>Budget amount</b>	\$ 255,000	\$ 585,000
<b>Committed</b>	\$ 12,978	\$ 14,127
<b>Amount spent to date</b>	\$ 0	
<b>Proposed cost</b>	\$ 775,745	
<b>Contingency</b>	\$ 35,000	
<b>Balance</b>	\$ 2,150	

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The City consulted directly with residents that lived within a 200 metre radius of Oceanside Promenade between Warren Way and West View Boulevard. A total of 277 residents as well as two stakeholder groups were provided personalised consultation packages to determine the level of support for the proposed upgrades. In addition, members of the public and stakeholders wishing to comment were also encouraged to complete an online survey form via the City's website.

Throughout the 21-day advertised consultation period (between 18 November and 9 December 2015), the City received a total of 59 valid responses with the majority supporting the proposed upgrades along Oceanside Promenade. Of the responses received, 71.2% supported the proposed improvements to road, parking and path networks along Oceanside Promenade, while 13.6% opposed and 8.5% were unsure.

Of the eight respondents that opposed elements of the proposed upgrade, concerns were raised for the effectiveness of raised median islands and, to a lesser extent, the on-street parking bays on the western verge and improvements to the pedestrian facilities. While these concerns have been acknowledged, these elements have been proved to enhance the road safety outcomes whilst reducing the potential for pedestrian vehicle conflicts and are integral to the overall traffic management scheme.

Six respondents also raised concerns about the inclusion of trees on the landscaping along the western verge of the carriageway. On the basis of these concerns, the City will amend soft landscaping design to exclude any new trees. The existing trees within the roundabouts on Oceanside Promenade will be retained.

For more information, the full consultation analysis report is provided in Attachment 2.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by CQ & JM Dowsing ATF For The Dowsing Family Trust trading as Dowsing Group.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1 NOTES the soft landscaping design has been amended to exclude any new trees along the western verge of the Oceanside Promenade carriageway between Warren Way and West View Boulevard, as a result of the feedback from those residents who were consulted;**
- 2 ACCEPTS the tender submitted by CQ & JM Dowsing ATF For The Dowsing Family Trust trading as Dowsing Group for civil works for Oceanside Promenade, Mullaloo as specified in Tender 006/16 for the fixed lump sum of \$775,745 (GST Exclusive) and completion of the works by 24 June 2016.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf080316.pdf](#)

## **ITEM 11                    CONSIDERATION TO PERMIT DOGS TO BE EXERCISED ON A LEASH AROUND THE PERIMETER OF MAWSON PARK, HILLARYS**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	06098, 101515
<b>ATTACHMENT</b>	Attachment 1    Map of Mawson Park
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

---

### **PURPOSE**

For Council to consider a report which identifies options to allow dogs to be exercised on a leash on a portion of Mawson Park, Hillarys which is currently specified dogs prohibited at all times.

### **EXECUTIVE SUMMARY**

At its meeting held on 23 November 2015, (C72-11/15 refers) Council requested the Chief Executive Officer to prepare a report on the ability to allow or permit dogs to be exercised on a leash in an area around the outer perimeter of Mawson Park, Hillarys which follows the line of and includes the outer most footpath closest to the perimeter of the park where dogs are currently prohibited from being exercised.

It is recommended that Council acknowledges the options provided to allow dogs to access Mawson Park, recognises the importance of leaving the entire park undisturbed by dogs to facilitate the importance of the park as a natural wetland, and retains Mawson Park as a dogs prohibited area.

### **BACKGROUND**

Mawson Park is a large community park (9.25 hectares) located in Hillarys. It is bounded by Mawson Crescent to the north and east, Flinders avenue to the south and Newport Gardens and private residential property to the west (Attachment 1 refers).

The northern half of the park is grassed and wooded with pedestrian paths. It has an important local fresh water lake for native fauna. The southern half of the park is an active recreation park used to a small extent at various times for junior AFL, softball and soccer as well as varied casual hire.

Mawson Park has been a dog prohibited park within the City of Joondalup since the City was gazetted. Prior to that it was a dogs prohibited park when that location was part of the City of Wanneroo. Mawson Park was determined most recently by Council at its meeting held on 16 September 2014 (CJ169-09/14 refers) to be dogs prohibited as a result of amendments to the *Dog Act 1976* (the Act) which required all prohibited areas of the City to be re-specified in accordance with section 33 of the Act.

It has an important local fresh water lake for native fauna and in line with other parks with fresh water lakes or ponds, such as Central Park, Neil Hawkins Park, Blue Lake Park and Water Tower Park, it has been designated dogs prohibited in an effort to protect the fauna from disturbance and to ensure water quality is not impacted by contaminants such as dog waste, hair and body oils. It is also one of a series of parks and reserves which creates a fauna corridor of stopping points between the foreshore and Yellagonga Regional Park.

Mawson Park is one of only 12 dog prohibited parks in the City of Joondalup.

In terms of dog issues at Mawson Park there have been 44 reports to City Rangers to attend to dogs being allegedly illegally in the park during 2014 and 2015. It is particularly difficult to catch dogs and their owners in the act of committing an offence. Four infringements have been issued in this period when persons with dogs were found.

## **DETAILS**

Mawson Park has been a long established dog prohibited park. With the current specification of dogs prohibited, dog owners wishing to walk their dogs adjacent to the park can choose to walk on portions of the verge of the park, which is part of the carriageway outside the park and therefore permitted. The carriageway verge, however, is not a consistent width around the park and has car parking on the verge. Dog walkers therefore risk accidentally entering into the park perimeter while walking their dogs. Alternatively, dog walkers can walk on the opposite side of Mawson Crescent to the northern and eastern sides of the park although this requires them to walk on residential verges as there is no footpath on that side.

The City's Natural Areas team have recently planted 3,500 wetland plants in Mawson Park to rehabilitate and improve the nesting and feeding habitat to encourage birds in particular to stay in the area.

As alternatives to Mawson Park there are other park options for dog walkers to the north and the east at Scott Park, Nimrod Park, Bage Park, MacKay Park and Ninnis Park although these are smaller. However, there are no alternative park options within a reasonable distance for dog walkers to the west and south of Mawson Park.

## **Issues and options considered**

It is feasible to describe an area which could be a strip (for example 10 metres in from the current park boundary and including most of the current perimeter footpath) and make this a dogs on lead at all times dog exercise area while maintaining the rest of Mawson Park as dogs prohibited.

As a result of amendments to the *Dog Act 1976* (the Act) which came into effect in November 2013 changes to dog prohibited areas can be changed by Council without requiring a local law amendment in accordance with section 31 of the Act. The process includes advertising and inviting submissions on the proposal.

If the boundary change was made it would be necessary to ensure that it was clearly delineated by signage and preferably bollards to ensure that dog owners clearly understood the limits of where they could traverse and also that others without dogs knew where they should not expect to encounter dogs.

There are two options:

#### Option 1: Retain Mawson Park as a completely dog prohibited park

The first option is to retain Mawson Park as dogs prohibited at all times. The issue with allowing dogs onto part of Mawson Park is that keeping the dogs off the rest of the park then becomes that much more difficult regardless of signage and bollards or other forms of demarcation. Dog owners may inadvertently lose control of their dog, some may even believe their dog can be kept under control and let it off a lead resulting in the dog entering into the prohibited area, fouling the park, playground and interfering with the fauna. The City has undertaken significant work in the park to improve water quality and to revegetate the aquatic environment. Of particular importance is maintaining the quality of the water within the lake to ensure a healthy environment for aquatic species.

Maintaining Mawson Park as a completely dog prohibited park provides for the clearest and simplest direction to all users in regard to dogs and will help ensure that the public amenity and the natural environment in the park is maintained. Dog walkers choosing to go between Flinders Avenue and Cook Avenue will still have the option to walk along the verge to the east or to the west adjacent to Mawson Crescent. This option is recommended.

#### Option 2: Create a 10 metre wide Dogs on Lead corridor around the majority of Mawson Park

The second option is to specify Mawson Park to be a dogs prohibited park, with the exception of a 10 metre corridor ribbon running along the outer boundary of the park perimeter, adjacent to the verge boundary, from the junction of Newport Gardens and Mawson Crescent in the north west of the park, easterly then southerly on Mawson Crescent, then westerly along Flinders Avenue, to the property boundary of 71 Flinders Avenue, then north along the property boundaries of 71 Flinders Avenue, 25 and 27 Newport Gardens which is specified dogs on a lead at all times, with this corridor to be delineated by signage and preferably post and rail fencing along its perimeter.

This option would entail approximately one kilometre of post and rail fencing elements as well as approximately 25 dog on lead at all times/dogs prohibited signs, to ensure proper demarcation of the permitted dogs on lead area from the dogs prohibited area. Total installation cost would be approximately \$28,000.

It is the case that there is no full perimeter footpath outside the Mawson Park boundary to allow dog walkers to traverse the park on a footpath without entering it. There is also no footpath on the immediate opposite side of Mawson Crescent that forms half the length of the boundary of Mawson Park. There is however an extensive footpath network in the other surrounding streets with lots of opportunity to safely walk dogs. Providing a 10 metre wide, dogs on lead corridor around the majority of Mawson Park appears to carry a number of risks just to enable dogs to walk past the park. This option is not recommended.

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

<b>Legislation</b>	<i>Dog Act 1976.</i>
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality open spaces.
<b>Strategic initiative</b>	Apply a strategic approach to the planning and development of public open spaces.
<b>Policy</b>	Not applicable.

**Risk management considerations**

The risk with Option 1 is potential community disappointment among dog owners who may feel that their needs are not being addressed.

With the recommendation in Option 2, there is a risk that if a 10 metre corridor is marked out around the perimeter of Mawson Park that dog owners may ignore the prohibition within the park and choose to take their dogs deeper into the park or to let the dog off the lead and allow it to run into the park or they may inadvertently lose control of dog which enters into the prohibited area. The current prohibition makes it relatively straightforward to identify when a dog owner is ignoring prohibitions.

There is potential for conflict between dog owners and non dog owners when there is poor compliance. It may also result in non dog owners incorrectly contacting the City when they believe there is non-compliance occurring, but the dog owner is actually complying. There would also be a large number of additional signs to inform park users and dog owners that may affect the amenity of the park. Typically there would be a sign identifying the boundary of the prohibition every 50 to 75 metres, approximately 25 signs in total.

**Financial / budget implications**

Installation of 200 post and rail elements would cost approximately \$24,000. Installation of 25 double sided dog prohibited/ dog on lead signs would cost approximately \$4,000.

Current financial year impact

<b>Account no.</b>	There is no budget allocation within the City Rangers budget for this work.
<b>Budget Item</b>	Not applicable.
<b>Budget amount</b>	Not applicable.
<b>Amount spent to date</b>	Not applicable.
<b>Proposed cost</b>	Installation of 200 post and rail elements would cost approximately \$24,000. Installation of 25 double sided dog prohibited/ dog on lead signs would cost approximately \$4,000.
<b>Balance</b>	Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

The City has undertaken significant work in the park to improve water quality and to revegetate the aquatic environment. Of particular importance is maintaining the quality of the water within the lake to ensure a healthy environment for aquatic species. This location is an important wetland area and allowing dogs into a portion of the park where there is likelihood that they will escape effective control and contaminate the aquatic systems is a significant risk.

**Consultation**

No external consultation has been undertaken in the preparation of this report. Should Council wish to proceed with a 'dogs on lead' corridor around the majority of Mawson Park, public advertising and an invitation to make submissions on the proposal would be required.

**COMMENT**

Maintaining Mawson Park as a completely dog prohibited park provides for the clearest and simplest direction to all users in regard to dogs and will help ensure that the public amenity and the natural environment in the park is maintained.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council SUPPORTS the retention of Mawson Park as a completely dogs prohibited park as it considers there are sufficient opportunities for dogs to be exercised within close proximity and as Mawson Park is an important wetland, maintaining the water quality of the lake is a priority to ensure a healthy environment for aquatic species.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf080316.pdf](#)*

## **ITEM 12 NAMING OF THE WARWICK OPEN SPACE HOCKEY - INFRASTRUCTURE PROJECT (WOSHIP)**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	100981, 26520, 101515
<b>ATTACHMENTS</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### **PURPOSE**

For Council to give consideration to the name of the proposed hockey facility to be constructed at Warwick Open Space, Warwick (WOS).

### **EXECUTIVE SUMMARY**

Council has appointed the successful contractor to commence construction of a purpose built synthetic hockey facility at WOS.

*It is therefore recommended that Council in accordance with the City Policy 'Naming of Public Facilities', AGREES to name the facility at Warwick Open Space, Warwick, 'Warwick Hockey Centre'.*

### **BACKGROUND**

The City has been for some years working with the Whitford Hockey Club to construct a synthetic hockey facility within the City of Joondalup. Following agreed funding from the State Government (\$1,200,000) and a contribution from the club of \$600,000 (including GST), Council agreed to invite tenders for a synthetic hockey facility at the preferred location at Warwick Open Space. Following the tender period, at its meeting held on 16 February 2016 (CJ021-02/16 refers) Council resolved as follows:

*"That Council:*

- 1 ACCEPTS the tender submitted by McCorkell Constructions (WA) Pty Ltd for the Warwick Hockey Facility as specified in Tender 044/15 for Option 1A for the fixed lump sum of \$5,112,504 (GST inclusive) and completion of the works within 52 weeks from the possession of the site;*
- 2 REQUESTS a report from the Chief Executive Officer following a review of the scope of the Warwick Hockey Facility project, in conjunction with the Whitford Hockey Club, with the purpose of including additional elements that will further enhance the project as a result of cost savings for the project."*

Now that the tender has been awarded for the construction of the project, it is now appropriate for Council to determine the official name of the facility.

## DETAILS

The City currently has a policy that refers to the naming of public facilities, which has the following statement:

*“The Chief Executive Officer shall arrange for the naming of streets and reserves, and the allocation of house numbers. All naming of streets, reserves and buildings shall be in accordance with the Geographic Names Committee guidelines.*

*Parks and Reserves shall be named after an adjacent boundary road, where possible, to facilitate ease of identification. The Chief Executive Officer shall liaise with the Directors in determining the names of Council buildings and make a recommendation to the Council.*

*Buildings and facilities shall be named after the locality in which they reside or after an adjacent road, where possible, to facilitate ease of identification. Notwithstanding the foregoing, exceptions may be permitted with the prior approval of Council.”*

## Issues and options considered

In accordance with the policy, the naming options available to Council would be as follows:

- Warwick Hockey Facility/Centre/Stadium
- Lloyd Drive Hockey Facility/Centre/Stadium  
or
- Warwick Open Space Hockey Facility/Centre/Stadium.

Recently constructed facilities which have been built based on shared-use principles have included the words ‘Community and Sporting Facility.’ However, given that this will be a leased facility and is purpose built for hockey, it would be appropriate to reference that it is a hockey facility within the name.

## Legislation / Strategic Community Plan / policy implications

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<b>Key theme</b>	Community Wellbeing.
<b>Objective</b>	Quality facilities.
<b>Strategic initiative</b>	Support a long-term approach to significant facility upgrades and improvements.
<b>Policy</b>	<i>Naming of Public Facilities Policy.</i>

### **Risk management considerations**

The only risk for Council to consider is to ensure the selection of the name of the proposed facility does not cause confusion with the existing sporting infrastructure on site:

- Warwick Bowling Club.
- Greenwood Tennis Club.
- Warwick Stadium (formerly Warwick Leisure Centre).

### **Financial / budget implications**

With the exception of some minor signage requirements outside the project scope, there are no financial or budget implications.

### **Regional significance**

The proposed development will create one of the largest hockey developments within the northern metropolitan area. It is anticipated that this project will be considered more of a regional hockey complex rather than a local hockey area and as such will attract clubs from outside the City of Joondalup.

### **Sustainability implications**

#### Social

The development will provide a high-class hockey facility to serve those hockey players to not only the City of Joondalup but also the wider community within the region.

#### Environmental

Where possible a number of environmental elements have been included in the design of the facility which includes the conversion to LED floodlighting into the future.

#### Economic

Not applicable.

### **Consultation**

The Whitford Hockey Club was engaged and has supported the recommended name of the 'Warwick Hockey Centre.'

### **COMMENT**

It is appropriate for Council to consider the naming of the facilities at WOS. In accordance with the requirements of the *Naming of Public Facilities Policy*, it is recommended the facility be named 'Warwick Hockey Centre'.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council, in accordance with the City *'Naming of Public Facilities Policy'*, AGREES to name the synthetic hockey facility at Warwick Open Space, Warwick, *'Warwick Hockey Centre'*.**

## ITEM 13                      REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	101271, 101515
<b>ATTACHMENT</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

### PURPOSE

For Council to give consideration to apply additional subsidies for the hire of City facilities by summer sporting groups in 2015-16 and annual user groups in 2016.

### EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework* which is intended to provide the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration.

The *Facility Hire Subsidy Policy* was reviewed after its initial period in operation and Council adopted a revised version at its meeting held on 9 December 2014 (CJ243-12/14 refers). The revised policy stipulates that groups must have their primary base of operation within the City of Joondalup to be eligible for a subsidy. It also provides authority for the Chief Executive Officer to waive facility hire booking fees up to the value of \$5,000.

The City has recently completed the bookings for use of its facilities for the 2015-16 summer sporting season and 2016 annual booking period. Consequently, the following groups have sought further subsidisation in accordance with the policy:

- Kingsley Tennis Club (Juniors).
- Greenwood Tennis Club (Juniors).
- Greenwood Tennis Club (Seniors).
- Ocean Ridge Tennis Club (Juniors).
- Undercroft Bridge Club.
- Lions Club of Whitford Inc.

- Greenwood Weight Watchers Inc.
- Burns Beach Coffee Group.
- Burns Beach Ladies Walking Group.

It is recommended that Council consider each request on a case by case basis.

## **BACKGROUND**

The City of Joondalup manages 148 facilities utilised by approximately 300 community groups over 19,000m<sup>2</sup> of land either as freehold or managed property which is reserved or dedicated under the *Land Administration Act 1997*. This property has been set aside for a diversity of purposes, such as recreation, public open space, drainage and administrative or infrastructure purposes.

In previous years, property management arrangements for City owned and managed property were approached on an ad-hoc basis. This resulted in varying management methods and inconsistent leasing, licensing and facility hire conditions (including the application of subsidised use).

In an effort to apply greater consistency to property management, at its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a framework that takes a broad approach and addresses the myriad of issues involved in property management. It is intended to provide a consistent and concise methodology for the future.

## **DETAILS**

At its meeting held on 9 December 2014 (CJ243-12/14 refers), Council adopted a revised policy relating to subsidised use of City facilities that is to:

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

The policy applies to all local not-for-profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre - Craigie. The policy applies to organised groups only (does not apply to individuals) and they must have their primary base of operation within the City of Joondalup to be eligible for a subsidy.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members/participants reside within the City of Joondalup. These groups are categorised within the policy based on the nature of the group, that is, groups that provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years of age and over.

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised it may charge that group for the unutilised booking of that facility at the full community rate.

The process the City follows when booking facilities for regular hire groups is via two ways, being:

- annual users
- seasonal users.

Annual users are those groups who hire a City facility for a calendar year, where a seasonal user is a group that books either for a winter or summer season, which are regarded traditional sports seasons.

In regard to dealing with requests for additional subsidies over and above what is permitted within the policy, the policy states:

*“A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. The Chief Executive Officer will determine such requests where the value of the additional subsidy is below \$5,000. Requests for additional subsidies above \$5,000 will be addressed by the Chief Executive Officer and referred to Council for determination.*

*Additional subsidies will be provided for the following:*

- *Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hired facility.*
- *Any group who is experiencing significant financial difficulties.*
- *Any other group who can provide reasonable justification for receiving an additional subsidy.*

*Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year/season. A new application must be made in each following year/season.”*

The City has completed the seasonal bookings for use of its facilities in the 2015-16 summer sporting season and 2016 annual booking period. Consequently, some groups have sought further subsidisation in accordance with the policy. While some requests are for amounts less than \$5,000, all requests are being presented to Council to enable a consistent decision process for all groups.

#### Kingsley Tennis Club (Juniors)

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Kingsley Tennis Courts and Timberlane Park Hall	Junior Recreational or Sporting Group	100% up to 10 hours per week	102.5	92.5	\$4,917

The Kingsley Tennis Club is a not-for-profit group with both senior and junior members, and more than 50% of members residing in the City of Joondalup. The group books the Timberlane Park Tennis Courts and the adjacent Timberlane Park Hall on a 12 month basis.

The junior section of the club has 78 members and they have previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy on their bookings for the courts and facility. Under the revised policy, the group would be entitled to a maximum of 10 hours per week of 100% subsidised hire as they have less than 100 junior members.

The group has written to the City requesting the 10 hours per week of 100% subsidised use is extended to 102.5 hours per week to cover all of their junior bookings for the 2015-16 year. The club has advised that their junior bookings are a combination of social tennis and pennant competition, as well as casual sessions to promote greater participation.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose sport is conducted on a park. Therefore, it is suggested that Council give consideration to extending the subsidised hours of hire for Kingsley Tennis Club (Juniors) to 102.5 hours per week.

In 2014-15, Council agreed to extend the 100% subsidy for Kingsley Tennis Club (Juniors) up to 137.5 hours per week. The club has hired the Timberlane Park Hall for less hours in 2015-16 because of the refurbishment works currently being conducted on the facility.

#### Greenwood Tennis Club - Juniors

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Warwick Open Space Tennis Courts	Junior Recreational or Sporting Group	100% up to 10 hours per week	132	122	\$5,993

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. The group books the Warwick Open Space Tennis Courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The junior section of the club has 58 members and books the courts on a 12 month basis. They have previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy on their bookings. Under the revised policy, the group is not entitled to a subsidy as only nine (16%) of its junior members reside within the City of Joondalup.

The group has written to the City requesting they receive a waiver of the fees associated with their junior bookings in 2015-16.

It is noted that this group is based in the south-eastern corner of the City and therefore it is understandable that the group will attract participants from the neighbouring local governments. In addition, the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose sport is conducted on a park.

In 2014-15 the Greenwood Tennis Club (juniors) did not have 50% of junior members residing within the City of Joondalup and therefore were not eligible for a subsidy. They made a request to the City for a 100% subsidy consistent with the junior sporting or recreational group category within the *Facility Hire Subsidy Policy*. Council declined their request however approved a 100% waiver of the fees that would have otherwise applied.

The group has requested it receive a 100% subsidy or fee waiver in 2015-16. It is recommended that rather than classify the group as eligible for a subsidy, that the City considers waiving 75% of the fees that would apply, with the group to be advised that the waiver will reduce by 25% each year – 2016-17 (50% waiver), 2017-18 (25% waiver) and 2018-19 (0% waiver) - unless the group's status changes and they become eligible for a subsidy.

#### Greenwood Tennis Club - Seniors

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Warwick Open Space Tennis Courts	Adult Recreational or Sporting Group	50% continually	134.5	NA	\$2,961

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. The group books the Warwick Open Space Tennis Courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The senior section of the club has 85 members and books the courts on a 12 month basis. For 2015-16 the club has booked an average 134.5 hours of court hire per week for seniors, totalling \$5,922. They have previously been regarded as an adult recreational or sporting group and therefore received a 50% subsidy on their bookings. However only 37 (44%) of their current members reside within the City of Joondalup and therefore they are not eligible for the 50% subsidy on their court hire.

It is noted that this group is based in the south-eastern corner of the City and therefore it is understandable that the group will attract participants from the neighbouring local governments. In addition, the hire of tennis courts is different to the hire of a park in that a typical sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a tennis club is comparatively higher than other clubs whose sport is conducted on a park.

In 2014-15 the Greenwood Tennis (seniors) did not have 50% of members residing within the City of Joondalup and therefore were not eligible for a subsidy. They made a request to the City for a 50% subsidy consistent with the adult sporting or recreational group category within the *Facility Hire Subsidy Policy*. Council declined their request however approved a 50% waiver of the fees that would have otherwise applied.

The group has requested it receive a 50% subsidy or fee waiver in 2015-16. It is recommended that rather than classify the group as eligible for a subsidy, that the City considers waiving 25% of the fees that would apply, with the group to be advised that no waiver will be applied in 2016-17, unless the group's status changes and they become eligible for a subsidy.

Ocean Ridge Tennis Club - Juniors

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Heathridge Park Tennis Courts	Junior Recreational or Sporting Group	100% up to 10 hours per week	35	25	\$1,019

The Ocean Ridge Tennis Club is a not-for-profit group with both senior and junior members, and more than 50% of members residing in the City of Joondalup. The group books the Heathridge Park Tennis Courts and has a licence on the tennis clubroom section of the Guy Daniel Clubroom.

The junior section of the club has 54 members and books the courts on a 12 month basis. They have previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy on their bookings. Under the revised policy, the group would be entitled to a maximum of 10 hours per week of 100% subsidised hire as they have less than 100 junior members.

The group has written to the City requesting the 10 hours per week of 100% subsidised use is extended to 35 hours per week to cover all of their junior bookings for the 2015-16 year.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose sport is conducted on a park. Therefore, it is suggested that Council give consideration to extending the subsidised hours of hire for Ocean Ridge Tennis Club (Juniors) to 35 hours per week for their 2015-16 bookings.

In 2014-15 Council agreed to extend the 100% subsidy For Ocean Ridge Tennis Club (Juniors) to 30 hours per week.

Undercroft Bridge Club

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Mildenhall	Other Not for Profit Group	50%	3	N/A	\$2,152

The Undercroft Bridge Club has a lease on the Undercroft Bridge facility at Percy Doyle Reserve. The club hires the adjacent Mildenhall facility on Saturday mornings as their number of participants on that day exceeds the capacity of the Undercroft facility.

The club has 397 members of which 194 (49%) are City of Joondalup residents, therefore they are not eligible for a subsidy under the facility hire subsidy policy as they do not meet the criteria regarding 50% of members must be City of Joondalup residents.

The club has requested they receive the 50% subsidy, or a portion thereof, in recognition of them being close to the required 50% City of Joondalup residents criteria.

There are two other bridge clubs operating out of City facilities. Both of these clubs meet all the criteria in the Facility Hire Subsidy policy and therefore are afforded the appropriate subsidy.

It is suggested that a subsidy or fee waiver is not applied to the Undercroft Bridge Club's booking as they do not meet all the criteria in the policy and the appropriate community rate is charged for the group's use of the Mildenhall facility in 2016.

#### Lions Club of Whitford Inc

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Gibson Park Community Facility	Community Service and Charitable Groups	100% up to a maximum of 10 hours per week.	27.8	17.8	\$26,483

The Lions Club of Whitford Inc is one of four Lions Clubs that hire the Gibson Park Community Facility. The Gibson Park Community Facility was built with the main purpose to house the Lions Clubs that operate within the City of Joondalup, while also providing an additional facility that would be accessible to the community. The other three Lions Clubs (Duncraig, Kingsley and Ocean Reef) operate within the allocated subsidised hours as per the policy for this facility.

The group has booked 1,446 hours for 2016, averaging 27.8 hours per week, to enable it to conduct regular meetings and undertake the necessary work in preparing for many of its charitable fundraising events.

It is understood that one of the challenges faced by the group when wanting to access their storage facilities to allow members to undertake their work is that they cannot access the toilets. This therefore requires them to book the function area, so they can undertake their work within their storage areas and gaining access to the toilet facilities without disturbing another user group.

The group has requested the City provide an extension of their subsidy from 10 hours per week to include all existing bookings plus bookings for new projects that will likely eventuate throughout the year.

The group, along with other Lions Clubs provide valuable services to the community in assisting many charities, community groups and other people in need. Limiting access to the Gibson Park Community Facility may restrict the club's ability to provide these services. Consequently, it is suggested that Council give consideration to extending the club's 100% subsidy from 10 hours to 30 hours per week for 2016 only, to cover their existing bookings as well as any additional bookings that arise from special requests, as mentioned above.

In 2015, Council approved to extend their 100% subsidy from 10 hours per week to 30 hours per week.

Greenwood Weight Watchers Inc

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Greenwood Warwick Community Care Centre	Other Not for Profit	50%	2	N/A	\$740

The Greenwood Weight Watchers Inc is an independent incorporated group with more than 50% of its members as City of Joondalup residents. The group has 25 members with 95% of them seniors. The group is eligible for a 50% subsidy which brings their annual hire fee cost down to \$740.48.

The group has requested that, due to their small group size and the high number of seniors, they are afforded an additional subsidy to 100%.

It is noted that while the group does have mostly senior members, they are not eligible for the 100% subsidy afforded to Senior Citizens Recreational or Sporting Groups under the policy as they do not provide their activities exclusively for seniors.

It is recommended that rather than classify the group as eligible for a 100% subsidy, that the City considers waiving 50% of the fees that would apply, up to a maximum of \$370, meaning the group is still required to pay \$370, and that no fee waiver would apply to the 50% subsidised fee in 2017.

Burns Beach Coffee Club

<b>Facility Hired</b>	<b>Classification within Policy</b>	<b>Extent of subsidy</b>	<b>Average Number of hours booked per week</b>	<b>Number of hours exceeding subsidy per week</b>	<b>Potential additional cost</b>
Jack Kikeros Community Hall	Other Not for Profit	50%	1.7	N/A	\$1,282

The Burns Beach Coffee Club hires the Jack Kikeros Community Hall in Burns Beach for two hours per week. The group has advised that they are a not-for-profit group comprising ladies that gather socially on a regular basis with more than 50% of members residing within the City of Joondalup, although they are not an incorporated body or a formal entity.

Previously they have been provided a 50% subsidy under the policy and the remaining fees have been waived by Council on request of the group due to the group comprising all senior age participants.

The group has requested it again receive the subsidy and waiver for their bookings in 2016.

In reviewing the group's circumstances it is now suggested that the group no longer be considered eligible for a subsidy as it is not a formal not for profit group. The group does not meet many of the characteristics of a formal not for profit group such as incorporation certificate, constitution, bank account, insurance, annual general meeting and formal office bearers.

It is recommended that rather than classify the group as eligible for a subsidy, that the City considers waiving 75% of the fees that would apply, with the group to be advised that the waiver will reduce by 25% each year - 2017 (50% waiver), 2018 (25% waiver) and 2019 (0% waiver) - unless the group's status changes and they become eligible for a subsidy.

#### Burns Beach Ladies Walking Group

Facility Hired	Classification within Policy	Extent of subsidy	Average Number of hours booked per week	Number of hours exceeding subsidy per week	Potential additional cost
Jack Kikeros Community Hall	Other Not for Profit	50%	2	N/A	\$1,453

The Burns Beach Ladies Walking Group hires the Jack Kikeros Community Hall in Burns Beach for two hours per week. The group has advised that they are a not-for-profit group comprising ladies that walk together and socialise in the facility on a regular basis with more than 50% of members residing within the City of Joondalup. However they are not an incorporated body or a formal entity.

Previously they have been provided a 50% subsidy under the policy and the remaining fees have been waived by Council on request of the group due to the history of the group being established with assistance and funding arranged by the City.

The group has requested it again receive the subsidy and waiver for their bookings in 2016.

In reviewing the group's circumstances it is now suggested that the group no longer be considered eligible for a subsidy as it is not a formal not for profit group. The group does not meet many of the characteristics of a formal not for profit group such as incorporation certificate, constitution, bank account, insurance, annual general meeting and formal office bearers.

It is recommended that rather than classify the group as eligible for a subsidy, that the City considers waiving 75% of the fees that would apply, with the group to be advised that the waiver will reduce by 25% each year - 2017 (50% waiver), 2018 (25% waiver) and 2019 (0% waiver) - unless the group's status changes and they become eligible for a subsidy.

#### **Issues and options considered**

The Council may:

- approve each of the requests for additional subsidies on a case by case basis
- approve in part each of the requests on a case by case  
or
- decline the request for additional subsidies on a case by case basis.

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

**Legislation** Section 6.12 of the *Local Government Act 1995*.

**Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

**Strategic initiative** Identify opportunities for new income streams that are financially sound and equitable.

**Policy** *Facility Hire Subsidy Policy*.

**Risk management considerations**

The following risks may happen pending the consideration of the additional requests for subsidised use of City facilities:

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Incorrectly classifying the groups may set a precedent and cause complications in classifying other groups when determining subsidies.

**Financial / budget implications**

The cost to the City across all levels of subsidised use of City facilities is approximately \$1.3 million dollars. If the City was to extend the subsidies and waive the fees proposed for additional usage of City facilities for these groups, the City will lose approximately \$47,000 in income for 2015-16.

**Regional significance**

Requests for subsidised use only apply to users of City facilities that have are not for profit community groups, have a minimum of 50% members being resident to the City of Joondalup, and have their primary base of operation within the City of Joondalup.

**Sustainability implications**

The *Property Management Framework* aims to support the equitable, efficient and effective management of City-owned and managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

**Consultation**

Not applicable.

## COMMENT

The intent of the adopted *Facility Hire Subsidy Policy* was not about generating additional income but to achieve more equitable and greater use of City facilities.

This is the second season the adopted policy has been in place, previous decisions to phase in fees was to assist clubs with the transition and allow them to adjust their fee structure for future seasons. However, once the assistance is provided to the clubs to position themselves financially going forward, the general principle is that the full community rate is met by the clubs unless they become eligible for the subsidy. It is important that the classification of groups within the policy for levels of subsidisation remains consistent, however, if a group requires further consideration relating to fees, it is open to Council to waive these fees.

One of the objectives of the *Property Management Framework* was to stop groups booking facilities on a just-in-case situation. Such bookings then prevent other groups/individuals from gaining access to those facilities.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **AGREES to extend the 100% subsidy to the Kingsley Tennis Club (juniors) for the use of the Timberlane Park Tennis Courts and other associated City facilities in 2015-16 to a maximum 102.5 hours average per week;**
- 2 **DOES NOT AGREE to the request for subsidy from the Greenwood Tennis Club (juniors and seniors) for bookings in 2015-16;**
- 3 **AGREES to waive 75% of the fees that would apply to the Greenwood Tennis Club (juniors) up to \$4,495 for 2015-16 bookings, with the group to be advised that the waiver will reduce by 25% each year – 2016-17 (50% waiver), 2017-18 (25% waiver) and 2018-19 (0% waiver), unless the group's status changes and they become eligible for a subsidy;**
- 4 **AGREES to waive 25% of the fees that would apply to the Greenwood Tennis Club (seniors) up to \$1,481 for 2015-16 bookings, with the group to be advised that no waiver will be applied in 2016-17, unless the group's status changes and they become eligible for a subsidy;**
- 5 **AGREES to extend the 100% subsidy to the Ocean Ridge Tennis Club (juniors) for the use of the Heathridge Park Tennis Courts and other associated City facilities in 2015-16 to a maximum 35 hours average per week;**
- 6 **DOES NOT AGREE to the request from the Undercroft Bridge Club for a subsidy for bookings in Mildenhall in 2016;**
- 7 **AGREES to extend the 100% subsidy to the Lions Club of Whitford for the use of the Gibson Park Community Facility and other associated City facilities in 2016 to a maximum 30 hours per week;**

- 8 **DOES NOT AGREE** to the request from the Greenwood Weight Watchers Inc for an extension of their 50% subsidy to a 100% subsidy;
- 9 **AGREES** to waive 50% of the fees that apply to the Greenwood Wight Watchers Inc for their use of City facilities in 2016, up to a maximum of \$370, and that the group is advised that no fee waiver will be applied in 2017;
- 10 **DOES NOT AGREE** to the request from the Burns Beach Coffee Club for a 100% subsidy;
- 11 **AGREES** to waive 75% of the fees that would apply to the Burns Beach Coffee Club up to \$962 for their 2016 bookings, with the group to be advised that the waiver will reduce by 25% each year - 2017 (50% waiver), 2018 (25% waiver) and 2019 (0% waiver) - unless the group's status changes and they become eligible for a subsidy;
- 12 **DOES NOT AGREE** to the request from the Burns Beach Ladies Walking Group for a 100% subsidy;
- 13 **AGREES** to waive 75% of the fees that would apply to the Burns Beach Walking Group up to \$1,090 for their 2016 bookings, with the group to be advised that the waiver will reduce by 25% each year - 2017 (50% waiver), 2018 (25% waiver) and 2019 (0% waiver) - unless the group's status changes and they become eligible for a subsidy;
- 14 **NOTES** that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year/season and a new application must be made in each following year/season.

## REPORT – AUDIT COMMITTEE – 29 FEBRUARY 2016

### ITEM 14 2015 COMPLIANCE AUDIT RETURN

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	09492, 32481, 101515
<b>ATTACHMENT</b>	Attachment 1 2015 Compliance Audit Return
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

---

#### PURPOSE

For Council to adopt the City's 2015 Compliance Audit Return (the return) prior to it being submitted to the Department of Local Government and Communities (DLGC).

#### EXECUTIVE SUMMARY

The DLGC Compliance Audit Return for the period 1 January 2015 to 31 December 2015 has been completed and is required to be adopted by Council before being submitted to the DLGC by 31 March 2016.

*It is therefore recommended that Council:*

- 1 ADOPTS the completed 2015 Local Government Compliance Audit Return for the period 1 January 2015 to 31 December 2015 forming Attachment 1 to this Report;*
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above, to the Department of Local Government and Communities.*

#### BACKGROUND

The 2015 Return was made available to local governments by the DLGC on its website for online completion.

The structure of the return is similar to previous years and focuses on areas of compliance considered high risk. However a number of new questions have been formulated regarding regulations 24AD to 24AI of the *Local Government (Functions and General) Regulations 1996* which are in the category of Tenders for Providing Goods and Services. This incorporates all the statutory requirements prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

## DETAILS

The return contains the following compliance categories:

- Commercial Enterprises by Local Governments.
- Delegation of Power / Duty.
- Disclosure of Interest.
- Disposal of Property.
- Elections.
- Finance.
- Local Government Employees.
- Official Conduct.
- Tenders for Providing Goods and Services.

The relevant managers were required to complete the responses to the questions which were approved by their director before being forwarded to the Internal Auditor for review and input on the return. The return has been completed and is now required to be adopted by Council before being submitted to the DLGC by 31 March 2016.

### Legislation / Strategic Community Plan / policy implications

**Legislation** Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*.

#### Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

#### Risk management considerations

The risk associated with Council failing to adopt the return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

#### Financial / budget implications

Not applicable.

#### Regional significance

Not applicable.

#### Sustainability implications

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The responses in the return reveal a high level of compliance with legislation by the City.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Audit Committee at its meeting held on 29 February 2016.

The committee recommendation is the same as recommended by City officers.

**RECOMMENDATION****That Council:**

- 1 ADOPTS the 2015 Local Government Compliance Audit Return for the period 1 January 2015 to 31 December 2015 forming Attachment 1 to this Report;**
- 2 in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, SUBMITS the completed Compliance Audit Return as detailed in Part 1 above to the Department of Local Government and Communities.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf080316.pdf](#)

## 8 REPORT OF THE CHIEF EXECUTIVE OFFICER

## 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### **NOTICE OF MOTION – CR SOPHIE DWYER – ADDITIONAL SUPPORT FOR MICRO-COMMUNITY GROUPS - [55469]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr Sophie Dwyer has given notice of her intention to move the following Motion at the Council meeting to be held on Tuesday 15 March 2016:

***"That Council REQUESTS the Chief Executive Officer to prepare a report on the benefits, viability and costs associated with providing additional City of Joondalup resources to support micro-community groups, incorporated or otherwise, that provide services to the community that are aligned with the strategic objectives of the City of Joondalup."***

#### **Reason for Motion**

The City of Joondalup supports many worthwhile organisations in a variety of ways, including provision of facilities at discounted rates, in-kind support, grants and funding. Much of this support is subject to the organisation being incorporated in its own right or securing sponsorship from an eligible entity.

The process for registering a not-for-profit entity is relatively simple but the risks, responsibilities and costs of on-going management of an incorporated entity are often an unreasonable burden for small community groups who may have only a few members or offer a small range of services (micro-community groups). Securing sponsorship from a recognised entity imposes the burden onto the sponsoring organisation.

Few micro-community groups would be able to afford the professional training to ensure compliance with the highly complex and regularly changing local, state and federal laws associated with the operation of incorporated entities. Furthermore, there are risks associated with the City of Joondalup encouraging community groups to register as an incorporated entity as a condition of securing support from the City of Joondalup without concurrently recommending and/or facilitating appropriate professional development to ensure sound governance of the incorporated entity.

There are many micro-community groups who provide worthwhile activities within the City of Joondalup. Without these groups, the services would either not be provided or the provision of the services falls directly or indirectly onto the City of Joondalup.

Examples of such groups include, but are not limited to:

- Friends' groups who care for a small area of bushland
- young people undertaking special interest activities who may be ineligible to access community facilities or become incorporated without a sponsoring adult.
- rate payers associations
- residents seeking to run a one off community event
- groups providing support to assist frail people in their homes.

It is requested that a report be prepared on the viability of providing additional support to micro-community groups undertaking worthwhile activities that are aligned with the City of Joondalup strategic objectives. It is envisaged the report would also undertake to define “micro-community group” and “worthwhile activity.”

The additional resources provided by the City of Joondalup would seek to:

- act as an incubator for newly formed community groups to access funding, resources and in-kind support from the City of Joondalup and other bodies during the start up phase
- train office bearers in the roles, responsibilities and sound governance of managing a community group
- support the longer term sustainability of micro-community groups who provide worthwhile services but aren't seeking to grow in members, size or the range of services provided
- assist with securing resources or grants
- matching the micro-community group with larger entities, to provide mentoring, shared services, sponsorship for grant applications and other in-kind support
- other activities to encourage the long term sustainability of the micro-community group.

Micro-community groups provide very valuable services to the residents of the City of Joondalup and create value beyond the specific activities they undertake. Encouraging the long term sustainability of the micro-community groups will provide many flow on economic and social benefits to the City of Joondalup as a whole.

#### **Officer's Recommendation**

A report can be prepared.

**10 REPORTS REQUESTED BY ELECTED MEMBERS**

**11 CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*

**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

To: **CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**QUESTIONS**

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**STATEMENT**

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

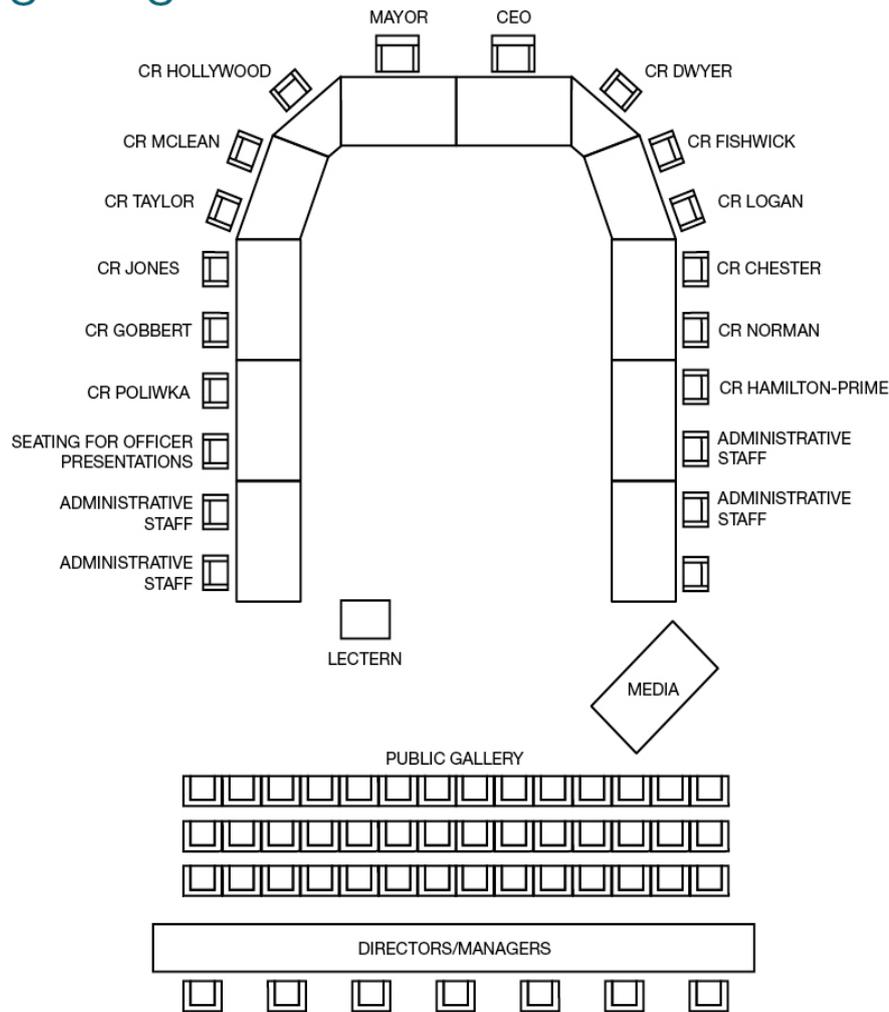
Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

# Conference Room 1 – Briefing Session Seating Diagram



## Mayor

- 1 His Worship the Mayor, Troy Pickard (Term expires 10/17)

### North Ward

- 2 Cr Kerry Hollywood (Term expires 10/17)  
3 Cr Tom McLean, JP (Term expires 10/19)

### North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/17)  
5 Cr Nige Jones (Term expires 10/19)

### Central Ward

- 6 Cr Liam Gobbert (Term expires 10/17)  
7 Cr Russell Poliwka (Term expires 10/19)

### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/17)  
9 Cr Mike Norman (Term expires 10/19)

### South-East Ward

- 10 Cr John Chester (Term expires 10/17)  
11 Cr John Logan (Term expires 10/19)

### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/17)  
13 Cr Sophie Dwyer (Term expires 10/19)