

# minutes

MEETING HELD ON **TUESDAY 20 MARCH 2018**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 20 MARCH 2018.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

HON. ALBERT JACOB, JP

#### Councillors:

CR KERRY HOLLYWOOD	North Ward	<i>absent from 7.49pm to 7.53pm</i>
CR TOM McLEAN, JP	North Ward	<i>absent from 7.58pm to 8.00pm</i>
CR PHILIPPA TAYLOR	North Central Ward	<i>absent from 7.52pm to 7.55pm</i>
CR NIGE JONES	North Central Ward	
CR CHRISTOPHER MAY	Central Ward	<i>absent from 7.42pm to 7.46pm</i>
CR RUSSELL POLIWKA	Central Ward – <i>Deputy Mayor</i>	<i>to 10.11pm</i>
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	
CR JOHN LOGAN	South-East Ward	<i>absent from 7.34pm to 7.38pm</i>
CR RUSS FISHWICK, JP	South Ward	<i>absent from 7.47pm to 7.49pm</i>
CR SOPHIE DWYER	South Ward	<i>absent from 7.56pm to 7.58pm</i>

#### Officers:

MR GARRY HUNT	Chief Executive Officer	<i>absent from 9.29pm to 9.31pm</i>
MR MIKE TIDY	Director Corporate Services	
MR JAMIE PARRY	Director Governance and Strategy	
MS DALE PAGE	Director Planning and Community Development	<i>absent from 8.22pm to 8.24pm</i>
MR NICO CLAASSEN	Director Infrastructure Services	
MR BRAD SILLENCE	Manager Governance	<i>absent from 8.14pm to 8.17pm</i> <i>absent from 8.21pm to 8.25pm</i>
MR MARK McCRORY	Manager Marketing and Communications	<i>to 9.36pm</i>
MR STUART McLEA	Media and Communications Officer	<i>to 9.36pm</i>
MR JOHN BYRNE	Governance Coordinator	<i>absent from 8.14pm to 8.17pm</i>
MRS LESLEY TAYLOR	Governance Officer	
MRS DEBORAH GOUGES	Governance Officer	

There were 57 members of the public and one member of the press in attendance.

## DECLARATIONS OF INTEREST

### Disclosure of Financial / Proximity Interest

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ053-03/18 - Confidential - Joondalup City Centre Development - Project Status.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka is a beneficiary of a property owned across the road.

### Disclosures of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ038-03/18 – Appointment of new Strategic Community Reference Group Members 2018.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Sonia Makoare, who is nominating for the Strategic Community Reference Group, is a friend of Cr Chester.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ038-03/18 – Appointment of new Strategic Community Reference Group Members 2018.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of the nominees are known to Cr Logan.

<b>Name/Position</b>	<b>Mr John Byrne, Governance Coordinator.</b>
<b>Item No./Subject</b>	CJ044-03/18 - Dogs on Broadbeach Park, Hillarys.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Relatives have signed one of the petitions.

**PUBLIC QUESTION TIME**

The following questions were submitted prior to the Council meeting on 20 March 2018:

**Ms N Dangar, Beldon:**

*Re: Various questions in relation to Beldon Park.*

Q1 *Where can a member of the public access the Parks and Public Open Space Classification Framework or the revised version which is used to inform the Directorate, which is responsible for the 'transparent' decisions made regarding what facilities may be installed and what classifications of a park have the desired criteria to be allowed to have shade over playground, BBQ, dog bowl or access to water so future efforts are not wasted on asking for items which will never be granted by this City?*

A1 The *Parks and Public Open Space Classification Framework* is available as an attachment to the Council report available on the City's website <http://www.joondalup.wa.gov.au/files/councilmeetings/2010/Attach10agn160210.pdf>

The revised *Parks and Public Open Space Classification Framework* version used and referenced by the City's administration to inform recommendations to Council in relation to parks and public open spaces and facility refurbishments is an internal document only and as such is not available to members of the public.

Q2 *On what date was Beldon Park classified as a Local Active Park and when was it determined that it was not a hireable facility as it is only for the exclusive use of a club which has resulted in a discriminatory approach to the residents of Beldon who have requested BBQs, dog bowls and shade over the playground since the first petition in 2009?*

A2 The City's current classification of parks and public open spaces was endorsed by Council at its meeting held on 16 February 2010 (CJ014-02/10 refers).

As has been answered previously, Beldon Park is available for general hire.

Q3 *At what level in the City administration was the application for the car boot sale on Beldon Park considered before it was determined that NO cars are to be on the park?*

A3 The request to allow vehicle access onto Beldon Park was considered by the City, with a number of relevant business units having input.

**Mr M Moore, Edgewater:**

*Re: Local Housing Area Strategy.*

Q1 *Who made the decision to increase density?*

A1 The State Government has set all metropolitan local governments dwelling targets they need to meet. To show how the City of Joondalup was going to meet its dwelling target, the City needed to prepare a *Local Housing Strategy* (LHS).

Council made a decision to increase density in 10 Housing Opportunity Areas (HOAs), by adopting the initial draft LHS in February 2011. The Department of Planning did not support the initial draft LHS and advised the City to increase the size of some HOAs and the density within them. To obtain approval for its LHS, the City needed to make changes to the draft document. Council therefore made a decision to adopt a revised LHS in April 2013. The Department of Planning was satisfied with the revised LHS and recommended that the Western Australian Planning Commission (WAPC) approve the revised document. The WAPC approved the final document in November 2013.

The LHS document itself did not put densities in place. The new densities needed to be implemented via a change to the City's planning scheme. To this effect, Scheme Amendment No. 73 was adopted by Council in March 2015. The WAPC did not support all scheme provisions contained in Scheme Amendment No. 73 and replaced certain provisions. The WAPC then made its recommendation on Scheme Amendment No. 73 to the (then) Minister for Planning. The Minister for Planning finally approved Scheme Amendment No. 73 in January 2016, essentially providing the final approval for density in the HOAs.

**Mr P Conlin, Beldon Residents Association:**

*Re: CJ045-03/18 - Petition Regarding Approval for Vehicles to Access Beldon Park.*

Q1 *We ask were the Joondalup United Football Club given permission by the City to have their fun day on Beldon Park with vehicles?*

A1 No.

Q2 *Why when we sought approval for only two vendor vans to be placed on the park, were we still denied access?*

A2 All requests for vehicle access onto City parks are considered on a case by case basis. In this instance, the request from the Beldon Residents Association was declined and a more suitable location for the car boot sale was identified.

Q3 *For Beldon Residents Association's next event, would we be permitted to have just two vehicles (coffee and ice-cream vendor) on the park, near the clubroom but not on the playing field, as this will determine the type of events we are able to hold?*

A3 As per the City's normal processes, this request will be considered in context with the booking application.

Q4 *We as the Beldon Residents Association ask for a copy of the booking schedule of Beldon Park in order that we don't make nuisance calls to the City. How do we get a copy of the booking schedule?*

A4 Beldon Park, is regularly booked as per below, noting that Monday to Friday the park is subject to a shared use arrangement with the adjacent school which allows the school exclusive use 8.00am to 4.00pm every school day. However it should be noted that all parks are booked by both regular and casual hirers and booking schedules change regularly.

Monday - 8.00am to 6.30pm.

Tuesday - 7.30am to 8.00pm.

Wednesday - 8.00am to 8.00pm.

Thursday - 7.30am to 8.00pm.

Friday - 8.00am to 6.30pm.  
Sunday - 8.00am to 5.00pm.

Q5 *We, the Beldon's Residents Association, need to know clearly what is allowed on Beldon Park as we intend to use the park for the community. We ask for clarity on what we can and cannot do.*

A5 The City's *Terms and Conditions of Hire and Local Government and Public Property Local Law 2014* are both available on the City's website.

The City recommends anyone considering running an event on City managed property to contact the Community Facility Booking team on 9400 4620 to discuss their event.

**Ms M Halid, Hillarys:**

Re: *CJ044-03/18 – Dogs on Broadbeach Park, Hillarys.*

Q1 *In view of the response from the City of Joondalup stating that the project is on track to be delivered in 2018-19 as per the City's Five Year Capital Works Program, subject to Council approval where will City of Joondalup recommend to Council where the two specific dog exercise areas should be sited or at least where the recommended 2018-19 specific dog exercise area should be sited?*

A1 This is still to be determined.

Q2 *In the near future will the City of Joondalup be recommending to Council that other parks that contain lakes / water courses such as Sir James McCusker Park, Picnic Cove and Garrong Park be rezoned from 'dog off leash' parks to 'dog on leash' parks.?*

A2 Other than Broadbeach Park, which is currently the subject of two petitions, there are no plans to make changes to any of those other parks or reserves to be 'dogs on leash'.

Q3 *In the near future will any specific Councillors be proposing a motion that the above mentioned 'dog off leash' parks be rezoned to 'dog on leash' parks?*

A3 Council cannot provide an answer on behalf of individual Councillors.

Q4 *On the establishment of specific dog exercise areas, will the City of Joondalup be recommending to Council that the above named 'dog off leash' parks be rezoned to 'dog on leash' parks?*

A4 Refer to answer to question two above.

**Mrs R Millet, Beldon:**

Re: *Use of Beldon Park by Joondalup United Football Club.*

Q1 *Joondalup United Football Club (JUFC) have a liquor license and as such must enter the park with a car to take alcohol to the premises. Is this true?*

A1 No.

- Q2 *What days and times do JUFC have permission to use their liquor license at Beldon Park?*
- A2 The JUFC hold a booking for Beldon Park, however this does not result in them holding a liquor license for this same period. Any enquiries in regard to a specific liquor license should be made to the Department of Local Government, Sport and Cultural Industries, who are the statutory agency responsible for regulating the sale of alcohol within Western Australia.
- Q3 *Would the City please clarify the terms and conditions of JUFC liquor license on Beldon Park?*
- A3 The City requires within its *Terms and Conditions of Hire* that all hirers hold the appropriate liquor license, however for specific conditions related to a liquor license, enquiries should be made to the Department of Local Government, Sport and Cultural Industries.
- Q4 *How are we able to see the booking schedule for Beldon Park?*
- A4 The City does not currently have the capacity to provide a viewable booking calendar. Any individual or group wishing to enquire as to a facility or venue's availability should contact the City's Facility Booking Office on 9400 4268.
- Q5 *How do we as a community know when JUFC are using their liquor license and hence have permission to drive a vehicle on to the park?*
- A5 Should the community have any concerns in regard to inappropriate use of a City asset it should be reported to the City either on 9400 4000 (during office hours) or via City Rangers on 1300 655 860 (outside of office hours).

**Mrs N Goodall, Ocean Reef:**

Re: *CJ047-03/18 – Implementation of a three bin system for the City of Joondalup.*

- Q1 *Could Council offer residents the option of a larger 360 litre green waste bin, in the same way they have proposed a larger 360 litre yellow lid recycle bin to fit in with new collection schedules?*
- A1 This is something that the City may consider following the implementation of the three bin system.
- Q2 *If Council cannot offer a larger 360 litre green waste bin, would it consider continuing collection of the green bin every week?*
- A2 Weekly collection is not something that the City is considering for the green waste bin due to the additional costs involved of a weekly collection.

**Mr M Moore, Edgewater:**

Re: *Local Housing Strategy.*

Q1 *Were demographic studies carried out for each Housing Opportunity Area (HOA) and their suburbs to establish how much their populations would increase and what the composition of their populations would become?*

A1 *Section 6 - Population and Housing Demand of the Local Housing Strategy outlines the demographic profile and issues relating to the existing and likely future demographic profile of the City of Joondalup, as at the time of preparation of the draft strategy. Individual studies were not undertaken for each proposed HOA.*

Q2 *What allowance was factored in for the higher densities that apartment buildings allow on lots of land in the HOAs?*

A2 *It was never the City's intention to allow larger apartment developments to be developed in the HOAs, except on a handful of lots coded R20/R60 close to railway stations, on small sections of Beach Road and next to larger shopping centres.*

*However, introduction of the State Government's Multi-Unit Housing Code resulted in the ability for the developments to occur more broadly in the HOAs.*

*The City tried to discourage the development of apartments by including a scheme provision to restrict the development of multiple dwellings to sites larger than 2,000m<sup>2</sup>. However, the Western Australian Planning Commission removed this provision from Scheme Amendment No. 73, leaving the City with no ability to prevent or discourage apartment development at that stage.*

Q3 *Was an assessment made of existing community social infrastructure in each HOA and their suburbs to establish whether what exists is adequate and if more community social infrastructure is required in each of the HOAs?*

A3 *General assessment of each proposed HOA was undertaken in the preparation of the Local Housing Strategy and it was recognised that there may be a need for upgrade to infrastructure to support the additional dwellings, however specific assessment was not undertaken at that point.*

Q4 *Was an assessment made of the likely tree loss in each of the HOAs and what the 'heat island affect' would be for each of those HOAs and their surrounding suburbs?*

A4 *In order to try to minimise the impact of infill development, at the time of the preparation of the draft Local Housing Strategy, a Dual Density Code policy was drafted to encourage sustainable infill development. Proposed measures included the retention of appropriate trees on private property, minimising hard surfaces to reduce storm water runoff, landscaping of the verge to include the provision of a street tree, a requirement for rainwater tanks, and the submission of an energy performance report. However, as some of these measures were beyond the scope of the Residential Design Codes, being the document that controls residential development in Western Australia, the Dual Density Code in the form drafted was ultimately not possible to implement.*

**Mrs B Richmond, Hillarys:**

Re: CJ044-03/18 – Dogs on Broadbeach Park, Hillarys.

Q1 *As the Rangers Department have stated that the level of reported activity is not considered to indicate that a significant dog control issue exists in these parks, why is it considered necessary at all to amend the regulations if there is no problem to address?*

A1 Council has two petitions that it is required to address. The consultation process would give an opportunity for a wider engagement of the community and a better understanding of the issues being considered.

Q2 *Given that there will inevitably be a very small percentage of irresponsible people who ignore any possible change (just as there will always be car thefts, break ins, handbag snatches and the like), how will penalising those responsible dog owners who already do the right thing and exercise control of their dogs change anything?*

A2 Refer to answer to Question 1 above.

Q3 *The general public are more of a danger to the wildlife than dogs 'off leash' due to feeding and littering. Why cannot additional, more educational signage be installed (as is provided at Carine Open Space for example) to protect the wildlife rather than penalise responsible law-abiding dog owners?*

A3 Refer to answer to Question 1 above.

Q4 *With rapidly growing population and higher density housing within the City which will inevitably lead to a larger dog population, what is the City doing to improve and increase facilities for 'off leash' exercising of dogs?*

A4 There are more than 270 parks and reserves in the City where dogs may be exercised off leash.

Q5 *Should the community consultation go ahead, how can we be assured that the wording will be in such a way as to give a true understanding of the debate and issues in a fair, unbiased and equitable way? Will there be an opportunity to review the wording and comment before the mail-out?*

A5 The City has considerable experience in developing high quality survey instruments and is confident it can do so with the proposed community survey in relation to Broadbeach Park. Respondents will be able to provide free form text in addition to the questions if they wish.

**Ms N Imeson, Hillarys:**

Re: CJ044-03/18 – Dogs on Broadbeach Park, Hillarys.

Q1 *Given that the report does not find any factual basis for the claims made by the lead petitioner to garner support, how can Council not immediately dismiss the petition?*

- A1 The purpose of the proposed consultation is to gather evidence of the views of the community, so as to better inform Council of the circumstances that pertain to the two petitions.
- Q2 *How can the Council justify the expenditure of near on \$5,500 for a mailed out survey when:*
- a *the petition gained 167 signatures in support.*
  - b *The alternate petition to maintain the status quo obtained 573 signatures in support.*
  - c *It means that 77.4% of those who signed the petitions support the maintenance of the status quo.*
  - d *Mailed out surveys do not have a high rate of response (and I base this upon the "Statistical Analysis of Community Feedback from Issues Papers 1-7" Survey conducted by the City that received only 163 responses out of a City population in excess of 150,000) and the Council has before it the responses of 740 residents already and the information is available at no cost to the ratepayers of the City.*
- A2 It is important to ensure that the broader community has an equal and balanced opportunity to provide comment on the proposals in the petitions and can best be achieved through a survey.
- Q3 *In the event that Council does decide to proceed with the community consultation, will the Principles of Community Consultation Engagement stated in the "Community and Engagement Policy" section 2.1 (g) be upheld?*
- A3 Yes.
- Q4 *How will the City ensure that "accurate, adequate and unbiased information" is made available?*
- A4 A survey instrument incorporating a mail out to local residents and an online survey form will be developed from which relevant information can be taken to better inform Council of the situation.
- Q5 *How will the City ensure that the public is aware that the claims made by the lead petitioner have been discredited by "accurate, adequate and unbiased information"?*
- A5 In due time Council will make a decision on the use of a leash for people exercising their dog in Broadbeach Park. The decision by Council will be based on adequate, accurate and unbiased information.

**The following questions were submitted verbally at the Council meeting:**

**Mr E Smith, Hillarys:**

*Re: CJ044-03/18 – Dogs on Broadbeach Park, Hillarys.*

- Q1 *What is the distance in kilometres to the nearest 'dog off leash' area to Broadbeach Park, Hillarys?*
- A1 The Director Corporate Services advised the closest 'dog off leash' park is Flinders Park which adjoins Broadbeach Park.

**Ms Beth Hewitt, Edgewater:**

*Re: Proposed 14 Multiple Dwellings at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater.*

*Q1 What is the proposed timeline for the implementation of changes the City hoped to make to Local Planning Scheme No. 3 once it is approved by the Minister for Planning to increase the land sizes required for building flats?*

*A1 Mayor Jacob advised the changes referred to were undertaken by Council at its meeting held on 17 November 2017 to progress a number of amendments to the City's planning scheme to address concerns around housing opportunity areas.*

The Director Planning and Community Development commented an exact timeline cannot be given at this stage. It is dependent on when the amendment is initiated once the consultants have finalised their body of work. Much of the process does not sit within the control of the City or Council. The City has timelines associated with its part of the process but the majority of the process sits with the Western Australian Planning Commission and the Minister for Planning.

*Q2 In the meantime the unit development is to progress. Are the residents to be impacted by this development?*

*A2 Mayor Jacob stated no. The only multi-unit development proposal in Edgewater is the one Council has previously refused which is currently with the State Administrative Tribunal and no further decision has been made on this matter at this time.*

**Mr B Murphy, Edgewater:**

*Re: Proposed 14 Multiple Dwellings at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater.*

*Q1 At a recent Edgewater Community Residents Association meeting an investor from another suburb who owns property in the Edgewater housing opportunity area (HOA) zone claimed that if a property was down zoned and the owner lost development potential, there was ability to sue Council over that loss and recover damages. Is this true?*

*A1 The Director Planning and Community Development advised there were circumstances in which a person could claim damages against the Council for changing zoning of property. It is uncertain whether changing the zoning in HOA areas would necessarily qualify and legal advice would need to be sought.*

*Q2 Do property owners who lose value because of a change in HOA zoning have the ability to sue Council over their loss and recover damages?*

*A2 Mayor Jacob commented that was correct, but whether the action was successful or not is a matter for the courts, not a matter for Council.*

**Mr A Murphy, Edgewater:**

*Re: Proposed 14 Multiple Dwellings at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater.*

*Q1 Residents have been told repeatedly that the Western Australian Planning Commission would not approve the provisions proposed by the City of Joondalup as part of its Scheme Amendment No. 73. What were those provisions and why were they refused?*

A1 Mayor Jacob advised Council approved an amendment at its meeting held on 17 November 2017 specifically relating to guidelines, as well as a limit on multiple dwellings for blocks of less than 2,000m<sup>2</sup>.

The Director Planning and Community Development stated there were two key components to the amendment; a provision that stipulated multiple dwellings could only be developed on sites larger than 2,000m<sup>2</sup> and the second provision was that all such development would need to comply with the provisions of the City's local planning policy, with the intent being to strengthen the provisions of the policy. Both those provisions were removed by the WAPC during their deliberations on the amendment.

*Q2 It is difficult to understand the refusal, given that in October 2015 the City of Swan amendment that limited group dwellings and apartments on dual coded lots to lots that are greater than 1,300m<sup>2</sup> in size and the Town of Victoria Park has put R40 zoned areas where apartments are not permitted at all. So why were the City of Joondalup's more modest provisions refused?*

A2 The Director Planning and Community Development commented she was only able to speak to advice received from the Department on the City's scheme. During discussions with the Department in recent times it was identified there are a significant number of local government policies that have not been endorsed and are not supported by the WAPC. A review of those policies is currently being undertaken. Scheme amendments are required to be approved by both the WAPC and the Minister for Planning. What can be said with any certainty is the advice received by the City of Joondalup on what provisions would be acceptable and those that would not.

**Mr M Moore, Edgewater:**

*Re: Local Housing Area Strategy.*

*Q1 In July 2015 Planning Bulletin No. 113 introduced a provision to allow Councils to restrict the number of multiple dwellings in R40 coded areas by applying the average site area to grouped dwellings standard in lieu of plot ratio standard for R40 coded lots located outside of core areas. Why did the City of Joondalup not use that provision to limit apartments in areas away from train stations, shopping centres and the like?*

A1 The Director Planning and Community Development advised this has been answered previously and the Planning Bulletin being referred to arose in response to issues that the City of Stirling was experiencing at that stage where they had blanket R40 areas. Therefore, with the introduction of the multiple unit housing codes that meant that apartments could be developed everywhere in those areas. The bulletin essentially conveyed it was more appropriate to concentrate that type of development around nodes such as train stations, shopping centres, transport routes and the like which is what has enabled the City of Stirling to take a more focussed approach in where they can and cannot place multi-unit dwellings. An analysis of the bulletin primarily aligns with the approach taken by the City of Joondalup from the outset of its *Local Housing Strategy*.

Q2 *In January the City of Vincent had its Built Form Policy which contained a number of protection provisions endorsed by the WAPC. Why is the City of Joondalup being told that the only way it can get protection provisions is through scheme amendments?*

A2 The Director Planning and Community Development stated that was not an accurate statement. It has never been said that this can only be achieved through an amendment and that is the very reason Council in November last year endorsed the preparation of both a policy and scheme amendment. With respect to the issue experienced by the City of Vincent, it has been made clear that the Commission's approval is required for policy provisions that vary certain provisions of the R-Codes. The City of Vincent developed a policy and incorporated provisions that were not approved by the WAPC and who subsequently varied certain provisions.

**Ms S Thompson, Duncraig:**

Re: *Planning Policies.*

Q1 *While reading through a developer's submission to the WAPC recently I noticed the City of Joondalup's residential development local planning policy which aims to improve streetscape for dual coded areas has not been endorsed by the WAPC and the Commission is not bound by its provisions. Other Councils have had their provisions endorsed by the WAPC, why hasn't the City of Joondalup?*

A1 The Director Planning and Community Development commented that at present the WAPC is currently undertaking a review of policies. Since meeting with the WAPC late last year, 170 local government policies have been identified as not having been seen by the WAPC and consequently not approved. The Commission was aware of the City's policy and to a large degree was in support of the provisions, notwithstanding there were a couple of provisions the City included despite the advice of the WAPC. Those provisions related to some streetscape issues and these were included in an attempt to manage the impacts of development in the absence of the right planning framework to do so. Some elements of the policy did not have the support of the WAPC and if tested through the State Administrative Tribunal process may not be successful.

Q2 *In view of the fact that there are policies that have not been endorsed by the WAPC and the Commission are not bound by those provisions, why is the City of Joondalup not able to include other key provisions such as no apartments under 2,000m<sup>2</sup>?*

A2 The Director Planning and Community Development advised that certain policy provisions were not supported by the WAPC, particularly in relation to streetscape. Despite advice received from the WAPC, the City proceeded in any case as it was considered low risk to the City. Following on from this the amendments to the R-Codes were implemented by the WAPC in an attempt to address streetscape issues. The City was not going to develop policies, that legally, it was not permitted to do. As mentioned earlier it is not possible to have a policy that contradicts the scheme or a policy that prevents the City from exercising its rights under the zoning for a property. The minor provisions included into the City's policy were introduced for the benefit of residents.

Should the City introduce a policy not endorsed by the WAPC, there was a high risk that any refused development applications would be appealed to the State Administrative Tribunal.

**C16-03/18****FIRST EXTENSION OF PUBLIC QUESTION TIME - [01122, 02154]**

**MOVED Mayor Jacob, SECONDED Cr Hollywood that Public Question Time be extended for a period of 10 minutes.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**Mr J Parker, Duncraig:**

*Re: Housing Opportunity Areas – Scheme Amendment Nos. 88 and 90.*

*Q1 At last month's meeting with the Director Planning and Community Development it was stated the City is still exploring ways to have Amendment Nos. 88 and 90 in Housing Opportunity Area 1 (Duncraig south) adopted into the draft Local Planning Scheme No. 3 without having to go back to the beginning of the process. Before last month's meeting we received emails from Chris Leigh, the Western Australian Planning Commission and Dale Sanderson all saying that that was not possible. Is this the case?*

**A1** The Director Planning and Community Development indicated when the City gives advice and makes recommendations, it is based on technical knowledge, advice received from the department and other advisors working with the City. The City is not the approval authority for the local planning scheme, nor is it the approval authority for amendments. It is not the decision of Council as to whether or not Amendment Nos. 88 or 90 could be absorbed into Local Planning Scheme No. 3. It is possible for the Minister or the WAPC to add elements into a scheme at the last minute, however this is unlikely.

Following consultation, the City will make every endeavour to possibly incorporate key provisions into the LPS 3 without having to go back to the beginning of the process.

Currently the way the regulations are written the City would need to go right back to the beginning of the process and arguably would have to reinitiate the amendment, re-consult and begin the whole process again.

**Mrs B Richmond, Hillarys:**

*Re: CJ044-03/18 – Dogs on Broadbeach Park, Hillarys.*

*Q1 Given that there were only three complainants regarding dogs chasing swans and the photographs submitted from the lead petitioner requesting that dogs be on a leash, should swans be aggressive to the dogs and in every instance there was a distance of at least two metres between the animals. How can this be considered to be a problem, justifying any changes in regulations when the responsible dog owners are so numerous and the fact that the three complainants related to the same incident?*

**A1** Mayor Jacob commented in relation to a petition duly presented to Council, a report has been prepared with a recommendation before Council for consideration.

Q2 *In July last year the clutch of cygnets that died were born at the wrong time of the year, with the nest being flooded shortly after hatching. Lake water quality issues were mentioned in the City's report, the public were seen feeding bread to the young birds. Taking all these factors into account how can the presence of 'dogs off leash' be blamed for the demise of the cygnets?*

A2 Mayor Jacob advised Council will make a decision on this recommendation later in the evening.

**Ms N Imeson, Hillarys:**

Re: *CJ044-03/18 – Dogs on Broadbeach Park, Hillarys.*

Q1 *What is the amount in the City of Joondalup's annual budget to allocate on surveys to garner community opinion?*

A1 Mayor Jacob advised this question would be taken on notice.

Q2 *What percentage of the total number of surveys distributed must be returned or completed for it to be considered a sufficient representation of the community opinion?*

A2 Mayor Jacob advised there was no minimum.

**Mr S Field, Edgewater:**

Re: *Proposed 14 Multiple Dwellings at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater.*

Q1 *At the last community meeting which Mayor Jacob attended a statement was made that unless amalgamating housing blocks achieve an area of 2,000m<sup>2</sup> it would not be considered suitable for multiple dwellings. Given that Chipala Court is only 1,375m<sup>2</sup> combined and has been to Council and turned down and actioned to the State Administrative Tribunal, where do residents now stand in regard to this development? Will this development go through in its present form or will it be reduced?*

A1 Mayor Jacob commented the 2,000m<sup>2</sup> threshold is established in a new amendment which Council is seeking to implement in response to community concern around this issue.

Q2 *Will residents' verges surrounding this proposed development be used to accommodate the lack of parking within this proposed development?*

A2 Mayor Jacob advised he was unable to answer as this is a proposal that this Council has not supported.

**Mr T Gilbert, Hillarys:**

Re: *CJ044-03/18 – Dogs on Broadbeach Park, Hillarys.*

Q1 *Has the Council conducted further bird counting in Broadbeach Park since last week's Council meeting?*

A1 Mayor Jacob advised the report before Council is prepared in response to petitions and did not go into that level of detail.

C17-03/18

**SECOND EXTENSION OF PUBLIC QUESTION TIME - [01122, 02154]**

**MOVED Mayor Jacob, SECONDED Cr May that Public Question Time be extended for a period of 10 minutes.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**Dr T Green, Padbury:**

*Re: Local Housing Strategy.*

**Q1** *Is the City monitoring infill against target areas and how does the City plan to stop infill once those targets are achieved?*

**A1** The Director Planning and Community Development advised the City's *Strategic Community Plan* had some indicators based on its HOA targets that are regularly monitored and reported through the process. There are no mechanisms where the City can stop taking development applications or stop density as soon as the target is met. The zoning is in place for the time being and as previously advised, legal advice received by the City indicates that the City cannot stop accepting development applications.

**Q2** *The City of Stirling uses R30 apartment provisions. Why does the City of Joondalup not do this?*

**A2** The Director Planning and Community Development commented that in developing its *Local Housing Strategy*, the City spoke with the Department for Planning in relation to Scheme Amendment No. 73, with little success.

At the time the City was developing its *Local Housing Strategy*, it liaised with the WAPC in relation to Scheme Amendment No. 73 with respect to the impacts of density in certain areas, political pressure and other mechanisms.

It is considered there is now a greater willingness at the Department for Planning to deal with this issue and to have more flexibility, thereby allowing local governments to be more flexible.

This has given the City of Joondalup encouragement that it will be afforded the same consideration when the City's policy and scheme amendments are put forward.

**Mrs E O'Callaghan, Duncraig:**

*Re: Local Housing Strategy.*

**Q1** *Scheme Amendment No. 73 states that the minimum lot size of 2,000m<sup>2</sup> will allow for approximately 17 dwellings at R40 and 20 dwellings at R60. By comparison nine and 13 single dwellings could be accommodated at the same lot size. The recently approved development at Macedon Place, Craigie equates to 20 dwellings at R40 and the proposed 14 apartment development at Littorina Avenue, Heathridge equates to 18.7 dwellings at R40. Were the figures understated in the report pertaining to Scheme Amendment No. 73?*

A1 The Director Planning and Community Development advised the figures were not understated. It is difficult to accurately depict or predict how many multiple dwellings can be developed on a site.

*Cr Logan left the Chamber at 7.34pm.*

Q2 *At what percentage for apartments was used when the HOA potential modelling was redone for the higher zoning?*

A2 The Director Planning and Community Development reiterated that it was never the City's intention to enable development of large apartment style developments in the HOA areas. The introduction of the State Government housing density code changed the minimum lot sizes and removed the average lots sizes for apartments in the R40 zone. The City attempted to discourage multiple lot developments through Scheme Amendment No 73, but was not successful in that regard.

**Ms S Wilberforce, Edgewater:**

*Re: Proposed 14 Multiple Dwellings at Lots 125 and 126 (1 and 3) Chipala Court, Edgewater.*

Q1 *Have any traffic studies been undertaken in the vicinity of Garrong Close and Chipala Court, Edgewater?*

A1 Mayor Jacob stated that he is unable to comment as this proposal is with the State Administrative Tribunal.

Q2 *When will the City of Joondalup act on behalf of the community and take remedial action on the R20 / R40 zoning of Edgewater and rezone it back to the level of density the community was originally consulted on back in 2010?*

A2 Mayor Jacob advised the City has already initiated scheme amendments which seek to address the vast majority of concerns. This will have to be progressed through the scheme amendment process and the City does not control this timeline.

**Mrs N Goodall, Ocean Reef:**

*Re: CJ047-03/18 - Implementation of a three bin system for the City of Joondalup.*

Q1 *Can the City of Joondalup offer residents the option of a larger 360 litre waste bin in the same way it is proposing a 360 litre yellow lid recycle bin to fit in with the new collection schedules that are due to commence in January 2019?*

*Cr Logan entered the Chamber at 7.38pm.*

A1 Mayor Jacob commented Council will consider the matter of a three bin system this evening, as well as seeking grants from the State Government to off-set the costs of implementation. The suggestion of a 360 litre waste bin is something the City will consider for the future. The City's green waste contract is in place until 2020 after which time the City can consider the suggestion of a 360 litre waste bin at the expiration of its current contract.

**Mr M Goodall, Ocean Reef:**

*Re: Shopping Complex – corner of Marina Boulevard and Venturi Drive, Ocean Reef.*

*Q1 The condition of the shopping complex at the corner of Marina Boulevard and Venturi Drive, Ocean Reef is in a dilapidated condition. Does the City of Joondalup have the capacity to purchase the site and make the necessary improvements for the benefit of the community?*

*A1 Mayor Jacob responded the City does not have any mechanisms whereby the Council could compulsorily purchase a private shopping complex.*

*Q2 Is there anything the City of Joondalup is able to do to improve the condition of the shopping complex on the corner of Marina Boulevard and Venturi Drive, Ocean Reef?*

*A2 Mayor Jacob advised this question would be taken on notice.*

**PUBLIC STATEMENT TIME**

**The following statements were submitted verbally at the Council meeting:**

**Mrs B Richmond, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Mrs Richmond spoke against rezoning Broadbeach Park to a 'dog on leash' park stating that there will always be a small minority of dog owners who will ignore the regulations and that those people's actions should not be used for discriminating against the majority of responsible dog owners.

*Cr May left the Chamber at 7.42pm.*

**Mr Y Potvin, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Mr Potvin spoke against rezoning Broadbeach Park to a 'dog on leash' park and asked that the following concerns be considered in deliberations on the rezoning of Broadbeach Park:

- If the ban is successful in Broadbeach Park would it be extended to Flinders Park?
- All the other large parks in Hillarys where dogs could exercise freely do not have 'off leash' access and due to this are not suitable options.
- The petition started as a solution to a perceived threat to a wildlife problem and this has been refuted by the Council's report.

**Mr E Smith, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Mr Smith spoke against rezoning Broadbeach Park to a 'dog on leash' park stating that there have only been 14 dog complaints received by Council in the past two years, six of which do not relate to the matter in question. Mr Smith proposed the current zoning of Broadbeach Park should remain as is and that no further consultation is required.

*Cr May entered the Chamber at 7.46pm.*

*Cr Fishwick left the Chamber at 7.47pm.*

**Ms N Imeson, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Ms Imeson spoke against rezoning Broadbeach Park to a 'dog on leash' park stating that maintaining the park specification as an 'off leash' park is strongly supported and good economic governance means not spending \$4,500 of rate payer funds to get the information that has already been presented within the petitions received by the City.

**Mr C Bell, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Mr Bell spoke against rezoning Broadbeach Park to a 'dog on leash' park and encouraged Elected Members to leave the status quo in place in terms of the current zoning.

*Cr Fishwick entered the Chamber at 7.49pm.*

*Cr Hollywood left the Chamber at 7.49pm.*

**Mr D Cowell, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Mr Cowell spoke against rezoning Broadbeach Park to a 'dog on leash' park stating that deciding to rezone Broadbeach and/or Flinders Parks as 'on leash' only parks would be a move in the wrong direction and impact the wellbeing of the dogs along with the social community spirit which exists in the park.

*Cr Taylor left the Chamber at 7.52pm.*

*Cr Hollywood entered the Chamber at 7.53pm.*

**Mr J Richmond, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Mr Richmond spoke against rezoning Broadbeach Park to a 'dog on leash' park and referred to the petition submitted in favour of rezoning Broadbeach Park and stated the photos contained within the petition are an attempt to mislead Council into thinking there is a systemic wildlife problem in Broadbeach park of which there is no evidence.

*Cr Taylor entered the Chamber at 7.55pm.*

**Mrs M Sorger, Hillarys:**

*Re: CJ044-03/18 Dogs on Broadbeach Park, Hillarys.*

Mrs Sorger spoke against rezoning Broadbeach Park to a 'dog on leash' park stating that a minority of dog owners ignore current signage and regulations in the park. Ms Sorger sought the support of Council to retain the current zoning of Broadbeach Park, thereby allowing owners to exercise their dog on the park 'off leash'.

*Cr Dwyer left the Chamber at 7.56pm.*

**APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr Sophie Dwyer	21 February to 31 March 2018 inclusive;
Cr Mike Norman	6 April to 13 April 2018 inclusive;
Mayor Hon. Albert Jacob, JP	26 April to 7 May 2018 inclusive.

**C18-03/18****REQUESTS FOR LEAVE OF ABSENCE – CRS NIGE JONES AND CHRISTINE HAMILTON-PRIME – [08122, 02154]**

Cr Nige Jones requested Leave of Absence from Council duties covering the periods 16 April to 27 April 2018 and 20 May to 25 May 2018 inclusive.

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the period 5 May to 15 May 2018 inclusive.

**MOVED Mayor Jacob, SECONDED Cr Hollywood that Council APPROVES the requests for Leave of Absence from Council duties covering the following dates:**

<b>1</b>	<b>Cr Nige Jones</b>	<b>16 April to 27 April 2018 inclusive;</b>
<b>2</b>	<b>Cr Christine Hamilton-Prime</b>	<b>5 May to 15 May 2018 inclusive;</b>
<b>3</b>	<b>Cr Nige Jones</b>	<b>20 May to 25 May 2018 inclusive.</b>

**The Motion was Put and****CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Cr Dwyer entered the Chamber at 7.58pm.*

*Cr McLean left the Chamber at 7.58pm.*

**CONFIRMATION OF MINUTES**

**C19-03/18**                    **MINUTES OF COUNCIL MEETING HELD 20 FEBRUARY 2018 – [08122, 02154]**

**MOVED Cr Chester, SECONDED Cr May that the Minutes of the Council Meeting held on 20 February 2018 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, Norman, Poliwka and Taylor.

*Cr McLean entered the Chamber at 8.00pm.*

**ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**Vale Paul Kimber

Mayor Jacob expressed his condolences to the family and friends of former Councillor Paul Kimber who passed away earlier this year.

Mayor Jacob stated that Mr Kimber served the City as an elected member from 2001 until 2005 in what was then known as the Lakeside Ward (Joondalup Edgewater, Woodvale).

Mayor Jacob noted that Mr Kimber was a productive and hard-working Councillor with a keen interest in seeing the City grow and thrive.

Mayor Jacob, on behalf of the City and the community past and present, recognised Mr Kimber's contribution to Joondalup, stating that the City's thoughts are with his family on their loss.

2018 Joondalup Festival

Mayor Jacob announced that the City of Joondalup's 20-year history will be celebrated at the 2018 Joondalup Festival when it returns to the Joondalup City Centre this Friday evening.

Mayor Jacob commented that for the second consecutive year the festival will be held over three nights with more than 50,000 festival-goers are expected to enjoy a range of international, interstate and local performances and cultural experiences.

Mayor Jacob advised that this year's theme of **Perform Create Reflect** celebrates the proud history of the City of Joondalup, which celebrates its 20-year anniversary of establishment later this year.

Mayor Jacob stated that the festival site will feature seven interactive hubs along Central Walk, telling the Joondalup story through historical photos, hands-on activities and a commemorative trail brochure.

Mayor Jacob announced the Twilight Lantern Parade and Community Choral project return in 2018 while the City has commissioned local cultural leader Dennis Simmons to deliver a world premiere Aboriginal cultural experience.

Mayor Jacob informed the international offerings will include the incredible hand-to-hand acrobatics of Kate and Pasi (from Finland) and the hilarious four-man circus performers Quatuor Stomp (from Quebec, Canada) while a colourful and captivating ephemeral installation by Emmy Award Winner Eric Rieger (from the USA) is not to be missed.

Mayor Jacob stated that the City looks forward to welcoming locals and visitors alike to our City Centre for what is recognised as the region's largest and best cultural event.

Mayor Jacob advised that the public can download a free event program at [joondalup.wa.gov.au](http://joondalup.wa.gov.au).

#### City and LandCorp agree on road ahead for Marina

Mayor Jacob advised that the City of Joondalup and Landcorp will enter a Memorandum of Understanding (MOU) to guide the progression of the Ocean Reef Marina development.

Mayor Jacob stated that the MOU reflects the desire of both parties to progress the project collaboratively and a commitment to finalise the statutory approvals, detailed design, construction and implementation of the project vision in a collaborative and timely manner.

Mayor Jacob informed that the City of Joondalup has long championed this exciting project which has unprecedented community support and will be a much sought-after tourist, business and residential location for the residents of Joondalup, the northern corridor of Perth and Western Australia as a whole.

Mayor Jacob advised that the State Government has indicated that construction on the marina could commence as early as 2020.

#### Cities unite to promote road safety

Mayor Jacob stated that the City of Joondalup is hosting a WALGA (Western Australian Local Government Association) RoadWise Blessing of the Roads ceremony at Sorrento Beach Park, Sorrento, on Wednesday 28 March.

Mayor Jacob advised it will be held in conjunction with the Cities of Stirling and Swan, the ceremony is open to the public and runs from 9.30am to 11.30am.

Mayor Jacob informed that representatives of the three Cities and key road safety stakeholders will come together to pray for the safety of WA road users over the Easter long weekend - traditionally one of the busiest times of the year on WA roads.

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

- CJ038-03/18 - Appointment of New Strategic Community Reference Group Members 2018.
- CJ053-03/18 - Confidential - Joondalup City Centre Development - Project Status.

**C20-03/18                    CONSIDERATION OF CHANGE TO ORDER OF BUSINESS – [08122, 02154]**

**MOVED** Mayor Jacob, **SECONDED** Cr McLean that Council in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of:

- 1        Item CJ038-03/18 – Appointment of New Strategic Community Reference Group Members 2018;
- 2        Item CJ053-03/18 – Confidential – Joondalup City Centre Development – Project Status,

to be discussed after “Motions of which previous notice has been given”.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**PETITIONS****C21-03/18                    PETITION OPPOSING THE SITING OF AN OPTUS MOBILE PHONE BASE STATION AND MAST ASSEMBLY AT 63 CAMBERWARRA DRIVE, CRAIGIE – [16294, 05386]**

A 135 signature petition has been received from City of Joondalup residents opposing the siting of an Optus mobile phone base station and mast assembly at 63 Camberwarra Drive, Craigie.

**C22-03/18                    PETITION REQUESTING PERMISSION FROM THE STATE ADMINISTRATIVE TRIBUNAL TO ADVERTISE ANY AMENDED PROPOSAL IN REGARDS TO THE PROPOSED MULTIPLE DWELLING DEVELOPMENT AT 1 AND 3 CHIPALA COURT, EDGEWATER – [84481, 05386]**

Cr Jones tabled a 60 signature petition from residents of the City of Joondalup requesting permission from the State Administrative Tribunal to advertise any amended proposal in regards to the proposed multiple dwelling development at 1 and 3 Chipala Court, Edgewater for public comment prior to the City of Joondalup establishing a position on the proposed revision.

**C23-03/18****PETITION REQUESTING A SKATE PARK FACILITY BE BUILT AT CHICHESTER PARK, WOODVALE – [03179, 05386]**

Cr Poliwka tabled a 261 signature petition from residents of the City of Joondalup requesting a skate park facility be built at Chichester Park, Woodvale.

**MOVED Cr Jones, SECONDED Cr Logan that the following petitions be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for consideration:**

- 1 petition opposing the siting of an Optus mobile phone base station and mast assembly at 63 Camberwarra Drive, Craigie;**
- 2 petition requesting permission from the State Administrative Tribunal to advertise any amended proposal in regards to the proposed multiple dwelling development at 1 and 3 Chipala Court, Edgewater for public comment prior to the City of Joondalup establishing a position on the proposed revision;**
- 3 petition requesting a skate park facility be built at Chichester Park, Woodvale.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**REPORTS****CJ033-03/18      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– JANUARY 2018**

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Applications Determined – January 2018		
	Attachment 2	Monthly Subdivision Applications Processed – January 2018		
<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 2018.

**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 2018 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during January 2018 (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 27 June 2017 (CJ091-06/17 refers) Council considered and adopted the most recent Town Planning Delegations.

## DETAILS

### Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during January 2018 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	4	3
Strata subdivision applications	10	16
<b>TOTAL</b>	<b>14</b>	<b>19</b>

*Of the 14 subdivision referrals eight were to subdivide in housing opportunity areas, with the potential for 13 additional lots.*

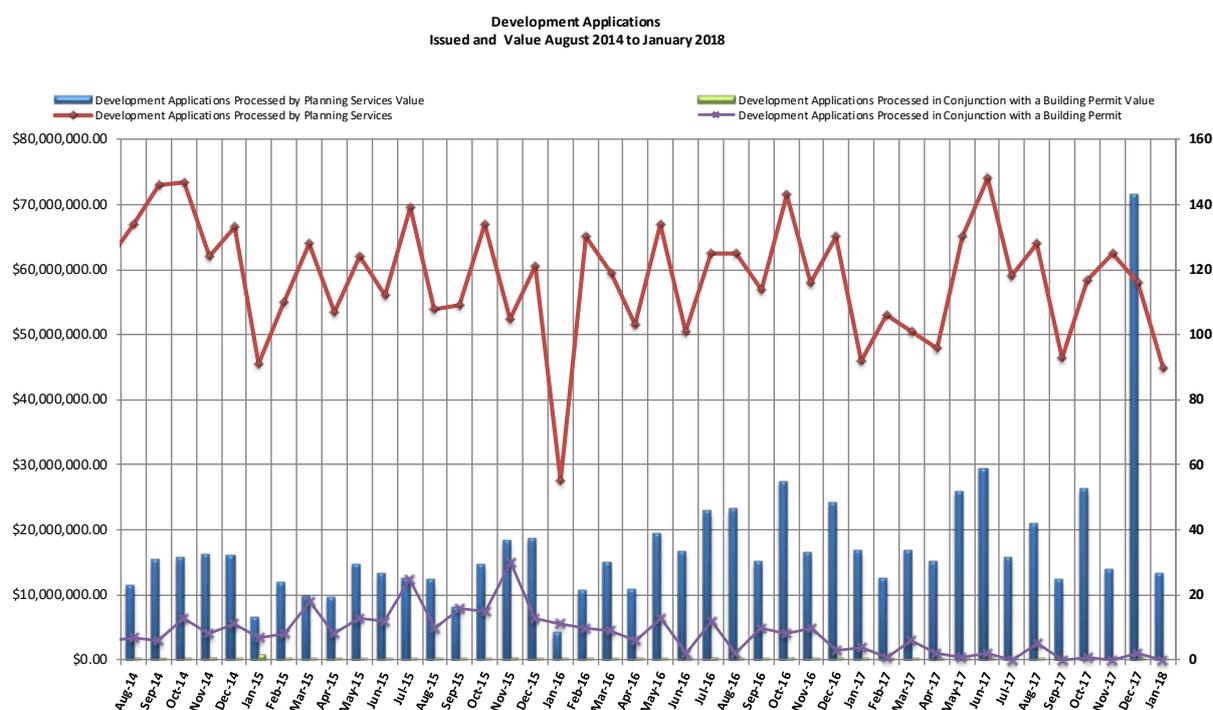
### Development applications

The number of development applications determined under delegated authority during January 2018 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	90	\$ 13,218,091
Development applications processed by Building Services	0	0
<b>TOTAL</b>	<b>90</b>	<b>\$ 13,218,091</b>

*Of the 90 development applications, 10 were for new dwelling developments in housing opportunity areas, proposing a total of 13 additional dwellings.*

The total number and value of development applications determined between July 2014 and January 2018 is illustrated in the graph below:



The number of development applications received during January was 79. (This figure does not include any development applications to be processed by Building Approvals as part of the building permit approval process).

The number of development applications current at the end of January was 186. Of these, 51 were pending further information from applicants and 9 were being advertised for public comment.

In addition to the above, 166 building permits were issued during the month of January with an estimated construction value of \$14,055,448.

### **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 90 development applications were determined for the month of January with a total amount of \$48,374 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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 Development applications described in Attachment 1 to Report CJ033-03/18 during January 2018;**
- 2 Subdivision applications described in Attachment 2 to Report CJ033-03/18 during January 2018.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf180313.pdf](#)*

## **CJ034-03/18      MODIFICATIONS AND EXTENSION OF TIME TO PREVIOUSLY APPROVED MIXED USE DEVELOPMENT AT LOT 1 (113) GRAND BOULEVARD, JOONDALUP**

<b>WARD</b>	North
<b>RESPONSIBLE</b>	Ms Dale Page
<b>DIRECTOR</b>	Planning and Community Development
<b>FILE NUMBER</b>	47996, 101515
<b>ATTACHMENT</b>	<p>Attachment 1      Location plan</p> <p>Attachment 2      Proposed development plans</p> <p>Attachment 3      Original JDAP decision and approved plans</p> <p>Attachment 4      Amended JDAP decision and approved plans</p>
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to determine an application for modifications and an extension of time to a previously approved 18 storey mixed use development at Lot 1 (113) Grand Boulevard, Joondalup.

### **EXECUTIVE SUMMARY**

An application has been received for amendments to a development approval for an 18 storey mixed use development at Lot 1 (113) Grand Boulevard, Joondalup, also known as "Arthouse". The amendments are for minor modifications to the building and a request to extend the approval period for an additional two years.

The modifications are not considered to substantially modify the previously approved development, and comprise of modifications to internal and external areas to accommodate structural design elements, improve amenity, and accommodate services, partly due to detailed design work. The modifications are considered to be generally compliant with the requirements of the current *Joondalup City Centre Development Plan and Manual (JCCDPM)* and objectives of the draft *Joondalup Activity Centre Plan (JACP)*.

The proponent seeks an extension of time to the approval period for two years to allow additional time to obtain necessary pre-sales in the current housing market, ultimately to ensure the development is viable. This extension of time is deemed appropriate given the development remains consistent with the vision and objectives of the JCCDPM and draft JACP.

It is recommended that the application be approved, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 1 (113) Grand Boulevard, Joondalup.
<b>Applicant</b>	Hillam Architects.
<b>Owner</b>	Edge Holdings No 5 Pty Ltd.
<b>Zoning</b>	<b>DPS2</b> Centre.
	<b>MRS</b> Central City Area.
<b>Site area</b>	2,000m <sup>2</sup> .
<b>Structure plan</b>	<i>Joondalup City Centre Development Plan and Manual (JCCDPM).</i> <i>Draft Joondalup Activity Centre Plan (JACP).</i>

The development site is located within the Joondalup City Centre with frontage to Grand Boulevard to the west and Central Walk to the east. Existing commercial developments predominately two storeys in height adjoin the site to the north and south (Attachment 1 refers).

The site is zoned 'Urban' under the *Metropolitan Region Scheme (MRS)* and 'Centre' under the City's *District Planning Scheme No. 2 (DPS2)*. Under the City's JCCDPM the site is located within the 'Central Business District'. Under the draft JACP, which is a 'seriously entertained' planning proposal, the site falls within the 'City Centre' precinct.

At its meeting held on 5 February 2015, the Metro North-West Joint Development Assessment Panel (JDAP) approved the development comprising an 18 storey mixed-use building with 190 multiple dwelling (apartments) and four ground floor commercial tenancies for a period of three years subject to conditions (Attachment 3 refers). Since this approval, modifications to the development have been undertaken, including the following:

- Increasing the number of apartments from 190 to 194.
- Change in layout and composition of apartments.
- Increasing store rooms and car parking bays.
- Modifications to car parking areas.
- Minor external modifications to the appearance and built form.

These modifications were approved at a subsequent JDAP meeting held on 22 October 2015 (Attachment 4 refers). The duration of approval, being three years from the date of the original approval (5 February 2015) was unchanged through this amended approval.

## DETAILS

The proposed development application consists of the following:

- Amendment to Condition 1 of the current planning approval to extend the approval period by an additional two years (to 5 February 2020).

- Increase the overall building height by 70mm (7cm).
- Decrease the podium height by 390mm (39cm).
- Amalgamate the level four apartments 24 and 25, level 17 apartments 188 and 198, and level 17 apartments 189 and 190, resulting in an overall reduction in the number of apartments from 194 to 191.
- Amend the right (southern) boundary setback of the balconies on levels 6 to 17 from 2.6 metres to 2.1 metres.
- Reduce glazing by 3m<sup>2</sup> to the Grand Boulevard ground floor street façade.
- Minor internal and external layout reconfigurations, including minor store and service updates.

The amended development plans are included in Attachment 2.

#### Determination of the proposal by Local Government in lieu of JDAP

Although the original application was determined by the JDAP, following changes to the *Planning and Development (Development Assessment Panels) Regulations 2011* (JDAP Regulations) introduced in February 2017, the applicant now has the ability to request an amended application be determined by the responsible authority, that is the local government.

Regulation 17A of the JDAP Regulations requires an application to be made under the relevant planning instrument to amend an application, in this case regulation 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

Clause 77 of the LPS Regulations allows a local government to determine an application to amend an approval to extend the period within which development must be substantially commenced and to amend an aspect of the development approved which, if amended, would not substantially change the development approved. The proposed two year extension of time and minor modifications are considered to fall within these parameters, and therefore allows the local government to determine the amended proposal. It is also noted that clause 77(2)(b) allows such a request to be made during or after the period within which the development must be substantially commenced.

Under the City's *Register of Delegation of Authority*, Council is required to determine the proposal as the development is for the purpose of more than ten 'Multiple Dwellings' and associated development.

#### Extension to approval period

Condition 1 of DA14/1325 currently states the following:

*"This decision constitutes planning approval only and is valid for a period of three (3) years from the date of approval. If the subject development is not substantially commenced within the three year period, the approval shall lapse and be of no further effect."*

As the original approval was granted on 5 February 2015, condition 1 required the development to substantially commence by 5 February 2018.

The applicant has requested to amend this condition by increasing the approval period an additional two years (to 5 February 2020) which will allow the proponent to obtain additional pre-sales which are necessary to ensure the project is commercially feasible.

*Officer comment*

This extension of time is deemed appropriate for a development of this scale and is acknowledging that the development remains in alignment with the vision and objectives of the JCCDPM and draft JACP. It is not anticipated that any future changes to the current planning framework will impact on the proposed development.

Modifications to the development

The modifications to the proposal are generally compliant with the provisions of the JCCDPM, with the exception of a 3m<sup>2</sup> reduction to the ground floor Grand Boulevard street facade glazing. The amended proposal includes 40% glazing to the ground floor in lieu of the required 50% glazing under the JCCDPM.

*Officer comment*

This reduction is to accommodate a thicker internal support wall which is required based on the detailed design drawings developed by the applicant. The street façade presentation of the amended proposal is not considered to detrimentally affect street activation and appearance of the development, and therefore meets the vision of the JCCDPM.

Draft Joondalup Activity Centre Plan

At its meeting held on 27 June 2017 (CJ090-06/17), Council resolved to approve the draft JACP which guides the future development of the Joondalup City Centre. The draft JACP is currently pending final approval from the Western Australian Planning Commission (WAPC).

While the proposal is only for minor modifications to the development and for an extension of time, regard is given to the draft JACP as a 'seriously entertained' planning proposal.

The proposal is considered to be consistent with the objectives of the City Centre precinct within the draft JACP, which support mixed-use development along Grand Boulevard to form intense inner-city development corridors.

**Issues and options considered**

Council is required to determine whether the modifications, including the reduced street façade glazing, and extension of time to the approval period for two years are appropriate.

Council may determine an application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
- or
- refusing to grant development approval.

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

*City of Joondalup District Planning Scheme No. 2 (DPS2).  
Planning and Development (Local Planning Schemes)  
Regulations 2015 (the Regulations).*

## Strategic Community Plan

<b>Key theme</b>	Quality Urban Environment.
<b>Objective</b>	Quality built outcomes.
<b>Strategic initiative</b>	Building and landscape is suitable for the immediate environment and reflect community values.
<b>Policy</b>	Not applicable.

### City of Joondalup District Planning Scheme No. 2 (DPS2)

Clause 3.11 of DPS2 sets out the objective for development within the 'Centre' zone:

#### 3.11 THE CENTRE ZONE

3.11 *The Centre Zone is intended to accommodate existing and proposed business centres varying in size from local centres to strategic metropolitan centres and provides for the co-ordinated planning and development of these centres or other planning precincts where the local government considers that a Structure Plan is necessary.*

*The objectives of the Centre Zone are to:*

- (a) *provide for a hierarchy of centres from local centres to strategic metropolitan centres, catering for the diverse needs of the community for goods and services;*
- (b) *ensure that the city's commercial centres are integrated and complement one another in the range of retail, commercial, entertainment and community services and activities they provide for residents, workers and visitors;*
- (c) *encourage development within centres to create an attractive urban environment;*
- (d) *provide the opportunity for the coordinated and comprehensive planning and development of centres through a Structure Plan process.*

### Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Clause 77(1) of Schedule 2 of the Regulations allows an owner of land to apply to the local government to amend or cancel a development approval that has been granted.

*An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*

- (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
- (b) *to amend or delete any condition to which the approval is subject;*
- (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
- (d) *to cancel the approval.*

*Planning and Development (Development Assessment Panels) Regulations 2011 (the JDAP Regulations).*

Clause 17A of Part 2 of the JDAP Regulations allows an owner of land to apply to the responsible authority, under the relevant planning instrument, to amend or cancel a development approval:

- (1) *An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply, under the relevant planning instrument, for the responsible authority under that instrument to amend or cancel the development approval (an application).*

(2) *For the purposes of subregulation (1), the provisions of the Act, the Planning and Development (Local Planning Schemes) Regulations 2015, the Planning and Development Regulations 2009 and the relevant planning instrument apply to the making and determination of, and the review of a decision on, an application as if the development approval —*

- (a) *had not been granted pursuant to a DAP application; and*
- (b) *had been granted by the responsible authority.*

### **Risk management considerations**

The proponent has a right of review against the Council decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

### **Financial / budget implications**

The applicant has paid fees of \$295 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

### **Regional significance**

Not applicable.

### **Sustainability implications**

As a part of the previous approved application an Environmentally Sustainability Design Checklist was provided identifying:

- insulation and draught sealing
- floor plan zoning based on water and heating needs and the supply of hot water
- advanced glazing solutions
- low energy technologies
- natural and/or fan forced ventilation
- recyclable materials
- low volatile organic products
- proposal has been assessed against a nationally recognised "green" rating tool.

Given that the modifications to the development do not substantially modify the previous approved development a revised checklist is not required.

### **Consultation**

As was the case with the previous applications, public consultation was not undertaken as it is considered that the development generally meets the provisions and vision of the JCCDPM. The proposed modifications do not substantially change the previously approved development and the development is of a scale that is appropriate within the City Centre precinct under the draft JACP.

## COMMENT

As outlined above, it is considered that the proposed modifications to the building are appropriate as they are minor in nature and do not substantially modify the previously approved development. It is also noted that the proposed development is consistent with the vision and objectives of the JCCDPM and draft JACP.

Furthermore, the two year extension of time to the approval period allows the proponent additional time to obtain necessary pre-sales to ensure the development is viable, and this extension of time will not impact on the current or future planning framework for the City Centre.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES under clause 77(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for an amended development approval, dated 5 December 2017 submitted by Hillam Architects, on behalf of the land owner, Edge Holdings No. 5 Pty Ltd, for proposed Mixed-use development (modifications to previous approval and extension of time) at Lot 1 (113) Grand Boulevard, Joondalup, subject to the following condition:
  - 1.1 This approval relates to the extension of time and modifications as indicated on the approved plans only. All conditions and advice notes of DA14/1325 and DA15/0828 dated 5 February 2015 and 22 October 2015 remain applicable, with the exception of condition 1 which is replaced with the following:

*“This decision constitutes planning approval only and is valid for a period of five (5) years from the date of planning approval DA14/1325. If the subject development is not substantially commenced within this period, the approval shall lapse and be of no further affect.”;*
- 2 ADVISES the North-West Metropolitan Joint Development Assessment Panel of this decision.

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

- 1 APPROVES** under clause 77(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for an amended development approval, dated 5 December 2017 submitted by Hillam Architects, on behalf of the land owner, Edge Holdings No. 5 Pty Ltd, for proposed Mixed-use development (modifications to previous approval and extension of time) at Lot 1 (113) Grand Boulevard, Joondalup, subject to the following condition:
  - 1.1** This approval relates to the extension of time and modifications as indicated on the approved plans only. All conditions and advice notes of DA14/1325 and DA15/0828 dated 5 February 2015 and 22 October 2015 remain applicable, with the exception of condition 1 which is replaced with the following:

*“This decision constitutes planning approval only and is valid for a period of five (5) years from the date of planning approval DA14/1325. If the subject development is not substantially commenced within this period and by no later than 5 February 2020, the approval shall lapse and be of no further affect;”*
- 2 ADVISES** the North-West Metropolitan Joint Development Assessment Panel of this decision.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf180313.pdf](#)

## **CJ035-03/18      MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 41196, 101515
<b>ATTACHMENT</b>	Attachment 1      Minutes of Mindarie Regional Council meeting held on 25 January 2018 Attachment 2      Minutes of Tamala Park Regional Council meeting held on 15 February 2018  <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 25 January 2018.
- Minutes of Tamala Park Regional Council meeting held on 15 February 2018.

### **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 – 25 January 2018.**

A meeting of Mindarie Regional Council was held on 25 January 2018.

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

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 – 2017/18**

That Council:

- 1      Approve by Absolute Majority the forecast deficit position estimated to be \$1,800,747 at 30 June 2018, which includes the following:

- A net estimated decrease in total revenue of \$7,454,440;
- A net estimated increase in total other charges of approximately \$13,002;
- A net estimated decrease in expenditures of \$4,619,627;
- A net estimated decrease in the profit on sale of assets of \$259; and
- The proposed reallocations of capital expenditures, resulting in a net decrease in capital expenditures of \$940,786.

2 Approve the application of the Participants' Surplus Reserve to fund any deficit for the 2017 / 18 financial year.

9.4 CEO RECRUITMENT PANEL'S RECOMMENDED CONSULTANT TO ASSIST IN THE CEO RECRUITMENT PROCESS

That Council:

- 1 Appoint Logo Appointments to assist the CEO Recruitment Panel in the recruitment of a new CEO at a maximum cost of \$13,000; and
- 2 Fund the budget shortfall of \$6,000 in the half yearly budget review.

**Tamala Park Regional Council – 15 February 2018.**

A meeting of Tamala Park Regional Council was held on 15 February 2018.

At the time of this meeting Cr Nige Jones and Cr John Chester were Council's representatives at the Tamala Park Regional Council meeting.

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

9.9 CONFIDENTIAL - EARTHWORKS AND SUBDIVISION WORKS TENDER – EXTENSION OF CONTRACT

That the Council APPROVES the option for a 1-year contract extension to RJ Vincent (from 24 April 2018 to 23 April 2019) for earthwork and subdivision works services in accordance with Tender 9/2015 (Catalina Earthworks and Subdivision Works, dated November 2015), subject to the same terms and conditions.

9.10 CONFIDENTIAL – CATALINA FENCING SERVICES TENDER - EXTENSION OF CONTRACT

That the Council APPROVES the option for a 1-year contract extension to Treacy Fencing (from 22 February 2018 to 21 February 2019) for fencing services in accordance with Tender 1/2016 (Catalina Fencing Services Tender, dated January 2016), subject to the same terms and conditions.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

<b>Objective</b>	Strong leadership.
<b>Strategic initiative</b>	Seek out City representation on key external and strategic bodies.
<b>Policy</b>	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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the minutes of the:**

- 1 Mindarie Regional Council meeting held on 25 January 2018 forming Attachment 1 to Report CJ035-03/18;**
- 2 Tamala Park Regional Council meeting held on 15 February 2018 forming Attachment 2 to Report CJ035-03/18.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*To access this attachment on electronic document, click here: [Externalminutes180313.pdf](#)*

**CJ036-03/18 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 23 January to 20 February 2018
<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 23 January to 20 February 2018 (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 executed by means of affixing the Common Seal for the period 23 January to 20 February 2018, as detailed in Attachment 1 to Report CJ036-03/18.*

**BACKGROUND**

For the period 23 January to 20 February 2018, ten documents were executed by affixing the Common Seal. A summary is provided below:

<b>Type</b>	<b>Number</b>
Lease Agreement	1
Withdrawal of Caveat	3
Restrictive Covenant	1
Licence Agreement	1
Deed of Covenant and Assumption	1
Replacement Caveat	1
Transfer of Land	1
Extension of 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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 23 January to 20 February 2018, as detailed in Attachment 1 to Report CJ036-03/18.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf180313.pdf](#)*

## **CJ037-03/18      STATUS OF PETITIONS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENTS</b>	Attachment 1      Status of Petitions – 16 August 2016 to 20 February 2018
<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’).

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### **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 16 August 2016 to 20 February 2018, 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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES:**

- 1 the status of outstanding petitions submitted to Council during the period 16 August 2016 to 20 February 2018, forming Attachment 1 to Report CJ037-03/18;**
- 2 in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, Council will consider the petition as part of its review of the City's *Signs Policy* that will commence once *Local Planning Scheme No. 3* has been endorsed by the Western Australian Planning Commission;**
- 3 in relation to the petition requesting that Council install a fence surrounding the main playground area and if possible the BBQ and eating facilities at Granadilla Park, Duncraig, a report was presented to the Council meeting held on 20 February 2018 (CJ023-02/18 refers);**

- 4 in relation to the petition requesting Council defer the work to install connections to the MRWA Mitchell Freeway Principal Shared Path (PSP) from Perivale Close, Whitton Court and Romford Place, Kingsley and explore all options for making the section of the PSP safer, a report is proposed to be presented to Council at its meeting to be held on 17 April 2018;
- 5 in relation to the petition requesting Council reinstate bulk waste verge collections, a report is proposed to be presented to Council at its meeting to be held on 17 April 2018;
- 6 in relation to the petition requesting that Council does not proceed with the refurbishment of Prince Regent Park to allow the park to become the home ground of Joondalup United Football Club and preserve the park for the residents of Heathridge who would be impacted by this upgrade due to noise, traffic, anti-social behaviour and increased littering, a report was presented to the Council meeting held on 12 December 2017 (CJ206-12/17 refers);
- 7 in relation to the petition requesting that Council ensures community consultation with residents occurs before new trees are planted on verges outside their homes in all instances and immediately removes the trees recently planted in suburbs due to a failure to apply minimum distances from infrastructure laid out by the Water Corporation guidance or immediately indemnifies all residents and other state bodies indefinitely against sustained damage caused by roots systems, a report is proposed to be presented to Council at its meeting to be held on 17 April 2018;
- 8 in relation to the petition requesting that Council to introduce the following to drive growth and success in the Performing Arts and Cultural Sector, thereby making opportunities available to our families and businesses:
  - 8.1 establish a formal subcommittee of Council to manage and deliver all performing arts and cultural growth / events in the City with 80% of members drawn from this City's community;
  - 8.2 establish safe, secure and accessible equipment storage for groups along with a dedicated, City supplied, equipment library to supply (free of charge) key equipment;
  - 8.3 the City of Joondalup to have a professional Performing Arts and Cultural team that will:
    - 8.3.1 act as the production and support for all suburbs with activities being centralised;
    - 8.3.2 support all groups with fundraising applications, professional PR and memberships;
    - 8.3.3 facilitate access to all current facilities in the City of Joondalup such as school theatres, churches, parks or empty business units for all groups and activities;
    - 8.3.4 raise cross-cultural understanding and accessibility for families / disadvantaged groups;
  - 8.4 source a Performing Arts and Cultural Facility that is fully funded by grants and donations,

it is anticipated that a report will be presented to Council at a later date;

- 9 in relation to the petition requesting Council does not proceed with the refurbishment of Prince Regent Park to allow this to become the home ground of Joondalup United Football Club, a report was presented to the Council meeting held on 12 December 2017 (CJ206-12/17 refers);
- 10 in relation to the petition requesting Council zone Broadbeach Park, Hillarys as a 'Dogs on Leash' park, a report is proposed to be presented to Council at its meeting to be held on 20 March 2018;
- 11 in relation to the petition requesting Council to consider the following items in relation to Galston Park, Duncraig:
- 11.1 the installation of a seat and table view of the limestone bike track for parents to more easily supervise children;
  - 11.2 installation of the fourth side of the limestone retaining wall around the playground;
  - 11.3 upgrade or more regular maintenance of the limestone bike track;
  - 11.4 improved weed management,
- a report is proposed to be presented to Council at its meeting to be held on 17 July 2018;
- 12 in relation to the petition requesting that Council revoke its previous decision not to allow residents and regular users of Beldon Park, Beldon to use the park to park cars on for the car boot sale to be held on Saturday, 3 March 2018, a report is proposed to be presented to Council at its meeting to be held on 20 March 2018;
- 13 in relation to the petition requesting that Council retain the current zoning in regard to dog access to Broadbeach Park, Hillarys, permitting dogs 'off lead' provided the dog is controlled by its owner, a report is proposed to be presented to Council at its meeting to be held on 20 March 2018.

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf180313.pdf](#)*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ038-03/18 – Appointment of new Strategic Community Reference Group Members 2018.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Sonia Makoare, who is nominating for the Strategic Community Reference Group, is a friend of Cr Chester.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ038-03/18 – Appointment of new Strategic Community Reference Group Members 2018.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of the nominees are known to Cr Logan.

## CJ038-03/18      APPOINTMENT OF NEW STRATEGIC COMMUNITY REFERENCE GROUP MEMBERS 2018

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102605, 101515
<b>ATTACHMENT</b>	Attachment 1      SCRG Terms of Reference Attachment 2      (Confidential) Nominations – North Ward Attachment 3      (Confidential) Nominations – North-Central Ward Attachment 4      (Confidential) Nominations – Central Ward Attachment 5      (Confidential) Nominations – South-West Ward Attachment 6      (Confidential) Nominations – South-East Ward Attachment 7      (Confidential) Nominations – South Ward  <i>(Please Note: Attachments 2-7 are confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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This item was dealt with later in the meeting following “Motions of Which Previous Notice has Been Given”, page 156 refers.

## **CJ039-03/18 WASTE AMENDMENT LOCAL LAW 2018 – REQUEST TO ADVERTISE**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101906, 101515
<b>ATTACHMENT</b>	Attachment 1 Draft <i>City of Joondalup Waste Amendment Local Law 2018</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to make the *City of Joondalup Waste Amendment Local Law 2018* for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

At its meeting held on 18 July 2017 (CJ117-07/17 refers), Council adopted the *City of Joondalup Waste Local Law 2017*. The local law was then published in the *Government Gazette* on 23 August 2017 and subsequently referred to the Joint Standing Committee for Delegated Legislation (JSCDL) for its review and recommendation to the WA Parliament.

The JSCDL considered the local law at its meeting held on 6 November 2017 and subsequently requested Council provide undertakings to delete certain clauses when the local law is next amended and in the meantime, not enforce those clauses. At its meeting held on 21 November 2017 (Item CJ188-11/17 refers) Council resolved to comply with the JSCDL's request.

The proposed *City of Joondalup Waste Amendment Local Law 2018* seeks to ensure Council's obligation to meet the undertaking given to the JSCDL is achieved in a timely manner.

*It is therefore recommended that Council MAKES the City of Joondalup Waste Amendment Local Law 2018, as detailed in Attachment 1 to Report CJ039-03/18, for the purposes of public advertising.*

### **BACKGROUND**

At its meeting held on 18 July 2017 (CJ117-07/17 refers), Council adopted the *City of Joondalup Waste Local Law 2017*. The local law was then published in the *Government Gazette* on 23 August 2017 and subsequently referred to the JSCDL for its review and recommendation to the WA Parliament.

The JSCDL considered the local law at its meeting held on 6 November 2017 and before it submitted the local law to Parliament for endorsement, it requested the Council provide undertakings to delete certain clauses when the local law is next amended and in the meantime, not enforce those clauses.

At its meeting held on 21 November 2017 (Item CJ188-11/17 refers) Council considered the JSCDL's request and resolved as follows:

*"That Council:*

- 1 *NOTES the request from the WA Parliamentary Joint Standing Committee on Delegated Legislation to provide undertakings in relation to the future amendment and enforcement of the City of Joondalup Waste Local Law 2017;*
- 2 *PROVIDES an undertaking to the WA Parliamentary Joint Standing Committee on Delegated Legislation to:*
  - 2.1 *delete clauses 4.3 and 4.4 when next amending the City of Joondalup Waste Local Law 2017;*
  - 2.2 *not enforce clauses 4.3 or 4.4 of the City of Joondalup Waste Local Law 2017;*
  - 2.3 *ensure any publicly available copy of the City of Joondalup Waste Local Law 2017 is accompanied by a copy of the undertakings as described in Parts 2.1 and 2.2 above."*

## **DETAILS**

The proposed *City of Joondalup Waste Amendment Local Law 2018* seeks to amend the *City of Joondalup Waste Local Law 2017* by deleting clauses 4.3, 4.4 and Item 30 of Schedule 2.

Clauses 4.3 and 4.4 of the local law are as follows:

*"4.3 Failure to comply with notice*

*A person who fails to comply with a notice given to him or her under this local law commits an offence.*

*4.4 Local government may undertake requirements of notice*

*If a person fails to comply with a notice given to him or her under this local law the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing."*

Item 30 of Schedule 2 provides for a penalty of \$100 for the offence of "Failure to comply with notice" issued under clause 4.3. Given the proposed removal of clause 4.3 it is necessary to remove this penalty provision also.

The procedure for making local laws, as detailed in the *Local Government Act 1995* (the LG Act) is a specific legislative process that must be adhered to in order for the local law to be accepted by the JSCDL and by Parliament.

Section 3.12(2) of the LG Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting*
- (b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

In view of this, the purpose of this local law is to remove certain provisions within the *City of Joondalup Waste Local Law 2017*.

The effect of this local law is to better clarify the provisions relating to the enforcement of the *City of Joondalup Waste Local Law 2017*.

### **Issues and options considered**

Council can either:

- make the *City of Joondalup Waste Amendment Local Law 2018* as proposed for the purpose of public advertising
- make the *City of Joondalup Waste Amendment Local Law 2018* as proposed with further amendments  
or
- not make the proposed *City of Joondalup Waste Amendment Local Law 2018* and retain the existing local law.

Option one is the preferred option so the City can comply with the undertakings provided by Council to the JSCDL.

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

**Legislation** *Local Government Act 1995.*  
*Waste Avoidance and Resource Recovery Act 2007.*  
*Waste Avoidance and Resource Recovery Regulations 2008.*

### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk management considerations**

Should Council choose to not make the required changes to the local law within a reasonable timeframe, the JSCDL will report the non-compliance to Parliament. It is therefore appropriate to commence the changes required as part of the undertakings given in a timely manner.

Should the City not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be recommended for disallowance by the Western Australian Parliamentary Joint Standing Committee on Delegated legislation.

### **Financial / budget implications**

The cost associated with the making of this local law-making are estimated to be \$1,500, being public advertising costs and costs for publishing the local law in the *Government Gazette*. Funds are available in the 2017-18 Budget for statutory advertising. These costs are included in the 2017-18 Budget.

#### Current financial year impact

<b>Account no.</b>	1.522.A5202.3277.0000.
<b>Budget Item</b>	Advertising – Public / Statutory.
<b>Budget amount</b>	\$ 6,073
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 2,073
<b>Balance</b>	\$ 4,000

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Should Council to decide to make the *City of Joondalup Waste Amendment Local Law 2018* for the purpose of public advertising, statutory advertising and consultation will occur as follows:

- Giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, Public Libraries and Customer Service Centres
  - advertising on the City's website.
- Providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government and to the Minister for Environment.

### **COMMENT**

The proposed *City of Joondalup Waste Amendment Local Law 2018* will ensure the *City of Joondalup Waste Local Law 2017* remains a validly enforceable local law, while also ensuring compliance with the undertakings previously provided to the JSCDL.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council MAKES the *City of Joondalup Waste Amendment Local Law 2018*, as detailed in Attachment 1 to Report CJ039-03/18, for the purposes of public advertising.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf180313.pdf](#)

## **CJ040-03/18      ANIMALS AMENDMENT LOCAL LAW 2018 - REQUEST TO ADVERTISE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	21067, 101515
<b>ATTACHMENT</b>	Attachment 1      Draft <i>City of Joondalup Animals Amendment Local Law 2018</i> Attachment 2 <i>City of Joondalup Animals Local Law 1999</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to make the *City of Joondalup Animals Amendment Local Law 2018* for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

At its meeting held on 23 March 1999 (CJ67-03/99 refers), Council adopted the *City of Joondalup Animals Local Law 1999*. The local law provides for the regulation, control and management of the keeping of animals within the City of Joondalup and includes the establishment of dog exercise areas.

The *Dog Act 1976* was amended in 2014 to enable local governments to determine dog exercise and dog prohibited areas by simple resolution rather than through a local law. This change to the *Dog Act 1976* rendered those aspects of the City's *Animals Local Law 1999* relating to dog exercise and dog prohibited areas redundant.

At its meeting held on 13 December 2016 (CJ208-12/16 refers), Council resolved to amend the *City of Joondalup Animals Local Law 1999*, including the removal of the ability to establish dog exercise and dog prohibition areas, as well as remove the horse exercise area at Hillarys Beach. However, that local law was subsequently disallowed by Parliament, requiring further amendment to remove the redundant provisions relating to the establishment of dog exercise and dog prohibited areas.

The *City of Joondalup Animals Amendment Local Law 2018* has been developed to specifically deal with the removal of the ability to establish dog exercise and dog prohibited areas in the City's district.

*It is therefore recommended that Council MAKES the City of Joondalup Animals Amendment Local Law 2018, as detailed in Attachment 1 to Report CJ040-03/18, for the purposes of public advertising.*

## BACKGROUND

At its meeting held on 23 March 1999 (CJ67-03/99 refers), Council adopted the *City of Joondalup Animals Local Law 1999*. The local law provides for the regulation, control and management of the keeping of animals within the City of Joondalup. This also includes the designation of dog exercise and dog prohibited areas in the City's district.

The *Dog Act 1976* was amended in 2014 to enable local governments to determine dog exercise and dog prohibited areas by simple resolution rather than through a local law. This legal change rendered the designation and enforcement of such areas within the City's *Animals Local Law 1999* void and unenforceable.

At its meeting held on 16 September 2014 (CJ169-09/14 refers), Council established a number of dog exercise and dog prohibited areas in the City's district in accordance with section 31 of the *Dog Act 1976*. These areas have been reviewed and amended as required since that time.

At its meeting held on 13 December 2016 (CJ208-12/16 refers), Council resolved to amend the *City of Joondalup Animals Local Law 1999*, including the removal of the ability to establish dog exercise and dog prohibition areas, as well as remove the horse exercise area at Hillarys Beach. However, that local law was subsequently disallowed by Parliament following extensive public submissions to retain the horse exercise area.

## DETAILS

The establishment of dog exercise and dog prohibition areas within a local law is no longer necessary and can be made by simple resolution of the Council in accordance with section 31 of the *Dog Act 1976*. It is therefore appropriate to remove from the City's *Animals Local Law 1999* any reference to the establishment of such areas to avoid confusion for residents, visitors and dog owners.

The *City of Joondalup Animals Amendment Local Law 2018* has been developed to specifically deal with the removal of the ability to establish dog exercise and dog prohibited areas in the City's district.

### Detail of amendments

The following points detail the changes proposed to the *City of Joondalup Animals Local Law 1999*:

- Delete Clause 10.
- Delete penalty item 1 from the First Schedule.
- Delete Second Schedule including Diagram 1.

The above changes are detailed in the amendment local law, included as Attachment 1 to this report.

The procedure for making local laws, as detailed in the *Local Government Act 1995* (the Act), is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law. Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting*
- (b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

In view of this, the purpose and effect of the proposed *City of Joondalup Animals Amendment Local Law 2018* are as follows:

- The purpose of this local law is to remove the ability under the local law to establish dog exercise areas and dog prohibited areas in the district.
- The effect of this local law is to remove redundant provisions within the local law relating to dog exercise areas and dog prohibited areas.

### **Issues and options considered**

Council can either:

- make the *City of Joondalup Animals Amendment Local Law 2018* as proposed for the purpose of public advertising
- make the *City of Joondalup Animals Amendment Local Law 2018* as proposed with further amendments  
or
- not make the proposed *City of Joondalup Animals Amendment Local Law 2018* and retain the existing local law.

Option 1 is the preferred option.

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

#### **Legislation**

*Local Government Act 1995.*  
*City of Joondalup Animals Local Law 1999.*

#### **Strategic Community Plan**

##### **Key theme**

- Governance and Leadership.
- Quality Urban Environment.

##### **Objective**

- Corporate capacity.
- Quality open spaces.

##### **Strategic initiative**

Apply a strategic approach to the planning and development of public open spaces.

##### **Policy**

Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the amendment local law-making process will take approximately four to six months to complete the process, following a decision of Council.

### **Risk management considerations**

The amendment local law is yet to be considered by the JSCDL, which reviews local laws created by local governments (including amendments) as well as other subsidiary legislation.

Should the City not follow the local law creation process as detailed in the Act, the JSCDL may recommend to the Parliament disallowance of the local law.

### **Financial / budget implications**

The cost associated with the making of this local law-making are estimated to be \$2,000, being public advertising costs and costs for publishing the local law in the *Government Gazette*. Funds are available in the 2017-18 Budget for statutory advertising.

#### Current financial year impact

<b>Account no.</b>	1.522.A5202.3277.0000.
<b>Budget Item</b>	Advertising – Public / Statutory.
<b>Budget amount</b>	\$ 6,073
<b>Amount spent to date</b>	\$ 0
<b>Committed</b>	\$ 2,073
<b>Proposed cost</b>	\$ 2,000
<b>Balance</b>	\$ 2,000

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Should Council decide to make the *City of Joondalup Animals Amendment Local Law 2018* for the purposes of public advertising, statutory advertising and consultation with all members of the public will occur, as follows:

- Giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
  - advertising on the City's website.
- Providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government and Communities.

### **COMMENT**

The *City of Joondalup Animals Amendment Local Law 2018* has been developed to specifically deal with the removal of dog exercise and dog prohibited areas in the City's district as the provision of dog exercise and dog prohibited areas are able to be made by simple resolution of the Council in accordance with section 31 of the *Dog Act 1976*.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Mayor Jacob, **SECONDED** Cr Jones that Council **MAKES** the *City of Joondalup Animals Amendment Local Law 2018*, as detailed in Attachment 1 to Report CJ040-03/18, for the purposes of public advertising.

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf180313.pdf](#)

## **CJ041-03/18 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2018**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT</b>	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of January 2018 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of January 2018 Attachment 3 Municipal and Trust Fund Vouchers for the month of January 2018
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of 'noting').

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of January 2018.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of January 2018 totalling \$15,560,587.99

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2018 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 Report CJ041-03/18, totalling \$15,560,587.99.*

### **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 2018. Lists detailing the payments made are appended as Attachments 1 and 2.

The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 106178 - 106274 & EF068153 – EF068790 Net of cancelled payments.	\$8,144,526.42
	Vouchers 2136A – 2142A & 2147A – 2159A	\$7,383,201.16
Trust Account	Trust Cheques & EFT Payments 207251 - 207270 & TEF001441 TEF001470 Net of cancelled payments.	\$32,860.41
	<b>Total</b>	<b>\$15,560,587.99</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

**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 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 *2017-18 Annual Budget* as adopted by Council at its meeting held on 27 June 2017 (CJ084-06/17 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for January 2018 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 Report CJ041-03/18, totalling \$15,560,587.99.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf180313.pdf](#)

**CJ042-03/18 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2018**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	07882,101515
<b>ATTACHMENT</b>	Attachment 1 Financial Activity Statement for the period ended 31 January 2018
<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').

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**PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 January 2018.

**EXECUTIVE SUMMARY**

At its meeting held on 27 June 2017 (CJ084-06/17 refers), Council adopted the Annual Budget for the 2017-18 financial year. The figures in this report are compared to the adopted budget.

The January 2018 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$10,600,925 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 January 2018 and results from a number of factors identified in the report.

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 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 \$2,531,733 higher than budget, made up of higher operating revenue \$149,626 and lower operating expenditure of \$2,382,106.

Operating revenue is higher than budget on Interest Earnings \$678,479, Profit on Asset Disposals \$156,061, Contributions, Reimbursements and Donations \$122,964, Other Revenue \$118,637, Fees and Charges \$41,170 and Rates \$11,275, offset by lower than budget revenue from Grants and Subsidies \$978,959.

Operating Expenditure is lower than budget on Materials and Contracts \$3,967,826, Employee Costs \$344,679, Utilities \$209,129, Loss on Asset Disposals \$160,763, Insurance Expenses \$151,735 and Interest Expenses \$39,536 offset by higher than budget expenditure from Depreciation \$2,491,561.

The Capital Deficit is \$7,639,465 lower than budget. This is due to lower than budgeted expenditure on Capital Works \$2,603,770, Capital Projects \$2,226,080, Vehicle and Plant Replacements \$862,534 and higher than budgeted Capital Grants and Subsidies \$1,933,684, Capital Contributions \$104,209 and Other Equity Movements \$52,334 offset by higher than budgeted Loan Repayment Principal \$130,507 and Equity Investments \$12,304 and lower than budgeted Equity Distribution from Tamala Park Regional Council \$334.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2018 forming Attachment 1 to Report CJ042-03/18.*

## **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 2018 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 Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2017-18 adopted budget or has been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 31 January 2018 forming Attachment 1 to Report CJ042-03/18.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf180313.pdf](#)

## **CJ043-03/18      PARKING AMENDMENT LOCAL LAW 2018 – REQUEST TO ADVERTISE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	24185, 1015151
<b>ATTACHMENT</b>	Attachment 1 <i>City of Joondalup Parking Amendment Local Law 2018</i> Attachment 2 <i>City of Joondalup Parking Local Law 2013 (with proposed 2018 amendments)</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to make the *City of Joondalup Parking Amendment Local Law 2018* for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

The *City of Joondalup Parking Local Law 2013* was adopted by Council at its meeting on 16 July 2013, (CJ129-07/13 refers) and subsequently amended at its meeting held on 17 August 2015 (CJ143-087/15 refers). The *City of Joondalup Parking Local Law 2013* provides for the regulation, control and management of parking within the district.

The proposed *City of Joondalup Parking Amendment Local Law 2018* seeks to ensure the *City of Joondalup Parking Local Law 2013* remains valid and consistent with statutory legislation. There are also some other minor changes to improve operational efficiencies and enforcement which have arisen since the last change to the *City of Joondalup Parking Local Law 2013* and changes to the level of modified penalties currently applicable.

*It is therefore recommended that Council MAKES the City of Joondalup Parking Amendment Local Law 2018, as detailed in Attachment 1 to Report CJ043-03/18 for the purposes of public advertising.*

### **BACKGROUND**

The *City of Joondalup Parking Local Law 2013* was adopted by Council at its meeting on 16 July 2013, (CJ129-07/13 refers) and subsequently amended at its meeting held on 17 August 2015 (CJ143-087/15 refers). The *Parking Local Law 2013* provides for the regulation, control and management of parking within the district.

The application of a local law over a period can lead to the identification of issues that are not adequately addressed in the existing provisions. The local law review process provides the opportunity to consider amendments that address these issues and improve the application of the local law. There are two issues that are considered to require review regarding the *City of Joondalup Parking Local Law 2013*.

There has been an increase in the number of vehicles parking on brick paved areas in coastal zones, and in painted central road strips, which have been installed as part of the City's strategy for addressing traffic calming. This has identified anomalies in the existing *City of Joondalup Parking Local Law 2013* that do not enable consistent enforcement in these circumstances.

The modified penalties (infringements) that are applied as part of the enforcement of the *City of Joondalup Parking Local Law 2013* were last increased ten years ago just prior to the introduction of paid parking in 2008. These modified penalties need review to ensure that they continue to provide a deterrent against errant parking.

## DETAILS

### Median Strip

The existing definition of 'median strip' excludes painted markings and has created some ambiguity with respect to cars parked on these painted areas rather than kerbed and paved or grassed medians. Changes to the *Road Traffic Code 2000*, in 2013, included a new definition of 'painted island' that would address this issue. The *Road Traffic Code 2000* also contains a definition of 'dividing strip' and its inclusion would be able to resolve the existing ambiguity concerning these areas which separate parking areas from the main traffic section of the road.

### Proposed amendments

The following changes are proposed to the *City of Joondalup Parking Local Law 2013*:

- Include a definition of a 'dividing strip' in clause 1.5, to be the same as the definition applied in the *Road Traffic Code 2000*, to remove the existing ambiguity in areas where there is a physical division of different sections of a road.

The definition in the *Road Traffic Code 2000* is "**dividing strip** means an area or structure that divides a road lengthways into separate carriageways, but does not include a nature strip, bicycle path, footpath or shared path"

- Include a definition of a 'painted island', in clause 1.5, to be the same as the definition applied in the *Road Traffic Code 2000*. The existing definition of 'median strip' excludes painted markings and creates some vagueness with respect to vehicles parked on medians that are painted rather than kerbed, paved, grassed, etc.

The definition of painted island in the *Road Traffic Code 2000* is "**painted island** means an area of road –

- entirely surrounded by a line or lines (whether broken or continuous); or
- surrounded partly by a line or lines (whether broken or continuous) and partly by a kerb on or next to the carriageway,

*which may be further identified by stripes or chevrons marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including the road within a dividing line;*

- Amend the existing wording of Clause 6.8, which relates to stopping on a path, median strip or traffic island, to also include painted island and dividing strip.

### Modified Penalties

Table 1 - Comparison of Local Governments, shown below, illustrates the range of modified parking penalties which are currently applied, by other local governments, across the Perth metropolitan area.

<b>Comparison of Local Governments</b>			
<b>Local Government</b>	<b>Minimum Penalty</b>	<b>Most Commonly Issued</b>	<b>Maximum Penalty</b>
Fremantle	\$50	\$50/\$80	\$300
Joondalup	\$60	\$60/\$80	\$300
Melville	\$70	\$70/\$90	\$500
Perth	\$60	\$60/\$200	\$500
Stirling	\$80	\$80/\$100	\$500
Wanneroo	\$100	\$100	\$300

Minimum penalties apply to the most common offences such as No Ticket, Exceed Time Limit and No Parking. Higher penalties apply to more significant offences that include No Stopping, Parking on a Footpath and Double Park. The \$300 penalty (Fremantle, Joondalup and Wanneroo) is the penalty under State Government disability parking legislation.

Table 2 - Comparison of Modified Penalty Offences, shown below, identifies the penalty rates applied by the local governments shown in Table 1, for the above-mentioned parking offences.

<b>Comparison of Modified Penalty Offences</b>						
<b>Offence Type</b>	<b>Fremantle</b>	<b>Joondalup</b>	<b>Melville</b>	<b>Perth</b>	<b>Stirling</b>	<b>Wanneroo</b>
No Ticket	\$50	\$60	\$70	\$60	\$80	\$100
Exceed Time	\$50	\$60	\$70	\$60	\$80	\$100
No Parking	\$55	\$60	\$70	\$75	\$80	\$100
No Stopping	\$80	\$80	\$90	\$200	\$100	\$100
Footpath	\$80	\$80	\$90	\$200	\$100	\$100
Double Park	\$80	\$80	\$70	\$200	\$100	\$100

Table 3 - Comparison of Infringements Issued, below identifies the number of infringements issued by the City during the previous six financial years from 2011-12 to 2016-17.

<b>Comparison of Infringements Issued</b>	
<b>Financial Year</b>	<b>Total Number of Infringements Issued</b>
2011/12	28,982
2012/13	27,906
2013/14	25,643
2014/15	24,057
2015/16	26,756
2016/17	24,269

The last general increase to the modified penalties occurred just prior to the implementation of paid parking in 2008 when an average 50% increase was adopted by Council. This change was because no increases to the City's penalties had been applied during the previous 10 year period, and these modified penalties were no longer consistent with other local governments at that time.

Given the amount of time since the last increase in modified penalties there is no current data to readily measure the deterrent factor of increasing the modified penalties and whether this would result in a reduction in the level of infringements being issued. It would however be probable that increasing the modified penalties would discourage some drivers from carrying out practices which may result in the issue of an infringement. It is also therefore probable that increased modified penalties would help increase the availability of visitor and customer parking in the City.

### Proposed amendments

The following changes are proposed to the *City of Joondalup Parking Local Law 2013*:

- Amend the existing Schedule 2 - Prescribed Penalties, as shown below, to ensure that the penalty rates applied by the City are comparable with other Perth metropolitan local governments:
  - delete \$60 Modified Penalty, where this appears, and insert \$80 Modified Penalty
  - delete \$70 Modified Penalty, where this appears, and insert \$100 Modified Penalty
  - delete \$80 Modified Penalty, where this appears, and insert \$100 Modified Penalty.

The proposed changes to the modified penalties would reflect the general movement identified in Table 2 - Comparison of Modified Penalty Offences shown above, and be consistent with positioning the City of Joondalup approximately in the middle of the range of modified penalties.

The above proposed changes to address both median strips and modified penalties, which have been reviewed by the City's Principal Legal Officer, are detailed in the *City of Joondalup Parking Amendment Local Law 2018* that is included as Attachment 1 to Report CJ043-03/18.

### **Issues and options considered**

Council can either:

- make the *City of Joondalup Parking Amendment Local Law 2018* as presented for the purposes of public advertising
- make the *City of Joondalup Parking Amendment Local Law 2018* as proposed with any necessary amendments
- or
- not recommend the making of the *City of Joondalup Parking Amendment Local Law 2018* and retain the existing local law.

Option 1 is the preferred option considering the identified issues with median strips and the current level of modified penalties.

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

Any change to the modified penalties will require approval by Council.

#### **Legislation**

*Local Government Act 1995.*  
*Local Government (Functions and General) Regulations 1996.*  
*City of Joondalup Parking Amendment Local Law 2015.*

## Strategic Community Plan

<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Corporate capacity.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	<i>Parking Schemes Policy.</i>

The procedure for making local laws, as detailed in the *Local Government Act 1995* (the Act), is a specific legislative process that must be adhered to for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

Section 3.12(2) of the Act states that the first action in the process of making a local law is for the Mayor to give notice to the meeting of the purpose and effect of the proposed local law.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* states that this is achieved by ensuring that:

- a) *the purpose and effect of the proposed local law is included in the agenda for that meeting*
- b) *the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

The purpose of this local law is to amend certain provisions within the *City of Joondalup Parking Local Law 2013*.

The effect of this local law is to better clarify the provisions relating to the control of parking throughout the district.

## Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

There is a risk that the general community will perceive any increase to the existing modified penalties as negative and that this is simply a means of achieving additional revenue. This risk is minimised as the City has demonstrated that the existing level of modified penalties are not being effective in reducing the level of enforcement.

## Financial / budget implications

If the increased modified penalties have the desired effect then an increase in revenue from this activity will not eventuate, with an improved level of compliance resulting in a reduced number of infringements that are issued.

## Regional significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

Any change to the modified penalties, which form part of the City's existing *City of Joondalup Parking Local Law 2013*, will require approval by Council.

Should Council decide to make the *City of Joondalup Parking Amendment Local Law 2018* for the purposes of public advertising, statutory advertising and consultation with all members of the public will occur, as follows:

- Giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the state
  - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
  - advertising on the City's website.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made.

## COMMENT

The proposed *City of Joondalup Parking Amendment Local Law 2018* is a refinement of the current *City of Joondalup Parking Local Law 2013*, as amended in August 2015, with a proposed change to the level of modified penalties which are currently applicable and the inclusion of definitions for "dividing strip" and "painted island".

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council MAKES the *City of Joondalup Parking Amendment Local Law 2018*, as detailed in Attachment 1 to Report CJ043-03/18 for the purposes of public advertising.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf180313.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr John Byrne, Governance Coordinator.</b>
<b>Item No./Subject</b>	CJ044-03/18 - Dogs on Broadbeach Park, Hillarys.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Relatives have signed one of the petitions.

**CJ044-03/18 DOGS ON BROADBEACH PARK, HILLARYS**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	01525, 101515
<b>ATTACHMENT</b>	Attachment 1 Broadbeach Park Hillarys Map
<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 the petitions in relation to zoning Broadbeach Park Hillarys as a 'Dogs on Leash' park.

**EXECUTIVE SUMMARY**

Broadbeach Park in Hillarys is a park at which dogs can be exercised off leash however must be under effective control. This designation has been in place since at least 1999. At its meeting held on 12 December 2017 (C93-12/17 refers), Council received a 167 signature petition that requested Council zone the Broadbeach Park Hillarys as a 'Dogs on Leash' park.

Since the tabling of the petition and up to the time of preparation of this report the City has received 15 pieces of correspondence via email in either support or against the request to have Broadbeach Park zoned as 'Dogs on Leash'.

At its meeting held on 21 February 2018 (C08-02/18 refers), Council received a 573 signature petition requesting that Broadbeach Park Hillarys retain the current zoning in regard to dog access.

In consideration of the public response to this petition, it is suggested that community consultation should be undertaken to canvas the option for changing the zone and to seek feedback in regard to the issue and impacts for users of the park, the wildlife and natural environment.

*It is therefore recommended that Council:*

- 1 *NOTES the report in response to the petitions received in relation to dogs exercising on Broadbeach Park, Hillarys;*
- 2 *AGREES to undertake community consultation in regard to dogs being exercised on Broadbeach Park, Hillarys;*
- 3 *NOTES the lead petitioners will be advised that the City intends to undertake community consultation before making a decision on the petitions.*

## **BACKGROUND**

Broadbeach Park is situated on Broadbeach Boulevard in Hillarys and adjoins Flinders Park to the south. (Attachment 1 refers). In the context of the petitions both parks should be considered as they are connected and would be used more as a single park.

Both parks are currently specified as a dog exercise area in accordance with Section 31(3A) of the *Dog Act 1976*. This was determined by Council in 2014 following amendments to the *Dog Act 1976* and means a dog can be exercised off leash in the parks but must be under effective control. This was also the case prior to 2014 when the provisions of clause 10 of the *City of Joondalup Animals Local Law 1999* applied and both parks were designated as dog exercise areas.

Broadbeach and Flinders Park have lake areas where there are resident fauna and birdlife. Prohibition signage is in place restricting dogs from being permitted in the lake, restricting people from swimming in the lake, requiring owners to pick up after their dogs and from conducting any activity that would injure or kill wildlife.

Of the parks in the City of Joondalup that have water courses, Neil Hawkins Park and Blue Lake Park in Joondalup and Mawson Park in Hillarys have been specified as areas where dogs are prohibited. Sir James McCusker Park in Iluka, Picnic Cove Park and Garrong Park in Edgewater, are areas specified as dog exercise areas where dogs may be exercised off leash.

## **DETAILS**

In terms of activity at Broadbeach Park there have been eight complaints made over the past two years in regard to dog related issues. The complaints were reports of dogs chasing swans (five), dogs wandering in the park without owner's present (two) and one minor dog attack. As a result of the complaints regarding dogs chasing swans City Rangers conducted numerous additional patrols but there were no offences observed. Rangers spoke to dog owners in regard to the issue to make them aware.

Flinders Park has had a total of six reported dog control issues. The complaints related to dogs wandering in the park without owner's present (four), one report of dogs harassing swans and one minor dog attack.

The level of reported activity is not considered to indicate that a significant dog control issue exists in these parks, any more than any other dog exercise area. Attendance at the parks by Rangers responding to complaints or providing patrols did not identify any dog related offences.

## Issues and options considered

There are two possible options:

### Option 1

Support the proposal from the first petition received by Council on 12 December 2017 to change that dogs must be on a leash at all times.

### Option 2

Not support the proposal from the first petition received by Council on 12 December 2017 and retain that dogs can be exercised off leash but must be under effective control. This position would also then be in support of the second petition received by Council at its meeting held on 20 February 2018 (C08-02/18 refers) that the current designation remain.

In consideration of the public response to this petition, it is suggested that community consultation should be undertaken to canvas the option for changing the zone and to seek feedback in regard to the issue and impacts for users of the park, the wildlife and natural environment.

The basis of the consultation would be, should there be any change to the current dogs can be exercised off leash but must be under effective control designation.

The consultation would be conducted by a survey posted to residents within 500 metres of the parks that can either be completed in writing and returned or can be accessed and completed on line. The survey would be advertised on the City's website and on social media and would be open to any interested parties to complete.

In terms of timing, the survey can be conducted in May 2018 allowing for preparation in April and analysis of the survey results in June/July 2018 prior to a further report to Council this year.

## Legislation / Strategic Community Plan / policy implications

**Legislation** *Dog Act 1976.*

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy** Not applicable.

### **Risk management considerations**

Not applicable.

**Financial / budget implications**

The cost related to conducting the proposed community consultation is estimated at \$4,500 to mailout a survey and reply paid envelope to 1,800 residents, provide onsite signage, advertise the survey and make the survey available on line.

This cost can be accommodated within the current budget.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The proposed consultation would consist of a mailout survey to residents within a 500 metre radius of Broadbeach and Flinders Park. In addition, the survey would be available on line to complete and would be open to any interested parties to complete. The survey would be posted on the City's website and promoted via social media.

**COMMENT**

In additional to considering the results of the survey, it should be noted that the City has addressed water quality issues in these parks to improve the environment to support and encourage birdlife that inhabit the lake areas. Environmental considerations will be further examined and reported with the results of the survey.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the report in response to the petitions received in relation to dogs exercising on Broadbeach Park, Hillarys;
- 2 AGREES to undertake community consultation in regard to dogs being exercised on Broadbeach Park, Hillarys;
- 3 NOTES the lead petitioners will be advised that the City intends to undertake community consultation before making a decision on the petitions.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council:**

- 1 NOTES the report recommends that community consultation be undertaken in regard to dogs being exercised on Broadbeach Park, Hillarys;**
- 2 DOES NOT SUPPORT any community consultation occurring at this time in regard to dogs being exercised on Broadbeach Park, Hillarys;**
- 3 NOTES Broadbeach Park, Hillarys will remain a park where dogs can be exercised off a leash at this time;**
- 4 NOTES that as part of the 2017-18 five year capital works program an amount of \$150,000 is listed in 2018-19 for the development of fenced dog exercised areas within the City of Joondalup;**
- 5 ADVISES the lead petitioners of its decision.**

*The Manager Governance and the Governance Coordinator left the Chamber at 8.14pm and returned at 8.17pm.*

*The Manager Governance left the Chamber at 8.21pm.*

*The Director Planning and Community Development left the Chamber at 8.22pm and returned at 8.24pm.*

*The Manager Governance entered the Chamber at 8.25pm.*

**C24-03/18                      EXTENSION OF TIME TO SPEAK – [65597]**

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Cr Hamilton-Prime be permitted an extension of time to speak for a further five minutes.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Taylor.

**Against the Motion:** Cr Poliwka.

**AMENDMENT MOVED Cr Chester, SECONDED Cr Poliwka that the words ‘at this time’ be REMOVED from Parts 2 and 3 of the Motion.**

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**The Original Motion as amended, being:**

**That Council:**

- 1 NOTES the report recommends that community consultation be undertaken in regard to dogs being exercised on Broadbeach Park, Hillarys;**
- 2 DOES NOT SUPPORT any community consultation occurring in regard to dogs being exercised on Broadbeach Park, Hillarys;**
- 3 NOTES Broadbeach Park, Hillarys will remain a park where dogs can be exercised off a leash;**
- 4 NOTES that as part of the 2017-18 five year capital works program an amount of \$150,000 is listed in 2018-19 for the development of fenced dog exercised areas within the City of Joondalup;**
- 5 ADVISES the lead petitioners of its decision.**

**Was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**Reason for departure from Officer's recommendation**

In accordance with Regulation 11(da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the City is in the process of preparing a report in relation to identifying dog exercise areas in the City of Joondalup.

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf180313.pdf](#)

**CJ045-03/18      PETITION      REGARDING      APPROVAL      FOR  
VEHICLES TO ACCESS BELDON PARK**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	05808, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Review – Council reviews a decision made by officers.

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**PURPOSE**

For Council to consider the petition requesting the revocation of the City's decision to not allow the parking of vehicles on Beldon Park, Beldon.

**EXECUTIVE SUMMARY**

At its meeting held on 20 February 2018, Council received a petition signed by 126 residents that stated, *"We the residents of Beldon and the regular users of Beldon Park request the Council to revoke the decision to not let us use the park to park cars on for the car boot sale to be held on 3 March 2017 (sic)"*.

This petition refers to a decision of the City to not allow vehicle access onto Beldon Park, Beldon as requested by the Beldon Residents Association (BRA) through an event application to host a "Car Boot Sale" at Beldon Park on Saturday 3 March 2018.

The decision to not allow vehicle access onto Beldon Park was made by the City as there was a viable alternative available in having the vehicles use the adjoining car park, therefore negating the need to drive the vehicles onto the park. While the City has approved instances of vehicles being driven onto parks (both active and passive) where viable alternatives are available these requests are often declined. This is to ensure the viability of the natural grass within the park areas.

As the event has now been conducted, the Council does not have an opportunity to revoke the City's decision for this event.

*It is therefore recommended that Council:*

- 1      *DOES NOT SUPPORT the request to revoke the City's decision to not allow vehicle access onto Beldon Park;*
- 2      *ADVISES the lead petitioner of its decision.*

## BACKGROUND

In late 2017 the City received an event application from the BRA to host a Car Boot Sale on Beldon Park, Beldon. The initial application did not seek approval from the City to drive and / or park vehicles within the park, however this was discussed further between City officers and representatives from the BRA. Initial site plans provided by the BRA showed that they expected approximately 40 vehicles to access the park, however a final site plan submitted to the City as well as discussions with City officers at a site meeting in late January 2018 indicated the BRA was seeking approval for up to 50 vehicles.

When considering any request for approval to drive on City managed parks, the City's preference is to identify any viable alternative to minimise the amount of vehicular traffic within the park area. This is to minimise the risk of damage to the natural turf areas within the park, the irrigation and other infrastructure that may not be visible to drivers as well as the risk associated with vehicles travelling throughout an uncontrolled park during recreational times.

It should be noted that the City's *Terms and Conditions of Hire* specifically prohibit the driving and / or parking of vehicles within grassed areas.

When considering the BRA's request for approval to drive and park vehicles onto Beldon Park, the City identified a viable alternative and suggested the BRA utilise the adjacent formal car parking bays south of the park. This section of the car park is managed by the City while also being utilised by patrons of the adjacent Beldon Shopping Centre. It was recommended that cars could park within the formal parking bays and sell their goods from the grass area abutting the car park. This option not only provided a safe and viable option for the BRA's event to continue, but also removed the requirement for vehicle access onto the park.

The BRA was notified of the City's decision to decline their request to drive vehicles onto Beldon Park in early February 2018.

## DETAILS

At its meeting held on 20 February 2018, Council received a petition signed by 126 residents that stated, "*We the residents of Beldon and the regular users of Beldon Park request the Council to revoke the decision to not let us use the park to park cars on for the car boot sale to be held on 3<sup>rd</sup> March 2017 (sic)*".

As the City's *Terms and Conditions of Hire* specifically prohibit the driving and / or parking of vehicles within grassed areas, the City assesses requests for approval on a case by case basis. Where there is a real need to allow vehicular access to ensure the viability of an event / booking and where no viable alternative can be found the City can support the request. However, where the risks associated are deemed too high, or where viable alternatives are available the City will decline any such request.

As the event referred to within the petition has already been held and the City's processes regarding the assessment of these requests has been consistently applied, it is recommended that Council not support the request of the petitioners to revoke the City's decision to not allow vehicle access onto Beldon Park for the BRA Car Boot Sale.

## Issues and options considered

Not applicable.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

The City's preference is to minimise vehicle traffic within parks where possible. This is to ensure the sustainability of the natural grass that is present on the City's active and passive parks. In this situation, where a viable alternative is available the City can restrict access as required.

**Consultation**

Not applicable.

**COMMENT**

The City understands that the car boot sale was conducted on Saturday 3 March 2018 in accordance with the City's decision without incident. As the event has been held, the Council does not have the opportunity to revoke the City's decision.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr May, SECONDED Cr Poliwka that Council:**

- 1 DOES NOT SUPPORT the request to revoke the City's decision to not allow vehicle access onto Beldon Park;**
- 2 ADVISES the lead petitioner of its decision.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

## **CJ046-03/18 TENDER 001/18 PROVISION OF MEDIAN AND VERGE MOWING TO NOMINATED LOCATIONS IN ZONE 1 (NORTH) AND/OR ZONE 2 (CENTRAL) AND/OR ZONE 3 (SOUTH)**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	107043, 101515
<b>ATTACHMENT</b>	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
<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 tenders submitted by The Trustee for Turfmaster Unit Trust trading as Turfmaster Facility Management for the provision of median and verge mowing to nominated locations in Zone 2 (Central) and Zone 3 (South) and The Trustee for Parker Family Trust trading as Lawn Doctor for the provision of median and verge mowing to nominated locations in Zone 1 (North).

### **EXECUTIVE SUMMARY**

Tenders were advertised on Wednesday 17 January 2018 through statewide public notice for the provision of median and verge mowing to nominated locations in Zone 1 (North) and/or Zone 2 (Central) and/or Zone 3 (South) (three separable portions). Tenders closed at 2.00 p.m. Wednesday 7 February 2018. A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor – Conforming Offer.
- The Trustee for Parker Family Trust trading as Lawn Doctor – Alternative Offer.
- The Trustee for The Lochness Unit Trust trading as Lochness Landscape Services.
- Skyline Landscape Services Group Pty Ltd trading as Skyline Landscape Services (WA).
- The Trustee for Turfmaster Unit Trust trading as Turfmaster Facility Management.

The submission from Turfmaster Facility Management represents best value to the City for the services in Zone 2 (Central) and Zone 3 (South). The company demonstrated a thorough understanding of the required tasks. It has experience providing similar services to the Cities of Cockburn and Gosnells and the Town of Cambridge. It is the City's incumbent contractor for median and verge mowing to nominated locations in Zone 1 (North) and Zone 2 (Central). Turfmaster Facility Management is well established with industry experience and proven capacity to provide the services to the City.

The conforming offer Lawn Doctor represents best value to the City for the services in Zone 1 (North). The organisation has undertaken similar services for WA local governments including the Cities of Wanneroo, Stirling and Armadale. It demonstrated a sound understanding of the required tasks with sufficient industry experience and capacity required to carry out the services for the City.

*It is therefore recommended that Council:*

- 1 *ACCEPTS the tender submitted by The Trustee for Parker Family Trust trading as Lawn Doctor – Conforming Offer for the provision of median and verge mowing to nominated locations in Zone 1 (North), for a period of three years for requirements as specified in tender 001/18 at the submitted schedule of rates applicable for the term of the contract;*
- 2 *ACCEPTS the tender submitted by The Trustee for Turfmaster Unit Trust trading as Turfmaster Facility Management for the provision of median and verge mowing to nominated locations in Zone 2 (Central) for a period of three years for requirements as specified in tender 001/18 at the submitted schedule of rates applicable for the term of the contract;*
- 3 *ACCEPTS the tender submitted by The Trustee for Turfmaster Unit Trust trading as Turfmaster Facility Management for the provision of median and verge mowing to nominated locations in Zone 3 (South) for a period of three years for requirements as specified in tender 001/18 at the submitted schedule of rates applicable for the term of the contract.*

## **BACKGROUND**

The City has a requirement for the provision of median and verge mowing to nominated locations in Zone 1 (North), Zone 2 (Central) and Zone 3 (South) within the City. The City has the option to consider engaging one or more contractors to provide median and verge mowing to nominated locations in Zone 1 (North) and/or Zone 2 (Central) and/or Zone 3 (South).

Tender 001/18 was advertised as three separable portions:

- Separable portion 1: median and verge mowing to nominated locations in Zone 1 (North).
- Separable portion 2: median and verge mowing to nominated locations in Zone 2 (Central).
- Separable portion 3: median and verge mowing to nominated locations in Zone 3 (South).

Tenderers could submit an offer for any of the three portions of the work.

The City currently has two contracts in place for median and verge mowing to nominated locations with Turfmaster Facility Management in Zone 2 (Central) and Zone 3 (South) and median and verge mowing to nominated locations with Lochness Landscape Services in Zone 1 (North), which will expire on 12 April 2018.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

## **DETAILS**

The tender for the provision of median and verge mowing to nominated locations in Zone 1 (North) and/or Zone 2 (Central) and/or Zone 3 (South) was advertised through a statewide public notice on 17 January 2018. The tender period was for three weeks and tenders closed on 7 February 2018.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Parker Family Trust trading as Lawn Doctor (Conforming Offer).
- The Trustee for Parker Family Trust trading as Lawn Doctor (Alternative Offer).
- The Trustee for The Lochness Unit Trust trading as Lochness Landscape Services.
- Skyline Landscape Services Group Pty Ltd trading as Skyline Landscape Services (WA).
- The Trustee for Turfmaster Unit Trust trading as Turfmaster Facility Management.

The schedule of items listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

### **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**

The alternative offer submitted by Lawn Doctor proposed work in zones 1 and 2 to be undertaken consecutively rather than concurrently as specified in the tender. This does not meet the City's requirements. The alternative offer was assessed as non-compliant and not considered further.

The following offers received were fully compliant and were considered for further evaluation:

- Lawn Doctor (Conforming Offer).
- Lochness Landscape Services
- Skyline Landscape Services (WA).
- Turfmaster Facility Management.

### **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 60%.

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Skyline Landscape Services (WA) scored 57.3% and was ranked fourth in the qualitative assessment. The company has previous experience providing services to the Cities of Wanneroo, Nedlands, Melville, and Belmont. The term of these contracts was not clearly identified. The company demonstrated the capacity to provide equipment and resources to meet the mowing services. It demonstrated some understanding of the City's requirements, however the response referred to fortnightly servicing on reserves which is not applicable to the City's requirements. It was also unclear if edging was understood to be an on-request additional service.

Lochness Landscape Services scored 65% and was ranked third in the qualitative assessment. The company demonstrated the capacity to meet the City's requirements. It demonstrated previous experience providing services to the Towns of Victoria Park and Cambridge and the Cities of Gosnells and Rockingham. It is also the current contractor for the City's mowing services for the South zone. The company demonstrated an understanding of the required tasks.

Lawn Doctor scored 72.4% and was ranked second in the qualitative assessment. The company demonstrated its capacity with sufficient personnel and equipment to meet City requirements. It has previous experience providing similar services to the Cities of Wanneroo and Stirling. It also demonstrated an understanding of required tasks addressing all aspects of the requirements.

Turfmaster Facility Management scored 73.6% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the requirements. It demonstrated extensive experience providing similar services to the Cities of Cockburn, Gosnells and Town of Cambridge. It is also the City's current contractor for mowing services in the North and Central zones. It has the capacity to provide the services to City requirements.

Based on the minimum acceptable score of 60%, Turfmaster Facility Management, Lawn Doctor, and Lochness Landscape Services qualified to progress to the stage two price assessment.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

To provide a comparison of the rates offered by each tenderer, the number of mowing events per calendar year for each of the items were identified and used in the calculation. The additional services schedule is based on hourly rates at an estimated 150 hours per year for each zone. The following table provides a summary of the comparison of the estimated expenditure of each tenderer. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

The rates offered by the tenderers are fixed for the term of the Contract.

Tenderer	Year 1	Year 2	Year 3	Total
<b>Median and verge mowing to nominated locations - Zone 1 (North)</b>				
Turfmaster Facility Management	\$182,580	\$182,580	\$182,580	<b>\$547,740</b>
Lawn Doctor	\$163,365	\$163,365	\$163,365	<b>\$490,094</b>
Lochness Landscape Services	\$249,030	\$249,030	\$249,030	<b>\$747,090</b>
<b>Median and verge mowing to nominated locations - Zone 2 (Central)</b>				
Turfmaster Facility Management	\$157,650	\$157,650	\$157,650	<b>\$472,950</b>
Lawn Doctor	\$159,071	\$159,071	\$159,071	<b>\$477,212</b>
Lochness Landscape Services	\$298,505	\$298,505	\$298,505	<b>\$895,515</b>
<b>Median and verge mowing to nominated locations - Zone 3 (South)</b>				
Turfmaster Facility Management	\$137,995	\$137,995	\$137,995	<b>\$413,985</b>
Lochness Landscape Services	\$258,100	\$258,100	\$258,100	<b>\$774,300</b>

During the last financial year 2016-17, the City incurred \$353,155.25 for the provision of median and verge mowing to nominated locations in all zones and is expected to incur in the order of \$1,377,029 over the three year contract period.

### Evaluation Summary

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

Tenderer	Zone	Estimated Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Turfmaster Facility Management	Zone 1	\$547,740	2	73.6%	1
	Zone 2	\$472,950	1		
	Zone 3	\$413,985	1		
Lawn Doctor (Conforming Offer)	Zone 1	\$490,094	1	72.4%	2
	Zone 2	\$477,212	2		
Lochness Landscape Services	Zone 1	\$747,090	3	65%	3
	Zone 2	\$895,515	3		
	Zone 3	\$774,300	2		

Based on the evaluation result the panel concluded that the tenders from Turfmaster Facility Management and Lawn Doctor provide best value to the City and are therefore recommended for the provision of median and verge mowing to nominated locations in Zone 2 – Central and Zone 3 - South, and median and verge mowing to nominated locations in Zone 1 – North respectively.

### Issues and options considered

The City has a requirement for median and verge mowing to nominated locations in Zone 1 (North) and/or Zone 2 (Central) and/or Zone 3 (South). The City does not have the internal resources to supply the required services for the volume of work required and as such requires an appropriate external service provider, or providers.

## Legislation / Strategic Community Plan / policy implications

**Legislation** A statewide public tender was advertised, opened and evaluated in accordance with clauses 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** Quality open spaces.

**Strategic initiative** Establish landscapes that are unique to the City and provide statements within prominent network areas.

**Policy** To have urban and green spaces which are attractive, well utilised and enrich the lives of the community.

### Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City does not have the resources to achieve the level of service required for median and verge mowing and any delay in appointing a contractor will have considerable impact on the mowing program.

It is considered that the contract will represent a low risk to the City as the recommended tenderers have proven industry experience and the capacity required to provide the services to the City.

### Financial / budget implications

#### Current financial year impact

<b>Account no.</b>	Various maintenance accounts.
<b>Budget Item</b>	Median and verge mowing to nominated locations.
<b>Budget amount</b>	\$ 466,667
<b>Amount spent to date</b>	\$ 282,104
<b>Proposed cost</b>	\$ 86,708
<b>Balance</b>	\$ 97,855

The balance does not represent a saving at this time. The projected expenditure on these services is subject to change and may be impacted by unforeseen events.

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

## Consultation

Not applicable.

## 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 Offers representing best value to the City are those submitted by Lawn Doctor and Turfmaster Facility Management.

## VOTING REQUIREMENTS

Simple Majority.

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

- 1 ACCEPTS the tender submitted by The Trustee for Parker Family Trust trading as Lawn Doctor for the provision of median and verge mowing to nominated locations in Zone 1 (North) for a period of three years for requirements as specified in tender 001/18 at the submitted schedule of rates applicable for the term of the contract;**
- 2 ACCEPTS the tender submitted by The Trustee for Turfmaster Unit Trust trading as Turfmaster Facility Management for the provision of median and verge mowing to nominated locations in Zone 2 (Central) for a period of three years for requirements as specified in tender 001/18 at the submitted schedule of rates applicable for the term of the contract;**
- 3 ACCEPTS the tender submitted by The Trustee for Turfmaster Unit Trust trading as Turfmaster Facility Management for the provision of median and verge mowing to nominated locations in Zone 3 (South) for a period of three years for requirements as specified in tender 001/18 at the submitted schedule of rates applicable for the term of the contract.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf180313.pdf](#)*

## **CJ047-03/18      IMPLEMENTATION OF A THREE BIN SYSTEM FOR THE CITY OF JOONDALUP**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	11393, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Better Bins - Kerbside Collection Guidelines</i>
<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 the implementation of a three bin system for the City of Joondalup.

### **EXECUTIVE SUMMARY**

The Western Australian Waste Strategy '*Creating the Right Environment*' calls for best practice and continual improvement in managing municipal solid waste. The strategy sets targets of diverting 50% of municipal solid waste from landfill by 2015 and 65% by 2020. While the City's current diversion target is 50%, reaching 65% as per the strategy will be a challenge unless change to current practices are made.

The *Better Bin - Kerbside Collection Guidelines* (Attachment 1 refers) was developed by the Waste Authority to help local governments select kerbside collection systems that can achieve increased resource recovery rates. The guidelines are based on the experiences of Western Australian and interstate local governments and contain information on bin types, colours and collection frequencies and expected performance benchmarks. The guidelines identify that in the short to medium term, higher recovery is likely to be delivered through:

- source separation using a three-bin collection system, with separate bins for general waste, dry recyclables and garden organics
- collection systems where general waste is processed through an alternative waste treatment facility.

At its meeting held on 16 February 2016 (CJ024-02/16 refers), Council endorsed the City of Joondalup *Waste Management Plan 2016 - 2021 Increasing diversion from landfill* (the Plan).

Targets identified for the Plan align with the State Government waste recovery targets included in the *Western Australian Waste Strategy: Creating the Right Environment*. The Plan focuses on improving the City's management of waste, increasing diversion from landfill and providing the groundwork to inform long term planning for waste.

The *Waste Management Plan 2016 – 2021* recognises that the management of waste is a significant and rising cost for the City and its ratepayers, is subject to high community expectations, and can have a significant impact on the environment.

MRC manages the treatment and disposal of general household waste on behalf of the seven Member Councils of the MRC. Increases in landfill levy and reduction in tonnages of general waste has seen a significant increase in the MRC gate fee from \$120 per tonne in 2013-14 to \$180 per tonne in 2017-18. Indications from the MRC is that there will be a further sharp increase in 2018-19 and will continue to rise.

In response to the rising cost and to increase diversion from landfill to meet the Waste Authority targets, the City has reviewed its kerbside collection services and is proposing the introduction of a three bin system in alignment with the *Better Bins - Kerbside Collection Guidelines* funding method Preference 1 which is as follows:

- A 140 litre red lidded general waste bin with an option for householders to opt out of the 140 litre red lidded general waste bin and select a 240 litre general waste bin to be collected weekly.
- A 240 litre lime green lidded bin for green waste to be collected fortnightly.
- A 240/360 litre yellow lidded bin for recycling to be collected fortnightly on the alternate week.

*It is therefore recommended that Council:*

- 1 *ENDORSES the implementation of a three bin system as per Option 1 as detailed in Report CJ047-03/18 with rollout commencing in the 2018-19 financial year;*
- 2 *NOTES that the three bin system, in alignment with the Better Bins funding method Preference 1, will consist of the following:*
  - 2.1 *one 140 litre red lidded general waste bin, with an option for householders to opt out of the 140 litre red lidded general waste bin and select a 240 litre red lidded general waste bin;*
  - 2.2 *one 240 litre lime green lidded garden waste bin;*
  - 2.3 *one 240 litre or one 360 litre yellow lidded recycling bin;*
- 3 *APPROVES the implementation of a differential pricing system which charges households a lower amount for a 140 litre red lidded general waste bin when compared to a 240 litre red lidded general waste bin;*
- 4 *NOTES that the refuse charge/s will be set as part of the City's annual budget;*
- 5 *REQUESTS the Chief Executive Officer to make an application to the Waste Authority on behalf of the City for grant funding for the rollout of the three bin system;*
- 6 *NOTES the results of the 360 litre bin trial;*
- 7 *ENDORSES the further roll out of the 360 litre recycling bins until the implementation of the three bin system;*
- 8 *REQUESTS that the Chief Executive Officer undertake a review of the bulk green waste collection methodology prior to 30 June 2020.*

## BACKGROUND

The major legislation relating to waste management in Western Australia is the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) which establishes the Waste Authority and its functions. The WARR Act has a particular focus on local government functions, and contains mechanisms relating to local government waste services, including waste local laws, waste plans and collection permits.

The WARR Act also provides a hierarchy of waste management options based on their general environmental desirability. The hierarchy is a useful guide to aid in decision making and should be applied in the context of other economic, social and environmental constraints. The most preferred option for waste management under the waste hierarchy is to avoid or to minimise the generation of waste in the first instance. The second preferred option is to recover the resources in the waste through reuse, reprocessing, recycling and energy recovery. The final and least preferred option is to dispose of the waste to landfill.

At its meeting held on 16 February 2016 (CJ024-02/16 refers), Council endorsed the City of Joondalup *Waste Management Plan 2016 - 2021 Increasing diversion from landfill* (the Plan). Targets identified for the Plan align with the State Government waste recovery targets included in the *Western Australian Waste Strategy: Creating the Right Environment*. The *Western Australian Waste Strategy* targets for the Perth Metropolitan area are for:

- 50% of municipal solid waste to be diverted from landfill by 2015.
- 65% of municipal solid waste to be diverted from landfill by 2020.

The Plan identifies the following four key drivers for improving the City's waste management practices:



### *Reaching Diversion Targets*

The *Waste Management Plan 2016 – 2021* has set a 65% landfill diversion target of household waste by 2020 to align with the *Western Australian Waste Strategy* targets. While the City made a significant achievement in reaching the *Western Australian Waste Strategy 2015* target of 50% diversion, reaching the 65% target will be a challenge and the City is unlikely to reach this target if it continues with business as usual.

### *Reducing Environmental Impacts*

The creation of waste and the disposal of waste can have a significant impact on the environment for a number of reasons, including the following:

- Resources, materials and energy used to produce, package and transport products are lost when products are disposed to landfill.
- Landfills take up large amounts of land and can be noisy, odorous and unsightly. Landfills (and the land surrounding them) are likely to become less usable land for many years into the future.

- Waste materials in landfill can take from months to hundreds of years to break down, or may not break down at all, meaning the environmental impacts of landfills will last for generations.
- The breakdown of waste within landfill can create pollutants and toxins which can contaminate groundwater, surface water and the atmosphere.
- The breakdown of waste in landfill also creates methane, a greenhouse gas. Waste can continue to emit methane for well over 50 years after it has been landfilled. By diverting waste from landfill the City is reducing landfill emissions.
- Transport associated with the collection of waste creates greenhouse gas emissions and other air pollutants. Efficiencies in reducing transport costs will have a positive environmental impact by reducing greenhouse gas emissions and air pollutants.

There are significant environmental controls relating to landfill sites to reduce their potential environmental impact including lining and capping of landfills, monitoring of groundwater and controls on what can be disposed.

#### *Increasing Costs of Waste Disposal*

It costs significantly more to dispose of waste to landfill than it does to recycle waste. The increase in the Waste Levy and MRC gate fee is shown in the table below.

Year	Waste levy per tonne (\$)	MRC gate fee per tonne (\$)	Increase in MRC gate fee (%)	COJ refuse charge (\$)	Increase in COJ refuse charge (%)
<b>2013-14</b>	28.00	120.00		333.00	
<b>2014-15</b>	28.00 55.00*	116.00 138.50*	15.4	346.00	3.9
<b>2015-16</b>	55.00	155.00	11.9	346.00	0
<b>2016-17</b>	60.00	165.00	6.5	346.00	0
<b>2017-18</b>	65.00	174.00 180.00**	5.5	346.00	0

\* From 1 January 2015

\*\* From 1 February 2018

The current MRC gate fee as of 1 February 2018 is \$180 per tonne compared to \$25 per tonne for processing of recyclables and approximately \$30 per tonne for processing of green waste. The cost of disposing waste to landfill will again significantly increase in 2018-19 and future years. Increasing the proportion of household waste that is not sent to landfill will not only increase diversion from landfill rates to align with the *Western Australian Waste Strategy* targets it will also provide significant ongoing cost savings for the City and its ratepayers.

#### *High Levels of Waste*

The City of Joondalup has been shown to be a high generator of waste, particularly in regard to the previous scheduled bulk waste collection service. This will only increase as the City's population increases and the amount of waste households generate increases. In order to reach diversion targets, reduce environmental impact and reduce the cost of delivering waste services, steps need to be taken to reduce the amount of waste generated within the City of Joondalup.

### City of Joondalup Waste

The City of Joondalup provides a broad range of waste services to the community including collecting and processing household waste, providing and emptying street bins, removing litter from public areas, providing waste services at City events and managing the City's corporate waste. The City spends approximately \$20 million per annum on waste services and in 2016-17 collected just under 90,000 tonnes of waste.

The City's *Waste Management Plan 2016 -21* includes 16 projects which were developed to guide the City actions in meeting the 65% landfill diversion target. This proposal aligns with the following four projects:

- Project 1 'Recycle 360 - A Better Bins Project'. This project aims to increase the amount of recyclable material collected through the yellow lidded bin collection.
- Project 4 'Community Waste Behaviour Change Program'. This project aims to improve community knowledge of the City's waste management services, increase participation in recycling and reduce recycling contamination rates.
- Project 6 'Household Waste Composition Audit'. This project aims to improve the City's understanding and knowledge of household waste composition and to ensure that the City's waste management processes and activities are informed by sound analysis and understanding of waste generated.
- Project 15 'Continued review and improvement of household waste services'. This project aims to continually review and improve the City's household waste services and to remain aware of changing policy, regulation and best practice in household waste services.

### Current Two Bin System

The City currently operates a two bin system for the collection of household waste, with a weekly collection of general waste in a green lidded bin and a fortnightly collection of recyclable waste in a yellow lidded bin.

In 2016-17 the City collected 52,282 tonnes of general waste from the green lidded bin. This represents approximately 58% of the City's total waste stream. The contents are delivered to either the Neerabup Resource Recovery Facility (RRF) or the Tamala Park landfill. The current diversion rate for the RRF is approximately 51%.

In 2016-17 the City collected 16,383 tonnes of recycling waste from the yellow lidded bin of which 14,085 tonnes was recycled. This represents 18% of the City's total waste stream. The contents of the yellow lidded bin are delivered to the Materials Recovery Facility (MRF) operated by Cleanaway. The current diversion rate for this facility is approximately 85%.

### Current Bulk Waste Collection Services

The City's bulk hard waste collection service is undertaken by Cleanaway and consists of the following:

- One three cubic metre skip bin per financial year (delivered on-request).
- One white good collection per financial year (collected on-request).
- One mattress collection per financial year (collected on-request).

The material collected is sent to a processing facility where it is recycled. This service was implemented in October 2016. In 2016-17 the City collected 2,805 tonnes of bulk hard waste and achieved a diversion rate of approximately 48% at a cost of approximately \$1.02 million. The diversion rate of the previous service was only 2%.

The City's bulk green waste collection service is currently undertaken by Incredible Bulk and consists of one scheduled verge pick up per financial year. In 2016-17 the City collected 6,335 tonnes of bulk green waste with a diversion rate of 100% and a cost of approximately \$1.2 million. The contract end date is 30 June 2020.

Residents are also provided with four green waste tipping vouchers and two mulch vouchers which are delivered annually via the City's Waste Guide. These vouchers can be redeemed at the Wangara Greens Recycling Centre which is operated by the City of Wanneroo. Residents can deliver clean greens up to 500kg (per tipping voucher) and collect (subject to availability) up to 500kg of mulch per mulch voucher. A standard operation and management fee is charged per month. In 2016-17 this service cost the City \$234,000.

### 360L Recycling Bin Trial

As part of Project 1 of the *Waste Management Plan 2016 - 2021*, the City is currently undertaking a trial of supplying a larger 360 litre yellow lidded recycling bin to residents upon request. The project commenced in June 2016 and as of the end of December 2017, the City had delivered 4,800 360 litre capacity recycling bins. To determine the success of the trial, a kerbside audit was undertaken which concentrated on use, weights and presentation rates. The audit results indicated an increase in the amount of recycling presented for collection with the introduction of the larger recycling bin. Recycling increased by an average of 3.6kg (26%) per fortnight collected in the 360 litre bin compared to the smaller 240 litre recycling bin.

In March 2017, the City sought feedback from participants of the 360 litre recycling bin trial via an online survey. The survey was sent to 2,218 participants and the City received 1,227 valid responses, giving a 55% response rate. An analysis of the results from the respondents showed that 82.8% rated the experience with the larger 360 litre bin as excellent and 94.6% of the respondents agreed that the larger 360 litre bin resulted in increased recycling of household waste and a reduction of waste that could be recycled in the general waste bin.

### Waste Composition Audit

The Mindarie Regional Council (MRC), on behalf of the City is undertaking a waste composition audit of the City's household waste. The MRC used an aggregate sampling method as this provided a larger sampling area of approximately 1,000 bins to provide a statistically significant and reliable result. The audit was devised to be undertaken in two parts (a summer and winter audit) and will be used to quantify the amounts and types of waste being generated, including a breakdown of the different types of materials within the green lidded bin (general waste). This information will be used to improve waste management processes, guide waste education messages and help monitor the success of any improvements.

The winter audit was undertaken and the results are as follows:

<b>Winter Audit of Green Lidded Bin (General Waste)</b>		
<b>Type of material</b>	<b>Weight (kg)</b>	<b>Percentage (%)</b>
<b>Recyclables</b>	3,975.6	26
<b>Non-recyclables</b>	11,310.5	74
<b>TOTAL</b>	<b>15,286.1</b>	<b>100</b>

Of the 11,310.5 kg of non-recyclables in the green lidded bin, 8,623.2 kg (56.4%) was organic waste. A further breakdown of the organic waste is provided in the table below.

<b>Organic Content of Non-recyclables</b>		
<b>Type of material</b>	<b>Weight (kg)</b>	<b>Percentage (%)</b>
<b>Food waste</b>	3,638.4	23.8
<b>Green waste</b>	4,984.8	32.6
<b>TOTAL</b>	<b>8,623.2</b>	<b>56.4</b>

The summer audit is scheduled for the third quarter of 2017-18.

The results of the winter audit highlighted that a significant portion of recyclables and green waste is currently being placed in the general waste (green lidded bin). Placement of these items into the correct bin will not only increase the City's diversion rate but will also reduce cost.

#### Better Bins - Kerbside Collection Guidelines

The *Better Bins - Kerbside Collection Guidelines* (Attachment 1 refers) were developed by the Waste Authority to help local governments select better practice kerbside collection systems by:

- presenting options for kerbside collection systems, including expected performance benchmarks
- containing 'complementary measures' (including information provision and community engagement, training and enforcement) to ensure the community understands the benefits of the system and how to use it effectively
- being flexible, recognising that different local governments have particular characteristics that will influence decisions about collection systems
- supporting a three bin system (general waste, co-mingled recycling and green waste) because it encourages source separation, which is important to maximising recovery.

The guidelines further identify that in the short to medium term, higher diversion from landfill is likely to be delivered through the following:

- Source separation using a three-bin collection system, with separate bins for general waste, dry recyclables and garden organics.
- Collection systems where general waste is processed through an alternative waste treatment facility.

The *Better Bins: Kerbside Collection Guidelines* specify the funding criteria for local governments to be eligible for the Better Bins funding as per the extract below:

*"Better Bins funding is determined by the type of kerbside services provided by local governments and the number of households to which services are provided.*

<b>Kerbside Collection Preference</b>	<b>Kerbside Collection Services - Households</b>			<b>Funding allocation per household</b>
	<b>General waste Red lid</b>	<b>Comingled recycling Yellow lid</b>	<b>Green Waste Lime green lid</b>	
<b>Preference 1</b> <b>Three bin system, small general waste</b>	140 litre or less weekly	240 litre or more fortnightly	240 litre or more fortnightly	\$30
<b>Preference 2</b> <b>Three bin system, standard general waste</b>	240 litre or less weekly	240 litre or more fortnightly	240 litre or more fortnightly	\$24
<b>Preference 3</b> <b>Two bin system, small general waste</b>	140 litre or less weekly	240 litre or more fortnightly	Nil	\$10
<b>Preference 4</b> <b>Two bin system, standard general waste</b>	140 litre or less weekly	240 litre or more fortnightly	Nil	\$4

Local Governments are eligible for the maximum funding of \$30 per household if:

- a local government offers Preference 1 services to households with an option for householders to 'opt out' of the smaller (140 litres or less) general waste service; and
- the local government implements a differential pricing system which charges households a lower amount for a general waste service of 140 litres or less per week, and a higher amount for a general waste service of more than 140 litres per week."

## DETAILS

Household waste is a key area of waste management for the City as it represents the largest amount of waste generated (76%) and based on the results of the waste composition audit provides the greatest opportunity for the City to increase diversion from landfill to meet the *Western Australian Waste Strategy* target of 65% diversion by 2020.

The Waste Authority recognises, and strongly supports, source separation of waste as best practice. Source separation involves separating household waste in common material streams or categories for separate collection. One of the ways to achieve greater separation of household waste is to provide households with separate bins. The *Better Bins: Kerbside Collection Guidelines* supports a three bin system (general waste, comingled recycled waste and green waste) as it encourages source separation which is important to maximise diversion of waste from landfill.

In alignment with the *Better Bins: Kerbside Collection Guidelines*, the City has reviewed its kerbside collection services and is proposing the introduction of a three bin system based on the Better Bins funding method Preference 1 which is as follows:

- A 140 litre red lidded general waste bin with an option for householders to opt out of the 140 litre red lidded general waste bin and select a 240 litre general waste bin to be collected weekly.

- A 240 litre lime green lidded bin for green waste to be collected fortnightly.
- A 240/360 litre yellow lidded bin for recycling to be collected fortnightly on the alternate week.

Moving to a three bin system for the collection of household waste will have an impact on other waste services currently provided by the City. It is therefore important to consider the impact on the following services when changing to a three bin system:

- Bulk green waste collection.
- Weekend greens vouchers.

It is considered that there would be no impact to the following services which would continue as per current arrangements:

- Bulk hard waste services.
- Litter collection.
- E-waste days.
- Charity drop off events.

Based on these considerations, the following five options were developed:

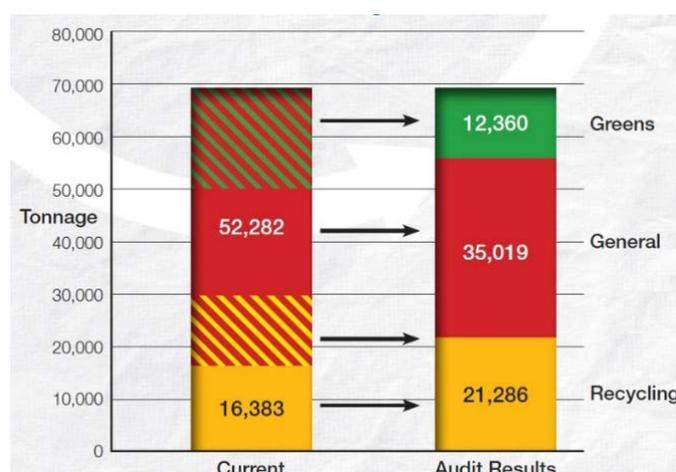
Option Parameters	Current (two bins)	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Three bin system</b>	X	✓	✓	✓	✓	✓
<b>Bulk green waste collection</b>	✓	✓	On Request	X	X	✓
<b>Weekend greens vouchers</b>	✓	✓	✓	✓	X	X

The City has developed a financial model to assist in comparing the options above. This model for the three bin system is based on the tonnages of material from 2016-17 as tonnages have not increased significantly and this was the last full year of collection data available.

In 2016-17, 68,665 tonnes of municipal solid waste (MSW) was collected in the yellow and green lidded bins. Approximately 52,282 tonnes of domestic waste (green lidded bin) and 16,383 tonnes of recycling waste (yellow lidded) bin. Outcomes of the waste composition audit undertaken in Winter 2017 and lessons learnt from other local authorities when implementing a three bin system has enabled the City to form a number of assumptions in order to calculate the tonnage of material for inclusion in a three bin scenario for the City of Joondalup:

- The waste composition audit revealed that 26% of the material in the green lidded bin was recyclable material that should have been placed in the yellow lidded bin. Based on the total tonnes of 52,282 collected in 2016-17 in the green lidded bin, 13,593 tonnes were therefore recyclables. Under a three bin scenario it is assumed that 31% of all waste will be placed in the yellow lidded bin in alignment with the experience of other local governments when moving to a three bin system. This would mean that 4,903 tonnes of the 13,593 tonnes of recycling material would be placed in the yellow lidded bin. This would result in the tonnage of recyclable material collected via the yellow lidded bin increasing from 16,383 tonnes to 21,286 tonnes (31% of the overall waste stream).

- The waste composition audit also revealed that 32.6% of the materials in the green lidded bin (general waste) is green waste. Based on the total tonnes of 52,282 collected in 2016-17 this equates to 17,043 tonnes of green waste. It is assumed that not all this green waste would be placed in the lime green lidded bin and only 12,360 tonnes would be included in this bin, being 18% of the total waste stream. This assumption again reflects the experience of other local governments when moving to a three bin system.
- The general waste (red lidded) bin would contain the remainder of the 52,282 tonnes of waste when 12,360 tonnes of green waste and 4,903 tonnes of recycling waste is removed as per above. This equates to 35,019 tonnes (51% of the total waste stream) as depicted below.



- The provision of a lime green lidded bin specifically for green waste will see a reduction in the amount of green waste collected as part of the scheduled bulk green waste collection and the amount taken to the weekend greens facility as per the table below.

Green Waste Type	Current	Option 1 All green waste services (tonnes)	Option 2 On- request bulk green (tonnes)	Option 3 No bulk green waste (tonnes)	Option 4 No bulk or weekend greens (tonnes)	Option 5 No weekend greens (tonnes)
<b>Weekend greens</b>	6,927	3,464	3,464	3,464	0	0
<b>Bulk collection green</b>	6,330	3,165	1,899	0	0	2,965
<b>Lime green lidded bin</b>	0	18,988	20,254	20,254	24,578	21,613
<b>Total</b>	<b>13,257</b>	<b>25,617</b>	<b>25,617</b>	<b>23,718</b>	<b>24,578</b>	<b>24,578</b>

It should be noted that under Options 3 to 5 there is a requirement for residents to self-manage a percentage of the green waste produced due to a reduction in service.

Based on the above assumptions, the tonnage of municipal solid waste stream for each option can be summarised as follows:

Waste Stream	Current	Option 1 All green waste services (tonnes)	Option 2 On- request bulk green (tonnes)	Option 3 No bulk green waste (tonnes)	Option 4 No bulk or green waste (tonnes)	Option 5 No weekend Greens (tonnes)
Yellow lidded bin (recyclables)	16,383	21,286	21,286	21,286	21,286	21,286
Green lidded bin (current)	52,282	0	0	0	0	0
Red lidded bin (general waste)	0	35,019	35,019	35,019	35,019	35,019
Lime green lidded bin (green waste)	0	18,988	20,254	20,254	24,578	21,613
Bulk green collection	6,330	3,165	1,899	0	0	2,965
Weekend greens	6,927	3,464	3,464	3,465	0	0
<b>Total</b>	<b>81,922</b>	<b>81,922</b>	<b>81,922</b>	<b>80,023</b>	<b>80,883</b>	<b>80,883</b>

For each of the options identified and based on the tonnages per waste stream, the cost for delivering this service is estimated as follows:

Cost (\$1,000)	Current	Option 1 All green waste services	Option 2 On- demand bulk green	Option 3 No bulk green waste	Option 4 No additional green waste	Option 5 No weekend Greens
Yellow lidded bin (recyclables)	\$2,021	\$2,150	\$2,150	\$2,150	\$2,150	\$2,150
Green lidded bin (current)	\$12,745	\$0	\$0	\$0	\$0	\$0
Red lidded bin (general waste)	\$0	\$9,456	\$9,456	\$9,456	\$9,456	\$9,456
Lime green lidded bin (green waste)	\$0	\$2,160	\$2,198	\$2,217	\$2,300	\$2,239
Bulk green collection	\$1,176	\$1,081	\$431	\$0	\$0	\$1,075
Weekend greens	\$241	\$241	\$241	\$241	\$0	\$0
Bulk hard waste and operational cost	\$4,335	\$4,659	\$4,659	\$4,659	\$4,659	\$4,659
<b>Total Cost</b>	<b>\$20,518</b>	<b>\$19,747</b>	<b>\$19,135</b>	<b>\$18,723</b>	<b>\$18,545</b>	<b>\$19,559</b>
<b>Potential Saving</b>	<b>\$0</b>	<b>\$771</b>	<b>\$1,383</b>	<b>\$1,795</b>	<b>\$1,973</b>	<b>\$959</b>

Note: Costs quoted are estimated costs and are in 1,000's. Potential saving is based on budget for 2017-18 of \$20,518,000.

### Capital cost

There is an opportunity for the City to apply for grant funding from the Waste Authority for the rollout of the three bin system. This application needs to be submitted and approved by the Waste Authority prior to the end of March 2018, with the project implementation completed by June 2020. The table below summarises the one-off costs, potential grant proceeds and net impact.

	<b>\$ms</b>
<b>New 360 litre yellow lidded bins (recycling)</b>	(2.1)
<b>New 140/240 litre red lidded bins (general waste)</b>	(2.8)
<b>Changeover to lime green lids (green waste)</b>	(0.8)
<b>Community engagement and education</b>	(0.1)
<b>Capital Costs</b>	<b>(5.7)</b>
<b>Potential grant from Waste Authority (based on Preference 1 funding method)</b>	1.8
<b>Net impact</b>	<b>(3.9)</b>

The net cost will be funded using the Waste Management Reserve which has a current balance of \$10 million.

Taking into account the potential operational cost savings of between \$771,000 and \$1.973 million per annum, depending on the option selected, the change to a three bin system will have a payback period of between two to four years.

### Timeframes

The provision of appropriate waste infrastructure is only one component of an effective waste service. Householder behaviour and participation is critical to ensuring the waste system works, which includes reducing the amount of waste generated and placing waste in the correct bin. Improving household waste behaviour and participation in waste management will be a challenge for the City. Waste education and waste programs will need to be based on behaviour change principles and an understanding of the community's attitudes and perceptions towards waste.

To ensure the proposed change to a three bin system is successful, the City will embark on an extensive community engagement campaign to inform, educate and promote the new service. It is anticipated that this program will be delivered over a six to eight month period prior to the implementation of a three bin system. The rollout of this system will be phased suburb by suburb and will take an additional six months to complete. It is anticipated, should the proposal be endorsed by Council, that the rollout of the three bin system could commence as early as January 2019.

### **Issues and options considered**

Council can choose to either:

- remain with the current two bin system
- implement the three bin system as recommended (Option 1)  
or
- implement the three bin system based on one of the other options detailed in this report.

The advantages and disadvantages of the various options are summarised below.

	Advantages	Disadvantages
<b>Current (two bins)</b>	<ul style="list-style-type: none"> <li>No change to current services and staffing</li> </ul>	<ul style="list-style-type: none"> <li>Highest cost</li> <li>Diversion from landfill targets not met</li> </ul>
<b>Option One</b>	<ul style="list-style-type: none"> <li>Highest diversion from landfill</li> <li>Reduced cost to deliver all waste services</li> <li>Less change for residents</li> </ul>	<ul style="list-style-type: none"> <li>Lowest savings</li> <li>Potential over servicing of green waste</li> </ul>
<b>Option Two</b>	<ul style="list-style-type: none"> <li>Increased diversion from landfill</li> <li>Reduced cost to deliver all waste services</li> </ul>	<ul style="list-style-type: none"> <li>Potential over servicing of green waste</li> </ul>
<b>Option Three</b>	<ul style="list-style-type: none"> <li>Increased diversion from landfill</li> <li>Reduced cost to deliver all waste services</li> </ul>	<ul style="list-style-type: none"> <li>1,899 tonnes of green waste will need to be self-managed</li> <li>Potential over servicing of green waste</li> </ul>
<b>Option Four</b>	<ul style="list-style-type: none"> <li>Increased diversion from landfill</li> <li>Reduced cost to deliver all waste services</li> </ul>	<ul style="list-style-type: none"> <li>1,039 tonnes of green waste will need to be self-managed</li> <li>Residents lose the ability to collect mulch</li> </ul>
<b>Option Five</b>	<ul style="list-style-type: none"> <li>Increased diversion from landfill</li> <li>Reduced cost to deliver all waste services</li> </ul>	<ul style="list-style-type: none"> <li>1,039 tonnes of green waste will need to be self-managed</li> <li>Potential over servicing of green waste</li> <li>Residents lose the ability to collect mulch</li> </ul>

Taking into consideration the merits of each, Option 1 is the preferred option. This option has the highest diversion rate from landfill, reduces the cost of the overall waste services, less change for residents and is the lowest implementation risk. This option is also in alignment with the Waste Authorities *Better Bins Kerbside Collection Guidelines*.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*The Waste Avoidance and Resource Recovery Act 2007.*

#### Strategic Community Plan

#### Key theme

Financial Sustainability.  
The Natural Environment.

#### Objective

Effective management.  
Environmental resilience.

#### Strategic initiative

Seek out efficiencies and regional collaborations to reduce service delivery costs.

Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

**Policy***Waste Management Plan 2016 – 2021.***Risk management considerations**

The following risks have been identified when considering current and future waste collection services provided by the City:

- Not meeting the diversion from landfill targets set by the Waste Authority and included in the *Western Australian Waste Strategy*. The City will not be able to achieve the 65% diversion from landfill target by 2020 if the current two bin system for the collection of household waste is retained.
- Increasing MRC gate fee and landfill levy which increases the cost of sending waste to landfill. The introduction of the three bin system will increase the diversion of waste from landfill and therefore reduce the financial impact of the increasing MRC gate fee and landfill levy.
- Community acceptance of a three bin system. Householder behaviour and participation is critical to ensuring the waste system works, which includes reducing the amount of waste generated and placing waste in the correct bin. To ensure the proposed change to a three bin system is successful, the City will embark on an extensive community engagement campaign to inform, educate and promote the new service.
- Successful rollout of a three bin system. The roll out of a three bin system is complex and will involve extensive change. Additional resources will be allocated to ensure that the system is rolled out in a timely manner and that there is a seamless transition to the new service. Lessons learnt from other local governments indicated that dedicated resources are required and that a phased roll out is the optimum method as it ensures that any operational issues can be rectified prior to the bins being rolled out to all suburbs.
- Impact on bulk green waste collection service and the weekend greens. To mitigate this risk, it is proposed to review these services prior to the conclusion of the current bulk green waste collection contract in June 2020.
- Not successful in securing grant funding. In order to secure grant funding the City must submit an application to the Waste Authority prior to the end of March 2018 with the project implementation to be completed by June 2020. To maximise the potential grant the City must align its proposal as closely as possible to the *Better Bins - Kerbside Collection Guidelines* Preference 1.

**Financial / budget implications**

The City has budgeted \$20.5 million in 2017-18 for the provision of all waste services. The cost of the service is spread across all ratepayers as part of the separately charged refuse charge (\$346 per annum).

Based on the financial evaluation the potential cost saving varies between \$771,000 to \$1.973 million per annum depending on the option selected. The estimated saving for 2018-19 will be less than this as it is proposed that the implementation of a three bin system will only commence half way through the year and will take six months for the rollout to be completed. The full saving will only be realised after the rollout of a three bin system is completed.

## 20 Year Financial Assessment

The whole-of-life cash flows have been projected up to 2037-38, this covers the period of implementation and 20 years of operation. By evaluating over such a long period ensures that the long-term impacts including renewals can be evaluated. The table below summarises the overall cash flow impacts.

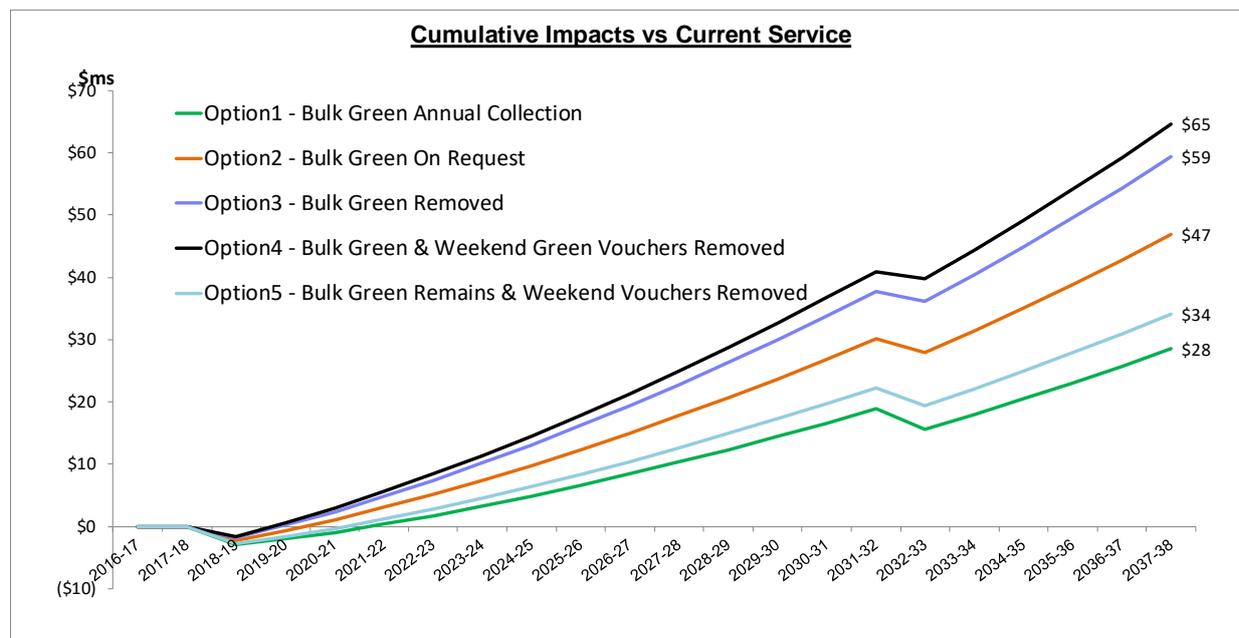
<b>Option Summary Total up to 2037-38 including escalation</b>		<b>AsIs</b>	<b>Option1</b>	<b>Option2</b>	<b>Option3</b>	<b>Option4</b>	<b>Option5</b>
		<b>As Is - Continue with 2 bin system</b>	<b>Bulk Green Annual Collection</b>	<b>Bulk Green On Request</b>	<b>Bulk Green Removed</b>	<b>Bulk Green &amp; Weekend Green Vouchers Removed</b>	<b>Bulk Green Remains &amp; Weekend Vouchers Removed</b>
1	<b>One-off Surplus/(Deficit)</b> <i>\$ms</i>		<b>(\$3.8)</b>	<b>(\$3.8)</b>	<b>(\$3.8)</b>	<b>(\$3.8)</b>	<b>(\$3.8)</b>
<b>Operating Expenses</b>							
2	Domestic (MRC) - Collection <i>\$ms</i>	(\$89.4)	(\$89.4)	(\$89.4)	(\$89.4)	(\$89.4)	(\$89.4)
3	Domestic (MRC) - Processing <i>\$ms</i>	(\$344.0)	(\$236.7)	(\$236.7)	(\$236.7)	(\$236.7)	(\$236.7)
4	Recycling - Collection <i>\$ms</i>	(\$51.1)	(\$51.1)	(\$51.1)	(\$51.1)	(\$51.1)	(\$51.1)
5	Recycling - Processing <i>\$ms</i>	(\$13.8)	(\$17.7)	(\$17.7)	(\$17.7)	(\$17.7)	(\$17.7)
6	Green Waste Bin - Collection <i>\$ms</i>		(\$47.8)	(\$47.8)	(\$47.8)	(\$47.8)	(\$47.8)
7	Green Waste Bin - Processing <i>\$ms</i>		(\$17.1)	(\$18.3)	(\$18.9)	(\$21.3)	(\$19.5)
8	Green Bulk - Collection <i>\$ms</i>	(\$31.8)	(\$31.8)	(\$13.4)	(\$2.1)	(\$2.1)	(\$31.8)
9	Green Bulk - Processing <i>\$ms</i>	(\$6.0)	(\$3.2)	(\$2.0)	(\$0.3)	(\$0.3)	(\$3.0)
10	Green Weekend Vouchers <i>\$ms</i>	(\$7.7)	(\$7.7)	(\$7.7)	(\$7.7)	(\$0.5)	(\$0.5)
11	Bulk Hard Waste - Collection <i>\$ms</i>	(\$36.0)	(\$36.0)	(\$36.0)	(\$36.0)	(\$36.0)	(\$36.0)
12	Bulk Hard Waste - Processing <i>\$ms</i>	(\$20.1)	(\$20.1)	(\$20.1)	(\$20.1)	(\$20.1)	(\$20.1)
13	Materials & Contract Other <i>\$ms</i>	(\$41.4)	(\$41.4)	(\$41.4)	(\$41.4)	(\$40.9)	(\$40.9)
14	Employment Costs <i>\$ms</i>	(\$36.8)	(\$37.6)	(\$37.6)	(\$37.6)	(\$37.6)	(\$37.6)
15	MRC Increased Gate Fee <i>\$ms</i>		(\$2.7)	(\$2.7)	(\$2.7)	(\$2.7)	(\$2.7)
16	<b>Total Operating Expenses</b> <i>\$ms</i>	<b>(\$678.2)</b>	<b>(\$640.4)</b>	<b>(\$621.9)</b>	<b>(\$609.5)</b>	<b>(\$604.2)</b>	<b>(\$634.7)</b>
<b>Operating Income</b>							
17	<b>Total Operating Income</b> <i>\$ms</i>	<b>\$0.8</b>	<b>\$0.8</b>	<b>\$0.8</b>	<b>\$0.8</b>	<b>\$0.8</b>	<b>\$0.8</b>
18	<b>Operating Surplus/(Deficit)</b> <i>\$ms</i>	<b>(\$677.4)</b>	<b>(\$639.5)</b>	<b>(\$621.1)</b>	<b>(\$608.7)</b>	<b>(\$603.4)</b>	<b>(\$633.9)</b>
<b>Asset Replacement</b>							
19	<b>Total Asset Replacement</b> <i>\$ms</i>		<b>(\$5.6)</b>	<b>(\$5.6)</b>	<b>(\$5.6)</b>	<b>(\$5.6)</b>	<b>(\$5.6)</b>
20	<b>Overall Cash Surplus/(Deficit) -</b> <i>\$ms</i>	<b>(\$677.4)</b>	<b>(\$648.9)</b>	<b>(\$630.5)</b>	<b>(\$618.1)</b>	<b>(\$612.8)</b>	<b>(\$643.3)</b>
21	Ranking <i>Rank</i>	6	5	3	2	1	4
22	Difference to Optic \$000s <i>\$ms</i>		\$28.5	\$46.9	\$59.3	\$64.6	\$34.1
23	%		-4.2%	-6.9%	-8.8%	-9.5%	-5.0%

The cash flow table above indicates that Option 1 would have a 4.2% reduction in overall costs compared to the 'as is option', but this steadily improves for the other options if some of the other fixed services are reduced. Option 4 provides the best financial outcome with a 9.5% improvement in costs, a total of \$64.6 million saved over a 20-year period.

For Options 3 and 4 where the green bulk collection and processing costs are shown (lines 8 and 9) even though the services would discontinue, the costs in the table above are the baseline costs (2016-17 and 2017-18). Likewise, for Options 4 and 5 where the green weekend vouchers (Line 10) would discontinue, the costs shown are only for 2016-17 and 2017-18.

## Cumulative Cash Flows

The graph below shows the impact of each option on a cumulative basis, versus the 'as is' option. This has the same impact by 2037-38 as the table above but just shows how the savings build up over time. Each option would initially have a negative impact due to the one-off costs. Option 1 would take four years to become positive, Option 2 and Option 5 would take three years and Option 3 and Option 4 would take two years. The spike downwards in 2032-33 relates to the replacement costs of the third bin and increased replacement costs of the recycle bin.



## Waste Management Reserve – Projections

The table below provides a snapshot of the Waste Management Reserve for specific years. This shows that after implementation the reserve may be reduced to \$5.8 million, but would then increase over time as interest is earned on the reserve. The snapshot also shows the impact in 2032-33 for the replacement for the third bin.

		Yr -6	Yr 1	Yr 2	Yr 3	Yr15	Yr16	Yr21
		2011-12	2017-18	2018-19	2019-20	2031-32	2032-33	2037-38
<b>A Opening balance</b>	<b>\$ms</b>	3.0	9.0	9.2	5.8	9.6	10.1	5.8
Operating Surpluses	\$ms	1.2	0.1					
Projects	\$ms	(0.2)	(0.2)					
<b>B Net Transfers</b>	<b>\$ms</b>	1.1	(0.1)					
Potential Capital Projects								
360 Litre Recycle Bin	\$ms			(2.0)				
3rd Bin	\$ms			(2.6)				
Lime Green Lid and Changeover cost	\$ms			(0.7)				
Communications	\$ms			(0.1)				
Grant from Waste Authority	\$ms			1.8				
3rd Bin Replacement	\$ms						(5.6)	
<b>C Net Projects</b>	<b>\$ms</b>			(3.6)			(5.6)	
Average Balance, used for Int Calc	\$ms		9.0	7.4	5.8	9.6	7.2	5.8
<b>D Interest</b>	<b>\$ms</b>		0.3	0.2	0.1	0.5	0.4	0.3
<b>E Closing Balance, after Interest</b>	<b>\$ms</b>	4.1	9.2	5.8	5.9	10.1	4.8	6.1

## **Regional significance**

Most of the City's general waste is currently processed at the Resource Recovery Facility (RRF) managed by the MRC on behalf of its seven Member Councils. In 2007, the MRC entered into a 20 year agreement with BioVision whereby BioVision would design, build and operate an RRF on behalf of the MRC. The RRF is designed to process 100,000 tonnes per annum of Municipal Solid Waste (MSW) into a soil enhancer, and currently diverts 51.3% of the material processed from landfill.

The MRC has modelled the impact on the RRF diversion rate and the MRC gate fee if the City of Joondalup introduced a three bin system. The modelling suggests that the RRF diversion rate will reduce from 51.3% to 47.4% and the MRC gate fee will increase by \$2.75 per tonne. If this figure was realised it would reduce the savings by approximately \$96,000. This has been included in the financial assessment.

## **Sustainability implications**

### Environmental

The change from a two bin to a three bin system will increase the diversion from landfill and reduce the environmental impacts by reducing the volume of material disposed to landfill and therefore reducing the production of methane and greenhouse gasses.

## **Community Engagement**

The management of waste is a key service provided to all City of Joondalup residents and is subject to high community expectations. Changing to a three bin system for the collection of household general waste is primarily driven by State Government landfill diversion targets, increasing costs to dispose of waste collected and expectations that the City will achieve best practice in alignment with the *Better Bins - Kerbside Collection Guidelines*.

Market research commissioned by the Waste Authority shows that 90% of residents are concerned about the volume of waste produced in Western Australia and are committed to doing what they can to address it. The research further indicates that residents would be willing to use a three bin system if it is supported by an education and information campaign and if feedback is provided to users on the performance of the system.

It is therefore proposed that the City embark upon an extensive community engagement campaign to inform, educate and promote the new service prior, during and post the rollout. The proposed timeframe will allow adequate time for the City to develop the community engagement plan.

## **COMMENT**

Changing from a two bin system to a three bin system provides an opportunity to generate both cost savings for the City and therefore its ratepayers and to reduce the amount of waste that is diverted to landfill.

Looking forward, it is likely that all Waste to Energy facilities will have the requirement to source separate the waste streams and divert as much waste as possible prior to treatment. The introduction of a three bin system will assist the City in meeting this requirement.

Further consideration will need to be given as to whether the bulk green waste vergeside collection service and the weekend greens services remain as are currently provided.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 **ENDORSES** the implementation of a three bin system as per Option 1 as detailed in Report CJ047-03/18 with rollout commencing in the 2018-19 financial year;
- 2 **NOTES** that the three bin system, in alignment with the Better Bins funding method Preference 1, will consist of the following:
  - 2.1 one 140 litre red lidded general waste bin with an option for householders to opt out of the 140 litre red lidded general waste bin and select a 240 litre red lidded general waste bin;
  - 2.2 one 240 litre lime green lidded garden waste bin;
  - 2.3 one 240 litre or one 360 litre yellow lidded recycling bin;
- 3 **APPROVES** the implementation of a differential pricing system which charges households a lower amount for a 140 litre red lidded general waste bin when compared to a 240 litre red lidded general waste bin;
- 4 **NOTES** that the refuse charge/s will be set as part of the City's annual budget;
- 5 **REQUESTS** the Chief Executive Officer to make an application to the Waste Authority on behalf of the City for grant funding for the rollout of the three bin system;
- 6 **NOTES** the results of the 360 litre bin trial;
- 7 **ENDORSES** the further roll out of the 360 litre recycling bins until the implementation of the three bin system;
- 8 **REQUESTS** that the Chief Executive Officer undertake a review of the bulk green waste collection methodology prior to 30 June 2020.

**AMENDMENT MOVED Cr Fishwick, SECONDED Cr Poliwka that Part 5 of the Motion be AMENDED to read as follows:**

**"5 *REQUESTS the Chief Executive Officer to make an application to the Waste Authority on behalf of the City prior to 29 March 2018 for grant funding for the rollout of the three bin system;*"**

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**The Original Motion as amended, being:**

**That Council:**

- 1 ENDORSES the implementation of a three bin system as per Option 1 as detailed in Report CJ047-03/18 with rollout commencing in the 2018-19 financial year;**
- 2 NOTES that the three bin system, in alignment with the Better Bins funding method Preference 1, will consist of the following:**
  - 2.1 one 140 litre red lidded general waste bin with an option for householders to opt out of the 140 litre red lidded general waste bin and select a 240 litre red lidded general waste bin;**
  - 2.2 one 240 litre lime green lidded garden waste bin;**
  - 2.3 one 240 litre or one 360 litre yellow lidded recycling bin;**
- 3 APPROVES the implementation of a differential pricing system which charges households a lower amount for a 140 litre red lidded general waste bin when compared to a 240 litre red lidded general waste bin;**
- 4 NOTES that the refuse charge/s will be set as part of the City's annual budget;**
- 5 REQUESTS the Chief Executive Officer to make an application to the Waste Authority on behalf of the City prior to 29 March 2018 for grant funding for the rollout of the three bin system;**
- 6 NOTES the results of the 360 litre bin trial;**
- 7 ENDORSES the further roll out of the 360 litre recycling bins until the implementation of the three bin system;**
- 8 REQUESTS that the Chief Executive Officer undertake a review of the bulk green waste collection methodology prior to 30 June 2020.**

**Was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf180313.pdf](#)*

## REPORTS – AUDIT AND RISK COMMITTEE – 6 MARCH 2018

### CJ048-03/18 2017 COMPLIANCE AUDIT RETURN

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	32481, 09492, 101515
<b>ATTACHMENTS</b>	Attachment 1 2017 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.

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#### PURPOSE

For Council to adopt the City's 2017 Compliance Audit Return (the Return) prior to it being submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC).

#### EXECUTIVE SUMMARY

The DLGSC Compliance Audit Return for the period 1 January to 31 December 2017 has been completed and is required to be adopted by Council before being submitted to the DLGSC by 31 March 2018.

*It is therefore recommended that Council:*

- 1 *ADOPTS the completed 2017 Local Government Compliance Audit Return for the period 1 January to 31 December 2017 forming Attachment 1 to Report CJ048-03/18;*
- 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, Sport and Cultural Industries.*

#### BACKGROUND

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year. After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister. The Audit and Risk Committee is to review the Return before it is presented to Council for adoption.

Regulation 15 requires the Return to be certified by the Mayor and the Chief Executive Officer before being submitted to the DLGSC, along with the relevant section of the minutes, by 31 March next following the period to which the Return relates.

The 2017 Return was made available to local government authorities by the DLGSC via its centralised portal. The 2017 Return is similar to previous years and focuses on high risk areas of compliance and statutory reporting as prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

An additional category of Integrated Planning and Reporting has been added to the 2017 Return for the first time.

## DETAILS

The 2017 Return contains the following compliance categories:

- Commercial Enterprises by Local Governments.
- Delegation of Power / Duty.
- Disclosure of Interest.
- Disposal of Property.
- Elections.
- Finance.
- Integrated Planning and Reporting.
- 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. The Return has been completed and is now required to be adopted by Council before being finalised and submitted to the DLGSC by 31 March 2018.

It should be noted that the Return indicates one incident of non-compliance under the category Disclosure of Interest where one employee did not lodge their annual return by 31 August 2017. The employee was on extended leave and submitted their annual return when they returned to work.

## 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 2017 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 2017 return reveal a high level of compliance by the City with legislation.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ048-03/18 (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 6 March 2018.

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

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

- 1 ADOPTS the 2017 Local Government Compliance Audit Return for the period 1 January 2017 to 31 December 2017 forming Attachment 1 to Report CJ048-03/18;**
- 2 in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, SUBMITS the completed 2017 Compliance Audit Return as detailed in Part 1 above to the Department of Local Government, Sport and Cultural Industries.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf180313.pdf](#)*

## **CJ049-03/18      EXTERNAL MEMBER TO AUDIT AND RISK COMMITTEE**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	107022, 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.

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### **PURPOSE**

For Council to consider its options regarding the appointment of an external member to the Audit and Risk Committee.

### **EXECUTIVE SUMMARY**

The former Audit Committee was renamed the Audit and Risk Committee at the Special Meeting of Council held on 6 November 2017, following the local government elections in October 2017. For the purposes of this report it is referred to as the committee.

The last external member of the committee resigned on 10 January 2013.

During May / June 2013 the City sought expressions of interest to fill the vacant position, however no submissions were received.

During December 2013 the expressions of interest process was recommenced. Five expressions of interest were received and presented to the committee at its meeting held on 10 March 2014 (Item 4 refers) for consideration. The committee recommended one of the candidates be appointed as the external member subject to a satisfactory interview. Following the interview held on 8 April 2014, it was decided not to appoint the candidate as the external member to the committee.

The position of external member to the committee has remained vacant since January 2013, with subsequent restructuring of the committee in 2015 and 2017 not including any external member representation in its composition.

At its meeting held on 13 November 2017, the Audit and Risk Committee resolved as follows:

*“That the Audit and Risk Committee request the Chief Executive Officer prepare a Report on the appointment of an External Member to the Audit and Risk Committee through an expression of interest process.”*

*It is therefore recommended that Council:*

- 1 *AGREES in-principle to amend the composition of the Audit and Risk Committee to include external member representation;*
- 2 *REQUESTS the Chief Executive Officer to advertise for expressions of interest for the position of external member of the Audit and Risk Committee;*
- 3 *AGREES the external member is required to be a resident of the City of Joondalup and / be enrolled to vote in the elections for the City in accordance with the provisions of the Local Government Act 1995;*
- 4 *AGREES the external member will be reimbursed for expenditure relating to attendance at meetings of the Audit and Risk Committee in accordance with Regulation 31(1) of the Local Government (Administration) Regulations 1996.*

## **BACKGROUND**

The former Audit Committee was established at the ordinary Council meeting held on 14 March 2000 (CJ042-03/00 refers). The purpose of the committee at that time was to oversee the internal and external audit, risk management and compliance functions of the City.

At that time the committee comprised seven Elected Members plus an independent external member. The previous external member resigned from the committee 10 January 2013.

The committee and subsequently Council considered the issue of appointing a replacement external member. At its meeting held on 16 April 2013 (CJ057-04/13 refers), Council resolved to call for expressions of interest to fill the position of external member to the committee.

The expressions of interest process commenced on 16 May 2013 and concluded on 3 June 2013, with the following activities undertaken to encourage expressions of interest:

- Advertisement placed in the *Joondalup Weekender*.
- Email distributed to CPA Australia and the Institute of Chartered Accountants, requesting they inform their members of the opportunity.
- Public notice placed on the City's website directing interested applicants to an information pack developed for prospective members.
- Development of an online form to simplify the expression of interest process.

Despite the City undertaking both a community based advertising approach, as well as a targeted approach of finance professionals, no submissions were received and no enquiries were received by City officers regarding the external member vacancy.

This outcome was reported to the committee at its meeting held on 12 August 2013 and subsequently resolved by Council at its meeting held on 24 September 2013 (CJ184-09/13 refers) as follows:

*"That Council leave the position of external member to the Audit Committee vacant and reconsider an appointment following the October 2013 local government elections."*

Following the local government elections, the expression of interest process was recommenced on 28 November 2013 and concluded on 13 December 2013. An advertisement was placed in the *Joondalup Weekender* and on the City's website.

The advertisement stipulated that applicants must meet the following essential criteria:

- Be a member of CPA Australia or the Institute of Chartered Accountants.
- Demonstrate their knowledge and experience of:
  - Business or financial management / reporting
  - Risk management systems and procedures
  - Internal business controls
  - Legislative compliance programs.

The following attributes were considered to be preferential criteria:

- Exposure to local government financial management and reporting.
- Reside within the City of Joondalup and / or be enrolled to vote in the elections for the City in accordance with the provisions of the *Local Government Act 1995*.

Five expressions of interest were received and provided to the committee at its meeting held on 10 March 2014 (Item 4 refers) for consideration in appointing an external member to the committee. It was resolved that Council appoint one of the candidates as the external member of the committee for a term to expire in October 2015, subject to a satisfactory interview with the Presiding Member of the committee, the Chief Executive Officer and the Director Corporate Services.

An interview was held on 8 April 2014, following which it was decided not to appoint the preferred candidate as the external member of the committee.

Following the 2015 elections and the restructuring of the committee, the committee was re-established by Council without an external member in its composition. Following the 2017 local government elections the committee was re-established as the Audit and Risk Committee, again without an external member representative in its composition.

## **DETAILS**

The former position of external member remained vacant from January 2013 to October 2015, following which subsequent committees have been established by Council without any external member representation. Following the resolution of the committee at its meeting held on 13 November 2017 Council is consider whether to include an external member in the committee composition and if so, to commence appointment by an Expression of Interest process.

Should Council agree in-principle to amend the composition of the committee to include an external member, it is considered the appointment process ought to commence and once a suitable incumbent selected, then a further report be presented to Council to formally amend the composition of the committee and appoint the preferred applicant at that time. This removes any issue associated with creating the position and it remaining vacant until an appointment is made, thereby resolving any quorum issues.

## Issues and options considered

Council can either:

- amend the composition of the committee to include the position of external member or
- leave the composition of the committee as is.

If Council decides to include an external member in the committee composition, further points to be considered for the appointment of such a member include:

- the qualifications and experience required for the position of external member
- if the external member should be a resident of the City
- if the external member is to be reimbursed for expenses incurred.

Section 5.100 of the *Local Government Act 1995* relates to payments for certain committee members and prevents the City from paying an attendance fee to the external member. The City can however decide to reimburse the external member any expenditure incurred.

### 5.100 Payments for certain committee members

(1) *A person who is a committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.*

(2) *Where –*

(a) *a local government decides that any person who is a committee member but who is not a council member or an employee is to be reimbursed by the local government for an expense incurred by the person in relation to a matter affecting the local government; and*

(b) *a maximum amount for reimbursement of expenses has been determined for the purposes of section 5.98(3)(b),*

*the local government must ensure that the amount reimbursed to that person does not exceed that maximum.*

It should be noted that the previous external member to the committee was a resident of the City and did not receive any reimbursements from the City relating to attendance at meetings of the committee. If Council decides to reimburse the external member for expenditure incurred and associated with attending meetings of the committee, these are limited to the following:

- Rental charges for a telephone and facsimile connection.
- Child care and travel costs.

Furthermore, the extent of reimbursement is limited by annual determination of the Salaries and Allowances Tribunal (the Tribunal). The current reimbursement limits are as follows:

<b>Expense type</b>	<b>Amount payable</b>
Child care expenses rate	Up to \$25 / hour.
Telephone Rental Charges	Actual cost.

The travel reimbursement rates for elected members and committee members are those set under Section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011*. The rates are as follows:

<b>Engine displacement (in cubic centimetres)</b>			
<b>Area and Details</b>	<b>Over 2600cc</b>	<b>Over 1600cc to 2600cc</b>	<b>1600cc and under</b>
<b>Cents per kilometre</b>			
Metropolitan area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of state	99.01	70.87	58.37
Motor cycle	Rate c/km		
Distance travelled	32.55		

The following table provides details relating to the external members of a selection of other local governments:

<b>Local Government</b>	<b>Has an external member?</b>	<b>Required to be a local resident?</b>
City of Stirling	Yes	No
City of Melville	Yes	Yes
City of Perth	Yes	No
City of Wanneroo	No	N/A

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

#### **Legislation**

*Local Government Act 1995.*  
*Local Government (Administration) Regulations 1996.*  
*Local Government (Audit) Regulations 1996.*

#### **Strategic Community Plan**

##### **Key theme**

Governance and Leadership.

##### **Objective**

Active democracy.

##### **Strategic initiative**

Optimise opportunities for the community to access and participate in decision-making processes.

##### **Policy**

Not applicable.

#### **Risk management considerations**

Appointing an external member to the committee reduces the risks associated with being perceived as non-objective or non-independent. The introduction of valuable skills and qualifications contributes to the committee's reviewing and decision-making responsibilities.

#### **Financial / budget implications**

If it is determined that the external member may be reimbursed for expenses this will have minor budget implications.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Should Council determine to amend the committee composition to include an external member and commence the process to appoint, the position will be advertised in the local newspaper. If it is determined that the external member is not required to be a resident of the City of Joondalup the position could also be advertised to a wider audience online.

**COMMENT**

The previous external member added value to the role of the committee through their experience, qualifications and independence. The inclusion of an external member warrants merit by meeting strategic initiatives of the City and offers an impartial view of the City's systems of internal control, risk management, legislative compliance and internal and external audit reporting.

It is therefore recommended that Council agrees in-principle to amend the committee composition to include an external member, enabling the Chief Executive Officer to commence the Expression of Interest process of appointing an external member to the Audit and Risk Committee.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ049-03/18 (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 6 March 2018.

The original recommendation as presented by City officers to the committee is as follows:

*That Council:*

- 1 *AGREES in-principle to amend the composition of the Audit and Risk Committee to include external member representation;*
- 2 *REQUESTS the Chief Executive Officer to advertise for expressions of interest for the position of external member of the Audit and Risk Committee;*
- 3 *CONSIDERS if the external member is required to be a resident of the City of Joondalup and / be enrolled to vote in the elections for the City in accordance with the provisions of the Local Government Act 1995;*
- 4 *AGREES the external member will be reimbursed for expenditure relating to attendance at meetings of the Audit and Risk Committee in accordance with Regulation 31(1) of the Local Government (Administration) Regulations 1996.*

The committee's subsequent recommendation to Council is as follows (changes identified):

*That Council:*

- 1 *AGREES in-principle to amend the composition of the Audit and Risk Committee to include external member representation;*
- 2 *REQUESTS the Chief Executive Officer to advertise for expressions of interest for the position of external member of the Audit and Risk Committee;*
- 3 *AGREES the external member is required to be a resident of the City of Joondalup and / be enrolled to vote in the elections for the City in accordance with the provisions of the Local Government Act 1995;*
- 4 *AGREES the external member will be reimbursed for expenditure relating to attendance at meetings of the Audit and Risk Committee in accordance with Regulation 31(1) of the Local Government (Administration) Regulations 1996.*

**MOVED Cr Fishwick, SECONDED Cr Dwyer that Council:**

- 1 **AGREES in-principle to amend the composition of the Audit and Risk Committee to include external member representation;**
- 2 **REQUESTS the Chief Executive Officer to advertise for expressions of interest for the position of external member of the Audit and Risk Committee;**
- 3 **AGREES that preference will be given to applicants for the external membership of the Audit and Risk Committee who are a resident of the City of Joondalup and / or are enrolled in the elections for the City in accordance with the provisions of the Local Government Act 1995;**
- 4 **AGREES the external member will be reimbursed for expenditure relating to attendance at meetings of the Audit and Risk Committee in accordance with Regulation 31(1) of the Local Government (Administration) Regulations 1996.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

## REPORTS – MAJOR PROJECTS AND FINANCE COMMITTEE – 12 MARCH 2018

### CJ050-03/18 2019-20 COMMUNITY FACILITY REFURBISHMENT PROJECTS - MILDENHALL AND DUNCRAIG COMMUNITY CENTRE

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	49665, 101515
<b>ATTACHMENTS</b>	Attachment 1 Mildenhall and Duncraig Community Centre aerial map Attachment 2 Mildenhall floorplan (existing) Attachment 3 Mildenhall concept plan Attachment 4 Mildenhall cost estimate Attachment 5 Duncraig Community Centre floorplan (existing) Attachment 6 Duncraig Community Centre concept plan Attachment 7 Duncraig Community Centre cost estimate
<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 feedback on the concept plans, estimated capital costs and recommendations for the 2019-20 community facility refurbishment projects for Mildenhall and Duncraig Community Centre.

#### EXECUTIVE SUMMARY

Each year the City plans to undertake one or two refurbishments of community and sporting facilities.

Mildenhall and Duncraig Community Centre are located within the Percy Doyle Reserve on Beddi Road, Duncraig.

Mildenhall was constructed in 1981 and consists of a main hall; four activity rooms, kitchen, toilets, office, hairdresser room, consult room and store rooms. Duncraig Community Centre was constructed in 1991 and consists of two halls (can be combined to make one large hall), a meeting room, office, kitchen, toilets and storerooms.

As part of the needs analysis stage of the projects, stakeholder consultation was undertaken with all regular hire groups of both facilities. Considering the feedback and priorities identified by the City, a scope of works was developed in order to complete concept plans and a cost estimate for each project.

Currently, there is \$370,000 listed in the City's *Five Year Capital Works Program* in 2018-19 and 2019-20 for the Mildenhall refurbishment project. Based on the agreed concept plan, the cost estimate for the project is \$407,000.

Currently, there is \$233,000 listed in the City's *Five Year Capital Works Program* in 2018-19 and 2019-20 for the Duncraig Community Centre refurbishment project. Based on the agreed concept plan, the cost estimate for the project is \$267,800.

*It is therefore recommended that Council:*

- 1 *NOTES that \$44,000 (reserve funds) is listed in 2018-19 for detailed design and \$326,000 (reserve funds) is listed in 2019-20 for construction within the City's Five Year Capital Works Program for the refurbishment of Mildenhall;*
- 2 *NOTES that \$28,000 (reserve funds) is listed in 2018-19 for detailed design and \$205,000 (reserve funds) is listed in 2019-20 for construction within the City's Five Year Capital Works Program for the refurbishment of Duncraig Community Centre;*
- 3 *APPROVES the proposed refurbishment works at Mildenhall as detailed in Report CJ050-03/18 to proceed to the detailed design and tender stage;*
- 4 *APPROVES the proposed refurbishment works at Duncraig Community Centre as detailed in Report CJ050-03/18 to proceed to the detailed design and tender stage.*

## **BACKGROUND**

<b>Suburb/Location</b>	Percy Doyle Reserve 47-49 Beddi Road Duncraig WA 6023.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>DPS</b> Civic and Cultural.
	<b>MRS</b> Urban.
<b>Site area</b>	10,971.5m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Since 2007, the City has undertaken one or two community facility refurbishment projects each year. Refurbishment projects intend to improve the functionality and aesthetics of the facility and are not designed to undertake general maintenance. The scope of each project is generally confined to the following aspects:

- Painting.
- Replacing fixtures and fittings.
- Upgrading external environments – for example building pathways, landscaping around the building, signage.
- Kitchen facilities.
- Floor coverings.
- Toilets and changerooms (including refurbishment or new extensions).
- Storage facilities (extensions to the facility).
- Heating/cooling systems.
- Window treatments.

Mildenhall and Duncraig Community Centre are located within the Percy Doyle Reserve on Beddi Road, Duncraig (Attachment 1 refers).

At its meeting held on 21 April 2015 (CJ061-04/15 refers), Council agreed to an amended priority list of refurbishment works to community facilities including the facilities at Percy Doyle Reserve due to the delay in the *Percy Doyle Masterplan* project. It was determined to undertake refurbishments at Mildenhall and Duncraig Community Centre to extend the life of the facilities as they have had limited major maintenance over the last few years. The budget figure for the projects was developed by a desktop review and not based on any project scoping, concept plans or cost estimates and did not include an allowance for cost escalation.

### Mildenhall

Mildenhall was constructed in 1981 and consists of a main hall, four activity rooms, kitchen, toilets, office, hairdresser room, consult room and store rooms (Attachment 2 refers). The facility is used predominantly by the Duncraig Senior Citizens Club (approximately 195 participants). Other regular hirers include the Northern Districts Laurel Club, Sorrento/Duncraig Red Cross, the Pastel Society of WA Incorporated, Shona Dees Dance, Duncraig Group Alcoholics Anonymous and the Undenominational Christians Gospel Service (approximately 296 participants).

The Duncraig Senior Citizens Club has a licence agreement for two of the activity rooms and the office which gives them exclusive use of these areas. The facility design and layout meets the current needs of the user groups, so only critical works are recommended to extend the life of the facility.

Currently, there is \$370,000 listed in the City's *Five Year Capital Works Program* in 2018-19 and 2019-20 for the Mildenhall refurbishment project.

### Duncraig Community Centre

The Duncraig Community Centre was constructed in 1991 and consists of two halls (can be combined to make one large hall), a meeting room; office, kitchen; toilets and storerooms (Attachment 5 refers). The facility currently has six regular user groups (approximately 700 participants): Duncraig Play Group, Duncraig Girl Guides, Wonderland Early Learning Centre, First Duncraig Scout Group, the Old Apostolic Church and Body Torque Physiotherapy and Pilates.

The facility is heavily utilised by the playgroup and out of school care provider and while the design and layout meets the current needs of the user groups there are some improvements required to extend the life of the facility, for example a kitchen refurbishment.

Currently, there is \$233,000 listed in the City's *Five Year Capital Works Program* in 2018-19 and 2019-20 for the Duncraig Community Centre refurbishment project.

## **DETAILS**

### Stakeholder consultation

As part of the needs analysis stage of the projects, stakeholder consultation was undertaken with all regular hire groups of both facilities. As part of the consultation, groups were advised that only critical works were proposed for the refurbishments in order to extend the life of the facilities.

All user groups signed the draft concept plans agreeing with all of the proposed works to be considered as part of the projects.

### Concept plans and capital cost estimates

A scope of works was developed based on addressing critical works to extend the life of both facilities. Facility concept plans were developed based on the scope of works and cost estimates were obtained from an external quantity surveyor.

#### *Mildenhall*

The proposed facility concept plan (Attachment 3 refers) includes: kitchen refurbishment (replace benches/cupboards, new tiling, new flooring, new oven and general refurbishment); replacement of windows in the main hall and activity room two, roof replacement as corrosion is evident and internal painting. A temporary classroom and storage containers have been included in the cost estimate to accommodate the user groups during construction.

The following is a summary of the items and cost estimates (Attachment 4 refers):

<b>Item</b>	<b>Cost (\$)</b>
Roof replacement	256,800
Main hall / activity room two – highlight window replacement	57,800
Kitchen refurbishment	56,000
Repaint internal surfaces	31,400
Temporary facilities	5,000
<b>TOTAL</b>	<b>\$407,000</b>

The cost estimate summary table includes preliminaries and small works margin (20%), professional fees in order to undertake detailed design (12%), design contingencies (5%), building contingencies (5%) and cost escalation to June 2019 (4.44%).

All amounts quoted in this report are exclusive of GST.

#### *Duncraig Community Centre*

The proposed facility concept plan (Attachment 6 refers) includes: toilet refurbishments (replace all fixtures and fittings, new tiling); kitchen refurbishment (replace benches/cupboards, new tiling, new flooring, new oven and general refurbishment); replacement of heating/cooling system in the main hall and office, install storage caging, community group store two floor sealing, replacement of ceiling tiles in foyer, rekey facility under the City's master keying system and internal painting. A temporary classroom, office and storage containers have been included in the cost estimate to accommodate the user groups during construction.

The following is a summary of the items and cost estimates (Attachment 7 refers):

<b>Item</b>	<b>Cost (\$)</b>
Main hall – replace heating /cooling system	12,600
Office – replace heating / cooling system	4,700
Toilet / universal access toilet / parents room refurbishment	112,900
Kitchen refurbishment	41,200
Foyer – replace ceiling tiles	12,600
Community group store two – floor sealing	1,600
Internal surfaces – repaint	21,200
Install storage caging	2,000
<b>Item</b>	<b>Cost (\$)</b>
Rekey facility	12,000
Temporary facilities	47,000
<b>TOTAL</b>	<b>\$267,800</b>

The cost estimate summary table includes preliminaries and small works margin (20%), professional fees in order to undertake detailed design (12%), design contingencies (5%), building contingencies (5%) and cost escalation to June 2019 (4.44%).

All amounts quoted in this report are exclusive of GST.

## **Issues and options considered**

### Mildenhall

Currently, there is \$44,000 listed in 2018-19 for detailed design and \$326,000 in 2019-20 for construction in the City's *Five Year Capital Works Program* for the Mildenhall refurbishment project.

Based on the agreed concept plan, the estimated capital cost is \$407,000. The cost estimate exceeds the current amount listed by \$37,000. Therefore there are two options for the project:

- 1 leave budget at \$370,000 and tender for all items with the option to remove the internal painting (\$31,400) if necessary
- 2 add \$37,000 additional funds to the project so that all works can be undertaken.

It is recommended to include all the works as part of the tender for the project, given the current building industry climate (Option 1). If the construction tender price is over budget, the internal painting could be removed from the project.

### Duncraig Community Centre

Currently, there is \$28,000 listed in 2018-19 for detailed design and \$205,000 in 2019-20 for construction in the City's *Five Year Capital Works Program* for the Duncraig Community Centre refurbishment project.

Based on the agreed concept plan, the estimated capital cost is \$267,800. The cost estimate exceeds the current amount listed by \$34,800. Therefore there are two options for the project:

- 1 leave budget at \$233,000 and tender for all items with the option to remove the internal painting (\$21,200) and foyer ceiling tiles (\$12,600) if necessary
- 2 add \$34,800 additional funds to the project so that all works can be undertaken.

It is recommended to include all the works as part of the tender for the project, given the current building industry climate (Option 1). If the construction tender price is over budget, the internal painting and foyer ceiling tiles could be removed from the project.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity, inclusiveness and where appropriate support the decentralising of City Services.

**Policy**

*Requests for New or Capital Upgrades to Existing Community Buildings Policy.*

**Risk management considerations**

All capital projects bring risks in relation to contingencies and over runs against original design. The capital cost estimates are based on high level concept plans and may differ once further detailed designs are under taken for the project.

**Financial / budget implications**

The following is listed within the City's 2018-19 and 2019-20 *Capital Works Program* for the projects.

Mildenhall

<b>Account no.</b>	MPP2067.
<b>Budget Item</b>	Percy Doyle – Mildenhall refurbishment.
<b>Budget amount</b>	\$370,000 (\$44,000 2018-19 and \$326,000 \$2019-20).
<b>Amount spent to date</b>	Nil.
<b>Balance</b>	\$370,000.

Duncraig Community Centre

<b>Account no.</b>	MPP2068.
<b>Budget Item</b>	Percy Doyle – Duncraig Community Centre refurbishment.
<b>Budget amount</b>	\$233,000 (\$28,000 2018-19 and \$205,000 \$2019-20).
<b>Amount spent to date</b>	Nil.
<b>Proposed cost</b>	Nil.
<b>Balance</b>	\$233,000.

Current financial year impact

<b>Annual operating cost including depreciation</b>	The operating expenses (including depreciation) have been on average \$97,000 for the past 10 years for Mildenhall, and \$77,000 for Duncraig Community Centre. The likely impacts of the refurbishment works would be similar for both buildings. There will be additional depreciation arising from the refurbishment works, estimated at approximately \$20,000 (5% of the capital costs) per year for each building, a total of \$40,000 per year.
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There may also be a reduction in reactive maintenance. For Mildenhall the average reactive maintenance over the past eight years has been \$20,000 and at Duncraig Community Centre \$10,000 per year. Therefore there may be a total reduction of at least \$10,000 in both buildings. The net worsening on the operating deficit is estimated at \$30,000 per year (\$40,000 depreciation less \$10,000 reactive maintenance).

**Annual operating income** The average annual operating income for Mildenhall is \$10,000 over the last four years. There is not expected to be any change in operating income as a result of the refurbishment.

The average annual operating income for Duncraig Community Centre is \$30,000 over the last four years. There is not expected to be any change in operating income as a result of the refurbishment.

**Write-off** Some of the proposed works (for example the roof at Mildenhall) are not considered at the end of their asset life within the asset register and as a result there is estimated to be a one-off write-off cost of approximately \$150,000 (\$100,000 for Mildenhall and \$50,000 for Duncraig Community Centre). This write-off will have an impact on the City's operating deficit in the year of completion.

**20 Year Strategic Financial Plan impact** The Adopted *Five Year Capital Works Program* and the draft *20 Year Strategic Financial Plan* have a capital budget of \$370,000 for Mildenhall and \$233,000 for Duncraig Community Centre from the Strategic Asset Management Reserve. If the budgets do increase based on the cost estimates, the additional funds could be met from the Strategic Asset Management Reserve but this may have an impact to other projects and increased borrowings.

The overall cash impact to the *20 Year Strategic Financial Plan* of the additional capital costs and potential reduction in reactive maintenance is a net benefit of \$150,000.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

All facility refurbishment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

### Social

The project has included consultation with the existing user groups of the facilities to ensure that feedback received represents their needs. Furthermore, refurbishment works consider access and inclusion principles with the aim to enhance the amenity of the public space.

### Economic

Not applicable.

### **Consultation**

Consultation was undertaken with all regular hire groups of both facilities during the site and needs analysis and concept design stages in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

### **COMMENT**

Currently, there is \$370,000 listed in the City's *Five Year Capital Works Program* for the Mildenhall refurbishment project. Based on the agreed concept plan, the cost estimate for the project is \$407,000.

The cost estimate exceeds the current amount listed by \$37,000. It is recommended to include all the works as part of the tender for the project, given the current building industry climate. If the construction tender price is over budget, the internal painting could be removed from the project.

Currently, there is \$233,000 listed in the City's *Five Year Capital Works Program* for the Duncraig Community Centre refurbishment project. Based on the agreed concept plan, the cost estimate for the project is \$267,800.

It is recommended the \$34,800 is added to the budget so that all works can be undertaken as part of the project.

The cost estimate exceeds the current amount listed by \$34,800. It is recommended to include all the works as part of the tender for the project, given the current building industry climate. If the construction tender price is over budget, the internal painting and foyer ceiling tiles could be removed from the project.

The cost estimates for both projects are based on high level concept plans and tender prices may differ following the detailed design stage.

In order to complete construction on these projects in 2019-20, detailed design will need to occur in 2018-19. Currently, there is \$44,000 for the Mildenhall refurbishment project and \$28,000 for the Duncraig Community Centre refurbishment project listed in 2018-19 for detailed design in the City's *Five Year Capital Works Program*.

### **VOTING REQUIREMENTS**

Simple Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ050-03/18 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 March 2018.

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

### MOVED Mayor Jacob, SECONDED Cr Jones that Council:

- 1 **NOTES that \$44,000 (reserve funds) is listed in 2018-19 for detailed design and \$326,000 (reserve funds) is listed in 2019-20 for construction within the City's *Five Year Capital Works Program* for the refurbishment of Mildenhall;**
- 2 **NOTES that \$28,000 (reserve funds) is listed in 2018-19 for detailed design and \$205,000 (reserve funds) is listed in 2019-20 for construction within the City's *Five Year Capital Works Program* for the refurbishment of Duncraig Community Centre;**
- 3 **APPROVES the proposed refurbishment works at Mildenhall as detailed in Report CJ050-03/18 to proceed to the detailed design and tender stage;**
- 4 **APPROVES the proposed refurbishment works at Duncraig Community Centre as detailed in Report CJ050-03/18 to proceed to the detailed design and tender stage.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15agn180320.pdf](#)

## **CJ051-03/18 CRAIGIE LEISURE CENTRE REFURBISHMENT PROJECT**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	103863, 101515
<b>ATTACHMENTS</b>	Attachment 1 Craigie Leisure Centre aerial map Attachment 2 Craigie Leisure Centre floorplan (existing) Attachment 3 Craigie Leisure Centre proposed site plan Attachment 4 Craigie Leisure Centre proposed floorplan Attachment 5 Capital cost estimate
<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 the concept plans and estimated capital costs for the proposed refurbishment of Craigie Leisure Centre.

### **EXECUTIVE SUMMARY**

In 2015, the City engaged a consultant to conduct an operational review of Craigie Leisure Centre to identify opportunities for income growth, particularly in the health and fitness area. A recommendation from this review was that a needs and feasibility study be conducted to consider a possible redevelopment and masterplan of the facility, including financial projections, to ensure the facility meets future community requirements and maximises income growth potential. The study was completed in mid-2016.

Following the needs and feasibility study and consideration of the financial projections in December 2016, a consultant was engaged to develop concept plans and a cost estimate.

The proposed concept plans include the following works:

- Larger gym, crèche, group fitness and cycle room areas and provision of a toilet / change room area with a building extension and reallocation of areas within the existing building footprint.
- New dedicated outdoor fitness training area.
- Realignment of the entrance area including cafe and reception desk to provide outdoor eating area and resolve noise / acoustic issues.
- Refurbishment of existing change rooms (dry side only).
- Conversion of the second level (mezzanine) area to usable space (for example office space and fitness room).
- Explore opportunities to include area for complimentary health commercial services (for example physiotherapy, massage, chiropractic and nutrition).
- Additional overflow car parking area.
- New outdoor rectangle playing surface with floodlighting for night use.

The total estimated cost for the proposed refurbishment works is \$7,584,000. Currently listed in the City's *Five Year Capital Works Program* for the refurbishment project is \$2,382,000 across 2017-18, 2018-19 and 2019-20. Based on the cost estimate, there is a shortfall of \$5,202,000 for the entire project. The needs and feasibility study identified that phasing the refurbishment works would enable costs to be spread over several years to minimise direct impact on the City's resources.

It is recommended that refurbishment and extension of the gymnasium, group fitness and indoor cycling areas (phase one) is undertaken at an estimate of \$2,726,000. This would require the City to allocate an additional \$344,000 to the project, however would provide opportunities for greater participation and income growth.

*It is therefore recommended that Council:*

- 1 *NOTES the following amounts are currently listed within the City's Five Year Capital Works Program for the Craigie Leisure Centre refurbishment project:*
  - 1.1 *\$250,000 (municipal funds) in 2017-18 for detailed design of the refurbishment project;*
  - 1.2 *\$1,132,000 (municipal funds) in 2018-19 for construction of the refurbishment project;*
  - 1.3 *\$1,000,000 (municipal funds) in 2019-20 for construction of the refurbishment project;*
- 2 *APPROVES phase one of the proposed refurbishment project including gymnasium extension, new group fitness and indoor cycling areas at Craigie Leisure Centre as detailed in Report CJ051-03/18 at a project cost estimate of \$2,726,000 to proceed to the detailed design and tender stage;*
- 3 *NOTES the budget saving of \$553,000 (reserve funds), for the refurbishment of Duncraig Leisure Centre in 2018-19 of the City's Five Year Capital Works Program as identified in Part 5 of Report CJ142-08/17;*
- 4 *As noted in Part 3 above, LISTS FOR CONSIDERATION applying the budget saving of \$553,000 (reserve funds), to the refurbishment of Craigie Leisure Centre in 2018-19 of the City's Five Year Capital Works Program;*
- 5 *Subject to approval of Part 2 above, NOTES that the remaining proposed redevelopment phases will be considered as part of the next annual 20 Year Strategic Financial Plan review in 2018.*

## **BACKGROUND**

<b>Suburb/Location</b>	Craigie Leisure Centre, 751 Whitfords Avenue, Craigie, WA, 6025.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>MRS</b> Parks & Recreation.
<b>Site area</b>	50,941m <sup>2</sup> . Bush Forever.
<b>Structure plan</b>	Not applicable.

Craigie Leisure Centre is located on Whitfords Avenue, Craigie (Attachment 1 refers) and was constructed in 1988. The indoor stadium facilities and fitness components were added to the aquatic areas in 1992. Additional improvements and extensions to the health and fitness areas were undertaken in 1995-96. In 2006, the facility was redeveloped with an indoor 25 metre lap pool; indoor leisure pool; spa, sauna, steam room; gym; group fitness room; crèche; cycling room; function room; offices; toilets and change rooms; cafe; merchandise shop and four sports courts. In February 2010, a second phase of the redevelopment was opened which included an outdoor 50 metre lap pool; zero depth water playground and meeting room (Attachment 2 refers). The centre has approximately 3,500 members and had approximately 1,300,000 visitors in 2016-17.

In February 2015, the City engaged a consultant to undertake an operational review of the health and fitness operations at the City's leisure centres (Craigie, Heathridge and Duncraig) in response to a shortfall of projected income during the 2014-15 budget review process. One of the outcomes of the review included considering a facility redevelopment to capitalise on industry trends and maximise income opportunities as the existing facility does not meet the growing needs of the local community and the significant changes within the health and fitness industry.

Following the operational review, an action plan was developed and a number of the recommendations were agreed to be implemented, one of which was to undertake a needs and feasibility study including consideration of a long-term masterplan for Craigie Leisure Centre.

Based on the recommendations from the operational review undertaken in 2015, items that were proposed as part of the refurbishment project included the following:

- Larger gym, crèche, group fitness and cycle room areas and provision of a toilet / change room area either through building extension or reallocation of areas within the existing building footprint.
- New dedicated outdoor fitness training area.
- Realignment of the entrance area including cafe and reception desk to provide outdoor eating area and resolve noise / acoustic issues.
- Refurbishment of existing change rooms (dry side only).
- Conversion of the second level (mezzanine) area to usable space (for example office space and fitness room).
- Explore opportunities to include area for complimentary health commercial services (for example physiotherapy, massage, chiropractic and nutrition).
- Additional overflow car parking area.
- New outdoor rectangle playing surface with floodlighting for night use.

## **DETAILS**

### Needs and feasibility study

In August 2015, the City engaged a consultant to undertake a needs and feasibility study that would then be used to develop concept plans and capital cost estimates for the project. Due to the operational review recommending the City consider a long-term masterplan for Craigie Leisure Centre, it was determined that the needs and feasibility study should consider both refurbishment and redevelopment works that could be undertaken and provide staging options for the project.

The study was completed in mid 2016 and the findings in summary were as follows:

- An assessment of benchmarked facilities indicated that the majority which have been redeveloped ad-hoc since they were initially constructed have experienced problems associated with merging new infrastructure within and / or as an extension to the existing infrastructure.
- The focus of any redevelopment should be to the group fitness, gym and enhanced member services areas as they are the main income drivers. Such facilities need to be located in areas which provide good natural lighting, social opportunities, effective programming and have good levels of supervision and security.
- Craigie Leisure Centre performs at an extremely high level with customer throughput and cost recovery being well above the industry average.
- The cost of labour against total expenditure indicates that the centre is run extremely efficiently.
- A number of the main income generators or potential income generators are operating at or near capacity. In particular health and fitness membership has the potential to grow but is limited by current available space in the gym and limited membership services.
- While competitors exist in the five kilometre catchment of the facility, the centre offers a unique service to the local community. To ensure the centre continues to keep pace with competition and maintain its performance standards, additional investment will be required to address current selected performance inconsistencies.

### Concept designs

The City engaged a consultant to develop concept plans (Attachments 3 and 4 refer) for the proposed refurbishment works at Craigie Leisure Centre based on the outcomes and recommendations of the needs and feasibility study.

The gym and group fitness activities are the main areas which have been experiencing the most significant challenges in respect to membership retention, income generation and meeting client needs. The gym is recognised as not being of an adequate size to target a wider membership base and while there are a variety of training stations and equipment, the space is cramped and has limited associated matting / areas. The concept design proposes a gym extension of approximately 840m<sup>2</sup> (currently 460m<sup>2</sup>) including an outdoor training area, new offices, storage and toilets/change rooms.

To allow the gym to be extended and increase the capacity of group fitness and indoor cycling classes, these areas (group fitness and cycle room) are proposed to be relocated and increased in size to approximately 765m<sup>2</sup> (currently 554m<sup>2</sup>). The combining of the gym extension, group fitness and indoor cycling room phases is required as the gym cannot be extended without the group fitness area being relocated.

The existing entrance area has been identified as an issue due to sound echo from the café. The café is therefore proposed to be relocated to a new alfresco area.

The existing reception area has limited visibility and supervision of all customer entry and exit points. The provision of a new central reception area where access to wet and dry activities can be appropriately controlled and a new office area of approximately 244m<sup>2</sup> in the mezzanine is proposed in the concept design. Relocating the office area to the second level mezzanine allows the existing office areas to be utilised for complementary health commercial services (for example physiotherapy). An extended and refurbished retail area is also proposed.

The existing change rooms (adjacent to the sports courts) are proposed to be refurbished to ensure service levels are improved, particularly for group fitness / indoor cycling patrons.

The existing car park sufficiently serves the general day-to-day operations but is not sufficient to cater for use during peak time activities. It is proposed to formalise the existing over-flow car parking area to create an additional 138 bays on the site.

A new outdoor rectangle playing surface with floodlighting (1,360m<sup>2</sup>) is proposed as part of the concept design. The advantage of a synthetic surface is that while the construction cost is higher than grass, the potential for income generation is much greater and usage can be maximised without the wear and tear issues of grass.

#### Estimated capital costs

An external quantity surveyor (QS) has provided a capital cost estimate (Attachment 5 refers) based on the concept plans for the refurbishment project. A summary of the total project cost has been provided in the table below for each component.

Component		Estimated capital cost
1	Gym extension and toilets / change rooms	\$2,350,000
2	Group fitness and cycle rooms	\$376,000
3	Crèche, reception, retail and café alfresco area	\$1,360,000
4	Additional car park (138 bays)	\$355,000
5	Outdoor floodlit rectangle playing surface (synthetic)	\$351,000
6	Change room refurbishment	\$1,340,000
7	Mezzanine office conversion	\$1,070,000
8	Complementary health commercial services area	\$382,000
<b>TOTAL</b>		<b>\$7,584,000</b>

#### Financial projections

As part of the financial projections model undertaken as part of the needs and feasibility study, payback years for the project have been developed, as shown in the following table.

Component		Estimated additional income (per annum)	Estimated capital cost	Proposed construction year	Estimated payback year
1	Gym extension and toilets / change rooms	\$541,000	\$2,350,000	2018-19	2025-26
2	Group fitness and cycle rooms	\$144,000	\$376,000		2022-23
3	Crèche, reception, retail and café alfresco area	N/A	\$1,360,000	2020-21	N/A
4	Additional car park (138 bays)	N/A	\$355,000	2023-24	N/A
5	Outdoor floodlit rectangle playing surface (synthetic)	\$339,000	\$351,000	2022-23	2024-25
6	Change room refurbishment	N/A	\$1,340,000		N/A
7	Mezzanine office conversion	N/A	\$1,070,000	2021-22	N/A
8	Complementary health commercial services area	\$50,000	\$382,000		2028-29
<b>TOTAL</b>		<b>\$1,074,000</b>	<b>\$7,584,000</b>		

The estimated payback year for the entire project is estimated as 2030-31. The estimates include preliminaries, design contingency, contract contingency, furniture and fittings, professional fees, public art and environmentally sustainable design allowance. GST and cost escalation are not included.

The needs and feasibility study identified that phasing the project would enable costs to be spread over several years to minimise direct impact on the City's resources. If this approach was adopted, it is suggested that the main income producing areas are conducted as phase one, specifically gym, group fitness and cycling room areas. The total cost of these areas is \$2,726,000, which is \$344,000 over the existing budget allocation for the project. The estimated additional annual income for the group fitness and cycle rooms is \$144,000, with an estimated payback year of 2022-23 and the estimated additional annual income for the gym extension is \$541,000, with an estimated payback year of 2025-26.

### **Issues and options considered**

There are three main options for the Craigie Leisure Centre refurbishment project as follows:

- 1 Not undertake any refurbishment works and identify the \$2,382,000 budget as savings. This is not recommended as the 'dry side' of the facility is at least 12 years old (some areas 20 plus years old) and the patronage has grown significantly in that time such that the health and fitness areas are at capacity. There is limited potential for income growth (other than annual fee increases) if the facility is not expanded to accommodate increased demand.
- 2 Undertake a refurbishment of the gym, group fitness and cycling areas only. This would require the City to allocate approximately \$344,000 of additional funds to the project (or reduce the scope of the design) and would provide some opportunities for greater participation and income growth.
- 3 Plan to undertake all the proposed works. This could be done in a phased approach over several years to minimise the cost impact in a small period. Additional funds of approximately \$5,202,000 (not including escalation costs) would be required to undertake the entire project based on the recent concept design and cost estimate. The benefit of doing the entire project would be to maximise income and participation growth options, as well as upgrade old areas of the facility and accommodate staff.

If Option two or three is supported the next step would be to undertake detailed designs and develop tender documentation.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative**

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.

- Employ facility design principles that will provide for longevity, diversity, inclusiveness and where appropriate support the decentralising of City Services.

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	To conduct business in a financially sustainable manner.
<b>Strategic initiative</b>	Manage liabilities and assets through a planned, long-term approach.
<b>Policy</b>	<i>Requests for New or Capital Upgrades to Existing Buildings Policy.</i>

It is noted that the operation of the City's leisure centres is referred to in the City's Strategic Position Statements:

*"Leisure centre operations overall should aim to be self-sufficient and meet all operating costs."*

It is suggested that the proposed refurbishment works will assist the City to continue to achieve this.

### **Risk management considerations**

All capital projects bring risks in relation to contingencies and over runs against original design. The capital cost estimates are based on high level concept plans and may differ once further detailed designs are undertaken for the projects.

There is a risk that the anticipated increase in operating income does not fully materialise due to any number of factors (economic, social, trends) and therefore the project payback period may be longer.

### **Financial / budget implications**

The following amounts are currently listed within the City's *Five Year Capital Works Program* in relation to the Craige Leisure Centre refurbishment project (MPP2050):

- \$250,000 (municipal funds) in 2017-18 for detailed design of the refurbishment project.
- \$1,132,000 (municipal funds) in 2018-19 for construction of the refurbishment project.
- \$1,000,000 (municipal funds) in 2019-20 for construction of the refurbishment project.

Based on the concept designs and cost estimate, if the City was to proceed with the proposed refurbishment works it would need to consider additional budget allocations.

At its meeting held on 15 August 2017 (CJ142-08/17 refers), Council noted a budget saving of \$553,000 (reserve funds) for the refurbishment of the Duncraig Leisure Centre. It is suggested that this budget saving be allocated to the Craige Refurbishment project.

### Current financial year impact

Not applicable.

Future financial year impact - all proposed works

- Annual operating cost** The additional infrastructure would require additional staff costs and additional maintenance / utility costs to operate. If all elements of the project were implemented there would be new operational costs of approximately \$400,000 per year.
- Estimated annual income** The additional infrastructure is estimated to provide additional income of approximately \$1.1 million per year, therefore providing an operating surplus of \$700,000 per year.
- Capital replacement** Based on the City's *Building Asset Management Plan* it is estimated that 3% of the capital costs would require replacement after 16 years, at a cost of approximately \$227,520.
- 20 Year Strategic Financial Plan impact** The *20 Year Strategic Financial Plan* has capital costs of \$2,382,000 included at this stage, with no estimates included for operational benefits or capital replacement. If the project proceeds with all of the proposed works at a total capital cost of \$7,584,000, and an operational surplus of \$700,000 per year, the impacts are as follows:
- **Funding:** The model has assessed the optimum method of funding the \$7,584,000, dependent on the proposed phasing, availability of reserves and the requirements of other projects. The model has indicated that the project may be wholly funded from the Strategic Asset Management Reserve, but would result in \$4 million of additional borrowings for other projects, due to the timing of other projects / availability of reserves.
  - **Debt Ratios:** The City is already planning to borrow significantly over the next few years, which is putting the debt ratios close to the acceptable threshold. The additional \$4 million borrowings required if all the proposed works are undertaken would not breach the thresholds.
  - **Cash Impact:** By 2035-36 the City's *20 Year Strategic Financial Plan* would have an overall cash benefit of \$11 million compared to the adopted plan. Despite the increased capital expenditure and borrowings, the operational savings would eventually result in an overall benefit. While the project in its entirety would appear to provide an overall benefit to the City's *20 Year Strategic Financial Plan*, the operational estimates are high level only at this stage.

Future financial year impact - phase one only (gymnasium extension, new group fitness and indoor cycling areas)

<b>Annual operating cost</b>	The additional infrastructure would require additional staff costs and additional maintenance / utility costs to operate. If phase one of the project was implemented there would be new operational costs of approximately \$284,000 per year.
<b>Estimated annual income</b>	The additional infrastructure is estimated to provide additional income of approximately \$683,000 per year, therefore providing an operating surplus of \$399,000 per year which would provide a payback within eight years to the capital investment.
<b>Capital replacement</b>	Based on the City's <i>Building Asset Management Plan</i> it is estimated that 3% of the capital costs would require replacement after 16 years, at a cost of approximately \$82,000.
<b>20 Year Strategic Financial Plan impact</b>	The <i>20 Year Strategic Financial Plan</i> has capital costs of \$2,382,000 included at this stage, with no estimates included for operational benefits or capital replacement. If the project proceeds with phase one of the proposed works at a capital cost of \$2,726,000 and an operational surplus of \$399,000 per year, it would provide a total benefit (including escalation) to the <i>20 Year Strategic Financial Plan</i> , up to 2035-36, of \$12.9 million.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Environmental

All facility refurbishment projects are planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible within the project budget.

Social

The project has included consultation with the existing customers, members and user groups of Craigie Leisure Centre to ensure that the proposed work addresses their needs. Furthermore, refurbishment works consider access and inclusion principles with the aim to enhance the amenity of the public space.

Economic

Not applicable.

## Consultation

Consultation for the project was conducted in accordance with the City's approved *Community Consultation and Engagement Policy and Protocol*.

The City undertook consultation with customers, members and user groups of Craigie Leisure Centre from 13 July to 10 August 2015 and received a total of 159 valid responses. Approximately 87% of respondents were members of the centre.

Respondents were asked to specify their level of satisfaction with various components within different areas of the centre that are proposed to be refurbished. The following table is a summary of the results.

Components	Very satisfied/satisfied	Okay	Dissatisfied/very dissatisfied	Not applicable
Gym (including entry, opening hours, size, layout, floor coverings, temperature control, toilets, storage for valuables, entertainment, location of change rooms).	42.45%	29.12%	11.76%	16.67%
Crèche (including entry, size, layout, availability of spaces).	8.65%	4.25%	0.31%	86.79%
Group fitness (studio room) (including entry, size, layout, floor coverings, temperature control, toilets).	32.29%	22.43%	6.92%	38.36%
Group fitness (meeting room) (including entry, size, layout, floor coverings, temperature control, toilets).	18.13%	13.73%	2.20%	65.93%
Indoor cycle room (including size, floor coverings, temperature control).	10.27%	7.55%	5.03%	77.15%
Café (including eating area, comfort, temperature control, atmosphere)	35.69%	29.09%	8.96%	26.26%
Main reception area (including layout, retail area, atmosphere, access gates, transaction processing time).	52.70%	33.58%	2.89%	10.82%

Of note, the results showed that 26.42% of respondents were dissatisfied / very dissatisfied with the toilets in the gym and 23.27% of respondents were dissatisfied / very dissatisfied with the location of the change rooms in the gym. The results also showed that 16.96% of respondents were dissatisfied / very dissatisfied with the toilets in the group fitness (studio room) and that 11.32% of respondents were dissatisfied / very dissatisfied with the size of the indoor cycle room.

Respondents were also asked to indicate their level of support for a new dedicated indoor / outdoor fitness training area and new complementary health commercial services. The following is a summary of the results:

- Indoor / outdoor fitness training area – 73.58% strongly support / support; 25.16% unsure; 1.26% oppose / strongly oppose.
- Complementary health commercial services: 64.15% strongly support / support; 27.04% unsure; 8.81% oppose / strongly oppose.

Under the City's adopted masterplan process, refurbishment projects may undertake a second round of consultation to seek comment on the proposed concept plans (if required). At this stage, it is not proposed to undertake a second round of consultation. Customers, members and user groups will be notified if the project is approved to proceed to construction.

## **COMMENT**

The City, through its management of Craigie Leisure Centre, is recognised as an industry leader in the provision of community leisure and aquatic facilities and services. The operating surplus that the Centre achieves each year is well above the industry average. However, the facility has faced some challenges in recent times due to the competitive health and fitness market with the onset of 24 hour gyms and other small operators. To remain competitive and continue to drive financial performance it is recommended that the City consider refurbishment options that maximise opportunities for income growth. The needs and feasibility study and developed concept plans support this.

The size of the existing gymnasium (460m<sup>2</sup>) was considered above average when it was constructed in 2005, however the facility now operates at capacity with a membership cap of 3,700. For the City to continue to drive revenue growth in the health and fitness area (which provides the highest margin for surplus generation within the whole centre), an expansion of the health and fitness facilities is required.

It is recommended that refurbishment and extension of the gymnasium, group fitness and indoor cycling areas (phase one) is undertaken at an estimate of \$2,726,000. This would require the City to allocate an additional \$344,000 to the project however would provide opportunities for greater participation and income growth. The estimated additional annual income for the group fitness and cycle rooms is \$144,000, with an estimated payback year of 2022-23 and the estimated additional annual income for the gym extension is \$541,000, with an estimated payback year of 2025-26.

If the refurbishment and extension of the gymnasium, group fitness and indoor cycling areas is progressed as recommended, the remaining proposed redevelopment phases will be considered as part of the next annual *20 Year Strategic Financial Plan* review in 2018.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ051-03/18 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 March 2018.

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

**MOVED Cr Poliwka, SECONDED Cr May that Council:**

- 1 **NOTES** the following amounts are currently listed within the City's *Five Year Capital Works Program* for the Craigie Leisure Centre refurbishment project:
  - 1.1 **\$250,000** (municipal funds) in 2017-18 for detailed design of the refurbishment project;
  - 1.2 **\$1,132,000** (municipal funds) in 2018-19 for construction of the refurbishment project;
  - 1.3 **\$1,000,000** (municipal funds) in 2019-20 for construction of the refurbishment project;
- 2 **APPROVES** phase one of the proposed refurbishment project including gymnasium extension, new group fitness and indoor cycling areas at Craigie Leisure Centre as detailed in Report CJ051-03/18 at a project cost estimate of \$2,726,000 to proceed to the detailed design and tender stage;
- 3 **NOTES** the budget saving of \$553,000 (reserve funds), for the refurbishment of Duncraig Leisure Centre in 2018-19 of the City's *Five Year Capital Works Program* as identified in Part 5 of Report CJ142-08/17;
- 4 As noted in Part 3 above, **LISTS FOR CONSIDERATION** applying the budget saving of \$553,000 (reserve funds), to the refurbishment of Craigie Leisure Centre in 2018-19 of the City's *Five Year Capital Works Program*;
- 5 Subject to approval of Part 2 above, **NOTES** that the remaining proposed redevelopment phases will be considered as part of the next annual *20 Year Strategic Financial Plan* review in 2018.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16agn180320.pdf](#)

## **CJ052-03/18 CITY FREEHOLD PROPERTIES PROPOSED FOR DISPOSAL - CONSIDERATION FOLLOWING INTEREST FROM VARIOUS EXTERNAL PARTIES**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	103036, 101515
<b>ATTACHMENTS</b>	Attachment 1 Location Plan Attachment 2 Lot 6 (6) Lawley Court, Joondalup Attachment 3 Lot 505 (33) Collier Pass Joondalup
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to note the interest from external entities in City owned properties within the City Centre and to authorise the Chief Executive Officer to investigate the opportunities and options for the disposal of these properties.

### **EXECUTIVE SUMMARY**

The City has been facilitating several enquiries with respect to property investors showing interest in the acquisition of City owned property within the Joondalup City Centre.

Recent enquiries focussed on two properties situated within the Lakeside Shopping Centre precinct, namely Lot 6 (6) Lawley Court, Joondalup (Lot 6) and Lot 505 (33) Collier Pass, Joondalup (Lot 505) (Attachment 1 refers).

Sections 3.58 and 3.59 of the *Local Government Act 1995*, together with the *Local Government (Functions and General) Regulations 1996* determine how a local government may dispose of property.

Consideration of offers received will focus on financial benefit, contribution of the proposed development towards meeting the City's vision and objectives for the Joondalup City Centre and a due diligence done on the tenderer's track record and financial strength.

The facilitation of potential disposal of the above lots is separate from the City's freehold land disposal process and negotiations with respect to land being made available within the Joondalup City Centre Development – Boas Place precinct.

*It is therefore recommended that Council:*

- 1 *NOTES the interest shown by external entities for the acquisition of Lot 6 (6) Lawley Court and Lot 505 (33) Collier Pass, Joondalup;*

- 2 *AUTHORISES the Chief Executive Officer to investigate opportunities and options for the potential disposal of:*
- 2.1 *Lot 6 (6) Lawley Court, Joondalup;*
- 2.2 *Lot 505 (33) Collier Pass, Joondalup;*
- 3 *NOTES that a report on the opportunities and options, including proposed disposal methodology, will be submitted to a future Major Projects and Finance Committee meeting.*

## BACKGROUND

Over several years, the City has responded to ad hoc enquiries with respect to the availability of City owned land available for sale. Responses to these enquiries identified the lots owned freehold by the City, provided information on the respective properties, explained the statutory process governing the disposal of local government owned land and provided comment on the broad vision for the Joondalup City Centre as guided by the *Joondalup Activity Centre Plan* endorsed by Council in June 2017 and other relevant policy or planning documents.

Due to a challenging property market and reasons unknown, many enquiries were not progressed by the interested parties.

In recent months an increase in enquiries has been experienced, showing greater intent by enquiring parties and focussing on Lot 6 (6) Lawley Court and Lot 505 (33) Collier Pass, Joondalup.

## DETAILS

Lots 6 and 505 are strategically significant from a location, market value and development potential point of view. Table 1 provides information on both lots.

**Table 1**

	Property Address	Property details
1	Lot 6 (6) Lawley Court, Joondalup  (Attachment 2 refers.)	Land area - 7,510m <sup>2</sup> Zoning - Centre Height – No maximum Current use – paid public car park (245 bays) Potential for high density residential and multi storey commercial, retail and mixed uses.
2	Lot 505 (33) Collier Pass, Joondalup.  (Attachment 3 refers.)	Land Area: 4,410m <sup>2</sup> Zoning - Centre Height – No maximum Current use – paid public car park (89 bays) Potential for high density residential and multi storey commercial, retail and mixed uses.

Statutory regulations allow for the disposition of City owned property through public auction, public tender and private treaty, methods that have been used previously regarding the City's land disposal project.

The process considered most appropriate for the disposal of the abovementioned properties is that of public tender. The public tender process allows for interested parties to offer to purchase the property and to include a proposal committing to the intended development envisaged by the prospective owner, accommodated by a timeline to commence with the development.

This process for disposal is separate from the City's freehold land disposal project, the subject of a separate status report at this meeting with the objective of providing aged persons dwellings and proceeds to contribute to the Joondalup Performing Arts and Cultural Facility Reserve.

Although the two properties under discussion are located outside the Joondalup City Centre Development – Boas Place precinct, consideration will be given to the impact of the proposals as part of the assessment of the tenders and how they will impact on the vision for the Boas Place Precinct.

### **Issues and options considered**

The increase in the frequency and intent of enquiries from property investors and developers shows a positive sentiment with respect to the property market in the Joondalup CBD. This improvement has been confirmed by commercial real estate expert opinion as well as recent property valuations.

The public tender process is considered the most appropriate disposal method to follow with respect to the lots under discussion as it responds to interest confirmed by the enquiring parties, it provides the opportunity to solicit the interest of other potential tenderers and it will provide confirmation of improvement of market sentiment.

For a reserve price to be determined, as well as being a statutory requirement of the public tender process, a current property valuation needs to be obtained. The reserve price is required to determine whether the offer made by the tenderers are market related and guide the decision to accept an offer.

### **Legislation/Strategic Community Plan/Policy Implications**

#### **Legislation**

- Sections 3.58 and 3.59 of the *Local Government Act 1995*, together with the *Local Government (Functions and General) Regulations 1996* determine how a local government may dispose of property.
- Development applications will be subject to the provisions of the *District Planning Scheme No.2* and guided by the draft *Joondalup Activity Centre Plan*.

#### **Strategic Community Plan**

##### **Key theme**

Quality Urban Environment.

##### **Objective**

City Centre Development.

##### **Strategic initiative**

Pursue commercial, retail and residential development to contribute to a higher vibrancy and expand the Joondalup CBD capacity as a regional hub.

##### **Key theme**

Financial Sustainability.

<b>Objective</b>	Financial diversity.
<b>Strategic initiative</b>	Identify opportunities for new income streams that are financially sound and equitable. Apart from an increase in rates generated from the developments to follow, there will also be an immediate financial proceed from the transactions.
<b>Policy</b>	<i>Asset Management Policy.</i> <i>Sustainability Policy.</i>

At its meeting held on 19 April 2016 (CJ055-04/16 refers), Council adopted the following Strategic Position Statement:

*“CBD Land*

*Development of high rise commercial office space and other City Centre uses, including high density residential development within the City Centre on City-owned land, is supported under the following conditions:*

- *High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.*
- *Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial and residential purposes.*
- *Provides a fast-growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base”.*

**Risk management considerations**

Disposal of property needs to comply with the requirements of sections 3.58 and 3.59 of the *Local Government Act 1995*, which are designed to ensure openness and accountability in the disposal process.

It is possible that the reserve price as per the market valuations obtained may not be realised and the City needs to determine reserve prices below which it will not sell.

The recommendations for disposal are based on a combination of the best financial return, planning outcomes and community benefit.

**Financial / budget implications**

The paid parking revenue generated from the subject lots amounts to approximately \$297,353.74 per annum.

A financial and economic analysis of disposing of the subject lots will be undertaken and will include:

- one-off revenue generated from the sale of the properties
- additional rates income
- impact on the current revenue received from paid parking provided on the lots
- costs related to the actual sale of the lots (such as legal and settlement fees, advertising, valuation, land survey)
- loss of value to the City’s asset register.

## **Regional significance**

Not applicable.

## **Sustainability implications**

### Environmental

Environmental sustainability initiatives will be incorporated into the proposed design of all components of the development proposals.

### Social

The development proposals will offer a range of attractions and activities for locals, workers, visitors and tourists.

### Economic

The overall economic impacts of the development proposals include one-off construction impacts and on-going impacts generated by additional employment. These and other economic sustainability considerations will be included in the opportunities and options investigations.

## **Consultation**

Public auction, public tender and private treaty methods have been used regarding the City's land disposal project. Advertising is a requirement with all three methods unless, in respect of private treaty, the disposal is exempt under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*.

If required through the relevant development application processes, public advertising provides further opportunity for the community to make a submission on the future intent for the site on disposal.

## **COMMENT**

The City has a track record of following the suggested disposal methods resulting in transactions where properties have been sold at prices comparing favourably to market valuations.

The City has an opportunity to respond to unsolicited bids from external parties to purchase City owned land. The opportunity exists to benefit from an improving market sentiment by generating proceeds from sale, expand the City's rates base, optimising the development potential of the relevant properties, increase activity and contribute to realising the overall vision for the Joondalup City Centre.

The intended disposal of Lots 6 and 505 and the City's ability to influence the nature of the proposed development will contribute to economic development and attract business to the Joondalup City Centre to expand Joondalup's capacity as a significant regional hub.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The committee recommendation to Council for Report CJ052-03/18 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 March 2018.

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

### **MOVED Mayor Jacob, SECONDED Cr Jones that Council:**

- 1 NOTES the interest shown by external entities for the acquisition of Lot 6 (6) Lawley Court and Lot 505 (33) Collier Pass, Joondalup;**
- 2 AUTHORISES the Chief Executive Officer to investigate opportunities and options for the potential disposal of:**
  - 2.1 Lot 6 (6) Lawley Court, Joondalup;**
  - 2.2 Lot 505 (33) Collier Pass, Joondalup;**
- 3 NOTES that a report on the opportunities and options, including proposed disposal methodology, will be submitted to a future Major Projects and Finance Committee meeting.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution prior to consideration of Item CJ054-03/18, page 145 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17agn180320.pdf](#)*

**Disclosure of Proximity Interest**

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ053-03/18 - Confidential - Joondalup City Centre Development - Project Status.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka is a beneficiary of a property owned across the road.

**CJ053-03/18      CONFIDENTIAL - JOONDALUP CITY CENTRE DEVELOPMENT - PROJECT STATUS**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	103036, 101515
<b>ATTACHMENTS</b>	Attachment 1    Boas Place Concept Plan Option 4B Attachment 2    Draft outline of a generic Order of Magnitude Business Case
	<i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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This item was dealt with later in the meeting prior to "Announcements of Notices of Motion for the next Meeting", page 162 refers.

**C25-03/18                    COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]**

**MOVED** Mayor Jacob, **SECONDED** Cr Jones that pursuant to the *Meeting Procedures Local Law 2013 – Clause 4.8 – Adoption by exception resolution*, Council **ADOPTS** the following items:

**CJ033-03/18, CJ035-03/18, CJ036-03/18, CJ037-03/18, CJ039-03/18, CJ040-03/18, CJ041-03/18, CJ042-03/18, CJ043-03/18, CJ046-03/18, CJ048-03/18, CJ050-03/18 and CJ052-03/18.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### CJ054-03/18 KALEIDOSCOPE 2018

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	107175, 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.

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#### PURPOSE

For Council to consider the City's financial contribution for the 2018 Kaleidoscope Festival.

#### EXECUTIVE SUMMARY

In its second year, the City of Joondalup established Kaleidoscope as the leading projection and Illumination Festival in WA. Kaleidoscope exceeded all its strategic KPIs in both 2016 and 2017 including event attendances, patron satisfaction, positive economic and social benefits for local businesses and the wider community and the level of media coverage and publicity for the event.

More than 88,000 people attended over the four nights in 2017, exceeding expectations and the KPI set for the event and representing almost 60% growth in attendance from its inaugural year in 2016.

In 2016, the City contributed \$550,000 towards the inaugural Kaleidoscope Festival.

In 2017, the Council agreed to contribute \$600,000 to support the event.

Currently, \$300,000 is allocated for the 2018 Kaleidoscope Festival.

Given the significant increase in attendance levels over the past two years, a City contribution of \$300,000 would make it difficult for contractor Mellen Events to deliver an event that would match the quality, size and success of previous events.

If the Kaleidoscope Festival does not secure similar funding levels as previous years, the City and Mellen Events will need to determine whether or not the event can be held to the same standards and level of programming in 2016 and 2017.

In view of this it is recommended Council endorse an amount of \$600,000 being listed in the draft 2018-19 Budget to ensure the event is held to the same quality and level of community expectation and satisfaction. Such funding would be similar those levels provided for the event in its first two years.

As this is the last event to be held under the existing three-year contract, the City would need to assess what event if any will be held in future years, including whether such an event or its program offerings, can be incorporated into the City's existing event scheduling or programming.

The City will review its annual cultural events calendar and associated costs and revenue opportunities this year and provide the Council with a recommended plan for the future delivery of events.

As part of the 2018-19 budget process, the City will identify where savings can be made to cover the additional \$300,000 in funding for the 2018 Kaleidoscope Festival.

*It is therefore recommended that Council:*

- 1 *ENDORSES an amount of \$600,000 being listed for consideration in the draft 2018-19 Budget for the 2018 Kaleidoscope event;*
- 2 *NOTES the Chief Executive Officer will provide further advice to Elected Members through the draft 2018-19 budget process, relating to potential expenditure reductions or increased revenue opportunities within the City's calendar of community events that will accommodate the increased expenditure of \$300,000 as detailed in Part 1 above.*

## **BACKGROUND**

The City identified a desire to attract significant events and activities to the Joondalup City Centre region through the strategic initiatives outlined and adopted in its Strategic Community Plan, *Joondalup 2022*. A key strategic objective of *Joondalup 2022* involves positioning Joondalup as a Destination City where unique tourism opportunities and activities provide draw cards for visitors and residents.

Since 2012 the City has been working to deliver a significant event of a calibre suitable to enhance tourism and stimulate the local economy, while attracting wide media coverage to enhance and strengthen Joondalup's reputation and image as a Destination City.

At its August 2015 meeting, Council accepted a tender (CJ139-08/15 refers) from Mellen Events for the planning, coordination, delivery and management of a significant event for a period of three years.

This event has been named *Kaleidoscope: A Festival of LIGHT | ART | MUSIC | FOOD*.

The inaugural 2016 Kaleidoscope Festival was a standout success from an event delivery, patron satisfaction and media/publicity perspective, receiving over \$1 million worth of media coverage. Attendance numbers exceeded expectations at 50,000+ attendees.

The 2017 event was held on the 9 – 12 November 2017 and saw significant growth in attendance, visitor spend and publicity around what is now one of the biggest events in WA.

## DETAILS

Based on the survey results of 392 attendees of the 2017 Kaleidoscope Festival and other post-event debriefs, an evaluation and review of the 2017 Kaleidoscope event demonstrated the following:

- That the event had been to a high standard exceeding all performance measures, and as such a good return on investment.
- That the target attendance of the event set at 40,000 had been far surpassed, with 88,000+ people attending over the four nights.
- The satisfaction rating for the event had surpassed the target set of 85%, with 89% of attendees reporting a high satisfaction rate and 98% saying they would highly recommend the Kaleidoscope experience to friends.
- That the economic impact of the event reached more than double the target set for 2017 and double the GRP reached by the inaugural event; achieving \$4.169 million GRP in 2017.
- The event received \$2.97 million of positive publicity for the City and Kaleidoscope, up from \$1 million of positive coverage received for the inaugural 2016 event.
- 99% of event attendees surveyed reported they would like to see Kaleidoscope happen again in 2018.

The 2018 Kaleidoscope event currently has Council endorsement for a budget of \$300,000.

The City provided \$550,000 and \$600,000 for the 2016 and 2017 events respectively.

Given the rapid growth of the event and resulting change in scale and scope, this amount of funding will not be enough to deliver a similar and high-quality experience as was delivered at the 2016 and 2017 events.

An assessment of options to conduct the 2018 event was undertaken, taking into account the post-event review of Kaleidoscope 2017. Mellen Events presented the following two options for the City's consideration to conduct the 2018 event:

**Option 1** proposes a total budget of \$950,000 (maintain 2017 event site footprint) comprising:

- \$600,000 from the City.
- \$120,000 minimum sponsorship contribution.
- \$80,000 from bar/merchandise/food.
- \$150,000 to come from additional funding sources (such as Lotterywest, State Government, local businesses and the like).

**Option 2** proposes a total budget of \$1,100,000 (expand the 2017 event site footprint) comprising:

- \$600,000 from the City.
- \$120,000 minimum sponsorship contribution.
- \$80,000 from bar/merchandise/food.
- \$300,000 to come from additional funding sources (such as Lotterywest, State Government, the City, local businesses and the like).

## Issues and options considered

Council can either:

- increase the proposed level of funding commitment for the event to \$600,000  
or
- maintain the current proposed funding commitment for the event at \$300,000.

For the reasons outlined in this report, it is recommended that Council endorse the funding commitment to \$600,000 for the 2018 event which would be similar to the funding contribution made by the City in previous years.

## Legislation / Strategic Community Plan / policy implications

### Legislation

Not applicable.

### Strategic Community Plan

#### Key theme

Community Wellbeing.  
Economic Prosperity, Vibrancy and Growth.

#### Objective

Cultural Development.  
Destination City.

#### Strategic initiative

- Actively engage event promoters to host iconic, cultural and sporting events within the City.
- Actively promote and sponsor significant events and activities.

### Policy

Not applicable.

## Risk management considerations

If the event does not attract the additional funds outlined above, discussion between Mellen Events and the City will need to occur to determine whether to proceed with attempting to deliver an event that is not able to be held to the same standard and level of programming of previous years while catering for the large crowds that would again be expected to grow in 2018.

If it is decided to progress the planning and delivery of the 2018 event with only the currently committed funds of \$300,000, there is a risk to the City's reputation in that negative publicity may result from a public perception of an over-crowded, poorly managed or lacklustre event that does not meet expectations.

It should be noted that sponsorship and Government funding targets have not been met for the past two events, and given the current economic climate, is likely to again be an issue for 2018.

## Financial/budget implications

In 2017, Kaleidoscope's total impact on the City of Joondalup economy, including flow on effects, was an increase in output (or Gross Regional Product) of \$4.169 million. For the 2016 event, the GRP output was \$2,050 million.

These figures were calculated using Kaleidoscope survey results and the event calculator, which is an Input-Output model that has been developed by the National Institute of Economic and Industry Research (NIEIR).

The calculator works by estimating the impact a user defined level of spend has across a range of event related industries. The industries included in the calculator are those that research shows have the highest level of direct economic impact that can be attributed to the running of an event in the City of Joondalup.

<b>Account no.</b>	210A210132930000 – Office of the CEO.	
<b>Budget Item</b>	Operating Expenditure.	
<b>Budget amount</b>	\$300,000 allocated in 2018/19 City Budget.	
<b>Amount spent to date</b>	<b>2016</b>	
	City Expenditure:	\$550,000
	Sponsorship Revenue:	\$120,000
	Grant Funding:	\$15,000
	<b>TOTAL</b>	<b>\$685,000</b>
	<b>2017</b>	
	City Expenditure:	\$600,000
	Sponsorship Revenue:	\$130,000
	<b>TOTAL</b>	<b>\$730,000</b>
	<b>2018</b>	
	City Budget:	\$300,000

All amounts quoted in this report are exclusive of GST.

### Regional significance

Kaleidoscope was developed and delivered to encourage visitation and stimulate the local Joondalup City Centre economy while attracting significant media coverage to enhance, showcase and strengthen Joondalup's reputation and image as a destination City.

The inaugural 2016 Kaleidoscope Festival received more than \$1 million worth of positive media coverage for the City. Attendance numbers exceeded expectations at 50,000+ attendees and 95% of patrons reported that they found the event 'exciting and entertaining'.

The inaugural Kaleidoscope Festival also won a number of State and National awards including Event of the Year at the Parks and Leisure Australia WA and National Awards and WA's Best New Event and WA's Best Cultural, Arts or Music Event at the Australian Event Awards.

The 2017 event saw significant growth in attendance, visitor spend and publicity around what is now one of the biggest events in WA, with more than 88,000 people attending over the four nights. Of the attendees surveyed, 89% reported a high satisfaction rate with 98% saying they would highly recommend the Kaleidoscope experience to friends based on the detailed survey of 392 attendees.

In 2017 Kaleidoscope's total impact on the City of Joondalup economy, including flow on effects, was an increase in output (or Gross Regional Product) of \$4.169 million. Data collected at the event showed an average spend per person of \$35 with the actual total visitor expenditure of \$3.08 million over the four nights of the 2017 event.

The surrounding marketing and public relations campaign was very successful, achieving approximately \$2.97 million of positive publicity for the Kaleidoscope and the City. This included exposure across state-wide television, radio, print and online media.

The dollar value of the editorial coverage and publicity received from TV, radio, print and online media for Kaleidoscope was calculated by using the advertising rate of each media outlet. The advertising rate that most accurately represents the editorial coverage is determined based on placement, colour, size and repetition of the editorial coverage. The value of social media promotion is not included in the dollar value of media and publicity received.

### **Sustainability implications**

The City's Economic Development team sought in-depth feedback from four key local businesses following Kaleidoscope 2017, reporting an uplift at local businesses as a result of the event.

The majority of the businesses consulted traded for longer hours than normal during the four nights of the festival in order to cater for the massive influx of customers.

All businesses surveyed agreed that Kaleidoscope had a positive impact on their business with an average of 10 to 25% increase in turnover and number of customers. All businesses consulted would like to see Kaleidoscope happening again.

The sustainability of the event in future years will be dependent on securing cash sponsors or additional funding from sources such as government grants.

Along with the positive social media engagement, Kaleidoscope did receive criticism from some attendees who felt the popularity of the event and resulting crowds and queues detracted from their experience. The rapid growth of the event, only in its second year, is unprecedented in WA. To deliver and expand the event successfully in 2018 the site footprint would need to significantly increase to accommodate increasing crowd numbers. This would also mean increasing operational resources and artistic programming as a result.

### **Consultation**

The City's Economic Development team consulted with four key local businesses following Kaleidoscope 2017 to gauge the event's success against its objective of stimulating the local economy. These findings were further supported by observation of local businesses throughout the event and other anecdotal evidence.

392 event attendees were surveyed over the four nights of the 2017 event to establish the economic impact of the event, assess public perception and engagement with the event, determine visitor behaviour and identify travel patterns to the event.

Detail on the results of this consultation is outlined above under 'Sustainability Implications'.

### **COMMENT**

Kaleidoscope represents a significant investment of resources by the City. Its achievement of its KPIs across both years; particularly the exponential growth of crowd numbers and several million dollars' worth of increased GRP output and positive publicity generated for the City, demonstrate both a substantial return on the City's investment and the appetite in the community and amongst the City's stakeholders for the event.

By increasing the City's budget commitment from \$300,000 to \$600,000 would enable the event to be held to the similar quality and community satisfaction as it experienced in the first two years of its operation.

### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr McLean, SECONDED Cr Logan that Council:**

- 1 ENDORSES an amount of \$600,000 being listed for consideration in the draft 2018-19 Budget for the 2018 Kaleidoscope event;**
- 2 NOTES the Chief Executive Officer will provide further advice to Elected Members through the draft 2018-19 budget process, relating to potential expenditure reductions or increased revenue opportunities within the City's calendar of community events that will accommodate the increased expenditure of \$300,000 as detailed in part 1 above.**

**The Motion was Put and**

**CARRIED (10/3)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Logan, McLean, May, Norman and Taylor.

**Against the Motion:** Crs Fishwick, Jones and Poliwka.

**URGENT BUSINESS**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C26-03/18                    NOTICE OF MOTION 1 - CR NIGE JONES - STRATEGIC APPROACH TO THE NEEDS OF SOCCER CLUBS WITHIN THE CITY OF JOONDALUP – [00523]**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Jones gave notice of his intention to move the following Motion at the Council meeting to be held on 20 March 2018:

***“That Council ENDORSES the following new strategic position statement relating to the forming of a second A League Football (Soccer) team in Western Australia:***

***“In the event that the Australian A League decides to establish a second A League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup.”***

**REASON FOR MOTION**

In 2017 the Mayor met with Football West and discussed the high probability of a further A League Team from Perth. Joondalup with its high soccer involvement and three National Premier League teams was considered a good fit for the location of a second A League team from Western Australia. Football West acknowledges that the North-West corridor of Perth is a major growth corridor for soccer.

**OFFICER'S COMMENT**

To enable the Council to make an informed decision in regard to the proposed Position Statement, it is suggested that a report be prepared by the Chief Executive Officer that will examine the proposal and provide relevant information before the Council considers the Notice of Motion.

**MOVED Cr Jones, SECONDED Cr Taylor that Council ENDORSES the following new strategic position statement relating to the forming of a second A League Football (Soccer) team in Western Australia:**

***“In the event that the Australian A League decides to establish a second A League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup.”***

**The Motion was Put and**

**CARRIED (7/6)**

**In favour of the Motion:** Crs Chester, Fishwick, Jones, Logan, May, Poliwka and Taylor.

**Against the Motion:** Mayor Jacob, Crs Dwyer, Hamilton-Prime, Hollywood, McLean and Norman.

C27-03/18

**NOTICE OF MOTION 2 - CR PHILIPPA TAYLOR – CITY OF JOONDALUP FUNDING FOR THE DUYFKEN – [106522]**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Taylor gave notice of her intention to move the following Motion at the Council meeting to be held on 20 March 2018:

***“That Council REQUESTS the Chief Executive Officer to prepare a report on the possibility for the City of Joondalup to provide sponsorship funding of \$160,000 for the Duyfken replica, in lieu of the State Government’s funding withdrawal.”***

**REASON FOR MOTION**

To have the Duyfken occasionally docked at the City of Joondalup could add to the tourist attraction that will be the Ocean Reef Marina.

The report to include, as part of the sponsorship, an arrangement for the Duyfken to be occasionally docked at the Ocean Reef Marina (or Hillarys Marina).

The Report to include the possible tourist and economic benefits to the City of Joondalup.

**OFFICER'S COMMENT**

A report can be prepared.

*The Chief Executive Officer left the Chamber at 9.29pm and returned at 9.31pm.*

**MOVED Cr Taylor, SECONDED Cr Jones that Council REQUESTS the Chief Executive Officer to prepare a report on the possibility for the City of Joondalup to provide sponsorship funding of \$160,000 for the Duyfken replica, in lieu of the State Government’s funding withdrawal.**

**The Motion was Put and**

**CARRIED (8/5)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Jones, Logan, Norman and Taylor.  
**Against the Motion:** Crs Fishwick, Hollywood, McLean, May and Poliwka.

**C28-03/18                    MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC –  
[02154, 08122]**

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:**

- 1        in accordance with Section 5.23(2)(b) and (2)(e)(ii) of the *Local Government Act 1995* and clause 5.2(2) of the *City's Meeting Procedures Local Law 2013*, RESOLVES to close the meeting to members of the public to consider the following item:
  - 1.1      Item CJ038-03/18 – Appointment of New Strategic Community Reference Group Members 2018;**
  - 1.2      Item CJ053-03/18 – Confidential – Joondalup City Centre Development – Project Status;****
  
- 2        PERMITS the following employees to remain in the Chamber during discussion on Item CJ038-03/18 – Appointment of New Strategic Community Reference Group Members 2018 and Item CJ053-03/18 – Confidential – Joondalup City Centre Development – Project Status while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:
  - 2.1      Chief Executive Officer, Mr Garry Hunt;**
  - 2.2      Director Governance and Strategy, Mr Jamie Parry;**
  - 2.3      Director Corporate Services, Mr Mike Tidy;**
  - 2.4      Director Planning and Community Development, Ms Dale Page;**
  - 2.5      Director Infrastructure Services, Mr Nico Claassen;**
  - 2.6      Manager Governance, Mr Brad Sillence;**
  - 2.7      Governance Coordinator, Mr John Byrne;**
  - 2.8      Governance Officer, Mrs Lesley Taylor;**
  - 2.9      Governance Officer, Mrs Deborah Gouges.****

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Members of the staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Corporate Services, Director Planning and Community Development, Director Infrastructure Services, Manager Governance, Governance Coordinator and two Governance Officers) and members of the public and press left the Chambers at this point; the time being 9.36pm.*

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ038-03/18 – Appointment of new Strategic Community Reference Group Members 2018.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Sonia Makoare, who is nominating for the Strategic Community Reference Group, is a friend of Cr Chester.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ038-03/18 – Appointment of new Strategic Community Reference Group Members 2018.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of the nominees are known to Cr Logan.

## **CJ038-03/18      APPOINTMENT OF NEW STRATEGIC COMMUNITY REFERENCE GROUP MEMBERS 2018**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102605, 101515
<b>ATTACHMENT</b>	Attachment 1    SCRG Terms of Reference Attachment 2    (Confidential) Nominations – North Ward Attachment 3    (Confidential) Nominations – North-Central Ward Attachment 4    (Confidential) Nominations – Central Ward Attachment 5    (Confidential) Nominations – South-West Ward Attachment 6    (Confidential) Nominations – South-East Ward Attachment 7    (Confidential) Nominations – South Ward  <i>(Please Note: Attachments 2-7 are confidential and will appear in the official Minute Book only)</i>
<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 appoint new community representatives to the Strategic Community Reference Group (SCRG).

**EXECUTIVE SUMMARY**

In January 2018, the City sought nominations to fill six vacancies on the City's SCRG within the following wards:

North Ward.  
North-Central Ward.  
Central Ward.  
South-West Ward.  
South-East Ward.  
South Ward.

Positions were advertised through the local community paper, the City's website, social media and the City's Community Engagement Network to seek interest from the broader community. All resident / ratepayer associations within the wards were also sent nomination details to distribute among their members and supporting networks.

The nomination period was open for four weeks from 11 January to 9 February 2018 and a total of 76 nominations were received.

In accordance with the SCRG Terms of Reference, Council is now requested to consider the nominations provided in Attachments 2–7 of Report CJ038-03/18 and subsequently appoint community representatives to fill the vacant ward positions on the SCRG.

## **BACKGROUND**

In 2012, Council established the SCRG as a new participation mechanism for the external provision of advice to Council. The group consists of appointed community representatives from each ward, Elected Members and seconded experts utilised on an as-needs basis.

In accordance with the SCRG Terms of Reference (Attachment 1 refers), the terms for community members concluded in October in line with the ordinary Council election cycle. Community members were advised of the conclusion of their current term in September 2017 and were also informed that Council would consider the re-establishment of the SCRG and membership composition following the local government elections on 21 October 2017.

As a result, the City is required to fill the six vacancies on the City's SCRG within the following wards:

North Ward.  
North-Central Ward.  
Central Ward.  
South-West Ward.  
South-East Ward.  
South Ward.

This report presents the nominations received from the expression of interest process for Council to appoint new community representatives to the SCRG.

## **DETAILS**

Public advertising of the nomination process commenced on 11 January 2018 and closed on 9 February 2018. Notices were placed on the City's website, in the local newspaper, through the social media networks and through the City's Community Engagement Network. A letter of invitation was also sent directly to all resident/ratepayer associations, providing an opportunity for active community members to offer their nomination on the SCRG.

The City received a total of 80 nominations. Four nominations were invalidated due to insufficient contact details. The number of valid nominations for each of the ward positions is provided in the table below:

<b>Ward</b>	<b>Number of nominations</b>
North Ward	20
North-Central Ward	17
Central Ward	12
South-West Ward	16
South-East Ward	5
South Ward	6
<b>Total</b>	<b>76</b>

### **Issues and options considered**

Council is requested to assess the nominations and appoint one community representative for each of the following Wards:

North Ward.  
 North-Central Ward.  
 Central Ward.  
 South-West Ward.  
 South-East Ward.  
 South Ward.

Council can choose to either:

- accept all nominations to date and appoint one community representative from each pool of nominations  
or
- not accept the nominations and re-commence the expression of interest process.

Option 1 is the preferred option based on the number and quality of the nominations received in the expression of interest process recently completed.

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

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

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Active democracy.

**Strategic initiative** Optimise opportunities for the community to access and participate in decision-making processes.

Adapt to community preferences for engagement formats.

**Policy** *Community Consultation and Engagement Policy.*

**Risk management considerations**

Should Council choose not to appoint community representatives from the nominations received, there is a risk that extending the period for nominations may elicit low levels of interest and potentially disenfranchise those community members who have already submitted an application.

**Financial / budget implications**

Advertising for the nomination process has been absorbed within existing operational costs.

**Regional significance**

Not applicable.

**Sustainability implications**

The SCRG provides advice to the Council on a variety of strategic matters, with the aim of influencing and contributing to increased sustainable outcomes for the City. To date, the group has considered matters pertaining to environmental, crime and community safety, community development, waste management, volunteer and community leadership, and community engagement matters.

**Consultation**

The SCRG is a mechanism for community engagement on strategic issues.

**COMMENT**

The SCRG provides a unique mechanism for community representatives and subject experts providing advice to Council on a range of issues of importance to the community.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council CONSIDERS APPOINTING:

- 1 one community representative for the North Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to Report CJ038-03/18;
- 2 one community representative for the North-Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 3 to Report CJ038-03/18;
- 3 one community representative for the Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 4 to Report CJ038-03/18;

- 4 one community representative for the South-West Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 5 to Report CJ038-03/18;
- 5 one community representative for the South-East Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 6 to Report CJ038-03/18;
- 6 one community representative for the South Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 7 to Report CJ038-03/18.

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

- 1 **AMENDS the Terms of Reference of the Strategic Community Reference Group as follows:**
  - 1.1 **Clause 3.2.1 be amended to read:**

*“A maximum of one community member and one deputy member from each of the six wards of the district (to be selected by the Council from nominations received). Criteria for the selection will be based on the individual’s interest, experience and / or qualifications in issues pertaining to the City of Joondalup community, in general;”;*
  - 1.2 **An additional Clause 4.4 be included to read:**

*“4.4 A deputy member may perform the functions of the member only when the member is unable to do so by reason of illness, absence or other cause.”;*
- 2 **APPOINTS Dr Ross Hollett as the community representative and Victoria Brimelow as the deputy community representative for the North Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to Report CJ038-03/18;**
- 3 **APPOINTS Lara Silbert as the community representative and Karen Warwick as the deputy community representative for the North-Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 3 to Report CJ038-03/18;**
- 4 **APPOINTS Peter Beaton as the community representative and Ross Oxwell as the deputy community representative for the Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 4 to Report CJ038-03/18;**
- 5 **APPOINTS Brian Yearwood as the community representative and Jo Stephens as the deputy community representative for the South-West Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 5 to Report CJ038-03/18;**

- 6 **APPOINTS Selina Gates as the community representative and David Healy the deputy community representative for the South-East Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 6 to Report CJ038-03/18;**
- 7 **APPOINTS Dr Susan Elizabeth King as the community representative and Tiffany Tonkin as the deputy community representative for the South Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 7 to Report CJ038-03/18.**

**AMENDMENT MOVED Cr Fishwick, SECONDED Cr Poliwka** that Part 7 of the Motion be AMENDED to read as follows:

*“7 APPOINTS Dr Susan Elizabeth King as the community representative and Suzanne Thompson as the deputy community representative for the South Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 7 to Report CJ038-03/18.”*

**The Amendment was Put and**

**LOST (5/8)**

**In favour of the Amendment:** Crs Chester, Fishwick, Jones, Logan and Poliwka.

**Against the Amendment:** Mayor Jacob, Crs Dwyer, Hamilton-Prime, Hollywood, McLean, May, Norman and Taylor.

**AMENDMENT MOVED Cr Poliwka, SECONDED Cr May** that Part 4 of the Motion be AMENDED to read as follows:

*“4 APPOINTS Patrick Kay as the community representative and Peter Beaton as the deputy community representative for the Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 4 to Report CJ038-03/18;”*

**The Amendment was Put and**

**LOST (4/9)**

**In favour of the Amendment:** Crs Fishwick, Jones, May and Poliwka.

**Against the Amendment:** Mayor Jacob, Crs Chester, Dwyer, Hamilton-Prime, Hollywood, Logan, McLean, Norman and Taylor.

**The Motion as Moved by Mayor Jacob, and Seconded by Cr Dwyer was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf180313.pdf](#)*

**Disclosure of Proximity Interest**

<b>Name/Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No./Subject</b>	CJ053-03/18 - Confidential - Joondalup City Centre Development - Project Status.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka is a beneficiary of a property owned across the road.

*Cr Poliwka left the Chamber at 10.11pm.*

## **CJ053-03/18      CONFIDENTIAL - JOONDALUP CITY CENTRE DEVELOPMENT - PROJECT STATUS**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	103036, 101515
<b>ATTACHMENTS</b>	Attachment 1    Boas Place Concept Plan Option 4B Attachment 2    Draft outline of a generic Order of Magnitude Business Case
	<i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only).</i>
<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.

This report is confidential in accordance with Section 5.23(e)(ii) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

- *A matter that if disclosed, would reveal information that has a commercial value to a person.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

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

- 1 DOES NOT SUPPORT the proposal received from Devwest Group Pty Ltd for the development of a hotel on Lot C, Boas Place due to:**
  - 1.1 the low value proposed for the sale of the site (\$700,000);**
  - 1.2 lack of clarify surrounding Devwest Group Pty Ltd's contribution to the public realm;**
  - 1.3 the design as proposed not aligning with the City's planning requirements;**
- 2 REQUESTS the Chief Executive Officer to advise Devwest Group Pty Ltd:**
  - 2.1 of its decision as outlined in part 1 above;**
  - 2.2 that Council seeks the sale of the designated site equal to the sworn valuation, if acceptable to the City,**

**and a response from Devwest Group Pty Ltd is required within 30 days;**
- 3 REQUESTS the Chief Executive Officer to explore alternative strategies, through the preparation of an Order of Magnitude Business Case, for attracting major developers for the Boas Place development.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Taylor.

**C29-03/18                    MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]**

**MOVED** Mayor Jacob, **SECONDED** Cr Hollywood that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting now be **REOPENED TO THE PUBLIC**.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Taylor.

*Doors opened at 10.15pm. No members of the public or press were present.*

**C30-03/18                    RESUMPTION OF ORDER OF BUSINESS – [02154, 08122]**

**MOVED** Mayor Jacob, **SECONDED** Cr Logan that Council **RESUMES** the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Taylor.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING****NOTICE OF MOTION – CR SOPHIE DWYER – FENCING AROUND PARK AMENITIES – [41676]**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Dwyer has given notice of her intention to move the following Motion at the Council meeting to be held on 17 April 2018:

***“That Council REQUESTS the Chief Executive Officer prepare a report investigating the provision of fenced areas within some public open spaces within the City of Joondalup around playgrounds, barbeques and other amenities where the presence of dogs may be a nuisance to park visitors.”***

**REASON FOR MOTION**

Dogs are much loved members of many families within our community and are welcome within many City of Joondalup parks, reserves and open spaces. The City of Joondalup relies on responsible ownership of dogs to ensure their presence does not create a negative experience for residents and visitors.

Exclusion zones already exist within the City of Joondalup which require owners to maintain effective control of their pets to ensure they do not enter these areas. Residents who witness dogs entering these areas are encouraged to contact City Rangers. Unless a City Ranger is within the reserve, there will be a delay before assistance is available to resolve the situation. Many residents may be unwilling to approach owners of dogs due to the perceived potential for conflict.

A physical barrier (fencing) to exclude dogs may support dog owners in keeping their pets away from playgrounds, barbeques, drinking fountains and seating areas. This would benefit all park visitors by:

- assisting dog owners maintain control of their pets and encourage them to continue using the City of Joondalup's open spaces
- avoid dog faeces in playgrounds to help maintain a healthy environment for children
- avoid human and dog interaction which is very important for those who are not comfortable with unknown dogs, particularly those afraid of dogs
- encourage use of open spaces by a larger variety of residents
- providing additional safety for children visiting playgrounds.

The Chief Executive Officer is requested to investigate the options for creating exclusion zones with a physical barrier to entry, the appropriate open spaces within the City of Joondalup which may benefit from fenced exclusion zones, a timeline for the installation of physical barriers and the estimated costs for elected members to consider.

#### **OFFICER'S COMMENT**

A report can be prepared.

#### **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 10.17pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR KERRY HOLLYWOOD  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR NIGE JONES  
CR CHRISTOPHER MAY  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR JOHN LOGAN  
CR RUSS FISHWICK, JP  
CR SOPHIE DWYER