

agenda

Ordinary Meeting of Council

NOTICE IS HEREBY GIVEN THAT THE NEXT
ORDINARY MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP WILL BE HELD IN
THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON **TUESDAY 19 NOVEMBER 2019**

COMMENCING AT **7.00pm**

GARRY HUNT
Chief Executive Officer
15 November 2019

www.joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are
requested to lodge questions in
writing by 9.00am on
Monday 18 November 2019

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

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

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting “Council” with “Committee” to provide proper context.

Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

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

Written questions should be sent via email to council.questions@joondalup.wa.gov.au

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

- 10 Statements will be summarised and included in the minutes of the Council meeting.

CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

CIVIC CENTRE EMERGENCY PROCEDURES

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.



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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information191119.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 19 November 2019** commencing at **7.00pm**.

GARRY HUNT
Chief Executive Officer
15 November 2019

Joondalup
Western Australia

VISION

“A global City: bold, creative and prosperous.”

PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

DISTINGUISHING VALUES

Bold

We will make courageous decisions for the benefit of our community and future generations.

Ambitious

We will lead with strength and conviction to achieve our vision for the City.

Innovative

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

Enterprising

We will undertake ventures that forge new directions for business and the local community.

Prosperous

We will ensure our City benefits from a thriving economy built on local commercial success.

Compassionate

We will act with empathy and understanding of our community's needs and ambitions.

AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor the Hon. Albert Jacob, JP will say a Prayer.

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

Disclosures of Financial Interest/Proximity Interest

Nil.

Disclosures of interest affecting impartiality

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

Name/Position	Cr John Logan.
Item No./Subject	CJ143-11/19 - Design WA Stage 2 - Precinct Design - City of Joondalup Submission.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's stepdaughter owns property in an HOA and, as such, potential exists for Design WA Stage 2 to impact that investment.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ150-11/19 - City of Joondalup Submissions - Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination; and mandatory Code of Conduct.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

Name/Position	Cr John Logan.
Item No./Subject	CJ157-11/19 - Provision of Automatic External Defibrillators in Community Centres.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is an active volunteer for a number of parties which regularly hire City managed community facilities.

PUBLIC QUESTION TIME

The following summarised questions were taken on notice at the Council meeting held on 8 October 2019:

Mrs M Kinsella, Citizens for health awareness Joondalup:

Re: 5G Telecommunications Tower.

Q2 Is the land at 33 Moondara Way, Joondalup part of City owned land that is leased and the City receives remuneration for?

A2 No. The portion of land that the water tower is located on is owned by the Water Corporation, therefore any lease arrangements would be between the telecommunications provider and the Water Corporation.

Mr J Raftis, Duncraig:

Mr Raftis stated his candidacy for the South-West ward in the upcoming Council Elections.

Re: Joondalup Performing Arts and Cultural Facility.

Q1 In the minutes for the Council meeting held on 21 May 2019, the Council was presented with an updated costing for the Joondalup Performing Arts and Cultural Facility (JPACF) of \$59 million for capital and requiring an annual operating subsidy of \$394,000 against the previous business case where the annual operating costs was \$863,000. However, in the 20 Year Financial Strategic Plan released in 2019 the capital cost is stated as \$59 million with an annual operating deficit of \$1.4 million, can it be clarified as to why the true operating cost to run the centre was not presented to the Council meeting?

Q2 Given that Council approved a resolution at the May meeting that noted the new capital and operating costs estimates of \$394,000, adopted the design concepts for further progression of the project and has since allocated \$450,000 from reserves for rescoping the performing arts centre in the new budget, should those decisions now be revisited given the true operating deficit was some 350% of what was initially presented to Council?

A1&2 The operating subsidy figure of \$394,000 reported to Council at its meeting held on 21 May 2019, Joondalup Performing Arts and Cultural Facility – Project Review Status (CJ066-05/19 refers) is the cash operating subsidy excluding escalation (as per Table heading). This is the same basis and therefore directly comparable to the \$863,000, in the same table, which is from the 2017 Business Case. The purpose was to illustrate the savings that can be demonstrated from a reduced build.

The figure of \$1.4 million, Item 21 in Table 7 of the *20 Year Strategic Financial Plan* is the operating deficit which in addition to cash includes escalation, interest and depreciation (as the table references indicate).

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Russ Fishwick, JP 4 November to 19 December 2019 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING HELD ON 8 OCTOBER 2019 AND SPECIAL COUNCIL MEETINGS HELD ON 22 OCTOBER 2019 AND 4 NOVEMBER 2019

RECOMMENDATION

That the Minutes of the following meetings of Council be **CONFIRMED** as a true and correct record:

- 1 **Ordinary meeting of Council held on 8 October 2019;**
- 2 **Special meeting of Council held on 22 October 2019;**
- 3 **Special meeting of Council held on 4 November 2019.**

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

CJ154-11/19 Confidential – Tender 009/19 – Processing of Commingled Recyclables.

PETITIONS

- 1 PETITION IN RELATION TO A REQUEST THAT COUNCIL NOT DEFER THE REFURBISHMENT OF THE MACNAUGHTON PARK CLUBROOMS, KINROSS – [01434, 05386]

A 38 signature petition has been received from residents of the City of Joondalup requesting Council resists further deferment of the \$850,000 *Capital Works Program* refurbishment of the MacNaughton Park clubrooms in Kinross.

The petitioners state limited funding has been spent upgrading this facility since first built in 1995, with facilities now being unhygienic and changerooms and toilets unsuitable for a facility that now caters for five local community groups and visiting sports community members.

- 2 PETITION IN RELATION TO INSTALLATION OF TRAFFIC CONTROLS AT THE INTERSECTION OF WALTER PADBURY BOULEVARD AND HEPBURN AVENUE, PADBURY – [01398, 10105, 05386, 08801]

A 32 signature petition has been received from residents of the City of Joondalup requesting:

- 1 provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;
- 2 Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed.

RECOMMENDATION

That the following petitions be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 **Petition in relation to the refurbishment of MacNaughton Park clubrooms, Kinross;**
- 2 **Petition in relation to installation of traffic controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.**

REPORTS**CJ141-11/19 DEVELOPMENT AND SUBDIVISION APPLICATIONS
– SEPTEMBER 2019**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – September 2019 Attachment 2 Monthly Subdivision Applications Processed – September 2019
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during September 2019.

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 annually, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during September 2019 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during September 2019 (Attachment 2 refers).

BACKGROUND

Clause 82 of schedule 2 (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 25 June 2019 (CJ078-06/19 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 September 2019 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	6	89
Strata subdivision applications	14	15
TOTAL	20	104

Of the 20 subdivision referrals, 12 were to subdivide in housing opportunity areas, with the potential for 13 additional lots.

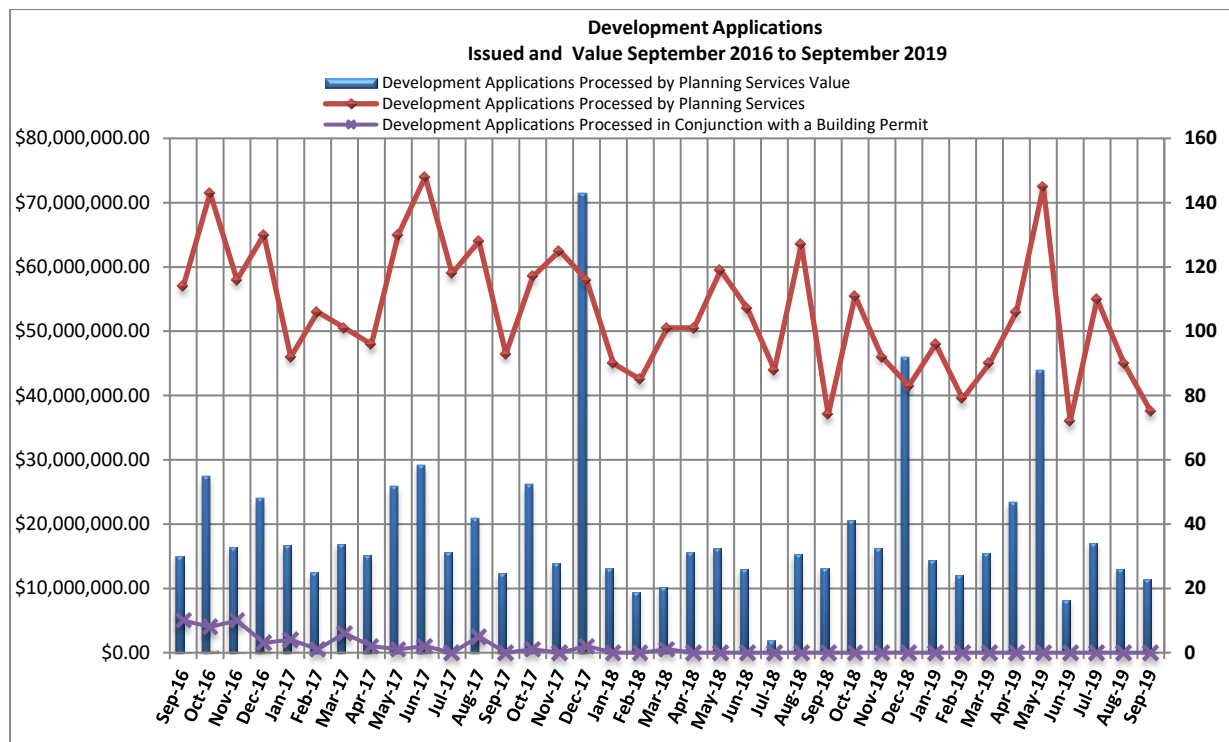
Development applications

The number of development applications determined under delegated authority during September 2019 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	75	\$11,438,844
TOTAL	75	\$11,438,844

Of the 75 development applications, eight were for new dwelling developments in housing opportunity areas, proposing a total of 10 additional dwellings.

The total number and value of development applications determined between September 2016 and September 2019 is illustrated in the graph below:



The number of development applications received during September 2019 was 80.

The number of development applications current at the end of September was 234. Of these, 39 were pending further information from applicants and eight were being advertised for public comment.

In addition to the above, 187 building permits were issued during the month of September with an estimated construction value of \$20,988,566.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative 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 may apply to the particular development.

Clause 82 of schedule 2 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 Clause 82 of schedule 2 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 75 development applications were determined for the month of September with a total amount of \$38,094.95 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 LPS3 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to Report CJ141-11/19 during September 2019;**
- 2 subdivision applications described in Attachment 2 to Report CJ141-11/19 during September 2019.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf191112.pdf](#)

CJ142-11/19 PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - LOT 15 (21) SHEPPARD WAY, MARMION

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	108315, 33662, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Scheme amendment map Attachment 3 Concept plans
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider an application to initiate an amendment to *Local Planning Scheme No. 3 (LPS3)* to change the density coding of Lot 15 (21) Sheppard Way, Marmion from R40 to “uncoded”.

EXECUTIVE SUMMARY

The City has received an application to initiate an amendment to *Local Planning Scheme No. 3 (LPS3)*, on behalf of the owners of Lot 15 (21) Sheppard Way, Marmion.

The land is zoned ‘Mixed-Use’ under LPS3 with a density code of R40 and is located within the *Sheppard Way Structure Plan* area (Attachment 1 refers). The site was previously a service station and is currently occupied by a dry-cleaning business.

Ultimately, the applicant seeks to redevelop the site with a mixed-use development including multiple dwellings (apartments).

'Uncoding' the land will mean that clause 26 of LPS3 will apply to the site. In line with the *Local Planning Strategy* and *Local Housing Strategy*, clause 26 of LPS3 sets out that lots with a land area of 1,000m² or more within the ‘Mixed-Use’ zone have a default density code of R80. Lots in the ‘Mixed-Use’ zone that are less than 1,000m² in size have a default density code of R40. Lot 15 (21) Sheppard Way, Marmion has a land area of 1,128m² and would, therefore, have a default density code of R80 (if no density code already applied to it).

Given that the site is located next to and in the same street block as the Marmion Village Shopping Centre and has a ‘Mixed-Use’ zoning, it is appropriate that the site be considered for development with a higher density than R40. This consideration should not be viewed as an ad-hoc amendment, the likes of which the City does not ordinarily support. Instead, given the proposal would align the ultimate outcome possible for the site more closely with the intent of both the City of Joondalup’s *Local Planning Strategy* and *Local Housing Strategy*, it could be viewed as adjustment of a coding anomaly for the site.

The scheme amendment is considered a standard amendment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) as the amendment is consistent with the *Local Planning Strategy*.

It is recommended that Council initiates the proposed amendment to LPS3 for the purposes of public advertising for a period of 42 days.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether a formal review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

Upon closure of the advertising period, a further report will be prepared for Council's consideration of the submissions received and for Council to decide whether to support the amendment, with or without modifications, or not support the amendment.

The Council's decision is then forwarded to the Western Australian Planning Commission, which makes a recommendation to the Minister for Planning, who is the decision-maker for scheme amendments.

BACKGROUND

Suburb/Location	Lot 15 (21) Sheppard Way, Marmion.
Applicant	Peter D Webb and Associates.
Owner	Mr E Marra, Mr D Beardmore, Mrs L Beardmore.
Zoning	LPS Mixed Use.
	MRS Urban.
Site area	1,128m ²
Structure plan	<i>Sheppard Way Structure Plan</i> .

Lot 15 (21) Sheppard Way, Marmion is zoned 'Mixed-Use' with a density code of R40 under LPS3 and is located in the southern part of Marmion, within the *Sheppard Way Structure Plan* area (Attachment 1 refers).

A dry-cleaning business is currently located on the site (formerly a service station). The site is bounded by two-storey, single dwellings to the east, the Marmion Village Shopping Centre carpark to the south and west, and Sheppard Way to the north. The wider surrounding area is characterised predominantly by single dwellings.

At its meeting held on 19 September 2006 (CJ163-09/06 refers), Council adopted the *Sheppard Way Structure Plan* over Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion, to facilitate a medium density mixed-use development. The corresponding scheme amendment at that time (Scheme Amendment No. 33) to the City's former *District Planning Scheme No. 2* (DPS2) rezoned the land from 'Commercial' with a density code of R20 to 'Mixed-Use' with a density code of R40.

The two lots were then amalgamated and subdivided into five new lots, comprising four vacant lots ranging in size from 216m² to 231m² and one large lot. The four smaller lots have since been developed with two-storey dwellings. The one large lot currently houses the dry-cleaning business and is the subject of this scheme amendment.

Former District Planning Scheme No. 2 / Local Planning Scheme No. 3

In accordance with the State Government's *Activity Centres Policy* and recommendations in both the City's *Local Planning Strategy* and *Local Housing Strategy* aimed at encouraging residential development within centres in order to provide greater housing choice, former DPS2 effectively removed residential density codes from the majority of 'Commercial' and 'Mixed-Use' sites, with the exception of those where a structure plan already applied.

A clause within the former DPS2 then allocated a residential density code to the land based on the size of the lot which stated:

"Unless a density code is specified on the Scheme Map, for lots with a land area of less than 1,000m² within the Commercial, Business or Mixed-Use zone on the Scheme Map the applicable density code is R40.

Unless a density code is specified on the Scheme Map, for lots with a land area of 1,000m² or more within the Commercial, Business or Mixed-Use zone on the Scheme Map the applicable density code is R80."

On 23 October 2018, LPS3 was gazetted and includes the previous DPS2 provisions (now clause 26(1) and (2) in LPS3), slightly modified to remove reference to the 'Business' zone as that zone no longer exists in LPS3.

As the subject site currently has a specified density code of R40 on the scheme map, clause 26 of LPS3 does not automatically apply to the site. The applicant therefore seeks to uncode the land to enable clause 26(2) of LPS3 to apply to allow a mixed-use development with a density code of R80.

DETAILS

An application has been received from Peter D Webb and Associates (planning consultant) on behalf of the owners of the land to initiate an amendment to LPS3 to recode Lot 15 (21) Sheppard Way, Marmion from R40 to 'uncoded'. The zoning of the land would remain as 'Mixed-Use' (Attachment 2 refers).

The applicant is ultimately seeking to develop the land with a mixed-use development with a maximum residential density of R80.

Applicant's submission

The applicant's justification in support of the scheme amendment is summarised as follows:

- The proposal is in accordance with the relevant state and local planning frameworks.
- The subject site is well-located adjacent to an existing Neighbourhood Shopping Centre (Marmion Village Shopping Centre).
- The subject site is in excess of 1,000m² in area and is orientated north-south which will ensure no detrimental effects of overshadowing on residential properties.
- The proposal is consistent with the City of Joondalup *Local Planning Strategy* and *Local Housing Strategy*.

The applicant has provided concept plans (Attachment 3 refers) showing possible future development of the site with one commercial tenancy and 13 apartments contained in two buildings with a maximum height of 12 metres (four storeys). It is noted that these plans are indicative only, represent one possible development outcome for the site, and may change.

Furthermore, the indicative concept plans were prepared in July 2018, prior to the release of *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* (SPP 7.3) which became operational on 24 May 2019. Any future development application for multiple dwellings on the site would need to be designed in accordance with SPP7.3, would be assessed against SPP7.3 and applicable City policies and would be subject to community consultation.

Issues and options considered

The subject site adjoins the Marmion Village Shopping Centre, which is classified as a Neighbourhood Centre under the *City of Joondalup Local Commercial Strategy* (2010). The *City of Joondalup Local Planning Strategy* (2017) contains strategic recommendations for housing, which include:

- promote compact residential development close to activity centres
- encourage diversity of housing in terms of lot sizes and housing types to reflect changing demographics.

Clause 26(2) of LPS3 is one of the implementation mechanisms for the above recommendations by allowing a density of R80 on lots 1,000m² or greater in size in the 'Mixed-Use' zone where a density code is not otherwise specified.

The existing R40 coding for the site was adopted over 10 years ago and the strategic planning and legislative context has changed since then via the State Government's *Directions 2031* and *Perth and Peel @3.5 Million* suite of documents and *Activity Centres Policy*; and the City of Joondalup's *Local Planning Strategy* and *Local Housing Strategy*. Given this, a higher density coding than the existing R40 coding is appropriate for consideration.

This consideration should not be viewed as an ad-hoc amendment, the likes of which the City does not ordinarily support. Instead, given the subject site is effectively part of the neighbourhood centre, and the proposal is consistent with the intent of the *City of Joondalup Local Planning Strategy* and *Local Housing Strategy* to allow a density code of R80 for lots zoned 'Mixed-Use' with a land area of 1,000m² or more, it could be viewed as adjustment of a coding anomaly for the site.

Uncoding the land would allow the development of single dwellings, grouped dwellings or multiple dwellings up to a maximum density coding of R80 on the site.

If future development of the site was undertaken at maximum development potential (multiple dwellings), such development would be assessed against SPP 7.3. Considering the acceptable development outcomes of SPP 7.3, the table below compares the possible multiple dwelling development outcomes for an R40 coded site versus an R80 coded site:

	R40	R80
Building height	two storeys (nine metres overall)	four storeys (15 metres overall)
Plot ratio	0.6	1.0
Boundary wall height	one storey	two storeys
Setbacks to boundaries		
• Primary and secondary	four metres primary 1.5 metres secondary	two metres
• Side	two metres	three metres
• Rear	three metres	three metres
• Average side/rear (where length >16 metres)	2.4 metres	3.5 metres

It is noted that prior to SPP7.3 coming into operation in May 2019, the former R-Codes had the same building height, plot ratio and street setback requirements for R80 as the current version of SPP7.3. Therefore, when clause 26(2) was introduced into the scheme, the height envisaged for residential development on larger, uncoded sites in the 'Commercial' and 'Mixed- Use' zones was four storeys.

In considering the appropriateness of the higher R80 code, it is noted that compared with the previous former R-Codes, SPP7.3 has more stringent requirements for tree canopy, deep soil areas, communal open space, solar and daylight access, natural ventilation and size and layout of dwellings.

Options

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

- proceed to advertise the amendment to the local planning scheme without modifications
- proceed to advertise the amendment to the local planning scheme with modifications or
- not proceed to advertise the amendment to the local planning scheme.

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

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

Strategic Community Plan**Key theme**

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Not applicable.

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

Part 5 of the *Planning and Development Act 2005* along with the LPS Regulations enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is consistent with the *City of Joondalup Local Planning Strategy* and would not result in any significant environmental, social, economic or governance impacts on land in the scheme area, it is considered to be a standard amendment under the LPS Regulations.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the EPA to decide whether or not a formal review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Local Planning Scheme No. 3

The proposal is to recode the subject site from R40 to uncoded. The 'Mixed-Use' zoning will remain the same. The objectives of the 'Mixed Use' zone (Table 2 of LPS 3) are:

Zone Name	Objectives
Mixed Use	<ul style="list-style-type: none"> • To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents. • To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.

The proposal is consistent with clause 26(2) of LPS 3 which allocates a residential density code of R80 on larger sites within the 'Mixed-Use' zone:

"Unless a density code is specified on the Scheme Map, for lots with a land area of 1,000m² or more within the Commercial or Mixed-Use zone on the Scheme Map the applicable density code is R80."

Risk management considerations

Should Council elect not to proceed to advertise the amendment, the amendment will not progress any further, unless Council is directed by the Minister for Planning under section 76 of the *Planning and Development Act 2005*.

Financial / budget implications

The applicant has paid fees of \$6,763.32 (including GST) to cover all costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising as the applicant is required to cover these costs separately.

Regional significance

Not applicable.

Sustainability implications

The proposal will allow more dwellings to be constructed on a site within an established suburb, close to parks, schools, public transport and adjacent to a shopping centre. This is consistent with the current local and state planning frameworks aimed at consolidating urban areas. A consolidated urban form provides for the more efficient use of urban land and infrastructure with improved access to public transport, shops and services, while minimising impacts on significant environment features.

Consultation

Should Council initiate the scheme amendment, it is required to be advertised for public comment for 42 days. It is proposed that advertising would be by way of:

- letters to adjoining and nearby landowners
- a notice placed in the Joondalup Times Newspaper
- a notice and documents placed on the City's website
- documents displayed at the City's administration building
- letters to relevant service authorities
- a sign on the site.

COMMENT

The subject site is effectively a part of the existing Marmion neighbourhood centre, and therefore the proposal is consistent with the intent of the City's *Local Planning Strategy* to encourage additional dwellings within these centres through the LPS3 provision to allow a density code of R80 for lots zoned 'Mixed Use' with a land area of 1,000m² or more. It is further considered that the new SPP 7.3 will provide an appropriate set of standards for residential development at the R80 code.

It is therefore recommended that Council initiates the proposed standard amendment to LPS3 for the purposes of public advertising.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 pursuant to section 75 of the *Planning and Development Act 2005* and regulation 47 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to proceed to advertise Scheme Amendment No. 7 to the *City of Joondalup Local Planning Scheme No. 3* to recode Lot 15 (21) Sheppard Way, Marmion from R40 to uncoded, as depicted in Attachment 2 to Report CJ142-11/19, for the purpose of public advertising for a period of 42 days;
- 2 pursuant to regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* NOTES that Scheme Amendment No. 7 is a standard amendment as the proposal is consistent with the *City of Joondalup Local Planning Strategy*.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf191112.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr John Logan.
Item No./Subject	CJ143-11/19 - Design WA Stage 2 - Precinct Design - City of Joondalup Submission.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's stepdaughter owns property in an HOA and, as such, potential exists for Design WA Stage 2 to impact that investment.

CJ143-11/19 DESIGN WA STAGE 2 - PRECINCT DESIGN - CITY OF JOONDALUP SUBMISSION

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106771, 101515
ATTACHMENTS	Attachment 1 Draft State Planning Policy 7.2 – Precinct Design Attachment 2 Draft State Planning Policy 7.2 – Precinct Design Guidelines Attachment 3 Precinct Design Planning Framework Discussion Paper Attachment 4 City of Joondalup draft submission
AUTHORITY / DISCRETION	Advocacy – Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.

PURPOSE

For Council to consider and endorse the City of Joondalup submission on draft *State Planning Policy 7.2 – Precinct Design (SPP 7.2)*.

SPP 7.2 is a draft policy prepared by the State Government as part of its 'Design WA' suite of documents.

The commentary and recommendation included in this report, and in the submission (Attachment 4 refers), do not seek and will not commit Council to any course of action in relation to precinct plans at this stage. Rather, the report seeks Council's endorsement of the City's submission on a draft State Government policy that has been released for public comment.

EXECUTIVE SUMMARY

Design WA is a State Government initiative to ensure good design is at the centre of all development in Western Australia.

Design WA **Stage One** was released in May 2019 and comprises:

- the overarching *State Planning Policy 7 – Design of the Built Environment (SPP 7.0)*
- a State planning policy to guide apartment development
- a guide for the implementation of design review panels.

The Western Australian Planning Commission (WAPC) has recently released Design WA **Stage Two** (Precinct Design) for public comment. **Stage Two** consists of:

- draft *State Planning Policy 7.2 - Precinct Design (SPP 7.2)*
- an accompanying set of guidelines
- a discussion paper.

Precinct Design has been prepared by the State Government to guide land use planning and development outcomes in areas that require a high level of planning. This includes areas with higher levels of density and infill, urban corridors, station precincts, activity centres and heritage precincts.

Precinct Design seeks to do this by implementing 'precinct plans' over designated areas.

While there is some merit in the concept of introducing a precinct design framework, further refinement and clarification of the draft policy and accompanying documents is required to understand how it will apply and what the implications may be for the City of Joondalup.

In inviting comments, the State Government prepared an online survey to assist with analysis of the submissions. The City has prepared comments in this format (Attachment 4 refers), however key matters are also outlined in the report below.

It is recommended that Council endorses Attachment 4 as the City of Joondalup submission on the draft documents and forwards the submission to the WAPC. The comments are made in the format and order set out in the WAPC's survey and are grouped as follows:

- Draft *State Planning Policy 7.2 – Precinct Design* - (Attachment 1 refers).
- Draft *State Planning Policy 7.2 – Precinct Design Guidelines* - (Attachment 2 refers).
- *Precinct Design Planning Framework Discussion Paper* - (Attachment 3 refers).

BACKGROUND

Design WA

Design WA is part of a State Government planning reform initiative aimed at ensuring that good design is at the centre of all development in Western Australia. Design WA **Stage One** was released by the Minister for Planning on 24 May 2019 and includes the following:

- *State Planning Policy 7.0 (SPP 7.0): Design of the Built Environment.*

SPP 7.0 is the lead policy that elevates the importance of design quality across the whole built environment. It includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process.

- *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP 7.3 Vol. 2).*

SPP 7.3 Vol. 2 is a policy for apartments and mixed-use developments which focuses on improved design outcomes for apartments; it replaced place Part 6 of the R-Codes.

- *Design Review Guide.*

The Design Review Guide works with SPP 7.0 to assist local governments with the establishment and operation of design review panels and supports consistency in design review processes already in operation across the State. It also provides a framework for the operation of the State Design Review Panel.

Design WA **Stage Two** (Precinct Design) was released for public comment in August 2019. The purpose of Precinct Design is to guide the preparation and assessment of planning proposals for areas that require a high level of planning, such as higher levels of density and infill, urban corridors, station precincts, activity centres and heritage precincts.

Precinct Design seeks to do this by implementing 'precinct plans' over designated areas.

Existing planning instruments

There is already a range of different planning instruments within the existing planning framework that facilitates planning over precincts including:

- *Local Housing Strategies.*

Local housing strategies provide the rationale and context for future housing needs and density within a local government.

- *Local Structure Plans.*

Local structure plans coordinate future subdivision and zoning of land. They usually apply to undeveloped land where the road system and lot layout has not been established. They can be as large as a district or suburb such as the *Burns Beach Structure Plan*, or in a smaller infill area such as the *MacNaughton Crescent Structure Plan* in Kinross.

- *Activity Centre Plans.*

Activity centre plans coordinate subdivision, zoning and development of an activity centre (which are generally commercial centres). There are different scales of activity centres, from smaller centres like the Sorrento Activity Centre to larger centres like the Whitford Activity Centre and strategic metropolitan centres like the Joondalup Activity Centre.

- *Local Development Plans.*

Local development plans set out more specific / detailed site and development standards that apply to a development.

There are instances where Precinct Design is intended to replace some of these existing planning instruments, however it appears there are also other instances where Precinct Design could create an additional layer of planning in conjunction with these existing planning instruments.

DETAILS

Precinct Design Structure

Design WA **Stage 2** (Precinct Design) comprises:

- Draft *State Planning Policy 7.2 – Precinct Design* - (Attachment 1 refers).
- Draft *State Planning Policy 7.2 – Precinct Design Guidelines* - (Attachment 2 refers).
- *Precinct Design Planning Framework Discussion Paper* - (Attachment 3 refers).

Precinct Design is intended to be the lead policy to guide land use planning, design and development outcomes for areas that require a high level of planning and design focus due to their complexity (Attachment 1 refers).

Precinct Design seeks to achieve this through applying ‘precinct plans’ over designated areas (a precinct).

SPP 7.2 identifies the following general precinct types:

- Activity centres.
- Station precincts.
- Urban corridors.
- Residential infill.
- Heritage precinct.

Draft *State Planning Policy 7.2 – Precinct Design Guidelines* is underpinned by the 10 Design Principles contained in *State Planning Policy 7.0 - Design of the Built Environment* and introduces the concept of design review into precinct planning through seven performance-based design elements (Attachment 2 refers).

The *Precinct Design Planning Framework Discussion Paper* considers the potential impacts and changes that may be required to the planning framework to support effective implementation of the policy (Attachment 3 refers).

Precinct Design states that a precinct should be identified in a local planning strategy or planning scheme or otherwise identified as a precinct by the WAPC. A precinct plan is then developed to guide the design, assessment and control of subdivision, land use and development in that precinct.

Precinct Design defines two types of precinct plan – ‘complex’ and ‘standard’.

Complex precinct plans are required to be determined by the WAPC and standard precinct plans are able to be determined by the local government, unless the WAPC considers the precinct to be of strategic significance, in which case the WAPC will be the determining authority.

Application of Precinct Design to the City of Joondalup

Based on the general precinct types defined in draft SPP 7.2, precinct plans could be required in the future strategic planning of the following areas in the City:

- Larger activity centres in-lieu of an Activity Centre Plan:
 - Joondalup Activity Centre - once the current plan has expired.
 - Whitford Activity Centre - once the current plan has expired.
 - Warwick Activity Centre.
- Smaller centres.
- Infill structure plan areas (like the redevelopment of former school sites).
- Housing Opportunity Areas.

Precinct Design is not intended to apply to greenfield development and therefore it is understood it will not apply to undeveloped greenfield structure plan areas such as those within Burns Beach or Iluka.

Key Issues

While there is some merit in the introduction of a precinct design framework, further refinement and clarification of the draft policy and accompanying documents is required to understand how it will apply to the City of Joondalup and what the implications may be.

The key issues identified with the Precinct Design documents are set out below, however a more comprehensive submission, prepared in direct response to the specific questions posed in the survey by the State Government, is provided as Attachment 4 to Report CJ143-11/19.

Integration with existing planning instruments

While the documents outline what Precinct Design seeks to achieve and what type of areas or precincts it will apply to, there are existing planning instruments within the existing planning framework that already facilitate planning over these precincts.

The Precinct Design documents are not clear how and in what instances draft SPP 7.2 and the accompanying guidelines will integrate with existing planning instruments.

For example, while it is stated that a precinct plan will replace activity centre plans, it is unclear whether precinct plans would also replace or would sit alongside local structure plans such as those currently required for residential infill projects to redevelop former school sites. It is also unclear in what instances a precinct plan would replace or apply in addition to local development plans.

Precinct plans may apply in addition to other planning instruments for residential infill areas within existing suburbs, like the City's Housing Opportunity Areas. However, it is not clear whether precinct plans would apply to existing Housing Opportunity Areas or whether they would only be required if the City ever decided to identify new Housing Opportunity Areas (precincts) sometime in the future.

This lack of clarity and potential for duplication of planning could create confusion for stakeholders and become burdensome for those responsible for preparation and administration of planning instruments.

In instances where Precinct Design will apply in addition to existing planning instruments there is a possibility this will add another layer to the planning system, which seems contrary to the State Government's goal of reducing red tape and streamlining the planning system.

Residential infill contexts

Precinct Design is intended to apply to infill precincts, however the documents do not adequately acknowledge or address the different contexts in which residential infill can occur.

For example, in the City of Joondalup, residential infill is occurring in existing activity centres (like the Joondalup Activity Centre), existing established suburbs (Housing Opportunity Areas) and as part of repurposing vacant former school sites (like the former East Greenwood Primary School site).

Although the Precinct Design documents provide adequate distinction between the infill occurring in an activity centre and not, there is no clear distinction between the two other types of residential infill occurring in the City.

The development of a new three-storey multiple dwelling development on a single lot in an existing built-out residential area is very different to the redevelopment of a larger vacant former school site. However, it appears Precinct Design will apply the same precinct plan requirements to two very different residential infill settings that each have their own unique set of considerations.

For example, Precinct Design requires early consideration and planning of the urban structure, movement network and open space areas of a precinct. While consideration of these factors is necessary when planning and redeveloping a larger, vacant former school site, these key structural elements are already established in an infill environment such as the City's Housing Opportunity Areas.

Implementation

Precinct Plan Preparation

The Precinct Design documents do not clearly indicate who is responsible for preparing precinct plans. The policy should make this clear, taking into consideration the cost of preparing the plan and the number of precinct plans that may be required within a local government area.

In many cases, it appears that the local government is responsible for preparing certain precinct plans, like those for residential infill and station precincts; however, some local governments may not have the specialist technical experts, funds or resourcing to prepare all the precinct plans required.

Consideration should be also given to the State Government providing funding or technical assistance to local governments to prepare these plans, particularly when precincts are responding to State-level or State-implemented planning objectives.

Determination of Precinct Plans

The Precinct Plan documents outline that precinct plans are intended to be determined by the WAPC in most circumstances, but that some standard precinct plans could be determined by local government.

It is considered that this uncertainty could create confusion for applicants and the community about who the approval authority would be. It may be more appropriate to make it clear in these documents which authority determines what.

It is suggested in the documents that all precinct plans should be submitted to the WAPC and the WAPC would then decide whether they determine the precinct plan or whether the local government can determine it. This is not supported as this is time consuming and will not streamline the planning process.

Progressing Existing Projects

It is unclear in the Precinct Design documents whether planning instruments, like the draft new local planning policy and scheme amendment for the Housing Opportunity Areas, which are currently being progressed, but may require a precinct plan under draft SPP 7.2, can be finalised without requirement to align with draft SPP 7.2.

Strategic Importance Criteria

The Precinct Plan documents outline that in instances of strategic importance, the WAPC will be the determining authority for a standard Precinct Plan instead of the local government. There is no clear set of criteria provided to identify what is considered to be 'strategic importance' which potentially creates uncertainty for both local governments, external proponents and the community on the process and timeframes associated with finalising a Precinct Plan.

Options

The options available to Council in considering the draft Precinct Design documents and the City's submission are as follows:

- endorse the proposed submission and forward to the WAPC
- endorse the proposed submission with modifications and forward to the WAPC
- or
- not endorse the proposed submission.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>Planning and Development Act 2005.</i>
	<i>Planning and Development (Local Planning Schemes) Regulations 2015.</i>
	<i>Local Planning Scheme No. 3.</i>

Strategic Community Plan

Key theme	Governance and Leadership.
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Objective	Strong leadership.
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Strategic initiative	Participate in State and Federal policy development processes affecting local government.
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Key theme	Quality Urban Environment.
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Objective	Quality built outcomes.
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Strategic initiative Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

Risk management considerations

The State Government has prepared the draft *Precinct Design Framework* and it will be the State Government who will decide if the framework is introduced and in what form.

The draft *Precinct Design Framework* proposes potentially significant changes to the State's planning system, particularly in regard to activity centre planning and planning for infill development, both of which are relevant to the City of Joondalup.

If the framework is introduced, the City may be required to implement its requirements as part of future planning projects, and it is therefore important that a submission outlining issues and recommendations is provided.

Financial / budget implications

The implementation of the *Precinct Design Framework* will potentially have significant financial implications for the City; however, they are difficult to quantify at this stage. The following additional costs could be incurred through:

- more referrals to the Joondalup Design Reference Panel, with precinct plans potentially being presented at least twice to the panel for feedback
- the requirement to prepare a precinct plan where previously no plan was required, such as station precincts, urban corridors, neighbourhood and local centres
- the need for the preparation of background reports which may require specialised services and the engagement of external consultants
- the need for conceptual illustrations to be prepared by external consultants.

Regional significance

The *Precinct Design Framework* will apply across the State and will have significant impacts on all local government areas.

Sustainability implications

A key objective outlined in draft SPP 7.2 is to ensure precinct planning and design processes deliver good-quality built environment outcomes that provide social, economic and environmental benefit to those who use them.

SPP 7.2 guides the development of precincts that will be located around centres and public transport nodes, to increase the population living near public transport.

Design element 1 of SPP 7.2, titled 'Urban Ecology', contains considerations that address the need to design precincts with energy efficient designs, which will minimise energy and resource consumption.

Consultation

The WAPC ran a consultation period on the draft policy and guidelines from 13 August 2019 until 15 October 2019.

City officers attended a briefing held on Precinct Design by the Department of Planning, Lands and Heritage held on 9 September 2019.

Due to the Council meeting cycle following the briefing it was not possible to provide a submission within the original timeframe set by the WAPC.

However, the WAPC has granted an extension of time to the City (and a number of other local governments) until the end of November 2019 to allow Council to consider the City's submission at its meeting to be held on 19 November 2019.

COMMENT

The concept of the *Precinct Design Framework* is generally supported if it assists in providing better planning and design outcomes and streamlines the planning process.

There are however a number of key issues that are highlighted in this report that require further consideration by the WAPC, particularly in relation to how Precinct Design integrates with the existing planning framework, how well it accommodates all types of residential infill and how it will be effectively implemented.

The City's submission also outlines a number of clarifications and changes which are recommended to ensure the process is not overly burdensome and is appropriate for the type of precinct plan being prepared.

It is recommended that Council endorses the comments in Attachment 4 to Report CJ143-11/19 as the City's submission on the draft *State Planning Policy 7.2 – Precinct Design* and associated documents. The comments are made in the format and order set out in the WAPC's survey and are grouped as follows:

- *Draft State Planning Policy 7.2 – Precinct Design* - (Attachment 1 refers).
- *Draft State Planning Policy 7.2 – Precinct Design Guidelines* - (Attachment 2 refers).
- *Precinct Design Planning Framework Discussion Paper* - (Attachment 3 refers).

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the City of Joondalup's submission on Design WA Stage 2 - Precinct Design as shown in Attachment 4 to Report CJ143-11/19 and forwards it to the Western Australian Planning Commission.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf191112.pdf](#)

CJ144-11/19 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENTS	Attachment 1 Documents sealed by affixing the common seal during the period 3 September 2019
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 3 September to 8 October 2019.

EXECUTIVE SUMMARY

The City enters into various agreements by affixing the 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 3 September to 8 October 2019, as detailed in Attachment 1 to Report CJ144-11/19.

BACKGROUND

For the period 3 September to 8 October 2019, 11 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Licence	2
Deed of Easement	1
Deed of Variation to Lease	1
Section 70A Notification	7

DETAILS**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.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 3 September to 8 October 2019, as detailed in Attachment 1 to Report CJ144-11/19.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf191112.pdf](#)

CJ145-11/19 TAMALA PARK REGIONAL COUNCIL - NEW POWER OF ATTORNEY

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	41196, 101515
ATTACHMENTS	Attachment 1 Table of various current Powers of Attorney in relation to TPRC Attachment 2 New Power of Attorney Attachment 3 Revocation of Power of Attorney M35057 Attachment 4 Revocation of Power of Attorney M402571
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to authorise the Mayor and Chief Executive Officer to execute:

- 1 A new Power of Attorney, on behalf of the City, in favour of the Tamala Park Regional Council (TPRC) to enable it to enter into land dealings concerning the following Tamala Park Land being:
 - (a) Lot 9001 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 174;
 - (b) Lot 9510 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 175;
 - (c) Lot 9511 on Deposited Plan 73462 and being the whole of the land comprised in Certificate of Title Volume 2790 Folio 176.
- 2 The Revocation of the following existing Powers of Attorney:
 - (a) Revocation of Power of Attorney M35057, dated 31 July 2012, wherein John Anthony Arias, Chief Executive Officer, Tamala Park Regional Park Council was granted Power of Attorney, as detailed in Attachment 3 to Report CJ145-11/19;
 - (b) Revocation of Power of Attorney M402571, dated 13 September 2013 wherein the named Chief Executive Officers of the seven Member Councils and the Chief Executive Officer and Senior Project Officer of Tamala Park Regional Council, jointly and severally, were granted Power of Attorney, as detailed in Attachment 4 to Report CJ145-11/19.

EXECUTIVE SUMMARY

The TPRC has requested each of the seven participating local government members of the TPRC, which jointly own the Tamala Park Land, to grant a new Power of Attorney to its Chief Executive Officer to execute all documents necessary for the disposal of the land.

In 2012 and 2013 a number of powers of attorney were granted by the local government participants to persons who were at that time Chief Executive Officers (CEOs) of the local government participants (and also to the Chief Executive Officer of the TPRC) for the purpose of enabling the TPRC to carry out the marketing and sale of the Tamala Park Land. The various powers of attorney are identified in Attachment 1 of this Report.

Following a review of powers of attorney granted in 2013, it was noted that many of the persons named as grantees are no longer the current CEOs of the local government participants. This makes the powers of attorney granted in 2013 out of date.

It was proposed that new powers of attorney are entered into by each local government participant and in the new powers of attorney that the appointment is of the named position of Chief Executive Officer and Acting Chief Executive Officer in each of the relevant local governments and TPRC rather than the individual named persons. All other aspects of the powers of attorney granted in 2013 are to remain the same, including to:

- execute contracts of sale which includes the decision to sell, the selling price and the terms and conditions of sale
- execute transfer of land documents
- execute documents for easements, surrender of easements, caveats and withdrawal of caveats
- manage the allocation of the proceeds of sales in accordance with the *Establishment Agreement*.

These new powers of attorney will prevent the necessity of having to revoke and enter into new powers of attorney when a named person is no longer employed by a local government participant.

It is also proposed that subject to the new powers of attorney being entered into, all the previous powers of attorney granted by the local government participants are revoked.

Acceding to the present request will enable the TPRC to continue to progress the sales process.

A copy of the new Power of Attorney is detailed at Attachment 2 to Report CJ145-11/19.

BACKGROUND

The TPRC was formed under Part 3, Division 4 of the *Local Government Act 1995* and as per the *Act* is governed by an *Establishment Agreement* to which the following seven local governments are participants:

- City of Joondalup.
- City of Perth.
- City of Stirling.
- City of Vincent.
- City of Wanneroo.

- Town of Cambridge.
- Town of Victoria Park.

The TPRC is a regional local government established for the purpose of undertaking the rezoning, subdivision, development, marketing and sale of the Tamala Park Land, now known as the Catalina Estate.

The TPRC was established by proclamation in the *Government Gazette* on 3 February 2006 for the specific purpose of creating an urban development on a 180 hectare portion of Lot 9504 (432 hectare site, comprising the aforementioned urban development and the Mindarie Regional Council's landfill operations).

The objectives of the TPRC are to:

- develop and improve the value of the land
- maximise, within prudent risk parameters, the financial return to the participants
- balance economic, social and environmental issues
- produce a quality development demonstrating the best urban design and development practice.

The Catalina Estate is anticipated to comprise 2,500 lots / dwelling units, a range of densities R30-60 and R80-100, diverse housing opportunities and a number of activity areas. Significant progress has been made on the Catalina Project since the first phase of works commenced in 2011. Over 950 lots have been released for sale with 930 lots being sold, 875 homes completed and another 14 currently under construction. A range of lot types and sizes have been produced supporting a diverse mix of housing, from large 4 x 2 family homes on lots in the order of 450m² to terraced cottage style housing on lots of 225m².

The focus for the 2019-20 financial year is on consolidating the Tamala Park Project as a significant urban project in Perth's Northern Coast. This will be achieved through the construction and sale of lots within Catalina Central and at Catalina Beach and progression of planning for Catalina Grove.

The Catalina Project is anticipated to generate a project profit of \$330 million, with \$73 million having been distributed to member local governments to date.

Although the TPRC was formed to undertake the development and disposal of the urban development, the TPRC does not own the land. The local government owners still hold title to the land jointly themselves. The TPRC has authority to act on land transactions on behalf of the owners.

The local government owner interests are represented by Elected Members from each local government who sit on the Council of the TPRC. The level of representation and hence voting rights on the Council are determined in proportion of each of the local government owner's share in the ownership of the land.

From the original three local governments who owned a third each, the subsequent splits of the Cities of Perth and Wanneroo have resulted in the current ownership as follows:

Ownership Interest	
Council	Share
Town of Cambridge	1/12
City of Perth	1/12

Ownership Interest	
Council	Share
Town of Victoria Park	1/12
City of Vincent	1/12
City of Joondalup	2/12
City of Wanneroo	2/12
City of Stirling	4/12

DETAILS

In 2011, the TPRC obtained legal advice which recommended that each local government participant grant a Power of Attorney in favour of the TPRC. The advice concluded that the provisions of the Tamala Park Regional Council *Establishment Agreement*, construed in conjunction with the *Local Government Act 1995* concerning regional councils, enabled a participant to execute a Power of Attorney in favour of the TPRC for the sale of the Tamala Park Land.

In light of TPRC's experience with the sales process, the Chief Executive Officer subsequently requested that each of the participants execute a modified Power of Attorney to enable the TPRC Chief Executive Officer and further the Senior Projects Officer, in the absence of the TPRC Chief Executive Officer, all the necessary powers in dealing with the Tamala Park Land, including to:

- execute contracts of sale which includes the decision to sell, the selling price and the terms and conditions of sale
- execute transfer of land documents
- execute documents for easements, surrender of easements, caveats and withdrawal of caveats
- manage the allocation of the proceeds of sales in accordance with the *Establishment Agreement*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Foster strategic alliances to deliver key transformational projects and initiatives in partnership with key stakeholders

Policy Not applicable.

Risk management considerations

It is important to avoid any uncertainty in the TPRC's dealings with the Tamala Park Land.

Financial / budget implications

Not applicable.

Regional significance

As a member local government of the TPRC, it is important that the City of Joondalup acts to ensure the continuing efficacy of the Regional Council in the implementation of the Tamala Park project.

Sustainability implications

Not applicable.

Consultation

Nil.

COMMENT

It is recommended that Council accedes to the request from the TPRC to execute the new Power of Attorney to facilitate the efficient implementation of the Tamala Park project.

The Power of Attorney and Revocations of Power of Attorney are to be executed under seal by the Mayor and Chief Executive Officer.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ACCEDES to the request from the Tamala Park Regional Council to grant a new Power of Attorney concerning all necessary dealings with the Tamala Park Land;**
- 2 AUTHORISES the Mayor and the Chief Executive Officer to execute the new Power of Attorney, as detailed in Attachment 2 to Report CJ145-11/19 and AUTHORISES the common seal to be affixed;**
- 3 AUTHORISES the Mayor and the Chief Executive Officer to execute the Revocation of Power of Attorney M35057, as detailed in Attachment 3 to Report CJ145-11/19 and AUTHORISES the common seal to be affixed;**
- 4 AUTHORISES the Mayor and the Chief Executive Officer to execute the Revocation of Power of Attorney M402571, as detailed in Attachment 4 to Report CJ145-11/19 and AUTHORISES the common seal to be affixed.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf191112.pdf](#)

CJ146-11/19 MINUTES OF EXTERNAL COMMITTEES

WARD	All								
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy								
FILE NUMBER	03149, 41196								
ATTACHMENTS	<table><tr><td>Attachment 1</td><td>Minutes of Mindarie Regional Council meeting held on 19 September 2019.</td></tr><tr><td>Attachment 2</td><td>Minutes of Mindarie Regional Council special meeting held on 26 September 2019.</td></tr><tr><td>Attachment 3</td><td>Minutes of Tamala Park Regional Council meeting held on 17 October 2019.</td></tr><tr><td>Attachment 4</td><td>Minutes of Mindarie Regional Council special meeting held on 17 October 2019.</td></tr></table> <p>(Please note: These minutes are only available electronically).</p>	Attachment 1	Minutes of Mindarie Regional Council meeting held on 19 September 2019.	Attachment 2	Minutes of Mindarie Regional Council special meeting held on 26 September 2019.	Attachment 3	Minutes of Tamala Park Regional Council meeting held on 17 October 2019.	Attachment 4	Minutes of Mindarie Regional Council special meeting held on 17 October 2019.
Attachment 1	Minutes of Mindarie Regional Council meeting held on 19 September 2019.								
Attachment 2	Minutes of Mindarie Regional Council special meeting held on 26 September 2019.								
Attachment 3	Minutes of Tamala Park Regional Council meeting held on 17 October 2019.								
Attachment 4	Minutes of Mindarie Regional Council special meeting held on 17 October 2019.								
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').								

PURPOSE

For Council to 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 19 September 2019.
- Minutes of Special Mindarie Regional Council meeting held on 26 September 2019.
- Minutes of Tamala Park Regional Council meeting held on 17 October 2019.
- Minutes of Special Mindarie Regional Council meeting held on 17 October 2019.

DETAILS**Mindarie Regional Council Meeting – 19 September 2019 and Special Council meeting - 26 September 2019**

Meetings of the Mindarie Park Regional Council were held on 19 September 2019 and 26 September 2019 respectively.

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

Tamala Park Regional Council – 17 October 2019

A meeting of the Tamala Park Regional Council was held on 17 October 2019.

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

The attached minutes detail those matters that were discussed at these external meetings that may be of interest to the City of Joondalup.

Mindarie Regional Council – Special Council meeting – 17 October 2019

A special meeting of the Mindarie Regional Council was held on 17 October 2019.

At the time of this meeting Cr Mike Norman and Cr Russ Fishwick, JP were Council's representatives to the Mindarie Regional Council. At its meeting held on 8 October 2019 (CJ138-10/19 refers), Council appointed Mayor Hon. Albert Jacob, JP as deputy member to act on behalf of Cr Russ Fishwick, JP to represent the City at any meetings of the Mindarie Regional Council held between 16 to 22 October 2019 as Cr Fishwick was on leave of absence during that timeframe.

The attached minutes detail those matters that were discussed at these external meetings that may be of interest to the City of Joondalup.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **NOTES** the minutes of the:

- 1 Mindarie Regional Council meeting held on 19 September 2019 forming Attachment 1 to Report CJ146-11/19;**
- 2 Mindarie Regional Council special Council meeting held on 26 September 2019 forming Attachment 2 to Report CJ146-11/19;**
- 3 Tamala Park Regional Council meeting held on 17 October 2019 forming Attachment 3 to Report CJ146-11/19;**
- 4 Mindarie Regional Council special Council meeting held on 17 October 2019 forming Attachment 4 to Report CJ146-11/19.**

To access this attachment on electronic document, click here: [ExternalMinutes191112.pdf](#)

CJ147-11/19 SETTING OF 2020 COUNCIL MEETING DATES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	08122, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to set its meeting dates for the 2020 calendar year.

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1995*, it is necessary for a local government to give local public notice of its Ordinary Council Meeting dates for the next 12 months.

It is recommended the current monthly timeframe for meetings be maintained and deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

At its meeting held on 12 December 2006 (CJ236-12/06 refers), Council introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions, or for scheduling various committee meetings.

At its meeting held on 30 September 2008 (CJ196-09/08 refers), Council adopted a revised cycle based on a monthly timeframe; that is each Tuesday was set aside for either a Strategy Session (first Tuesday), Briefing Session (second Tuesday) or Council Meeting (third Tuesday). This allowed the fourth and fifth Tuesday (when they occur) of the month to be available for various other non-standard meetings to be scheduled where required.

DETAILS

The proposed meeting schedule is based on the monthly timeframe that commenced in 2009. Maintaining the monthly meeting cycle will provide a level of continuity for members of the public.

The meeting scheduled for the 18 August 2020 has a commencement time of 12.00 noon to enable attendance and participation by high school students.

In order to accommodate the Christmas holiday period, the December meetings have been scheduled one week earlier, as is current practice.

In respect of other changes to the regular monthly meeting cycle, the Australian Local Government Association (ALGA) will be holding its Annual National General Assembly Conference in Canberra between 14 and 17 June 2020. Therefore it is recommended the Council meeting in June (scheduled to occur in that week of June) be moved to the fourth week in June to enable Elected Members to attend the conference, should they wish to do so.

Issues and options considered

Council can either:

- adopt the proposed meeting dates
or
- adopt a modified set of meeting dates.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
Local Government (Administration) Regulations 1996.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Failure to set and advertise Council's meeting dates will contravene the requirements of the *Local Government Act 1995*.

Financial / budget implications

Current financial year impact

Account no.	1.526.A5202.3277.0000.
Budget Item	Advertising – Public and Statutory.
Budget amount	\$ 4,000
Amount spent to date	\$ 0
Proposed cost	\$ 679
Balance	\$ 3,321

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is recommended the current monthly timeframe for meetings be maintained for 2020, subject to the:

- June Council meeting being moved to the fourth week in June to enable Elected Members to attend the ALGA Annual National General Assembly Conference in Canberra between 14 and 17 June 2020, should they wish to do so
- August Council meeting commencing at 12.00 noon to enable attendance and participation by high school students
- December meetings being scheduled one week earlier in order to accommodate the Christmas holiday period.

A schedule of committee meeting dates has been developed, cognisant of the desire to streamline the scheduling of committee meetings so they are held either on the same day as other scheduled meetings, or on the Monday, Tuesday or Wednesday of weeks one, two and three so to minimise potential conflicts with other Council activities and provide a 'meeting-free' week in the fourth week of each month, thereby making more effective use of Elected Members' attendance and time.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **SETS** the following meeting dates and times for the Council of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Briefing Sessions To be held at 6.30pm in the Council Chamber	Council meetings To be held in the Council Chamber
Tuesday 11 February 2020	7.00pm on Tuesday 18 February 2020
Tuesday 10 March 2020	7.00pm on Tuesday 17 March 2020
Tuesday 14 April 2020	7.00pm on Tuesday 21 April 2020
Tuesday 12 May 2020	7.00pm on Tuesday 19 May 2020
Tuesday 9 June 2020	7.00pm on Tuesday 23 June 2020
Tuesday 14 July 2020	7.00pm on Tuesday 21 July 2020
Tuesday 11 August 2020	12.00 noon on Tuesday 18 August 2020
Tuesday 8 September 2020	7.00pm on Tuesday 15 September 2020
Tuesday 13 October 2020	7.00pm on Tuesday 20 October 2020
Tuesday 10 November 2020	7.00pm on Tuesday 17 November 2020
Tuesday 1 December 2020	7.00pm on Tuesday 8 December 2020

- 2 in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, GIVES local public notice of the meeting dates detailed in Part 1 above;
- 3 INVITES a number of students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12.00 noon on Tuesday 18 August 2020;
- 4 NOTES the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Zone meetings are generally scheduled to be held on Thursdays;
- 5 AGREES that, where possible, no meetings are to be scheduled in the fourth week of every month;
- 6 NOTES that, where possible, meetings for designated Council committees be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month to minimise potential conflicts with other Council activities.

CJ148-11/19 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2019

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENTS	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 July 2019 to 30 September 2019 Attachment 2 Capital Works Program Quarterly Report for the period 1 July 2019 to 30 September 2019
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 July to 30 September 2019 and the *Capital Works Quarterly Report* for the period 1 July to 30 September 2019.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2019-20 – 2023-24* is the City's five year delivery program which is aligned to the strategic direction and priorities set within the 10 year *Strategic Community Plan: Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five year period and also specific milestones for projects and priorities in the first year (2019-20).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 July to 30 September 2019 provides information on the progress of 2019-20 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ148-11/19.

A *Capital Works Quarterly Report*, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ148-11/19.

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 July to 30 September 2019 which is shown as Attachment 1 to Report CJ148-11/19;*
- 2 *Capital Works Quarterly Report for the period 1 July to 30 September 2019 which is shown as Attachment 2 to Report CJ148-11/19.*

BACKGROUND

The City's *Corporate Business Plan 2019-20 – 2023-24* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

The *Corporate Business Plan 2019-20 – 2023-24* was endorsed by Council at its meeting held on 20 August 2019 (CJ102-08/19 refers). The plan contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2019-20 financial year.

The City's *Corporate Reporting Framework* requires the development of quarterly reports against annual projects and priorities which are presented to Council on a quarterly basis.

The City's *Corporate Business Plan* and quarterly reports are in line with the Department of Local Government, Sport and Cultural Industries' *Integrated Planning Framework* which requires planning and reporting on local government activities.

DETAILS

Issues and options considered

The *Corporate Business Plan Quarterly Progress Report* provides information on progress against the milestones for the 2019-20 projects and programs within the *Corporate Business Plan*.

A commentary is provided against each quarterly milestone on the actions completed, and project status is reported via colour coding which indicates if the project has been completed, is on track or slightly behind schedule. Information is also provided on the budget status for each item.

The milestones being reported this quarter are the grey shaded sections of Attachment 1. 'Business as usual' activities within each key theme have also been separated from strategic projects and programs within the report.

Legislation / Strategic Community Plan / Policy implications

Legislation

The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

"This Act is intended to result in:

- a) *better decision making by local governments;*
- b) *greater community participation in the decisions and affairs of local governments;*

- c) *greater accountability of local governments to their communities; and*
- d) *more efficient and effective government.*

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 The City's *Governance Framework* recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework which enables an assessment of performance against the *Strategic Community Plan*, *Strategic Financial Plan*, *Corporate Business Plan* and Annual Budget.

Risk management considerations

The *Corporate Business Plan Quarterly Progress Reports* provide a mechanism for tracking progress against milestones for major projects and programs.

Financial / budget implications

All 2019-20 projects and programs in the *Corporate Business Plan* were included in the *2019-20 Annual Budget*.

Regional significance

Not applicable.

Sustainability implications

The projects and programs in the *Corporate Business Plan* are aligned to the key themes in *Joondalup 2022* which have been developed to ensure the sustainability of the City.

The key themes are as follows:

- Governance and Leadership.
- Financial Sustainability.
- Quality Urban Environment.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.
- Community Wellbeing.

Consultation

Not applicable.

COMMENT

The *Corporate Business Plan 2019-20 – 2023-24* was endorsed by Council at its meeting held on 20 August 2019 (CJ102-08/19 refers). A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. This report provides an overview of progress against all the projects and programs in the *2019-20 Capital Works Program*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 ***Corporate Business Plan Quarterly Progress Report*** for the period 1 July 2019 to 30 September 2019, which is shown as Attachment 1 to Report CJ148-11/19;
- 2 ***Capital Works Quarterly Report*** for the period 1 July 2019 to 30 September 2019, which is shown as Attachment 2 to Report CJ148-11/19.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf191112.pdf](#)

CJ149-11/19 ANNUAL REPORT 2018-19

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	38745, 101515
ATTACHMENTS	Attachment 1 City of Joondalup Annual Report 2018-19
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the *2018-19 Annual Report*.

EXECUTIVE SUMMARY

In accordance with section 5.53 of *the Local Government Act 1995* the *2018-19 Annual Report* has been prepared, summarising the previous year's achievements and challenges and the outlook for the year ahead, as well as including specific statutory requirements. The Annual Report also demonstrates performance against the City's *Strategic Community Plan: Joondalup 2022*.

An external audit has been completed of the City's Financial Statements for the 2018-19 financial year and these statements are the subject of a separate report to Council.

The *2018-19 Annual Report* forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. At its meeting held on 8 October 2019 (CJ131-10/19 refers), Council resolved to hold the Annual General Meeting of Electors on 10 December 2019.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the financial year 2018-19, forming Attachment 1 to Report CJ149-11/19.

BACKGROUND

The Local Government Act 1995 requires every local government to prepare an Annual Report. The Annual Report informs the community and key stakeholders about the achievements and challenges from the previous financial year and provides information on the future outlook.

The audited accounts for the financial year have been incorporated into the report following the annual external audit. This year's annual report includes the full Financial Statements.

It is a statutory requirement that Council accepts an Annual Report and for the report to be presented to the Annual General Meeting of Electors.

DETAILS

The *2018-19 Annual Report* has been prepared addressing the performance against the six key themes of the City's *Strategic Community Plan: Joondalup 2022*.

- Governance and Leadership.
- Financial Sustainability.
- Quality Urban Environment.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.
- Community Wellbeing.

As in previous years, the *2018-19 Annual Report* includes a range of Global Reporting Initiative (GRI) Standard Disclosures to report against the City's environmental, economic and social performance. The Standard Disclosures are in line with the (GRI) Sustainability Standard 2016.

The Annual Report also includes measurements against the Strategic Performance Indicators developed within each key theme of *Joondalup 2022*. Measurements are provided against those targets which can be reported.

Reports against statutory requirements are also included in the Annual Report.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>Local Government Act 1995.</i> <i>Local Government (Administration) Regulations 1996.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Demonstrate accountability through robust reporting that is relevant and easily accessible to the community.
Policy	Not applicable.

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the annual report:

5.53 Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
- a. *a report from the mayor or president;*
 - b. *a report from the Chief Executive Officer;*
 - c. *deleted;*
 - d. *deleted;*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - f. *the financial report for the financial year;*
 - g. *such information as may be prescribed in relation to the payments made to employees;*
 - h. *the auditor's report for the financial year;*
 - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
 - hb. *details of entries made under section 5.121 during the financial year in the register of complaints, including –*
 - (i) *the number of complaints recorded in the register of complaints;*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require; and*
 - i. *such other information as may be prescribed.*

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54 Acceptance of annual reports

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
- *absolute majority required*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of annual reports

The Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the annual report for the previous financial year and then any other general business.

Risk management considerations

Not adopting the *2018-19 Annual Report* will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial / budget implications

Not applicable.

Regional significance

The *2018-19 Annual Report* sets out the performance of the City which has significance for the development and growth of the region.

Sustainability implications

The programs and projects in the *2018-19 Annual Report* are aligned to the key themes in *Joondalup 2022* which have been developed to ensure the sustainability of the City.

The City has included Global Reporting Initiative (GRI) Standard Disclosures in the Annual Report in line with the (GRI) Sustainability Standard 2016. This is a best practice sustainability reporting framework for organisations to report on their economic, environmental and social performance.

Consultation

There is no legislative requirement to consult with the community on the preparation of the Annual Report. The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

COMMENT

In addition to the requirements of the *Local Government Act 1995*, the Annual Report is seen as a key reporting mechanism of the Integrated Planning and Reporting (IPR) Framework as set out by the Department of Local Government, Sport and Cultural Industries. In accordance with the IPR Framework, local governments are expected to outline progress towards achieving the objectives of the *Strategic Community Plan* (10 year plan) and the major projects and priorities of the *Corporate Business Plan* over the medium term (five year period).

The Annual Report is also seen as an essential tool to inform the community and key stakeholders about the City's achievements, challenges and future plans, promote greater community awareness of the City's programs and services, and illustrate the City's commitment to accountable and transparent government.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the 2018-19 financial year, forming Attachment 1 to Report CJ149-11/19.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn191119.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ150-11/19 - City of Joondalup Submissions - Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination; and mandatory Code of Conduct.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer.

CJ150-11/19 CITY OF JOONDALUP SUBMISSIONS - STANDARDS AND GUIDELINES FOR LOCAL GOVERNMENT CEO RECRUITMENT AND SELECTION, PERFORMANCE REVIEW AND TERMINATION; AND MANDATORY CODE OF CONDUCT

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103278, 101515
ATTACHMENTS	<p>Attachment 1 DLGSC Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination</p> <p>Attachment 2 City of Joondalup Draft Submission – CEO Recruitment</p> <p>Attachment 3 WALGA Draft Submission – CEO Recruitment</p> <p>Attachment 4 DLGSC Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates</p> <p>Attachment 5 City of Joondalup Draft Submission – Mandatory Code of Conduct</p> <p>Attachment 6 WALGA Draft Submission – Mandatory Code of Conduct</p>
AUTHORITY / DISCRETION	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

PURPOSE

For Council to endorse the submissions to the Department of Local Government, Sport and Cultural Industries (the Department) in response to its discussion papers *Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, and *Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates*.

EXECUTIVE SUMMARY

In 2017 the State Government announced a review of the *Local Government Act 1995* (the Act) which is the first significant reform of local government conducted in more than two decades. The objective of the review, conducted in phases, is for Western Australia to have a new, modern Act that empowers local governments to better deliver for their communities.

At its meeting held on 20 February 2018 (CJ012-02/18 refers), Council endorsed the City's submission to the Phase 1 consultation process, and at its meeting held on 19 March 2019 (CJ023-03/19 refers), Council endorsed the City's submission to the Phase 2 consultation process.

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed in Parliament. The Act includes a requirement for the introduction of:

- a mandatory code of conduct for council members, committee members and candidates (Code of Conduct)
- mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).

The Department has recently sought feedback with regard to its proposed *Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, and *Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates*.

The City has developed submissions in relation to the Department's Standards and Guidelines (Attachments 2 and 5 refer). The responses to the discussion papers indicate they are generally supported with some qualifications, and in the main, based on the City's submissions to the Metropolitan Local Government Review Panel, Phase 1 and 2 submissions, and other previously endorsed positions. The Western Australian Local Government Association (WALGA) has also called for submission that will be progressed through WALGA State Council.

It is therefore recommended that Council:

- 1 *ENDORSES the City of Joondalup's submissions, provided as Attachments 2 and 5 to Report CJ150-11/19, in response to the Department of Local Government; Sport and Cultural Industries' invitation to comment on its Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, and Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates;*
- 2 *NOTES the City's submissions in Part 1 above will be used to respond to the Western Australian Local Government Association's request for feedback on the Standards and Guidelines.*

BACKGROUND

In 2017 the State Government announced a review of the Act which is the first significant reform of local government conducted in more than two decades. The objective of the review, conducted in phases, is for Western Australia to have a new, modern Act that empowers local governments to better provide for their communities. In November 2017 the Department released a discussion paper that is structured around Phase 1 of the review of the Act. Phase 1 focused on the following:

- making information available online
- meeting public expectations for accountability
- meeting public expectations of ethics, standards and performance
- building capacity through reducing red tape.

At its meeting held on 20 February 2018 (CJ012-02/18 refers), Council endorsed the City's submission to the Phase 1 consultation process.

In September 2018 the Minister for Local Government further announced Phase 2 of the consultation process. The Department prepared a series of discussion papers and online surveys for public comment. The discussion papers were focussed on the State Government's vision for local governments to be agile, smart and inclusive. Phase 2 of the review was focused on the following key topic areas within three themes:

- Agile
 - Beneficial enterprises.
 - Financial management.
 - Rates, fees and charges.
- Smart
 - Administrative efficiencies / local laws.
 - Council meetings.
 - Interventions (Council Conduct and Governance).
- Inclusive
 - Community engagement.
 - Integrated planning and reporting.
 - Complaints management.
 - Local government elections.

At its meeting held on 19 March 2019 (CJ023-03/19 refers), Council endorsed the City's submission to the Phase 2 consultation process.

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed in Parliament. The Act includes a requirement for the introduction of:

- a mandatory code of conduct for council members, committee members and candidates (Code of Conduct)
- mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).

The Department has recently sought feedback with regard to its proposed *Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, and *Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates*.

DETAILS

Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, and Standards

The selection of the Chief Executive Officer is one of the most crucial decisions to be made by a Council. The relationship between Council and the Chief Executive Officer is fundamental to the performance of the local government in providing services to its community. Therefore, it is imperative that there is significant input and involvement of the governing body into the selection of the Chief Executive Officer.

As part of the City's 2013 response to the *Metropolitan Local Government Review Final Report* (JSC01-04/13 refers) it was stated that proposals related to State Government oversight for senior local government employee appointments, salary determinations and key performance indicator developments, are unnecessary. Assistance, guidance and support should be the new focus and role of the Department of Local Government, Sport and Cultural Industries, as well as other applicable agencies and commissions.

This supports the principle under the Act that the Council appoints and remunerates its Chief Executive Officer, as part of an appropriate corporate employer – employee relationship, who in turn determines and manages the appointment and remuneration of staff (including senior employees). Allowing an external party, within a separate tier of Government, to impose determinations on these activities is considered inappropriate.

The development of guidelines to assist Councils through the Chief Executive Officer employment cycle is supported in-principle. However, the City believes the approach should be based on capacity building, guidance and support, and help where necessary; not based on the development of rules that create a compliance regime which may create uncertainty, unnecessary administration and risk for local governments and chief executive officers.

While, in the main, the minimum standards and guidelines are considered acceptable, the City has concerns relating to some specific aspects of the draft document. These concerns are as follows.

Part 1 – Recruitment and Selection

Principle S1.3 – Selection Panel and Independent Person

The inclusion of at least one independent person on the selection panel who is not a current elected member or staff member of the local government is not supported as a mandatory requirement, and such an appointment should be at the sole discretion of the Council, between whom the Chief Executive Officer and Council have an employer – employee relationship.

Principle S1.11 - Re-advertising the CEO Position after Ten Consecutive Years

It is questioned why it is considered good practice that a local government must re-advertise the Chief Executive Officer position after each instance where a person has occupied the Chief Executive Officer position for 10 consecutive years.

It is proposed that this principle not be supported as:

- there already exists employment law and fixed-term employment contract provisions that would allow the Council and Chief Executive Officer to end both the contractual and employment relationship if lawful and reasonable reasons exist for such an outcome
- there is a risk that chief executive officers approaching the 10 year mark, who may be excellent performers, may simply apply for another position rather than face the ignominy of having to reapply for their role and perhaps not be appointed
- a recruitment exercise is costly, and if the Council is satisfied with the Chief Executive Officers performance, regulation should not require this impost
- no other level of government requires this impost on chief executive officers.

Part 4 – Monitoring and Enforcement

The City supports the WALGA comment which acknowledges that the Chief Executive Officer recruitment process needs to be undertaken properly, and legally, and it is for these reasons that the sector advocate for a capacity building approach, with Councils encouraged to engage professional services and advice to ensure the process is undertaken properly.

One potential model proposed by the Department is for the establishment of an independent Local Government Commissioner. This position would provide a quality assurance role over Chief Executive Officer recruitment and selection, performance review and terminations by ensuring that the minimum standards were met. In relation to performance review, either the Chief Executive Officer or Council could approach the Local Government Commissioner who would have the power to order that a third party be involved in the performance management process if the Commissioner deemed it necessary.

This appears to be a new idea of the Department without any supporting information with regard powers, duties and role of the Commissioner.

It is therefore proposed that the City of Joondalup does not support the proposal for a Local Government Commissioner until such time as the Department engages with the local government sector to explore the requirement for a Commissioner, or otherwise, and what that role might be.

Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates

In November 2015, the then Department of Local Government and Communities released a consultation paper on a review of the *Local Government (Rules of Conduct) Regulations 2007* and the minor breach disciplinary framework. At that time the proposed changes to the current disciplinary framework was intended to:

- empower local government to better manage the risk of misconduct
- establish a more pro-active complaints management culture
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

At its meeting held on 16 February 2016 (CJ013-02/16 refers), the City of Joondalup Council endorsed the City's submission which in the main supported the general intent of the consultation paper, subject to some qualifications.

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed in Parliament which included some of the legislative change outcomes detailed within the Phase 1 consultation process. As such, amendments to the Act provided new *Codes and Rules* provisions under section 5.103(2) of the Act. This new provision states:

“(2) *The model code of conduct must include –*

- (a) general principles to guide behaviour;*
- (b) requirements relating to behaviour; and*
- (c) the rules of conduct.”*

The draft *Model Code of Conduct* as proposed by the Department is constructed in three Parts:

- Part A – Principles [Section 5.103(2)(a)]
- Part B – Behaviour [Section 5.103(2)(b)]
- Part C – Rules of Conduct [Section 5.103(2)(c)].

Local governments will not be able to amend Parts A and C, but additional behavioural content may be included in Part B that is not inconsistent with the *Model Code*.

It is unclear from the current consultation paper whether the existing *Local Government (Rules of Conduct) Regulations 2007* are proposed to be replaced by the *Model Code*, although it would seem to be the case. The *Local Government (Rules of Conduct) Regulations 2007* should be the basis and preferred method of dealing with conduct matters. Nor should a code of conduct apply to committee members, of which aspects of a local government’s code, would not apply or indeed be relevant.

One of the other failings of the draft Code is in relation to how it is applied to local government election candidates and committee members as the draft Code seems to be deficient in this regard. Notwithstanding local government elections involve heavily regulated processes, often requiring citizens to embark on a steep learning curve around the election process and legislative requirements as an election candidate. Many of the current rules in the *Local Government (Rules of Conduct) Regulations 2007*, and indeed the draft Code would not apply to a candidate in an election period. Indeed, none of the complaint’s management processes (detailed in Part B) or the *Rules of Conduct* (detailed in Part C) refer to candidates in local government elections.

It should be noted that Division 11 of Part 4 of the *Local Government Act 1995* details the range of electoral offences that apply for local government elections and the penalties that apply. Consideration could be given to improving these provisions including the *Local Government (Elections) Regulations 1997* as opposed to requiring candidates to conform to the requirements of the *Local Government (Rules of Conduct) Regulations 2007* or any new Code.

While certain aspects of the draft *Model Code of Conduct* can be supported, in the main it is recommended the Department re-visit improvements that were suggested within its 2015 review of the *Local Government (Rules of Conduct) Regulations 2007* and assess the submissions received from across the sector in more detail.

Issues and options considered

Council may choose to either:

- endorse the City's submissions
- endorse the City's submissions with further amendments
or
- not endorse the City's submissions.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995* and associated Regulations.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Participate in State and Federal policy development processes affecting local government.

Policy Not applicable.

Risk management considerations

Providing a response to the Department's discussion papers enables the City to contribute to the review and potential amendments to the *Local Government Act 1995* and therefore, the future purpose and role of local government.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City's submissions are, in the main, based on the City's submissions to the Metropolitan Local Government Review Panel; Phase 1 and 2 submissions of the current review of the *Local Government Act 1995*; and previously endorsed positions to a range of discussion papers and industry feedback requests.

WALGA has also requested feedback to the WALGA State Council, through the various WALGA Zone meetings, on the discussion papers and the City's submission will be used as a basis to respond to WALGA's request for feedback.

COMMENT

The City has been an active and cooperative participant in all legislative and reform reviews, surveys and analysis of the local government sector, including the WA Local Government Association *Systemic Sustainability Study* in 2006 and the Ministerial-initiated voluntary Local Government reform initiative in 2009, and Metropolitan Local Government Reform Process 2011-2013.

Through the Phase 1 and Phase 2 consultation processes, the Minister and the Department have stated the review attempts to modernise the Act to empower local governments to better deliver for their communities, as well as to remove red tape and overly burdensome bureaucracy. Local governments, due to their existence as being a product of statute, are bureaucratic in nature and are required to comply with numerous reporting and oversight regimes.

However, some of the suggestions being made in the discussion papers, are by their very nature contributing to red tape as opposed to reducing it. This includes requiring additional administrative / governance requirements to implemented; or additional levels of oversight to be had.

The City recognises that its response to the discussion papers is but one element of the consultation to be undertaken and will consider further discussion papers and information distributed by the Minister of the Department on issues that have been identified over the last eight years including advocacy positions agreed by the sector. This will include a request for local governments to submit additional items for consideration in the Act review process as well as providing more definitive positions once they become clearer.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ENDORSES** the City of Joondalup's submissions, provided as Attachments 2 and 5 to Report CJ150-11/19, in response to the Department of Local Government; Sport and Cultural Industries' invitation to comment on its *Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination, and Standards and Guidelines for Mandatory Code of Conduct for Council Members, Committee Members and Candidates*;
- 2 NOTES** the City's submissions in Part 1 above will be used to respond to the Western Australian Local Government Association's request for feedback on the *Standards and Guidelines*.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf191112.pdf](#)

CJ151-11/19 LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW 2019 - ADOPTION

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	22513, 101515	
ATTACHMENTS	Attachment 1	Schedule of Submissions
	Attachment 2	<i>City of Joondalup Local Government and Public Property Amendment Local Law 2019 – marked-up copy</i>
	Attachment 3	<i>City of Joondalup Local Government and Public Property Amendment Local Law 2019 – adoption copy</i>
	Attachment 4	<i>City of Joondalup Local Government and Public Property Local Law 2014</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2019* and to make the local law.

EXECUTIVE SUMMARY

At its meeting held on 20 August 2019 (CJ104-08/19 refers,) Council resolved to make the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2019* for the purpose of public advertising. The effect of the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2019* is to enable the local government to make a determination as to specific local government property throughout the district where drones cannot be launched from.

In accordance with section 3.12(3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister for Local Government.

At the close of the public submission period the City received a total of one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). The submission from the DLGSC provided comment focussed on the setting out and formatting of the local law, resulting in some minor recommended changes.

It is therefore recommended that Council:

- 1 *NOTES the submission received at the close of the public submissions period for the proposed City of Joondalup Local Government and Public Property Amendment Local Law 2019, as outlined in Attachment 1 to Report CJ151-11/19;*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Local Government and Public Property Amendment Local Law 2019 as detailed in Attachment 3 to Report CJ151-11/19 and AUTHORISES the Common Seal to be affixed;*
- 3 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the Local Government Act 1995;*
- 4 *ADVISES all submitters of Council's decision.*

BACKGROUND

At its meeting held on 9 December 2014 (CJ233-12/14 refers), Council adopted the *City of Joondalup Local Government and Public Property Local Law 2014* (the local law) and has been in operation since 28 January 2015. The local law provides for the regulation, control and management of activities and facilities on local government and public property within the City's district.

At its meeting held on 21 August 2018 (C75-08/18 refers), Council requested that the Chief Executive Officer prepare a report which examines and identified potential launching and landing sites within the City of Joondalup for recreational aerial drone usage.

At its meeting held on 25 June 2019 (CJ082-06/19 refers), Council received a report on potential launching and landing sites for drones and subsequently requested an amendment be initiated to the City's *Local Government and Public Property Local Law 2014*, that in effect, allows the City to make determinations as to specific local government property where drones cannot be launched from.

At its meeting held on 20 August 2019 (CJ104-08/19 refers) Council resolved to make the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2019* for the purpose of public advertising. The effect of the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2019* is to enable the local government to make a determination as to specific local government property throughout the district where drones cannot be launched from.

DETAILS

In accordance with section 3.12(3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister for Local Government.

Public notification of the proposed local law occurred as follows:

- Public notice boards at the City of Joondalup Administration Centre, public libraries and customer service centres.
- Public notice on the City's website.
- Public notice in a newspaper circulating throughout the district.

At the close of the public submission period the City received a total of one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). The submission from the DLGSC provided comment focussed on some minor edits and formatting of the local law, resulting in some minor recommended changes. Details on the submission from DLGSC is provided at Attachment 1 – Schedule of Submissions.

Where suggested changes have been supported, they have been included in the local law submitted to Council for adoption. A copy of the amended local law showing the marked-up changes is provided as Attachment 2 to Report CJ151-11/19. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided as Attachment 3. A copy of the City's current *Local Government and Public Property Local Law 2014* is provided as Attachment 4.

Issues and options considered

Council can either:

- adopt the local law as advertised
- adopt the local law with modifications made following the public submission period, subject to the modifications not being significantly different to what was advertised or
- not adopt the proposed local law.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995.</i> <i>Local Government (Functions and General) Regulations 1996.</i> <i>Local Government and Public Property Local Law 2014.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Effective representation.
Strategic initiative	Ensure the elected body has a comprehensive understanding of its roles and responsibility.
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 a further four weeks to complete the process, following a decision of Council.

Risk management considerations

The amendment local law is yet to be considered by the Joint Standing Committee on Delegated Legislation (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

Current financial year impact

Account no.	1.522.A5202.3277.0000.
Budget Item	Advertising – Public / Statutory.
Budget amount	\$2,500
Amount spent to date	\$ 679
Proposed cost	\$2,000
Balance	\$ (179)

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. The following advertising has been undertaken and included:

- Giving local 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 district
 - 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 *City of Joondalup Local Government and Public Property Amendment Local Law 2019* has been progressed to specifically amend certain provisions with the *City of Joondalup Local Government and Public Property Local Law 2014* and the effect of this local law is to enable the local government to make a determination as to specific local government property throughout the district where drones cannot be launched from.

The proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2019* was publicly advertised, and subsequently minor amendments made, taking into account comments received from the DLGSC.

It should be noted, to date the City has not received any complaints of drones being launched or landed on City owned properties or reserves. The City has no jurisdiction over taking off and landing from private property and CASA is the responsible agency when a drone is airborne. It is highly unlikely there will be situations on the City's controlled property that will satisfy CASA's recreational drone usage guidelines, possibly with a few exceptions. Any change to the local law is therefore questionable in terms of its desired intent and what it is trying to regulate. By creating determinations as to where drones cannot be launched from, may give the community the perception that a drone can be flown in certain other places, which in effect, could possibly contravene CASA's rules around drone usage.

If Council wishes to identify specific reserves or other local government property where drones are prohibited, Council will be required to make a determination to that effect. Should this be the case, the City will need to follow the determination procedure under the local law which involves a formal Council resolution, public comment period and final determination by Council.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress, which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the JSCDL.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the submission received at the close of the public submissions period for the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2019*, as outlined in Attachment 1 to Report CJ151-11/19;
- 2 **BY AN ABSOLUTE MAJORITY MAKES** the *City of Joondalup Local Government and Public Property Amendment Local Law 2019*, as detailed in Attachment 3 to Report CJ151-11/19 and **AUTHORISES** the Common Seal to be affixed;
- 3 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the *Local Government Act 1995*;
- 4 **ADVISES** all submitters of Council's decision.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf191112.pdf](#)

CJ152-11/19 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2019

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of September 2019 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of September 2019 Attachment 3 Municipal and Trust Fund Vouchers for the month of September 2019
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of September 2019.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2019, totalling \$19,744,308.36.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for September 2019 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 CJ152-11/19, totalling \$19,744,308.36.

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 September 2019. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ152-11/19.

The vouchers for the month are appended as Attachment 3 to Report CJ152-11/19.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 108883 – 109002 & EF080528 – EF081422 Net of cancelled payments.	\$13,837,522.85
	Vouchers 2622A -2633A	\$5,894,430.33
Trust Account	Trust Cheques & EFT Payments 207385 – 207388 & TEF001725 – TEF001733 Net of cancelled payments.	\$12,355.18
Total		\$19,744,308.36

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 *2019-20 Annual Budget* as adopted by Council at its meeting held on 25 June 2019 (CJ073-06/19 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for September 2019 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 CJ152-11/19, totalling \$19,744,308.36.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf191112.pdf](#)

CJ153-11/19 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2019

WARD	All	
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services	
FILE NUMBER	07882,101515	
ATTACHMENTS	Attachment 1	Financial Activity Statement
	Attachment 2	Investment Summary
	Attachment 3	Supporting Commentary
AUTHORITY/ DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

PURPOSE

For Council to note the Financial Activity Statement for the period ended 30 September 2019.

EXECUTIVE SUMMARY

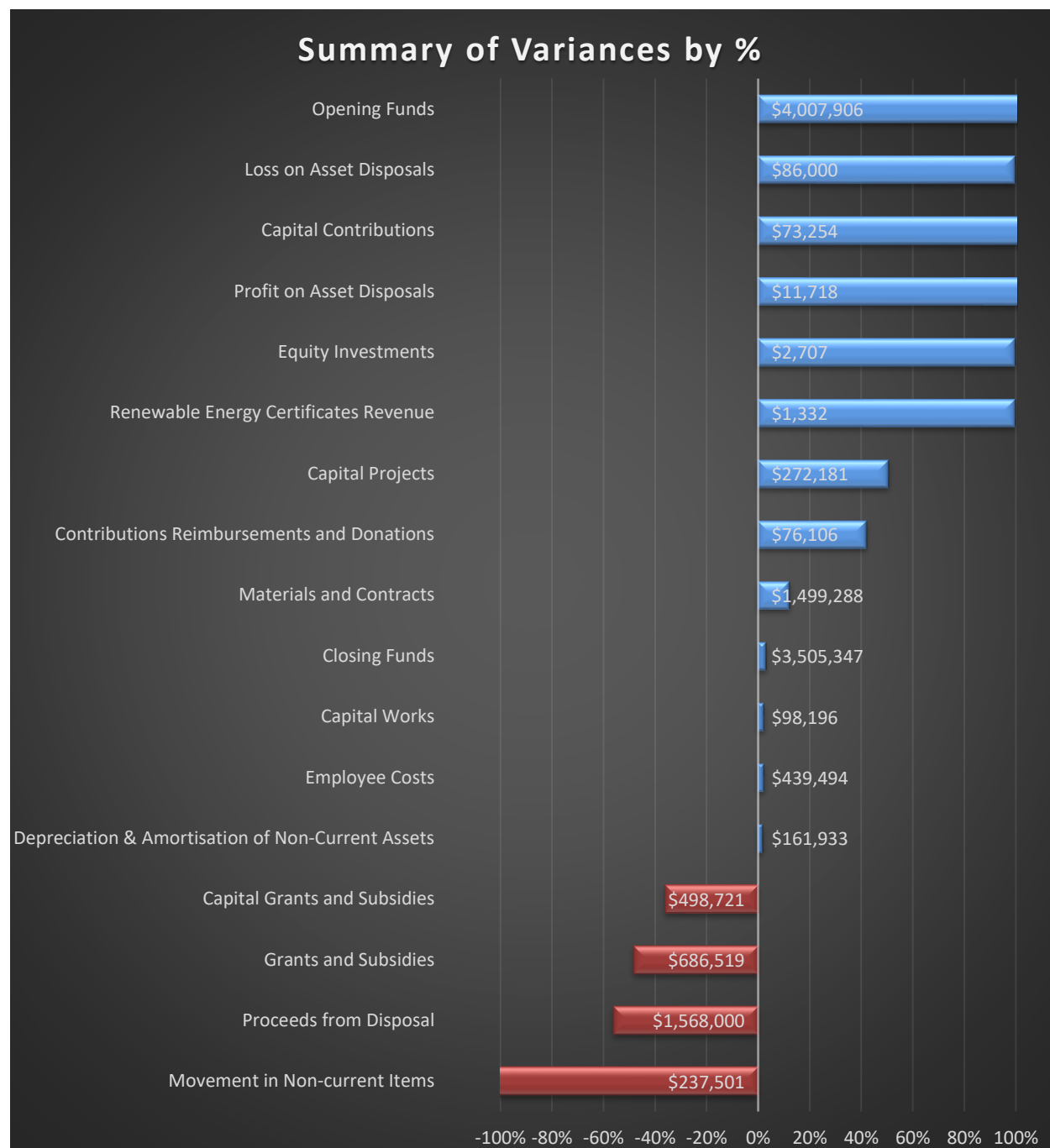
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the *2019-20 Annual Budget*. The figures in this report are compared to the adopted budget.

The September 2019 Financial Activity Statement Report shows an overall favourable variance of \$3,505,347 from operations and capital, after adjusting for non-cash items.

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 30 September 2019 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 timing of revenue and expenditure compared to the budget estimate in September. The notes in Attachment 3 to Report CJ153-11/19 identify and provide commentary on the individual key material revenue and expenditure variances to date.

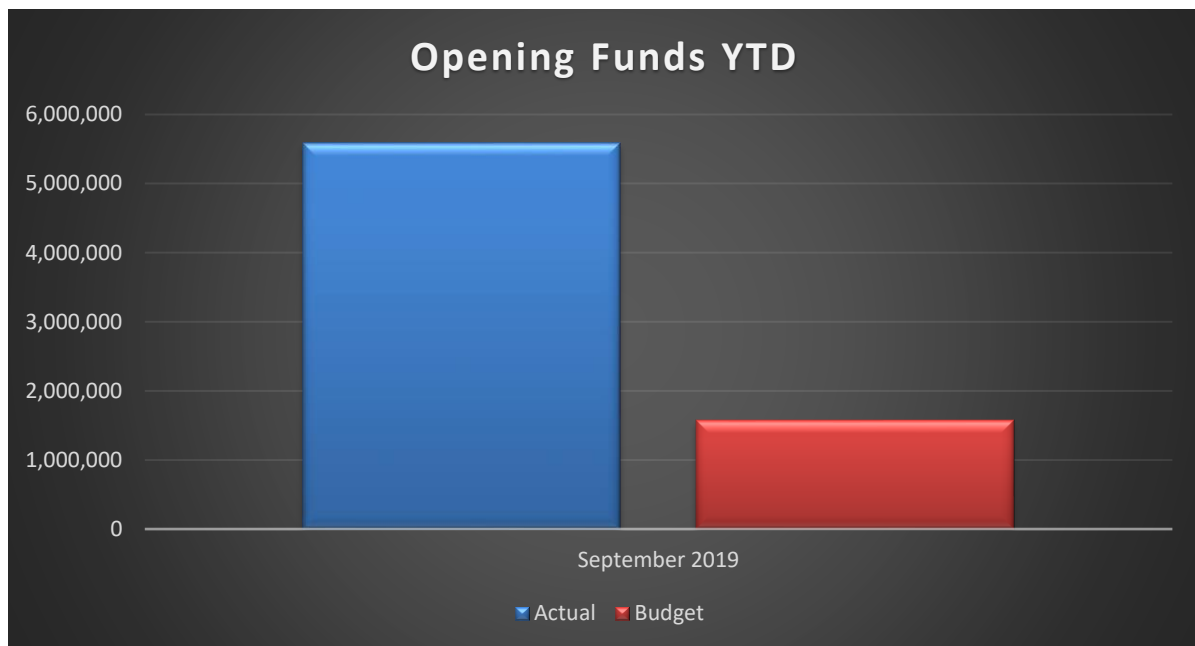
The key elements of the variance are summarised below:



The significant variances for September were:

Opening Funds

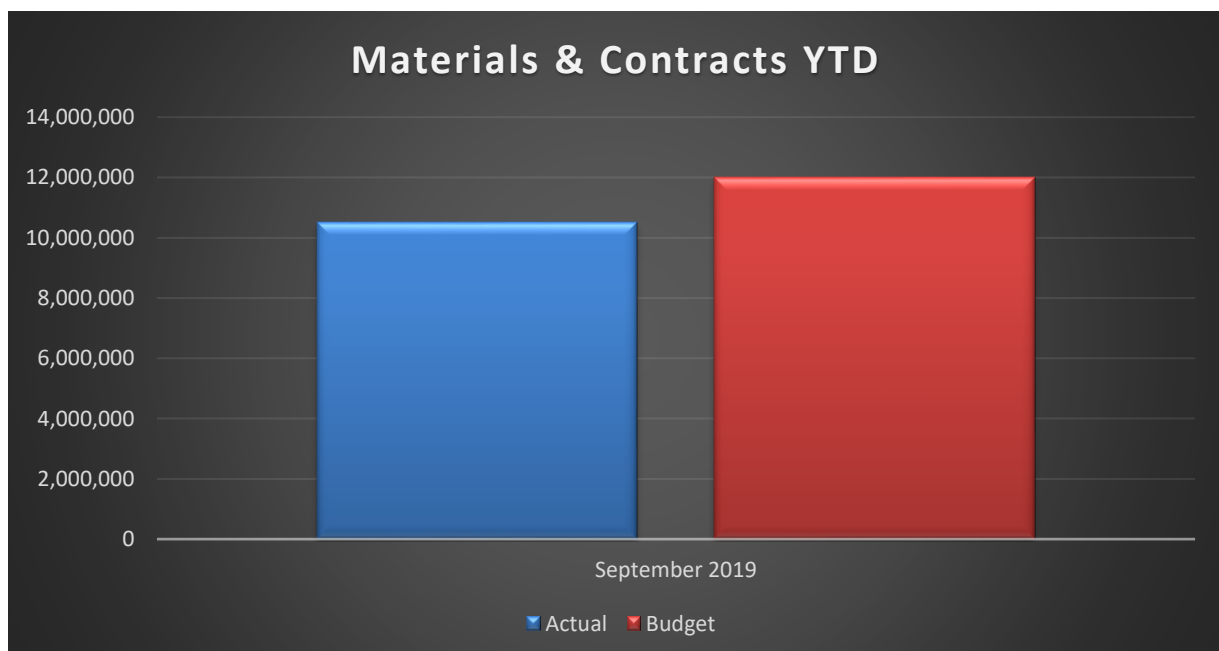
\$4,007,906



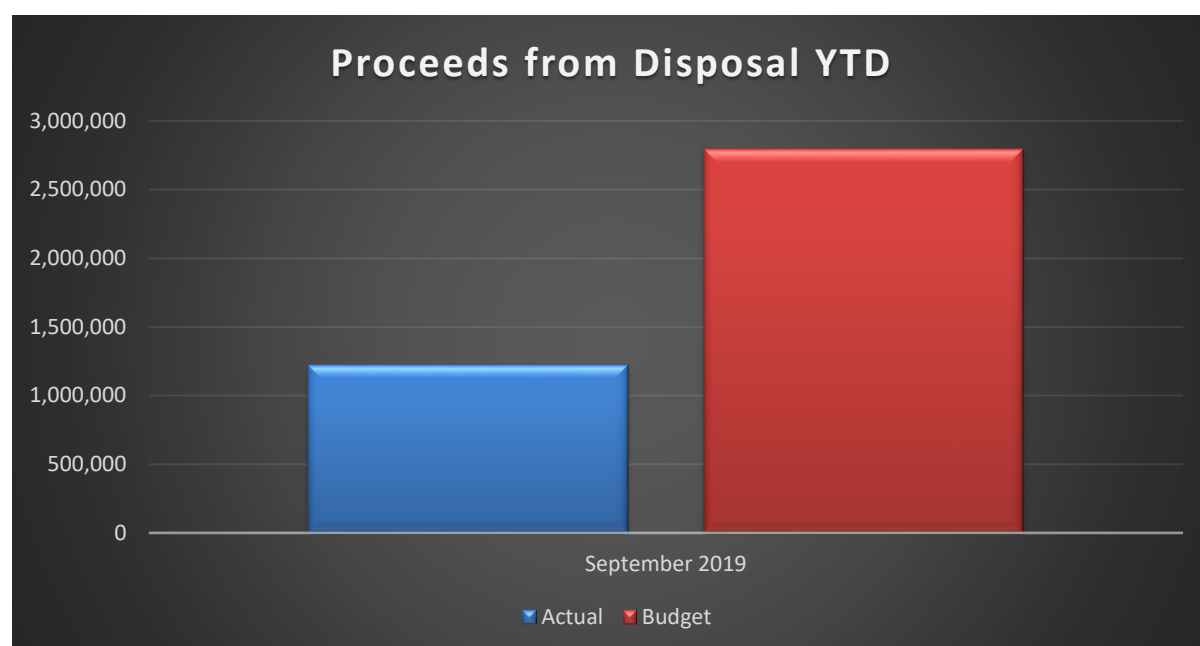
Opening Funds for July 2019 is \$4,007,906 above budget. This is due to variations in actual results for 2018-19 compared to budget estimate.

Materials and Contracts

\$1,499,288



Materials and Contracts expenditure is \$1,499,288 below budget. This is spread across a number of different areas including External Service Expenses \$971,222, Administration \$179,942 and Furniture, Equipment and Artworks \$147,900.

Proceeds from Disposal**(\$1,568,000)**

Proceeds from Disposal is (\$1,568,000) below budget. This unfavourable timing variance arose mainly in respect of Lot 803 (15) Burlos Court, Joondalup (\$1,634,000) with offers received not resulting in its sale.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2019 forming Attachment 1 to Report CJ153-11/19.

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 30 September 2019 is appended as Attachment 1 to Report CJ153-11/19.

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

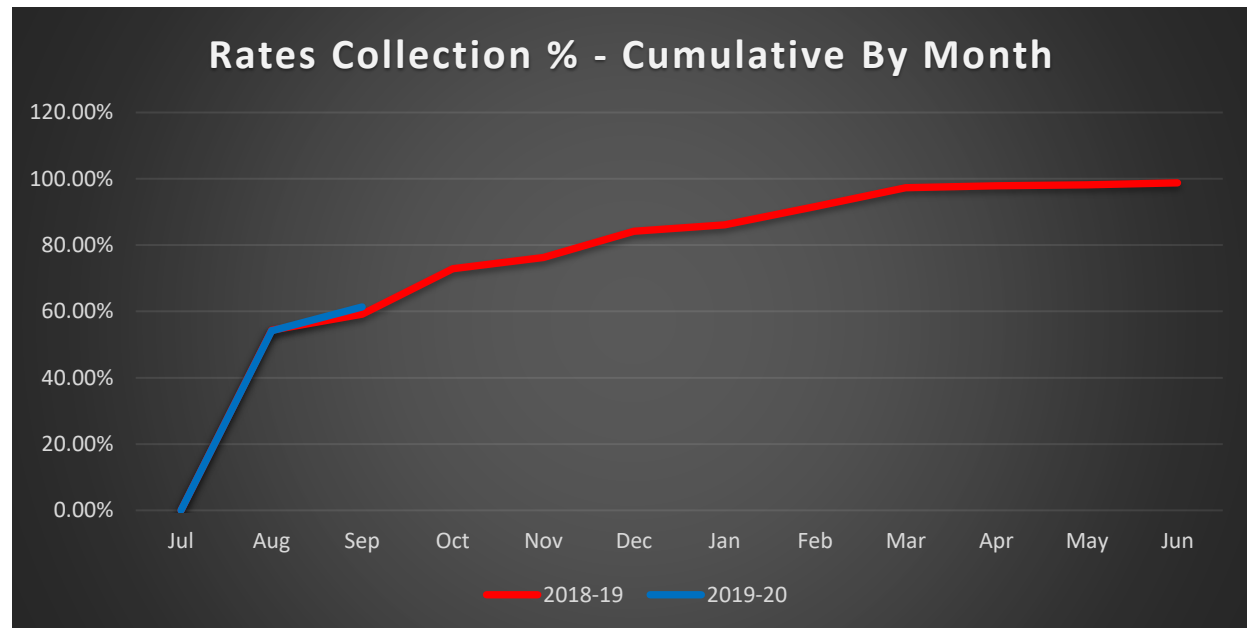
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

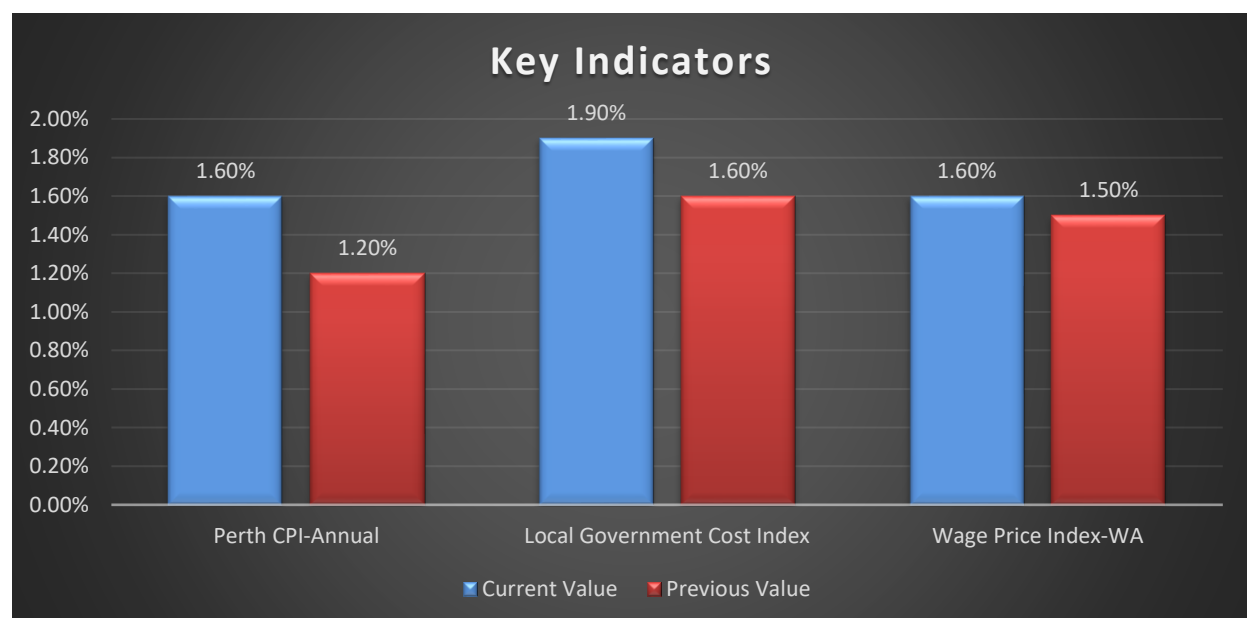
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) continues on par with the prior year at the end of September. This trend is expected to continue to the end of the financial year.

Economic Indicators



Increases occurred across all indicators during the June quarter. Wage inflation data for June demonstrates the WA wage price index has risen to be currently on par with CPI but continues to lag the national wage price index which is 2.3% for the same period.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2019-20 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 September 2019 forming Attachment 1 to Report CJ153-11/19.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf191112.pdf](#)

**CJ154-11/19 CONFIDENTIAL - TENDER 009/19 - PROCESSING OF
COMMINGLED RECYCLABLES**

WARD	All	
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services	
FILE NUMBER	107971, 101515	
ATTACHMENTS	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions
<i>(Please Note: The Report and Attachments are confidential and will appear in the official Minute Book only)</i>		
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

This report is confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

A full report is provided to Elected Members under separate cover. The report is not for publication.

CJ155-11/19 TENDER 020/19 - ELECTRICAL SERVICES AND NEW ELECTRICAL INSTALLATIONS TO THE VALUE OF \$50,000 EXCLUDING STREET LIGHTING

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	108104, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Wanneroo Electrics Unit Trust for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting.

EXECUTIVE SUMMARY

Tenders were advertised on 19 June 2019 through statewide public notice for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting. Tenders closed on 16 July 2019. A submission was received from each of the following:

- Wanneroo Electrics Unit Trust.
- Datatel Communications Pty Ltd trading as Datatel Communications.
- Fredon (WA) Electrical Pty Limited.
- The Trustee for the Gilmour Trust & the Trustee for the Jooste Family Trust trading as Gilmour & Jooste Electrical.
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins & Sons.
- Access Without Barriers Pty Ltd (AWB Co.).
- Downer EDI Works Pty Ltd.
- Programmed Electrical Technologies Ltd.
- Morris Contracting Services Pty Ltd (Morris Infrastructure Group).
- The Trustee for the Billins Family Trust (SMB Electrical Services).
- Insight Electrical Technology Pty Ltd.

The submission from Wanneroo Electrics Unit Trust represents best value to the City. It demonstrated a thorough understanding and appreciation of the City's requirements. It has significant experience providing similar electrical services and maintenance to the Cities of Wanneroo and Joondalup. Wanneroo Electrics Unit Trust is well established with significant industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Wanneroo Electrics Unit Trust for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting as specified in Tender 020/19 for a period of three years at the submitted schedule of fixed rates.

BACKGROUND

The City has a requirement for the provision of electrical services to buildings owned by the City, building environs, parks, underpasses and public walkways located within the boundaries of the City and new electrical installations to the value of \$50,000 excluding street lighting.

The City has a single contract in place with Wanneroo Electric Pty Ltd which expired on 30 September 2019. Services are currently being provided by quotation by Wanneroo Electrics Unit Trust.

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 electrical services and new electrical installations to the value of \$50,000 excluding street lighting was advertised through statewide public notice on 19 June 2019. The tender period was for three weeks and tenders closed on 16 July 2019.

Tender Submissions

A submission was received from each of the following:

- Wanneroo Electrics Unit Trust.
- Datatel Communications Pty Ltd trading as Datatel Communications.
- Fredon (WA) Electrical Pty Limited.
- The Trustee for the Gilmour Trust & the Trustee for the Jooste Family Trust trading as Gilmour & Jooste Electrical.
- The Trustee for M R Hoskins Family Trust trading as A E Hoskins & Sons.
- Access Without Barriers Pty Ltd (AWB Co.).
- Downer EDI Works Pty Ltd.
- Programmed Electrical Technologies Ltd.
- Morris Contracting Services Pty Ltd (Morris Infrastructure Group).
- The Trustee for the Billins Family Trust (SMB Electrical Services).
- Insight Electrical Technology Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ155-11/19.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ155-11/19.

Evaluation Panel

The evaluation panel comprised three members:

- One with tender and contract preparation skills.
- Two with the appropriate operational 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.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements.

The technical nature of the services delivered under this contract and the projected volumes of work require an increased minimum acceptable score to ensure a high standard of service is maintained. The predetermined minimum acceptable qualitative score was set at 55%.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Wanneroo Electrics Unit Trust.
- Datatel Communications.
- Fredon (WA) Electrical Pty Limited.
- Gilmour & Jooste Electrical.
- A E Hoskins & Sons.
- AWB Co.
- Insight Electrical Technology Pty Ltd.

The following offers received were assessed as partially compliant:

- Downer EDI Works Pty Ltd.
- Programmed Electrical Technologies Ltd
- Morris Infrastructure Group.
- SMB Electrical Services.

Downer EDI Works Pty Ltd, Programmed Electrical Technologies Ltd and Morris Infrastructure Group made critical assumptions relating to the schedule of rates items offered, in particular, where activities necessitate the use of an elevated work platform (EWP), boom lift, cherry picker or scissor lift, will incur an additional cost. Their assumptions do not fully comply with the tender which specified the contractor is to provide all necessary personnel, materials, consumables, equipment, including but not limited to testing equipment, apparatus, plant, vehicles, ladders, tools and other such things required to complete the work under the contract.

SMB Electrical Services proposed all payment shall be 30 days from the date of invoice or progress claim which is not in accordance with the City's specified timeframe for payment within 30 days from the end of the month in which the goods and / or services have been accepted by the City.

The submissions were included for further assessment on the basis that clarifications could be sought from Downer EDI Works Pty Ltd, Programmed Electrical Technologies Ltd, Morris Infrastructure Group and SMB Electrical Services, if shortlisted for consideration.

Qualitative Assessment

Insight Electrical Technology Pty Ltd scored 11.9% and was ranked 11th in the qualitative assessment. The company did not provide a response to the criterion for experience. Some reference was made in electrical technician profiles of works undertaken, however no detail was supplied. It submitted insufficient information demonstrating the capacity required to carry out the works. It did not submit details of specialised equipment that will be used, afterhours contacts for emergency requirements or the ability to provide additional personnel. Its submission did not include copies of the company's safety procedures and statistics. It did not demonstrate its understanding of the required tasks.

SMB Electrical Services scored 22.7% and was ranked 10th in the qualitative assessment. It submitted limited information demonstrating its understanding of the required tasks. Its response did not meet the criterion for experience except for a few aspects in that it only referenced three referee contacts or clients. It did not demonstrate the capacity required to provide the services. Details of its support team including the skills of key personnel, specialised equipment that will be used, afterhours contacts for emergency requirements and the ability to provide additional personnel were not addressed.

Morris Infrastructure Group scored 26.1% and was ranked ninth in the qualitative assessment. The company did not demonstrate experience or the capacity required to undertake the works. It stated the company provided callout works to various organisations including the City of Belmont, however, the scope of work, period and dates, outcomes and similarity to this requirement were not addressed. Details of the support team including the skills of key personnel, specialised equipment that will be used, afterhours contacts for emergency requirements and the ability to provide additional personnel were not addressed, and its safety statistics were not supplied. It submitted insufficient information demonstrating its understanding of the required tasks.

Programmed Electrical Technologies Ltd scored 42.7% and was ranked eighth in the qualitative assessment. It demonstrated experience providing electrical maintenance for two state government agencies, however the scope of works carried out for its other clients was not supplied. It did not fully demonstrate its understanding of the required tasks or the capacity required to carry out the works. It submitted a brief response with limited details on the proposed methodology and approach to undertake breakdown and routine services. Details of specialised equipment that will be used, afterhours contacts for emergency requirements

and the ability to provide additional personnel were not addressed. Its safety statistics were not supplied.

Downer EDI Works Pty Ltd scored 45.3% and was ranked seventh in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has the capacity required to provide the services. However, a specific after-hours number was not submitted. It did not fully demonstrate experience providing similar electrical services. Examples of works included civil works type electrical maintenance with no reference to parks or buildings similar to the City's requirements.

AWB Co scored 51.8% and was ranked sixth in the qualitative assessment. The company has experience providing building maintenance services and minor works including electrical, plumbing and painting to asphalt for various organisations. It demonstrated a good understanding of the required tasks. It has the capacity required to undertake the works, however the ability to provide additional personnel was not addressed.

A E Hoskins & Sons scored 52.5% and was ranked fifth in the qualitative assessment. It has been providing facilities maintenance and electrical services for various organisations including the Town of Mosman Park and Spotless Facility Services (to properties under the management of the Housing Authority). It demonstrated its understanding of the City's requirements and the capacity required to carry out the works. However, an organisational chart was not supplied.

Gilmour & Jooste Electrical scored 53.4% and was ranked fourth in the qualitative assessment. It has sufficient capacity to provide the services. It has experience providing similar electrical services to state and local governments in WA including the Town of Cambridge, the Cities of Stirling and Perth. It did not demonstrate a suitable understanding of the required tasks. While the response addressed the work methodology, the rates submitted were very low and did not reflect current market rates or the works specified.

Fredon (WA) Electrical Pty Limited scored 53.9% and was ranked third in the qualitative assessment. The company demonstrated a good understanding of the required tasks. It has experience providing electrical breakdown repairs and minor works to state government buildings for Jones Lang LaSalle Incorporated. It did not fully demonstrate the capacity required to provide the services. It did not provide details of specialised equipment that will be used or specific afterhours contacts for emergency requirements.

Datatel Communications scored 55.3% and was ranked second in the qualitative assessment. The company demonstrated the capacity and experience required to undertake the works. Examples of works were provided, however, only two were of a similar nature to the City's requirements and these were for electrical breakdown, inspection, maintenance and capital works for the City of Belmont and the University of Western Australia. It did not fully demonstrate its understanding of the City's requirements. Though its submission included the company's approach to manage and deliver various categories of works from inception to completion, its focus was mainly on systems processes rather than specific works.

Wanneroo Electrics Unit Trust scored 83.6% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. It has significant experience providing similar electrical services and maintenance to the Cities of Wanneroo and Joondalup. Wanneroo Electrics Unit Trust has proven capacity to carry out the works.

Given the minimum acceptable qualitative score of 55%, Wanneroo Electrics Unit Trust and Datatel Communications qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the rates offered by each tenderer in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

The rates for years one, two and three are fixed for the duration of the contract.

Tenderer	Year 1	Year 2	Year 3	Total
Wanneroo Electrics Unit Trust	\$1,144,359	\$1,158,989	\$1,172,762	\$3,476,110
Datatel Communications	\$1,487,659	\$1,487,659	\$1,487,659	\$4,462,977

During 2018-19, the City incurred \$1,069,955 for electrical services.

Evaluation Summary

Tenderer	Price Ranking	Total Estimated Contract Price	Qualitative Ranking	Weighted Percentage Score
Wanneroo Electrics Unit Trust	1	\$3,476,110	1	83.6%
Datatel Communications	2	\$4,462,977	2	55.3%

Based on the evaluation result the panel concluded that the tender from Wanneroo Electrics Unit Trust provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of electrical services to buildings owned by the City, building environs, parks, underpasses and public walkways located within the boundaries of the City and new electrical installations to the value of \$50,000 excluding street lighting. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with regulations 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	Community wellbeing.
Objective	Quality facilities.
Strategic initiative	Support a long-term approach to significant facility upgrades and improvements.
Policy	Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to maintain the electrical services of the City's buildings and increase the potential risk to public safety.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is well established with sufficient industry experience and capacity to provide the services to the City.

Financial / budget implications

Account no.	Various maintenance and capital works accounts.
Budget Item	Electrical services and new electrical installations to the value of \$50,000 excluding street lighting.
Estimated Budget amount	\$ 1,100,000
Amount spent to date	\$ 363,983
Proposed cost	\$ 667,543
Balance	\$ 68,474

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Effective maintenance of electrical systems and installation of energy efficient fittings has the potential to reduce the cost of power to the City.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Wanneroo Electrics Unit Trust represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Wanneroo Electrics Unit Trust for the provision of electrical services and new electrical installations to the value of \$50,000 excluding street lighting as specified in Tender 020/19 for a period of three years at the submitted schedule of fixed rates.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf191112.pdf](#)

CJ156-11/19 TENDER 028/19 - METAL FABRICATION SERVICES

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	108177, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by The Trustee for the Lothian Trust (Iron Tech Industries) for the provision of metal fabrication services.

EXECUTIVE SUMMARY

Tenders were advertised on 10 August 2019 through statewide public notice for the provision of metal fabrication services. Tenders closed on 27 August 2019. A submission was received from each of the following:

- Enviro Infrastructure Pty Ltd.
- The Trustee for the Lothian Trust (Iron Tech Industries).
- Wright, James Alexander (Wright Welding & Fabrication).
- Romex Australia Pty Ltd.

The submission from The Trustee for the Lothian Trust (Iron Tech Industries) represents best value to the City. It demonstrated a sound understanding of the City's requirements. It has in the past completed steel fabrication works for local governments including the City of Wanneroo and has been providing metal fabrication services to the City of Joondalup since 2007. Iron Tech Industries is well established with industry experience and proven capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for the Lothian Trust (Iron Tech Industries) for the provision of metal fabrication services as specified in Tender 028/19 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for the provision of metal fabrication services within the City for various works and maintenance projects. The services includes but not be limited to:

- fabrication of “U” bars for pedestrian walkways (refer drawing ES 09-6-4)
- fabrication of bollards (refer drawing ES 09-6-4)
- fabrication of access gates
- specialised fabrication repairs to park infrastructure
- fabrication and repairs of grates for drainage outlet structures
- minor modifications to vehicles and equipment
- ‘on site’ work when requested.

The City has a single contract in place with The Lothian Trust trading as Wanneroo Caravan Centre & Steel Fabricators which will expire on 21 November 2019.

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 metal fabrication services was advertised through statewide public notice on 10 August 2019. The tender period was for two weeks and tenders closed on 27 August 2019.

Tender Submissions

A submission was received from each of the following:

- Enviro Infrastructure Pty Ltd.
- The Trustee for the Lothian Trust (Iron Tech Industries).
- Wright, James Alexander (Wright Welding & Fabrication).
- Romex Australia Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ156-11/19.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ156-11/19.

Evaluation Panel

The evaluation panel comprised four members:

- one with tender and contract preparation skills
- Three with the appropriate operational 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.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The predetermined minimum acceptable qualitative score for this tender was set at 50%.

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

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

Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

Romex Australia Pty Ltd scored 25.7% and was ranked fourth in the qualitative assessment. The company did not submit sufficient information demonstrating experience providing similar services. Its submission did not include any examples of works or similar services relevant to the City's requirement. It did not demonstrate its understanding of the required tasks or sufficient capacity to provide the services. The specific number of fulltime employees was not stated. Its structure of business was not provided.

Wright Welding & Fabrication scored 52.4% and was ranked third in the qualitative assessment. It has experience providing similar welding and related fabrication services to various organisations including the City of Perth, Hillary's Boat Harbour and Western Australia Institute of Sport. It has the capacity required to carry out the services. It demonstrated its understanding of the required tasks.

Iron Tech Industries (formerly Wanneroo Caravan Centre and Steel Fabricators) scored 62.5% and was ranked second in the qualitative assessment. It demonstrated a sound understanding of the City's requirements. It has in the past completed steel fabrication works for local governments including the City of Wanneroo and has been providing metal fabrication services to the City of Joondalup since 2007. Iron Tech Industries is well established with sufficient industry experience and proven capacity to provide the services to the City.

Enviro Infrastructure Pty Ltd scored 66.6% and was ranked first in the qualitative assessment. The company demonstrated experience providing similar services to state and local governments including the Public Transport Authority and the City of Perth. It has sufficient capacity to provide the services. It demonstrated a sound understanding of the City's requirements.

Given the minimum acceptable qualitative score of 50%, Enviro Infrastructure Pty Ltd, Iron Tech Industries and Wright Welding & Fabrication qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the rates offered by each tenderer in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Enviro Infrastructure Pty Ltd	\$277,810	\$283,366	\$289,033	\$850,209
Iron Tech Industries	\$196,501	\$200,431	\$204,440	\$601,372
Wright Welding & Fabrication	\$198,037	\$201,997	\$206,038	\$606,072

During 2018-19, the City incurred \$196,479 for metal fabrication services.

Evaluation Summary

Tenderer	Price Ranking	Estimated Total Comparative Price	Qualitative Ranking	Weighted Percentage Score
Enviro Infrastructure Pty Ltd	3	\$850,209	1	66.6%
Iron Tech Industries	1	\$601,372	2	62.5%
Wright Welding & Fabrication	2	\$606,072	3	52.4%

Based on the evaluation result the panel concluded that the tender from Iron Tech Industries provides best value to the City and is therefore recommended.

While Enviro Infrastructure Pty Ltd scored higher (66.6%) in the qualitative assessment, its offer was \$248,837 (over a three year period) more expensive when compared to Iron Tech Industries and did not provide any additional level of service that would warrant the additional cost.

The prices submitted by Iron Tech Industries are the same as the current contract rates.

Issues and options considered

The City has a requirement for the provision of metal fabrication services within the City for various works and maintenance projects. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with regulations 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 Adopt consistent principles in the management and provision of urban community infrastructure.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to carry out various maintenance and capital works projects in a timely manner.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with industry experience and proven capacity to provide the services to the City.

Financial / budget implications

Account no.	Various capital and maintenance accounts.
Budget Item	Metal fabrication services
Budget amount	\$ 230,000
Amount spent to date	\$ 53,768
Proposed cost	\$ 117,145
Balance	\$ 59,087

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

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 City's evaluation process and concluded that the offer submitted by The Trustee for the Lothian Trust (Iron Tech Industries) represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by The Trustee for the Lothian Trust (Iron Tech Industries) for the provision of metal fabrication services as specified in Tender 028/19 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf191112.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr John Logan.
Item No./Subject	CJ157-11/19 - Provision of Automatic External Defibrillators in Community Centres.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is an active volunteer for a number of parties which regularly hire City managed community facilities.

CJ157-11/19 PROVISION OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN COMMUNITY CENTRES

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	103651, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the provision of automated external defibrillators (AEDs) in City managed community facilities.

EXECUTIVE SUMMARY

At its meeting held on 19 March 2019 (C14-03/19 refers), Council requested a report to “examine the costs and benefits of the City installing defibrillators in City managed district and regional community centres and to undertake a review of current facility hire terms under which the hire party is responsible for the maintenance of any installed defibrillator.”

The City manages and maintains 40 buildings for community purposes, including 33 community facilities, four libraries, two leisure centres and one civic building and categorises each facility using the classification framework in the *Building Asset Management Plan*. The City provides several key equipment items in its facilities (such as chairs, tables and ovens), which enable the facilities to be used for typical community purposes. Supplementary items (such as toasters, microwaves and first aid items) are provided by facility users as required.

The City has already installed and maintains AEDs in key, high traffic facilities that are, or have been, managed by on-site staff. AEDs have also been installed and maintained by user groups in other City managed facilities. In addition, St. John Ambulance Western Australia Limited (St. John) manages the St. John WA Community First Responder program which aims to connect cardiac arrest victims to local AEDs prior to an ambulance arriving. Through the

program, St. John maintains a register of all publicly accessible AEDs across the City of Joondalup.

This register indicates there are already 84 publicly accessible AEDs in the City of Joondalup. It is further noted that St. John, as a first responder, identifies it has a role in the provision of AEDs in the community, specifically in regard to coordinating a placement approach with governments, emergency services, corporate and community organisations.

A recent report commissioned by NSW Health indicates that access to defibrillation can significantly increase the survival rate of a cardiac incident, and that a targeted approach to the placement of AEDs is more effective than a mass coverage approach.

Should the City determine to install and maintain AEDs in all City managed facilities, the estimated cost would approximately be \$91,928 for the eight year life cycle of the AED unit.

Council may consider several options in regard to the provision of AEDs:

Option one - continue to facilitate the provision of AEDs by user groups, and support this through existing processes.

Option two - a mass coverage approach of installing and maintaining AEDs in all City managed community facilities.

Option three - a targeted approach of AED provision across the entire City in consultation / partnership with St. John.

The City has consulted with St. John in the preparation of this report who have endorsed the recommendation of a targeted approach to the provision of AEDs within the City of Joondalup. They have also noted that the provision of AEDs should not be limited in consideration to community facilities but to the City of Joondalup as a whole, identifying gaps in current provision and considering usage trends and types to identify the most suitable locations.

It is therefore recommended that Council supports a targeted approach of AED provision across the City of Joondalup, and requests the Chief Executive Officer in consultation with St. John to prepare a further report detailing recommended locations and relevant cost implications.

BACKGROUND

At its meeting held on 19 March 2019 (C14-03/19 refers), Council requested a report to “examine the costs and benefits of the City installing defibrillators in City managed district and regional community centres and to undertake a review of current facility hire terms under which the hire party is responsible for the maintenance of any installed defibrillator.”

An AED is a portable battery-operated electronic device that when connected to a patient automatically diagnoses the potentially life-threatening cardiac arrhythmias of ventricular fibrillation and ventricular tachycardia and can treat them through defibrillation. Defibrillation is the application of electrical therapy which stops the arrhythmia, allowing the heart to re-establish an effective rhythm.

AEDs are designed to be simple to use by the layman, and the use of AEDs is taught in many first aid, first responder, and basic life support level classes.

In September 2017, NSW Health published a report titled *Rapid Literature Review on Public Access to Defibrillation* which provides the following key findings on the effectiveness of the use of an AED during a cardiac arrest incident:

- Globally, survival to hospital discharge after an out of hospital cardiac arrest (OHCA) is poor, reported to be ~ 7% and 8%.
- Not all cardiac arrest incidents can be treated by defibrillation. Up to 50% of out of hospital cardiac arrest incidents manifest heart rhythms which may respond to defibrillation provided from an AED.
- Survival after an OHCA event is critically dependent on time to defibrillation. Each one-minute delay in defibrillation reduces the probability of survival by 10 to 12%.
- Survival chances increase when defibrillation is used in conjunction with cardiopulmonary resuscitation (CPR).
- There is sufficient evidence, based on population-based cohort studies that public access defibrillation (PAD) results in a two to three-fold increased survival compared to lack of PAD, and in some series survival of up to 50-70% can be achieved.

In early 2018 St. John Ambulance WA published a report titled *OHCS Annual Report 2017* which provided the following key findings in relation to the incidence of OHCA in WA:

- For every 100,000 people, there are 119.9 out of hospital cardiac arrest OHCA incidences.
- 74.3% of OHCS incidents took place at a patient's home or residence, 20.6% in a public place, with the remaining 5.1% taking place in an aged care centre or medical centre.
- Average response time for ambulance attendance was nine minutes for metropolitan Perth.
- When comparing the success of public AED use compared with ambulance defibrillation, the survival rate to hospital discharge for patients shocked by public AED is 43% compared with just 15% for those shocked by ambulance defibrillation.

AEDs generally have a lifespan of eight to 10 years at which time they are replaced. However, the AED units are comprised of several consumable items including pads which are attached to the patient and the battery providing the power. Pads and batteries are generally required to be replaced between 18 months and four years, depending on the type of AED. Newer model AEDs do have functionality to assist in this replacement schedule including WIFI connectivity and audio and visual warnings, however all owners of AED units should have a regular inspection schedule in place to ensure the unit is always available and ready for use.

Of the City installed and maintained AEDs, only the unit at the Craigie Leisure Centre has been used for a cardiac incident.

Current provision of AEDs in City managed facilities

To meet the City's strategic objective of providing quality facilities, the City provides specific equipment items in its facilities for users. These items include chairs, tables and ovens, and do not include supplementary items such as small appliances (such as toasters and microwaves), first aid supplies (such as first aid kits) or sport equipment. Users of City managed facilities are required to provide their own supplementary items as required.

The City's *Terms and Conditions of Hire* require the approved hirer to be responsible for the safety and security of all persons invited into the facility in line with their activity. This includes hirers providing their own first aid equipment for use during their booking. The City is aware of many user groups who already maintain their own first aid equipment and many already own an AED.

Currently, the City manages requests from users wishing to install their own AED in a City managed facility through the Club Funded Facility Upgrade (CFFU) process. Through this, users can obtain permission from the City to install an AED at a City managed facility, and the user is responsible for all maintenance and costs that arise (including replacement of pads, batteries and so forth, and the like).

The City does currently have AEDs located at a number of City managed facilities, including Craigie and Duncraig Leisure Centres, Heathridge and Currambine Community Centres, the Joondalup Administration Building, the Works Operation Centre and the Joondalup Library.

These units are provided at these facilities as they are (or have previously been) staffed by City officers who can provide assistance in an emergency.

Provision of AEDs elsewhere within the City of Joondalup

Although the City has not installed AEDs in all City managed facilities, there are many already located within the City of Joondalup which can be accessed by the public. It is noted that many community groups own a portable AED as part of their first aid kits, and St. John and Lotterywest offer a grant program to assist groups in the purchase of a portable or fixed AED.

According to St. John there are 84 publicly accessible AEDs registered in the City of Joondalup. In addition to these, the City believes that a significant number of sporting clubs and community groups have procured their own units, therefore increasing the number available (albeit not publicly).

It should be noted that of the AEDs already available throughout Joondalup, very few are publicly accessible 24 hours a day. Most AEDs are located within an office or building that has limited opening hours, therefore reducing the availability of these units in an emergency. Both Mullaloo and Sorrento Surf Life Saving Clubs in partnership with St. John and Lotterywest have recently installed an externally mounted, publicly accessible AED on their club facilities.

DETAILS

St. John manages the WA Community First Responder (CFR) program which aims to connect AEDs to cardiac arrest victims prior to an ambulance arriving. As part of the program, St. John maintains the 'First Responder' app which includes a map of all publicly accessible AEDs that have been registered in Western Australia and contact details for the AED owner. This information is used by '000' Communication Officers to advise callers of the closest AED during an emergency so that critical assistance can be provided prior to the arrival of an ambulance. The app can also be downloaded to any smartphone, so anyone can access AED location information at any time.

Should the City increase the provision of AEDs throughout the City of Joondalup, it is recommended that this is done not only in consultation / partnership with St. John, but with all units being registered on the CFR program and being externally publicly accessible. By doing this the City would place any AED units provided on the external facade of the relevant building in a secure locked cabinet, therefore making it available to the public as directed by relevant authorities. This ensures the AED units are available for use by the public in an emergency in

consultation with 000 Communication Officers who will provide the pin code for that lock box, allowing access when needed. By registering the units with the CFR program, the City also receives the following benefits which include:

- AED unit is listed on publicly available CFR app as well as with 000 Communication Officers.
- St. John provide free training sessions for both AED users as well as City officers in how to inspect and test the unit.
- St. John undertake an annual inspection of the AED unit providing a report back to the City.
- if used in an emergency St. John will replace the AED unit, pads and battery as required.

In its report, *Rapid Literature Review on Public Access to Defibrillation*, NSW Health explores cost effective AED placement. The report shows there is sufficient evidence to support placement in high public traffic areas such as airports and railway stations, or areas where access to emergency services is highly restricted. The *St. John Ambulance WA OHCA Annual Report* also identifies that the majority (74.3%) of cardiac incidences take place in a private setting (at home) rather than a public setting and that based on current evidence, a mass coverage approach is not the most cost-effective way to supply AEDs. Instead, the report suggests undertaking a targeted approach to consider area, access and cardiac event frequency. The City has consulted with St. John Ambulance WA in the preparation of this report, who support the information above and recommend a targeted approach.

Should the City undertake a targeted approach roll out in partnership with St John Ambulance WA, it is expected that specific consideration will be given to areas within the City in which there is significant levels of public and organised activity, namely:

- Chichester Park, Woodvale
- Heathridge Park, Heathridge
- Iluka District Open Space, Iluka
- Kingsley Park, Kingsley
- MacDonald Park, Padbury
- Percy Doyle Reserve, Duncraig
- Penistone Park, Greenwood
- Seacrest Park, Sorrento
- Warwick Open Space, Warwick.

Issues and options considered

Council may consider several options regarding the ongoing provision and management of AEDs within the City of Joondalup:

Option one – Maintain status quo

Continuing to facilitate the provision of AEDs in its facilities by users of those facilities. Under this option, facility users are responsible for the installation, inspection and maintenance of their AEDs in agreement with the City through the CFFU process (agreement is only required when AED is being affixed to a wall).

Option two – Mass coverage approach

Undertaking a mass coverage approach to the installation, inspection and maintenance of AEDs in all City managed facilities.

Option three – Targeted approach

Undertaking a targeted approach to the installation, inspection and maintenance of AEDs throughout Joondalup. Through this approach, the City would consult with St. John to seek an effective and rational allocation of AEDs across the City of Joondalup. Factors which may be considered include the current supply of AEDs, usage patterns and behaviours, population demographics, existing access to emergency services and AED location accessibility.

Option two or three will result in an increase to the City's standard facility provision and increase ongoing maintenance costs.

Should Council support option three, it is recommended Council request the Chief Executive Officer prepare a report for further consideration which details the proposed AED locations and cost impact following consultation with St. John.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities and Community safety.

Strategic initiative

- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.
- Build a health community that is aware of and responsive to current public health risks.

Policy Not applicable.

Risk management considerations

The primary risk consideration in relation to the provision of AEDs is ensuring that should they be deployed, they are deployed in a way that maximises their effectiveness and availability.

Should the City make AEDs publicly available (whether available to the public at large, or just community facility users) these units are required to be maintained. While mostly self-contained, all AED units do require regular inspection to ensure they are not only working as expected, but are also available for use as needed. This would require regular inspections to test the AED units and ensure there has been no vandalism or theft of the units.

These risks can reasonably be managed through a regular inspection program. Should the units be registered with the St. John Community First Responder Program, St. John provides a series of services to assist with AED use and ongoing management, which includes an annual inspection of the unit by trained professionals. St. John can also provide training to City staff who may undertake inspections during routine community facility visits. Should the

City provide AEDs throughout Joondalup, it would be envisioned that the City would work with St. John to schedule bi-annual inspections, one being undertaken by each party.

Should the City make any AED units publicly accessible by mounting on the outside of community facilities it does also increase the risk of vandalism and theft of the units. Given the significant replacement cost of the units, this could be a significant ongoing cost to the City.

It should be noted that two recently installed club owned externally mounted AEDs at the Chichester Park Clubrooms and Timberlane Park Hall have been subject to vandalism and theft since the start of October. It could be expected that should the provision of publicly available and externally mounted AEDs increase the level of vandalism and theft of these units may also increase.

Financial / budget implications

The initial and ongoing costs of each AED unit is summarised below.

Cost item	Amount	Replacement frequency
AED unit (including housing and brackets)	\$2,500	8 years
Replacement pads & recharge pack	\$123	4 years

The total cost to install AEDs in all City managed hireable facilities is approximately \$87,500 and an effective replacement program is estimated to cost \$4,428 over the subsequent eight years. An AED has an expected life of eight years and would be replaced after this period.

Year	Item	Amount
1	Purchase of 35 new units	\$87,500
5	Replacement pads and battery recharge kits for 36 units	\$4,428
9	Replacement units	\$87,500

The number of units (35) is based on the City replacing existing units which have been installed by user groups to ensure consistency (those units would be returned to the user groups for their specific use), while also purchasing two spare units to allow for the immediate replacement of any unit as required. AEDs already installed and maintained by the City have not been included in the financial forecast, as these units have already been budgeted for.

Where a unit has been used in an emergency as directed by St. John, they will cover the cost of the replacement pads, battery re-charge or replacement of the AED unit as necessary.

There are no grant programs available to the City to fund the provision of AEDs. Local community groups and clubs are however eligible to receive grants to purchase AEDs. Lotterywest in partnership with St. John operate the St. John Heart Grant which provides 1,000 AED units at a heavily subsidised rate of \$200 should the unit be registered with the CFR program and externally mounted.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications**Social**

The use of an AED during a cardiac incident has been shown to improve the outcomes of that incident. Data from St. John states that for every minute someone is in cardiac shock, their chance of survival reduces by 10 to 12%.

Should Council support option two or three, the City would recommend having these units registered with the St. John Community First Responder Program. By doing this (and placing the units on the external façade of buildings making them available at any time) the effective use and availability of the AED in an emergency is maximised.

Consultation

The City has consulted with St. John Ambulance WA in relation to their support of the provision of AEDs in general as well as their Community First Responder Program.

The City has also consulted with other local governments who have undertaken similar AED projects. The feedback from these local governments is that the units have been widely welcomed by the community and community groups and have not generally (other than isolated incidents) been subject to vandalism, theft or graffiti, despite their prominent and public positioning.

COMMENT

The City provides first aid equipment, including AEDs, at City managed facilities that are high-traffic and are staffed by City officers who have a role to play in the provision of first aid.

The City believes that delivering a targeted roll out of AEDs in partnership with St. John will provide a sustainable and effective emergency service to the Joondalup community. However, any targeted approach should not be focussed around community facilities, but the City of Joondalup with units being placed in areas of maximum benefit as identified in partnership with St. John who provide the essential first aid and ambulance service within Western Australia.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the findings of the report on the provision of automatic external defibrillators in community facilities;**
- 2 SUPPORTS the targeted roll out of Automated External Defibrillator units throughout the City of Joondalup;**
- 3 REQUESTS the Chief Executive Officer, in consultation with St. John Ambulance Western Australia Limited, prepare a report detailing a targeted approach to the provision of automatic external defibrillators with specific consideration of areas within the City in which there is significant levels of public and organised activity, namely:**
 - 3.1 Chichester Park, Woodvale;**
 - 3.2 Heathridge Park, Heathridge;**
 - 3.3 Iluka District Open Space, Iluka;**
 - 3.4 Kingsley Park, Kingsley;**
 - 3.5 MacDonald Park, Padbury;**
 - 3.6 Percy Doyle Reserve, Duncraig;**
 - 3.7 Penistone Park, Greenwood;**
 - 3.8 Seacrest Park, Sorrento;**
 - 3.9 Warwick Open Space, Warwick.**

REPORT – AUDIT AND RISK COMMITTEE – 12 NOVEMBER 2019

CJ158-11/19 2018-19 ANNUAL FINANCIAL REPORT

WARD	All
RESPONSIBLE ACTING DIRECTOR	Mr Mike Smith Corporate Services
FILE NUMBER	107564, 101515
ATTACHMENT	Attachment 1 2018-19 Annual Financial Report Attachment 2 Auditor's Report 2018-19 Attachment 3 Interim Management Letter 2018-19
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and accept the *2018-19 Annual Financial Report* and Auditor's Report.

EXECUTIVE SUMMARY

In accordance with section 6.4 of the *Local Government Act 1995*, the *2018-19 Annual Financial Report* has been prepared and, together with the City's accounts, has been submitted to the Office of the Auditor General of Western Australia (OAG) to conduct the annual audit.

The OAG has completed its audit, in accordance with the terms of their engagement and the requirements of Part 7 Division 3 of the *Local Government Act 1995*, and has submitted its *Audit Report*. The *Annual Financial Report* will form part of the City's *2018-19 Annual Report*.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying Audit Report for the financial year 2018-19, forming Attachments 1 and 2 to Report CJ158-11/19;*
- 2 *NOTES the Auditor's Interim Management Letter in respect of the financial audit for the Year Ended 30 June 2019 forming Attachment 3 to Report CJ158-11/19.*

BACKGROUND

Section 6.4 of the *Local Government Act 1995* requires local governments to prepare an annual financial report and to submit both the report and its accounts to its auditor by 30 September each year. The City has met those requirements and the City's auditor, the OAG, has completed its audit of the accounts and the *2018-19 Annual Financial Report*.

The OAG undertook its audit in two stages. The interim audit was undertaken during May/June 2019, while the final audit phase commenced in October 2019. After the completion of the interim audit, the OAG issued an interim management letter which incorporated responses from management on the items noted (Attachment 3 refers).

At the conclusion of the final stage of the audit, the OAG determined that there were no additional findings to be reported to management and those charged with governance and, consequently, issued no final management letter.

The *2018-19 Annual Financial Report* is included as Attachment 1 to this Report.

DETAILS

Issues and options considered

The preparation of an Annual Financial Report and the submission of the report and the City's accounts to the auditors for audit are statutory requirements of the *Local Government Act 1995*.

The Annual Financial Report needs to be accepted by Council in order to enable the holding of an Annual General Meeting of Electors, at which the City's Annual Report containing the Annual Financial Report will be considered. The Annual Financial Report is also required to be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC).

Outcome of the Financial Audit

The financial audit has been completed with no issues of significance raised and the audit report is unqualified (Attachment 2 refers). The OAG has provided an interim management letter in respect of the financial audit (Attachment 3 refers).

The audit report includes mention of one statutory ratio for the City, namely the Asset Sustainability Ratio. The audit report notes that the City's ratio measurement in this case does not meet the minimum standard assigned to this ratio by DLGSC (in the *Local Government Operational Guideline No.18 – Financial Ratios*).

The *Guideline* requires that the Asset Sustainability ratio meet a Standard of at least 0.90. The Asset Sustainability ratio is calculated as follows:

Capital Renewal and Replacement Expenditure

Depreciation

The City's Asset Sustainability ratio for 2018-19 is 0.66, slightly lower than the prior year's ratio of 0.67 and slightly higher than the 2016-17 ratio of 0.65. While assets are depreciated on a straight-line basis reflecting consumption evenly over the expected life of those assets, the age of these assets means that the City would not need to expend an amount equivalent in depreciation on renewal and replacement of those assets. This is, therefore, reflected in the City's ratio and the trend over the past three financial years, however, the standard set in the *Guideline* does not accommodate such circumstances.

End of Financial Year Position

The City has finished the financial year with a Rate Setting Statement surplus higher than estimated. An anticipated end of year surplus at 30 June 2019 of \$1,573,189 was used as the opening balance in the 2019-20 Annual Budget. The final end of year Rate Setting Statement surplus for 2018-19 is \$5,581,095, being \$4,007,906 more than estimated.

When comparing the actual end of year results to the estimate shown in the 2019-20 Budget, in summary terms the \$4,007,906 comprises:

Description	Sub Total	Total
Increased Operating Cash Surplus	\$ 8,687,979	
Increased Capital Revenue	\$ 58,673	
Reduced Capital Expenditure	\$ 2,475,145	\$ 11,221,797
Less: Reduced Net Funding Requirements		(\$ 7,213,891)
Net Variance		\$ 4,007,906

There are a number of offsets between revenue, expenditure and funding requirements of which the major ones are as follows:

- Increased operating revenue, including advance receipt of part of the 2018-19 Federal Assistance and Local Roads Grants and decreased capital expenditure for capital works and projects, the bulk representing carry forwards of \$5,537,745 which are offset by a transfer to the Capital Works Carried Forward Reserve.
- A number of operating and capital reserve funded projects that did not advance as far as anticipated or for which there was no reserve funded expenditure incurred, resulting in lower expenditure offset by a lower draw on reserves.

Allowing for these and other minor offsets the adjusted variance in surplus when compared to the estimated end of year position shown in the *2019-20 Annual Budget* is made up of the following:

Description	Sub Total	Total
Increased Operating Cash Surplus	\$ 3,344,619	
Reduced Capital Revenue	(\$ 145,064)	
Reduced Capital Expenditure	\$ 720,490	\$ 3,920,045
Reduced Net Funding Requirements		\$ 87,861
Net Variance		\$ 4,007,906

The drivers for the increased surplus of \$4,007,906 are spread across both operating and capital. The principal components are as follows:

Operating Revenue and Expenditure	Sub Total	Total
Increased Operating Revenue		\$ 823,836
Reduced Operating Expenditure		
- Employee Costs	\$1,307,450	
- Materials and Contracts	\$1,016,049	\$2,323,499
Various other operating and non-cash movements		\$ 197,284
		\$3,344,619

Capital Revenue and Expenditure	Sub Total	Total
Reduced Capital Revenue		
- Capital grants and contributions	(\$ 218,413)	
- Equity distribution - Tamala Park Regional Council	\$ 73,349	(\$ 145,064)
Reduced Capital Expenditure		
- Capital Works	\$ 449,744	
- Other capital projects and fleet replacements	\$ 270,746	\$ 720,490

The reduction in employee costs is partly driven by a writeback of Workers' Compensation provisions of \$722,551 in respect of past claim year 2014-15 that has been closed by the City's insurance provider Local Government Insurance Services, as a result of the City's better-than-expected claims history for that year.

Interim Management Letter – Financial Audit

The auditors identified two minor, one moderate and one significant finding after the interim stage of the annual financial audit (Attachment 3 refers).

The significant finding arose from the interpretation of Regulation 17A(5) of the *Local Government (Financial Management) Regulations 1996* which became effective as at 1 July 2018. The clause states as follows:

“An asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of the acquisition by the local government is under \$5,000.”

The OAG's interpretation, which is in line with the interpretation by DLGSC, of this clause is that this applies retrospectively to any asset presently on the City's books that might have been acquired at a fair value below \$5,000 irrespective of the date of acquisition and the current carrying value of the asset.

The affected assets identified in the finding have been written off in the 2018-19 annual financials to ensure compliance with the management letter recommendation. This has had the effect of a number of artworks assets being written off by virtue of having been acquired at values below the threshold although the current fair values were well in excess of the \$5,000 threshold. The City does not consider that retrospective application was the intent of the legislation. Non-compliance with the recommendation, however, would likely have resulted in an adverse audit finding of non-compliance with legislation.

The moderate finding relates to the requirement for an asset stocktake protocol. The recommendation is presently being addressed.

Of the two minor findings, one relates to the requirement to update a documented protocol while the other minor finding is a reiteration of the same finding in the prior year's interim management letter after the 2017-18 audit, relating to the presentation of the November 2018 Financial Activity Statement to the Council meeting held on 19 February 2019 exceeding the two-month timeframe required by Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996*. The City noted in its response to the finding that this arises due to the Christmas and New Year break and is common to several local governments.

Final Management Letter – Financial Audit

The OAG did not make any further findings arising out of the final stage of the financial audit.

Information Systems Audit – Management Letter

Concurrently with the annual financial audit, the OAG also conducted an audit of the City's information systems. While there is no audit report issued in respect of this and this does not form part of the audit opinion expressed in the audit report issued by the Auditor General on the City's annual financial report, the OAG has made findings in respect of its work done, along with recommendations, which are outlined in a management letter issued for this purpose (circulated to elected members and the external member under separate confidential cover).

The management letter notes that the OAG conducted an Information Systems Capability Maturity Assessment of the City and also identifies 18 moderate and two minor findings in respect of information systems at the City. These findings will be aggregated with the results of similar information systems audits by the OAG at other local governments and are expected to be included in a report to Parliament in 2020 about information systems in local government. Individual findings are not expected to be disclosed in that report and the City is not expected to be identified relative to any specific findings.

Legislation / Strategic Community Plan / Policy implications

Legislation

Local Government (Financial Management) Regulations 1996.
Regulation 51(2) states:

“A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.”

Section 5.53 of the *Local Government Act 1995* states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (f) *the financial report for the financial year;*

Section 5.54 of the *Local Government Act 1995* states:

5.54 Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 6.4 of the *Local Government Act 1995* states:

6.4 Financial Report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
- (a) *be prepared and presented in the manner and form prescribed; and*
- (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
- (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*

the annual financial report of the local government for the preceding financial year.

Strategic Community Plan

Key theme	Financial Sustainability.
Objective	Effective management.
Strategic initiative	Not applicable.
Policy	Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Account no.	Not applicable.
Budget Item	Closing surplus.
Budget amount	\$ 1,573,189
Actual amount	\$ 5,581,095
Proposed cost	\$ Not applicable.
Balance	\$ 4,007,906

Future financial year impact

Annual operating cost	Not applicable.
Estimated annual income	Not applicable.
Capital replacement	Not applicable.
20 Year Strategic Financial Plan impact	Subject to application of closing surplus.
Impact year	Not applicable.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There is no legislative requirement to consult on the preparation of the Annual Financial Report, but the *Local Government Act 1995* requires a General Meeting of Electors to be held and the City's Annual Report, incorporating the Annual Financial Report, to be made available publicly.

COMMENT

The Annual Financial Report will be made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at Libraries, Leisure Centres and the Customer Service Centre.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2018-19.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 12 November 2019.

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

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY, ACCEPTS the Draft Annual Financial Report of the City of Joondalup and the accompanying Audit Report for the financial year 2018-19, forming Attachments 1 and 2 to Report CJ158-11/19;**
- 2 NOTES the Auditor's Interim Management Letter in respect of the financial audit for the Year Ended 30 June 2019 forming Attachment 3 to Report CJ158-11/19.**

Appendix14 refers

To access this attachment on electronic document, click here: [Attach14agn191119.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ159-11/19 APPOINTMENT OF AN ALTERNATE MEMBER TO MINDARIE REGIONAL COUNCIL

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 101515
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to appoint an alternate member to act on behalf of Cr Russ Fishwick, JP at any meetings of the Mindarie Regional Council to be held between 4 November and 19 December 2019.

EXECUTIVE SUMMARY

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Mayor Hon. Albert Jacob, JP.

Cr Russ Fishwick, JP has applied for leave of absence for the period 4 November to 19 December 2019 inclusive; which includes an Ordinary Council Meeting of the MRC to be held on 21 November 2019, at the Town of Victoria Park commencing at 6.30pm. Previous legal advice requires that where the City is required to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

It is therefore recommended that Council:

- 1 *In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an elected member as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 4 November and 19 December 2019;*
- 2 *ADVISES the Mindarie Regional Council of its decision.*

BACKGROUND

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- Town of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Mayor Hon. Albert Jacob, JP.

DETAILS

Cr Russ Fishwick, JP has applied for leave of absence for the period 4 November to 19 December 2019 inclusive, which includes an Ordinary Council Meeting of the MRC to be held on 21 November 2019, at the Town of Victoria Park, commencing at 6.30pm. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

This advice indicated that there is no power for member Councils to appoint permanent deputies to the MRC. Consequently, if the City's appointed member to the MRC is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint an alternate member to act in place of the member on each occasion when the member cannot attend.

Issues and options considered

The options available to the Council are to:

- agree to appoint an alternate member to act on behalf of Cr Russ Fishwick, JP during his absence
- or
- not agree to appoint an alternate member.

Legislation / Strategic Community Plan / policy implications**Legislation***Interpretation Act 1984.*

Section 52(1) and (2) of the *Interpretation Act 1984* states:

“Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power:

Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.

For the purposes of subsection (1)(b), “cause” includes:

- *Illness*
- *Temporary absence from the State*
- *Conflict of interest.*

The key provisions, which create problems for the appointment of deputies, are the word ‘unable’ in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c)”.

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Strong leadership.

Strategic initiative

Seek out City representation on key external and strategic bodies.

Policy

Not applicable.

Risk management considerations

The risk to the City of Joondalup is that if an alternate member is not appointed to represent the City in the absence of Cr Russ Fishwick, JP, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the MRC.

Financial / budget implications

Not applicable.

Regional significance

The Mindarie Regional Council is the primary Waste Management Authority for a number of metropolitan local government authorities. The City's representation at MRC meetings is of critical importance to the regional management of waste.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is considered to be of regional and strategic importance that Council exercises its ability to be represented at each and every meeting of the MRC. It is recommended that an alternate member be appointed to represent the City at any meetings of the Mindarie Regional Council to be held during the period of Cr Fishwick's proposed leave of absence.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS an elected member as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at any meetings of the Mindarie Regional Council to be held between 4 November and 19 December 2019;**
- 2 ADVISES the Mindarie Regional Council of its decision.**

URGENT BUSINESS

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

CLOSURE



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

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

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality* * Delete where not applicable
Extent of Interest	
Signature	
Date	

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

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

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



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

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

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



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

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

STATEMENT

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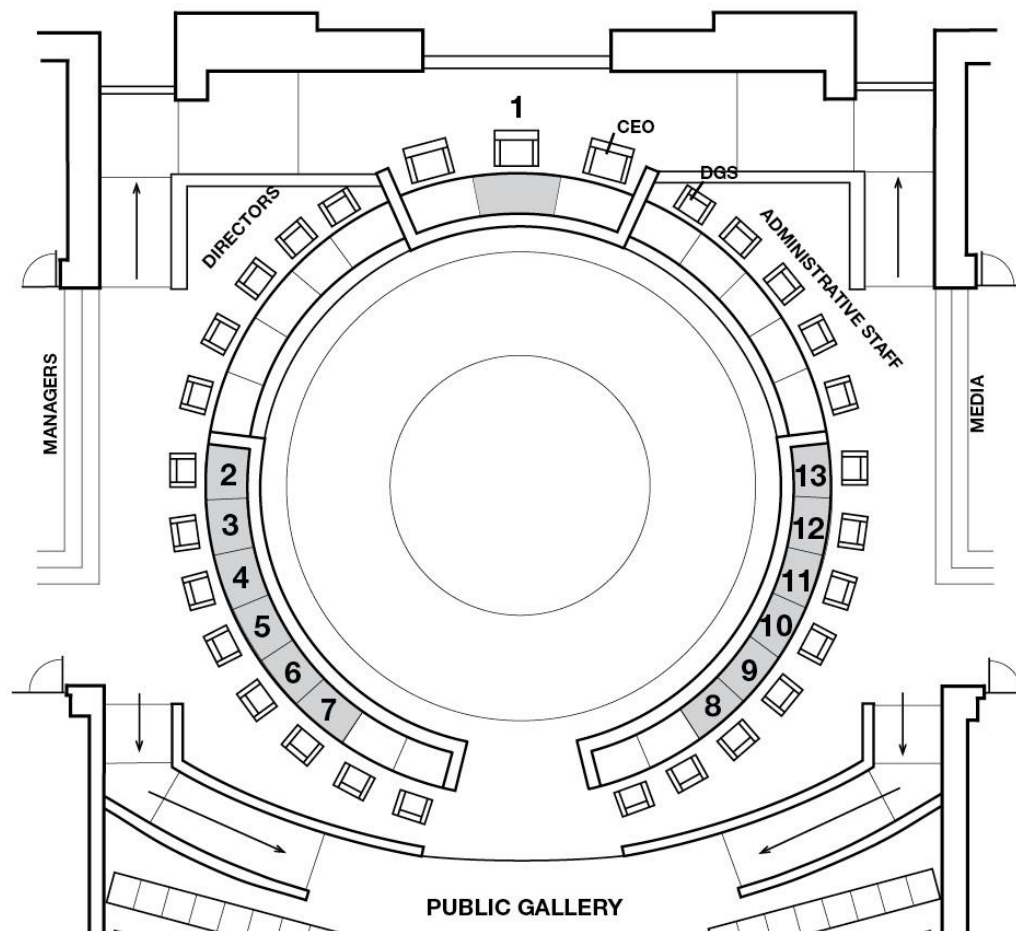
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Please submit this form at the meeting.

Please note that:

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

Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
- 3 Cr Tom McLean, JP (Term expires 10/23)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Suzanne Thompson (Term expires 10/23)