

# minutes

MEETING HELD ON **TUESDAY 18 FEBRUARY 2020**

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## CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP ON TUESDAY 18 FEBRUARY 2020.**

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

### ANNOUNCEMENT OF VISITORS

#### Mayor:

HON. ALBERT JACOB, JP

#### Councillors:

CR KERRY HOLLYWOOD	North Ward	<i>from 7.31pm</i>
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	
CR NIGE JONES	North Central Ward	
CR CHRISTOPHER MAY	Central Ward	<i>Absent from 8.46pm to 8.49pm</i>
CR RUSSELL POLIWKA	Central Ward	<i>Absent from 9.14pm to 9.16pm</i>
CR CHRISTINE HAMILTON-PRIME	South-West Ward	<i>Absent from 8.56pm to 8.58pm</i>
CR JOHN RAFTIS	South-West Ward	
CR JOHN CHESTER	South-East Ward	
CR JOHN LOGAN	South-East Ward	<i>Absent from 8.56pm to 8.59pm</i>
CR RUSS FISHWICK, JP	South Ward – <i>Deputy Mayor</i>	<i>Absent from 9.37pm to 9.39pm</i>
CR SUZANNE THOMPSON	South Ward	

#### Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 9.06pm to 9.08pm</i>
MR JAMIE PARRY	Director Governance and Strategy	
MS DALE PAGE	Director Planning and Community Development	<i>Absent from 9.42pm to 9.44pm</i>
MR MAT HUMFREY	Director Corporate Services	
MR MICHAEL HAMLING	Acting Director Infrastructure Services	<i>Absent from 8.56pm to 8.58pm</i>
MR CHRIS LEIGH	Manager Planning Services	
MR RONNIE OOMMEN	Manager Financial Services	
MRS VIVIENNE STAMPALIJA	Acting Manager Governance	
MR DANIEL DAVINI	Media Advisor	
MRS DEBORAH GOUGES	Acting Governance Coordinator	
MRS LESLEY TAYLOR	Governance Officer	
MRS WENDY COWLEY	Governance Officer	

There were 18 members of the public and one member of the press in attendance.

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

Nil.

**Disclosures of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ003-02/20 - Proposed Early Works for Ocean Reef Marina, Ocean Reef Foreshore Reserve, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor is a member of stakeholder groups Ocean Reef Sea Sports Club and the Joondalup RSL.

<b>Name/Position</b>	<b>Ms Dale Page - Director Planning and Community Development.</b>
<b>Item No./Subject</b>	CJ003-02/20 - Proposed Early Works for Ocean Reef Marina, Ocean Reef Foreshore Reserve, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page is a Board Director of Development WA – noting that Ms Page has not participated in any Board decisions relating to this project.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ005-02/20 - Strategic Community Reference Group - Appointment of new Community Member Representatives 2020.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Two nominees for the South-East Ward of the Strategic Community Reference Group are known to Cr Chester.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ005-02/20 - Strategic Community Reference Group - Appointment of new Community Member Representatives 2020.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the applicants that has nominated in the South-West Ward is known to Cr Hamilton-Prime.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ005-02/20 - Strategic Community Reference Group - Appointment of new Community Member Representatives 2020.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The nominations include a number of residents who are known to Cr Logan.

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob has a relative who owns a property in Housing Opportunity Area No. 10.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester owns property in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son and daughter own property in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is the joint owner of a property in Housing Opportunity Area No. 1.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's step-daughter owns a property in a Housing Opportunity Area.

<b>Name/Position</b>	<b>Cr John Raftis.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Raftis resides in Housing Opportunity Area No. 4.

<b>Name/Position</b>	<b>Cr Suzanne Thompson.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thompson owns residential property in Housing Opportunity Area No. 1.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ014-02/20 - Request for Additional Subsidies and Waivers of Fees for Annual Hire Groups.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Many members of the Kingsley Seniors Group are known to Cr Chester.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ014-02/20 - Request for Additional Subsidies and Waivers of Fees for Annual Hire Groups.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is known to a number of long-time members of the Kingsley Seniors Group which is seeking a subsidy extension.

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ018-02/20 - Mid Year Review of the Annual Budget for the 2019-20 Financial Year.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An alternate motion may be moved by another Councillor for funding to Mullaloo Surf Life Saving Club of which Mayor Jacob is a member.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ018-02/20 - Mid Year Review of the Annual Budget for the 2019-20 Financial Year.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor is a Member of the Mullaloo Surf Life Saving Club.

## PUBLIC QUESTION TIME

The following summarised question was taken on notice at the Council Meeting held on 10 December 2019:

**Miss S Sinclair, Craigie:**

*Re: C146-11/19 - Petition in relation to lighting options for Mirror Park Skate Park, Ocean Reef.*

*Q1 At the Council meeting held on 19 November 2019 a petition was put forward regarding skate park lighting. How long will it take for a petition of this nature to be progressed?*

*A1 The petition is currently being progressed with the City investigating the suitability and practicality of lighting at Mirror Park skate park. An outcome to the petition is anticipated by April 2020. Given there are no funds currently listed on the budget for this purpose, any action to install lighting would form part of annual budget deliberations.*

The following questions were submitted prior to the Council meeting on 18 February 2020:

**Mrs M Macdonald, Mullaloo:**

*Re: CJ003-02/20 – Proposed Early Works for Ocean Reef Marina, Ocean Reef Foreshore Reserve, Ocean Reef.*

*Q1 Why is it appropriate for the State government to advertise clearing permits before Council has given their approval for this to occur?*

*A1 An application for a clearing permit and an application for a planning approval are two separate applications, issued by two separate agencies under two separate pieces of legislation.*

The lodgement of a clearing permit is not predicated on the need for a planning approval and the City cannot prevent an applicant from seeking these approvals concurrently. The timing of advertising clearing permit applications is a matter for the Department of Water and Environmental Regulation.

In addition to requiring planning approval, applicants are required to ensure that they obtain all other regulatory approvals prior to commencing construction. By obtaining a clearing permit (or other regulatory approval) it does not exempt an applicant from ensuring that they also have the necessary planning approvals in place for the works.

*Q2 Has Policy SPP2.6 been updated to take into account the impact of the Ocean Reef Marina development on the properties affected by this policy in Mullaloo, given that at the time of the commencement of the policy the author's representative stated that the policy had not considered the proposed marina when calculating the level of sea surge?*

*A2 State Planning Policy 2.6: State Coastal Planning Policy is a State Government policy gazetted in July 2013. Updating the policy is a matter for the State Government.*

*Q3 Given that Hillarys Marina has had an impact along the coast evidenced by sand being moved from south of the marina to north of the marina, where will the biggest impact of the construction of the Ocean Reef Marina to sand depletion along the coast occur?*

*Q4 Is the area of sand depletion likely to be the beach adjacent to the Mullaloo Surf Club given that one beach south of Hillarys has had to be protected by sand bags?*

*A3&4 This question has been responded to on numerous occasions; the latest being at the Council meeting held on 19 February 2018.*

The information previously provided, including the Public Environmental Review documentation, reported the predicted, potential impact of the Ocean Reef Marina on the coastline.

*Q5 Is Council aware that as of 7 February 2020 the final Coastal Processes and Wrack Management Plan, the required condition 7-2 of the Ministerial Statement 1107 had not been submitted to the Department of Water and Environmental Regulation for approval, this plan must be prepared and submitted to DWER prior to any ground – disturbing works. How can Council give approval to the works without having access to this plan?*

*A5 Ministerial Statement 1107 relates to the environmental approval for the marine components of the Ocean Reef Marina (via a Public Environmental Review – Assessment 2012, the highest level of assessment). The proponent for Assessment 2012 is the Western Australian Land Authority T/A DevelopmentWA (formerly LandCorp).*

The works proposed through this development application are preliminary landside works only and are unrelated to condition 7-2 of Ministerial Statement 1107.

DevelopmentWA has confirmed to the City that the preparation of the Coastal Process and Wrack Management Plan (in collaboration with the Department of Water and Environmental Regulation) has commenced in accordance with condition 7-2 of Ministerial Statement 1107.

**Mr M Dickie, Duncraig:**

*Re: CJ008-02/20 – Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.*

*Q1 Noting that the response to this Motion states that the Climate Change Strategy 2014-2019 is currently being reviewed, when will consultation begin on its scope?*

*A1 The City is currently undertaking a review of the City's Climate Change Strategy 2014-2019. The City intends to seek community input into the development of the renewed Climate Change Strategy, including the opportunity to provide feedback on the draft Climate Change Strategy.*

Community consultation on the development of the new *Climate Change Strategy*, has not yet been scheduled. Opportunities to engage in the development of the new *Climate Change Strategy* will be advertised publicly via print and online media.

A key mechanism that the City utilises to engage with the community on matters such as the review of strategic documents is the Community Engagement Network. For more information or to find out how to join the City's Community Engagement Network visit <https://www.joondalup.wa.gov.au/kb/visitor/community-engagement-network>

*Q2 Why does this response appear to ignore the City's commitment in the Joondalup 2022, Strategic Community Plan that the City will "Ensure that community behaviours and attitudes are continually adapting to achieve global and local environmental targets" and its wider commitment to "make courageous decisions for the benefit of our community and future generations"?*

*A2 The City's response to the Motion at the Annual General Meeting of Electors Meeting held on 10 December 2019 was in relation to the City's new Climate Change Strategy including "a commitment to minimise the quantum of surplus cash invested with institutions that fund fossil fuel industries, as well as much more ambitious mitigation strategies than those in the current 2014-2019 Climate Change Strategy."*

As stated in the City's response to the Motion at the Annual General Meeting of Electors Meeting held on 10 December 2019:

*"The scope of the new Climate Change Strategy, like the current document will be limited firstly to the geographical boundary of the City of Joondalup, and secondly to the roles and responsibilities of the City as a local government authority."*

In 2019 the City reviewed options for the management of the City's *Investment Policy* to support greater investment of surplus funds with financial institutions that do not support fossil fuel industries. Increasing investment in current fossil fuel free investment institutions would increase the risk of capital loss and is not consistent with the City's low risk strategy for the management of public funds.

At its meeting held on 21 May 2019 (CJ067-05/19 refers), Council endorsed that no changes would be made to the City's *Investment Policy*.

*Q3 Has the City eschewed its stated responsibilities to act as a source of advice and example to the community, to "Elevate community awareness regarding its impact on the natural environment" and to "adapt for changing circumstances to ensure that we are always one step ahead"?*

A3 The City provides education to the community through its annual *Think Green Environmental Education Program* which incorporates a range of education initiatives targeting schools, residents, businesses and the broader community to address key environmental issues and to encourage greater environmental stewardship by the community. Activities included within the Environmental Education Program include workshops, seminars and tours and the development of environmental education resources including brochures and guides that cover the areas of energy, water, waste, biodiversity and sustainable transport.

The City's Environmental Education Program aligns with *Joondalup 2022: Strategic Community Plan 2012-2022* and its objectives relating to the key Theme: Natural Environment.

Q4 *When will the community and electors be able to have input into the new Climate Change Strategy?*

A4 The City is currently undertaking a review of the City's *Climate Change Strategy 2014-2019*. The City intends to seek community input into the development of the renewed *Climate Change Strategy*, including the opportunity to provide feedback on the draft *Climate Change Strategy*.

As stated in the response to Question 1, community consultation on the development of the new *Climate Change Strategy*, has not yet been scheduled.

Q5 *Noting that the existing Climate Change Strategy expired in 2019, what policy applies in 2020 until the new strategy is adopted?*

A5 The City's *Climate Change Strategy 2014-2019* is still relevant and many of the projects within the strategy are ongoing. The City will continue to implement all projects within the *Climate Change Strategy 2014-2019*, monitor its greenhouse gas emissions and report on its greenhouse gas emissions annually until a new *Climate Change Strategy* has been finalised.

**Ms M Kwok, Ocean Reef:**

Re: *Use of Pesticides.*

Q1 *Does Council keep official records of telephone complaints relating to the use of pesticides?*

A1 The City defines a complaint as an expression of dissatisfaction about the standard of service, actions or lack of action by the City. Complaints are recorded in the City's customer request management system and any communication relating to a complaint is stored in the City's record management system.

Q2 *Has Council trialled Foamstream in place of pesticides for weed management?*

A2 The City is aware of Foamstream technology and has previously liaised with the main Australian importer, Herbicide Free Australia, which is a NSW based company. This is new technology to the Australian market and is not currently available for trial in Western Australia. The City has requested Herbicide Free Australia keep them updated regarding the Western Australian market.

**Ms J Quan, Edgewater:**

Re: *Local Planning Policy.*

Q1 *Updated Infill estimate by HOAs in regard to the new Local Planning Policy for HOAs?*

A1 An updated infill estimate based on the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* has not been undertaken as the estimated number of infill dwellings that could potentially be developed under the draft new policy is not considered to significantly change from that set out in the *Local Housing Strategy*. The reasons for this are discussed in further detail on page 70 of the 18 February 2020 Council meeting Agenda.

The table below is an extract from the *Local Housing Strategy*, based on its recommendations, which provides an estimate of future additional housing in the Housing Opportunity Areas (by Housing Opportunity Area):

#### 10.6 Summary - Estimates of future additional housing in the Housing Opportunity Areas

Table 11 Estimates of future housing gains

Area	Total number of residential lots	Proposed R20/25 coding		Proposed R20/30 coding		Proposed R20/40 coding		Proposed R20/60 coding		Proposed Mixed Use zoning	Total potential nett gain in dwellings
		Number of lots	Nett gain in dwellings if development potential fully realised	Number of lots	Nett gain in dwellings if development potential fully realised	Number of lots	Nett gain in dwellings if development potential fully realised	Number of lots	Nett gain in dwellings if development potential fully realised	Number of lots	
HOA1	1,557	-	-	-	-	1,152	3,468	405	1,415	-	4,883
HOA2	660	-	-	-	-	647	1,283	-	-	13	1,283
HOA3	513	513	485	-	-	-	-	-	-	-	485
HOA4	1,399	-	-	-	-	1,216	2,442	183	448	-	2,890
HOA5	2,471	-	-	-	-	2,204	4,587	229	522	38	5,109
HOA6	1,211	-	-	-	-	1,035	2,010	176	441	-	2,451
HOA7	919	-	-	-	-	821	1,695	98	259	-	1,954
HOA8	829	-	-	72	71	758	-1,545	-	-	-	1,616
HOA9	926	-	-	926	936	-	-	-	-	-	936
HOA10	294	-	-	-	-	87	133	207	493	-	626
<b>TOTAL</b>	<b>10,779</b>	<b>513</b>	<b>485</b>	<b>998</b>	<b>1,007</b>	<b>7,920</b>	<b>17,163</b>	<b>1,298</b>	<b>3,578</b>	<b>51</b>	<b>22,233</b>

**Summary:**

- There are 10,779 residential lots in the Housing Opportunity Areas and the total potential nett gain in dwellings is at least 22,233 should all the lots be developed to their full potential. (See Table 11).
- Outside the Housing Opportunity Areas, there would still be approximately 2,605 lots that could be developed further.
- Therefore, should the recommendations of the draft *Local Housing Strategy* be adopted into the new District Planning Scheme, the total number of lots available for infill would be 13,384.
- Infill occurs gradually and development of 100% of the lots in the Housing Opportunity Areas is highly unlikely over the long term. The Department of Planning's Outer Metropolitan Perth and Peel Sub-Regional Strategy assumes a take-up rate of infill across the Greater Perth Metropolitan Area of 85%.
- The following tables compare the infill 'land bank' and nett gain in new dwellings should the proposed residential density codings, as recommended in the LHS, be adopted in the new District Planning Scheme with a 'no change in densities' scenario.

It is important to note that the figures expressed are based on a 100% development of the City's Housing Opportunity Areas. The assumed take up rate of development within Housing Opportunity Areas for the purpose of estimating the total number of additional dwellings that may arise in Housing Opportunity Areas is 85%, as outlined in the *Local Housing Strategy*.

Q2 *Updated Infill estimate by suburbs in regard to the new Local Planning Policy for HOAs?*

A2 An updated infill estimate based on the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* has not been undertaken as the estimated number of infill dwellings that could potentially be developed under the draft new policy is not considered to significantly change from that set out in the *Local Housing Strategy*. The reasons for this are discussed in further detail on page 70 of the 18 February 2020 Council meeting Agenda.

The *Local Housing Strategy* breaks infill estimates down by Housing Opportunity Area only and not suburb.

Q3 *Does the estimate of above two question included multi-dwellings and what assumptions were the estimation based on?*

A3 Yes. The *Local Housing Strategy* was prepared prior to the State Government introducing a new part to the *Residential Design Codes (R-Codes)* (then known as *Part 7 – Multi-Unit Housing Code*) in November 2010.

Prior to the introduction of Part 7 the number of multiple dwellings that could be developed on a lot was controlled via minimum / average lot sizes in the same way single houses and grouped dwellings are controlled. The estimates included in the *Local Housing Strategy* reflect this.

The introduction of Part 7 resulted in multiple dwellings on sites with a density coding of R40 and higher no longer having to meet a minimum / average lot size and instead the possible number of multiple dwellings that could be developed on a site is now controlled via a number of development provisions including plot ratio, parking, building height and setbacks.

As outlined in the Council report on this matter, changes proposed by the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* will constrain where multiple dwellings can be developed without a minimum / average lot size and therefore the estimates provided in the *Local Housing Strategy* are considered to be relevant.

Re: *Jinan Garden.*

Q4 *Is there any other sister city of Jinan proposed to build Jinan Garden at ratepayers' cost?*

A4 We are not aware of another sister city of Jinan developing a Jinan Garden and therefore have no information about funding either.

Re: *Briefing Session Audio Recording.*

Q5 *Is there any measure available to reduce or eliminate the risk of audio recording Briefing Meetings?*

A5 Briefing Sessions serve as an opportunity for elected members to gain further information around matters to be presented to Council in the following week.

It should be noted that Briefing Sessions are a non-formal meeting and as such are not legislatively required to be open to the public. The City of Joondalup opens these meetings to the public to allow for transparency on matters which will be going to a Council meeting.

A document released from McLeods Barristers and Solicitors regarding the recording and live streaming of local government council and committee meetings states that “a possible effect of introducing that kind of scrutiny would be that the detailed thinking and reasoning of Council members would go underground rather than giving the benefit of their deliberations to the members of the public who care to attend a meeting”.

The document also states *“that to expect a local government to edit the recordings of meetings to guard against defamatory or otherwise hurtful comments, and to identify speakers, would place an unreasonable burden on the local government administration, and there would be a further burden of work and expense in obtaining legal advice on possible defamation”*.

The City has assessed the risk related to the audio recording of Council Meetings, its formal decision making meeting, and in the interests of the community decided that it is of benefit.

Any member of the public interested in an item to be considered by the Council has the opportunity to attend the Briefing Session and the Council Meeting and listen to elected member discussions.

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

**Mr D Poynton, Connolly (Chairman, Joondalup Community Coast Care Forum Inc.):**

*Re: CJ003-02/20 – Proposed Early Works for Ocean Reef Marina, Ocean Reef Foreshore Reserve, Ocean Reef.*

*Q1 Will Council's approval of resolution 1 and support of resolution 2 be conditional on a Weed Management Plan that protects the remaining bush forever site 325 at Ocean Reef being included in the Construction Management Plan?*

*A1 The Chief Executive Officer advised the intent of the resolution is to allow preliminary construction works to be undertaken and it would be expected that weed management would occur ensuring that there is minimal, if any, impact on the surrounding natural areas.*

*Q2 If the City is making submissions on the two clearing permit applications 8787/1 and 8788 submitted by Development WA, will the submissions include a recommendation that approval be conditional on a Weed Management Plan that protects the remaining bush forever site 325 at Ocean Reef before clearing commences?*

*A2 Mayor Jacob advised the Department of Environment Regulation is responsible for clearing permits and stated it would be surprising if the Department did not have a requirement to address the concerns raised.*

**PUBLIC STATEMENT TIME**

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

**Ms C Hand, Joondalup:**

*Re: CJ002-02/20 – Third Party Appeal Rights.*

Ms Hand spoke in support of City of Joondalup residents having third party appeal rights, noting that Western Australian planning legislation does not currently allow for third party appeals.

Ms Hand stated that currently City of Joondalup residents have no rights of appeal and are unable to protect the amenity and values of their homes, streets and community from poor planning decisions. Ms Hand felt that there is a lack of genuine community consultation and consideration in the approval process and that third party rights should be afforded to all affected parties.

**Ms M O'Byrne, Kinross:**

*Re: Sister City Jinan Petition.*

Ms O'Byrne spoke in relation to a petition proposed to be tabled at the Council meeting regarding the City of Joondalup's Sister City in Jinan. Ms O'Byrne stated that she felt spending \$2.15 million on a Chinese garden in Central Park is extravagant and that the Jinan Garden should not be placed into an already beautiful native garden, rather the funds should be spent on community gardens throughout the Joondalup district to honour Jinan.

**Ms E Burggraaf, Padbury:**

*Re: CJ014-02/20 - Request for Additional Subsidies and Waivers of Fees for Annual Hire Groups.*

Ms Burggraaf spoke in relation to the community group's request for the City to waive the hire fees for the University of the Third Age (U3A) at Rob Baddock Community Hall, advising that U3A provides lifelong learning to older residents of the City of Joondalup. Ms Burggraaf stated that U3A does not have the financial means to meet the rent for Rob Baddock Community Hall and pleaded for the rental fees to be waived.

**Mr M Dickie, Duncraig:**

*Re: CJ008-02/20 - Minutes of the Annual General Meeting of Electors Held on 10 December 2019.*

Mr Dickie spoke in relation to Motion 1, which he moved at the Annual General Meeting held on 10 December 2019, stating that atmospheric Co2 needs to be reduced. Mr Dickie provided information on topical books that warned of the impact industries have on atmospheric carbon and read an extract from the book The End of Nature.

**Mr C Paternoster, Merriwa:**

*Re: CJ014-02/20 - Request for Additional Subsidies and Waivers of Fees for Annual Hire Groups.*

Mr Paternoster spoke in relation to the City waiving the hire fees for the University of the Third Age (U3A) at Rob Baddock Community Hall advising that the average age of members at U3A is 75 and that the group is committed to providing lifelong learning to its members.

**Mr D Poynton, Connolly:**

*Re: CJ016-02/20 - Ocean Reef Coastal Foreshore Reserve Management Plan 2019-29.*

Mr Poynton spoke of Joondalup Community Coast Care Forum's (JCCCF) disappointment in relation to the land purchased by Development WA in Carabooda, being offset as part of the settlement of the Ocean Reef NPO, not resulting in a like for like outcome. Mr Poynton advised that Lot 51 on Walding Road which is described as tuart bushland cannot be a substitute for the coastal reserve at Ocean Reef which does not contain a single tree. Mr Poynton noted that this makes the preservation and the upkeep of the remaining bush forever 325 at Ocean Reef even more important. Mr Poynton stated that JCCCF trusts that the City recognises this when making all future decisions relating to the Ocean Reef Marina development in the years to come.

**Ms M Kwok, Ocean Reef:**

*Re: The City's Use of Glyphosate in Public Spaces.*

Ms Kwok spoke in relation to the City's use of Glyphosate based herbicides in public spaces advising of a class action that is currently being undertaken by former Council workers in Victoria. Ms Kwok also advised that City of Subiaco and the Town of East Fremantle have stopped using glyphosate-based products.

**Mrs S Kenton, Padbury:**

*Re: Good Sports Programme.*

Mrs Kenton spoke in relation to the National Drug and Alcohol Foundation's program called Good Sports which works with local sporting clubs to develop a healthy approach to things such as alcohol. Mrs Kenton suggested that the City introduce an incentive for clubs to participate in the program, such as a lower booking fees or prioritisation of venue hire.

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

Mayor Hon. Albert Jacob, JP	19 to 23 February 2020 inclusive;
Cr Russ Fishwick, JP	25 February to 3 March 2020 inclusive;
Cr John Logan	12 to 15 March 2020 inclusive.



## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

### **Valentine's Concert**

Mayor Jacob advised the City was proud to present Human Nature, direct from their headline Las Vegas residency, performing live at last Thursday's 13 February 2020 Valentine's Concert.

Mayor Jacob commented the Australian music icons, who late last year were inducted into the ARIA Hall of Fame, performed their Motown and More show at the stunning Joondalup Resort.

Mayor Jacob stated a capacity audience of 8,000 witnessed the spectacular event after residents snapped up all available tickets in the exclusive pre-sale period.

Mayor Jacob took the opportunity to thank and acknowledge the City's valued Valentine's Concert sponsors, Edith Cowan University, Joondalup Health Campus and the Joondalup Times and everyone involved in delivering such a fantastic event.

### **Music in the Park**

Mayor Jacob commented the City's outstanding program of summer events continues with the second Music in the Park concert for 2020 being held at Penistone Park in Greenwood on Saturday 7 March 2020.

Mayor Jacob advised the concert is headlined by Odette Mercy and her Soul Atomics - described as one of the best live acts in WA – and supported by local hip hop, soul and Rnb band BlackTop and WAAPA's Siobhan Cotchin.

Mayor Jacob stated there is a range of family activities from 5.00pm, with the concert commencing at 5.30pm and concluding at 8.30pm.

Mayor Jacob informed the Music in the Park series is presented by major partner Healthway – Promoting the Make Smoking History message, Nova 937 and Joondalup Times.

### **Charity Clothing Collection Day**

Mayor Jacob encouraged residents to clean out their wardrobe ahead of the City's first Charity Clothing and Textiles Drop Off Day of 2020 this Saturday 22 February 2020.

Mayor Jacob advised from 9.00am to 2.00pm, collection trucks would be set up at the rear of the City of Joondalup Leisure Centre Craigie where people can get rid of their unwanted clothing, textiles, towels and bed linen.

Mayor Jacob stated items will be reused or recycled into new products and distributed by the City's partner charities – Salvo Stores, Vinnies and Anglicare – at their retail outlets, with proceeds from these sales going towards community-based services and programs that help people in need.

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

Nil.

*Cr Hollywood entered the Chamber at 7.31pm.*

**PETITIONS****C04-02/20      PETITION REQUESTING COUNCIL RECONSIDERATION EXPENDITURE ON A CHINESE GARDEN TO BE LOCATED IN CENTRAL PARK – [52469, 05998, 05386]**

Cr Thompson tabled a 490 signature petition on behalf of residents of the City of Joondalup requesting that Council reconsider and rescind their decision to spend \$2.15 million on a Chinese Garden for Jinan, to be located in Central Park and instead, redeploy the funds for community gardens across the City of Joondalup and for the benefit of all residents and ratepayers. It may be called Gardens for Jinan Project, in honour of our Sister City relationship.

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

- 1      Petition in relation to reconsideration of previous Council decision with regard to expenditure on a Chinese garden to be located in Central park.**

**The Motion was Put and**

**CARRIED (9/4)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Hamilton-Prime, Jones, Logan, May, Poliwka, Raftis and Thompson.

**Against the Motion:** Crs Fishwick, Hollywood, McLean and Taylor.

**REPORTS****CJ001-02/20 DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– NOVEMBER AND DECEMBER 2019**

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

**PURPOSE**

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

Report CJ001-02/20 identifies the development applications determined by the administration under delegated authority powers during November and December 2019 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during November and December 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 November and December 2019 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	7	7
Strata subdivision applications	19	26
<b>TOTAL</b>	<b>26</b>	<b>33</b>

Of the 26 subdivision referrals, 18 were to subdivide in housing opportunity areas, with the potential for 25 additional lots.

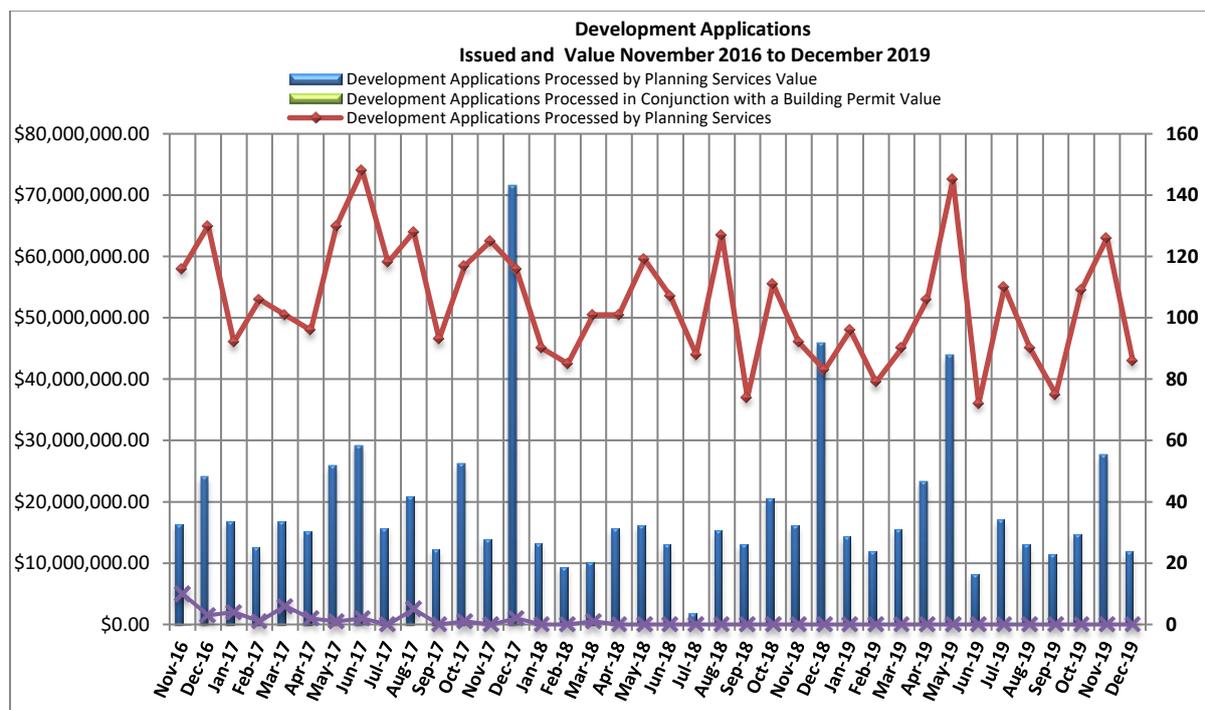
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	212	\$39,469,646
<b>TOTAL</b>	<b>212</b>	<b>\$39,469,646</b>

Of the 212 development applications, 41 were for new dwelling developments in housing opportunity areas, proposing a total of 56 additional dwellings.

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



The number of development applications received during November and December 2019 was 197.

The number of development applications current at the end of December was 202. Of these, 34 were pending further information from applicants and two were being advertised for public comment.

In addition to the above, 471 building permits were issued during the months of November and December with an estimated construction value of \$57,440,841.

### **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 212 development applications were determined for the months of November and December with a total amount of \$138,755.60 received as application fees.

All figures quoted in Report CJ001-02/20 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 the strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

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

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 development applications described in Attachment 1 to Report CJ001-02/20 during November and December 2019;**
- 2 subdivision applications described in Attachment 2 to Report CJ001-02/20 during November and December 2019.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf200211.pdf](#)*

**CJ002-02/20      THIRD PARTY APPEAL RIGHTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	00033, 101515
<b>ATTACHMENTS</b>	Attachment 1      WALGA Preferred Model for Third Party Appeal Rights (as endorsed) Attachment 2      WALGA Annual General Meeting motion Attachment 3      Draft WALGA Preferred Model for Third Party Appeal Rights (as considered by Council in February 2019)
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider a motion carried at the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) held on 7 August 2019 in relation to amendments to the existing preferred model for third party appeal rights.

**EXECUTIVE SUMMARY**

An appeal against a planning decision by a person who is not the applicant for that proposal, is known as a third party appeal.

Third parties are not able to initiate an appeal against a planning decision under the current system in Western Australia. Third parties are able to participate in appeals under the current system in a limited capacity, but only if an appeal is initiated by the applicant and the State Administrative Tribunal (SAT) allows the third party to participate.

Since early 2017, WALGA has sought feedback on different models of third party appeal rights in planning and the Council has provided formal feedback to WALGA on three different occasions.

At its meeting held in May 2019, WALGA resolved to endorse a preferred model for third party appeal rights relating to decisions made by Development Assessment Panels (DAPs), subject to some amendments.

However, at the WALGA AGM held in August 2019 a motion was carried by the attendees to amend this preferred model.

Prior to WALGA State Council considering this AGM motion at its upcoming meeting in March 2020, WALGA has approached its members to consider the motion and to advise whether the motion to amend the preferred model is supported or not supported.

For the reasons set out in the Report, it is recommended that the motion carried at WALGA's AGM is supported, in part.

## BACKGROUND

In 2017, WALGA released a discussion paper on third party appeal rights in planning. The discussion paper provided background on WALGA's policy position and set out the arguments both for and against third party appeals in planning.

WALGA sought feedback on the discussion paper and at its meeting held on 18 July 2017 (CJ114-07/17 refers), Council resolved to advise WALGA that it supported third party appeals for all planning decisions made by all decision-making bodies and any conditions (or lack thereof) imposed on the approval.

Subsequently, following feedback received from the sector, WALGA sought further feedback on a preferred model that would allow third party appeal rights on decisions made by a Development Assessment Panel (DAP). At its meeting held on 20 February 2018 (CJ002-02/18 refers), Council resolved to advise WALGA that it supported the suggested model.

At its meeting held in May 2018, WALGA resolved to advocate to the State Government for the introduction of third party appeal rights for decisions made by DAPs. WALGA also resolved that further consultation with local governments was needed to establish the criteria for third party appeals. Further workshops were held by WALGA with the sector and WALGA sought feedback on the details of their preferred model for third party appeals on DAP decisions.

At its meeting held on 19 February 2019 (CJ002-02/19 refers), Council considered these details on the preferred model and resolved to support the preferred model, subject to further consideration of how multiple appeals would be managed, extending the period of time for a local government to lodge an appeal and the management of third party appeals for amended applications.

Following feedback from the sector, at its meeting held in May 2019, WALGA resolved to endorse the preferred model for third party appeal rights for decision made by DAPs, subject to some amendments. However, at the WALGA AGM held in August 2019, a motion was carried by the attendees to amend the preferred model for third party appeals.

## DETAILS

WALGA's endorsed preferred model (Attachment 1 refers) supports third party appeals for decisions made by DAPs. Under the preferred model, only a local government can initiate a third party appeal.

However, at the WALGA AGM held in August 2019, a motion (Attachment 2 refers) was carried which states:

- “1        *That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
- 2        *That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties, in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.”*

The motion carried at the WALGA AGM will affect the current preferred model by:

- broadening who is able to initiate a third party appeal
- increasing the range of decisions subject to a third party appeal.

### **Broadening who is able to initiate a third party appeal**

When WALGA released its draft preferred model for third party appeals for decisions made by DAPs, the model listed the following as parties able to lodge a third party appeal (third party appellants):

- Parties who previously made a submission on an application.
- A responsible authority.
- A local government.
- Public authorities (like Main Roads WA, Department of Transport).

The version of the preferred model that was ultimately endorsed by WALGA at its meeting held in May 2019 (Attachment 1 refers) reduces the range of parties that can lodge a third party appeal to only a local government. The accompanying resolution notes that WALGA would give consideration to broadening third party appeal rights to other parties in the future.

Part one of the motion carried at the August 2019 WALGA AGM (Attachment 2 refers) proposes to broaden the scope of who can lodge a third party appeal to third parties in addition to local governments. The motion however does not define who a third party is in this context, and it is therefore unclear whether the intent of the motion is to open third party appeals to anyone or to reinstate the third parties initially included in the draft preferred model, but then later removed from the endorsed version.

When WALGA released its discussion paper on third party appeal rights in planning in 2017, at its meeting held on 18 July 2017 (CJ114-07/17 refers), Council resolved to advise WALGA that it supports the introduction of third party appeal rights for affected neighbours, community groups as well as local government.

At its meeting held on 19 February 2019 (CJ002-02/19 refers), Council also supported the draft preferred model which included a number of parties in addition to a local government who would be able to lodge a third party appeal, similar to those outlined in Council's original 2017 resolution on the matter.

Council's position on who should be able to lodge a third party appeal has therefore consistently supported a view that third parties should include other potentially affected parties, as well as a local government.

The motion carried at the August 2019 WALGA AGM is consistent with Council's position in this regard, however, as outlined earlier in Report CJ002-02/20, the motion is unclear who is considered to be a third party.

Therefore, if part one of the motion is supported by Council, this support should be subject to greater clarity on who is defined as a third party. It is considered that the appellants listed in the draft preferred model are appropriate and reflect Council's original intent in relation to third party appeals.

### **Increasing the range of decisions subject to a third party appeal**

The endorsed preferred model for third party appeals is currently limited to decisions made by DAPs.

Part two of the motion carried at the August 2019 WALGA AGM proposes to broaden the range of decisions that would be open to a third party appeal to also include decisions made by the Western Australian Planning Commission (WAPC) and the SAT.

Part two of the motion would also allow closely associated third parties, in addition to local governments, to lodge a third party appeal for these decisions.

It is not clear how an appeal against a SAT decision would work and there is no rationale or justification provided to support the changes proposed by part two of the motion.

When WALGA released its discussion paper on third party appeal rights in planning in 2017, at its meeting held on 18 July 2017 (CJ114-07/17 refers), Council resolved to advise WALGA that it supports the introduction of third party appeal rights for decisions made by a local government, a DAP or by the WAPC.

WALGA took Council's position, along with the views of its other members, into account and formed a view that local government's preferred model is that third party appeal rights should extend to DAP decisions only.

At its meeting held on 20 February 2018 (CJ002-02/18 refers), Council supported WALGA's position that third party appeal rights be progressed for DAP decisions and then again when Council considered WALGA's draft preferred model at its meeting held on 19 February 2019 (CJ002-02/19 refers).

The current preferred model, as adopted by WALGA at its meeting held on 19 May 2019, is consistent with the draft preferred model which Council considered at its meeting held on 19 February 2019 (CJ002-02/19 refers).

As part two of the motion moves away from the preferred model which Council has previously supported, it is considered that part two of the motion should not be supported, particularly as no justification has been provided for Council to consider a change in position.

### **Issues and options considered**

WALGA has requested that Council indicates whether it supports or does not support the motion carried at the WALGA AGM held in August 2019.

Council may decide to either:

- advise WALGA that it supports the motion
- advise WALGA that it supports / does not support the motion in part or conditionally
- advise WALGA that it does not support the motion  
or
- not respond to WALGA's request for comment.

Supporting the motion in full will mean that Council will, in effect, be changing its position on the types of decisions that should be the subject of a third party appeal.

Although Council's original resolution on the matter supports the introduction of third party appeal rights for decision made by a local government, DAP or WAPC decision (CJ114-07/17 refers), subsequent resolutions in February 2018 (CJ002-02/18 refers) and February 2019 (CJ002-02/19 refers) support WALGA's principle of confining third party appeals to DAP decisions only.

Supporting the motion in part will mean that Council can provide its support for the elements of the motion that are consistent with previous decisions and not support elements of the motion that are inconsistent with previous decisions. In this option, part one of the motion is considered to be consistent with Council's previous decisions in relation to who is able to lodge a third party appeal. Part two of the motion is considered to be inconsistent with the most recent resolutions of Council on this matter and is not accompanied by any justification to warrant a change in position.

Council may elect not to support the motion entirely which will mean that Council is effectively supporting the current preferred model endorsed by WALGA at its May 2019 meeting.

Council may elect not to provide a response to WALGA's request for comment at all. In the absence of a response from Council, it is likely that WALGA will still proceed and consider the motion at its May 2020 meeting as indicated.

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

**Legislation**                      *Planning and Development Act 2005.*

#### **Strategic Community Plan**

**Key theme**                      Governance and Leadership.

**Objective**                      Active democracy.

**Strategic initiative**        Optimise opportunities for the community to access and participate in decision-making processes.

### **Risk management considerations**

The motion carried at the August 2019 WALGA AGM broadens the scope of both the range of third party appellants, as well as the types of decisions that can be appealed by a third party.

In doing so, there is a risk that there will be a higher number of appeals generated as a result of the motion, which will have an impact on the City's resources in attending mediation and hearing sessions, as well as providing any information required through the appeal process.

### **Financial / budget implications**

An increase in the number of appeals that might be generated as a result of the motion, would have a potential financial impact for the City in terms of resourcing and additional staff may be required to accommodate the changes and still maintain the level of service already provided.

Further costs may also be incurred if the City is required to engage legal representation or specialists to participate in any of the additional appeals that may arise as a result of the changes proposed in the motion.

Without detail on how the changes proposed by the motion would operate, it is not possible to provide an accurate estimate on what the financial implications for the City will be.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

Since 2017 WALGA has engaged with its members on a number of occasions on the issue of third party appeals and in May 2019 endorsed its preferred model for third party appeals.

The motion carried at the August 2019 WALGA AGM seeks to amend the endorsed model by increasing the scope of who can lodge a third party appeal and what decisions can be the subject of a third party appeal.

The part of the motion which increases the range of third party appellants is supported, subject to clarification that third parties are those parties set out in the draft preferred model considered by Council at its meeting held on 19 February 2019 (CJ002-02/19 refers) (Attachment 3 refers). Therefore part one of the motion is supported as it is consistent with Council's previous position.

The part of the motion which seeks to increase what decisions can be the subject of a third party appeal is not supported as this is inconsistent with Council's most recent position in this regard and there is no supporting justification that accompanies the motion to warrant a change. Therefore, part two of the motion is not supported.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council, in response to the Western Australian Local Government Association's request to consider the motion carried at the Annual General Meeting held on 7 August 2019 to amend the preferred model for third party appeal rights for decision made by Development Assessment Panels, ADVISES the Western Australian Local Government Association that:

- 1 part one of the motion is supported subject to the preferred model being amended to reinstate the parties listed as appellants in a third party appeal as outlined in the draft preferred model for third party appeal rights for decisions made by Development Assessment Panels and as reflected in Attachment 3 of Report CJ002-02/20;
- 2 part two of the motion is not supported.

**MOVED Cr Poliwka, SECONDED Cr Thompson that Council, in response to the Western Australian Local Government Association’s request to consider the motion carried at the Annual General Meeting held on 7 August 2019 to amend the preferred model for third party appeal rights for decisions made by Development Assessment Panels, ADVISES the Western Australian Local Government Association that:**

- 1 parts 1 and 2 of the Western Australian Local Government Association motion are not supported;**
- 2 the City requests that the preferred model is amended to include adjoining landowners and occupiers, the community and the local government as third party appellants;**
- 3 the City requests that the preferred model is amended to allow third party appeal rights for planning decisions made by a local government, a Development Assessment Panel, the Western Australian Planning Commission and the State Administrative Tribunal.**

**AMENDMENT MOVED Cr Fishwick, SECONDED Cr Poliwka that the words.....“the community....” be deleted from Part 2 of the motion.**

**The Amendment was Put and**

**CARRIED (11/2)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Jones, Logan, May, Poliwka, Raftis, Taylor and Thompson.

**Against the Amendment:** Crs Hollywood and McLean.

**The original motion as amended, being:**

**That Council, in response to the Western Australian Local Government Association’s request to consider the motion carried at the Annual General Meeting held on 7 August 2019 to amend the preferred model for third party appeal rights for decisions made by Development Assessment Panels, ADVISES the Western Australian Local Government Association that:**

- 1 parts 1 and 2 of the Western Australian Local Government Association motion are not supported;**
- 2 the City requests that the preferred model is amended to include adjoining landowners and occupiers, and the local government as third party appellants;**
- 3 the City requests that the preferred model is amended to allow third party appeal rights for planning decisions made by a local government, a Development Assessment Panel, the Western Australian Planning Commission and the State Administrative Tribunal.**

**was Put and**

**CARRIED (10/3)**

**In favour of the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Jones, Logan, May, Poliwka, Raftis, Taylor and Thompson.

**Against the Motion:** Mayor Jacob, Crs Hollywood and McLean.

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

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the residents of the City of Joondalup should have the democratic right to appeal decisions they are aggrieved about and will adversely impact upon their lifestyle and their natural justice rights.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf200211.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ003-02/20 - Proposed Early Works for Ocean Reef Marina, Ocean Reef Foreshore Reserve, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor is a member of stakeholder groups Ocean Reef Sea Sports Club and the Joondalup RSL.

<b>Name/Position</b>	<b>Ms Dale Page - Director Planning and Community Development.</b>
<b>Item No./Subject</b>	CJ003-02/20 - Proposed Early Works for Ocean Reef Marina, Ocean Reef Foreshore Reserve, Ocean Reef.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Ms Page is a Board Director of Development WA – noting that Ms Page has not participated in any Board decisions relating to this project.

## CJ003-02/20      PROPOSED EARLY WORKS FOR OCEAN REEF MARINA, OCEAN REEF FORESHORE RESERVE, OCEAN REEF

<b>WARD</b>	North Central
<b>RESPONSIBLE MANAGER</b>	Mr Chris Leigh Manager Planning Services
<b>FILE NUMBER</b>	04171, 101515
<b>ATTACHMENT</b>	Attachment 1      Location Plan Attachment 2      Zoning / Reservation Plan Attachment 3      Ocean Reef Marina Concept Plan Attachment 4      Development Plans Attachment 5      Landscape Concept Plan Attachment 6      Planning Report and Addendum Attachment 7      Ocean Reef Marina Staging Plan
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

**PURPOSE**

For Council to consider two applications for early works associated with the Ocean Reef Marina, Ocean Reef Foreshore Reserve, Ocean Reef.

**EXECUTIVE SUMMARY**

Two development applications have been received for early works associated with the development of the Ocean Reef Marina.

The early works comprise the following:

- Extension of Hodges Drive to the west, connecting to Boat Harbour Quays.
- Modifications to the existing Boat Harbour Quays entry road (south of Hodges Drive).
- A site compound area, comprising laydown area, site office and associated facilities.
- Temporary diversion of existing club and boat ramp access and principal shared path during construction.
- Stockpiling of excess soil from the proposed works to be used in future stages of development.
- Construction related signage.

The early works are proposed to commence in the first half of 2020 and are being progressed as the first stage to facilitate suitable site access for future stages of development. Access to existing facilities will be maintained during construction.

A portion of the works is located on land that is classified as regional reserves under the *Metropolitan Region Scheme* (MRS) and consequently the same under the City's *Local Planning Scheme No. 3* (LPS3). The remaining portion of the works is located on land zoned 'Urban' under the MRS and having no zoning under LPS3. Due to the different reservation and zoning, the works have been separated into the following two development applications:

- One application for the portion of works on land reserved under the MRS and LPS3. As the land is reserved this portion of works is required to be determined by the WAPC, with Council to provide a recommendation only.
- One application for the portion of works on land zoned 'Urban' under the MRS and having no zone under LPS3. As the land is zoned under the MRS, Council is the determining authority for this component of the works.

The proposed early works are considered to be appropriate within the planning framework and consistent with the concept plan and extensive planning already undertaken for the Ocean Reef Marina.

As part of the next stages, development applications for works associated with the breakwaters and community information signage, road works and related infrastructure are expected to be lodged with the City. To ensure the timely processing of these applications, it is recommended that Council delegates decision-making authority to the Chief Executive Officer, who will in turn delegate to the Manager Planning Services to determine these applications. This will enable the City to process applications for these works in a timely and efficient manner.

*It is therefore recommended that Council:*

- *approves the component of the works of land zoned under the MRS, subject to conditions*
- *recommends that the WAPC supports the remaining component located on land reserved under the MRS, subject to similar conditions*
- *delegates decision-making authority to the Chief Executive Officer to determine future development applications associated with the breakwaters, signage, road works and related infrastructure.*

## BACKGROUND

<b>Suburb/Location</b>	Portion of Ocean Reef Foreshore Reserve, Ocean Reef.
<b>Applicant</b>	Taylor Burrell Barnett.
<b>Owner</b>	City of Joondalup (Lot 1029 and 1032), State Government of Western Australia (Lot 15446 and Lot 10098), Water Corporation (Lot 9000).
<b>Zoning</b>	<b>LPS3</b> No zone (portions of Lots 1029, 15446 and 1032), MRS reserves (remaining site area).
	<b>MRS</b> Urban zone (portion of Lots 1029 and 1032), Parks and Recreation regional reserve (portion of Lots 1029, 10098 and 15546), Public Purpose regional reserve (portions of Lot 1032 and 9000) and Other Regional Roads reserve (portion of Lot 1029).
<b>Site area</b>	7.38 hectares (area the subject of the applications).
<b>Structure plan</b>	Not applicable.

The proposed early works are located within the Ocean Reef Foreshore Reserve. The majority of the area that is impacted by the development is vegetation, with the existing Boat Harbour Quays road to the south (Attachment 1 refers). The components of the works that are subject to City approval and portion subject to Western Australian Planning Commission approval is demonstrated in Attachment 2 to Report CJ003-02/20.

The most recent concept plan for the Ocean Reef Marina is provided at Attachment 3 to Report CJ003-02/20. There is an extensive history to the current Ocean Reef Marina project and the marina has been identified in numerous strategic documents as a key future commercial and tourism location for the northern corridor of Perth, with it planned to be a vibrant waterfront precinct providing a range of recreational, tourism, residential, boating and employment opportunities. More recently, in September 2017, the State Government announced that LandCorp (now Development WA) will lead the development and work with the City to deliver the project. In February 2018, Council endorsed the Memorandum of Understanding between the City and LandCorp, outlining how to work together to deliver the project. The City continues to have representatives on the Ocean Reef Marina Government Steering Committee, project team and various working groups.

### MRS amendment

As the first stage in developing a statutory planning framework for Ocean Reef Marina, an amendment to the MRS was gazetted in November 2019. This amendment rezoned a portion of the Ocean Reef Marina area to 'Urban', with the remaining area that will be relatively undeveloped classified as 'Park and Recreation' and 'Waterways' reserves. As part of the amendment process, the area rezoned to 'Urban' was excised from Bush Forever Site 325 (BF 325) through a negotiated planning outcome. This negotiated planning outcome involves acquiring land adjacent to the Ocean Reef Marina development and including it in the conservation area as well as the rehabilitation of five hectares of degraded land within BF 325. It is proposed that a Rehabilitation Plan will be completed in conjunction with the subdivision application process.

The MRS amendment also addressed a range of other state planning policy requirements, including the following requirements of:

- Coastal hazard risk.
- Waterways management.
- Preliminary bushfire risk and management.
- Environmental approvals.

### Improvement Plan and Improvement Scheme

To support the ongoing planning and development of the area an improvement plan and improvement scheme are currently being progressed by Development WA. The purpose of the improvement plan and scheme is to provide a statutory land use planning framework to guide development in the area and align with the strategic objectives.

The improvement plan, outlining the Ocean Reef Marina area, was gazetted and took effect on 31 December 2019. The gazettal of the improvement plan provides the head of power for the preparation of the improvement scheme. The improvement scheme is due to be submitted to WAPC shortly and is anticipated to be advertised and finalised during 2020.

The absence of an improvement scheme does not prevent the applications for early works from being processed.

### **DETAILS**

The early works comprise of the following:

- Extension of Hodges Drive to the west, connecting to Boat Harbour Quays.
- Modifications to the existing Boat Harbour Quays entry (south of Hodges Drive).
- A site compound area, comprising laydown area, site office and associated facilities.
- Temporary diversion of existing club and boat ramp access and principal shared path during construction.
- Stockpiling of excess soil from the proposed works to be used in future stages of development.
- Construction related signage.

The development plans are provided at Attachment 4 to Report CJ003-02/20.

### Clearing

Bulk earthworks will be required to amend site levels to accommodate the proposed works. The applicant proposes that excess soil from the earthworks will be stockpiled in a designated area (indicated on page three of Attachment 4) and used in future stages. The indicative maximum height of the stockpiled area is 2.5 metres.

Approximately 7.38 hectares of native vegetation will require clearing for the proposed early works. Through the MRS amendment the Ocean Reef Marina development extent was excised from Bush Forever site (BF 325). The proposed early works will comprise clearing of the following areas:

- 7.13 hectares of 'Urban' zoned land within the preferred boundaries identified in the concept plan.
- 0.12 hectares of roadside vegetation that is not within Bush Forever.
- 0.13 hectares of land remaining within BF 325, reserved for 'Parks and Recreation' to accommodate required road batters.

Vegetation type and condition and clearing plans are provided on pages 23 and 24 of Attachment 6 to Report CJ003-02/20. In addition to the statutory planning process, clearing permits are required from the Department of Water and Environmental Regulation. These permits have been lodged by Development WA in conjunction with the current development applications.

The negotiated planning outcome achieved through the MRS amendment resulted in additional conservation area and some rehabilitation of the existing Bush Forever to offset the loss of vegetation for the overall Ocean Reef Marina development. Given this, the proposed clearing is considered appropriate within the planning framework. It is noted that obtaining development approval does not exempt a developer from obtaining and complying with other statutory legislation and approvals.

### Roads, drainage and related infrastructure

The key aspects of the proposed early works are the extension of Hodges Drive to the west and realignment of the existing Boat Harbour Quays entry road. It is proposed that where segments of these roads are consistent with the ultimate proposal for Ocean Reef Marina, they will be constructed to the required specification, including the proposed landscaping treatment.

Interim components will also be constructed, which will be subject to further development as the overall construction of Ocean Reef Marina progresses. These interim components include:

- portions of the Hodges Drive extension at the entrance from Ocean Reef Road and connection with Boat Harbour Quays. Future stages will need to consider the upgrade to the existing roundabout at Ocean Reef Road. At the western end, a new roundabout and road realignment with Boat Harbour Quays will be constructed as a future stage
- the eastern and western end of the realigned portion of Boat Harbour Quays. The western end of Boat Harbour Quays will be converted to a roundabout as part of future stages.

Notwithstanding that portions of the roads are to be constructed as interim components they will still be required to meet the City's specifications and be suitable for use until the ultimate design is constructed.

The City will assume maintenance and responsibility for the roads, shared paths, landscaping and related infrastructure following construction and an appropriate hand over period. Should the development be approved, conditions are recommended requiring further technical drawings to be submitted and approved by the City prior to commencing construction. These technical drawings are to provide sufficient detail to ensure that the proposed works will be constructed to the City's specifications and standards.

### Landscaping

Landscaping treatments are proposed for portions of the road that will be constructed to the ultimate specification. A landscaping concept plan is provided at Attachment 5 to Report CJ003-02/20. The landscape concept proposes the use of endemic species and creating a natural interface that blends with the existing dunes. The dunes impacted by the development will be rehabilitated as part of the works to ensure ongoing stability and minimise erosion. A more formal landscaping treatment is proposed within the median of the Hodges Drive extension, with the key feature being an avenue of Norfolk Pines.

The proposed landscaping concept is considered an appropriate treatment for the area and reflective of the overall vision for the marina development. Should the development be approved, conditions are recommended requiring further detailed landscaping and irrigation plans to be submitted and approved by the City. Landscaping will be required to be installed in accordance with these approved details.

As outlined above, the City will assume ongoing maintenance of the landscaping following construction and an appropriate hand over period.

### Construction and timing

Construction of the early works is due to commence in the first half of 2020 and are proposed to be staged in a manner to ensure that public access to the existing boat ramp and club facilities will continue to be provided:

- initial stages of construction include the establishment of the site compound followed by the construction of Hodges Drive extension, with construction and public vehicles required to use Boat Harbour Quays
- following construction of the Hodges Drive extension, public access to existing facilities will be diverted to this road, with construction traffic utilising the existing Boat Harbour Quays
- following the realignment to Boat Harbour Quays, public access will be available to both roads, however construction traffic will continue via the old Boat Harbour Quays alignment.

Construction traffic management will be provided by way of signage and/or manual traffic control where there are potential traffic conflict points. This includes the intersection of the new Boat Harbour Quays alignment and existing roadway to be used by construction traffic. All traffic management will be in accordance with Australian Standards. A traffic report was also submitted as part of the development application, outlining that the volume of construction traffic can be supported within the current and proposed road network (Attachment 6 refers).

Pedestrian and bicycle access along the north-south Principal Shared Path will continue to be provided via a temporary alignment. This will travel along the southern and eastern sides of the construction hardstand area, the western side of Ocean Reef Road and the south side of Hodges Drive, connecting back to the existing path (refer page 4 of Attachment 4). This temporary path will be constructed prior to closure of the existing shared path.

Should the development be approved, a condition of approval is recommended requiring a construction management plan to be submitted and approved by the City prior to commencing construction. This construction management plan will need to address matters such as:

- traffic management and delivery of materials
- directional signage for users of the foreshore
- communication with surrounding residents
- noise
- dust management
- construction signage.

Once works commence, construction will be required to be undertaken in accordance with the approved construction management plan.

### Planning framework

The Ocean Reef Marina has been consistently identified in the WAPC's *North-West Sub-regional Planning Framework* and City strategies, including the *Strategic Community Plan*, *Local Planning Strategy* and *Economic Development Strategy*.

The proposed early works is the first stage in the development of the Ocean Reef Marina, with the development being consistent with the overall concept plans. Whilst an overall statutory planning framework for the development is yet to be finalised through the Improvement Scheme, the nature of the early works is relatively minor in comparison to the overall development and aligns with the concept plan that is being refined and used to inform the Improvement Scheme. It is therefore considered that the proposed works are appropriate within the current general planning framework and is consistent with future planning of the area.

#### Future stages of Ocean Reef Marina

The State Government has made a commitment to commence construction of the marina in 2020. An indicative overall staging and timing plan for the development of Ocean Reef Marina is provided at Attachment 7 to Report CJ003-02/20, with the early stages and timing for development being:

- early works (subject of the current applications) commencing in the first half of 2020
- construction of the north and south breakwaters commencing late 2020/early 2021
- landside works (that is creation of sites, internal roads and public open space) commencing in stages in late 2021/early 2022.

In order for the construction of the breakwaters to commence it is imperative that proposed road works in the first half of 2020.

Each stage of development will be required to address the relevant planning framework and obtain other necessary statutory approvals, including environmental approvals. Development applications are expected shortly for community information signage and the north and south breakwaters.

#### Delegated authority to determine future applications for minor works

As mentioned above, it is likely that development applications will shortly be received for works associated with the construction of the breakwaters and overall community information signage for Ocean Reef Marina.

The breakwater development will only include a small component that requires determination by the City, with most of the works to be determined by the WAPC as it is within the regional reserve or outside the local government area. Depending on the location of the signage, the City or WAPC will be the determining authority for the works.

Under the current *Register of Delegations*, any development application for the Ocean Reef Marina that can be determined by the City is required to be determined by Council. Delegation is not required for the City to provide a recommendation to the WAPC on development applications.

To ensure the timely processing of these applications and given the extensive planning that has already occurred for the Ocean Reef Marina, it is recommended that Council delegate decision-making authority to the Chief Executive Officer, who will in turn delegate to the Manager Planning Services, to determine applications relating to the breakwaters, signage, road works and associated infrastructure. It is noted that these applications will still be subject to a rigorous assessment process, including appropriate consideration for all environmental, strategic and community impacts. This same assessment process is also followed for providing recommendations to the WAPC.

This delegation will only be temporary until such time as the improvement scheme has been finalised. At this time a new set of delegations will need to be considered to align with the improvement scheme.

### **Issues and options considered**

Council must consider the proposed early works having regard to the requirements of LPS3.

For the application for development approval relating to the portion of works the subject of Council's determination, Council may determine the application by:

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

For the application for development approval relating to the portion of works subject to WAPC's determination, Council has discretion to recommend that the application be:

- supported without conditions
- supported with conditions  
or
- not supported.

In regard to the Register of Delegations, Council may resolve to either:

- delegate to the Chief Executive Officer the authority to determine future development applications for works associated with the breakwaters, signage, road works and associated infrastructure relating to the development of Ocean Reef Marina  
or
- not support the proposed change to delegations and require that all development applications are presented to Council for determination.

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

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

### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.  
Economic Prosperity, Vibrancy and Growth.  
Governance and Leadership.

**Objective**                      Quality built outcomes.  
Destination City.  
Business capacity.

<b>Strategic initiative</b>	Buildings and landscaping is suitable for the immediate environment and reflect community values.  To become a “Destination City” where unique tourism opportunities and activities provide drawcards for visitors and high amenity for residents.  Continuously strive to improve performance and service delivery across all corporate functions.
<b>Policy</b>	<i>State Planning Policy 2.6 State Coastal Planning Policy. State Planning Policy 3.7 Planning for Bushfire Risk Management. Coastal Local Planning Policy.</i>

### Local Planning Scheme No. 3 (LPS3)

The proposed area subject to approval by the City is zoned ‘Urban’ under the MRS, with there being no zoning under LPS3. A zoning was not applied under LPS3 in conjunction with the MRS amendment given the progression of the Improvement Plan and Scheme and LPS3 not covering the full waterways extent of the marina. The portions of the development located within the regional reserves under the MRS is not subject to LPS3.

In considering the appropriateness of the proposed works under LPS3, regard has been given to the general matters required to be considered for all development applications, as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (see below).

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

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

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

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*

- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*

- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Clause 82 of schedule 2 enables Council to delegate powers under LPS3 to the Chief Executive Officer.

- (1) *The local government may, by resolution, 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 under this Scheme other than this power of delegation.*
- (2) *A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.*
- (3) *The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.*

*State Planning Policy 2.6 State Coastal Planning Policy (SPP2.6) and Coastal Local Planning Policy*

The objective of the Coastal Local Planning Policy is to ensure compliance with SPP2.6.

SPP2.6 is intended to control development along the coast, guiding setbacks, land use and development height. The policy requires appropriate hazard risk management and adaptation to be appropriately planned for, encouraging innovative approaches to managing coastal hazard risk.

A suitable Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) has been prepared for the Ocean Reef Marina, with the proposed development being consistent with the CHRMAP.

*State Planning Policy 3.7 Planning for Bushfire Risk Management (SPP3.7)*

The subject site is located in a bushfire prone area, and therefore consideration is required to be given to SPP3.7. A bushfire assessment was undertaken as part of the MRS amendment, with further detailed consideration required at each stage of development.

The only habitable building proposed through this development is a temporary site office. To manage the bushfire risk to this building, it is proposed that the site office will be provided with a 13 metre asset protection zone. This will reduce the overall bushfire attack level (BAL) to 29. A formal bushfire management plan is not required for ratings of BAL 29.

Other bushfire management measures will also be implemented throughout construction:

- appropriate storage of any flammable materials/substances
- designated refuelling areas away from vegetation and other fire hazards
- standard firefighting equipment. Existing firefighting water is available to emergency services via hydrants within the area, including a hydrant along Ocean Reef Road, directly south of Boat Harbour Quays
- awareness and training of staff to minimise fire risk.

It is considered that the bushfire risk is able to be appropriately managed for this stage of development.

### **Risk management considerations**

For the component of the development required to be determined by Council, the applicant has a right of review against Council's decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

For the component of the development required to be determined by the Western Australian Planning Commission, there is no right of review against Council's recommendation, although it is noted that the City may be invited to participate in any SAT review of the WAPC's determination.

### **Financial / budget implications**

The applicant has paid fees of \$9,221 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Once the works have been completed to the City's requirements and following a hand over period, the City will be responsible for the on-going maintenance of the infrastructure.

### **Regional significance**

The development of the Ocean Reef Marina will become a significant tourist/visitor destination and a key focal point within the northern Perth corridor.

### **Sustainability implications**

Progression of the Ocean Reef Marina planning process required a number of studies / reports addressing key issues pertaining to sustainability (such as social and economic impact and environmental sustainability). This has included various management plans as part of the MRS amendment, and the negotiated planning outcomes for the bush forever site (BF 325).

### **Consultation**

Consultation on the proposed development has not been undertaken as the development is for preliminary site works and is considered to be consistent with the overall planning for the area. It is also noted that the proposed works align with the concept plans that have previously been used in community consultation undertaken as part of the MRS amendment.

Prior to construction commencing, the developer will erect signage at the site providing details on matters such as works commencing, contact details, security methods and construction period. The applicant has also advised that they are currently confirming the suitability of including a project information booth on the site to provide ongoing information about the Ocean Reef Marina development. A further development application will also be lodged for signage on the overall marina project.

Should the development be approved a condition is recommended requiring a construction management plan, which is to include details on communication to surrounding residents.

## COMMENT

The proposed early works will support the ongoing development of the Ocean Reef Marina and is consistent with the intended future development of the area.

To ensure the timely processing of applications for the next stages of development, it is considered appropriate for Council to delegate decision-making authority to the Chief Executive Officer, who in turn will sub-delegate to the Manager Planning Services, the determination of future applications for the breakwaters, signage, road works and related infrastructure.

*It is therefore recommended that Council:*

- *approves the application for the component of the works to be determined by Council, subject to conditions*
- *advises the WAPC that it supports the application for the component of the works to be determined by the WAPC, subject to conditions*
- *delegates the decision making authority for future development applications for the breakwaters, signage, road works and related infrastructure at Ocean Reef Marina to the Chief Executive Officer.*

## VOTING REQUIREMENTS

Simple Majority (parts one, two, three and four).

Absolute Majority (part five).

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

**1 APPROVES under clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* of schedule 2 the application for development approval (City reference DA20/0015), dated 20 December 2019, submitted by Taylor Burrell Barnett, for proposed early site works on portions of Lots 1029 (362), 15446 (362L) and 1032 (400) Ocean Reef Road, Ocean Reef Road, Ocean Reef, subject to the following conditions:**

- 1.1 This approval relates to the early site works only and development shall be in accordance with the approved plan(s), any other supporting information (excluding the Water Management Strategy) and conditions of approval. It does not relate to any other development on the lots;**

- 1.2 Engineering drawings and specifications to be submitted to, and approved by the City, prior to the commencement of development. The drawings shall include:**
- 1.2.1 sufficient detail as determined by the City to demonstrate the proposed roads, drainage, lighting and paths and other related infrastructure being constructed to the City's specifications. This includes the ultimate and interim infrastructure;**
  - 1.2.2 the extent of interim pavement of Hodges Drive extension extended east past the merging point;**
  - 1.2.3 details on the proposed linkages of the principal shared paths and footpaths connections to the retained path network,**
- Works shall be undertaken in accordance with the approved drawings to the satisfaction of the City;**
- 1.3 A detailed landscaping plan shall be submitted to, and approved by the City, prior to the commencement of development. The landscaping plans are to indicate the proposed landscaping treatments of the subject site and adjoining road verges and shall:**
- 1.3.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
  - 1.3.2 provide all details relating to paving and other landscape elements;**
  - 1.3.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;**
  - 1.3.4 be based on water sensitive urban design and designing out crime principles;**
- 1.4 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City;**
- 1.5 A *Construction Management Plan* shall be submitted to, and approved, by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:**
- 1.5.1 all forward works for the site;**
  - 1.5.2 bushfire risk, including an asset protection zone around the proposed temporary site office;**
  - 1.5.3 the delivery and storage of materials and equipment to the site;**
  - 1.5.4 the parking arrangements for the contractors and subcontractors;**
  - 1.5.5 the management of dust;**
  - 1.5.6 the management of noise;**
  - 1.5.7 construction signage;**
  - 1.5.8 communication with surrounding residents prior to commencement of works and during construction,**

**Works shall be undertaken in accordance with the approved *Construction Management Plan*;**

**2 SUPPORTS the application for development approval (City reference DA20/0016), dated 20 December 2019, submitted by Taylor Burrell Barnett, for proposed early site works on portions of Lots 1029 (362), 1032 (400), 9000 (420), 10098 (420L) and 15546 (362L) Ocean Reef Road, Ocean Reef, subject to the following recommended conditions:**

**2.1 This approval relates to the early site works only and development shall be in accordance with the approved plan(s), any other supporting information (excluding the Water Management Strategy) and conditions of approval. It does not relate to any other development on the lots;**

**2.2 Engineering drawings and specifications to be submitted to, and approved by the City, prior to the commencement of development. The drawings shall include:**

**2.2.1 sufficient detail as determined by the City to demonstrate the proposed roads, drainage, lighting and paths and other related infrastructure being constructed to the City's specifications. This includes the ultimate and interim infrastructure;**

**2.2.2 the extent of interim pavement of Hodges Drive extension extended east past the merging point;**

**2.2.3 details on the proposed linkages of the principal shared paths and footpaths connections to the retained path network,**

**Works shall be undertaken in accordance with the approved drawings to the satisfaction of the City;**

**2.3 A detailed landscaping plan shall be submitted to, and approved by the City, prior to the commencement of development. The landscaping plans are to indicate the proposed landscaping treatments of the subject site and adjoining road verges and shall:**

**2.3.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**

**2.3.2 provide all details relating to paving and other landscape elements;**

**2.3.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;**

**2.3.4 be based on water sensitive urban design and designing out crime principles;**

**2.4 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City;**

**2.5 A Construction Management Plan shall be submitted to, and approved, by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:**

- 2.5.1 all forward works for the site;**
- 2.5.2 bushfire risk, including an asset protection zone around the proposed temporary site office;**
- 2.5.3 the delivery and storage of materials and equipment to the site;**
- 2.5.4 the parking arrangements for the contractors and subcontractors;**
- 2.5.5 the management of dust;**
- 2.5.6 the management of noise;**
- 2.5.7 construction signage;**
- 2.5.8 communication with surrounding residents prior to commencement of works and during construction,**

**Works shall be undertaken in accordance with the approved *Construction Management Plan*;**

- 3 FORWARDS the recommendation outlined in Part 2 to the Western Australian Planning Commission for ultimate determination of the development application;**
- 4 NOTES that further road upgrades to the existing intersections of Hodges Drive and Ocean Reef Road, and Boat Harbour Quays and Ocean Reef Road will need to be considered as part of ongoing development of Ocean Reef Marina;**
- 5 BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the *Local Government Act 1995* and clause 82 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DELEGATES the local government function to the Chief Executive Officer to determine development applications for breakwaters, signage, road works and related infrastructure relating to the Ocean Reef Marina development.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf200211.pdf](#)

**CJ004-02/20 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents sealed by affixing the Common Seal during the period 26 November 2019 to 28 January 2020
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 26 November 2019 to 28 January 2020.

**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 the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 26 November 2019 to 28 January 2020, as detailed in Attachment 1 to Report CJ004-02/20.*

**BACKGROUND**

For the period 26 November 2019 to 28 January 2020, 24 documents were executed by affixing the Common Seal. A summary is provided below:

<b>Type</b>	<b>Number</b>
Local Government and Public Property Amendment Local Law 2019	1
Withdrawal of Caveat	1
Section 70A Notification	18
Lease Agreement	1
Deed of Extension of Lease Agreement	1
Amendment No. 1 to Local Planning Scheme No. 3	1
Licence Agreement	1

**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 implications**Current 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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 26 November 2019 to 28 January 2020, as detailed in Attachment 1 to Report CJ004-02/20.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf200211.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ005-02/20 - Strategic Community Reference Group - Appointment of new Community Member Representatives 2020.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Two nominees for the South-East Ward of the Strategic Community Reference Group are known to Cr Chester.

<b>Name/Position</b>	<b>Cr Christine Hamilton-Prime.</b>
<b>Item No./Subject</b>	CJ005-02/20 - Strategic Community Reference Group - Appointment of new Community Member Representatives 2020.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	One of the applicants that has nominated in the South-West Ward is known to Cr Hamilton-Prime.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ005-02/20 - Strategic Community Reference Group - Appointment of new Community Member Representatives 2020.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The nominations include a number of residents who are known to Cr Logan.

## **CJ005-02/20 STRATEGIC COMMUNITY REFERENCE GROUP – APPOINTMENT OF NEW COMMUNITY MEMBER REPRESENTATIVES 2020**

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

## **PURPOSE**

For Council to appoint new community member representatives to the Strategic Community Reference Group (SCRG).

## **EXECUTIVE SUMMARY**

In January 2020, the City sought nominations to fill 12 community member representative vacancies on the City's SCRG within the following wards:

- North Ward.
- North-Central Ward.
- Central Ward.
- South-West Ward.
- South-East Ward.
- South Ward.

Positions were advertised through the local community paper, the City's website, social media and the City's Community Engagement Network to seek interest from the broader community. All resident / ratepayer associations within the wards were also sent nomination details on 10 December 2019 to distribute among their members and supporting networks.

The nomination period was open for six weeks from 10 December 2019 to 20 January 2020 and a total of 68 valid nominations were received.

In accordance with the SCRG Terms of Reference, Council is now requested to consider the nominations (Confidential Attachments 2-7 refer) and subsequently appoint two community member representatives per ward to fill the vacant community member positions on the SCRG.

## **BACKGROUND**

In 2012, Council established a SCRG as a new participation mechanism for the external provision of advice to Council. The group consists of appointed community representatives from each ward, Elected Members and seconded experts utilised on an as-needs basis.

In accordance with the SCRG Terms of Reference (Attachment 1 refers), the terms for community members concluded in October 2019 in line with the ordinary Council election cycle. Community members were advised of the conclusion of their current term in September 2019 and were also informed that Council would consider the re-establishment of the SCRG and membership composition following the local government elections on 21 October 2019.

As a result, the City is required to fill the 12 vacancies on the City's SCRG within the following wards:

- North Ward.
- North Central Ward.
- Central Ward.
- South-West Ward.
- South-East Ward.
- South Ward.

This report presents the nominations received from the expression of interest process for Council to appoint two new community representatives per Ward to the SCRG.

## DETAILS

### Advertising of SCRG Nominations

Public advertising of the nomination process commenced on 10 December 2019 and closed on 20 January 2020.

Email invitations were sent directly to all resident / ratepayer associations providing an opportunity for active community members to offer their nomination on SCRG. The email invitations provided a link to the Online Nomination Form and the Terms of Reference document located on the City's website.

In addition to directly contacting identified stakeholders via email, the City advertised the nominations to community members via the following means:

- Webpage linked through the community consultation section of the City's website visible from 10 December 2019 to 20 January 2020.
- Advertisement in the *Joondalup Voice* community newspaper insert published 9 January 2020 in print, available online and emailed to subscribers.
- Article in the *Joondalup Times* community newspaper published 16 January 2020 in print, available online and emailed to subscribers.
- Social media advertisement published 6 January 2020 through the City's Facebook and Twitter account.

### Summary of Nominations received

The City received a total of 87 nominations, of which 68 were considered valid nominations. Seventeen were invalidated due to insufficient contact details and duplication of nomination forms.

Of the 68 valid nominations received:

- 38 nominations (55.9%) are female, while 30 nominations (44.1%) are male.
- 18 nominations (26.5%) are aged 55–64, 16 (23.5%) are aged 45–54 and 14 (20.6%) are aged 35–44.
- 29 nominations (42.6%) did not complete any of the selection criteria.

The table below outlines a summary of nominations for each of the Ward positions:

Ward	Number of nominations
North Ward	22
North-Central Ward	15
Central Ward	10
South-West Ward	7
South-East Ward	6
South Ward	8
<b>Total Valid Nominations</b>	<b>68</b>

These nominations have been forwarded to Elected Members under separate cover.

**Issues and options considered**

Council is requested to assess the nominations and appoint two community representatives each of the following wards:

- North Ward.
- North-Central Ward.
- Central Ward.
- South-West Ward.
- South-East Ward.
- South Ward.

Council can either:

- accept all nominations to date and appoint two community representatives from each ward  
or
- not accept the nominations and re-commence the expression of interest process.

Option 1 is the preferred option based on the number and quality of the nominations received in the expression of interest process recently completed.

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

*Local Government Act 1995.*

**Strategic Community Plan****Key theme**

Governance and Leadership.

**Objective**

Active democracy.

**Strategic initiative**

Optimise opportunities for the community to access and participate in decision-making processes.

Adapt to community preferences for engagement formats.

**Policy**

*Community Consultation Policy.*

**Risk management considerations**

Should Council choose not to appoint community representatives from the nominations received, there is a risk that extending the period for nominations may elicit low levels of interest and potentially disenfranchise those community members that have already submitted an application.

**Financial / budget implications**

Advertising for the nomination process has been absorbed within existing operational costs.

**Regional significance**

Not applicable.

## **Sustainability implications**

The SCRG provides advice to Council on a variety of strategic matters, with the aim of influencing and contributing to increased sustainable outcomes for the City. To date, the group has considered planning reviews pertaining to environmental, crime and community safety, community development and waste management matters.

## **Consultation**

The SCRG is a mechanism for community engagement on strategic issues.

## **COMMENT**

The SCRG provides a unique mechanism for community member representatives, Elected Member and subject experts providing advice to Council on a range of issues of importance to the community. The nominations received sufficient nomination numbers per ward to enable Council to appoint community representative members to the SCRG.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION**

That Council:

- 1      CONSIDERS APPOINTING two community representatives for the North Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to Report CJ005-02/20;
- 2      CONSIDERS APPOINTING two community representatives for the North-Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 3 to Report CJ005-02/20;
- 3      CONSIDERS APPOINTING two community representatives for the Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 4 to Report CJ005-02/20;
- 4      CONSIDERS APPOINTING two community representatives for the South-West Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 5 to Report CJ005-02/20;
- 5      CONSIDERS APPOINTING two community representatives for the South-East Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 6 to Report CJ005-02/20;
- 6      CONSIDERS APPOINTING two community representatives for the South Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 7 to Report CJ005-02/20.

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:**

- 1 APPOINTS Danielle Griffiths and Susan Metcalfe as the community representatives for the North Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 2 to Report CJ005-02/20;**
- 2 APPOINTS Captain Simon Walker and Nola Joy Wolski as the community representatives for the North-Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 3 to Report CJ005-02/20;**
- 3 APPOINTS Louise Bettison and Fay Gilbert as the community representatives for the Central Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 4 to Report CJ005-02/20;**
- 4 APPOINTS Meredith Blais and Brian Yearwood as the community representatives for the South-West Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 5 to Report CJ005-02/20;**
- 5 APPOINTS Allan Connolly and Teresa Gepp as the community representatives for the South-East Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 6 to Report CJ005-02/20;**
- 6 APPOINTS Tiffany Tonkin and Liam O'Connor as the community representatives for the South Ward from the list of persons who nominated for the Strategic Community Reference Group as detailed in Attachment 7 to Report CJ005-02/20.**

**The Motion was Put and****CARRIED (13/0)**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf200211.pdf](#)*

## **CJ006-02/20 STRATEGIC COMMUNITY REFERENCE GROUP – 2020 WORKPLAN**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	102605, 101515
<b>ATTACHMENTS</b>	Attachment 1 Proposed 2020 Work Plan Attachment 2 SCRG Notes of meeting held on 23 May 2019 – Community Safety Attachment 3 SCRG Notes of meeting held on 22 August 2019 – Cultural Plan Attachment 4 SCRG Terms of Reference
<b>AUTHORITY / DISCRETION</b>	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to adopt the 2020 Work Plan for the Strategic Community Reference Group (SCRG) and to note the SCRG's achievements throughout 2019.

### **EXECUTIVE SUMMARY**

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council established a Strategic Community Reference Group as a participation mechanism for the external provision of advice to Council. The group consists of appointed community representatives from each ward, Elected Members and seconded experts utilised on an as-needs basis.

The 2019 SCRG Work Plan included the following items:

- Review of the City's *Community Safety and Crime Prevention Plan*.
- Development of a Cultural Plan for the City of Joondalup.

The SCRG met on two occasions to discuss both items listed as part of the 2019 Work Plan. In May 2019, members met to review the *Community Safety and Crime Prevention Plan* which explored the City's role in promoting and facilitating community safety and reviewed the Key Focus Areas and Objectives of the existing plan. In August 2019, members discussed the development of a new Cultural Plan for the City of Joondalup and explored the role that culture and the arts plays in local communities and considering the key program areas for supporting culture in the City.

Overall, the SCRG has demonstrated its effectiveness as a unique and appropriate means of obtaining community and expert advice in the consideration of high-level, strategic matters.

The proposed 2020 SCRG Work Plan includes consideration of the following matter:

- Development of a new *Strategic Community Plan* for the City of Joondalup.

Due to the complexity of the topic, the City proposes to split these discussions over three separate meetings as follows:

- Meeting 1 – Explore new community priorities, issues and challenges pertaining to the themes ‘Governance and Leadership’, ‘Financial Sustainability’ and ‘Economic Prosperity, Vibrancy and Growth’.
- Meeting 2 – Explore new community priorities, issues and challenges pertaining to the themes ‘Community Wellbeing’ and ‘Quality Urban Environment’.
- Meeting 3 – Explore new community priorities, issues and challenges pertaining to the theme ‘The Natural Environment’.

Input from these meetings will form part of the wider consultation with community groups and stakeholder groups on the development of the City’s *Strategic Community Plan*.

*It is therefore recommended that Council NOTES the Strategic Community Reference Group’s achievements for 2019 and ADOPTS the 2020 Strategic Community Reference Group’s Work Plan, as shown in Attachment 1 to Report CJ006-02/20.*

## BACKGROUND

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council considered options for future engagement with the community in reviewing the existing Working Group and Community Forum formats. As an alternative, Council supported the establishment of the SCRG with the objective of providing advice to Council on:

- matters of significant community interest
- strategic initiatives, as determined by Council.

In accordance with the SCRG Terms of Reference, the group consists of appointed community representatives from each ward, Elected Members and seconded experts utilised on an as-needs basis. The terms for previous members concluded in October 2019 in line with the ordinary Council election cycle. At its Special meeting held on 4 November 2019 (JSC04-11/19 refers), Council appointed the following new Elected Member representatives for the SCRG:

Elected Member Representatives	Deputy Members
Mayor Albert Jacob (Presiding Member)	
Cr John Chester	Cr Christopher May (First Deputy Member)
Cr Russell Polikwa	Cr John Raftis (Second Deputy Member)
Cr Suzanne Thompson	Cr Phillippa Taylor (Third Deputy Member)

New community member representatives are expected to be appointed in February 2020 in a separate report to Council. Previous community member representatives are listed below:

Previous Community Member Representatives (prior to October 2019)

WARD	MEMBER
North Ward	Dr Ross Hollett Mr Graydon Smith
North Central Ward	Ms Lara Silbert Ms Karen Warwick
Central Ward	Mr Peter Beaton Mr Ross Oxwell
South-West Ward	Mr Brian Yearwood Ms Jo Stephens
South-East Ward	Ms Selina Gates Mr David Healy
South Ward	Dr Susan King Ms Tiffany Tonkin

## DETAILS

### 2019 SCRG meetings

The following tables provide a summary of the two SCRG meetings held in 2019.

<b>Meeting 1</b>	
<b>Topic</b>	<b>Review of the <i>Community Safety and Crime Prevention Plan</i>.</b>
<b>Date</b>	Thursday 23 May 2019.
<b>Meeting Purpose</b>	Explored the role of the City in promoting and facilitating community safety and reviewed the Key Focus Areas and Objectives of the existing <i>Community Safety and Crime Prevention Plan</i> .
<b>Seconded Experts</b>	<ul style="list-style-type: none"> <li>• Dr Terence Love, Design out Crime.</li> <li>• Dr Michael Coole, Edith Cowan University.</li> <li>• Senior Sergeant Steve Dawson, Joondalup Police.</li> </ul>
<b>Meeting Summary</b>	<ul style="list-style-type: none"> <li>• City officers presented an overview of the City's current approach to community safety, external factors and emerging trends which need to be considered in the development of the new plan.</li> <li>• Members participated in facilitated activities to identify their views on the key elements of community safety and the City's role, levels of responsibility and capability to deliver or facilitate community safety.</li> <li>• Experts provided feedback and advice throughout the meeting on strategic mechanisms to promote safety and reduce crime.</li> <li>• Prior to the meeting, members had been invited to complete a survey which sought feedback on the 14 objectives listed in the existing <i>Community Safety and Crime Prevention Plan</i> to determine whether they were still relevant. Members discussed the results of the survey in small groups and provided feedback on the objectives listed in each of the four Key Focus Areas.</li> </ul>

<b>Meeting 1</b>	
<b>How input will be incorporated</b>	Feedback will be used to determine whether the development of the new <i>Community Safety Plan</i> is required and if it is, to inform the direction and the development of the new <i>Community Safety Plan</i> .
<b>Meeting Notes</b>	Full notes of the meeting are provided in Attachment 2 to Report CJ006-02/20.

<b>Meeting 2</b>	
<b>Topic</b>	<b>Development of a Cultural Plan for the City of Joondalup.</b>
<b>Date</b>	Thursday 22 August 2019.
<b>Meeting Purpose</b>	Explore the role that culture and the arts plays in local communities and considered key program areas for supporting culture in the City.
<b>Seconded Experts</b>	<ul style="list-style-type: none"> <li>• Mr Ryan Taaffe, Executive Director, CircuitWest.</li> <li>• Mr Jimmy Murphy, Director of Relationships, Town Teams Movement.</li> <li>• Ms Shelagh Magadza, Executive Director, Chamber of Arts and Culture WA.</li> </ul>
<b>Meeting Summary</b>	<ul style="list-style-type: none"> <li>• City officers presented an overview of the City's Cultural Program and other cultural development initiatives.</li> <li>• Members participated in facilitated activities to identify their views on the importance of key activities in supporting culture and the arts and the City's role, levels of responsibility and capability to deliver cultural development activities.</li> <li>• The three experts provided feedback and advice throughout the meeting on examples of cultural development activities in other local government areas and the impact they have had on the surrounding communities.</li> </ul>
<b>How input will be incorporated</b>	Outcomes will be used by Element WA, the consultancy appointed to develop the Cultural Plan, to inform further consultation activities.
<b>Meeting Notes</b>	Full notes of the meeting are provided in Attachment 3 to Report CJ006-02/20 for Council's consideration.

### Proposed 2020 Work Plan

The following items have been identified for consideration by the SCRG in 2020:

- Development of a new *Strategic Community Plan 2032*

*Joondalup 2022* is set to expire at the end of the 2021-22 financial year and it is proposed that the City commence the development a new *Strategic Community Plan*. Prior to commencing community consultation, the SCRG's involvement will seek to explore the City's new community priorities, issues and challenges that will occur over the next 10 years. Due to the complexity of the topic, the City proposes to split these discussions over three separate meetings, as follows:

Meeting 1 – Explore new community priorities, issues and challenges pertaining to the themes 'Governance and Leadership', 'Financial Sustainability' and 'Economic Prosperity, Vibrancy and Growth'.

Meeting 2 – Explore new community priorities, issues and challenges pertaining to the themes ‘Community Wellbeing’ and ‘Quality Urban Environment’.

Meeting 3 – Explore new community priorities, issues and challenges pertaining to the theme ‘The Natural Environment’.

Input from these meetings will form part of the wider consultation with community groups and stakeholder groups on the development of the City’s *Strategic Community Plan*.

The listing of three meetings within the proposed 2020 SCRG Work Plan is considered an appropriate and manageable number of projects. However, the proposed 2020 SCRG Work Plan does not prevent Council from referring additional matters to the SCRG should they be considered of significant community interest or of a strategic nature.

### Issues and options considered

Council may decide to either:

- adopt the proposed 2020 SCRG Work Plan for the SCRG as outlined in Attachment 1 to Report CJ006-02/20  
or
- amend the proposed 2020 SCRG Work Plan and suggest alternative preferences or additional matters for consideration.

It should be noted that if additional matters are added to the 2020 SCRG Work Plan, facilitation fees to conduct the meetings will increase for the management of the SCRG.

The recommended option is to adopt the 2020 SCRG Work Plan, as shown in Attachment 1 to Report CJ006-02/20.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Local Government Act 1995* – 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 government;*
- (c) *Greater accountability of local governments to their communities; and*
- (d) *More efficient and effective local government.*

#### Strategic Community Plan

##### Key theme

Governance and Leadership.

##### Objective

Active democracy.

##### Strategic initiative

Optimise opportunities for the community to access and participate in decision-making processes.

Adapt to community preferences for engagement formats.

##### Policy

*Community Consultation and Engagement Policy.*

### **Risk management considerations**

The proposed 2020 SCRG Work Plan includes three items for consideration, which can be met within current budget allocations. Any expansion of the proposed workplan will require additional resources and funds.

### **Financial / budget implications**

The budget below reflects the costs associated with conducting meetings for the SCRG, including external facilitation and catering costs.

#### Current financial year impact

<b>Account no.</b>	1.534.A5304.3359.0000. 1.534.A5304.3281.0000.
<b>Budget Item</b>	External Contractors and Services. Catering.
<b>Budget amount</b>	\$9,600
<b>Amount spent to date</b>	\$6,400
<b>Proposed cost</b>	\$9,600
<b>Balance</b>	\$3,200

All amounts quoted in Report CJ006-02/20 are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The proposed 2020 SCRG Work Plan has been developed to allow consideration of matters of a strategic nature and / or of significant interest to the community.

### **Consultation**

The SCRG provides an innovative forum for the City to conduct consultation and engagement activities with community representatives and local experts on strategic matters affecting the City.

### **COMMENT**

The SCRG continues to demonstrate its value in providing a unique and relevant platform for effective engagement with the community supported by input from experts on matters considered at the SCRG meetings.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the achievements of the Strategic Community Reference Group for 2019;**
- 2 ADOPTS the 2020 Work Plan for the Strategic Community Reference Group, as shown in Attachment 1 to Report CJ006-02/20.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf200211.pdf](#)

**CJ007-02/20 MINUTES OF EXTERNAL COMMITTEES**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 41196, 101515
<b>ATTACHMENT</b>	Attachment 1 Minutes of Mindarie Regional Council meeting held on 21 November 2019 Attachment 2 Minutes of Tamala Park Regional Council meeting held on 5 December 2019 Attachment 3 Minutes of Mindarie Regional Council meeting held on 12 December 2019  (Please note: These minutes are only available electronically).
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

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**PURPOSE**

For Council to note the 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 21 November 2019.
- Minutes of Tamala Park Regional Council meeting held on 5 December 2019.
- Minutes of Mindarie Regional Council meeting held on 12 December 2019.

**DETAILS****Mindarie Regional Council Meeting – 21 November 2019**

A meeting of the Mindarie Regional Council was held on 21 November 2019.

At the time of this meeting Hon. Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives at the Mindarie Regional Council meeting. As Cr Russ Fishwick was on leave of absence, Cr Nige Jones was the alternate member on this occasion.

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

### **Tamala Park Regional Council Meeting – 5 December 2019**

A meeting of the Tamala Park Regional Council was held on 5 December 2019.

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

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

### **Mindarie Regional Council Meeting – 12 December 2019**

A meeting of the Mindarie Regional Council was held on 12 December 2019.

At the time of this meeting Hon. Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives at the Mindarie Regional Council meeting. As Cr Russ Fishwick was on leave of absence, Cr Kerry Hollywood was the alternate member on this occasion.

The attached minutes detail those matters that were discussed at this external meeting 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.

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

- 1 Mindarie Regional Council meeting held on 21 November 2019 forming Attachment 1 to Report CJ007-02/20;**
- 2 Tamala Park Regional Council meeting held on 5 December 2019 forming Attachment 2 to Report CJ007-02/20;**
- 3 Mindarie Regional Council meeting held on 12 December 2019 forming Attachment 3 to Report CJ007-02/20.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

To access this attachment on electronic document, click here: [ExternalMinutes200211.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob has a relative who owns a property in Housing Opportunity Area No. 10.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester owns property in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester's son and daughter own property in Housing Opportunity Areas.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Fishwick is the joint owner of a property in Housing Opportunity Area No. 1.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's step-daughter owns a property in a Housing Opportunity Area.

<b>Name/Position</b>	<b>Cr John Raftis.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Raftis resides in Housing Opportunity Area No. 4.

<b>Name/Position</b>	<b>Cr Suzanne Thompson.</b>
<b>Item No./Subject</b>	CJ008-02/20 - Minutes of the Annual General Meeting of Electors Meeting held on 10 December 2019.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Thompson owns residential property in Housing Opportunity Area No. 1.

## **CJ008-02/20      MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 10 DECEMBER 2019**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	107128, 101515
<b>ATTACHMENT</b>	Attachment 1      Minutes of the Annual General Meeting of Electors held on 10 December 2019 Attachment 2      McLeods Local Government Update Relating to Recording and Live Streaming of Council and Committee Meetings
<b>AUTHORITY /DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to note the minutes of the Annual General Meeting of Electors held on 10 December 2019 and to give consideration to the motions carried at that meeting.

### **EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 10 December 2019 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

### **BACKGROUND**

The City's Annual General Meeting of Electors was held on 10 December 2019 in accordance with section 5.27 of the Act. The meeting was attended by 33 members of the public, with a total of 15 motions carried at the meeting.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any motions passed at an Electors' meeting are not binding on the Council, however, Council is required to consider them.

### **DETAILS**

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

The Motions passed at the Annual General Meeting of Electors are set out below:

**MOTION NO. 1**

**MOVED Mr M Dickie, SECONDED Ms A Leitch that the Electors of the City of Joondalup request that when it is reviewed, the City's revised Climate Change Strategy shall include a commitment to minimise the quantum of surplus cash invested with institutions that fund fossil fuel industries, as well as much more ambitious mitigation strategies than those in the current 2014-2019 Climate Change Strategy.**

**Officer's comment**

The City's *Climate Change Strategy 2014 – 2019* is currently being reviewed. Potential projects that facilitate climate change mitigation and adaptation, and are within the City's scope to implement, will be considered for inclusion within the new Climate Change Strategy.

The scope of the new Climate Change Strategy will be consistent with the current document and will include objectives to mitigate and adapt to climate change. While the City recognises that local government has an important role in both mitigation and adaptation, it is also important to recognise that many strategies for mitigation and adaptation are outside the statutory function or influence of local government.

The scope of the new Climate Change Strategy, like the current document, will be limited firstly to the geographical boundary of the City of Joondalup and secondly to the roles and responsibilities of the City as a local government authority.

In 2018-19 the City reduced its corporate greenhouse gas emissions by 30.2% compared to the 2012-13 baseline. The City's new Climate Change Strategy will aim to build on this significant achievement and further decrease the City's corporate emissions as well as positioning the City to better adapt to future climate changes.

In 2019 the City reviewed options for the management of the City's *Investment Policy* to support greater investment of surplus funds with financial institutions that do not support fossil fuel industries. Increasing investment in current fossil fuel free investment institutions would increase the risk of capital loss and is not consistent with the City's low risk strategy for the management of public funds.

At its meeting held on 21 May 2019 (CJ067-05/19 refers), Council endorsed that no changes would be made to the City's *Investment Policy*.

**Officer's recommendation**

*That Council NOTES:*

- 1 *the City's Climate Change Strategy 2014-2019 is being reviewed and any potential mitigation and adaptation strategies that are within the City's scope to implement will be considered for inclusion with any new Climate Change Strategy;*
- 2 *its decision of 21 May 2019 (CJ067-05/19 refers) that no changes would be made to the City's Investment Policy, as the City is already diverting investment to financial institutions considered to not invest in the fossil fuel industry.*

**MOTION NO. 2**

**MOVED Ms M O’Byrne, SECONDED Mr A Murphy that the Electors of the City of Joondalup request that Council makes the audio recording for all Briefing Session meetings available to the public.**

**Officer’s comment**

This motion is similar to a motion that was moved at the Annual General Meeting of Electors in 2018. On considering this motion, Council at its meeting held on 19 February 2019 (CJ008-02/19 refers) resolved that it does not support audio recordings of Briefing Sessions being made available to members of the public, noting the audio of Council meetings is available to members of the public as well as streamed live, on the City’s website.

For some time, the City has operated a decision-making process of monthly Strategy Sessions, Briefing Sessions and Council meetings. The primary purpose of Briefing Sessions is to inform elected members on the items of business to be presented and discussed at the forthcoming Council meeting, where questions can be addressed and further clarity can be sought. In support of transparency and accountability, Briefing Sessions are open to the members of the public, and question and statement time is also permitted, including the ability for parties to make depositions. However, Briefing Sessions are not a decision-making forum and not all items or reports are discussed.

The City currently streams the audio of its Council meetings on its website and also makes available the audio recording soon after the meeting is complete. However, legal issues around audio streaming of meetings have been widely publicised and have been critical of this activity, considering the decisions a Council has to make; elected members’ various roles at meetings; the limited protection offered to elected members and others from defamation; and transmitting data across a wide, and more so, global audience.

The City has been guided by a 2015 legal article published and distributed to the local government sector by McLeods Barristers and Solicitors regarding the question of whether Council meetings should be streamed live online (Attachment 2 refers), with the recordings being made available to electors by uploading to the local government’s website as soon as practical, and maintained online as an archive.

The article provides an explanation of the risks associated with recording and live streaming of meetings. The City has assessed the risk related to the audio recording of its formal decision-making meeting and in the interests of the community decided that it is of benefit. The arguments against recording are considered pertinent for non-decision-making forums such as the Briefing Session.

Briefing Sessions only serve as an opportunity for elected members to gain further information around matters to be presented to Council in the following week and any discussion is not the reason behind decisions being made. In view that Briefing Sessions are not the formal decision-making forums of the City, the current practices of only streaming and making available the audio recording of Council meetings, should be maintained.

**Officer’s recommendation**

*That Council reiterates that it DOES NOT SUPPORT audio recordings of Briefing Sessions being made available to members of the public NOTING the audio of Council meetings is available to members of the public as well as streamed live, on the City’s website.*

**MOTION NO. 3**

**MOVED Mr T Campbell, SECONDED Ms B Hewitt that the Electors of the City of Joondalup request that Council reconsider and rescind their decision to spend \$2.15 million on a Chinese garden for Jinan to be located in Central Park and instead, redeploy the funds for community gardens across the City of Joondalup for the benefit of all residents and ratepayers. It could be called Gardens for Jinan or similar in honour of our Sister City relationship.**

**Officer's comment**

The Joondalup-Jinan Sister City relationship has been an important and enduring partnership since February 2004, after signing an official protocol agreement formalising the relationship between the two cities (CJ007-02/04 refers).

At its meeting held on 1 November 2005 (CJ224-11/05 refers), Council endorsed a long term relationship plan to assist in guiding the growth and continuity of the Joondalup-Jinan Sister City relationship.

The Jinan Sister City relationship originally commenced as a mutually beneficial civic, cultural and social exchange platform, culminating in the building of a Joondalup Garden in Jinan which was completed in 2009 and is a showpiece to Jinan residents and visiting tourists. Simultaneously, the City of Joondalup undertook to build a Jinan Garden in Joondalup which was approved by Council at its meeting held on 14 December 2010 (CJ217-12/10 refers) to include the Jinan Garden in the design of the Joondalup Performing Arts and Cultural Facility. At its meeting held on 21 May 2019 (CJ066-05/19 refers), Council endorsed the development of the Jinan Garden as a significant stand-alone piece of cultural infrastructure, separate from the Joondalup Performing Arts and Cultural Facility.

Any decision to alter or rescind the currently endorsed Council approval in its current format would have a significant negative impact on the Jinan Sister City relationship, creating a reputational risk for the City of Joondalup.

From a cultural exchange and goodwill perspective, the building of the Jinan Garden is an intrinsic part of the relationship value, showing commitment by both parties to the development of an ongoing mutually respectful engagement which has seen in excess of \$70 million in economic activity generated over recent years, benefiting the Joondalup community.

It should be noted that the costs associated with the building of the Jinan Garden has already been accounted for from excess funds available from land sales and not rates revenue.

**Officer's recommendation**

*That Council DOES NOT reconsider and rescind its decision to progress the Jinan Garden project and does not redeploy the funds for community gardens across the City of Joondalup.*

**MOTION NO. 4**

**MOVED Mrs Z Murphy, SECONDED Ms B Hewitt that the Electors of the City of Joondalup request that in light of the burden placed on local governments across Australia to respond to the needs and challenges of people living in poverty and homelessness, that Council publicly advocate in writing to the relevant Federal Government Ministers that the Newstart Allowance be increased to the level of the Henderson Poverty Line.**

### Officer's comment

The *Henderson Poverty Line* was founded in a Commission of Inquiry into Poverty in 1972, becoming the benchmark used by researchers to gauge standard of living progress in the community. It is noted, however, that in Australia there is no official measurement of the extent of poverty. A judgement is made about what amount of income is needed by families of differing compositions and Australian Bureau of Statistics survey data is used to estimate how many income units or individuals fall above or below that income level.

In 2018, a report titled '*Poverty in Australia 2018*' was authored and published by the Australian Council of Social Service (ACOSS), in partnership with the University of New South Wales. The findings reported that there are just over three million people (13.2%) in Australia living below the poverty line of 50% of median income. The research found that the highest group of people experiencing poverty are those relying on Government allowance payments such as Youth Allowance and Newstart.

The Newstart Allowance refers to the main income support payment for people in Australia who are unemployed and looking for work. To be eligible to receive Newstart, individuals must meet certain criteria, including: being at least 22 years of age (but under Age Pension age); looking for paid work; under the income and assets test limits and prepared to meet mutual obligation requirements.

Newstart is paid every two weeks and the payment amount varies subject to individual circumstances such as family type, number of dependents or whether any paid work was undertaken. Payment rates for Newstart are updated on 20 March and 20 September annually.

At the beginning of 2020, the Federal Department of Human Services website reports the maximum current Newstart rate for a single person with no children is \$559 per fortnight (equivalent of \$279.50 per week, or \$39.90 per day). This amount reduces to \$504.70 per person if partnered, with payment allocations increasing from there in relation to circumstances.

The adequacy of Newstart has been challenged extensively in recent years, most notably with the campaign called 'Raise the Rate' which aims to lift the single rate of Newstart, Youth Allowance and other related payments by at least \$75 per week, and index allowances to wages and related payments. The 'Raise the Rate' campaign reports that "*the rate of Newstart has not been increased for 25 years, while the cost of living, especially housing, has increased. A range of businesses, organisations and groups have officially joined the campaign, including some local governments (for example City of Fremantle).*"

*On 25 July 2019, the Senate referred an inquiry into the adequacy of Newstart, and related payments and alternative mechanisms to determine the level of income support payments in Australia, to the Senate Community Affairs References Committee for inquiry and report by 27 March 2020. Public submissions to the Senate Inquiry closed on 30 September 2019.*

*While the City of Joondalup did not author a submission to the Senate Inquiry directly, the City is a member of the Australian Local Government Association (ALGA) who forwarded a submission on 10 September 2019 on behalf of local governments across Australia. ALGA's submission was intended to "assist the committee understand the pervasive impact of inadequate welfare support for vulnerable members of the Australian community".*

At its National Conference in June 2019, ALGA resolved the following:

*“That the National General Assembly calls on the Federal Government to significantly raise Newstart, Youth Allowance and all underfunded social security payments and that all payments be indexed at the same rate as the pension, as this has been recognised as an absolute minimum standard of living.”*

In December 2018, the Cities of Joondalup and Wanneroo adopted the *Regional Homelessness Plan 2018-19-2021-22* (CJ216-12/18 refers). The plan includes the following commitment which aligns in-principle with the request to advocate for decisions that reduce the prevalence of homelessness:

Pillar 1: Building Capacity, Understanding and Community Engagement.

Goal: Stakeholders communicate and collaborate effectively with clear purpose to end homelessness.

Strategy: Build effective relationships with key government and peak bodies to ensure the Cities are aligned with State strategic direction, and in a position to support achieving the actions of the *Regional Homelessness Plan*.

Action: Develop a stakeholder management plan to advocate for, accelerate and leverage pivotal relationships required for advancing the *Regional Homelessness Plan* in ending homelessness in the northern suburbs.

The City has an endorsed Position Statement on Homelessness that includes its role as one of advocacy, aligning in principal with the request for advocacy in relation to Newstart:

*“The City of Joondalup recognises that a whole of community response is required to reduce and prevent homelessness and minimise the impact of homelessness on families, individuals and the community.*

*The City’s role in addressing homelessness will be one of coordination, support and advocacy in responding to homelessness in collaboration and partnership with the State and Federal Government, neighbouring local governments, homeless support services, community organisations and other relevant stakeholders to ensure that people experiencing homelessness are provided with effective and coordinated responses.”*

In November 2019, the City of Joondalup held a Round Table forum hosted by Member for Moore, Ian Goodenough MP and attended by Federal Assistant Minister for Community Housing, Homelessness and Community Services Hon. Luke Howarth MP, Mayor Hon. Albert Jacob, Mayor Tracey Roberts (City of Wanneroo) and local agencies who are part of the Joondalup Wanneroo Ending Homelessness Group (JWEHG). The forum provided a platform for participants to discuss directly with the Federal Minister a wide range of issues being faced by people experiencing disadvantage, including advocacy by some agency representatives for the ‘Raise the Rate’ campaign.

In light of the Senate Inquiry deadline being closed, the City’s inclusion as a member in the ALGA submission to the Senate Inquiry, adoption of the *Regional Homelessness Plan* and direct involvement in recent advocacy efforts to the Federal Assistant Minister, it is not considered necessary for the City to write separately to advocate for an increase in Newstart.

### Officer's recommendation

*That Council DOES NOT PROCEED with publicly advocating in writing to the relevant Federal Government Ministers for the Newstart Allowance to be increased to the level of the Henderson Poverty Line.*

### **MOTION NO. 5**

**MOVED Mr A Murphy, SECONDED Ms M O'Byrne that the Electors of the City of Joondalup request that Council roll back the *Local Government and Public Property Local Law 2014* and disallow election signage on road verges or Council or public property for any government elections in the future.**

### Officer's comment

The City's *Local Government and Public Property Local Law 2014* states the following provisions around election signs:

#### **9.2 General prohibitions**

*Subject to the exceptions in clauses 9.3 to 9.6 inclusive, a person must not –*

- (a) erect or place an advertising sign on a thoroughfare or verge; or*
  - (b) post any bill or paint, place or affix any advertisement on a thoroughfare or verge,*
- unless permitted to do so under any written law.*

For the purposes of the local law:

- **advertising sign** means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes an election sign
- **election sign** means a sign which encourages persons to vote for a candidate, political party, referenda or matter relating to any federal, state or local government election.

The above provision stipulates election signs cannot be erected or placed in a thoroughfare or verge unless permitted to do so under any written law.

However, there has been a series of cases, commencing in 1992 where the High Court of Australia has ruled that there is an implied freedom of communication on matters of government and political concern. The freedom protected by the Constitution is not a freedom to communicate, but a freedom from laws that effectively prevent members of the Australian community from communicating with each other about political and government matters relevant to the system of representative and responsible government by the Constitution.

The implied constitutional freedom of political communication principles apply also to the erection of election and political signs on public property, including local government property, as defined in the *Local Government Act 1995*. That is where a local government regulates signs on local government property under local laws and policies made by those local laws.

Among the principles established by the courts in applying tests to review the constitutional validity of local government local laws regulating election and political signs, in part, are:

- 1 a law imposing a ‘blanket’ prohibition’ on election and political signs, even with limited exceptions, is very likely to be an impermissible interference with the constitutional freedom of political communication and, therefore, invalid
- 2 a law that singles out election or political signs for adverse treatment is also likely to be invalid.

In view of the above, a law or action which restricts or prevents political or election signs (such as the making or administration of a local law or planning policy) would undoubtedly be regarded by a court as constituting a burden on the freedom of political communication. Legal advice has concluded that any regulation (including the creation of a local law) restricting the placement of advertising of a political nature, other than a general restriction applicable to all advertising for the purposes of public safety and amenity, would most unlikely survive a legal challenge.

Prior to the 2019 local government elections, the City maintained a position that elections signs in a Federal, State or local government election could not be placed in a thoroughfare or on a road verge, however candidates were free to place certain election signs on private property.

Following advice around the implied freedom of political communication afforded in the Australian Constitution, the placement of election signs in thoroughfares and road verges were permitted for the first time during the 2019 local government elections, along the same lines as other temporary community information signs that are allowed by the City with permit conditions. Notwithstanding, there were a series of issues and concerns expressed by candidates and members of the public around the City’s election signs process and this process will be reviewed prior to any other elections in the future, be it Federal, State or local.

However, the City cannot restrict the erection of election signs on thoroughfares or road verges and any change to the City’s local law around such matters would be invalid and likely to be disallowed by the Joint WA Parliamentary Committee on Delegated Legislation, that reviews local government’s local laws.

#### Officer’s recommendation

*That Council DOES NOT SUPPORT the Local Government and Public Property Local Law 2014 being amended to disallow election signs being erected on local government property, NOTING the implied freedom of political communication rights under the Australian Constitution.*

#### **MOTION NO. 6**

**MOVED Mr M Moore, SECONDED Ms B Hewitt that the Electors of the City of Joondalup request that the City:**

- **implement an effective City-wide tree retention policy for trees on lots;**
- **accelerates its street planting program with priority given to areas that have low existing tree cover;**

- **acts to keep all suburbs leafy and green by including the proposed tree and landscape area requirements in its draft development in Housing Opportunity Areas *Local Planning Policy*, and in its *Residential Development Local Planning Policy* for development in non-Housing Opportunity Areas so that those areas also have practical measures to combat the urban heat island affect.**

#### Officer's comment

#### Tree Retention Policy for Trees on Lots

There is limited ability to control the retention of trees on private lots.

A planning policy for tree retention could only be applied during assessment and determination of an application for planning approval. Given that the *Planning and Development Act 2005* does not consider the removal of a tree in and of itself as 'development', tree removal does not trigger the requirement for a planning application. Therefore, the removal of trees on private lots, that is not directly associated with development or is undertaken as part of subdivision, would be able to continue to occur without control.

Currently, when a planning application is lodged and the removal of trees on a private lot is required to facilitate the proposed development, there is limited ability for the City to require the retention or replacement of existing trees.

*State Planning Policy 7.3* (SPP7.3) is the State Government's primary guiding document for residential development in Western Australia. There are provisions in SPP7.3 that apply to the development of multiple dwellings (apartments), that provide incentives to retain existing, mature trees on private lots and require the provision of additional trees as part of development. However, SPP7.3 does not require the retention or replacement of existing trees on private lots for the development of or development associated with single houses or grouped dwellings.

The City's draft new *Development Standards in Housing Opportunity Areas Framework* includes similar incentives and requirements for additional trees to those contained in SPP7.3 but go beyond SPP7.3 by applying these standards to single houses and grouped dwellings, not only multiple dwellings. Once these draft new development standards have been finalised, the City will give consideration to broadening the application of some of the new standards to developments outside the Housing Opportunity Areas.

Separately to the provision of trees on private lots, there are other initiatives that the City administers to mitigate potential urban heat island effect and to recognise the shade, habitat and amenity provided by trees, these are as follows:

- 1 As part of new residential development, the City requires street verges to be planted at a rate of one street tree per 10 metres of lot frontage.
- 2 The City maintains a Significant Tree Register. The register aims to protect trees on land owned or managed by the City of Joondalup which hold significant value for their visual / aesthetic, botanic / scientific, ecological, historical / cultural or social aspect.
- 3 Since May 2017, the City has been administering its Leafy City Program which aims to provide an increased leafy canopy cover in residential streets to mitigate the environmental impact of climate change and urban growth and to create cooler, inviting green urban spaces.

### Acceleration of Street Planting Program

The City has two main tree planting programs:

- The Leafy City Program which aims to provide the City of Joondalup with increased leafy canopy cover in residential streets through verge tree planting in order to mitigate the environmental impact of climate change and rapid urban growth and to create cooler, inviting green urban spaces.

The selection of suburbs for the Leafy City Program is directed by thermal heat mapping undertaken every four years over all 22 suburbs of the City. The City captured canopy and land surface temperature data in February 2016, in order to create a priority list to target the hottest suburbs in the City. Since May 2017 the City has been implementing this program and has planted over 3,600 trees in the suburbs of Beldon, Craigie, Heathridge, Padbury, Kinross, Currambine, Woodvale, Kingsley and Greenwood.

This project is included in the *Capital Works Program*, with an annual budget of \$500,000 which includes thermal heat mapping data, tree purchasing, planting and establishment.

- The annual Winter Tree Planting Program provides trees to residential verges on request from the resident, the replacement of trees in road medians and the planting of new trees in parks. Over 1,900 trees were planted during the winter of 2019. This program has been responsible for the planting of over 10,6814 trees since 2014.

This project is included in the *Capital Works Program* with an annual budget of \$150,000 for the purchasing of trees only. The planting of these trees is included in the City's operating budget.

### Inclusion of proposed tree and landscape area requirements in its draft development in Housing Opportunity Areas *Local Planning Policy*

At its meeting held on 21 November 2017 (CJ177-11/17 refers), Council resolved to prepare a design-led local planning policy to better manage the impact of development in Housing Opportunity Areas. Since that time the City has been working towards implementing a policy for development in Housing Opportunity Areas pursuant to Council's resolution.

Prior to Council's November 2017 resolution the City had already commenced a review of its existing *Residential Development Local Planning Policy*. The *Residential Development Local Planning Policy* currently applies to all residential developments in the City, including Housing Opportunity Areas.

The review of the *Residential Development Local Planning Policy* has been put on hold until the draft new *Development Standards in Housing Opportunity Areas* framework is finalised as the outcomes will inform changes to the *Residential Development Local Planning Policy*, which may include carrying development standards that are proposed to apply in Housing Opportunity Areas over to the residential parts of the City that are not located in Housing Opportunity Areas.

Officer's recommendation

*That Council:*

- 1 *DOES NOT PROCEED to implement an effective City-wide tree retention policy for trees on lots;*
- 2 *NOTES that the draft New Development Standards in Housing Opportunity Areas proposes to introduce tree retention incentives and tree planting requirements over and above the current requirements of State Planning Policy 7.3;*
- 3 *NOTES that between the two tree planting programs over 14,281 trees have been planted within the City since 2014;*
- 4 *DOES NOT PROCEED to include the proposed tree and landscape area requirements contained in the draft new Development Standards in Housing Opportunity Areas Local Planning Policy into the Residential Development Local Planning Policy at this stage;*
- 5 *NOTES that the review of the Residential Development Local Planning Policy will recommence after the draft new Development Standards in Housing Opportunity Areas Local Planning Policy and associated scheme amendment (Scheme Amendment No. 5) is finalised.*

**MOTION NO. 7**

**MOVED Dr T Green, SECONDED Mr Moore that the Electors of the City of Joondalup request that City develops a formal plan and timeline for improving the amenity in suburbs by:**

- **working with the State Government to underground all power in suburban areas, with Housing Opportunity Areas being a priority;**
- **installing shade sails, over all play equipment in the City within three years and planting trees that will grow to ensure shade cloth can be removed in the longer term;**
- **partnering with the State Government to arrange for subsidised safe removal of asbestos from fences and properties across the City.**

Officer's commentState Underground Power Program

The State Government established the *State Underground Power Program* ("the program"), following significant damage to Western Power's overhead network during severe storms in 1994. The program is managed by the Public Utilities Office of WA (PUO) within the Department of Finance and seeks to fulfil the following objectives:

- Improve reliability and security of electricity supply for consumers.
- Enhance streetscapes and visual amenity.
- Reduce street tree maintenance costs for local governments.
- Improve street lighting and community safety.
- Reduce maintenance costs for Western Power.

The program requires a shared funding contribution arrangement of 25% from the State Government, 25% from Western Power and 50% from landowners. Proposals are compiled by local governments following the announcement of funding rounds, which are assessed against a set of guidelines prepared and released by the PUO. Assessment criteria include factors such as:

- regional preference
- heritage, tourism and geographical significance
- project budget
- funding capacity of the local government and landowners
- community support and commitment
- power system criteria.

The City of Joondalup has approximately 19,000 properties (or 34%) still connected to overhead power within the older suburbs of Marmion, Sorrento, Duncraig, Greenwood, Heathridge, Hillarys, Kallaroo and Mullaloo. The City has made several submissions to the program over the years, namely, Duncraig in 2001 and two areas in Marmion, Sorrento and Duncraig and Hillarys, Kallaroo and Mullaloo in 2003.

In 2006, the area of West Greenwood was selected to progress to the detailed design stage, requiring community consultation. Only 36% of respondents supported the proposal, which at the time required a \$5,850 financial contribution from residents. As such, the project did not progress.

In 2010, several submissions were made for the areas of Duncraig, Marmion, Sorrento and Heathridge. Locations within Heathridge progressed to the community consultation stage, however, elected members did not support the State Government's consultation methodology at the time, and as such, the projects did not proceed further.

In 2017, the City consulted with all ratepayers with property containing overhead powerlines in the suburbs of Mullaloo, Kallaroo and Hillarys for the latest funding round (Round 6) of the program to determine the overall level of support for the undergrounding of power in overhead power sites. Over 3,000 households were directly contacted, seeking their feedback. The cost estimate provided to residents at the time as part of the consultation was between \$7,000 - \$15,000. This cost was based on actual costs provided to the City by PUO and was calculated based on each resident paying 50% of the cost with the remaining 50% being funded by the program if successful.

The City received 826 responses, with the following results:

- 52% were supportive of the installation of underground power in their area; however
- 61% were opposed to contributing financially to the installation of the underground power.

Given that over 50% support is required for submissions to be considered by the PUO, the City did not progress the submission.

### Current Status

Current conservative estimates for undergrounding power per property can vary between \$10,000 to \$20,000 depending on the site-specific requirements. With approximately 19,000 properties in the City of Joondalup still connected to overhead power, the total cost anticipated to underground all power is between \$190 million - \$380 million. This cost is a significant impost on all ratepayers and thus is not feasible for the City to undertake without State Government funding and contribution from the individual affected properties.

Notwithstanding, the City continues to seek opportunities for funding when available. The latest round (Round 6) of the program is due to be completed in 2021 and the State Government is yet to commit to future funding rounds at this point in time. Should this position change, the City would continue to consider areas that meet the funding criteria requirements and consult with residents as part of this process.

### Installation of Shade Sails

The City acknowledges the benefits of guaranteed shade for playspace use and the desires of many within the community to progress the installation of shade structures within local park areas. Notwithstanding these benefits, the City is greatly challenged with the significant costs associated with purchasing and maintaining these structures across a large number of playspace areas. To more effectively manage this challenge and ensure a financially sustainable outcome for the City, a *City Playground Shade Policy* was developed and adopted by Council at its meeting held on 17 August 2015 (CJ144-08/15 refers).

The purpose of the policy was to establish a position for the City from which to define the circumstances upon which artificial shade solutions would be considered for installation above play equipment and furniture within City parks and reserves. The criteria and prioritisation process is reflected in the City's *Five Year Capital Works Program*. It is not economically feasible to supply artificial shade to all playgrounds across the City. Capital and ongoing maintenance costs for artificial shade structures are high and have the potential to be a large financial impact to the City. A rationalised and sustainable approach to the distribution of built shade to park playgrounds is essential. The estimated costs for these approaches is as follows:

- The estimated cost of installing built shade structures to the City's 233 play spaces is over \$9.2 million. The cost split over three years is \$3.06 million.
- The estimated cost of replacement shade sails based on an estimated lifespan of five years is \$1.75 million every five years.
- The estimated cost of annual maintenance including the removal of shade sails over winter and re-instating them in spring, to mitigate storm damage is \$138,000 per year.

### Removal of Asbestos

Asbestos containing materials are common in homes throughout the City of Joondalup and all local government areas. Houses built before 1990 are likely to contain asbestos cement products.

Where asbestos is in poor condition or poses a risk to public health, the *Health (Asbestos) Regulations 1992* apply. The City is able to take action where asbestos is being inappropriately managed.

A State Government report for managing asbestos in WA government buildings states that 'while consensus exists for the asbestos-free goal, where asbestos containing material is in good condition and does not pose a health risk, management in-situ is preferable to removal'.

Further, advice provided by the Department of Health is that, while undisturbed, asbestos cement materials in good condition do not pose a health risk because the asbestos fibres are bound together in solid cement. The greatest risk to occupants is where asbestos is being removed.

The cost of removal of asbestos is significant and may vary according to the nature of the materials and its location within the home, ranging from several thousand dollars to tens of thousands of dollars per home. Considering the significant cost to remove asbestos, any offer of a rebate would likely only be taken up by home owners already planning home renovations that include the removal of asbestos containing materials.

To be effective more broadly, a rebate would need to be an amount that provides an incentive. Should the State Government offer an incentive, it is unlikely that it would be limited to the City of Joondalup. The cost of any rebate program could, therefore, amount to millions or potentially billions of dollars, even where there may be a partial uptake. Any incentive program would be required to confirm the presence of asbestos through laboratory testing. This will further add significant costs to any rebate program, particularly where homes may have multiple sources of asbestos containing materials.

Should the City partner with the State Government for a rebate program, additional administrative and field officer support would be required. This would likely be an additional full-time employee for the duration of the program.

Considering that:

- asbestos cement materials in good condition do not pose a health risk
- the greatest risk to occupants is where asbestos is being removed
- the City is not appropriately resourced to facilitate a rebate program
- a rebate that provides an incentive would be cost prohibitive,

it is recommended that the City does not partner with State Government to arrange for subsidised safe removal of asbestos from fences and properties across the City of Joondalup.

#### Officer's recommendation

*That Council:*

- 1 *NOTES that a formal State Government program to underground power in suburban areas already exists through the State Underground Power Program;*
- 2 *NOTES the City's previous submissions to the State Underground Power Program and the associated community consultations undertaken with affected residents;*
- 3 *DOES NOT support the City developing a formal plan and timeline for improving the amenity in suburbs by working with the State Government to underground all power in suburban areas with Housing Opportunity Areas being a priority given that the State Government already has a formal program in place;*
- 4 *NOTES the City continues to seek opportunities for State Government funding to underground power in suburban areas;*
- 5 *DOES NOT SUPPORT the installation of shade sails over all play equipment in the City within three years;*
- 6 *SUPPORTS the continuation of the Shade Sail Program in the City's Five Year Capital Works Program based on a priority matrix;*
- 7 *SUPPORTS the continuation of the City's tree planting program to mitigate the use of shade sail structures;*

- 8 *DOES NOT partner with the State Government to arrange for subsidised safe removal of asbestos from fences and properties across the City.*

### **MOTION NO. 8**

**MOVED Mr A Murphy, SECONDED Mr M Moore that the Electors of the City of Joondalup request that the City levy proportional rates on church properties where facilities are hired out for profit.**

#### Officer's comment

The City is required to levy rates on land in accordance with the prescriptions of the *Local Government Act 1995* (the Act). The Act provides for exemptions from rates for land under certain circumstances that are outlined in section 6.26 of the Act. Section 6.26(2)(d) provides that:

*“Land held or used exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood” will not be considered “rateable land”.*

Where this is the case, the City is required to apply the legislation as given where an application is made in this regard. In the event that land is not held or used exclusively by a religious body as a place of public worship, the rates exemption will not apply. Each case is considered on its merits and the onus is generally on an applicant for a rates exemption to demonstrate that the use of the land in question qualifies for an exemption under section 6.26 of the Act. Where a property is used for purposes not provided for in section 6.26 of the Act, the City will investigate and action in accordance with the legislation.

#### Officer's recommendation

*That Council SUPPORTS the City assessing applications for exemption from rates for land in accordance with the Local Government Act 1995.*

### **MOTION NO. 9**

**MOVED Mr D Wilkins, SECONDED Ms B Hewitt that the Electors of the City of Joondalup request that Council release the previous transport studies and reports (such as Traffic Impact Assessments for the Housing Opportunity Areas) including any disclaimers regarding its use or undertake traffic impact assessments in accordance with the Western Australia Planning Commission (WAPC) guidelines and the requirement of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

With respect to giving due regard to the amount of traffic likely to be generated by the Housing Opportunity Areas, particularly in relation to the capacity and safety of the road network in the locality and probable effect on traffic flow and verge safety.

### Officer's comment

#### Traffic assessment of current Housing Opportunity Areas

The current density coding for the City's Housing Opportunity Areas was put in place in February 2016 upon gazettal of Scheme Amendment No. 73 to the City's former *District Planning Scheme No. 2*.

Main Roads WA undertook traffic modelling associated with the Housing Opportunity Areas in 2015. This modelling forms part of an ongoing project currently being undertaken by the City of Joondalup that encompasses a broader analysis of its arterial road network. The modelling associated with this work has built in anticipated traffic volumes generated by the higher densities of the City's Housing Opportunity Areas.

#### Traffic assessment of draft *New Development Standards for Housing Opportunity Areas*

The density coding of a site, along with other site and design specific considerations, determines the maximum number of dwellings that can be developed on a site and any potential, associated increase in traffic that might be generated by a proposed development.

The City is currently progressing the draft *New Development Standards for Housing Opportunity Areas* which includes a new local planning policy and an accompanying scheme amendment.

As part of this work, the current density coding in Housing Opportunity Areas is not proposed to change. However, some of the proposed new development standards will reduce the development potential of many lots, which will reduce the potential traffic increase and impacts from what can currently occur.

As the density (and therefore development potential) of the Housing Opportunity Areas is already in place and is not currently proposed to change at this time, it is not considered necessary or appropriate to undertake further traffic impact analysis of the City's Housing Opportunity Areas at this stage.

#### Traffic assessment of the draft *Place Neighbourhoods* framework

In late 2018 and early 2019 a consultant team prepared a comprehensive draft new planning framework for infill development (*Place Neighbourhoods*) for the City's Housing Opportunity Areas.

At its meeting held on 21 May 2019 (CJ052-05/19 refers), Council considered this draft new planning framework, however, deferred a decision to initiate the framework. As such, the draft *Place Neighbourhoods* framework has no formal status and is not currently being progressed.

Some draft traffic analysis was undertaken to test the implications of the draft *Place Neighbourhoods* framework, but work is yet to be finalised.

As the draft *Place Neighbourhoods* framework has no formal status and the associated traffic analysis remains in draft, coupled with the fact that a separate set of development standards for the City's Housing Opportunity Areas is being progressed, it is considered that releasing the draft traffic analysis would potentially complicate and confuse what is already a complex project that the City is progressing. It is intended that any final traffic analysis associated with the draft *Place Neighbourhoods* framework would be made available as part of any community consultation associated with that framework.

Traffic impact assessment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*

The City gives due regard to potential traffic impacts in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and as guided by the Western Australian Planning Commission (WAPC) during assessment of planning applications.

Although unclear in the motion passed, it is anticipated that reference to the *Planning and Development (Local Planning Schemes) Regulations 2015* is a reference to clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as part of the motion references text contained in clause 67 (t).

Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* includes matters for a local government to have due regard to, when considering an application for development approval (such as development on an individual lot).

In relation to traffic, part (t) of clause 67 states:

*“The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.”*

Traffic impact assessment

In determining the level of assessment required to be undertaken to consider the potential traffic impacts of individual development applications, the City is guided by the Traffic Impact Assessment (TIA) Guidelines prepared by the Department of Planning, on behalf of the WAPC.

The TIA Guidelines were most recently updated and endorsed by the WAPC on 26 July 2016.

The TIA Guidelines are structured into several (five) volumes, each targeting a different stage of the planning and approval process.

In relation to clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Volume 4 (Individual Developments) is the applicable volume of the Guidelines.

In determining the level of assessment required for residential land uses, Volume 4 of the TIA Guidelines separates the level of impact into; ‘Low’, ‘Moderate’ and ‘High’, as follows:

- Low impact is considered to be less than 10 vehicle trips generated by the development in its peak hour. No transport information is normally required for “low impact” development.
- Moderate impact is considered to be 10 – 100 vehicle trips generated by the development in its peak hour. A Traffic Impact Statement is required for “moderate impact” developments.
- High impact is considered to be greater than 100 vehicle trips generated by the development in its peak hour. A Traffic Impact Assessment is required for “high impact” developments.

### Trip generation calculation

In determining the trip generation of a development, and particularly for development occurring in the City's Housing Opportunity Areas (medium density grouped and multiple dwelling development), although not a Western Australian document, the NSW document 'RTA Guide to Traffic Generating Developments' (RTA Guide) is an industry accepted document which provides guidance in this respect.

For medium – high density development, the RTA Guide includes the following trip generation rates:

- Up to two bedrooms 4 – 5 vehicle movements per dwelling per day.
- Greater than two bedrooms 5 – 7 vehicle movements per dwelling per day.

A factor of 10% is then applied to determine the vehicle movements per hour at the peak, being:

- Up to two bedrooms 0.4 – 0.5 vehicle movements per hour per dwelling.
- Greater than two bedrooms 0.5 – 0.7 vehicle movements per hour per dwelling.

### Application of TIA Guidelines

Based on the TIA Guidelines most developments in the City's Housing Opportunity Areas are considered to be "low impact" developments and therefore do not require a formal traffic impact assessment to be undertaken.

#### *Working example:*

12 multiple dwellings (all two bedrooms) all contribute four to five vehicle movements per dwelling per day (and therefore 0.4 – 0.5 vehicle movements per hour per dwelling during the peak).

12 x 0.5 = six vehicle movements total per hour (and therefore considered a "low impact" development), which means a traffic impact assessment is not required.

Notwithstanding that, a formal traffic impact assessment is not required, many of the larger proposals in the City's Housing Opportunity Areas are accompanied by some form of traffic analysis, which is reviewed by the City's own traffic engineers to assess potential traffic impacts.

### Officer's recommendation

#### *That Council:*

- 1 *DOES NOT release the draft Transport Review undertaken in association with preparation of the comprehensive draft new planning framework for infill development prepared by the City's appointed consultants in 2018-19 as that draft framework currently has no formal status; has not been endorsed by Council for formal public consultation; and release of the associated Transport Review at a time that consultation is occurring on different development standards for Housing Opportunity Areas (to which the Transport Review has limited relevance) and will complicate and confuse an already complex issue;*

- 2 *DOES NOT undertake a Traffic Impact Assessment of the City's Housing Opportunity Areas at this time as the current density coding that has already been approved by Council, the Western Australian Planning Commission and the Minister for Planning is not proposed to change under the current draft New Development Standards for Housing Opportunity Areas framework;*
- 3 *NOTES that potential traffic impacts are considered to the extent to which is appropriate when assessing planning applications in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and as guided by documentation prepared by the Western Australian Planning Commission.*

### **MOTION NO. 10**

**MOVED Ms M O'Byrne, SECONDED Mr M Dowling that the Electors of the City of Joondalup request that the City communicates to ratepayers in plain English rather than the official language of planners which causes an inadvertent disconnect between what is intended to be communicated and what is actually communicated.**

#### Officer's comment

Planning is a technical discipline, which involves reference to various pieces of legislation, regulations, policies, strategies, and technical architectural, planning and building terminology.

The City will always try to communicate in a straight-forward manner, however it should be acknowledged that at times it is necessary to use some technical language to ensure that the accurate meaning is conveyed, ensure that matters are not misinterpreted, or ensure that information presented does not become so general that the intended meaning is lost.

Notwithstanding, the City will continue to strive to improve the communication techniques to assist with the understanding of planning related information.

#### Officer's recommendation

*The Council NOTES the request that the City communicates to ratepayers in plain English rather than using planning language.*

### **MOTION NO. 11**

**MOVED Mr M Dickie, SECONDED Mr M Moore that the Electors of the City of Joondalup request that Council review its *Environmentally Sustainable Design Policy* to incorporate requirements and standards that will ensure that all buildings constructed in the City including single and grouped dwellings meet relevant targets for all the matters mentioned therein.**

#### Officer's comment

At its meeting held on 15 March 2011 (CJ041-03/11 refers), Council adopted the City's *Environmentally Sustainable Design*, with minor modifications adopted at its meeting held on 25 June 2013 (CJ114-06/13 refers).

The aim of the policy is to promote the incorporation of Environmentally Sustainable Design (ESD) principles in the design of new and redeveloped residential, commercial and mixed-use buildings in the City (excluding single houses, grouped dwellings, internal fit-outs and minor additions).

The policy requires applicants to complete a checklist as part of their application for development approval, outlining what ESD principles have been incorporated into the development. This checklist is subsequently assessed by the City and included in the documentation provided to the Joondalup Design Reference Panel for feedback. Where there are opportunities to improve the design of developments, these are discussed with the applicant as part of the assessment process.

In addition to the City's *Environmentally Sustainable Design Policy*, other development standards are provided in State and City planning policies to improve the sustainability of buildings. These include the following:

- For multiple dwellings, the *Residential Design Codes Volume 2* includes development standards to improve energy efficiency, influencing the siting and design of buildings.
- For single house and grouped dwellings, the *Residential Design Codes Volume 1* provides some environmentally sustainable design requirements, including the protection of solar access for residential buildings.
- The new development standards for Housing Opportunity Areas proposes to expand the scope of the *Residential Design Codes Volume 1* for new dwellings in Housing Opportunity Areas. This includes additional environmentally sustainable design requirements such as landscaping, solar passive design and natural ventilation. These requirements will be subject to approval by the Western Australian Planning Commission (WAPC), should the development standards be endorsed by Council following consultation. Following the decision on the framework from the WAPC, a more comprehensive review of the City's *Residential Development Local Planning Policy* will be undertaken, with these requirements being considered for single house and grouped dwellings outside Housing Opportunity Areas.
- For commercial buildings, development controls in the City's policies require shading to windows, end of trip facilities and landscaping.

In addition to the planning controls, the *National Construction Code - Building Code of Australia* provides energy efficiency standards that are required to be met for developments. All building permit applications submitted to the City are required to demonstrate compliance with these standards. Some provisions to be considered include:

- the requirement for single and grouped dwellings to achieve a six-star rating or equivalent
- ability of the roof, walls and floor to resist heat transfer
- resistance to heat flow and solar radiation of the glazing
- orientation and shading of doors and windows
- sealing of doors and windows
- provision of air movement for free cooling (in terms of openings and breeze paths)
- insulation and sealing of air-conditioning ductwork and hot water pipes
- power allowances for lighting and electric power saving features
- access to certain energy efficiency equipment for maintenance purposes
- the requirement for pool blankets.

The energy efficiency requirements have been regularly reviewed and updated since their introduction in 2006. In 2019 more stringent energy efficiency requirements were released for commercial buildings. A further review of energy efficiency requirements for residential buildings is currently being undertaken.

Under the *Planning and Development Act 2005*, the requirements of the *Building Code of Australia* prevail over any inconsistency with a local planning scheme, and a local government must have regard to the regulations made under the *Building Act 2011* when implementing its scheme. Therefore, a local planning policy or amendment to *Local Planning Scheme No. 3* could not include measures mandating requirements that exceeded those covered by the *Building Code of Australia*.

Given the current controls in place, it is recommended that a review not be undertaken to mandate requirements of the *Environmentally Sustainable Design Policy*. The City will continue to encourage developers to incorporate ESD principles in the design of their developments.

#### Officer's recommendation

*That Council DOES NOT PROCEED with a review of the Environmentally Sustainable Design Policy.*

#### **MOTION NO. 12**

**MOVED Dr T Green, SECONDED Mr D Wilkins that the Electors of the City of Joondalup request that City draft a short plain English report detailing the feasibility of:**

- **a register of development plans for all new residential and commercial property developments in the City with plans available for two years after construction is complete;**
- **publishing the considerations underpinning any decisions to grant discretions for a development application as part of a database following up with spot audits of building compliance chosen at random by an algorithm.**

#### Officer's comment

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) only allows the City to publish an application and supporting information (including development plans) on its website if the proposal is required to be advertised for public comment. As a result, the City does not have the ability to publish development plans for all new residential and commercial property developments within the City of Joondalup. There are also potential privacy and copyright issues with publishing information, which the City does not have the legal authority to do so.

In the majority of cases, development (planning) approval is required because it is either not exempt from approval due to the nature and scale of the development or the proposed development does not comply with all of the relevant provisions of the planning framework. As a result, most planning approvals involve a level of discretion to determine their appropriateness. Publishing all decisions made by the City under delegated authority (approximately 1,200 applications per year) would significantly increase the administrative workload associated with processing applications. This would either require an increase in resources to meet the demand generated by this request or would result in a significant reduction in the level of service provided by the City.

It is noted that where a development application is advertised for public comment and a submission is made, every submitter is advised of the decision / outcome with detail included as to why discretion may have been exercised by the City in each instance. This level of service is considered appropriate and is above that required under the Regulations.

Further, in August 2019 the State Government released its *Action Plan for Planning Reform*. The action plan sets out the State Government's vision for the planning system and outlines a number of reform initiatives. One of the initiatives outlined will require decision makers to make available a statement of reasons for their decisions on planning applications.

In view of the current service provided by the City, coupled with the broader work being undertaken by the State Government in relation to reporting on decision-making, it is considered that further changes to how the City communicates its decisions and the reasons for these decisions not be progressed at this time.

Spot (random) audits of building compliance are not considered to be the most effective or efficient way of using the City's resources to ensure compliance with the City's approvals. In terms of compliance with building approvals, there is no requirement for the City to monitor and inspect building works to ensure compliance with building permits. The 2011 version of the *Building Act* removed this as a local government function, with section 29 of the 2011 Act specifying that the onus is on the builder (and their Builders Registration) to ensure compliance with the building permit, including plans and specifications and the applicable building standards. The intent of Parliament in making this change in 2011 was for industry self-regulation through private certification, rather than local government regulation. The process in relation to building approvals (and inspections) for single residential buildings in Western Australia is currently being reviewed by the Department of Mines, Industry Regulation and Safety.

In relation to planning approvals, there are potentially, numerous non-compliant developments within the City of Joondalup that have minimal or no impact on others and as a result, have not been brought to the City's attention as a result of a complaint. In carefully managing available resources, the City currently addresses the issue of compliance in the following two ways:

- Firstly, if a concern is received that a development may not be compliant, this is investigated and, where appropriate, action is taken by the City. This includes concerns regarding developments that may not have the necessary approvals (including planning and building approvals) and developments that may have been carried out contrary to an approval. Addressing compliance issues in this manner allows an appropriate level of time and energy to be focussed on issues of real concern to the public.
- Secondly, the City has recently commenced a more proactive approach to planning compliance, so that those developments most likely to have greater impacts on others or the streetscape are more proactively monitored and issues addressed. Such developments include all multiple dwellings, grouped dwelling developments, non-residential and mixed-use developments and items approved by Council and / or a Development Assessment Panel. More significant developments like five or more multiple or grouped dwellings will also continue to be inspected upon completion through the existing approval processes to ensure compliance.

#### Officer's recommendation

*That Council:*

- 1 *DOES NOT prepare a short plain English report detailing the feasibility of:*
  - 1.1 *preparing a register of development plans for all new residential and commercial property developments in the City with plans available for two years after construction is complete;*

- 1.2 *publishing the considerations underpinning any decision to grant discretions for a development application as part of a database;*
- 1.3 *undertaking spot audits of building compliance chosen at random by an algorithm;*
- 2 *NOTES the current approach undertaken by the City in relation to advising interested parties of delegated decisions, which includes the reasons for any discretion exercised.*

### **MOTION NO. 13**

**MOVED Ms B Hewitt, SECONDED Mrs Z Murphy that the Electors of the City of Joondalup request that the City provide a short plain English report, no more than five pages, indicating the true cost and benefits to ratepayers of the Jinan Sister City arrangement and how future ratepayer expenditure on this program can be limited.**

#### Officer's comment

The Council has been provided with several reports on the benefits of maintaining such a relationship, detailing the results of delegation visits, economic activity generated, costs incurred, and benefits derived. Further information is contained within the *2018-19 Annual Report* (P146-147) and is available for download from the City's public website.

To fully consider the true cost and benefits of the relationship, it should be explained that the Sister City partnership commenced as a civic, cultural, social exchange platform, culminating in the building of a Joondalup Garden in Jinan which was completed in 2009, and is considered a showpiece to both Jinan residents and visiting tourists. Simultaneously, the City of Joondalup undertook to build a Jinan Garden in Joondalup, approved by Council at its meeting held on 14 December 2010 (CJ217-12/10 refers) to include the Jinan Garden in the design of the Joondalup Performing Arts and Cultural Facility. At its meeting held on 21 May 2019 (CJ066-05/19 refers), Council endorsed the development of the Jinan Garden as a significant stand-alone piece of cultural infrastructure, separate from the Joondalup Performing Arts and Cultural Facility.

The *International Economic Development Plan* (IEDAP) was adopted by Council at its meeting held on 18 April 2017 (CJ042-04/17), at which time the relationship evolved into a more strategic and economically focused arrangement.

Since 2017, the City with the assistance of the Jinan Sister City relationship has been successful in securing a number of tangible benefits for the business community and key stakeholders. These stakeholders employ the bulk of the Joondalup workforce and through their successes look to expand their local workforce accordingly. These tangible benefits then translate into economic benefit for the broader community via local spending, investment development and visitor attraction, and leading to further job creation.

The true cost and benefits associated with the fostering of the relationship with Jinan cannot be individually quantified or itemised, however, in excess of \$70 million in economic activity has been generated since the inception of the IEDAP, with the potential to add an estimated 247 jobs to the local community.

In view of this, it is recommended that a report as requested at the meeting of electors is not warranted at this time.

All costs associated with the future development of the Joondalup-Jinan Sister City relationship will be at the decision of Council as determined by approved budgets and policy.

Officer's recommendation

*That Council NOTES reports related to the costs and benefits of the Jinan Sister City relationship have been received by Council from time to time.*

**MOTION NO. 14**

**MOVED Ms J Quan, SECONDED Dr T Green that the Electors of the City of Joondalup request that the City:**

- **publish the number of infill developments achieved to date each year;**
- **calculate and publish the estimation of the number of infill that would be achieved for each scheme amendment version presented to Council, Western Australia Planning Commission or the State Government;**
- **make sure our scheme amendment does not overachieve state targets in regard to infill.**

Officer's comment

Number of infill developments achieved

The City prepares a regular report for Council titled 'Development and Subdivision Applications'.

The report includes the number of subdivision and strata subdivision referrals, as well as the number of development applications determined under delegated authority for each month.

As part of reporting on the number of subdivision referrals and development applications determined under delegated authority the report includes commentary on applications within Housing Opportunity Areas and the potential number of additional lots / dwellings.

Applications not considered under delegated authority are also reported on publicly, either through Council meeting agendas or Joint Development Assessment Panel agendas.

The number of potential infill dwellings is already published and publicly available.

It is however noted that subdivision approvals have up to three and in some instances four years to action and create the new lots. Similarly, development applications have up to two years to commence development and might then take another 12 months or more for the construction to be completed. It is also possible that a subdivision approval or development approval may not be acted upon at all and therefore the potential increase in number of lots / dwellings may not actually be realised.

The City is currently investigating improvements to processes to collate existing data and report more concisely on the number of infill developments achieved.

### Calculate and publish the estimated number of infill dwellings for each scheme amendment

It is unclear which scheme amendments are being referred to, however it is anticipated the motion refers to:

- Scheme Amendment No. 73 to the City's former *District Planning Scheme No. 2*
- Draft Scheme Amendment No. 3 to the City's *Local Planning Scheme No. 3*
- Draft Scheme Amendment No. 5 to the City's *Local Planning Scheme No. 3*.

#### Scheme Amendment No. 73

Scheme Amendment No. 73 to the City's former *District Planning Scheme No. 2* gave statutory effect to the recommendations of the City's *Local Housing Strategy*.

The City's *Local Housing Strategy* was endorsed by the Western Australian Planning Commission in November 2013.

One of the key recommendations included in the *Local Housing Strategy* is the identification of 10 areas throughout the City of Joondalup, known as Housing Opportunity Areas, that are considered suitable for higher density development.

The *Local Housing Strategy* also includes recommended densities for the 10 Housing Opportunity Areas and also includes an estimation of the number of additional dwellings that may be developed in the Housing Opportunity Areas at the recommended densities.

It is therefore considered that the estimated number of infill dwellings associated with Scheme Amendment No. 73 has already been calculated and published.

#### Draft Scheme Amendment No. 3

In July 2018 the City engaged a specialist consultant team to consult with the community and to prepare a comprehensive new planning framework for infill development in the City's Housing Opportunity Areas.

This draft framework prepared by the consultant team incorporates a draft local planning policy and a draft scheme amendment (draft Scheme Amendment No. 3).

Draft Scheme Amendment No. 3 proposes a number of density changes in the City's Housing Opportunity Areas. Some areas within Housing Opportunity Areas are proposed to increase in density, whilst others are proposed to decrease in density.

The proposed changes in density would affect the number of dwellings that can be developed on individual lots and therefore the potential number of additional infill dwellings that may arise from redevelopment of these areas.

At its meeting held on 21 May 2019 (CJ052-05/19 refers), Council considered the comprehensive new planning framework for infill development, however, deferred a decision to initiate the framework. As such, that draft framework (including draft Scheme Amendment No. 3) has no formal status and is not currently being progressed.

Some draft yield analysis has been undertaken based on the densities of draft Scheme Amendment No. 3 but is yet to be finalised.

As the comprehensive new planning framework for infill development has no formal status and the associated yield analysis remains in draft, it is considered that publishing any yield analysis associated with draft Scheme Amendment No. 3 would potentially complicate and confuse what is an already complex project that the City is progressing. It is intended that the yield analysis associated with the comprehensive new planning framework for infill development would be made available as part of community consultation associated with that framework.

#### Draft Scheme Amendment No. 5

The City is currently progressing the draft new *Development Standards for Housing Opportunity Areas* which includes a new local planning policy and an accompanying scheme amendment (draft Scheme Amendment No. 5).

As part of this work the current density coding within Housing Opportunity Areas is not proposed to change, however some of the proposed development standards will limit the development potential for some lots.

The *Local Housing Strategy* includes an estimate on the potential number of additional dwellings that may be developed in the Housing Opportunity Areas. Due to the timing of when the estimate was undertaken, coupled with the State Government framework in place at that time, the estimate does not factor in additional dwellings that may arise from the development of multiple dwellings.

Following a change to the State Government framework and the inability for the City to more strictly control the development of multiple dwellings (despite its attempts to do so), multiple dwellings can currently be developed on a greater number of sites than factored in to the *Local Housing Strategy* yield estimates. However, the changes proposed by the draft new *Development Standards for Housing Opportunity Areas* will constrain where multiple dwellings can be developed and therefore the number of infill dwellings that could potentially be developed under the draft new *Development Standards for Housing Opportunity Areas* is not considered to significantly change from that set out in the *Local Housing Strategy*. As a result, calculating and publishing the potential number of infill dwellings associated with draft Scheme Amendment No. 5 is not considered to be necessary.

#### Ensure a scheme amendment does not overachieve State targets in regard to infill

In order to demonstrate that the City is able to potentially achieve the infill dwelling target set by the State Government, the *Local Housing Strategy* includes an assumed rate of uptake of development within the Housing Opportunity Areas.

Although the *Local Housing Strategy* includes an assumed rate of uptake, it is beyond the control of the City and Council to ensure the rate of uptake is met.

The role of the City is to set a framework in place that enables the infill targets to be met, however it is ultimately up to the market to determine whether the target will be achieved.

#### Officer's recommendation

*That Council:*

- 1 *NOTES that the potential number of additional dwellings and lots in Housing Opportunity Areas processed under delegated authority is already reported in the 'Development and Subdivision Applications' report presented to Council;*

- 2 *DOES NOT calculate and publish the estimated number of dwellings for each infill scenario that has previously been considered, is currently being considered or may be considered in the future by Council or the Western Australian Planning Commission;*
- 3 *NOTES that the role of the local government is to set a framework in place that enables the infill targets to be met, however it is ultimately up to the market to determine whether the target will be achieved.*

### **MOTION NO.15**

**MOVED Mrs Z Murphy, SECONDED Ms B Hewitt that the Electors of the City of Joondalup request that the City write a short plain English report, no more than five pages, detailing the costs and benefits to ratepayers of infill in the Housing Opportunity Areas and how it proposes to compensate homeowners who have bought forever homes in neighbourhoods that have been or are being changed completely by infill development.**

#### Officer's comment

The City's 10 Housing Opportunity Areas were established as a recommendation of the City's *Local Housing Strategy*. The City prepared its *Local Housing Strategy* to demonstrate how it was going to achieve the dwelling targets set as part of the State Government's objective to accommodate 47% of population growth within existing suburbs.

The 10 Housing Opportunity Areas came into effect as result of Scheme Amendment No. 73 to the City's former *District Planning Scheme No. 2* which was gazetted in February 2016.

Since implementation of the *Local Housing Strategy* in early 2016, development has commenced throughout all 10 Housing Opportunity Areas in the City.

Since this development has commenced, some members of the community have raised concern with some development occurring in the Housing Opportunity Areas.

Numerous reports have been prepared and several community consultations have been undertaken in relation to Housing Opportunity Areas since community concern was raised in early 2017, in addition to the reporting and community consultation undertaken during the progression of the *Local Housing Strategy* and Scheme Amendment No. 73.

The reporting and material prepared for public consultation has collectively included the background and context of the Housing Opportunity Areas, the need for infill as well as options, risks and recommendations for Council's consideration in progressing the Housing Opportunity Areas.

It is not the role of local government to financially compensate residents who own property in areas that are located in Housing Opportunity Areas and have redevelopment potential.

It is considered that the rationale for the Housing Opportunity Areas, including the costs and benefits associated with these areas, has already been comprehensively covered and therefore a further report is not required.

Officer's recommendation

*That Council DOES NOT prepare a short plain English report, no more than five pages, detailing the costs and benefits to ratepayers of infill in the Housing Opportunity Areas and how it proposes to compensate homeowners who have bought forever homes in neighbourhoods that have been or are being changed completely by infill development.*

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

Section 5.33 of the *Local Government Act 1995* states:

**Decisions made at Electors' Meetings**

5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*

*(a) at the first ordinary council meeting after that meeting; or*

*(b) at a special meeting called for that purpose,*

*whichever happens first.*

*(2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

**Strategic Community Plan****Key theme**

Governance and Leadership.

**Objective**

Active democracy.

**Strategic initiative**

Optimise opportunities for the community to access and participate in decision-making processes.

**Policy**

Not applicable.

**Risk management considerations**

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with section 5.33 of the *Local Government Act 1995*.

**Financial/budget implications**

Not applicable.

**Regional significance**

Not applicable.

## Sustainability implications

Not applicable.

## COMMENT

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any recommendations are not binding on the Council; however, Council is required to consider them.

The motions carried at the Annual General Meeting of Electors held on 10 December 2019 are presented to Council in accordance with the requirements of the legislation.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the Minutes of the Annual General Meeting of Electors held on 10 December 2019 forming Attachment 1 to Report CJ008-02/20;
- 2 in relation to Motion No. 1 carried at the Annual General Meeting of Electors, NOTES:
  - 2.1 the City's *Climate Change Strategy 2014-2019* is being reviewed and any potential mitigation and adaptation strategies that are within the City's scope to implement will be considered for inclusion with any new Climate Change Strategy;
  - 2.2 its decision of 21 May 2019 (CJ067-05/19 refers) that no changes would be made to the City's *Investment Policy*, as the City is already diverting investment to financial institutions considered to not invest in the fossil fuel industry;
- 3 in relation to Motion No. 2 carried at the Annual General Meeting of Electors, reiterates that it DOES NOT SUPPORT audio recordings of Briefing Sessions being made available to members of the public NOTING the audio of Council meetings is available to members of the public as well as streamed live, on the City's website;
- 4 in relation to Motion No. 3 carried at the Annual General Meeting of Electors, DOES NOT reconsider and rescind its decision to progress the Jinan Garden project and does not redeploy the funds for community gardens across the City of Joondalup;
- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors, DOES NOT PROCEED with publicly advocating in writing to the relevant Federal Government Ministers for the Newstart Allowance to be increased to the level of the Henderson Poverty Line;

- 6 in relation to Motion No. 5 carried at the Annual General Meeting of Electors, DOES NOT SUPPORT the *Local Government and Public Property Local Law 2014* being amended to disallow election signs being erected on local government property, NOTING the implied freedom of political communication rights under the Australian Constitution;
- 7 in relation to Motion No. 6 carried at the Annual General Meeting of Electors:
- 7.1 DOES NOT PROCEED to implement an effective City-wide tree retention policy for trees on lots;
- 7.2 NOTES that the draft New Development Standards in Housing Opportunity Areas proposes to introduce tree retention incentives and tree planting requirements over and above the current requirements of *State Planning Policy 7.3*;
- 7.3 NOTES that between the two tree planting programs over 14,281 trees have been planted within the City since 2014;
- 7.4 DOES NOT PROCEED to include the proposed tree and landscape area requirements contained in the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* into the *Residential Development Local Planning Policy* at this stage;
- 7.5 NOTES that the review of the *Residential Development Local Planning Policy* will recommence after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) is finalised;
- 8 in relation to Motion No. 7 carried at the Annual General Meeting of Electors:
- 8.1 NOTES that a formal State Government program to underground power in suburban areas already exists through the *State Underground Power Program*;
- 8.2 NOTES the City's previous submissions to the *State Underground Power Program* and the associated community consultations undertaken with affected residents;
- 8.3 DOES NOT support the City developing a formal plan and timeline for improving the amenity in suburbs by working with the State Government to underground all power in suburban areas with Housing Opportunity Areas being a priority given that the State Government already has a formal program in place;
- 8.4 NOTES the City continues to seek opportunities for State Government funding to underground power in suburban areas;
- 8.5 DOES NOT SUPPORT the installation of shade sails over all play equipment in the City within three years;
- 8.6 SUPPORTS the continuation of the *Shade Sail Program* in the City's *Five Year Capital Works Program* based on a priority matrix;
- 8.7 SUPPORTS the continuation of the City's tree planting program to mitigate the use of shade sail structures;

- 8.8 DOES NOT partner with the State Government to arrange for subsidised safe removal of asbestos from fences and properties across the City;
- 9 in relation to Motion No. 8 carried at the Annual General Meeting of Electors, SUPPORTS the City assessing applications for exemption from rates for land in accordance with the *Local Government Act 1995*;
- 10 in relation to Motion No. 9 carried at the Annual General Meeting of Electors:
- 10.1 DOES NOT release the draft Transport Review undertaken in association with preparation of the comprehensive draft new planning framework for infill development prepared by the City's appointed consultants in 2018-19 as that draft framework currently has no formal status; has not been endorsed by Council for formal public consultation; and release of the associated Transport Review at a time that consultation is occurring on different development standards for Housing Opportunity Areas (to which the Transport Review has limited relevance), and will complicate and confuse an already complex issue;
- 10.2 DOES NOT undertake a Traffic Impact Assessment of the City's Housing Opportunity Areas at this time as the current density coding that has already been approved by Council, the Western Australian Planning Commission and the Minister for Planning is not proposed to change under the current draft New Development Standards for Housing Opportunity Areas framework;
- 10.3 NOTES that potential traffic impacts are considered to the extent to which is appropriate when assessing planning applications in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and as guided by documentation prepared by the Western Australian Planning Commission;
- 11 in relation to Motion No. 10 carried at the Annual General Meeting of Electors, NOTES the request that the City communicates to ratepayers in plain English rather than using planning language;
- 12 in relation to Motion No. 11 carried at the Annual General Meeting of Electors, DOES NOT PROCEED with a review of the *Environmentally Sustainable Design Policy*;
- 13 in relation to Motion No. 12 carried at the Annual General Meeting of Electors:
- 13.1 DOES NOT prepare a short plain English report detailing the feasibility of:
- 13.1.1 preparing a register of development plans for all new residential and commercial property developments in the City with plans available for two years after construction is complete;
- 13.1.2 publishing the considerations underpinning any decision to grant discretions for a development application as part of a database;
- 13.1.3 undertaking spot audits of building compliance chosen at random by an algorithm;
- 13.2 NOTES the current approach undertaken by the City in relation to advising interested parties of delegated decisions, which includes the reasons for any discretion exercised;

- 14 in relation to Motion No. 13 carried at the Annual General Meeting of Electors, NOTES reports related to the costs and benefits of the Jinan Sister City relationship have been received by Council from time to time;
- 15 in relation to Motion No. 14 carried at the Annual General Meeting of Electors:
- 15.1 NOTES that the potential number of additional dwellings and lots in Housing Opportunity Areas processed under delegated authority is already reported in the 'Development and Subdivision Applications' report presented to Council;
- 15.2 DOES NOT calculate and publish the estimated number of dwellings for each infill scenario that has previously been considered, is currently being considered or may be considered in the future by Council or the Western Australian Planning Commission;
- 15.3 NOTES that the role of the local government is to set a framework in place that enables the infill targets to be met, however it is ultimately up to the market to determine whether the target will be achieved;
- 16 in relation to Motion No. 15 carried at the Annual General Meeting of Electors, DOES NOT prepare a short plain English report, no more than five pages, detailing the costs and benefits to ratepayers of infill in the Housing Opportunity Areas and how it proposes to compensate homeowners who have bought forever homes in neighbourhoods that have been or are being changed completely by infill development.

**MOVED Cr Taylor, SECONDED Cr Jones that Council:**

- 1 **NOTES the Minutes of the Annual General Meeting of Electors held on 10 December 2019 forming Attachment 1 to Report CJ008-02/20;**
- 2 **in relation to Motion No. 1 carried at the Annual General Meeting of Electors, NOTES:**
- 2.1 **the City's *Climate Change Strategy 2014-2019* is being reviewed and any potential mitigation and adaptation strategies that are within the City's scope to implement will be considered for inclusion with any new Climate Change Strategy;**
- 2.2 **its decision of 21 May 2019 (CJ067-05/19 refers) that no changes would be made to the City's *Investment Policy*, as the City is already diverting investment to financial institutions considered to not invest in the fossil fuel industry;**
- 3 **in relation to Motion No. 2 carried at the Annual General Meeting of Electors, reiterates that it DOES NOT SUPPORT audio recordings of Briefing Sessions being made available to members of the public NOTING the audio of Council meetings is available to members of the public as well as streamed live, on the City's website;**
- 4 **in relation to Motion No. 3 carried at the Annual General Meeting of Electors, DOES NOT reconsider and rescind its decision to progress the Jinan Garden project and does not redeploy the funds for community gardens across the City of Joondalup;**

- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors, **PROCEEDS** with publicly advocating in writing to the relevant Federal Government Ministers for the Newstart Allowance to be increased to the level of the Henderson Poverty Line;
- 6 in relation to Motion No. 5 carried at the Annual General Meeting of Electors, **DOES NOT SUPPORT** the *Local Government and Public Property Local Law 2014* being amended to disallow election signs being erected on local government property, **NOTING** the implied freedom of political communication rights under the Australian Constitution;
- 7 in relation to Motion No. 6 carried at the Annual General Meeting of Electors:
- 7.1 **DOES NOT PROCEED** to implement an effective City-wide tree retention policy for trees on lots;
- 7.2 **NOTES** that the draft New Development Standards in Housing Opportunity Areas proposes to introduce tree retention incentives and tree planting requirements over and above the current requirements of *State Planning Policy 7.3*;
- 7.3 **NOTES** that between the two tree planting programs over 14,281 trees have been planted within the City since 2014;
- 7.4 **DOES NOT PROCEED** to include the proposed tree and landscape area requirements contained in the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* into the *Residential Development Local Planning Policy* at this stage;
- 7.5 **NOTES** that the review of the *Residential Development Local Planning Policy* will recommence after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) is finalised;
- 8 in relation to Motion No. 7 carried at the Annual General Meeting of Electors:
- 8.1 **NOTES** that a formal State Government program to underground power in suburban areas already exists through the *State Underground Power Program*;
- 8.2 **NOTES** the City's previous submissions to the *State Underground Power Program* and the associated community consultations undertaken with affected residents;
- 8.3 **DOES NOT** support the City developing a formal plan and timeline for improving the amenity in suburbs by working with the State Government to underground all power in suburban areas with Housing Opportunity Areas being a priority given that the State Government already has a formal program in place;
- 8.4 **NOTES** the City continues to seek opportunities for State Government funding to underground power in suburban areas;
- 8.5 **DOES NOT SUPPORT** the installation of shade sails over all play equipment in the City within three years;

- 8.6 **SUPPORTS** the continuation of the *Shade Sail Program* in the City's *Five Year Capital Works Program* based on a priority matrix;
- 8.7 **SUPPORTS** the continuation of the City's tree planting program to mitigate the use of shade sail structures;
- 8.8 **DOES NOT** partner with the State Government to arrange for subsidised safe removal of asbestos from fences and properties across the City;
- 9 in relation to Motion No. 8 carried at the Annual General Meeting of Electors, **SUPPORTS** the City assessing applications for exemption from rates for land in accordance with the *Local Government Act 1995*;
- 10 in relation to Motion No. 9 carried at the Annual General Meeting of Electors:
- 10.1 **DOES NOT** release the draft Transport Review undertaken in association with preparation of the comprehensive draft new planning framework for infill development prepared by the City's appointed consultants in 2018-19 as that draft framework currently has no formal status; has not been endorsed by Council for formal public consultation; and release of the associated Transport Review at a time that consultation is occurring on different development standards for Housing Opportunity Areas (to which the Transport Review has limited relevance), and will complicate and confuse an already complex issue;
- 10.2 **DOES NOT** undertake a Traffic Impact Assessment of the City's Housing Opportunity Areas at this time as the current density coding that has already been approved by Council, the Western Australian Planning Commission and the Minister for Planning is not proposed to change under the current draft New Development Standards for Housing Opportunity Areas framework;
- 10.3 **NOTES** that potential traffic impacts are considered to the extent to which is appropriate when assessing planning applications in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and as guided by documentation prepared by the Western Australian Planning Commission;
- 11 in relation to Motion No. 10 carried at the Annual General Meeting of Electors, **NOTES** the request that the City communicates to ratepayers in plain English rather than using planning language;
- 12 in relation to Motion No. 11 carried at the Annual General Meeting of Electors, **DOES NOT PROCEED** with a review of the *Environmentally Sustainable Design Policy*;
- 13 in relation to Motion No. 12 carried at the Annual General Meeting of Electors:
- 13.1 **DOES NOT** prepare a short plain English report detailing the feasibility of:
- 13.1.1 preparing a register of development plans for all new residential and commercial property developments in the City with plans available for two years after construction is complete;

- 13.1.2 publishing the considerations underpinning any decision to grant discretions for a development application as part of a database;
- 13.1.3 undertaking spot audits of building compliance chosen at random by an algorithm;
- 13.2 NOTES the current approach undertaken by the City in relation to advising interested parties of delegated decisions, which includes the reasons for any discretion exercised;
- 14 in relation to Motion No. 13 carried at the Annual General Meeting of Electors, NOTES reports related to the costs and benefits of the Jinan Sister City relationship have been received by Council from time to time;
- 15 in relation to Motion No. 14 carried at the Annual General Meeting of Electors:
  - 15.1 NOTES that the potential number of additional dwellings and lots in Housing Opportunity Areas processed under delegated authority is already reported in the 'Development and Subdivision Applications' report presented to Council;
  - 15.2 DOES NOT calculate and publish the estimated number of dwellings for each infill scenario that has previously been considered, is currently being considered or may be considered in the future by Council or the Western Australian Planning Commission;
  - 15.3 NOTES that the role of the local government is to set a framework in place that enables the infill targets to be met, however it is ultimately up to the market to determine whether the target will be achieved;
- 16 in relation to Motion No. 15 carried at the Annual General Meeting of Electors, DOES NOT prepare a short plain English report, no more than five pages, detailing the costs and benefits to ratepayers of infill in the Housing Opportunity Areas and how it proposes to compensate homeowners who have bought forever homes in neighbourhoods that have been or are being changed completely by infill development.

**AMENDMENT MOVED** Cr Raftis, **SECONDED** Cr Hamilton-Prime that parts 2 (Motion No. 1) and 9 (Motion No. 8) be amended to read as follows:

- "2 *in relation to Motion No. 1 carried at the Annual General Meeting of Electors, REQUESTS the Chief Executive Officer to include the following matters in a review of the City's Investment Policy, to be presented to the Policy Committee:*
  - 2.1 *consideration of climate change concerns;*
  - 2.2 *consideration of expansion of the Investment Policy to cover all investments made by the City with the intention of being profit-producing, including proposals for the expenditure of funds from the Tamala Park land income.;*

- 9 *in relation to Motion No. 8 carried at the Annual General Meeting of Electors, REQUESTS the Chief Executive Officer to prepare a report on a review of all properties currently exempt from rates to ensure the use of these properties is in accordance with the provisions of s6.26 of the Local Government Act 1995, and where the conditions prescribed in the legislation for use of land are not being met that land be rated accordingly;”.*

C05-02/20 EXTENSION OF TIME TO SPEAK

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

**The Motion was Put and** **CARRIED (13/0)**

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

It was requested that each part of the amendment be voted upon separately:

**AMENDMENT MOVED** Cr Raftis, **SECONDED** Cr Hamilton-Prime that part 2 (Motion No. 1) be amended to read as follows:

“2 *in relation to Motion No. 1 carried at the Annual General Meeting of Electors, REQUESTS the Chief Executive Officer to include the following matters in a review of the City’s Investment Policy, to be presented to the Policy Committee:*

2.1 *consideration of climate change concerns;*

2.2 *consideration of expansion of the Investment Policy to cover all investments made by the City with the intention of being profit-producing, including proposals for the expenditure of funds from the Tamala Park land income;”.*

**The Amendment was Put and** **CARRIED (12/1)**

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

**Against the Amendment:** Cr Hollywood.

**AMENDMENT MOVED** Cr Raftis, **SECONDED** Cr Hamilton-Prime that part 9 (Motion No. 8) be amended to read as follows:

“9 *in relation to Motion No. 8 carried at the Annual General Meeting of Electors, REQUESTS the Chief Executive Officer to prepare a report on a review of all properties currently exempt from rates to ensure the use of these properties is in accordance with the provisions of s6.26 of the Local Government Act 1995, and where the conditions prescribed in the legislation for use of land are not being met that land be rated accordingly;”.*

**The Amendment was Put and** **CARRIED (10/3)**

**In favour of the Amendment:** Crs Chester, Fishwick, Hamilton-Prime, Jones, Logan, May, Poliwka, Raftis, Taylor and Thompson.

**Against the Amendment:** Mayor Jacob, Crs Hollywood and McLean.

**C06-02/20                    EXTENSION OF TIME TO SPEAK**

**MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime that Cr Raftis be permitted an extension of time to speak for a further five minutes in relation to his foreshadowed motions with respect to Part 3 (Motion 2) and Part 10 (Motion 9).

**The Motion was Put and**

**CARRIED (13/0)**

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

**AMENDMENT MOVED** Cr Thompson, **SECONDED** Cr Jones that the motions be amended to read as follows:

**1** in relation to Part 6 (Motion No. 5) an additional Part 6.2 be added to the motion to read as follows:

**“6.2    REFERS the Local Government and Public Property Local Law 2014 to the Policy Committee to review the protocols for the provision of election signs being erected on local government property;”.**

**2** in relation to Part 7 (Motion 6) that Parts 7.1 and 7.4 be amended to read as follows:

**“7.1    DOES NOT PROCEED to implement an effective City-wide tree retention policy for trees on lots at this stage; however, such a policy will be investigated after the draft new Development Standards in Housing Opportunity Areas Local Planning Policy and associated scheme amendment (Scheme Amendment No. 5) have been finalised;**

**7.4    DOES NOT PROCEED to include the proposed tree and landscape area requirements contained in the draft new Development Standards in Housing Opportunity Areas Local Planning Policy into the Residential Development Local Planning Policy at this stage however, incorporation of these standards into the Residential Development Local Planning Policy will be investigated after the draft new Development Standards in Housing Opportunity Areas Local Planning Policy and associated scheme amendment (Scheme Amendment No. 5) have been finalised;”.**

It was requested that each part of the amendment be voted upon separately:

**AMENDMENT MOVED** Cr Thompson, **SECONDED** Cr Jones that the motion be amended to read as follows:

**1** in relation to Part 6 (Motion No. 5) an additional Part 6.2 be added to the motion to read as follows:

**“6.2    REFERS the Local Government and Public Property Local Law 2014 to the Policy Committee to review the protocols for the provision of election signs being erected on local government property;”.**

**The Amendment was Put and**

**CARRIED (12/1)**

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

**Against the Amendment:** Cr McLean.

**AMENDMENT MOVED** Cr Thompson, **SECONDED** Cr Jones that the motion be amended to read as follows:

**2** in relation to Part 7 (Motion 6) that Parts 7.1 and 7.4 be amended to read as follows:

**“7.1 DOES NOT PROCEED to implement an effective City-wide tree retention policy for trees on lots at this stage; however, such a policy will be investigated after the draft new Development Standards in Housing Opportunity Areas Local Planning Policy and associated scheme amendment (Scheme Amendment No. 5) have been finalised;**

**7.4 DOES NOT PROCEED to include the proposed tree and landscape area requirements contained in the draft new Development Standards in Housing Opportunity Areas Local Planning Policy into the Residential Development Local Planning Policy at this stage however, incorporation of these standards into the Residential Development Local Planning Policy will be investigated after the draft new Development Standards in Housing Opportunity Areas Local Planning Policy and associated scheme amendment (Scheme Amendment No. 5) have been finalised;”.**

**The Amendment was Put and**

**CARRIED (10/3)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Jones, Logan, May, Poliwka, Raftis and Thompson.

**Against the Amendment:** Crs Hollywood, McLean and Taylor.

*Cr May left the Chamber at 8.46pm and returned at 8.49pm.*

*The Acting Director Infrastructure Services left the Chamber at 8.56pm and returned at 8.58pm.*

*Cr Hamilton-Prime left the Chamber at 8.56pm and returned at 8.58pm.*

*Cr Logan left the Chamber at 8.56pm and returned at 8.59pm.*

*The Chief Executive Officer left the Chamber at 9.06pm and returned at 9.08pm.*

*Cr Poliwka left the Chamber at 9.14pm and returned at 9.16pm.*

**The original motion as amended, being:**

**That Council:**

**1** **NOTES** the Minutes of the Annual General Meeting of Electors held on 10 December 2019 forming Attachment 1 to Report CJ008-02/20;

**2** in relation to Motion No. 1 carried at the Annual General Meeting of Electors, **REQUESTS** the Chief Executive Officer to include the following matters in a review of the City’s *Investment Policy*, to be presented to the Policy Committee:

**2.1** consideration of climate change concerns;

**2.2** consideration of expansion of the Investment Policy to cover all investments made by the City with the intention of being profit-producing, including proposals for the expenditure of funds from the Tamala Park land income;

- 3 in relation to Motion No. 2 carried at the Annual General Meeting of Electors, reiterates that it **DOES NOT SUPPORT** audio recordings of Briefing Sessions being made available to members of the public **NOTING** the audio of Council meetings is available to members of the public as well as streamed live, on the City's website;
- 4 in relation to Motion No. 3 carried at the Annual General Meeting of Electors, **DOES NOT** reconsider and rescind its decision to progress the Jinan Garden project and does not redeploy the funds for community gardens across the City of Joondalup;
- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors, **PROCEEDS** with publicly advocating in writing to the relevant Federal Government Ministers for the Newstart Allowance to be increased to the level of the Henderson Poverty Line;
- 6 in relation to Motion No. 5 carried at the Annual General Meeting of Electors:
  - 6.1 **DOES NOT SUPPORT** the *Local Government and Public Property Local Law 2014* being amended to disallow election signs being erected on local government property, **NOTING** the implied freedom of political communication rights under the Australian Constitution;
  - 6.2 **REFERS** the *Local Government and Public Property Local Law 2014* to the Policy Committee to review the protocols for the provision of election signs being erected on local government property;
- 7 in relation to Motion No. 6 carried at the Annual General Meeting of Electors:
  - 7.1 **DOES NOT PROCEED** to implement an effective City-wide tree retention policy for trees on lots at this stage; however, such a policy will be investigated after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) have been finalised;
  - 7.2 **NOTES** that the draft New Development Standards in Housing Opportunity Areas proposes to introduce tree retention incentives and tree planting requirements over and above the current requirements of *State Planning Policy 7.3*;
  - 7.3 **NOTES** that between the two tree planting programs over 14,281 trees have been planted within the City since 2014;
  - 7.4 **DOES NOT PROCEED** to include the proposed tree and landscape area requirements contained in the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* into the *Residential Development Local Planning Policy* at this stage however, incorporation of these standards into the *Residential Development Local Planning Policy* will be investigated after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) have been finalised;
  - 7.5 **NOTES** that the review of the *Residential Development Local Planning Policy* will recommence after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) is finalised;

- 8** in relation to Motion No. 7 carried at the Annual General Meeting of Electors:
- 8.1** NOTES that a formal State Government program to underground power in suburban areas already exists through the *State Underground Power Program*;
  - 8.2** NOTES the City's previous submissions to the *State Underground Power Program* and the associated community consultations undertaken with affected residents;
  - 8.3** DOES NOT support the City developing a formal plan and timeline for improving the amenity in suburbs by working with the State Government to underground all power in suburban areas with Housing Opportunity Areas being a priority given that the State Government already has a formal program in place;
  - 8.4** NOTES the City continues to seek opportunities for State Government funding to underground power in suburban areas;
  - 8.5** DOES NOT SUPPORT the installation of shade sails over all play equipment in the City within three years;
  - 8.6** SUPPORTS the continuation of the *Shade Sail Program* in the City's *Five Year Capital Works Program* based on a priority matrix;
  - 8.7** SUPPORTS the continuation of the City's tree planting program to mitigate the use of shade sail structures;
  - 8.8** DOES NOT partner with the State Government to arrange for subsidised safe removal of asbestos from fences and properties across the City;
- 9** in relation to Motion No. 8 carried at the Annual General Meeting of Electors, REQUESTS the Chief Executive Officer to prepare a report on a review of all properties currently exempt from rates to ensure the use of these properties is in accordance with the provisions of s6.26 of the *Local Government Act 1995*, and where the conditions prescribed in the legislation for use of land are not being met that land be rated accordingly;
- 10** in relation to Motion No. 9 carried at the Annual General Meeting of Electors:
- 10.1** DOES NOT release the draft Transport Review undertaken in association with preparation of the comprehensive draft new planning framework for infill development prepared by the City's appointed consultants in 2018-19 as that draft framework currently has no formal status; has not been endorsed by Council for formal public consultation; and release of the associated Transport Review at a time that consultation is occurring on different development standards for Housing Opportunity Areas (to which the Transport Review has limited relevance), and will complicate and confuse an already complex issue;
  - 10.2** DOES NOT undertake a Traffic Impact Assessment of the City's Housing Opportunity Areas at this time as the current density coding that has already been approved by Council, the Western Australian Planning Commission and the Minister for Planning is not proposed to change under the current draft New Development Standards for Housing Opportunity Areas framework;

- 10.3 NOTES that potential traffic impacts are considered to the extent to which is appropriate when assessing planning applications in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and as guided by documentation prepared by the Western Australian Planning Commission;**
- 11 in relation to Motion No. 10 carried at the Annual General Meeting of Electors, NOTES the request that the City communicates to ratepayers in plain English rather than using planning language;**
- 12 in relation to Motion No. 11 carried at the Annual General Meeting of Electors, DOES NOT PROCEED with a review of the *Environmentally Sustainable Design Policy*;**
- 13 in relation to Motion No. 12 carried at the Annual General Meeting of Electors:**
- 13.1 DOES NOT prepare a short plain English report detailing the feasibility of:**
- 13.1.1 preparing a register of development plans for all new residential and commercial property developments in the City with plans available for two years after construction is complete;**
- 13.1.2 publishing the considerations underpinning any decision to grant discretions for a development application as part of a database;**
- 13.1.3 undertaking spot audits of building compliance chosen at random by an algorithm;**
- 13.2 NOTES the current approach undertaken by the City in relation to advising interested parties of delegated decisions, which includes the reasons for any discretion exercised;**
- 14 in relation to Motion No. 13 carried at the Annual General Meeting of Electors, NOTES reports related to the costs and benefits of the Jinan Sister City relationship have been received by Council from time to time;**
- 15 in relation to Motion No. 14 carried at the Annual General Meeting of Electors:**
- 15.1 NOTES that the potential number of additional dwellings and lots in Housing Opportunity Areas processed under delegated authority is already reported in the ‘Development and Subdivision Applications’ report presented to Council;**
- 15.2 DOES NOT calculate and publish the estimated number of dwellings for each infill scenario that has previously been considered, is currently being considered or may be considered in the future by Council or the Western Australian Planning Commission;**
- 15.3 NOTES that the role of the local government is to set a framework in place that enables the infill targets to be met, however it is ultimately up to the market to determine whether the target will be achieved;**

- 16** in relation to Motion No. 15 carried at the Annual General Meeting of Electors, DOES NOT prepare a short plain English report, no more than five pages, detailing the costs and benefits to ratepayers of infill in the Housing Opportunity Areas and how it proposes to compensate homeowners who have bought forever homes in neighbourhoods that have been or are being changed completely by infill development.

It was requested that each part of the original motion as amended be voted upon separately. Mayor Jacob advised he would put the votes for Parts 1 to 12 separately, followed by Parts 13 to 16 collectively.

**That Council:**

- 1** NOTES the Minutes of the Annual General Meeting of Electors held on 10 December 2019 forming Attachment 1 to Report CJ008-02/20.

**was Put and**

**CARRIED (13/0)**

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

**That Council:**

- 2** in relation to Motion No. 1 carried at the Annual General Meeting of Electors, REQUESTS the Chief Executive Officer to include the following matters in a review of the City's *Investment Policy*, to be presented to the Policy Committee:

**2.1** consideration of climate change concerns;

**2.2** consideration of expansion of the Investment Policy to cover all investments made by the City with the intention of being profit-producing, including proposals for the expenditure of funds from the Tamala Park land income.

**was Put and**

**CARRIED (12/1)**

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

**Against the Motion:** Cr Hollywood.

**That Council:**

- 3** in relation to Motion No. 2 carried at the Annual General Meeting of Electors, reiterates that it DOES NOT SUPPORT audio recordings of Briefing Sessions being made available to members of the public NOTING the audio of Council meetings is available to members of the public as well as streamed live, on the City's website.

**was Put and**

**CARRIED (9/4)**

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

**Against the Motion:** Crs Chester, Poliwka, Raftis and Thompson.

**That Council:**

- 4** in relation to Motion No. 3 carried at the Annual General Meeting of Electors, **DOES NOT** reconsider and rescind its decision to progress the Jinan Garden project and does not redeploy the funds for community gardens across the City of Joondalup.

**was Put and****CARRIED (7/6)****In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Logan, McLean, and Taylor.**Against the Motion:** Crs Chester, Jones, May, Poliwka, Raftis and Thompson.**That Council:**

- 5** in relation to Motion No. 4 carried at the Annual General Meeting of Electors, **PROCEEDS** with publicly advocating in writing to the relevant Federal Government Ministers for the Newstart Allowance to be increased to the level of the Henderson Poverty Line.

**was Put and****LOST (4/9)****In favour of the Motion:** Crs Hamilton-Prime, Hollywood, Logan and Taylor.**Against the Motion:** Mayor Jacob, Crs Chester, Fishwick, Jones, May, McLean, Poliwka, Raftis and Thompson.**That Council:**

- 5** in relation to Motion No. 4 carried at the Annual General Meeting of Electors, **DOES NOT PROCEED** with publicly advocating in writing to the relevant Federal Government Ministers for the Newstart Allowance to be increased to the level of the Henderson Poverty Line.

**was Put and****CARRIED (12/1)****In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.**Against the Motion:** Cr Taylor.**That Council:**

- 6** in relation to Motion No. 5 carried at the Annual General Meeting of Electors:

**6.1** **DOES NOT SUPPORT** the *Local Government and Public Property Local Law 2014* being amended to disallow election signs being erected on local government property, **NOTING** the implied freedom of political communication rights under the Australian Constitution;

**6.2** **REFERS** the *Local Government and Public Property Local Law 2014* to the Policy Committee to review the protocols for the provision of election signs being erected on local government property.

**was Put and****CARRIED (13/0)****In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

**That Council:**

**7** in relation to Motion No. 6 carried at the Annual General Meeting of Electors:

- 7.1** DOES NOT PROCEED to implement an effective City-wide tree retention policy for trees on lots at this stage; however, such a policy will be investigated after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) have been finalised;
- 7.2** NOTES that the draft New Development Standards in Housing Opportunity Areas proposes to introduce tree retention incentives and tree planting requirements over and above the current requirements of *State Planning Policy 7.3*;
- 7.3** NOTES that between the two tree planting programs over 14,281 trees have been planted within the City since 2014;
- 7.4** DOES NOT PROCEED to include the proposed tree and landscape area requirements contained in the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* into the *Residential Development Local Planning Policy* at this stage however, incorporation of these standards into the *Residential Development Local Planning Policy* will be investigated after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) have been finalised;
- 7.5** NOTES that the review of the *Residential Development Local Planning Policy* will recommence after the draft new *Development Standards in Housing Opportunity Areas Local Planning Policy* and associated scheme amendment (Scheme Amendment No. 5) is finalised.

was Put and

**CARRIED (10/3)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Jones, Logan, May, Poliwka, Raftis and Thompson.

**Against the Motion:** Crs Hollywood, McLean and Taylor.

**That Council:**

**8** in relation to Motion No. 7 carried at the Annual General Meeting of Electors:

- 8.1** NOTES that a formal State Government program to underground power in suburban areas already exists through the *State Underground Power Program*;
- 8.2** NOTES the City's previous submissions to the *State Underground Power Program* and the associated community consultations undertaken with affected residents;
- 8.3** DOES NOT support the City developing a formal plan and timeline for improving the amenity in suburbs by working with the State Government to underground all power in suburban areas with Housing Opportunity Areas being a priority given that the State Government already has a formal program in place;

- 8.4 **NOTES the City continues to seek opportunities for State Government funding to underground power in suburban areas;**
- 8.5 **DOES NOT SUPPORT the installation of shade sails over all play equipment in the City within three years;**
- 8.6 **SUPPORTS the continuation of the *Shade Sail Program* in the City's *Five Year Capital Works Program* based on a priority matrix;**
- 8.7 **SUPPORTS the continuation of the City's tree planting program to mitigate the use of shade sail structures;**
- 8.8 **DOES NOT partner with the State Government to arrange for subsidised safe removal of asbestos from fences and properties across the City.**

**was Put and**

**CARRIED (13/0)**

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

**That Council:**

- 9 **in relation to Motion No. 8 carried at the Annual General Meeting of Electors, REQUESTS the Chief Executive Officer to prepare a report on a review of all properties currently exempt from rates to ensure the use of these properties is in accordance with the provisions of s6.26 of the *Local Government Act 1995*, and where the conditions prescribed in the legislation for use of land are not being met that land be rated accordingly.**

**was Put and**

**CARRIED (11/2)**

**In favour of the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, Poliwka, Raftis, Taylor and Thompson.

**Against the Motion:** Mayor Jacob and Cr McLean.

**That Council:**

- 10 in relation to Motion No. 9 carried at the Annual General Meeting of Electors:
- 10.1 **DOES NOT release the draft Transport Review undertaken in association with preparation of the comprehensive draft new planning framework for infill development prepared by the City's appointed consultants in 2018-19 as that draft framework currently has no formal status; has not been endorsed by Council for formal public consultation; and release of the associated Transport Review at a time that consultation is occurring on different development standards for Housing Opportunity Areas (to which the Transport Review has limited relevance), and will complicate and confuse an already complex issue;**
- 10.2 **DOES NOT undertake a Traffic Impact Assessment of the City's Housing Opportunity Areas at this time as the current density coding that has already been approved by Council, the Western Australian Planning Commission and the Minister for Planning is not proposed to change under the current draft New Development Standards for Housing Opportunity Areas framework;**

- 10.3 NOTES that potential traffic impacts are considered to the extent to which is appropriate when assessing planning applications in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and as guided by documentation prepared by the Western Australian Planning Commission.

**was Put and**

**LOST (6/7)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Hollywood, Logan, McLean and Taylor.

**Against the Motion:** Crs Fishwick, Hamilton-Prime, Jones, May, Poliwka, Raftis and Thompson.

**That Council:**

**10 in relation to Motion No. 9 carried at the Annual General Meeting of Electors:**

- 10.1 **DOES NOT** release the draft Transport Review undertaken in association with preparation of the comprehensive draft new planning framework for infill development prepared by the City's appointed consultants in 2018-19 as that draft framework currently has no formal status; has not been endorsed by Council for formal public consultation; and release of the associated Transport Review at a time that consultation is occurring on different development standards for Housing Opportunity Areas (to which the Transport Review has limited relevance), and will complicate and confuse an already complex issue;
- 10.2 **PROCEEDS** with a Traffic Impact Assessment of the City's Housing Opportunity Areas following Council's adoption of the draft new Development Standards for Housing Opportunity Areas, with the Traffic Impact Assessment to be made available to the public;
- 10.3 NOTES that potential traffic impacts are considered to the extent to which is appropriate when assessing planning applications in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and as guided by documentation prepared by the Western Australian Planning Commission.

**was Put and**

**CARRIED (10/3)**

**In favour of the Motion:** Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, Poliwka, Raftis and Thompson.

**Against the Motion:** Crs Chester, McLean and Taylor.

**That Council:**

- 11 in relation to Motion No. 10 carried at the Annual General Meeting of Electors, NOTES the request that the City communicates to ratepayers in plain English rather than using planning language.**

**was Put and**

**CARRIED (13/0)**

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

**That Council:**

- 12** in relation to Motion No. 11 carried at the Annual General Meeting of Electors, **DOES NOT PROCEED** with a review of the *Environmentally Sustainable Design Policy*.

was Put and

**CARRIED (7/6)**

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

**Against the Motion:** Crs Chester, Fishwick, Jones, Poliwka, Raftis and Thompson.

**That Council:**

- 13** in relation to Motion No. 12 carried at the Annual General Meeting of Electors:
- 13.1** **DOES NOT** prepare a short plain English report detailing the feasibility of:
    - 13.1.1** preparing a register of development plans for all new residential and commercial property developments in the City with plans available for two years after construction is complete;
    - 13.1.2** publishing the considerations underpinning any decision to grant discretions for a development application as part of a database;
    - 13.1.3** undertaking spot audits of building compliance chosen at random by an algorithm;
  - 13.2** **NOTES** the current approach undertaken by the City in relation to advising interested parties of delegated decisions, which includes the reasons for any discretion exercised;
- 14** in relation to Motion No. 13 carried at the Annual General Meeting of Electors, **NOTES** reports related to the costs and benefits of the Jinan Sister City relationship have been received by Council from time to time;
- 15** in relation to Motion No. 14 carried at the Annual General Meeting of Electors:
- 15.1** **NOTES** that the potential number of additional dwellings and lots in Housing Opportunity Areas processed under delegated authority is already reported in the 'Development and Subdivision Applications' report presented to Council;
  - 15.2** **DOES NOT** calculate and publish the estimated number of dwellings for each infill scenario that has previously been considered, is currently being considered or may be considered in the future by Council or the Western Australian Planning Commission;
  - 15.3** **NOTES** that the role of the local government is to set a framework in place that enables the infill targets to be met, however it is ultimately up to the market to determine whether the target will be achieved;

- 16 in relation to Motion No. 15 carried at the Annual General Meeting of Electors, DOES NOT prepare a short plain English report, no more than five pages, detailing the costs and benefits to ratepayers of infill in the Housing Opportunity Areas and how it proposes to compensate homeowners who have bought forever homes in neighbourhoods that have been or are being changed completely by infill development.**

**was Put and**

**CARRIED (13/0)**

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

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

In relation to Part 10 (Motion 9) and in accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is to increase the transparency of the decision-making of Council and to provide an understanding of the implications of the Housing Opportunity Areas and their impacts.

*Cr Fishwick left the Chamber at 9.37pm and returned at 9.39pm.*

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7agn200218.pdf](#)*

## **CJ009-02/20 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER 2019 TO 31 DECEMBER 2019**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENT</b>	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 October 2019 to 31 December 2019  Attachment 2 Capital Works Program Quarterly Report for the period 1 October 2019 to 31 December 2019
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 October 2019 to 31 December 2019 and the *Capital Works Program Quarterly Report* for the period 1 October 2019 to 31 December 2019.

### **EXECUTIVE SUMMARY**

The City's *Corporate Business Plan 2019-20 to 2023-24* (the plan) 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 October 2019 to 31 December 2019 provides information on the progress of 2019-20 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ009-02/20.

A *Capital Works Quarterly Report*, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ009-02/20.

*It is therefore recommended that Council RECEIVES the:*

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 October 2019 to 31 December 2019 which is shown as Attachment 1 to Report CJ009-02/20;*
- 2 *Capital Works Program Quarterly Report for the period 1 October 2019 to 31 October 2019 which is shown as Attachment 2 to Report CJ009-02/20.*

## BACKGROUND

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

The plan was endorsed by Council at its meeting held on 20 August 2019 (CJ103-08/19 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 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 plan.

Commentary is provided against each quarterly milestone on the actions completed, and the 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 to Report CJ009-02/20. "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 plan were included in the 2019-20 Annual Budget.

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

### **Consultation**

Not applicable.

### **COMMENT**

At its meeting held on 20 August 2019 (CJ103-08/19 refers), Council endorsed the *Corporate Business Plan 2019-20 to 2023-24*. A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. Report CJ009-02/20 provides an overview of progress against all the projects and programs in the *2019-20 Capital Works Program*.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1     *Corporate Business Plan Quarterly Progress Report* for the period 1 October 2019 to 31 December 2019 which is shown as Attachment 1 to Report CJ009-02/20;**
- 2     *Capital Works Quarterly Report* for the period 1 October 2019 to 31 December 2019 which is shown as Attachment 2 to Report CJ009-02/20.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf200211.pdf](#)*

## **CJ010-02/20 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2019**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

Report CJ010-02/20 presents the list of payments made under delegated authority during the month of November 2019, totalling \$12,376,770.80.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 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 CJ010-02/20, totalling \$12,376,770.80.*

### **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 November 2019. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ010-02/20.

The vouchers for the month are appended as Attachment 3 to Report CJ010-02/20.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 109161 - 109310 & EF081996 – EF082572 Net of cancelled payments.	\$7,537,021.27
	Vouchers 2665A – 2677A	\$4,820,103.36
Trust Account	Trust Cheques & EFT Payments 207424 - 207429 & TEF001743 - TEF001756 Net of cancelled payments.	\$19,646.17
<b>Total</b>		<b>\$12,376,770.80</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for November 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 CJ010-02/20, totalling \$12,376,770.80.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf200211.pdf](#)

## **CJ011-02/20 LIST OF PAYMENT MADE DURING THE MONTH OF DECEMBER 2019**

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

Report CJ011-02/20 presents the list of payments made under delegated authority during the month of December 2019, totalling \$21,657,565.05.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 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 CJ011-02/20, totalling \$21,657,565.05.*

### **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 December 2019. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ011-02/20.

The vouchers for the month are appended as Attachment 3 to Report CJ011-02/20.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 109311 - 109466 & EF082573 - EF083039 Net of cancelled payments.	\$14,067,473.11
	Vouchers 2683A - 2705A	\$7,582,410.06
Trust Account	Trust Cheques & EFT Payments 207430 - 207433 & TEF001757 – TEF001758 Net of cancelled payments.	\$7,681.88
<b>Total</b>		<b>\$21,657,565.05</b>

### Issues and options considered

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

#### Option 1

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

#### Option 2

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

### Legislation / Strategic Community Plan / policy implications

#### Legislation

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

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### Risk management considerations

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

**Financial / budget implications**

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

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for December 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 CJ011-02/20, totalling \$21,657,565.05.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf200211.pdf](#)

## **CJ012-02/20 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2019**

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

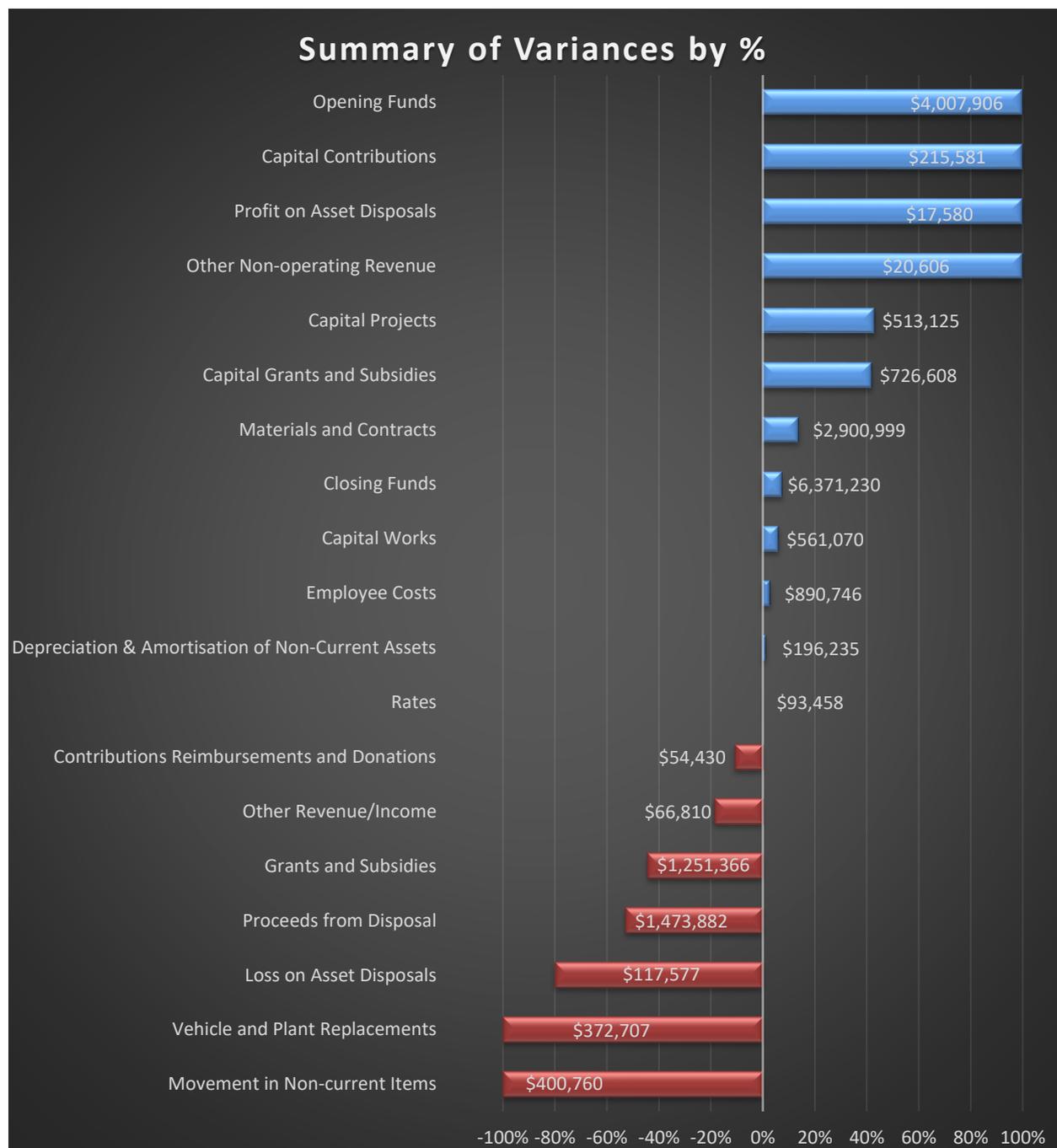
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the *2019-20 Annual Budget*. The figures in Report CJ012-02/20 are compared to the adopted budget.

The November 2019 Financial Activity Statement Report shows an overall favourable variance of \$6,371,230 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 November 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 November. The notes in Attachment 3 to Report CJ012-02/20 identify and provide commentary on the individual key material revenue and expenditure variances to date.

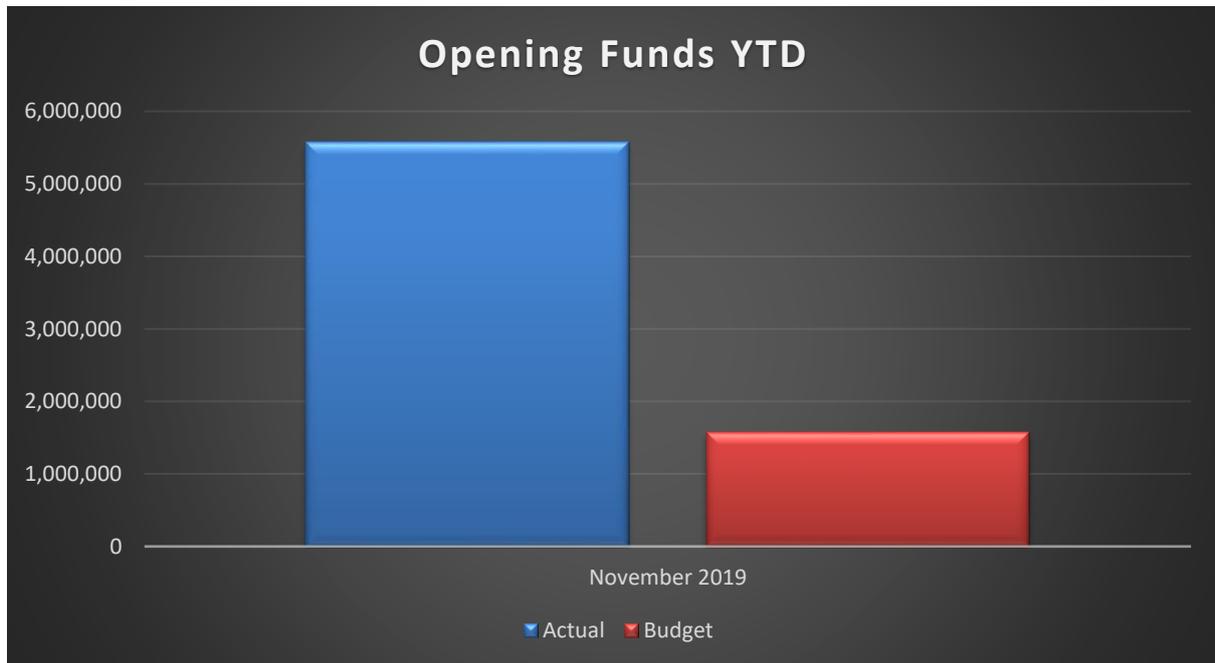
The key elements of the variance are summarised below:



The significant variances for November were:

### Opening Funds

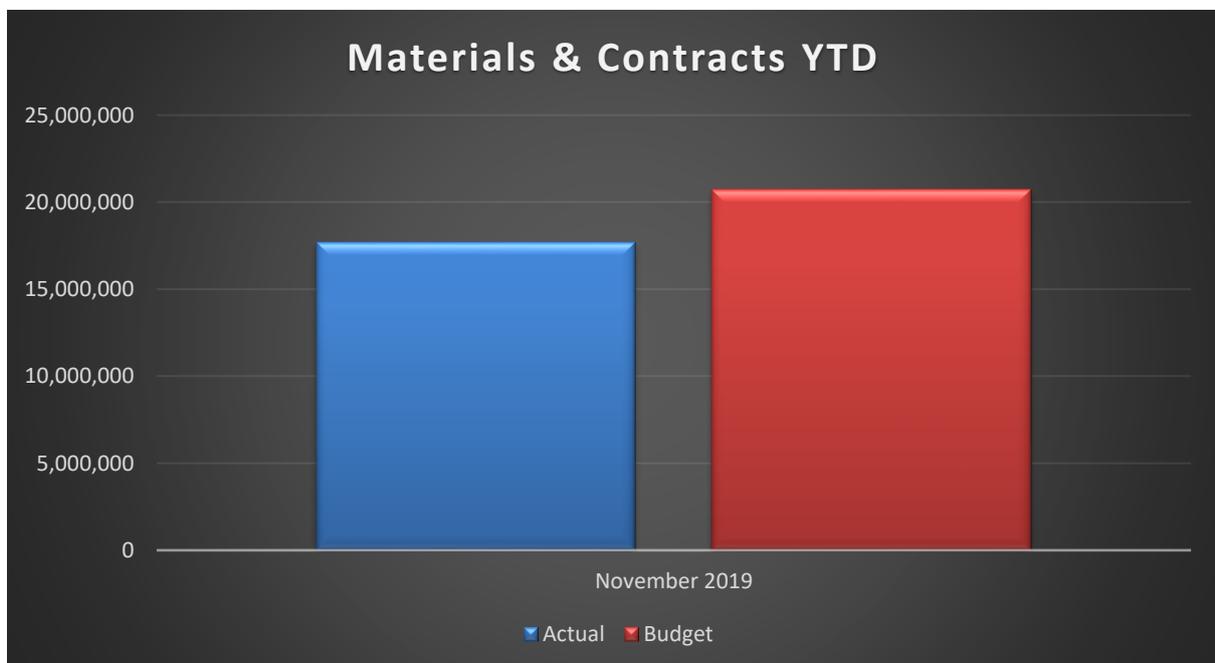
**\$4,007,906**



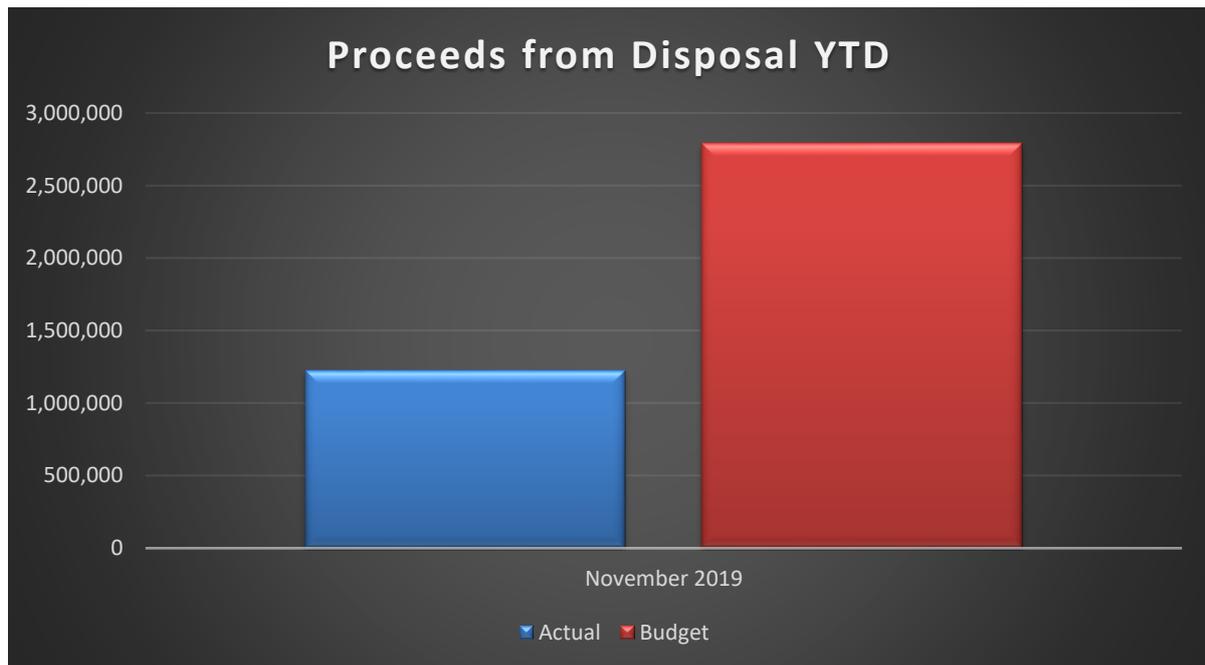
Opening Funds for July 2019 is \$4,007,906 above budget. This is due to variations in actual results for 2018-19 compared to budget estimate.

### Materials and Contracts

**\$2,900,999**



Materials and Contracts expenditure is \$2,900,999 below budget. This is spread across a number of different areas including External Service Expenses \$1,500,921, Professional Fees and Costs \$317,721, Furniture, Equipment and Artworks \$312,461, Administration \$303,914 and Contributions and Donations \$281,063.

**Proceeds from Disposal****(\$1,473,882)**

Proceeds from Disposal is (\$1,473,882) 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 November 2019 forming Attachment 1 to Report CJ012-02/20.*

**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 November 2019 is appended as Attachment 1 to Report CJ012-02/20.

**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 Report CJ012-02/20 are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

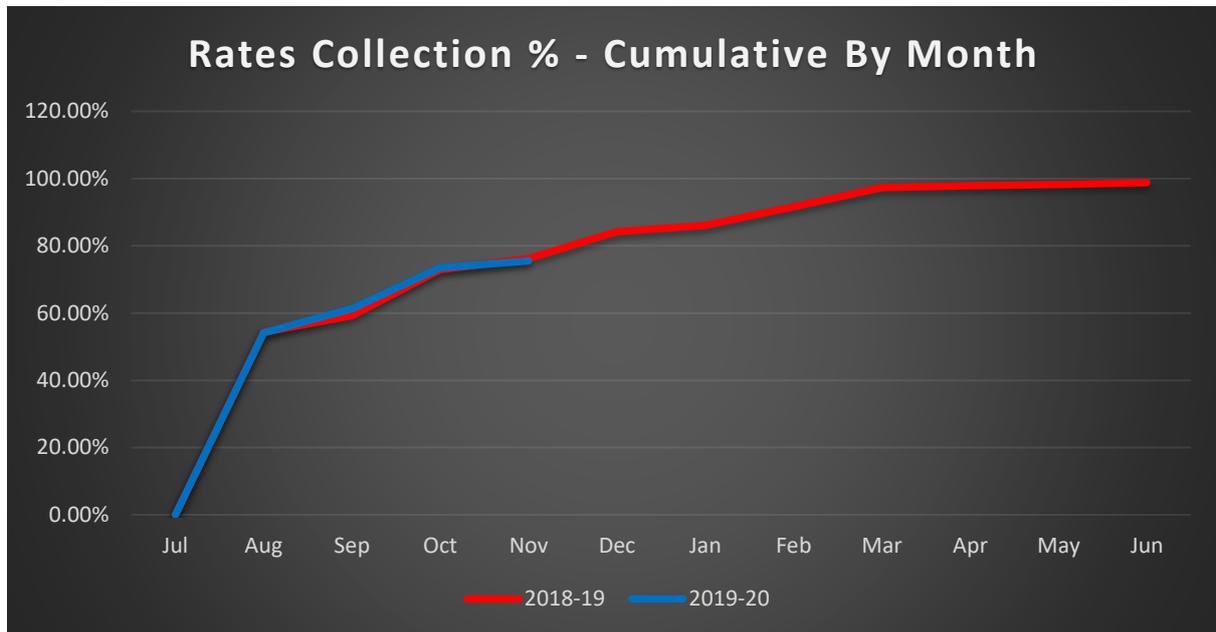
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

**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*.

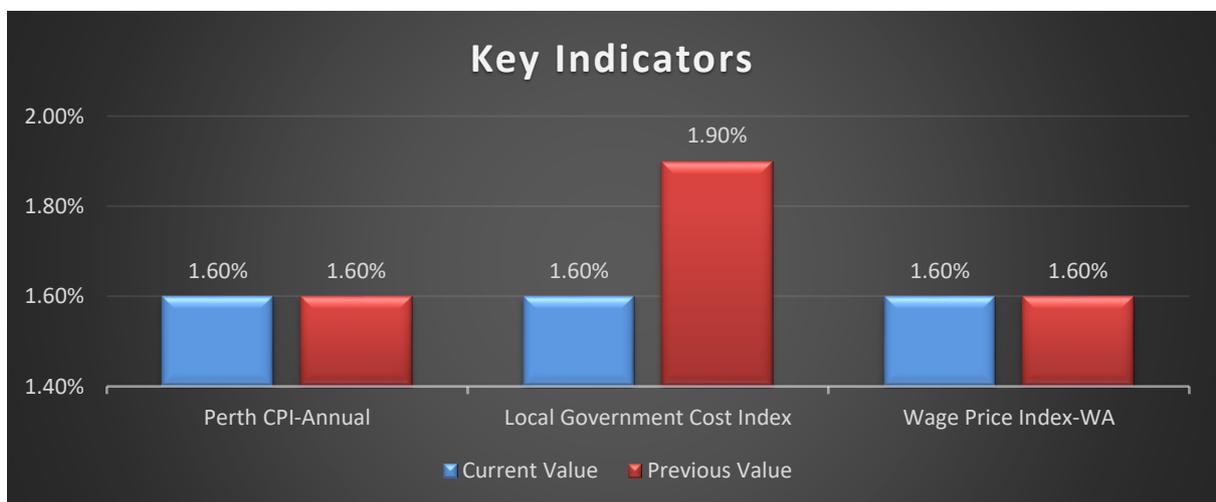
## KEY INDICATORS

### Rates Collection



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

### Economic Indicators



Wage inflation data for September 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 2.2% for the same period. The *Local Government Cost Index* was lower mainly driven by reduced electricity and street lighting costs, and is on par with CPI.

**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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 30 November 2019 forming Attachment 1 to Report CJ012-02/20.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf200211.pdf](#)

## **CJ013-02/20 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2019**

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

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 December 2019.

### **EXECUTIVE SUMMARY**

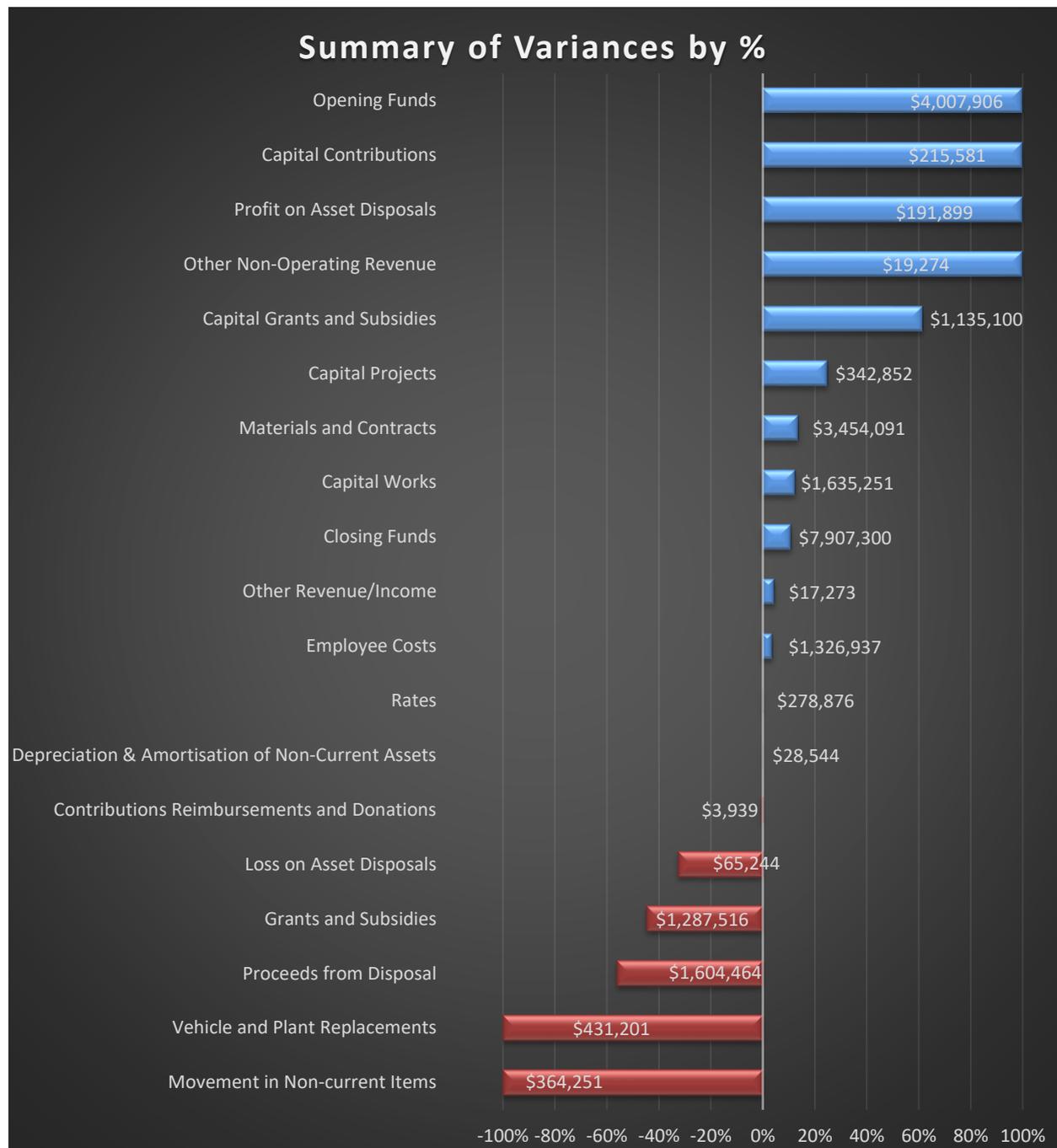
At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the *2019-20 Annual Budget*. The figures in Report CJ013-02/20 are compared to the adopted budget.

The December 2019 Financial Activity Statement Report shows an overall favourable variance of \$7,907,300 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 31 December 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 December. The notes in Attachment 3 to Report CJ013-02/20 identify and provide commentary on the individual key material revenue and expenditure variances to date.

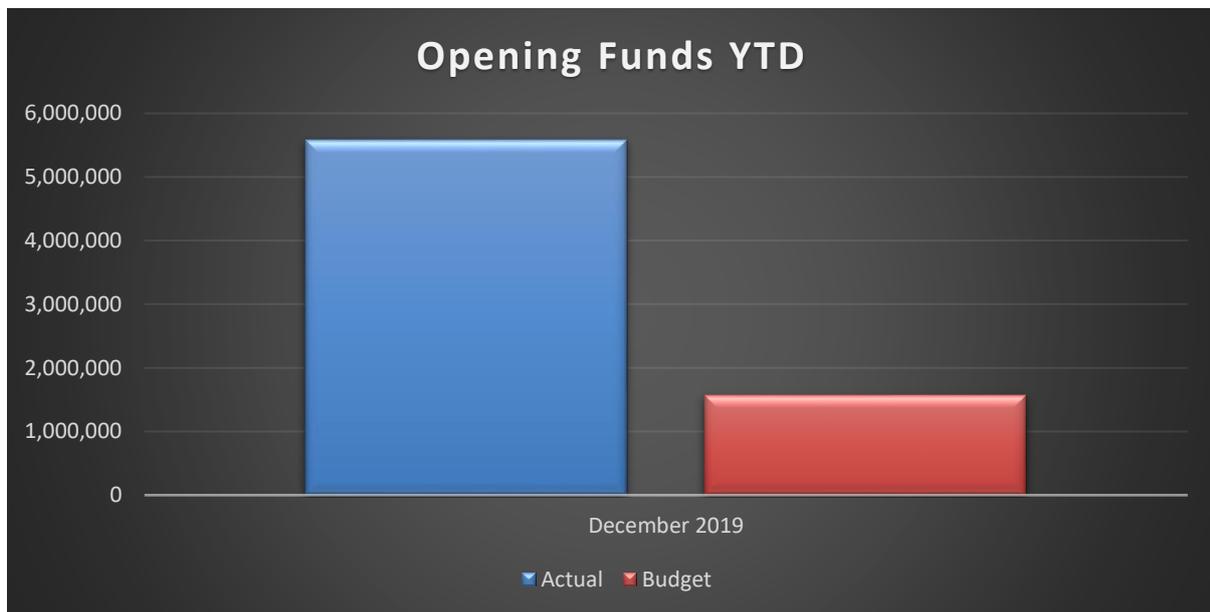
The key elements of the variance are summarised below:



The significant variances for December were:

### Opening Funds

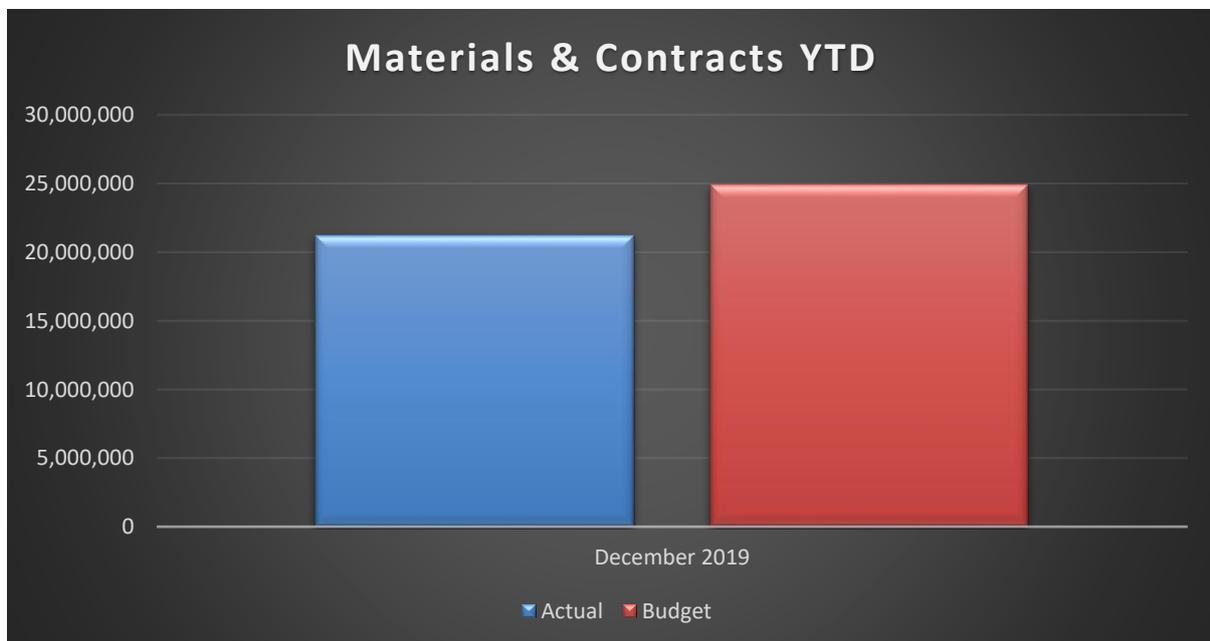
**\$4,007,906**



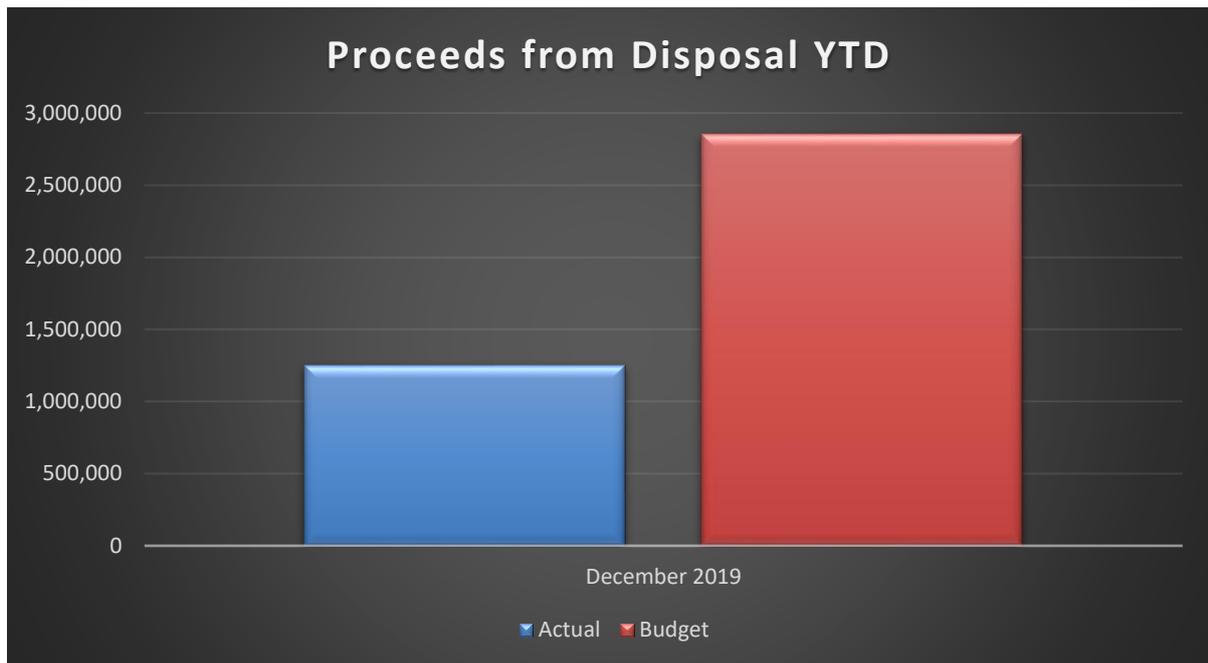
Opening Funds for July 2019 is \$4,007,906 above budget. This is due to variations in actual results for 2018-19 compared to budget estimate.

### Materials and Contracts

**\$3,454,091**



Materials and Contracts expenditure is \$3,454,091 below budget. This is spread across a number of different areas including External Service Expenses \$1,708,063, Furniture, Equipment and Artworks \$390,825, Administration \$355,204, Contributions and Donations \$306,875 and Professional Fees and Costs \$261,321.

**Proceeds from Disposal****(\$1,604,464)**

Proceeds from Disposal is (\$1,604,464) 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 31 December 2019 forming Attachment 1 to Report CJ013-02/20.*

**BACKGROUND**

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

**DETAILS****Issues and options considered**

The Financial Activity Statement for the period ended 31 December 2019 is appended as Attachment 1 to Report CJ013-02/20.

**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 Report CJ013-02/20 are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

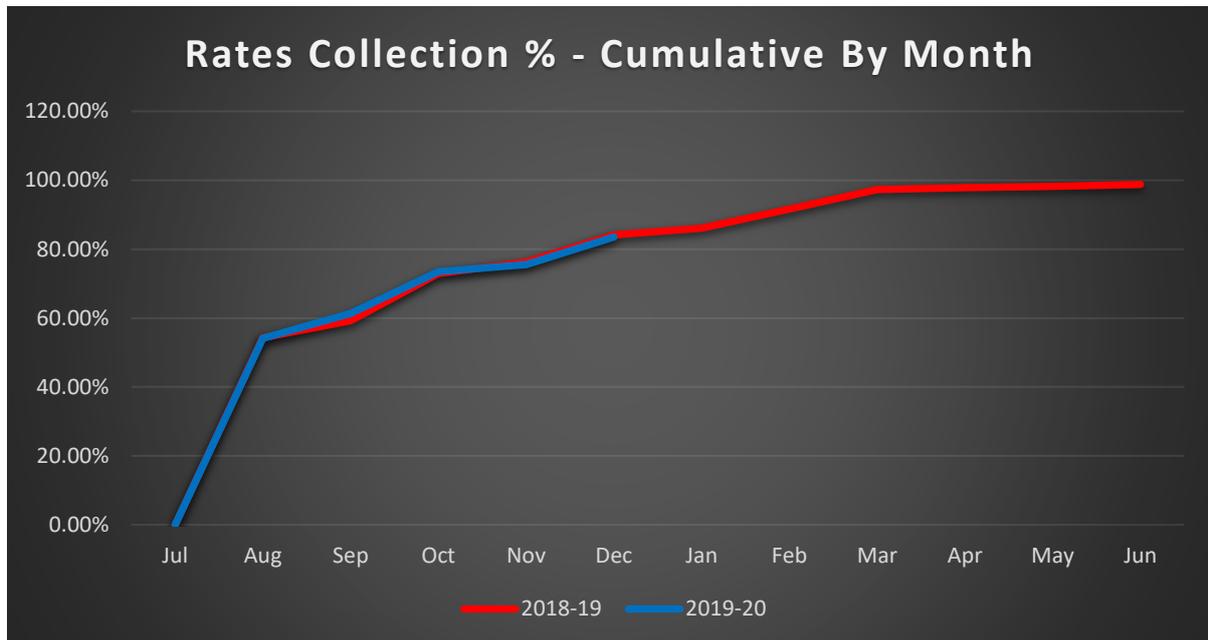
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

**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*.

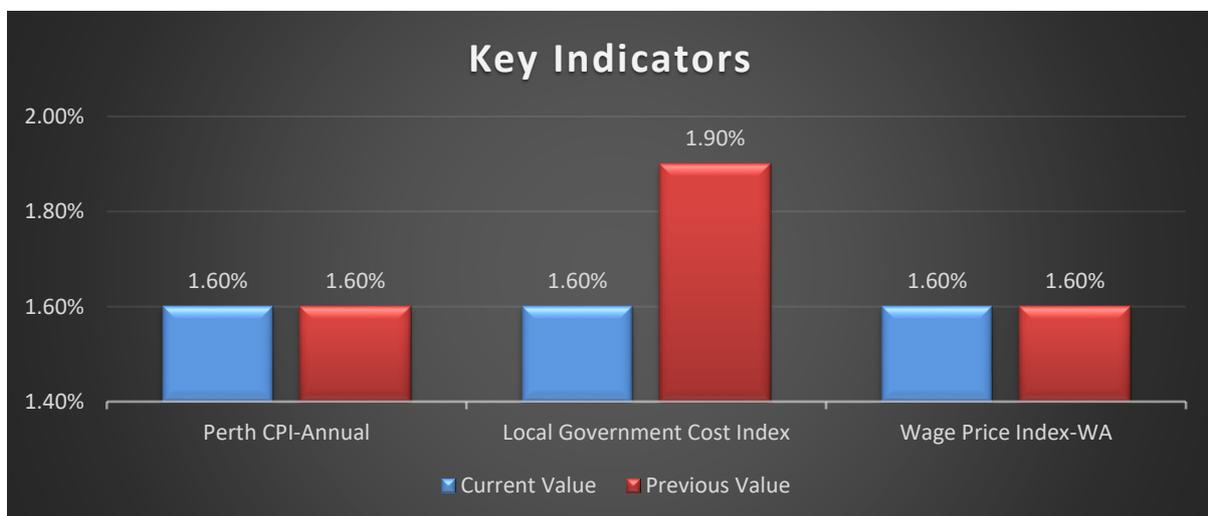
## KEY INDICATORS

### Rates Collection



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

### Economic Indicators



Wage inflation data for September 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 2.2% for the same period. The Local Government Costy Index was lower mainly driven by reduced electricity and street lighting costs.

**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.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 31 December 2019 forming Attachment 1 to Report CJ013-02/20.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf200211.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ014-02/20 - Request for Additional Subsidies and Waivers of Fees for Annual Hire Groups.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Many members of the Kingsley Seniors Group are known to Cr Chester.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ014-02/20 - Request for Additional Subsidies and Waivers of Fees for Annual Hire Groups.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is known to a number of long-time members of the Kingsley Seniors Group which is seeking a subsidy extension.

## CJ014-02/20      **REQUEST FOR ADDITIONAL SUBSIDIES AND WAIVERS OF FEES FOR ANNUAL HIRE GROUPS**

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

**PURPOSE**

For Council to consider applications for additional subsidies and waivers of fees for the hire of City venues by annual user groups in 2020.

**EXECUTIVE SUMMARY**

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

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration for requests over \$5,000.

The City has recently completed the bookings for use of its venues for the 2020 annual booking period. Consequently, the following groups have been assessed as eligible for a partial subsidy of their fees and are seeking an additional subsidy:

- University of the Third Age (U3A) Inc – Joondalup Region.
- Whitford Senior Citizens Club.
- Kingsley Seniors Group.

The following groups have been assessed as ineligible for a subsidy and are seeking a waiver of hire fees:

- Farmers Markets (WA) Pty Ltd.
- Creative Kids Art Club.

*It is therefore recommended that Council:*

- 1 *DOES NOT AGREE to the request to waive the remaining 50% of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2020;*
- 2 *AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2020 to a maximum of 108 hours average per week and a value of \$142,928;*
- 3 *DOES NOT AGREE to the request to waive 100% of the fees for Farmers Markets (WA) Pty Ltd for the use of Neil Hawkins Park in 2020;*
- 4 *DOES NOT AGREE to the request to waive 100% of the fees for Creative Kids Art Club for the use of Kingsley Memorial Clubroom in 2020;*
- 5 *AGREES to extend the 100% subsidised use for the Kingsley Seniors Group for the use of the Kingsley Memorial Clubroom in 2020 to a maximum of 18 hours average per week and a value of \$20,988;*
- 6 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.*

## **BACKGROUND**

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* which is intended to provide a consistent and concise methodology to property management. Also at that meeting, Council adopted the *Facility Hire Subsidy Policy* which provides direction relating to subsidised use of City venues, that is to:

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

The policy applies to all local not-for-profit community groups and groups from educational institutions hiring City venues on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre, Craigie. The policy applies to organised groups only and does not apply to individuals.

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

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

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

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

*Additional subsidies will be provided for the following:*

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

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

## **DETAILS**

The City has recently completed the booking process for use of its venues during the 2020 annual booking period. Consequently, some groups have sought further subsidisation or waiver of fees in accordance with the policy.

### University of the Third Age (U3A) Inc – Joondalup Region

<b>Facility hired</b>	<b>Classification within the policy</b>	<b>Current extent of subsidy</b>	<b>Hours booked per week</b>	<b>Hours exceeding subsidy per week</b>
Rob Baddock Community Hall	Other not-for-profit community groups	50%	10	Not applicable

The University of the Third Age (U3A) Inc – Joondalup Region currently hires the Rob Baddock Community Centre for delivery of its activities and events.

The group has booked 532 hours for 2020, averaging 10 hours per week to enable it to undertake its activities and events and has been assessed as being eligible for a subsidy. It should be noted that prior to 2019, the group was provided a 100% subsidy of hire fees as it was classified as a 'Senior Citizens Recreational and Sporting Group' within the policy. A requirement of this classification is that the group offers its services exclusively to persons aged over 55 years. During 2018, the City identified that the group's constitution had changed and no longer reflected the requirements for members to be of retirement age (or over 55 years of age). As such, the group has been reassessed as being an 'Other Not-for-Profit Group' and is only eligible to receive a 50% subsidy of hire fees.

The group has advised that despite the changes to its constitution, all of its current members are over 55 years of age and has requested Council consider waiving the remaining 50% of hire fees to enable the group to continue to run its activities and events.

At its meeting held on 19 February 2019 (CJ020-02/19 refers), Council agreed to waive 100% of the hire fees for University of the Third Age (U3A) Inc – Joondalup Region in 2019 to the value of \$9,682.

As the group does not meet the eligibility criteria to be classified as a 'Senior Citizens Recreational and Sporting Group' within the policy, it is recommended that Council does not agree to the request to waive the remaining 50% of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$12,140	\$6,071	\$6,071	\$12,140	\$0	\$6,071	\$6,071

#### Whitford Senior Citizens Club

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Whitford Senior Citizens Centre	Senior Citizens Recreational and Sporting Group	100% up to a maximum of 80 hours per week	109	29

The Whitford Senior Citizens Club currently hires rooms within the Whitford Senior Citizens Centre for its delivery of activities and events targeted at people over 55 years of age.

The club has booked 5,625 hours for 2020, averaging 109 hours per week, to enable it to undertake its activities and events. The club has been assessed as being eligible for a subsidy under the policy. As a senior citizens recreational or sporting group with over 100 members the policy allocates the club up to 80 hours of subsidised use per week. It is noted that the club also holds a licence over an office space, games room, two craft rooms and courtyard which affords the club use of these spaces during the calendar year.

At its meeting held on 19 February 2019 (CJ020-02/19 refers), Council agreed to extend the 100% subsidised use for the Whitford Senior Citizens Club's 2019 bookings to a maximum of 133 hours average per week and a value of \$160,372.

The club has requested Council consider an additional subsidy for the additional hours to deliver its activities and events during 2020. As the club meets the eligibility criteria within the policy, it is recommended that Council agrees to the request for an additional subsidy of hire fees for the Whitford Senior Citizens Club for up to 5,625 hours for the year.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$142,928	\$118,312	\$24,616	\$142,928	\$0	\$142,928	\$0

#### Farmers Markets (WA) Pty Ltd

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Neil Hawkins Park	Ineligible	Not applicable	7	Not applicable

At its meeting held on 28 June 2016 (CJ094-06/16 refers), Council in response to an expression of interest, requested that the City enter into negotiations with Farmers Markets (WA) Pty Ltd to establish a weekly farmers' market in Central Park, Joondalup.

The City undertook discussions with Farmers Markets (WA) Pty Ltd regarding the proposed event and associated deliverables and subsequently developed a Memorandum of Understanding (MOU) between the City and Farmers Markets (WA) Pty Ltd.

The City's MOU with Farmers Markets (WA) Pty Ltd ended on 31 December 2019. The MOU has not been renegotiated. Details of the previous MOU are as follows:

Support provided to Farmers Markets (WA) Pty Ltd.	Maximum contribution		
	2017	2018	2019
Waiver of fees associated with the hire of Central Park, Joondalup.	\$17,321	\$19,000	\$0
Provision and service of four x 220 litre rubbish bins	\$2,600	\$2,600	\$2,600
Provide funding to FMWA for off-site storage.	\$16,350	\$0	\$0
Provide funding to launch the markings, and in-kind support through cross-promotion on the City's social media platforms.	\$1,793	Not applicable	Not applicable
Pay an annual fee to assist in the operation of the 'Welcome to Spring' and 'Christmas Festival' events	\$10,000 + in-kind	\$3,750 + In-kind only	In-kind only
<b>Total</b>	<b>\$55,564 + in-kind</b>	<b>\$25,350 + in-kind</b>	<b>\$2,600 + in-kind</b>

It is noted that the intention of the MOU was that the group be managed as a regular hirer of City facilities and therefore eligible for a similar level of support as other regular hirers.

Approximately 2,000 people attended the official opening of the farmers' markets in February 2017. Event organisers however were challenged with some forced closures of Central Park due to City events (Kaleidoscope and Joondalup Festival), as well as ongoing maintenance issues with the turf, resulting in challenges with continuity of service. As a result, a new location at Neil Hawkins Park was negotiated in 2019, with the Joondalup Growers Market relocating in August 2019.

At its meeting held on 19 February 2019 (CJ020-02/19 refers), Council agreed to waive 100% of the hire fees for Farmers Markets (WA) Pty Ltd to deliver the Joondalup Growers Market in 2019 to the value of \$5,956.

Farmers Markets (WA) Pty Ltd have discussed its ongoing operations with the City and have advised that the markets would not be sustainable should the City not provide a waiver of fees for its annual bookings.

As Farmers Markets (WA) Pty Ltd does not meet the criteria for a subsidy or the criteria for a waiver of hire fees under the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to waive 100% of the fees for Farmers Markets (WA) Pty Ltd to use Neil Hawkins Park for the Joondalup Growers' Market in 2020.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$6,625	\$0	\$6,625	\$6,625	\$0	\$0	\$6,625

#### Creative Kids Art Club

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Kingsley Memorial Clubroom	In eligible	Not applicable	5 (does not include school holidays)	Not applicable

Creative Kids Art Club currently operates from Kingsley Community Clubroom, Kingsley for two hours per week on a Monday, and three hours per week on a Thursday. The club has booked this facility for its activities since 2015, and does not operate during school holidays.

Creative Kids Art Club operates at 13 locations across the Perth metropolitan area and provides after-school art and craft activities to children. The club's aim is to provide classes that enhance creative development and problem solving skills.

The Kingsley location of the Creative Kids Art Club has approximately 77 active participants, of whom 58 (75%) reside in the City of Joondalup.

The Creative Kids Art Club is not eligible for a subsidy as it is a commercial organisation. It also does not meet the criteria to be classified as an educational institution under the *Facility Hire Subsidy Policy*, which is defined as any primary, secondary school or tertiary institution.

The club has requested special consideration for a waiver of fees for its hire of Kingsley Community Clubroom on the grounds that it provides a service that is not always available to children due to budgetary cuts to art programs within schools. The club has participants who have physical and learning conditions such as anxiety, ADHD and autism, for whom art has proven to be beneficial in managing those conditions.

As the club does not meet the criteria for a subsidy or the criteria for a waiver of hire fees under the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to waive 100% of the fees for Creative Kids Art Club to use Kingsley Memorial Clubroom in 2020.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$5,056	\$0	\$5,056	\$5,056	\$0	\$0	\$5,056

#### Kingsley Seniors Group

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Kingsley Memorial Clubroom	Senior Citizens Recreational and Sporting Group	100% up to a maximum of 10 hours per week	18	8

The Kingsley Seniors Group currently hires rooms within the Kingsley Memorial Clubroom for its delivery of activities and events targeted at people over 55 years of age.

The group has booked 936 hours for 2020, averaging 18 hours per week, to enable it to undertake its activities and events. The group has been assessed as being eligible for a subsidy under the policy. As a senior citizens recreational or sporting group with fewer than 50 members, the *Facility Hire Subsidy Policy* allocated the club up to 10 hours of subsidised use per week.

In 2018, the group reported 50 members which provides 50 hours per week of subsidised usage under the *Facility Hire Subsidy Policy*, however in 2019 the group reported 39 members which provides only 10 hours per week of subsidised usage. The group's storage space is located within the activity / meeting room, however it requires the size of the main hall to run its activities and therefore is not able to reduce its bookings and continue its current service provision. The Kingsley Seniors Group were granted an additional subsidy of hire fees for its 2019 bookings.

The club has requested Council consider an additional subsidy for the additional hours to deliver its activities and events during 2020. As the group meets the eligibility criteria within the policy, it is recommended that Council agrees to the request for an additional subsidy of hire fees for the Kingsley Seniors Group for up to 936 hours for the year.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$20,988	\$15,046	\$5,942	\$20,988	\$0	\$20,988	\$0

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

Council may agree or not agree to each of the requests for additional subsidies and waiver of fees on a case-by-case basis.

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

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

**Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

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

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

**Risk management considerations**

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

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

**Financial / budget implications**

The cost to the City across all levels of subsidised use of City managed community facilities is approximately \$1.3 million.

If the City approves the additional subsidies and waivers of fees requested by these groups, the City will lose approximately \$48,310 in income for 2020 annual venue bookings. In 2019, the City approved approximately \$112,047 of additional subsidies and waivers of fees for venue bookings. A summary of those 2019 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

<b>Group</b>	<b>Request type</b>	<b>Amount approved</b>
Whitford Senior Citizens Club	Additional subsidy	\$38,667
Youth Futures	Additional subsidy	\$38,450
Lions Club of Whitford (Inc)	Additional subsidy	\$10,407
University of the Third Age (U3A) Inc – Joondalup Region	Waiver of hire fees	\$9,682
Grace Church Padbury	Waiver of hire fees	\$8,885
Farmers Markets (WA) Pty Ltd	Waiver of hire fees	\$5,956

The City has recently been challenged with an operating deficit with it paying significant amounts in grants and contributions, while also waiving and subsidising a large amount for City fees for use of its reserves and facilities. Continuing to approve fee waivers and additional subsidy requests for groups that do not meet the criteria of the policy will not assist the City in managing its ongoing operating deficit.

All amounts quoted in Report CJ014-02/20 are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

The intent of the *Facility Hire Subsidy Policy* is to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent. However, if a group requires further consideration relating to fees, Council has the option to waive those fees.

It should be noted that the *Property Management Framework* and the *Facility Hire Subsidy Policy* are currently under review. This review is expected to be completed by mid-2020.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 DOES NOT AGREE to the request to waive the remaining 50% of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2020;
- 2 AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2020 to a maximum of 109 hours average per week and a value of \$142,928;
- 3 DOES NOT AGREE to the request to waive 100% of the fees for Farmers Markets (WA) Pty Ltd for the use of Neil Hawkins Park in 2020;
- 4 DOES NOT AGREE to the request to waive 100% of the fees for Creative Kids Art Club for the use of Kingsley Memorial Clubroom in 2020;
- 5 AGREES to extend the 100% subsidised use for the Kingsley Seniors Group for the use of the Kingsley Memorial Clubroom in 2020 to a maximum of 18 hours average per week and a value of \$20,988;

- 6 NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.

*The Director Planning and Community Development left the Chamber at 9.42pm and returned at 9.44pm.*

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

- 1 **AGREES to the request to waive the remaining 50% of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2020 to a maximum of \$6,071 (total hire value of \$12,140);**
- 2 **AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2020 to a maximum of 109 hours average per week and a value of \$142,928;**
- 3 **DOES NOT AGREE to the request to waive 100% of the fees for Farmers Markets (WA) Pty Ltd for the use of Neil Hawkins Park in 2020;**
- 4 **DOES NOT AGREE to the request to waive 100% of the fees for Creative Kids Art Club for the use of Kingsley Memorial Clubroom in 2020;**
- 5 **AGREES to extend the 100% subsidised use for the Kingsley Seniors Group for the use of the Kingsley Memorial Clubroom in 2020 to a maximum of 18 hours average per week and a value of \$20,988;**
- 6 **NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.**

**The Motion was Put and**

**CARRIED (12/1)**

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

**Against the Motion:** Cr Poliwka.

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

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because in relation to Part 1, the University of the Third Age (UWA) Inc Joondalup branch entire membership meets the eligibility criteria of the City's policy for a full waiver, although the rules of their national body have changed theoretically affected this eligibility.

## **CJ015-02/20 INVITATION 035/19 – TO JOIN THE PANEL OF PRE-QUALIFIED SUPPLIERS FOR THE SUPPLY, DELIVERY AND INSTALLATION OF TURF**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Smith Corporate Services
<b>FILE NUMBER</b>	108276, 101515
<b>ATTACHMENT</b>	Attachment 1    Schedule of Items Attachment 2    Summary of Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to accept the offers submitted by The Trustee for Hackshaw Family Trust and the Trustee for HJS Trust trading as Allwest Turfing, and Turfmaster Pty Ltd as Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management to join the panel of pre-qualified suppliers for the supply and installation of turf.

### **EXECUTIVE SUMMARY**

Invitations were advertised on 12 October 2019 through a state-wide public notice for the supply and installation of turf. Invitations closed on 29 October 2019. A submission was received from each of the following:

- The Trustee for Hackshaw Family Trust and the Trustee for HJS Trust trading as Allwest Turfing.
- Turfmaster Pty Ltd as Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.
- Saratoga Holdings Pty Ltd as Trustee for the JPD Trust trading as West Coast Turf.

The submissions from Allwest Turfing and Turf Master Facility Management represent best value to the City. Both companies demonstrated experience in supplying and installing turf to local and state government, have the capacity in terms of personnel and equipment to carry out the works, and provided a methodology which showed understanding of the required tasks.

*It is therefore recommended that Council ACCEPTS the offers submitted by:*

- 1 *The Trustee for Hackshaw Family Trust and the Trustee for HJS Trust trading as Allwest Turfing;*
- 2 *Turfmaster Pty Ltd as Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management,*

*to join the panel of pre-qualified suppliers for the supply and installation of turf as specified in Invitation 035/19 for a period of three years.*

## **BACKGROUND**

The City has a requirement to establish a panel of pre-qualified suppliers to supply and install turf, inclusive of preparation and soil amendments, to streetscapes and parks locations within the City, with the volume of works dependent on scheduled programs and ad-hoc requirements. The invitation specified that the panel will comprise of two panel members.

During the term of the panel, contracts will be established with panel members on an as required basis, not exceeding a period of 12 months for each contract. The rates submitted to Invitation 035/19 will apply to any contract established during the first 12 months of the panel. Quotations will be sought from the panel members using the City's Vendorpanel electronic quotation system.

The City had a single contract in place with Turf Master Facility Management which expired on 31 December 2019.

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

## **DETAILS**

The invitation to join the panel of pre-qualified suppliers for the supply and installation of turf was advertised through state-wide public notice on 12 October 2019. The invitation period was for two weeks and invitations closed on 29 October 2019.

### **Submissions**

A submission was received from each of the following:

- Saratoga Holdings Pty Ltd as Trustee for the JPD Trust trading as West Coast Turf.
- The Trustee for Hackshaw Family Trust and the Trustee for HJS Trust trading as Allwest Turfing.
- Turfmaster Pty Ltd as Trustee for Turfmaster Unit Trust trading as Turf Master Facility Management.

The schedule of items listed in the invitation is provided in Attachment 1 to Report CJ015-02/20.

A summary of the invitation submissions including the location of each respondent is provided in Attachment 2 to Report CJ015-02/20.

### **Evaluation Panel**

The evaluation panel comprised three members:

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

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

## Evaluation Method and Weighting

The qualitative weighting method of 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 respondent to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for invitations at the City is 50%, but the specific circumstances of 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 submissions was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	30%
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

West Coast Turf scored 58.4% and was ranked third in the qualitative assessment. While it provided evidence of conducting similar services to other local governments, detail surrounding the nature of the services was limited. It did not demonstrate sufficient understanding of the tasks specific to the City's requirements and provided inadequate information regarding timescales and proposed methodology for the scope of works. Insufficient detail was provided for the staff proposed to fulfil the company's obligations under the contract, and arrangements to accommodate extra resources if needed were omitted.

Allwest Turfing scored 71.7% and was ranked second in the qualitative assessment. It demonstrated a clear understanding of the required tasks by including the proposed methodology and approach to the scope of works. The company is well-established employing staff with experience and qualifications suited to the City's requirements. Although it does not have a quality management system or quality assurance certification, it does have a Health, Safety and Environment Management System which the company stated is based upon elements of *OHSAS 18001* and *ISO 14001 Australian Standards* for health, safety and environment. It demonstrated considerable experience in providing similar services and has been the turf contractor to the City of Gosnells for the last 12 years.

Turf Master Facility Management scored 73.6% and was ranked first in the qualitative assessment. It demonstrated extensive experience in providing turf installation and turf maintenance and repair services over 25 years to local government and has also provided services to the City of Joondalup since 2016. Dedicated resources were allocated to the City's project, and experience and qualifications were provided for the proposed personnel which were considered acceptable for the scope of works. Details of safety statistics for 2019 were omitted from the submission, however, safety statistics for previous years showed a downward trend for lost time injuries. It demonstrated a thorough understanding and appreciation of the City's requirements.

Given the minimum acceptable qualitative score of 50%, West Coast Turf, Allwest Turfing and Turf Master Facility Management qualified for stage two of the assessment.

### Price Assessment

The panel carried out a comparison of the rates offered by each respondent 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 and estimated capital requirements. For the purposes of comparison of the financial value of the submissions, the rates offered by each respondent have been applied to actual historical usage data for the 13 most commonly used scheduled items. This provides a value of each submission 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 panel but are subject to change in years two and three when panel members will be requested to submit their revised rates. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

Respondent	Year 1	Year 2	Year 3	Total
Turf Master Facility Management	\$511,194	\$521,417	\$531,846	\$1,564,457
Allwest Turfing	\$469,877	\$479,274	\$488,860	\$1,438,011
West Coast Turf	\$514,079	\$524,361	\$534,848	\$1,573,288

During 2018-19, the City incurred \$575,929 for the supply and installation of turf for both operational and capital programs.

### Evaluation Summary

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

Respondent	Price Ranking	Estimated Total Comparative Price	Qualitative Ranking	Weighted Percentage Score
Turf Master Facility Management	2	\$1,564,457	1	73.6%
Allwest Turfing	1	\$1,438,011	2	71.7%
West Coast Turf	3	\$1,573,288	3	58.4%

Based on the evaluation result the panel concluded that the offers from Turf Master Facility Management and Allwest Turfing provide best value to the City and are therefore recommended for inclusion in the panel.

### Issues and options considered

The City has a requirement for the supply, delivery and installation of turf, inclusive of preparation and soil amendments, to streetscapes and public open spaces. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider to undertake the works.

## Legislation / Strategic Community Plan / Policy implications

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

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** 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 moderate as the City would find it difficult to provide quality turf playing surfaces for sporting clubs and user groups.

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

### Financial / budget implications

<b>Account no.</b>	Various accounts.
<b>Budget Item</b>	Supply and installation of turf.
<b>Estimated Budget amount</b>	\$ 300,000 (Operational Program only).
<b>Amount spent to 23/01/2020</b>	\$ 55,418 (Capital Works).
	\$ 195,090 (Operational Program).
<b>Proposed cost</b>	\$ 163,512
<b>Balance</b>	(\$ 58,602)

The balance does not represent an overspend at this time. The proposed cost includes both Capital Works and Operational Works. This estimated amount is not able to be broken into Capital and Operational Works at this time as the use of this panel for Capital Works will be subject to factors that cannot be considered at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in Report CJ015-02/20 are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

The provision of turf enhances the appearance of the City's streetscapes, parks and open spaces and ensures playing surfaces meet the safety standards required of sporting groups.

**Consultation**

Not applicable.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offers representing best value to the City are that as submitted by Allwest Turfing and Turf Master Facility Management.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council ACCEPTS the offers submitted by:**

- 1 The Trustee for Hackshaw Family Trust and the Trustee for HJS Trust (trading as Allwest Turfing);**
- 2 Turfmaster Pty Ltd as Trustee for Turfmaster Unit Trust (trading as Turf Master Facility Management),**

**to join the panel of pre-qualified suppliers for the supply and installation of turf as specified in Invitation 035/19 for a period of three years.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf200211.pdf](#)*

## **CJ016-02/20 OCEAN REEF COASTAL FORESHORE RESERVE MANAGEMENT PLAN 2019-29**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	08303, 101515
<b>ATTACHMENT</b>	Attachment 1 Draft Ocean Reef Coastal Foreshore Reserve Management Plan 2019 - 2029
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to endorse the draft *Ocean Reef Coastal Foreshore Reserve Management Plan 2019-2029*.

### **EXECUTIVE SUMMARY**

At its meeting held on 21 October 2014 (CJ193-10/14 refers), Council endorsed the *Coastal Foreshore Management Plan 2014-2024*. This document forms the basis for strategic planning and broader operational management of the coastal foreshore reserves for a period of 10 years.

The *Coastal Foreshore Management Plan 2014-2024* is a management guide for the natural areas contained within the City's coastal foreshore reserves. The plan was designed as an overarching document, aimed to broadly define management actions. Individual management action plans provide the specific operational tasks for localised areas.

The draft *Ocean Reef Coastal Foreshore Reserve Management Plan 2019-2029* (the plan) (Attachment 1 refers), is the fifth coastal management plan to be produced to manage local areas of the City of Joondalup foreshore. The following individual plans have been developed and endorsed by Council:

- *Marmion Coastal Foreshore Reserve Management Plan 2014-2019 (review underway).*
- *Sorrento Coastal Foreshore Reserve Management Plan 2015-2020 (review underway).*
- *Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016-2021.*
- *Mullaloo Coastal Foreshore Reserve Management Plan 2018-2022.*

The development of the *Iluka and Burns Beach Foreshore Reserve Management Plan* is scheduled for 2020-2021.

The City's coastal foreshore reserves are an important regional resource. The reserves receive many visitors who access coastal locations on a daily basis. The foreshore reserves are under constant environmental threat. These threats are expected to increase in future years with the rise in the population of the Swan Coastal Plain. The plan identifies these environmental threats and makes recommendations to lessen their impact.

*It is therefore recommended that Council ENDORSES the draft Ocean Reef Foreshore Reserve Management Plan 2019-2029 forming Attachment 1 to Report CJ016-02/20.*

## **BACKGROUND**

The need for natural area management plans was highlighted in the *City of Joondalup Biodiversity Action Plan 2009-2019* and the *Coastal Foreshore Management Plan 2014-2024* was designed to complement that document. The *Coastal Foreshore Management Plan 2014-2024* is an overarching management plan for the City of Joondalup coastal foreshore reserve to broadly guide management in the longer term, with individual management plans developed for discrete portions of the coastal foreshore.

Natural area management plans are developed for the City's natural areas according to the individual priority ranking of the reserve. Management plans have been developed for the majority of the City's natural areas and vary in detail and content depending on whether the area is classified as a:

- major conservation or coastal area
- high priority area
- medium priority area
- generic wetland area.

The City's coastal foreshore reserves are a major conservation area within this classification model. The Ocean Reef Foreshore Reserve forms part of the Bush Forever Coastal Reserve protected under State Government regulation. All natural bushland in the coastal reserve extending from Hillarys to the northern Burns Beach boundary (with the City of Wanneroo) is included in the Bush Forever legislation.

The study for the draft plan comprises of 55 hectares of coastal vegetation. Prior to the writing of the draft plan, an extensive flora and fauna study was undertaken in Spring 2018. The study concluded that much of the vegetation was in very good to excellent condition.

A range of mammal, bird and reptile species were observed, or trapped and recorded. The range and diversity of species indicated a healthy ecological community within the reserve.

## **DETAILS**

The City manages approximately 206 hectares of bushland within coastal foreshore reserves. The reserves extend from Burns Beach in the north to the suburb of Marmion which forms the southern boundary. The study area included in the plan extends from the northern section of Mullaloo Beach in the south and Shenton Avenue forms the northern boundary of the study. This study did not include bushland that will form part of the Ocean Reef Marina development. This bushland has been surveyed as part of the Marina development process.

The following objectives and purpose of the plan are to:

- Establish a baseline description of the environment to guide future environmental planning and recommended management actions.
- Outline key environmental threats and management strategies to minimise impact and protect conservation and recreation values.
- Outline management issues apparent at various locations of the foreshore and suggest management strategies to manage those in the short to medium term.
- Outline management actions to address key threats including monitoring and reporting.
- Identify areas within the foreshore that are considered to have the highest conservation values, considering natural features including landform, flora and fauna, along with cultural values.
- Identify current best practice management practices that can be implemented by the City.
- Guide the future development of the City's *Capital Works Program*.
- Increase opportunities for grant funding by having a detailed schedule of projects.
- Provide guidance to City employees, contractors and Friends' Groups operating within the coastal foreshore reserve.

### **Issues and options considered**

The endorsement and implementation of the plan will help retain and improve upon the current biodiversity values of the bushland.

It is considered that without active management the bushland within the Ocean Reef foreshore will degrade, with the subsequent loss of biodiversity and considerable loss of amenity to visitors, residents of the City of Joondalup.

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

**Legislation** *Planning and Development Act 2005.*  
*Environmental Protection Act 1986.*

### **Strategic Community Plan**

**Key theme** The Natural Environment.

**Objective** Environmental resilience.

**Strategic initiative**

- Identify and respond to environmental risks and vulnerabilities.
- Understand the local environmental context.
- Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

**Policy** The objectives of the plan are consistent with the City's *Sustainability Policy*.

### **Risk management considerations**

Without sound strategic and operational planning, the City's valuable coastal bushland will degrade. This in turn can add to the risk of considerable loss of amenity for the City, the residents and visitors who enjoy the coastline.

### **Financial/budget implications**

The plan was developed using an external environmental consultant. The cost to develop the plan and the associated flora and fauna surveys was \$37,047. The implementation of the plan will have budget implications relating to the delivery of management actions and will be subject to the City's annual budget approval process.

### **Regional significance**

A large section of native vegetation managed by the City is contained within the City's coastal foreshore reserves. This bushland has been recognised as having regional significance and is included in bushland protected under the State Government's *Bush Forever Policy*. The City's foreshore reserves are an amenity utilised and enjoyed by a much wider catchment than residents, giving them a regional significance.

### **Sustainability implications**

#### Environmental

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the plan will ensure that measures are taken to address threats within natural area reserves and provide strategies for ongoing long-term management which will result in protection of the City's coastal environment.

### **Consultation**

A full community consultation was undertaken in June 2014 as part of the development of the *Coastal Foreshore Management Plan 2014-2024* which has guided the development of this site specific plan.

The draft *Ocean Reef Foreshore Reserve Management Plan 2019-2029* was developed with input from the Friends of North Ocean Reef and Iluka Foreshore Friends Group. This group has worked for many years to protect and conserve the biodiversity of the coastal bushland that forms a part of this study.

### **COMMENT**

The City's coastal foreshore reserves are an important regional resource. The reserves receive many visitors accessing various coastal locations, daily. The reserves are under existing environmental threat. These threats are expected to increase with the rise in the population of the Swan Coastal Plain in future years. The plan identifies these environmental threats and makes recommendations to mitigate their impacts.

The plan will inform and prioritise broad scale maintenance activities and capital works programs over the forthcoming ten-year period. It will increase opportunities for the City to apply for grant funding and guide employees, contractors and friends' groups operating within the coastal bushland. The plan is acknowledged as a crucial step on the path to managing this important bushland to a standard deserving of its biodiversity values.

The plan will be continually monitored to track the progress of implementation and an annual review will be undertaken, including an assessment against the Council endorsed *Natural Areas Key Performance Indicators*. A vegetation condition survey will be conducted after a period of five years, to inform ongoing weed control and planting activities. A major review will be conducted at the end of the ten year period.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Mayor Jacob, **SECONDED** Cr Jones that Council **ENDORSES** the draft *Ocean Reef Coastal Foreshore Reserve Management Plan 2019-2029* forming Attachment 1 to Report CJ016-02/20.

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ019-02/20, page 171 refers.**

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

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf200211.pdf](#)

## **CJ017-02/20      PETITION    IN    RELATION    TO    PLAYSPACE INSTALLATION AT LACEPEDE PARK, SORRENTO**

<b>WARD</b>	South-West	
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services	
<b>FILE NUMBER</b>	06141, 101515	
<b>ATTACHMENTS</b>	Attachment 1	Lacepede Park Location
	Attachment 2	Lacepede Park Detail
	Attachment 3	Sorrento 400 metre Playspace Walkable Catchment
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

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### **PURPOSE**

For Council to consider the petition requesting the installation of a playspace within Lacepede Park Sorrento.

### **EXECUTIVE SUMMARY**

At its meeting held on 25 June 2019 (C40-06/19 refers), Council received a Petition of Electors. The petition requested that Council investigate the installation of a small, family based playspace within Lacepede Park, Sorrento and make provision for this installation within the City's *Five Year Capital Works Program*.

Lacepede Park, Sorrento, is a local recreation park located within the South-West Ward bound by Lacepede Drive, Howland Road, Seaward Loop and Hepburn Avenue. The park consists of approximately 2.2 hectares of irrigated parkland (Attachment 1 refers).

The City has been progressively investigating the equitable distribution of playspaces across the City of Joondalup based on a 400 metre walkable catchment as defined by the State Planning Policy "*Liveable Neighbourhoods*".

Lacepede Park falls within a gap in the 400 metre walkable catchment for the asset provision of City playspaces. The installation of a new small nature playspace at Lacepede Park will place approximately 120 additional residences within the walkable catchment.

*It is therefore recommended that Council:*

- 1      *SUPPORTS the installation of a small playspace at Lacepede Park, Sorrento;*
- 2      *LISTS FOR CONSIDERATION an amount of \$160,000 in the Five Year Capital Works Program for the construction of a small playspace and associated works at Lacepede Park, Sorrento;*

- 3 *NOTES the City will continue to apply the 400 metre walkable catchment as defined by the State planning policy “Liveable Neighbourhood” to inform the equitable provision of playspaces within the City;*
- 4 *ADVISES the lead petitioner of Council’s decision.*

## **BACKGROUND**

At its meeting held on 25 June 2019 (C40-06/19 refers), Council received a 30 signature petition from residents requesting that Council investigate the installation of a small, family based playspace within Lacepede Park, Sorrento and to make provision for this installation within the City’s forward works program. The wording on the petition was as follows:

*“We, being residents of the City of Joondalup, believe that there is a significant gap in the walkable catchment proximity to City of Joondalup playgrounds for the north west corner of the suburb of Sorrento. We therefore request that the Council investigate the installation of a small, family-based playspace within Lacepede Park Sorrento and make provision for this installation within the City’s forward works program.”*

Lacepede Park, Sorrento, is a local recreation park located within the South-West Ward bound by Lacepede Drive, Howland Road, Seaward Loop and Hepburn Avenue (Attachment 1 refers). The park consists of approximately 2.2 hectares of irrigated parkland with one medium priority natural area adjacent to a modified natural lake. The topography of the park is bowl-shaped, sloping steeply down to the lake (Attachment 2 refers). Currently, the main use of Lacepede Park is for passive recreational activities such as walking, the protection of remnant bushland and drainage.

Existing infrastructure at Lacepede Park includes the following:

- Bench.
- Retaining walls with balustrades.
- Waste bin.
- Bore and irrigation.
- Signage (park name).
- Bollard perimeter fence.

## **DETAILS**

Under *State Planning Policy “Liveable Neighbourhoods”*, a 400 metre radius is considered a walkable catchment on the basis that road networks can be navigated within this catchment in a five minute walk to public open space. The service level that the City strives to provide is for residents to have access to a playspace within this 400 metre catchment where possible.

The City has been progressively investigating the equitable distribution of playspaces across the City of Joondalup based on a 400 metre walkable catchment which has identified that the majority of the City’s suburbs have both gaps and overlaps. Lacepede Park falls within one of these identified walkable catchment gaps (Attachment 3 refers) and as such, the installation of a new playspace at this location will place approximately 120 additional residences within the 400 metre catchment of a playspace.

Notwithstanding the above, the steep topography of the site coupled with the presence of remnant Tuart woodland will present a challenge for the design and construction of a playspace at this location, including the provision of a universal access footpath to the playspace. Additional works identified to form part of the installation of a playspace is the renewal of the existing balustrades on the retaining walls surrounding the lake.

**Issues and options considered**

Council may decide to either:

- support the installation of a playspace and associated works at Lacepede Park. This is the City's recommended option  
or
- not support the installation of a playspace and associated works at Lacepede Park.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open spaces.

**Strategic initiative** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**Current financial year impact

Not applicable.

Future financial year impact

Addition to the *Five-Year Capital Works Program*:

Playspace	\$80,000
Universal Access Path	\$15,000
Balustrades	\$65,000

**Annual operating cost** \$ 2,250

**Estimated annual income** \$0

**Capital replacement** 20 years.

**20 Year Strategic Financial** Not applicable.

**Plan impact**

**Impact year** 2040-41

All amounts quoted in Report CJ017-02/20 are exclusive of GST.

**Regional significance**

Not applicable.

### **Sustainability implications**

Lacepede Park is listed as a local recreation park incorporating one medium priority natural area. The proposed playspace would be located within the park so as not to impact upon the natural area.

### **Consultation**

Not applicable.

### **COMMENT**

The City has been progressively investigating the equitable distribution of playspaces across the City of Joondalup which has identified that the majority of the City's suburbs have both gaps and overlaps.

Currently, the City has 38 parks without playspaces where the surrounding residences fall into a gap area in the 400 metre walkable catchment resulting in an under provision of playspaces in these areas. The City also has 28 parks with playspaces that fall into overlap areas. This means that surrounding residences fall into the walkable catchment of two or more playspaces.

This investigation will inform future Capital Works Programs to facilitate the equal distribution of playspace assets across the City of Joondalup. Where an over provision has been identified, these playspaces would be considered for rationalisation at the end of their useful life.

### **VOTING REQUIREMENTS**

Simple Majority.

### **MOVED Cr Hamilton-Prime, SECONDED Cr Raftis that Council:**

- 1 SUPPORTS the installation of a small playspace at Lacepede Park, Sorrento;**
- 2 LISTS FOR CONSIDERATION an amount of \$160,000 in the *Five Year Capital Works Program* for the construction of a small playspace and associated works at Lacepede Park, Sorrento;**
- 3 NOTES the City will continue to apply the 400 metre walkable catchment as defined by the *State Planning Policy "Liveable Neighbourhoods"* to inform the equitable provision of playspaces within the City;**
- 4 ADVISES the lead petitioner of Council's decision.**

**The Motion was Put and**

**CARRIED (13/0)**

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

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf200211.pdf](#)*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ018-02/20 - Mid Year Review of the Annual Budget for the 2019-20 Financial Year.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	An alternate motion may be moved by another Councillor for funding to Mullaloo Surf Life Saving Club of which Mayor Jacob is a member.

<b>Name/Position</b>	<b>Cr Philippa Taylor.</b>
<b>Item No./Subject</b>	CJ018-02/20 - Mid Year Review of the Annual Budget for the 2019-20 Financial Year.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Taylor is a Member of the Mullaloo Surf Life Saving Club.

## CJ018-02/20      MID YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2019-20 FINANCIAL YEAR

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	107783, 101515
<b>ATTACHMENTS</b>	Attachment 1      Notes to and forming part of Revised Budget Statement for the 2019-20 Financial Year
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

The purpose of this report is for Council to consider and adopt the mid year review of the Annual Budget for the 2019-20 financial year.

**EXECUTIVE SUMMARY**

The review of the 2019-20 annual budget has been completed. A number of variations to existing budget allocations have been identified and included in the revised budget. The projected overall budget surplus at 30 June 2020, after taking into account these variations, is \$3,579,330 compared to the original budget with an overall surplus of \$348,672. The major areas of variance are:

- **Surplus Carried Forward** from 2018-19 was \$4,007,906 higher than budget (Note 18 - Attachment 1 refers). After taking non-cash adjustments into consideration, this surplus for 2018-19 comprised higher operating surplus \$8,687,979, higher capital revenue \$58,673 and reduced capital expenditure \$2,475,145 offset by reduced net funding requirements \$7,213,891.
- **Operations**, after adjusting for non-cash movements, show a cash surplus expected to be \$4,961,662 lower than budget (Note 1 to 11 - Attachment 1 refers). This arises mainly from lower grants and subsidies \$2,532,545, fees and charges \$386,959, interest earnings \$219,372, Other revenue \$7,205 as well as higher expenditure on materials and contracts \$2,939,336 and utilities \$92,170 partly offset by higher rates \$288,170, contributions, reimbursements and donations \$84,992 and lower expenditure on employee costs \$793,668, insurance expenses \$2,080 and interest costs \$47,015.
- **Capital revenue** is \$2,844,557 higher than budget (Note 13 to 15 - Attachment 1 refers), comprising higher grants and subsidies \$1,828,648, capital contributions \$996,635 and other non-operating revenue \$19,274.
- **Capital expenditure** is \$2,500,524 higher than budget (Notes 16 to 17 - Attachment 1 refers) mainly arising from projects that were carried forward from the previous financial year. Expenditure is higher on capital works \$2,065,035, capital projects \$1,328 and motor vehicle replacements \$434,161.
- **Reserves transfers** net drawdown has increased by \$3,609,744 (Notes 20 to 21 - Attachment 1 refers). This comprises increased transfers from reserves \$2,152,620, mainly arising from Capital Works Carried Forward reserve \$4,173,297, and Asset Renewal Reserve \$61,698, partly offset by reduced transfers from the Strategic Asset Management reserve \$2,107,000, Joondalup Performing Arts Reserve \$95,454 and Other \$1,241. These are offset by reduced transfers to reserves \$1,457,124 mainly to the Waste Management Reserve \$1,103,168 and Asset Renewal Reserve \$325,800 which are offset by increased transfers to reserves including Capital Works Carried Forward Reserve \$100,000.
- **Transfer from Trust** is \$186,556 higher than budget (Note 19 - Attachment 1 refers) predominantly due to funds for the Burns Beach to Mindarie Dual Use Path not having been utilised in 2018-19 to the extent that was anticipated in the original budget. This is partially offset by a reduced transfer of (\$13,442) in respect of Duffy House Refurbishment as these funds were applied in 2018-19 to the project.

*It is recommended that Council by an ABSOLUTE MAJORITY:*

- 1 *APPROVES the transfer of \$3,230,658 to the Asset Renewal Reserve in the 2019-20 financial year;*
- 2 *APPROVES the Mid Year Review of the Budget for the 2019-20 Financial Year as at Attachment 1 to Report CJ018-02/20;*
- 2 *in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2019-20 annual budget review and determination to the Department of Local Government and Communities.*

## BACKGROUND

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

## DETAILS

### Issues and options considered

The budget review has comprised:

- a review of the adopted budget and an assessment of actual results to date against that budget
- an assessment and projection of likely results over the remainder of the financial year against the adopted budget
- consideration of any issues not provided for in the adopted budget that may need to be addressed.

The financial review of the adopted budget has taken into account what has transpired in the first half of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions and the most likely impact on the City's financial position.

The focus in this review has been on ensuring that there is sufficient operating capacity to deliver the services and budget programs as set out in the adopted *2019-20 Budget* and to accommodate events and issues that have arisen since budget adoption.

The most significant variations between the adopted budget and the revised budget are as follows:

#### Surplus Carried Forward

The actual surplus brought forward from 2018-19 was \$4,007,906 higher than the budget estimate. This was reported to Council with the 2018-19 Annual Financial Report at its meeting held on 19 November 2019 (CJ158-11/19 refers).

#### Grants and Subsidies

The decrease in grants and subsidies arises primarily arose from advance payments of the General Purpose Grant funding (\$1,636,320) and Commonwealth Grant Operating Road Grant (\$1,194,966) received in the 2018-19 financial year.

#### Capital Works

The increase in capital works of \$2,065,035 arises primarily due to the timing of a number of projects that were expected to have either been completed or to have reached a certain stage of progress in the previous financial year and for which funds were carried forward into 2018-19 or unbudgeted projects for which additional grants or contributions have become available. The major contributors to this variance include:

- Burns Beach to Mindarie Dual Use Path - \$841,570 (Additional contribution received).
- Ellendale Drive Shared Path - \$375,000 (Additional grant funding).
- Marmion Ave & Gilbert Rd - \$354,900 (Additional grant funding).
- Whitfords Nodes Playspace Renewal \$349,833 (Additional grant funding).
- Marmion/Edinburgh Pedestrian Crossing Improvements \$300,938 (Additional grant funding).

### Materials & Contracts

The increase in materials and contracts \$2,939,336 mainly arises from increased costs for processing recyclables \$1,202,249 as a result of the City's contracted recyclables processing service provider, Cleanaway, issuing formal notice that it would not be able to fulfil its contract to provide recyclables processing services to the City, as a consequence of an incident at its processing facility. Additional increases arose due to increased tonnages for Bulk Green Waste \$207,534 and Bulk Hard Waste \$113,308.

Increased costs also arose from Professional Fees and Costs \$809,776, including \$504,248 funds carried forward from 2018-19, and external contractors \$530,086, including \$286,229 funds carried forward from 2018-19 and an estimated \$434,000 for additional fire break activities that were not included in the original budget (partly funded by new grants allocated), which are partly offset by reduced Tipping Fees for general waste (\$305,963) following the three bin rollout.

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

#### **Legislation**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, requires the local government to carry out a review of its annual budget for that year.

#### *“33A Review of budget*

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must –*
  - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) *consider the local government's financial position as at the date of the review; and*
  - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\* Absolute majority required*

- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

### **Strategic Community Plan**

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Manage assets and liabilities through a planned, long-term approach.
<b>Policy</b>	Not applicable.

### **Risk management considerations**

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

### **Financial / budget implications**

The anticipated budget surplus is \$3,579,330. Additional financial details are provided in Attachment 1 to Report CJ018-02/20.

The Rate Setting Statement in Attachment 1 to Report CJ018-02/20 includes year to date actuals to the end of December 2019. The year to date surplus is driven by timing differences in a number of areas including operating revenue and expenditure, and capital expenditure.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Budget parameters are structured on financial viability and sustainability principles.

### **Consultation**

Extensive internal consultation with the executive and all business units has been undertaken and a mid-year budget review workshop conducted with Elected Members to prepare the revised budget.

### **COMMENT**

Council is required to consider the budget review submitted to it (regulation 33A of the *Local Government (Financial Management) Regulations 1996*) and make a determination in relation to the outcomes and recommendations.

**VOTING REQUIREMENTS**

Absolute Majority.

**MOVED Cr Taylor, SECONDED Cr McLean that Council by an ABSOLUTE MAJORITY:**

- 1 APPROVES the transfer of \$3,230,658 to the Asset Renewal Reserve in the 2019-20 financial year;**
- 2 APPROVES the Mid Year Review of the Budget for the 2019-20 Financial Year as at Attachment 1 to Report CJ018-02/20;**
- 3 In accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996* PROVIDES a copy of the 2019-20 annual budget review and determination to the Department of Local Government and Communities.**

**The Motion was Put and**

**CARRIED (11/2)**

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

**Against the Motion:** Crs Jones and Taylor.

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16agn200218.pdf](#)

## **CJ019-02/20 APPOINTMENT OF AN ALTERNATE MEMBER TO MINDARIE REGIONAL COUNCIL**

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

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### **PURPOSE**

For Council to appoint an alternate member to act on behalf of Cr Russ Fishwick, JP at any meetings of the Mindarie Regional Council held between 25 February to 3 March 2020.

### **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 Mayor Hon. Albert Jacob, JP and Cr Russ Fishwick, JP.

Cr Russ Fishwick, JP has applied for leave of absence for the period 25 February to 3 March 2020 inclusive, which includes an Ordinary Council Meeting of the MRC to be held on 27 February 2020 at the City of Joondalup, 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 25 February to 3 March 2020;*
- 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 Mayor Hon. Albert Jacob, JP and Cr Russ Fishwick, JP.

## DETAILS

Cr Russ Fishwick, JP has applied for leave of absence for the period 25 February to 3 March 2020 inclusive, which includes an Ordinary Council Meeting of the MRC to be held on 27 February at the City of Joondalup, 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 leave of 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**

<b>Key theme</b>	Governance and Leadership.
<b>Objective</b>	Strong leadership.
<b>Strategic initiative</b>	Seek out City representation on key external and strategic bodies.
<b>Policy</b>	Not applicable.

## **Risk management considerations**

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 leave of absence.

At the Ordinary Council meeting of the MRC held on 21 November 2019, the MRC removed from its *Annual Fees, Allowances and Expenses for Councillors Policy*, the ability to pay meeting fees for alternate members so appointed to the MRC by its member Councils. Therefore, any alternate member will not receive any meeting fees previously afforded under the MRC policy.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S 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 25 February to 3 March 2020;
- 2 ADVISES the Mindarie Regional Council of its decision.

## MOVED Cr Fishwick, SECONDED Mayor Jacob 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 Cr Kerry Hollywood 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 25 February to 3 March 2020;**
- 2 **ADVISES the Mindarie Regional Council of its decision.**

The Motion was Put and

**CARRIED (13/0)**

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

**C07-02/20**                    **COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]**

**MOVED** Mayor Jacob, **SECONDED** Cr Jones that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ001-02/20, CJ004-02/20, CJ006-02/20, CJ007-02/20, CJ009-02/20, CJ010-02/20, CJ011-02/20, CJ012-02/20, CJ013-02/20, CJ015-02/20 and CJ016-02/20.**

**The Motion was Put and**

**CARRIED (13/0)**

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

## **URGENT BUSINESS**

Nil.

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

**C08-02/20**                    **NOTICE OF MOTION – CR JOHN LOGAN – IMPROVEMENTS TO THE CITY'S PARK FACILITIES - [107582, 41676]**

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr John Logan gave notice of his intention to move the following Motion at the Council meeting to be held on 18 February 2020:

***“That Council REQUESTS the Chief Executive Officer to investigate refurbishment options of the City's Local Recreation Parks, including installing irrigation to dry parks, to improve the amenity with a specific focus on those Local Recreation Parks located within or close to increased density areas, and a report detailing the investigation be submitted to Council at its meeting to be held on 19 May 2020.”***

## **REASON FOR MOTION**

The State Government's infill mandate inevitably will lead to more high-density areas in the City of Joondalup, increasing pressure on the City's regional and district parks which are already struggling to meet community demands.

Improving the amenity of local recreation parks, an amenity which currently is at best limited, will become more important than ever to meet recreational expectations of residents, especially those living in and near high-density areas.

Of the 221 local recreation parks in the City, 55 are “dry parks”, that is no irrigation has been installed in them.

The City's groundwater allocation, set at 4,117,550 kilolitres a year via Department of Water licences, is challenging but it is a challenge the administration's professional parks team is tackling with a water-wise approach and the dedication of the City's officers is starting to lead to positive results.

The park amenity renewal program at George Sears Park in Greenwood last year is an outstanding example of how a local recreation park can be refurbished in a simple, effective, water-saving way. The previously "ordinary" local park is now the pride and joy of the people who live in the surrounding area.

Equally significant, George Sears now requires less irrigation which means the water saved can be reallocated for other much-needed park improvement projects.

George Sears Park is an example of what can be done to improve local park amenity but a lot more needs to be done to be park-ready for the impending increases in high-density areas in the City.

A comprehensive range of local park refurbishment options, including a cost / benefit analysis and a matrix of priority on park improvement, (what park projects, how and when), would enable the City to be better placed to improve park amenities.

Local parks need immediate attention to meet the expectations of residents and to provide confidence for a community facing change, especially as the State Government mandate on infill impacts local neighbourhoods.

#### **OFFICER'S COMMENT**

A report for Council's consideration can be prepared.

**MOVED Cr Logan, SECONDED Cr Chester that Council REQUESTS the Chief Executive Officer to investigate refurbishment options of the City's Local Recreation Parks, including installing irrigation to dry parks, to improve the amenity with a specific focus on those Local Recreation Parks located within or close to increased density areas, and a report detailing the investigation be submitted to Council at its meeting to be held on 19 May 2020.**

**The Motion was Put and**

**CARRIED (13/0)**

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

#### **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 10.25pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR KERRY HOLLYWOOD  
CR TOM McLEAN, JP  
CR PHILIPPA TAYLOR  
CR NIGE JONES  
CR CHRISTOPHER MAY  
CR RUSSELL POLIWKA  
CR CHRISTINE HAMILTON-PRIME  
CR JOHN RAFTIS  
CR JOHN CHESTER  
CR JOHN LOGAN  
CR RUSS FISHWICK, JP  
CR SUZANNE THOMPSON