

# agenda

## Briefing Session

A BRIEFING SESSION WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

**ON** **TUESDAY 11 AUGUST 2020**

**COMMENCING AT** **6.30pm**

**GARRY HUNT**  
Chief Executive Officer  
7 August 2020

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Residents and / or ratepayers  
of the City of Joondalup are  
requested to lodge questions  
in writing by 9.00am on

**Monday 10 August 2020**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## IMPORTANT INFORMATION

### ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Following advice from the State Government and the Department of Health WA in relation to COVID-19 (Coronavirus) pandemic, public attendance at the City of Joondalup meetings has been restricted.

To maintain the required physical distancing between people during this time, the maximum public attendance at meetings has been capped at 40 people (22 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately not be able to attend.

To manage expectations, members of the public wishing to attend the meeting and ask up to two questions and / or to make a public statement, can register their own interest from 9.00am to 4.00pm on the day of the meeting by emailing [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au) or contacting the City on 9400 4313. Registration priority will be given on a first come first serve basis for members of the public wishing to ask questions and/or make a public statement.

Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be placed on a waiting list and permitted to attend where seats remain vacant after consideration of the above attendee requests.

The City will contact those people on the waiting list that are able to attend after 4.00pm on the day of the meeting. In this regard contact information must be provided when a request is made.

Any member of the public attending the meeting in person without registration will not be given access unless there is space available. However the audio of proceedings of Council meetings are streamed live at <https://www.joondalup.wa.gov.au/kb/resident/live-council-meeting-audio-feed>.

To ensure capacity is not compromised, entry to the City's premises will be restricted following 30 minutes past the scheduled start time of the meeting. Members of the public approved to attend are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

For your health and safety, members of the public are reminded to:

- follow the direction of the Presiding Members and City employees when attending meetings
- maintain 1.5 metre separation between themselves and other members of the public while attending meetings
- use the hand sanitiser that is provided by the City at the venue
- not attend meetings should they feel unwell or if they have been in contact with a known COVID-19 case, or been overseas in the previous two weeks.

*Further information can be provided by contacting the Governance Coordinator on 9400 4369.*

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

### INTRODUCTION

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

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

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

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

### PURPOSE OF BRIEFING SESSIONS

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

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

### PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all elected members, members of the public and external advisors (where appropriate).
- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those elected members present may select one from amongst themselves to preside at the Briefing Session.

- 5 There is to be no debate among elected members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All elected members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Good governance principles recommend that elected members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following provisions apply:
  - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
  - (b) Elected members disclosing a financial interest or a proximity interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
  - (c) The remaining elected members may agree that an elected member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining elected members agree:
    - (i) is so trivial or insignificant as to be unlikely to influence the disclosing elected member's conduct in relation to the matter  
or
    - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the notes kept for the Briefing Session.
  - (d) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

### Questions asked Verbally

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

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

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

- 1 Only City of Joondalup **residents and/or ratepayers** may submit questions to the City in writing.
- 2 Questions **must** relate to a report contained in the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to elected members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Written questions should be sent via email to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

## **DISCLAIMER**

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

## **PROCEDURES FOR PUBLIC STATEMENT TIME**

The following procedures for the conduct of Public Statement Time at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

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

## **PROCEDURES FOR DEPUTATIONS**

The following procedures for the conduct of Deputations at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

- 1 Prior to the agenda of a Briefing Session being discussed by elected members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.

- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer through the on-line form on the City's website by close of business on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to report listed in the agenda of the Briefing Session. The City will confirm with the person if a deputation request is approved including any limitations that apply.
- 4 Any visual presentation in support of the deputation (such as a PowerPoint presentation) must be received by the City by 12.00 noon of the day of the Briefing Session. No other information or material will be distributed to elected members at the Briefing Session.
- 5 A deputation may consist of no more than five people, only three of which may address the Briefing Session. Other parties of the Deputation may be called on by the elected members to respond to questions should they so wish.
- 6 A maximum time of one hour will be set aside for all deputations at Briefing Sessions. Each deputation can address the Briefing Session up to a maximum period of 15 minutes (including time for elected member questions) however the Presiding Member may reduce this time where the number of approved deputations would exceed the maximum one hour limit set aside for deputations.
- 7 A person that forms part of a deputation is prevented from making a public statement at the Briefing Session on the same matter.

To request an opportunity to make a Deputation Complete the [Deputation Request Form](#).

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

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

## CIVIC CENTRE EMERGENCY PROCEDURES

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

### Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



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

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

[Additional Information200811.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 11 August 2020** commencing at **6.30pm**.

### ORDER OF BUSINESS

#### OPEN AND WELCOME

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

#### DEPUTATIONS

#### PUBLIC QUESTION TIME

The following summarised questions were submitted to the Briefing Session held on 14 July 2020:

**Ms Y Eskandary, Girrawheen:**

*Re: Item 11 – Petition in Relation to the Use of Glyphosate.*

*Q1 Why do you follow the Australian Pesticides and Veterinary Medicines Authority (APVMA) when there is a clear conflict of interest with the results of the safety tests being carried out by the suppliers scientists?*

*A1 The Director Infrastructure Services advised the APVMA is the regulatory authority in Australia and is appointed to regulate the use of chemicals which is why the City follows its direction.*

*Q2 Should Council not be applying a cautionary principal with a chemical that has multiple lawsuits and studies questioning the safety of the product?*

*A2 The Director Infrastructure Services advised the City does follow precautionary measures by complying with the regulatory guidelines stated by the APVMA and the Western Australia Department of Health.*

**Ms M O’Byrne, Kinross:**

*Re: Item 11 – Petition in Relation to the Use of Glyphosate.*

*Q1 If the City moves to thermal heat application to control weeds, then Chem-Safe loses out on a business opportunity, so how can the City say that the review supplied by Chem-Safe is an independent review by an independent third party?*

*A1 The Director Infrastructure Services advised although Chem-Safe conducted the independent review they are not involved, as far as is known, in any spraying of herbicides for the City or any other local government.*

*Q2 Has the City of Joondalup studied up to date epidemiological studies, referencing the effects of herbicides on humans and animal health before making the recommendation next week to Council for the continuing use of herbicides in the Joondalup District?*

*A2 The Director Infrastructure Services reiterated that the City is guided by the regulatory authority who conduct the assessment and review the evidence. On the weight of the evidence the regulatory authority determines if the product is to be registered in Australia, it is not something that the City itself does, as it does not have the expertise.*

**Mrs E Kuzentsova, Currambine:**

*Re: Item 11 – Petition in Relation to the Use of Glyphosate.*

*Q1 What has been done regarding the issue of the APVMA conflict of interest?*

*A1 Mayor Jacob reiterated that the APVMA are a government regulator and Council do not decide who the regulator is or which regulator to use. The APVMA are an agency of the Federal Government; and local government, as a subsidiary form of government, have to follow the guidance of the APVMA. It is Council’s role to and make a decision on the petition relating to the Use of Glyphosate in the City of Joondalup.*

*Q2 Would it not be more prudent to use your communities advice rather than the guidelines of a regulatory authority?*

*A2 Mayor Jacob advised Council’s expectation was that City officer’s adhere to the regulatory guidelines however, should Council wish to go above and beyond those guidelines, that was its decision to make.*

**Mr A Murphy, Edgewater:**

*Re: Item 11 – Petition in Relation to the Use of Glyphosate.*

*Q1 Is boiling water regulated by the APVMA?*

*A1 The Director Infrastructure Services advised that the APVMA only regulate agriculture and veterinary chemicals, and if it is not classified as a chemical then it is not regulated by APVMA.*

**Ms E Petrus, Hillarys:**

Re: *Item 11 – Petition in Relation to the Use of Glyphosate.*

Q2 *The City advised the proportion of non-chemical methods of weed control is in excess of 90%. How did you arrive at this conclusion, and please provide a detailed breakdown of the different methods used, and their percentages, which fall within the 90%?*

A2 It should be noted that mowing forms an integral part of the city's weed management approach and as such, mowing should not be completely extracted from the percentage of City's non-chemical weed control activities. For example, there are some weeds in turf surfaces including sports turf surfaces which cannot be controlled by selective chemical control such as Paramatta Grass. Frequent mowing prevents the clumpy growth habit and seeds from forming and allows ball sports like hockey to be played safely.

Dry parks are mowed seasonally with the express purpose to mow the parks prior to weed seed set.

The majority of non-chemical weed control is mechanical whether that be through mowing, whipper snipping or edging.

Manual removal (hand weeding) within the 588 hectares of parks and reserves, and 530 hectares of natural areas, is minor due to the resource hungry nature of the work and costs. Most of the manual removal takes place in natural areas where volunteers and paid contractors work in targeted areas to remove weeds that generally cannot be reached using chemical methods.

The 90% as stated in the report, was estimated using the three parks as examples, please see attached.

**Sports Park**

Active area 17,236m<sup>2</sup> (1.7Ha)

Passive area 31,839m<sup>2</sup> (3.2Ha)

Total area 49,075m<sup>2</sup> (4.9Ha)

Park Location	Activity	Area (m <sup>2</sup> )	Frequency per annum	Total (frequency x area)	Percentage
Active Area	Mowing	17,236	36	620,596	51.1%
Passive Area	Mowing	31,839	17	541,263	44.6%
<b>Total non-chemical</b>				<b>1,161,759</b>	<b>95.7%</b>
Active Area	Broad acre spraying - Bow & Arrow	17,236	1	17,239	1.4%
Passive Area	Broad acre spraying - Bow & Arrow	31,839	1	31,839	2.6%
	Target Spraying - Glyphosate	1,592	2	3,184	0.3%
<b>Total chemical</b>				<b>52,259</b>	<b>4.3%</b>

**Local Recreation Park**Passive area 6,224m<sup>2</sup> (0.6Ha)

Park Location	Activity	Area (m <sup>2</sup> )	Frequency per annum	Total (frequency x area)	Percentage
Active Area	Not applicable	0	0	0	0%
Passive Area	Mowing	6,224	17	105,808	93.9%
<b>Total non-chemical</b>				<b>105,808</b>	<b>93.9%</b>
Active Area	Not applicable	0	0	0	0%
Passive Area	Broad acre spraying – Bow & Arrow	6,224	1	6,224	5.5%
	Target Spraying – Glyphosate	311	2	622	0.6%
<b>Total chemical</b>				<b>6,846</b>	<b>6.1%</b>

**Dry Park**Passive area 4,570m<sup>2</sup> (0.46Ha)

Park Location	Activity	Area (m <sup>2</sup> )	Frequency per annum	Total (frequency x area)	Percentage
Active Area	Not applicable	0	0	0	0%
Passive Area	Mowing	4,570	6	27,420	99.6%
<b>Total non-chemical</b>				<b>27,420</b>	<b>99.6%</b>
Active Area	Not applicable	0	0	0	0%
Passive Area	Broad acre spraying – Bow & Arrow	0	0	0	0%
	Target Spraying – Glyphosate	228	0.5*	114	0.4%
<b>Total chemical</b>				<b>114</b>	<b>0.4%</b>

\* once every two years

## PUBLIC STATEMENT TIME

The following summarised statements were made at the Briefing Session held on 14 July 2020:

**Ms M Macdonald, Mullaloo:**

*Re: Item 11 - Petition in Relation to the use of Glyphosate.*

Ms Macdonald spoke against the officer's recommendation for Item 11 – Petition in Relation to the use of Glyphosate advising that many local councils around Australia are banning the use of glyphosate within their districts. Ms Macdonald spoke of her concerns for the City of Joondalup workers as well as the community who are exposed to glyphosate, which has been linked to non hodgkin's lymphoma. Ms Macdonald stated that councils and councillors have an obligation to look after the well being of the ratepayers and ensure their health is protected.

**Ms H Kraus, Mullaloo:**

*Re: Item 11 - Petition in Relation to the use of Glyphosate.*

Ms Kraus spoke against the officer's recommendation for Item 11 – Petition in Relation to the use of Glyphosate raising her concerns with regards to the increased exposure to glyphosate and the health risk it poses to those who use the Mullaloo dual use path and surrounding parks, noting that glyphosate raises the cancer risk of those exposed to it by 41%.

Ms Kraus advised that many trees have died in parks within Mullaloo after the spraying of glyphosate and pink dye markers applied, noting the huge detrimental impact the spraying has had particularly on sheoak trees.

Ms Kraus urged the City to consider alternative options for weed management within the City of Joondalup.

**Ms E Oliviera, Kinross:**

*Re: Item 11 - Petition in Relation to the use of Glyphosate.*

Ms Oliviera spoke against the officer's recommendation for Item 11 – Petition in Relation to the use of Glyphosate advising that the use of glyphosate is contributing to a health and environmental crisis on a global scale.

Ms Oliviera advised that there are numerous recent studies that show glyphosate:

- causes lymphoma induced human breast cancer growth, impacts human DNA, causes kidney disease, infertility, nerve damage and chronic inflammation
- is in the air we breathe, in the rain and in water supplies
- has been found in breast milk, infant formula, cereal and fresh and processed foods.

Ms Oliviera advised that she was particularly concerned by the spaying of glyphosate next to childcare centres, schools, hospitals and aged care facilities, adding that when spraying occurs across from childcare centres, the children are directly exposed to the chemical as residue from the spraying would be on the play equipment, artificial grass and gardens.

Ms Oliviera implored the Council to listen to the concerns of the community and direct the City to use safer alternative methods of weed management and concluded by saying, that Council's decision will directly impact the health and wellbeing of every resident.

**Ms K Moller, Greenwood:**

*Re: Item 11 - Petition in Relation to the use of Glyphosate.*

Ms Moller spoke against the officer's recommendation for Item 11 – Petition in Relation to the use of Glyphosate advising that she is a nutritionist as well as the founding member of the Duncraig Edible Garden. Ms Moller stated that the community garden is a healthy growing space adding that soil health is key to the growth of healthy plants and healthy food. Ms Moller requested that the City do not spray glyphosate near the community garden as they strive to keep it chemical free.

Ms Moller urged the City to seek alternative methods of weed removal such as removing the weeds manually or using steam in order to minimise the harm to the community. Ms Moller suggested the City adopt a graduated response to the removal of weeds and use poisonous chemicals only as a last resort.

**Dr T Green, Padbury:**

*Re: Item 11 - Petition in Relation to the use of Glyphosate.*

Dr Green spoke against the officer's recommendation for Item 11 – Petition in Relation to the use of Glyphosate advising that many City of Joondalup residents and ratepayers want the use of glyphosate banned.

Dr Green advised that many families that use City of Joondalup parks on a regular basis do not know when glyphosate spraying has occurred as the signage is removed too quickly for them to be informed, adding that most park users would avoid a recently sprayed park if they were aware.

Dr Green urged the City to curb unnecessary chemical use and requested that the City create a better pesticide notification system so that people know when pesticides have been used.

**Mrs Z Murphy, Edgewater:**

*Re: Item 11 - Petition in Relation to the use of Glyphosate.*

Mrs Murphy spoke against the officer's recommendation for Item 11 – Petition in Relation to the use of Glyphosate and spoke of the movies Erin Brockovich and Dark Waters, asking that if the glyphosate saga was made into a feature film would the Council be seen as the hero who made the right decision or a Council unwilling to change.

**Ms B Hewitt, Edgewater:**

*Re: Item 11 - Petition in Relation to the use of Glyphosate.*

Ms Hewitt spoke against the officer's recommendation for Item 11 – Petition in Relation to the use of Glyphosate speaking on behalf of the Edgewater Community Residents Association and the Beldon and Kallaroo Residents Associations. Ms Hewitt advised of the resident's associations deep concerns over the City's continued use of glyphosate including the welfare of the City workers who undertake the spraying, the impacts the spraying has on the environment and the health and safety of all residents.

Ms Hewitt advised that the residents associations she was speaking on behalf of would like to see the end of glyphosate use, adding that in the meantime they want the City to increase its notifications to the community when spraying glyphosate by using bold coloured dyes where spraying has occurred and clearly displaying signage at the affected area for several days before, during and after spraying. Ms Hewitt, on behalf of the resident's associations, requested that all City workers who undertake glyphosate spraying be mandated to wear PPE including breathing masks which are capable of filtering the toxic chemicals.

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Leave of Absence previously approved**

Cr John Logan  
Cr Russell Poliwka

23 to 30 August 2020 inclusive;  
2 to 12 September 2020 inclusive.

## REPORTS

### ITEM 1                      DEVELOPMENT AND SUBDIVISION APPLICATIONS – JUNE 2020

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENTS</b>	Attachment 1	Monthly	Development	Applications
		Determined - June 2020		
	Attachment 2	Monthly	Subdivision	Applications
		Processed - June 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 number and nature of applications considered under delegated authority during June 2020.

#### EXECUTIVE SUMMARY

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

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

This report identifies the development applications determined by the administration under delegated authority powers during June 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during June 2020 (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 23 June 2020 (CJ079-06/20 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 June 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	6	6
Strata subdivision applications	13	22
<b>TOTAL</b>	<b>19</b>	<b>28</b>

Of the 19 subdivision referrals, 16 were to subdivide in housing opportunity areas, with the potential for 25 additional lots.

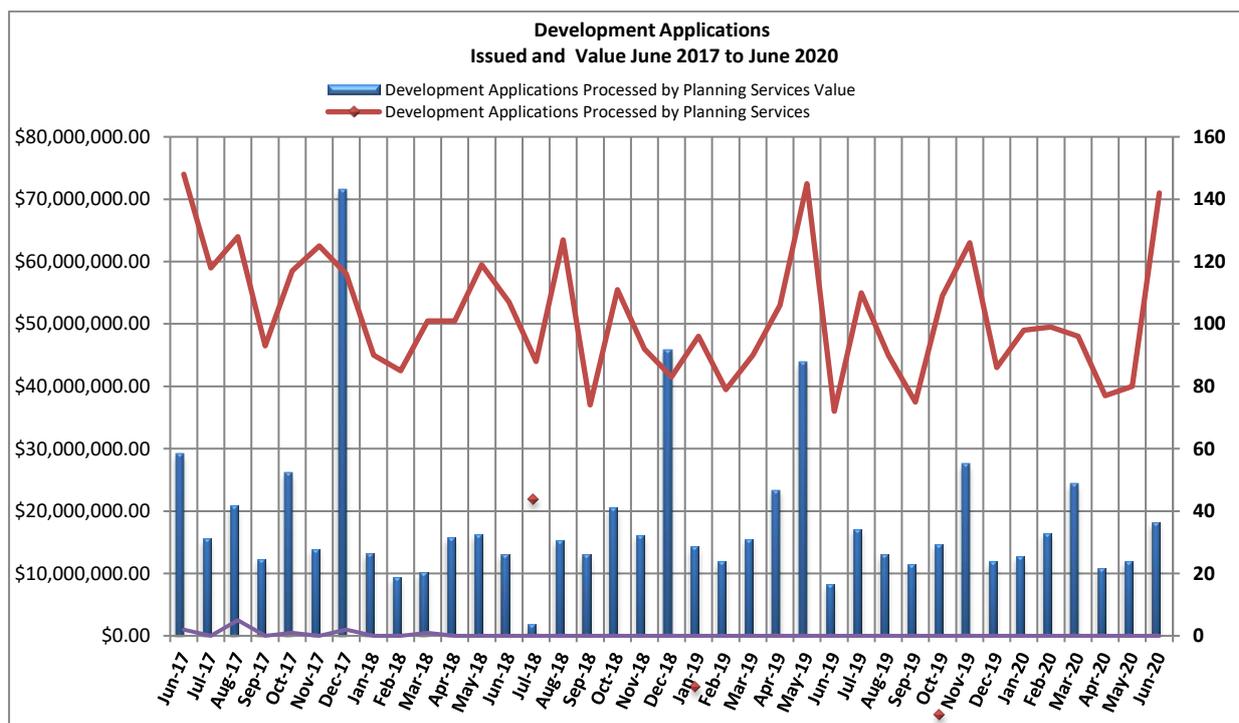
Development applications

The number of development applications determined under delegated authority during June 2020 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	142	\$18,155,531
<b>TOTAL</b>	<b>142</b>	<b>\$18,155,531</b>

Of the 142 development applications, 21 were for new dwelling developments in housing opportunity areas, proposing a total of 31 additional dwellings.

The total number and value of development applications determined between June 2017 and June 2020 is illustrated in the graph below:



The number of development applications received during June 2020 was 138.

The number of development applications current at the end of June was 170. Of these, five were pending further information from applicants and 22 were being advertised for public comment.

In addition to the above, 209 building permits were issued during the month of June with an estimated construction value of \$17,965,519.

### **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 142 development applications were determined for the month of June with a total amount of \$68,720.64 received as application fees.

All figures quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or LPS3 and the Regulations.

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 development applications described in Attachment 1 to this Report during June 2020;**
- 2 subdivision applications described in Attachment 2 to this Report during June 2020.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf200811.pdf](#)*

## ITEM 2                      REVIEW OF TRADER'S PERMIT PROCESS AND NEW PROPOSED FEE STRUCTURE

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	23122, 101515
<b>ATTACHMENT</b>	Attachment 1    Summary of assessment outcomes Attachment 2    Amendment to schedule of fees and charges
<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 the outcomes of an internal review of the trader's permit assessment process and proposed changes to the existing fee structure.

### EXECUTIVE SUMMARY

The City receives regular enquiries from customers seeking to operate mobile business activities on the City's land, particularly in coastal locations. The City's *Local Government and Public Property Local Law 2014* (the Local Law), requires any person intending to undertake trading on a public place or local government property to first obtain a trader's permit.

A review of the existing process for considering trader's permit applications in coastal areas has been carried out and opportunities have been identified to reduce the administrative burden of assessing trader's permit applications; reduce application processing times; and to improve the information available to the City's customers.

The review has also considered the existing fee structure and identified ways to encourage applicants to seek a permit that specifies the actual hours intended for trade to occur, which would address issues whereby some commercial operators reserve trading locations.

*It is therefore recommended that Council:*

- 1     *NOTES the outcomes of the review of the trader's permit process, including the pre-determining of coastal locations suitable for commercial traders, which will reduce the administrative burden of assessing trader's permit applications, reduce application processing times and improve the information available to the City's customers;*
- 2     *ENDORSES the outcomes identified in the Summary of assessment outcomes as detailed in Attachment 1 to this Report;*

- 3 *BY AN ABSOLUTE MAJORITY and in accordance with section 6.16 (3)(b) of the Local Government Act 1995, AMENDS the Schedule of Fees and Charges for traders operating in coastal locations as detailed in Attachment 2 to this Report;*
- 4 *BY AN ABSOLUTE MAJORITY and in accordance with section 6.16 (3)(a) of the Local Government Act 1995, IMPOSES a fee for trader's permits in coastal locations, being \$60 multiplied by the maximum number of trading hours per week, determined as the annual fee, to take effect on 1 January 2021, as detailed in Attachment 2 to this Report;*
- 5 *BY AN ABSOLUTE MAJORITY and in accordance with section 6.16 (3)(a) of the Local Government Act 1995, IMPOSES a fee for trader's permits in coastal locations for seasonal traders who are present for up to a maximum of six months, to be 50% of the annual fee, as detailed in Attachment 2 to this Report;*
- 6 *NOTES, in accordance with section 6.19 of the Local Government Act 1995, local public notice will be given of the date from which the proposed fees in Parts 3, 4 and 5 above will be imposed;*
- 7 *REQUESTS the Chief Executive Officer to investigate the potential for the formal leasing of land by mobile traders, in lieu of a trader's permit.*

## **BACKGROUND**

The City receives regular enquiries from customers seeking to operate mobile business activities on the City's land, particularly in coastal locations. Business activities are usually associated with the sale of food. The City's *Local Government and Public Property Local Law 2014* (the Local Law) requires any person intending to undertake trading on a public place or local government property to first obtain a trader's permit; noting that some exclusions do exist.

The existing process for determining trader's permit applications involves referrals for comment from several business units within the City. As there are a number of assessment criteria that need to be considered by multiple business units, there are limitations on the advice that may be provided to customers on the suitability of a trading location, without formal assessment.

Following a Notice of Motion at its meeting held on 18 July 2017 (C54-07/17 refers), Council resolved that *"a report be prepared and presented to Elected Members, detailing the process prospective vendors/operators must follow to apply for and be granted an 'operator's permit' and examples of other metropolitan local government operations regarding mobile food vendor permit approval and conditions attached to respective approval processes."*

A review of the existing process has been undertaken and has included an examination of pre-determining coastal locations that are suitable for commercial traders and an examination of the existing fee structure.

Opportunities have been identified to reduce the administrative burden of assessing trader's permit applications, reduce processing times, improve information available to the City's customers and address issues the City currently faces with commercial operators reserving trading locations.

## DETAILS

Trading is defined within the Local Law and includes the selling or hiring of goods or services.

There are 36 current trader's permits issued for locations throughout the City of Joondalup. Existing trading activities are for the sale of food (33 permits), a dog wash service, the sale of the Big Issue magazine and a flower seller. Fourteen trader's permits are issued at coastal locations. Trader's permits are required to be renewed annually.

The following factors are considered when determining an application for a trader's permit:

- Registration as a food business (where applicable).
- Impact of noise.
- Disposal of waste.
- Public indemnity insurance.
- Consistency with the reservation of the land.
- Location suitability.
- Historical parking issues.
- Appropriateness of the activity.
- Safety issues.
- Protection of the City's infrastructure.
- Power or water usage.
- Accessibility issues.
- Impact on the City's maintenance operations.

As there are a number of assessment criteria considered by multiple business units within the City, there are limitations on the advice that may be provided to customers on the suitability of a trading location, without a formal assessment.

A review of the existing process has been undertaken and has included an examination of pre-determining coastal locations that are suitable for commercial traders. An analysis of the existing fee structure has also been undertaken as part of the review.

The purpose of reviewing the existing process was to:

- improve consistency in internal advice
- identify opportunities to streamline the existing process
- improve guidance to customers
- respond to issues associated with the reserving of locations through a trader's permit, regardless of whether a trader is actually present
- examine the existing fee structure
- explore alternative options for managing coastal traders.

Key actions undertaken and outcomes of the review are as follows:

Action		Outcome
1	Review of existing assessment criteria	It was considered that no significant assessment criteria changes were required.
2	Identification of trading locations	Potential trading locations were identified along the coastal areas. This was carried out in two parts: <ul style="list-style-type: none"> <li>• Identifying all locations for existing traders;</li> <li>• Identifying any potential new locations through GIS surveys of all carparks, footpaths and grassed areas along the entire coast.</li> </ul>

Action		Outcome
3	Desk top review	A detailed desktop review was undertaken for each identified location. For each location a site history was prepared, and the current status of each location was also recorded.
4	Business Unit feedback	All relevant Business Units in the City reviewed the information compiled and provided feedback on the suitability of each location - the maximum number of traders that should be permitted at each location, any time considerations or any other restrictions, such as the nature of permitted activities.
5	Identification of suitable trading locations	Each coastal location was assessed and determined to be either suitable or unsuitable for a trader. For locations that were deemed to be suitable, restrictions on the maximum number of traders, the nature of activities and limits on trading hours were determined.
6	Changes to existing process	As a detailed assessment occurred on each coastal location, it was determined that any future trader's permit application would not require internal referral. A review of all locations would occur after a period of two years.

### Local Law considerations

In determining a trader's permit application, the Local Law requires the City to have regard to:

- any relevant policies of the local government
- the *National Competition Principles Agreement*
- the desirability of the proposed activity
- the location of the proposed activity
- such other matters considered to be relevant.

The City may approve a trader's permit, with or without conditions, or may refuse a permit application.

The Local Law provides a mechanism for an applicant to lodge an objection to a decision by the City, which would be considered by Council or lodge an appeal to be considered by the State Administrative Tribunal.

A collection of stalls for activities such as farmers markets or food truck events, would be considered a street market under the Local Law. A street market permit is different to a trader's permit and is not considered as part of the review.

### Trading locations

A summary of assessment outcomes (Attachment 1 refers) provides information regarding each of the trading locations identified, the business unit feedback and the review outcomes.

There were 25 coastal locations identified within the City. Of these, 13 were determined not to be suitable for a trader's permit for reasons that included; limited car parking availability and safety issues. Of the 12 remaining sites, it was determined that between one and three traders could be present at any one time. This provides availability for a minimum of 17 commercial traders in coastal locations. Three sites were considered seasonal, based on peak car parking demand during the warmer months.

At each location, the positioning for trading activities has been identified and would generally follow trader's permits currently issued.

A review of all locations will occur after a period of two years, or otherwise as required should there be a change in circumstances at any location.

#### Customer improvements – City's website

One of the challenges facing the City's customers in identifying suitable trading locations, is a lack of clarity on which sites may be considered appropriate for commercial trade. Although historical applications provide some direction, a final determination is only made following a formal assessment.

It is proposed that the City's website be used to provide a list of all (pre-determined) coastal locations in terms of their real time availability for a commercial trader, based on current trader's permits issued.

By providing an updated list of approved locations, potential applicants will have more certainty about their likely prospects for obtaining a trader's permit. It may also reduce the burden for determining applications for trading activities lodged for locations that would not be supported.

#### Review of existing fee structure

The City's existing fee structure incorporates an application fee and an annual permit fee. A comparison to other local governments that allow trading activities is provided below:

<b>Local Government</b>	<b>Application fee</b>	<b>Annual permit fee</b>
City of Joondalup	\$37	\$803
City of Wanneroo	\$51	\$844
City of Swan	\$83	\$1,166
City of Stirling	\$100	\$600
City of Perth	N/A	\$241
City of Fremantle	N/A	\$529
City of Melville	\$115	\$250
City of Subiaco	\$77	\$190
City of Cockburn	\$50	\$562

The City's existing fee structure is generally consistent with other local governments, however, there is an opportunity to review this fee structure to improve the management of trading activities.

As the annual permit fee is a fixed amount, applications for trader's permits are commonly made for a range of hours but, in many instances, traders are not present during these times, preventing trading opportunities to other vendors. There are examples of coffee vans and ice cream vans who are permitted to trade for 12 hours or more per day.

The Local Law does not contain any provisions that would obligate a trader to be present during the hours specified on their permit.

To encourage applicants to seek a permit that better reflects their intended trading hours, an alternate fee structure could be considered that incorporates the number of hours proposed.

The following fee structure could be considered for coastal locations:

- Maximum number of trading hours per week x \$60.

For example, a trader intends to operate in a coastal car park for up to five hours a day, between Monday and Saturday. The maximum number of trading hours per week is 30 (five x six) trading hours. A fee would be calculated to be 30 hours x \$60, equaling a \$1,800 annual permit fee.

The City issues trader's permits for commercial activities that include fitness trainers using the City's parks or activities that may occur on the beach, including kite surfing activities at Pinnaroo Point. A two-tiered approach is taken for the calculation of an annual permit fee:

- commercial operator permit fee (up to 25 hours per week) - \$2,290
- commercial operator permit fee (more than 25 hours per week) - \$2,745.

The revised fee structure proposed, would provide greater consistency in the amounts charged by the City, for similar activities.

A new fee structure would need to consider temporary variation of trading hours, or short-term trader's permits. The City's existing fee structure already provides a daily permit fee that can be applied to one-off trading occasions. Longer term seasonal trading opportunities could be considered through the inclusion of a 50% reduction of the annual fee, for a maximum period of six months.

It is proposed that the new fee structure (attachment 2 refers) take effect from 1 January 2021, as this would allow the City to engage with existing permit holders regarding this change.

#### Comparison to other local governments

The management of mobile traders varies between local governments. Examples of other local governments are provided in the table below:

Local Government	Comment
City of Wanneroo	Trader's permits are assessed on a case by case basis. An internal referral process is in place.  Food truck events by third party operators determined as street markets.
City of Swan	Trader's permits are assessed on a case by case basis. An internal referral process is in place.  Food truck events by third party operators determined as street markets.
City of Stirling	No individual trader's permits allowed.  Food truck events by third party operators determined as street markets.
City of Vincent	No individual trader's permits allowed.  Food truck events by third party operators determined as street markets. Locations of street market identified through a Council policy.
City of Subiaco	No formal processes. Applications assessed on a case by case basis.

Local Government	Comment
City of Fremantle	No individual trader's permits allowed.  Food truck events by third party operators determined as street markets. Locations of street markets identified through a Council policy.

### Issues and options considered

Options that can be considered would include:

- implementation of pre-approved locations
- assessment on a case by case basis
- leasing of land
- coastal permits without specified locations
- replacement of individual trader's permits with food truck events.

#### Implementation of pre-approved locations

The implementation of pre-approved coastal locations for trader's permits, that also includes restrictions on the number and nature of trading activities at each location, is recommended.

This provides certainty to prospective applicants and will ensure consistency in the application of the Local Law. It also allows real time information to be maintained on the City's website.

This option would reduce the administrative burden of assessing trader's permit applications, reduce processing times and improve the information available to the City's customers.

#### Assessment on a case by case basis

Assessment of trader's permits on a case by case basis is not recommended, as it would represent a lost opportunity to reduce administrative burden and improve customer experiences. It could also cause inconsistencies as individual officer's opinions may vary in their assessment against certain criteria.

#### Leasing of land

An option that could be considered is for the longer-term leasing of areas of land, in lieu of a trader's permit. This would likely involve a constructed area, such as a concrete pad and could also include the provision of services such as power. Trading opportunities could be determined through a tender process.

Should a leasing of land option be considered, further advice would be required on any legal considerations, as well as planning and other requirements.

#### Coastal permits without specified locations

The City could issue a fixed number of permits relative to the number of trading locations, without restricting each permit to a single location. This would allow the permit holders to trade in any of the pre-determined locations on a 'first come, first served' basis.

This option would not be recommended as it would be anticipated that disputes would occur between business operators. The City would have limited control on the nature of activities at each location and difficulties would occur on identifying responsibility for any issues that may arise, such as damage to infrastructure or littering issues.

Replacement of individual trader's permits with food truck events

Rather than issuing trader's permits to individual traders at various locations along the coast, the City could arrange its own food truck events, or otherwise invite interest for third parties to run their own events.

This could provide food businesses with trading opportunities. However, food truck events are usually for short periods of time during the evening and would conflict with the business model of existing traders.

The presence of traders along the coast provides a service to beach users that could not be replicated by food truck events.

This option is not recommended.

Phased implementation of a new fee structure

The revised fee structure may be implemented in a phased approach over three years, with the fee relative to the number of trading hours per week - to start at \$40 in the first year, increasing to \$50 in the second year and reaching \$60 in the third year.

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

**Legislation** *Local Government Act 1995.  
Local Government and Public Property Local Law 2014.*

**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**

A new fee structure that is relative to the number of trading hours, would result in a significant increase to the annual permit fee for some commercial traders. However, the annual fee for a mobile business will remain substantially less than the rental amounts paid by a traditional business with a lease arrangement.

A new fee structure could be implemented in a phased approach over three years. This could incorporate a fee formula based on \$40 multiplied by the number of hours of trade in a week, incrementally increasing to \$60 by the third year.

The reduction of administrative burden through the removal of business unit referrals could discourage internal communication, however, there is an existing awareness within the City of approved trading locations, and it is proposed that a review of each location occur every two years. Should an issue arise with a particular location, the Local Law provides the ability to modify or cancel a trader's permit.

**Financial / budget implications**

The City currently receives \$11,242 in revenue, associated with trader's permit fees in coastal locations.

Based on existing permits issued, there is a total of 986.5 approved trading hours per week. Under the proposed fee structure, this will equate to revenue of \$59,190, however, this is not the key driver behind the proposed fee structure. The intent is to discourage commercial traders reserving a trading location through the stipulation of hours on a permit application. The actual number of trading hours applied for is therefore expected to reduce.

It could be estimated that each trading location would be utilised for an average of six hours each weekday and eight hours each Saturday and Sunday. The potential income would be \$42,780.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The pre-determining of coastal trading locations provides more certainty to small business and may encourage applications for locations that are known to be vacant at any time.

Although an increase in the annual fee will add to the cost of commercial traders, it is likely that there would be a net benefit to small business, as trading locations will be less likely to be reserved. This would increase the opportunities for commercial traders and likely increase the total number of unique mobile traders at coastal locations.

The City could see a benefit of increased revenue.

An increase in the total number of hours that commercial traders are present, through the identification of real time availability, will provide increased passive surveillance to coastal areas.

It may also encourage community spirit and developing iconic commercial traders within the City of Joondalup.

### **Consultation**

Broad community consultation has not been undertaken; however, once Council has made a decision on this matter, the City will notify existing traders of the proposed changes to the fee structure well in advance of its implementation.

### **COMMENT**

The Local Law provides limited guidance on the considerations that are required to be made when determining an application for a trader's permit.

To ensure that the interests of the City are managed, every trader's permit application is referred to several business units to provide input on a range of criteria that has previously been identified. Although this approach has been effective, there is an increasing demand and expectation from small business owners to operate within the City.

The pre-determining of suitable trading locations along the coast would provide certainty to small business, improve consistency in advice and decision-making within the City and reduce administrative burden.

The review process was extensive, examining historical trader's permit applications and feedback of officers from many business units that provided advice on individual areas of expertise.

A review of the existing fee structure can address an issue of commercial traders reserving locations with no intention of being present. The Local Law does not provide any obligation for a permit holder to be present during the times specified on their permit.

A fee structure that is relative to the average number of trading hours per week is recommended, as it would provide an incentive to any commercial trader to only apply for those times during the day that they intend to be present.

Although the proposed amount would represent a significant increase in the annual fee paid by some existing permit holders, this amount may be necessary to provide a genuine incentive and would remain to be much less than rental amounts paid by traditional commercial businesses.

The proposed fee structure would likely provide opportunity for other small businesses to trade in coastal locations, increasing the variety of services.

Seasonal commercial traders, or traders who are in locations that have been identified to only be suitable for parts of the year, can be subject to a 50% reduction of the annual fee, for a maximum period of six months.

The new fee structure taking effect on 1 January 2021, would allow the City to engage with existing permit holders prior to the change occurring.

It is intended that the existing fee structure for non-coastal trading locations remains the same, with the application fee reflecting the administrative cost in determining a trader's permit application.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

**That Council:**

- 1 NOTES the outcomes of the review of the trader's permit process, including the pre-determining of coastal locations suitable for commercial traders, which will reduce the administrative burden of assessing trader's permit applications, reduce application processing times and improve the information available to the City's customers;**
- 2 ENDORSES the outcomes identified in the Summary of assessment outcomes as detailed in Attachment 1 to this Report;**
- 3 BY AN ABSOLUTE MAJORITY and in accordance with section 6.16 (3)(b) of the *Local Government Act 1995*, AMENDS the Schedule of Fees and Charges for traders operating in coastal locations as detailed in Attachment 2 to this Report;**

- 4 **BY AN ABSOLUTE MAJORITY** and in accordance with section 6.16 (3)(a) of the *Local Government Act 1995*, **IMPOSES** a fee for trader's permits in coastal locations, being \$60 multiplied by the maximum number of trading hours per week, determined as the annual fee, to take effect on 1 January 2021, as detailed in Attachment 2 to this Report;
- 5 **BY AN ABSOLUTE MAJORITY** and in accordance with section 6.16 (3)(a) of the *Local Government Act 1995*, **IMPOSES** a fee for trader's permits in coastal locations for seasonal traders who are present for up to a maximum of six months, to be 50% of the annual fee, as detailed in Attachment 2 to this Report;
- 6 **NOTES**, in accordance with section 6.19 of the *Local Government Act 1995*, local public notice will be given of the date from which the proposed fees in Parts 3, 4 and 5 above will be imposed;
- 7 **REQUESTS** the Chief Executive Officer to investigate the potential for the formal leasing of land by mobile traders, in lieu of a trader's permit.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf200811.pdf](#)

## **ITEM 3                      PROPOSED PLACE ACTIVATION STRATEGY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	108355, 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:

- endorse the approach proposed to be taken by the City for development of a Place Activation Strategy for the City of Joondalup
- notes quotations from suitably qualified consultants will be sought to assist in the preparation of a pilot place plan for part of the Joondalup City Centre.

### **EXECUTIVE SUMMARY**

Place activation can mean many different things to different people. However, it is most often defined as the goal of the placemaking process: a community-driven, bottom up philosophy and delivery approach to improve and activate public spaces.

The City is already improving and activating key public places through infrastructure upgrades, and programs and events. However, preparation of a strategy to guide place activation and defining a vision(s) for the City's key places will better align delivery of this hard and soft infrastructure with the needs of place users, businesses and community.

A two-tiered approach to place activation is recommended for the City, comprising an overarching Place Activation Strategy and place plans for specific places.

A Place Activation Strategy would address the "how" of placemaking: providing a framework for the City to deliver and support place activation in a consistent way across the City of Joondalup.

Place plans would address the "what": developing a suite of place-specific activation initiatives for a specific place or precinct. Place plans are recommended to be developed for identified places following the establishment of local placemaking (community) networks so they can operate effectively as a place partnership between the City and these community networks.

The immediate focus for the City is to develop the Place Activation Strategy to more effectively enable place activation across the City of Joondalup generally. This work would be undertaken by City employees, within the current operational budget. The Place Activation Strategy would be advertised for public consultation, prior to final endorsement of the strategy by Council.

Given the recent emergence of the beginnings of a local placemaking network (Town Team) in the Joondalup City Centre, and given local business and general community interest in the City Centre, there is the opportunity to concurrently undertake a pilot place planning exercise for part of the City Centre area. This pilot place plan would assist in testing the draft Place Activation Strategy and would be useful in informing the final version of the strategy.

It is expected that the activity of developing the pilot place plan for part of the Joondalup City Centre and the success of such an endeavour would generate energy and enthusiasm in other areas of the City of Joondalup, inspiring new community groups as the basis for future place plans being developed across the City, subject to interest and funding.

Development of a pilot place plan would not only require the involvement a local placemaking network but would also require the involvement of external consultants to assist in this process.

*It is therefore recommended that Council:*

- 1 *ENDORSE the approach proposed to be taken by the City for development of the Place Activation Strategy as detailed in this Report;*
- 2 *NOTES the Chief Executive Officer will obtain quotations from suitably qualified consultants to assist in the preparation of a pilot place plan for part of the Joondalup City Centre.*

## **BACKGROUND**

A trend noted across Australia, and in many areas of the Perth metropolitan region, is that activity in town centres and main streets have been in decline. Local businesses in the City of Joondalup have expressed a strong desire for increased foot traffic to support retail, hospitality and tourism businesses in the city centre and smaller suburban centres.

The preparation of a Place Activation Strategy has been recognised as a key way in which the City can support the viability of local businesses, with the Joondalup City Centre, or part thereof, as a key priority.

At the strategic level, promoting the Joondalup City Centre as a destination City and working toward primacy centre status are key objectives of *Joondalup 2022 - Strategic Community Plan 2012-2022*. Alongside major initiatives relating to the regional, significant identity of the city centre, localised place activation provides the authentic, community-scale experiences that support a unique, iconic identity.

At its meeting held on 12 December 2017 (C96-12/17 refers), Council considered a Notice of Motion, and subsequently resolved the following:

*“That Council REQUESTS the Chief Executive Officer to prepare a report that examines initiatives which can stimulate opportunities and employment in hospitality and tourism ventures within the City of Joondalup, with the examination of measures including, but not limited to:*

- 1 *possible changes to alfresco regulation and licensing including allowances or signage and verge / sidewalk alfresco structures to encourage greater alfresco hospitality provision within the City of Joondalup;*
- 2 *greater facilitation of growers’ markets and evening food markets throughout the City of Joondalup;*

- 3 *parking provisions in strategic locations adjacent to hospitality business, including the provision of short term (less than an hour) free parking opportunities;*
- 4 *investigating opportunities for greater City discretion to approve uses within Commercial and Industrial zones within the City of Joondalup, particularly for proponent initiatives which may have tourism potential.”*

The report back to Council identified the role of a Place Activation Plan in stimulating hospitality and tourism ventures. The report identified the intention for the plan to include the following:

- A baseline assessment of the vibrancy of the Joondalup City Centre and other nominated key areas to establish the strengths and opportunities as well as the obstacles and challenges.
- Stakeholder and community engagement.
- Quick wins – projects that can be undertaken immediately and are low risk with a corresponding high reward, low cost and may be designed as pilots or to test new ideas. These projects may require some changes to City policies and processes.
- Longer term projects, which may result in permanent changes to public spaces, are more complex and larger scale and have high costs due to provision of infrastructure.

The report to Council envisaged that the Place Activation Plan would identify the guiding principles for place activation, place activation goals and place activation priorities (quick wins and longer-term projects) and would provide the delivery mechanism for a range of projects and activities intended to activate public places across the City of Joondalup.

## **DETAILS**

Place activation can mean many different things to different people. However, it is most often defined as the goal of the placemaking process: a community-driven, bottom up philosophy and delivery approach to improve public spaces.

The City is already improving and activating key public places through infrastructure upgrades, and programs and events. These initiatives delivered by the City are, for the most part, large scale projects.

Successful placemaking, however, also occurs through small projects delivered by the community. Public art projects, urban landscaping, events, markets and pop up bars are examples of community-level placemaking projects, being delivered by local placemaking groups, many of these known as “Town Teams”.

To facilitate more effective placemaking, the City would need to do two things:

- 1 Enable a bottom up, community centric approach by actively addressing the barriers to community projects that arise due to administrative responsibility for an abundance of legislation and regulations.
- 2 Foster a collaborative relationship with community/business champions at the place-scale to deliver aligned activation initiatives that respond to the specific users, issues and opportunities of a place.

It would be difficult for a single strategic document to resolve administrative and operational barriers at the City-wide scale, while identifying place specific interventions in response to particular place needs. A tiered approach to placemaking is therefore necessary to:

- at the local government level, establish an enabling operational and governance framework
- at the place/neighbourhood level, identify and enable/provide localised, place-based initiatives.

A two-tiered place activation framework, comprising a Place Activation Strategy and place plans is recommended for the City.

### **Place Activation Strategy**

An overarching Place Activation Strategy would address the “how” of placemaking: providing a framework for the City to deliver and support place activation in a consistent way across the City of Joondalup. The Place Activation Strategy project scope would:

- articulate the City’s objectives for place activation, recognising the diversity of public places and neighbourhoods across the City
- define the City’s role in place activation initiative
- explore and address the internal and external barriers in undertaking place activation
- confirm the City’s commitment to enabling community-led activation and delivering activation projects.

Development of the Place Activation Strategy should be an immediate focus of the City, to more effectively enable place activation across the City of Joondalup generally.

This work would be undertaken by City employees, within the current operational budget. The Place Activation Strategy would be advertised for public consultation, prior to final endorsement of the strategy by Council.

### **Place Plans**

Place plans would address the “what”, developing a suite of place-specific activation initiatives for a specific place or precinct.

Place plans are recommended to be developed as a collaborative exercise between the City and local placemaking groups (for example Town Teams). Place plans would define the vision, objectives and brand for a place; understand the economic, cultural and recreational drivers for activity; and facilitate the implementation of place initiatives, including community-led actions and those delivered by the City.

Place plans should be developed for identified places following the establishment of local placemaking (community) networks so they can operate effectively as a place partnership between the City and the community.

Place plans often relate to a walkable, cohesive precinct of experience and many place plans prepared by other local governments are focussed on town centres or activity centres. However, not all places of value in the City of Joondalup are located in the city centre or other activity centres. There are several key types of public place across the City of Joondalup:

- integrated activity centres (which include a diversity of uses, including retail, hospitality, community, cultural, and recreation facilities)
- coastal nodes (nodes of activity arising from a coastal location, providing recreation, community, and some economic functions for example cafes and restaurants)
- community, cultural, and recreation hubs (which focus on community and recreation infrastructure; however, may incorporate some economic elements)
- marinas (developed and managed by state government - Hillarys Boat Harbour and Ocean Reef Marina have and will grow to provide important economic and social value for the City of Joondalup).

Also, not all public places in the City of Joondalup would be suitable for detailed place planning. For example, local parks, natural areas, or smaller retail centres that are not co-located with community, cultural, or recreation facilities may not be deemed as priorities, when viewed in isolation.

In the absence of established local placemaking networks, the completion of detailed place plans across the City of Joondalup is not recommended in the immediate term. Place plans are not a prerequisite for placemaking; in other local governments, community groups (through established Town Teams) already undertake place activation initiatives in the absence of place plans, and the City's events, cultural, community and economic development programs will continue, delivering strategic community and place activation.

However, a pilot place planning exercise is recommended, concurrent with the development of the Place Activation Strategy, enabling the strategy to be informed by authentic understanding of the internal barriers within the City of Joondalup and how these may disincentivise or frustrate community placemaking efforts. The pilot place plan could facilitate targeted placemaking in a priority public space, with activation across other localities of the City enabled through implementation of the Place Activation Strategy until resources become available in future years for place planning in other localities.

The core area of the Joondalup City Centre is recommended as a pilot to leverage the opportunities created by an emerging Town Team and business and general community interest in the city centre.

The activity and success of such a pilot place plan in the city centre would generate energy and enthusiasm in other areas of the City of Joondalup, inspiring new community groups or town teams as the basis for future place plans across the City of Joondalup, subject to interest and funding. The pilot place planning exercise, undertaken through place-based community engagement within the Joondalup City Centre can:

- foster relationship building with an emerging Town Team in the Joondalup city centre
- develop a place vision, that will guide the delivery of existing projects delivered by the City
- develop a list of “quick wins” that can be delivered in the short term by either community or the City
- test the Place Activation Strategy as it is developed, ensuring that the resultant framework will respond to the place activation needs of a variety of place typologies.

Consultants are required to undertake the pilot place planning exercise for Joondalup City Centre.

This report seeks Council's endorsement for the approach proposed to be taken by the City for development of a Place Activation Strategy, as outlined above.

### **Issues and options considered**

Council can either:

- develop a Place Activation Strategy and concurrently develop a place plan for the Joondalup City Centre, as well as place plans for other places in the City
- develop a Place Activation Strategy and concurrently develop a place plan for the Joondalup City Centre; and develop other place plans at a later stage
- develop a Place Activation Strategy and develop a place plan for the Joondalup City Centre at a later stage
- or
- defer the entire project into future financial years and budget accordingly.

**Option 1:** Would have the highest cost for consultants and would have the most impact on staff resources to manage the delivery of multiple place plans at once. There is currently no evidence of strong community energy to drive placemaking in other areas – therefore, it is difficult to choose other appropriate pilot places at this time, particularly in the absence of the overarching strategy which will explore guidance for the prioritisation and spatial scale of place plans.

**Option 2:** Requires allocation of budget for consultant costs (nominally \$100,000) to deliver the required collaborative consultation process with community and business stakeholders. The City Centre place plan would provide a pilot for other future place plans once there is more awareness of placemaking; energy to drive other localised, community-led place initiatives; and funding available to allocate to place planning in other areas.

**Option 3:** Will not require additional allocation of budget, as the Place Activation Strategy can be developed in-house, therefore requiring staff resources only. This will defer the cost of place planning; however, the opportunity for a specific place planning exercise to inform and test the Place Activation Strategy, as it is being developed, will be lost. This will result in the Place Activation Strategy being based on some assumptions and learnings from case studies, rather than being informed by specific, localised activation initiatives.

**Option 4:** Will have no cost implications; however, would be a lost opportunity for the City to use place activation as part of supporting local businesses during the COVID-19 recovery.

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

**Legislation** Nil.

#### **Strategic Community Plan**

**Key theme** Economic Prosperity, vibrancy and growth.

**Objective** Activity centre development.

**Key theme** Community Wellbeing.

**Objective** Cultural development.  
Community spirit.  
Community safety.

**Policy** Nil.

### **Risk management considerations**

Place activation will require the City to “get out of the way” and empower the community to directly deliver projects in their public spaces. This may include events, public art, landscaping and the like. Part of the placemaking journey will be experimentation and failure. Alongside this, there may be projects seeking to utilise City assets for community initiatives, for example buildings, open spaces or road verges. The Place Activation Strategy development process will explore how the City can manage its risk and public liability, alongside enabling appropriate local placemaking initiatives.

## **Financial / budget implications**

Quotations from suitably qualified consultants will be required to facilitate and enable the pilot place planning exercise for the Joondalup City Centre in a manner that reflects the best value for money.

Other local governments who have taken a place approach have recruited additional staff, including Place Leaders, Place Managers or, in some examples, created a Place Team, to facilitate the approach.

A common observation made by local governments is that a silo approach is a key barrier to enabling placemaking; and that development and implementation of place activation strategies or plans have the potential to generate more internal consultation, collaboration and integration.

Any future resources required to deliver ongoing place activation or placemaking initiatives across the City, would be dependent on any place model chosen in future. In making such a decision, the models and resources utilised in other local governments would be critically reviewed against the benefits of having an integrated culture in place, to consider how activation can be achieved without replicating resources across the organisation.

It is noted that many place activation activities are already delivered by the City, and enhanced alignment of activation initiatives through place planning creates opportunity for increased efficiency in the future.

## **Regional significance**

Not applicable.

## **Sustainability implications**

Progressing a place approach in the City will support social and economic sustainability elements.

### Social

Increasing focus and support for community driven placemaking across the City will foster greater connection between community and place. A place-based focus for delivery of the City's existing services and projects will align activation investment with the specific needs of a local community, providing enhanced social benefit from existing and future service delivery. By enabling and fostering community involvement in public spaces through placemaking, the City will be supporting greater levels of social cohesion and collaboration.

### Economic

A trend noted across Australia, and in many areas of the Perth metropolitan region, is that town centres and main streets have been in decline. Local businesses have expressed a strong desire for increased foot traffic across the city centre to support retail, hospitality and tourism businesses in the area. Anecdotally, much of this commentary relates to the aesthetic of the streetscape, however the issues affecting local business and the activation of the city centre are complex and many.

At the strategic level, promoting the Joondalup City Centre as a destination City and working toward primacy centre status are key objectives of *Joondalup 2022 - Strategic Community Plan 2012-2022*. Alongside major initiatives relating to the regional, significant identity of the city centre, localised place activation provides the authentic, community-scale experiences that support a unique, iconic identity. The Place Activation Strategy will provide an effective framework for place activation across the City to contribute to the City's economic development goals.

The City has been investing considerable resources into events and projects to activate the Joondalup City Centre. The pilot place plan for the Joondalup City Centre will enable community-led placemaking efforts to complement the City's programs, and also prioritise future strategic investment into activations tailored to the users, issues, and opportunities of the place to result in positive economic outcomes for the locality.

### **Consultation**

Community engagement will be necessary to foster a place partnership between the City and the community; enable a collaborative approach to placemaking; and catalyse community-led actions. This will be a key element of the pilot place planning exercise. All relevant stakeholders, including community and business stakeholders, within the pilot area will be invited to participate in a collaborative process to develop the pilot place plan. This process will be managed and facilitated by consultants and reported to Council once complete.

Following its development and initial endorsement by Council, the Place Activation Strategy will be advertised to seek community and stakeholder feedback.

### **COMMENT**

Overall, the option to develop a Place Activation Strategy alongside a concurrent pilot place planning exercise is a pragmatic way for the City to achieve aligned place outcomes and stimulate placemaking energy across the City.

By facilitating internal delivery of the Place Activation Strategy, the City will develop and foster the internal relationships, partnerships, knowledge and culture required to enable community centric, bottom up placemaking.

The inclusion of a concurrent pilot place planning exercise will enable the strategy to respond to the internal policy, cultural, and structural barriers that affect placemaking in the City, providing confidence that implementation of the strategy will be applicable across the City's diversity of places and neighbourhoods. The Joondalup City Centre is an appropriate pilot location due to its emerging Town Team and its social, cultural, and economic contribution to the entirety of the City of Joondalup.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council:**

- 1 ENDORSES the approach proposed to be taken by the City for development of the Place Activation Strategy as detailed in this Report;**
- 2 NOTES the Chief Executive Officer will obtain quotations from suitably qualified consultants to assist in the preparation of a pilot place plan for the Joondalup City Centre.**

## **ITEM 4                    ADDITIONAL LAND USE ‘COMMUNITY PURPOSE’ TO EXISTING EDUCATIONAL ESTABLISHMENT AT LOT 803 (15) HOCKING PARADE, SORRENTO (SACRED HEART COLLEGE)**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	06044, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location Plan Attachment 2    Development Plan Attachment 3    Applicant’s Letter and Events List Attachment 4    Event Management Plan (as approved with proposed amendments) Attachment 5    Event Management Plan (as revised) Attachment 6    Travel Management Plan Attachment 7    Acoustic Report (new gymnasium)  <i>(Please note: Attachments 4 and 5 are only available electronically)</i>
<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 an application for an additional land use ‘Community Purpose’ to the existing ‘Educational Establishment’ (Sacred Heart College) at Lot 803 (15) Hocking Parade, Sorrento.

### **EXECUTIVE SUMMARY**

In May 2017 the City received the original application from Sacred Heart College (the College) seeking approval to make its performing arts building and ‘new’ gymnasium available for external hire. At its meeting held on 18 September 2018 (CJ157-09/18 refers), Council refused this following which the College sought a review of Council’s decision via the State Administrative Tribunal (SAT).

Through the SAT process the College prepared a modified, broader proposal to capture all facilities it intended to make available for external hire including the ‘old’ gymnasium, chapel and oval in addition to the performing arts building and ‘new’ gymnasium. At its meeting held on 16 April 2019 (CJ037-04/19 refers), Council approved the modified proposal subject to a number of conditions, including the implementation of an *Event Management Plan* (EMP).

The College was concerned with some of the conditions imposed and, therefore, the SAT process continued. As a result of the SAT process, the College prepared a further modified proposal which was advertised and subsequently approved by Council at its meeting held on 20 August 2019 (CJ098-08/19 refers). This approval is limited to 12 months and will expire on 20 August 2020.

To continue to make these facilities available to third parties, the College has submitted a new application seeking permanent approval for the additional land use of 'Community Purpose'. The College has advised that it intends to manage their facilities generally in accordance with its 20 August 2019 approval, with the following additions:

- Including the external hard courts within the 'oval' facility.
- A new 'oval (community benefit)' event. This event is for 30 participants or less, without charge to allow small groups to use the oval for recreation and training activities. No cap has been applied to this type of event.
- Start time changed for the oval parking from 7.00am to 6.00am in summer, to cater for the earlier start times for surf carnivals and triathlon events.
- Start time changed for the performing arts building, old and new gymnasiums and chapel from 9.00am to 8.00am, to provide more flexibility in responding to requests.

Community consultation was undertaken on the new application between 8 July 2020 and 22 July 2020. 132 submissions were received during the advertising period, being 114 submissions of support and 18 submissions objecting to the proposal.

It is recommended that Council approve the proposal, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 803 (15) Hocking Parade, Sorrento.
<b>Applicant</b>	Sacred Heart College.
<b>Owner</b>	Roman Catholic Archbishop of Western Australia.
<b>Zoning</b>	<b>LPS</b> Private Community Purposes.
	<b>MRS</b> Urban.
<b>Site area</b>	7.947 hectares.
<b>Structure plan</b>	Not applicable.

The subject site is zoned 'Private Community Purposes' under *Local Planning Scheme No. 3* (LPS3). Sacred Heart College is an existing secondary school, established in 1966.

The site is bound by West Coast Drive to the west with Sorrento Beach and associated car parking in close proximity. The Sorrento Sunset Estate development is located to the south and existing residential development is located to the north and east (Attachment 1 refers). The residential land surrounding the development site has a density code of R20 and R40.

At its meeting held on 18 September 2018 (CJ157-09/18 refers), Council refused the original application for the additional land use 'Place of Assembly'. That application proposed to hire out the new gymnasium and performing arts building to non-college third parties outside of school hours. As part of their original approval, both buildings were subject to conditions of development approval which restricted their use to college or school community purposes only.

In considering the application, Council provided a number of reasons for refusing the application, including that the proposal was not compatible with its setting due to the impact on adjoining residents resulting from traffic and noise; that it would have a negative impact on amenity, and the significant local opposition to the proposed development given the current operations of the facilities that already had significant negative impact on the locality and adjoining properties.

Following the refusal of the application by Council and the gazettal of LPS3, the College sought a review of the decision via the SAT. Through this process, several changes to the proposal were made including modifying the land use from 'Place of Assembly' to 'Community Purpose' to align with land use definitions of LPS3, inclusion of additional facilities for the purposes of non-college hire and modifications to the EMP.

The modified proposal was advertised for a period of 14 days from 13 March to 27 March 2019. A total of 67 submissions was received being 57 objections and 10 non-objections. At its meeting held on 16 April 2019 (CJ037-04/19 refers), Council approved the modified proposal subject to conditions. The College had concerns with some of the conditions imposed on the approval, which resulted in the SAT process continuing.

As part of the SAT process a further modified proposal was submitted by the College which included a number of revisions to the EMP. The modified proposal was advertised for 14 days between 11 July 2019 and 25 July 2019. 394 submissions were received, being 331 submissions of support and 63 submissions objecting to the modified proposal. At its meeting held on 20 August 2019 (CJ098-08/19 refers), Council approved the modified proposal subject to conditions.

This approval was limited to 12 months and therefore a new application has now been submitted for permanent approval. The College is intending to manage their facilities generally in accordance with their 20 August 2019 approval, with some additions.

The new application was advertised for 14 days between 8 July and 22 July 2020. 132 submissions were received during the advertising period, being 114 submissions of support and 18 submissions objecting to the new application.

It is considered that the implementation of the EMP over the past year has generally been satisfactory, although there have been complaints from nearby residents about some events. Concern has been raised in the submissions about the proposed additions to the EMP, in particular no start/end time for the 'oval (community benefit)' event, no capping of the number of events that can start at 6.00am in summer for the oval parking, and the earlier start times for the performing arts building, gymnasium and chapel facilities. In response, a start and finish time for the 'oval (community benefit)' event and a cap on the number of oval parking events commencing at 6.00am are proposed.

It is recommended that Council approves the application subject to conditions.

## DETAILS

At its meeting held on 20 August 2019 (CJ098-08/19 refers), Council approved the use of the College's facilities by third parties subject to a number of conditions relating to the EMP. The EMP set outs critical details about the management of events at the college including:

- the facilities that are available for external hire
- the total number of events that can be held per annum
- the different scales of events
- hours of operation
- traffic and parking management
- contact details for events.

Conditions were also imposed requiring a *Travel Management Plan*, an acoustic report, and gates and fencing to be installed at the northern car park. In addition, the approval was limited to 12 months, meaning that within the 12-month period, the College would need to make a new application to the City if it wishes to continue hiring its facilities to third parties. The College is currently able and will continue to be able to host events associated with school activities. The EMP currently covers all events held at the school including both college and non-college events. If the current approval lapses and a further approval is not granted non-college events will no longer be able to occur, however college events will be able to be held and will not be subject to any restrictions or event management under the planning framework.

A new application has been submitted to the City for permanent approval of the site's 'Community Purpose' additional land use. The application proposes the following additions to the EMP:

- Including the external hard courts within the 'oval' facility.
- A new 'oval (community benefit)' event. This event is for 30 participants or less, without charge and uncapped, to allow small groups to use the oval for recreation and training activities.
- Start time changed for the oval parking from 7.00am to 6.00am in summer, to cater for the earlier start times for surf carnivals and triathlon events.
- Start time changed for the performing arts building, old and new gymnasiums and chapel from 9.00am to 8.00am, to provide more flexibility in responding to requests.

The additions are discussed in further detail below.

#### External hard courts within the 'oval' facility

The current EMP does not specifically include or exclude the external hard courts. The College would like to specify that the external hard courts are part of the 'oval' facility. This modification relates to the following addition of oval (community benefit) event, to allow the oval and external hard courts to be used by local sporting groups.

#### Oval (community benefit) event

The oval (community benefit) event is an event on the oval (including the external hard courts) where the number of event participants is 30 or less. This event is proposed to be uncapped and provided without charge. The College does not propose start and finish times because the oval and hard courts have no lighting so this will limit the scope of usage.

The current EMP defines such events as a Tier 3 event, however Tier 3 events are limited to 68 per year. The College advises that it has received numerous requests from community groups during the past 12 months to use its oval for surf club and football training and its hard courts for basketball training. However, due to this type of event being classified as a Tier 3 event and therefore being subject to the cap of 68 events, the College has not been able to accommodate these requests.

#### Oval parking start time

The College proposes to change the oval parking start time from 7.00am to 6.00am in summer to accommodate the early morning competitions and carnivals of the Sorrento Surf Club and events such as open water swimming and triathlons. The oval is used for additional parking when the parking adjacent to the club is at capacity. The benefit of using the oval is that parking is contained within the oval rather than through residential streets in the vicinity.

#### Performing arts building, gyms and chapel start time

For the performing arts building, gymnasiums and chapel, the current EMP specifies a start time of 9.00am, for Monday to Sunday when the college is not operating and Saturdays and Sundays when the college is operating. The college proposes to change this start time from 9.00am to 8.00am, to allow more time for set up and preparation and more flexibility in responding to requests.

Permanent approval

The approval granted by Council at its meeting held on 20 August 2019 limits the approval to a period of 12 months. The 12 month timeframe was to allow the College time to establish a track record and demonstrate that events can be appropriately managed under the EMP and provide an opportunity to review the EMP to ensure it is operating optimally.

Despite COVID-19 restrictions, the College has advised that the 12-month period from 20 August 2019 has been a true representation of the external use and hire. The EMP covered the period up to 31 December 2019 the College advises is the busiest part of the year with respect to external hire requests and demand for oval use.

**Issues and options considered**

Council may determine an application for development approval by:

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

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

**Legislation**                      *City of Joondalup Local Planning Scheme No. 3 (LPS3).  
Planning and Development (Local Planning Schemes) Regulations  
2015 (the Regulations).*

**Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Building and landscape suitable for the immediate environment and reflect community values.

**Policy**                              *Private Community Purposes Zone Policy.*

City of Joondalup Local Planning Scheme No. 3 (LPS3)

Clause 16 (2) of LPS3 sets out the objectives for development within the 'Private Community Purpose' zone:

- *To provide sites for privately owned and operated recreation, institutions and places of worship.*
- *To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*
- *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.*

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

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

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

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

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

### **Risk management considerations**

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

### **Financial / budget implications**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

As the development is for a change of use and involves no external additions, the City's Environmentally Sustainable Design Checklist was not required to be completed by the applicant.

As noted in previous reports on this additional land use, there are advantages to having the College facilities available for use by other community groups or organisations, rather than having these facilities underutilised or duplicated elsewhere.

### **Consultation**

The application was advertised for a period of 14 days, commencing on 8 July 2020 and concluding on 22 July 2020. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of properties in the vicinity of the subject site and persons who commented on the previous application (total of 374 letters).
- An email was sent to persons who commented on the previous application via email (total of 357).
- Documentation relating to the application was made available for public viewing on the City's website and at the City's administration building.

132 submissions were received during the advertising period, being 114 submissions supporting and 18 submissions objecting to the application.

### Support for the modified proposal

The matters raised in the submissions supporting the proposal include the following:

- The proposal provides convenient and well-resourced facilities for community events and community groups.
- Use of the facilities provides social and economic benefits to the school, local sporting and arts organisations and the community.
- The conditions imposed with the current approval have prevented community groups from using the facilities which potentially has an adverse impact on the College's students and other students who are part of these community groups.
- The use of the oval for overflow parking takes parking for the surf club and beach events off the local streets.
- The proposal provides greater opportunity for use of the facilities which will improve the mental and physical health of young people and provide opportunities for an increased sense of community.

The majority of submissions supporting the proposal were lodged in the form of a pro-forma letter. The supporting submissions were received from a range of stakeholders including:

- members of the College community, comprising residents of the City of Joondalup (75%) and non-residents of the City of Joondalup (25%)
- groups that have used or would like to use the facilities for external hire.

### Opposition to the modified proposal

The submissions objecting to the proposal were prepared individually by residents of the immediate area around the school site. Concerns include the following:

- Noise impacts of incorporating the external hard courts in the oval and allowing uncapped oval (community benefit) events.
- If lighting is installed, the uncapped oval (community benefit) events could result in significant amenity (noise and traffic) impacts at night.
- The 6.00am summer start time should be limited to major surf club and triathlon events only.
- The earlier start times for the performing arts building, gyms and chapel will further impact on the amenity of the neighbourhood, particularly on weekends and public holidays.

- Due to COVID-19 restrictions, the EMP has not been fully tested.
- All non-school activities at the College should be documented on the website and capped.
- The school hires their facilities for commercial purposes but pays no Council rates.
- There are other commercial enterprises and Council facilities that could be utilised.
- Breaches of the EMP and complaints to the City over the past 12 months.

A number of submissions objecting to the application were generally accepting of the current EMP and associated conditions of development approval, but raised concerns with the proposed changes to the EMP. The City's response to the concerns raised are summarised below:

#### Use of the external hard courts and uncapped oval (community benefit) events

The external hard courts are near residences located in Quay Court, Nerida Place and Bahama Close to the north of the college. Therefore, noise from these courts could adversely impact on the amenity of these residences if used at inappropriate times of the day. The College's proposal to include the hard courts in the oval facility and allow uncapped use (without charge) of the oval facility by community groups with up to 30 participants is therefore of some concern.

While the hard courts and oval currently do not have lighting, it is considered that time limits should be placed on the oval (community benefit) event to ensure that potential noise impacts do not extend into the night. In response to the concerns raised during consultation, the applicant has proposed a time limit of 7.30am to 7.00pm for the oval (community benefit) events, to cater for junior team training needs that go beyond 6.00pm and noting that in winter, the end time will likely be before 7.00pm as it is typically dark by 6.30pm.

Including a start and end time for the oval (community benefit) event will allow small groups to use the oval and hard courts and ensure noise impacts do not extend into the night. A condition is recommended in this regard.

#### 6.00am start time for oval parking event in summer

The oval has been used in the past for overspill parking for major triathlon/open water events and Sorrento Surf Club carnivals. The earlier start time for the oval parking would be convenient for the participants and their families and friends and is more reflective of the start time associated with such events in the summer. However, it has the potential to have amenity impacts on nearby residences. Notwithstanding, using the oval for overspill parking assists in confining noise and traffic associated with these events to the oval of the school, instead of the noise and traffic permeating through surrounding residential streets.

It is considered reasonable to limit the 6.00am start time to cover only these major events, likely to be no more than six per summer. Based on previous years, there are approximately two or three triathlons/open water events and two or three surf club carnivals per summer. A condition is recommended to limit the number of oval parking events that can commence at 6.00am in the summer.

#### 8.00am start time for performing arts building, gymnasiums and chapel

Under the current EMP and development approval, use of the performing arts building, gymnasiums and chapel is capped and an acoustic report is required for these spaces. In addition, the northern car park which is next to Helsall Court residences is not able to be used. According to the College's summary of events over the past 12 months, there were two events that commenced before the EMP's start time of 9.00am, being a Fathers' Day Breakfast in the performing arts building commencing at 7.00am, and a year 12 production rehearsal commencing at 8.00am.

The College advises that the request for an earlier start time is to accommodate groups who want to use the gymnasium on the weekend and during school holidays and to allow more flexibility for setting up the performing arts building.

The acoustic report provided for the new gymnasium (Attachment 7 refers) indicates that since its completion in late 2016, there have been no acoustic concerns raised by the neighbours. The report measured noise 10 metres away from the gymnasium, and the only audible noise comprised balls bouncing, whistle blows and the occasional shout. The noise measurement of approximately 54db was therefore measuring general ambient noise levels rather than actual gymnasium noise. The report concludes that, on the basis all north facing doors and windows are closed during operation and no amplified music or similar is played, the potential noise emissions of the gymnasium would comply with the *Environmental Protection (Noise) Regulations 1997*.

Provided that the condition of the current approval requiring an acoustic report and noise emissions to be compliant with the *Environmental Protection (Noise) Regulations 1997* remains in place, the 8.00am start time is considered acceptable.

It is also noted that the start time relates to the time from which access to the facility is allowed for set up, rather than the commencement of the performance aspect of the event. It is therefore unlikely that large crowds and (associated noise and traffic impacts) will occur at this earlier start time and it is therefore recommended that this proposed modification is supported.

#### Implementation of the EMP

The College has advised that despite COVID-19 restrictions, the number and size of events that have occurred over the past year have been generally indicative of a normal period for assessment of the effectiveness of the EMP. The College advises that major impact of COVID-19 restrictions between January and July 2020 has only affected its own musical production. The table below indicates the number of events permitted under the EMP and the actual number that occurred over the 12 months:

<b>Classification</b>	<b>Definition</b>	<b>Examples</b>	<b>Maximum number permitted/year</b>	<b>Aug 2019 - Aug 2020</b>
Tier 1	700+ event participants	Larger dance schools, Catholic Performing Arts Festival, College Musical.	6	1
Tier 2	350 - 699 event participants	Dance schools, Jazz n Shiraz, P & F quiz night.	30 (24 likely to be external hire)	11
Tier 3	50 - 349 event participants	Overspill parking for surf club, Joondalup triathlon, parent/teacher nights, small shows, exhibitions.	68 (12 likely to be external hire)	35
Total	Tier 1, 2 and 3 events	See above.	104 (average of 2 events per week)	47
Incidental events	<50 event participants	Show rehearsals, student sleep outs, meetings, sporting groups training, small group work.	N/A	45

### All non-school events to be documented

A current condition of approval requires a publicly available, downloadable report to be placed on the College's website at the end of the 12-month approval period, listing all events and their classification. This has been provided in Attachment 3 to this Report. Furthermore, the College's website has a link to an 'External Events Calendar' which lists the event, location, start and end times, attendees, expected and actual attendance, and the classification (Tier 1, 2, 3 or incidental). There is also a contact phone number for each event. If this application is approved by Council, it is recommended that this condition be retained to keep the community informed of events and to assess compliance with the EMP.

### Payment of rates

Allowing the hire of the College's facilities to community groups is in keeping with the zoning of the land under LPS3 and provides for additional facilities that are not ordinarily available to the community. The use is considered acceptable, subject to it being managed appropriately.

The *Local Government Act 1995* stipulates, as an educational institution, the College is exempt from paying Council rates, however the Act makes provision for the payment of rates in relation to non-charitable activities. This provision would be dependent on the scale of those activities and the scale of activity would need to be assessed before determining if the provision would apply.

In response to a motion carried at the Annual General Meetings of Electors held on 10 December 2019, Council at its meeting dated 18 February 2020 resolved to request that the Chief Executive Officer 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 section 6.26 of the *Local Government Act 1995*, and where the conditions prescribed in the legislation for use of land are not being met that the land be rated accordingly (CJ008-02/20 refers). The College forms part of this review.

### Availability of nearby facilities

There are City managed spaces in the vicinity that could cater for some sporting groups seeking to use the College's facilities, such as Seacrest Park (Sorrento), Robin Reserve (Sorrento) and Percy Doyle Reserve (Duncraig). A desktop analysis for the winter season indicates these parks are almost fully booked Monday to Friday from 4.00pm onwards. In addition, there are no performing arts buildings, external hard courts or indoor sports facilities in these nearby reserves.

Specifically, the City does not have any facilities available to hire comparable to the performing arts building at the subject site.

### Compliance with conditions of approval, EMP and complaints received

The College has complied with the conditions of the 20 August 2019 approval requiring the installation of fencing and gates to restrict access to the car park adjacent to the northern boundary of the site; and the preparation and implementation of a Travel Management Plan for Tier 1, 2 or 3 events where there are 150 or more participants.

An acoustic report has also been submitted for the new gymnasium, as per a condition of the 20 August 2019 approval.

During the last 12 months, complaints have been received about some events from nearby residents, but these complaints have not been regular occurrences.

The following table summarises the complaints raised by residents regarding events held at the College since August 2019 and provides comments in relation to these complaints:

<b>Date and event</b>	<b>Issue raised</b>	<b>Comment</b>
25 – 27 October 2019 The Dance Workshop	Two complaints. No response when the Event Manager was called. Excessive noise, drinking alcohol. Gardens damaged in Bahama Close. Parking outside of school grounds.	Gates and fencing were installed as per the condition of approval in November 2019.  The Travel Management Plan was approved by the City on 31 October 2019.
14 December 2019 Da Beat Show	Six complaints. Anti-social behaviour. Noise as people remained on or around the premises after the event. Some damage to gardens. Cars parked adjacent to Sorrento Estate rather than on the oval.	The College advised the City that all persons had left the site by 10.00pm. The building was armed at 10.00pm and the gates were locked at 10.02pm.  An incident in the area was recorded by the Police at 10.24pm. There was no evidence to suggest that the incident was related to the event.
28 January 2020	Possible external event on the oval not listed that had a finish time of approximately 7.00pm. Approximately 50 persons in attendance. Bahama Close gates were open.	The City noted the complaint and advised the complainant that all issues raised will be reviewed at the end of the 12-month approval.
20 February 2020 Dance rehearsal	Rehearsal was not listed on the website. Background noise of thudding dance music could be heard. Cars honking as people left.	The College advised the City this was an oversight and acknowledged the need to publish all events, including rehearsals.  The City provided the complainant with an option to install a noise monitor at their home during a future event so noise can be monitored.
6 March 2020 Outdoor cinema event	Noise complaint.	The City reminded the College of its obligations to comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> (the Regulations).  Outdoor events, especially at night, can very easily exceed the constraints of the Regulations.  The City advised the College was advised that steps must be taken for future outdoor events to ensure categorically that the Regulations will be complied with. One way to achieve this would be by turning these events into “silent events” using headphones.

To reduce anti-social behaviour, particularly in relation to non-college events, the EMP:

- restricts the provision of alcohol to College events only
- requires the College to consider security in relation to asset protection, crowd management and public safety associated with a non-college event and determine the appropriateness of the event prior to allowing the event to take place
- requires the College to have an employee contactable on a dedicated mobile phone during an event to act and respond to any issues associated with an event in ‘real time’.

Overall, given the number of events and size of some events, the College has generally operated in accordance with the EMP. Having the EMP and associated conditions of development approval in place ensures events are managed appropriately and amenity impacts on surrounding residences are minimised. If the College breaches a condition of the development approval or detail of the EMP, the City is able to take compliance action, if appropriate.

## **COMMENT**

Council approved the 'Community Purpose' land use at its meeting dated 20 August 2019, subject to a number of conditions, including a time limit on the approval of 12 months. The purpose of the time limit was to allow the College time to establish a track record and demonstrate that events can be appropriately managed under the EMP and to provide an opportunity to review the EMP to ensure it is operating optimally.

As detailed above, there have been some minor implementation issues but, overall, 92 events (comprising 53 college events and 39 external events) have been held without significant or regular disruption to neighbours in the vicinity. The 'external event calendar' on the College's website provides details of past and upcoming events and is a useful public resource.

Restrictions on start and end times, number of participants and events and parking locations have served to manage the demand from groups to utilise these facilities and have limited the impact on the amenity of nearby residents.

In its review of the EMP, the College has identified shortcomings in allowing small, local community groups the ability to use its oval and hard courts free of charge. Such usage currently falls under the Tier 3 event, which has a cap of 68 events per year. The proposed additions to the EMP allow these types of events to occur, uncapped. It is, however, recommended that additional conditions are imposed to restrict the start and end time for this type of event to limit potential impacts on the amenity of nearby residents.

Furthermore, an earlier start time of 6.00am for the oval overflow parking will assist in the logistics of running major summer events at Sorrento Beach and will reduce traffic and parking impacts on surrounding streets. As this is only for a handful of events each year, it is recommended that this be approved, subject to a cap on the number of events that can begin at this earlier start time.

An earlier start time of 8.00am for the performing arts building, gymnasiums and chapel will provide more flexibility and will allow set ups to start earlier. Provided that the acoustic reports are in place, this earlier start time is unlikely to significantly impact on the amenity of nearby residents.

Whilst there is some opposition to the proposed modifications to the EMP, it is considered that with appropriate conditions of approval, the modifications provide greater scope and flexibility for the College to accommodate the needs of local community groups. There are no facilities in the vicinity available for hire that are comparable to the performing arts building at the subject site and use of the facilities will provide social benefits, which contribute to the well-being of the community.

Modifications to the existing conditions of approval are proposed to incorporate the additions to the EMP and to reflect the implementation of the Travel Management Plan approved by the City on 31 October 2019, as well as the installation of the fencing and gates restricting pedestrians and vehicles from using the northern carpark.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council APPROVES under clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 16 May 2017 submitted by Sacred Heart College, for a Community Purpose to the existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento, subject to the following conditions:

- 1 This approval is for the use of Sacred Heart College’s performing arts theatre, new and old gymnasium buildings, chapel and oval (including external hardcourts) (Facilities), as shown on Attachment 2 of this Report, for ‘Community Purpose’ events by organisations involved in activities for community benefit. ‘Community Purpose’ has the same meaning as provided in the City’s *Local Planning Scheme No. 3*;
- 2 The owner must ensure that the use of the Facilities for community purpose events is undertaken in accordance with the Event Management Plan (as revised) which is Attachment 5 to this Report, subject to the following modifications:
  - 2.1 The definition of ‘Oval (community benefit) Event’ is to read ‘*means an event on the oval between 7:30am and 7:00pm, provided without charge and where the number of Event Participants for the Event is 30 or less*’,
  - 2.2 A new row at the end of Table 1 to be inserted as follows:
 

<i>Oval parking</i>	<i>6.00am start time in summer</i>	<i>Sorrento surf club carnivals, triathlon-type events</i>	<i>6</i>
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  - 2.3 The last dot point note for Tables 8 and 9 is to read ‘*\*The provision for an earlier start time in summer (December to February) is limited to six oval parking events to cater for Sorrento Surf Club carnivals and triathlon-type events which start early to address heat issues*’;
- 3 If in any respect the *Event Management Plan* is inconsistent with a condition of this approval, the condition of this approval shall prevail;
- 4 The external hire of the oval for events (excluding for the purposes of vehicle parking), shall be limited to a maximum number of 178 persons;
- 5 The external hire of the oval for vehicle parking by non-college community groups shall be limited to a maximum of 400 vehicles;
- 6 Delivery and collection of equipment associated with non-college events shall be within the hours outlined in Tables 2 – 7 of the *Event Management Plan*;
- 7 Vehicle entry and exit and parking for non-college Tier 1, Tier 2 or Tier 3 events that attract 150 or more event participants shall be in accordance with the *Travel Management Plan* which is Attachment 6 to this Report;

- 8** Before undertaking any community purpose events in the new or old gymnasium buildings or the chapel, the owner must obtain and submit to the City an acoustic report prepared by an acoustic engineer demonstrating that the noise emissions for community purpose events in these facilities will comply with the provisions of the *Environment Protection (Noise) Regulations 1997*. The acoustic report must identify and the owner must implement any measures which are necessary to ensure the noise emissions are compliant with the provisions of Regulations;
- 9** 'Gate 3' in the *Travel Management Plan* (Attachment 6 refers) located at the northern boundary of the College site and accessible from Bahama Close shall be closed for the duration of community events to ensure both pedestrians and vehicles are unable to access the site from Bahama Close;
- 10** The pedestrian gate adjacent to 'Gate 2' in the *Travel Management Plan* (Attachment 6 refers) located adjacent to the northern boundary of the College's site and accessible from Hocking Parade shall be closed for the duration of community events;
- 11** A publicly available downloadable report shall be placed on the Sacred Heart College Events Calendar website that lists all events for the year and includes the date, description, location, start and end time, attendance, parking and classification.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf200811.pdf](#)

## ITEM 5 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 21 July 2020 to 28 July 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 21 July 2020 to 28 July 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 21 July 2020 to 28 July 2020, as detailed in Attachment 1 to this Report.*

### BACKGROUND

For the period 21 July 2020 to 28 July 2020, nine documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Crown Land Lease	1
Further Contract Variation – Employment Contract of the Chief Executive Officer of the City of Joondalup	1
Lease	1
Section 70A Notification	6

**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.

## RECOMMENDATION

**That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 21 July 2020 to 28 July 2020, as detailed in Attachment 1 to this Report.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf200811.pdf](#)*

## **ITEM 6                    PETITION IN RELATION TO THE IMPLEMENTATION OF A NEW PERFORMING ARTS AND CULTURAL VISION WITHIN THE CITY OF JOONDALUP**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	108431, 101515
<b>ATTACHMENT</b>	Attachment 1    Arts and Cultural Guide 2019-20 Attachment 2    Arts Groups accessing City facilities Attachment 3    Sponsorship, Contributions and Donations Program Attachment 4    Community Funding Program Guidelines Attachment 5    Venues Guide
	<i>(Please note: Attachment 1 is only available electronically)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider the petition in relation to the implementation of a new performing arts and cultural vision within the City of Joondalup.

### **EXECUTIVE SUMMARY**

At its meeting held on 10 October 2017 (C72-10/17 refers), Council received a 138 signature petition from residents of the City of Joondalup seeking support for the implementation of a new performing arts and cultural vision within the City of Joondalup.

The petition sought support from Council to:

*“Introduce the following to drive growth and success in the Performing Arts and Cultural sector, thereby making opportunities available to our families and businesses:*

- *Establish a formal subcommittee of Council to manage and deliver all performing arts and cultural growth / events in the City with 80% of members drawn from this City’s community;*
- *Establish safe, secure and accessible equipment storage for groups along with a dedicated, City supplied, equipment library to supply (free of charge) key equipment;*
- *The City of Joondalup to have a professional Performing Arts and Cultural team that will:*
  - *act as the production and support for all suburbs with activities being centralised;*
  - *support all groups with fundraising applications, professional PR and memberships;*

- *facilitate access to all current facilities in the City of Joondalup such as school theatres, churches, parks or empty business units for all groups and activities;*
- *raise cross-cultural understanding and accessibility for families / disadvantaged groups;*
- *source a Performing Arts and Cultural Facility that is fully funded by grants and donations.”*

The City already provides a range of existing services to all community groups, providing support in grant funding, sponsorship, subsidised venue hire, marketing and promotions, and advocacy for local artists and cultural groups.

At its meeting held on 19 May 2020 (CJ066-05/20 refers), Council resolved in part to defer progressing the Joondalup Performing Arts and Cultural Facility project until the 2023-24 financial year. The issue of funding will be addressed when the project recommences.

It should be noted this petition was received during the 2017 City of Joondalup Council elections. Since that time the then lead petitioner has moved outside of the City of Joondalup and therefore nominated another person as lead petitioner. Both lead petitioners were candidates in the 2017 Council elections when the petition was received by the City.

*It is therefore recommended that Council:*

- 1 *NOTES the information provided regarding opportunities available to the community in the current cultural program delivered by the City, covering promotions, grant funding, sponsorship and development programs;*
- 2 *NOTES the availability of existing City community facilities for community groups to receive subsidised venue hire;*
- 3 *NOTES the issues with regards to accessing existing cultural infrastructure owned by the Department of Education;*
- 4 *NOTES that the Joondalup Performing Arts and Cultural Facility project has been deferred until the 2023-24 financial year;*
- 5 *SUPPORTS retaining the City’s current approach to the delivery of performing arts and cultural activities within the City of Joondalup;*
- 6 *ADVISES the lead petitioner of its decision.*

## **BACKGROUND**

The City’s *Strategic Community Plan Joondalup 2022* outlines the City’s long-term strategic commitments to achieving the vision and aspirations for the community and regional stakeholders. It determines the long-term vision for cultural development and community wellbeing objectives as:

- for the community to have access to world-class cultural and artistic events and facilities
- to promote local opportunities for arts development
- to have proud and active residents who participate in local activities and services for the betterment of the community
- deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

In line with these objectives the City presents an annual art and cultural program to promote the development of cultural identity and social harmony through contemporary arts activities.

The *Strategic Community Plan Joondalup 2022* also includes plans to establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.

### Cultural Program

The City boasts one of the region's most comprehensive cultural programs including exhibitions, community participation initiatives and cultural celebrations. From concerts to artist talks, the City's cultural program provides a range of opportunities for the community to come together.

#### *Events and performing arts*

The summer events program culminates in the largest cultural event in the northern corridor of Perth, the Joondalup Festival; held in March / April (depending on school holiday dates). The City has worked hard to position the Joondalup Festival as a multi-arts cultural event, attracting local, national and international performers and giving festival-goers Australian-first and world-first cultural experiences. The City has won a number of awards for its annual festival. The Festival also provides performance opportunity for two City led community participation projects - the Community Choral Project and the Twilight Lantern Parade.

The City's summer events program also includes flagship events such as the Little Feet Festival – the region's largest event for children aged 12 years and under; Music in the Park – two outdoor concerts held in local parks; and the annual Valentine's Concert on the greens of the Joondalup Resort. These high-quality music events are complimented by Sunday Serenades held from May to December in the City's Council Chambers.

The City runs a series of cultural development programs including Urban Couture, NAIDOC Week (National Aboriginal and Torres Strait Islander Day Observance Committee), Arts *in focus* and funding programs including Community Funding and Arts Development Scheme.

#### *Visual Arts*

The City runs a wide range of programs to engage the local visual arts community and for the appreciation of the non-arts community. The programming consists of projects by our local arts community (authorship), of our community (responding to the urban environment or culture), with our community (extending participation beyond the arts community), and for the community to appreciate and enjoy.

The City's Visual Arts program includes two long-standing art exhibitions which were initiated in 1998. Both exhibitions are regarded highly in the visual arts community and, due to the accessibility to the exhibition in public spaces, are popular amongst the Joondalup community. The Invitation Art Prize (IAP) is an acquisitive award held annually in October. The Invitation Art Prize is open to professional Western Australian artists who are either a resident of the City of Joondalup and / or members of a local visual arts organisation. The Invitation Art Prize aims to recognise the skills of prominent Western Australian contemporary artists and to provide the Joondalup community with access to a high-quality contemporary art exhibition.

Held annually in June, the Community Art Exhibition (CAE) is an open-entry art award that supports our local artists, encourages the creation of new works, and provides an opportunity for emerging artists to exhibit their work in a group exhibition. The art award is open to residents of the City and members of local visual arts associations. The CAE is considered the premier annual event for Joondalup's local visual arts community.

The exhibition attracts 130 to 200 entrants annually and is viewed by over 11,000 people during the two-week exhibition period. Public programs are run in association with each exhibition to encourage the community to participate in art activities and support the development of artist's practices. Previous programming has included professional development workshops for artists, workshops focused on developing new skills, artist talks, and special guest speakers.

In addition, the City delivers a range of visual arts programs including mural arts, public art, inside-out billboard project, pop-up exhibition spaces, art collection management, commissioning and residency program and acquisition.

A full calendar of programs and events is available in Attachment 1 to this Report.

## **DETAILS**

The petition requests that the City address a range of issues including management of events, secure storage and equipment libraries for local performing arts groups, marketing and promotional support and access to existing cultural infrastructure throughout the City. These issues are explored in this report.

### Subcommittee for management of events

The City currently spends approximately \$2 million on its annual cultural events program. These funds are subject to annual consideration and is managed by a professional team of Cultural Services staff who have the following main areas of responsibility:

- Community cultural development programs.
- Performing arts and event design and delivery.
- Provision of funding to community groups undertaking arts and cultural activity.
- Promotion and advocacy for local artists.
- Marketing and communications of cultural development initiatives.
- Visual arts program.

The Cultural Services team have tertiary qualifications in arts administration and management; event management; curatorial studies and research; fine arts; community development; marketing and communications; business management; fashion design and textiles; and secondary education. In addition, approximately 25 casual event assistants and five event team leaders are recruited each event season for the delivery of events.

Subcommittees are an antiquated management model used historically by local governments to oversee the implementation of arts and cultural programs. The complex logistics and fluid nature of a dynamic cultural program cannot operate effectively under a formal committee structure. A subcommittee structure to oversee event management would not facilitate the ability to achieve a rolling program within tight timeframes, changing social, political or environmental conditions or be an efficient use of budget or human resources. The City currently has detailed process maps that relate to levels of sign-off and consultation on programs to maximise quality outcomes and ensure that events and projects align with community expectations.

### Provision of equipment libraries

One of the ways local government helps local community groups is through the provision of subsidised venue hire or lease. The City supports approximately 232 annual hirers (mainly community groups), 54 winter and 39 summer hirers (sporting and recreation clubs) totalling 325 regular hire groups with access to community facilities. These groups are supported through the *Facility Hire Subsidy Policy* (FHSP) for the use of City owned venues.

The City plays a role in the provision of the facility and storage space however the City does not provide equipment libraries for community groups be that sport, not-for-profits, arts or cultural groups. The purchase and maintenance of equipment used by local groups and clubs is the responsibility of each individual group / club.

It is worth noting the City does support the operation of toy libraries by providing storage however the toy library community group is responsible for the purchase and management of its own equipment and inventory. Groups that are interested in this model can contact the City to discuss individual needs and storage availability. It should be noted, the provision of an equipment library for a particular group will create unfavourable expectations from other community groups.

Community funding is available to community groups to access grant funding for small capital purchases. In previous years, local art groups have used this funding program to purchase items such as easels, production equipment, cameras, choral risers, recording equipment, exhibition walling hire and venue hire. The provision of grant funding is available to support local community groups cover project or event costs and this includes equipment hire.

#### City facility hire

The City of Joondalup offers a range of multi-purpose and shared use community facilities that are available to community groups for meetings and workshops. A total of 63 rooms in 33 facilities are available for hire and listed on the City's website. Over 12 local visual arts groups and 15 local performing arts groups access a range of City facilities (Attachment 2 refers).

The City of Joondalup Libraries also have a small selection of rooms available for hire that can be booked by phoning 9400 4707 or by email [libraries@joondalup.wa.gov.au](mailto:libraries@joondalup.wa.gov.au).

#### Secure storage

Commercial storage options are available within the Joondalup industrial areas.

#### Marketing and promotional support

The City provides a series of free opportunities to support the promotions of local community groups and their activities through the following mechanisms:

- **Arts in Focus** - This program is a community cultural development initiative that aims to provide information, advice and advocacy for local artists and cultural groups, and build their capacity to create and participate in cultural activities within the City. The *Arts in Focus* monthly e-newsletter has grown to its current database of 3,625 subscribers. Any local artist, resident or community group can submit content to the City for inclusion in the monthly e-newsletter that reaches local Joondalup residents. Marketing and promotional support is available through this e-newsletter.
- **Community events calendar** - Events can be registered on the City's website for inclusion in a community calendar of events  
<https://www.joondalup.wa.gov.au/library-community-online-event-registration>
- **Joondalup Libraries** - Support the local community and encourage schools and not-for-profit community groups to promote their services and programs.

- **Promotions guide** – This booklet contains information on how community groups can promote events in the City of Joondalup, including posting on Facebook, using hashtags and business newsletters. Community groups can post their events or promotions on the City’s Facebook feed, as well as tag @city\_of\_joondalup on Instagram to reach our followers and further spread their message. For reference, the reach through these channels include Instagram – 4,936 followers and Facebook – 39,274 followers.
- **Sponsorship, Contributions and Donations Program** – Available to local organisations / groups who deliver events and programs for the benefit of residents and the wider community to assist with providing healthy and active lifestyle opportunities. This program provides corporate sponsorship, event sponsorship and corporate contributions to groups who meet the eligibility criteria available in Attachment 3 to this Report.
- **Community Funding** – A grants program that provides opportunities for local groups to access funding to deliver projects or events that contribute to the cultural identity of the City. A total of \$25,000 is available per annum for local community groups to access for small capital purchases (equipment), event costs including marketing and promotions, workshops and artist in residence programs. Further information is available in Attachment 4 to this Report.
- **Community Advertising** – Groups are also invited to send information on low-cost or free events to [community.advertising@joondalup.wa.gov.au](mailto:community.advertising@joondalup.wa.gov.au) for consideration for the City’s monthly What’s On page published in the Joondalup Times community newspaper each month.

#### Access to existing cultural infrastructure

The City has produced a comprehensive venues guide as a starting point to help individuals or groups identify a space appropriate for their activities. The guide includes both City owned assets and externally owned venues. The guide includes venues across cultural sites, education, performing and visual arts venues (including schools), live music venues, studios, outdoor event venues and community facilities (Attachment 5 refers).

It should be noted it is not the role of local government to book commercial or external venues for individuals or community groups, its role may be in facilitating connections and helping identify appropriate options within its district. The petition requests the City facilitate access to existing cultural infrastructure the City does not own. Information has been provided across school theatres, churches and vacant tenancies as follows:

#### *School theatres in City of Joondalup*

The City has identified a list of school facilities that community groups can consider approaching within the City of Joondalup. The list spans two categories of school facilities; Public and Private or Independent schools.

#### 1 Public

State funded public schools are operated by the Department of Education and built on Crown Land. In terms of land use, secondary schools such as those outlined in the list below are built on land that is reserved under the Metropolitan Region Scheme (MRS). This means that the City’s local planning scheme (and the land use permissibility table that is contained in the local planning scheme) does not apply. In these cases, the City is not the decision-maker and usage conditions are determined by the State Government of Western Australia, who can be contacted directly to discuss a hire or usage agreement.

<b>Public Schools</b>			
<b>School</b>	<b>Address</b>	<b>Name of Venue</b>	<b>Capacity</b>
Ocean Reef Senior High School	21 Venturi Drive, Ocean Reef	New Performing Arts Centre	250 seats
Belridge Secondary College	17 Gwendoline Drive, Beldon,	-	200 seats
Duncraig Senior High School	27 Readshaw Road, Duncraig	The Pavilion	200 seats
Warwick Senior High School	355 Erindale Road, Warwick	Performing Arts Centre	200 seats
Kinross College	Kinross College, Falkland Way, Kinross	Performing Arts Auditorium	200 seats

## 2 Private and Independent schools

These schools are typically located on zoned land, privately funded and are run like a business. These schools may have greater flexibility in some circumstances to accept external hire arrangements. Private and independent schools such as those outlined in the list below are built on land that is zoned under the City's local planning scheme. This means that both the local planning scheme and the land use permissibility table (a table which sets out what uses can occur on what type of land) applies. Planning approval is typically required to allow external hire of facilities and the City is the decision-maker for such proposals.

<b>Private and Independent Schools</b>			
<b>School</b>	<b>Address</b>	<b>Name of Venue</b>	<b>Capacity</b>
Prendiville Catholic College	Prendiville Avenue, Ocean Reef	Redmond Theatre	300 seats
St Stephen's Duncraig	9 Brookmount Ramble, Padbury	St Stephen's Duncraig	250-300 seats
Sacred Heart Catholic College	Hocking Parade, Sorrento	RNDM Performing Arts Centre	556 seats
St Mark's Anglican Community School	St Marks Drive Hillarys	The Barbara Godwin Performing Arts Complex	245 seats
Lake Joondalup Baptist College	8 Kennedya Drive, Joondalup	Performing Arts Auditorium	250-300 seats

### *Usage of school facilities*

As school facilities and infrastructure are generally utilised by the school during the day, there is usually no need for them to provide after-hours technician support or facility access unless it is servicing the school curriculum. For the performing arts venues to be used by community groups, the schools would likely need to arrange staff, security and technicians to be available after-hours to accommodate evening and weekend bookings. The schools that do provide after-hours access have venue hire arrangements in place whereby hirers pay an hourly rate to cover usage costs. The average current hire rates charged by Private and Independent school facilities for not-for-profit community groups are as follows:

<b>Hire rates</b>	<b>Per hour Rates (\$)</b>
Theatre hire	100-150
Piano hire	60-150
Full lighting package	200-350
Full sound package	150-200

Hire rates	Per hour Rates (\$)
Music stands	20
Choir risers	25
Audio technician	60-70
Lighting technician	60-70
Usher	40-52
Parking warden	35-45

Local community groups can negotiate hire agreements with schools however the following issues must be noted:

- the City will not cover venue hire fees on behalf of community groups
- not all Private or Independent schools have the appropriate planning permissions to hire out performing arts facilities for commercial purposes
- license or hire agreements would be between the community group and the school
- community groups would need to provide their own insurances.

#### *Churches and commercial vacant tenancies*

The City does not own any vacant commercial tenancies. If a community group is interested in a vacant tenancy or Church direct arrangements are to be made with the landlord.

#### Joondalup Performing Arts and Cultural Facility Funding

The petition seeks support for a Performing Arts and Cultural Facility that is fully funded by grants and loans. The City's Joondalup Performing Arts and Cultural Facility (JPACF) project seeks to provide a world class, state of the art facility to service Perth's Northern Corridor. Benchmarking and research undertaken for the JPACF project to-date indicates that it is unrealistic that a facility of this magnitude could be delivered with a funding model that relies totally on external sources.

In 2001, the City created the JPACF Reserve to assist with the design and development of a Facility. At its meeting held on 21 August 2018 (CJ152-08/18 refers), Council resolved in part to limit the City's contribution to capital funding for the facility to \$30 million, with the remainder to come from external sources.

At its meeting held on 19 May 2020 (CJ066-05/20 refers), Council resolved in part to defer progressing the Joondalup Performing Arts and Cultural Facility project until the 2023-24 financial year. Further consideration will be given to funding sources for the facility when the project is recommenced.

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

Council has the option to either progress investigations into the implementation of the matters included in the petition, or continue with the City's existing delivery of cultural and performing arts and events - including the delivery of a range of support services to all community groups, providing support in grant funding, sponsorship, subsidised venue hire, marketing and promotions and advocacy for local artists and cultural groups.

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

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

**Strategic Community Plan**

**Key theme**                      Community Wellbeing.

**Objective**                      Cultural development.

**Strategic initiatives**      Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.

Invest in publicly accessible visual art that will present a culturally-enriched environment.

Actively engage event promoters to host iconic, cultural and sporting events within the City.

Promote local opportunities for arts development.

**Policy**                              Not applicable.

**Risk management considerations**

Risk considerations are already addressed for individual cultural and performing arts events and programs and for the JPACF project.

The petition did not provide any risk management considerations or other details on the implementation of the suggestions in the petition. There are numerous and immeasurable risk management issues to consider in implementing the matters raised in the petition. An example of potential risks relating to the petition measures are:

- impacts on the successful delivery of the City's current and planned cultural programming
- insurance and liability issues arising from the City being involved in the additional storage of private equipment and the use of private facilities facilitated by the City
- reputational risk to the City
- cost implications of increased delivery of services
- inability to deliver the JPACF due to an unrealistic funding model.

**Financial / budget implications**

No financial details were provided with the petition however it is considered that the implementation of the matters raised in the petition would result in increased costs to the City.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

## Consultation

No consultation has been undertaken with the community on this matter.

## COMMENT

The City's residents and the broader regional community enjoy a comprehensive and celebrated cultural program and cultural services delivered by the City's experienced Cultural Services team.

The *City's Strategic Community Plan Joondalup 2022* outlines the long-term vision and aspirations for Joondalup's community to have access to world-class cultural and artistic events and facilities. To realise the *Joondalup 2022* vision, the City is currently developing a Cultural Plan with a five-year outlook with clear framework of action. The Cultural Plan will assess how the community currently engages with the existing cultural program and how it can improve its services in future delivery. This will ensure the cultural program is responsive to the community's needs and expectations.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **NOTES** the information provided regarding opportunities available to the community in the current cultural program delivered by the City, covering promotions, grant funding, sponsorship and development programs;
- 2 **NOTES** the availability of existing City community facilities for community groups to receive subsidised venue hire;
- 3 **NOTES** the issues with regards to accessing existing cultural infrastructure owned by the Department of Education;
- 4 **NOTES** that the Joondalup Performing Arts and Cultural Facility project has been deferred until the 2023-24 financial year;
- 5 **SUPPORTS** retaining the City's current approach to the delivery of performing arts and cultural activities within the City of Joondalup;
- 6 **ADVISES** the lead petitioner of its decision.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf200811.pdf](#)

## ITEM 7 MINUTES OF REGIONAL COUNCIL MEETINGS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENT</b>	Attachment 1 Minutes of the ordinary meeting of the Mindarie Regional Council held on 2 July 2020  <i>(Please note: Attachment 1 is only available electronically)</i>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

For Council to note the minutes of the ordinary meeting of the Mindarie Regional Council.

### EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the ordinary meeting of the Mindarie Regional Council held on 2 July 2020.

### DETAILS

#### Mindarie Regional Council Meetings

An ordinary meeting of the Mindarie Regional Council was held on 2 July 2020.

Cr Russ Fishwick, JP and Cr Philippa Taylor were Council's representatives at the ordinary meeting of the Mindarie Regional Council.

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

<b>Legislation</b>	Not applicable.
<b>Strategic Community Plan</b>	
<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**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the minutes of the ordinary meeting of the Mindarie Regional Council held on 2 July 2020 forming Attachment 1 to this Report.**

*To access this attachment on electronic document, click here: [ExternalMinutesbrf200811.pdf](#)*

**ITEM 8                      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2020 ANNUAL GENERAL MEETING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	00033, 101515
<b>ATTACHMENTS</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to give consideration to nominating its voting delegates for the 2020 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on Friday 25 September 2020.

**EXECUTIVE SUMMARY**

The Annual General Meeting of WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the state have representatives attending.

Crs Russ Fishwick, JP and Nige Jones were nominated as the City's voting delegates in 2019, with Crs Russell Poliwka and John Chester as their proxy delegates (CJ056-05/19 refers).

**BACKGROUND**

The 2020 WALGA Annual General Meeting will be held on Friday 25 September 2020.

**DETAILS**Voting Delegates

In order to participate in voting on matters received at the Annual General Meeting, each member Council must register its voting delegates by 28 August 2020. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either elected members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

The current City of Joondalup members of the WALGA North Metropolitan Zone are as follows:

**Members**

Cr Russ Fishwick, JP.  
Mayor. Hon Albert Jacob.  
Cr John Logan.  
Cr Russell Poliwka.

**Deputies**

Cr John Raftis (first alternative member).  
Cr Christopher May (second alternative member).

Cr Russ Fishwick, JP and Mayor Hon. Albert Jacob, JP are the City's delegate and deputy delegate respectively, to the WALGA State Council.

**Issues and options considered**

Not applicable.

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

**Legislation**

Not applicable.

**Strategic Community Plan**

**Key theme**

Governance and Leadership.

**Objective**

Strong leadership.

**Strategic initiative**

Advocate and influence political direction to achieve local and regional development.

**Policy**

Not applicable.

**Risk management considerations**

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of the WALGA.

**Financial / budget implications**

Not applicable.

**Regional significance**

Matters considered at the 2020 WALGA Annual General Meeting relate to local government as an industry.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

It is considered prudent to designate two voting delegates for the 2020 Annual General Meeting of WALGA to ensure the City is represented and is able to vote on matters affecting the City and the broader local government sector.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOMINATES:**

- 1 two voting delegates for the 2020 Annual General Meeting of the Western Australian Local Government Association to be held on Friday 25 September 2020;**
- 2 two proxy voting delegates for the 2020 Annual General Meeting of the Western Australian Local Government Association to be held on Friday 25 September 2020 in the event that Council's appointed representatives are unable to attend.**

## **ITEM 9                    CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2020**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENTS</b>	Attachment 1    Corporate Business Plan Quarterly Progress Report for the period 1 April to 30 June 2020 Attachment 2    Capital Works Program Quarterly Report for the period 1 April to 30 June 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 receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 April 2020 to 30 June 2020 and the *Capital Works Quarterly Report* for the period 1 April 2020 to 30 June 2020.

### **EXECUTIVE SUMMARY**

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

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

The *Corporate Business Plan Quarterly Progress Report* for the period 1 April 2020 to 30 June 2020 provides information on the progress of 2019-20 projects and programs against these quarterly milestones and is shown as Attachment 1 to this Report.

A *Capital Works Quarterly Report*, which details all projects within the Capital Works Program, is provided as Attachment 2 to this Report.

*It is therefore recommended that Council RECEIVES the:*

- 1     *Corporate Business Plan Quarterly Progress Report for the period 1 April to 30 June 2020, which is shown as Attachment 1 to this Report;*
- 2     *Capital Works Quarterly Report for the period 1 April to 30 June 2020, which is shown as Attachment 2 to this Report.*

## BACKGROUND

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

At its meeting held on 20 August 2019 (CJ103-08/19 refers), Council endorsed the *Corporate Business Plan 2019-20 – 2023-24*. The Plan contains the major projects and priorities for the five-year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2019-20 financial year.

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

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

## DETAILS

The *Corporate Business Plan Quarterly Progress Report* (Attachment 1 refers) provides information on progress against the milestones for the 2019-20 projects and programs within the *Corporate Business Plan*.

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

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

A number of projects, programs and activities planned for the April to June quarter have been delayed, cancelled or will be carried forward into the new financial year due to the COVID-19 pandemic. These projects are detailed in the Comments section of the *Corporate Business Plan Quarter 4* report.

Associated expenditure for these projects, programs and activities is therefore:

- scheduled to be carried forward into the new financial year (2020-21)  
or
- regarded as savings for the 2019-20 financial year.

Initial estimates for Quarter 4 show savings in the region of \$160,000 relating to Corporate Business Plan projects, programs and activities which have not taken place.

The review of the *Code of Conduct* and the *Local Government Act 1995 Amendment* which are shown in the report as behind schedule were put on hold by the State Government as a result of the COVID-19 pandemic so remain uncompleted at the end of the year.

As this is the final *Corporate Business Plan Quarterly Progress Report* for 2019-20, this report outlines some of the achievements of 2019-20, some of which have been affected by COVID-19.

The following table provides an overall summary of achievements for the financial year which include a range of services delivered to the community and local businesses as part of the *Emerge Stronger Program* to keep the community connected and maintain some continuity during this period. Some the achievements listed below were events and programs which were delivered online or in alternative formats and promoted on the City's website, social media and print media.

<b>Governance and Leadership</b>
<ul style="list-style-type: none"> <li>• Local government elections conducted in line with legislative requirements, with two new Councillors being elected.</li> <li>• 12 community member representatives appointed to the Strategic Community Reference Group.</li> <li>• Two meetings of the Strategic Community Reference Group held to discuss the strategic vision for Joondalup and the development of the new <i>Strategic Community Plan</i>.</li> <li>• The updated <i>Governance Framework</i> endorsed.</li> <li>• A number of policies reviewed, and new policies developed including: <ul style="list-style-type: none"> <li>○ <i>Community Consultation Policy</i>;</li> <li>○ <i>Records Management Policy</i>;</li> <li>○ <i>Disposal of Minor Surplus Assets Policy</i>;</li> <li>○ <i>Draft Planning Consultation Policy</i>;</li> <li>○ <i>Attendance at Events Policy</i>;</li> <li>○ <i>Elected Members Communications Policy</i>.</li> </ul> </li> <li>• The <i>Local Government and Public Property Amendment Local Law 2019</i> came into effect.</li> <li>• The 2019 Compliance Audit Return adopted by Council and submitted to the Department of Local Government, Sport and Cultural Industries.</li> <li>• Review of the Delegated Authority Manual endorsed.</li> <li>• Participation in the Australasian Local Government Performance Excellence Program to track and benchmark performance against the local government sector.</li> <li>• Sister City relationship maintained with Jinan, China, including implementation of the three-year Economic Exchange Agreement with the City of Jinan.</li> <li>• Community consultation on a number of projects, including: <ul style="list-style-type: none"> <li>○ <i>Local Government and Public Property Amendment Local Law 2019</i>;</li> <li>○ <i>Cultural Plan</i>;</li> <li>○ Burns Beach Structure Plan Amendment;</li> <li>○ <i>Draft Planning Consultation Planning Policy</i>;</li> <li>○ <i>Draft New Development Standards for Housing Opportunity Areas</i>;</li> <li>○ <i>Moolanda Park Landscape Master Plan</i>;</li> <li>○ Mirror Park Sports Floodlighting Upgrade;</li> <li>○ MacDonal Park Sports Floodlighting Upgrade.</li> </ul> </li> <li>• The level of communication via the City's social media increased to more than 51,000 people.</li> <li>• A Gold award received for the City's 2018-19 Annual Report in the Australasian Reporting Awards.</li> </ul>
<b>Financial Sustainability</b>
<ul style="list-style-type: none"> <li>• Capital Works Projects completed – new or upgraded park equipment: <ul style="list-style-type: none"> <li>○ Elcar Park, Joondalup – Dog exercise park development;</li> <li>○ Whitfords Nodes Health and Wellbeing Hub Playspace and associated Stage 1 landscape works;</li> <li>○ Penistone Park shade sails, Greenwood;</li> <li>○ Chadstone Park Playspace Renewal;</li> <li>○ Macaulay Park Amenity upgrade.</li> </ul> </li> </ul>

### Financial Sustainability

- Capital Works Projects completed – Blackspot Program road upgrades: Hepburn Avenue/Cockman Road Intersection Upgrade, Greenwood;
  - Whitfords Avenue/Trappers Drive, Woodvale;
  - Marmion Avenue/Gilbert Road Intersection Upgrade, Duncraig.
- Capital Works Projects completed – road preservation and resurfacing:
  - Leo Place, Mullaloo;
  - Telford Street, Marmion;
  - Devon Court, Warwick;
  - Fernlea Street, Warwick;
  - Wampum Place, Heathridge;
  - Montobello Avenue, Heathridge;
  - Roxburgh Circle/Laidon Way roundabout, Kinross;
  - Kennedy Way, Padbury.
- Capital Works Projects completed – drainage upgrades:
  - Gleddon Way Drainage Upgrade, Hillarys;
  - Parin Park Sump Beautification, Greenwood;
  - Wanbrow Park Underground Storage, Duncraig;
  - Hamersley Road Drainage Upgrade, Sorrento;
  - Simpson Park Sump Beautification, Padbury;
  - Duffy Terrace Drainage Catchment Improvements, Woodvale.
- Capital Works Projects completed – new or resurfaced paths:
  - Kelvin Park, Duncraig;
  - Ashwood Court to Braybrook Place, Craigie;
  - Balanus Way to Veliger Court, Heathridge;
  - Balanus Way to Wampum Place, Heathridge;
  - Parkland Close to View Court, Edgewater;
  - Voyage Road to Penguin Close, Heathridge;
  - Beach Road Shared Path – Warwick Train Station to Erindale Road;
  - Hepburn Avenue Shared Path;
  - Collier Pass/Elcar Lane Shared Path.
- Capital Works Projects completed – major building works commenced or completed:
  - Kingsley Community Vision refurbishment;
  - Marmion Beach Toilet – Replacement of steelwork;
  - Duncraig Community Centre Refurbishment, Duncraig;
  - Falkland Park Clubroom Extension, Kinross.
- Capital Works Projects completed – natural areas:
  - Coastal information signs installed at Iluka, Ocean Reef and Burns Beach Foreshore;
  - 1.2km of asphalt pedestrian paths laid in Warwick Bushland.

### Quality Urban Environment

- Stage One of the Burns Beach to Mindarie dual use path completed;
- Community consultation on the City's draft new Development standards for Housing Opportunity Areas commenced;
- *Planning Consultation Local Planning Policy* endorsed;
- Approval received for *Amendment No 1 to Local Planning Scheme No 3* from the Minister for Planning;
- Approval received from the metro North West Development Assessment Panel for a \$6 million development application to redevelop 3 Glenelg Place, Connolly.

### Economic Prosperity, Vibrancy and Growth

- Actions from the *Economic Development Strategy* implemented, including:
  - Distribution of Business Online newsletters;
  - Launch of the Joondalup Business Catalogue;

### Economic Prosperity, Vibrancy and Growth

- Actions from the International *Economic Development Activities Plan* including a virtual trade mission to Indonesia to discuss opportunities to create local jobs and stimulate the local economy, the ongoing implementation of the three-year Economic Exchange Agreement with the City of HuZhou and ongoing liaison with Shanghai in China.
- Delivery of two successful Business Forums, one being held online.
- A range of support programs provided for local businesses during COVID-19 such as:
  - Implementation of the business engagement program, incorporating two live-stream Q&A sessions with the Small Business Development Corporation and Destination Perth;
  - A Reduce Red Tape Campaign, including buy local promotional campaigns;
  - Establishment of 45 15-minute takeaway parking bays within the City Centre allowing 15-minute free parking zones for visitors to access food from food outlets.
- Major milestones achieved on the Ocean Reef Marina Project, including:
  - Environmental approval received from the Minister for the Environment;
  - Proposed early works associated with Ocean Reef Foreshore Reserved approved by Council;
  - Vegetation clearing permits approved by the Department of Water and Environmental Regulation;
  - Approval received from the Joint Development Application Panel to commence breakwater construction.
- Continued progress on the proposal for cafes, kiosks and restaurants on identified sites in the City of Joondalup.

### The Natural Environment

- Actions from the Environment Plan 2014-2019 implemented including:
  - Submission of the 2018-19 State of the Environment Report to Council;
  - Distribution of the City's *Think Green Living Guide*;
  - Actions from the *Climate Change Strategy 2014-2019* implemented including winter planting of street trees as part of the Urban Planting Program and analysis of utilities usage;
  - Actions from the *Coastal Infrastructure Adaptation Plan* implemented including completion of the 2019-20 Sand Bypassing Program and finalisation of the 2019-20 Coastal Monitoring Program;
  - Endorsement of the *Ocean Reef Foreshore Management Plan*;
  - Continued development of the *Craigie Bushland Fauna Management Plan*;
  - Actions from the *Craigie Bushland Management Plan* implemented;
  - Actions from the *City Water Plan* implemented including ongoing monitoring of groundwater usage and implementation of water saving devices in City parks and buildings;
  - Gold Waterwise Councils endorsement for best practice water efficiency in City operations and throughout the community;
  - Actions from the *Bushfire Risk Management Plan* implemented including continued collaboration with DFES regarding bushfire mitigation activities;
  - Actions from the *Yellagonga Integrated Catchment Management Plan* implemented including the Water Quality Monitoring and Improvement Program;
  - Actions from the *Pathogen Management Plan* implemented;
  - Actions from the *Waste Management Plan* implemented.

### Community Wellbeing

- Actions from the *Community Development Plan 2015-2020* implemented.
- A comprehensive program of cultural events delivered throughout the year, including:
  - NAIDOC Week;
  - Sunday Serenades concerts;
  - Spring Markets;

### Community Wellbeing

- Twilight Markets;
- Little Feet Festival;
- Music in the Park;
- Valentine's Concert.
- New public art projects commissioned and delivery of the Visual Arts Program.
- A range of community-based programs and events delivered, including:
  - The City's Emerge Stronger Campaign;
  - Homelessness Awareness Community Workshop;
  - Communities in-focus workshop;
  - Meet-Your-Neighbour program;
  - International Day of People with a Disability online event;
  - International Volunteer Day.
- A range of youth events and programs delivered, including:
  - School Holiday Programs;
  - Summer Sessions;
  - Youth Leadership Forum;
  - Night Drop-in, Music Edge and Freestyle Edge programs;
  - BMX, Skate and Scooter events.
- Completion or commencement of major and minor upgrades at a number of community facilities, including:
  - Falkland Park Clubrooms;
  - Percy Doyle Reserve – Sorrento Bowling Clubroom;
  - Duncraig Community Centre;
  - Ellersdale Park Clubroom Facility;
  - Chichester Park Clubroom Facility;
  - Works Operation Centre Extension;
  - Duffy House Restoration;
  - Craigie Leisure Centre.
- Lifelong Learning and Library events and activities delivered, including:
  - Children's Book Week;
  - Meet the Author events;
  - Story Time;
  - Toddler Time;
  - Live and Learn Events;
  - Indigenous Literacy Week;
  - Stories at the Park.
- Actions from the *Access and Inclusion Plan 2018-2021* implemented.
- Actions from the *Age Friendly Communities Plan* implemented.
- Actions from the *Regional Homelessness Plan* implemented.
- Actions from the *Community Safety and Crime Prevention Plan* implemented.
- Citizenship ceremonies conducted with over 1,600 residents becoming Australian Citizens and a range of civic ceremonies and corporate functions conducted.

### 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.

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

### **Risk management considerations**

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

### **Financial / budget implications**

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

### **Regional significance**

Not applicable.

### **Sustainability implications**

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

The key themes are:

- 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 – 2023-24*. A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. This report provides an overview of progress against all the projects and programs in the *2019-20 Capital Works Program*.

Some projects were not completed or were cancelled due to COVID-19. Some activities will be carried forward to the new financial year.

While COVID-19 affected the delivery of some programs and events, the City took the initiative to develop a range of key activities online, some of which commenced in the January to March 2020 quarter and continued to be implemented in the April to June quarter.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council RECEIVES the:

- 1 ***Corporate Business Plan Quarterly Progress Report*** for the period 1 April 2020 to 30 June 2020 which is shown as Attachment 1 to this Report;
- 2 ***Capital Works Program Quarterly Report*** for the period 1 April 2020 to 30 June 2020 which is shown as Attachment 2 to this Report.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf200811.pdf](#)

## **ITEM 10 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2020**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT / S</b>	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of June 2020 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for month of June 2020 Attachment 3 Municipal and Trust Fund Vouchers for the month of June 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of June 2020.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of June 2020, totalling \$19,169,170.19.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for June 2020 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$19,169,170.19.*

### **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 June 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

The vouchers for the month are appended as Attachment 3 to this Report.

Pursuant to a determination issued by the Office of the Auditor General, all bond monies, except when they are expressly required to be held in Trust Fund under a statute or other agreement, are held in the Municipal Fund and the refund of the bond money is made from the Municipal Fund. This report reflects this change in the treatment of bond repayments.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Municipal Cheques & EFT Payments 110032 - 110114 & EFT085898 – EF086182 & EF086184 – EF086506 Net of cancelled payments.	\$12,289,465.53
	Vouchers 2829A – 2846A	\$6,878,667.76
	Bond Refund Cheques & EFT Payments 110115 – 110115 & EF086183 & EF086507 Net of cancelled payments.	\$1,036.90
<b>Total</b>		<b>\$19,169,170.19</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**

Changes in the treatment of bonds received and repaid, from being held in the Trust Fund to now being reflected in the Municipal Fund, have arisen from a directive by the Office of the Auditor General.

### **COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2019-20 Revised Budget* as adopted by Council at its meeting held on 18 February 2020 (CJ018-02/20 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for June 2020 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$19,169,170.19.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf200811.pdf](#)*

## **ITEM 11                    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2020 (SUBJECT TO END OF YEAR FINALISATION)**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	07882,101515
<b>ATTACHMENT</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 (subject to end of year finalisation) for the period ended 30 June 2020.

### **EXECUTIVE SUMMARY**

At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the Annual Budget for the 2019-20 financial year. Council subsequently revised the budget at its meeting held on 18 February 2020 (CJ018-02/20 refers) and 21 April 2020 (CJ050-04/20 refers). The figures in this report are compared to the revised budget (as amended).

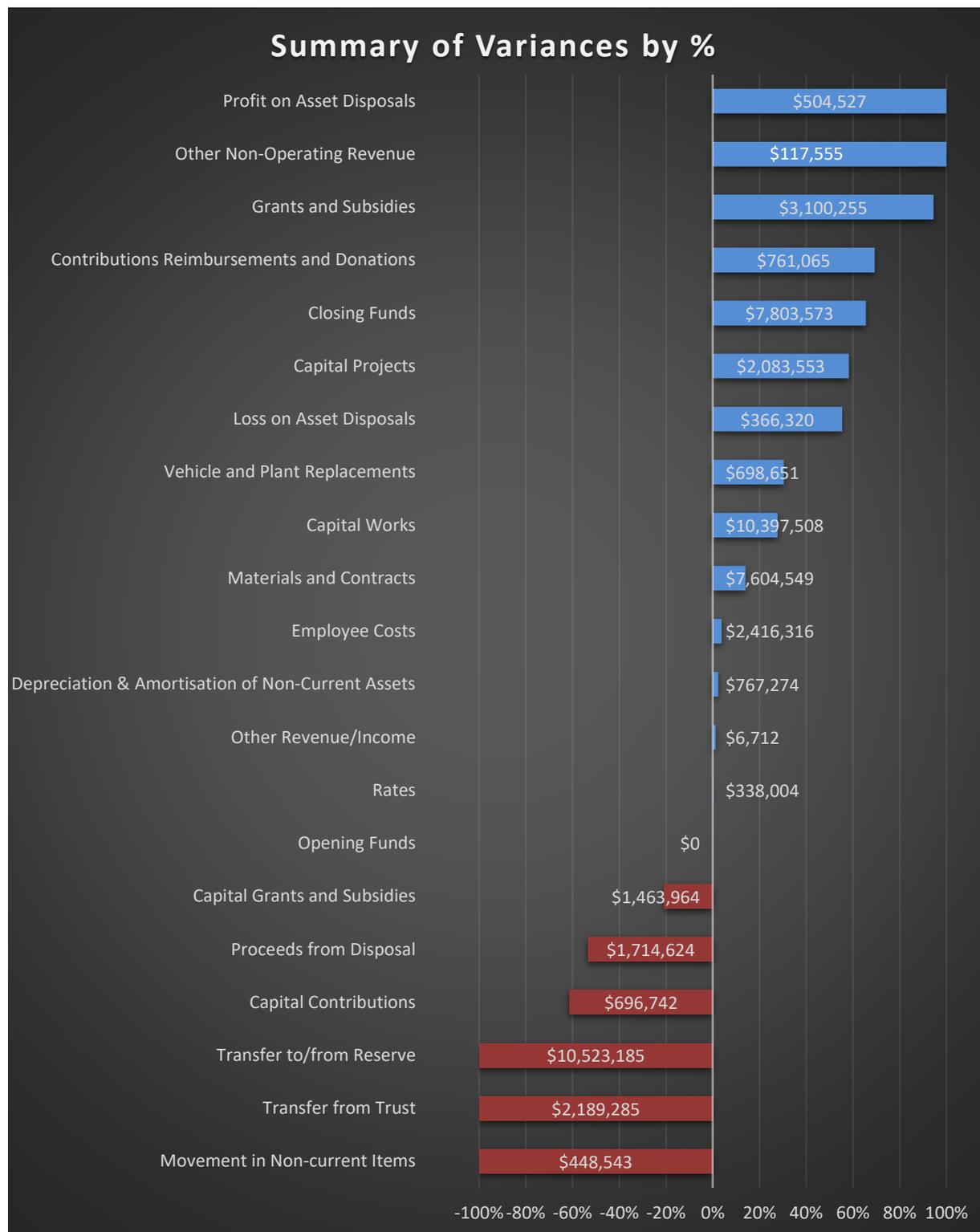
The June 2020 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$7,803,573 for the period when compared to the revised budget.

It should be noted that this variance does not represent a projection of the end of year position as end of year adjustments are still to be finalised.

There are a number of factors influencing the favourable variance, but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Attachment 3 to this Report identify and provide commentary on the individual key material revenue and expenditure variances to date.

The COVID-19 pandemic impacted the City with the closure of leisure and library facilities in late March 2020. Revenue from leisure centres and facility bookings has been virtually non-existent since that time but as COVID-19 restrictions have since eased this may improve in the coming months, provided there are no fresh disruptions that arise. In addition, reduction in economic activity and implementation of social distancing measures has resulted in a fall in the City's parking revenues as well since March.

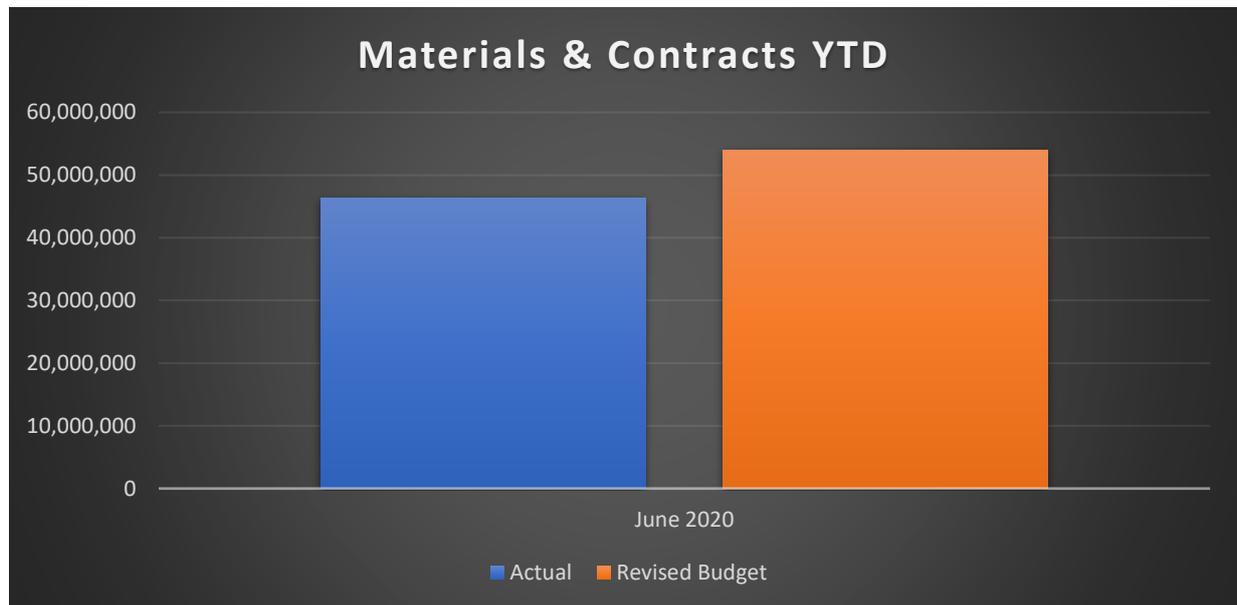
The key elements of the variance are summarised below:



The significant variances for June were:

### **Materials & Contracts**

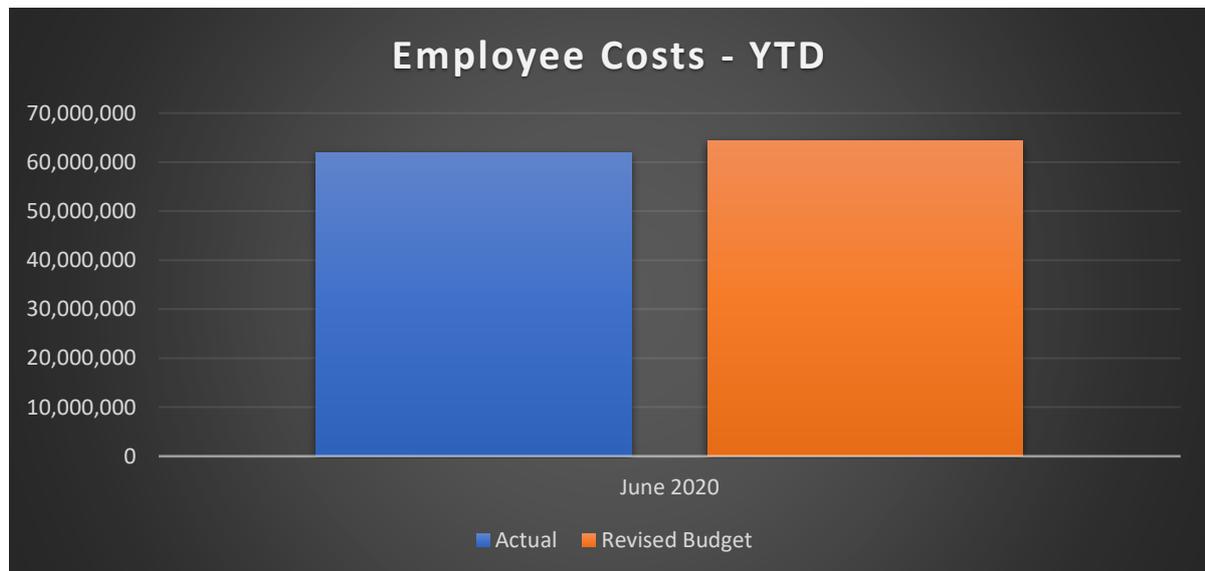
**\$7,604,549**



Materials and Contracts expenditure is \$7,604,549 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$2,881,599, Professional Fees & Costs \$1,365,802 and Contributions and Donations \$802,813. This reflects cost reductions arising from the closure of facilities due to the state of emergency in Western Australia that was driven by the COVID-19 pandemic.

### **Employee Costs**

**\$2,416,316**



Employee Costs expenditure is \$2,416,316 below budget. Favourable variances predominantly arose from vacancies in various areas, including those not filled during the COVID-19 pandemic. The variance also includes the impact of closures of facilities, including leisure centres during the state of emergency in Western Australia due to the pandemic.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 June 2020 (subject to end of year finalisation) forming Attachment 1 to this Report.*

## **BACKGROUND**

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

## **DETAILS**

### **Issues and options considered**

The Financial Activity Statement for the period ended 30 June 2020 is appended as Attachment 1 to this Report.

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

#### **Legislation**

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

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

#### **Strategic Community Plan**

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

#### **Risk management considerations**

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

#### **Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

#### **Regional significance**

Not applicable.

## Sustainability implications

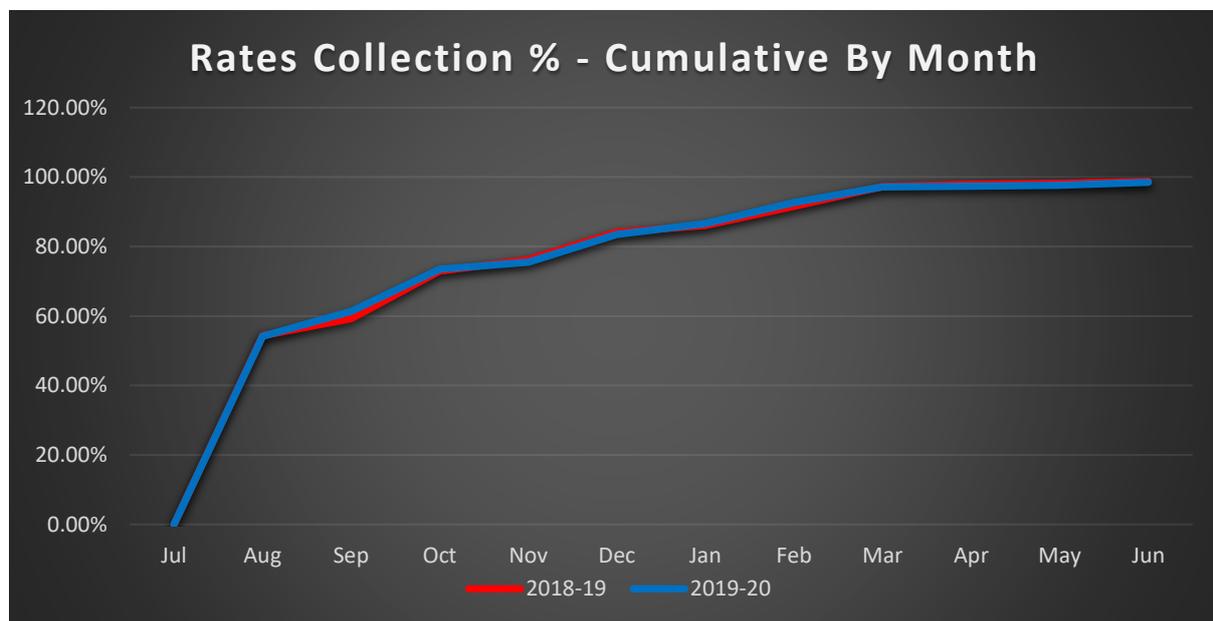
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the *Strategic Financial Plan*, prepared under section 5.56 of the *Local Government Act 1995*. The Mid Year Review Budget was prepared in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

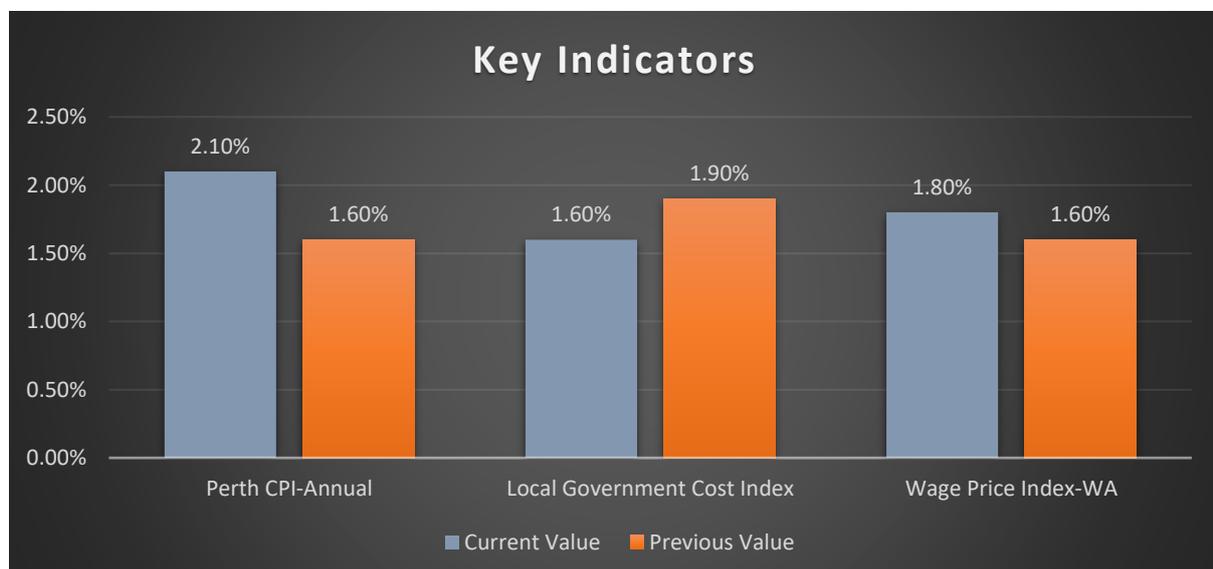
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) is marginally below the prior year at the end of June.

### Economic Indicators



Wage inflation rose from the December Quarter but continues to lag the national wage price index which is 2.2% for the same period. The Local Government Cost Index is lower mainly driven by reduced electricity and street lighting costs, but CPI grew significantly.

In the current environment where significant disruption to economic activity has occurred as a result of measures taken by government to combat the COVID-19 pandemic, there is a high level of uncertainty about key indicators as this latest data reflects the collection period before the full impact of the pandemic restrictions and measures was felt.

## **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2019-20 revised budget (as amended) or has been authorised in advance by Council where applicable. The results presented in the Financial Activity Statement are prior to the regular end of year finalisation and audit and the final results will not be known until after end of year adjustments and entries are processed, including reserve movements.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement (subject to end of year finalisation) for the period ended 30 June 2020 forming Attachment 1 to this Report.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf200811.pdf](#)*

## **ITEM 12                    COMMUNITY    SPORTING    AND    RECREATION FACILITIES FUND APPLICATION - 2021-22 ANNUAL GRANT**

<b>WARD</b>	South and South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	22209, 03078, 07496, 101515
<b>ATTACHMENTS</b>	Attachment 1    MacDonald Park (south) aerial map Attachment 2    MacDonald Park (south) floodlighting design Attachment 3    MacDonald Park (south) cost estimate Attachment 4    Sorrento Bowling Club aerial proposed works Attachment 5    Sorrento Bowling Club cost estimate Attachment 6    MacDonald Park (south) consultation report
<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 an application for the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund 2021-22 annual grant round.

### **EXECUTIVE SUMMARY**

The Community Sporting and Recreation Facilities Fund (CSRFF) program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality, multipurpose, well designed and well utilised facilities.

The State Government allocates \$12 million per year for CSRFF grants in three categories. The City of Joondalup is required to assess and rank all applications received from sport and recreation clubs located within the City as well as any City projects, prior to their submission.

There are two potential applications for this round. The first is to upgrade the sports floodlighting at MacDonald Park (south) Padbury. The City identified the need for the upgrade of sports floodlighting at MacDonald Park (south) in the 2017 Active Reserve and Community Facility Review (CJ205-12/17 refers). The second is an application from the Sorrento Bowling Club to extend the width of a bowling green and convert it to synthetic grass to provide increased opportunities for social and pennant bowling. Synthetic greens allow for more use as they can be played on year-round without damage to the surface and require lower maintenance and less watering.

Community consultation was conducted for the floodlighting project at MacDonald Park (south) from Monday 4 May to Monday 25 May 2020 in accordance with the City's *Community Consultation Policy and Protocol*. Targeted consultation was undertaken with residents living within 200 metres of the park and sporting clubs using the park. Respondents were asked to indicate their level of support for the upgrade to the sports floodlighting. The City received 137 valid responses during the consultation period with almost 90% of residents either strongly supporting or supporting the proposed works.

The floodlighting project at MacDonald Park (south) for competition standard is estimated at \$397,583. The CSRFF program considers a contribution of up to one third for eligible components of a project that demonstrate they will increase sport participation, in this case up to \$113,361. Currently there is \$320,000 listed within the *Five Year Capital Works Program* for the project (\$106,667 identified as potential revenue from a CSRFF grant). Therefore, if the project is supported, a further \$77,583 would be required to be listed for consideration in the 2021-22 *Capital Works Program*.

The Sorrento Bowling Club synthetic green project is estimated at \$463,865. The CSRFF program considers a contribution of up to one third from the State Government for eligible components of a project that demonstrate they will increase sport participation, in this case up to \$154,622. It is proposed that the balance of the project be funded, one third by the Club and one third from the City. Currently there are no funds within the *Five Year Capital Works Program* for the project. Therefore, if the project is supported an amount of up to \$154,622, would need to be listed for consideration in the 2021-22 *Capital Works Program* when it is presented to council.

*It is therefore recommended that Council:*

- 1 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$113,361 (excluding GST) to part fund the upgrade of the sports floodlighting to the Australian Standard for Football (All Codes) Amateur Competition (AS2560.2.3) at MacDonald Park (south), Padbury;*
- 2 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$154,622 (excluding GST) to part fund the extension and synthetic grass conversion of a bowling green at the Sorrento Bowling Club, Duncraig;*
- 3 *ENDORSES the ranking and rating of Community Sporting and Recreation Facilities Fund applications below:*

<i>Applicants rank</i>		<i>Applicants rating</i>
<i>1</i>	<i>MacDonald Park (south), Padbury – upgrade sports floodlighting.</i>	<i>Well planned and needed by the local government.</i>
<i>2</i>	<i>Sorrento Bowling Club, Percy Doyle Reserve – extend and convert a bowling green to synthetic grass.</i>	<i>Well planned and needed by the applicant.</i>

- 4 *REQUESTS that a further \$77,583 be listed for consideration in the 2021-22 Capital Works Program for the floodlighting project at MacDonald Park (south), Padbury subject to a successful CSRFF grant application of \$113,361;*
- 5 *REQUESTS that \$154,622 be listed for consideration in the 2021-22 Capital Works Program for the extension and synthetic grass conversion of a bowling green at the Sorrento Bowling Club, Duncraig subject to a successful CSRFF grant application of \$154,622.*

## BACKGROUND

**Suburb/Location** MacDonal Park 11 MacDonal Avenue Padbury WA 6025.  
**Applicant** City of Joondalup.  
**Owner** Crown Land – City of Joondalup Management Order.  
**Zoning** **LPS** Public Open Space.  
**MRS** Urban.  
**Site area** 115,273m<sup>2</sup>.  
**Structure plan** Not applicable.

**Suburb/Location** Percy Doyle Reserve 46 Warwick Road Duncraig WA 6023.  
**Applicant** City of Joondalup.  
**Owner** Crown Land – City of Joondalup Management Order.  
**Zoning** **LPS** Public Open Space.  
**MRS** Urban.  
**Site area** 190,209m<sup>2</sup>.  
**Structure plan** Not applicable.

The Western Australian State Government, through the Department of Local Government, Sport and Cultural Industries (DLGSCI) provides financial assistance to local governments and sport and recreation clubs through the CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality, multipurpose, well designed and well utilised facilities. The joint funding partnership is usually based on an equal one third contribution from each partner.

The State Government allocates \$12 million per year for CSRFF grants in three categories over the 2021-22 funding period. Annual grants require detailed planning and have a total project value of between \$200,001 and \$500,000.

Clubs within the City of Joondalup had an opportunity to submit an expression an interest in February 2020 for the CSRFF program.

The City of Joondalup is required to place a priority ranking (where there are multiple applications) and rating on applications for projects that fall within its boundaries based on the following criteria:

- Well planned and needed by the local government.
- Well planned and needed by the applicant.
- Needed by the local government, more planning required.
- Needed by the applicant, more planning required.
- Idea has merit, more preliminary work needed.
- Not recommended.

The DLGSCI places a strong emphasis on a planned approach towards CSRFF applications.

### MacDonal Park (south)

MacDonal Park (south) is located on MacDonal Avenue Padbury and is currently classified as a district park under the City's *Parks and Public Open Space Classification Framework*. The park has an active sporting field, four floodlight poles, turf centre cricket wicket, cricket practice nets with one floodlight pole and a playground.

The park is currently used in summer by the Whitfords and Districts Cricket Club (50 members) and Whitford Junior Cricket Club (361 members) and during winter by the Whitford Junior Football Club (940 members), Whitford Amateur Football Club (275 members) and West Perth District Football Club (Under 18's 42 members).

### Sorrento Bowling Club

The Sorrento Bowling Club is located within Percy Doyle Reserve on Warwick Road, Duncraig. The clubrooms, five bowling greens and one croquet court are leased by the club with approximately 803 members.

### **DETAILS**

There are two projects for consideration in the 2021-22 annual grant round.

#### MacDonald Park (south)

The City identified the need for the upgrade of sports floodlighting at MacDonald Park (south), Padbury (Attachment 1 refers) in the 2017 Active Reserve and Community Facility Review (CJ205-12/17 refers). It was determined to be a high priority due to the high level of usage. While the park does currently have floodlighting, these lights do not meet the relevant Australian Standards for sports floodlighting.

Currently there is \$320,000 listed within the *Five Year Capital Works Program* in 2021-22 for the upgrade of sports floodlighting at MacDonald Park (south). \$106,667 of these funds were identified as potential revenue from a CSRFF grant.

Designs (Attachment 2 refers) and cost estimates (Attachment 3 refers) for the sports floodlighting have been developed to ensure the project meets the *Australian Standard for football (all codes) (AS2560.2.3)* and the *control of obtrusive effects of outdoor lighting (AS4282)*. It is proposed to install four 35 metre light poles with LED sports floodlighting to accommodate training / games at night. There are two levels of floodlighting that can be installed, being training standard for football (all codes) at a cost of \$290,412 or competition standard for football (all codes) at a cost of \$337,912. The project will also include installation of two LED passive recreation lights (attached to two of the floodlight poles to accommodate general recreational use).

Additional works proposed is to install four new 12 metre poles with sports floodlighting at the cricket practice nets designed to meet the 2015 Cricket Australia Guidelines to allow for “Class III” night training at a cost of \$59,671.

The City is proposing to upgrade the sports floodlighting on the playing field to meet the competition standard so that the football clubs can fixture night games at the park. By fixturing night games, the clubs could better program usage of the park by scheduling fixtures from the peak usage on Saturdays and Sundays to other times including Friday and Saturday evenings. Floodlighting will be managed in relation to bookings made for the park by sporting clubs, schools, community groups and individuals in accordance with the City’s existing hiring process. All floodlighting is usually switched off by 9.30pm. However, if there are special event bookings, the lighting may be required to be on later into the evening.

DLGSCI has previously advised that competition standard floodlighting is not a high priority of the CSRFF program and would not contribute to the upgrade of floodlighting from training standard to meet the competition standard. Therefore, the City is proposing to only seek one third of the costs for training level floodlighting for the playing field and cricket practice nets through the CSRFF grant of \$113,361. The City would contribute the other two thirds for training level and cricket practice nets and the cost for competition standard floodlighting.

Total project cost	\$397,583 (excluding GST)
City of Joondalup contribution	\$284,222 (excluding GST)
CSRFF grant requested	\$113,361 (excluding GST)

*Assessment summary*

Assessment criteria	Evidence provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Coordination	✓		
Potential to increase physical activity	✓		
Sustainability	✓		

*Recommendation summary*

Ranking: 1 (of 2).  
Rating: Well planned and needed by local government.  
Funding request: \$113,361 (excluding GST).

Sorrento Bowling Club

The Sorrento Bowling Club application is to extend the width of a bowling green (Attachment 4 refers) by six metres and convert it to synthetic grass to provide increased opportunities for social and pennant bowling. Synthetic greens allow for more use as they can be played on year-round without damage to the surface and require lower maintenance and less watering. The proposed works include:

- realignment of northern and eastern retaining wall and boundary fencing
- extension to shade structures on the northern and southern end of the green
- extension of green and installation of synthetic grass
- reticulation of green
- floodlighting of green.

A panel of City officers met to discuss the application. The proposal is club driven therefore, the City does not currently have a budget for the project.

As part of the proposed site works, an arboriculture assessment was undertaken. The objectives were to determine the health and structural condition and structural root / tree protection zones of the existing trees in the area around the proposed extension of the green and realignment of retaining wall and boundary fencing.

The tree evaluation report-identified that up to six trees (two casuarina cunningghamiana, one eucalyptus sps, one eucalyptus camaldulensis and two banksia prionotes) may require removal and a further three retained trees may be impacted by excavation works. Excavation works would need to be undertaken by non-destructive means such as hand digging or soil vacuuming. Once the root systems are exposed it would be possible to determine which trees would require removal or could be retained. To compensate for the loss of any trees, up to six new trees are proposed to be to be planted on the site.

The cost estimate for the project is \$463,865 (Attachment 5 refers). The works would be undertaken by the City in line with its standard specifications, processes and policies. The life expectancy of the synthetic surface is between 10 to 13 years. The club would be responsible for the resurfacing which would cost approximately \$155,000. The club have confirmed they would put in place a sinking fund based on replacement of the surface in 10 years.

The City completed a review of the financial sustainability of the club and financial capacity to contribute one third of the project cost. The club's capacity to fund the replacement of the synthetic grass in 10 years was also assessed. The City is satisfied with the long term financial sustainability of the club and capacity to contribute to the ongoing replacement of the synthetic surface. The club has an average operating surplus of \$22,400 for the past five years. It is expected that the synthetic surface will increase utilisation because there will be less down-time due to weather resulting in increased membership and casual usage income.

The club's statement of financial position indicates \$157,000 is held in bank accounts / term deposits and with other current assets of \$39,000 the total current assets are \$196,000. The contribution of one third \$154,622 would be funded by \$40,000 loan (4% interest, repaid over five years) and cash contribution of \$114,622.

The club's net working capital (assets minus liabilities) as at 30 April 2020 is \$99,000. This is insufficient to cover the intended cash contribution portion of one third of the project (\$114,622). This project would result in a negative working capital (approximately \$16,000) which while not ideal, is not necessarily prohibitive for proceeding with the project as the club has sufficient funding in bank accounts to contribute to the cost.

While the club's financial position demonstrates it could afford to contribute one third towards the proposed project, it would not have the financial capacity to contribute two thirds of the project costs if the CSRFF grant was unsuccessful.

DLGSCI has previously contributed to the conversion of one of the bowling greens from grass to synthetic grass at the Warwick Bowling Club in 2004.

Total project cost:	\$463,865 (excluding GST)
City of Joondalup contribution	\$154,622 (excluding GST)
CSRFF grant requested	\$154,622 (excluding GST)
Sorrento Bowling Club contribution	\$154,622 (excluding GST)

#### *Assessment summary*

Assessment criteria	Evidence provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input			✓
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Coordination	✓		
Potential to increase physical activity	✓		
Sustainability	✓		

#### *Recommendation summary*

Ranking:	2 (of 2).
Rating:	Well planned and needed by the applicant.
Funding request:	\$154,622 (excluding GST).

## Issues and options considered

### MacDonald Park (south)

It is considered that Council has four options for the upgrade of sports floodlighting at MacDonald Park (south), if it supports an application be made to the DLGSCI for funding through the CSRFF.

Option	Cost	Advantages	Disadvantages
Option one - Playing field floodlighting to meet the <i>Australian Standard for Football (All Codes Amateur Training AS2560.2.3)</i> .	\$290,412	Would allow more football teams to train at the same time.  Estimated cost is within the existing project budget (\$320,000).	Would not meet the <i>Australian Standard for Football (All Codes Amateur Competition AS2560.2.3)</i> .  No cricket practice net lighting to meet the <i>2015 Cricket Australia Guidelines "Class III"</i> .
Option two - Playing field floodlighting to meet the <i>Australian Standard for Football (All Codes Amateur Training AS2560.2.3)</i> and cricket practice net floodlighting to meet the <i>2015 Cricket Australia Guidelines "Class III"</i> .	\$350,083	Would allow more football teams to train at the same time.  Would allow for safer night cricket training in the cricket practice nets.	Would not meet the <i>Australian Standard for Football (All Codes Amateur Competition AS2560.2.3)</i> .  Estimated cost is over the existing project budget by \$30,083.
Option three - Playing field floodlighting to meet the <i>Australian Standard for Football (All Codes Amateur Competition AS2560.2.3)</i> .	\$337,912	Would allow more football teams to train at the same time.  Would allow football to fixture night games.	No cricket practice net lighting to meet the <i>2015 Cricket Australia Guidelines "Class III"</i> .  Estimated cost is over the existing project budget by \$17,912.
Option four - Playing field floodlighting to meet the <i>Australian Standard for Football (All Codes Amateur Competition AS2560.2.3)</i> and cricket practice net floodlighting to meet the <i>2015 Cricket Australia Guidelines "Class III"</i> .	\$397,583	Would allow more football teams to train at the same time.  Would allow football to fixture night games.  Would allow for safer night cricket training in the cricket practice nets.	Estimated cost is over the existing project budget by \$77,583.

Option four is the recommended option as it will allow more football teams to train at the same time and allow night games to be fixtured. It will also allow for safer night cricket training in the cricket practice nets.

The announcement of the grant is due in late 2020. If successful, the City will undertake detailed design and construction in 2021-22. If Council chooses not to support progress of the project, the clubs will remain training at the park under the existing floodlights that do not meet Australian Standards for football and inadequate lighting of the cricket practice nets.

### Sorrento Bowling Club

It is considered that Council has two options for the conversion of a synthetic bowling green at Sorrento Bowling Club, to either agree or not to agree to support progress of the application to the DLGSCI for funding through the CSRFF. If not supported, the project would not be eligible for a CSRFF grant as the local government must be a partner in the project.

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

**Legislation** Not applicable.

### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative** Support a long-term approach to significant facility upgrades and improvements.

**Policy** Not applicable.

### **Risk management considerations**

Any capital project brings risks in relation to contingencies and over runs against original design. The cost estimates are based on recent relevant projects and may differ once detailed designs are undertaken for the project.

### **Financial / budget implications**

#### MacDonald Park (south)

<b>Account no.</b>	STL2092.
<b>Budget Item</b>	MacDonald Park (south) floodlighting upgrade.
<b>Budget amount</b>	\$320,000 (\$213,333 City funds; \$106,667 grant funding).
<b>Amount spent to date</b>	\$0
<b>Proposed cost</b>	\$397,583 (\$284,222 City funds; \$113,361 grant funding).
<b>Balance</b>	(\$77,583)

#### *Future financial year impact*

**Capital costs and funding** The capital costs are estimated to be approximately \$397,583. An assessment of eligible CSRFF funding has been prepared, and an application for \$113,361 will be made. There is no club contribution for this project therefore the net City contribution is \$284,222.

**Capital replacement** Although the initial City contribution of \$284,222 is 72% of the initial cost, the City would be responsible for 100% of the future replacement costs. It is estimated that the infrastructure has a 25 year life, so a cost of \$16,000 per year for depreciation and future capital replacement would be required by the City.

<b>Annual operating cost including depreciation</b>	The operating costs may increase by \$11,500 per year for maintenance and electricity. The overall increase in operating costs including depreciation of \$16,000 would be \$27,500 per year.
<b>Annual operating income</b>	There is not expected to be any increase in income as a result of the project.
<b>Annual operating results</b>	The net impact on the operating results would be \$27,500 per year, which is based on the \$27,500 operational expense and no change in income.
<b>20 Year Strategic Financial Plan impact</b>	The project has been budgeted within the <i>Five Year Capital Works Program</i> at a cost of \$320,000 and therefore the proposed costs of \$397,583 would require additional funding of \$77,583.
<b>Comment / operating deficit and Five Year Capital Works Program</b>	The proposed floodlights at MacDonald Park (south) are classified as an upgrade to infrastructure and make it more difficult for the City to address the operating deficit because they increase depreciation, increase operating costs and are not matched by increases in income.

*The Five Year Capital Works Program* is prepared each year with a higher priority towards renewal expenditure and the amount of expenditure on upgrade / new infrastructure is limited so that operating deficit can be addressed. If this project progresses, then it leaves less affordability for other upgrade / new projects.

### Sorrento Bowling Club

#### *Future financial year impact*

<b>Capital costs and funding</b>	The capital costs are estimated to be \$463,865. An assessment of eligible CSRFF funding has been prepared, and an application for one third \$154,622 will be made. The club will also be contributing one third so the one-off cost to the City would be \$154,622.
<b>Capital replacement</b>	The club would be responsible for the replacement of the synthetic pitch in ten years of approximately \$155,000. The City would have responsibility for replacement of some of the ancillary infrastructure (floodlighting, irrigation and fencing).
<b>Annual operating cost including depreciation</b>	<p>The club would have direct responsibility for maintenance of the green and associated infrastructure. The City pays an annual contribution to the club for maintenance of each green.</p> <p>The ongoing impacts for the project to the City are:</p> <ul style="list-style-type: none"> <li>• Depreciation – approximately \$23,000 increase per year.</li> </ul>

- The City's annual contribution to the club for bowling green maintenance would reduce by \$2,717 (based on the 2019 payment) from \$32,604 to \$29,887 because the synthetic green attracts 50% of the grass contribution.

**Annual operating income**

The total net impact on operating expenses is therefore approximately \$20,000 per year.

**Annual operating results**

There would be a minimal increase to the lease income of approximately \$464 per year.

The net impact on the operating results would be approximately \$19,500 per year.

**20 Year Strategic Financial Plan impact**

The project has not been budgeted within the *Five Year Capital Works Program* and therefore the costs of \$154,622 would either have to be added to the budget or other projects would have to be removed / reduced.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**Environmental

To accommodate the extension of the bowling green at Sorrento Bowling Club and realignment of the retaining wall / boundary fence, an evaluation identified that up to six trees may require removal and a further three retained trees may be impacted by excavation works. Excavation works would need to be undertaken by non-destructive means such as hand digging or soil vacuuming. Once the root systems are exposed it would be possible to determine which trees would require removal and which could be retained. To compensate for the loss of any trees, up to six new trees are proposed to be planted on the site.

Social

Not applicable.

Economic

Not applicable.

**Consultation**MacDonald Park (south)

Community consultation was conducted from Monday 4 May to Monday 25 May 2020 in accordance with the City's *Community Consultation and Engagement Policy and Protocol*. Targeted consultation was undertaken with residents living within 200 metres of MacDonald Park (south) and user groups using the park. In addition, consultation documentation was available on the City's website for any other interested community members to make comment. The consultation was advertised through the following methods:

- Direct mail out – cover letter and frequently asked questions sheet was sent to the identified stakeholders.
- Site signage – two signs were placed at the park during the consultation.
- City's website – frequently asked questions sheet and online comment form were available on the City's website during the consultation period.

The aim of the community consultation was to determine the level of support for the upgrade to sports floodlighting to competition level on the playing field and training level at the cricket nets.

The City received 137 valid responses during the consultation period (Attachment 6 refers). Respondents were asked to indicate their level of support for the upgrade to the sports floodlighting. Almost 90% of respondents either strongly supported or supported the proposed works.

Respondents were also asked if they had any additional comments regarding the proposed works. Approximately two-thirds (87) of respondents provided feedback. Common themes and City responses have been outlined in the following table.

Comment	City response
Belief that the proposed works would be good for the sports utilising the park (47) or good for the community use and park safety (19).	The City notes these comments.
Belief that the project funds should be spent on other projects (8).	The City identified the need for the upgrade of sports floodlighting at MacDonald Park (south) in the 2017 Active Reserve and Community Facility Review (CJ205-12/17 refers). It was determined to be a high priority due to the high level of usage.
Belief that the floodlighting should be upgraded to be suitable for small ball sports (particularly cricket) (7).	The City's standard provision for sports floodlighting is designed to meet the <i>Australian Standard for Football (All Codes) Amateur Training (AS2560.2.3)</i> and the <i>Australian Standard for Control of Obtrusive Effects of Outdoor Lighting (AS4282)</i> . The City's standard floodlighting provision is aimed at improving the level of lighting available in the winter sporting season due to the reduced afternoon / evening natural lighting levels.
Concern that light spill would impact nearby residents (4).	The floodlighting design is fully compliant with the <i>Australian Standard for Control of Obtrusive Effects of Outdoor Lighting (AS4282)</i> . This includes consideration of design features, such as horizontal positioning and floodlighting types. The new, taller poles would allow the luminaires to be aimed more directly onto the main playing areas, therefore reducing light spill onto nearby roads and residences. In circumstances where amenity issues are identified, increased design features would be employed to minimise potential adverse effects.

<b>Comment</b>	<b>City response</b>
Concern view of cricket pitch from the facility would be obstructed by the floodlighting pole (3).	The floodlighting design has been revised to ensure that the pole near the facility will not obstruct the view of the cricket pitch.

The City received a response from the Whitfords and Districts Cricket Club requesting the floodlighting be upgraded for small ball sports to allow for night cricket games. The City's standard provision for sports floodlighting is designed to meet the *Australian Standard for Football (All Codes) Amateur Training (AS2560.2.3)* and the *Australian Standard for Control of Obtrusive Effects of Outdoor Lighting (AS4282)*. An increase in lighting level to allow for night cricket games on the playing field would not only increase the capital cost of the project (by approximately \$220,000) but the ongoing utility costs that the City currently pays. As has been done with other floodlighting projects, any requests from clubs for an increase in floodlighting would require a contribution from the club.

If the City was to consider floodlighting on a playing field to enable night cricket matches, it would be planned at a park that was not already a club's home ground. This would allow a number of clubs to have the opportunity to use the playing field for night cricket matches.

#### Sorrento Bowling Club

As the proposed project is within the club's leased area and the distance to the closest residents is over 150 metres away, community consultation for this project was not undertaken.

#### **COMMENT**

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality; multipurpose; well designed and well utilised facilities. The funding program provides the City with an opportunity to upgrade City infrastructure with the support of the State Government which will benefit the community and sporting clubs.

The upgrade to the sports floodlighting at MacDonald Park (south) to competition level would allow football clubs to fixture night games on Fridays and Saturday evenings and the improved football training level lighting would allow more teams to train at the same time. The cricket net lighting would allow for safer night cricket training.

The extension and conversion of the bowling green to synthetic at Sorrento Bowling Club would provide increased opportunities for social and pennant bowling year-round at the club.

#### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$113,361 (excluding GST) to part fund the upgrade of the sports floodlighting to Australian Standard for Football (All Codes) Amateur Competition (AS2560.2.3) at MacDonald Park (south), Padbury;**
- 2 ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$154,622 (excluding GST) to part fund the extension and synthetic grass conversion of a bowling green at the Sorrento Bowling Club, Duncraig;**
- 3 ENDORSES the ranking and rating of Community Sporting and Recreation Facilities Fund applications below:**

<b>Applicants rank</b>		<b>Applicants rating</b>
<b>1</b>	<b>MacDonald Park (south), Padbury – upgrade sports floodlighting.</b>	<b>Well planned and needed by the local government.</b>
<b>2</b>	<b>Sorrento Bowling Club, Percy Doyle Reserve – extend and convert a bowling green to synthetic grass.</b>	<b>Well planned and needed by the applicant.</b>

- 4 REQUESTS that a further \$77,583 be listed for consideration in the 2021-22 Capital Works Program for the floodlighting project at MacDonald Park (south), Padbury subject to a successful Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program grant application of \$113,361;**
- 5 REQUESTS that \$154,622 be listed for consideration in the 2021-22 Capital Works Program for the extension and synthetic grass conversion of a bowling green at the Sorrento Bowling Club, Duncraig subject to a successful Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program grant application of \$154,622 subject to a successful CSRFF grant application of \$154,622.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf200811.pdf](#)

## **ITEM 13                    TENDER 002/20 ELLERSDALE PARK CLUBROOM – EXTENSION AND REFURBISHMENT**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	108344, 101515
<b>ATTACHMENT</b>	Attachment 1    Summary of Tender Submissions
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to accept the tender submitted by Geared Construction Pty Ltd for the Ellersdale Park Clubroom – Extension and Refurbishment.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 6 June 2020 through state-wide public notice for the Ellersdale Park Clubroom – Extension and Refurbishment. Tenders closed on 23 June 2020. A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- Geared Construction Pty Ltd.
- Marawar Pty Ltd.
- BE Projects (WA) Pty Ltd.
- The Trustee for M R Hoskins Family Trust t/as (AE Hoskins Building Services).
- CASL Construction Pty Ltd (Castle Projects).
- Construct360 Pty Ltd.
- Renascent Western Australia Pty Ltd.
- LKS Constructions (WA) Pty Ltd.

The submission from Geared Construction Pty Ltd represents best value to the City. The company provided a thorough understanding of the requirements with a conclusive approach to the construction methodology. It demonstrated considerable experience completing similar refurbishment works for the Cities of Stirling and Wanneroo and in 2018 successfully completed the Sorrento Tennis Club Refurbishment for the City of Joondalup. Geared Construction Pty Ltd has the industry experience and proven capacity to complete the works.

*It is therefore recommended that Council ACCEPTS the tender submitted by Geared Construction Pty Ltd for the Ellersdale Park Clubroom – Extension and Refurbishment as specified in Tender 002/20 for the fixed lump sum of \$683,440 (GST exclusive) for completion of works within eight months.*

## **BACKGROUND**

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the Ellersdale Park Clubroom - Extension and Refurbishment at 50 Ellersdale Avenue, Warwick.

The scope of work includes, but is not limited to the following:

- Demolition as per documentation.
- New sewer connection.
- New gas connection.
- New water service connection.
- Asbestos removal.
- Refurbishment of two change rooms with shower areas.
- Construction of umpire room.
- Park universal access toilet.
- New internal toilets.
- Community store.
- Veranda Extension.
- Landscaped surrounds.
- Extension of paving around building extension.
- Airconditioning upgrade.
- Basketball pad relocation.
- Rekeying of the entire facility.

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

## **DETAILS**

The tender for the Ellersdale Park Clubroom - Extension and Refurbishment was advertised through state-wide public notice on 6 June 2020. The tender period was for two weeks and tenders closed on 23 June 2020.

### **Tender Submissions**

A submission was received from each of the following:

- The Trustee for Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- Geared Construction Pty Ltd.
- Marawar Pty Ltd.
- BE Projects (WA) Pty Ltd.
- The Trustee for M R Hoskins Family Trust t/as (AE Hoskins Building Services).
- CASL Construction Pty Ltd (Castle Projects).
- Construct360 Pty Ltd.
- Renascent Western Australia Pty Ltd.
- LKS Constructions (WA) Pty Ltd.

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

## Evaluation Panel

The evaluation panel comprised of three members:

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

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

## Evaluation Method and Weighting

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

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

The Ellersdale Park Clubroom has the potential to incur issues during detailed design and has the potential to incur issues during the construction process. The City therefore seeks a highly qualified contractor who is able to deal with any issues or unexpected challenges in a professional way. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

Qualitative Criteria		Weighting
1	Demonstrated experience completing community sporting facility construction projects	35%
2	Demonstrated understanding of required tasks	35%
3	Capacity	25%
4	Social and economic effects on the local community	5%

## Compliance Assessment

The following offers received were assessed as fully compliant:

- Devco Builders.
- Hickey Constructions Pty Ltd.
- Geared Construction Pty Ltd.
- Marawar Pty Ltd.
- BE Projects (WA) Pty Ltd.
- AE Hoskins Building Services.
- Castle Projects.
- Construct360 Pty Ltd.
- Renascent Western Australia Pty Ltd.

The submission from LKS Constructions (WA) Pty Ltd was assessed as non-compliant. LKS did not attend the mandatory site briefing which resulted in the offer being ineligible for further consideration.

## Qualitative Assessment

Construct360 Pty Ltd scored 49.9% and was ranked ninth in the qualitative assessment. The company did not demonstrate sufficient experience completing projects of a similar nature. It provided details of numerous refurbishment projects for various clients, but no sporting facility projects were identified. Other examples included projects for the South Metropolitan TAFE - training facility for Programmed Facility Management, Hazelmere Hall - refurbishment works for City of Swan and NM TAFE Perth Campus - Upgrade of Toilet Facilities for Programmed Facility Management. It did not fully demonstrate its understanding of the required tasks. Its management methodology referred to the wrong client and project. It demonstrated it has the capacity required to undertake the works, although it did not indicate its number of employees.

Castle Projects scored 50.1% and was ranked eighth in the qualitative assessment. It did not fully demonstrate it had the capacity required to carry out the works, it offered limited information on its business history, number of employees or infrastructure and no after hours contact details were evident. The company demonstrated a good understanding of what the tender requirements are for the successful delivery of the project. It demonstrated experience undertaking many construction projects that encompass similar trades that will be required for completing this project, however it was not involved in the refurbishment of any clubroom facilities nor any Local Government projects. Examples of works included a new Op Shop, Meeting Hall for The Church of the Way, a new early learning centre for the Mandurah Baptist College and a new head office and educational facility for the Alta-1 College.

Renascent scored 54% and was ranked seventh in the qualitative assessment. It demonstrated some experience completing refurbishment and upgrade projects, but not refurbishment of clubrooms, their works mostly includes high end specifications. It provided details of four projects of varying scopes including, 81 St Georges Terrace, Perth - Building Extension (Knight Frank), McDonald's Morley - Building Extension - (RAH Nominees), Victory Life Church - Building Extension - (ESSSuper) and CEO Institute - conversion of top floor apartments. It demonstrated an adequate understanding of the requirements and an acceptable methodology was provided which included key project deliverables. The company demonstrated the capacity required to undertake the works.

A E Hoskins Building Services scored 56.4% and was ranked sixth in the qualitative assessment. The company provided details of its project experience in refurbishments, civil works and building extensions projects for local governments and private organisations. Examples included Butlers Reserve Clubroom and Des Penman Sporting Pavilion (City of Stirling) and Bethanie Geneff Aged Care Home (Bethanie Group). The company demonstrated some understanding of the requirements and provided a proposed methodology and approach, however the submission made some incorrect project references to the description of the works, replacing the existing tiled roof (roof not tiled) and the new sewer connection was not mentioned. It demonstrated the capacity required to carry out the works.

BE Projects scored 59.6% and was ranked fifth in the qualitative assessment. The company demonstrated its understanding of the required tasks by providing a methodology statement addressing overall construction, work packages, site management, key risks and the like however the reference to site inspection location was incorrect and its reference to arranging new building permits and other relevant permits are not required. It demonstrated it has the capacity required to undertake the works, although it did not indicate its number of employees. It demonstrated a good level of experience completing renovations and additions to community facility construction projects for local government and private organisations such as the City of Belmont, Building Management and Works and Shire of Goomalling. A number of other projects were listed but many of a larger scale than this tender with much higher values.

Marawar scored 59.7% and was ranked fourth in the qualitative assessment. It demonstrated experience by providing details of projects that have some similarities to this requirement, but there were no Sporting Facility projects. Numerous examples were supplied including; Office fit-out of the WA Indigenous Business Employment Hub (Wirrpanda Foundation), Kitchen Refurbishments (Spotless), Replacement of five roofs at Winterfold Primary School (M Construction (WA) Pty Ltd), Animal Night Quarter Upgrade (Perth Zoo) and Refurbishment of ESC and AAT Toilets at Merriwa Primary School (Programmed). It demonstrated a good understanding of the required tasks and proposed an appropriate methodology for the project. A detailed organisational chart and detailing of staff experience and qualifications was provided. After hours contact details were provided but no information on the ability to provide additional personnel and resources. The company has the capacity required to undertake the works.

Geared Construction Pty Ltd scored 64.1% and was ranked third in the qualitative assessment. The company has the industry experience and proven capacity to complete the works, but it did not provide after hours contacts for emergency requirements. Geared Construction Pty Ltd demonstrated extensive experience in completing projects with similar scope of work, outcomes and requirements for state and local government agencies. It listed five local government projects in detail, including the Coolbinia Bombers Clubroom Refurbishment (City of Stirling), Aquamotion Amenities Upgrade (City of Wanneroo), Millington Reserve Clubrooms Refurbishment (City of Stirling), WSSC Greenkeepers Facility (City of Wanneroo) and Dryandra Reserve Clubrooms (City of Stirling). Geared Construction also successfully completed the Sorrento Tennis Club Refurbishment for the City in August 2018. It demonstrated a thorough understanding of the required tasks with a conclusive approach to the construction methodology.

Hickey Constructions Pty Ltd scored 68.8% and was ranked second in the qualitative assessment. It demonstrated a very good understanding of the required tasks, outlined in its extensive method statement for proposed construction. Hickey Constructions Pty Ltd demonstrated extensive experience completing community facilities for several local governments, including completion of the Mildenhall Senior Citizen Centre, Falkland Park changeroom and toilet facility and the Duncraig Community Hall all for the City.

Works Hickey Constructions Pty Ltd has carried out included internal refurbishments, new kitchens, electrical upgrades, roofing works and asbestos removal. It demonstrated its capacity required to carry out the works in terms of personnel and resources.

Devco Builders scored 71.2 % and was ranked first in the qualitative assessment. It demonstrated its capacity to undertake the works. The company demonstrated considerable experience completing refurbishment projects for various government agencies. Examples of works included successfully completing the Sorrento Soccer Club refurbishment project for the City, change room modifications and upgrades of the Charles Veryard Pavilion for the City of Vincent and upgrade of AFLW Player Facilities at Leederville Oval for the City of Vincent. Works included, removal of existing fixtures and fittings, kitchen refurbishments, electrical upgrades and painting works. It demonstrated a thorough understanding of the City's requirements by providing a logical description of the method of construction relevant to this project.

Given the minimum acceptable qualitative score of 60%, Devco Builders, Hickey Constructions Pty Ltd and Geared Construction Pty Ltd qualified to progress to the stage two assessment.

### **Price Assessment**

The panel carried out a comparison of the lump sum prices offered by each of the tenderers' in order to assess value for money to the City.

<b>Tenderer</b>	<b>Fixed Lump Sum (Exclusive of GST)</b>
Devco Builders	\$757,274
Hickey Constructions Pty Ltd	\$733,176
Geared Construction Pty Ltd	\$683,440

### **Evaluation Summary**

<b>Tenderer</b>	<b>Price Ranking</b>	<b>Lump Sum Price</b>	<b>Qualitative Ranking</b>	<b>Weighted Percentage Score</b>
Devco Builders	3	\$757,274	1	71.2%
Hickey Constructions Pty Ltd	2	\$733,176	2	68.8%
Geared Construction Pty Ltd	1	\$683,440	3	64.1%

Based on the evaluation result the panel concluded that the tender from Geared Construction Pty Ltd provides best value to the City and is therefore recommended.

While Devco Builders and Hickey Constructions Pty Ltd scored higher in the qualitative assessment, their offers were \$73,834 and \$49,736, respectively, more expensive when compared to Geared Constructions Pty Ltd and did not provide any additional level of service that would warrant the additional cost.

### **Issues and options considered**

The City has a requirement for the extension and refurbishment of the Ellersdale Park Clubroom at 50 Ellersdale Avenue, Warwick. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

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

**Legislation** A state-wide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$250,000.

### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative** Support a long-term approach to significant facility upgrades and improvements.

**Policy** Requests for New or Capital Upgrades to Existing *Community Buildings Policy*.

### **Risk management considerations**

Should the Contract not proceed, the risk to the City will be moderate as Council has approved the project and there is an expectation from the facility users that the works will go ahead.

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

**Financial / budget implications**

<b>Account no.</b>	CW 003857 (BCW2562).
<b>Budget Item</b>	Ellersdale Park Clubroom – Refurbishment.
<b>Proposed Budget amount</b>	\$ 915,797
<b>Amount spent to date</b>	\$ 0
<b>Proposed cost</b>	\$ 683,440
<b>Balance</b>	\$ 232,357

The balance does not represent a saving at this time, as the final cost of the project includes activities which are in addition to this contract and may include variations to this contract arising due to the work site, the extent of which is not currently known.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

As part of the planning stage for the project, stakeholder consultation was undertaken with all regular user groups who signed off the agreed concept plan. Respondents were asked to indicate their level of support for the refurbishment project with over 95% of respondents either supporting or strongly supporting the project.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Geared Construction Pty Ltd represents best value to the City.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ACCEPTS the tender submitted by Geared Construction Pty Ltd for the Ellersdale Park Clubroom – Extension and Refurbishment as specified in Tender 002/20 for the fixed lump sum of \$683,440 (GST exclusive) for completion of the works within eight months.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf200811.pdf](#)

## **ITEM 14                    PROPOSAL TO LEASE DUNCRAIG LEISURE CENTRE - CHURCHES OF CHRIST SPORTING AND RECREATION ASSOCIATION INCORPORATED**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	04185, 101515
<b>ATTACHMENTS</b>	Attachment 1    Aerial Site Plan of DLC Attachment 2    Duncraig Leisure Centre Floor Plan Attachment 3    Queries raised during Community Engagement and Responses Attachment 4    Summary of Customer Engagement – CCSRA Lease Proposal for DLC
<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 proposal received from the Churches of Christ Sport and Recreation Association Incorporated (CCSRA) to lease the Duncraig Leisure Centre (DLC).

### **EXECUTIVE SUMMARY**

The City of Joondalup operates two leisure centres, one located in Craigie and the other in Duncraig. The management of the operations of both centres are to be aligned with the Council adopted position statement being *“Leisure Centre operations overall should aim to be self sufficient and meet all operating costs.”*

The Duncraig Leisure Centre (DLC) is located within Percy Doyle Reserve at 2/40 Warwick Road, Duncraig and is currently managed by the City. Constructed in 1976, the facility has a total floor space of approximately 1,409m<sup>2</sup> and consists of a sports hall, two meeting rooms, creche, office, gym, dance studio, workshop and kiln, kiosk, toilets, playroom, and storerooms. It operates on modified opening hours and is no longer regarded as a contemporary leisure centre but more aligned with a community-based facility.

Due to the limited ability to program activities, the constraints of the building and the Council’s current *Facility Hire Subsidy Policy*, the net cost to the City to operate DLC currently exceeds \$170,000 per annum. This current financial position of DLC does not align with the Council’s adopted position statement.

In July 2019, the Churches of Christ Sport and Recreation Association Inc. (CCSRA) submitted a proposal to formally manage the DLC through a lease of the facility. The CCSRA has managed the Warwick Stadium (formerly the Warwick Leisure Centre) since the 1990’s.

The CCSRA's proposal includes the conditions to deliver the City's internal programs and to maintain the current user groups to ensure there would be minimal impact to the community and customers. In addition, their proposal will offer current members of DLC access to programs and facilities at Warwick Stadium.

A summary of the proposed impact to customers, members and user groups is as follows:

- Of the 29 short courses currently available, 28 will continue to be operated by CCSRA. (82 hours of short courses per month, with 74 or 90% being transferred to the CCSRA). Customers of the one affected short course can be offered alternative options at Craigie Leisure Centre (CLC).
- Of the 13 group fitness classes currently available, 12 will continue to be operated by CCSRA (48 hours of group fitness classes per month, with 41 or 91% being transferred to CCSRA).
- Of the 21 user groups, 11 are not impacted and will retain their existing hire arrangement. Four of the ten user groups impacted are new bookings in 2020 with bookings expiring September and October of this year. Hire groups that are impacted due to conflicting bookings will be offered alternative options at other centres such as CLC, Heathridge Community Centre (HCC) or Warwick Stadium, or alternative times at DLC.
- Under the CCSRA lease proposal, the gym will no longer be available. DLC and CLC members will be offered the option to maintain their membership or transfer their membership to DLC or CLC. Members who maintain or transfer their membership to DLC will have the opportunity to attend the gym and fitness classes at Warwick Stadium and the remaining fitness classes at DLC. Members who wish to transfer their membership to CLC, their DLC membership fee will be honoured for 12 months and they will receive a multi access membership, a one off saving of between \$300 and \$400.
- CCSRA has agreed in principle to employ those staff members who are employed by the City of Joondalup and conduct either short courses or group fitness classes, should they wish to continue.

The proposed lease and rental fee would be in line with the City's adopted *Property Management Framework*. Main responsibilities of the lessee include the following:

- Lessee will be responsible for all non-structural maintenance within the leased area (fair wear and tear accepted) and will provide documentation on the following (if applicable):
  - fire equipment servicing
  - mechanical services maintenance and service records (in accordance with Australian Standards)
  - annual gutter cleaning
  - annual pest control treatments
  - electrical compliance testing
  - sewer pump and grease-trapping servicing
  - septic system servicing.
- Lessee will be responsible for cleaning and the general presentation of the leased area.
- Lessee will be responsible for all operational / running costs, including, but not limited to:
  - refuse collection
  - emergency service levy (E.S.L.)
  - water rates
  - all utilities related to their use (for example electricity, gas, water, telecommunications).

- Lessee will be responsible for obtaining appropriate insurance (for example public liability insurance, contents insurance).

In accordance with the adopted *Community Consultation Policy and Protocol*, the City identified those stakeholders (any persons, groups or organisations) that could be affected by, or are interested in, the matter under consideration.

Those stakeholders were identified as current members and users of DLC and as a result the City undertook a comprehensive communication and engagement plan to work with all DLC customers to inform them of the proposal, the impact on them and gather any feedback / concerns raised as a result of this engagement process.

Following the engagement period, the City summarised all queries raised during that process in a 'Summary of Customer Engagement' document. This was distributed to everyone who received an invitation to the information sessions (regardless of whether they had attended or not) plus any other member of the public that may have made comment (Attachment 4 refers).

It was distributed to 411 people, with 327 accessing the document. The City received two responses, noting the follow up information distributed.

*It is therefore recommended that the Council:*

- 1 *AGREES to enter into a five year lease with one five year option with the Churches of Christ Sports and Recreation Association (Inc) (CCSRA) for the Dun Craig Leisure Centre subject to:*
  - 1.1 *the CCSRA maintaining where practicable the existing internal programs and external hirers of the facility;*
  - 1.2 *the CCSRA agreeing to lease the area of the DLC to the Warwick Marmion Play Group under existing conditions;*
- 2 *AGREES that the lease fee be set at 0.1% of the capital replacement of the DLC;*
- 3 *REQUESTS the CCSRA to submit its annual financial statements to the City for review;*
- 4 *REQUESTS the CCSRA to submit its annual fee structure to the City for review to ensure that fees charged to users of the DLC are reasonable;*
- 5 *AUTHORISES the Chief Executive Officer to finalise lease and licence negotiations in accordance with part 1 above.*

## **BACKGROUND**

<b>Suburb/Location</b>	Dun Craig Leisure Centre, 40 Warwick Road, Dun Craig.
<b>Applicant</b>	Churches of Christ Sport and Recreation Association Incorporated.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>LPS 3</b> Civic and Community.
	<b>MRS</b> Urban.
<b>Site area</b>	3,071m <sup>2</sup>
<b>Structure plan</b>	Not applicable.

### Current Status – Duncraig Leisure Centre

The Duncraig Leisure Centre (DLC) is located within Percy Doyle Reserve at 2/40 Warwick Road, Duncraig and is currently managed by the City. Constructed in 1976, the facility has a total floor space of approximately 1,409m<sup>2</sup> and consists of a sports hall, two meeting rooms, creche, office, gym, dance studio, workshop and kiln, kiosk, toilets, playroom, and storerooms.

Since construction, the operations of the DLC have shifted away from that of a contemporary leisure centre and more towards a community-based facility due to the building's limitations when compared to current benchmarked leisure industry standards. These limitations affect the income generating capacity of the centre, which is inconsistent with Council's adopted Strategic Position Statement on this matter, namely, "*Leisure centre operations overall should aim to be self-sufficient and meet all operating costs*".

The DLC design was not dissimilar to other facilities constructed during this period (such as the Heathridge Community Centre) and was considered modern for its time. However, the facility's design no longer meets the changing requirements and strong competitiveness of the health and fitness industry and current community expectations (for instance purpose-built group fitness studios, modern size gym with the latest equipment, adequate heating and cooling and current secondary services such as a café and creche).

Due to the low patronage of DLC it operates based on the following reduced opening hours:

<b>Day</b>	<b>Leisure Centre</b>	<b>Creche</b>
Monday to Thursday	8.30am to 12.30pm and 2.30pm to 8.30pm	8.45am to 12.30pm*
Friday	8.30am to 12.30pm	8.45am to 12.30pm*
Saturday	8.30am to 1.00pm	Closed
Sunday and Public Holidays	Closed	Closed

\*The creche is only open during school terms. DLC is also closed annually for an extended period over Christmas and New Year.

Despite efforts to improve the operating result of the facility over the past four years, the net cost to the City to operate DLC currently exceeds \$200,000 per year.

### Current Status – Churches of Christ Sport and Recreation Association Inc.

The CCSRA is a not-for-profit community sporting organisation that has been in operation for over 30 years. It has a long-standing history with the City and former City of Wanneroo, having either managed or leased the Warwick Leisure Centre, (now known as "Warwick Stadium"), for almost three decades. In 1990 the former City of Wanneroo and the CCSRA entered into a joint venture to construct the Warwick Leisure Centre, at a total project cost of \$2,700,000. The CCSRA funded \$1,500,000, the State Government contributed \$700,000 and the balance of \$500,000 was funded by the former City of Wanneroo in addition to the provision of land for the facility.

In 2011, the CCSRA submitted a proposal to the City to construct four additional multi-use indoor courts, a gymnasium and revised entrance to the existing facility and requested a capital contribution and long-term lease over the extended building footprint. The total cost of the project was estimated to be \$8,950,000.

At its meeting held on 10 December 2013 (CJ251-12/13 refers), Council agreed to fund an amount of \$2,300,000 towards the project and to develop a lease agreement between the City and the CCSRA. In accordance with the new *Property Management Framework*, an additional 50% rental subsidy was also approved due to the significant capital contribution committed by the CCSRA. The current tenure arrangements at the Warwick Stadium are as follows:

Commencement Date:	1 January 2014.
Expiry Date:	31 December 2023.
Further Terms:	One option of ten (10) years and two options of five (5) years.
Termination Date:	31 December 2043.
Annual Rent:	50% of 0.1% of the current building replacement cost.

Since the expanded section of the Warwick Stadium opened in 2016, the number of people served has grown from 5,000 to 12,000 per week, with the CCSRA continuing to strive to meet its key objectives and vision, namely:

- to serve the local community with high quality and affordable sport, leisure and fitness facilities
- to create a community hub for users to feel connected, accepted and have a sense of purpose
- to see its facilities utilised to meet maximum potential and to ensure a long-term and sustainable outlook.

In July 2019, the CCSRA submitted a formal management proposal to the City, requesting its consideration to lease the DLC. This report considers the merits of the request following the completion of an engagement period with affected user groups and individuals. As a result of this process and a review of CCSRA's long-term financial capacity, it is recommended that Council agrees to enter into a lease arrangement at the DLC with CCSRA in accordance with the conditions detailed in this report.

## **DETAILS**

### CCSRA Proposal

In March 2018, the CCSRA submitted a formal request to commence discussion with the City to lease the DLC under similar arrangements as the Warwick Stadium with the following assumptions:

- 1 The lease between the City and the CCSRA would be negotiated under a similar arrangement to the lease at the Warwick Stadium.
- 2 The City would ensure the facility would be handed over in an operational standard through a joint audit, while noting the future capital works budgeted.
- 3 The current users of the facility would be communicated with well, cared for, and if need be, transitioned into a new space.

The CCSRA's proposal includes the conditions to deliver the City's internal programs and to maintain the current external user groups to ensure there would be minimal impact to the community and customers as a result of the change. The proposal does not include continuing to operate the gym or creche.

Through the DLC, the City offers several internally run programs whilst also allowing external groups to hire various areas of the facility.

The following describes the current City arrangements and the response from CCSRA under their proposal.

## External Hirers

DLC currently has 21 external hirers of the facility. The CCSRA proposal is as follows:

- 11 of the user groups will not be impacted and will continue as per current operations;
- 10 user groups will be impacted due to conflicting bookings with the CCSRA weekly schedule. Four of the 10 user groups impacted are new bookings taken in 2020 and have an end date of September and October and are aware of the possibility of the change in management and that their booking may not be able to be honoured<sup>19</sup> and have not requested a booking for 2020. The remaining six user groups will be offered alternative options at either HCC, CLC or Warwick Stadium, or alternate times at DLC.
- the fees and charges for hire will not change as part of this agreement for 12 months from the commencement of the lease.

## Internal Programming

At present, the City operates leisure short courses, group fitness classes and provides a basic gym with less than 40 members at DLC. CCSRA and the City have worked closely to ensure customers of the City's programs are no worse off as a result of this arrangement. To finalise the management options of internal programs, three key factors were considered, the financial impact, the facility availability to run the internal programs and the transition from the City run programs to CCSRA.

### Leisure Short Courses

The City operates 29 leisure short course classes at DLC per week, with current enrolment numbers averaging 330 per term.

The CCSRA proposal is to continue to operate 28 out of the 29 classes at DLC. For these classes, there would be no impact for the customers. The only program that cannot be accommodated under the CCSRA proposal can be offered alternative options at the Warwick Stadium.

### Group Fitness

The City operates 13 group fitness classes per week at DLC, with a current average attendance of 180 people per week. In total, 105 CLC members and 23 DLC members utilise the classes at DLC. The CCSRA proposal maintains 12 of the 13 current classes. A similar class to the one that can not be offered at DLC will be offered either at CLC or Warwick Stadium at the same time slot. To minimise impact on these members the CCSRA proposes two options:

- *Option 1 – To transfer DLC membership to a CLC membership (multi access membership)*

The group fitness timetable at CLC will be amended to include an additional six platinum classes to accommodate the DLC members that elect to transfer their membership to CLC. Members under this option will have access to a total of 130 classes at CLC per week, in comparison to 13 classes per week on their current DLC membership. To assist in the transition, the City will provide the same membership price as per their current agreement for the first 12 months.

- *Option 2 – To transfer DLC membership to a CCSRA membership*

Members will be able to access 12 of 13 classes currently operating at DLC, plus able to access the fitness classes located at Warwick Stadium. Members will have access to a total of 45 classes per week, in comparison to 13 classes per week on their current DLC membership. To assist in the transition, CCSRA will provide the same membership price as per their current agreement for the first 12 months.

### Gymnasium

The City operates an 80m<sup>2</sup> gym at DLC, with a current average attendance of 35 visits per week across 17 members. CCSRA have confirmed in their proposal that the gym will cease to operate in its current form. The CCSRA proposal presents two options for members:

- *Option 1 – To transfer DLC membership to a CLC membership (multi access membership)*

The City will provide the same membership price as per their current agreement for the first 12 months.

- *Option 2 – To transfer DLC membership to a CCSRA membership*

Members who elect to transfer their membership to a CCSRA membership will have access to the gym at Warwick Stadium, located on the same road as DLC, approximately five minutes away. To assist in the transition, CCSRA will provide the same membership price as per their current agreement for the first 12 months.

### Creche

The City currently operates a small 56m<sup>2</sup> creche operating Monday to Friday from 8.45am to 12.30pm, with a current average attendance of one child per day. Requirements of the creche is that for a child to be admitted, the person caring for that child must remain on site. The CCSRA proposal suggests that the creche will cease to operate in its current form and will explore alternate options for this space including small scale childcare services or family support services.

### Playgroup

The Warwick Marmion Playgroup occupies part of the DLC under a license agreement. Under the proposal submitted by CCSRA this group will continue to operate as they are.

### **Lease Conditions**

Council in late 2012 adopted a *Property Management Framework* (PMF) with the objective to apply greater consistency to property management and take a broad approach that addresses the myriad of issues involved in property management (CJ234-11/12 refers).

In accordance with the PMF, the following tenure guidelines will apply to all leases granted by the City for City-owned and managed properties (excluding Telecommunications Carriers):

- Leases will be entered into where the intention is to grant exclusive possession of the property or part of the property.

Main responsibilities of the lessee include the following:

- Lessee will be responsible for all non-structural maintenance within the leased area (fair wear and tear accepted) and will provide documentation on the following (if applicable):
  - fire equipment servicing
  - mechanical services maintenance and service records (in accordance with Australian Standards)
  - annual gutter cleaning
  - annual pest control treatments
  - electrical compliance testing
  - sewer pump and grease-trapping servicing
  - septic system servicing.
- Lessee will be responsible for cleaning and the general presentation of the leased area.
- Lessee will be responsible for all operational / running costs, including, but not limited to:
  - refuse collection
  - emergency service levy (E.S.L.)
  - water rates
  - all utilities related to their use (for example electricity, gas, water, & telecommunications).
- Lessee will be responsible for obtaining appropriate insurance (for example public liability insurance, contents insurance).

Main responsibilities of lessor (City of Joondalup) are as follows:

- The City will be responsible for arranging appropriate building insurance.
- The City will be responsible for all structural repairs and maintenance.

Lessees / licensees will be permitted to undertake capital improvements (with prior approval from the City), however, such improvements will not provide for an automatic entitlement to subsidised rental. Approval from the City will be required prior to any subletting of the premises (if granted the power to sublet).

Based on the provisions within the PMF, rental is set at 0.1% of the current replacement cost (CRC) of the leased property determined by a licensed valuer. The City is currently in the process of revaluing its building asset portfolio for the 2019-20 period that will determine the proposed rental for the facility under the current PMF. As an estimate, the 2017-18 CRC for Duncraig Leisure Centre would see an annual rental value of \$5,355; that may either increase or decrease depending on the outcome of the 2019-20 revaluation process.

#### Land Use and Tenure Arrangements

The area is currently reserved for the purposes of Civic and Community under the City's *Local Planning Scheme No. 3*. Given the activities proposed to be undertaken within the DLC by the CCSRA are not dissimilar to the existing use by the City, the activities are deemed consistent with the current designated purpose of Percy Doyle Reserve.

As Crown Land vested to the City for management purposes, the reserve is the subject of a Management Order, with the current conditions providing the City with a power to lease for up to 21 years, subject to approval of the proposed lease by the Department of Planning, Lands and Heritage (DPLH). Should Council agree to lease the facility, the City will formally seek approval from the DPLH.

## Issues and options considered

The following options are presented for Council's consideration based on the proposal received by the CCSRA and the information presented in this memorandum.

- Option 1 - Do nothing.

Should the City choose to retain management over DLC and run the facility as a leisure centre, an annual operating loss in excess of \$200,000 will still occur under this option. However, there will be no disruption to service delivery or programming for existing facility users if the facility is not externally leased.

- Option 2 - Consider running the facility as a community centre.

If the City were to retain management over DLC but run it as a community centre rather than as a leisure centre, (similar to the recent arrangements adopted at the former Heathridge Leisure Centre) there would be a number of operational models that could be implemented.

Option a – would be to operate purely as a community centre that is hireable by the community and the City offers no programming, no creche nor operates the gym. Based on 2018-19, this model would generate approximately \$44,000 in hire fees, with expenses totalling \$140,000 (reduction of all employee costs), equalling an operating deficit of approximately \$96,000 per annum.

Option b – would be to operate it as a community centre and maintain the current programming and operate the gym but not the creche (currently less than 40 members and averages less than 20 visitations per week) – this would be for members only and no casual entry could be permitted. Income would reduce to \$165,000 and expenses would total \$261,000 (reduction of all employee costs except group fitness instructors and short course officers), achieving an operating deficit of \$96,000 per annum.

If option a was agreed there would need to be substantial one-off capital costs to improve the security and access to the facilities. The facility would need to be re-keyed, signage changed, security improved including installation of CCTV and revised promotional material to advise the community of change of booking process. Pending the scale of the security systems, these costs could vary between \$50,000 and \$100,000.

If option b was agreed, the one-off costs for option a would still be required, however further works would be required to meet the recommendations from Fitness Australia for unsupervised fitness facilities. The following improvements would be required (not yet costed):

- Electronic Surveillance (CCTV)
- Panic Alarms
- Signage
- First Aid
- Change Rooms
- Modified Equipment (ie modifications to equipment include the addition of safety bars or range limiters on equipment that may cause crush injuries, and limiting access various free weights)
- Induction Process
- Insurance

The proposal presented by CCSRA activates the centre greater than the City's operating model.

Whilst there is the potential to operate the DLC as a community centre, it does not present the best financial outcome for the City over the short to medium term.

- Option 3 - Test the market for a potential commercial tenant via a public tender process.

To pursue this option, the City would be required to obtain a market rental valuation from a property valuer prior to disposing of the property as per section 3.58 of *Local Government Act 1995* at a cost of approximately \$2,500.

Preliminary investigations indicate that the average commercial rate for building facilities within the City of Joondalup is approximately \$200/m<sup>2</sup>. The DLC area comprises of 1,409m<sup>2</sup>, which under this assumption could potentially yield an annual rent of \$280,000, however, in the absence of a specific market rental valuation for this type of facility, it is difficult to more accurately predict the potential commercial value of DLC.

Furthermore, while this option has the potential to generate higher levels of income for the City compared to leasing the facility to a not-for-profit organisation, there are low expectations about the potential interest amongst current commercial operators within the market. Potential operators could include the YMCA or Belgravia Leisure; however, these organisations tend to seek out facilities with large income generating opportunities of which the size and layout of DLC does not support the requirements of commercial ventures of this nature. Where these operators manage underperforming facilities, a general component of their management contract is for the local government to fund any shortfalls through a subsidy.

In terms of the impacts on existing user groups, a commercial operator would also not enable current subsidy arrangements to continue at DLC. As such, this option is not recommended.

- Option 4 – Endorse the CCSRA proposal to lease DLC.

For the reasons outlined previously in this report, this option is recommended. About the terms and conditions upon which any negotiations should be based, the following is proposed for consideration:

- A five-year lease with one five-year option. The shorter lease term provides the City with greater flexibility over any potential future developments at the Percy Doyle site.
- A redevelopment clause providing 12 months' notice to the lessee.
- Special conditions to enable existing hirers to continue hiring the facility under similar conditions currently offered by the City, or an alternate agreement that may be reached between the parties to accommodate users.
- Special conditions to ensure the Warwick Marmion Playgroup can continue to hold a licence with the City, with the licensed area to be excluded from the CCSRA leased area.
- CCSRA being responsible for all non-structural maintenance and 100% of utility costs, including cleaning.

The CCSRA have agreed to maintain the current fee and charges structure, including the level of subsidisation to eligible community groups for the first 12 months of the lease. In 2018-19, the City received \$195,000 in income and provided \$40,000 in subsidised use.

The City has received a query for it to ensure that the fees and charges (including subsidisation) will not change under CCSRA management. Noting that while the City has an established fee and structure program and subsidisation policy, the City itself cannot guarantee that this remains going forward. If the lease required the current subsidisation to continue, the CCSRA has indicated that the City would need to fund that offset in income for them. Therefore, based on the 2018-19 subsidisation an amount of \$40,000 would have to be paid directly to CCSRA.

This has not been recommended as it could set a precedent for other hirers of City facilities to pursue, is not financial sustainable and negate the intent of the lease of DLC to CCSRA as it would decrease the projected savings proposed as part of the agreement.

To manage fee adjustments, it is proposed to include a condition within the lease that the CCSRA are required to submit their fee structure on an annual basis for review by the City.

## Legislation / Strategic Community Plan / Policy implications

### Legislation

Section 3.58 of the *Local Government Act 1995* requires the City when disposing of land (including by lease) to do so by either public auction or tender. However, Regulation 30 of the *Local Government (Functions and General) Regulations 1996* states that a disposition of land is an exempt disposition if —

(b) *the land is disposed of to a body, whether incorporated or not*

(i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

### Strategic Community Plan

#### Key theme

Financial Sustainability.

#### Objective

- Financial diversity - to be less reliant on rates as the primary basis for revenue by leveraging alternative income strategies.
- Effective management – to conduct business in a financially sustainable way.

#### Strategic initiative

- Identify opportunities for new income streams that are financially sound and equitable.
- Seek out efficiencies and regional collaborations to reduce service delivery costs.

#### Policy

*Property Management Framework.*

### Risk management considerations

With any change to the management of a community facility there may be a reaction by the users of that centre objecting to the change. To ensure everyone impacted on the proposed change of management were informed, they were invited to participate in information sessions.

## Financial / budget implications

**Baseline:** Based on the 2018-19 financial year, DLC incurred an operating deficit of approximately (\$208,000), based on the following:

- Operating income of \$195,000.
- Building maintenance and cleaning (\$79,000).
- Employment costs (\$247,000).
- Materials and contracts (\$36,000).
- Depreciation (\$35,000).
- Building insurance (\$6,000).

**Impacts of the lease with CCSRA:** If the City leases the DLC to the CCSRA, the City would not incur the first four items above and would only have responsibility for the depreciation component at (\$35,000) and building insurance (\$6,000). In addition, the City would receive approximately \$5,000 lease income per year from the CCSRA and would therefore incur an operating deficit of approximately (\$36,000) per year. This would be a saving of \$172,000 compared to the 2018-19 deficit of \$208,000.

**Financial Plan:** The financial benefits of the lease with CCSRA have not yet been included in the 20 Year Strategic Financial Plan (SFP). The SFP is updated annually and will be adjusted if the City enters into the lease with the CCSRA.

The saving of \$172,000 per year equates to 0.16% of the annual rates income.

The City has completed a review of the financial sustainability of CCSRA and their financial capacity in operating DLC. This review was based on CCSRA audited Financial Statements for the year 1 January 2019 to 31 December 2019.

The City is satisfied with the long-term financial sustainability of CCSRA. Based on the information and assumptions provided it is reasonable to assume that the CCSRA will generate an operating cash surplus at DLC. The CCSRA will share some overheads between Warwick Stadium and DLC, so the cash surplus at DLC will make a positive contribution to the overall financials.

The review of CCSRA also considered the impacts of the COVID-19 pandemic, as this has resulted in the partial closure of Warwick Stadium in March 2020. This will have a negative financial impact because there is a reduction of over 80% income. Most of the staff were stood down, although CCSRA have now registered for the Government Job-Keeper scheme and for those employees who are eligible, they will be retained.

The Job-Keeper scheme is a neutral cost to the organisation because the funds received from the government will flow 100% back to eligible employees, but the major benefit is their ability to provide full operational capability once it can reopen.

Warwick Stadium have also agreed with their lender to delay repayments on borrowings by six months during closure. This is a prudent and sensible step to ease the burden on cashflow. In summary, the closure may eat into their cashflow by approximately \$60,000 to \$70,000 but the impacts should be manageable as they have over \$300,000 in cash to withstand the impacts. A projected cashflow for the next six months has been provided which indicates that there should be no cash shortages despite a six-month partial closure.

While there is a reasonable level of comfort in the financials, it is recommended that the City conducts an annual review of the CCSRA financial results. This need not be onerous and would be similar to the arrangement established with Whitfords Hockey Club.

The CCSRA made an application to the City for waiver of lease fees due to financial hardship in light of pandemic. The assessment of financial hardship is limited to the period of COVID-19 but does not take account of current cash in the bank or future projections and does not inhibit the assessment that there is a reasonable level of comfort in the financials.

### Regional significance

The DLC is located on the south-western border of the City, and services residents of the City of Stirling.

### Sustainability implications

#### Social

The proposal from the CCSRA will see a greater level of access to the DLC which will enable the local community to continue to interact and commit to the various activities offered by the CCSRA.

#### Economic

The report details the current financial operating position of the DLC and the proposal to lease the facility to the CCSRA will improve the City's overall operating position.

### Consultation

In accordance with the adopted *Community Consultation Policy and Protocol*, the City identified those stakeholders (any persons, groups or organisations) that could be affected by, or are interested in, the matter under consideration.

Those stakeholders were identified as current members and users of DLC and as a result the City undertook a comprehensive communication and engagement plan to work with all DLC customers to inform them of the proposal, the impact on them and gather any feedback / concerns raised as a result of this engagement process.

The engagement included the following:

Name of user group	How advised	Date of session	Number of impacted members / users	Number of attendees at the session
DLC members	Phone call Email	Wednesday 4 March 2020	38	18
CLC Platinum 50+ members	Phone call Email	Friday 6 March 2020	40	10
Short Courses – Children	Phone call Email	Thursday 5 March 2020	108	1
Short Courses – Adults	Phone call Email	Friday 6 March 2020	95	13
CLC multi access members	Phone call Email	Tuesday 10 March 202	99	1

- Information sessions were held for all those stakeholders listed above, conducted by City Officers and a member of CCSRA.
- Follow up email with a summary of discussions / feedback and a set of frequently asked questions were sent to all those invited to their respective information sessions.

A summary of issues raised at both the information sessions conducted for user groups of the DLC and members of the public who have provided feedback (Attachment 3 refers).

Following the engagement period, the City summarised all queries raised during that process in a 'Summary of Customer Engagement' document. This was distributed to everyone who received an invitation to the information sessions (regardless of whether they had attended or not) plus any other member of the public that may have made comment (Attachment 4 refers).

It was distributed to 411 people, with 327 accessing the document. The City received two responses, noting the follow up information distributed. Generally the responses to the proposal has been supportive or understanding, with the majority of objections coming from two groups, either the:

- Save Duncraig Leisure Centre Group
- Marmion, Sorrento and Duncraig Progress & Ratepayers Association.

The City has provided detailed responses to both groups when responding to any of the issues and/or concerns they have raised to date.

## **COMMENT**

The operations of DLC no longer represents a modern-day leisure facility but a community centre and the financial operations of the facility are adversely impacted by the City's current *Facility Hire Subsidy Policy*, which restricts income generating opportunities. These two factors impede the operations of Leisure Centres to being self-sufficient and meeting all operating costs as per the Council's adopted position statement.

The City faces many challenges in managing its finances during these challenging and uncertain times with the City's current operating deficit sits at \$9.2m. The proposal from CCSRA aligns directly with the Council's strategic objectives and initiatives that encourages financial diversity outside collecting rates as primary revenue base while also seeking out efficiencies and regional collaborations to reduce service delivery costs. In addition, reduces the deficit for the City of approximately \$170,000.

The CCSRA is committed to ensuring that DLC continues to deliver quality programs and services to the community and sees this as an opportunity to continue to serve the local community with quality and affordable sport, leisure and fitness services. The proposal from CCSRA provides a greater offering to the community in maintaining established programming at DLC, while offering additional services via the Warwick Stadium.

The CCSRA currently operate the Warwick Stadium under a lease arrangement with the City and have proven to be reliable tenants.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1**     **AGREES** to enter into a five year lease with one five year option with the Churches of Christ Sports and Recreation Association (Inc) for the Duncraig Leisure Centre subject to:
  - 1.1**    the Churches of Christ Sports and Recreation Association (Inc) maintaining where practicable the existing internal programs and external hirers of the facility;
  - 1.2**    the Churches of Christ Sports and Recreation Association (Inc) agreeing to lease the area of the Duncraig Leisure Centre to the Warwick Marmion Play Group under existing conditions;
  
- 2**     **AGREES** that the lease fee be set at 0.1% of the capital replacement of the Duncraig Leisure Centre;
  
- 3**     **REQUESTS** the Churches of Christ Sports and Recreation Association (Inc) to submit its annual financial statements to the City for review;
  
- 4**     **REQUESTS** the Churches of Christ Sports and Recreation Association (Inc) to submit its annual fee structure to the City for review to ensure that fees charged to users of the Duncraig Leisure Centre are reasonable;
  
- 5**     **AUTHORISES** the Chief Executive Officer to finalise lease and licence negotiations in accordance with Part 1 above.

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf200811.pdf](#)

## ITEM 15                      TRANSFER OF OCEAN REEF ROAD TO MAIN ROADS WA

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	00363, 101515
<b>ATTACHMENT / S</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### PURPOSE

For Council to consider the handover of maintenance responsibility of Ocean Reef Road between Marmion Avenue and the City of Wanneroo boundary to Main Roads WA (MRWA).

### EXECUTIVE SUMMARY

Ocean Reef Road is a dual carriageway road that is designed in accordance with the *Main Roads WA Metropolitan Functional Road Hierarchy* and the *Metropolitan Regional Scheme*. Ocean Reef Road is currently classified as a local government road and is the responsibility of the Cities of Wanneroo and Joondalup. This road is strategically located and provides access to regional areas and major population and employment centres such as Joondalup and Wangara.

At its meeting held on 19 March 2019 (CJ029-03/19 refers), Council supported in principle the reclassification of this section of Ocean Reef Road as a State road.

MRWA has since advised the City that formal proclamation of the portion of Ocean Reef Road in question will now be deferred, however, as part of a transitional arrangement, MRWA has proposed to take over maintenance responsibility effective 1 July 2020.

*It is therefore recommended that Council:*

- 1        SUPPORTS Main Roads WA to take over maintenance responsibility of Ocean Reef Road between Marmion Avenue and the boundary with the City of Wanneroo, until formal proclamation occurs;*
- 2        NOTES that the City will enter into an arrangement with Main Road WA to delineate the maintenance responsibility between Main Roads WA and the City for Ocean Reef Road between Marmion Avenue and the boundary with the City of Wanneroo.*

## BACKGROUND

At its meeting held on 30 June 2010, the City of Swan Council resolved to request the reclassification of Gngangara Road from a local government road to a State road and to prepare a submission to MRWA to commence the process.

At its meeting held on 24 August 2010 the City of Wanneroo Council supported the recommendation that a joint submission to MRWA with the City be undertaken to seek reclassification of Ocean Reef Road and Gngangara Road to a State road and therefore responsibility to MRWA. The road reclassification was to include Gngangara Road and Ocean Reef Road to Marmion Avenue.

At its meeting held on 14 December 2010 (CJ227-12/10 refers), Council approved a joint submission to MRWA with the City of Wanneroo to seek the reclassification of Ocean Reef Road and Marmion Avenue to become a State road.

In August 2011 the Cities of Joondalup, Wanneroo and Swan submitted a joint application to MRWA requesting a road reclassification for Ocean Reef Road and Gngangara Road. At the time the City of Wanneroo had commenced the duplication of Ocean Reef Road from Hartman Road east and the realignment of Gngangara Road from Mirrabooka Avenue to Ocean Reef Road. At this time, the City of Swan had not commenced the duplication works of Gngangara Road east of Alexander Drive. This occurred in late 2016.

In 2012 MRWA finalised the classification assessment of Ocean Reef Road and Gngangara Road. The duplication of Ocean Reef Road and realignment of Gngangara Road had been completed by the City of Wanneroo. The completion of these works was taken into consideration by MRWA as part of the reclassification assessment. In March 2012 MRWA advised the City that the reclassification of Ocean Reef Road was not supported as it did not meet the criteria to become a State road and that it would be reviewed again in approximately five years' time.

On 1 November 2018, the City received formal correspondence from MRWA regarding the classification review of Ocean Reef Road and Gngangara Road. MRWA advised the City that the section of Ocean Reef Road from Marmion Avenue to the City's border with the City of Wanneroo now met the criteria for State road. MRWA requested the City to provide in-principle support to transfer ownership of Ocean Reef Road. A similar request was also sent to the Cities of Swan and Wanneroo.

At its meeting held on 12 December 2018, the City of Swan Council resolved to support in-principle, the reclassification of Gngangara Road as a State road from Alexander Drive to Tonkin Highway (Northlink WA Project).

The City of Wanneroo, at its Council Meeting held on 5 February 2019, agreed in principle to transfer to MRWA its section of Ocean Reef Road between the City of Joondalup boundary and Gngangara Road as well as the section of Gngangara Road between Ocean Reef Road and the City of Swan boundary.

Under MRWA's *Metropolitan Functional Road Hierarchy*, Ocean Reef Road is currently classified as a District Distributor A road from Oceanside Promenade in the west to the boundary with the City of Wanneroo in the east. The section of Ocean Reef Road from Oceanside Promenade north to Shenton Avenue is classified as a District Distributor B road and is not included as part of the re-classification request. The full length of Ocean Reef Road from the boundary with the City of Wanneroo to Burns Beach Road is 9.3km. The section to be reclassified is a 4.5km section between the City of Wanneroo boundary and Marmion Avenue.

According to the *Metropolitan Regional Scheme* (MRS), Ocean Reef Road is classified as an 'Other Regional Road' and serves as a major east west link from Gnangara Road to Marmion Avenue, including access to the Mitchell Freeway interchange.

The section of Ocean Reef Road west of the City of Wanneroo's boundary has experienced an increased level of demand, with vehicles predominantly originating from the Cities of Wanneroo and Swan. While this is still within the functionality of Ocean Reef Road, congestion during peak periods is significant within the vicinity of Wanneroo Road and the Mitchell Freeway interchange. Latest vehicle volumes, east of Edgewater Drive undertaken in late 2018 confirmed that vehicle volumes are in excess of 54,000 vehicles per day.

A breakdown of the latest vehicle volumes undertaken in November 2018 for Ocean Reef Road from Marmion Avenue to the boundary with the City of Wanneroo is provided below:

Road	Location	Vehicles per day
Ocean Reef Road	East of Marmion Avenue	17,081
	East of Eddystone Avenue	19,902
	East of Craigie Drive	24,757
	East of Edgewater Drive	54,659
	East of Trappers Drive / west City of Joondalup and City of Wanneroo boundary	48,694

At its meeting held on 19 March 2019 (CJ029-03/19 refers), Council considered a report regarding the proposed reclassification of Ocean Reef Road and resolved as follows:

- "1     *SUPPORTS in-principle the reclassification of Ocean Reef Road from Marmion Avenue to the boundary with the City of Wanneroo to a State road classification;*
- 2     *ADVISES Main Roads WA of its decision."*

## DETAILS

Following Council's decision the City has liaised with MRWA regarding the reclassification of Ocean Reef Road between Marmion Avenue and the City of Wanneroo boundary to a state road classification. At this stage MRWA is unable to confirm the timeline for the reclassification and formal proclamation; however, MRWA advised the City on 21 July 2020 (letter dated 23 June 2020) of its intention to take over the maintenance responsibility for this section of Ocean Reef Road effective as at 1 July 2020.

To facilitate this, MRWA would like to enter into a transitional arrangement whereby:

- clear delineation of responsibility between both parties will be agreed upon for future formalisation. This effectively specifies which areas will remain the City's responsibility
- an undertaking or memorandum of understanding is entered into by the parties, where the City will continue to provide maintenance to Ocean Reef Road, however, MRWA would meet the cost for areas within their remit.

This arrangement would be ongoing until formal proclamation occurred.

In discussion with MRWA, a proposal was put forth to replicate a similar maintenance agreement which applies to Marmion Avenue to the section of Ocean Reef Road in question. Under such an arrangement, the City would continue to maintain the area to its current level of service / standard, while 'basic' maintenance costs pertaining to the asset of the roadway and immediate verge itself would fall to MRWA.

Delineation in terms of areas of responsibility between the parties is required to be established and while these would be formalised in maps designating responsibility, these maps will be produced based on the following principles or situations:

<b>Asset</b>	<b>Description</b>	<b>Responsible Party for Cost</b>
<b>Islands &amp; Verges</b>	Maintenance of standard turf treatments, ground cover & vegetation, such as trees at minimum quality	MRWA
<b>Islands &amp; Verges</b>	Maintenance of entry statements and welcome signage, irrigation, where level of service is over and above minimum	City of Joondalup
<b>Islands</b>	Pedestrian cut-through and ramps	MRWA
<b>Drainage</b>	Maintenance of the entry pit and pipe to first junction	MRWA
<b>Drainage</b>	Maintenance of carrying pipes from first junction to end	MRWA
<b>Drainage</b>	Maintenance of detention/retention systems	Split on catchment area
<b>Carriageway</b>	Maintenance of road pavement on Ocean Reef Road	MRWA
<b>Carriageway</b>	Maintenance of road pavement on side streets	City of Joondalup
<b>Lighting</b>	Maintenance of lighting assets and consumption	Allocated to party requiring lighting
<b>Retaining walls</b>	Maintenance of all retaining and retention structures	Allocated to party being retained
<b>Artwork</b>	Maintenance of all public artwork	City of Joondalup

### Issues and options considered

Council can either:

- support MRWA to take over the maintenance responsibility for this section of Ocean Reef Road prior to formal proclamation as a State road  
or
- retain maintenance responsibility for the section of Ocean Reef Road within the City's boundary until formal proclamation is determined.

Option 1 - Support MRWA to take over the maintenance responsibility for this section of Ocean Reef Road prior to formal proclamation as a State road.

This is the preferred option to enable the eventual proclamation as a State road and it will also reduce the City's maintenance cost.

Option 2 - Retain maintenance responsibility for the section of Ocean Reef Road within the City's boundary until formal proclamation is determined.

The advantage of this option is that the section of road would remain the responsibility of the City including the decision-making processes required for maintenance and upgrading of the road.

The disadvantage of this option is that the City would continue to incur costs for road maintenance and future upgrades. Additionally, retaining this section of Ocean Reef Road could cause confusion around responsibility if the section of Ocean Reef Road within the City of Wanneroo's boundary was transferred to MRWA.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** *Main Roads Act 1930, Part 4 – 'Highways and main roads'.*

#### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Integrated spaces.

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

**Policy** Not applicable.

#### Risk management considerations

The only risk consideration in relation to this item would be potential reputational risk arising from the public and the state government dependent on the position adopted by the City.

#### Financial / budget implications

The City's budget for maintenance is not allocated on a street by street basis, however, it is estimated that the City, on average, spends \$132,559 per annum on maintaining this section of Ocean Reef Road based on the below:

- maintenance requirements for similar roads for example pot-hole and kerb repairs
- using unit rates for draining maintenance based on the number of drainage pits
- contract rates for mowing or landscaping costs
- allowance / provisional sum for minor maintenance costs including footpath repairs.

The estimated is detailed as per the table below:

<b>Task / Service</b>	<b>Inclusions</b>	<b>Typical Annual Cost</b>
<b>Median &amp; Verge Maintenance</b>	Landscaping, mowing, pruning and other soft landscaping maintenance	\$60,300
<b>Carriageway / Pavement Maintenance</b>	Pot-hole patching, isolated box out, crack seal and threshold treatments where relevant and street sweeping	\$4,920
<b>Kerbing Maintenance</b>	Kerb replacement and repairs	\$8,226
<b>Drainage Maintenance</b>	Drainage replacement, cleaning and inspections	\$12,900

<b>Task / Service</b>	<b>Inclusions</b>	<b>Typical Annual Cost</b>
<b>Footpath Maintenance</b>	Path replacement, sweeping, crack sealing, line marking	\$2,000
<b>Lighting Costs</b>	Western Power street lighting tariffs	\$44,213
<b>TOTAL:</b>		<b>\$132,559</b>

While the above is only an estimate, it provides an indication of the overall annual maintenance cost to the City.

The changes in maintenance costs will be subject to the specific arrangements to be entered into with MRWA as detailed in this Report.

### **Regional significance**

Ocean Reef Road is a significant arterial road that extends beyond the City's border to the east. It provides access to the Mitchell Freeway as well as Marmion Avenue.

Ocean Reef Road from the Mitchell Freeway to Gnangara Road and beyond, has been highlighted as a primary road (State road) as part of Perth and Peel @ 3.5 million – The Transport Network.

### **Sustainability implications**

The reclassification of Ocean Reef Road to a State road will have some positive economic implications for the City. The reduction in maintenance costs including median landscaping and road upgrade requirements will become the responsibility of the State.

### **Consultation**

The City consulted with MRWA and the Cities of Wanneroo and Swan to ensure alignment of decisions to facilitate the eventual proclamation of Ocean Reef Road as a State road.

### **COMMENT**

Ocean Reef Road is a significant arterial road and extends beyond the City's jurisdiction to the east. Currently, the responsibility lies with the City for intersection upgrades, road resurfacing, lighting maintenance, verge and median maintenance costs. The heavy demand on Ocean Reef Road, particularly from the east, is likely to cause an increase in the City's maintenance costs for this road over time. The reclassification to a State road is considered a positive outcome given these demands and the future anticipated traffic growth in the region.

### **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 SUPPORTS Main Roads WA to take over maintenance responsibility of Ocean Reef Road between Marmion Avenue and the boundary with the City of Wanneroo, until formal proclamation occurs;**
- 2 NOTES that the City will enter into an arrangement with Main Road WA to delineate the maintenance responsibility between Main Roads WA and the City for Ocean Reef Road between Marmion Avenue and the boundary with the City of Wanneroo.**

## REPORTS – POLICY COMMITTEE – 3 AUGUST 2020

### ITEM 16 NOTIFICATION OF PUBLIC WORKS POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	108874, 108222, 101515
<b>ATTACHMENT / S</b>	Attachment 1 Draft <i>Notification of Public Works Policy</i> Attachment 2 <i>Notification of Public Works Protocol</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

#### PURPOSE

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

#### EXECUTIVE SUMMARY

A draft *Notification of Public Works Policy* (Attachment 1 refers) has been developed to provide clarity and certainty to the community around the circumstances whereby they will be notified about upcoming public works. The draft policy was developed to complement the City's existing *Community Consultation Policy*. Where the *Community Consultation Policy* states the City's commitment to seeking feedback from identified stakeholders whenever it is required to do so under legislation, or whenever it is considered valuable to inform decision-making, the draft *Notification of Public Works Policy* states the City's commitment to notifying identified stakeholders about upcoming public works whenever it is required to do so under legislation, or whenever the City determines the public works could impact or inconvenience the community to a significant degree.

*It is therefore recommended that Council:*

- 1 *ADOPTS the Notification of Public Works Policy provided as Attachment 1 to this Report;*
- 2 *NOTES the Notification of Public Works Protocol provided as Attachment 2 to this Report.*

#### BACKGROUND

The *Community Consultation Policy*, recently amended by Council at its meeting held on 20 August 2019 (CJ111-08/19 refers), specifies the City's commitment to seeking feedback from identified stakeholders whenever it is required to do so under legislation, or whenever it is considered valuable to inform decision-making.

For a number of public works, particularly those which form the approved Capital Works Program, community consultation is not required as the works have already been approved to commence. In such cases, where upcoming public works are likely to impact or inconvenience community members to a significant degree, the City instead notifies identified stakeholders that works are about to take place.

On some occasions, there has been uncertainty in the community as to the circumstances whereby the City formally notifies identified stakeholders. The draft *Notification of Public Works Policy*, provided as Attachment 1, states the City's commitment to notifying identified stakeholders about upcoming public works whenever it is required to do so under legislation, or whenever the City determines the public works could impact the community to a significant degree. The internal *Notification of Public Works Protocol*, provided for reference as Attachment 2, details the operational procedure for notifications.

## DETAILS

A draft *Notification of Public Works Policy* (Attachment 1 refers) has been prepared to complement the *Community Consultation Policy*. The draft *Notification of Public Works Policy* states the City's commitment to formally notifying identified stakeholders whenever it is required to do so under legislation, or whenever the City determines the public works could impact or inconvenience the community to a significant degree. It is anticipated that this policy will provide greater clarity that, while the City will not necessarily seek community feedback on certain public works (particularly those which form the approved Capital Works Program), the City will still notify the community about those works.

The City's *Notification of Public Works Protocol* (Attachment 2 refers), has also been provided for reference. This internal document provides guidance to the City's workforce as to where and how identified stakeholders are to be formally notified of upcoming public works. The protocol includes the procedure for notifying stakeholders, including the drafting of communication material, approvals process and branding.

## Issues and options considered

Council can either:

- adopt the draft *Notification of Public Works Policy* as presented
- suggest further modifications to the draft *Notification of Public Works Policy*  
or
- not adopt the draft *Notification of Public Works Policy*.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** To conduct business in a financially sustainable manner.

**Strategic initiative** Manage liabilities and assets through a planned, long-term approach.

**Policy** *Community Consultation Policy*.

## Risk management considerations

The *Notification of Public Works Policy* has been developed to complement the City's *Community Consultation Policy* and to state the City's commitment to formally notifying identified stakeholders of upcoming public works (as opposed to seeking feedback to inform decision-making). If this policy is not endorsed, there is a risk that members of the community may feel that the City does not communicate information about public works which may affect them.

**Financial / budget implications**

Financial implications associated with notification of public works are considered during the annual budget planning process.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

In recent years, community expectations around local government information provision have shifted significantly. Members of the community have an increased interest in infrastructure management and an increased desire to be abreast of public works taking place in their local area. It is therefore important that the City demonstrates its commitment to notifying the community about upcoming public works which may affect them. The draft *Notification of Public Works Policy* (Attachment 1 refers) has been developed to provide clarity and certainty to the community around when they will be notified about upcoming public works. The internal *Notification of Public Works Protocol* (Attachment 2 refers) provides clear direction to the City's workforce on the process and minimum requirements of notifications.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 August 2020.

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

**RECOMMENDATION**

**That Council:**

- 1**      **ADOPTS** the draft *Notification of Public Works Policy* provided as Attachment 1 to this Report;
- 2**      **NOTES** the *Notification of Public Works Protocol* provided as Attachment 2 to this Report.

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf200811.pdf](#)

## ITEM 17                    REVIEW OF LOCAL PLANNING POLICIES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	57155, 05787, 101515
<b>ATTACHMENT / S</b>	Attachment 1 <i>Closure of Pedestrian Accessways Local Planning Policy – tracked changes</i> Attachment 2 <i>Closure of Pedestrian Accessways Local Planning Policy – clean</i> Attachment 3 <i>Joondalup City Centre Car Parking for Commercial Development Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to consider proposed amendments to the *Closure of Pedestrian Accessways Policy* and the proposed revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*.

### EXECUTIVE SUMMARY

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) allow local government to prepare, amend and revoke local planning policies relating to planning and development within the scheme area.

The City is currently undertaking a review of its existing local planning policies to identify which policies require minor updates, which policies require a more significant review and which policies can be revoked as they are no longer relevant.

The *Closure of Pedestrian Accessways Policy* was last updated in 2012. Since that time, the LPS Regulations have come into effect and the City of Joondalup *Local Planning Scheme No. 3* (LPS3) has been adopted. The policy is proposed to be updated to refer to LPS3 and the LPS Regulations, align with the City's current policy template along with minor formatting and terminology updates. No significant changes to policy objectives or standards are proposed.

The *Joondalup City Centre Car Parking for Commercial Development Policy* is proposed to be revoked as the parking standards for commercial development are now specified in the *Joondalup Activity Centre Plan*, which was adopted in 2018, and therefore, the policy is no longer applicable.

It is therefore recommended that Council proceeds with the proposed amendment and revocation of the relevant policies.

## BACKGROUND

The LPS Regulations, which came into effect in October 2015, govern the way local planning schemes, local planning policies, structure plans and activity centre plans are prepared and amended. They are comprised of the model provisions and deemed provisions. The model provisions provide a template for local planning schemes. The deemed provisions provide a range of standardised processes and provisions that apply automatically to all local planning schemes.

Local planning policies are prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the LPS Regulations. These provisions allow the local government to prepare local planning policies relating to planning and development within the Scheme area.

### Closure of Pedestrian Accessways Policy

The *Closure of Pedestrian Accessways Policy* was adopted by Council at its meeting held on 20 November 2012 (CJ256-11/12 refers) and replaced the previously titled “Pedestrian Accessways Policy”. It provides guidance on the process and assessment for requests to close pedestrian accessways within the City of Joondalup.

### Joondalup City Centre Car Parking for Commercial Development Policy

The *Joondalup City Centre Car Parking for Commercial Development Policy* was adopted by Council at its meeting held on 16 December 2008 (C89-12/08 refers). The policy sets the parking standard for commercial development within the Joondalup City Centre.

It specifies that parking should be provided at a rate of one bay per 30 square metres net lettable area (NLA), of which only 50% had to be provided on site. The remaining requirement could be provided off site or as a cash in lieu contribution. The policy was developed in association with the draft *Joondalup City Centre Structure Plan* to assist in encouraging commercial development in the CBD.

### Joondalup Activity Centre Plan

The *Joondalup Activity Centre Plan* (JACP) came into effect on 23 October 2018 upon gazettal of the City’s current planning scheme, LPS3. The JACP provides a guiding framework for development within the Joondalup Activity Centre including land use, built form provisions, residential density and parking standards.

## DETAILS

### Closure of Pedestrian Accessways Local Planning Policy

The policy is considered to be operating well and is still relevant, however, since the current *Closure of Pedestrian Accessways Policy* was adopted in 2012 a number of changes have occurred.

These include updates to the City’s policy template, introduction of the LPS Regulations and gazettal of the City’s current planning scheme, LPS3. These changes make the current *Closure of Pedestrian Accessways Policy* outdated in terms of its format and references to planning legislation.

Proposed amendments relate only to minor formatting and terminology updates to align with the current policy template and refer to LPS3 and the LPS Regulations (Attachments 1 and 2 refer).

*Joondalup City Centre Car Parking for Commercial Development Policy*

The *Joondalup City Centre Car Parking for Commercial Development Policy* (Attachment 3 refers) is proposed to be revoked as it has been superseded by the JACP.

The *Joondalup City Centre Car Parking for Commercial Development Policy* includes parking rates for development within the city centre and was developed in association with the draft *Joondalup City Centre Structure Plan*.

The JACP is now the current guiding framework for development within the city centre, replacing the draft *Joondalup City Centre Structure Plan*. The JACP also includes updated parking rates for development in the city centre.

For these reasons the *Joondalup City Centre Car Parking for Commercial Development Policy* is redundant and is recommended to be revoked.

**Issues and options considered***Closure of Pedestrian Accessways Policy*

Council has the option to:

- proceed with the amendment to the *Closure of Pedestrian Accessways Policy*, with or without modifications and without advertising
- advertise the amendment to the *Closure of Pedestrian Accessways Policy*, with or without modifications  
or
- not proceed with the amendments to the policy.

*Joondalup City Centre Car Parking for Commercial Development Policy*

Council has the option to:

- support the revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*  
or
- not support the revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*.

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

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

**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.

**Objective**                      City Centre development.

**Strategic initiative**        Pursue the development of commercial office buildings within the Joondalup City Centre.



## COMMENT

The modifications to the *Closure of Pedestrian Accessways Policy* are considered to be minor and are predominantly formatting changes.

The revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy* is considered appropriate as the policy relates to a structure plan for the city centre which is no longer applicable and the parking standards within the policy are no longer applicable as they have been replaced by those outlined in the JACP.

It is therefore recommended that Council proceeds with the proposed amendment to the *Closure of Pedestrian Accessways Policy* and the revocation of the *Joondalup City Centre Car Parking for Commercial Development Policy*.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 August 2020.

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

## RECOMMENDATION

That Council:

- 1 in accordance with clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the amendment to the *Closure of Pedestrian Accessways Local Planning Policy*, without advertising as included in Attachment 1 to this Report;
- 2 NOTES that the amended *Closure of Pedestrian Accessways Local Planning Policy* will come into effect when a notice is published in the local newspaper;
- 3 In accordance with clause 6 (b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REVOKES the *Joondalup City Centre Car Parking for Commercial Development Policy* as included in Attachment 3 to this Report, and publishes a notice in the local newspaper to that effect.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf200811.pdf](#)

## ITEM 18                    DRAFT REVISED ALFRESCO ACTIVITIES LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	03360, 101515
<b>ATTACHMENTS</b>	Attachment 1    Current <i>Alfresco Activities Policy</i> Attachment 2    Revised <i>Alfresco Activities Local Planning Policy</i> - as advertised Attachment 3    Alfresco Activities Checklist Attachment 4    Revised <i>Alfresco Activities Local Planning Policy</i> - proposed modification
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider the draft revised *Alfresco Activities Local Planning Policy* following public advertising.

### EXECUTIVE SUMMARY

At its meeting held on 12 December 2017 (CJ96-12/17 refers), Council requested that the City investigates opportunities to stimulate and encourage employment in the hospitality and tourism sectors within the City of Joondalup. Subsequently, a report was presented to Council on 16 October 2018 (CJ170-10/18 refers), which proposed certain measures to expand on the initiatives the City is currently undertaking to stimulate tourism ventures. One of these measures included the possibility of changing the regulations and licensing arrangements applicable to alfresco activities to encourage this form of development.

Currently, development (planning) approval is required for all alfresco activities and this approval must be renewed every three years. In accordance with Council's resolution, the City's current *Alfresco Activities Policy* (Attachment 1 refers) has been reviewed to:

- simplify and streamline the approval process for businesses seeking to operate alfresco activities within the City of Joondalup
- provide greater flexibility in the way alfresco activity can be conducted
- exempt alfresco activities that comply with specific policy provisions from the need to obtain planning approval.

In addition to a planning approval, alfresco operators also need to obtain an outdoor eating permit, which is governed by the *Local Government and Public Property Local Law 2014*. Currently, both the planning approval and outdoor eating permit need to be approved by the City (and conditions of approval met) prior to commencing the alfresco activities.

Under the proposed changes there may be instances where only an outdoor eating permit is needed prior to commencing.

Council, at its meeting held on 19 May 2020 (CJ069-05/20 refers), resolved to proceed to advertise the draft revised *Alfresco Activities Local Planning Policy* (Attachment 2 refers), for a period of 21 days. Advertising concluded on 2 July 2020, with no submissions being received during this time.

A minor modification is proposed to the revised *Alfresco Activities Local Planning Policy* to provide greater flexibility in the location of alfresco activities. It is recommended that Council proceeds with the revised *Alfresco Activities Local Planning Policy*, subject to this modification (Attachment 4 refers).

## BACKGROUND

Alfresco activities include the consumption of food and/or beverages by the public, generally within the verge area next to an existing food business. Alfresco activities can add vibrancy and contribute to creating a greater sense of place.

Currently, planning approval is required for all alfresco activities in the City of Joondalup, and that approval is required to be renewed every three years. The assessment of planning applications for alfresco activities is undertaken against the City's current *Alfresco Activities Policy*. The policy contains provisions that aim to maintain pedestrian and vehicle safety, whilst allowing businesses to utilise public areas to increase vibrancy and choice for residents and visitors.

The current *Alfresco Activities Policy* includes provisions related to the following:

- Where alfresco areas can be located in the street verge.
- Managing the potential impact on amenity of the streetscape.
- The type of tables and chairs permitted in the alfresco area.
- The location, materials, height and size of shelters and shade structures.
- Hazard management and liability implications.
- Operational implications should access to the land be required by a public authority (such as Water Corporation, Western Power, the City, telecommunication providers).

In addition to the requirement for planning approval, operators also need to obtain an outdoor eating permit under the *Local Government and Public Property Local Law 2014*. Both the planning application and outdoor eating permit need to be approved by the City prior to commencing the alfresco activities.

At its meeting held on 12 December 2017 (CJ96-12/17 refers), Council resolved in part:

*“That Council REQUESTS the Chief Executive Officer to prepare a report that examines initiatives which can stimulate opportunities and employment in hospitality and tourism ventures within the City of Joondalup, with the examination of measures including, but not limited to:*

- 1 *possible changes to alfresco regulation and licensing including allowances for signage and verge / sidewalk alfresco structures to encourage greater alfresco hospitality provision within the City of Joondalup...*”

In response to Council's December 2017 resolution, at its meeting held on 16 October 2018 (CJ170-10/18 refers), Council was presented with a further report, which outlined the tourism and hospitality related initiatives currently being undertaken by the City and a number of additional potential actions and initiatives to encourage economic development and tourism development in the City of Joondalup. One of these options included the review of the *Alfresco Activities Policy* to investigate exempting alfresco operators from the need for planning approval in certain circumstances.

At its meeting on 19 May 2020 (CJ069-05/20 refers), Council resolved to commence public consultation on the revised *Alfresco Activities Local Planning Policy* for a period of 21 days.

## DETAILS

The revisions to the *Alfresco Activities Policy*, as advertised, can be summarised as follows:

- The exempting of alfresco activities from the requirement to obtain planning approval where compliance is demonstrated with the relevant provisions of the policy. This will assist in expediting the approval process and in some cases, avoid planning application fees altogether.
- Allowing operators greater flexibility to determine their own needs in respect to the use and style of temporary barriers and planter boxes.
- Allowing temporary structures, fixtures and furniture within the alfresco dining area, noting that planning approval will be required for the consideration of any permanent structures within the verge.
- Allowing signage on temporary furniture and barriers within the alfresco areas, provided the signage directly relates to the business or goods and services offered.
- Providing greater flexibility in the permitted width of alfresco zones (in some areas), provided separation distances from the kerb and pedestrian zones are maintained.
- Removing requirements which are already addressed as part of the Outdoor Eating Permit process.
- To determine whether planning approval is required, the applicant will be required to complete a simple Alfresco Activities Self-Assessment Checklist (Attachment 3 refers).

### Proposed minor modification

Clause 5.2(a) of the advertised version of the revised *Alfresco Activities Local Planning Policy* requires that any proposed alfresco activities must be associated with, and located adjacent to, a commercial tenancy which prepares and serves food and beverages to customers.

In order to allow some flexibility in the configuration and location of alfresco activities, it is proposed to include an additional provision as clause 5.2(b) which states:

*“b Consideration may be given to alfresco activities which extend beyond the area directly adjacent a commercial tenancy; however this will require Development Approval to be issued prior to commencement and will be determined on a case-by-case basis taking into account the objectives of the policy, Local Planning Scheme No. 3 and any relevant activity/structure plan.”*

The above provision may assist in allowing activation of an area, for example within a nearby public space, or cater for an unusual tenancy or verge arrangement. A planning application will be required in these instances and will allow each proposal to be considered by the City on a case-by-case basis. The proposed provision is included in the draft revised *Alfresco Activities Local Planning Policy* at Attachment 4.

## Issues and options considered

Council has the option to either:

- proceed with the draft revised *Alfresco Activities Local Planning Policy*, without modifications
- proceed with the revised *Alfresco Activities Local Planning Policy*, with modifications or
- not proceed with the revised *Alfresco Activities Local Planning Policy*.

## 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.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Building and landscape is suitable for the immediate environment and reflect community values.

**Policy**                              *Alfresco Activities Policy.*

### Risk management considerations

Risks associated with exempting development approval for alfresco activities can be reduced by requiring applicants to complete the Alfresco Activities Self-Assessment Checklist which will be reviewed by the City as part of the outdoor eating permit application process.

Any alleged non-compliance can be investigated and acted upon by the City should a complaint be received for any alfresco activity which does not comply with the relevant provisions of the revised *Alfresco Activities Local Planning Policy*.

### Financial / budget implications

There will be a minor loss of revenue, should proposed alfresco activities meet the provisions of the revised *Alfresco Activities Local Planning Policy* and not require planning approval.

In the 2018-19 financial year, the City received and approved six planning applications for alfresco activities (including both new and renewal applications). The total fees received for these applications was \$882 (\$147 per application) and represents 0.1% of the planning application revenue the City received that year.

In addition to the planning application fee, an annual outdoor eating permit fee of \$338 plus \$34 per square metre applies to all alfresco areas. This outdoor eating permit process and associated fee is not proposed to be changed as part of this policy review. This is a standard fee applicable to all alfresco dining operations under the City's *Schedule of Fees and Charges*.

In terms of costs associated with public advertising and notice of any final adoption of the revised *Alfresco Activities Local Planning Policy*, the approximate cost of this process will be \$1,000.

**Regional significance**

Not applicable.

**Sustainability implications**

The revised *Alfresco Activities Local Planning Policy* will allow hospitality businesses to adapt and expand, whilst activating the public realm and providing varied dining experiences for visitors and residents. The additional seating and dining areas within these alfresco areas may also assist in the growth of businesses and subsequent employment opportunities.

**Consultation**

The revised *Alfresco Activities Local Planning Policy* was advertised for 21 days, commencing on 11 June 2020 and concluding on 2 July 2020 as follows:

- A notice published in the local newspaper.
- A letter sent to the Joondalup Business Association.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

No submissions were received during the consultation period.

**COMMENT**

The revised *Alfresco Activities Local Planning Policy* aims to provide clarity as to the City's expectations in respect to alfresco activities from a planning perspective, whilst providing greater flexibility for businesses.

No submissions were received during the consultation period. It is recommended that Council proceed with the draft revised *Alfresco Activities Local Planning Policy* subject to a minor modification to allow the City to consider alfresco activities which are not directly adjacent to the associated tenancy.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 August 2020.

The original recommendation as presented by City officers to the committee is as follows:

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Alfresco Activities Local Planning Policy*, with modification, as shown in Attachment 4 to this Report.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Alfresco Activities Local Planning Policy*, with modification, as shown in Attachment 4 to this Report, subject to the following changes being made:

- 1 in clause 5.1(c), amend the Kerbside Zone for Lakeside Drive to read "0.5 metres (Kerbside Zone abuts on-street parking) or 1.5 metre minimum (Kerbside Zone abuts a lane of traffic)";
- 2 in clause 5.1(c), amend the Pedestrian Zone for Central Walk to read "3 metres minimum width" and amend the Alfresco Zone for Central Walk to read "3.5 metres maximum width";
- 3 in clause 5.2(c) amend the last paragraph to read "All works, furniture and structures can be retained in the alfresco zone outside of the operating hours of the associated business, subject to the operator accepting all responsibility for works, furniture and structures they have installed.".

## RECOMMENDATION

That Council, in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Alfresco Activities Local Planning Policy*, with modification, as shown in Attachment 4 to this Report, subject to the following changes being made:

- 1 in clause 5.1(c), amend the Kerbside Zone for Lakeside Drive to read "0.5 metres (Kerbside Zone abuts on-street parking) or 1.5 metre minimum (Kerbside Zone abuts a lane of traffic)";
- 2 in clause 5.1(c), amend the Pedestrian Zone for Central Walk to read "3 metres minimum width" and amend the Alfresco Zone for Central Walk to read "3.5 metres maximum width";
- 3 in clause 5.2(c) amend the last paragraph to read "All works, furniture and structures can be retained in the alfresco zone outside of the operating hours of the associated business, subject to the operator accepting all responsibility for works, furniture and structures they have installed.".

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf200811.pdf](#)

## ITEM 19                      DRAFT                      CONTAINER                      DEPOSIT                      SCHEME INFRASTRUCTURE LOCAL PLANNING POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	04300, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Draft <i>Container Deposit Scheme Infrastructure Local Planning Policy</i> Attachment 2    WAPC Position Statement: Container Deposit Scheme Infrastructure Attachment 3 <i>Planning and Development (Local Planning Schemes) Amendment Regulations 2019</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider the draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

### EXECUTIVE SUMMARY

Legislation to implement a container deposit scheme in Western Australian was passed by State Parliament in March 2019. The container deposit scheme provides for a refund to be paid to any person who returns an eligible beverage container to a designated collection point.

In May 2019, the Western Australian Planning Commission (WAPC) released a *Position Statement: Container Deposit Scheme Infrastructure* and a model local planning policy, which sets out exemptions from the need to obtain development approval for certain infrastructure associated with the container deposit scheme. The position statement outlines that, where the model local planning policy is adopted by a local government, public advertising is not required.

Amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) have been drafted and were released for comment by the WAPC in December 2019. The amendments, as proposed, include planning exemptions for infrastructure associated with the container deposit scheme. When implemented, the amendments to the regulations will effectively supersede any container deposit scheme local planning policy. A date for the implementation of the amendments is currently not known.

The container deposit scheme is due to commence operation on 1 October 2020 at which point certain infrastructure associated with the scheme will require development approval unless an exemption is provided under a local planning policy.

The amendments to the regulations will supersede any container deposit scheme local planning policy, however, to avoid delays in the implementation of the infrastructure associated with the scheme, it is recommended that Council proceed with the draft *Container Deposit Scheme Local Planning Policy*, in line with the model planning policy within the *Position Statement: Container Deposit Scheme Infrastructure*.

## BACKGROUND

Legislation to implement a container deposit scheme in Western Australian was passed by State Parliament in March 2019. The scheme complements existing kerbside recycling services and provides for a refund to be paid to any person who returns an eligible beverage container through the scheme. The scheme will be launched under the banner of 'Containers for Change'.

To assist in the implementation of this scheme, the WAPC has released a position statement and model local planning policy on the infrastructure associated with the container deposit scheme. The position statement encourages local governments to develop a local planning policy exempting infrastructure from the requirement to obtain development approval (Attachment 2 refers).

In December 2019, the Department of Planning, Lands and Heritage (DPLH) released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for comment. The amended Regulations provide for exemptions for infrastructure associated with the container deposit scheme established prior to 2 June 2021. The draft regulations align with the exemptions included in the model local planning policy, with additional exemptions around commercial vehicles accessing the infrastructure and container deposit recycling centres (Attachment 3 refers).

Once the draft amendments to the Regulations are implemented, the Regulations will override any planning exemptions provided within a container deposit scheme local planning policy. DPLH have advised that a date for the gazettal of these amendments is not currently known.

The State Government has announced that the container deposit scheme will come into effect on 1 October 2020.

## DETAILS

The draft *Container Deposit Scheme Infrastructure Local Planning Policy* (LPP) aligns with the WAPC's model local planning policy and provides an exemption from the need to obtain development approval for container collection cages and reverse vending machines (CDS Infrastructure) as outlined below.

### Container collection cages

The position statement describes a container collection cage as:

*"...a cage which containers are placed in and stored for collection and return for refund. These cages will generally be donation points, rather than refund points. They may be located in association with schools, sporting or other clubs or not-for-profit organisations. Individuals will deposit the containers into the collection cages and the receiving organisation will arrange collection of the containers and receive the refund as a donation to their organisation."*

In accordance with WAPC's model local planning policy, the draft LPP exempts container collection cages that comply with the provisions of the policy in all zones, including a residential zone or public purpose reserve where the land is used for the purposes of a civic use, community purpose or educational establishment.

### Reverse vending machines

Reverse vending machines are permanently located structures that accept eligible containers in exchange for a refund. The position statement provides for descriptions of both small and large machines. Small vending machines are akin to a traditional vending machine and would likely be located in shopping centres or other public places. Given that traditional vending machines are exempt from the need for development approval as they are generally incidental to the predominant land use and located internally or in passageways, there would be no requirement for a small reverse vending machine to require approval.

Large reverse vending machines are described within the position statement as:

*“...generally mounted onto a storage structure similar to a sea container. The location of large reverse vending machines may vary, but they could be placed within existing commercial or industrial premises. These machines allow for greater volume of returns and it is likely that participants would travel to these sites with a variety of eligible containers.”*

Under the draft LPP, these machines are permitted in all zones except for the Residential and Urban Development zones.

Page six of the position statement provides examples of the likely appearance of large reverse vending machines (Attachment 2 refers).

### General development standards

The draft LPP, in line with WAPC's model local planning policy, sets out a number of development standards associated with location, visual amenity, operational amenity and development footprint. The provisions are designed to ensure that the impact on adjoining or nearby residential properties is negligible and that the infrastructure has minimal visual impact by way of cladding and promotional branding. Operation of the infrastructure is also subject to compliance with the *Environmental Protection (Noise) Regulations 1997*.

### Amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015*

Proposed amendments to the Regulations (Attachment 3 refers) were released in December 2019 to assist in the rollout of the container deposit scheme. Should these be approved by the Minister for Planning, they will override any local planning policies on CDS Infrastructure.

The draft Regulations encompass all the exemptions within the model local planning policy and provide for additional exemptions and clarification around recycling centres, drop-off refund points and commercial vehicles associated with the container deposit scheme. Recycling centres provide solely for the return of eligible containers for refund and associated sorting and storage in bulk. The draft regulations will exempt the need for development approval for these centres where the:

- site is located outside of a residential area
- operation of the centre begins by 2 June 2021
- the building is not within 200 metres of the boundary of a residential lot
- the floor area does not exceed 2,000m<sup>2</sup>
- one car parking bay is provided for each 100m<sup>2</sup> of floor area or a six-metre length of car queuing lane is provided.

Drop-off refund points generally operate within a premise such as a shop, incidental to the main land use. They are not permitted in residential areas.

DPLH have advised that a date for gazettal of these amendments is currently not known.

## Issues and options considered

Council has the option to either:

- proceed with the draft *Container Deposit Scheme Infrastructure Local Planning Policy*, without modifications
- proceed with the draft *Container Deposit Scheme Infrastructure Local Planning Policy*, with modifications
- or
- not proceed with the draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

## Legislation / Strategic Community Plan / Policy implications

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

### Strategic Community Plan

**Key theme** Quality Built Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Building and landscape is suitable for the immediate environment and reflect community values.

**Policy** Draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

## Risk management considerations

Should Council not support the draft LPP, any infrastructure associated with the container deposit scheme will require development approval, however there would be no specific provisions against which a proposal would be assessed. Instead, proposals would be assessed against the general objectives of the particular zone as outlined in the City of Joondalup *Local Planning Scheme No. 3*.

Proceeding with the policy will avoid any potentially unnecessary planning applications that would otherwise be exempt when the draft Regulations come into effect which would divert City resources from other activities and delay businesses from operating.

While Council could request that modifications be made to the draft LPP, the WAPC has stipulated that where a policy does not align with the model LPP, advertising of that policy will be required. If the draft LPP is advertised for public comment, the finalisation of the LPP may not occur until after the commencement of the container deposit scheme which, similar to the above, would mean that any infrastructure associated with the container deposit scheme will require development approval.

## Financial / budget implications

The container deposit scheme is due to commence on 1 October 2020. Should exemptions via the draft local planning policy not be in place, it is likely that the minimum development application fee of \$147 will be required for every proposal that includes infrastructure associated with the container deposit scheme. It is not known how many development applications the City will receive; however, a number of preliminary meetings have already been had with potential operators.

## **Regional significance**

The container deposit scheme is a State Government initiative, allowing for infrastructure to be provided throughout the State. 145 refund point locations have been selected by the State Government with the number of these expected to increase to 229 by the end of the first year. Forty per cent of refund points will be operated by social enterprises including charities, disability sector organisations, Aboriginal corporations and sporting and community groups.

## **Sustainability implications**

The draft LPP will allow for the recycling of eligible beverage containers. 'Containers for Change' have identified that beverage containers make up 44 per cent of all litter in Western Australia. The State Government expects that such a container deposit scheme will see a significant reduction in Western Australia's litter and recycling waste rate.

## **Consultation**

The LPS Regulations state that if a local government resolves to prepare a local planning policy, the local government must advertise the policy unless the WAPC agrees otherwise.

The WAPC's *Position Statement: Container Deposit Scheme Infrastructure* stipulates that where a local government resolves to adopt the provided model local planning policy, the WAPC agrees that advertising of the policy is not required. Prior to the Council making a resolution however, the WAPC is required to be notified of the City's intention to do so.

The City has notified the WAPC that it intends to present to Council a draft LPP that aligns with the model local planning policy for consideration. DPLH have confirmed that the draft LPP aligns with the model local planning policy and that advertising is not required.

## **COMMENT**

The draft *Container Deposit Scheme Infrastructure Local Planning Policy* will provide an exemption from the need to obtain development approval for certain infrastructure associated with the State Government's container deposit scheme which is due to commence on 1 October 2020. The draft policy fully aligns with the WAPC's model local planning policy and will assist in the implementation and delivery of the scheme. It is recommended that Council adopts the draft *Container Deposit Scheme Infrastructure Local Planning Policy*.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 August 2020.

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

**RECOMMENDATION**

**That Council, in accordance with clauses 3 and 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Container Deposit Scheme Infrastructure Local Planning Policy*, as shown in Attachment 1 to this Report.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf200811.pdf](#)*

## **ITEM 20                      REVIEW OF THE VISUAL ARTS COMMISSIONING PROGRAM FOLLOWING ITS FIRST FULL CYCLE**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services	
<b>FILE NUMBER</b>	14158, 101515	
<b>ATTACHMENT</b>	Attachment 1	Commissioned artwork by Tony Windberg
	Attachment 2	Commissioned artwork by Lindsay Harris
	Attachment 3	Commissioned artwork by Brandon Ballengée
	Attachment 4	Commissioned artwork by Nien Schwarz
	Attachment 5	Options considered (six-year cycles)
	Attachment 6	Local Government benchmarking
<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 review the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission.

### **EXECUTIVE SUMMARY**

The Visual Art Commissioning program provides the City with a unique opportunity to commission and acquire artworks at the discretion of the City from high profile Western Australian, national and international artists.

This report provides a review of the current commissioning program for the City's Art Collection and recommends that the City adjusts the cycle to become a biennial commission of Western Australian artists only and removes the international / national residency every third year.

The program would continue to commission artists to document and capture the iconic landmarks and people that represent the City of Joondalup. The commissioning of artworks by the City allows clear themes and content to be established to ensure artworks represent the social, urban, and natural aspects of the City of Joondalup. It is recommended that a biennial budget of \$15,000 is maintained for the City's collection, however, with only Western Australian artists under consideration and the residency component to be removed from the cycle.

*It is therefore recommended that Council:*

- 1     *NOTES the review of the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission;*
- 2     *APPROVES changing the cycle to become an artwork commission from a high profile Western Australian, Australian or international artist every second year (biennial);*

- 3 *LISTS for consideration an amount of \$15,000 every two years in the draft Budget to fund the Visual Art Commissioning program.*

## **BACKGROUND**

At its meeting held on 19 April 2011 (CJ064-04/11 refers), Council agreed to establish an annual Visual Art Commissioning program designed to commission artists to create artworks that document and capture social, natural, or environmental attributes of the local area to be acquired for the City's Art Collection. The City agreed to allocate \$15,000 per annum for the program. The intent of this decision was to allow Council some direct influence over the art to be included as part of its art collection.

In 2012, the inaugural commission was awarded to Western Australian artist Tony Windberg who created a mixed-media artwork entitled *Meeting Points*. The second commission in 2013 was awarded to Western Australian artist Lindsay Harris who created a painting entitled *Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going)*.

At its meeting held on 19 February 2013 (CJ021-02/13 refers), Council endorsed changes to the Visual Arts Commissioning program and approved the option to invite an international or national artist to undertake the commission with an artist in residence component over a two-year period. The program would allocate \$15,000 in year one for hosting an artist in residence and \$15,000 in year two for the same artist to produce an artwork in response to the residency.

At its meeting held on 16 October 2014, the former Art Collection and Advisory Committee (ACAC) selected New York-based artist Brandon Ballengée. Ballengée undertook a six-week artist residency from September to October 2015. Ballengée's residency resulted in a commissioned sculpture titled *Emperor Gum Moth* installed in 2016. This work is on permanent public display on Grand Boulevard, Joondalup. There was a total cost of \$54,844 for the commissioning of this artwork and a further \$26,222 for landscaping. In March 2016, Council approved additional funds from Public Art Reserve Fund Capital Item C1077 to be added to this commission to cover the shortfall (CJ045-03/16 refers).

As a result of the Visual Arts Commission program completing a cycle of commissioning and a residency, a report was presented to the Policy Committee evaluating the program. This report was presented to Council at its meeting held 28 June 2016 (CJ100-06/16 refers), where it was resolved that Council:

- 1 *NOTES the evaluation information provided for the Visual Art Commissioning program;*
- 2 *APPROVES alternating between an annual artwork commission from a high profile Western Australian artist in one year and an artist residency comprised of two parts, a Residency and Commission, taking place over the following two years, as per Option 2 detailed within Report CJ100-06/16;*
- 3 *AGREES to list \$15,000 each year going forward to fund the program;*
- 4 *REQUESTS a report be provided to the Policy Committee evaluating the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency and an artist residency commission.*

This report provides the Policy Committee with an evaluation of the Visual Arts Commissioning program as requested in 2016 (Part 4).

## DETAILS

### City of Joondalup Art Collection

The City of Joondalup Art Collection was first established following the separation of the City of Joondalup from the City of Wanneroo in 1997. The collection was divided equally in value between the two local governments. The City of Wanneroo retained the historical collection, the regional landscapes, and works by Indigenous artists and the City of Joondalup acquired contemporary works (artworks created within a recent period).

The City's Art Collection holds over 269 examples of Western Australian contemporary art, including paintings, sculptural works, drawings, prints, watercolours, photographic works, glasswork, textile works, installation, and video work. It is housed within various City buildings including the Council Chambers, Libraries, Administrative Offices, and Leisure Centres. The Art Collection is valued on a regular basis and insured accordingly (estimated market value). The collection is currently in the process of being valued by an accredited art valuer with an individual assessment of each artwork. The previous valuation of the collection in 2018 had a total value of over \$765,000. The current valuation will also include an assessment of a further 20 works in the City's Public Art Collection.

The Art Collection is a growing asset – works are collected by purchasing existing works (acquisitions), donations from artists and other collections (donation), or through appointing an artist to produce new work in response to an artwork brief (commissions). An artist residency program has many models – for the City, this model is when an artist spends time in Joondalup and then responds to their experience and produces an artwork as a result of their residency (artist residency).

The City's Art Collection is directed by the City's *Visual Art Policy* and *Art Collection Management Plan*.

#### Purpose of the Art Collection

The purpose of the collection is:

- to properly conserve, maintain, and grow the value of the City's art and cultural assets
- to preserve, protect and promote the unique social and cultural identity of the city.

#### Aims of the Art Collection

As stated in the City's *Visual Arts Policy*, the aims of the Art Collection are to:

- i. support contemporary art and artists, with a focus on Western Australian artists
- ii. acquire exemplary artworks that are contemporary, conceptually resolved and reflect current practice
- iii. provide Joondalup citizens with access to high quality, contemporary visual art, free of charge
- iv. be of sufficient scope and range to sustain a diversity of views and interpretations
- v. increase the understanding and enjoyment of contemporary art as they pertain to the culture of the City
- vi. develop the Collection holdings by attracting donations, bequests and other means of support
- vii. acquire items that will appreciate in value over time
- viii. operate guided by museum standards.

### Recognition of the Art Collection

The City's Art Collection is recognised for its significance to the Joondalup region and key works by prominent Western Australian artists.

The collection has several works that are significant to the local area, particularly through landscape works that depict the northern suburbs or explore the suburban growth of the area in the 1990s and early 2000s.

The scope of the collection has since expanded and reflects the range of styles and practices of many prominent Western Australian artists which have been particularly built upon by the City's Invitation Art Prize (previously known as the Invitation Art Award and Community Invitation Art Award) and commissioning program.

### Measuring the value of the Art Collection

The City's Art Collection is an asset that appreciates in value over time. The valuation of artworks and the rate of fluctuation cannot be ascertained over the short term. For this reason, it is challenging to determine the value of the inclusion of recent acquisitions and the inclusion of artworks by interstate and international artists in the collection while the Artist Residency program is in its infancy.

The Art Collection is valued by an authorised valuer every three years. The total value of the collection from the 2018 valuation is \$765,818 (excluding works from the Public Art Collection). In general, the works in the collection appreciate at the rate of 5–10%. The City maintains the Art Collection and Public Art Collection to museum standards and best practices to ensure that the value of the works appreciates according to market value.

The steepest rise in the value of artworks in a collection occurs when an artist transitions from the emerging to the mid-career or mid-career to highly esteemed. The greatest appreciation can, therefore, be realised by acquiring works from promising professional artists in these phases of their career. Key works by prominent artists appreciate after the artist is deceased. Works by Indigenous artists also increase in value at a satisfactory rate.

Conversely, there is usually little or even negative growth in the value of artworks by amateur artists. Works collected by artists for the criteria of their locality and not their professional standing as an artist, depreciate and has a negative effect on the value of the collection as a whole.

The overall value of an art collection benefits from having a strong definition of the parameters of works included in the collection and discipline to maintaining cohesion in the artworks included in the collection. The value of a collection is built, not by how many works are in a collection, but by the quality of the works and cohesion of the collection. Works of lower cultural or financial value have a negative effect on the collection as a whole.

Tony Windberg's artwork has appreciated in value – in 2018 the work was valued at \$18,000. This artwork appreciated at the rate of 20% in a five-year period.  
Lindsay Harris' artwork has appreciated in value – the work was valued at \$16,500 in 2018. This artwork has appreciated at the rate of 10% since it was commissioned.

Brandon Ballengee's artwork has appreciated in value – the current value of the work is \$65,000. This artwork has appreciated by 18% since it was completed in 2017.

Nien Schwarz's artwork was completed in 2019 and is too early for the work to have appreciated since it was acquired.

### Acquisitions

The City has an annual budget of \$15,000 for acquisitions into the Art Collection. One acquisition is made automatically from the Invitation Art Prize (IAP) by acquiring the winning work. The prize is selected by an external panel of industry professionals.

Within the available budget, recommendations for purchases are made with reference to artistic merit, investment potential and value as a cultural investment, and historical reference point in the future.

### Commissioning

In April 2011, Council resolved to commission on an annual basis an artwork for the City's Art Collection to the value of \$15,000.

Commissioning involves the contracting of an artist to create an original artwork for a particular purpose, exhibition, or collection. The Visual Art Commissioning program was introduced in 2011 to ensure that works in the collection are by reputable artists with significant value while allowing themes and content to be determined to ensure artworks represent the people, places, and culture of the City of Joondalup.

### Artist Residency program

In 2015 the City introduced the residency component to the commissioning program whereby an artist is invited to spend time within the City of Joondalup to research, reflect, produce artwork and engage with the local community. The program allows the community to view their local area through the perspective of a visiting professional artist.

The rationale for expanding the commissioning program to interstate or international artists with a residency component was to expand the focus of the City's Art Collection and align the program to the City's *Strategic Community Plan, Joondalup 2022*.

Since the City introduced a Visual Art Commissioning program in 2011 and the Artist Residency program in 2015, it has commissioned artworks by Western Australian, interstate and international artists as follows:

<b>Artist</b>	<b>Artwork</b>	<b>Local / Interstate / International</b>	<b>Financial Year</b>	<b>Budget</b>
<b>Commissioning Program Commences</b>				
Tony Windberg	<i>Meeting Points</i>	Western Australian	2012–13	\$15,000
Lindsay Harris	<i>Woolagut Koorling, Yey Kwodjungut Koorling (Long ago behind going, Today in front going).</i>	Western Australian	2013–14	\$15,000
<b>Residency Cycle Introduced to Commissioning Program</b>				
Brandon Ballengée	N/A (residency year)	International	2015–16	\$15,000
Brandon Ballengée	<i>Emperor Gum Moth</i>	International	2016–17	\$54,800
Nien Schwarz	<i>Place of Glistening</i>	Western Australian	2017–18	\$15,000
Helen Pynor	N/A (residency year)	Interstate	2018–19	\$15,000
Helen Pynor	N/A (to be received)	Interstate	2019–20	\$15,000
Paul Kaptein	N/A (forthcoming)	Western Australian	2020–21	\$15,000

### Criteria for acquisitions

Works acquired for the City's Art Collection, whether by purchase, commission or donation must adhere to criteria set out in the *Art Collection Management Plan*. Notable criteria for artworks include:

- i. be a quality example that will be a significant addition to the collection (essential)
- ii. enhance the current scope of the City's Art Collection (essential)
- iii. be quality artwork by a contemporary Western Australian artist (desirable)
- iv. represent the artistic practice of a Western Australian artist (or artist residing in Western Australia) who has received acclaim for their work locally, nationally or internationally (desirable)
- v. build on identifiable themes within the whole collection (desirable)
- vi. be informed by or associated with the City of Joondalup (desirable)
- vii. created by an artist during a residency hosted by the City of Joondalup (desirable)
- viii. be in response to the creative brief (additional).

### **Local Government benchmarking**

The commissioning of special-purpose artworks is common practice amongst private art collections. Commissioning is typically undertaken in addition to a general acquisition program. In 2011 the City of Perth was the only Western Australia local government that had a distinct commissioning program for its art collection; in 2018 this program was suspended. Currently the City of Joondalup may be the only local government in Western Australia that has a distinct commissioning program in addition to regular acquisitions (Attachment 6 refers).

Out of eight Western Australian local governments benchmarked, seven have an acquisition budget, with the average allocation of \$10,000–\$20,000 per annum.

An additional three interstate local governments were benchmarked. Two of these local governments allocate \$20,000–\$30,000 towards commissioning, and the third local government only allocating funds for acquisitions.

### **Issues and options considered**

Through information provided in this report, Council is asked to consider the Visual Arts Commissioning program, and to assess the recommended option for the future format of the program.

### Success of the Artist Residency program

The success of the Artist Residency program against the program objectives and a summary of the success and shortfalls of the program are as follows:

- A significant link to the *Strategic Community Plan Joondalup 2022*.
  - i. the Artist Residency program may not contribute to the Cultural Development strategic initiatives outlined in the Community Wellbeing of the strategic plan
  - ii. the Artist Residency program may align with the Bold, Ambitious, Innovative, Enterprising, Prosperous, Compassionate values listed in the strategic plan
  - iii. the Artist Residency program may align with the City's global aspirations.
- Genuine and focused engagement between the artist, community, and landscape.
  - i. both Brandan Ballengée and Helen Pynor spent significant time engaging with the community and area during their residencies.

- The artist to approach the City of Joondalup without preconceptions or pre-knowledge of what the City, Western Australia, the people, and landscape is like.
  - i. with only a six-week residency schedule, a significant amount of planning is required to achieve a high level of productivity during the residency. As a result, it is not feasible for the artist to approach the City of Joondalup without preconceptions or prior knowledge of the area.
- The spirit of exploration and discovery would be reflected in the artwork – culminating in a work based on experience and genuine interaction.
  - i. at the end of his residency, Ballengée proposed an artwork that belongs to a series of artworks titled *Love Motels for Insects*. Similar works from this series exist around the world, however, the artwork commissioned for the City's Art Collection is a unique design
  - ii. Pynor's interaction with the community during her residency directly influenced her artwork.
- Cultural and social benefits the community through hands-on engagement.
  - i. both residencies consisted of hands-on engagement with the community.
- A recognition that the City supports a significant migrant population.
  - i. the achievement of this objective has been unsuccessful through the Artist Residency program to date.

#### Benefits of the Artist Residency program

The Artist Residency program has provided several benefits for the community. The program allows for the tangible promotion of the City's Art Collection and increases the interest of the community in the collection.

The program is aligned with the *Visual Arts Policy* to deliver a contemporary visual arts program that supports quality cultural opportunities for the local community, recognising the value of culture in our society as a driving force for change, innovation, vibrant communities, a strong sense of place, the economy and tourism.

#### Shortfalls of the Artist Residency program

The program would benefit from increasing community access to the visiting artist by allowing for drop-in opportunities or appointments. The residency program relies on local accommodation for the artist during their stay (Sorrento Quay, Joondalup Resort, short-stay accommodation). The City currently does not have the appropriate facilities such as an artist studio to accommodate ongoing access to the artist while they are visiting. As a result, the program receives less visibility and engagement with the community and City stakeholders. Successful artist residency programs are often delivered where a gallery has an adjacent artist studio and accommodation option. This allows the artist to live and work in one venue and conduct workshops and exhibit the outcome of their residency in the same venue.

#### Alignment to Joondalup's Art Collection (Western Australian focus)

Artworks in the City's Art Collection have been created by Western Australian artists with the exception of the two works created through the Artist Residency program. Although it is not clarified in the *Art Collection Management Plan*, Western Australian artists refer to artists who:

- were born in Western Australia
- are current residents of Western Australia who have lived here for 12 months or more or
- lived and worked in Western Australia for a significant amount of time and produced a significant body of work here.

As a condition of entry, artists participating in the City's Invitation Art Prize must be a resident of Western Australia for 12 months before the closing date for submissions.

The current commissioning cycle is too infrequent to build a significant portion of national / international works within the City's Art Collection and as a result, creates a deviation to the cohesion of the collection.

#### Baseline Option 1: Maintain the current cycle

This pattern involves the following events over a three-year cycle with two artwork commissions resulting:

- Interstate / international artist residency including research for forthcoming commission (year one).
- Interstate / international artist commission (year two).
- Western Australian artist commission (year three).

This option makes no changes to this existing program whereby it cycles through an interstate or international artist residency in one year, a commission by the same artist in the proceeding year, and a commission by a Western Australian artist in the third year.

The City will acquire two artworks in this three-year cycle. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 2: Remove the residency component with an interstate / international artist and retain a commission by a Western Australian artist only

This option will roll back the commissioning program to its original model and remove the residency component plus commission by an interstate or international artist. This model will include one commission each year by a Western Australian artist.

The City will acquire one artwork every year in this model. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 3: Keep the residency but with a Western Australian regional focus

This option retains the Visual Art Commission program and Residency program; however, the artist residency component is re-focused to include regional Western Australian artists only and excludes interstate and international artists from the program.

The program will cycle through an artist residency with a regional Western Australian artist in one year, the commission of an artwork by the same regional Western Australian artist in the following year, and commission of an artwork by an artist based in the greater Perth region in the next year.

The City will acquire two artworks in this three-year cycle. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 4: Only commission an artwork by a Western Australian artist every two years and remove the residency component

This option will roll back the Art Commissioning program to its original model where artworks are commissioned by Western Australian artists only. This model also cuts the frequency of commissions in half and eliminates the residency component from the program.

The City will acquire one artwork every two years. This model generates a saving of \$15,000 every other year.

All options are listed with the alternating cycles over a six-year period in Attachment 5.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Invest in publicly accessible visual art that will present a culturally enriched environment.

**Policy** *Visual Arts Policy.*

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Since the commencement of the program the following budget allowances have been made:

<b>Financial Year</b>	<b>Program Model</b>	<b>Allocated Funds</b>
2012–13	Art commission	\$15,000
2013–14	Art commission	\$15,000
2014–15	-	-
2015–16	Artist Residency	\$15,000
2016–17	Art commission	\$15,000
2017–18	Art commission	\$15,000
2018–19	Artist Residency	\$15,000
2019–20	Art Commission	\$15,000
2020–21	Art Commission (forthcoming Paul Kaptein)	\$15,000

No activity in 2014–15 during the commencement of the Artist Residency program.

**Current financial year impact**

**Account no.** C1078.  
**Budget Item** Commission for the City's Art Collection.  
**Budget amount** \$ 15,000  
**Amount spent to date** \$ 15,000  
**Proposed cost** \$ 15,000  
**Balance** \$ 0

**Future financial year impact**

**Annual operating cost** \$ 15,000  
**Estimated annual income** \$ 0  
**Capital replacement** Not applicable.  
**20 Year Strategic Financial Plan impact** Option 1 and 3

While the formats of the commissioning cycles vary in these options, the City would continue to acquire two artworks in a three-year cycle. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 2

The City would acquire one artwork every year. This model adheres to the current budget allocation of \$15,000 each year.

#### Option 4

The City would acquire one artwork every two years. This model generates a saving of \$15,000 every other year. This would result in a \$150,000 saving over 20 years.

*Option 4 is the recommended option.*

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

The City's Art Collection, including its public art, archives, and memorabilia, plays an important part in shaping and developing a sense of community.

The ongoing provision of an accessible and high calibre art collection is integral to the cultural development and vibrancy of the City of Joondalup region and to best practice standards for the development of the visual arts in local government.

### **Sustainability implications**

Art strengthens the public realm (environment) by creating points of interest, animating spaces, and providing beauty, character, and colour to places. Art provides a catalyst for public discussion about current social, economic, and environmental issues. Art is a driver for cultural tourism. Art collections transcend time and become a connection to the past, telling stories of previous civilisations, social movements, and points in history. The collection should be viewed as a long-term investment for future communities to access the history of a region.

### **Consultation**

Not applicable.

### **COMMENT**

The commissioning of special purpose artworks complements the acquisition program to ensure the development of a relevant and comprehensive art collection. Other local governments have had to discontinue their commissioning programs over recent years and while no local governments in Western Australia currently have a distinct commissioning program, a number do undertake sporadic commissioning and lack a consistent approach to this important aspect of developing an art collection. Most local governments that described commissioning work on a case-by-case basis will do so in response to important anniversaries, milestones or celebrating honoured people through portraiture as the occasion arises. Having a regular commissioning program provides an opportunity for the City to commission works in response to gaps in the existing collection. Inviting a prominent artist to respond to the region every two years will provide a historical reference point for future generations.

The commissioning of various artworks that are reflective of the City of Joondalup offers the following benefits:

- The resulting works would be a culturally valuable asset for the City and would be a welcome addition to the City's growing art collection.
- Through the acquisition process, which may include recommending the purchase of artworks from the Invitation Art Prize and Community Art Exhibition, it has been difficult to locate works that relate to local area in content or context that are also of strong artistic merit. To ensure artworks of quality that also reflect the City of Joondalup can be included in the collection, a more targeted approach such as commissioning is required.
- Commissioning allows the City to determine the overall content or theme of the artworks. Commissioning thereby allows the City to capture a site, person, or theme of particular significance, which over time will provide a historical perspective of the City.

The introduction of a residency program can continue and perhaps be re-focused to regional Western Australian artists. However, with a lack of facility for the community to readily access the artist, it reduces the effectiveness and reach of hosting the artist and exhibiting the outcomes of their visit. For this reason, it is recommended that the program is refocused to commissioning works by prominent Western Australian artists and the cycle becomes biennial whereby the City would acquire one artwork every two years. This model will also generate a saving of \$15,000 every other year.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 3 August 2020.

The original recommendation as presented by City officers to the committee is as follows:

*That Council:*

- 1 *NOTES the review of the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission;*
- 2 *APPROVES changing the cycle to become an artwork commission from a high profile Western Australian artist every second year (biennial);*
- 3 *LISTS for consideration an amount of \$15,000 every two years in the draft Budget to fund the Visual Art Commissioning program.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

*That Council:*

- 1 *NOTES the review of the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission;*

- 2 *APPROVES changing the cycle to become an artwork commission from a high profile Western Australian, Australian or international artist every second year (biennial);*
- 3 *LISTS for consideration an amount of \$15,000 every two years in the draft Budget to fund the Visual Art Commissioning program.*

## **RECOMMENDATION**

### **That Council:**

- 1 **NOTES the review of the Visual Arts Commissioning program following its first full cycle, comprising an art commission, an artist residency, and an artist residency commission;**
- 2 **APPROVES changing the cycle to become an artwork commission from a high profile Western Australian, Australian or international artist every second year (biennial);**
- 3 **LISTS for consideration an amount of \$15,000 every two years in the draft Budget to fund the Visual Art Commissioning program.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf200811.pdf](#)*

## REPORT OF THE CHIEF EXECUTIVE OFFICER

### MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

#### **NOTICE OF MOTION NO. 1– MAYOR ALBERT JACOB, JP – CALL FOR A REPORT FOR THE INSTALLATION OF UNDERGROUND POWER**

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Mayor Albert Jacob, JP has given notice of his intention to move the following Motion at the Council meeting to be held on 18 August 2020:

***That Council REQUESTS the Chief Executive Officer to submit a report to Council for its consideration on the opportunity and costs for the installation of underground power under the State Underground Power Program in the locality of Duncraig bounded by Lilburn Road, Marmion Avenue, Hepburn Avenue and Warwick Road to fulfil the following objectives:***

- 1 Improve reliability and security of electricity supply for consumers;***
- 2 Enhance streetscapes and visual amenity;***
- 3 Reduce street tree maintenance costs for local governments;***
- 4 Improve street lighting and community safety;***
- 5 Reduce maintenance costs for Western Power.***

#### REASON FOR MOTION

One of the most consistent requests received from residents in this area of Duncraig is whether the City could consider advancing this area to be a candidate for the *State Underground Power Program*.

The State Government established the *State Underground Power Program* (the Program) and the Program is managed by the Public Utilities Office (PUO) within the Department of Finance.

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 *State Underground Power 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 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.

The latest funding round (Round 6) was released at the end of 2015, requiring submissions to be made by early 2016.

In February 2017, the City undertook a community consultation process to determine the overall level of support for the undergrounding of power in overhead power sites across the City. Over 3,000 households were directly contacted, seeking their feedback.

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.

Noting that support for the program appears to have increased over time and that the most recent round of consultation indicated a level of support much closer to the required threshold, I am therefore calling for a report to consider again whether there is an appetite within the community to progress this program.

#### **OFFICER'S COMMENT**

A report can be prepared.

## **NOTICE OF MOTION NO.2 – MAYOR ALBERT JACOB, JP – CALL FOR A REPORT FOR THE CONDUCT OF A MAJOR EVENT**

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Mayor Albert Jacob, JP has given notice of his intention to move the following Motion at the Council meeting to be held on 18 August 2020:

***That Council REQUESTS the Chief Executive Officer to submit a report to Council for its consideration on the potential for the conduct of a major event based on the Joondalup Speed Classic held in October 1998.***

### **REASON FOR MOTION**

The City of Joondalup (the City) has allocated funds in the 2020-21 budget to attract major events.

In 1998, the City conducted an event known as the Joondalup Speed Classic which was a series of classic car races within the streets of the Central Business District (CBD) of the City.

The inaugural Joondalup City Speed Classic held on 25 October 1998 came hot on the heels of the formation of the City on 1 July 1998. The event was designed to provide family friendly entertainment and promote the City as the *Heart of the North* after its split from the City of Wanneroo. The day was well attended and attracted over 4,000 spectators. Admission to the speed classic was \$10/adult, \$5/children and \$25/family (two adults and two children under 16 years of age).

Holding a classic car speed display within the Joondalup CBD was first suggested by Joondalup MLA Chris Baker with proceeds from the day going to a beautification scheme and a proposed fountain. Local council, LandCorp and the North West Metro Business Association were the initial sponsors of the event. The British Consulate offered a prize for the best static car club display of British cars located in the parking bays along Grand Boulevard.

The Wanneroo Times described the event as ‘*a re-enactment of the halcyon days of motor racing*’ referring to the popular British pastime known as around-the-house motor racing where local streets are closed and turned into a racetrack for a day. These events finally ceased in the 1950s due to safety concerns.

The Joondalup City Speed Classic placed great importance on the safety of drivers, volunteers and spectators but stated in its event program that it would not be liable for injury, death or damage to spectators unless they had ‘failed to provide due care.’ The duty of care extended to the provision of safety barriers and detailed safety instructions for spectators to follow. The Wanneroo Flag Marshals Association volunteers ensured drivers and spectators had a safe day.

Around the Houses Events Management organisers Howard and Denise Wilcockson brought together 175 classic cars worth over \$10 million and 120 of them competed in the one-day event. Howard said, ‘*the classic would feature the most exotic historic race cars ever seen in a single event in WA.*’ This included a 1949 Wylie Javelin, a rare American 1956 Offenhauser Indianapolis race car and an Australian Maybach previously raced by Stan Jones, father of Australian World Champion Allan Jones. The Maybach had been fully restored after it crashed during a race at Philip Island. Two 1930’s Bentleys also appeared and were great crowd pleasers.

The oldest vehicle on the day was the replica 1928 Chrysler Special Silver Wings II driven by Graeme Cocks in the Historic Sports Car division. The Silver Wings II was built from a battered old farm ute and was a replica of the one driven by Arthur Colliver who broke the Australian speed record at Lake Perkolillie near Kalgoorlie in 1927. In 1997 Graeme raced his replica car on Lake Perkolillie and won.

Other unique cars included a Porsche 911, a 1960 Austin Healey Sprite, a Sabrina Austin Special, a 1973 MG Midget and a five-litre Alfa Chevy. Another attraction was a 1964 Chevy Impala built and raced by Australian racing champion Peter Hopwood. The Chevy Impala was a well-known Aussie touring car and had a long winning streak in its heyday. Don Behets restored the car to its full glory and drove it on the day. The event also attracted former state champions Don Hall, Dick Ward, motoring history collector Julian Cowan and car enthusiasts from across Australia.

An around the houses style display had never been run in Joondalup before, so participants did not have a lap record to be ranked against. A special arrangement with Guildford Flyer Bus Service saw Des Muir drive a 49-seat, ex-TransPerth, Hino bus around the circuit. He was required to adhere to speed limits and road signs and covered the track in three minutes and 54 seconds. If one of his passengers had been tipped from their seat to the floor during the ride the lap would have been disqualified.

The City was closed for the event and the day's program consisted of 22 events across seven classes. The start and finish line were positioned in Grand Boulevard outside the Joondalup Courthouse and the circuit proceeded down Shenton Avenue, Davidson Terrace, Boas Avenue, McLarty Avenue, Reid Promenade and back to Grand Boulevard. The public were allowed full access to the pits located behind the Old Bailey Tavern in McLarty Avenue and to the track from controlled locations between events. Spectator viewing areas gave the public ample and safe vantages to view the displays.

The display began at 10.00am with drivers' making practice laps of the circuit. The first event started at 11.30am with three laps for each class; the Historic Sports Cars were followed by Classic Sports Cars, Classic Sports Sedans, Racing Cars/Classic Sports, Superkarts, Classic GTs and Historic Racing Car Saloons. Next up were two parades of cars from the Marque Car Club and the Competitors prior to the official Opening at 1.00pm. The opening address was given by Lands Minister Doug Shave and the patron of the event Chris Baker MLA.

In the afternoon the cars ran through their paces in two more display events. During the break, Cockburn Wreckair held a special speed car display of their historic cars. The oldest car on display was the 1954 Blue Eyes Guiding Angel Special, one of the few remaining cars of this marque to have raced at the famous Indianapolis Motor Speedway.

Proceedings wound up around 4.30pm with the presentation of trophies in the pit area. Despite the event being a huge success the event did not become an annual event.

Some of the winners in the classes were:

Peter Briggs	1929 Bentley Blower	Historic Sports Car
Mike Falconer	1966 Brabham BT18	Historic Racing Car
Don Behets	1964 Chevy Impala	Pre-1965 Racing Saloons
Paul Kestell	1963 Lotus Cortina replica	Sports Sedans

## OFFICER'S COMMENT

A report can be prepared.

**CLOSURE**



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

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

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

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

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

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



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