

minutes

MEETING HELD ON **TUESDAY 8 DECEMBER 2020**

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CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 8 DECEMBER 2020.**

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.03pm.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	<i>absent from 8.37pm to 8.41pm</i>
CR NIGE JONES	North Central Ward	
CR CHRISTOPHER MAY	Central Ward	
CR RUSSELL POLIWKA	Central Ward	<i>absent from 7.05pm to 7.07pm</i>
CR CHRISTINE HAMILTON-PRIME, JP	South-West Ward	
CR JOHN RAFTIS	South-West Ward	
CR JOHN LOGAN	South-East Ward	
CR RUSS FISHWICK, JP	South Ward – <i>Deputy Mayor</i>	
CR SUZANNE THOMPSON	South Ward	

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>absent from 9.32pm to 9.33pm</i>
MR JAMIE PARRY	Director Governance and Strategy	<i>absent from 8.45pm to 9.03pm</i>
MS DALE PAGE	Director Planning and Community Development	<i>absent from 8.45pm to 9.03pm</i>
MR NICO CLAASSEN	Director Infrastructure Services	<i>absent from 8.45pm to 9.03pm</i>
MR MAT HUMFREY	Director Corporate Services	<i>absent from 8.45pm to 9.03pm</i>
MR BRAD SILLENCE	Manager Governance	
MR CHRIS LEIGH	Manager Planning Services	<i>absent from 8.26pm to 8.28pm</i> <i>absent from 8.45pm to 9.03pm</i>
MR DANIEL DAVINI	Media Advisor	<i>absent from 8.45pm to 9.03pm</i>
MRS VIVIENNE STAMPALIJA	Governance Coordinator	<i>absent from 8.25pm to 8.26pm</i> <i>absent from 8.45pm to 9.03pm</i>
MRS DEBORAH GOUGES	Governance Officer	<i>absent from 8.45pm to 9.03pm</i>
MRS WENDY COWLEY	Governance Officer	<i>absent from 8.45pm to 9.03pm</i>

Guest:

MR GEOFF BLADES	Partner, Lester Blades	<i>to 9.03pm</i>
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There were 53 members of the public and one member of the press in attendance.

DECLARATIONS OF INTEREST

Disclosures of Financial Interest/Proximity Interest

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

Name/Position	Mr Nico Claassen, Director Infrastructure Services.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Claassen is a director eligible to be assigned to the acting Chief Executive Officer position.

Name/Position	Mr Mat Humfrey, Director Corporate Services.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	The item may relate to the terms and conditions of Mr Humfrey's employment.

Name/Position	Ms Dale Page, Director Planning and Community Development.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Ms Page is a director eligible to be assigned to the acting Chief Executive Officer role.

Name/Position	Mr Jamie Parry, Director Governance and Strategy.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Parry is a director eligible for the acting Chief Executive Officer position.

Disclosures of interest affecting impartiality

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

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	C124-12/20 - Petition in relation to the next Chief Executive Officer being selected from outside of Local Government Professionals.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The petition questions Mr Hunt's character, professionalism and integrity.

Name/Position	Mr Jamie Parry, Director Governance and Strategy.
Item No./Subject	C124-12/20 - Petition in relation to the next Chief Executive Officer being selected from outside of Local Government Professionals.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Parry is a member, Board Member and current WA State President of Local Government Professionals WA.

Name/Position	Mayor Hon. Albert Jacob, JP.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob attends one of the churches listed.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The Salvatorian Priests and Whitfords Catholic Church are known to Cr Hollywood.

Name/Position	Cr John Logan.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Many church, parish and charity leaders are known to Cr Logan.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean attends one of the churches listed.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Church personnel are known to Cr Taylor.

Name/Position	Mayor Hon. Albert Jacob, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Mayor Jacob.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Fishwick, JP.

Name/Position	Cr Christine Hamilton-Prime, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Hamilton-Prime.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Hollywood.

Name/Position	Cr Nige Jones.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Jones.

Name/Position	Cr John Logan.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Logan.

Name/Position	Cr Christopher May.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr May.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr McLean.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Poliwka.

Name/Position	Cr John Raftis.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Raftis.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Taylor.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Thompson.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Mr Hunt.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt is the current Chief Executive Officer. His contract expires on 18 December 2020 and is not an applicant.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	Notice of Motion No. 3 – Cr Suzanne Thompson – Review of Property Management Framework.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick, JP is a member of the Sorrento Bowling Club which has a 'Not for Profit Lease' with the City of Joondalup under the 0.1% Capital Cost Model.

PUBLIC QUESTION TIME

The following summarised questions were taken on notice at the Council Meeting held on 17 November 2020:

Mrs C Baldwin, Iluka:

Re: Bush Forever Sites.

Q1 How many Bush Forever sites are within the City of Joondalup municipality?

A1 There are over 150 sites that are designated as Bush Forever within the City of Joondalup.

Q2 Please advise where these Bush Forever sites are located?

A2 Given the large number of sites, a list will be separately provided to Mrs Baldwin.

Q3 Please advise when these Bush Forever sites were gazetted and / or proclaimed?

A3 The designation of a Bush Forever site occurs through the Metropolitan Region Scheme which is the responsibility of the Western Australian Planning Commission (WAPC). The information requested should be sought from the WAPC.

Q4 Please advise how many of these Bush Forever sites have buildings on them currently?

Q5 Please advise if there is a building established on these Bush Forever sites and what date and who granted building approval on the sites?

A4-5 Given the large number of sites, to provide a response to these questions would divert a substantial and unreasonable portion of the City's resources away from its other functions and therefore will not be provided.

Ms P Scull, Beldon:

Re: Non-chemical Weed Management.

Q1 How are the City's trials of non-chemical weed management methods progressing and how extensive and involved are these trials?

A1 Current trials involving hydrothermal are being monitored. Further, more extensive trials will commence later this month within the Joondalup Central Business District.

Ms H Driesen, Sorrento:

Re: Duncraig Leisure Centre.

Q2 Why is the lease agreement between the City of Joondalup and the Churches of Christ Association for the Duncraig Leisure Centre signed but not dated?

A2 The City's official Common Seal Register records the date of signing of the lease agreement, which occurred on the 15 September 2020. The lease itself may also be dated, but its absence does not affect the legality of the agreement given the various documented processes and registers in place that are instructive as to the execution date.

The following questions were submitted prior to the Council meeting on 8 December 2020:

Mrs E Clapton, Greenwood:

Re: Pesticide Exclusion Register.

Q1 Will the Council agree to extend the Pesticide Exclusion Register to allow for residents who wish to manage the area owned by the council and directly adjacent to their residential property boundary in a similar way?

A1 The City only undertakes chemical weed control in areas where there are weeds present and will therefore not spray areas that are kept weed free.

Ms B Hewitt, Edgewater:

Re: Biovision.

Q1 On 21 November 2020 the Post Newspaper reported that Joondalup and four other Councils were set to be charged more than \$89 million to walk away from a northern suburbs recycling scheme, Biovision, after its business model collapsed when a number of the Councils, including Joondalup, diverted waste from the plant as part of their recycling initiatives. Is this report accurate?

A1 Due to the confidential nature of the contractual arrangements between the Mindarie Regional Council (MRC) and Biovision, the City is not able to respond to these questions.

Q2 What are the financial ramifications for both the City and the ratepayers of this business failure?

A2 Refer A1 above.

Q3 *Was the failure of Biovision and the subsequent payout, foreseeable at the time the City made its decision to move to the three bin rubbish collection system?*

A3 Refer A1 above.

Ms P Scull, Beldon:

Re: *Glyphosate.*

Q1 *It has been noticed that the pesticide exclusion register is available on the City's website. Has this been formerly advertised to inform residents?*

A1 At its meeting held on 21 July 2020, and among other decisions, Council requested:

- the Chief Executive Officer to develop and implement a “no spray verge” list, with appropriate maintenance conditions, allowing residents, property owners, established childcare facilities and schools to register the verge(s) adjacent to their property as being exempt from chemical weed control
- the Chief Executive Officer to notifying schools and established childcare facilities of the ability to register the verge(s) adjacent to their property on the “no spray verge” list.

The City’s Pesticide Exclusion Register became live on Friday 4 December 2020 through a soft launch on the City’s public website. As per the Council decision detailed above, the City will progress with notify schools and established childcare facilities of the ability to register the verge(s) adjacent to their property on the Pesticide Exclusion register. The City will progressively provide information for residents through its various media platforms.

Q2 *Why have we not received any notification regarding this?*

A2 Refer A1 above.

Q3 *What period of time did the City's Esplanade trial cover?*

A3 The City’s initial trial of Esplanade was undertaken between 17 September to 27 October 2020 within the main arterial road network, with treatment being limited to the median island kerb lines only.

Q4 *Can the City clarify the presumption that glyphosate-based herbicides, (with an average half-life of 47 days), are rendered permanently inactive once the application is dried?*

A4 The Australian Pesticides and Veterinary Medicines Authority (APVMA) is Australia’s agvet chemical regulator, as such, questions of this nature should be directed to them or to the product’s manufacturer.

Q5 *With consideration of glyphosate's salt nature, what happens when the residual dried application comes into contact with water again?*

A5 The Australian Pesticides and Veterinary Medicines Authority (APVMA) is Australia’s agvet chemical regulator, as such, questions of this nature should be directed to them or to the product’s manufacturer.

Mr D Blackburn, Kingsley:

- Re: CJ180-12/20 – Proposed Amendment No. 6 to Local Planning Scheme No. 3 – Private Community Purposes Zone – Consideration Following Advertising.*
- Q1 The zoning table in LPS3 has "Residential Building" as a "D" use for Private Community Purposes. To be consistent as the objectives of this zone did not envisage residential development shouldn't the permissibility be amended to "X"?*
- A1 A 'Residential Building' is defined as a building used for human habitation temporarily by two or more people, or permanently by seven or more people. This type of accommodation is often used by community organisations to provide specialised accommodation as part of a community service. Accordingly, this type of accommodation is considered to align with the objectives of the 'Private Community Purposes' zone and is therefore considered appropriate to remain as a 'D' (discretionary) land use in the zone.*
- Q2 In recent practice for community consultation, copies of letters sent to residents and verbatim responses from submissions have been reported to meetings of council in an attachment. Why hasn't this been done for the consultation on Scheme Amendment No 6?*
- A2 The consultation undertaken as part of proposed Amendment No. 6, meets the statutory requirements specified in the *Planning and Development (Local Planning Schemes) Regulations 2015*. For some larger scale planning proposals, additional analysis is provided which is above and beyond the statutory requirements, but in this case, the total number of submissions received did not warrant a separate consultation analysis / report. The nature / themes of submissions received is captured in the Council report.*

Ms R Murphy, Marmion:

- Re: Duncraig Leisure Centre.*
- Q1 Why, when Council debated the lease of the Duncraig Leisure Centre to the Churches of Christ Sport and Recreation Association (CCSRA) on 18 August 2020, didn't the Mayor declare an interest that may affect impartiality through his association with the Churches of Christ Board Member Pastor Dean Groetzinger who made a speech at the 2020 Mayoral Prayer Breakfast?*
- A1 Any declarations of Interest are matters for individual elected members and employees to determine in line with the decision to be made and the legislative framework that is in place.*
- Q2 Which of the 21 user groups have left the Duncraig Leisure Centre since February 2020 when it became known that the CCSRA were proposing to take over the lease and operation of the facility?*
- A2 Since reporting to the August 2020 meeting of the Council two groups have cancelled their bookings with neither cancellation relating to the decision to lease the facility. At the time of reporting to the August 2020 Council meeting, there were 21 user groups of Duncraig Leisure Centre, 11 groups were not impacted, of which 10 will retain existing bookings, with one group not returning post COVID-19 closure. Of the remaining 10 that were impacted four of them had bookings expiring before the end of 2020, five of the remaining six have been either reallocated another timeslot with the centre, or relocated to alternate facilities. The remaining group has advised they no longer need a booking for 2021.*

- Q3 *Why has there been no advertising of the courses at the Duncraig Leisure Centre for 2021 on the City's website, promotional brochures, flyers and newspaper advertisements?*
- A3 The City has undertaken an extensive engagement process directly with the customer base as part of the transition from the City to the CCSRA, which includes express enrolments for existing customers. As from the commencement of the lease the CCSRA will be responsible for all promotions of the programs and activities available, and it has already established a web page that provides details on the centre - <https://warwickstadium.com.au/duncraig/>
- Q4 *What assurances can be provided to long term user groups at the Duncraig Leisure Centre that their use of the facility will continue beyond 2021?*
- A4 The City has executed a lease with the CCSRA for the Duncraig Leisure Centre in accordance with the terms and conditions stipulated by Council at its meeting held on 18 August 2020 (CJ115-08/20 refers).
- Q5 *Why did representatives of the Churches of Christ Sport and Recreation Association receive an invitation to the Mayor's meeting regarding the future of the Percy Doyle Reserve on 3 December 2020 when users of the Duncraig Leisure Centre did not receive an invitation?*
- A5 The City cannot answer questions on behalf of Mayor Jacob as to who was or wasn't invited to meetings that are held from time to time.

Ms M Kwok, Ocean Reef:

Re: *Weed Management Plan.*

- Q1 *Regarding outcomes of the hydro-thermal trials, as well as other chemical and non-chemical trials previously completed and underway, when will these results be available?*
- A1 Weed trials, both chemical and non-chemical, will continue and the outcomes of these trials will be made available to elected members in quarter 4 of the current financial year (April – June 2021) in time to inform the review of the *Weed Management Plan* scheduled for the 2021-22 financial year.
- Q2 *Can you explain the timeframes and procedures involved in the review of the Weed Management Plan in 2021-22?*
- A2 The review of the City's *Weed Management Plan* will commence in 2021-22 and will include evaluation of the current plan, research and consultation with internal and external stakeholders. Once complete the draft plan will be presented to Council seeking endorsement to release for community consultation. Following consultation, the final plan will be presented to Council for endorsement.

As business planning activities for 2021-22 are still in process it is not possible to provide timeframes of when individual activities will occur, however as per the Council endorsed workplan the City's Strategic Community Reference Group will discuss the review of the *Weed Management Plan* at its June 2021 meeting.

- Q3 *Esplanade was applied along medians of Marmion Avenue (Kinross Drive to Beach Road) from 10th to 16th October according to the weekly pesticide use notification. Assuming 500 millimetre strip adjacent to roadside from kerbline was treated. Apart from brick paved areas, were there any other parts of Marmion Avenue not treated with Esplanade?*
- A3 Esplanade was applied to the entire median kerbline from Kinross to Beach Road only.
- Q4 *The City states that purchase of glyphosate products has decreased by an average of 10% per year since 2016-17, is the 10% reduction in terms of volume purchased or a 10% reduction in spending?*
- A4 The 10% reduction is in terms of volume purchased.
- Q5 *Has the purchase of other herbicides by volume increased in the same period of time?*
- A5 This question will be taken on notice.

Ms M O'Byrne, Kinross:

Re: *Percy Doyle Reserve.*

- Q1 *Why is the City pre-selecting attendees to meetings on the Percy Doyle Reserve which are to address potential changes to the Reserve and the recent Legislative Council Petition submitted by Mary O'Byrne – when the PD Reserve is public open space and important to far more than a handful of City-selected user group attendees?*
- A1 The City is unclear as to the meetings being referred to.
- Q2 *What conclusion did the City arrive at when reviewing the Retail Needs Assessment Report handed in as complete by RPS in October 2014 by RPS?*
- A2 As the master planning project for Percy Doyle Reserve did not progress, no conclusions were reached.
- Q3 *What are all the different requirements that the DPLH might apply to reserves not created via section 152 of the Planning and Development Act 2005?*
- A3 As advice from the DPLH is that each Crown land acquisition application is assessed on a 'case by case' basis, specific requirements cannot be provided.
- Q4 *Has the City officers and elected members met with large scale retail representatives over the last three years interested in setting up retail business on the northern aspect of the Percy Doyle Reserve?*
- A4 This question will be taken on notice.
- Q5 *At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council amended the position statement in relation to Percy Doyle Reserve and other large projects as follows:*
- “Multipurpose and shared use – where possible, facilities will be designed to be flexible spaces that are multi-purpose and allow co-location of groups / activities”*

How might this amended position be applied to Duncraig Library and Duncraig Leisure Centre and the other older community buildings nearby on the Northern aspect of the PDR?

- A5 The position statement is used as a guide when planning for the refurbishment or redevelopment of City facilities. This statement will be continued to be used for any future facility redevelopments/refurbishments, regardless of their location.

Ms J Quan, Edgewater:

Re: Whitfords Nodes.

Q1 What is the MRS zoning for Whitford Health Node since 1980?

- A1 City records indicate that Reserve 40802 was reserved as 'Parks and Recreation' under the Metropolitan Region Scheme (MRS) from at least 2001. However, as the MRS is a Western Australian Planning Commission (WAPC) owned document, information prior to 2001 should be sought from the WAPC.

Re: Edgewater Quarry.

Q2 May I know the reason why each of the below community stakeholders was consulted for Edgewater Quarry Preferred Concept Plan?

- *Woodvale Waters Landowners' Association.*
- *Property Council of Australia WA.*
- *Urban Development Institute of Australia.*
- *Development WA.*

- A2 Each of the above are considered stakeholders in relation to any potential development of the Edgewater Quarry site.

Q3 Did Edgewater Quarry Reference Group members disclose their conflict of interest?

- A3 All those selected to the Edgewater Quarry Community Reference Group had an interest in the project. Council specifically chose nominees with a specific interest and / or knowledge of the community to bring to the group.

Re: Bulk Waste Collection System.

Q4 How many FTE hours has City of Joondalup allocated to the investigation of eliminating the health and safety risks of using skip bin bulk waste collection system in FY2018-2019, FY2019-2020?

- A4 In terms of the provision of service, the City has contracted Cleanaway to deliver the bulk hard waste service and as such they are to manage their own health and safety risk in the delivery of the service. It is also typical practice for health and safety issues to be a standing item at routine contract management meetings.

From the community perspective, the City cannot manage the risk each individual resident may have, similar to the requirement of individuals to present a kerbside bin for collection. The onus is on the individual to manage their own health and safety risks, as they are disposing of their own private property.

If lifting the bulk waste into the skip bin is an issue due to a disability or in exceptional medical circumstances the City can arrange for assistance, however the waste must still be presented on the verge itself as with the previous bulk hard waste service.

A search of accessible records indicate that since implementation of the skip bin service, there has been no health and safety incidents reported to the City.

Q5 *What is the FY2019-20 recycling rate of bulk waste collection in City of Joondalup?*

A5 The recycling percentages breakdown is:

- 72% white goods recycling
- 83% mattress recycling

Total recycling percentage 32% for all the waste collected in the bulk hard waste service.

Mr M Sideris, Mullaloo:

Re: *Draft Concept Plan – Heathridge Park.*

Q1 *Can you please provide the Business Plan and the associated Cost Benefit Analysis for the Concept proposal out for public comment?*

A1 The draft concept plan is an early draft plan for the purpose of initial community consultation. There is currently no capital funding allocated for the project and no business plan or cost benefit analysis has been prepared at this stage.

Q2 *Can you please provide the engineering consultants report on the current status building structural condition?*

A2 An engineering building structural condition report does not exist in relation to Heathridge Park.

Q3 *Can you please advise when similar development concepts are planned for other suburbs such as Mullaloo?*

A3 Aging community sporting facilities are redeveloped throughout the City from time to time to address current and future demands of sport, recreation and community groups, as well as the wider community.

Q4 *Can you please advise the community stakeholders consulted for the proposed concept plan?*

A4 As advised in the Heathridge Park Draft Concept Plan *Frequently Asked Questions* document, available on the City's website, the City is directly consulting with the following community stakeholders:

- Heathridge Park sporting clubs and facility user groups.
- Residents and landowners in Heathridge and Beldon within 500 metres from Heathridge Park.
- Community Engagement Network Members.
- Resident/ratepayer groups.
- Local businesses.
- Local schools.
- Local parliamentarians/politicians.

Q5 *Can you please provide the cost breakdown to date for this concept, including consultants and City administration and the like?*

A5 The draft concept for Heathridge Park was prepared as a part of a needs and feasibility study undertaken by a consultant. A breakdown of the overall costs on the project is:

Needs and Feasibility Study	\$40,565
Site Feature Survey	\$7,170
Community Consultation	\$3,052
Staff Costs	\$51,131

Cr Poliwka left the Chamber at 7.05pm and returned at 7.07pm.

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

Mr R Ross, Connolly:

Re: *CJ180-12/20 – Proposed Amendment No. 6 to Local Planning Scheme No. 3 – Private Community Purposes Zone – Consideration Following Advertising.*

Q1 *The City of Joondalup used an incorrect Lot number of 8888 during the advertisement period, this made it virtually impossible for residents to find the lot number on any current active map available at Landgate, should the residents have received letters?*

A1 The Director Planning and Community Development acknowledged the error in the report and advised that the report does reference the Joondalup Resort site and this was clarified with residents who queried the lot number. The Director Planning and Community Development advised the City is recommending that that portion of the lot not actually retain its rights so residents are not being prejudiced in any way.

Q2 *Does the City of Joondalup believe that the resort already has grouped dwelling rights and if so how and when were these rights acquired?*

A2 The Director Planning and Community Development advised as previously confirmed the lots currently have those rights.

Mrs H Ross, Connolly:

Re: *CJ180-12/20 – Proposed Amendment No. 6 to Local Planning Scheme No. 3 – Private Community Purposes Zone – Consideration Following Advertising.*

Q1 *I have spoken to adjoining and nearby residents of Lot 531 with regard to the letters the City planned to send and they do not recall receiving any letters, can the City of Joondalup confirm that they sent letters to these residents?*

A1 The Director Planning and Community Development advised the City had intended to send letters to residents of Spyglass Grove however this inadvertently did not occur. In order to address this oversight a consultation sign was placed in a manner that residents of Spyglass Grove would drive past the sign to access their homes.

The Director Planning and Community Development added the City also held a meeting with the Residents Association in an effort to provide further consultation, adding that additional information was placed on the City's public website. The Director Planning and Community Development commented that based on these actions it is likely there was high awareness of the proposed scheme amendment in the Connolly community.

- Q2 *The City of Joondalup made a statement in the report that the resort and country club sites are more centrally located within the development and are separated from existing houses by the golf course itself, can you explain why this statement was made?*
- A2 The Director Planning and Community Development advised this statement was made to highlight the key developable lots that remain, as recommended in the report, are suitable for residential development as they are shielded somewhat from the existing residential development.

Mr N Miranda, Hillarys:

Re: *Duncraig Leisure Centre.*

- Q1 *Why is the City allowing the Churches of Christ Sport and Recreation Association (CCSRA), who use their activities to promote their religious ministry, to use the Duncraig Leisure Centre to generate revenue when the City could have given the same opportunity to community groups, sporting groups or a state sporting associations?*
- A1 Mayor Jacob advised Mr Miranda that this question had been answered at previous Council meetings.
- Q2 *Why was the opportunity to run the Duncraig Leisure Centre not given to community groups, sporting groups or state sporting associations to obtain revenue under similar terms as the CCSRA where the financial outcome would have benefitted the wider community?*
- A2 Mayor Jacob advised the item had been debated extensively and Mr Miranda's question had been answered at previous Council meetings.

Mr K Doepel, Subiaco (Doepel Marsh Architects):

Re: *CJ181-12/20 – Proposed Seven Multiple Dwellings at Lot 472 (41) Twickenham Drive, Kingsley (Section 31 Reconsideration).*

- Q1 *Is it true that the landscape architect plan E had a notation on drawings C3.101 revision A, stating that a detailed design and specification would be provided at building licence stage and would explain how the landscaping would grow and flourish?*
- A1 The Director Planning and Community Development advised the notation on the drawings states a detailed design and specification will be provided at building licence application stage however there was no indication on the drawing that the additional information would explain how the landscaping would grow and flourish.
- Q2 *The bin collection location was recommended by the planning officers during the SAT mediation and amended on the drawings, could a condition have been written as part of the approval to say the final details of the collection location were to be discussed and approved by the City prior to building permit application?*
- A2 The Director Planning and Community Development advised the need for onsite waste collection was discussed at a confidential mediation session and the applicant is still required to demonstrate whether this can be accommodated.

Ms S Desai, Iluka:

Re: *Public Consultation Process.*

Q1 *The larger community of Iluka were not aware about the plans for change of land use to Tavern for the Iluka Plaza site and a lot of the extended community did not receive any public consultation letters.*

A1 Mayor Jacob advised Ms Desai that the City of Joondalup Council do not respond to questions for matters before the Joondalup Development Assessment Panel.

Q2 *I have found differences between the Local Planning Policy.*

A2 Mayor Jacob advised Ms Desai that the City of Joondalup Council do not respond to questions for matters before the Joondalup Development Assessment Panel.

Ms F Gilbert, Kallaroo:

Re: *Scheme Amendment No. 5.*

Q1 *Has the City received Scheme Amendment No. 5 back from the Planning Minister for amendments?*

A1 Mayor Jacob advised no.

Q2 *Does the City have any idea as to how long it would take to make the amendments?*

A2 Mayor Jacob advised no.

C121-12/20 EXTENSION OF PUBLIC QUESTION TIME

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Public Question Time be extended for a period of 10 minutes.

The Motion was Put and

CARRIED (12/0)

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

Ms H Sheldon, Connolly:

Re: *CJ180-12/20 – Proposed Amendment No. 6 to Local Planning Scheme No. 3 – Private Community Purposes Zone – Consideration Following Advertising.*

Q1 *Joondalup Resort is an outstanding tourist resort, would it not make more sense to use this site and consider enhancing the tourism potential of the site rather than putting high density residential development on it?*

A1 Mayor Jacob advised it would be a value judgement for Council.

Mr M Moore, Edgewater:

Re: Heathridge Park.

Q1 In the Corporate 20 Year Plan, Heathridge Park was not listed to proceed with in the next 20 years, how did it jump ahead of the queue?

A1 Mayor Jacob advised it was a decision of Council to move the proposal forward, adding that the decision to do so has received broad community support.

Q2 The Federal Liberal Member and current Liberal Candidate have promoted the proposal, when did Council become the lacky's for the Liberal Party?

A2 Mayor Jacob advised the proposal was heavily promoted by the local Labour MP as well, adding that he hoped that both sides of politics would take an interest in the project.

PUBLIC STATEMENT TIME

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

Mr R Ross, Connolly:

Re: CJ180-12/20 – Proposed Amendment No. 6 to Local Planning Scheme No. 3 – Private Community Purposes Zone – Consideration Following Advertising.

Mr Ross commented that City officers stated that the site differs from other private community purpose sites given its large size, existing land uses, and large separation area of those uses from surrounding residential development.

Mr Ross enquired why is the City advocating for the addition of residential development rights when the WA Planning Commission (WAPC) has specifically considered that residential development does not align with the objectives of that zone and that WAPC has consistently asked the City to correct the anomaly from DPS2 in an October 2018 document.

Mrs H Ross, Connolly:

Re: CJ180-12/20 – Proposed Amendment No. 6 to Local Planning Scheme No. 3 – Private Community Purposes Zone – Consideration Following Advertising.

Mrs Ross stated that consent should not be given to developers to change, add or amend the rights to current zoning where there is no tangible proposal for what, where and how the owners propose to build on the property.

Mrs Ross implored Councillors not to commit the residents of Connolly to any action that proves damaging to residents through the future saturation of localised high density housing.

Mrs J Kung, Edgewater:

Re: Edgewater Quarry Park - Destination Joondalup 2021-26.

Mrs Kung referenced the City's Destination Joondalup 2021-26 publication outlining the importance of the City of Joondalup's natural assets, pristine coastline and parks which incorporate spacious open grassed areas and natural bushland which support a range of flora and fauna.

Mrs Kung stated that the Edgewater Quarry Park represents 17.4 hectares of combined bushland and open grassed area which included a flock of endangered Carnaby's Cockatoos and implored the City to reconsider the plans for the Quarry Park and to instead use it as a gateway to the Joondalup CBD as the start of the Yellagonga experience.

Mr K Doepel, Subiaco (Doepel Marsh Architects):

Re: CJ181-12/20 – Proposed Seven Multiple Dwellings at Lot 472 (41) Twickenham Drive, Kingsley (Section 31 Reconsideration).

Mr Doepel reiterated how the applicant for the proposed seven multiple dwellings had amended the plans in accordance with recommendations by City officers and implored Council to support the application.

Mr Doepel advised, the Western Australian Government who owns the land ultimately has control of the type of properties that will be made available either by way of affordable housing or if the application is refused state housing controlled by public works approval. Mr Doepel emphasised that state housing rentals in a suburb are not a community builder and a quick way of killing community spirit in comparison to affordable housing that is owned where residents take pride in their homes.

Master A Elsabkaji, Mullaloo:

Re: Petition Requesting Community Involvement in the Development and Improvement of MTB and BMX Facilities at Dry Parks.

Master Elsabkaji provided an overview to Council on the importance of riding his bike with his friends around Mullaloo, Ocean Reef and Padbury. Master Elsabkaji requested the City support the petition requesting community involvement in the development and improvement of MTB and BMX facilities.

Master C Correa, Mullaloo:

Re: Petition Requesting Community Involvement in the Development and Improvement of MTB and BMX Facilities at Dry Parks.

Master Correa provided an overview to Council on his passion for riding his mountain bike and requested the City support the petition requesting community involvement in the development and improvement of MTB and BMX facilities as this would benefit children of all ages and address parents concerns on the mental and physical health of their children.

Miss D Stockley, Mullaloo:

Re: Petition Requesting Community Involvement in the Development and Improvement of MTB and BMX Facilities at Dry Parks.

Miss Stockley provided an overview to Council on how much she enjoyed riding her bike with her friends. Miss Stockley requested the City support the petition requesting community involvement in the development and improvement of MTB and BMX facilities as it would assist with children being challenged in a safe environment and offering an opportunity to grow to be independent and resilient while having fun.

Miss O Jackson, Mullaloo:

Re: Petition Requesting Community Involvement in the Development and Improvement of MTB and BMX Facilities at Dry Parks.

Miss Jackson provided an overview to Council on how she enjoyed spending time with her friends with their bikes although there was not the opportunity to ride as much as they would like as there were not sufficient challenging facilities to do so.

Miss Jackson asked the City to support the petition requesting community involvement in the development and improvement of MTB and BMX facilities as this would assist in decreasing the damage in their local environment and would ensure children's safety, parents peace of mind and the safety of drivers on the road.

Master W Foxtton, Mullaloo:

Re: Petition Requesting Community Involvement in the Development and Improvement of MTB and BMX Facilities at Dry Parks.

Master Foxtton provided an overview to Council on how he loved riding bikes with friends and making jumps in the bushland as it helped keep him fit, healthy and strong. Master Foxtton explained how Mr Mark Harrison enlightened him and his friends on the damage creating jumps did to the bushland.

Master Foxtton requested the City support the petition requesting community involvement in the development and improvement of MTB and BMX facilities as this would help with their physical and mental health, including fun and the big 'R' – Resilience. Master Foxtton further explained how it would assist in the battle to reduce anxiety and depression.

Mr T Pickard, Craigie:

Re: Chief Executive Officer.

Mr Pickard reminisced on his time spent as former Mayor of the City of Joondalup and paid his respects to the retiring Chief Executive Officer, Mr Garry Hunt. Mr Pickard stated Mr Hunt was the longest servicing Chief Executive Officer since 1903 and acknowledged his significant contribution to the community, staff and elected members.

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

Cr John Chester 20 November to 11 December 2020 inclusive.

C122-12/20 REQUEST FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP - [107864]

Mayor Albert Jacob, JP has requested Leave of Absence from Council duties covering the following dates:

- 1 18 to 22 January 2021 inclusive;
- 2 8 to 10 February 2021 inclusive;
- 3 17 to 19 February 2021 inclusive.

MOVED Cr McLean, SECONDED Cr Hollywood that Council APPROVES the request for Leave of Absence from Council duties for Mayor Albert Jacob, JP covering the following dates:

- 1 18 to 22 January 2021 inclusive;**
- 2 8 to 10 February 2021 inclusive;**
- 3 17 to 19 February 2021 inclusive.**

The Motion was Put and

CARRIED (12/0)

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

CONFIRMATION OF MINUTES**C123-12/20 MINUTES OF COUNCIL MEETING HELD 17 NOVEMBER 2020 - [01122, 02154]**

MOVED Cr Fishwick, SECONDED Cr Poliwka that the Minutes of the Council Meeting held on 17 November 2020 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (12/0)

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

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Farewell Garry Hunt

Mayor Jacob announced that it would be the final meeting of Council where the chair to his left would be occupied by Mr Garry Hunt, the Chief Executive Officer (CEO) of the City of Joondalup.

Mayor Jacob advised that Garry would be leaving the City, and the role he had undertaken so successfully for the past 15 years, on Friday December 18.

Mayor Jacob stated that Garry was appointed Chief Executive Officer of the City of Joondalup in January 2005 and at that time the Joondalup Council was suspended and the State Government Inquiry into the City was under way.

Mayor Jacob noted that over the past 15 years, the City of Joondalup had been transformed to now be recognised as a benchmark local government in Australia, adding that it is in no small part due to the outstanding leadership Garry has provided as CEO.

Mayor Jacob commented that from the growth of the Joondalup City Centre to the continued progress on the Ocean Reef Marina project, the improvement of community and sporting facilities and overseeing initiatives to beautify the City, these and so many other significant milestones have marked Garry's time as CEO, adding that it has been a period of enormous, and positive change for Joondalup.

Mayor Jacob remarked the stability within the City's administration is also testament to Garry's expertise, which spans over 40 years in local government executive positions, including more than three decades as a CEO.

On behalf of the Joondalup Council and the residents of the City of Joondalup, Mayor Jacob thanked Garry for 15 years of stellar service to the community, and wished Garry all the very best for the future.

Season's Greetings

On behalf of the City and the Council, Mayor Jacob took this opportunity to publicly wish everyone in the City of Joondalup a very happy Christmas and a safe and prosperous New Year.

Mayor Jacob thanked the many individuals and groups who have made invaluable contributions to the City of Joondalup in what was a challenging year with the enormity of the COVID-19 global pandemic.

Mayor Jacob also thanked the outgoing CEO Garry Hunt and the staff of the City of Joondalup for their tireless work delivering outstanding services, programs and events for our local community.

Mayor Jacob advised that the elected members will be taking a short break in January before returning to work in February, and the time away will allow Council to refresh and recharge its batteries before another busy and exciting year in 2021.

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

- CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
- CJ195-12/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.

PETITIONS**Disclosures of interest affecting impartiality**

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	C124-12/20 - Petition in relation to the next Chief Executive Officer being selected from outside of Local Government Professionals.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The petition questions Mr Hunt's character, professionalism and integrity.

Name/Position	Mr Jamie Parry, Director Governance and Strategy.
Item No./Subject	C124-12/20 - Petition in relation to the next Chief Executive Officer being selected from outside of Local Government Professionals.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Parry is a member, Board Member and current WA State President of Local Government Professionals WA.

C124-12/20 PETITION IN RELATION TO THE NEXT CHIEF EXECUTIVE OFFICER BEING SELECTED FROM OUTSIDE OF LOCAL GOVERNMENT PROFESSIONALS – [05386]

A 29 signature petition has been received by residents of the City of Joondalup requesting the next Chief Executive Officer be selected from outside of Local Government Professionals.

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

- 1 Petition requesting:
 - 1.1 the next Chief Executive Officer be selected from outside of Local Government Professionals;
 - 1.2 the following additional clauses being added to the Chief Executive Officer Employment Contract:
 - 1.2.1 the Chief Executive Officer report publicly in the Annual Report their performance against the Key Performance Indicators of the employment contract;
 - 1.2.2 part of the remuneration of the Chief Executive Officer be conditional on sustainable reductions in rates and charges measured as average cost per household.

The Motion was Put and

TIED (6/6)

In favour of the Motion: Crs Hamilton-Prime, Jones, May, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Fishwick, Hollywood, Logan, McLean and Taylor.

There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion **LOST (6/7)**

C125-12/20**PETITION IN RELATION TO THE PROVISION OF A NEW LOCAL OR DISTRICT SCALE COMBINED MOUNTAIN BIKE AND BMX FACILITY AT WHITFORDS-WEST PARK – [05386]**

Cr May tabled a 349 signature petition on behalf of residents of the City of Joondalup requesting a new local or district scale combined mountain bike and BMX facility at Whitfords-West Park.

MOVED Cr May, SECONDED Cr Poliwka that the following petition be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for consideration:

1 Petition requesting:

- 1.1 provision of new local or district scale combined mountain bike and BMX facility at Whitfords-West Park suitable for all ages;**
- 1.2 improvements to existing BMX tracks at Haddington Park, Triton Park and Littorina Park be included in the 2021-22 Budget;**
- 1.3 the provision of three interconnected mountain bike trails with suitable contours and BMX tracks throughout Craigie, Mullaloo and Padbury with the hub being at Whitfords-West Park with the dry parks utilising the existing mainroad underpasses;**
- 1.4 Council investigate the potential for working with local youth, families and schools in the building of the mountain bike and BMX obstacles at each dry park.**

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

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

REPORTS**CJ179-12/20 DEVELOPMENT AND SUBDIVISION APPLICATIONS
– OCTOBER 2020**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – October 2020 Attachment 2 Monthly Subdivision Applications Processed – October 2020
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during October 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 October 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during October 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 October 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	8	215
Strata subdivision applications	26	36
TOTAL	34	251

Of the 34 subdivision referrals, 29 were to subdivide in housing opportunity areas, with the potential for 39 additional lots.

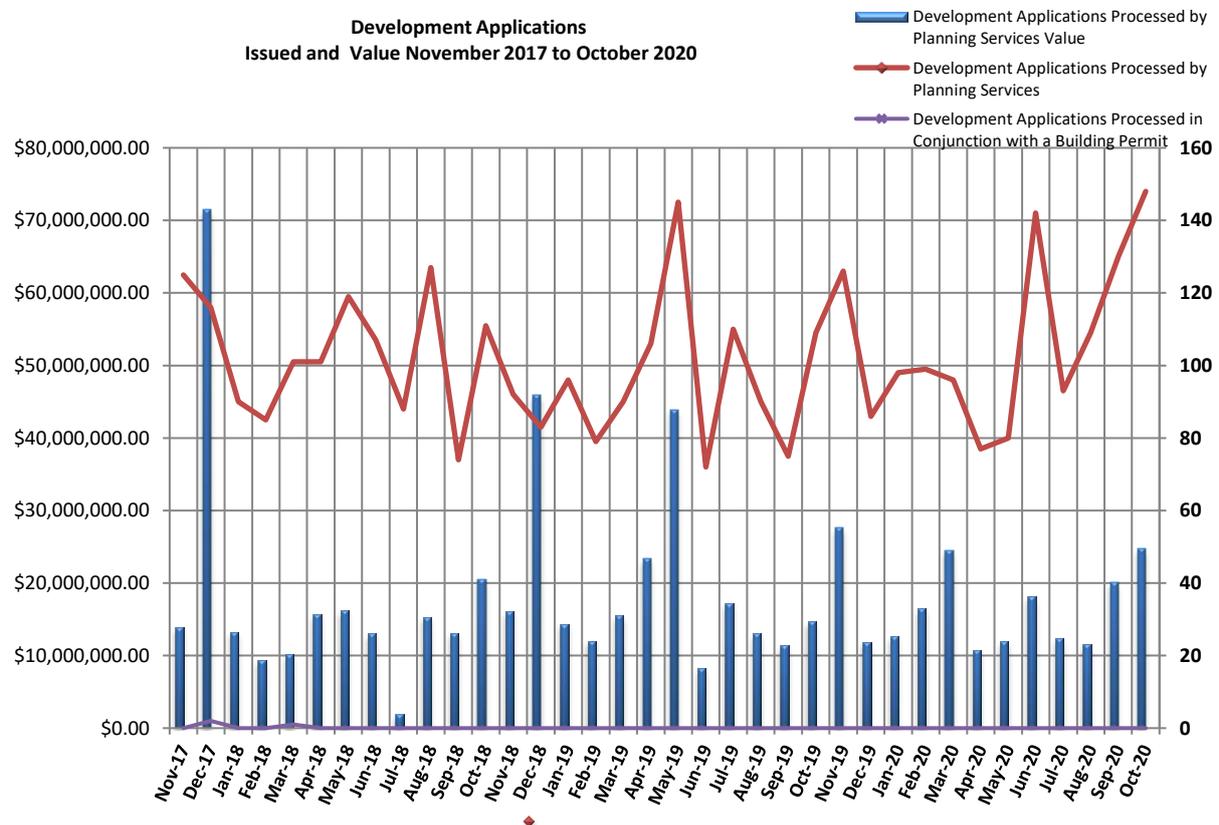
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	148	\$24,769,116
TOTAL	148	\$24,769,116

Of the 148 development applications, 20 were for new dwelling developments in housing opportunity areas, proposing a total of 19 additional dwellings.

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



The number of development applications received during October 2020 was 184.

The number of development applications current at the end of October was 272. Of these, two were pending further information from applicants and 5 were being advertised for public comment.

In addition to the above, 302 building permits were issued during the month of October with an estimated construction value of \$30,224,419.

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 148 development applications were determined for the month of October with a total amount of \$84,512 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.

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

- 1 development applications described in Attachment 1 to Report CJ179-12/20 during October 2020;**
- 2 subdivision applications described in Attachment 2 to Report CJ179-12/20 during October 2020.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf201201.pdf](#)

CJ180-12/20 PROPOSED AMENDMENT NO. 6 TO LOCAL PLANNING SCHEME NO. 3 – PRIVATE COMMUNITY PURPOSES ZONE – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	108638, 101515
ATTACHMENTS	Attachment 1 Schedule of 'Private Community Purposes' zoned sites Attachment 2 Location plan – Barradine Way, Craigie Attachment 3 Scheme amendment map – Craigie Attachment 4 Location plan – Joondalup Resort Attachment 5 Additional use table Attachment 6 Scheme amendment map – Additional uses Attachment 7 Location Plan – Sorrento Beach Resort
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider Scheme Amendment No. 6 to *Local Planning Scheme No. 3* following public advertising.

EXECUTIVE SUMMARY

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the Western Australian Planning Commission (WAPC) advised that residential development rights in the 'Private Community Purposes' zone need to be addressed to rectify an anomaly in LPS3. Currently, residential development is possible however is not a use that is aligned with the objectives of the zone and no residential density code (R-Code) has been assigned.

A review was undertaken and, at its meeting held on 23 June 2020 (CJ072-06/20 refers), Council considered an amendment to LPS3 to:

- change the land use permissibility of 'Grouped Dwelling' and 'Multiple Dwelling' from a 'D' (discretionary) land use to an 'X' (not permitted) land use in the 'Private Community Purposes' zone ('Single House' is already an 'X' land use)
- rezone Lot 19 (2) Barradine Way, Craigie, to 'Residential' and apply the R40 density code
- retain 'Grouped Dwelling' and 'Multiple Dwelling' land uses for the Joondalup Resort land parcels, subject to conditions.

Council resolved to permit the proposed scheme amendment to be advertised for public comment. The amendment was advertised for a period of 42 days, closing on 1 October 2020. A total of 37 submissions were received, comprising one submission supporting the rezoning of Lot 19 (2) Barradine Way, Craigie, three submissions objecting to the rezoning of Lot 19 (2) Barradine Way, Craigie, 15 submissions objecting to retaining residential land uses at the Joondalup Resort, 15 submissions objecting to the removal of the residential land uses at the Sorrento Beach Resort, one submission of general comment and two submissions from service authorities.

In response to the submissions received, the scheme amendment is proposed to be modified to remove the additional uses of 'Grouped Dwelling' and 'Multiple Dwelling' from the site that contains the Joondalup golf course (but retain them for the hotel and country club sites), and retain the uses of 'Grouped Dwelling' and 'Multiple Dwelling' for the Sorrento Beach Resort, subject to the preparation of a local development plan.

It is recommended that Council supports the amendment to LPS3 with the proposed modifications.

BACKGROUND

The City's current planning scheme, LPS3, was prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) and came into operation on 23 October 2018.

The LPS Regulations introduced a new set of zones and reserves into draft LPS3, including the 'Private Community Purposes' zone which replaced the previous 'Private Clubs/Recreation' zone of the City's former *District Planning Scheme No. 2* (DPS2).

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3 and submit it to the WAPC to advise if any modifications were required prior to advertising.

The City received consent from the WAPC to advertise draft LPS3, subject to modifications including a requirement to delete the residential density code (R-Code) from lots zoned 'Private Community Purposes' as the WAPC considered the objectives of this zone did not envisage residential development. However, the issue of land use permissibility of residential uses in the 'Private Community Purposes' zone was not raised by the WAPC at that time.

The modifications requested by the WAPC were undertaken and advertising of draft LPS3 was subsequently carried out between 17 November 2016 and 14 February 2017.

At its meeting held on 27 June 2017 (CJ089-06/17 refers), Council resolved to support draft LPS3 subject to modifications. LPS3 was then forwarded to the WAPC for consideration by the Minister for Planning, who subsequently advised that LPS3 would be supported subject to further modifications.

LPS3 was subsequently approved with 'Grouped Dwelling' and 'Multiple Dwelling' land uses remaining 'D' (discretionary) uses in the 'Private Community Purposes' zone, notwithstanding that it was the WAPC's earlier intent that residential land uses should not occur in this zone. In advising the City of the approval of LPS3, the WAPC requested this anomaly be rectified, following the gazettal of LPS3.

Draft Scheme Amendment No. 6 was prepared to respond to WAPC's request and Council, at its meeting held on 23 June 2020 (CJ072-06/20 refers), resolved to advertise the proposed scheme amendment for public comment for 42 days.

DETAILS

An amendment to LPS3 is proposed to address the anomaly whereby grouped and multiple dwellings are discretionary uses in the 'Private Community Purposes' zone however there is no density code in place to guide development.

The scheme amendment, as advertised for public comment, proposes to:

- change the land use permissibility in Table 3 Zoning Table of 'Grouped Dwelling' and 'Multiple Dwelling' from a 'D' (discretionary) land use to an 'X' (not permitted) land use
- rezone Lot 19 (2) Barradine Way, Craigie, from 'Private Community Purposes' to 'Residential' and apply the R40 density code
- retain the uses of 'Grouped Dwelling' and 'Multiple Dwelling' by including them in 'Table 4 Specified additional uses for zoned land in Scheme area' for the Joondalup Golf Course, Country Club and Resort site, subject to the preparation and approval of a local development plan.

Changes to residential land use permissibility in the 'Private Community Purposes' zone

In reviewing the City's then draft local planning scheme, it was the WAPC's intent that residential development not be permitted in the 'Private Community Purposes' zone as the WAPC considered that residential development does not align with the objectives for that zone.

In the final version of LPS3, the residential density code was removed from all sites zoned 'Private Community Purposes'; however, 'Grouped Dwelling' and 'Multiple Dwelling' remained 'D' (discretionary) land uses in the zone.

A review of the sites zoned 'Private Community Purposes' indicates that most are developed as places of worship, private schools or private recreation facilities (Attachment 1 refers). None of the sites have been developed for residential uses. Residential land uses would generally not be considered appropriate on these sites as the existing non-residential components could potentially conflict with residential development due to the different nature of the use.

Except as outlined below, no objections were raised in submissions to the general principle of 'Grouped Dwelling' and 'Multiple Dwelling' land uses becoming 'X' (not permitted) uses on all sites in the 'Private Community Purposes' zone. It is therefore considered that this aspect of the proposed scheme amendment can be supported.

In the event that the proposed scheme amendment is approved and residential land uses are removed from the 'Private Community Purposes' zone, should an owner seek to develop residential uses on their site in the future, a separate scheme amendment would need to be made to rezone the site to an appropriate zone, at which time the potential implications would be assessed taking into account that specific proposal.

Proposed rezoning of Lot 19 (2) Barradine Way, Craigie

Lot 19 (2) Barradine Way, Craigie, is zoned 'Private Community Purposes' and is located next to a child care centre, Whitford Catholic Primary School, a convent, Mercyville Hostel and Church of Our Lady of Mission (Attachment 2 refers).

Two development applications were approved for three and four grouped dwellings (that is seven in total) on the subject lot in November 2019. The City was required to determine the applications in accordance with the current land use permissibility of the 'Private Community Purposes' zone.

Although no density code applied to the site, the proposal was designed and determined using the R40 density code of surrounding residential sites (in Housing Opportunity Area 5). The development of the grouped dwellings is underway.

As the site will be wholly developed for grouped dwellings, it is considered appropriate to rezone the site to 'Residential' and apply the R40 density code to reflect the approved land use on the site (Attachment 3 refers).

Three submissions objecting to the proposed rezoning of the site to 'Residential' were received, citing increased traffic and parking concerns arising from the increase in dwellings in the area as their main issue. However, as development and building approvals have been granted for the seven grouped dwellings, the scheme amendment is effectively a zoning 'tidy up' as the grouped dwellings are to be built regardless of whether the scheme amendment is supported or not. It is also noted that consultation was undertaken as part of the assessment process for the grouped dwellings. Potential traffic and parking implications were also considered as part of the assessment.

Joondalup Resort, Connolly

The site that collectively makes up the Joondalup Resort is currently subdivided into three lots containing a hotel, resort, serviced apartments, reception centre, the golf club, and the golf course (Attachment 4 refers).

The site differs from other 'Private Community Purposes' sites given its large size, the existing land uses on it, and the large separation of those uses from surrounding residential development. While it is noted the WAPC is of the view that residential land uses do not accord with the objectives of the 'Private Community Purposes' zone, in this instance and in recognition of the unique nature of this site, residential land uses are considered to be complementary to the existing hotel and serviced apartment uses. On this basis, it was proposed that the ability to develop residential uses be retained on the site by the inclusion of the land uses 'Grouped Dwelling' and 'Multiple Dwelling' as additional uses in Table 4 of LPS3 for the three subject sites. It was also intended that a local development plan be required prior to any residential development being approved on the site.

However, a number of submissions were received objecting to the land uses of 'Grouped Dwelling' and 'Multiple Dwelling', specifically on the Joondalup golf course site. The comments are summarised as follows:

- No details are provided on the type and size of future development proposed.
- The golf course will be lost, and should remain.
- There will be a loss of flora and fauna habitat if the golf course is developed for residential purposes.
- There will be a loss of views over the golf course if it is developed with apartments (multiple dwellings).
- The development of multiple dwellings will lead to increased noise and traffic in the area and the road system will not be able to cope.
- Support the ability to develop 'Grouped dwellings' and 'Multiple dwellings' on the Joondalup resort and country club sites (lots 531 and 535), but object to the golf course site being included.

It is important to note that the proposed scheme amendment does not provide any additional residential development rights to the Joondalup Resort than currently exists, but does propose to retain the current residential development rights for the site.

However, it was never envisaged that the golf course would be permitted to be developed solely for residential purposes, only that a suitable portion of land within the golf course site (but not the actual golf course itself) could be developed with multiple or grouped dwellings (subject to approval of a local development plan and development application).

Several of the submissions supported the additional residential land uses on the Joondalup resort and country club sites as this is complementary to the existing hotel and serviced apartments but did not consider this appropriate for the golf course site given the golf course directly abuts the existing residential area, with potentially no large separation between those uses. The resort and country club sites are more centrally located within the development and are separated from existing houses by the golf course itself.

In consideration of the submissions, it is recommended that the scheme amendment be modified to remove the site containing the golf course from Table 4 *Specified additional uses for zoned land in Scheme area* and that only the Joondalup Country Club and Joondalup Resort (No. 37 and 45 Country Club Boulevard, Connolly) retain the potential to develop grouped and multiple dwellings (Attachment 5 refers).

It is noted that as part of the proposed scheme amendment, the scheme map is required to be updated to depict the 'additional use' (Attachment 6 refers).

Local development plan

Several of the submissions stated that no details were provided on the type and size of future development proposed. It is noted that there is no current proposal for any residential development at the Joondalup golf course or resort.

In order to ensure that any future residential development on this site is appropriate in terms of location, scale and amenity impacts on the surrounding community, in the event that the proposed scheme amendment is approved, any residential development proposal would be subject to the preparation and approval of a local development plan which will specify the development requirements such as building height, building setbacks, site area per dwelling or plot ratio, open space, landscaping requirements and the location of development within the site. A traffic impact statement would also be required to be submitted with the local development plan which would allow traffic associated with the future development to be assessed.

A local development plan is required to be advertised for public comment and would need to be approved by Council. Only once a local development plan is in place could an application for development approval for residential development on the site be submitted.

It is noted that the inclusion of a requirement to prepare a local development plan introduces an additional layer of control than that which already exists for the site.

Clarification of lot descriptions

It is noted that the golf course site was referenced as Lot 8888 (39) Country Club Boulevard, Connolly, in Attachment 5 to report CJ072-06/20. The correct description is Lot 1 (39) Country Club Boulevard, as Lot 8888 references a previous certificate of title that has since been cancelled. The City's records have been updated accordingly.

Sorrento Beach Resort

The Sorrento Beach Resort is located at 1 Padbury Circle, Sorrento, on the corner of West Coast Drive and Padbury Circle (Attachment 7 refers). It currently comprises 80 short stay accommodation units along with resort facilities.

Fifteen submissions from owners of (often multiple) properties within the Sorrento Beach Resort were received who do not support the proposed land use permissibility change of 'Grouped Dwelling' and 'Multiple Dwelling' to an 'X' (not permitted) for the site.

The submissions are summarised as follows:

- The proposal to make 'Grouped Dwelling' and 'Multiple Dwelling' 'X' land uses might be relevant for the majority of properties in the 'Private Community Purposes' zone, but it is not appropriate for the Sorrento Beach Resort.
- Suggestion to include 'Grouped Dwelling' and 'Multiple Dwelling' as additional uses subject to the preparation of a local development plan which would address issues such as density, building height and scale.
- Property owners are concerned with the ageing buildings, the rise of 'Airbnb' properties and the downturn in tourism.
- The proposal does not address the uniqueness of the site and leaves the site with uncertainty for the future.
- The site has redevelopment potential to take advantage of its proximity to the beach, Hillarys Boat Harbour and road access.
- The site is large enough to ensure that redevelopment is undertaken in an appropriate manner to reduce amenity impacts on adjacent residential properties.
- Redevelopment of the site could provide housing choices for those seeking to downsize without moving from their community.

The submissions stated that Sorrento Beach Resort should have similar development rights to that of the Joondalup Resort, that is, the retention of 'Grouped Dwelling' and 'Multiple Dwelling' as uses that can be developed on the site, subject to the preparation of a local development plan.

In consideration of the submissions, it is recommended that the scheme amendment be modified to allow the Sorrento Beach Resort site to retain the potential for 'Grouped Dwelling' and 'Multiple Dwelling' to be developed, by adding these as additional uses in Table 4 *Specified additional uses for zoned land in Scheme area* (Attachment 5 refers), and requiring a local development plan to be prepared and approved prior to consideration of an application for development approval.

It is noted that as part of the proposed modification to the scheme amendment, the scheme map is required to be updated to depict the 'additional use' (Attachment 6 refers).

The proposed modification to the scheme amendment does not give any additional development rights to the Sorrento Beach Resort, however would allow the retention of the existing ability to develop residential uses on the site, as well as putting in place an additional planning layer to ensure that any future development/redevelopment is coordinated and appropriate for the site and broader locality.

Similar to the Joondalup Resort, in the event that the proposed scheme amendment is approved as proposed, the requirement for a local development plan at the Sorrento Beach Resort would provide control over the built form outcome, including building height, setbacks, number of dwellings, open space and landscaping. Public consultation and approval by Council would be required prior to consideration of an application for development approval.

Issues and options considered

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

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

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

Policy *Private Community Purposes Zone Local Planning Policy.*

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

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

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. The proposed amendment is considered to be a standard amendment under the LPS Regulations as it is consistent with the objectives of the 'Private Community Purposes' and 'Residential' zones.

At its meeting held on 23 June 2020 (CJ072-06/20 refers), Council resolved to proceed to advertise Scheme Amendment No. 6 to LPS3 for 42 days. The proposed amendment was referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review was necessary. The EPA did not consider that the amendment should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such the amendment was advertised for public comment.

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

Local Planning Scheme No. 3

The following extract of Table 2 of LPS3 sets out the objectives of the 'Residential' and 'Private Community Purposes' zones.

Table 2 Zone objectives

Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Private Community Purposes	<ul style="list-style-type: none"> • 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.

Clause 19 (1) and Table 4 of LPS3 allow additional uses to be listed for specific sites, which are in addition to those uses that are permissible in the zone in which the site is located.

Risk management considerations

In advising of the approval of LPS3, the WAPC advised the City that the issue of residential development rights in the 'Private Community Purposes' zone is to be addressed. Should Council elect not to progress the amendment, Council may be directed to do so by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

Financial / budget implications

As the proponent, the City is required to cover any costs associated with the proposed scheme amendment, which includes the cost of advertising the amendment and publishing a notice in the *Government Gazette*, should the amendment be approved by the Minister for Planning. The cost of advertising the amendment was \$1,739.50 excluding GST, with the remainder of the costs estimated to be \$400.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 1 October 2020, by way of:

- 118 letters to landowners of all 'Private Community Purposes' zoned properties
- a sign on Lot 19 (2) Barradine Way, Craigie

- a sign at the entrance to Joondalup Country Club, Lot 531 (37) Country Club Boulevard, Connolly
- letters to relevant service authorities
- a notice placed in the *Joondalup Community Newspaper*
- a notice and documents placed on the City's website.

During consultation, additional information was provided on the City's website to further clarify the proposed scheme amendment in relation to the Joondalup Resort and golf course, and advice that there is no current proposal for any residential development at the Joondalup Resort.

It is further noted that the letter sent to landowners of properties within the Sorrento Beach Resort contained specific information regarding the effect of the proposed amendment on that site.

A total of 37 submissions were received as follows:

- One submission supporting the rezoning of Lot 19 (2) Barradine Way, Craigie.
- Three submissions objecting to the rezoning of Lot 19 (2) Barradine Way, Craigie.
- 15 submissions objecting to the additional uses of 'Grouped Dwelling' and 'Multiple Dwelling' at the Joondalup Golf Course, Country Club and Resort.
- 15 submissions objecting to the removal the ability to have 'Multiple Dwelling' and 'Grouped Dwelling' uses at the Sorrento Beach Resort.
- One submission of comment.
- Two submissions from service authorities.

COMMENT

The proposed scheme amendment is considered appropriate as the land use permissibility change aligns with the objectives of the 'Private Community Purposes' zone, which does not include provision of residential development.

The proposed rezoning of Lot 19 (2) Barradine Way, Craigie, to 'Residential' with a density code of R40 is consistent with the approved development currently under construction.

The retention of 'Grouped Dwelling' and 'Multiple Dwelling' land uses at the Joondalup Resort and Country Club is considered appropriate (subject to the preparation of a local development plan). However, in response to submissions received and further consideration of the potential impacts of residential development on adjacent residents, it is recommended that the amendment be modified to remove 'Grouped Dwelling' and 'Multiple Dwelling' from the golf course site (Lot 1, No.39 Country Club Boulevard).

Likewise, in response to submissions received, it is recommended that the scheme amendment be modified to retain the land uses 'Grouped Dwelling' and 'Multiple Dwelling' as additional uses for the Sorrento Beach Resort, subject to the preparation of a local development plan.

It is recommended that Council supports the proposed amendment to LPS3 subject to the modifications outlined.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 6 (as modified) to the City of Joondalup *Local Planning Scheme No. 3* to:
 - 1.1 change the land use permissibility of 'Grouped Dwelling' and 'Multiple Dwelling' in the 'Private Community Purposes' zone in Table 3 Zoning Table from 'D' to 'X';
 - 1.2 rezone Lot 19 (2) Barradine Drive, Craigie, from 'Private Community Purposes' to 'Residential' and apply the R40 density code as depicted in Attachment 3 to Report CJ180-12/20;
 - 1.3 insert additional uses No. 15 to 17 in Table 4 'Specified additional uses for zoned land in Scheme area' in accordance with Attachment 5 and as depicted in Attachment 6 to Report CJ180-12/20;
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 6 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*;
- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Scheme Amendment No. 6 (as modified) and Council's decision to the Western Australian Planning Commission for consideration.

MOVED Cr Taylor, SECONDED Cr Hamilton-Prime that Council:

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 6 (as modified) to the City of Joondalup *Local Planning Scheme No. 3* to:
 - 1.1 change the land use permissibility of 'Grouped Dwelling' and 'Multiple Dwelling' in the 'Private Community Purposes' zone in Table 3 Zoning Table from 'D' to 'X';
 - 1.2 rezone Lot 19 (2) Barradine Drive, Craigie, from 'Private Community Purposes' to 'Residential' and apply the R40 density code as depicted in Attachment 3 to Report CJ180-12/20;
 - 1.4 modify Attachment 5 Table 4 'Specified additional uses for zoned land in Scheme area' to remove additional uses 16 and 17;
 - 1.5 modify Attachment 6 to remove additional uses 16 and 17 from the scheme map;
 - 1.6 insert additional use No. 15 in Table 4 'Specified additional uses for zoned land in Scheme area' in accordance with Attachment 5 (as modified) and as depicted in Attachment 6 (as modified) to Report CJ180-12/20;

- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 6 (as modified) to the *City of Joondalup Local Planning Scheme No. 3*;
- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Scheme Amendment No. 6 (as modified) and Council's decision to the Western Australian Planning Commission for consideration.

The Motion was Put and

LOST (1/11)

In favour of the Motion: Cr Taylor.

Against the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

MOVED Cr Hollywood, SECONDED Cr Jones that Council:

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 6 (as modified) to the City of Joondalup *Local Planning Scheme No. 3* to:
 - 1.1 change the land use permissibility of 'Grouped Dwelling' and 'Multiple Dwelling' in the 'Private Community Purposes' zone in Table 3 Zoning Table from 'D' to 'X';
 - 1.2 rezone Lot 19 (2) Barradine Drive, Craigie, from 'Private Community Purposes' to 'Residential' and apply the R40 density code as depicted in Attachment 3 to Report CJ180-12/20;
 - 1.3 insert additional uses No. 15 to 17 in Table 4 'Specified additional uses for zoned land in Scheme area' in accordance with Attachment 5 and as depicted in Attachment 6 to Report CJ180-12/20;
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with Scheme Amendment No. 6 (as modified) to the City of Joondalup *Local Planning Scheme No. 3*;
- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWARDS Scheme Amendment No. 6 (as modified) and Council's decision to the Western Australian Planning Commission for consideration.

The Motion was Put and

CARRIED (12/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf201201.pdf](#)

CJ181-12/20 PROPOSED SEVEN MULTIPLE DWELLINGS AT LOT 472 (41) TWICKENHAM DRIVE, KINGSLEY (SECTION 31 RECONSIDERATION)

WARD	South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	27311, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Building perspectives Attachment 4 Landscaping plan Attachment 5 Waste management plan Attachment 6 Transportation noise assessment Attachment 7 BAL assessment Attachment 8 Applicant's previous planning report Attachment 9 Summary of submissions against design elements of SPP7.3 Attachment 10 Summary of City's SPP7.3 assessment
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a development application for seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley following a directive from the State Administrative Tribunal.

EXECUTIVE SUMMARY

In May 2019 the City received the original application for seven multiple dwellings at the subject site.

The application was initially considered by Council at its meeting held on 21 April 2020 (CJ043-04/20 refers), where it was resolved to refuse the application as the proposal did not meet element objectives of *State Planning Policy 7.3* relating to building height, side and rear setbacks, plot ratio and waste management.

The applicant has since sought a review of Council's decision via the State Administrative Tribunal (SAT).

During the SAT mediation process, and in response to the reason for refusal, the applicant submitted amended plans, a Waste Management Plan and further landscaping information on 9 November 2020. The amended plans do not change the dwelling yield, building height or parking provision but provide for an increased upper floor setback to the eastern boundary, a revised design, more detail in relation to landscaping and other minor modifications.

Community consultation was undertaken on the latest proposal between 14 October 2020 and 28 October 2020. A total of 15 submissions was received, all objecting to the proposal.

In accordance with the *State Administrative Tribunal Act 2004*, the SAT has invited the City to reconsider its earlier decision on the application, based on the amended information, at its December 2020 Council Meeting.

The revised information has been considered against the requirements of *City of Joondalup Local Planning Scheme No. 3 (LPS3)*, *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)* and the *Residential Development Local Planning Policy (RDLPP)* as well as the reasons for Council's previous refusal. It is considered that the amended proposal does not satisfy the requirements of these planning instruments, and therefore it is recommended that the application be refused.

BACKGROUND

Suburb/Location	Lot 472 (41) Twickenham Drive, Kingsley.
Applicant	Danmar Developments.
Owner	Housing Authority.
Zoning	LPS Residential.
	MRS Urban.
Site area	730m ² .
Structure plan	Not applicable.

Site Context

The site is currently occupied by a single storey, detached dwelling. The subject site is bound by single storey residential development to the east, south and west with Twickenham Drive to the north-west (Attachment 1 refers). Whitfords train station is located within 400 metres of the lot to the west.

The development site and surrounding properties are zoned 'Residential' under the City's LPS3, with a density coding of R20/R60 and are located within Housing Opportunity Area 6 (HOA6). New development in surrounding streets comprises single and two storey grouped dwellings (predominantly two and three dwellings on a site), with a two storey multiple dwelling development nearby comprising seven dwellings.

The subject site also falls within a Bushfire Prone Area due to the bushland area to the west of the site. The Bushfire Attack Level (BAL) assessment provided identifies the site as being BAL-19.

Previous consideration by Council

The application was initially considered by Council at its meeting held on 21 April 2020 (CJ043-04/20 refers), where it was resolved to refuse the application for the following reasons:

- 1 *The proposal does not satisfy the element objectives of 2.2 Building Height of State Planning Policy 7.3, as the building height does not respond appropriately to the existing and desired character of the local area;*
- 2 *The proposal does not satisfy the element objectives of 2.4 Side and rear setbacks of State Planning Policy 7.3, as the setbacks do not provide adequate separation between neighbouring properties and the development does not provide an appropriate transition between sites with different intensity of development;*

- 3 *The proposal does not satisfy the element objectives of 2.5 Plot ratio of State Planning Policy 7.3, as building bulk and scale of the development is inconsistent with the existing and planned character of the area;*
- 4 *The proposal does not satisfy the element objectives of 4.17 Waste management of State Planning Policy 7.3, as the waste collection location proposed does not minimise negative impacts on the streetscape.*

State Administrative Tribunal process

The SAT is an independent body that makes and reviews a range of administrative decisions, including planning decisions made by local government. If an applicant or owner is aggrieved by the determination of their planning application, there is a right of review by the SAT in accordance with the *Planning and Development Act 2005* Part 14.

In a typical appeal process, the SAT will first try to mediate an outcome between the two parties. This often involves changes to the plans or providing additional information to address the decision-maker's issues. If changes are made or additional information is provided, the SAT will usually invite the decision-maker to reconsider its earlier decision, taking into account the changes to the plans or new information provided.

If the applicant is still unhappy with the reconsidered decision, the matter may proceed to a final hearing. In these instances, the SAT effectively steps into the shoes of the decision-maker and the SAT makes its own decision on the proposal.

Draft new development standards for infill development in Housing Opportunity Areas

Draft scheme amendments and policies can be given weight even though they are not operative once they become 'seriously entertained'. In Western Australia, this usually occurs after advertising is completed.

However, the weight that can be placed on a seriously entertained planning proposal differs and, generally the further towards approval a planning proposal is (that is how certain and how imminent), the more seriously entertained it is considered to be, and the more weight it can be given in decision-making.

The City has previously sought advice in relation to HOAs and changes to the planning framework that require some level of State Government approval (as is the case in this instance). In this context, the advice concludes that only after approval has been provided by the decision-maker (that is the WAPC or the Minister), therefore providing a high degree of certainty and imminence, should any changes be given substantial weight in decision-making.

At a Special Council meeting held on 24 March 2020 (JSC02-03/20 refers), Council adopted the new draft development standards for Housing Opportunity areas. The local planning policy and scheme amendment have now been forwarded to the Western Australian Planning Commission (WAPC) to request approval. The WAPC may grant approval, with or without modifications or elect not to grant approval. The scheme amendment is also required to be approved by the Minister.

The current status of the draft new development standards for Housing Opportunity Areas is such that it has not yet reached a stage where they can be considered certain or imminent. In view of this status and the advice previously provided it is the City's view that the current application is required to be assessed wholly against the current planning framework.

Amended proposal

As outlined above, the applicant has made changes to the plan and provided additional information to support the proposal. The changes to the original application include:

- an increased setback to the eastern boundary for the upper floor. This has increased from three metres to six meters
- amendment of roof design to be a flat roof in lieu of pitched
- increased trees on the eastern side, with additional information justifying the proposed landscaping
- removal of arbour elements / supporting structures on the western side of the dwelling that previously extended to the boundary
- increase of covering of the car parking area to the rear to provide shelter for all five car parking bays
- internal reconfiguration of units.

DETAILS

The proposed development comprises the following:

- Seven multiple dwellings within a three-storey building. All dwellings are two bedrooms.
- A flat roof design with render, contrast render and face brick elements incorporated into the façade.
- Common property vehicular access point from Twickenham Drive.
- Pedestrian entry from Twickenham Drive (via stairs) and common stairwell adjacent to the car parking area.
- Nine car parking bays located on site located behind the dwelling. Seven of these are for residents and two for visitors.
- A bin storage area located in the south-west corner of the site.

Development plans and supporting information for the revised proposal are provided at Attachments 2 – 8.

Joondalup Design Reference Panel

The revised proposal was presented to the Joondalup Design Reference Panel (JDRP) on 21 October 2020. Previous versions of the proposal were also presented on 17 July 2019 and 18 December 2019.

A summary of the most recent JDRP comments, as well as the applicant's response to these items is included in the tables below:

JDRP comment	Applicant response
The roof form incorporates pitched and flat elements and it appears there is no purpose to the design. It is suggested that the design is modified to a flat roof design.	The roof design will be modified to a flat roof design with parapet walls.
The rear carport could be amended to cover all five bays and be brought to the boundary as a better design outcome for the future residents/visitors.	All bays will be covered, and the roof will be extended and also extended to the boundary.
The privacy setbacks for unit 3 and unit 6 should be amended to comply with the relevant requirements.	Unit 3 and unit 6 privacy screens have been amended.

JDRP comment	Applicant response
The redundant columns on the southern elevation can be removed.	The two columns have been deleted.
In general, the impact from the eastern boundary has been improved.	Noted, as amended.

Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, SPP7.3 and City's RDLPP.

Local Planning Scheme No. 3

Minimum lot frontage requirement

Clause 26 (5) of LPS3 requires multiple dwelling sites to have a minimum site width of 20 metres at the street boundary. The subject site has a lot frontage of 34.5 metres at the street boundary, and therefore meets this requirement.

Land use

The subject site is zoned 'Residential' under LPS3 with a residential density coding of R20/R60. The land use of 'Multiple Dwelling' is a discretionary or 'D' land use in the Residential zone.

The discretionary land use permissibility for multiple dwellings applies to every lot in the entire residential zone, across all suburbs of the City. Multiple dwellings are not appropriate to be built on every residential lot in the City and that is why the land use permissibility in the City's scheme requires the exercise of discretion in deciding which lots are appropriate for multiple dwelling development and which are not. The City, as part of Amendment No. 73 to former *District Planning Scheme No. 2 (DPS2)*, recoded certain properties, including the subject site, to allow for the provision of higher density development in certain areas. It was through this action that the City exercised its discretion and decided that multiple dwellings were considered acceptable on certain lots by virtue of the higher density code allocated to them. The relevant standards of the former DPS2 have been transferred through to LPS3.

One of the objectives of the residential zone is to provide for a range of housing and a choice of residential densities to meet the needs of the community, which the proposed development, and the Housing Opportunity Areas more broadly, does in a local government area that is characterised primarily by detached, single houses.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the primary built form controls for multiple dwellings. The policy is performance-based, broken up into different design elements (for example building height, visual privacy, solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not be refused against the policy.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway, and while meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

State Planning Policy 7 Design of the Built Environment (SPP7) is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of SPP7.3. Through a proposal meeting the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

A summary of the City's assessment against SPP7.3 is included in Attachment 10.

The key design elements and the design elements related to the primary concerns raised during consultation are discussed in more detail below.

Building height

Element 2.2 Building height objectives state:

- O 2.2.1 The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.*
- O 2.2.2 The height of buildings within a development responds to changes in topography.*
- O 2.2.3 Development incorporates articulated roof design and/or roof top communal open space where appropriate.*
- O 2.2.4 The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.*

The acceptable outcomes suggest a building height of three storeys is appropriate in areas with an R60 density. The revised design includes modifications to the roof form which reduces the overall height to 9.6 metres (previously 11.21 metres).

The surrounding area is currently transitioning from an R20 density to higher density development of R40 and R60, with the current streetscape still comprising predominantly single storey dwellings with some two storey development emerging as new development.

Building height was one of the reasons for refusal in Council's decision at its meeting dated 21 April 2020 (CJ043-04/20) as it was considered that the building height did not respond appropriately to the existing and desired character of the area. This related primarily to the north-east corner of the refused design which included a sheer three-storey façade with no relief or setback provided to upper floors.

The revised design incorporates an increased setback for the third floor which provides for visual relief to the front and both side setbacks. The podium style design provides a transition to the existing single storey scale by way of stepped development. Having the front of the upper floor set back from the eastern boundary will also break up the blank three storey wall which was also considered to impact the transition between the dwelling and surrounding sites.

An 11.5 metre setback has also been provided to the three storey element from the rear boundary to provide sufficient separation between the adjoining sites currently developed at the R20 density.

Given the treatment of the eastern façade the revised development is now considered to respond to the existing and transitioning character of the area. It is therefore considered that the building height achieves the element objectives.

Street setbacks

Element 2.3 Street setback objectives state:

- O 2.3.1 *The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.*
- O 2.3.2 *The street setback provides a clear transition between the public and private realm.*
- O 2.3.3 *The street setback assists in achieving visual privacy to apartments from the street.*
- O 2.3.4 *The setback of the development enables passive surveillance and outlook to the street.*

The acceptable outcomes suggest a minimum setback of two metres and average setback of four metres from the primary street. These acceptable outcomes are derived from the RDLPP. SPP7.3 Vol. 2 acknowledges that many local governments have pre-existing local planning policies in place that preceded its introduction in May 2019. In recognition of this, SPP7.3 Vol. 2 allows certain (but not all) standards of pre-existing local planning policies to continue and carry across as part of the assessment criteria of multiple dwellings. To that end, the street setback provisions of the City's RDLPP become the 'acceptable outcome'.

The building setbacks to the Twickenham Drive at each level are as follows:

- Ground floor: 1.25 metres to 4.47 metres, with an average of 3.7 metres.
- First floor: 2 metres to 6 metres, with an average setback of 3.7 metres.
- Second floor: 2 to 8.6 metres, with an average setback of 5 metres.

The site is located on a bend of Twickenham Drive, opposite natural vegetation and the Whitfords Avenue road reserve. The existing dwelling to the east faces Harrow Weald Way, with a solid colorbond fence to Twickenham Drive. Given the immediate street context there is not a clearly defined street setback provided by the two adjacent properties and, being located on a bend, the proposed stepping of the building and articulation is considered to complement the existing area and provide for sufficient landscaping between the building and street.

The protrusion into the two metre minimum setback is for the ground floor entry feature element used to show the street number. This extends into the suggested street setback for 0.97m², being a minor portion of the overall building facade. The element adds to the pedestrian connectivity of the area and helps to define the pedestrian entrance of the building. Given the minor nature of the protrusion and integration with the overall building façade, the feature is considered appropriate in the context of the immediate Twickenham Drive streetscape as outlined above.

The proposed design, including retaining along the front boundary and provision of balconies facing the street, will provide a clear transition between the public and private realm while also providing passive surveillance from the upper floors. The proposal incorporates openings to habitable spaces at the ground and upper floors which provide surveillance to the street, while also ensuring privacy of residents can be maintained.

Given the above, the proposal is considered to achieve the element objectives for street setbacks.

Side and rear setbacks

Element 2.4 Side and rear setbacks objectives state:

- O 2.4.1 *Building boundary setbacks provide for adequate separation between neighbouring properties.*

- O 2.4.2 *Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.*
- O 2.4.3 *The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, support tree canopy and assist with stormwater management.*
- O 2.4.4 *The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.*

The acceptable outcomes suggest:

- the development should comply with the side and rear setbacks set out in Table 2.1, except where modified by the local planning framework and/or a greater setback is required to address 3.5 Visual Privacy (A2.4.1)
- development be set back to achieve element 2.7 *Building Separation*, 3.3 *Tree Canopy*, 3.5 *Visual Privacy* and 4.1 *Solar and daylight access* objectives (A2.4.2).

Table 2.1 suggests a three metre minimum setback and 3.5 metre average setback where the building length exceeds 16 metres. The development does not meet the suggested acceptable outcomes as outlined below:

<u>Elevation</u>	<u>Proposed setback</u>
Eastern (side) boundary	
• Ground floor	1 metre minimum (carport) and 2.38 metre average
Southern (rear) boundary	
• Ground floor (carport)	0.5 metre minimum

Side and rear setbacks was one of the reasons for refusal in Council's decision at its meeting held on 21 April 2020 (CJ043-04/20 refers) as it was considered that the setbacks did not provide an adequate separation between neighbouring properties or an appropriate transition between sites with different intensity of development, specifically in relation to the eastern façade. It was considered that, while the second floor was compliant with the suggested three metre minimum setback, the design led to increased bulk with no transition between the ground and upper floors.

Eastern boundary

In order to address these concerns, the revised design has set the front portion of the second floor back to six metres from the boundary. This reduces the bulky wall to the eastern elevation and allows for a transition between both the ground and upper floors with an increased separation to the surrounding development.

The setbacks of the building provide for landscaping treatments across the site, including medium trees and a mix of small trees, notwithstanding other concerns about landscaping design are discussed further below, the building setback allows for sufficient area for growth of trees in some areas, particularly along the eastern side of the site.

It is considered the treatment of the eastern façade has been amended appropriately to increase the setback to the surrounding properties.

Western boundary

The revised design removes the arbour elements / supporting structures that previously extended over the driveway and to the western boundary. The setbacks are now consistent with the minimum setbacks suggested in the acceptable outcomes and the elevation on this side transitions as height increases with the upper floor setback an additional 4.43 metres to lower floors.

Southern boundary (rear)

The main building is setback 11.5 metres to the southern boundary and is considered to provide sufficient separation and transition between the sites. The structure closest to the rear boundary is a flat roof carport, set back 0.5 metres. The subject site is approximately one metre below the adjoining property to the south. Given this, the impact of the flat roof carport is reduced and will not be visually dominant from either property.

In view of the above, the proposal is considered to achieve the element objectives for side and rear setbacks.

Plot ratio

Element 2.5 Plot ratio objective states:

O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.

A plot ratio of 0.8 is suggested under the acceptable outcomes, with the development proposing a plot ratio of 0.8. The 0.8 plot ratio area, both required and provided, equates to 584m².

Plot ratio was one of the reasons for refusal as it was considered that the building bulk and scale of the development was inconsistent with the existing and planned character of the area.

As discussed above the revised design incorporates improved treatments to the eastern façade, by way of articulation and increased setbacks. The overall design of the building has also been revised to reduce the impact of building bulk on the street and surrounding properties.

In considering the above, it is considered that the plot ratio of the development achieves the element objective and is appropriate for its location.

Tree canopy and deep soil areas and landscape design

Element 3.3 Tree canopy and deep soil areas objectives state:

- O 3.3.1 Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.*
- O 3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.*
- O 3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*

Element 4.12 Landscape design objectives state:

- O 4.12.1 Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.*
- O 4.12.2 Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.*
- O 4.12.3 Landscape design includes water efficient irrigation systems and, where appropriate incorporates water harvesting or water re-use technologies.*

The acceptable outcomes suggest 10% of the site designated for deep soil area is appropriate. Further, the acceptable outcomes suggest that either one large tree and small trees where possible, or two medium trees is appropriate. The acceptable outcomes also state that landscaped areas that accommodate tree planting are to meet the following dimensions:

Tree size	Recommended minimum deep soil area width	Required deep soil area per tree
Small	2 metres	9m ²
Medium	3 metres	36m ²
Large	6 metres	64m ²

Since Council's decision to refuse the application at its meeting held on 21 April 2020 (CJ043-04/20 refers) the SAT has published its first decision on a proposal considered under SPP7.3 Vol. 2. As part of that decision the SAT has provided clarification on how it considers elements relating to deep soil areas and tree planting which are outlined as follows:

- Only deep soil areas which achieve the minimum dimension requirements can be used to determine the total deep soil area provided per tree.
- Irregular shaped deep soil areas can compromise the intended purpose of providing an area for the planting of a required tree onsite.
- The intent of element objective 3.3 (Tree canopy and deep soil areas) is to ensure trees are able to flourish and integrate into developments. Just because a tree has the ability to survive in a deep soil area does not mean that the deep soil area is satisfactory.

The proposed development provides 11.1% of the site as deep soil area, with three medium trees and additional small trees. While the development meets the suggested percentage level of deep soil areas and trees required, in some instances the deep soil areas do not meet the minimum dimension or area of the acceptable outcomes.

Only one of the three medium trees has been provided with the minimum deep soil area required (36m²), while a number of small trees that are located in landscaping strips measuring one metre wide and do not meet the minimum deep soil area required per tree.

It has also not been demonstrated how the design will be sufficient to sustain healthy plant and tree growth or provide a high level of amenity to the surrounding area or future residents and therefore is not considered to meet the element objectives.

In light of the above, and having regard to the recent SAT decision, while the required amount of deep soil area required across the entire site is achieved, the proposed design of the individual deep soil areas proposed are not adequate to accommodate the required tree provision across the site. No expert advice was provided demonstrating how these areas would prosper in the restricted deep soil areas provided.

The proposal is therefore not considered to meet objective O3.3.3 as the proposed deep soil areas are not of a sufficient area and volume to be able to accommodate the required tree provision for the site.

Visual privacy

Element 3.5 Visual Privacy objective states:

- O 3.5.1 *The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.*

The acceptable outcomes suggest:

- major openings (windows) be set back from adjoining properties a distance of 4.5 metres to bedrooms, studies and open walkways
- six metres to habitable rooms other than bedrooms and studies

- 7.5 metres to unenclosed private open space areas such as balconies
- balconies are to be unscreened for at least 25% of their perimeter (including edges abutting a building).

The revised design incorporates a number of design changes to the front façade of the development, including modifications to the street facing balconies. Each of the balconies meet the acceptable outcomes in terms of both visual privacy setbacks and proportion of screening included. Screening has also been provided to some habitable rooms in accordance with the requirement to minimise the potential of overlooking.

Each dwelling contains major openings to a habitable room which allow natural sunlight and ventilation into the dwelling. The orientation of the dwellings optimises the northern aspect of the site with highlight windows included to allow for sunlight penetration into the habitable rooms while ensuring the privacy of adjoining residents is maintained.

Given the above, the proposed development is considered to achieve the element objectives pertaining to visual privacy.

Car and bicycle parking

Element 3.9 Car and bicycle parking objectives state:

- O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport.*
- O 3.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 Car parking is designed to be safe and accessible.*
- O 3.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.*

The acceptable outcomes suggest the provision of seven resident bays, two visitor bays and four bicycle bays for the development. The application proposes seven resident bays, two visitor bays and nine bicycle bays.

The number of bays provided for the dwellings and visitors is considered appropriate given the proximity of the site to Whitfords train station and high frequency bus routes on Whitfords Avenue, which provide access to other modes of transport, services and amenities, as well as local employment opportunities. During community consultation, concerns were raised that the number of bays did not meet the needs of the proposed residents and that two or more vehicles would be needed for each dwelling. The suggested acceptable outcomes are appropriate given the site is one of the closest areas to the Whitfords train station.

Visitor parking is located to the rear of the site screened from the street and not located behind any security barriers. It is therefore considered that the proposed visitor parking arrangement does not have a negative visual impact on the street and is therefore appropriate.

The proposal includes a trimdeck roofed structure for the vehicles to the rear of the site. The acceptable outcomes suggest that all parking structures should be integrated into the building design. The parking structure is not considered integrated by design or materials, however due to the site being lower than the surrounding lots this structure will not be highly visible from adjoining properties. Also, being at the rear of the site the structure will not impact the streetscape. The two-degree roof pitch will also minimise glare reflecting into adjoining properties.

Given the above, the proposed development is considered to achieve the element objectives pertaining to car and bicycle parking.

Solar and daylight access

Element 4.1 Solar and daylight access objectives state:

- O 4.1.1 *In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 *Windows are designed and positioned to optimise daylight access for habitable rooms.*
- O 4.1.3 *The development incorporates shading and glare control to minimise heat gain and glare:*
 - *from mid-spring to autumn in climate zones 4, 5 and 6 AND*
 - *year-round in climate zones 1 and 3.*

The acceptable outcome suggests a minimum of 70% of dwellings should have living rooms and private open space areas receiving at least two hours direct sunlight per day, and a maximum of 15% of dwellings receiving no direct sunlight. All units have a northern aspect and receive at least two hours of direct sunlight per day and therefore the development achieves the acceptable outcome in this regard. All habitable rooms have access to at least one window (including sliding doors).

The proposal does not include shading devices on the northern façade (facing Twickenham Drive) contrary to the acceptable outcomes. The applicant previously advised that the inclusion of awnings over the windows for units 4, 5 and 7 would impact on the aesthetic of the facade.

The proposal also includes a habitable window that is less than the 10% requirement of the floor size. The kitchen for unit 6 is only 0.6m² when the acceptable outcomes suggest it should be a minimum of 0.9m².

Based on the commentary received from the JDRP it is considered that shading devices should be provided, and unit 6 kitchen window is increased in size. On this basis, should the application be approved, it is recommended a condition be placed on the approval to address these requirements.

Waste management

Element 4.17 Waste management objectives state:

- O4.17.1 *Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.*
- O4.17.2 *Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.*

The suggested acceptable outcomes outline that waste storage facilities are to be provided in accordance with the *WALGA Multiple Dwelling Waste Management Plan Guidelines* and are to be screened from view from the street and private dwellings.

Waste was one of the reasons for refusal in Council's decision at its meeting dated 21 April 2020 (CJ043-04/20 refers) as it was considered that the location of waste collection proposed did not minimise negative impacts on the streetscape.

The plans include an enclosed waste storage area to the rear of the development which adequately caters for the required number of bins required to service the development. Bin collection is proposed to be undertaken from a separate bin pickup area located on the western side of the access driveway and crossover.

The Waste Management Plan submitted with the application (Attachment 5 refers) indicates that waste collection will be undertaken by private collection and proposes waste collection by a 10 metre long vehicle which would temporarily occupy the 10.3 metres of driveway and crossover located between the kerb line and the upper floor of the development. It is noted there is insufficient height clearance to the portion of the first floor overhanging the driveway to be able to accommodate waste collection entirely on-site.

While a waste vehicle can be accommodated without conflicting with the development's first floor, the 10.3 metres of space within the associated driveway and crossover is insufficient given that a 10 metres long vehicle requires 11.6 metres of space during operation. Therefore, a waste collection vehicle would require more space than is available on-site and within the adjoining verge which would cause the vehicle to overhang into the road carriageway, which is considered to have an unacceptable and detrimental impact on the streetscape in relation to road and pedestrian safety. It is also noted that the City's does not support private collection of waste for residential development as suggested in the applicant's Waste Management Plan. As owner of the property, further consultation with the Department of Communities has identified that waste collection is the responsibility of the tenant and do not employ cleaners to undertake works.

The proposed waste collection is therefore not considered to meet element objectives O4.17.1 and O4.17.2.

Issues and options considered

Council has been invited to reconsider its previous decision and determine whether the proposed development of seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley is appropriate.

In reconsidering the application, Council may:

- affirm its previous decision to refuse the application
- vary the decision
- or
- set aside the previous decision and substitute it with a new decision.

Legislation / Strategic Community Plan / Policy implications

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

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 *Residential Development Local Planning Policy (RDLPP)
Environmentally Sustainable Design Policy
State Planning Policy 7 Design of the Built Environment (SPP7)
State Planning Policy 7.3 Residential Design Codes Volume 2 –
Apartments (SPP7.3)
State Planning Policy 3.7 (SPP3.7)
State Planning Policy 5.4 (SPP5.4)*

Local Planning Scheme No.3

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

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*

Clause 26 (5) of LPS3 states:

Clause 5.1.1 of the R-Codes is modified by inserting the additional 'deemed-to-comply' criteria:

C1.5 In areas where dual coding applies, site areas under the higher coding may be applied subject to the following:

- (i) Development which complies with a minimum frontage of 10 metres at the setback line, with the exception of multiple dwelling sites; or*
- (ii) Development of multiple dwelling sites which complies with a minimum site width of 20 metres at the street boundary.*

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

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

- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate;*
- (zc) *include any advice of a Design Review Panel.*

Residential Development Local Planning Policy

The overall objectives of this policy are to encourage:

- *An improved streetscape outcome, which is attractive and enhances and complements the visual character, bulk and scale of the surrounding built form.*
- *High quality built development outcomes in relation to building design and site layout.*
- *Residential subdivision and development with safe, functional and attractive access arrangements in and out of sites, which contribute to the overall aesthetics of developments.*
- *New development that is designed having regard to the issue of crime prevention and surveillance of the street and housing entrances.*
- *Varying density development, inclusive of development within dual density coded areas that are integrated into the surrounding built environment.*

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings are:

- *To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.*
- *To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.*
- *To encourage design that considers and respects local heritage and culture.*
- *To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.*

The overall policy objectives for the planning, governance and development processes are:

- *To encourage design that is responsive to site, size and geometry of the development site.*
- *To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.*
- *To ensure clear scope for scheme objectives to influence the assessment of proposals.*
- *To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.*

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 was prepared by the WAPC and gazetted on 7 December 2015. SPP3.7 outlines how development and / or land uses should address bushfire risk in Western Australia, and it applies to all land which has been designated as a bushfire prone area. In accordance with Clause 6.2 (a), development applications within a designated bushfire prone area that have a Bushfire Attack Level (BAL) rating above BAL-LOW are to comply with the relevant provisions of SPP3.7.

In accordance with Clause 6.5, a BAL Assessment has been prepared by an accredited BAL Assessor for the proposal (Attachment 7 refers). This BAL assessment identifies a BAL rating of BAL- 19.

Should the application be approved, a condition imposing a notification on the title is recommended. Any subsequent building permit will be required to meet the relevant Australian Standards for construction of buildings in bushfire prone areas.

State Planning Policy 5.4 – Road and rail noise (SPP5.4)

SPP5.4 was prepared by the WAPC and gazetted on 6 September 2019. The purpose of SPP5.4 is to minimise the adverse impact of road and rail noise on noise-sensitive land-use and/or development within the specified trigger distance of strategic freight and major traffic routes.

In accordance with Clause 4.1, and the distance to the Mitchell Freeway road reserve, the site is subject to the requirements of the policy. As such a Transportation Noise Assessment (Attachment 6 refers) has been provided. The assessment identifies where further controls are necessary to meet the relevant targets associated with noise including measures for roofs to include insulation below roof sheeting, doors to be solid timber core with acoustic seals and windows to have minimum glass thickness depending on the locations. These requirements do not impact the external appearance of the building.

It is noted the Transportation Noise Assessment was completed in June 2019, prior to the latest iteration of SPP5.4. It has been identified by the applicant's acoustic engineer that the update of SPP5.4 has not changed the reporting or the requirements of the report.

Should the application be approved, a condition enforcing the requirements of the Transportation Noise Assessment and requirement for a notification on the title is recommended.

Risk management considerations

As this proposal is currently being considered by SAT, should Council resolve to approve the application the applicant is able to withdraw from proceedings if they are satisfied with the decision made by Council. However, if the applicant is not satisfied with the decision, they may request that the matter be determined by SAT through a formal hearing. In this case, any decision by Council would be set aside and SAT would determine the application on its merits in accordance with the *State Administrative Tribunal Act 2004* and the Regulations.

Financial / budget implications

The applicant has paid fees of \$4,110 (excluding GST) for assessment of the application in accordance with the City's Schedule of Fees and Charges.

In the event the application proceeds to a final hearing it is likely the City will require consultants to participate in the process. The costs associated with this cannot be quantified at this stage but would be funded from the City's operating budget.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's Environmentally Sustainable Design Checklist to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Development includes:
 - retention of natural landforms and topography
 - northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west
 - passive shading of glass
 - sufficient thermal mass in building materials for storing heat
 - insulation and draught sealing
 - floor plan zoning based on water and heating needs and the supply of hot water.
- Development is to incorporate:
 - low energy technologies and/or
 - natural and/or fan forced ventilation.
- Development is to incorporate water efficient technologies.
- Recyclable materials.
- Low-VOC products.

Consultation

Community consultation for the initial application was undertaken for a period of 21 days by way of letters to surrounding landowners/occupiers, a sign on site and notice on the City's website, concluding on Monday 28 October 2019. A total of 18 submissions were received, being 17 objections and one submission of support.

The revised application was advertised for a period of 14 days, commencing on 4 May 2020 and concluding on 19 May 2020. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 78 properties in the vicinity of the subject site.
- Correspondence was sent to all those residents who made a submission on the original proposal but fall outside of the immediate vicinity of the site.
- Development plans and information were made available for public viewing on the City's website.

At the conclusion of the consultation period, 15 submissions were received, all objecting to the proposal.

The key concerns raised during the consultation period include the following:

- Bulk and scale of the development, including that the building height is not in keeping with the surrounding area.
- Insufficient car parking bays on the site.
- Access to the site on the bend is dangerous and will be made worse by street parking.
- Poor landscaping quality and areas around the site.
- Visual privacy concerns to surrounding developments.
- The increase in traffic and safety concerns within the street and surrounding road networks.

A detailed summary of the submissions against the specific design elements of SPP7.3, and general comments on the development is provided at Attachment 9.

COMMENT

The proposal has been assessed against the element objectives of SPP7.3. Having regard to the element objectives it is considered that the development does not achieve a number of these, as outlined in the assessment above.

The application is therefore recommended for refusal for the reasons set out in the recommendation.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council REFUSES under clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* of the application for development approval, dated 21 May 2019 submitted by Danmar Developments for the proposed seven multiple dwellings at Lot 472 (41) Twickenham Drive, Kingsley, for the following reasons:

- 1 the proposal does not satisfy the element objectives of 3.3 Tree Canopy and Deep Soil Areas and 4.12 Landscape Design of *State Planning Policy 7.3*, as the proposed deep soil areas are not sufficient in area and volume to sustain healthy plant and tree growth;
- 2 the proposal does not satisfy the element objectives of 4.17 Waste Management of *State Planning Policy 7.3*, as the waste collection location proposed does not minimise negative impacts on the streetscape.

C126-12/20 PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK – [08122, 02154]

MOVED Cr Logan, **SECONDED** Cr Fishwick that Item CJ181-12/20 - Proposed Seven Multiple Dwellings at Lot 472 (41) Twickenham Drive, Kingsley (Section 31 Reconsideration) **BE REFERRED BACK** to the Chief Executive Officer to allow the applicant / owner to:

- 1 **address the outstanding concerns outlined in Report CJ181-12/20 that currently form the recommended reasons for refusal;**
- 2 **engage with residents adjoining and near the subject site.**

The Motion was Put and

CARRIED (11/1)

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

Against the Motion: Cr Jones.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf201201.pdf](#)

CJ182-12/20 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 3 November 2020 to 17 November 2020
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 3 November 2020 to 17 November 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 3 November to 17 November 2020, as detailed in Attachment 1 to Report CJ182-12/20.

BACKGROUND

For the period 3 November to 17 November 2020, 8 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	7
Withdrawal of Caveat	1

DETAILS

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective	Corporate capacity.
Strategic initiative	Demonstrate accountability through robust reporting.
Policy	Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, **SECONDED** Cr Hamilton-Prime that Council **NOTES** the Schedule of Documents executed by means of affixing the Common Seal for the period 3 November 2020 to 17 November 2020, as detailed in Attachment 1 to Report CJ182-12/20.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf201201.pdf](#)

CJ183-12/20 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 101515
ATTACHMENT	Attachment 1 Mindarie Regional Council – Ordinary Council Meeting Minutes – 22 October 2020 <i>(Please note: These minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the minutes of various bodies on which the City has current representation.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 22 October 2020.

DETAILS

Mindarie Regional Council Meetings

A meeting of the Mindarie Regional Council was held on 22 October 2020.

Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives at the Ordinary Council meeting of the Mindarie Regional Council held on 22 October 2020.

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

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective	Strong leadership.
Strategic initiative	Seek out City representation on key external and strategic bodies.
Policy	Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council NOTES the minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 22 October 2020 forming Attachment 1 to Report CJ183-12/20.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

To access this attachment on electronic document, click here: [ExternalMinutes201201.pdf](#)

CJ184-12/20 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 17 November 2020
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the status of outstanding petitions.

BACKGROUND

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

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

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 17 November 2020, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

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

- 1 the status of outstanding petitions submitted to Council during the period 16 August 2016 to 17 November 2020, forming Attachment 1 to Report CJ184-12/20;**
- 2 in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, a new draft policy was presented to Council at its meeting held on 20 October 2020 (CJ162-10/20 refers). The draft *Advertisement Local Planning Policy* will be advertised for public consultation for 21 days before the end of 2020;**
- 3 in relation to the petition requesting a skate park facility be built at Chichester Park, Woodvale, it is anticipated that a report will be presented to Council in February 2021;**

- 4 in relation to the petition requesting the installation of a BMX dirt track at Kallaroo Park, it is anticipated that a report will be presented to Council in February 2021;
- 5 in relation to the petition requesting the playground at Beldon Park, Beldon remains where it is and that the Management Orders are changed in order to erect shade cloth over the existing playground, a report was presented to Council at its meeting held on 15 September 2020 (CJ135-09/20 refers). The lead petitioner has been notified of its decision;
- 6 in relation to the petition requesting that:
 - 6.1 provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;
 - 6.2 Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed,a report was presented to Council at its meeting held on 15 September 2020 (CJ136-09/20 refers) and was referred back to the Chief Executive Officer to allow further engagement with Main Roads WA and other stakeholders on possible novel solutions to improve the intersection at Walter Padbury Boulevard and Hepburn Avenue, Padbury. The City is currently investigating options and a report will be presented to a future Council meeting;
- 7 in relation to the petition requesting that Council reconsider and rescind their decision to spend \$2.15 million on a Chinese Garden for Jinan, to be located in Central Park and instead, redeploy the funds for community gardens across the City of Joondalup and for the benefit of all residents and ratepayers, it is anticipated that consideration of the redeployment of funds, as suggested in the petition, will occur during the City's mid-year budget review process. A report will be presented to Council following this process;
- 8 in relation to the petition requesting that Council change the regulation that bans dogs from all beaches, apart from the dog beach, it is anticipated that a report will be presented to Council in December 2020;
- 9 in relation to the petition requesting that Council change the parking regulations in Bonneville Way, Abitibi Turn and Curran Court, Joondalup to make these streets 'resident only' parking, it is anticipated that a report will be presented to Council in December 2020;
- 10 in relation to the petition requesting that Council install or construct traffic calming measures on Sherington Road, Greenwood, a report was presented to Council at its meeting held on 20 October 2020 (CJ157-10/20 refers). The lead petitioner has been notified of its decision;
- 11 in relation to the petition requesting that Council invest in the improvement of Clifford Coleman Park, Marmion, a report was presented to Council at its meeting held on 20 October 2020 (CJ156-10/20 refers). The lead petitioner has been notified of its decision;

- 12 in relation to the petition requesting that Council construct a speed reduction hump on Seacrest Drive, Sorrento in the westbound lane approximately 50 metres from the corner of Marmion Avenue, the City is currently reviewing the request and a report will be presented to a future Council meeting;
- 13 in relation to the petition requesting that Council provide adequate bin facilities to address dog waste and litter at key entrance and exit points of the Yellagonga Regional Park, the City is currently reviewing the request and a report will be presented to a future Council meeting.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf201201.pdf](#)

CJ185-12/20 STRATEGIC POSITION STATEMENTS – 2020 REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103936, 101515
ATTACHMENT	Attachment 1 Revised Strategic Position Statements
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and adopt the proposed minor revisions to the City's strategic position statements.

EXECUTIVE SUMMARY

Since 2008, Council has endorsed strategic position statements to provide an agreed position on strategic matters of interest to the City.

The primary purpose of the strategic position statements is to provide flexibility for the Council in capitalising on unplanned opportunities for external funding and investment. Its secondary purpose is to guide the development of future strategic planning documents where current gaps may exist.

Since their inception, the strategic position statements are subject to biennial review, with the latest major review occurring at the Council meeting held on 17 April 2018 (CJ1061-04/18 refers).

The City's current strategic position statements cover the following issues:

- Community facilities.
- Leisure centre operations.
- HBF Arena Joondalup.
- Tamala Park.
- Tamala Park income.
- CBD land.
- Third Australian Football League team in Western Australia.
- City of Joondalup leadership and representation.
- International recognition and innovation.
- Sustainable borrowing.
- Significant event attraction.
- Homelessness.
- Economic development international activity.
- Tri-cities alliance.
- Second A-League Football (Soccer) Team in WA.

This report recommends that Council retain the current strategic position statements and adopt the proposed minor revisions as shown in Attachment 1.

BACKGROUND

At its meeting held on 15 July 2008 (CJ120-07/08 refers), Council consideration was given to several strategic and priority issues. Strategic position statements were subsequently developed to provide the Council and City with a basis for lobbying and to effect expedient changes should opportunities from state and federal governments or the commercial industry arise.

Since their inception, the strategic position statements have been subject to biennial reviews at Council meetings held on 20 July 2010 (CJ121-07/10 refers), 26 June 2012 (CJ109-06/12 refers), 19 August 2014 (CJ132-08/14 refers), 19 April 2016 (CJ055-04/16 refers) and 17 April 2018 (CJ061-04/18 refers). As a result of the 2018 review process, the following changes were adopted by the Council:

Current Strategic Position Statements	2018 Review
Community facilities	Retained
Leisure centre operations	Retained
HBF Arena Joondalup	Minor amendments to better align the statement with the progress status of current projects.
Tamala Park	Retained
Tamala Park Income	Amendment to ensure that the funds are only utilised for income generating facilities.
CBD Land	Retained
Third AFL Team in Western Australia	Retained
City of Joondalup leadership and representation	Retained
International recognition and innovation	Retained
Sustainable borrowing	Retained
Significant event attraction	Retained
Homelessness	Retained
Economic development international activity	Retained
Tri-cities alliance	Retained
Second A-League Football (Soccer) Team in WA	New

DETAILS

The current Council endorsed strategic position statements are outlined below. Background information has been provided on the rationale for the development of each strategic position statement as well as a recommendation in relation to the retention, amendment or removal of each statement.

1 Community Facilities

Master Planning

Each significant facility should be developed in accordance with a master plan rather than being the subject of small ad-hoc fixes.

Private commercial facilities should also be considered within upgrades and developments of master planned community facilities.

Usage

Facilities should be multi-use and be used at all times where possible. Facilities should include complementary services where possible.

Opportunities for decentralised service centres should be considered for master planning upgrades of community facilities such as libraries and leisure centres.

Background

Historically, the supply and provision of facilities and infrastructure for sport, leisure and recreation in the City has been based on specific user group needs rather than the broader community needs and leisure trends. In some locations, this has resulted in duplication of facilities within the same site.

Master planning is a process that develops an overall design and layout for an area. The process considers the current and future needs of the community to design facilities and infrastructure to best meet these identified needs.

The City's masterplan process was originally endorsed by Council at its meeting held on 15 April 2008 (CJ062-04/08 refers) and was reviewed and considered by Council at its meetings held on 17 February 2009 (CJ031-02/09 refers) and 12 December 2017 (CJ205-12/17 refers). The process is used for the development of new or refurbishment / redevelopment of existing community, sport, leisure and recreational facilities and infrastructure.

The masterplan process is guided by the following principles:

- Community consultation and engagement – the community and existing user groups will be engaged to ensure their needs are identified and considered as part of the project.
- Multipurpose and shared use – where possible, facilities will be designed to be flexible spaces that are multi-purpose and allow co-location of groups / activities.
- Community access and participation – projects should enhance the community's access to facilities and opportunity for increased participation in health and well-being activities including active sport and passive unstructured leisure and recreation.
- Sustainability – projects will consider key environmental and sustainability principles such as minimising the likelihood of noise / antisocial behaviour; energy efficiencies; access and inclusion; minimising whole of life costs.
- Quality facility provision – projects should focus on improving the quality of facilities and infrastructure provided to the community, with priorities placed on the functionality to meet the community's needs and the City's ongoing management requirements over the life of the asset.

The City has commenced the following three masterplan projects:

- Edgewater Quarry masterplan.
- Percy Doyle Reserve masterplan.
- Heathridge Park masterplan.

Where possible, the City should investigate opportunities for land swaps or crown land acquisition arrangements with the state government to fund new facilities.

Previous amendments

At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council amended the position statement as follows:

- To expand opportunities for the City to increase the affordability of its major projects where private funding may offset costs to the City. Example projects where this may apply include proposed redevelopments at Burns Beach, Whitfords and Warwick.
- To align with the City's strategic initiative within the *Strategic Community Plan - Joondalup 2022* (Joondalup 2022) to "employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services".

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

2 Leisure Centre Operations

Leisure Centre operations overall should aim to be self-sufficient and meet all operating costs.

Background

The City's premier leisure centre in Craigie is considered one of the busiest leisure facilities in Western Australia. The facility records over 1.5 million patrons attending per annum, which equates to 4,257 customers per day and performs well against other local government facilities nationally.

The City of Joondalup leisure centres currently operate on a user-pay principle. Fees and charges are reviewed against an annual price review of similar leisure facilities throughout the state. From a market position, the City's leisure centres operate in line with industry averages. To support access to the leisure facilities in price sensitive markets, the City offers one of the highest concession discounts in Western Australia.

A 25% membership discount is offered to seniors and concession card holders, and a 33% discount is offered to City of Joondalup residents or ratepayers over the age of 75. Membership include casual swim, crèche entry and lifestyle program activities. The City subsidises the concession at a cost of \$345,000 per annum.

In December 2019, Council agreed to progress the Craigie Leisure Centre Refurbishment Project to a construction / tender stage. Dates of construction have not yet been determined however; works are likely to begin in 2021-2022 at an estimated project cost of \$8.7 million.

The refurbishment will result in the following:

- Relocation and extension of the group fitness studio, wellness studio and cycle studio.
- Relocation and extension of the creche.
- Increase to the main gym floor area, which is estimated to increase from approximately 500sqm to 1,200sqm.
- Installation of new gym toilet and changeroom areas.
- Relocation of the staff room to allow for the cycle studio extension.
- Formalisation of the existing western overflow car park area, new additional car parking on the northern ring road, modifications to the southern car park and modification to the staff car park.
- Minor modifications to the facility entrance.

The Craigie Leisure Centre is exempt from the Council's *Facility Hire Subsidy Policy*, due to the commercial realities of operating a large multi-purpose leisure facility. The leisure centres' current management model is proving successful in attracting large participation rates from the community across a variety of facilities and programs with competitive fees and charges being applied.

At its meeting held on 18 August 2020 (CJ115-08/20 refers), Council resolved to lease the operations of Duncraig Leisure Centre to the Churches of Christ Sporting and Recreation Association, saving the City approximately \$170,000 per annum.

Previous amendments

At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council made a minor amendment to delete the words "and recreation" and replaced them with the word "Centre". This ensured the statement focused specifically on leisure centres rather than the City's broader recreation operations.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

3 HBF Arena Joondalup

Should the state government agree to the transfer of this large-scale leisure and recreation facility to the City, the transfer is supported on the following conditions as a minimum:

- Consideration from the Minister for Transport and Public Transport Authority for the site to incorporate improved public transport linkages with the Joondalup City Centre.
- Maintenance of the existing facility to be addressed before transfer.
- Agreement for the land tenure to provide for development of commercial activities aligned to a sports precinct.

Background

The facility, in its current form, was principally developed by LandCorp (Joondalup Development Corporation) as part of the implementation of the *Joondalup CBD Masterplan*. It is the only facility of its type that is operated by the state government, under the auspices of VenuesWest. All other VenuesWest facilities are predominantly used for elite sports.

The City has contributed \$11 million to the HBF Arena since its construction, with its latest contribution of \$4 million being for the upgrade of facilities for the West Perth Football Club and Wanneroo Basketball Association, additional netball courts and administration centre for the Joondalup Netball Association and expansion of the western playing fields to assist the Joondalup Little Athletics association and Joondalup Brothers Rugby Club.

In addition to the capital contributions made by the City, an additional \$790,000 is made to VenuesWest for part maintenance costs of the playing surfaces occupied by the members of Arena Community and Sporting and Recreation Association (ACSRA) along with a contribution towards a renewal fund for the ACSRA clubrooms.

The following aspects should be considered when reviewing this strategic position statement:

- West Perth and Joondalup Wolves now have new facilities at HBF Arena Joondalup.
- The City agrees to maintain current use and charging regime for key stakeholders.
- The City agrees to retain staff for a set period.
- Maintenance in recent years has addressed most of the need for refurbishment items to be initiated.
- Subsidy to existing groups (such as WAIS and Rugby) will need to be resolved.
- Caveats on the land exist for Western Power, drainage and use of land for commercial purposes (LandCorp).

Previous amendments

At its meeting held on 19 August 2014 (CJ132-08/14 refers), Council amended the position statement to improve wording relating to potential funding support from the state government in the event of the venue being transferred to the City.

At its meeting held on 19 April 2016 (CJ055-04/16 refers), Council made minor amendments to better align the statement with the status of current projects underway on the HBF Arena Joondalup site and to broaden potential public transport opportunities in the future. Council also made some additional amendments to better align the statement with the progress status of current projects at its meeting held on 17 April 2018 (CJ061-04/18 refers).

Should a situation arise where transferring ownership of the facility to the City is considered, the City supports the protection of its current financial position by requiring minimum conditions in agreeing to any transfer. The statement could possibly be amended to ensure the City has full access to capital and operating performance statements for the venue to allow it to undertake relevant due diligence for a decision of this nature.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

4 Tamala Park

The contribution of funds for the development of future regional recreation facilities at Tamala Park should be coordinated by the Mindarie Regional Council, with contributions provided by all current member Councils.

Background

Over the next decade, the Tamala Park land, which is currently under the management and utilisation of the Mindarie Regional Council (MRC), will be released back to the owners. The site comprising of 151 hectares, will be available as a regional recreation facility.

The land is held in fee simple and is the southern portion of Lot 9504 on Deposited Plan 52070. The land is currently zoned Regional Open Space and / or Bush Forever and an interim zoning exists for 57 hectares of land under the classification 'public utility'.

The MRC has been requested by the seven member-owner Chief Executive Officers to develop a masterplan for this portion of the site and the portion of the site currently used for waste management landfill purposes.

Council's position was determined in terms of both the strategic implications and financing of such a facility which, while located within the City of Wanneroo, has an interface with the border of the City of Joondalup.

While the contribution of City funds to develop future facilities at the Tamala Park site is still supported, it is considered appropriate that such contributions are coordinated by the MRC following detailed assessment of options for development of the land.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

5 Tamala Park Income

Funds from Tamala Park should be used for programs aligned to the City's *Strategic Financial Plan*, but for the following purpose as a minimum:

To invest in income producing facilities

Background

The City of Joondalup, along with six other local governments, has a strategic land investment (Tamala Park) which is currently being developed and sold as a residential lot subdivision. It is projected that by the financial period to 2033-34, there is potential for the City to receive an income stream of approximately \$54 million.

As a result of market conditions, the overall total projected income stream has reduced from previous projections and the timeframe has been extended from 2028-29 to 2033-34.

Council has adopted the current position as the basis on which it will manage these funds and for the purposes the funds might be allocated.

The City has established a Tamala Park Land Sales Reserve which holds \$14.1 million as at 30 June 2020, received from dividends and interest earned.

Previous amendments

At its meeting held on 17 April 2018 (CJ061-04/18 refers), Council made amendments to ensure that the funds are utilised for income generating facilities as a minimum.

The City's *Strategic Financial Plan*, as adopted by Council at its meeting held on 20 August 2019 (CJ108-08/19 refers), does not include any use yet for the Tamala Park Land Sales Reserve, this assumption will be reviewed annually as part of the annual reviews of the City's *Strategic Financial Plan*.

This position statement remains relevant and should therefore be retained.

Amendment required

At its meeting held on 20 October 2020 (CJ147-10/20 refers), Council agreed to change the City's *Strategic Financial Plan* from a 20 year plan to a 10 year plan. As the time period for this Plan may change again in the future, a minor change in wording for this strategic position statement is recommended.

Recommendation Amend to reference the City's *Strategic Financial Plan* (instead of 20 year *Strategic Financial Plan*).

6 CBD Land

Development of high-rise commercial office space and other City Centre uses, including high density residential development within the City Centre on City-owned land, is supported under the following conditions:

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial and residential purposes.
- Provides a fast-growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

Background:

At its meeting held on 25 May 2010 (CJ073-05/10 refers), Council endorsed the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters, which provided the following vision for the project:

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes.
- Provides a fast-growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

An initial Expression of Interest (EOI) for the site was called and a preferred proponent identified, but negotiations to finalise a Memorandum of Association (MOU) between the parties was unsuccessful. When the City issued a revised EOI in October 2014, Devwest Pty Ltd was endorsed as the preferred developer and an MOU for construction of an integrated, mixed used development for the City Centre site was signed and executed in December 2014.

In July 2015, the City, in association with Devwest Group Pty Ltd, submitted a proposal to the state government for an office development proposal in the Joondalup City Centre. At the time of endorsement of the City's submission, Council also endorsed the *Joondalup City Centre Concept Plan*, known as "Boas Place", for Lot 496 (70) Davidson Terrace, Lot 507 (90) Boas Avenue and Lot 497 (102) Boas Avenue, Joondalup. The Boas Place concept plan articulates the City's project vision and provides an office building, hotel / short stay and residential accommodation, commercial / retail opportunities and a public car park.

At its meeting held on 19 April 2016 (CJ055-04/16 refers), Council made minor amendments to the position statement to better align the statement with the current vision of the Boas Place development.

The MOU between the City and Devwest Group Pty Ltd expired on 10 September 2017. At its meeting held on 11 September 2017, the former Major Projects Committee requested the CEO negotiate and clarify with Devwest Group Pty Ltd in relation to particular sites of the development; (site C) that the City also reserves the right to consider other bidders and development options for sites D and E and report back to the Committee on site F.

An alternative strategy for progressing the Boas Place development was considered by Council at its meeting held on 20 March 2018 (CJ053-03/18 refers). At this meeting, Council endorsed the preparation of an Order of Magnitude Business Case (OMBC) for attracting major developers for the Boas Place development. As requested by Council alternative strategies for attracting major developers for the Boas Place development (through the preparation of an OMBC) have been explored.

To facilitate the above, the City engaged a project team led by NS Advisory to prepare an OMBC for Boas Place. The main purpose of preparing an OMBC was to provide Council with the appropriate information to enable an informed decision on the future of the Joondalup City Centre Development – Boas Place project.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

7 Third Australian Football League in WA

Should the Australian Football League (AFL) decide to establish a third AFL football team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup, with the club base located at HBF Arena, Joondalup.

Background

At its meeting held on 20 April 2010 (C14-04/10 refers), Council adopted the position statement to demonstrate its willingness to fully support any bid for a third licence within WA and to allow the City to lobby its position where considered appropriate.

The state government in partnership with the City has recently completed a significant upgrade of the West Perth Football Club (WPFC) training and administration facilities at the HBF Arena venue.

The AFL acknowledges that the North-West corridor of Perth (Joondalup and Wanneroo) is a major growth corridor and should be a focus of the AFL and Western Australian Football Commission (WAFC). There have been discussions about an AFL Centre of Excellence at the HBF Arena Joondalup.

The City of Joondalup in 2018-19 contributed \$4 million towards the upgrade of facilities at the Arena Joondalup which includes the WPFC facilities and basketball courts to enable the Wanneroo Basketball Association to relocate to the same site from the Collier Pass, Joondalup facilities.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

8 City of Joondalup Leadership and Representation

The City supports and encourages Elected Members and senior officers to actively participate in professional and / or industry associations that will further enhance the image of the City and provide a mechanism for leveraging new opportunities that benefit the City and its community.

Background

As the third largest local government by population in Western Australia and one of the largest local governments in Australia, the City of Joondalup has a role to play with regards to representation and leadership within the local government sector, at both an Elected Member and senior executive level.

While the City already plays a leadership role as a local government in the sector, it is considered important that support and encouragement is provided to Elected Members and Senior Executive to actively participate in professional or industry disciplines that will further enhance the image of the City of Joondalup, as well as influence regional, state and national goals for the benefit of the City.

The following examples demonstrate the leadership exhibited by Elected Members, CEO and Directors in the local government sector:

- The former Mayor Troy Pickard served as President of the Australia Local Government Association; a member of COAG; former President of WALGA; and represented the City internationally on the role that cities play in biodiversity conservation.
- Chief Executive Officer, Garry Hunt is a member of the Local Government Chief Officers Group and was a former President of the Western Australian Institute of Municipal Management (now LG Professionals). He has also served on the National Board of the Institute of Municipal Management (IMM) and as the International Vice President of the International City / Country Management Association (ICMA).
- Director of Governance and Strategy, Jamie Parry is the President on the board of the Local Government Professionals Australia (WA Division).
- Director of Planning and Community Development, Dale Page is a board member of DevelopmentWA (formerly LandCorp and the metropolitan Redevelopment Authority).
- Councillor Fishwick is a member of the LG Advisory Board and the WALGA State Council.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

9 International Recognition and Innovation

The City should build upon its international recognition for liveability by continuing to demonstrate and embrace innovation and best practice in all fields of service, which are comparable on a global scale.

Background

In 2011, the City was awarded the prestigious honour of the “World’s Most Liveable City” for the population category of 150,001 – 400,000 in the UN-backed annual International Awards for Liveable Communities (LivCom), and the 2012 United Nations Environment Award – *Excellence in Overall Management in Local Government*.

The LivCom Awards are the world’s only awards competition focusing on international best practice regarding the management of the local environment with the further objective of improving the quality of life of individual citizens through the creation of ‘liveable communities’. To win the award, the City was required to meet comprehensive criteria in the areas of environmental best practice, healthy lifestyles, community engagement and arts and cultural heritage.

The City continues to build on its international recognition in the following ways:

- The City hosted the 2013 International BiodiverCities Conference in collaboration with ICLEI - Local Governments for Sustainability and the Western Australian Local Government Association. The conference assembled local, national and international environmental experts to discuss the topic of addressing biodiversity conservation within the context of a changing climate.
- Joondalup is also home to some world leading research and unique educational facilities. The City will continue to support new research activity or the development of centres of excellence in partnership with key organisations including Edith Cowan University (ECU), Joondalup Health Campus, North Metropolitan TAFE and other public / private service providers. The Edith Cowan University Joondalup Campus is the location of the Western Australian Government’s first Innovation Hub.

The Joondalup Innovation Hub has a focus on cyber security, leveraging ECU's reputation as a world leader in cyber security research. With an \$800,000 state government investment, it brings together public, private and research sectors headquartered at the ECU Joondalup Campus. It also utilises facilities in ECU and throughout the Joondalup area. The Innovation Hub is a result of collaboration between the City and ECU.

- In 2015, the City's *Climate Change Strategy 2014-2019* was showcased at COP21, the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC). In the lead up to COP21, the City also committed to the Compact of Mayors Program, which requires the City to measure and publicly report to a global audience, its progress on climate change actions and initiatives. The City was identified as one of three cities in Australia to be fast-tracked in achieving full compliance with the program.
- The former Mayor Troy Pickard also addressed a United Nations sustainable development summit in New York in 2015, enabling further international attention on the City's biodiversity initiatives.
- In 2017 the City received a Bronze Award in the Australian Organisational Excellence Award from the Australian Organisational Excellence Foundation. The criteria for the Organisational Excellence Awards are internationally recognised and are awarded to organisations that have demonstrated a commitment to excellence in:
 - leadership
 - strategy and planning
 - customer and stakeholder service and engagement
 - ethical behaviour
 - environmental responsibility
 - continued high levels of performance.
- The 2016 Kaleidoscope Festival was named the Western Australian Best New Event and Best Cultural, Arts or Music Event at the prestigious Australian Event Awards which were announced in September 2017.
- The City received a Silver Award in the Australasian Reporting Awards (ARA) for its 2016-17 Annual Report. The Awards provide an opportunity for organisations to benchmark their annual reports against ARA criteria which are based on world best practice. Achievement of the Silver Award recognises the City's commitment to enhancing annual reporting to its key stakeholders and the wider community.
- In 2018-19 and 2019-20, the City received a Gold Award from the Australasian Reporting Awards for its 2017-18 and 2018-19 Annual Reports. The award acknowledges:
 - excellence in annual reporting
 - high quality coverage against ARA criteria based on world best practice
 - full disclosure of key aspects of the City's core business
 - current legislative and regulatory requirements have been met
 - that the City's report is a model for annual reports in the local government sector.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

10 Sustainable Borrowing

The City supports borrowing as an appropriate form of financing capital expenditure in the achievement of objectives contained within the *Strategic Community Plan - Joondalup 2012-2022* and the *Strategic Financial Plan*.

Sustainable borrowing parameters should be determined as follows:

- Long term borrowing requirements will be identified as part of the *Strategic Financial Plan* and specific borrowings will be approved as part of the annual budget process.
- Borrowings should only be considered where the impacts are within the range of the key ratio targets contained within the *Strategic Financial Plan – Guiding Principles* in particular, the Debt Service Coverage Ratio.

Background

At its meeting held on 20 August 2019 (CJ108-08/19 refers), Council adopted the most recent version of the City's *Strategic Financial Plan – Guiding Principles*, which includes the following guidance in relation to borrowing:

- The City is an asset intensive business, and as such, loan funding could be expected to be used to fund Capital Expenditure. The borrowings should be consistent with the City's Strategic Positioning Statement of Sustainable Borrowings.
- The primary measure of evaluation is the Debt Service Coverage Ratio which is not to exceed five consecutive years with an annual debt service cover ratio of between three and five, with all other periods exceeding a ratio of five.

Regarding the application of borrowings, it is unlikely that the City will earn a higher rate of interest on its own cash compared to the rate of interest on borrowings. Therefore, the City is normally better off to use its own cash (including reserves) in the first instance than to pursue debt options.

The City may determine from time to time, however, that it is prudent that cash is to be set aside into reserve funds for specific future purposes, and may therefore decide to use borrowings to fund other projects rather than using its own cash. It is acknowledged that this is likely to result in a net overall cost to the City.

This position statement remains relevant and should therefore be retained.

Amendment Required:

At its meeting held on 20 October 2020 (CJ147-10/20 refers), Council agreed to change the City's *Strategic Financial Plan* from a 20 year plan to a 10 year plan. As the time period for this Plan may change again in the future, a minor change in wording for this strategic position statement is recommended.

Recommendation Amend to reference the City's *Strategic Financial Plan (instead of 20 year Strategic Financial Plan)*.

11 Significant Event Attraction

The City will attract and support significant events that are unique to Joondalup and enhance its image as an attractive destination for visitors, tourists and business.

These significant events will deliver economic development benefits for local businesses while promoting Joondalup's reputation state-wide, nationally and internationally as the cultural, civic and entertainment centre of the north-west region of the Perth metropolitan area.

Background

In the development of Joondalup 2022, the following strategic initiatives were adopted by Council to support the enhanced vibrancy of the City and to promote the area as a “Destination City”:

- actively promote and sponsor significant events and activities
- actively engage event promoters to host iconic, cultural and sporting events within the City.

At its meeting held on 17 August 2015 (CJ139-08/15 refers), Council accepted a tender submitted by Mellen Events for the planning, coordination, delivery and management of a significant event being Kaleidoscope for a period of three years commencing November 2016, with a total City contribution of \$1,150,000. Since that time Council endorsed making a further contribution of \$300,000 to the 2017 and 2018 event.

The 2016 Kaleidoscope event attracted more than 50,000 people over the four nights and some of the strategic outcomes were as follows:

- An economic impact analysis post-Kaleidoscope which found the combination of all direct, industrial consumption effect would result in total estimated rise in output of \$2,048,305 in the City’s economy, an approximate four-fold return on the City’s investment in the event.
- Mellen Events reported that Kaleidoscope media and PR coverage (print, TV and radio) totalled more than \$1 million in advertising value equivalency, reaching more than 2,254,843 people. These figures do not include any of the digital or social media coverage.

The 2016 Kaleidoscope Festival was named the Western Australian Best New Event and Best Cultural, Arts or Music Event at the prestigious Australian Event Awards which were announced in September 2017.

The 2017 Kaleidoscope event attracted 88,000 people to the Joondalup City Centre over the four nights it was held (9 - 12 November) and some of the strategic outcomes were as follows:

- An economic impact analysis post-Kaleidoscope found the combination of all direct, industrial consumption effects would result in total estimated rise in output of \$4,168,565 in the City’s economy; a good result on the \$600,000 investment in the event.
- Mellen Events reported that in 2017 there were 111 pieces of media coverage for Kaleidoscope across TV, radio, print newspapers and online articles totalling \$2,979,948 in PR value (advertising value equivalency), which was almost triple that of the inaugural 2016 event.

The 2017 Kaleidoscope Festival was a finalist in the WA State Awards. The award recognises a special event, festival or cultural exhibition that demonstrates artistic excellence, innovation and / or support of music, arts and culture.

The 2018 Kaleidoscope event attracted approximately 117,000 patrons over the four nights (1 - 4 November) and some of the strategic outcomes were as follows:

- An economic impact analysis post-Kaleidoscope established an estimated total visitor spend (based on the average reported spend from surveyed attendees) of \$4,237,200 throughout the four nights. This resulted in an estimated increase the Gross Regional Product in the City of Joondalup of \$2,601,944 as a direct result of the event.

- Kaleidoscope media and PR coverage (print, TV, online and radio) totalled more than \$1.8 million in advertising value equivalency, reaching more than 10,718,868 people worldwide.

In partnership with the City of Wanneroo in 2018-19, the City commissioned Sports Marketing Australia Pty Ltd to prepare a joint Capability and Capacity Assessment of both Cities' potential to host large scale sporting events within the region. The assessment provided both Cities with an understanding of potential events that would be beneficially hosted in the region, as well as an indication on the types of sporting disciplines and grades that could be played. The assessment concluded that the City has both the capability and capacity to host events.

In November 2019, the City entered into a three-year agreement with Sports Marketing Australia to enable the City to take a strategic approach to procuring events.

At its meeting held on 17 November 2020 (CJ173-011/20 refers), Council resolved to invite expressions of interest from suitably qualified event management groups to host a Vintage Car Speed Classic within the City of Joondalup based on a 'Round the Houses' style format with both non fee and fee paying options being explored.

The City continues to work in partnership with community and business groups to attract events to the City that will deliver economic and social benefits while raising the profile of the City as an attractive destination for visitors, tourists and business.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

12 Homelessness

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

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

Background:

In August 2015, the City commissioned Shelter WA to investigate the nature, breadth and prevalence of local homelessness. The subsequent report by Shelter WA, *Preventing and Responding to Homelessness in the City of Joondalup*, included a review of literature, consultation with stakeholders, exploration of potential partnerships and development of recommendations for the City's consideration in responding to homelessness.

Council received the final Shelter WA report in December 2015 and in doing so, supported the development of a strategic position statement to clarify the City's roles and responsibilities in responding to the issue of homelessness.

The extent to which local governments in WA address homelessness is completely discretionary, with involvement throughout the state ranging from direct service provision, to no formalised action. The multi-dimensional nature of homelessness necessitates involvement by a wide range of agencies, including all spheres of Government; the not-for-profit, commercial and private sector; community groups and individual efforts.

The position statement on homelessness is helpful in clarifying expectations by the community and stakeholders in relation to the City's role in ending homelessness.

A key recommendation of the Shelter WA report was to "Develop and implement a homelessness strategy, in collaboration with the City of Wanneroo". The Cities worked collaboratively over several years to undertake comprehensive research into the complexities, contributing factors, extent and needs of people experiencing, or at risk of experiencing, homelessness.

At its meeting held on 11 December 2018 (CJ216-12/18 refers), Council endorsed the *Regional Homelessness Plan 2018-19 – 2021-22* (Regional Homelessness Plan), as did the City of Wanneroo Council equivalently. The Regional Homelessness Plan serves as a framework to inform action by the City of Joondalup, City of Wanneroo and external parties with the aim to end homelessness. The plan addresses the following three pillars:

- Building community capacity, understanding and engagement.
- Prevention and early intervention.
- Responding to homelessness.

The commitments contained within the Regional Homelessness Plan for the Cities of Joondalup and Wanneroo are consistent with the current position on Homelessness that confirms the City's role as one of coordination, support and advocacy.

In 2019, the state government released *All Paths Lead to a Home: Western Australia's 10-Year Strategy on Homelessness 2020-2030* which articulated a whole-of-community response to tackle the complex issue of homelessness, led by the Department of Communities. The state strategy indicates that local government is well placed to have an integral role in identifying people who are sleeping rough or experiencing other forms of homelessness and facilitating connections to help and support through information. The City of Joondalup, service organisations and local community were active participants in the consultation to help shape the state government strategy.

The City's position statement on homelessness aligns with expectations of local government as outlined by the state government in its 10 year strategy on homelessness, such as; making information on local services and supports available and accessible; ensuring rangers and front-line staff are informed and supported to interact with people experiencing homelessness and, where appropriate, refer them to local services; working with police to support and refer people experiencing homelessness to local services and supports; coordinating volunteer efforts; and creating places that are inclusive to support vulnerable people.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

13 Economic Development International Activity

The City supports the pursuance of international economic development activities that seek to achieve:

- local economic growth
- investment attraction
- export growth in local goods and services
- return on investment.

The City's role in achieving the above should include:

- facilitating linkages between local businesses and industries to international markets
- providing financial contributions to pilot programs and initiatives with partner organisations that support international investment within the City
- leveraging current international sister city relationships, for example Jinan, China
- delivering a focused economic development international activities program to support the economic growth of the City of Joondalup for the benefit of ratepayers, Joondalup businesses, and other key stakeholders.

Activities should also align with the specialist themes contained within the City's *Economic Development Strategy*, namely: Global City, Destination City and Digital City.

Background

Since the launch of the City of Joondalup's *Strategic Community Plan Joondalup 2022*, which has a clear vision of "A global City: bold, creative and prosperous", several informing strategies have been developed to facilitate achievement of the vision. Informing strategies endorsed by Council include *Expanding Horizons - An Economic Development Strategy for a Global City* a digital strategy entitled *Joondalup: Digital City*, and the *International Economic Development Activities Plan*.

Expanding Horizons supports the achievement of the City's vision with seven themes as follows:

- Business Growth and Innovation.
- Employment Skills and Development.
- Business Clusters and Investment.
- City and Regional Infrastructure.
- Global City.
- Digital City.
- Destination City.

The Global City and Destination City themes relate directly to international economic development, while the Digital City theme acts as a delivery mechanism to enable efficient digital engagement and commerce in the international marketplace.

Following the 2015 delegation to China, it was apparent that the City needed to be clear on what international engagement and activity is required to achieve its vision and strategic goals. The City also needed clarity on what its role is in attracting international investment and to understand how it can assist businesses located in the City to diversify into the international marketplace.

The City's *Economic Development Strategy, Expanding Horizons* includes significant emphasis on international activities. Each of the core strategic themes of the strategy includes a 'Global City' dimension.

At its meeting held on 18 April 2017 (CJ042-04/17 refers), Council endorsed an *International Economic Development Activities Plan* to support the delivery of the Economic Strategy, as well as the City's *Strategic Community Plan* vision through the articulation of a prioritised list of activities based on research and stakeholder consultation.

The *International Economic Development Activities Plan* was developed following significant research and investigation into a number of international markets and a thorough economic analysis of those markets that are likely to provide the largest economic return on investing City of Joondalup time and resources into developing international relationships.

The *International Economic Development Activities Plan* (IEDAP) recommends that the City builds strategic relationships with several target markets aligning to Joondalup's economic strengths, cultural alignment, educational links, established relationships and presence. The recommended markets to explore opportunities include China, India, Japan, South Korea, South East Asia UK, Africa and USA.

The following industries are identified as having core strengths to be leveraged in the *International Economic Development Activities Plan*:

- Health and Medical (Aged Care).
- Education and Training.
- Retail.
- Tourism.
- Foreign Direct Investment (Emerging Digital and Cyber).

The *International Economic Development Activities Plan* provides a solid framework for the City to focus effort and resources effectively in order to attract international investment and assist businesses located in the City to diversify into the international marketplace.

The following key activities under the *International Economic Development Activities Plan* over the past two financial years has included:

- August 2019: The City led a visit to Indonesia to undertake familiarisation.
- September 2019: Roundtable with Study Perth and local education providers on opportunities to attract and grow global talent.
- October 2019: Inbound delegation from 30 South Asian education agents to undertake a familiarisation of the region including education providers and Hillarys Boat Harbour.
- October 2019: Sponsorship of the Australian Securities Information Association with several key international delegates visiting the region.
- November 2019: Roundtable with Indonesian Consul General, Ibu Dewi Gustina Tobing with local education providers.
- March 2020: Virtual Mission to Indonesia focussed on Education and Training and Cyber Security.
- March 2020 – June: 2020: Inaugural pilot program of the Global Ready Program in partnership with CCIWA.
- July 2020: Inaugural pilot of the Joondalup Innovation Challenge with representation of over 17 international markets and 165 local and global talent.
- July 2020: Inbound familiarisation tour of WA State Government International Trade Commissioners.
- August 2020: Virtual connections with education providers and Indonesian counterparts.
- November 2020: Launch of the Destination City Plan – focussed on growing the visitor economy with an international tourism focus.

Through the City's international activities, the City is facilitating engagement between City of Joondalup stakeholders and overseas markets to deliver social and economic benefits for the City and its community. As direct result of the implementation of the City's *International Economic Development Activities Plan* activities to date, the economic benefit for the City exceeds \$70 million in output, \$26 million in value added and additional employment of 247 FTE (full time equivalent).

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

14 Tri-Cities Alliance

The Tri-Cities Alliance will provide a platform for the Cities of Joondalup, Wanneroo and Stirling to adopt a collaborative and strategic approach to engagement with the state and federal government in order to promote and progress regionally agreed economic development and infrastructure priorities that will provide benefits across municipal boundaries.

Background

The City of Joondalup, along with the Cities of Stirling and Wanneroo, are responsible for governing one of the fastest growing regions in Australia – the North-West Corridor of the Perth metropolitan area, which accounts for over 23% of the total population of Perth.

The Cities of Joondalup, Stirling and Wanneroo successfully launched Tri-Cities Alliance in late 2014 to actively promote the metropolitan northern corridor of Perth to the state and federal governments.

The Tri-Cities Alliance has to date involved a series of meetings with, and presentations to, federal and state government representatives including delegations to Canberra in November 2014, August 2015 and February 2016, and presentations to the WA Liberal Party in June 2015, and the WA Labor Party in November 2015.

The Tri-Cities Alliance provides an opportunity:

- for the City to actively build upon relationships with federal government representatives and help foster economically beneficial outcomes for the community
- to present a strong and united front to the relevant parties on short, medium and long term priorities for the northern corridor of Perth
- to ensure that the northern corridor of Perth, one of the fastest growing regions of Australia, has the required infrastructure and services to provide its rapidly growing population with a sustainable and vibrant place for communities to live and work.

This is a useful forum / mechanism to progress and advocate for regional initiatives particularly during state and federal elections.

This position statement remains relevant and should therefore be retained.

Recommendation Retain.

15 Second A-League Football (Soccer) Team in WA

Should the Australian A-League decide to establish a second A-League Football (Soccer) team in Western Australia, the City of Joondalup supports the licence being located within the City of Joondalup on condition that the City is not required to provide a site but may contribute to the infrastructure requirements for an A-League facility.

Background

The A-League is the highest competitive football competition in Australia and has currently 12 teams competing, with representation from each state (except Tasmania) and a team from New Zealand. Perth Glory is the only team representing Western Australia.

At its meeting held on 17 April 2018 (CJ061-04/18 refers), Council requested a report to be prepared to examine the matters and associated implications for the City around the strategic position statement detailed above.

Financial / budget implications

Not applicable.

Regional significance

Several strategic position statements relate to regional issues or facilities.

Sustainability implications

The item has a general connection to sustainability in that it establishes a set of position statements on a number of key issues and plans for sustainable success.

Consultation

Not applicable.

COMMENT

The strategic position statements establish a general direction on a number of key strategic issues and provide direction to assist the City to advocate for the progression of a number of key projects.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES the retention of the current Strategic Position Statements as outlined in Report CJ185-12/20;
- 2 APPROVES the proposed minor revisions to the City's Strategic Position Statements, as outlined in Attachment 1 to Report CJ185-12/20.

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

- 1 **APPROVES the retention of the current Strategic Position Statements as outlined in Report CJ185-12/20;**
- 2 **APPROVES the proposed minor revisions to the City's Strategic Position Statements, as outlined in Attachment 1 to Report CJ185-12/20;**
- 3 **APPROVES an additional Strategic Position Statement as follows:**

3.1 "Cyber Security

The City actively seeks opportunities to strengthen its position as the home to cyber security and the first ever Innovation Hub in Western Australia by:

- ***identifying opportunities to support smart job creation, innovation and entrepreneurship in the City to grow the local economy;***

- **facilitating connections between industry, government and academia to support the growth of the cyber cluster;**
- **attracting business, investment, events, students and research to grow the cyber security supply chain;**
- **in partnership with industry facilitating greater awareness of cyber security to business and the community;**
- **facilitating the relocation of government agencies into the Joondalup Innovation Hub.”**

C127-12/20 EXTENSION OF TIME TO SPEAK - [01122, 02154]

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

The Motion was Put and

CARRIED (11/1)

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

Against the Motion: Cr Jones.

The Governance Coordinator left the Chamber at 8.25pm and returned at 8.26pm.

The Manager Planning Services left the Chamber at 8.26pm and returned at 8.28pm.

C128-12/20 PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK [01122, 02154]

MOVED Cr Raftis, SECONDED Cr Thompson that Item CJ185-12/20 – Strategic Position Statements – 2020 Review BE REFERRED BACK to the Chief Executive Officer to allow the strategic positions statements to be further discussed and refined by Elected Members at a Strategy Session.

The Motion was Put and

LOST (5/7)

In favour of the Motion: Crs Jones, May, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Logan, McLean and Taylor.

The Motion as Moved by Cr Hamilton-Prime and Seconded by Mayor Jacob was Put and CARRIED (10/2)

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

Against the Motion: Crs Raftis and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf201201.pdf](#)

CJ186-12/20 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY TO 30 SEPTEMBER 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENT / S	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 July 2020 to 30 September 2020 Attachment 2 Capital Works Program Quarterly Report for the period 1 July 2020 to 30 September 2020
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2020 to 30 September 2020 and the *Capital Works Quarterly Report* for the period 1 July 2020 to 30 September 2020.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2020-21–2024-25* 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 (2020-21).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2020 to 30 September 2020 provides information on the progress of 2020-21 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ186-12/20.

A *Capital Works Quarterly Report*, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ186-12/20.

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 July 2020 to 30 September 2020 which is shown as Attachment 1 to Report CJ186-12/20;*
- 2 *Capital Works Quarterly Report for the period 1 July 2020 to 30 September 2020 which is shown as Attachment 2 to Report CJ186-12/20.*

BACKGROUND

The City's *Corporate Business Plan 2020-21–2024-25* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

The *Corporate Business Plan 2020-21–2024-25* (the Plan) was endorsed by Council at its meeting held on 20 October 2020 (CJ148-10/20 refers). The Plan contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2020-21 financial year.

The updated format of the *Corporate Business Plan 2020-21-2024-25* also incorporates an outline of City services delivered to the community which are aligned to the six key themes and objectives of the *Strategic Community Plan* as well as associated staffing levels and service costs. More context on the role of the *Corporate Business Plan* within the City's Planning and Reporting Framework was also included to provide the community with a greater awareness and understanding of the City's five year service delivery program.

In line with the revised format of the *Corporate Business Plan*, the content of the quarterly progress reports has also been expanded to include summary information on City services, and more information on the City's Planning and Reporting Framework. The format of reporting against projects and programs remains unchanged from previous years.

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* provides information on progress against the milestones for the 2020-21 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. "Business as usual" activities within each key theme have also been separated from strategic projects and programs within the report.

Within the Governance and Leadership key theme of Attachment 1 – *Corporate Business Plan Quarterly Progress Report*, a milestone in relation to the Strategic Position Statements has been amended to remove a review of the Strategic Position Statements in quarter three of 2020-21. This review will take place during quarter three of 2021-22 following local government elections.

Legislation / Strategic Community Plan / Policy implications

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

"This Act is intended to result in:

- a) *better decision making by local governments;*
- b) *greater community participation in the decisions and affairs of local governments;*
- c) *greater accountability of local governments to their communities; and*
- d) *more efficient and effective government.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

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

Risk management considerations

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

Financial / budget implications

All 2020-21 projects and programs in the *Corporate Business Plan* were included in the *2020-21 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

The *Corporate Business Plan 2020-21 – 2024-25* was endorsed by Council at its meeting held on 20 October 2020 (CJ148-10/20 refers). A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. The report provides an overview of progress against all the projects and programs in the *2020-21 Capital Works Program*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Raftis, SECONDED Cr Poliwka that Council RECEIVES the:

- 1** *Corporate Business Plan Quarterly Progress Report* for the period 1 July 2020 to 30 September 2020, which is shown as Attachment 1 to Report CJ186-12/20;
- 2** *Capital Works Quarterly Report* for the period 1 July 2020 to 30 September 2020, which is shown as Attachment 2 to Report CJ186-12/20.

The Motion was Put and

CARRIED (11/1)

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

Against the Motion: Cr Jones.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf201201.pdf](#)

CJ187-12/20 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of October 2020 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of October 2020 Attachment 3 Municipal and Trust Fund Vouchers for the month of October 2020
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of October 2020.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2020, totalling \$14,123,035.03.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for October 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 Report CJ187-12/20, totalling \$14,123,035.03.

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 October 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ187-12/20.

The vouchers for the month are appended as Attachment 3 to Report CJ187-12/20.

FUNDS	DETAILS	AMOUNT
Municipal Account	110430 – 110529 & 110532 – 110549 EF088146 – EF088498 & EF088503 – EF088828 Net of cancelled payments	\$9,343,105.21
	Vouchers 2911A – 2926A	\$4,766,640.12
	Bond Refund Cheques & EFT Payments 110530 – 110531 & EF088141 - EF088145 & EF088499 – EF088502 Net of cancelled payments.	\$13,289.70
Total		\$14,123,035.03

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 *2020-21 Budget* as adopted by Council at its meeting held on 30 June 2020 (JSC07-06/20 refers), or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

Cr Taylor left the Chamber at 8.37pm.

MOVED Cr Raftis, SECONDED Cr Thompson that Council NOTES the Chief Executive Officer's list of accounts for October 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 Report CJ187-12/20, totalling \$14,123,035.03.

The Motion was Put and

CARRIED (11/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf201201.pdf](#)

CJ188-12/20 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2020

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

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 October 2020.

EXECUTIVE SUMMARY

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. The figures in this report are compared to the adopted budget.

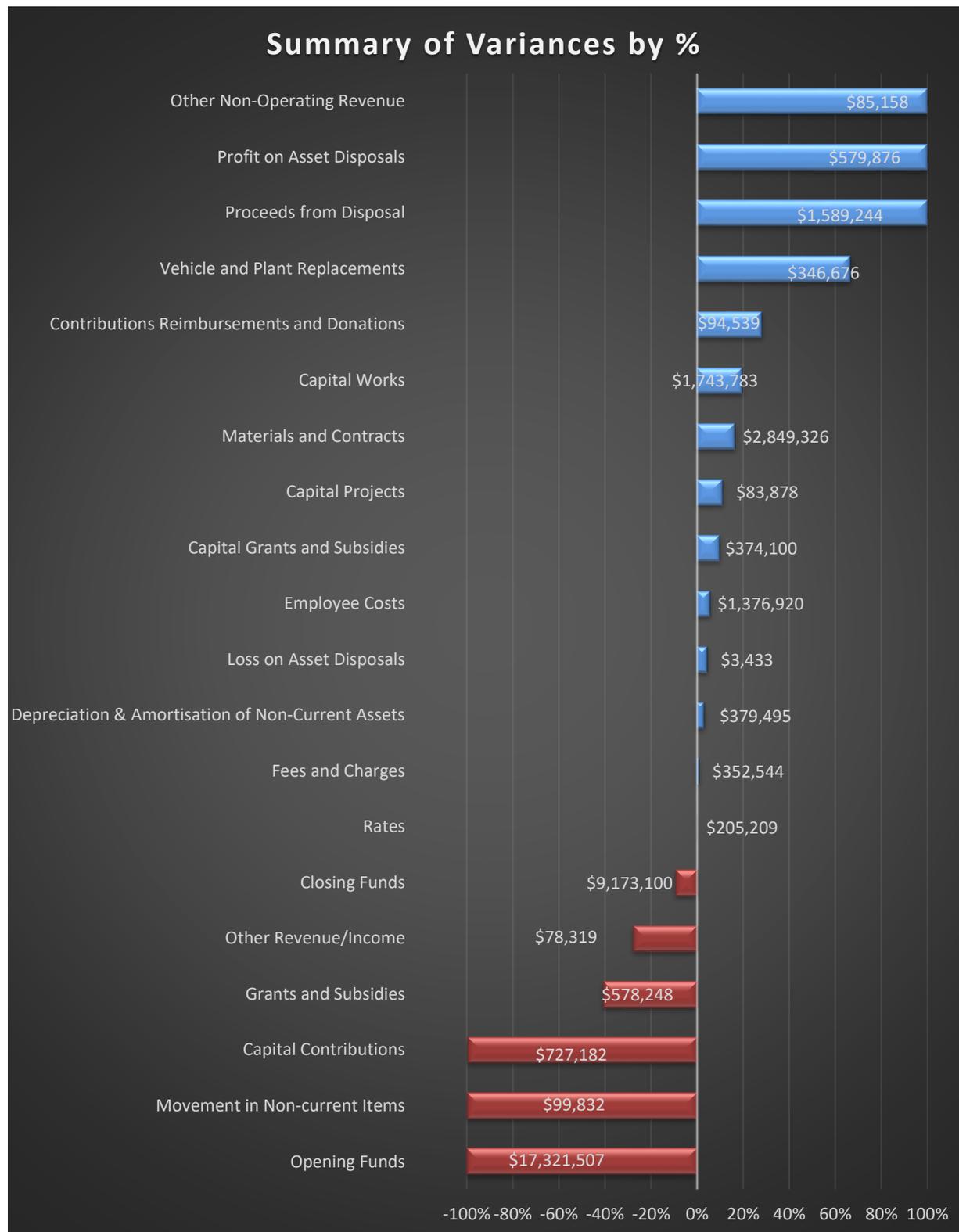
The October 2020 Financial Activity Statement Report shows an overall unfavourable variance of (\$9,173,100) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position, instead it represents the year to date position to 31 October 2020 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2019-20 Annual Financial Statements*.

There are a number of factors influencing the unfavourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in October and the finalisation of 2019-20 end of year process which has meant that the opening funds total is currently not included, however the closing surplus at 30 June 2020 is expected to offset this variance. The notes in Attachment 3 to Report CJ188-12/20 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. Revenue from leisure centres and facility bookings have improved since COVID-19 restrictions eased but are still lower than Pre-COVID levels. In addition, reduction in economic activity and implementation of social distancing measures has resulted in a fall in the City's parking revenues.

The key elements of the variance are summarised below:



The significant variances for October were:

Materials and Contracts

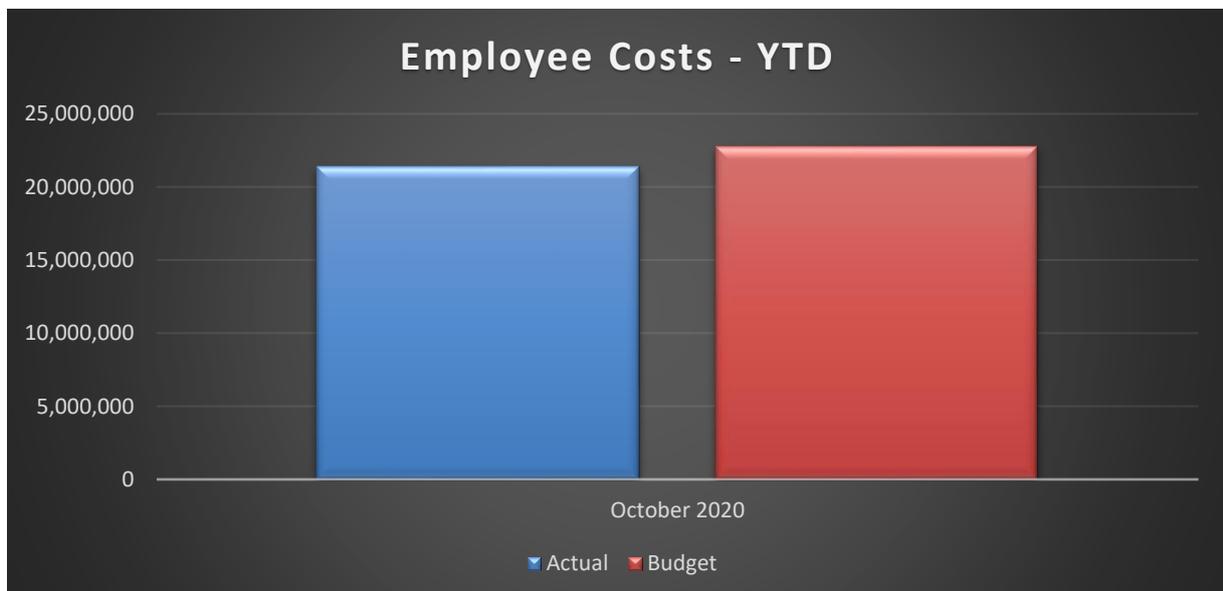
\$2,849,326



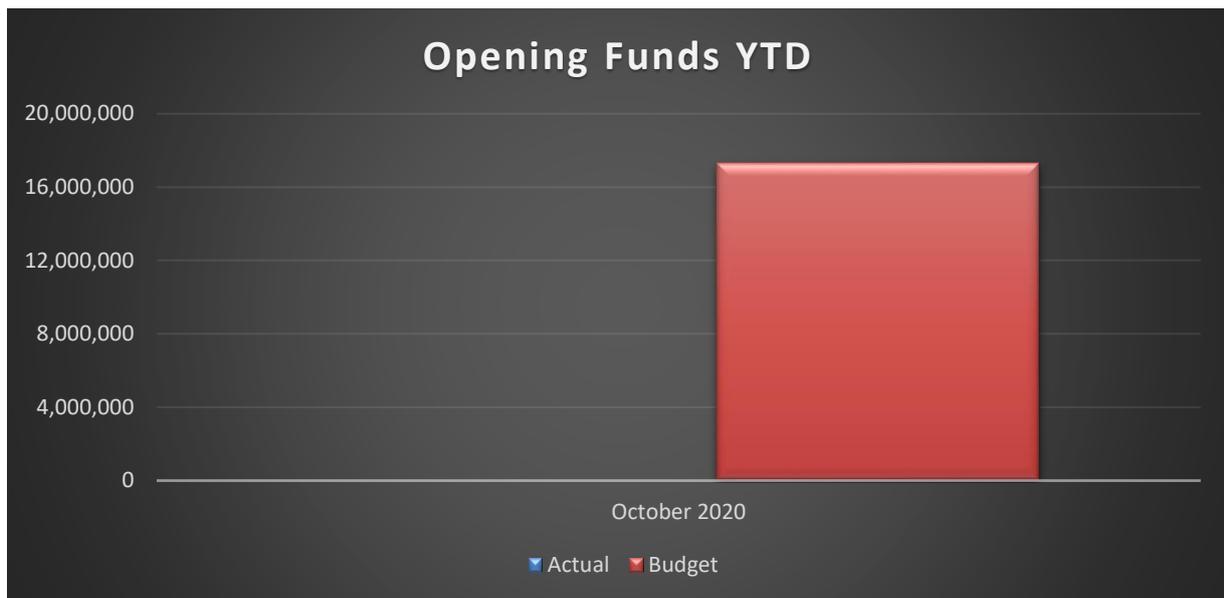
Materials and Contracts expenditure is \$2,849,326 below budget. This is spread across a number of different areas including External Service Expenses \$1,151,686, Contributions and Donations \$333,834, Waste Management Services \$268,724, Professional Fees and Costs \$179,531, Travel Vehicles and Plant \$162,963 and Public Relations, Advertising and Promotions \$140,358.

Employee Costs

\$1,376,920



Employee Costs Expenditure is \$1,376,920 below budget. Favourable variances predominantly arose from vacancies in various areas.

Opening Funds**(\$17,321,507)**

Opening Funds for October 2020 is \$17,321,507 below budget. The variation in the Closing Funds for the period ended 30 June 2020 is prior to end of year adjustments being processed. The final balance will be available after the Financial Statements for 2019-20 have been audited.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2020 forming Attachment 1 to Report CJ188-12/20.

BACKGROUND

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

DETAILS**Issues and options considered**

The Financial Activity Statement for the period ended 31 October 2020 is appended as Attachment 1 to Report CJ188-12/20.

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

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

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

Strategic Community Plan

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

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

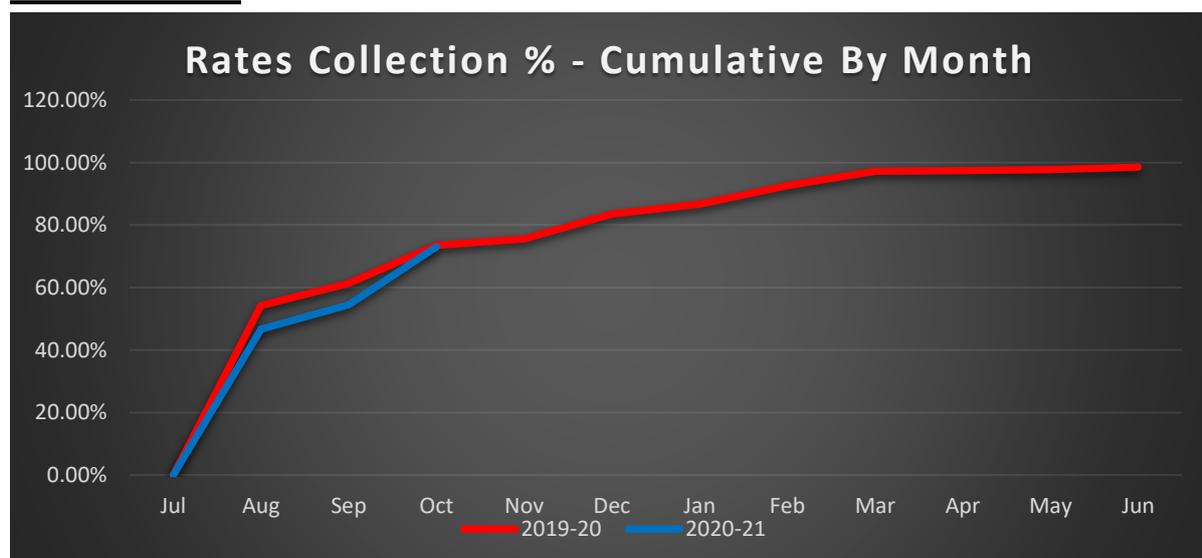
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the *Annual Budget* was prepared having regard to the Strategic Financial Plan, prepared under section 5.56 of the *Local Government Act 1995*.

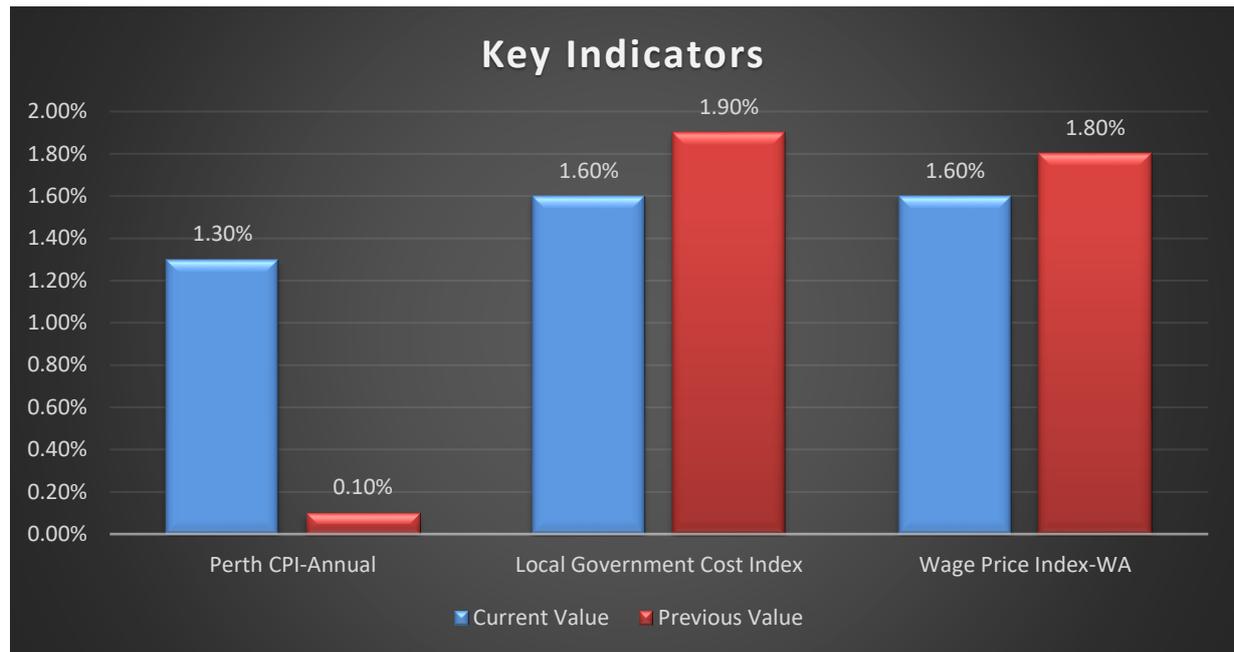
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is marginally lower than prior year at the end of October.

Economic Indicators



During October the Perth CPI for the third quarter of 2020 was released. This saw a significant rebound that has been reflected across all other capital cities.

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 uncertainty about key indicators as this latest data may not have the full impact of the ongoing pandemic restrictions and measures incorporated, particularly due to the effect of measures taken by the Commonwealth government to minimise unemployment impacts.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2020-21 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council NOTES the Financial Activity Statement for the period ended 31 October 2020 forming Attachment 1 to Report CJ188-12/20.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf201201.pdf](#)

CJ189-12/20 PETITION FOR PARKING PERMITS AND PROPOSED AMENDMENTS TO EXISTING PARKING SCHEME - BONNEVILLE WAY, ABITIBI TURN AND CURRAN COURT, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	101871, 101515
ATTACHMENTS	Attachment 1 Existing Parking Scheme - Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup Attachment 2 Proposed Amendment to Parking Scheme - Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider a petition in relation to a change in parking regulations in Bonneville Way, Abiti Turn and Curran Court, Joondalup.

EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 21 April 2020 (C23-04/20 refers). The petition requested that Council “*change the parking regulations in Bonneville Way, Abiti Turn and Curran Court to make these streets resident only parking.*”

There is a public accessway, at the western end of Bonneville Way, Joondalup which provides pedestrian access to the nearby Currambine Train Station via an underpass. Commuter parking in this area has been a regular occurrence since the station opened.

At its meeting held on 15 July 2008 (CJ126-07/08 refers), Council adopted a *Resident / Visitor Permit Parking Policy*. The policy was developed partly in response to petitions received from residents, living near Warwick and Whitford Train Stations, regarding excessive commuter parking in the nearby residential streets and partly as a component of the introduction of paid parking in the City Centre. The parking arrangements in the suburban areas are operating satisfactorily and achieving the desired effect of controlling long term commuter parking in residential streets.

It is therefore recommended that Council:

- 1 *SUPPORTS the amendments to the existing Parking Scheme to introduce a parking permit only area in Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup, subject to support from community consultation with affected residents;*
- 2 *ADVISES the lead petitioner of its decision.*

BACKGROUND

There is a public accessway, at the western end of Bonneville Way, Joondalup which provides pedestrian access to the nearby Currambine Train Station via an underpass below the southbound lanes of the Mitchell Freeway.

Approximately 15-20 vehicles have been regularly parking in Bonneville Way, since the train station opened in 1993. These drivers use this parking as a means of accessing free parking and preventing them from travelling around the other side of the train station which would require crossing the Mitchell Freeway via Burns Beach Road.

It appears this practice was generally accepted by residents of these streets for many years as the City only received a small number of complaints relating to vehicles obstructing sightlines by parking near junctions. The City addressed the concerns in 2012 by installing yellow line (No Stopping) road markings within 10 metres of the junctions of Bonneville Way and Abitibi Turn, Newell Cove and Dauphine Court (Attachment 1 refers).

More recently the City has received further concerns from residents in relation to the parking activity and seeking a change to the current parking conditions to prevent these commuter parking in the nearby residential streets.

DETAILS

The City currently has three Permit Parking Areas being:

- Joondalup City Centre
- Warwick and Duncraig, near Warwick Train Station
- Woodvale, near Whitford Train Station.

Following the introduction of paid parking in Joondalup CBD the intention of permit parking was to ensure that residents and their visitors had access to adequate parking and to protect the parking amenity of residents in the non-paid parking areas.

Permit parking areas were applied to the residential streets in part of Warwick and Duncraig near Warwick Train Station and a small section in the south west of Woodvale near Whitford Train Station. These were introduced in response to resident concerns relating to the use of these streets by train commuters.

Issues and options considered

The options open to Council for managing parking in the area referred to are:

Option 1

No change to existing arrangements and continue to enforce the prohibitions that currently exist.

The current prohibitions are very limited. There are some sections of "No Stopping Road" but generally the on-street parking is available to anyone.

This option is not recommended.

Option 2

Amend the current parking scheme by introducing time prohibitions that prevent all day or long-term parking.

It is possible to put time restrictions such as four hours in place in the affected streets that would have the effect of preventing drivers from parking all day. The downside to parking prohibitions alone is that it does not distinguish between commuters and residents and their visitors parking outside their residence. It also allows short term parking by drivers who wish to avoid using the parking facilities in the nearby train station.

This option is not recommended.

Option 3

Amend the current parking scheme by creating a permit parking area with the application of resident parking permits.

The most viable method of addressing the parking issues at this point is considered to be a resident parking permit scheme.

A map showing the proposed Parking Permit Area (Attachment 2 refers) indicating the proposed parking restrictions and prohibitions in on-street locations in the area.

The proposed amendment has been prepared with the intention to:

- provide some support for residents and their visitors with the ability to park in close vicinity to their homes
- provide for the safety of pedestrian and vehicle movement
- encourage people wanting commuter parking to park in long term parking facilities which is provided for this purpose
- achieve best utilisation of all public parking facilities managed by the City.

The introduction of a permit parking scheme may result in the other nearby streets being subjected to similar parking issues in the future. Managing these types of parking issues is incremental and if it becomes necessary in the future the resident parking permit scheme can be extended to include these other streets.

This option is recommended.

At its meeting held on 21 August 2012 (CJ171-08/12 refers), Council resolved to adopt a resident / visitor parking permit scheme. At its meeting held on 15 July 2018 (CJ124-07/18 refers), Council supported a revised approach to the management of these permits which commenced in the calendar year 2019.

Those provisions support:

- up to three Annual Parking Permits free of charge (each calendar year)
- one additional permit, on application, at a fee set down in the City's *Fees and Charges*, currently \$100 per permit per calendar year.

Due to the impact on the ability of residents and their visitors to park on the street outside their property prior to introducing any amendment to the current parking scheme in the area, consultation with the proposed affected residents would be completed. The City would require the majority of the residents to support the introduction of parking permits.

Legislation / Strategic Community Plan / Policy implications

Legislation

City of Joondalup Parking Local Law 2013.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

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

Policy *Parking Schemes Policy.*

Risk management considerations

The proposed scheme amendments are intended to address community amenity in these residential streets.

Financial / budget implications

Consultation relating to the proposed changes can be accommodated within the current budget allocations.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City will complete consultation with all affected residents, outlining the implications of introducing a parking permit area to seek feedback on the proposal. The City would require the majority of residents to support the introduction of a parking permit area prior to introduction.

COMMENT

The proposed amendment to the existing scheme represents the most appropriate solution to meet the previously stated aims, for the mix of parking demands. Parking schemes are subject to ongoing amendment in keeping with changes in parking demand. The City will monitor changes in parking demand and evaluate allocation of on-street parking facilities to support residential amenity.

VOTING REQUIREMENTS

Simple Majority.

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

- 1 SUPPORTS the amendments to the existing Parking Scheme to introduce a parking permit only area in Bonneville Way, Abitibi Turn, Newell Cove and Curran Court, Joondalup, subject to support from community consultation with affected residents;**
- 2 ADVISES the lead petitioner of its decision.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf201201.pdf](#)

CJ190-12/20 PETITION IN RELATION TO DOG EXERCISE AREAS ON THE FORESHORE

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	05386, 101515, 07169
ATTACHMENT	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a report on a petition in relation to allowing dogs to be exercised on the foreshore.

EXECUTIVE SUMMARY

At its meeting held on 21 April 2020 (C22-04/20 refers), Council received a Petition of Electors. The petition requested that Council "*change the regulation that bans dogs from all beaches apart from the dog beach.*"

At its meeting held on 15 August 2017 (CJ137-08/17 refers), Council considered a report on two petitions in relation to dog areas on the foreshore. Council considered that the existing dog beach at Hillarys makes adequate provision to cater for the requirements of exercising at the beach in the City of Joondalup.

It is therefore recommended that Council:

- 1 *DECLINES the petitioners' request for the foreshore to be designated as a dog exercise area or a dog on leash area because it is considered that dogs and their owners have sufficient areas for exercise and there is no requirement to provide an additional dog beach at this time;*
- 2 *ADVISES the lead petitioner of its decision.*

BACKGROUND

At its meeting held on 21 April 2020 (C22-04/20 refers), Council received a 62 signature petition from residents requesting Council "*change the regulation that bans dogs from all beaches apart from the dog beach.*"

The Hillarys Dog Beach is the only 'dogs off lead' portion of the City of Joondalup foreshore, giving dogs a legitimate access to the ocean. The Hillarys Dog Beach has been the subject of several reports to Council in the past 10 years, most importantly in relation to the adoption of the *Beach Management Plan* in September 2010, which recognised the location as an ongoing facility for dog owners.

At its meeting held on 15 August 2017 (CJ137-08/17), Council considered a report on two petitions in relation to dog areas on the foreshore. Council declined the petitioners request as it considered that the existing provision for dogs to be exercised at the Hillarys Dog Beach was sufficient. It recognised that the existing dog beach does get very congested at peak times, both in relation to car parking and to dogs on the beach. This however is not dissimilar to the situation with a wide range of other beach related activities at various locations along the City's coastal strip.

DETAILS

The petition requested other options be considered including dogs permitted on leash between 10.00am and 8.00pm and permitted off leash at all other times to meet the reasonable usage requirement of the general public.

At its meeting held on 15 August 2017 (CJ137-08/17), Council considered a report on two petitions in relation to dog areas on the foreshore. The first petition received in February 2016 specifically requested Council to consider designating a portion of the Burns Beach foreshore to be used as a dog exercise area.

The second petition requested Council to amend the *Beach Management Plan* by extending the existing Hillarys Dog Beach northwards to the Kallaroo / Mullaloo foreshore boundary between the restricted hours of 6.00am and 10.00am. The reason for this request was seen to relieve early morning congestion in terms of the car park facilities and the number of users along the dog beach.

Council considered that the existing dog beach at Hillarys makes adequate provision to cater for the requirements of exercising at the beach in the City of Joondalup.

Issues and options considered

The City has allowed dogs 'off lead' at the current Hillarys Dog Beach for many years. While the City's population is continuing to grow the registered dog population has been relatively steady at just over 22,000 registered dogs or approximately one dog for every eight residents. Because of its location the Hillarys Dog Beach also attracts dog owners from outside the City of Joondalup.

Option 1 Allow dogs to be exercised on all beaches

Large sections of the City foreshore have rocky outcrops where there is also significant seasonal sand movements which make many of the City's beaches unsuitable as a dog beach. Access and the need to protect dunes would need to be addressed. Consideration would need to be given to other approved uses, including kite surfers and jet skis at several locations to mitigate any potential conflicts of users.

This option is not recommended.

Option 2 Allow dogs to be exercised on all beaches on a leash

Allowing dogs to access the beach while on a leash during a specific time period would only help to address potential conflict of users and access to the dunes during this time. The management of timed requirements would require additional resource allocation to maintain compliance of any restrictions.

This option is not recommended.

Option 3 Decline the petition

It is considered that the existing provision for dogs to be exercised at the Hillarys Dog Beach is sufficient. In addition, the City has in excess of 300 parks and reserves and dogs can be exercised in most of these. It is recognised that the existing dog beach does get very congested at peak times, both in relation to car parking and to dogs on the beach. This however is not dissimilar to the situation with a wide range of other beach related activities at various locations along the City's coastal strip.

Beach use needs to be managed and balanced for all members of the community including dogs owners and those who wish to visit the beach dog free.

This option is recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation *Dog Act 1976.*

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative Understanding the demographic context of local communities to support effective facility planning.

Policy Not applicable.

Risk management considerations

Dogs are often considered by owners to be part of the family and the welfare of the dogs is taken seriously by the City. The City has numerous parks and reserves where dogs can be exercised 'off lead', as well as the Hillarys Dog Beach. There is however a risk that if no consideration is given to enhancing the existing foreshore dog beach provision, the petitioners may express a degree of dissatisfaction.

Financial / budget implications

There are no financial implications related to the recommendation.

Regional significance

Wanneroo has three dog beaches, with the Quinns Rocks Dog Beach 16.5 kilometres to the north, being the closest to Joondalup. The City of Stirling also has a number of dog beaches, the North Beach Dog beach four kilometres to the south, being the closest to Joondalup.

Sustainability implications

Not applicable.

Consultation

If Council were to consider determining any other areas of the foreshore as a dog exercise area, the City should seek community feedback for 21 days (in line with the *Community Consultation and Engagement Policy*) to determine whether residents, users and other stakeholders support or oppose the proposal. All information regarding the proposal would be made publicly available through the community engagement page of the City's website where feedback would be collected through an online comment form. The City would inform residents within a 500 metre radius of the site of the consultation through the delivery of a personalised cover letter, while users and stakeholders would also be informed through onsite signage. Other promotion methods may include advertising in community newspaper and / or social media promotion.

In addition prior to determining an area as a dog exercise area there would be a need to declare these areas as dog exercise areas under section 31 of the *Dog Act 1976* which requires local public notice to be given.

COMMENT

It is considered that dogs and their owners are well catered for within the City of Joondalup and there is no requirement at this time to extend the existing dog beach or provide an additional dog beach.

VOTING REQUIREMENTS

Simple Majority.

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

- 1 **DECLINES** the petitioners' request for the foreshore to be designated as a dog exercise area or a dog on leash area because it is considered that dogs and their owners have sufficient areas for exercise and there is no requirement to provide an additional dog beach at this time;
- 2 **ADVISES** the lead petitioner of its decision.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

CJ191-12/20 TENDER 026/20 - CITY CENTRE LIGHTING UPGRADE STAGE 5

WARD	North
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	108924, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 5.

EXECUTIVE SUMMARY

Tenders were advertised on 26 September 2020 through statewide public notice for the City Centre Lighting Upgrade Stage 5. Tenders closed on 13 October 2020. A submission was received from each of the following:

- Pearmans Electrical and Mechanical Services Pty Ltd.
- Prestige Jointing and Electrical Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.

The submission from Stiles Electrical and Communication Services Pty Ltd represents best value to the City. It demonstrated extensive experience completing similar street lighting projects for Swan River Pedestrian Bridge Alliance (Matagarup Bridge), City of Perth (Elizabeth Quay project) and Broad Construction (Kings Square Subdivision project). It is also the current contractor for the ongoing City Centre Lighting Upgrade Stage 4 project. The company demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

It is therefore recommended that Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 5 as specified in Tender 026/20 for the fixed lump sum of \$1,780,718 (GST exclusive) with works to be completed by 30 September 2021.

BACKGROUND

The City has 1,428 light poles in the City Centre, 500 of those are high light poles over 10 metres and 928 poles are between four and eight metres in height. The light poles were first installed in 1988.

The City intends to replace the existing street lighting and poles in the City Centre in phases. The following table shows the number of replaced poles and luminaires in each previous stage:

Stage	Poles	Luminaires	Contractor
1	132	247	Interlec (WA) Pty Ltd
2	259	304	Stiles Electrical and Communication Services Pty Ltd
3	211	290	Stiles Electrical and Communication Services Pty Ltd
4	188	230	Stiles Electrical and Communication Services Pty Ltd

Stage 5 of the City Centre lighting upgrade includes the installation of 143 light poles and 157 luminaires.

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

Tenders were advertised on 26 September 2020 through statewide public notice for the City Centre Lighting Upgrade Stage 5. The tender period was for two weeks with tenders closing on 13 October 2020.

Tender Submissions

A submission was received from each of the following:

- Pearmans Electrical and Mechanical Services Pty Ltd.
- Prestige Jointing and Electrical Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1 to Report CJ191-12/20.

Evaluation Panel

The evaluation panel comprised four members:

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

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

Evaluation Method and Weighting

The qualitative weighting method of 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 project.

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.

This tender requires work to be completed to a very high standard, with adherence to strict timelines in a very busy CBD area with substantial traffic management. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

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

Compliance Assessment

The following offers were assessed as compliant:

- Prestige Jointing and Electrical Pty Ltd.
- Stiles Electrical and Communication Services Pty Ltd.

The offer from Pearmans Electrical and Mechanical Services Pty Ltd was assessed as non-compliant. The reasons for non-compliance were as follows:

- Did not indicate their agreement to comply with the conditions.
- Did not indicate their compliance with the Specification.
- Did not provide evidence of registrations, licences or qualifications.
- Did not return the OSH Questionnaire.

Based on the findings above, the Submissions from Prestige Jointing and Electrical Pty Ltd and Stiles Electrical and Communication Services Pty Ltd remained for further consideration.

Qualitative Assessment

Prestige Jointing and Electrical scored 53.2% and was ranked second in the qualitative assessment. It demonstrated a limited understanding of the City's requirements. The Gantt Chart provided indicated completion of the works by January 2021, which is not achievable. The company demonstrated some experience completing similar projects including constructing pathway lighting, feature lighting and shelter lighting, working with Densford Civil and the City of Perth at Wellington Square in Perth CBD and large gantry and LED strip lighting with Environmental Industries and the City of Swan.

The company did not fully demonstrate it has the capacity to deliver the service. It stated that its subcontractor has not been sub-contracted for the same or similar services in the past three years. It provided brief information on four key site personnel and a basic register of equipment it will use.

Stiles Electrical and Communication Services Pty Ltd scored 88.3% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. The work break-down it provided addressed all the scope items with a detailed methodology and approach, with an envisaged project delivery of 26 weeks from award of the Contract. It demonstrated extensive experience completing similar street lighting projects for Swan River Pedestrian Bridge Alliance (Matagarup Bridge), City of Perth (Elizabeth Quay project) and Broad Construction (Kings Square Subdivision project). The company is well-established, located within the City of Joondalup and has adequate resources and personnel to complete the works for the City. The company completed the Stage 2, 3 upgrades and is currently delivering Stage 4 of the City Centre lighting upgrade project for the City.

Based on the minimum acceptable score (60%), only Stiles Electrical and Communication Services Pty Ltd qualified for Stage 2 (price) assessment.

Price Assessment

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

Tenderer	Lump Sum Price Offered
Stiles Electrical and Communication Services	\$1,780,718

Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Total Lump Sum Contract Price	Price Ranking
Stiles Electrical and Communication Services	88.3%	1	\$1,780,718	1

Based on the evaluation result the panel concluded that the tender by Stiles Electrical and Communication Services Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

Works are required to complete the City Centre Lighting Upgrade Stage 5. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

Legislation / Strategic Community Plan / Policy implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$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	Not applicable.

Risk management considerations

Should the project not proceed, the risk to the City will be high. If the replacement program is not implemented, the City Centre lighting network may suffer significant failure.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is a well-established company with considerable industry experience and has the capacity to complete the works for the City within the required timeframe.

Financial / budget implications

Project number	STL2003 / CW006345.
Cost code	W1602.
Budget Item	Joondalup City Centre Lighting Upgrade (Stage 5).
Budget amount	\$ 2,059,836 (In respect of Stage 5)
Committed	\$ 0
Amount spent to date	\$ 6,498
Proposed cost	\$ 1,780,718
Contingency	\$ 205,983
Balance	\$ 66,637

The balance does not represent a saving at this time. As there is potential for variations, the extent of which is currently not known, it is likely that funds may be required for works over and above those covered under the lump sum price and provided for as contingency. Any balance remaining in completion of this stage will be rolled over to the future stages of this multi-stage project.

All amounts quoted in this report are exclusive of GST.

Regional significance

In *Joondalup 2022 – Strategic Community Plan 2012-22*, the City has set out its aspirations for “Economic Prosperity, Vibrancy and Growth” and its ambitions to be a “Destination City” and to receive Primary Centre status. A modern, efficient and high standard City Centre street lighting network is key to achieving these outcomes.

Sustainability implications

The introduction of new lighting infrastructure for the City Centre, and in particular LED technology, will significantly reduce maintenance, electricity usage and greenhouse gas emissions. This is aligned with the objectives of the City’s *Climate Change Strategy 2014-19* and in particular Mitigation Objective 1 “To reduce the City’s greenhouse gas emissions through effective energy management and improved energy efficiency”.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Stiles Electrical and Communication Services Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council ACCEPTS the tender submitted by Stiles Electrical and Communication Services Pty Ltd for City Centre lighting upgrade Stage 5 as specified in Tender 026/20 for the fixed lump sum of \$1,780,718 (GST exclusive) with works to be completed by 30 September 2021.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf201201.pdf](#)

CJ192-12/20 TENDER 029/20 - PROVISION OF CLEANING SERVICES FOR CRAIGIE LEISURE CENTRE

WARD	Central
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	10894, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the tender submitted by Brightmark Group Pty Ltd for the provision of cleaning services for Craigie Leisure Centre.

EXECUTIVE SUMMARY

Tenders were advertised on 19 September 2020 through statewide public notice for the provision of cleaning services for Craigie Leisure Centre. Tenders closed on 7 October 2020. A submission was received from each of the following:

- Quayclean Australia Pty Ltd.
- Facilities First Australia Pty Ltd.
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).
- Brightmark Group Pty Ltd.
- ISG Cleaning Pty Ltd.
- The Trustee for Bellrock Cleaning Services Trust.
- CSCH Pty Ltd (Charles Service Company).
- Smart Cleaning Solutions (Vic) Pty Ltd.
- Storm International Pty Limited.
- The Trustee for Panich Family Trust trading as DMC Cleaning.
- OCS Services Pty Ltd.
- Iconic Property Services Pty Ltd.
- M Baric and R.J Sczesny (Green Tree Cleaning Solutions).
- RNM Cleaning Pty Ltd.

The submission from Brightmark Group Pty Ltd represents best value to the City. The company demonstrated a sound understanding of the required tasks. It has been providing cleaning services to various local governments in WA for many years including the Cities of Subiaco, Gosnells and Melville and the Shire of Augusta, Margaret River. Brightmark Group Pty Ltd is well established with sufficient industry experience and capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Brightmark Group Pty Ltd for the provision of cleaning services for Craigie Leisure Centre as specified in Tender 029/20 for a period of three years for the fixed lump sum of \$329,472 (GST exclusive) for scheduled cleaning services for year one of the Contract and the schedule of rates for unscheduled cleaning services, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement for professional cleaning services to be provided to Craigie Leisure Centre. The cleaning services shall be undertaken in accordance with the requirements, frequencies and times as stated in the specification.

The City has a single contract in place with TJS Services Group Pty Limited trading as TJS Facility Services (Facilities First Australia Pty Ltd) which expires 28 February 2021.

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

DETAILS

The tender for the provision of cleaning services for Craigie Leisure Centre was advertised through statewide public notice on 19 September 2020. The tender period was for two weeks and tenders closed on 7 October 2020.

Tender Submissions

A submission was received from each of the following:

- Quayclean Australia Pty Ltd.
- Facilities First Australia Pty Ltd.
- Office Cleaning Experts Pty Ltd (OCE Corporate Cleaning).
- Brightmark Group Pty Ltd.
- ISG Cleaning Pty Ltd.
- The Trustee for Bellrock Cleaning Services Trust.
- CSCH Pty Ltd (Charles Service Company).
- Smart Cleaning Solutions (Vic) Pty Ltd.
- Storm International Pty Limited.
- The Trustee for Panich Family Trust trading as DMC Cleaning.
- OCS Services Pty Ltd.
- Iconic Property Services Pty Ltd.
- M Baric & R.J Sczesny (Green Tree Cleaning Solutions).
- RNM Cleaning Pty Ltd.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1 to Report CJ192-12/20.

Evaluation Panel

The evaluation panel comprised four members:

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

The panel carried out the assessment of the 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 Craigie Leisure Centre is a specialised environment with an extremely high level of expectation of cleanliness from customers and user groups. The City needs to be assured that the successful contractor has a good understanding of the leisure environment and the capacity required to deliver the services including the ability to provide resources during business and after hours. 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	Capacity	40%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Compliance Assessment

The following offers received were assessed as fully compliant:

- Quayclean Australia Pty Ltd.
- Facilities First Australia Pty Ltd.
- OCE Corporate Cleaning.
- Brightmark Group Pty Ltd.
- ISG Cleaning Pty Ltd.
- The Trustee for Bellrock Cleaning Services Trust.
- Charles Service Company.
- Storm International Pty Limited.
- Iconic Property Services Pty Ltd.
- Green Tree Cleaning Solutions.
- RNM Cleaning Pty Ltd.

The following offers received were assessed as partially compliant:

- Smart Cleaning Solutions (VIC) Pty Ltd.
- DMC Cleaning.
- OCS Services Pty Ltd.

Smart Cleaning Solutions (VIC) Pty Ltd did not indicate its agreement to comply with the conditions included in the tender or warrants unconditional compliance with the specification.

DMC Cleaning though indicating yes to critical assumptions, did not provide details or specify critical assumptions made.

OCS Services Pty Ltd proposed amendments to the conditions of Contract, in particular, rise and fall provision, whereby the prices provided after the 12-month fixed term are subject to the contractor seeking to pass on to the City any variation in relevant Award / Labour rates, Statutory on-costs including changes to the Superannuation Guarantee Levy, Government charges, workers compensation, all related on costs and other costs affecting this contract.

These offers were included for further assessment on the basis that clarifications could be sought from Smart Cleaning Solutions (VIC) Pty Ltd, DMC Cleaning and OCS Services Pty Ltd, if shortlisted for consideration.

Qualitative Assessment

RNM Cleaning Pty Ltd scored 28.6% and was ranked fourteen in the qualitative assessment. The company submitted insufficient information demonstrating its understanding of the City's requirements. Though a basic roster for staff and schedule of duties which the company utilises for other premises including work order process and training policy were supplied, the proposed methodology or approach in carrying out the required tasks was not provided. It demonstrated experience providing commercial cleaning services. Three examples of works were provided and these involved multi-story office cleaning with no leisure or aquatic facilities or similar size centre to the City's requirement. It demonstrated the capacity required to provide the services. Its submission included a list of the specialised equipment specified for use to provide the services and stated the company will be using this equipment on the City's site to complete the cleaning requirements. However, it did not indicate whether the company has this equipment or it needs to be purchased.

Green Tree Cleaning Solutions scored 29.8% and was ranked thirteen in the qualitative assessment. It demonstrated some capacity required to carry out the services. A list of equipment was supplied though it did not include any of the specialised equipment specified for use to provide the services. Contact details or a specific number to contact for emergency requirements were not provided. It submitted a brief response demonstrating experience providing cleaning services to various organisations in WA. Examples of works were provided though all were education facilities cleaning and while some sites have gyms, none of these involved leisure centres or aquatic facilities. It did not submit sufficient information demonstrating its understanding of the required tasks. A contract start up plan was provided. However, it did not include the proposed methodology on how the cleaning tasks specific to the leisure centre facilities will be carried out.

Iconic Property Services Pty Ltd scored 37.4% and was ranked twelfth in the qualitative assessment. The company did not fully demonstrate experience providing similar services. Four examples of works were provided for cleaning services to various facilities for the Town of Victoria Park and the Cities of Wanneroo, Perth and Vincent. However, limited information was submitted on the scope of work, outcomes or similarity to the City's requirement. Also, period and dates of contracts or when these works were carried out were not supplied. It did not fully demonstrate the capacity required to provide the services.

Limited information was submitted on experience of some key staff. It demonstrated some understanding of the City's requirements. Its submission did not include the proposed methodology or approach on how the specific tasks at the leisure centre facilities will be carried out.

OCS Services Pty Ltd scored 38.5% and was ranked eleventh in the qualitative assessment. The company demonstrated its understanding of the required tasks. It demonstrated some capacity required to carry out the services. It listed a small range of equipment with most on the list of specialised equipment specified for use to provide the services. Details of key personnel were provided mainly on the management team. It did not fully demonstrate experience providing similar services. Examples of works included commercial cleaning for the Department of Local Government, Sport and Cultural Industries, however, involved no local government clients or leisure centres with wet/dry facilities.

DMC Cleaning scored 39.8% and was ranked tenth in the qualitative assessment. It did not fully demonstrate the capacity or experience required to undertake the services. Though numerous examples of works were provided, these were mainly for building cleaning provided in regional WA and services involved no leisure or aquatic facilities. It demonstrated some understanding of the City's requirements. Its submission included the proposed approach in carrying out the services, however, general information was submitted on contract performance and on-site management.

Storm International Pty Limited scored 42.3% and was ranked ninth in the qualitative assessment. The company has sufficient capacity to carry out the services. It did not fully demonstrate experience providing similar services. Examples of works were provided and though one of these included sports facilities, none involved leisure centres or WA local government clients. It did not fully demonstrate its understanding of the City's requirements. The proposed cleaning methodology to carry out the specific tasks was not provided.

Smart Cleaning Solutions (VIC) Pty Ltd scored 45.1% and was ranked eighth in the qualitative assessment. The company demonstrated an understanding of the required tasks. It did not fully demonstrate experience providing similar cleaning services. Three examples of works were provided though limited information was submitted on scope of work, outcomes or similarity to this requirement. Examples did not include local government clients and only one involved leisure centres. It did not fully demonstrate the capacity required to undertake the services. It listed some equipment though did not include the specialised equipment specified for use to carry out the services.

Charles Service Company scored 49.5% and was ranked seventh in the qualitative assessment. The company demonstrated the capacity required to provide the services. It has extensive experience providing commercial cleaning services to various local governments in WA including the Cities of Kwinana, Nedlands, Fremantle and Joondalup. However, only two examples of works involved leisure centres cleaning for the Cities of Kwinana and Fremantle. It submitted a brief response demonstrating its understanding of the City's requirements. Emergency response timeframes were supplied though the proposed methodology or approach in carrying out the required tasks was not provided.

The Trustee for Bellrock Cleaning Services Trust scored 51.6% and was ranked sixth in the qualitative assessment. It demonstrated a good understanding of the required tasks. It has experience providing cleaning services to various buildings and facilities for local governments in WA including the Cities of Fremantle, Swan, South Perth, Belmont and Joondalup. However, it submitted insufficient information on scope of work, outcomes and similarity to this requirement. It did not fully demonstrate the capacity required to carry out the services. The equipment specified for use in providing the service and the ability to provide additional personnel were not addressed.

ISG Cleaning Pty Ltd scored 59.5% and was ranked fifth in the qualitative assessment. The company demonstrated the capacity and experience required to undertake the services. Example of works were provided, however, only one involved aquatic facilities and none were local government clients. It demonstrated an understanding of the required tasks. It proposed to implement a mobilisation plan that details all activities required for the transition of contract commencement, however, an actual cleaning methodology on how the cleaning tasks will be carried out was not provided.

BrightMark Group Pty Ltd scored 63.4% and was ranked fourth in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has been providing cleaning services to various local governments in WA for many years including the Cities of Subiaco, Gosnells and Melville and the Shire of Augusta, Margaret River. Numerous examples of works were provided though only two involved aquatic facilities and on a smaller scale to the facilities at Craigie Leisure Centre. It is well established with sufficient industry experience and capacity to provide the services to the City.

OCE Corporate Cleaning scored 64.5% and was ranked third in the qualitative assessment. The company demonstrated experience providing cleaning services to local governments in WA including the Cities of Mandurah, Rockingham and Wanneroo. It has sufficient capacity to undertake the services. It demonstrated an understanding of the required tasks.

Facilities First Australia Pty Ltd scored 71.5% and was ranked second in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience providing similar services to local governments including the Cities of Melville, Cockburn and Joondalup. It is the City's incumbent supplier. It has proven capacity to complete the services.

Quayclean Australia Pty Ltd scored 72.9% and was ranked first in the qualitative assessment. The company has extensive experience providing cleaning services to aquatic and leisure centres across Australia though examples of works did not involve local government clients. It has sufficient capacity to carry out the services. It demonstrated a sound understanding of the required tasks.

Given the minimum acceptable qualitative score of 60%, Quayclean Australia Pty Ltd, Facilities First Australia Pty Ltd, OCE Corporate Cleaning and Brightmark Group Pty Ltd qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the submitted rates offered by those that passed the stage one evaluation to assess value for money to the City.

The lump sum prices are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 1.5% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total	Total No. of Hours per Week
Brightmark Group Pty Ltd	\$329,472	\$334,414	\$339,430	\$1,003,316	208
Facilities First Australia Pty Ltd	\$507,552	\$515,165	\$522,893	\$1,545,610	206.21

Tenderer	Year 1	Year 2	Year 3	Total	Total No. of Hours per Week
OCE Corporate Cleaning	\$516,132	\$523,874	\$531,732	\$1,571,738	221
Quayclean Australia Pty Ltd	\$581,927	\$590,656	\$599,516	\$1,772,099	203

During 2019-20, the City incurred \$317,318 for cleaning services for Craigie Leisure Centre. Due to additional cleaning to protect against COVID, the cleaning requirements have changed from weekend cleaners for six months of the year to 12 months of the year.

Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Brightmark Group Pty Ltd	63.4%	4	\$1,003,316	1
Facilities First Australia Pty Ltd	71.5%	2	\$1,545,610	2
OCE Corporate Cleaning	64.5%	3	\$1,571,738	3
Quayclean Australia Pty Ltd	72.9%	1	\$1,772,099	4

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

Issues and options considered

The City has a requirement for professional cleaning services to be provided to Craigie Leisure Centre. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$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 Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as Craigie Leisure Centre has a strong reputation within the community and failure to provide a clean and hygienic facility will impact the Centre and the City's brand. In addition, the City will not be able to maintain the high level of cleaning required to mitigate the likelihood of COVID at the Leisure Centre.

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

Financial / budget implications

Account no.	444-A4411-3359-0000.
Budget Item	Cleaning services for Craigie Leisure Centre.
Budget amount (estimated)	\$ 412,380
Amount spent to date	\$ 157,132
Estimated cost (from 19 November 2020 to 28 February 2021)	\$ 142,452 (current contract)
Proposed cost(from 1 March 2021)	\$ 109,824 (new contract)
Balance	\$ 2,972

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

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The provision of appropriate cleaning services enhances the amenity of the leisure centre.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

Cr Taylor entered the Chamber at 8.41pm.

MOVED Cr Poliwka, SECONDED Cr McLean that Council ACCEPTS the tender submitted by Brightmark Group Pty Ltd for the provision of cleaning services for Craigie Leisure Centre as specified in Tender 029/20 for a period of three years for the fixed lump sum of \$329,472 (GST exclusive) for scheduled cleaning services for year one of the Contract and the schedule of rates for unscheduled cleaning services, with any price variations subject to the percentage change in the Perth CPI (All Groups).

The Motion was Put and

CARRIED (12/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf201201.pdf](#)

C129-12/20

**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION -
[02154, 08122]**

MOVED Mayor Jacob, **SECONDED** Cr Hamilton-Prime that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

CJ179-12/20, CJ182-12/20, CJ183-12/20, CJ184-12/20, CJ188-12/20, CJ189-12/20, CJ190-12/20, CJ191-12/20 and CJ193-12/20.

The Motion was Put and

CARRIED (12/0)

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

Disclosures of interest affecting impartiality

Name/Position	Mayor Hon. Albert Jacob, JP.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob attends one of the churches listed.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The Salvatorian Priests and Whitfords Catholic Church are known to Cr Hollywood.

Name/Position	Cr John Logan.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Many church, parish and charity leaders are known to Cr Logan.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean attends one of the churches listed.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ193-12/20 - Properties Exempt from Rates.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Church personnel are known to Cr Taylor.

CJ193-12/20 PROPERTIES EXEMPT FROM RATES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	00104, 101515
ATTACHMENT	Attachment 1 Properties Exempt from Rates u/s 6.26(2)(d) and 6.26(2)(g)
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

PURPOSE

For Council to note the list of properties currently exempt from general rates under section 6.26 of the *Local Government Act 1995*.

EXECUTIVE SUMMARY

At its meeting on 18 February 2020, Council resolved 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* (the Act) (CJ008-02/20 refers). Excluding properties currently owned and used by the City or Crown land (including government schools and tertiary institutions) or properties used as non-government schools, 388 properties received an exemption from rates in 2020-21 on religious or charitable grounds as prescribed in the Act in section 6.26(2)(d) and 6.26(2)(g) respectively.

It is therefore recommended that Council:

- 1 *NOTES the list of properties currently exempted from rates under sections 6.26(2)(d) and 6.26(2)(g) of the Local Government Act 1995 as detailed in Attachment 1 to Report CJ193-12/20;*
- 2 *NOTES the review of the eligibility of these properties to be exempt from rates will be completed by 30 June 2021.*

BACKGROUND

Section 6.26 of the *Local Government Act 1995* stipulates that all land within a district is rateable land except for those meeting certain conditions that are prescribed therein. Such land is considered to be not rateable or exempt from rates.

At its meeting held on 18 February 2020, Council resolved, in relation to a motion passed at the Annual General Meeting of Electors 10 December 2019 that it:

REQUESTS the Chief Executive Officer to prepare a report on a review of all properties currently exempt from rates to ensure the use of these properties is in accordance with the provisions of 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 land be rated accordingly in the legislation for use of land are not being met that land be rated accordingly.

DETAILS

Exemption from rates is afforded under section 6.26 of the *Local Government Act 1995* to land within a local government district that meets prescribed conditions. There are 12 categories of rates exemption outlined in section 6.26, including:

- Crown land that is either unoccupied or held/used for a public purpose
- land owned by the local government in question and used for its purposes other than for a trading undertaking
- land used or held exclusively by a religious body as a place of public worship
- land used or held exclusively by a religious body
- land used exclusively by a religious body as a school for religious instruction
- land used exclusively as a non-government school
- land used exclusively for charitable purposes
- land exempt from rates under any other written law.

Excluding Crown land (other than Housing Authority properties), land owned by the City of Joondalup or Crown land used as places of education (schools and tertiary institutions, including non-government schools), a total of 388 properties are exempt from rates in 2020-21, out of 62,913 rateable properties at the commencement of the financial year as presented below:

Land use category u/s 6.26	Number of properties	GRV	Exempted rates value
Charitable	346	\$11,453,632	\$699,909
Religious	42	\$3,254,490	\$195,211
Total	388	\$14,708,122	\$895,120

Within each of these overall categories, specific property use can be summarised as follows:

Land use category u/s 6.26	Specific property use	Number of properties	Exempted rates value
Charitable	Aged Care incl Lease for Life Units	261	\$469,649
	Residential housing [#] (at-risk, mental illness, low-income, etc)	74	\$ 98,272
	Other charitable purposes*	11	\$131,988
Religious	Churches and church uses	31	\$172,458
	Manses	9	\$ 16,121
	Convents and monasteries	2	\$ 6,632

#Includes residential properties owned by the Housing Authority (state government) but leased and used for this purpose by community organisations

*Other charitable purposes include: Skills training, employment support, disability support, addiction support, other community purposes

The City will review the rates exemption eligibility of these properties by 30 June 2021, prior to the issuing of rates notices for 2021-22. This process will be undertaken in the second half of 2020-21 and will involve:

- liaising with the owner(s) of each property to confirm use of the land
- collecting and recording this confirmation
- reviewing the confirmation provided and seeking additional substantive information, if required
- determining whether the property meets the criteria for a rates exemption under the *Local Government Act 1995* in 2021-22.

A further report will be provided to Council in August 2021, confirming the results of this process.

Other non-rated properties

In addition to the above, the following properties within the City's boundaries are also exempt from rates:

Owned by City of Joondalup

Under s6.26(2)(b) of the *Local Government Act 1995*, properties within its district that are owned by a local government and used for its purposes other than as trading undertakings (as defined in the Act) are exempt from rates.

Of 170 properties with the City of Joondalup as owner, 12 properties are leased to other entities and used for their purposes and therefore rated. The remaining 158 properties are exempt from rates, being held and used for the City's purposes, such as libraries, community facilities, and the like.

This does not include Crown land that the City may hold a management order over – such properties are included below.

Crown land (owned by federal or state governments and/or related agencies)

Under s6.26(2)(a) of the *Local Government Act 1995*, Crown land is exempt from rates.

1,245 properties within City boundaries are exempt from rates by virtue of being held by federal or state government agencies and used for public purposes, land held and used as public schools and so forth. These sites include:

- Crown land under a City of Joondalup management order (697 properties, including parks, reserves, and so forth)
- other Crown land (498 properties, including PAWs and ROWs, road reserves, drainage reserves, pumping stations, substations, and so forth)
- government (public) schools (47 properties)
- university or TAFE (three properties, including student accommodation).

Land used as non-government schools

Under s6.26(2)(f) of the *Local Government Act 1995*, land held and used exclusively as a non-government school is exempt from rates.

Thirteen properties in the City are currently held and used as non-government schools.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 6.26 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective Management.

Strategic initiative Manage liabilities and assets through a planned, long-term approach.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

The City has foregone \$895,120 in 2020-21 rates from properties currently exempt from rates on charitable or religious grounds, as prescribed in section 6.26 of the *Local Government Act 1995*.

The cumulative impact of these over a period of years is not insignificant.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Council at its meeting held on 19 March 2019 (CJ023-03/19 refers) endorsed the City of Joondalup's Phase 2 Consultation Submission into the state government's Local Government Act Review. As part of that submission, among other things, the City supported reform around rate exemption provisions, as well as the inclusion of a 'charitable purpose' definition within the *Local Government Act 1995*. At this stage there is no indication from the state government in terms of what provisions around rate exemptions will be changed in any new Local Government Act that may be drafted.

The City currently has 388 properties exempt from rates in 2020-21 under sections 6.26(2)(d) and 6.26(2)(g) of the *Local Government Act 1995* on the basis of land use that meets religious or charitable use criteria, in addition to a further 1,418 properties exempt as City owned, Crown land (including government schools, tertiary institutions and the like) and non-government schools. The City will undertake a review process to reconfirm eligibility of charitable and religious exemptions by 30 June 2021.

VOTING REQUIREMENTS

Simple Majority.

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

- 1 NOTES the list of properties currently exempted from rates under section 6.26(2)(d) and 6.26(2)(g) of the *Local Government Act 1995*, as detailed in Attachment 1 in Report CJ193-12/20;**
- 2 NOTES the review of rates exempt properties will be completed by 30 June 2021.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ192-12/20, page 123 refers.

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf201201.pdf](#)

C130-12/20 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC - [02154, 08122]

MOVED Mayor Jacob, SECONDED Cr May that Council:

- 1** in accordance with Sections 5.23(2)(a) and 5.23(2)(e)(iii) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following items:
 - 1.1** CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer;
 - 1.2** CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer;

- 2** **PERMITS** the following employees and persons to remain in the Chamber during discussion on Items CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer and CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:
 - 2.1** Chief Executive Officer, Mr Garry Hunt;
 - 2.2** Manager Governance, Mr Brad Sillence;
 - 2.3** Partner, Lester Blades, Mr Geoff Blades.

The Motion was Put and

CARRIED (12/0)

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

Members of the staff (with the exception of the Chief Executive Officer, Manager Governance and Partner, Lester Blades) and members of the public and press left the Chambers at this point; the time being 8.45pm.

REPORT OF THE CHIEF EXECUTIVE OFFICER**Disclosures of Financial Interest**

Name/Position	Mr Nico Claassen, Director Infrastructure Services.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Claassen is a director eligible to be assigned to the acting Chief Executive Officer position.

Name/Position	Mr Mat Humfrey, Director Corporate Services.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	The item may relate to the terms and conditions of Mr Humfrey's employment.

Name/Position	Ms Dale Page, Director Planning and Community Development.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Ms Page is a director eligible to be assigned to the acting Chief Executive Officer role.

Name/Position	Mr Jamie Parry, Director Governance and Strategy.
Item No./Subject	CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Parry is a director eligible for the acting Chief Executive Officer position.

CJ194-12/20 CONFIDENTIAL - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	108783
ATTACHMENT / S	Nil

(Please Note: The Report is Confidential and will appear in the Official Minute Book only)

AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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This report is confidential in accordance with section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(a) *a matter affecting an employee or employees.*

A full report was provided to elected members under separate cover. The report is not for publication.

OFFICER'S RECOMMENDATION

That Council:

- 1 CONSIDERS the appointment of a City of Joondalup senior employee (being a current Director) to the position of Acting Chief Executive Officer commencing 19 December 2020 and concluding on the last day prior to the commencement of a new Chief Executive Officer;
- 2 DETERMINES the cash salary to be paid to the Acting Chief Executive Officer appointed in Part 1 above, to be \$311,779.73 per annum;
- 3 AUTHORISES the Mayor to execute the acting appointment in Parts 1 and 2 above, by way of a letter to the employee who will be the Acting Chief Executive Officer.

MOVED Mayor Jacob, SECONDED Cr Fishwick that Council:

- 1 **APPOINTS Mr Mat Humfrey (being a current Director) to the position of Acting Chief Executive Officer commencing 19 December 2020 and concluding on the last day prior to the commencement of a new Chief Executive Officer;**
- 2 **DETERMINES the cash salary to be paid to the Acting Chief Executive Officer appointed in Part 1 above, to be \$311,779.73 per annum;**
- 3 **AUTHORISES the Mayor to execute the acting appointment in Parts 1 and 2 above, by way of a letter to the employee who will be the Acting Chief Executive Officer.**

The Motion was Put and

CARRIED (12/0)

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

REPORT OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE MEETING – 8 DECEMBER 2020

Disclosures of interest affecting impartiality

Name/Position	Mayor Hon. Albert Jacob, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Mayor Jacob.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Fishwick, JP.

Name/Position	Cr Christine Hamilton-Prime, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Hamilton-Prime.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Hollywood.

Name/Position	Cr Nige Jones.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Jones.

Name/Position	Cr John Logan.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Logan.

Name/Position	Cr Christopher May.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr May.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr McLean.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Poliwka.

Name/Position	Cr John Raftis.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Raftis.
Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Taylor.
Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Cr Thompson.
Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Some of the applicants are known to Mr Hunt.
Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ195-12/20 - Confidential - Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt is the current Chief Executive Officer. His contract expires on 18 December 2020 and is not an applicant.

CJ195-12/20 CONFIDENTIAL – APPOINTMENT OF PREFERRED APPLICANT FOR POSITION OF CHIEF EXECUTIVE OFFICER

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	74574
ATTACHMENT	Attachment 1 Recruitment and Selection Report. Attachment 2 Proposed Contract of Employment. (Please Note: The Report and Attachment are confidential and will appear in the official Minute Book only)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

(a) a matter affecting an employee or employees.

A full report was provided to elected members under separate cover. The report is not for publication.

MOVED Cr Fishwick, SECONDED Mayor Jacob that Council:

- 1 in accordance with section 5.36(2)(a) of the *Local Government Act 1995* BELIEVES the Preferred Applicant No. 1 as detailed in Report CJ195-12/20, is suitably qualified for the position of Chief Executive Officer;
- 2 BY AN ABSOLUTE MAJORITY in accordance with section 5.36(2)(b) of the *Local Government Act 1995* IS SATISFIED with the provisions of the proposed Chief Executive Officer Employment Contract, as detailed in Attachment 2 of Report CJ195-12/20, subject to:
 - 2.1 the insertion of the Commencement Date in clause 1.1(h), being “15 March 2021”;
 - 2.2 the insertion of the End Date in clause 1.1(l), being “13 March 2026”;
 - 2.3 the insertion of the Total Rewards Package (TRP) in clause 12.1, being “\$360,555”;
 - 2.4 the insertion of other personal information regarding the applicant in Part 1 above and as detailed in Report CJ195-12/20;
- 3 in accordance with section 5.36(1)(a) of the *Local Government Act 1995* EMPLOYS the Preferred Applicant No. 1 as detailed in Report CJ195-12/20, to the position of Chief Executive Officer under the terms and conditions of the Chief Executive Officer Employment Contract as detailed in Part 2 above;
- 4 AUTHORISES the Mayor and Director Corporate Services to execute the Chief Executive Officer Employment Contract detailed in Part 2 above, on behalf of the City pursuant to section 9.49B of the *Local Government Act 1995*, and authorises the Common Seal to be affixed.

The Motion was Put and

CARRIED (12/0)

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

C131-12/20 MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC -
[02154, 08122]

MOVED Mayor Jacob, SECONDED Cr Jones that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting now be REOPENED TO THE PUBLIC.

The Motion was Put and

CARRIED (12/0)

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

Members of the staff and members of the public and press entered the Chambers at this point; the time being 9.03pm.

Mr Geoff Blades, Partner, Lester Blades left the Chamber at 9.03pm.

In accordance with the Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Jacob read aloud the motions in relation to:

- CJ194-12/20 - Confidential - Appointment of Acting Chief Executive Officer.
- CJ195-12/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C132-12/20 NOTICE OF MOTION NO.1 – CR CHRISTOPHER MAY –
INSTALLATION OF CCTV AT UNDERPASSES**

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr May has given notice of his intention to move the following Motion at the Council meeting to be held on 8 December 2020:

That Council REQUESTS the Chief Executive Officer prepare a report on the installation of CCTV equipment for placement on a pole outside of underpasses at the following locations:

- 1 *Whitfords Avenue, between Whitfords West Park with Westfield Whitford Shopping City;***
- 2 *Marmion Avenue, between Westfield Whitford Shopping City and Lot 64 Oxley Avenue, Padbury;***
- 3 *Marmion Avenue, between Whitfords West Park and Whitfords East Park;***
- 4 *Underpass between Whitfords Train Station and Trailwood Drive.***

REASON FOR MOTION

- 1 To deter crime and antisocial behaviour in the City's underpasses.
- 2 To provide users with a sense of safety and confidence using these facilities which provide universal accessibility to the community, and, when used as intended, improve safety by avoiding crossing busy intersections. Improved pedestrian safety and amenity encourages less vehicle dependence.
- 3 To assist police and the City with investigations into crime and antisocial behaviour, namely: graffiti vandalism, drug use, use of underpasses to access residential areas from shopping precincts or train stations to commit break-ins and theft. All of the areas named above are targets of these activities.

OFFICER'S COMMENT

A report can be prepared.

MOVED Cr May, SECONDED Cr Poliwka that Council REQUESTS the Chief Executive Officer prepare a report on the installation of CCTV equipment for placement on a pole outside of underpasses at the following locations:

- 1 *Whitfords Avenue, between Whitfords West Park with Westfield Whitford Shopping City;***
- 2 *Marmion Avenue, between Westfield Whitford Shopping City and Lot 64 Oxley Avenue, Padbury;***
- 3 *Marmion Avenue, between Whitfords West Park and Whitfords East Park;***
- 4 *Underpass between Whitfords Train Station and Trailwood Drive.***

The Motion was Put and

CARRIED (12/0)

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

C133-12/20 NOTICE OF MOTION NO. 2 – CR JOHN RAFTIS – SERVICE LEVELS

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Raftis has given notice of his intention to move the following Motion at the Council meeting to be held on 8 December 2020:

That Council REQUESTS the Chief Executive Officer:

- 1 *prepare a report defining and quantifying the actual service levels set for each of the services listed in the Corporate Business Plan 2020-21 – 2024-25, for the current financial year (2020-21) and for the two financial years prior (2018-19 and 2019-20), including:***
 - 1.1 *actual performance against those levels;***
 - 1.2 *any changes in service levels and the supporting rationale for those changes;***
- 2 *provide the report detailed in part 1 above as part of the mid-year and annual budget processes for review, discussion and approval by Council, commencing in the 2020-21 mid-year budget review process.***

REASON FOR MOTION

Section 2.7 of the *Local Government Act 1995* states the following:

“Role of council

- (1) *The council —***
 - (a) *governs the local government’s affairs; and***
 - (b) *is responsible for the performance of the local government’s functions.”***

In order for the Council to be able to ensure the performance of the local government functions we must be able to set, measure and review the service levels for those functions. In response to my previous Notice of Motion, tabled at the November meeting, regarding a detailed organisation chart, the officer’s comment included the statement:

“Elected member concerns relating to employee costs can be addressed through the budget setting process when elected members, in their role as participating members of Council which is the decision-making body for the City, can review, consider and determine service provision and service levels on behalf of the community. It is at this time that Elected Members / Council can review, amend or cease the delivery of services performed by the City for the community, with the possible exception of statutory service provision.”

In order for elected members, and Council as a whole, to be able to review, consider and set service provision and service levels on behalf of the community it is vital that we actually know what the current service levels are and how they were determined. The service levels for each service were not reviewed in the recent Budget process for 2020-21 and the recent *Corporate Business Plan 2020/21 – 2024/25* (Corporate Business Plan) mentions projected service level changes with regard to FTE but makes no indication as to what the actual service levels are for each service.

With a current year budgeted operating deficit of \$9.2 million, the Council needs to be able to set a strategy for the financial future of the City and having an understanding as to the full range of services delivered, including the levels to which they are set to be delivered, is vital in that regard.

OFFICER'S COMMENT

As stated at the November 2020 Council meeting (C116-11/20 refers), Council, through the budget setting process, can review, consider and determine service provision and service levels on behalf of the community. It is at this time that elected members / Council can review, amend or cease the delivery of services performed by the City for the community, with the possible exception of statutory service provision.

In the City's Corporate Business Plan greater emphasis has been given to detailing the services which are delivered to the community and the internal support services, aligned to the six key themes, objectives and strategic initiatives of the Strategic Community Plan. Information is also provided on:

- whether the service is statutory or discretionary
- associated costs of delivering the service
- the number of Full Time Equivalent (FTE) employees delivering each service and
- whether there is a service level change from the previous year – 2019-20.

Service levels currently provided by the City have been determined as a result of various matters including amongst other things, but not limited to, statutory requirements; strategic priorities of the Council; Council decisions and policies; customer demand; benchmarking activities; economic, technological or societal influencing factors; and the like, and can change during a budget period.

The terms of the Notice of Motion provide that the concept of service levels be applied to all services undertaken by the City of Joondalup as identified within the Corporate Business Plan, which might include in its most modest form:

- service levels for groups of services and related activities
- performance targets and measures and
- the estimated expense of achieving and maintaining these levels of service (employee and materials and contracts costs).

For some services global reporting initiative data, benchmarking or customer satisfaction indicators will also be available which could be referenced.

Whilst various levels of information currently exist within the organisation, a holistic service level assessment and single document of City service/activity levels does not currently exist, and to ensure consistency in approach is estimated would take some time to gather.

Compilation of information could not be completed by the Mid-Year Budget Review timeframe using internal resources due to other scheduled Corporate Business Plan and statutory priorities. Further, the benefit of inclusion of the previous two years of information is questioned, as this would increase threefold the resources required to gather the information. Alternatively, changes in service levels for the current year budget could be identified and any proposed changes for the forthcoming budget, aligned to the City's Workforce Plan, produced for the 2021-22 budget process.

Service Reviews

Over time, the needs and expectations of communities can change. It is recognised that local governments need to have processes for service planning and review to ensure all services continue to provide value for money and are in line with community expectations. In doing so, Councils should engage with communities to determine how to prioritise resources and balance service provision against other responsibilities such as asset maintenance and capital works.

Whilst high-level service information is able to be presented, the challenge will be what the Council will do with the information presented, and this should be judiciously considered. Care needs to be undertaken in understanding the impact of service amendments without analysis and:

- the impact any change will have on resources, staff, the community and other stakeholders
- how the change fits with the overall strategic priorities of the organisation
- how services are interrelated/dependant on other services being delivered
- the risks and benefits of any proposed change
- the impact on the fixed and variable costs of the service if levels are amended.

As such, it may be prudent for the Council to consider during the 2021-22 budget process to:

- review service level information able to be gathered for 2020-21 in alignment with the intent of the Notice of Motion; and/or
- identify up to six priority services (per year) that it wishes to review (over the following 12-month period), and this be undertaken using a similar process to that of the Service Delivery Review: A How to Manual for Local Government has been updated by Australian Centre of Excellence for Local Government (ACELG) and the University of Technology Sydney (UTS) Centre for Local Government [here](#). Utilising such a process would ensure a comprehensive analysis of particular services and each year a number of services be scheduled. The City already undertakes internal service reviews using a more simplified model based on the UTS document and elected members could have input into the schedule of reviews to inform the City's continuous improvement program.

Implementing an integrated service planning and review framework of a specific number of key services can be a good starting point to determine:

- a clear relationship between the services the Council delivers and the objectives outlined in its Strategic Community Plan and informing plans/strategies
- links between service objectives to identified community needs
- how services will be supported with appropriate assets and infrastructure
- identification of service standards and performance measures
- benchmarking to enable comparison with other local governments' performance
- investigation of ways to achieve cost efficiencies through alternative service delivery models, such as shared service arrangements or outsourcing
- mechanisms to ensure that the level of service and mode of service delivery are regularly reviewed
- a better understanding of service costs to inform service planning and budgets.

It is likely that any whole-of-organisation service review planning would be significant, both in time, cost and resources, and as such should be undertaken externally; though the benefits would be worthwhile to the Council in being able to demonstrate service understanding through a high degree of rigour.

Previous Reports on Services

It is worth noting that the Council undertook a SIMALTO (Simultaneous Multi-Attribute Level Trade-Off) exercise in 2016. The tool presents the community with a number of different attributes that they may value in a product or service, asking them to trade them off to determine what they would like to see improved.

There was limited commitment by the Council to pursue any of the matters raised however some matters were taken into account including:

- a reduction in the hours the City operates its security patrol service
- reduction in City events – a report was also provided to the CEO in relation to events and their key success indicators as part of the 2017-18 KPIs
- ticketing of City events (for example Valentines Concert/Business Forums).

Council also considered a report on the potential review of employee resources and efficiencies at its meeting held on 19 March 2019 (CJ033-03/19 refers). This report detailed the City's commitment and achievement to providing efficient and effective operational performance and service delivery to the community through its participation in benchmarking programs such as the Australasian Local Government Performance Excellence Program undertaken in collaboration with Pricewaterhouse Coopers that provide independent assessment of organisational performance, and commitment to the Australian Business Excellence Program.

Summary

As reported at the November 2020 meeting, the review of the City's Corporate Business Plan to include details of the community and internal services (and related FTEs and costs) took an estimated 269 hours to complete (estimated \$22,600). The intent of establishing this schedule was to use it as a baseline, building upon its detail as services are reviewed.

Whilst an estimate of resources required for the development of a service level document for the Council's budget deliberations, including matters raised in the Officer Comment, cannot be determined at this stage, it could be provided in a simple form for the 2021-22 budget process.

It should be noted that should the Council endorse the Notice of Motion (to include presentation to the Mid-year Review) it will have an impact on other Corporate Business Plan activities, such as the proposed consultation timeframes for the Strategic Community Plan, scheduled to commence February 2021, and the timeframes of the 2020-21 Mid-year Review and 2021-22 budget process as this Notice of Motion is an unplanned activity impacting on current resources and service levels of the business units which would be designated this task.

In summary, regular, evidence-based service delivery reviews are important for all local governments to ensure their services are appropriately targeted, efficient and effective. Such reviews can also support an organisational culture of continuous improvement. In order not to disrupt other projects currently in progress, Council could consider using the baseline information provided within the Corporate Business Plan to identify priority services for review during the 2021-22 Budget process. The remaining services could then be reviewed in the following budget setting processes, with the priorities to be determined by Council.

MOVED Cr Raftis, SECONDED Cr Poliwka that Council REQUESTS the Chief Executive Officer:

- 1 prepare a report defining and quantifying the actual service levels set for each of the services listed in the *Corporate Business Plan 2020-21 – 2024-25*, for the current financial year (2020-21) and for the two financial years prior (2018-19 and 2019-20), including:
 - 1.1 actual performance against those levels;
 - 1.2 any changes in service levels and the supporting rationale for those changes;
- 2 provide the report detailed in Part 1 above as part of the mid-year and annual budget processes for review, discussion and approval by Council, commencing in the 2020-21 mid-year budget review process.

The Motion was Put and

LOST (3/9)

In favour of the Motion: Crs Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean and Taylor.

Disclosures of interest affecting impartiality

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	Notice of Motion No. 3 – Cr Suzanne Thompson – Review of Property Management Framework.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Fishwick, JP is a member of the Sorrento Bowling Club which has a 'Not for Profit Lease' with the City of Joondalup under the 0.1% Capital Cost Model.

C134-12/20**NOTICE OF MOTION NO. 3 – CR SUZANNE THOMPSON – REVIEW OF PROPERTY MANAGEMENT FRAMEWORK**

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Thompson has given notice of her intention to move the following Motion at the Council meeting to be held on 8 December 2020:

That Council REQUESTS the Chief Executive Officer prepare a report on the City's Property Management Framework:

- 1 to consider a review of the tenure arrangements for not-for-profit community groups in clause 6.3.4, with a view to revisit or move away from the 0.1% capital cost model to determine the value of lease arrangements;***
- 2 detailing a list of the City's current not-for-profit lease agreements in place, including:***
 - 2.1 the specific terms and tenure for each lease agreement;***
 - 2.2 the revenue the City receives from each of the lease agreements;***
 - 2.3 an approximate of the potential revenue foregone due to each of these lease agreements and in view of the subsidy that applies;***
 - 2.4 a breakdown of the annual cost to the City, including general maintenance and depreciation costs of these facilities;***
- 3 providing the rationale behind the City's definition for groups that are eligible for lease subsidy under the framework.***

REASON FOR MOTION

Recent feasibility study reports highlight that the current leasing arrangements are placing a heavy financial impost on the City and an inequity arising in access to community facilities, particularly when large externally funded not-for-profit organisations can obtain the same low subsidised hire rates as small volunteer-run community clubs and associations.

The current 0.1% of the Capital Cost model is in need of review, along with a further examination of exactly how and when - and to what extent and tenure - lease arrangements should be entered into to ensure equity for the ratepayers whose rates ultimately subsidise these facilities.

OFFICER'S COMMENT

The current *Corporate Business Plan 2020-21 – 2024-25*, as adopted by Council at its meeting held on 20 October 2020 (CJ148-10/20 refers), identifies the finalisation of the *Property Management Framework* and *Facility Hire Subsidy Policy* review, as a project for completion in 2020-21. This includes Council endorsement of the revised Framework and Policy.

Details regarding any current arrangements will naturally form part of the review process in consultation with Elected Members.

MOVED Cr Thompson, SECONDED Cr Poliwka that Council REQUESTS the Chief Executive Officer prepare a report on the City's Property Management Framework:

- 1 to consider a review of the tenure arrangements for not-for-profit community groups in clause 6.3.4, with a view to revisit or move away from the 0.1% capital cost model to determine the value of lease arrangements;
- 2 detailing a list of the City's current not-for-profit lease agreements in place, including:
 - 2.1 the specific terms and tenure for each lease agreement;
 - 2.2 the revenue the City receives from each of the lease agreements;
 - 2.3 an approximate of the potential revenue foregone due to each of these lease agreements and in view of the subsidy that applies;
 - 2.4 a breakdown of the annual cost to the City, including general maintenance and depreciation costs of these facilities;
- 3 providing the rationale behind the City's definition for groups that are eligible for lease subsidy under the framework.

The Chief Executive Officer left the Chamber at 9.32pm and returned at 9.33pm.

C135-12/20 EXTENSION OF TIME TO SPEAK - [01122, 02154]

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

The Motion was Put and

CARRIED (11/1)

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

Against the Motion: Cr Jones.

The Motion as Moved by Cr Thompson, Seconded by Cr Poliwka was Put and

LOST (4/8)

In favour of the Motion: Crs May, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean and Taylor.

C136-12/20**NOTICE OF MOTION NO. 4 – CR RUSSELL POLIWKA – COMPANY DETAILS IN TENDER REPORTS**

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 8 December 2020:

That Council REQUESTS, as part of tender reports submitted to Council for consideration, the full details of the tendering company be provided including the details of the relevant Chief Executive Officer / Managing Director, Directors of the tendering company and shareholders.

REASON FOR MOTION

This will enable Councillors to make an informed decision regarding any conflicts of interests arising.

OFFICER'S COMMENT

The information requested in the Notice of Motion can be requested of respondents when they submit their tenders. The process of updating the tender form to require this information to be provided and collating the information provided would not be particularly arduous. However, if the information is required by the City and the tenderer does not provide it, their tender would be considered non-conforming and may not be considered any further.

If the requested information is to be provided, Council should consider whether the information is included within the report and made public or whether it is provided to elected members as a confidential attachment. As the Reason for Motion provided suggests that the information is to assist elected members in their decision making process around the declaration of interests, along with any privacy concerns that may be present for tenderers, it would be considered prudent to provide the information within a confidential attachment.

Council should be mindful that the information provided may not be able to be verified in all cases and may not provide any additional meaningful information to elected members in making decisions on any interest that they may or may not have. In the case of publicly listed companies, the information on the CEO, managing director and directors would be able to be verified through a number of sources. However, the exact make up of shareholders would only be valid for that point in time and may not be accurate at the point Council is making its decision.

With regards to private companies, trusts, partnerships or sole traders, the information may simply not be able to be verified with reference to any publicly available register or document, as the reporting requirements for these types of entities is not always as stringent as it is for publicly listed companies. Further, the listing of shareholders (or owners) may simply reveal the name of a holdings company or trust, not necessarily who the individual owners or beneficiaries are.

The declaration of any conflicts of interest in items before Council, is a matter for each individual elected member and employee to manage in their own right.

In accordance with the *Local Government Act 1995*, an elected member has an interest in a matter before the Council if either themselves, or a person who is closely associated with them has a direct or indirect financial interest, or a proximity interest, in the matter.

In accordance with section 5.62 of the *Local Government Act 1995*, a person is to be treated as being closely associated with a relevant person (being an elected member) if:

- (a) the person is in partnership with the relevant person; or
- (b) the person is an employer of the relevant person; or
- (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
- (ca) the person belongs to a class of persons that is prescribed (being a person who was a client or an adviser of the relevant person); or
- (d) the person is a body corporate —
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding —
 - (I) the prescribed amount (being \$10,000); or
 - (II) the prescribed percentage of the total value of the issued share capital of the company (being 1%), whichever is less; or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
- (ea) the relevant person is a council member and the person —
 - (i) gave an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
 - (ii) has given an electoral gift to the relevant person since the relevant person was last elected; or
- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
- (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO; or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

Furthermore the *Local Government (Rules of Conduct) Regulations 2007* provides an elected member is required to disclose an interest in a matter that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Summary

While the information requested in the Notice of Motion can be required to be provided by any entity submitting a tender, how the information is provided to elected members, for the purpose outlined in the Notice of Motion, should be considered carefully. Further, the provision of the information requested in the Notice of Motion will not preclude or excuse officers or elected members from undertaking their own due diligence around any prospective interests they may have.

MOVED Cr Poliwka, SECONDED Cr May that Council REQUESTS, as part of tender reports submitted to Council for consideration, the full details of the tendering company be provided including the details of the relevant Chief Executive Officer / Managing Director, Directors of the tendering company.

The Motion was Put and

CARRIED (9/3)

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

Against the Motion: Crs Hollywood, Jones and Logan.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

Being the Chief Executive Officer, Mr Garry Hunt's, last meeting of Council, Mayor Jacob provided an opportunity for Mr Hunt to speak to Council, the following summarised speech was made:

Mr Hunt thanked Mayor Jacob for the opportunity to address the meeting and took the opportunity to wish the Mayor and Councillors of the City of Joondalup all the best for the future.

Mr Hunt commented that when he was appointed after the enquiry in 2005 the Council, organisation and community were in a dire state and he came with a dream which has to the most extent been fulfilled.

Mr Hunt highlighted one of the big issues of the inquiry was the governance at the City which is now at a benchmark level, not just for local government but any entity and this achievement is due to the magnificent Executive Leadership Team, the great Management Team and staff at the City.

Mr Hunt addressed the community who regularly attend meetings to treat the City with respect and Mr Hunt assured the community that respect would be reciprocated.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 10.14pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR KERRY HOLLYWOOD
CR TOM McLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR CHRISTOPHER MAY
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME, JP
CR JOHN RAFTIS
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SUZANNE THOMPSON