

agenda

Ordinary Meeting of Council

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

ON **TUESDAY 18 MAY 2021**

COMMENCING AT **7.00pm**

JAMES PEARSON
Chief Executive Officer
14 May 2021

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by 9.00am on **Monday 17 May 2021.**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

IMPORTANT INFORMATION

ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Due to State of Emergency and Public Health State of Emergency declared as a result of the COVID-19 pandemic, public attendance at City of Joondalup meetings has unfortunately been restricted.

To maintain the required physical distancing separation between people during this time, **the maximum public attendance at meetings has been capped at 99 people** (81 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately be denied entry.

To manage expectations, members of the public wishing to attend the meeting and ask up to two (2) questions and / or to make a public statement, can register their own interest from 9.00am on the day of the meeting by emailing council.questions@joondalup.wa.gov.au or by telephoning (08) 9400 4313. Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two (2) verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be permitted to attend where any seats remain vacant after consideration of the above attendee requests.

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

Entry to the City's premises will be restricted after 30 minutes have elapsed past the scheduled start time of the meeting. The public are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

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

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

From 5 December 2020, members of the public will be requested to scan the City's SafeWA QR Code on entry to the Chamber, or register their details with the City. Members of the public are therefore requested to download the SafeWA app from the [Apple App Store](#) or the [Google Play Store](#).

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

CIVIC CENTRE EMERGENCY PROCEDURES

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

Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



CODE OF CONDUCT

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

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

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

Elected Members, Committee Members and employees must:

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

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

COUNCIL MEETINGS

The following procedures for the conduct of Council Meetings were adopted at the Council Meeting held on 21 April 2020:

INTRODUCTION

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

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

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

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

PURPOSE OF COUNCIL MEETINGS

Council Meetings will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. Council Meetings are formal meetings where Elected Members consider and make decisions on matters.

PROCEDURES FOR COUNCIL MEETINGS

The following procedures will apply to Council Meetings that are conducted by the City.

- 1 Council Meetings will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Council Meetings will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Council Meeting will be provided to all Elected Members, members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Council Meetings. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Council Meetings. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Council Meeting.
- 5 There is to be no debate among Elected Members on any matters raised during the Council Meeting.
- 6 Relevant employees of the City will be available to respond to questions on matters listed on the agenda for the Council Meeting.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Council Meeting.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Good governance principles recommend that Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Council Meetings. When disclosing an interest the following provisions apply:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021* and the City's *Code of Conduct*.
 - (b) Elected Members disclosing a financial interest or a proximity interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
 - (c) The remaining Elected Members may agree that an Elected Member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining Elected Members agree:
 - (i) is so trivial or insignificant as to be unlikely to influence the disclosing Elected Member's conduct in relation to the matter
or
 - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the minutes kept for the Council Meeting.
 - (d) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Council Meetings.

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked Verbally

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

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

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

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

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 210518.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 18 May 2021** commencing at **7.00pm**.

JAMES PEARSON
Chief Executive Officer
14 May 2021

Joondalup
Western Australia

VISION

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

PRIMARY VALUES

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

DISTINGUISHING VALUES

Bold

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

Ambitious

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

Innovative

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

Enterprising

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

Prosperous

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

Compassionate

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

AGENDA

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

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

Disclosures of Financial Interest / Proximity Interest

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	Cr John Raftis.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Raftis owns and lives in property in Housing Opportunity Area No. 4.

Name / Position	Cr Suzanne Thompson.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Thompson is a home owner in Housing Opportunity Area No. 1.

Disclosures of interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) 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 their interest.

Name / Position	Cr Philippa Taylor.
Item No. / Subject	CJ060-05/21 - Adoption of Major Land Transaction Business Plan for the Proposed Disposal of Lots 1029 and 1032, Ocean Reef.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Taylor is a member of the Ocean Reef Sea Sports Club and Joondalup Reserve Services League.

Name / Position	Ms Dale Page, Director Planning and Community Development.
Item No. / Subject	CJ060-05/21 - Adoption of Major Land Transaction Business Plan for the Proposed Disposal of Lots 1029 and 1032, Ocean Reef.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Ms Page is a Director on the Board of Development WA. Ms Page has had no involvement in this matter, either at the City of Joondalup or at Development WA.

Name / Position	Hon. Mayor Albert Jacob, JP.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	A relative of Mayor Jacob owns a property in Housing Opportunity Area No. 10.

Name / Position	Cr John Logan.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's stepdaughter owns property in a Housing Opportunity Area.

Name / Position	Cr John Chester.
Item No. / Subject	CJ066-05/21 - Duffy House - Site Concept Plan.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	The project is within the Yellagonga Regional Park and Cr Chester is on two committees involved in the management of the Regional Park.

PUBLIC QUESTION TIME

The following summarised questions were taken on notice at the Annual General Meeting of Electors held on Tuesday 23 March 2021.

Ms Jacqueline Hope, Beldon:

Re: General Business.

Q1 *Does the marker dye have any carcinogenic properties similar to glyphosate?*

A1 The City uses BASF Blue marker dye when spraying Glyphosate. The information on the safety data sheet states *"Results of various animal studies gave no indication of a carcinogenic effect."*

Mr Mitch Sideris, Mullaloo:

Re: General Business.

Q2 *Has the City actually reviewed the contractors spray logs to ensure that Key Performance Indicators are being met?*

A2 The contractor provides daily weed spraying reports. The reports for each event include information such as the following:

- Report ID.
- Contractor.
- Contract Superintendent.
- Type of chemical control.
- Scheduled location.
- Description of areas sprayed.
- Date and time.
- Map of location.
- Coordinates including latitude and longitude.
- Number of signs.
- Date and time signs put out.
- Date and time signs removed.
- Comments.
- Temperature.
- Wind speed (kph).
- General weather conditions.
- Operators name.
- Chemical brand name.
- Active constituent.
- Concentration of mix.
- Rate of application.
- Litres used.
- Adjuvants.
- Equipment used.
- Additional PPE comments.
- Photos.

This information is regularly checked by the City, against the spraying notification register as well as the performance of the spraying event.

Ms Nannette Brammer, Iluka:

Re: Ocean Reef Marina Project.

Q1 *Where is the website link to the 2015 Heritage Report that was provided by Aboriginal Tribal elders relating to the Ocean Reef Marina project?*

A1 The City is not aware of a 2015 Heritage Report provided by Aboriginal Tribal elders relating to the Ocean Reef Marina project.

The 2015 Indigenous and European Heritage investigation undertaken by consultants on behalf of the City, included engagement with appropriate traditional owner representatives.

Mr Mitch Sideris, Mullaloo:

Re: Mullaloo Coastal Foreshore Dune Area Fencing.

Q1 When will the City develop a policy or a strategy for identifying the coastal foreshore dune area for low cost but effective fencing for Mullaloo?

A1 A seaward dunal protection fence has been in place for a number of years at this location. Mullaloo is an accreting beach and the dunes are becoming wider each year because of sand build up. Sand in the past has been mechanically removed from the front of the dune, however over time the moving dune has now covered the fence.

This constant sand movement makes the construction of a new fence impractical and financially unsustainable. The City recognises the efforts of the many volunteers that have rehabilitated the Mullaloo dune system to a very high standard, and the frustration they feel when pedestrians enter the dunes and may damage sensitive plant communities.

The City will continue to extend the access path fencing from the coastal dual path to the front of the dunes to guide beach users onto the main part of the beach and will install regulatory signage at all Mullaloo beach access paths in June 2021, informing the public that fines apply if they enter the dunal system.

The following summarised question was taken on notice at the Council Meeting held on Tuesday 20 April 2021.

Mr R Repke, Kallaroo:

Re: Tree Watering.

Q1 How many trees have died this summer due to the lack of watering?

A1 To ensure the maximum survival rate of newly planted street trees within the City's annual tree planting program, trees are initially watered weekly over the summer months (September to April) and maintained for up to two years. Where trees display signs of stress or declining health, additional watering and fertilizing will be undertaken on an as required basis.

Unfortunately, it is not uncommon that a percentage of juvenile trees that have been grown in a protected nursery environment, when planted in the harsh urban environment, such as road reserves, may not adapt to the new environment. Trees planted within the public urban environment are also vulnerable to vandalism and damage.

The City planted 1,387 trees as part of the Leafy City Program in 2019. During the 2020 winter tree planting program 2,437 trees were planted.

Ten thousand seedlings were grown in the City's nursery during 2019-20 and provided to Friends Groups for bushland revegetation.

The loss of a small number of juvenile trees is normal and expected. However, given the numerous factors that may lead to a tree's decline, it cannot be determined which trees did not survive simply due to a "lack of water".

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Mayor Albert Jacob, JP 25 June to 5 July 2021 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING HELD ON 20 APRIL 2021

RECOMMENDATION

That the Minutes of the Council Meeting held on 20 April 2021 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

PETITIONS

PETITION IN RELATION TO DISCOUNTING THE GREENWOOD TENNIS CLUB SENIORS COURT HIRE FEES

A 103 signature petition has been received from residents of the City of Joondalup requesting an extension of the Greenwood Tennis Clubs discount, in respect of its court hire fees for seniors, as Council has done for its court hire fees for juniors.

RECOMMENDATION

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

- 1 Petition in relation to discounting the Greenwood Tennis Club Seniors Court Hire Fees.**

REPORTS

CJ058-05/21 DEVELOPMENT AND SUBDIVISION APPLICATIONS - MARCH 2021

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBERS	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – March 2021 Attachment 2 Monthly Subdivision Applications Processed – March 2021
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 March 2021.

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 March 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during March 2021 (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 March 2021 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	5	117
Strata subdivision applications	12	17
TOTAL	17	134

Of the subdivision referrals, 13 were to subdivide in housing opportunity areas, with the potential for 17 additional lots.

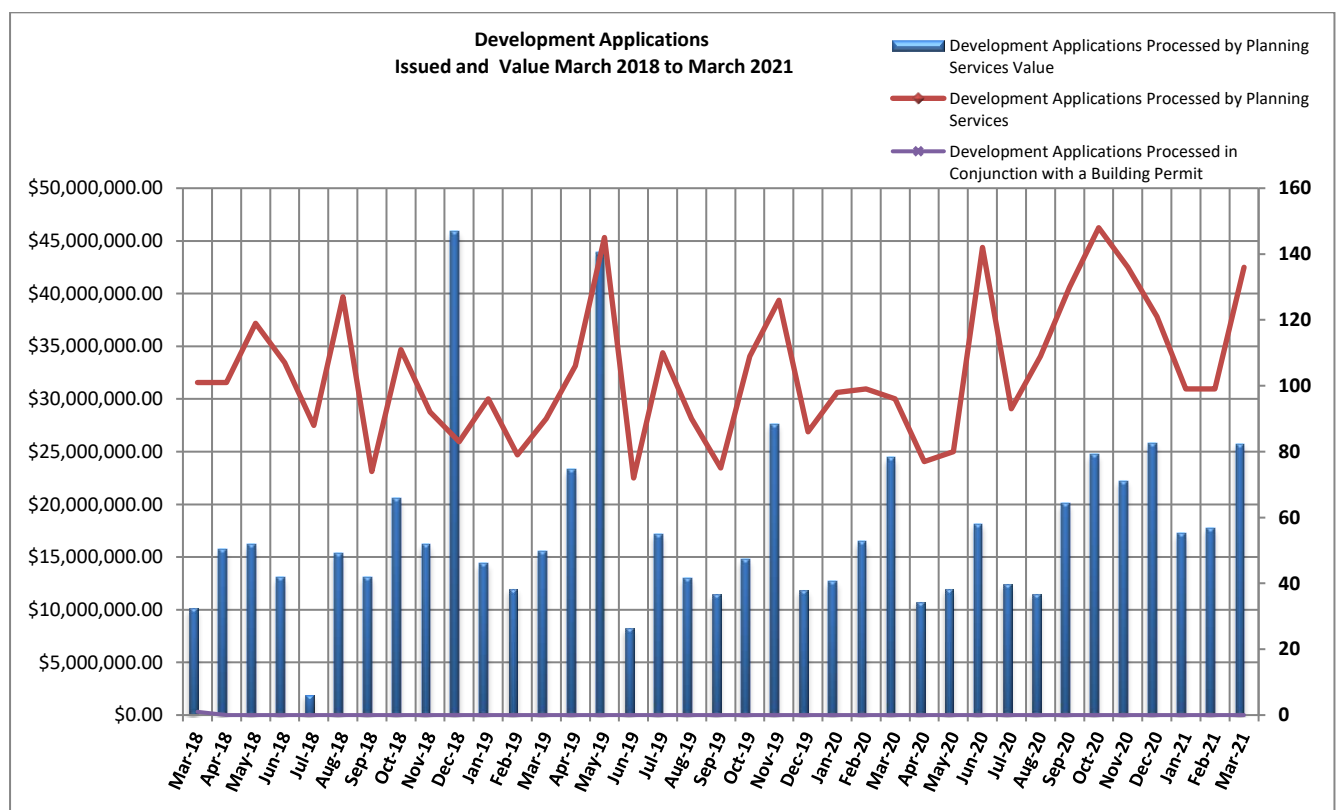
Development applications

The number of development applications determined under delegated authority during March 2021 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	136	\$25,727,545

Of the 136 development applications, 50 were for new dwelling developments in housing opportunity areas, proposing a total of 40 additional dwellings.

The total number and value of development applications determined between March 2018 and March 2021 is illustrated in the graph below:



The number of development applications received during March 2021 was 146.

The number of development applications current at the end of March was 263. Of these, 19 were pending further information from applicants and nine were being advertised for public comment.

In addition to the above, 322 building permits were issued during the month of March with an estimated construction value of \$71,859,547.

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 136 development applications were determined for the month of March with a total amount of \$88,108.13 received as application fees.

All figures quoted in Report CJ058-05/21 are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to Report CJ058-05/21 during March 2021;**
- 2 subdivision applications described in Attachment 2 to Report CJ058-05/21 during March 2021.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210511.pdf](#)

CJ059-05/21**EXECUTION OF DOCUMENTS**

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBERS	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 13 to 20 April 2021.
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 13 to 20 April 2021.

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 13 to 20 April 2021, as detailed in Attachment 1 to Report CJ059-05/21.

BACKGROUND

For the period 13 to 20 April 2021, 17 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Deed of Acknowledgement and Undertaking	1
Restrictive Covenant	1
Section 70A Notification	15

DETAILS**Issues and options considered**

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 13 to 20 April 2021, as detailed in Attachment 1 to Report CJ059-05/21.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf210511.pdf](#)

Disclosures of interest affecting Impartiality

Name / Position	Cr Philippa Taylor.
Item No. / Subject	CJ060-05/21 - Adoption of Major Land Transaction Business Plan for the Proposed Disposal of Lots 1029 and 1032, Ocean Reef.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Taylor is a member of the Ocean Reef Sea Sports Club and Joondalup Reserve Services League.

Name / Position	Ms Dale Page, Director Planning and Community Development.
Item No. / Subject	CJ060-05/21 - Adoption of Major Land Transaction Business Plan for the Proposed Disposal of Lots 1029 and 1032, Ocean Reef.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Ms Page is a Director on the Board of Development WA. Ms Page has had no involvement in this matter, either at the City of Joondalup or at Development WA.

CJ060-05/21**ADOPTION OF MAJOR LAND TRANSACTION BUSINESS PLAN FOR THE PROPOSED DISPOSAL OF LOTS 1029 AND 1032, OCEAN REEF**

WARD	North-Central
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	109404, 101515, 04171
ATTACHMENTS	Attachment 1 Major Land Transaction Ocean Reef Marina: Business Plan - Proposed Disposal of Lots 1029 and 1032, Ocean Reef Attachment 2 Submissions Received Attachment 3 Public Notification Materials
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 note the outcome of the public advertising of the Major Land Transaction Business Plan for the proposed disposal of Lot 1029 and Lot 1032, Ocean Reef (Business Plan) and to approve the disposal of Lot 1029 and Lot 1032, Ocean Reef.

EXECUTIVE SUMMARY

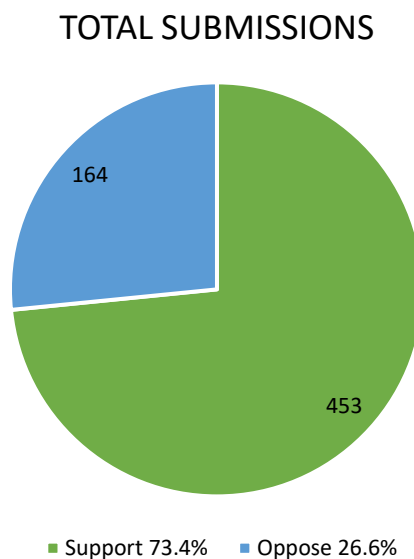
At its meeting held on 16 February 2021 (CJ019-02/21 refers), Council resolved that it:

- “1 APPROVES the Ocean Reef Marina Heads of Agreement provided as detailed in Attachment 1 to Report CJ019-02/21;
- 2 REQUESTS the Chief Executive Officer to execute the Ocean Reef Marina Heads of Agreement as detailed in Part 1 above;
- 3 APPROVES the Ocean Reef Marina Business Plan provided as detailed in Attachment 2 to Report CJ019-02/21 for public advertising in accordance with section 3.59 of the Local Government Act 1995.”

The Ocean Reef Marina Heads of Agreement (HoA) was executed by DevelopmentWA and the City of Joondalup in April 2021.

The Business Plan (Attachment 1 refers) was advertised, in accordance with sections 1.8 and 3.59 of the *Local Government Act 1995* (the Act) and regulation 3B of the *Local Government (Administration) Regulations 1996* (the Regulations), from 6 March 2021 to 19 April 2021.

By the closing date of 19 April 2021, 617 valid submissions were received with 453 in support of the Business Plan and 164 opposed.



In addition to the 617 valid submissions received, 20 invalid submissions were also received of which:

- ten were comments relating to the development as a whole with no mention of the proposed major land transaction
- six did not include the submitter's name and/or address
- four were comments not relevant to the major land transaction.

Seven submissions were received after the closing date of 19 April 2021.

It should be noted that the Business Plan is not, nor is it intended to be, a business plan for the entire Ocean Reef Marina development. Submissions that related only to either support or opposition of the project as a whole were not included in the analysis of the submissions.

An analysis of the submissions and a summary of the comments received are provided in the Details section of this report and the full submissions are provided in Attachment 2 to Report CJ060-05/21.

It is therefore recommended that Council:

- 1 *NOTES that the public advertising of the Major Land Transaction Business Plan – Proposed Disposal of Lots 1029 and 1032, Ocean Reef as provided in Attachment 1 to Report CJ060-05/21 was undertaken in accordance with section 3.59 of the Local Government Act 1995 and Part 3 of the Local Government (Functions and General) Regulations 1996;*
- 2 *NOTES the outcome of the public advertising of the Major Land Transaction Business Plan – Proposed Disposal of Lots 1029 and 1032, Ocean Reef;*
- 3 *BY AN ABSOLUTE MAJORITY APPROVES proceeding with the major land transaction as described in the Major Land Transaction Business Plan – Proposed Disposal of Lots 1029 and 1032, Ocean Reef as detailed in Attachment 1 to Report CJ060-05/21.*

BACKGROUND

Suburb/Location	Lot 1029 (363) Ocean Reef Road, Ocean Reef.	
Owner	City of Joondalup.	
Zoning	LPS	Suspended.
	MRS	Suspended.
	The Ocean Reef Marina Improvement Scheme No 1 covers Ocean Reef Marina development site.	
Site area	Total:	24.40 ha
	Required for development:	8.57 ha
Structure plan	Not applicable.	

Suburb/Location	Lot 1032 (400) Ocean Reef Road, Ocean Reef.	
Owner	City of Joondalup.	
Zoning	LPS	Suspended.
	MRS	Suspended.
	The Ocean Reef Marina Improvement Scheme No 1 covers Ocean Reef Marina development site.	
Site area	Total:	2.69 ha
	Required for development:	2.69 ha
Structure plan	Not applicable.	

At its meeting held on 9 March 2020, the Major Projects and Finance Committee noted the Ocean Reef Marina – Land Tenure and Assembly report (Item 11 refers). The report provided details of the proposed land tenure and assembly strategy, the required sub-division process, land valuation assessment and legal advice regarding the City's requirements under section 3.59 of the Act.

The legal advice indicated that compliance with section 3.59 of the Act would require the City to prepare and advertise a business plan.

To inform the preparation of the required business plan the City needed to reach in-principle agreement with DevelopmentWA (as implementers of the development on behalf of the State Government) on the key terms of the Development Agreement.

A draft Heads of Agreement (HOA) was prepared outlining the key components of the Development Agreement and the undertakings / key principles that have received in-principle agreement from DevelopmentWA. It should be noted that the HoA is a non-binding "in-principle" document only which will be superseded by the legally binding Development Agreement.

At its meeting held on 16 February 2021 (CJ019-02/21 refers), Council resolved that it:

- “1 *APPROVES the Ocean Reef Marina Heads of Agreement provided as detailed in Attachment 1 to Report CJ019-02/21;*
- 2 *REQUESTS the Chief Executive Officer to execute the Ocean Reef Marina Heads of Agreement as detailed in Part 1 above;*
- 3 *APPROVES the Ocean Reef Marina Business Plan provided as detailed in Attachment 2 to Report CJ019-02/21 for public advertising in accordance with section 3.59 of the Local Government Act 1995.”*

The Business Plan, which is for the proposed disposal of a portion of Lot 1029 and Lot 1032, included details of:

- its expected effect on the provision of facilities and services by the local government
- its expected effect on other persons providing facilities and services in the district
- its expected financial effect on the local government
- its expected effect on matters referred to in the local government's current strategic and other plans
- the ability of the local government to manage the undertaking or the performance of the transaction.

The Business Plan also included a summary of the financial evaluation undertaken by the City on the potential financial impacts to the City of the project.

To comply with the Act and the *Local Government (Functions and General) Regulations 1996* (the Regulations) the City was required to give state-wide public notice of the proposal to enter into a major land transaction and a copy of the business plan must be available to be publicly inspected. Public submissions may be made for a period of not less than six weeks and any submissions received must be considered by Council prior to a decision being made on proceeding with the major land transaction.

DETAILS

At its meeting held on 16 February 2021 (C019-02/21 refers), Council approved the Business Plan which was advertised for public comment from 6 March to 19 April 2021.

The Business Plan relates to the proposed disposal of a portion of Lot 1029 and Lot 1032, Ocean Reef. It is not, nor should it be, a business case for the entire Ocean Reef Marina development.

Advertising

The requirements for State-wide public notice are prescribed in section 1.8 of the Act and regulation 3B of the Regulations.

The City went beyond the prescribed requirements and notification of the public advertising period was provided via the following methods:

<i>The West Australian</i>	Public notices	Saturday 6 March 2021
<i>Joondalup Times</i>	Public notices	Thursday 11 March 2021
Website	Public notices	Saturday 6 March 2021
	Consultation page	Saturday 6 March 2021
	Ocean Reef Marina page	Saturday 6 March 2021
	DevelopmentWA	Monday 16 March 2021
E-Screen	Admin building	Monday 8 March 2021
Social Media	Facebook	Saturday 6 March 2021
Posters	Admin Building	Monday 8 March 2021
	Libraries	Monday 8 March 2021
Joondalup Voice		Thursday 18 March 2021
City News		Tuesday 16 March 2021
Community Engagement Network		Monday 8 March 2021

Copies of the advertising materials prepared to promote the public advertising period are detailed in Attachment 3 to Report CJ060-05/21. Hard copies of the Business Plan were available to view at the customer service centre and the City's libraries.

Submissions

The public was invited to submit comments in writing or via email to info@joondalup.wa.gov.au up to and including 19 April 2021. The public was also asked to ensure comments addressing the proposal to dispose of the land parcels were clear and concise and included the submitter's name and address to enable them to be considered by the City.

The City received a total of 617 valid submissions through the advertised public comment period. Submissions that were considered valid included all those which contained the submitter's name and address, were submitted within the advertised timeframe; and contained comments that related to the Business Plan.

Of the 617 valid submissions received, submissions were received from the following community groups:

- Beldon Residents Association.
- Edgewater Community Residents Association.
- Urban Bushland Council.
- Joondalup Community Coast Care Forum.

Submissions that only contained comments relating to the whole of the Ocean Reef Marina project were not considered valid as the invitation to comment was for the proposed disposal of Lot 1029 and Lot 1032 only and not for the Ocean Reef Marina project in general.

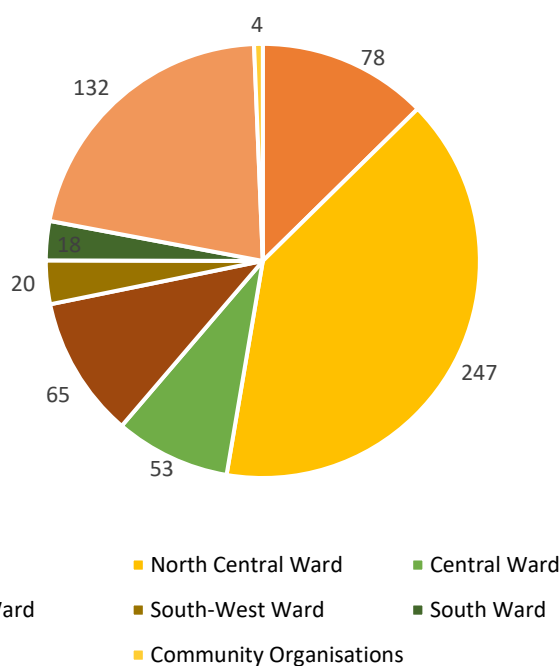
Twenty submissions were considered invalid due to the following:

- Comments related to the development as a whole and did not include any reference to the major land transaction or Business Plan (10).
- Submitter's name and/or address not included (six).
- Comments did not relate to the major land transaction (four).

Demographics

Submissions received by suburb/ward

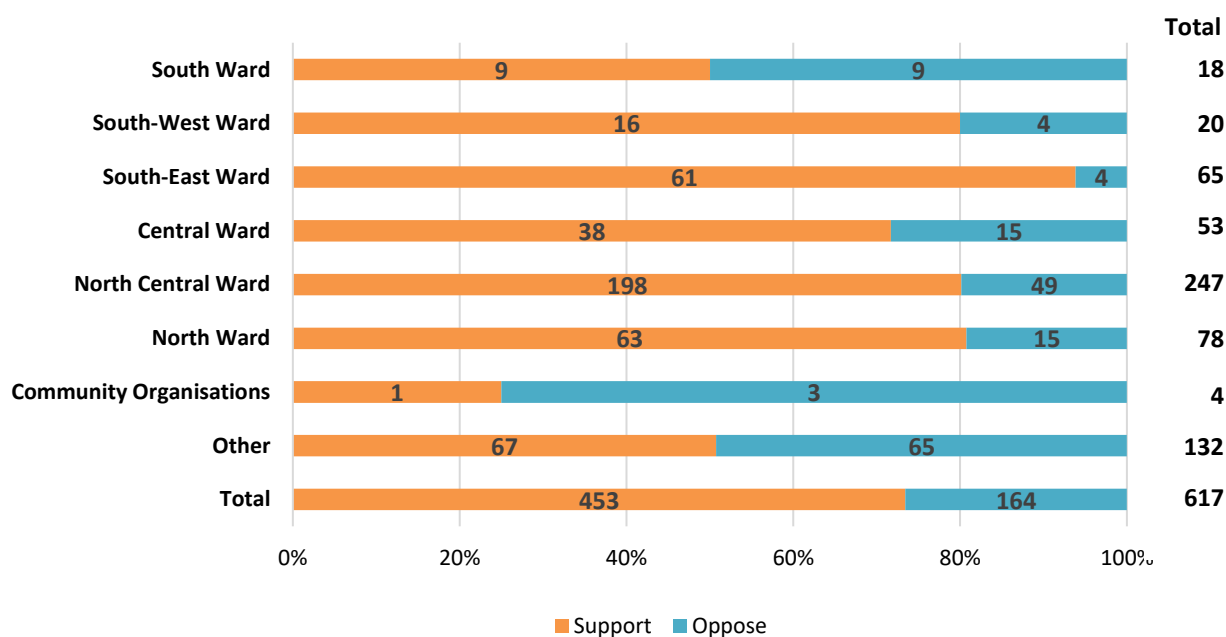
	No.	%
City of Joondalup	481	77.9%
North Ward	78	12.7%
Burns Beach	4	0.7%
Currambine	12	2.0%
Iluka	33	5.3%
Joondalup	19	3.1%
Kinross	10	1.6%
North Central Ward	247	40.0%
Connolly	30	4.9%
Edgewater	7	1.1%
Heathridge	27	4.4%
Mullaloo	49	7.9%
Ocean Reef	134	21.7%
Central Ward	53	8.6%
Beldon	12	1.9%
Craigie	14	2.3%
Kallaroo	14	2.3%
Woodvale	13	2.1%
South-East Ward	65	10.5%
Greenwood	5	0.8%
Kingsley	60	9.7%
South-West Ward	20	3.2%
Hillarys	8	1.3%
Padbury	5	0.8%
Sorrento	7	1.1%
South Ward	18	2.9%
Duncraig	15	2.4%
Marmion	1	0.2%
Warwick	2	0.3%
Other	132	21.4%
Western Australia	130	21.1%
Other	2	0.3%
Community Organisations	4	0.7%
TOTAL SUBMISSIONS	617	100%



Support / Oppose

	Support		Oppose	
	No.	%	No.	%
City of Joondalup				
North Ward	63	80.8%	15	19.2%
Burns Beach	4	100.0%	0	0.0%
Currambine	11	91.7%	1	8.3%
Iluka	26	78.8%	7	21.2%
Joondalup	13	68.4%	6	31.6%
Kinross	9	90.0%	1	10.0%
North Central Ward	198	80.2%	49	19.8%
Connolly	29	96.7%	1	33.3%
Edgewater	2	28.6%	5	71.4%
Heathridge	25	92.6%	2	7.4%
Mullaloo	37	75.5%	12	24.5%
Ocean Reef	105	78.4%	29	21.6%
Central Ward	38	71.7%	15	28.3%
Beldon	6	50.0%	6	50.0%
Craigie	9	64.3%	5	35.7%
Kallaroo	10	71.4%	4	28.6%
Woodvale	13	100.0%	0	0.0%
South-East Ward	61	93.8%	4	6.2%
Greenwood	5	100.0%	0	0.0%
Kingsley	56	93.3%	4	6.7%

	Support		Oppose	
	No.	%	No.	%
South-West Ward	16	80.0%	4	20.0%
Hillarys	6	75.0%	2	25.0%
Padbury	4	80.0%	1	20.0%
Sorrento	6	85.7%	1	14.3%
South Ward	9	50.0%	9	50.0%
Duncraig	9	60.0%	6	40.0%
Marmion	0	0.0%	1	100.0%
Warwick	0	0.0%	2	100.0%
Other	67	50.8%	65	49.2%
Western Australia	67	51.5%	63	48.5%
Other	0	0.0%	2	100.0%
Community Organisations	1	25.0%	3	75.0%
TOTAL	453	73.4%	164	26.6%



Comments

All comments have been broadly grouped and summarised in the table below. Verbatim comments have been randomised and are provided in Attachment 2 to Report CJ060-05/21. It should be noted that only comments that relate to the Business Plan have been included in the summary.

Comment	No.
General support on the condition at the City remains the landlord of the Ocean Reef Sea Sports Club	433
Transfer of land for \$1 is an onerous economic burden and liability for ratepayers Of submitters that made this comment: <ul style="list-style-type: none"> • 151 commented that the Business Plan is incomplete and misleading • 150 commented that the Business Plan should be independently reviewed 	155
Progress is in line with community expectations and original vision	16
Costs already incurred by the City should be included	7
General support for the major land transaction	4
General opposition for the major land transaction	3
Risk assessment should be included	3
Valuation of land at \$1 does not accurately reflect its value	3
Risk of rate increases	2
The transaction will place a heavy burden on ratepayers	1

A number of comments received related to opposition to the Ocean Reef Marina project in general and not the major land transaction specific to the consultation. This could indicate a lack of understanding on what the Business Plan was for, what was required to be included and what was not required to be included. For example:

- the cost of compliance with the planning and environmental approvals:
 - this cost is the responsibility of DevelopmentWA as the proponent of the development. Following transfer of management of marina to the Department of Transport, financial responsibility for the maintenance of the boat pens, breakwaters, waterbody (including any dredging that may be required), sand transfer (if required), amongst other things, will become the Department's responsibility.
- the cost of constructing the public infrastructure:
 - this is the responsibility of DevelopmentWA.
- the potential environmental impacts of the development:
 - the Ocean Reef Marina has been subject to a rigorous approvals process including a Public Environmental Review of the marine components which the highest level of assessment.
- significance of the site to First Nations people:
 - the development site has come under considerable scrutiny in relation to potential significant Indigenous sites

- since early 2020, DevelopmentWA have engaged Yunga Foundation, an Aboriginal owned and lead business, to work closely with local Whadjuk people to obtain their input to the Ocean Reef Marina project
 - Yunga Foundation have met with a dedicated reference group of Traditional Owners who can speak to the cultural significance and stories of the Ocean Reef area and also held meetings with the Whadjuk Working Party (a body that represents 43 Whadjuk families in Perth)
 - further, the Commonwealth Minister for the Environment recently confirmed in March 2021 that the area is not a significant Aboriginal site under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.
- the City's current and future role in the Ocean Reef Marina:
 - the City is not the developer of the project, is not the approving body for such things as Clearing Permits and is not the custodian of the current Concept Plan or stakeholder engagement strategies.

Issues and options considered

Option 1: Council decides not to approve proceeding with the major land transaction as outlined in the Business Plan.

This option would significantly delay the project as the crucial sub-division process that DevelopmentWA is required to undertake cannot occur until the City's freehold land is transferred to the State Government.

Through the MOU the City has previously agreed to transfer the required City lots to the State Government for a nominal fee.

The City faces significant political and reputational risk if the project is delayed as a result of delaying the finalisation of the Ocean Reef Marina Development Agreement of which proceeding with the major land transaction is a critical component. It would jeopardise the City's ability to successfully negotiate outcomes advantageous to the City.

This is not the recommended option.

Option 2: Council decides to approve proceeding with the major land transaction as outlined in the Business Plan.

The Business Plan deals with the transfer of a portion City-owned land to the Ocean Reef Marina project. Approval to proceed with the major land transaction is a critical component of the Land Transfer Agreement between the City and the State of Western Australia which is in turn a component of the Ocean Reef Marina Development Agreement which relates to the entire development. The Development Agreement details how such matters as listed as follows will be dealt with:

- Land Assembly Strategy.
- Land Divestment Strategy.
- Existing leasing.
- Existing infrastructure.
- Planning and other approvals.
- Handover of future City assets.
- Consideration and value of the City's assets.
- Marina management.
- Management and the Government Steering Committee.

Approval to proceed with the major land transaction as outlined in the Business Plan will enable the Land Transfer Agreement and the Ocean Reef Marina Development Agreement to be finalised and executed. The actual transfer of the City owned land will not occur until after these agreements have been endorsed by Council for execution.

It is clear from an analysis of the comments received that a significant majority of submitters supported the major land transaction.

This is the recommended option.

Legislation / Strategic Community Plan / Policy implications

Legislation The City is governed by the requirements of the *Local Government Act 1995* in relation to dealings involving commercial undertakings and land development.

Other applicable legislation includes:

- *Planning and Development Act 2005.*
- *Environmental Protection Act 1986.*
- *Fisheries Adjustment Scheme Act 1987.*
- *Land Administration Act 1997.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Environmental Protection, Biodiversity and Conservation Act 1999 (Cwlth).*
- *Native Title Act 1993 (Cwlth).*

The approvals for the development are influenced by State Planning and Development Control policies:

- *2.6: State Coastal Planning Policy.*
- *2.8: Bushland Policy for the Perth Metropolitan Region.*
- *3.7: Planning in Bushfire Prone Areas.*
- *1.8: Canal Estates and Artificial Water*

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Destination City.

Risk management considerations

If the Major Land Transaction Business Case is not approved by Council, the City risks renegeing on previously agreed actions. This could potentially result in the City being 'removed' from the project and DevelopmentWA (on behalf of the State) considering alternative actions to secure the City's freehold land.

At its meeting held on 6 October 2015 (Item CJ176-10/15) refers, Council requested the State Government to initiate action to assume the role of proponent for the Ocean Reef Marina. In September 2017, the State Government publicly announced the project, appointing LandCorp (now DevelopmentWA) as the lead proponent.

The City's commitment to the development of the Ocean Reef Marina is covered in the Memorandum of Understanding (MOU) endorsed by Council at its meeting held on 20 February 2018 (CJ031-02/18 refers).

Clause 6 of the MOU outlines what the City agreed to do; including on an ongoing commitment to the delivery of the project and assist DevelopmentWA in implementing the project vision and the contribution of the portion of City owned land required for the project for an agreed market value (assumed to be nominal) consideration.

The MOU also outlines that DevelopmentWA agrees to implement the project in accordance with the approved Business Case (provided with the Ocean Reef Marina Cabinet Submission) in a proper and timely manner.

Clause 7 of the MOU provides agreement that the parties will enter into a detailed Development Agreement as required to deal with the implementation of the project.

In order for the Ocean Reef Marina Development Agreement between the City of Joondalup and DevelopmentWA to be finalised and executed, the City must prepare, advertise and seek Council approval of a major land transaction business plan.

The execution of the development agreement will enable the Land Transfer Agreement/Deed to be executed and implemented resulting in the actual transfer of the City's land to the project and subsequent transfer back of the land not required for the development to the City in freehold.

Without the land being transferred, the required subdivision process would be much more complicated and time consuming resulting in substantial project delays.

Progress on the preparation of the development agreement and, therefore, the Business Plan and Heads of Agreement, has been protracted. However, agreement from the Department of Transport (the Department) to assume the role of Marina Manager and agree the ultimate areas of responsibility was required. This involved lengthy negotiations between the Department and DevelopmentWA.

Throughout the above negotiations, the City continued the financial evaluation of its ongoing role in the development based on information received as well as negotiations with DevelopmentWA on the development agreement. At all times these negotiations were undertaken with the City's best interests as a priority.

It is considered that the City faces considerable political and reputational risk if the project is delayed as a result of delaying the finalisation of the Ocean Reef Marina Development Agreement. It would also jeopardise the negotiation of outcomes to benefit the City.

Financial / budget implications

The business plan indicated the overall financial impact to the City for the entire Ocean Reef Marina development.

Additional financial information

The Business Plan relates to the proposed disposal of a portion of Lot 1029 and Lot 1032, Ocean Reef. The Business Plan contained a summary of the financial evaluation undertaken by the City which modelled and assessed the potential income the City would receive from the whole development as well the potential expenditure the City would be responsible for.

The financial evaluation does not include costs associated with; the construction of the marine infrastructure; construction of the landside infrastructure; maintenance of the breakwaters and marine infrastructure (including dredging and sand transfer) or compliance with the conditions of the planning and environmental approval. The City will not incur these costs.

However it is considered useful to evaluate the potential income and expenditure the City could expect from just the portion of Lot 1029 and Lot 1032 required for the development.

Of the 27ha that consists of Lots 1029 and 1032 the portion of the City-owned land to be included in the development is as follows:

• Lot 1032	2.69 hectares	(total lot)
• Lot 1029	<u>8.62</u> hectares	(portion of the lot)
Total	11.31 hectares	

The balance of 15.77ha will ultimately be retained as bush forever once it is transferred back to the City.

Of the land use yields (based on the revised preferred Concept Plan dated November 2017), that make up the 11.31 hectares, 4.762 hectares will be available for development, 0.144 hectares will be Parks and Public Open Space with the remaining 6.403 being Road Reserve.

The City's land contribution of 11.31ha represents 38% of the total land area of the entire development; 3% of which will be Parks and Public Open Space.

Based on the 11.31ha that will be utilised for the development a number of key assumptions apply on income and expenditure as follows:

- Residential and Commercial Rates – calculated on a site by site basis (derived from Land Use Yields).
- SAR applied at 16%.
- Parking income and expenditure – 38% of the overall income and expenditure applied.
- Infrastructure maintenance and depreciation – 38% of the overall costs applied (excluding Parks and Public Open Space).
- Parks and Public Open Space – 3% of the overall costs applied.

As required by the Act, the business plan advertised for public comment included a financial analysis of the expected financial impact on the City for the entire Ocean Reef Marina development. However to provide clarity, the tables below summarise the potential impacts that represent approximately 38% (being 11.31ha) of the total land development (based on the realistic scenario listed in the business plan). The analysis indicates the following:

- There would be \$648,000 operating income per year generated from the City-owned land. This represents 20% of the total income of \$3,166,000.
- Operating expenses are estimated to be \$552,000 which is approximately 19% of the total estimated expenses of \$2,889,000.
- Operating surplus is estimated to be \$96,000 from the City-owned land which is 35% of the total estimated surplus of \$277,000.

Operating Income excluding escalation	Baseline	Total Area	City Land	Remaining
	\$000s	Realistic Scenario \$000s	38% \$000s	62% \$000s
1 Rates Income	\$0	\$2,251	\$418	\$1,833
2 Parking Income	\$152	\$607	\$230	\$377
3 Club & Commercial Income	\$60	\$308		\$308
Operating Income vs Baseline	\$212	\$3,166 \$2,953	\$648 \$436	\$2,518 \$2,305

Operating Expenses Including Depreciation excluding escalation	Baseline	Total Area	City Land	Remaining
	\$000s	Realistic Scenario \$000s	38% \$000s	62% \$000s
1 Infrastructure Services Maintenance	(\$63)	(\$1,096)	(\$228)	(\$868)
2 Parking	(\$4)	(\$378)	(\$143)	(\$235)
3 Clubs & Commercial expenses	(\$154)	(\$209)		(\$209)
4 Depreciation Infrastructure	(\$101)	(\$1,206)	(\$181)	(\$1,025)
Operating Expenses & Depreciation Total vs Baseline	(\$322)	(\$2,889) (\$2,567)	(\$552) (\$230)	(\$2,337) (\$2,015)

Operating Surplus excluding escalation	Baseline	Total Area	City Land	Remaining
	\$000s	Realistic Scenario \$000s	38% \$000s	62% \$000s
Operating Income	\$212	\$3,166	\$648	\$2,518
Operating Expenses, including Depreciation	(\$322)	(\$2,889)	(\$552)	(\$2,337)
Operating Surplus vs Baseline	(\$110)	\$277 \$386	\$96 \$206	\$180 \$290

As stated above, the City-owned land represents approximately 38% of the total landside development. However, the City-owned land would attract a lower proportion of both the income and expenses for the entire land development for the Ocean Reef Marina.

Financial Model

The model used by the City for financial evaluations was subject to an integrity review conducted by Deloitte in 2016 at a cost of \$48,000 (excluding GST). Following the review, a report titled *Independent Review of the City's Approach to Financial Modelling* was presented to the then Finance Committee at the meeting held on 8 June 2016 (Item 1 refers).

While the review identified some improvement opportunities, the Finance Committee noted, in part, that:

- “2 *there are no major flaws of any significance for the Models;*
- 3 *the Models are shown to be rigorous and provide assurance to the City's financial modelling approach;*
- 4 *the recommendations made by Deloitte to improve the effectiveness of the Models including linking supporting and subsidiary documentation to the Model will be considered and a subsequent report provided to the Finance Committee.”*

The recommendations by Deloitte were followed up by the City and a subsequent report was presented to the then Finance Committee at the meeting held on 10 August 2016 (Item 1 refers).

There were two models reviewed by Deloitte in 2016, the *20 Year Strategic Financial Plan* and the Project Evaluation Model. It is the latter model that has been used as the basis of the Ocean Reef Marina Financial Evaluation.

Data used for the Ocean Reef Marina Financial Evaluation

All data used in the Ocean Reef Marina Financial Evaluation was derived from verifiable sources including the following:

- Concept and Yield Plans provided by DevelopmentWA which provided the estimated size of the Parks and Public Open Space.
- Landscape Master Plan provided by DevelopmentWA which was used to estimate the maintenance and depreciation costs for the Parks and Public Open Space.
- Estimated capital costs for civil infrastructure (roads, paths, lighting, drainage and car parks) were provided by DevelopmentWA and internally reviewed with reference to the City's own data/specification.
- Rates income was based primarily on a detailed site-by-site analysis by McGees Property (engaged by DevelopmentWA) who prepared individual Gross Rental Values (GRVs) based on the features of each site (for example, does the site have partial, full or no ocean views).
- The number of car parking bays provided by DevelopmentWA with the income estimated by the City based on moderate hourly fee assumptions.

Where the City used its own source data to estimate financial impacts (for example parking income), the basis and reasoning for the estimates were explained in the evaluation report.

The City's approach to financial evaluation is to be as realistic as possible but to adopt a prudent approach. For example, avoiding over-estimating the income and under-estimating the expenses.

The City does not contend that the financial evaluation estimates will be realised exactly as stated. The estimates will vary due to a number of factors including phasing of the development, final specification and values and detailed design.

Regional significance

The Ocean Reef Marina development will create a significant asset for the entire Western Australian community to enjoy.

Sustainability implications

Economic

The financial evaluation undertaken by the City assessed the potential impact to City from the anticipated income and expenditure relating to the City's responsibilities once the marina is developed.

As stated in the Financial Evaluation – Overall Summary, provided as Attachment 3 to the *Ocean Reef Marina Business Plan* report presented to Council at its meeting held on 16 February 2021 (C019-02/21 refers), the Ocean Reef Marina is highly likely to provide a positive financial outcome to the City, both in terms of the recurring operating impacts and the overall cashflow. There will be significant economic and social benefits to the local and regional economy.

Consultation

State-wide public notification of the Business Plan was undertaken in accordance with section 1.8 of the Act and regulation 3B of the Regulations.

COMMENT

Public notification of the Business Plan was undertaken in accordance with the requirements prescribed in the Act and Regulations.

The proposed major land transaction enables approximately 27ha of City owned land to be transferred to the State as part of the Ocean Reef Marina project. Following the required subdivision process, approximately 15.77ha of land will be transferred back to the City in freehold, which will be retained as bush forever.

The balance of the City's 11.31ha of land for the project will contribute the development of a vibrant waterfront precinct providing a range of recreational, tourism, residential, boating facilities and employment opportunities.

The State Government has allocated \$120 million for the public marine infrastructure components with DevelopmentWA contributing a further \$132 million to underpin the project, ensuring that the landside integrated development components are delivered. The project is expected to support a direct investment of over \$137 million in boating assets, leveraging further additional economic outputs exceeding \$414 million and generate economic impacts to food and beverage exceeding \$59 million. Further, based on DevelopmentWA's estimate of development yield, the Ocean Reef Marina will attract over \$500 million in private sector investment to deliver built form on the developed lots.

It is clear from the comments received from the public, that there is support for proceeding with the transfer of Lots 1029 and Lot 1032 to the State, as part of the Ocean Reef Marina project.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION**That Council:**

- 1** NOTES that the public advertising of the Major Land Transaction Business Plan - Proposed Disposal of Lots 1029 and 1032, Ocean Reef as provided in Attachment 1 to Report CJ060-05/21 was undertaken in accordance with section 3.59 of the *Local Government Act 1995* and Part 3 of the *Local Government (Functions and General) Regulations 1996*;
- 2** NOTES the outcome of the public advertising of the Major Land Transaction Business Plan – Proposed Disposal of Lots 1029 and 1032, Ocean Reef;
- 3** BY AN ABSOLUTE MAJORITY APPROVES proceeding with the major land transaction as described in the Major Land Transaction Business Plan - Proposed Disposal of Lots 1029 and 1032, Ocean Reef as detailed in Attachment 1 to Report CJ060-05/21.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210511.pdf](#)

CJ061-05/21**CORPORATE BUSINESS PLAN QUARTERLY
PROGRESS REPORT FOR THE PERIOD
1 JANUARY 2021 TO 31 MARCH 2021**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	20560, 101515
ATTACHMENTS	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 January 2021 to 31 March 2021 Attachment 2 Capital Works Program Quarterly Report for the period 1 January 2021 to 31 March 2021
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 January 2021 to 31 March 2021 and the *Capital Works Program Quarterly Report* for the period 1 January 2021 to 31 March 2021.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2020-21 to 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 January 2021 to 31 March 2021 provides information on the progress of 2020-21 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ061-05/21.

A *Capital Works Quarterly Report*, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ061-05/21.

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 January 2021 to 31 March 2021 which is shown as Attachment 1 to Report CJ061-05/21;*
- 2 *Capital Works Program Quarterly Report for the period 1 January 2021 to 31 March 2021 which is shown as Attachment 2 to Report CJ061-05/21.*

BACKGROUND

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

At its meeting held on 20 October 2020 (CJ148-10/20 refers), Council endorsed the *Corporate Business Plan 2020-21 to 2024-25*. 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 *Corporate Business Plan 2020-21 to 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. The role of the *Corporate Business Plan* within the City's Planning and Reporting Framework is included to provide the community with an understanding of the City's five-year service delivery program.

The City's Corporate Reporting Framework requires the development of 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*.

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

The milestones being reported this quarter are the grey shaded sections of Attachment 1 to Report CJ061-05/21. "*Business as usual*" activities within each key theme have also been separated from strategic projects and programs within the report.

Legislation / Strategic Community Plan / Policy implications

Legislation

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

"This Act is intended to result in:

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

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate Capacity.
Strategic initiative	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
Policy	The City's <i>Governance Framework</i> 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 <i>Strategic Community Plan</i> , <i>Strategic Financial Plan</i> , <i>Corporate Business Plan</i> 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 as follows:

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

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 ***Corporate Business Plan Quarterly Progress Report*** for the period 1 January 2021 to 31 March 2021 which is shown as Attachment 1 to Report CJ061-05/21;
- 2 ***Capital Works Quarterly Report*** for the period 1 January 2021 to 31 March 2021 which is shown as Attachment 2 to Report CJ061-05/21.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210511.pdf](#)

CJ062-05/21**MINUTES OF REGIONAL COUNCIL MEETINGS**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	03149, 101515
ATTACHMENT	Attachment 1 Tamala Park Regional Council - Ordinary Council Meeting - 15 April 2021 <i>(Please Note: Attachments 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 Tamala Park Regional Council on which the City has current representation.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 15 April 2021.

DETAILS**Tamala Park Regional Council Meeting**

A meeting of the Tamala Park Regional Council was held on 15 April 2021.

Crs Chester and Taylor were Council's representatives at the Ordinary Council meeting of the Tamala Park Regional Council held on 15 April 2021.

The attached minutes detail those matters that were discussed at the Tamala Park 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.

RECOMMENDATION

That Council NOTES the minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 15 April 2021 forming Attachment 1 to Report CJ062-05/21.

To access this attachment on electronic document, click here: [RegionalMinutes210511.pdf](#)

Disclosures of Financial Interest / Proximity Interest

Name / Position	Cr John Raftis.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Raftis owns and lives in property in Housing Opportunity Area No. 4.

Name / Position	Cr Suzanne Thompson.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Financial Interest.
Extent of Interest	Cr Thompson is a home owner in Housing Opportunity Area No. 1.

Disclosures of interest affecting Impartiality

Name / Position	Hon. Mayor Albert Jacob, JP.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	A relative of Mayor Jacob owns a property in Housing Opportunity Area No. 10.

Name / Position	Cr John Logan.
Item No. / Subject	CJ063-05/21 - Minutes of the Annual General Meeting of Electors held on 23 March 2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan's stepdaughter owns property in a Housing Opportunity Area.

CJ063-05/21**MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 23 MARCH 2021**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	107128, 101515
ATTACHMENTS	Attachment 1 Minutes of the Annual General Meeting of Electors held on 23 March 2021 (excluding Annual Report) Attachment 2 Motion 1 - Gaps and overlaps in Playspace provision Attachment 3 Motion 1 - Potential Parks for new Playspace Attachment 4 Motion 18 - Upgraded Public Access Way
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 note the Minutes of the Annual General Meeting of Electors held on 23 March 2021 and to give consideration to the motions carried at that meeting.

EXECUTIVE SUMMARY

The Annual General Meeting of Electors of the City of Joondalup was held on 23 March 2021 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

BACKGROUND

The City's Annual General Meeting of Electors was held on 23 March 2021 in accordance with section 5.27 of the Act. The meeting was attended by 67 members of the public, with a total of 28 motions carried at the meeting.

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

DETAILS

Issues and options considered

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

MOTION NO. 1

MOVED Ms Samantha Broadhurst, SECONDED Ms Amy Stewart that the Electors of the City of Joondalup REQUEST that Council:

- 1 investigate installing a playground in Nanika Park, Joondalup to meet the needs of surrounding families who are well outside the standard walkable catchment for playground facilities;**
- 2 list funding the provision of a playground in Nanika Park in the City's Capital Works program.**

Officer's comment

The City has undertaken a review of the playspace provision across the City of Joondalup and has identified both gaps and overlaps in the provision of play equipment based on the State Planning Policy "*Liveable Neighbourhoods*" 400 metre walkable catchment radius (Attachment 2 refers).

Using the gaps identified as per Attachment 2 of this Report, the City has undertaken an assessment of potential parks with no play offering and where new playspaces can be located to service these gaps in order to provide a more equitable distribution of play offerings across the City of Joondalup (Attachment 3 refers).

Attachment 3 of this Report identifies not only the specific gaps, but also the number of additional properties that fall within the walkable catchment of the potential parks identified. The top 10 parks identified for potential new playspaces are as follows:

Rank	Park Name	Suburb	Potential Serviced Properties
1	Nanika Park	Joondalup	234
2	Iluka District Open Space	Iluka	233
3	Glenbar Park	Duncraig	206
4	Orient Park	Hillarys	182
5	Trailwood Park	Woodvale	182
6	Oakapple Park	Duncraig	161
7	Monument Park	Beldon	135
8	Callander Park	Kinross	129
9	Rutherglen Park	Kinross	102
10	Wesley Park	Joondalup	102

Based on the above, the installation of playspace at Nanika Park is supported to address the gap in playspace provision for the surrounding area.

Officer's recommendation

That Council:

- 1 *NOTES the use of the State Planning Policy "Liveable Neighbourhoods" 400 metre walkable catchment radius to prioritise the provision of additional playspaces and the rationalisation of existing playspaces within the City of Joondalup;*
- 2 *SUPPORTS listing for consideration a new playspace at Nanika Park in the City's Five Year Capital Works Program.*

MOTION NO. 2

MOVED Mr Anthony Lenzarini, SECONDED Dr Peter Turner that the Electors of the City of Joondalup REQUEST that Council in an effort to protect pedestrian movement and improve road safety and reduce traffic noise to adjacent residents, advocates to Main Roads WA to establish a maximum 50 kilometres per hour speed limit along all City of Joondalup roads adjoining the foreshore between the suburbs of Burns Beach and Marmion.

Officer's comment

Main Roads WA (MRWA) are the responsible authority to approve changes to an existing speed zone and ensure there is a high degree of consistency for speed zones throughout the state. All requests for new or amended speed zones are required to align with MRWA's *Speed Zoning Policy and Application Guidelines* (the Guidelines).

There are many factors within the Guidelines that must be considered when applying for speed zone changes to achieve a successful outcome, and the evidence from site must support the need for the speed limit to change for it to be considered.

Road noise impacts are not a consideration in the request for speed limit amendments as these are dependent on a number of factors, such as overall road volume (which will not necessarily change with speed), individual vehicle noise output and driver behaviour (which are outside of the remit of both the City and MRWA).

The coastal road network from the suburb of Marmion in the south to Burns Beach in the north is extensive with a mix of speed limits ranging from 50 to 70 kilometres per hour.

The City previously requested a speed limit reduction from 50 to 40 kilometres per hour for two sections of West Coast Drive in early 2016. One location was from Bettles Street to High Street and the other Sorrento Beach car park to Robin Avenue. Both locations were not successful as the road environment was considered to be insufficient to lower vehicle speeds within the vicinity of 40 kilometres per hour.

In December 2017, the City requested MRWA for a speed limit reduction from 60 to 50 kilometres per hour for Whitfords Avenue from Hepburn Avenue to Angove Drive, Hillarys. MRWA did not support this request and further noted that a review will only be undertaken should there be a change in the overall road environment at this location.

The most recent example of a speed zone request being supported by MRWA was in late 2013 for Oceanside Promenade from Mullaloo Drive to Warren Way, Mullaloo. This was due to the City undertaking significant modifications to the road environment that lowered vehicles speeds from 50 to 40 kilometres per hour within the vicinity of Tom Simpson Park and the café precinct. The high pedestrian and vehicle movements further justified MRWA's support of lowering the speed limit to 40 kilometres per hour.

The remaining road environment has not changed sufficiently on any of the coastal roads to justify a request for a review by MRWA for a speed reduction at this time. There may be a possibility that in future, redevelopment of sites such as the Hillarys Boat Harbour, may result in a changed road environment which may warrant a review of the speed zoning.

On occasion, MRWA may undertake its own assessments of the speed limit of specific roads to determine if a change is justified on these roads. During these occasions, MRWA generally request the City for additional information to assist with its assessment.

Finally, there are a large number of designated crossing points along many of the City's major roads to encourage and provide for safe pedestrian movements, even in higher speed environments. Crossing points are deliberately placed to provide adequate sight distance, and median refuges for people of all abilities to safely cross. This is a practice which is also common to slower speed roads, and the City would be reluctant to promote crossing away from these designated crossing points even in a lower speed environment where sightlines and accommodating infrastructure might be sub-standard.

Officer's recommendation

That Council NOTES:

- 1 *Main Roads WA is the regulatory authority responsible for speed zoning of roads;*
- 2 *Main Roads WA requires all requests for new or amended speed zones to meet the Main Roads WA Speed Zoning Policy and Application Guidelines;*
- 3 *the City will continue to monitor the City wide road network and where appropriate, or where significant changes in the road environment occur, will proactively engage with Main Roads WA to review the speed zoning.*

MOTION NO. 3

MOVED Mr Martin Dickie, SECONDED Mr Michael Dowling that the Electors of the City of Joondalup REQUEST that Council conduct a comprehensive study for the conversion of its vehicle fleet to electric vehicles, including running and repair costs of each type of vehicle compared to the current fleet, using both vehicles anticipated to be available in Australia in the next few years as well as those currently in the market.

Officer's comment

The City delivers a variety of services to the community and manages the fleet assets utilised to provide these services in a way that optimises their performance, resulting in the lowest whole of life cost.

The City's *Climate Change Strategy 2014-19* contains a range of Climate Change Strategy Projects to mitigate the effects of climate change. Under the key focus area of Infrastructure and Assets, Project 1.10 City Fleet Project is listed with the following objectives:

- *Ensure the City's Fleet Asset Management Plan gives adequate consideration to greenhouse gas emissions and environmental impact of vehicles.*
- *Reduce the net greenhouse gas emissions associated with the City's fleet.*

In alignment with the above objectives, the City has engaged the services of Uniqco to determine the whole of life cost using its fleet data analytic system. This whole of life calculation takes into consideration purchase price, running costs (including fuel and servicing), and end of life trade-in value. Additionally, it takes into consideration carbon dioxide emission, air pollution rating and safety in optimising its recommendation. New commercially available vehicles are added by Uniqco to its database as information regarding their performance becomes available which enables those vehicles to be considered as suitable replacement vehicles. This includes hybrid and other electric vehicles and may in future include hydrogen cell vehicles. It should be noted further that the City procures light vehicles through the State Government vehicle contract CUA37804 and only vehicles listed under this contract are included in the evaluation.

The above assessment provides the City with fit for purpose vehicles at the lowest whole of life costs as the data analysis used to determine the whole of life cost is based on repeatable and reliable data. Without this an informed decision cannot be made.

Current market forces indicate that electrifying the City's light fleet at this point would be uneconomical. It is anticipated that over the next few years, as there is further development in battery technology and car manufacturing competition come into play, the costs will reduce making electric cars a more attractive proposition.

Based on the above, it is not deemed necessary for a comprehensive study to be undertaken as the decision framework for the replacement of fleet vehicles already includes a comprehensive analysis of the whole of life cost which includes electric and hybrid vehicle options.

Officer's recommendation

That Council:

- 1 *NOTES the City currently uses the services of Uniqco which assesses the whole of life cost, including running and repair cost, carbon dioxide emission, air pollution, and vehicle safety rating to inform the City's decision on vehicle purchasing;*
- 2 *SUPPORTS the purchasing of vehicles, including electric and hybrid vehicles, where the vehicle is fit for purpose and has the lowest whole of life cost.*

MOTION NO. 4

MOVED Mr Don Poynton, SECONDED Ms Mary O'Byrne that the Electors of the City of Joondalup REQUEST that Council review its decision CJ019-02/16 made on 2 February 2016, so that the City has discretionary power to allow Containers for Cash collection bins to be installed on council property including land leased by the City to third parties and land managed by the City.

Officer's comment

In March 2019 legislation was passed by State Parliament to implement a container deposit scheme in Western Australia which provides for a refund to be paid to any person who returns an eligible beverage container to a designated collection point. To assist in the implementation of this scheme, the Western Australian Planning Commission (WAPC) released a position statement and model local planning policy on the infrastructure associated with the container deposit scheme.

The position statement encouraged local governments to develop a local planning policy exempting infrastructure from the requirement to obtain development approval under certain conditions. In view of this at its meeting held on 18 August 2020 (Item CJ120-08/20 refers), Council adopted the *Container Deposit Scheme Infrastructure Local Planning Policy*. The policy applies to infrastructure associated with the container deposit scheme on all land zoned / reserved under the City's local planning scheme, including land that privately owned land and land owned or managed by the City.

The policy sets out the acceptable requirements for where and how different types of container deposit scheme infrastructure are to be located and managed. The policy also includes specified exemptions that if met, means a planning approval would not be required. It is however noted that even if planning approval is not required, other approvals, such as landowner consent, may need to be obtained before operating the container deposit scheme infrastructure.

Activities on local government property managed or owned by the City, is managed and regulated by the City's *Local Government and Public Property Local Law 2014*. At its special meeting held on 9 November 2015 (Item JSC04-11/15 refers), Council adopted an amendment to the City's *Local Government and Public Property Local Law 2014* in response to ongoing issues with the management of charity clothing collection bins on City of Joondalup land and other public property, mainly to do with, and to mitigate issues around, the dumping of rubbish, vandalism and graffiti.

Following this amendment coming into effect, at its meeting held on 16 February 2016 (Item CJ019-02/16 refers), Council resolved to make a determination under the City's *Local Government and Public Property Local Law 2014* that a person must not place or maintain a collection bin on local government property. Under the local law a collection bin is defined as "a receptacle for the collection of clothing or goods" which would apply to container collection infrastructure.

At its meeting held on 16 February 2021 (Item CJ006-02/21 refers), Council considered the outcomes of the City's eight year statutory review of its local laws, and in part supported some amendments to the City's *Local Government and Public Property Local Law 2014*. Although not a matter raised as part of the eight-year review process, any change to the local law around the placement of container collection infrastructure on City managed property, if supported by Council, could be considered as part of possible amendments to the local law.

Any amendment may include altering the definition collection bin to only refer to a receptacle for the collection of clothing, thereby removing the reference to goods, as well as inserting provisions to allow container collection infrastructure to be placed in local government property, through a permit system.

Notwithstanding, the reasons behind Council's 2016 decision to prevent collection bins from being placed on local government property could again be an issue if container collection infrastructure is permitted to be placed on local government property (that is graffiti, vandalism and illegal dumping). Furthermore, added risks could occur where glass bottles are not being appropriately disposed of in the collection infrastructure, resulting in broken glass in surrounding areas that could pose an additional health risk to the general public.

An alternative for groups wanting to undertake container collection activities as a means to generate revenue, is to set up a container collection scheme ID for their particular group, and encourage group members and friends to quote that scheme ID when they personally deposit eligible containers at certain collection points. This solution would support the reasoning behind the elector's motion, as well as to ensure the local government property the City manages is maintained to an amenity the broader community expects.

The City is also aware that some groups undertake "container drives" by encouraging group members and friends to drop off containers to a particular manned location on a particular day where collected containers are taken directly to a container collection facility on behalf of that group.

Officer's recommendation

That Council:

- 1 *DOES NOT SUPPORT changes to the City's Local Government and Public Property Local Law 2014 to allow cash container deposit infrastructure being placed on local government property, due to concerns around illegal dumping, rubbish, vandalism and graffiti;*
- 2 *SUPPORTS community groups and friends' groups establishing a unique container collection scheme ID for their particular group, which can be used by members and friends when personally depositing eligible containers at certain collection points throughout the City of Joondalup.*

MOTION NO. 5

MOVED Dr Tim Green, **SECONDED** Ms Fay Gilbert that the Electors of the City of Joondalup **REQUEST** that Council instructs the City to immediately commence a full strategic review of the City's Planning Framework including the City's approach to infill in the Housing Opportunity Areas and elsewhere, applying all relevant and current State Planning Policy. This review should include:

- 1 a total review of the City of Joondalup Local Planning Strategy;
- 2 a total review of the City of Joondalup Local Housing Strategy;
- 3 a total review of the City of Joondalup Local Commercial Strategy.

These reviews will then inform a review of the City of Joondalup *Local Planning Scheme No. 3*.

Officer's comment

As part of its strategic planning framework, a local government is required to have a Local Planning Strategy. Among other things, a Local Planning Strategy sets out the long-term planning directions for the local government, including recommendations from any subordinate strategies (like Local Housing Strategies and Local Commercial Strategies) and also provides the rationale for any zoning or classification of land under the local planning scheme. Accordingly, a Local Planning Strategy will typically precede or be prepared concurrently with a local planning scheme.

The City's current *Local Planning Strategy* was endorsed by the Western Australian Planning Commission in November 2017. The *Local Planning Strategy* includes the key recommendations of the City's *Local Housing Strategy*, through which the City's current approach to infill development, including the concept of Housing Opportunity Areas (HOAs), was first identified.

The City's current local planning scheme, *Local Planning Scheme No. 3* (LPS3) was approved by the Minister for Planning in August 2018 and became operational in October 2018.

Under the *Planning and Development Act 2005*, a local government is required to undertake a review of its local planning scheme in the fifth year after approval was given to the scheme by the Minister for Planning. In the context of LPS3, this review is required to commence in the 2023-24 financial year. In accordance with proper and orderly planning, a review of the City's *Local Planning Strategy* should precede the review of the LPS3 (or be undertaken concurrently).

Currently, the City has scheduled the review of its *Local Planning Strategy* to commence in the 2022-23 financial year. This review will consider the strategic provision of all housing throughout the City of Joondalup, including its approach to infill development.

Council very recently considered the timing for a review of its approach to infill development and its strategic planning framework more broadly at its meeting held on 16 March 2021 (CJ023-03/21 refers) where Council resolved, in part, that it:

"AGREES that any further strategic review of the Housing Opportunity Areas, including the establishment of any Community Reference Group, will be undertaken in accordance with a review of the City's Local Planning Strategy, currently scheduled to commence in the 2022-23 financial year."

Since Council's consideration of this matter in March 2021, no new events have transpired or new information become available that, in the City's view, would warrant a change to this recently resolved position.

Progressing with a strategic review of the City's HOAs ahead of this will require a significant amount of City resources to be diverted away from other activities.

In addition, the State Government is currently progressing a significant planning reform agenda, in line with its Action Plan for Planning Reform, released in August 2019. A number of the reform measures being progressed will have a direct impact on any strategic review of the City's HOAs, including the following:

- *State Planning Policy 7.3 – Residential Design Codes (SPP7.3)*: A draft new Medium Density Code was recently advertised for public comment. The draft new Medium Density Code will apply to properties with residential densities of R30 to R80 - the densities in the City's HOAs. The draft new Medium Density Code will introduce a new set of development standards for these areas and will therefore impact the way development can be built in HOAs.
- *State Planning Policy 4.2 – Activity Centres (SPP4.2)*: Public consultation on an update to SPP4.2 has recently been completed. SPP4.2 applies to activity centres and prescribes target residential densities within and adjacent to activity centres. A number of the City's HOAs are located within activity centre catchments and therefore this policy will need to be taken in account as part of any further strategic review of HOAs.
- *State Planning Policy 7.2 – Precinct design (SPP7.2)*: The State Government introduced SPP7.2 on 19 February 2021 to guide the preparation and assessment of planning proposals for areas that require a high level of planning and design. Given the very recent release of SPP7.2, the policy is yet to be tested and it is unclear at this stage whether any strategic review of the City's HOAs would need to incorporate the requirements of SPP7.2.
- *State Planning Policy 3.6 – Infrastructure contributions (SPP3.6)*: The State Government released an updated SPP3.6 for public comment in late-2019. While previously SPP3.6 was focused toward the provision of infrastructure in new areas of urban growth, the updates propose to introduce a framework for the delivery of infrastructure to new and existing communities. The policy is yet to be finalised and released by the State Government; however, may have implications on the way infrastructure is provided and funded in the City's HOAs.
- *Guidelines for Local Planning Strategies*: The State Government is currently preparing new guidelines for the preparation of local planning strategies. Once completed, local governments will need to prepare local planning strategies in accordance with these guidelines. This means that any strategic review of HOAs, which may result in changes to existing strategies, such as the City's *Local Housing Strategy* or *Local Planning Strategy*, will need to consider these guidelines and what specific information or format is required.

Immediately commencing a full strategic review of the City's planning framework introduces a risk that any work completed ahead of the State Government finalising its reform initiatives would need to be redone if the changes introduced as part of the State Government reforms require significant modification or an alternative approach.

Officer's recommendation

That Council:

- 1 *NOTES a decision on the timing for a review of the City's strategic planning framework, including its approach to infill in the Housing Opportunity Areas, was recently made at the meeting dated 16 March 2021(CJ023-03/21 refers) where Council resolved, in part, that it:*
 - 1.1 *"AGREES that any further strategic review of the Housing Opportunity Areas, including the establishment of any Community Reference Group, will be undertaken in accordance with a review of the City's Local Planning Strategy, currently scheduled to commence in the 2022-23 financial year";*
- 2 *NOTES a review of the City's strategic planning framework will include a review of the Housing Opportunity Areas and is currently scheduled to commence in the 2022-23 financial year;*
- 3 *CONFIRMS a review of the City's strategic planning framework, including the City's approach to infill in the Housing Opportunity Areas and elsewhere, will commence as currently scheduled in the 2022-23 financial year.*

MOTION NO. 6

MOVED Ms Fay Gilbert, SECONDED Mr Michael Moore that the Electors of the City of Joondalup REQUEST that Council instructs the Planning Decision Makers / Planning Assessor to provide written explanations of how each design principle has been met and how a better built form outcome has been achieved. This is to apply to all Development Applications including those done under Delegated Authority and those in Responsible Authority Reports and in Reports to Council. These explanations to be provided in Plain English and not 'Planning Speak' from April 2021 and via the following methods:

- 1 on the publicly searchable database of Development Approvals;**
- 2 in any report provided to the Council for determination of development applications;**
- 3 in any Responsible Authority Report.**

Officer's comment

Planning is a technical discipline which involves reference to various pieces of legislation, regulations, policies and strategies. The City will always try to communicate in a straight forward manner, however it should be acknowledged that at times it is necessary to use some technical language to ensure that the correct meaning is conveyed; ensure that matters are not misinterpreted; or ensure that that information presented does not become so general that the intended meaning is lost. Notwithstanding, the City will continue to strive to improve the communication techniques to assist with the understanding of planning related information.

The City currently includes a recurring report to Council each month which identifies the approved development applications for the previous month/s. This report (and associated attachments) is available to the public on the City's website and includes the property address and City ward; description of the development; reference number; date the application was received by the City; the estimated cost of the proposed development; and the determination made in respect to each development application made by the City.

In addition, the reports prepared for development applications that require determination by Council or a Development Assessment Panel (DAP) currently include discussion on how the applicable objectives and/or design principles are met when there is a need for the decision-maker to exercise discretion.

In relation to decisions made under delegation by the City's administration, where a development application is advertised for public comment and submissions are received, every submitter is sent correspondence advising of the outcome with detail included as to why discretion may have been exercised by the City in each instance. This level of service is considered appropriate and is above that required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is important to note that development (planning) approval is required because it is either not exempt from approval due to the nature and scale of the development and/or the proposed development does not comply with all of the relevant provisions or deemed-to-comply standards of the planning framework. As a result, most planning approvals involve a level of discretion in the decision-making process. Publishing all assessments undertaken by the City under delegated authority (approximately 1,200 applications per year) would significantly increase the administrative workload associated with processing applications.

This would either require an increase in resources to meet the demand generated by this request, with a consequential increase in the City's operating budget, or would result in a significant reduction in the level of service currently provided by the City.

In view of the current service provided by the City, it is considered that further changes to how the City communicates its decisions and the reasons for these decisions not be progressed.

Officer's recommendation

The Council:

- 1 *NOTES the importance of the City communicating with its ratepayers in plain English where possible to provide greater understanding in relation to planning and decisions made on planning matters;*
- 2 *NOTES reports prepared for development applications that require determination by Council or a Development Assessment Panel are currently publicly available and include discussion on how the applicable objectives and / or design principles are met where there is a need for the decision-maker to exercise discretion;*
- 3 *NOTES the current approach undertaken by the City in relation to advising interested parties of delegated decisions which includes the reasons for any discretion exercised;*
- 4 *DOES NOT prepare a database of all development applications including the considerations underpinning any decision to grant discretions.*

MOTION NO. 7

MOVED Mrs Susan Boylan, SECONDED Mr Peter Westcott that the Electors of the City of Joondalup REQUEST that Council reject the Business Plan for the Ocean Reef Marina on behalf of the residents of Joondalup and engage an independent agency to evaluate the current risk financially, environmentally and socially associated which should also include the incorporation of the \$5.5 million sunk cost into the business plan so that a true reflection of the economic burden of this development is made to the ratepayers and decision makers with the current development now owned by Development WA.

Officer's comment

The *Ocean Reef Marina Major Land Transaction Business Plan* is for the proposed disposal of a portion of Lot 1029 and Lot 1032, Ocean Reef only. It is not, nor is it intended to be, a business case for the entire Ocean Reef Marina development.

Clause 7 of the Memorandum of Understanding between the City and DevelopmentWA (endorsed by Council at its meeting held on 20 February 2018 (CJ031-02/18 refers)), provides agreement that the parties will enter into a detailed Development Agreement as required to deal with the implementation of the project.

It was reported to the Major Projects and Finance Committee on 13 July 2020 (Item 8 refers), that the development agreement needed to be substantially progressed and the "headline" matters agreed before the City can commence the business planning process to comply with section 3.59 of the *Local Government Act 1995* (the Act) if required.

At its meeting held on 13 July 2020 (Item 8), the Major Projects and Finance Committee was informed that the City sought legal advice as what would make up "the consideration under the transaction".

The business plan process as outlined in section 3.59 of the Act is summarised as follows:

- The business plan is to include an overall assessment of the major land transaction and is to include details of:
 - its expected effect on the provision of facilities and services by the local government
 - its expected effect on other persons providing facilities and services in the district
 - its expected financial effect on the local government
 - its expected effect on matters referred to in the local government's current strategic and other plans
 - the ability of the local government to manage the undertaking or the performance of the transaction.

The *Ocean Reef Marina Major Land Transaction Business Plan* includes all the above.

The financial component of the business plan has been informed by extensive financial modelling undertaken by the City over the past three years. The modelling takes into account both income and expenditure expectations as a result of the City's present and on-going involvement in the development.

The City applies a whole-of-life approach to all projects and uses a wide range of tools to ensure projects (including the Ocean Reef Marina) are financially sustainable both now and in the future. The ongoing operational impacts are assessed as much as the one-off costs. This ensures that the overall costs over the long-term are evaluated and budgeted accordingly.

Long-term financial sustainability of the Marina for the City's ratepayers is defined as follows:

- Operating surplus / deficit: Recurring impacts, including depreciation, should be no worse than zero once the Marina is fully developed. This is measured by comparing the estimated future impacts to the existing operating deficit of the Ocean Reef Boat Harbour (currently approximately \$100,000 per annum).
- Cashflow impacts: The 50-year cashflow impacts are zero or positive when compared to baseline.

The financial evaluation excludes the sunk costs and book values and only includes future cash flows. It is a standard approach for project evaluations to only take account of future cash flows.

Nevertheless, the City acknowledges the importance of the sunk costs / book values and hence there are comments to explain that the benefits of the realistic scenario exceed the sunk costs / book values.

As the project proponent, DevelopmentWA is responsible for all costs associated with environmental management. The range and scope of this responsibility is captured in the Negotiated Planning Outcome for Bush Forever Site 325 and the conditions of environmental approval (resulting from the Public Environmental Review) as outlined in Ministerial Statement No. 1107 published in August 2019.

As no environmental impact costs will be imposed on the City and such costs are not relevant to the *Major Land Transaction Business Plan*, it is not appropriate for these to be included in the financial evaluation of the transaction.

The City does contend that the financial projections will come to pass exactly as forecast. However, it is considered that the model used, and the assumptions applied, provide sufficient confidence that the impacts are financially sustainable.

Officer's recommendation

That Council:

- 1 *NOTES the Major Land Transaction Business Plan is for the proposed disposal of a portion of Lot 1029 and Lot 1032, Ocean Reef only and it is not, nor does it intend to be, a business plan for the entire Ocean Reef Marina development;*
- 2 *NOTES the Major Land Transaction Business Plan for the proposed disposal of a portion of Lot 1029 and Lot 1032, will be considered by Council;*
- 3 *DOES NOT SUPPORT the engagement of an independent agency to evaluate the financial risk of the Major Land Transaction Business Plan for the proposed disposal of Lot 1029 and Lot 1032, Ocean Reef.*

MOTION NO. 8

MOVED Mr Daniel Kingston, SECONDED Ms Beth Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the City to create a new Council Policy: "Elected Members Access to Information" and present it back to the Council for approval by May 2021. The intent of the Policy is to ensure that:

- 1 **the City of Joondalup elected members must generally be able to access any record held by the City of Joondalup;**
- 2 **all information, including records and documents, held by the City of Joondalup may be relevant to performance of an Elected Member of the City of Joondalup and will generally be provided upon request unless subject to legislated privacy and confidentiality provisions such as tender documents and recruitment processes;**

- 3 records are as defined by the State Records Act;**
- 4 where information is not provided to elected members, a reason must be given and the item referred to the Governance Committee within 14 days;**
- 5 where no reason or information has been provided, the item is to be addressed by the Governance Committee within 21 days after the information was first sought by the Elected Member;**
- 6 matters so referred to the Governance Committee will be included in an annex to the City's Annual Report.**

Officer's comment

Section 5.92 of the *Local Government Act 1995* (the Act) states elected members can have access to information held by the City that is relevant to the performance of their functions under the Act or any other written law. Without limiting this access, it includes, but not limited to, access to all written contracts entered into by the City and all documents relating to written contracts proposed to be entered into by the City.

It should also be noted that one of the roles of the Chief Executive Officer under the Act is to ensure that advice and information is made available to Council (not specifically to individual elected members) so that informed decisions can be made.

Notwithstanding the generality of the above, the Act does not give the automatic and absolute right for elected members to access all of the City's retained information. Where the information sought is not relevant to any matter which the Council is currently deliberating, and requires significant resources of the City to research, investigate or obtain (regardless if the information is confidential or not), the Chief Executive Officer may decline the request, however unlikely in most instances.

The *Elected Members' Communications Policy* currently provides for Elected Member access to information (clause 3.7). In summary access to corporate information by elected members is managed in accordance with the Act and the *Freedom of Information Act 1992*. Where elected members wish to view records outside those records detailed in the Act, they must demonstrate to the Chief Executive Officer the relevance of the information in the performance of their role. Where approval is granted the Chief Executive Officer will determine the manner in which access is permitted.

Should an Elected Member still require certain information in the rare circumstances where the Chief Executive Officer declines to provide such information, mechanisms through the Council meeting process, such as notices of motion, are open to elected members to pursue. The *Freedom of Information Act 1992* also provides an access right to certain information held by the City, and this is also open to elected members.

In 2017 the State Government announced a review of the *Local Government Act 1995* (the Act) and as part of the process the then Minister for Local Government released a series of discussion papers around the provisions in the Act with a view to make local governments more agile, smart and inclusive. In September 2018 the then Minister for Local Government announced the phase 2 consultation process and one of the discussion papers released, sought feedback on the information access rights for elected members.

In summary, the discussion paper suggested it may be appropriate to include a mechanism within the Act to allow access to information decisions by the Chief Executive Officer, to be reviewed by Council itself. This suggestion was not supported in the City's Phase 2 Consultation Submission, which was adopted by Council at its meeting held on 19 March 2019 (Item CJ023-03/19 refers).

In regard to parts 4 through 6 of the elector's motion, the City does not have an established Governance Committee and Council's existing committee structure does not include a role that caters for the intent of the elector's motion. The establishment of any new committee and its terms of reference is a matter for Council to give consideration to; or whether it wishes to review the terms of reference of an existing committee (such as the Audit and Risk Committee or Policy Committee) should it be considered by Council the elector's motion has merit.

If the establishment of a new committee (or the adjustment of an existing committee's terms of reference) is considered to have merit by Council and in line with the process suggestion put forward in the elector's motion, administrative support would be required and additional time commitments placed on elected members, in terms of attending special meetings of a committee to consider information access matters.

The value of reporting on matters within the City's Annual Report as suggested in the elector's motion is questioned, certainly if the Council determines that a Governance Committee be established (or the terms of reference of an existing committee revised) as the minutes of all committees of Council are publicly available on the City's website.

In view of the City's *Governance Framework*, positive and productive relationships between the City's administration and elected members must be forged and maintained. It is therefore recommended that elected members and the City's administration continue to work together cooperatively and constructively in terms of information needs in support of an elected member's role, without the need to further formalise information access requirements.

Officer's recommendation

That Council:

- 1 *NOTES the Local Government Act 1995 and the City's Elected Members' Communications Policy provides for information access requirements relevant for the performance of an elected member's role;*
- 2 *NOTES the Chief Executive Officer and the City's administration provide elected members with information that is relevant to the performance of the elected member's role under the Local Government Act 1995 or other written laws;*
- 3 *DOES NOT SUPPORT the development of an Elected Member Access to Information Policy in view of parts 1 and 2 above, or the establishment of a Governance Committee to consider information access matters of elected members.*

MOTION NO. 9

MOVED Ms Jane Kung, SECONDED Ms Elaine Chatterton that the Electors of the City of Joondalup REQUEST that Council instructs the administration to note and act on the following in respect of the Quarry area of Edgewater:

- 1 to abide by the recent consultation result where the community clearly said that Quarry Park and its surrounds should remain as public open space and be improved as public open space;**
- 2 to acknowledge that the area is a park and a conservation zone and that it will remain as such;**
- 3 to immediately start improving this area as public open space;**
- 4 that the community be meaningfully consulted with, on any future improvement proposals in an unbiased and transparent way;**
- 5 that any improvements should enhance and protect the surrounding bushland including St Clair Park;**
- 6 that any improvements are in the interest of the local and broader communities as well as the natural environment;**
- 7 that any improvements should be freely accessible to all members of the community for passive recreational use.**

Officer's comment

At its meeting held on 16 March 2021 (Item CJ040-03/21 refers), Council resolved the following:

"That Council:

- 1 NOTES the Community Consultation Outcomes Report – Edgewater Quarry Draft Preferred Concept Plan forming Attachment 1 to Report CJ040-03/21;*
- 2 NOTES that the Edgewater Quarry Draft Preferred Concept Plan was not supported by the majority of respondents to the community consultation;*
- 3 NOTES the Chief Executive Officer will undertake the required investigation to determine the presence and level of contamination of the site as required by the Department of Water and Environmental Regulation;*
- 4 AGREES that a report be presented on the results of the contamination investigation and its impact on the future of the Edgewater Quarry."*

In view of the above resolution the response to the *Edgewater Quarry Draft Preferred Concept Plan* was noted. It was also agreed that a report on the results of the required contamination investigation and its impact on the future of the Edgewater Quarry will be presented to Council at a future meeting. Any decision on the future of the Edgewater Quarry site will be a matter for Council to consider at a future time.

It is therefore premature to initiate or contemplate any action or speculation regarding any immediate or future upgrade or improvement of the site.

Officer's recommendation

That Council NOTES:

- 1 *the electors' requests with respect to the future of the Edgewater Quarry site;*
- 2 *its decision of 16 March 2021 (CJ040-03/21 refers) that a report will be presented on the results of the contamination investigation and its impact on the future of the Edgewater Quarry.*

MOTION NO. 10

MOVED Ms Elena Kuznetsova, SECONDED Ms Michele Kwok that the Electors of the City of Joondalup REQUEST that the City carry out hydrothermal trials on a larger area for a more accurate representation of the cost, to include at a minimum 10% or up to 20% of the usual spray area.

Officer's comment

At the Council meeting held on 21 July 2020, Council considered a report in relation to the use of Glyphosate within the City of Joondalup, (CJ096-07/20 refers), and resolved amongst other things that it:

- 6 *"NOTES the City will continue to undertake weed control trials, both chemical and non-chemical as new products and technologies become available in order to inform the City's integrated weed management approach".*

Following the decision of Council, the City commenced trials which currently includes two hydrothermal trials within the suburb of Joondalup that have been ongoing since December 2020 as follows:

- Trial one (Joondalup south) consists of hot water technology which is being used to manage weeds within the road reserve. This trial is bounded by Lakeside Park, Cockatoo Ridge, Grassbird Avenue and Lakeside Drive and encompasses all the streets and laneways. (120,000m²).
- Trial two (Joondalup north) consists of steam technology which is being used to manage weeds within the road reserve. This trial is bounded by Aldegate Street, Lakeside Drive, Upney Mews and Paistowe Street and encompasses all the streets and laneways. (160,000m²).

The size and duration of these trials is deemed appropriate to provide adequate information to inform the City's integrated weed management approach.

Officer's recommendation

That Council:

- 1 *NOTES the extensive trials currently being undertaken in Joondalup south using hot water technology and Joondalup north using steam technology;*
- 2 *CONSIDERS these trials to be of an adequate size and duration to inform the City's integrated weed management approach.*

MOTION NO. 11

MOVED Mr Michael Moore, SECONDED Ms Jane Kung that the Electors of the City of Joondalup REQUEST that Briefing Session agendas be provided to elected members and published publicly seven calendar days before Briefing Sessions, so elected members and the public have sufficient time to read and understand the agenda items before the Briefing Session.

Officer's comment

This elector's motion is similar to a motion that was raised at the Annual General Meeting of Electors held on 4 December 2018. When considering this motion at its meeting held on 19 February 2019 (CJ008-02/19 refers), Council resolved in part that it does not support agendas being published seven days before a scheduled meeting date of a Briefing Session.

The availability of agendas for meetings is governed by the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City's Meeting Procedures Local Law 2013*. In general terms, ordinary meetings of Council require an agenda to be given to an elected member within 72 hours of the meeting being held, and following this, agendas are to be made available to members of the public. There are no legislative requirements around the time limit for the availability of a Briefing Session agenda and Briefing Sessions are not legislated to conform to any requirements, although Council has adopted certain procedures in regard to their operation.

The availability of particular agendas at the City is cognisant of the above requirements, and also in view of the robust internal administrative processes in place to prepare numerous reports; review content and information; and obtain the necessary approval processes, before an agenda is released and published. Some information that is critical to a report's content may not be forthcoming to the City until just before an agenda is released, meaning the information contained in a report, if released seven days before the meeting, may be out of date or incomplete. This does not support good decision-making of a Council.

It should be noted that due to the City's decision-making process of Briefing Sessions and Council meetings, most reports presented to a Council meeting are included in the Briefing Session Agenda, which is traditionally released 72 hours before the Briefing Session meeting, and some 11 days before the scheduled Council meeting. In view of this the current timeframes around the release of agendas is considered sufficient in view of the City's legislative responsibilities and internal agenda setting processes.

Officer's recommendation

That Council REAFFIRMS its decision of 19 February 2019 (CJ088-02/19 refers) and that the current publication timeframes of Briefing Sessions agendas is sufficient to support:

- 1 *the decision-making responsibilities of Council;*
- 2 *the legislative provisions in place in regard to distribution and publishing of agenda material;*
- 3 *the internal agenda setting processes used at the City.*

MOTION NO. 12

MOVED Ms Beth Hewitt, SECONDED Mr Daniel Kingston that the Electors of the City of Joondalup REQUEST that Council instructs the City that all motions from the Electors AGM are addressed fully and separately with individual reports and are voted on separately when presented to Council.

Officer's comment

In accordance with section 5.33 of the *Local Government Act 1995* all decisions made at an electors' meeting are to be considered at the next ordinary Council meeting or, if that is not practicable at the first ordinary Council meeting after that meeting or at a special meeting called for that purpose, whichever happens first. To prepare a comprehensive and individualised report on motions raised at electors' meetings will more than likely result in the City's obligations under the *Local Government Act 1995* not being met as well as placing an additional workload on Council as well as the City's administration (for instance the Annual General Meeting of Electors meeting recently held would result in 28 individual reports, with some motions not of a complexity that would require a full report to be prepared).

It has been the City's practice over numerous years that a single report is prepared presenting the minutes of the Annual General Meeting, as well as consideration of the motions passed. This report provides a brief officer's comment in respect of each elector's carried motion, and a suggested recommendation for Council to consider. Each motion is considered and given attention individually and this practice also ensures that motions passed by the electors are addressed in a timely manner and in accordance with the above legislative constraints. This practice is commonly utilised by other Western Australian local governments.

Notwithstanding, it is for the Council of the day, in receiving this single report, to either accept the recommendations presented by City officer's or to resolve another form of action it may desire. Similarly, it is also open to Council to consider each part of a motion separately and vote accordingly in accordance with the procedures under the City's *Meeting Procedures Local Law 2013*. Where Council wishes to receive more information in addressing a motion put forward at an elector's meeting, it is within its right to call for a more detailed report when the single report addressing AGM motions is subsequently presented.

In view of this, how electors' motions are addressed from a procedural sense, rests with Council when the Annual General Meeting of Electors report is subsequently presented.

Officer's recommendation

That Council NOTES:

- 1 *the requirements and time limitations under the Local Government Act 1995 in addressing motions passed at electors' meetings and the City's current processes in place;*
- 2 *how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the Local Government Act 1995 and the procedures set out in the City's Meeting Procedures Local Law 2013.*

MOTION NO. 13

MOVED Mr Malcolm Smeal, SECONDED Dr Tim Green that the Electors of the City of Joondalup REQUEST that Council immediately instruct the City to repeat the 2009 Housing Intentions Survey across all ratepayers. The new survey should include additional questions on the amenity that residents derive from:

- 1 car use and parking;**
- 2 use of a backyard;**
- 3 trees and landscaping.**

Officer's comment

The 2009 Housing Intentions Survey was a form of community engagement carried out to ascertain the housing needs and requirements of residents, both at the time and into the future.

The 2009 Housing Intentions Survey served as a precursor to the development of the City's *Local Housing Strategy* (LHS) with feedback received from the survey informing the development of the LHS.

Local housing strategies form part of a broader strategic planning framework for local government (such as a local planning strategy) and are no longer documents prepared and progressed in the absence of the other components and strategies of this broader framework.

Accordingly, the timing for community engagement to inform a local housing strategy should align with the community engagement for the broader local planning strategy.

The City's current *Local Planning Strategy* was endorsed by the Western Australian Planning Commission in November 2017. Currently, the City has scheduled the review of its *Local Planning Strategy* to commence in the 2022-23 financial year.

Council very recently considered the timing for a review of its approach to infill development and its strategic planning framework more broadly at its meeting held on 16 March 2021 (CJ023-03/21 refers) and resolved, in part, that it:

"AGREES that any further strategic review of the Housing Opportunity Areas, including the establishment of any Community Reference Group, will be undertaken in accordance with a review of the City's Local Planning Strategy, currently scheduled to commence in the 2022-23 financial year."

Since Council's consideration of this matter in March 2021 no new events have transpired or new information become available that, in the City's view, would warrant a change to this recently resolved position.

In relation to the City's approach to community engagement inform the review of its *Local Planning Strategy*, including who is consulted with; what types of engagement methods are used; and specifically what questions are asked, it is considered that this detail be confirmed closer to the time of engagement as part of a comprehensive community engagement plan.

Officer's recommendation

That Council:

- 1 *DOES NOT instruct the City to immediately repeat the 2009 Housing Intentions Survey across all ratepayers;*
- 2 *NOTES the 2009 Housing Intentions Survey was undertaken as a precursor to the development of the City's Local Housing Strategy;*
- 3 *NOTES a review of the City's Local Housing Strategy will be undertaken as part of a review of the City's Local Planning Strategy;*
- 4 *NOTES a decision on the timing for a review of the City's strategic planning framework was recently made at the meeting dated 16 March 2021(CJ023-03/21 refers) where Council resolved, in part, that it:*
 - 4.1 *"AGREES that any further strategic review of the Housing Opportunity Areas, including the establishment of any Community Reference Group, will be undertaken in accordance with a review of the City's Local Planning Strategy, currently scheduled to commence in the 2022-23 financial year.";*
- 5 *CONFIRMS a review of the City's strategic planning framework will commence as currently scheduled in the 2022-23 financial year;*
- 6 *NOTES a Community Engagement Plan will be developed to guide consultation activities as part of the review of the City's Local Planning Strategy and may request community views in relation to car use and parking, use of backyard, trees and landscaping.*

MOTION NO. 14

MOVED Mr Andy Murphy, SECONDED Mrs Ziggi Murphy that the Electors of the City of Joondalup REQUEST that Council cap the term of elected members to a max of two terms that being a total altogether of 8 years. This should start immediately and include past and present time served. The next election date in October 2021 would therefore open more positions to the community and allow for new faces and ideas, growth and involvement by residents in Council decisions and vision.

Officer's comment

Division 5 of Part 2 of the *Local Government Act 1995* provides for the qualifications for holding office on a local government's council. These provisions include but are not limited to:

- qualifications for election to Council
- disqualification provisions in relation to:
 - being a member of parliament disqualified
 - insolvency
 - convictions
 - membership of another council
 - misapplication of funds or property
 - failure to attend meetings
- procedures to determine qualification to retain membership of Council.

The *Local Government Act 1995* currently does not provide for maximum terms for elected members and therefore the intent of the motion cannot be enforced by the City and is beyond the legislative power of any local government. In this regard, an elected member's desired and prospective term, rests with that particular Elected Member, and in view of the outcomes of the relevant local government election.

On 24 June 2011 the then Minister for Local Government, announced an independent review of Perth metropolitan local government and broader governance structures. The then Minister appointed an independent panel (called the Metropolitan Local Government Review Panel) to examine the social, economic and environmental challenges facing metropolitan Perth.

In October 2012 the Metropolitan Local Government Review Panel released its final report in relation to the proposed reform of local government in the Perth Metropolitan Area. Within this final report a recommendation was made that elected members should be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor / President (recommendation 20). In response to this final report, at its special meeting held on 2 April 2013 (Item JSC01-04/13 refers), Council did not support this recommendation.

In 2017, the State Government announced a review of the *Local Government Act 1995* (the Act) which resulted in a series of discussion papers being released between September 2018 and March 2019 for community consideration and feedback. As part of the review process and after significant community and sector consultation was undertaken to better understand the issues confronting local government; the areas in need of reform; and possible options for reform, a panel of experts was formed to provide more detailed consideration and to develop policy responses to guide the development of the new Act (the Local Government Act Review Panel). The role of this panel was to guide the review's strategic direction and to consider and recommend high level guiding principles of the new Act.

Within the *Local Government Review Panel Final Report* (released in May 2020), the panel recommended that no restriction should be placed on the number of terms an Elected Member or Mayor / President can serve (recommendation 26(f)).

In view of this, there does not appear to be a possibility that the Act will be amended as part of the current reform process to restrict terms of serving elected members.

Officer's recommendation

That Council NOTES there is no legislative provision under the Local Government Act 1995 to restrict the length of terms for elected members and is therefore beyond the power of local governments to do so.

MOTION NO. 15

MOVED Mr Steve Evans, SECONDED Mr Campbell Nunn that the Electors of the City of Joondalup REQUEST that the scope of community consultation be broadened and tightened, in order to improve community engagement and Council decision making processes, and that the decision making process be made more visible and transparent to ratepayers. Council instructs the City in relation to significant capital works:

- 1 to provide, to all residents that may be directly or indirectly impacted by proposed works, and publish on both the Council Website and on signage at the location of the proposed works, a detailed site plan overlaid on coloured aerial imagery of the existing area, showing the proposed works;**

- 2 to calculate and provide to all such residents and publish as above, the (square metre) area of undeveloped land which will be developed by the proposed works;**
- 3 to collect and provide to Councillors comprehensive details of public comments received in relation to proposed works, including both comments received and numerical analysis of ratepayer support/objection, a minimum of 30 days prior to seeking budget approval for said works;**
- 4 to ensure that significant capital works projects are both presented and voted for individually, and to publish on a 'How they Voted' link on the City website homepage, a simple matrix showing which Councillors voted for or against which project.**

Officer's comment

The City undertakes community consultation in accordance with its *Community Consultation Policy*, last reviewed and adopted by Council at its meeting held on 20 August 2019 (CJ111-08/19 refers), which defines community consultation as "any activity which seeks feedback from community members to inform decision-making". The City regularly seeks feedback on a range of matters, including projects, plans, strategies, frameworks, policies, services and events.

For a number of public works, particularly those which form the approved *Capital Works Program*, community consultation is not required as the works have already been approved to commence through the annual budget process. In such cases, where upcoming public works are likely to impact or inconvenience community members to a significant degree, the City instead notifies identified stakeholders that works are about to take place. Notification is in accordance with the City's *Notification of Public Works Policy*, adopted by Council at its meeting held on 20 August 2020 (CJ227-08/20 refers) and typically includes letters to residents, which includes the tasks to be undertaken and what the project seeks to achieve and signage on site.

Details of the City's *Five-Year Capital Works Program* are provided to the community via the City's website and the Capital Works Project Dashboard provides suburb by suburb mapping and information on the projects that are being delivered in the current financial year including the timing and status of the project.

Information regarding community consultation and notification of works is provided to elected members in advance of a project commencing. In order to inform decision making processes and provide a high level of transparency, outcomes of community consultation, including full results and verbatim comments, are provided to Council and placed on the consultation page of the City's website.

In addition, interested community members can join the City's Community Engagement Network which provides notification of future community consultation activities. Where residents have concerns or a particular interest in a project, additional information is provided as requested.

The City currently undertakes extensive consultation to inform decision making and it is considered that the current approach to consultation is satisfactory. It is worth noting that the 2020-21 financial year identifies some 335 capital works projects and an increase in the level of service for consultation or engagement will also require additional resourcing.

Any changes to the City's community consultation process would require a decision of Council and amendment to the *Community Consultation Policy* and *Notification of Public Works Policy*.

In terms of part 4 of the electors' motion, it has been the City's practice for numerous years to include how each Elected Member voted on a particular item of business at Council and Committee meetings within respective minutes. It is also usual practice for large scale capital works projects to be considered by Council as a separate item of business, however many capital works projects are included in the annual capital works program which is adopted as part of the annual budget process.

In this regard, if there is an interest on how elected members voted on a particular matter, reference can be made to the minutes of the respective meeting, which are available on the City's website.

Officer's recommendation

That Council:

- 1 *REAFFIRMS the City's Community Consultation Policy and Notification of Public Works Policy as being satisfactory in meeting the City's engagement responsibilities;*
- 2 *NOTES the results and verbatim comments of community consultation activities are provided to Council and published on the City's website;*
- 3 *NOTES the City's practice of publishing its Five-year Capital Works Program and its online Capital Works Dashboard as a resource for the community on the City's website;*
- 4 *NOTES the content of City of Joondalup Council minutes includes how elected members vote on particular matters, and minutes are available on the City's website for public inspection and information.*

MOTION NO. 16

MOVED Ms Robyn Murphy, SECONDED Ms Mary O'Byrne that the Electors of the City of Joondalup REQUEST that Council maintain the Crown Land comprising the entirety of the existing Percy Doyle Reserve (approximately 22.83 ha) and the northwest corner Lot 14077 for the ratepayers for civic and community use only, including public open space, sporting and recreation use, community buildings to be owned and managed by the City, the public library and bushland in perpetuity on behalf of the ratepayers of the City of Joondalup.

Officer's comment

Potential Land Acquisition Investigations with the Department of Planning, Lands and Heritage

Lot 14077 (40) Warwick Road, Duncraig (Lot 14077) is part of Reserve 32380 and is Crown land managed by the City. The purpose indicated on the management order for Reserve 32380 is "Library, Community Centre and other Community Purposes" with the power to lease.

It was reported to the Major Projects and Finance Committee (the Committee) at its meeting held on 9 March 2020, that commercial interest had been shown in an area in the northern section of Percy Doyle Reserve on Lot 14077. This interest prompted the City to consider the potential benefits should a suitable area within Lot 14077 be acquired by the City from the Department of Planning, Lands and Heritage (DPLH) in freehold. Owning the land in freehold would allow the City to consider rezoning the site for an alternative use.

It was highlighted in the Committee report that there were previous investigations into the potential of a commercial use on the northern area of Percy Doyle Reserve as part of the *Percy Doyle Reserve Masterplan Project* which concluded in 2015 when an alternative approach was supported by Council at its meeting held on 21 April 2015 (CJ061-04/15 refers). It was also reported that should the acquisition be successful and there was a high level of developer interest in this location, it could be a catalyst to include the potential redevelopment of Duncraig Library and Duncraig Leisure Centre.

As part of the process to acquire an area of a Crown land reserve, the DPLH requires that local governments establish the level of community support via a community consultation exercise.

No contact has been made by the City with the DPLH, or actions taken other than responding to resident enquiries since the Committee's unanimous support of the investigations.

Management of facilities by the City

There is currently a lease in place between the City and Churches of Christ Sport and Recreation Association (CCSRA) allowing the CCSRA to manage the use of the Duncraig Recreation Centre under certain terms and conditions. The lease commenced on 1 January 2021 for a five-year term and there is also a five-year option period. This lease for the management of Duncraig Recreation Centre in effect prevents the City from agreeing to the intent of the electors' motion.

With the potential for the Percy Doyle Master Plan to be reactivated, it would be in the best interest for the progression of the project (and the overall use of the site) that any land use tenure remain unimpeded by an "in perpetuity" decision, especially when it covers a large site with multiple areas each requiring individual consideration.

Officer's recommendation

That Council:

- 1 *NOTES with the potential reactivation of the Percy Doyle Master Plan, it would be in the best interests for the progression of the project to not impede any land within the overall site;*
- 2 *DOES NOT SUPPORT the City maintaining the Crown Land comprising the entirety of the existing Percy Doyle Reserve (approx. 22.83 ha) and the northwest corner Lot 14077 for the ratepayers for civic and community use only, including public open space, sporting and recreation use, community buildings to be owned and managed by the City, the public library and bushland in perpetuity on behalf of the ratepayers of the City of Joondalup.*

MOTION NO. 17

MOVED Mrs Ziggi Murphy, SECONDED Mr Andy Murphy that the Electors of the City of Joondalup REQUEST that Council refrains from leasing out any further council buildings to private organisations or religious groups for their exclusive use and sub-leasing out at commercial rates and that the council retains the council property in good condition for the enjoyment of all residents of the City of Joondalup as was their objective and intended purpose.

Officer's comment

The *Property Management Framework*, adopted by Council on 20 November 2012 (CJ234-11/12 refers), guides the management of the City's diverse property portfolio for sites under the care, control and ownership of the City.

The framework is supported by a number of principles as follows:

The City –

- Acknowledges its obligation to provide and maintain its properties to meet community needs for present and future generations.
- Recognises and supports the contribution made by community groups in achieving an active and sustainable community.
- Encourages the use of its properties by organisations which provide a benefit to the community.
- Promotes tenure arrangements which are consistent, transparent and equitable.
- Promotes tenure arrangements which provide access to the property by the wider community.
- Promotes tenure arrangements which contribute to the financial viability of the City.

In assessing requests for potential future tenure arrangements, (particularly exclusive-use arrangements), the City seeks to balance the abovementioned principles to reach a mutually beneficial outcome for the community, the City and potential property operator. This may or may not result in a recommendation to proceed with a request, depending on the operator's capacity to demonstrate that an overall benefit to the community is achievable.

The *Property Management Framework* in its current form does not exclude engagement with specific organisations or groups, but rather, provides guidance for the appropriate alignment of property classifications, usage and management outcomes.

A review of the *Property Management Framework* is currently in progress, as identified in the City's *Corporate Business Plan 2020-21 to 2025-26*, which will provide an opportunity for Council to consider the overall effectiveness of the document and the continued relevance of the principles upon which it is based. Any review by Council could consider the limitations that are being suggested in the elector's motion and how this would practically be put into effect.

Therefore, it is not recommended that a decision is made at this time regarding the exclusion of specific groups outside of the review process currently underway.

Officer's recommendation

That Council NOTES:

- 1 *the City's Property Management Framework, which guides the management, use and tenure arrangements of the City's property portfolio, is based on a number of principles to reach mutually beneficial outcomes for the community, the City and potential property operators;*
- 2 *that the Property Management Framework, is currently under review in accordance with the City's Corporate Business Plan 2020-21-2025-26, and any future decision regarding the exclusion of specific groups leasing City property, will need to be considered by Council as part of that review.*

MOTION NO. 18

MOVED Ms Carolyn Hollick, SECONDED Ms Beth Hewitt that the Electors of the City of Joondalup REQUEST that Council make public access ways eligible to be included in the pesticide exclusion register, and to allow residents the option to plant and maintain native shrubs along public accessways.

Officer's comment

The City has over 980 public access ways which forms an integral part of the overall transport network and specifically caters for non-motorised modes of transport such as pedestrians and cyclists. These modes of transport are currently under-represented in the overall travel choices made by residents within the City of Joondalup and as such, the City is developing an integrated transport strategy to inform its strategic approach.

One of the key aspects raised in the past, and through literature review, is safety for pedestrians and cyclists, especially in areas with limited passive surveillance. Allowing the establishment of vegetation with public access ways would further impact on the perception of safety of these users.

Additionally, if vegetation was allowed to be established within public access way, it becomes the City's responsibility to maintain the vegetation and ensure the safety of path uses. This is a service the City does not currently provide, and the City would be reluctant to rely on enthusiastic residents to maintain plantings as they may move on or their circumstance may change.

The result of not maintaining the vegetation will result in overgrown plants which could impact on the Community Protection through Environmental Design (CPTED) principles and will most certainly impact the accessibility of footpaths for example, as the overgrown plants will cover over the path partially and impede pedestrians and wheelchairs.

At its meeting held on 21 July 2020, Council requested the Chief Executive Officer 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 "no spray verge" registration process was developed by the City and launched in December 2020 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 subject to the verge being maintained weed free by the adjacent property owner.

Inclusion of public access ways on the "no spray verge" list is not considered feasible as public access ways are usually abutting a number of properties on both sides and as such would require all adjacent property owners to register and maintain weed free that portion of the public access way which abuts their property. It should be noted that the City only undertakes chemical weed control where there is a presence of weeds and if a resident wishes to maintain the public access way weed free, it will not be sprayed by the City.

It should also be noted that the City is undertaking renewals of the path network within public access ways when the existing paths come to the end of their useful life. The renewal includes a wider path to better facilitate pedestrian and other user movements such as cyclists and prams. This wider path will leave on average a gap of only 300mm between the path and the adjacent fence which is filled with mulch to a depth of 100mm which not only reduces erosion but also minimises the requirement to undertake chemical weed control (Attachment 4 refers). This upgrade leaves very minimal space for planting and as such the option to plant and maintain native shrubs along public access ways is not supported.

Officer's recommendation

That Council:

- 1 *NOTES public access ways form an integral part of the City's overall transport network and specifically caters for non-motorised modes of transport such as pedestrians and cyclists;*
- 2 *NOTES vegetation planted within a public access way can have a detrimental impact on the overall perception of safety as well as unimpeded access for users of the public access way;*
- 3 *DOES NOT SUPPORT the planting of vegetation including native shrubs within public access ways;*
- 4 *NOTES the City only undertakes chemical weed control where there is a presence of weeds;*
- 5 *DOES NOT SUPPORT the inclusion of public access ways in the "no spray verge" list.*

MOTION NO. 19

MOVED Ms Emily Oliveira, SECONDED Ms Michele Kwok that the Electors of the City of Joondalup REQUEST that Council enable residents who experience adverse medical reactions to weed control chemicals, a 'no spray buffer zone' of 100 metres from their place of residence.

Officer's comment

Chemical weed control in local roads adjacent to residential properties within the City of Joondalup is undertaken using only approved herbicides and is undertaken through target spraying using either backpack spray units or vehicle mounted tanks and hoses with applicable control attachments where required. In general, chemical weed control in these areas is undertaken on average once per year targeting the most optimal time before seed set.

When chemical weed control is undertaken within this residential setting, it is predominately only the kerblines, footpaths and brick paved areas that are sprayed. The City does not spray residential verges that are, in the main, maintained and kept weed free by the adjoining property owner.

At its meeting held on 21 July 2020 (CJ096-07/20 refers), Council considered a report in relation to the use of glyphosate within the City of Joondalup and resolved, amongst other things, that it:

- "11 *REQUESTS the Chief Executive Officer to develop and implement a "no spray verge" list, with appropriate maintenance conditions, allowing residents, property owners and schools to register the verge(s) adjacent to their property as being exempt from chemical weed control;*
- 13 *REQUESTS the Chief Executive Officer to review the City's Pesticide Use Notification Plan and implement:*
 - 13.1 *the introduction of new information on the City's website providing advice to the community on the City's completed scheduled chemical weed spraying activity;*

- 13.2 *an improved notification process that enables residents to nominate up to five parks or reserves to be notified of upcoming scheduled chemical weed spraying activity”;*

Following the decision of Council, the City has developed and implemented a “no spray verge” list along with an enhanced notification system which provides residents with the opportunity to:

- nominate up to five parks and receive notification a minimum of 24 hours before spraying occurs
- be notified a minimum of 24 hours prior to spraying occurring within 100 metres of their residence
- nominate their verge to be on a “No Spray Verge” list resulting in their kerb lines not being sprayed if they are maintained in a weed free condition.

The approach outlined above is deemed appropriate as the enhanced pesticide use notification system informs registered residents of scheduled spraying activities to assist residents in planning their activities accordingly. Again, chemical weed control is only undertaken when there is a presence of weeds and if the verge area is maintained weed free by the adjacent property owner/s it will not be sprayed by the City.

It should be noted that the City nor the resident has any control over the actions of their neighbours in regard to chemical usage on their private property which can be as close as five metres from their residence.

Officer’s recommendation

That Council:

- 1 *NOTES the City has developed and implemented a “no spray verge” list allowing residents, property owners and schools to register the verge(s) adjacent to their property as being exempt from chemical weed control subject to it being maintained weed free;*
- 2 *NOTES the City has developed and implemented an enhanced pesticide use notification system to inform registered residents of scheduled spraying activities to assist residents in planning their activities accordingly;*
- 3 *DOES NOT SUPPORT the request for a ‘no spray buffer zone’ of 100 metres from residential properties.*

MOTION NO. 20

MOVED Ms Michele Kwok, SECONDED Mr Mike Norman that the Electors of the City of Joondalup REQUEST that Council:

- 1 **does not replace the use of Glyphosate with other chemical herbicides;**
- 2 **move to the use of manual weeding, brush cutting, mowing and / or hydrothermal where Glyphosate has been previously generally used;**
- 3 **schedule the timing of weeding and availability of resources, staff and contractors, to control as much weed presence as possible before seeds set.**

Officer's comment

Effective weed management is critical to ensuring the long-term protection of biodiversity, especially in the context of a changing climate where conditions such as altering temperature, rainfall and wind strength, as well as increased intensity and frequency of extreme weather events, can create favourable conditions for weeds.

The City's *Weed Management Plan 2016-2021*, was developed in order to provide strategic and ongoing weed management of the City's natural areas, parks and urban landscaping areas in order to protect native vegetation and ecosystems in natural areas as well as the amenity, functionality and aesthetics of parks and urban landscaping areas.

The City's integrated weed management approach uses both physical (non-chemical) and chemical weed control methods. The City only uses herbicide products that are approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA) in accordance with all the specifications of the approved herbicide labels and permits issued when undertaking chemical weed control. It is estimated that more than 90% of the current weed control undertaken within the City of Joondalup is via non-chemical means.

Glyphosate and the trialling of other chemicals and methodologies is an important component in the City's *Weed Management Plan*. The City does not currently possess the physical and financial resources to undertake the necessary weed management to the City's standards via other means. Hydrothermal is currently being trialled and the use of hand weeding for targeted weed control in some natural area locations.

The City schedules its spraying activities to eradicate as many weeds as possible prior to seed set. This methodology is incorporated in the City's *Weed Management Plan*. Environmental conditions play a large part in the timing of chemical weed control for example the early or late germination, flowering and seeding of weed plants. These environmental conditions can also restrict the amount weed control that can be undertaken due to wind, rain and so forth.

Officer's recommendation

That Council NOTES:

- 1 *the City will continue to undertake weed control trials both chemical and non-chemical as new products and technologies become available in alignment with Council's decision of 21 July 2020 (CJ096-07/20 refers);*
- 2 *information gained through the weed control trials in Part 1 above will inform any future changes to the City's integrated weed management approach;*
- 3 *the City's integrated weed management approach includes the use of both physical and chemical weed control methods;*
- 4 *the City currently schedules its weed management activities to occur at the most optimum time to control as much weed presence as possible before seeds set.*

MOTION NO. 21

MOVED Ms Mary O'Byrne, SECONDED Ms Beth Hewitt that the Electors of the City of Joondalup REQUEST that Council:

- 1 works in conjunction with its peak body, the West Australian Local Government Association; the Department of Local Government, Sport and Cultural Activities and Health WA; the West Australian Electoral Commission; and Australia Post to achieve the necessary changes to the current postal voting system to maximise the postal ballot return on 16 October 2021;**
- 2 seek to extend the period available for package production, distribution and return and institute a means of adequately dealing with a COVID-19 induced lockdown which prevents residents from posting back their ballots or attending the in-person voting location.**

Officer's comment

At its meeting held on 16 October 2018 (Item CJ147-10/18 refers), Council resolved to appoint the Western Australian Electoral Commission (WAEC) to be responsible for all local government elections for the City of Joondalup together with any other elections or polls which may be required between now and 31 December 2023. As part of this resolution the method of elections would be by postal election.

The processes and associated timelines for local government elections is provided for under the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* and any change to this will require legislative amendment. In view of this timeline, there is only 37 days between the close of candidate nominations and the actual election day, in which ballot papers need to be prepared and printed; the ballot packages collated for each elector; and lodgement of the ballot packages with Australia Post for subsequent delivery. For the 2019 local government elections, 1,532,308 electoral packages were lodged with Australia Post for 86 local government elections across the State.

As part of its preparations for any election, City officer's meet with representatives from the WAEC around the arrangements for an upcoming election, including ballot preparations and postal arrangements. Matters around the timeliness of ballot delivery is always a key matter discussed and is well acknowledged by the WAEC. However, due to the significant postal demands placed on Australia Post during September / October, as well as the need to balance other postal activities and workplace health and safety of Australia Post employees, has resulted in some ballot packages being delayed in delivery, especially across the Perth metropolitan area.

To raise awareness around voting, the City undertakes a comprehensive communication campaign encouraging electors to vote as soon as they receive the ballot packages. The City also has a representative from the WAEC located at the City's administration leading up to the election day, to issue replacement ballot packages, where they are lost, damaged or inadvertently mis-delivered. WAEC representatives are also available on election day to issue replacement packages as well.

Notwithstanding, the timeliness of ballot package delivery is a key concern for all local governments utilising the services of WAEC and the City has recently raised the matter with the Western Australian Local Government Association around this issue on behalf of the sector. It will again be a matter raised with the WAEC leading up to the 2021 local government election and beyond as the City recognises the importance of effective delivery of ballot packages to ensure electors have sufficient time to complete their votes and return their ballot package.

Officer's recommendation

That Council NOTES:

- 1 *local government election processes and timelines are determined by the Local Government Act 1995 and the Local Government (Elections) Regulations 1997;*
- 2 *arrangements for the biennial local government elections for the City are discussed with the Western Australian Electoral Commission prior to the City's local government elections;*
- 3 *the City's administration has liaised with the Western Australian Local Government Association in terms of advocating improvements to local government election arrangements across the sector to ensure better voter turnout and ballot package delivery outcomes by Australia Post.*

MOTION NO. 22

MOVED Mr Martin Dickie, SECONDED Mr Michael Dowling that the Electors of the City of Joondalup REQUEST that Council include verbal and written Recognition of Traditional Owners prior to each meeting of Council and all Committees, to be based on the Acknowledgement of Traditional Custodians on page five of this year's Annual Report.

Officer's comment

It is common practice across a number of City events to formally recognise the traditional owners of the land, and at some significant events such as those held during NAIDOC Week, welcome to country is performed by an Aboriginal elder. Recognition is also a component of many of the City's corporate documents.

Matters in relation to recognition of the traditional owners of the land prior to Council meetings and Committee meetings, rest with the Presiding Member of that particular meeting, as such matters fall outside of the City's *Meeting Procedures Local Law 2013*. Prior to Council meetings, it has been a long-standing tradition for the Mayor to recite a prayer however there is no legislative requirement to do so.

In view of the City's progress towards developing its Reconciliation Action Plan and to demonstrate its inclusiveness and importance the traditional owners have in Joondalup's history, it would be timely for the City, within its agenda material, to now include a statement of recognition and acknowledgement of the traditional custodians of the land (the Whadjuk people of the Noongar nation), including verbal recognition before meetings.

Officer's recommendation

That Council:

- 1 *NOTES recognition of the traditional owners of the land is undertaken at numerous events held by the City including welcome to country at significant events, as well as included in corporate documents;*
- 2 *SUPPORTS verbal and written recognition of the traditional owners of the land, (being the Whadjuk people of the Noongar nation), prior to each meeting of Council and its committees held by the City.*

MOTION NO. 23

MOVED Mrs Susan Boylan, SECONDED Ms Nannette Brammer that the Electors of the City of Joondalup REQUEST that Council immediately commence a comprehensive survey of all residents in Joondalup about the Ocean Reef development with the necessary details of the latest concept plan, including the housing development, the loss of bush forever and reef system, the effects to Mullaloo Beach and the ownership of the project now belonging to Development WA.

Officer's comment

Throughout the life of the Ocean Reef Marina Development project, comprehensive consultation with the community has been undertaken including residents of the City of Joondalup.

The community has had the opportunity to make submissions on the project on the following occasions:

2002	Community survey – City of Joondalup
2007	Community survey – City of Joondalup
2009	Community survey – City of Joondalup
2014	Public consultation PER referral (to determine the level of assessment) – Environmental Protection Authority
2014	Environmental Protection, Biodiversity and Conservation Act referral – Department of Agriculture, Water and the Environment
2016	Metropolitan Regional Amendment – Department of Planning, Lands and Heritage Public Environmental Review – Environmental Protection Authority Draft Preliminary Local Structure Plan – City of Joondalup Negotiated Planning Outcome for Bush Forever Site 325 – City of Joondalup
2019-2020	Clearing Permit Applications – Department of Water and Environmental Regulation
2020	Ocean Reef Marina Improvement Scheme – Department of Planning, Lands and Heritage

In addition to the above, the community has been kept informed of the project, including amendments to the concept plan, via the following:

- Community Forums and Open Days hosted by the City and Development – total of eight between 2013 and 2020.
- Statutory and discretionary press advertising.
- Articles in *The West Australia* and *Joondalup Times/Weekender*.
- Site signage.
- Direct mail outs to all City of Joondalup residents, ratepayers' associations, environmental groups and other stakeholders.
- Posters, brochures, fact sheets.
- City website.
- Community Engagement Network (City and DevelopmentWA).
- Community Reference Groups (City and DevelopmentWA).
- Social media.

It should be noted that extensive information regarding marine and terrestrial environmental impacts as well as the residential component of the development have been publicly available via the means listed above. This information includes, but is not limited to:

- details of the latest concept plan
- impacts on Bush Forever Site 325
- impacts on the marine environment, including the nearshore reef system
- impacts on coastal processes.

The current preferred concept plan aligns with the project vision endorsed by Council at its special meeting held on 5 May 2009 (Item JSC5-05/09 refers) which states, among other things the following:

“The City holds a vision for the Ocean Reef Marina site as a world class recreational, residential and tourism development that encapsulates high levels of environmental sustainability, community amenity and delivers economic growth and social benefit to the residents of the City of Joondalup.”

Further:

“The proposed facilities envisaged for the Ocean Reef Marina redevelopment provide the community with a state of the art iconic marina facility which caters for the needs of the community and provides a balance of residential, commercial and public amenities that will service the community and attract local and outside visitors into the future. The development design principles seek to ensure that the development does not become an exclusive residential enclave but rather an equitable community-based facility where visitor and resident alike, can enjoy a variety of first-class amenities and leisure activities.”

While the City remains a key stakeholder in the development, the State Government through DevelopmentWA are custodians and implementers of the project. Further the current preferred concept plan was developed and prepared by DevelopmentWA and any additional amendments to the plan, as well as detailed design, is DevelopmentWA's responsibility and not the City's.

However, the City is represented at every governance level of the project, including the Government Steering Committee (being the ultimate approver of the concept plan and detail design). The City is therefore able to contribute to discussions regarding potential amendments to overall design of the marina and ensure that the project remains aligned to the project vision and community expectations.

Given the above, it is considered any community survey undertaken by the City would unnecessarily consume significant resources and contribute little to the design outcome for the Ocean Reef Marina development, which is currently under construction.

Officer's recommendation

That Council NOTES:

- 1 *the current preferred Ocean Reef Marina Concept Plan, prepared by DevelopmentWA, aligns with the project vision endorsed by Council at its special meeting held on 5 May 2009 (JSC5-05/09 refers);*
- 2 *the level of community consultation undertaken in relation to the Ocean Reef Marina development and DOES NOT SUPPORT undertaking a comprehensive survey of all residents in Joondalup about the Ocean Reef Marina development.*

MOTION NO. 24

MOVED Mr Michael Moore, SECONDED Dr Tim Green that the Electors of the City of Joondalup REQUEST that the City requests the State to indemnify it against claims for damages due to adverse impacts of the urban heat island effect.

Officer's comment

The City acknowledges the concerns about the environmental impact of climate change, rapid urban growth and the increasing heat-island effect. The City has developed initiatives such as the Leafy City Program to mitigate against these impacts by providing increased leafy canopy cover on public land along residential streets through tree planting in order to create cooler, inviting green urban spaces.

While the City is able to implement initiatives on public land, to date there has been limited scope to compel the retention of existing vegetation or the planting of new vegetation on private land that would also assist in mitigating against these environmental impacts.

While there is still no ability to control the retention of vegetation on private land outside of a development proposal, there are several recent improvements that have been made (or are being progressed) to both the State planning framework and City of Joondalup local planning framework, within the scope of what each can control, in relation to the provision of trees as part of residential development are outlined below as follows:

- In May 2019 the Western Australian Planning Commission (WAPC) released *State Planning Policy 7.3 – Residential Design Codes (Volume 2) – Apartments* (R-Codes Volume 2) to set out a new suite of design controls for multiple dwellings (apartments) at densities of R40 and above. The R-Codes Volume 2 includes 'acceptable outcomes' that require retention of existing trees that meet certain size, species and health criteria; require the removal of suitable existing trees to be supported by an arboriculture report; incentivise the retention of existing trees; and includes a minimum requirement for the planting of new trees as part of development.
- From July 2021 an updated version of *State Planning Policy 7.3 – Residential Design Codes (Volume 1)* (R-Codes Volume 1) will be implemented. The updated R-Codes Volume 1 includes a minimum requirement for the planting of new trees as part of single house and grouped dwelling development (and multiple dwelling development at densities less than R40).
- From July 2021 the City's *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP) will be implemented. The HOALPP introduces development standards that incentivise the retention of existing trees; includes a minimum requirement for the planting of new trees as part of development in the Housing Opportunity Areas; and requires the verge in front of a development site to be provided with a street tree for every 10 metres of lot frontage.
- The WAPC is currently progressing a new part of the R-Codes for medium density (the draft Medium Density Code) which is intended to apply to densities ranging from R30 to R80. The draft Medium Density Code includes development standards that incentivise the retention of existing trees and includes a minimum requirement for the planting of new trees as part of development. The draft Medium Density Code is currently being advertised for public comment and the WAPC anticipates it will be implemented toward the end of 2021.

The above changes will require the provision of trees on private land as part of development above and beyond what is currently required and will therefore contribute toward mitigating against adverse impacts such as the urban heat island effect.

In addition to the above, it is unclear what basis there is for the City to approach the State Government to indemnify it against claims for damages due to adverse impacts of the urban heat island effect in the absence of context being provided in relation to the following:

- Under what circumstances a damages claim would arise.
- How the damages of any claim would be measured.
- How adverse impacts would be defined, measured and attributed to the urban heat island effect.
- What the basis for any damages claim would be made and against whom.
- Who would be entitled to make such a claim.
- Under what legislation such a claim would be made.

Officer's recommendation

That Council DOES NOT SUPPORT the request that the City requests the State to indemnify it against claims for damages due to adverse impacts of the urban heat island effect.

MOTION NO. 25

MOVED Ms Beth Hewitt, SECONDED Mr Daniel Kingston that the Electors of the City of Joondalup REQUEST that Council instructs the City to create a new Council Tree Protection Policy informed by City of Stirling's, the Towns of Vincent's and Victoria Park's, and is based on ensuring that:

- 1 that all trees over 10m in height be determined to be "significant" trees;**
- 2 all "significant" trees are given a financial value: the larger the tree the higher the value, the greater the penalty from its removal;**
- 3 that all trees in developments, parks and public space be retained and the City planners prioritise the retention of urban tree canopies in all development applications and its own parks and public spaces;**
- 4 the tree removal on public and private property be minimised where unavoidable;**
- 5 that any trees removed be replaced with native and preferably indigenous species trees that have the potential to grow to provide the same tree canopy as that which was removed;**
- 6 that trees planted by the City are cared for with watering and monitoring for at least 5 years to ensure they thrive, and if they fail to grow, or die, they must be replaced;**
- 7 that individual landholders may not remove significant trees from their property without applying for permission from the City and providing evidence of real need to remove the tree. Any tree removed must then be replaced. If not possible within the property, then within the streetscape or a nearby park at the expense of those applying to have the original tree cut down;**

- 8 that significant fines be applied to protect “significant” trees from being cut down without approval from the City;
- 9 that the city plans more destination parks, with dense tree cover and gardens, not just grass and lawns;
- 10 the City takes advantage of all opportunities provided through State and Federal Government initiatives to plant more trees.

The Policy is to be presented to the Council at the Ordinary Meeting of Council at May 2021 for their approval.

Officer’s comment

Trees on Public Property

The City has developed Tree Management Guidelines which guides the management of trees located in the public realm within the City of Joondalup. These guidelines cover the following:

- Planting street trees within the City of Joondalup.
- Tree maintenance.
- Tree removal.
- Significant trees within the City of Joondalup.
- Preferred tree species list.
- Residential Street Tree Species Guide.

The City recognises significant trees through a ‘Significant Tree Register’ (Register) which aims to protect significant trees on land owned or managed by the City of Joondalup and is an important component of the City’s philosophy of protecting natural heritage. Many individual and groups of trees are highly valued by the community, including remnants of the original vegetation of the area now left within an urban environment. These trees hold significant value for their visual/aesthetic, botanic/scientific, ecological and historical/commemorative/cultural and social aspects. The City values the shade, habitat and amenity provided by trees on land owned or managed by the City and commends practices which seek to preserve mature trees where possible.

This Register, along with its standardised assessment criteria, provides a consistent and analytical approach to maximise its value as a suitable reference document for all interested parties. The Register is a ‘living document’ and will be updated following registration of all new significant trees as per the approved registration process described. The Register is one of many ways the City is protecting its natural environment and must be viewed in the overall context of the suite of protection measures currently in place. A one size fits all approach as requested (“*all trees over 10 metres*”) is not considered practical nor does it take into consideration the size and form of the individual tree species.

All trees within City of Joondalup owned or managed land contribute to the environmental sustainability of the City. In recognition of this, any tree which requires premature removal on City owned or managed land through development is given a financial (amenity) value using the Helliwell method. If there is no other alternative but to remove the tree, the proponent is required to cover the cost of the removal, the cost of a replacement tree, as well as the amenity value of the removed tree.

It must be noted that the City does not remove trees from City parks unless they have died, been damaged in a storm and have become structurally unsound, are affected by insects or pathogens and there is no economical treatment to save the tree, or impacting on the development of the park. In the majority of circumstances when the tree is replaced it will be with a native. The times where this may not occur is near a playspace or other infrastructure where an exotic species would be preferred due to structural soundness and to provide a solar benefit through winter sun.

The City's preferred Tree Species List contains a mix of native and exotic species and has been developed to provide the City with a rich and diverse urban landscape in varying situations. The species list identifies suitable species for different planting locations such as residential verges, streetscapes and parks.

The City has a number of tree planting programs and when tree planting is undertaken the scope of works include the following:

Leafy City Program

- Trees are planted, staked, fertilised and provided initial watering.
- Two to three years maintenance program dependant on species which includes weekly watering, water bowl cleaning, formative pruning, and fertilising as required.
- Replacement of failed trees.
- Once established trees are pruned by the City as required.

Resident Request - Tree Planting Program

- Trees are planted, staked, fertilised and provided initial watering.
- Residents are provided with an information leaflet on how to care for their tree including providing the required amount of water per week.
- If the tree fails during establishment the resident may request a replacement tree.
- Once established trees are pruned by the City as required.

Park and Streetscapes - Tree Planting Program

- Trees are planted, staked, fertilised and provided initial watering.
- Two to three years maintenance program dependant on species which includes weekly watering, water bowl cleaning, formative pruning, and fertilising as required.
- Replacement of failed trees.
- Once established trees are pruned by the City as required.

Trees on Private Property

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

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

While the Town of Victoria Park, City of Vincent and City of Stirling have a range of provisions contained in town planning scheme and local planning policy provisions, most are geared toward incentivising rather than mandating tree retention and all are only applicable in the context of development and therefore face the same challenges and inability to control the retention of trees on private property outside of a development proposal.

It is also noted that recent improvements have been made to both the State Planning Framework and City of Joondalup Local Planning Framework, within the scope of what each can control, in relation to the provision of trees as part of residential development are outlined below as follows:

- In May 2019 the Western Australian Planning Commission (WAPC) released *State Planning Policy 7.3 – Residential Design Codes (Volume 2) – Apartments* (R-Codes Volume 2) to set out a new suite of design controls for multiple dwellings (apartments) at densities of R40 and above. The R-Codes Volume 2 includes ‘acceptable outcomes’ that require retention of existing trees that meet certain size, species and health criteria; require the removal of suitable existing trees to be supported by an arboriculture report; incentivise the retention of existing trees; and includes a minimum requirement for the planting of new trees as part of development.
- From July 2021 an updated version of *State Planning Policy 7.3 – Residential Design Codes (Volume 1)* (R-Codes Volume 1) will be implemented. The updated R-Codes Volume 1 includes a minimum requirement for the planting of new trees as part of single house and grouped dwelling development (and multiple dwelling development at densities less than R40).
- From July 2021 the City’s *Development in Housing Opportunity Areas Local Planning Policy* (HOALPP) will be implemented. The HOALPP introduces development standards that incentivise the retention of existing trees; includes a minimum requirement for the planting of new trees as part of development in the Housing Opportunity Areas; and requires the verge in front of a development site to be provided with a street tree for every 10 metres of lot frontage.
- The WAPC is currently progressing a new part of the R-Codes for medium density (the draft Medium Density Code) which is intended to apply to densities ranging from R30 to R80. The draft Medium Density Code includes development standards that incentivise the retention of existing trees and includes a minimum requirement for the planting of new trees as part of development. The draft Medium Density Code was recently advertised for public comment and the WAPC anticipates it will be implemented toward the end of 2021.

In view of the above there is considered to be an already established suite of standards in applicable State and local planning policy applicable to residential development in the City of Joondalup that gives consideration of existing trees on private property and the requirement for additional trees to be planted such that a separate policy is not required.

Officer’s recommendation

That Council:

- 1 *NOTES the City already maintains a Significant Tree Register for trees located on land owned or managed by the City;*
- 2 *NOTES any member of the public can nominate a tree or group of trees located on land owned or managed by the City for consideration by the City for inclusion in the Significant Tree Register;*

- 3 *NOTES the standardised assessment criteria for inclusion in the City's Significant Tree Register includes the following:*
 - 3.1 *Outstanding visual/aesthetic significance;*
 - 3.2 *Botanic/scientific significance;*
 - 3.3 *Significant ecological value;*
 - 3.4 *Historical, commemorative, cultural and social significance;*
- 4 *NOTES the City calculates a financial value for City owned trees utilising the Helliwell Method;*
- 5 *NOTES when the unauthorised removal of trees on public land occurs or where trees on public land require removal due to a development, a financial charge based on the Helliwell Method and replacement cost is imposed;*
- 6 *NOTES the City has a preferred tree species list for specific locations in the public realm which includes native and non-native species;*
- 7 *NOTES the City has an appropriate establishment, monitoring and maintenance program for trees planted under the various tree planting programs;*
- 8 *DOES NOT create a new Council Tree Protection Policy;*
- 9 *NOTES the existing and forthcoming requirements in relation to the retention of existing trees and planting of new trees set out in State Planning Policy 7.3 – Residential Design Codes and the City's Development in Housing Opportunity Areas Local Planning Policy.*

MOTION NO. 26

MOVED Mr Andy Murphy, SECONDED Mrs Ziggi Murphy that the Electors of the City of Joondalup REQUEST that elected members have advertised ward surgery times monthly during their term (not just pre-election) to be available for community members to air concerns and to be updated on important ward / City issues. These ward surgeries could be held in community club rooms or centres and alternate between suburbs of each ward and advertised in local papers and resident association publications.

Officer's comment

The *Elected Members' Communications Policy* provides that each financial year, up to three external meetings per Ward will be available for the relevant Ward Councillors and the Mayor to meet with the community in that Ward. To improve effectiveness and reach over printed media, such meetings are promoted on the City's relevant social media platforms and on the City's website as and when the details are confirmed. The policy also states that no external ward meetings will be arranged within three months of a local government election day, thereby removing the perception that such meetings could be used for election purposes.

Since the 2019 local government elections, external meetings with the community have been held on the following dates and in the respective wards:

Date	Location	Ward
10 April 2021	Coolibah Plaza Shopping Centre, Greenwood	South-East Ward
27 March 2021	Padbury Shopping Centre, Padbury	South-West Ward
20 March 2021	Marmion Village Shopping Centre, Marmion	South Ward
26 September 2020	Candlewood Village Shopping Centre, Joondalup	North Ward
12 September 2020	Mullaloo Shopping Centre, Mullaloo	North-Central Ward
1 August 2020	Belridge Shopping Centre, Beldon	Central Ward
25 July 2020	Hillarys Shopping Centre, Hillarys	South-West Ward
18 July 2020	Kingsley Shopping Centre, Kingsley	South-East Ward
22 February 2020	Poynter Farmer's Markets, Duncraig	South Ward

In alignment with the *Elected Members' Communications Policy*, community meetings have traditionally been held at shopping centres where there is a greater opportunity for a larger proportion of the community to meet with elected members. One of the difficulties in holding such meetings in community facilities (such as halls and community centres) is that many of the facilities are already booked and being utilised by various community groups and clubs. Meetings in such facilities also may not generate the level of community interaction desired as members of the community would need to make a conscious decision to attend the facility. Furthermore, the scheduling of such community meetings will also be cognisant of the availability of elected members in a particular ward, in view of their public and private time commitments. Therefore, advertising monthly meeting times in advance may not allow flexibility for elected members or indeed be possible.

It should also be noted that community meetings are not the only avenue for residents and ratepayers to liaise with elected members. Contact can be made with an Elected Member directly as their contact details are available on the City's website and the level of engagement by an elected member rest with them individually. Residents and ratepayers also have mechanisms to raise issues through either public statement time and public question time at Briefing Sessions and Council meetings; an ability to submit petitions on matters of concern to them; or by contacting the City's administration directly.

In view of the above it is considered that adequate arrangements are in place at the City to promote Elected Member availability and interaction, however, should Council consider that more frequent ward meetings be conducted, an amendment to the policy will be required. With regard to details of any confirmed community meetings being sent to respective resident and ratepayer associations for their information, it is considered that this can be supported.

Officer's recommendation

That Council:

- 1 *NOTES* elected member ward meetings are held and coordinated in line with the City's Elected Members' Communications Policy, and the number held considered adequate at this time;
- 2 *SUPPORTS* elected member ward meeting information being provided to relevant resident and ratepayer associations once meeting details are known and confirmed.

MOTION NO. 27

MOVED Mrs Ziggi Murphy, **SECONDED** Mr Andy Murphy that the Electors of the City of Joondalup **REQUEST** that Council in order to offset rate rises and minimise the city spread, all prime commercial areas be given specific commercial or business designation and as such require mandatory commercial rates without regard for the type of business or organisation using that area.

Officer's comment

Section 6.33(1) of the *Local Government Act 1995* (Act) permits a local government to impose differential rates based on a number of different characteristics of the land being rated. Section 6.33(1)(a) of the Act permits imposition of differential rates based on:

- 1 (a) *"the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005;"*

The City therefore classifies rateable land as residential, commercial or industrial in accordance with s6.33(1)(a) for rating purposes and differential rates are levied accordingly.

Section 6.26 of the Act, however, excludes certain land from being rateable based on specific criteria including the following:

- The ownership of the land. For example, land owned by a local government within its own district and used for its purposes other than as a trading undertaking.
- The purpose for which land is held or used. For example, Crown land held or used for a public purpose, or land held or used exclusively by a religious body as a place of public worship.
- The purpose for which land is used. For example, land used exclusively as a non-government school, or land used exclusively for charitable purposes.
- Land declared by the Minister for Local Government, Sports and Cultural Industries to be exempt from rates.

Section 6.26 of the Act excludes land from being rateable irrespective of the underlying zoning. Effectively, although land might be rateable as residential or commercial in the usual manner, if it is demonstrated that it possesses characteristics that comply with the prescriptions of section 6.26, the Act requires such land to be exempt from rates. The City is required to comply with these provisions.

The City has made submissions to the ongoing review of the Act recommending that rates exemption provisions be thoroughly reviewed. The City's position is that all land should be rateable to some extent, even where exemptions or concessions may be applicable. The City's submission specifically highlighted the problems associated with land used exclusively for "charitable purposes" due to the ambiguity in the current law about what constitutes such a purpose, especially as "charitable purpose" is not defined in the Act or related legislation and has resulted in differing interpretations.

The City is also currently undertaking a review to confirm eligibility of rates exempt properties used for charitable or religious purposes, in accordance with the report presented to Council at its meeting held on 8 December 2020 (CJ193-12/20 refers).

Officer's recommendation

That Council:

- 1 *DOES NOT "differentially rate commercial land irrespective of its underlying use" as this would contravene the provisions of section 6.26 of the Local Government Act 1995 requiring land meeting certain characteristics, including use of the land, to be non-rateable land;*
- 2 *REAFFIRMS its position that all land should be subject to rates and that exemptions due to charitable use be based on a definition of "charitable purpose" included in the Local Government Act 1995.*

MOTION NO. 28

MOVED Ms Fay Gilbert, SECONDED Ms Beth Hewitt that the Electors of the City of Joondalup REQUEST that Council instructs the City when assessing development applications which do not meet the deemed to comply pathway and require a judgement or discretion against a design principles that schedule 2, part 9 clause 67 (m) and (n) of the Planning Regulations be given greater weighting / priority in the assessment process being:

- 1 **clause (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;**
- 2 **clause (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.**

Officer's comment

Clause 67 (2) of schedule 2 of Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) sets out 28 items that a local government is required to have due regard to in considering a development (planning) application.

It is noted that clause 67 relates to all planning applications, not just residential applications that do not meet a deemed-to-comply pathway.

The Regulations also state that of the 28 matters, the local government is to have due regard to the extent to which each matter is relevant as not all matters are equally relevant (and in some instances not relevant at all) in each application. For example, clause 67(2)(k) relates to the built heritage of a place, however, is not likely to have any relevance for a planning application that does not involve a site of recognised heritage significance.

It is also the case that in some instances some of the 28 matters overlap and one of the matters may be satisfied through more specific details required under a separate matter. For example, clause 67(2)(s)(i) requires due regard to be given to the adequacy of the proposed means of access to and egress from a site. In the case of child care premises, the City's *Child Care Premises Local Planning Policy*, which requires due regard to be given as per clause 67(2)(g), includes specific detail for access and egress to a site such as car park location and design, vehicle access and preferred parking layouts. Accordingly, if an application meets the specific requirements of the local planning policy in relation to access and egress, it is also considered to satisfy the requirements of clause 67(2)(s).

In relation to residential development, *State Planning Policy 7.3 – Residential Design Codes* (R-Codes), provides the primary basis for control in Western Australia.

Clause 67(2)(f) requires a local government to have due regard to 'any policy of the State' and therefore the requirements of the R-Codes – as the primary basis for control of residential development, is given a significant amount of weight in decision-making for residential applications.

The R-Codes currently consists of two volumes:

Volume 1 provides development standards for:

- Single houses.
- Grouped dwellings.
- Multiple dwellings on sites coded R35 and below.

Volume 2 provides development standards for:

- Multiple dwellings on sites coded R40 and above.
- The residential component of mixed-use development.

Each volume of the R-Codes is broken up into a series of design elements.

In the case of Volume 1, there are two equally valid pathways to approval:

- 1 A 'deemed-to-comply' pathway.
- 2 A 'design principle' pathway.

The 'deemed-to-comply' pathway consists of prescribed, measurable requirements for each design element. Where an application satisfies the deemed-to-comply requirements a decision-maker is obliged to approve the application.

The 'design principle' pathway is more subjective and performance-based, requiring the decision-maker to exercise discretion against a set of principles to determine whether the objectives of each design element have been met.

Exercising discretion should not be viewed as a concession or bending of the planning 'rules'. It is a process whereby professional judgement is used to determine whether a proposal meets a set of principles or objectives (versus a prescribed number or measurement).

Volume 2 does not have a deemed-to-comply pathway and therefore is an entirely performance-based document.

There are many design principles set out in the R-Codes Volume 1 that require regard to be given to the same matters for consideration under clause 67(2)(m)(n). For example, design principle P6 of design element 5.1.6 (building height) requires consideration of whether the building height creates an adverse impact on the amenity of adjoining properties or the streetscape. In addition, design principle P1.1 of design element 5.3.1 (outdoor living areas) requires consideration of whether an outdoor living area provides spaces which are capable of use in conjunction with a habitable room, whether they are open to winter sun and ventilation and whether that optimise use of the northern aspect of a site.

Accordingly, when a 'design principle' pathway is being sought, matters requiring consideration under clause 67(2)(m)(n) are considered to the extent applicable.

It is also questionable whether it is good governance and appropriate decision-making if Council were to direct a greater amount of weight or priority to be given to certain matters under clause 67(2) of the Regulations when greater weight or priority may not be warranted.

Further, it is also noted that item 1 of the motion is an incorrect reference to clause 67(2)(m) of the Regulations. Clause 67(2)(m)(i) of the Regulations requires consideration of the compatibility of a development with the desired future character of its setting, in addition to its relationship to development on adjoining land or land in the locality.

Officer's recommendation

That Council DOES NOT instruct the City to give additional weight to Clause 67(2)(m)(n) of schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 when assessing development applications which do not meet the deemed to comply pathway.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Decisions made at Electors' Meetings

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) at the first ordinary council meeting after that meeting; or*
 - (b) at a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Active democracy.

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

Policy Not applicable.

Risk management considerations

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

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

COMMENT

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

The motions carried at the Annual General Meeting of Electors held on 23 March 2021 are presented to Council in accordance with the requirements of the legislation.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the Minutes of the Annual General Meeting of Electors held on 23 March 2021 forming Attachment 1 to Report CJ063-05/21;**
- 2 in relation to Motion No. 1 carried at the Annual General Meeting of Electors:**
 - 2.1 NOTES the use of the State Planning Policy "*Liveable Neighbourhoods*" 400 metre walkable catchment radius to prioritise the provision of additional playspaces and the rationalisation of existing playspaces within the City of Joondalup;**
 - 2.2 SUPPORTS listing for consideration a new playspace at Nanika Park in the City's *Five Year Capital Works Program*;**

- 3 in relation to Motion No. 2 carried at the Annual General Meeting of Electors, NOTES:**
- 3.1 Main Roads WA is the regulatory authority responsible for speed zoning of roads;**
 - 3.2 Main Roads WA requires all requests for new or amended speed zones to meet the *Main Roads WA Speed Zoning Policy and Application Guidelines*;**
 - 3.3 the City will continue to monitor the City wide road network and where appropriate, or where significant changes in the road environment occur, will proactively engage with Main Roads WA to review the speed zoning;**
- 4 in relation to Motion No. 3 carried at the Annual General Meeting of Electors:**
- 4.1 NOTES the City currently uses the services of Uniqco which assesses the whole of life cost, including running and repair cost, carbon dioxide emission, air pollution, and vehicle safety rating to inform the City's decision on vehicle purchasing;**
 - 4.2 SUPPORTS the purchasing of vehicles, including electric and hybrid vehicles, where the vehicle is fit for purpose and has the lowest whole of life cost;**
- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors:**
- 5.1 DOES NOT SUPPORT changes to the City's *Local Government and Public Property Local Law 2014* to allow cash container deposit infrastructure being placed on local government property, due to concerns around illegal dumping, rubbish, vandalism and graffiti;**
 - 5.2 SUPPORTS community groups and friends' groups establishing a unique container collection scheme ID for their particular group, which can be used by members and friends when personally depositing eligible containers at certain collection points throughout the City of Joondalup;**
- 6 in relation to Motion No. 5 carried at the Annual General Meeting of Electors:**
- 6.1 NOTES a decision on the timing for a review of the City's strategic planning framework, including its approach to infill in the Housing Opportunity Areas, was recently made at the meeting dated 16 March 2021 (CJ023-03/21 refers) where Council resolved, in part, that it:**
 - 6.1.1 "AGREES that any further strategic review of the Housing Opportunity Areas, including the establishment of any Community Reference Group, will be undertaken in accordance with a review of the City's Local Planning Strategy, currently scheduled to commence in the 2022-23 financial year";**
 - 6.2 NOTES a review of the City's strategic planning framework will include a review of the Housing Opportunity Areas and is currently scheduled to commence in the 2022-23 financial year;**

- 6.3 **CONFIRMS** a review of the City's strategic planning framework, including the City's approach to infill in the Housing Opportunity Areas and elsewhere, will commence as currently scheduled in the 2022-23 financial year;
- 7 in relation to Motion No. 6 carried at the Annual General Meeting of Electors:
- 7.1 **NOTES** the importance of the City communicating with its ratepayers in plain English where possible to provide greater understanding in relation to planning and decisions made on planning matters;
- 7.2 **NOTES** reports prepared for development applications that require determination by Council or a Development Assessment Panel are currently publicly available and include discussion on how the applicable objectives and / or design principles are met where there is a need for the decision-maker to exercise discretion;
- 7.3 **NOTES** the current approach undertaken by the City in relation to advising interested parties of delegated decisions which includes the reasons for any discretion exercised;
- 7.4 **DOES NOT** prepare a database of all development applications including the considerations underpinning any decision to grant discretions;
- 8 in relation to Motion No. 7 carried at the Annual General Meeting of Electors:
- 8.1 **NOTES** the Major Land Transaction Business Plan is for the proposed disposal of a portion of Lot 1029 and Lot 1032, Ocean Reef only and it is not, nor does it intend to be, a business plan for the entire Ocean Reef Marina development;
- 8.2 **NOTES** the Major Land Transaction Business Plan for the proposed disposal of a portion of Lot 1029 and Lot 1032, will be considered by Council;
- 8.3 **DOES NOT SUPPORT** the engagement of an independent agency to evaluate the financial risk of the Major Land Transaction Business Plan for the proposed disposal of Lot 1029 and Lot 1032, Ocean Reef;
- 9 in relation to Motion No. 8 carried at the Annual General Meeting of Electors:
- 9.1 **NOTES** the *Local Government Act 1995* and the City's *Elected Members' Communications Policy* provides for information access requirements relevant for the performance of an elected member's role;
- 9.2 **NOTES** the Chief Executive Officer and the City's administration provide elected members with information that is relevant to the performance of the elected member's role under the *Local Government Act 1995* or other written laws;
- 9.3 **DOES NOT SUPPORT** the development of an Elected Member Access to Information Policy in view of parts 1 and 2 above, or the establishment of a Governance Committee to consider information access matters of elected members;

- 10 in relation to Motion No. 9 carried at the Annual General Meeting of Electors, NOTES:**
- 10.1 the electors' requests with respect to the future of the Edgewater Quarry site;**
 - 10.2 its decision of 16 March 2021 (CJ040-03/21 refers) that a report will be presented on the results of the contamination investigation and its impact on the future of the Edgewater Quarry;**
- 11 in relation to Motion No. 10 carried at the Annual General Meeting of Electors:**
- 11.1 NOTES the extensive trials currently being undertaken in Joondalup south using hot water technology and Joondalup north using stream technology;**
 - 11.2 CONSIDERS these trials to be of an adequate size and duration to inform the City's integrated weed management approach;**
- 12 in relation to Motion No. 11 carried at the Annual General Meeting of Electors, REAFFIRMS its decision of 19 February 2019 (CJ088-02/19 refers) and that the current publication timeframes of Briefing Sessions agendas is sufficient to support:**
- 12.1 the decision-making responsibilities of Council;**
 - 12.2 the legislative provisions in place in regard to distribution and publishing of agenda material;**
 - 12.3 the internal agenda setting processes used at the City;**
- 13 in relation to Motion No. 12 carried at the Annual General Meeting of Electors, NOTES:**
- 13.1 the requirements and time limitations under the *Local Government Act 1995* in addressing motions passed at electors' meetings and the City's current processes in place;**
 - 13.2 how it deals with electors' motions carried at annual general meetings of electors rests with Council, in view of the provisions within the *Local Government Act 1995* and the procedures set out in the City's *Meeting Procedures Local Law 2013*;**
- 14 in relation to Motion No. 13 carried at the Annual General Meeting of Electors:**
- 14.1 DOES NOT instruct the City to immediately repeat the 2009 Housing Intentions Survey across all ratepayers;**
 - 14.2 NOTES the 2009 Housing Intentions Survey was undertaken as a precursor to the development of the City's *Local Housing Strategy*;**
 - 14.3 NOTES a review of the City's *Local Housing Strategy* will be undertaken as part of a review of the City's *Local Planning Strategy*;**

- 14.4 **NOTES** a decision on the timing for a review of the City's strategic planning framework was recently made at the meeting dated 16 March 2021 (CJ023-03/21 refers) where Council resolved, in part, that it:
- 14.4.1 **"AGREES** that any further strategic review of the Housing Opportunity Areas, including the establishment of any Community Reference Group, will be undertaken in accordance with a review of the City's Local Planning Strategy, currently scheduled to commence in the 2022-23 financial year.";
- 14.5 **CONFIRMS** a review of the City's strategic planning framework will commence as currently scheduled in the 2022-23 financial year;
- 14.6 **NOTES** a Community Engagement Plan will be developed to guide consultation activities as part of the review of the City's *Local Planning Strategy* and may request community views in relation to car use and parking, use of backyard, trees and landscaping;
- 15 in relation to Motion No. 14 carried at the Annual General Meeting of Electors, **NOTES** there is no legislative provision under the *Local Government Act 1995* to restrict the length of terms for elected members and is therefore beyond the power of local governments to do so;
- 16 in relation to Motion No. 15 carried at the Annual General Meeting of Electors:
- 16.1 **REAFFIRMS** the City's *Community Consultation Policy* and *Notification of Public Works Policy* as being satisfactory in meeting the City's engagement responsibilities;
- 16.2 **NOTES** the results and verbatim comments of community consultation activities are provided to Council and published on the City's website;
- 16.3 **NOTES** the City's practice of publishing its *Five-year Capital Works Program* and its online Capital Works Dashboard as a resource for the community on the City's website;
- 16.4 **NOTES** the content of City of Joondalup Council minutes includes how elected members vote on particular matters, and minutes are available on the City's website for public inspection and information;
- 17 in relation to Motion No. 16 carried at the Annual General Meeting of Electors:
- 17.1 **NOTES** with the potential reactivation of the Percy Doyle Master Plan, it would be in the best interests for the progression of the project to not impede any land within the overall site;
- 17.2 **DOES NOT SUPPORT** the City maintaining the Crown Land comprising the entirety of the existing Percy Doyle Reserve (approx. 22.83 ha) and the northwest corner Lot 14077 for the ratepayers for civic and community use only, including public open space, sporting and recreation use, community buildings to be owned and managed by the City, the public library and bushland in perpetuity on behalf of the ratepayers of the City of Joondalup;

- 18 in relation to Motion No. 17 carried at the Annual General Meeting of Electors, NOTES:**
- 18.1 the City's Property Management Framework, which guides the management, use and tenure arrangements of the City's property portfolio, is based on a number of principles to reach mutually beneficial outcomes for the community, the City and potential property operators;**
 - 18.2 that the Property Management Framework, is currently under review in accordance with the City's Corporate Business Plan 2020-21-2025-26, and any future decision regarding the exclusion of specific groups leasing City property, will need to be considered by Council as part of that review;**
- 19 in relation to Motion No. 18 carried at the Annual General Meeting of Electors:**
- 19.1 NOTES public access ways form an integral part of the City's overall transport network and specifically caters for non-motorised modes of transport such as pedestrians and cyclists;**
 - 19.2 NOTES vegetation planted within a public access way can have a detrimental impact on the overall perception of safety as well as unimpeded access for users of the public access way;**
 - 19.3 DOES NOT SUPPORT the planting of vegetation including native shrubs within public access ways;**
 - 19.4 NOTES the City only undertakes chemical weed control where there is a presence of weeds;**
 - 19.5 DOES NOT SUPPORT the inclusion of public access ways in the "no spray verge" list;**
- 20 in relation to Motion No. 19 carried at the Annual General Meeting of Electors:**
- 20.1 NOTES the City has developed and implemented a "no spray verge" list allowing residents, property owners and schools to register the verge(s) adjacent to their property as being exempt from chemical weed control subject to it being maintained weed free;**
 - 20.2 NOTES the City has developed and implemented an enhanced pesticide use notification system to inform registered residents of scheduled spraying activities to assist residents in planning their activities accordingly;**
 - 20.3 DOES NOT SUPPORT the request for a 'no spray buffer zone' of 100 metres from residential properties;**
- 21 in relation to Motion No. 20 carried at the Annual General Meeting of Electors, NOTES:**
- 21.1 the City will continue to undertake weed control trials both chemical and non-chemical as new products and technologies become available in alignment with Council's decision of 21 July 2020 (CJ096-07/20 refers);**

- 21.2 information gained through the weed control trials in Part 21.1 above will inform any future changes to the City's integrated weed management approach;
- 21.3 the City's integrated weed management approach includes the use of both physical and chemical weed control methods;
- 21.4 the City currently schedules its weed management activities to occur at the most optimum time to control as much weed presence as possible before seeds set;
- 22 in relation to Motion No. 21 carried at the Annual General Meeting of Electors, NOTES:
- 22.1 local government election processes and timelines are determined by the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997*;
- 22.2 arrangements for the biennial local government elections for the City are discussed with the Western Australian Electoral Commission prior to the City's local government elections;
- 22.3 the City's administration has liaised with the Western Australian Local Government Association in terms of advocating improvements to local government election arrangements across the sector to ensure better voter turnout and ballot package delivery outcomes by Australia Post;
- 23 in relation to Motion No. 22 carried at the Annual General Meeting of Electors:
- 23.1 NOTES recognition of the traditional owners of the land is undertaken at numerous events held by the City including welcome to country at significant events, as well as included in corporate documents;
- 23.2 SUPPORTS verbal and written recognition of the traditional owners of the land, (being the Whadjuk people of the Noongar nation), prior to each meeting of Council and its committees held by the City;
- 24 in relation to Motion No. 23 carried at the Annual General Meeting of Electors, NOTES:
- 24.1 the current preferred Ocean Reef Marina Concept Plan, prepared by DevelopmentWA, aligns with the project vision endorsed by Council at its special meeting held on 5 May 2009 (JSC5-05/09 refers);
- 24.2 the level of community consultation undertaken in relation to the Ocean Reef Marina development and DOES NOT SUPPORT undertaking a comprehensive survey of all residents in Joondalup about the Ocean Reef Marina development;
- 25 in relation to Motion No. 24 carried at the Annual General Meeting of Electors, DOES NOT SUPPORT the request that the City requests the State to indemnify it against claims for damages due to adverse impacts of the urban heat island effect;

- 26 in relation to Motion No. 25 carried at the Annual General Meeting of Electors:**
- 26.1 NOTES the City already maintains a Significant Tree Register for trees located on land owned or managed by the City;**
 - 26.2 NOTES any member of the public can nominate a tree or group of trees located on land owned or managed by the City for consideration by the City for inclusion in the Significant Tree Register;**
 - 26.3 NOTES the standardised assessment criteria for inclusion in the City's Significant Tree Register includes the following:**
 - 26.3.1 Outstanding visual/aesthetic significance;**
 - 26.3.2 Botanic/scientific significance;**
 - 26.3.3 Significant ecological value;**
 - 26.3.4 Historical, commemorative, cultural and social significance;**
 - 26.4 NOTES the City calculates a financial value for City owned trees utilising the *Helliwell Method*;**
 - 26.5 NOTES when the unauthorised removal of trees on public land occurs or where trees on public land require removal due to a development, a financial charge based on the Helliwell Method and replacement cost is imposed;**
 - 26.6 NOTES the City has a preferred tree species list for specific locations in the public realm which includes native and non-native species;**
 - 26.7 NOTES the City has an appropriate establishment, monitoring and maintenance program for trees planted under the various tree planting programs;**
 - 26.8 DOES NOT create a new Council Tree Protection Policy;**
 - 26.9 NOTES the existing and forthcoming requirements in relation to the retention of existing trees and planting of new trees set out in *State Planning Policy 7.3 – Residential Design Codes* and the City's *Development in Housing Opportunity Areas Local Planning Policy*;**
- 27 in relation to Motion No. 26 carried at the Annual General Meeting of Electors:**
- 27.1 NOTES elected member ward meetings are held and coordinated in line with the City's *Elected Members' Communications Policy*, and the number held considered adequate at this time;**
 - 27.2 SUPPORTS elected member ward meeting information being provided to relevant resident and ratepayer associations once meeting details are known and confirmed;**

- 28** in relation to Motion No. 27 carried at the Annual General Meeting of Electors:
- 28.1** DOES NOT “differentially rate commercial land irrespective of its underlying use” as this would contravene the provisions of section 6.26 of the *Local Government Act 1995* requiring land meeting certain characteristics, including use of the land, to be non-rateable land;
 - 28.2** REAFFIRMS its position that all land should be subject to rates and that exemptions due to charitable use be based on a definition of “charitable purpose” included in the *Local Government Act 1995*;
- 29** in relation to Motion No. 28 carried at the Annual General Meeting of Electors, DOES NOT instruct the City to give additional weight to Clause 67(2)(m)(n) of schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* when assessing development applications which do not meet the deemed to comply pathway.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210511.pdf](#)

CJ064-05/21**LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2021**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of March 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) or the month of March 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of March 2021
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 March 2021.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2021, totalling \$20,460,115.78.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 2021 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 CJ064-05/21, totalling \$20,460,115.78.

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 March 2021. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ064-05/21.

The vouchers for the month are appended as Attachment 3 to Report CJ064-05/21.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 110990 - 111020 & 111022 - 111101 & EF091055 - EF0991307 & EF091311 - EF091334 & EF091341 - EF091697 Net of cancelled payments Vouchers 3005A - 3027A	\$15,467,251.32 \$4,976,330.86
	Bond Refund Cheques & EFT Payments 111021 & 111102 - 111104 & EF091050 - EF091054 & EFO91308 - EF091310 & EF091335 - EF091340 Net of cancelled payments.	\$16,533.60
Total		\$20,460,115.78

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 Revised Budget* as adopted by Council at its meeting held on 16 March 2021 (CJ020-02/21 refers), or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for March 2021 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 CJ064-05/21, totalling \$20,460,115.78.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210511.pdf](#)

CJ065-05/21**FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2021**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	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 March 2021.

EXECUTIVE SUMMARY

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. Council subsequently revised the budget at its meeting held on 16 February 2021 (CJ020-02/21 refers). The figures in Report CJ065-05/21 are compared to the revised budget.

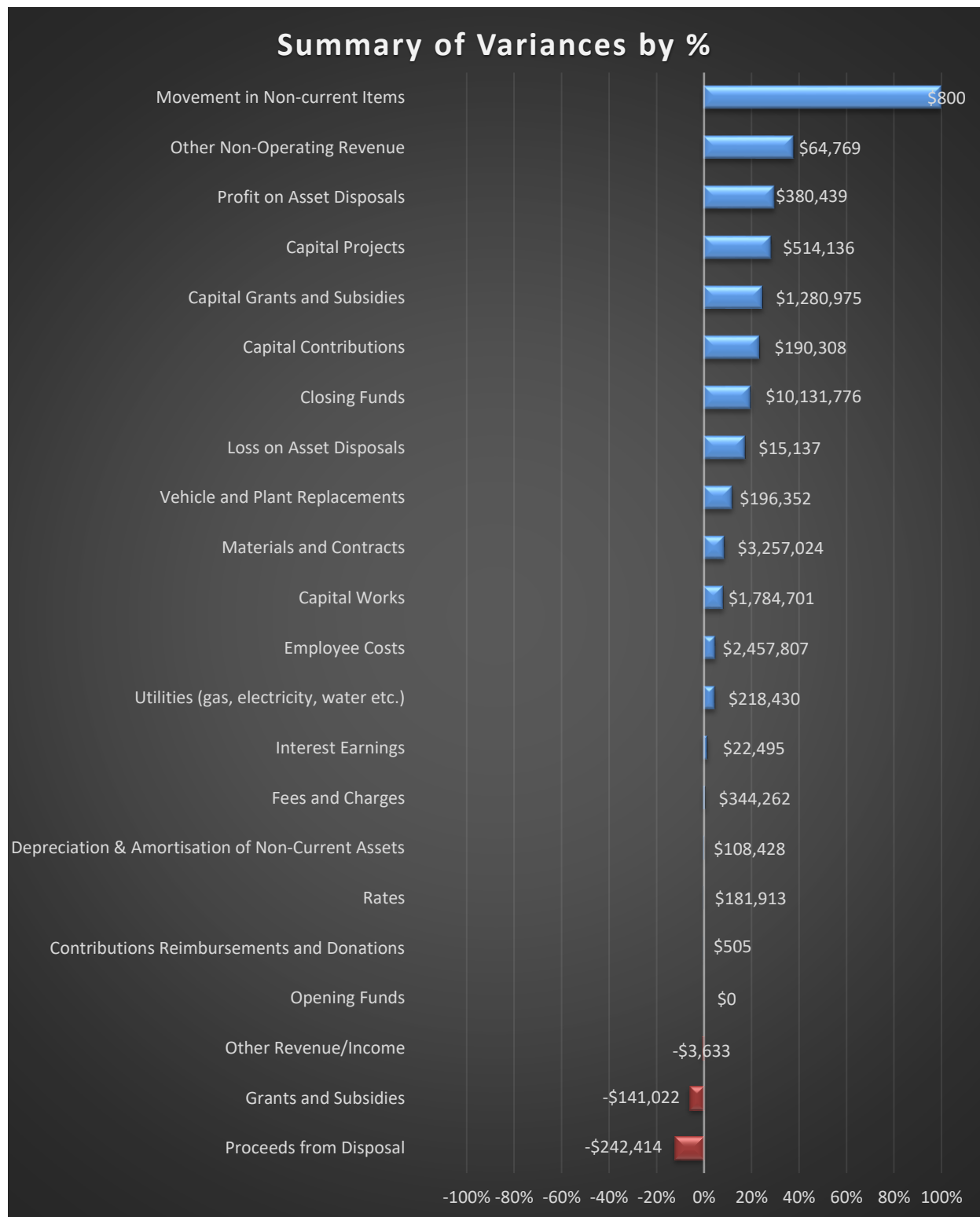
The March 2021 Financial Activity Statement Report shows an overall favourable variance of \$10,131,776 from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 March 2021 and results from a number of factors identified in the report.

There are a number of factors influencing the favourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in March. The notes in Attachment 3 to Report CJ065-05/21 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The COVID-19 pandemic impacted the City with the closure of leisure and library facilities in late March 2020 and February 2021. 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.

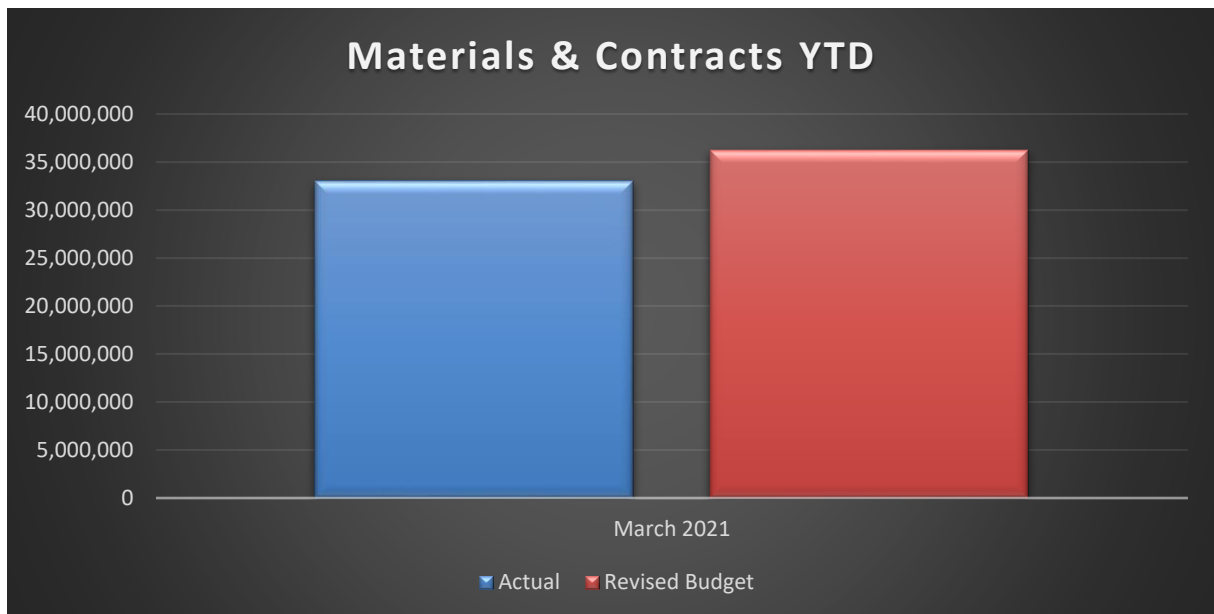
The key elements of the variance are summarised below:



The significant variances for March were:

Materials and Contracts

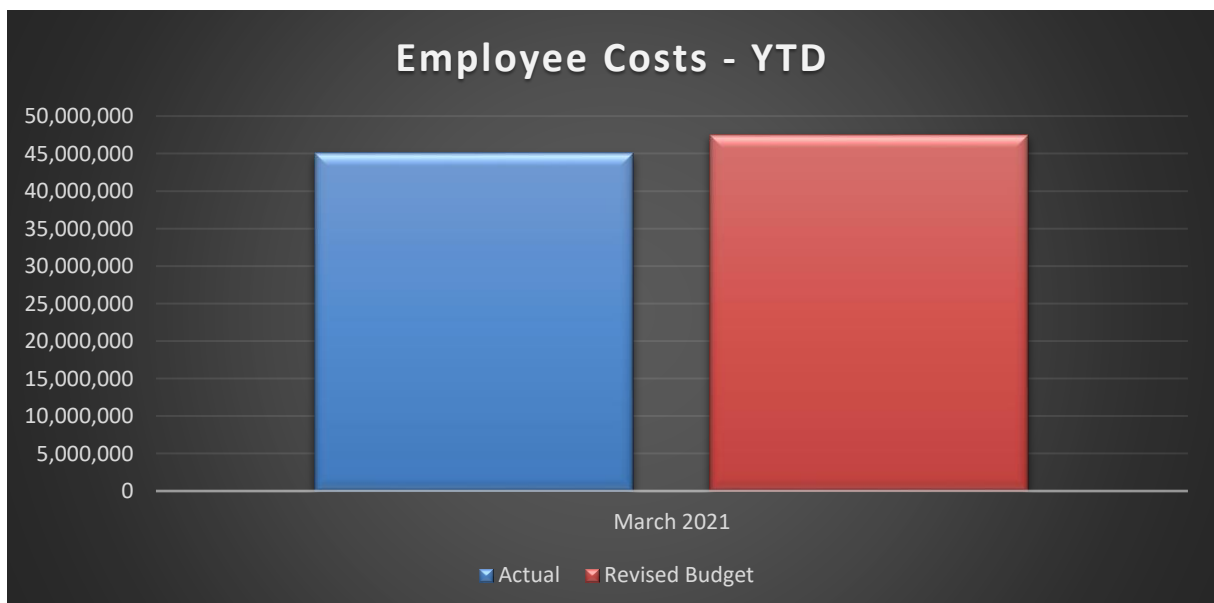
\$3,257,024



Materials and Contracts expenditure is \$3,257,024 below budget. This is spread across a number of different areas including External Service Expenses \$850,297, Other Materials \$365,119, Public Relations, Advertising & Promotions \$336,162, Professional Fees & Costs \$297,217, Furniture, Equipment and Artworks \$296,007 and Travel, Vehicles & Plant \$253,184.

Employee Costs

\$2,457,807



Employee Costs Expenditure is \$2,457,807 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2021 forming Attachment 1 to Report CJ065-05/21.

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 March 2021 is appended as Attachment 1 to Report CJ065-05/21.

Legislation / Strategic Community Plan / policy implications

Legislation

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

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

Strategic Community Plan

Key theme

Financial Sustainability.

Objective

Effective management.

Strategic initiative

Not applicable.

Policy

Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in Report CJ065-05/21 are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

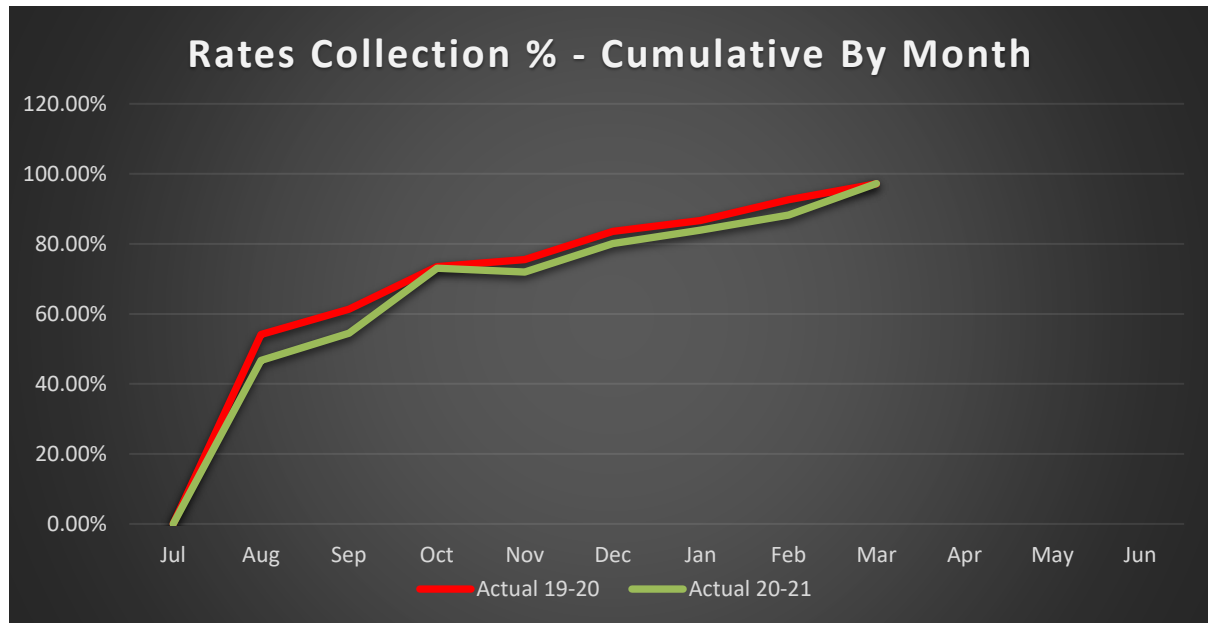
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

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

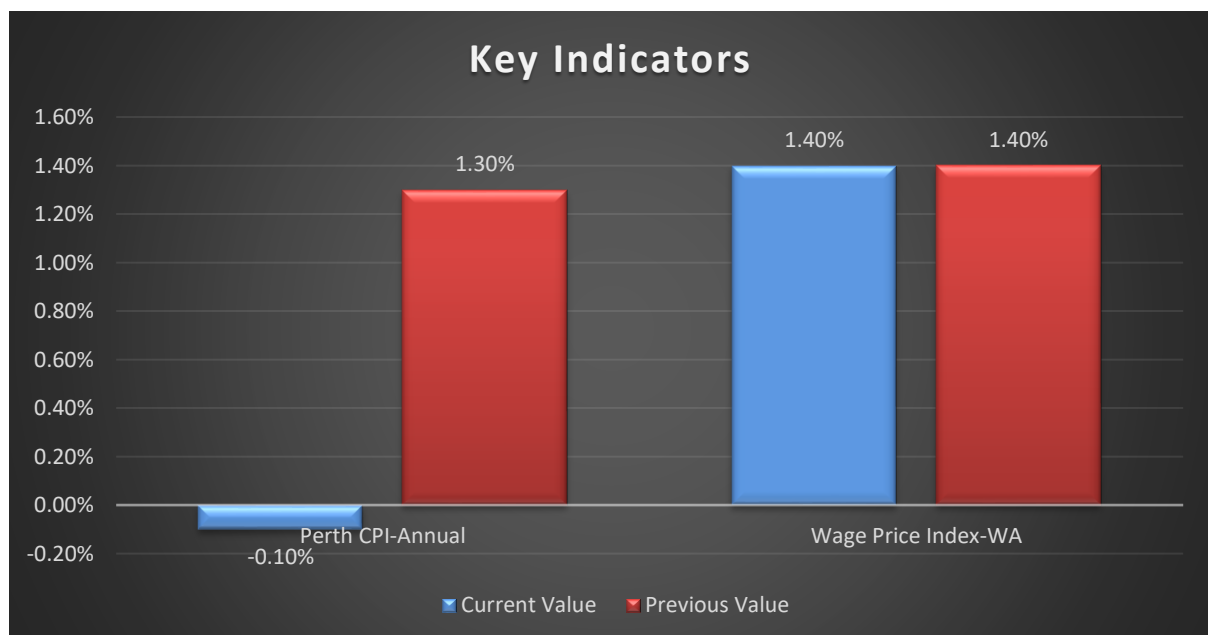
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is on par with prior year at the end of March.

Economic Indicators



Inflation data from December reflects the electricity credit introduced by Western Australian government recently.

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 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 revised budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 March 2021 forming Attachment 1 to Report CJ065-05/21.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210511.pdf](#)

Disclosure of interest affecting Impartiality

Name / Position	Cr John Chester.
Item No. / Subject	CJ066-05/21 - Duffy House - Site Concept Plan.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	The project is within the Yellagonga Regional Park and Cr Chester is on two committees involved in the management of the Regional Park.

CJ066-05/21**DUFFY HOUSE - SITE CONCEPT PLAN**

WARD	Central
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	81629; 101515
ATTACHMENT	Attachment 1 Draft Duffy House - Site Concept Plan
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 endorse the Duffy House Site Concept Plan for the purpose of community consultation.

EXECUTIVE SUMMARY

Since 2009, Duffy House, located on Lot 69 (108) Duffy Terrace, Woodvale has been identified by Council for its cultural significance to the broader Joondalup and Wanneroo area.

In 2015 the Western Australian Planning Commission (WAPC) acquired the property from the Duffy family and sought to identify a government stakeholder willing to provide a long-term solution for the site.

After a period of negotiation and advocacy, Council agreed in June and December 2018 to accept future management of the site and to undertake restoration works that were to be funded through a grant scheme awarded to the City by the WAPC (CJ112-06/18 and CJ233-12/18 refers).

Following Council's decision in late 2018 the City has completed preliminary restoration works, progressed a market demand analysis to ascertain the commercial viability of future opportunities at the site and, in discussion with key state government stakeholders, prepared a draft Site Concept Design.

The next stage of the project recommends undertaking community consultation to ascertain the level of community support for the various key features contained within the draft Site Concept Plan and potential activities that may be supported at the site.

It is therefore recommended that Council:

- 1 *ENDORSES the Duffy House Site Concept Plan forming Attachment 1 to Report CJ066-05/21 for the purpose of community consultation;*
- 2 *REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken for the Duffy House Site Concept Plan.*

BACKGROUND

Suburb/Location	Lot 69 (108) Duffy Terrace, Woodvale
Applicant	Not applicable.
Owner	Western Australian Planning Commission.
Zoning	DPS Parks and Recreation.
	MRS Parks and Recreation.
Site area	5.23ha.
Structure plan	Not applicable.

Duffy House is located on Lot 69 (108) Duffy Terrace, Woodvale. It is a single storey limestone cottage with brick quoining and a corrugated iron roof. Duffy House may be the oldest surviving building in the City of Joondalup and is associated with the prominent Duffy family, who were early Wanneroo settlers and long-time Wanneroo residents. It was constructed between 1911 and 1913, within the area now known as Yellagonga Regional Park, adjacent to Beenyup Swamp.

Due to the cultural significance of the building, Council resolved at its meeting held on 17 November 2009 (CJ240-11/09 refers), to include Duffy House within the City's *District Planning Scheme No. 2 – Heritage List*. Council also requested the Heritage Council of Western Australia (HCWA) to consider including Duffy House on the *State Register of Heritage Places*.

In January 2013 the City was notified of the outcome of the HCWA's assessment, indicating the property was likely to have some cultural heritage value, but did not meet the threshold for entry into the *State Register of Heritage Places*.

While occupied continuously for several decades, Duffy House has remained abandoned since approximately 2009. This resulted in significant deterioration of the building and the attraction of anti-social activities in and around the site.

In 2015, the WAPC acquired the property from the Duffy family given the land was reserved as 'Parks and Recreation' under the State Government's *Metropolitan Regional Scheme*. Acting on behalf of the WAPC, the DPLH approached other government stakeholders, including the City, to discuss a long-term solution for Duffy House. At the time, the WAPC was considering undertaking works to the building to prevent further deterioration and sought dollar-for-dollar funding from the City to complete the works. At that time the City declined the request, as the building was located on land owned by the WAPC.

With the building continuing to deteriorate, the WAPC submitted to the City in August 2017 a development application for the proposed demolition of Duffy House. The City responded to the request indicating that it did not support the proposal and at the meeting of Council held on 12 December 2017 (C95-12/17 refers), a Notice of Motion was raised, requesting the HCWA to urgently consider the inclusion of Duffy House on the *State Register of Heritage Places* to ensure the existing structure is protected from demolition and from falling into further disrepair.

On the 26 April 2018, the City was notified by the HCWA that the latest assessment of Duffy House found that it did not have sufficient cultural heritage significance to be included on the *State Register of Heritage Places*. As a result of the HCWA's advice, the DPLH presented an offer to the City that was considered by Council at its meeting held on 26 June 2018 (CJ112-06/18 refers). The Chief Executive Officer was subsequently requested to liaise with the DPLH and renegotiate the grant funding offered.

Further negotiations progressed and at its meeting held on 12 December 2018 (CJ233-12/18), Council resolved that it:

- "1 ACCEPTS the revised offer presented by the Western Australian Planning Commission for a funding contribution of \$300,000 (GST inclusive), under the Area Assistance Grants Scheme;*
- 2 REQUESTS the Chief Executive Officer to negotiate a future management arrangement for Duffy House with the Western Australian Planning Commission;*
- 3 AGREES to list the restoration of Duffy House at Lot 69 (108) Duffy Terrace, Woodvale as a grant funded project as part of the 2018-19 Mid-Year Budget Review Process for an amount of \$300,000 (GST inclusive);*
- 4 NOTES that the Western Australian Planning Commission has the capacity to provide the City with an interim tenure arrangement to enable the commencement of works at the site;*
- 5 NOTES that the City will commence with restoration works at Duffy House as soon as practicable;*
- 6 NOTES that a further report will be presented to Council in 2019 to consider potential options for activating the site over the long-term."*

DETAILS

Following Council's decision on 11 December 2018, the City has progressed the following actions:

- Completed an engineering assessment of existing structures on the site to confirm their structural integrity and inform restoration works.
- Finalised the grant funding agreement between the City and WAPC.
- Commenced discussions with the Department of Planning, Lands and Heritage (acting on behalf of the WAPC) and Department of Biodiversity, Conservation and Attractions (DBCA) regarding potential land management responsibilities between parties and a future land curtilage for the City of Joondalup.
- Undertaken a market demand analysis of commercial opportunities to inform the viability of potential commercial activities at the site.
- Completed "stage 1" restoration works including:
 - Installation of security fencing.
 - Partial demolition and remedial works to the Old Dairy.
 - Installation of power, water and future communication supplies.
 - Roof replacement, structural repairs, new window installation, flooring repairs and internal painting to Duffy House.
 - Construction of carpark, access road and surrounding bollards.
- Prepared a draft Site Concept Plan based on the outcomes of the market demand analysis and feedback from DPLH and DBCA.

Market Demand Analysis

In 2019, the City engaged external consultants, RPS Group, to undertake a *Market Demand Analysis of Commercial Opportunities* at Duffy House to ascertain which repurposing options were most practical and commercially viable, given the unique and isolated location of the site.

The analysis evaluated market demand based on a series of categories that took into consideration similar uses to assess potential influences over the site, namely:

- environmental Uses: (gardens, nature walks, fauna watching, and so forth)
- cultural and Heritage Uses: (indigenous and European heritage walks and facilities, art galleries and studios, and so forth)
- community and Recreation Uses: (community gardens, events venue, sporting activities, and so forth)
- commercial and Tourism Uses: (commercial office, business incubators, meeting and events and café/restaurant, and so forth).

The analysis report indicated that Community/Recreation and Commercial/Tourism uses represented the most viable primary influences for the subject site and Duffy House, as they met a current need within the community and/or present a development option that would see Duffy House utilised to a varying degree.

Within these categories, activities such as café/restaurants and events were assessed as being notionally viable for the site, if the surrounding natural environment was revegetated/landscaped to attract an anchor tenant to the area.

A basic summary of conclusions drawn from the analysis report includes the following:

- Whilst Duffy House and the broader subject site contain attributes that could support its activation for the community, any commercial option is likely to require a significant capital investment by the City to ensure the site is attractive for potential investors.
- It is unlikely that Duffy House would be able to generate sufficient revenue to cover ongoing operational costs or to provide a financial return on investment by the City.
- The site has the potential to generate a positive economic, social and/or environmental return, however, the activation of the site and its utilisation will likely require ongoing financial support from the City.
- Critical to the success of activating Duffy House, is the restoration and utilisation of the wider subject site, making it an attractive destination for visitors to travel through the property to get to Duffy House.
- Due to its small built form and isolation, any commercial activation within Duffy House itself, is likely to generate only a small scale of benefits to the community. This will increase if activation of the wider site is supported.

This information was used to develop a draft Site Concept Plan that was provided to DPLH and DBCA for feedback, prior to its presentation to Council for endorsement.

Draft Site Concept Plan

The draft Site Concept Plan provides a basic spatial overview of the current property boundaries from which Duffy House and the broader site is encompassed. The plan is separated into various “zones” to illustrate where the concentration of activities and uses are likely to occur, with a general description of the physical development required to support potential activities. They include:

- modest building development to support a commercial operation (for example café / restaurant)
- further restoration of Duffy House to support community / commercial activities
- entry corridor and feature tree enhancements
- rehabilitation planting
- Noongar “six-season” garden
- pedestrian and cycle paths
- heritage interpretations (for example “Old Dairy” site)
- overflow parking and road widening
- “pop up” event space
- themed play space.

Based on the feedback received from key stakeholders to date, the following activity options have been identified for consideration through the proposed consultation process:

- Seasonal market events.
- Weddings.
- Alfresco dining.
- Cycling connections.
- Picnicking.
- Cultural activities and events.
- Edible garden linked to commercial activity.
- Linkages to future heritage trails across Yellagonga Regional Park.

Feedback on potential activities received from the community and stakeholders will help to inform the preparation of an Expression of Interest (EOI) process for a potential commercial operator at the site and the confirmation of works required to support specific activity types.

Issues and options considered

Council can either:

- endorse the recommended Site Concept Plan for the purpose of community consultation
or
- endorse an alternative concept for the purpose of community consultation.

If Council endorses a concept plan, the City will undertake community consultation to determine the level of community support for the project. The results of the community consultation will then be presented back to Council for a decision regarding the future progress and funding of the project.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Strong leadership.
Strategic initiative	Foster strategic alliances to deliver key transformational projects and initiatives in partnership with key stakeholders.
Policy	<i>Community Consultation Policy.</i>

Risk management considerations

Not applicable.

Financial / budget implications

To support the implementation of all of the key features listed within the draft Site Concept Plan, current cost estimates suggest the following funding requirements:

Item	Estimate
Detailed design	\$20,532
Preliminaries (including weed spraying for site preparation)	\$75,831
Earthworks	\$7,700
Additional building infrastructure (for example café kitchen, toilet, entry, and so forth)	\$250,000
Play space and associated infrastructure	\$74,942
Hardscape works (including fencing, road widening, paths, and so forth)	\$175,992
Softscape works (including tree corridor, six-season garden, and so forth)	\$214,272
Irrigation works	\$106,000
Contingency – 15%	\$138,790
TOTAL	\$1,064,060

The City has \$95,589 (excluding GST) remaining in unspent grant funds from the total \$272,728 (excluding GST) in funding it was awarded by the WAPC in 2019. There are no additional funds budgeted in the City's forward *Capital Works Program* towards the delivery of this project.

Consideration of future funding requirements will be provided upon the presentation of community consultation results back to Council, if supported for public release.

Current financial year impact

Account no.	BCW2634.
Budget Item	Duffy House Restoration.
Budget amount	\$ 95,588.
Amount spent to date	\$ Nil.
Proposed cost	\$ Nil.
Balance	\$ 95,588.

Future financial year impact

The City has not budgeted any capital expenditure beyond the existing grant funds to progress further works at the site. In discussions with representatives of the WAPC, it has been confirmed that no additional grant funding would be provided under the current *Area Assistance Grant Scheme* and the City would need to seek alternative funding mechanisms, including its own reserves, to further activate the site.

Taking into consideration the unspent grant funding of \$95,589, there would still be a shortfall of approximately \$968,471 (excluding GST) if the full Site Concept Plan were to be implemented. This would depend on the outcome of a community consultation process and potential further revisions to the plan. Consideration could also be given to negotiating potential capital contributions from a commercial operator and alternate grant funding opportunities.

Operating impacts will depend on a number of factors that are yet to be determined in detail, particularly in relation to the scale of the development and potential depreciation costs. Other factors will also consider off-sets associated with commercial income that is yet to be calculated. This would be assessed following the finalisation of a Site Concept Plan, post-consultation, to inform any future Council decisions.

Regional significance

Duffy House is located within a Regional Open Space area with a cultural heritage value that is aligned to the history of both the Cities of Joondalup and Wanneroo.

Sustainability implications

The draft Site Concept Plan was prepared through initial consultation with key land managers, being the DPLH and DBC, as the current owner and manager of the site.

The plan takes into consideration broad direction for the protection and enhancement of the conservation, recreation and landscape values of Yellagonga Regional Park, as provided in through the *Yellagonga Regional Park Management Plan*.

Potential activation opportunities have also been informed by consultant investigations into activities that are most likely to attract a commercial operator and support community demands for recreational, environmental and cultural and heritage outcomes in the area.

Consultation

Should Council seek to approve the draft Site Concept Plan as detailed in Attachment 1, a community consultation strategy will be developed in line with the City's *Community Consultation Policy*, for implementation in quarter one of the 2021-22 financial year.

COMMENT

Should Council support the draft Site Concept Plan and its release for community consultation, any feedback received on potential activities will help to inform the preparation of an Expression of Interest (EOI) process for a potential commercial operator at the site and the confirmation of works required to support specific activity types.

A timeline for the completion of "Stage Two" works that will support future activation options, will be determined following the finalisation of the Site Concept Plan, detailed design process, and funding confirmation by Council.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ENDORSES the Duffy House Site Concept Plan forming Attachment 1 to Report CJ066-05/21 for the purpose of community consultation;**
- 2 REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken for the Duffy House Site Concept Plan.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf210511.pdf](#)

REPORTS - POLICY COMMITTEE - 10 MAY 2021

CJ067-05/21

SPECIFIED AREA RATING POLICY - REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	101278, 101515
ATTACHMENT	Attachment 1 <i>Specified Area Rating Policy – Reviewed</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the review of the *Specified Area Rating Policy*.

EXECUTIVE SUMMARY

The *Specified Area Rating Policy* (the Policy) guides the circumstances under which a Specified Area Rate (SAR) may be established and the requirements for managing and expending funds collected under such arrangements.

The City currently has four SAR arrangements in place at Woodvale Waters, Iluka, Harbor Rise and Burns Beach that are negotiated through the following representative bodies:

- Woodvale Landowners Association (WWLA).
- Iluka Homeowners Association (IHA).
- Harbor Rise Association of Homeowners (HRAH).
- Burns Beach Residents' Association (BBRA).

A significant revision of the Policy was undertaken in 2015.

The current review does not propose significant changes to the existing Policy.

BACKGROUND

At its meeting held on 21 July 2009 (C63-07/09 refers), Council requested that "*a Specified Area Rates Policy being developed by the City – a policy that would guide other areas of the City that might wish to pay a Specified Area Rate for additional landscaping services*".

In response to this request, a draft policy was presented to the Policy Committee in February 2010 and was subsequently adopted by Council at its meeting held on 16 March 2010 (CJ039-03/10 refers). The Policy was based on the knowledge and experience attained in the management of existing SARs operating within the City of Joondalup, (namely Woodvale Waters, Iluka and Harbour Rise).

Since the Policy was established, the City established the Burns Beach SAR area in 2015. At the time the provisions of the Policy were tested and reviewed, and the Policy updated to reflect this review. This followed on from the results of a consultation process undertaken with ratepayer and residents' groups after a request from the Burns Beach Residents Association (BBRA) to establish a SAR at Burns Beach. No further SAR areas have been added since 2015.

All SARs are managed in accordance with the parameters established within the Policy.

DETAILS

The SAR policy considers three major issues:

- *The circumstances under which the City may consider applying a SAR (either by request of a developer of a new subdivision or a resident/ratepayer group representing the property owners of an established residential area).*
- *The management arrangements for a SAR once introduced (providing broad management parameters in relation to interactions with representative SAR bodies, the timing of agreement negotiations and the collection and expenditure of funds).*
- *The termination arrangements for a SAR (including the circumstances under which a SAR should no longer apply, the expectations for reverting or maintaining levels of service and the effective timing of termination).*

The following SAR areas are currently established within the City:

- Woodvale Waters
- Harbor Rise
- Iluka
- Burns Beach.

Burns Beach SAR was the last area established, shortly after the last review of the Policy in 2015. No new SAR areas have been established since then.

Significant changes were effected to the policy at the last review in 2015, following consultation with the Resident and Ratepayer Groups in the existing SAR areas.

Issues and options considered

The review of the Policy recommends only two changes to the current Policy, both of which serve to enhance the clarity of the Policy. These changes are highlighted in Attachment 1 of Report CJ067-05/21. The one change that may be considered relatively more significant is outlined below:

Paragraph 2.3 (b)(ii)

The existing clause reads as follows:

The representative property owners' group no longer represents all property owners affected by the Specified Area Rate.

It is proposed to amend this to the following:

The representative property owners' group no longer represents the majority of property owners affected by the Specified Area Rate.

This amendment has been considered to be appropriate in order to better articulate the intent of the Policy that the relevant representative group represents the majority of property owners in a SAR area, whether all property owners in the area subscribe to the group or not.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 6.37 of the *Local Government Act 1995*.

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 *Specified Area Rating Policy*.

Risk management considerations

There is a risk that property owners who do not agree with the representative ratepayers and residents group in a SAR area may consider that the Policy presently requires such a group to represent all or every property owner in the area and if it does not, that the SAR is thereby required to be terminated. This is not the intent of the Policy and the proposed amendment serves to better clarify this.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

No implications are expected to arise from the proposed revisions to the Policy.

Consultation

No consultation was considered necessary as this is a simple review of the existing Policy that was significantly amended in 2015 following feedback from the various ratepayer and resident groups in the SAR area.

COMMENT

The proposed amendments do not significantly change the Policy as it stands but serve to better explain the intent of the Policy.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ067-05/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 10 May 2021.

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

RECOMMENDATION

That Council ADOPTS the amended *Specified Area Rating Policy*, as detailed in Attachment 1 to Report CJ067-05/21.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9aqn210518.pdf](#)

CJ068-05/21**RATES HARDSHIP POLICY**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	101275, 101515
ATTACHMENT	Attachment 1 Draft <i>Rates Hardship Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Rates Hardship Policy*.

EXECUTIVE SUMMARY

At its meeting held on 16 March 2021 (CJ030-03/21 refers), Council considered a report on the development of a *Rates Hardship Policy*, and resolved that the Chief Executive Officer develop a *Rates Hardship Policy* for Council's consideration, including an associated process for ratepayers.

The *Rates Hardship Policy* has been developed with reference to similar policies at other local governments and the template policy published by the Western Australian Local Government Association (WALGA) to outline the City's approach to difficulties experienced by ratepayers in settling rates by the usual means.

BACKGROUND

At the outset of the COVID-19 pandemic in early 2020, there was widespread expectation that the lockdowns and restrictions that followed would lead to significant economic disruption and financial hardship in the community. At the time that Council approved the City's *2020-21 Annual Budget*, it was expected that rates collections would be lower than in prior years as a result of these economic impacts.

Although these anticipated disruptions have not eventuated and year-to-date rates collections in 2020-21 are only marginally below prior years, a *Rates Hardship Policy* clarifies the City's position on assistance offered to ratepayers suffering financial hardship.

DETAILS

The *Rates Hardship Policy* (the Policy) outlines the City's approach to ratepayers who are in financial hardship. The City recognises that ratepayers in financial hardship require consideration, compassion and fairness. For the purposes of the Policy, hardship comes into consideration if a ratepayer considers that they are unable to settle their outstanding rates in one of the following ways:

- In full by the due date.
- By way of one of the instalments options offered with the rates notice.

- By way of a weekly, fortnightly or monthly payment arrangement by 31 March of the rating year.

Where a ratepayer finds themselves in such a situation, the best course of action is to contact the City as soon possible. Once this happens, the City takes the following approach:

- Work with the ratepayer to review the ratepayer's financial position as advised.
- Offer payment arrangements that may extend payment timelines beyond 31 March of that rating year, including up to 30 June of the rating year.
- Where it may be necessary to offer payment arrangements that extend beyond 30 June, the City may offer the ratepayer a payment arrangement that includes an estimate of the following year's rates and charges and extends the payment period well into the following rating year, up to 31 March of the following rating year. Depending on specific circumstances, the City may extend this even further.
- In some situations, the City may offer a payment arrangement with significantly reduced initial payments to accommodate the ratepayer's current financial position, and then review the situation every two to three months with the ratepayer. Where the ratepayers' situation subsequently improves, the City then works with the ratepayer to review the payment arrangement amounts to enable settlement of the outstanding rates on a more timely basis, including consultation with a financial counsellor if required.
- Where none of the offered payment options are suitable for the ratepayer, or the ratepayer is experiencing severe hardship in their view, including where the ratepayer may have previously entered into payment arrangements with the City and repeatedly defaulted, the City will then request the ratepayer to visit an independent financial counselling service that is a member of the Financial Counsellors' Association of Western Australia (FCAWA). The City will provide the ratepayer with a list of such services to allow them to choose the one they consider most appropriate to their requirements.
- The financial counsellor will consider the ratepayer's financial position and thereafter provide an income and expenditure statement as well as a recommendation to the City as to what the ratepayer can afford.
- Following review and liaison with the financial counsellor, the City will then work with the ratepayer to structure a suitable payment arrangement that takes into account the financial constraints advised by the financial counsellor.

As individual ratepayer circumstances are unlikely to be exactly similar, the City's approach outlined in the *Rates Hardship Policy* lays out the principles under which the City engages ratepayers in straitened circumstances but allows the City to tailor arrangements to suit the ratepayer's particular circumstances.

Payment arrangements have associated administrative charges, and overdue amounts attract interest. In the *2020-21 Annual Budget*, the City set interest rates on overdue amounts at 3% per annum compared to the maximum of 11% permitted under the *Local Government (Financial Management) Regulations 1996*. Where individual circumstances may necessitate, the City may also write off administration charges and/or accrued interest.

Write-offs are processed in accordance with the City's Register of Delegation of Authority.

Issues and options considered

Scope

In reviewing similar policies at other comparable local governments, the following is observed:

Local Government	Scope of policy (Eligibility of ratepayers/properties)
City of Melville	Limited to resident ratepayers, on principal place of residence only.
City of Kalgoorlie-Boulder	Limited to resident ratepayers, on principal place of residence only.
City of Wanneroo	No limiting criteria mentioned in policy.
City of Swan	Limited to resident ratepayers, on principal place of residence only and specifically excluding corporations and trustees.
City of Canning	Limited to residential and small business ratepayers, no revenue from residential property, non-residential property must be principal place of business.
City of Kwinana	Applies to all ratepayers.
City of Stirling	Cannot locate a specific hardship policy.

The City's *Rates Hardship Policy* applies to individual ratepayers, whether owners or part-owners, regardless of the use of the property in question (residential, commercial or industrial).

Companies and other corporate entities, even smaller companies, generally tend to have access to mechanisms to manage cashflow in a more sophisticated manner than those available to natural persons. For this reason, it is recommended that consideration of rates hardship be restricted to ratepayers who are natural persons, but not limited to residential properties or principal place of residence. It is not unusual that ratepayers who do find themselves in financial hardship may have rates outstanding on more than one property, so it would make sense to allow any payment arrangements to encompass all rates due and not just those owing on the ratepayers' primary residence.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Financial Management) Regulations 1996.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Manage liabilities and assets through a planned, long-term approach.

Policy *Payment of Rates and Charges Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

No material financial implications are expected.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No specific consultation was undertaken in respect of the development of the draft *Rates Hardship Policy*. The following materials were referred to in the development of the Policy:

- WALGA Template – COVID-19 Financial Hardship policy.
- Hardship policies in place at other local governments.

COMMENT

Following Council's decision at its meeting held on 16 March 2021(CJ030-03/21 refers), a *Rates Hardship Policy* has been developed to set out the City's approach to issues of financial hardship experienced by eligible ratepayers.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ068-05/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 10 May 2021.

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

RECOMMENDATION

That Council ADOPTS the *Rates Hardship Policy*, as detailed in Attachment 1 to Report CJ068-05/21.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10agn210518.pdf](#)

CJ069-05/21**PAYMENT OF RATES AND CHARGES POLICY - REVIEW**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	101275, 101515
ATTACHMENT	Attachment 1 Draft <i>Payment of Rates and Charges Policy</i> (with changes highlighted)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the review of the *Payment of Rates and Charges Policy*.

EXECUTIVE SUMMARY

Council first approved a *Payment of Rates and Charges Policy* in June 1999 with the most recent review undertaken in 2012.

The current review has considered both general payment options and financial hardship provisions. Some minor amendments have been made, as reflected in Attachment 1 to Report CJ069-05/21, no substantial changes are proposed.

It is recommended that Council ADOPTS the amended Payment of Rates and Charges Policy, as detailed in Attachment 1 to Report CJ069-05/21.

BACKGROUND

The *Payment of Rates and Charges Policy* (the Policy) was first adopted by Council at its meeting held on 26 June 1999 (CJ213-06/99 refers) and is scheduled for its next review in the current year. The Policy has been reviewed in light of the observed impacts of the COVID-19 pandemic on the community.

DETAILS

The *Payment of Rates and Charges Policy* has been reviewed and amendments proposed as indicated in the attached draft document (Attachment 1 to Report CJ069-05/21). The amendments proposed are relatively minor in impact, with the following that may be highlighted:

- Part 2.1, the policy expands and clarifies the provisions the City may offer for payment of rates and charges.
- Part 2.2 is amended to refer financial hardship policy provisions to the new *Rates Hardship Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *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 *Payment of Rates and Charges Policy.*

Risk management considerations

The amendments proposed to the existing policy will have the effect of better clarifying the policy and its relationship to the new *Rates Hardship Policy*. If the amendments are not adopted, the City runs the risk of retaining the current policy without the necessary clarifications as well as duplicating financial hardship provisions contained within the *Rates Hardship Policy*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed amendments serve to better clarify the intent of the policy as a guide to Council setting payment options for rates and charges.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ069-05/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 10 May 2021.

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

RECOMMENDATION

That Council ADOPTS the amended *Payment of Rates and Charges Policy*, as detailed in Attachment 1 to Report CJ069-05/21.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11agn210518.pdf](#)

CJ070-05/21**JOONDALUP DESIGN REVIEW PANEL LOCAL PLANNING POLICY - OUTCOMES OF CONSULTATION**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBERS	103712, 101515
ATTACHMENTS	Attachment 1 Draft <i>Joondalup Design Review Panel Local Planning Policy</i> Attachment 2 Draft Terms of Reference Attachment 3 Expression of interest nomination form Attachment 4 Design Review comparison table Attachment 5 Summary of submissions table
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider:

- the draft *Joondalup Design Review Panel Local Planning Policy* following public advertising
- the revised Terms of Reference for the Joondalup Design Review Panel
- the proposed expression of interest process for the appointment of panel members to the Joondalup Design Review Panel.

EXECUTIVE SUMMARY

On 21 November 2017, Council requested preparation of an amendment to its *Local Planning Scheme* to give greater weight to comments made by the Joondalup Design Reference Panel (JDRP) as part of decision-making on planning applications (CJ177-11/17 refers).

It was also requested that the JDRP Terms of Reference be amended to require a greater number of multiple dwelling proposals to be presented to the JDRP. Council adopted the updated Terms of Reference at its meeting held on 17 April 2018 (CJ056-04/18 refers).

On 21 May 2019, Council resolved to initiate an amendment to its *Local Planning Scheme*, to give greater statutory weight to advice provided by the JDRP, by including it in clause 67 of the scheme as one of the matters to be given due regard in planning decision-making (CJ049-05/19 refers). This scheme amendment was approved by the Minister for Planning in early 2020, subject to the preparation of a local planning policy to outline details of the JDRP and the matters to be reviewed by the JDRP.

The draft *Joondalup Design Review Panel Local Planning Policy* (LPP) was subsequently prepared in line with the *Design Review Guide* released by the State Government in March 2019. The *Design Review Guide* sets out a best practice model for the establishment and operation of design review panels.

On 20 October 2020, Council resolved to advertise the draft LPP for a period of 21 days (CJ161-10/20 refers). Public advertising concluded on 11 December 2020, with seven submissions received, being one objection and six neutral responses providing comments. A summary of the submissions that were received and officer comment is provided as Attachment 5 to Report CJ070-05/21.

No modifications are proposed to be made to the draft LPP following consultation and it is recommended that Council proceeds with the draft LPP, without modification (Attachment 1 to Report CJ070-05/21).

The report presented to Council on 20 October 2020 also included draft revised Terms of Reference to support the draft LPP. As part of the same Council resolution to proceed to advertise the LPP, Council also requested that amendments be made to the draft Terms of Reference. These amendments have been incorporated in the updated Terms of Reference at Attachment 2 to Report CJ070-05/21.

While most of the proposed amendments seek to ensure the Terms of Reference align with provisions contained the *Design Review Guide*, other changes provide further clarification on panel members and their responsibilities, including the role of the Deputy Chairperson, conflicts of interest and participation at the State Administrative Tribunal (SAT). It is recommended that Council endorses the JDRP Terms of Reference as per Attachment 2 to Report CJ070-05/21.

At the Special Meeting of Council held on 4 November 2019 (JSC04-11/19 refers) the current members of the JDRP were appointed for a period of two years. Should Council resolve to approve the draft LPP and revised Terms of Reference, the City will proceed to seek expressions of interest for JDRP members for a two-year period. The members will commence upon their appointment by Council following the local government election in October 2021. It is recommended that Council supports the expression of interest process as outlined in Report CJ070-05/21 and endorses the nomination form included as Attachment 3 to Report CJ070-05/21.

The draft LPP sets out that planning proposals referred to the JDRP shall be at the applicant's cost as included in the City's *Schedule of Fees and Charges*. A pre-lodgement fee of \$545 is proposed having regard to the number of applications typically presented to the JDRP, panel member remuneration fees and administration expenses. To encourage referral of a proposal to the JDRP prior to formal lodgement, a higher post-lodgement fee of \$1,150 is proposed. It is recommended that the proposed fees for the referral of applications to the JDRP be included in the *2021-22 Schedule of Fees and Charges*.

BACKGROUND

Establishment of design review at the City of Joondalup

The City's Joondalup Design Advisory Panel was established by Council at its meeting held on 30 September 2008 (CJ213-09/08 refers), with the first panel members appointed by Council on 16 June 2009 (CJ142-06/09 refers).

The Terms of Reference for the Panel have been modified throughout the years to reflect changes in titles; the introduction of the State Government's Development Assessment Panel; and to capture larger infill developments associated with the Local Housing Strategy. Currently there is no application fee for a proposal to be presented to the JDRP.

Modification to panel name

In 2011 the State Government implemented the Development Assessment Panel system and established a number of 'Joint Development Assessment Panels'. To avoid confusion between the Joondalup Design Advisory Panel (JDAP) and the Joint Development Assessment Panels (also using the acronym 'JDAP'), the panel was renamed to the Joondalup Design Reference Panel (JDRP).

It is now intended to again rename the panel to ensure consistency with the terminology of the State Government's *Design Review Guide* and other local government panels, by modifying the name of the panel, that is replacing "Reference" with "Review".

It is considered that the change in name will ensure that decision-makers, such as JDAP members and elected members are aware that the Panel has been developed and operates in a manner consistent with the *Design Review Guide*.

Design review and the City's Housing Opportunity Areas

As part of its strategic approach to better manage the impact of infill development in Housing Opportunity Areas, Council at its meeting held on 21 November 2017 (CJ177-11/17 refers) resolved, in part, that it:

"...3 *REQUESTS the Terms of Reference of the Joondalup Design Reference Panel be amended to subject a greater number of multiple dwelling proposals to independent design review as part of the City's assessment of the proposals; ...*"

"...6 *REQUESTS the initiation of an amendment to District Planning Scheme No. 2 to include provisions which enable the City to better control the impact of multiple dwellings on existing residents and streetscapes, including the provisions of draft Amendment No. 73 that were previously deleted by the Western Australian Planning Commission that required a minimum site area of 2,000m² for multiple dwelling developments and that required all development at the higher density to comply with the City's Residential Development Local Planning Policy or equivalent, along with provisions which require regard be given to recommendations made by the Joondalup Design Reference Panel in the determination of planning proposals; ...*"

In response to these requests, the City commenced modifying the Terms of Reference, requiring that all multiple dwelling developments be referred to the JDRP for review.

The City also recommended that an independent design review be undertaken of grouped dwelling developments with five or more dwellings. On 17 April 2018, the Terms of Reference was amended by Council in line with the officer's recommendation (CJ056-04/18 refers).

On 25 May 2019 Council resolved to amend its planning scheme to include a provision to give statutory weight to the advice from the JDRP in considering a development application (CJ049-05/19 refers). This amendment was subsequently approved by the Minister, subject to preparation of a local planning policy that details the operation of the JDRP. This scheme amendment was gazetted and came into effect on 18 February 2020.

Design WA

In 2015, the Western Australian Planning Commission (WAPC) endorsed a project, later named "Design WA", to improve the quality of design and development of the built environment. Separate to this, in May 2018, the Department of Planning, Lands and Heritage (DPLH) released the "Modernising WA's Planning System Green Paper". The green paper was an independent review of the Western Australia's planning system and identified key planning reform principles. Stage one of Design WA was released in May 2019.

Stage one of Design WA consists of:

- *State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)*
- *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*
- *Design Review Guide.*

The *Design Review Guide* sets a best practice model for the establishment of new design review panels. The Guide contains 'model' terms of reference and report templates for agendas and minutes to assist and provide consistency for local governments. It also provides details on how to establish design review processes, including appointment of members to the panel. These model documents have been considered in the development of the City's draft LPP.

Council consideration

On 20 October 2020 (CJ161-10/20 refers), Council resolved that:

- 1 *In accordance with clauses 3 and 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PREPARES and ADVERTISES the draft Joondalup Design Review Panel Local Planning Policy, as shown in Attachment 1 to Report CJ161-10/20, for a period of 21 days;*
- 2 *NOTES that the draft Terms of Reference for the Joondalup Design Review Panel have been provided for context only at this stage and will not form part of the consultation process. Following consultation, when the draft Joondalup Design Review Panel Local Planning Policy is brought back for final consideration, Council will separately be requested to endorse an amended Terms of Reference to supplement and support the draft Joondalup Design Review Panel Local Planning Policy;*
- 3 *REQUESTS that the amended Terms of Reference also address the role of deputy chairpersons, conflicts of interest and duty of fidelity of panel members."*

Appointment of panel members

The City has previously approached the Australian Institute of Architects, the Planning Institute of Australia, and the Australian Institute of Landscape Architects to seek expressions of interest from their members for appointment to the JDRP. Each institution advertises the positions and makes recommendations on potential panel members to the City from each of the industry bodies.

The current members of the JDRP were appointed at a Special Meeting of Council on 4 November 2019 (JSC04-11/19 refers). Members are endorsed for a period of two years following the biennial local government elections.

The *Design Review Guide* recommends that panel members have a range of design and built environment expertise, be independent and apolitical. The *Design Review Guide* also outlines that the member appointment process should demonstrate transparency with consideration given to establishing a pool from which the panel is appointed, as required. The appointment process should include public advertising of an expression of interest, consideration of expressions of interest via a selection panel, and presentation of panel recommendations to the Chief Executive Officer.

A draft Expression of Interest Nomination Form is included as Attachment 3 to Report CJ070-05/21.

DETAILS

The aim of the draft LPP is to outline the role and purpose of the JDRP and the matters on which the panel will provide feedback.

The draft LPP contains the following:

- Objectives and statements outlining the importance of design review as part of the planning process.
- Role and purpose of the JDRP.
- Proposals that are required to be referred to the panel and the timing of review, including development applications and other planning proposals such as structure plans, activity centre plans, local planning policies and scheme amendments.
- Matters to be considered by the panel when providing feedback, being the local planning framework and the 10 design principles of *State Planning Policy 7.0 – Design of the Built Environment* (SPP7.0).
- A fee structure for design review.
- Links between the operation of the panel and the draft amended Terms of Reference.

A comparison between the proposed JDRP, the current JDRP and the model outlined in the *Design Review Guide* is provided in Attachment 4 to Report CJ070-05/21.

Key features of the Joondalup Design Review Panel

Purpose of design review

The purpose of design review is to provide independent expert advice on the design quality of planning proposals to the City. The panel does not have a decision-making function. The feedback from the panel is guided by the City's relevant planning framework and the 10 principles of good design outlined in SPP7.0.

The purpose of the panel under the draft LPP and Terms of Reference is consistent with the City's current panel, but has been updated to reflect the changes to the planning framework through Design WA stage one.

Planning proposals to be considered

The State Government's *Design Review Guide* stipulates that design review is typically applied to proposals that are significant, due to their size, use, location and/or community impact. The *Design Review Guide* suggests a threshold for design review which reflects this, recommending mandatory design review for large scale projects that meet the State Government's Development Assessment Panel (JDAP) threshold and apartment developments of 10 or more.

In relation to development applications, the City's current JDRP goes beyond the mandatory threshold requirements identified in the *Design Review Guide*, requiring review of the following additional applications:

- All developments with five or more multiple and grouped dwellings, outside the City Centre, and 10 or more within the City Centre.
- New commercial and mixed-use buildings (no cost threshold).
- Major extensions to existing buildings that have a significant impact on the streetscape.
- Other developments that are likely to impact the streetscape.

Recognising the stronger focus, through planning reform, on the design of developments as a key consideration in assessing applications, it is proposed to expand the current planning proposals to be reviewed by the JDRP to also include the following:

- Activity centre plans, structure plans, local development plans, local planning policies and scheme amendments that would benefit from review.
- Mandatory JDAP applications, noting that nearly all mandatory JDAP applications are currently considered by the panel.
- All opt-in JDAP applications, except extensions to existing buildings that do not impact on the street, or site works.
- Information submitted as a condition of development approval where the City considers input from the panel chairperson (or delegate) would be beneficial (for example, a schedule of colours or materials, or landscaping plan). This would most likely occur if there is a substantial change to a component of the design from that which was identified in the original design review process.
- Any other planning proposal that in the opinion of the City would benefit from design review.

Through the consultation process, the Department of Communities raised concern with the types of proposals to be referred to the JDRP, commenting that these are not aligned with other local governments or the intent of the *Design Review Guide*. It was also queried by the Department whether the introduction of the State Government's Medium Density Codes would avoid some of the poor outcomes which currently occur, obviating the need for referral to the Panel.

Consultation on the draft Medium Density Codes recently closed; however, no decision on the final document has been made to date and the final content of the new Codes is unknown. Should it eventuate that the State Government takes the City's comments on the new Medium Density Codes on board and makes meaningful changes to new Codes, and should any revised codes assist in alleviating some of the poorer design outcomes being sought, the City could potentially look to amend the types of proposals referred to the Panel in the future. However, at this stage it is recommended that the types of applications included in the LPP remain.

The Office of the Government Architect (OGA) commented that the proposals are broad and cover all the suitable types of proposals for review. The OGA stated that it is particularly encouraging to see the inclusion of activity centre plans, structure plans, local development plans, local planning policies and relevant scheme amendments.

Timing of review

The current JDRP was established with an intent to only review planning proposals following formal lodgement. However, in line with the suggestions in the State Government's *Design Review Guide*, it is proposed that planning proposals would be reviewed by the JDRP prior to an application being formally lodged with the City. This would ensure that applicants are able to take best advantage of the feedback received at a time when there is most flexibility in the design and scope of a project.

In line with the *Design Review Guide*, the draft LPP provides scope for planning proposals to be reviewed multiple times, but most importantly, prior to formal lodgement, as follows:

- Mandatory review prior to lodging an application for planning proposals that meet the thresholds for review.
- Additional review, following lodgement, where considered appropriate.
- Review of information submitted as part of conditions of approval by the panel chairperson or delegate where considered appropriate (for example, schedules of colours and materials or landscaping plans).

Terms of reference modifications

The JDRP is required to operate in accordance with the Terms of Reference endorsed by Council.

The draft amended JDRP Terms of Reference was included in the previous report to Council (CJ161-10/20 refers) for information and context. Several amendments were requested by Council and these have been incorporated into updated Terms of Reference. The changes are discussed below.

Panel membership

In line with the State's *Design Review Guide*, it is proposed to expand the membership of the JDRP. Currently the JDRP comprises three specialist members, with the City's Chief Executive Officer or delegate as Chairperson.

The new panel would consist of the following members:

- Presiding Member.
- Panel Chairperson.
- Deputy Panel Chairperson.
- Up to four other specialist members.

The draft Terms of Reference set out that a pool of up to 10 specialist members would be selected by Council following an expression of interest process. These members would be required to have the necessary specialist skills and qualifications, including expertise in architecture, landscaping and planning or other relevant discipline. A Panel Chairperson and Deputy Panel Chairperson would then be selected from this group.

It is proposed to retain the City's Chief Executive Officer or nominee as the Presiding Member, to manage the City's administration of the meeting.

The expression of interest process is intended to occur via public advertising. A notice would be provided on the City's website and promoted via social media platforms, as appropriate. In addition, the City would ask the relevant professional institutes to assist with the distribution of the advertisement to their members. The Office of the Government Architect has also advised it would be willing to distribute the advertisement to its State Design Review Panel members, via its own mailing lists.

Following completion of the expression of interest process, a selection panel comprising of the JDRP Presiding Member (or their delegate), an appropriate City officer, and an officer representing the Office of the Government Architect would be convened to short-list and evaluate nominees. The nominees recommended by the selection panel would be presented to Council for consideration following the October 2021 local government elections. JDRP members would be appointed for a two-year term.

For each JDRP meeting, a maximum of six members would be selected from the specialist group, with member selection based on the types of expertise required for a particular application. For example, a multiple dwelling proposal would likely require expertise from architecture, landscaping and planning specialists. By comparison, a larger and more significant project, such as an activity centre plan, may require expertise in urban design and traffic engineering.

Meeting frequency and format

It is proposed to maintain the current meeting cycle of monthly meetings, with the option for additional meetings, as required. Where there are no proposals to be considered by the JDRP, the meeting will be vacated. The format of the meeting is proposed to align with the recommendations of the State's *Design Review Guide*, noting that the key components of the meeting already mirror the current JDRP meeting format.

Templates for officer reports, meeting agendas and minutes are provided within the *Design Review Guide*. It is proposed to retain the City's current agenda and officer report formats. These formats include all information required under the template in the *Design Review Guide*, but further incorporate more background and information on the proposal to ensure panel members are better informed of the proposal, prior to a briefing by City officers at the meeting. The current JDRP members (including those who sit on various other design review panels) have commended this additional level of detail currently being provided prior to the meeting.

It is, however, proposed to adopt the meeting minute formats of the *Design Review Guide* as these better align with the purpose of the panel. In particular, the feedback from the JDRP will be structured against the 10 design principles of SPP7.0, outlining whether the development adequately meets each principle, or if amendments are required. In addition, the *Design Review Guide* recommends that these minutes are provided as an attachment to reports to Council or JDAPs to inform the decision-making process. Using the minutes template would also ensure consistency, not only within the City, but with other local governments, in particular for JDAP reports where most local governments have already commenced use of this template as an attachment to the report.

Panel member fees

The *Design Review Guide* outlines that remuneration should reflect the expertise of the panel member and time taken to prepare for and participate in meetings, recommending this be based per hour or per meeting.

The City has, on average, two to three planning proposals reviewed at each meeting, with meetings taking (on average) between two to three hours. Given the frequency of meetings and applications being reviewed, it is recommended that panel members be paid per meeting.

In consideration of advice from the Office of the Government Architect and through comparison with fee structures of other local governments, the recommended remuneration per meeting is:

- Panel Chairperson: \$500
- Panel members (including Deputy Chairperson): \$400

Higher remuneration is proposed for the Panel Chairperson as they would be responsible for coordinating the feedback from the panel members and reviewing the meeting minutes. In the event the Panel Chairperson is absent from a meeting and the role is undertaken by the Deputy Chairperson, the Deputy Chairperson will be paid the Panel Chairperson's remuneration (\$500).

The current panel members are paid \$250 per meeting. This is significantly lower than the market rate and is not recommended by the Office of the Government Architect. Having a fee too low risks the City not being able to attract the appropriate level of expertise required for the panel, potentially undermining the purpose and effectiveness of the panel.

It is also proposed to incorporate the provision of attendance of panel members at State Administrative Tribunal (SAT) matters, as required, subject to a mutually agreed hourly rate.

Proposed remuneration rates have been included in the modified Terms of Reference.

Funding arrangements

Three funding models are set out in the State's *Design Review Guide*, being local government funded, proponent funded, or a balance between local government and proponent funded.

Currently the City funds the JDRP, at a cost of approximately \$10,000 per year. To assist in covering the cost of the panel and acknowledging the benefit that developers receive from the design review process, it is recommended that a fee be introduced for planning proposals required to undergo a design review.

Based on the recommended remuneration for panel members, and on the basis that a typical meeting would comprise a Panel Chairperson and three other panel members, each meeting would cost around \$1,700 for panel members, with an additional \$25 for administration expenses.

It is proposed that the design review panel is funded as much as possible by the proponent. Based on a typical agenda of three proposals per meeting, this would equate to a cost of \$575 per development proposal for the panel to be cost neutral.

Further, while the City expects that developments would be presented to the panel pre-lodgement, there is no statutory ability to compel this to occur. To ensure that there is an incentive to proponents to seek advice from the panel pre-lodgement, the City proposes the following fee structure:

Fee for JDRP review prior to application lodgement	\$575 inc. GST
Fee for JDRP review post lodgement - not previously been presented to the panel	\$1,150 inc. GST
Fee for subsequent reviews by JDRP	\$575 inc. GST

Depending on the number of applications received, less than three applications could be referred to a meeting, meaning the City would also need to partially cover the cost of such a meeting. In addition, the City may need to fund items being presented to the Panel that are initiated by the City, such as structure plans and scheme amendments. It is therefore recommended that the City continues to budget an amount of \$10,000 for the first financial year to accommodate any costs of the JDRP that are not able to be recouped through applicant fees. This would be reviewed for subsequent years, in conjunction with the applicant fees.

In its submission on the draft LPP, the Office of the Government Architect (OGA) strongly recommends that design review processes are funded by local governments with no cost to proponents. The OGA considers that cost recovery models detract from the success of the process as any additional cost is a disincentive and works against early engagement.

The Department of Communities also provided commentary that in order for the Department to meet its brief of providing affordable and social housing outcomes, the City should consider an abbreviated process for small residential developments (less than 10 units), and associated reduced costs.

On balance, it is considered that the cost recovery model proposed in the table above will incentivise developers to seek early feedback where more substantial design modifications can be incorporated, where necessary. This would reduce the need for post-lodgement review, which places additional pressure on the assessment process and makes it more difficult to adhere to statutory timeframes.

Should Council support the introduction of a fee for presentation of a proposal to the JDRP, it would be appropriate for the proposed fees to be included within the *2021-22 Schedule of Fees and Charges*.

Delaying the introduction of this fee until the adoption of the budget will allow the administration to formalise the detail associated with charging a fee pre-lodgement. The new remuneration structure proposed in the draft updated Terms of Reference would not come into effect until a new panel is appointed in October 2021.

Council resolution

In considering the recommendation of the Policy Committee, Council at its meeting held on 20 October 2020 (CJ161-10/20 refers) resolved in part that it:

“3. *REQUESTS that the amended terms of reference also address the role of deputy chairpersons, conflicts of interest and duty of fidelity of panel members.*”

The Terms of Reference have been modified, as per Attachment 2 to Report CJ070-05/21, to provide additional clarification on the role of the Chairperson and to clarify that the role of the Deputy Chairperson is to undertake the roles and responsibilities of the Chairperson when the Chairperson is unable to do so.

Council, in reviewing the Terms of Reference, also raised issue with the lack of clarity around involvement of panel members in other matters that may impact on the outcome of an application. The Terms of Reference have subsequently been modified to preclude members of the Panel from participating in matters at the SAT on behalf of an applicant, where the City is the respondent or involved in the matter. In modifying the Terms of Reference, concerns raised on this matter during consultation of the draft LPP, have also been addressed.

The Terms of Reference continue to make it clear that all members are required to abide by the *City of Joondalup Code of Conduct*, which sets out principles and standards of behaviour that must be observed when performing duties, including conflicts of interest.

Consultation

Seven submissions were received during consultation on the draft LPP, with only one of those submissions explicitly stating an objection to the draft LPP. Two submissions were received from State Government departments, two others from resident associations and two submissions from residents of the City. A summary of the submissions and officer comment is included as Attachment 5 to Report CJ070-05/21.

Many of the submissions raised concern with elements of the Terms of Reference, rather than the draft LPP, which was the document on which comments were sought. Suggestions received during consultation, that have not already been addressed within Report CJ070-05/21, include:

- modifying the objectives to ensure that advice is consistent with objectives and intent of City policies and strategies
- providing additional clarification that the Panel is advisory only and comments are not binding and are provided on a without prejudice basis
- the ability of Panel members to provide independent advice, given the nature of the planning and development industry
- the potential inclusion of a non-industry appointed person
- inclusion of details on the composition and eligibility for membership within the policy
- concern that there is an in-built propensity for bias towards supporting rather than refusing developments
- meetings should be open to the public for openness and transparency
- increasing allocated time slots proposed for meetings
- independent review of the process and outcomes of the panel to ensure that the panel is working for the community.

Some of the suggested inclusions for the LPP, such as the composition of the Panel and clarification of its role, are already included and are more appropriately located in the Terms of Reference.

In relation to the ability for members to remain independent, Panel members (like officers of the City and elected members), are bound by the City's Code of Conduct. They are required to ensure that conflicts of interest are declared and managed appropriately, allowing them to participate to the extent that the interest allows them to remain impartial.

The role of the JDRP and the Terms of Reference for the Panel make it clear that the Panel is to provide expert advice on the design quality of proposals. The inclusion of a non-industry or non-technical person is at odds with the purpose and role of the JDRP. Community members who do not have a technical skillset in the design disciplines sought for the JDRP, still have an opportunity to review and provide input on a proposal through community consultation undertaken in accordance with the City's *Planning Consultation Local Planning Policy*.

In relation to a perception that the JDRP has a bias towards supporting rather than refusing developments, the Terms of Reference confirm that the role of the JDRP is advisory only and has no decision-making function, where it can support or refuse proposals.

Design review panels are designed to be meetings closed to the public. A closed meeting ensures that commercially confidential information can be discussed, allows for open discussion, and allows that unbiased, without prejudice advice can be provided by Panel members on a proposal to both the City and the applicant.

It is also intended that design review is undertaken prior to an application being formally lodged with the City. This means there is a possibility that proposals presented to design review may never actually be formally lodged. A public meeting for design review could therefore create concern for communities on proposals that never actually materialise.

As recommended, it is intended to include the minutes of design review meetings as part of reports for JDAP and Council's consideration. This will give interested community members the opportunity to review outcomes of the design review meeting.

It is also noted that a number of the suggestions made conflict with the best practice model outlined in the *Design Review Guide*. The *Design Review Guide* recognises the importance of design review panels and their ability to assist in providing good design outcomes. Ensuring that the draft LPP and Terms of Reference align with the Guide would result in a panel that is effective in encouraging improved design outcomes, for the benefit of the community.

Issues and options considered

Draft Joondalup Design Review Local Planning Policy (LPP)

Council has the option to either:

- proceed with the draft LPP, without modifications
- proceed with the draft LPP, with modifications
- or
- not proceed with the draft LPP.

Terms of reference

Council has the option to either:

- adopt the Terms of Reference, without modifications
- adopt the Terms of Reference, with modifications
- or
- not adopt the Terms of Reference.

In the event Council proceeds with the final version of the draft LPP and concurrently supports the draft Terms of Reference, the City will undertake an expression of interest process for members of the Panel. A subsequent report will then be presented to Council to formally appoint the Panel members following the local government election scheduled for October 2021.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative For the City's commercial and residential areas to be filled with quality buildings and appealing streetscapes.

Policy *State Planning Policy 7.0: Design of the Built Environment.*

Risk management considerations

In May 2019, Council resolved to amend *Local Planning Scheme No. 3* (LPS3) to introduce feedback from JDRP as a statutory matter for consideration in the decision-making process for planning matters (CJ049-05/19 refers).

In approving the amendment to LPS3, the Minister for Planning required a local planning policy to be prepared to outline the details of the Panel and the types of matters to be reviewed.

In not proceeding with the local planning policy there is a risk that the process to establish statutory weight for the JDRP will not be closed out and will ultimately reduce the amount of due regard that can be given to panel recommendations and feedback as part of the decision-making process for planning proposals.

Financial / budget implications

Ongoing funding for the JDRP will be partially recouped by developers through fees levied on proposals presented to the JDRP. However, depending on the number of proposals referred to the JDRP at a meeting, the City may still be required to partially fund the meeting. It is therefore recommended that the City continues to budget \$10,000 for the Panel.

Regional significance

Not applicable.

Sustainability implications

The role of the JDRP is to consider matters within the planning framework, in particular the 10 design principles of SPP7.0, including consideration of the sustainability aspects of a planning proposal.

Consultation

The draft LPP was advertised for a period of 21 days, commencing on 19 November 2020 and concluding on 11 December 2020 as follows:

- A notice published in the local newspaper.
- Letter sent to registered resident and ratepayer groups.
- Letter sent to the Office of the Government Architect, the Department of Planning, Lands and Heritage and relevant industry bodies.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

Seven submissions were received during the consultation period, being one objection and six neutral responses that provided comments.

COMMENT

The draft LPP aims to provide guidance on the role and purpose of the JDRP, the types of applications that will be subject to design review and the matters that will be considered by the Panel. The policy aligns with the State Government's *Design Review Guide* and will seek to ensure that feedback is provided early in the design process. In conjunction with the Terms of Reference, the LPP will allow for a panel that meets State Government expectations and that continues to provide advice that informs planning decisions.

The JDRP Terms of Reference have been comprehensively reviewed to align with the *Design Review Guide*, providing transparent guidance to both Panel members and the community on the City's expectation in relation to the provision of design advice. It is considered that both the draft LPP and the Terms of Reference will allow for good built form outcomes to be achieved to the benefit of the community.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ070-05/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 10 May 2021.

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

RECOMMENDATION

That Council:

- 1 In accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the draft *Joondalup Design Review Panel Local Planning Policy*, as detailed in Attachment 1 to Report CJ070-05/21;
- 2 ENDORSES the Joondalup Design Review Panel (JDRP) Terms of Reference as detailed in Attachment 2 to Report CJ070-05/21;
- 3 SUPPORTS calling for Expressions of Interest using the Nomination Form and Terms of Reference as detailed in Attachments 2 and 3 to Report CJ070-05/21;
- 4 SUPPORTS the inclusion of the following fees for presentation of planning proposals to the Joondalup Design Review Panel in the *2021-22 Schedule of Fees and Charges* that are to be considered as part of the *2021-22 Draft Budget*:

4.1	Fee for JDRP review prior to application lodgement	\$575 inc. GST
	Fee for JDRP review post lodgement	\$1,150 inc. GST
	Fee for subsequent reviews by JDRP	\$575 inc. GST

- 5 NOTES that the fees intended to be included in the *2021-22 Schedule of Fees and Charges* will not be charged until appointment of a new Joondalup Design Review Panel in October 2021.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12agn210518.pdf](#)

CJ071-05/21**CODE OF CONDUCT FOR COUNCIL MEMBERS,
COMMITTEE MEMBERS AND CANDIDATES,
COMPLAINT INVESTIGATION POLICY AND
PROTOCOL**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	09358, 101515
ATTACHMENTS	Attachment 1 <i>Local Government (Model Code of Conduct) Regulations 2021</i> Attachment 2 <i>Draft Code of Conduct for Council Members, Committee Members and Candidates</i> Attachment 3 <i>Draft Complaint Investigation Policy</i> Attachment 4 <i>Draft Complaint Investigation Protocol</i> Attachment 5 <i>City of Joondalup Code of Conduct Breach Complaint Form</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to:

- adopt the draft *Code of Conduct for Council Members, Committee Members and Candidates*
- adopt the draft *Complaint Investigation Policy*
- adopt the associated *Complaint Investigation Protocol* in support of the complaint investigation activities in relation to council members, committee members and local government election candidates.

EXECUTIVE SUMMARY

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.103 was inserted into the *Local Government Act 1995* (the Act) to make provisions around the prescription of a model code of conduct for council members, committee members and local government election candidates. Section 5.104 was also inserted into the Act requiring local governments to prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the model code provisions.

A code of conduct to be observed by council members, committee members and candidates is to be prepared and adopted by a local government within three months after the day on which regulations prescribing the model code come into operation, which was 3 February 2021. Since the legislation was introduced, feedback has been sought from elected members around the new provisions and how a City code would be drafted, including any other required documents to support the complaint handling process.

In view of these discussions, a draft *Code of Conduct for Council Members, Committee Members and Candidates* (the Code) has been prepared as well as a draft *Complaint Investigation Policy* (the Policy) which details high level complaint investigation considerations the City will adopt when behavioural complaints around council members, committee members and candidates, are received. An internal *Complaint Investigation Protocol* has also been developed in support of the Code and the Policy. Feedback from elected members has indicated a desire to have the City's Chief Executive Officer to be responsible for making decisions around complaints lodged under the Code. Therefore, a delegation of these powers and duties to the Chief Executive Officer is therefore required under the *Local Government (Model Code of Conduct) Regulations 2021* (model code) and the City's adopted Code.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY and in accordance with section 5.42 of the Local Government Act 1995, DELEGATES to the Chief Executive Officer the powers and duties of the local government under:*
 - 1.1 *clause 12 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021;*
 - 1.2 *clause 13 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021;*
 - 1.3 *clause 15(2) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021,*

including the relevant powers and duties within the same clauses specified in the Code of Conduct for Council Members, Committee Members and Candidates adopted by Council in accordance with section 5.104(1) of the Local Government Act 1995 (and in accordance with the Local Government (Model Code of Conduct) Regulations 2021);
- 2 *BY AN ABSOLUTE MAJORITY and in accordance with section 5.104(1) of the Local Government Act 1995 and part 1 above, ADOPTS the Code of Conduct for Council Members, Committee Members and Candidates, as detailed in Attachment 2 to Report CJ071-05/21;*
- 3 *ADOPTS the Complaint Investigation Policy, as detailed in Attachment 3 to Report CJ071-05/21;*
- 4 *ADOPTS the Complaint Investigation Protocol, as detailed in Attachment 4 to Report CJ071-05/21.*

BACKGROUND

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.103 was inserted into the *Local Government Act 1995* (the Act) to make provisions around the prescription of a model code of conduct for council members, committee members and local government election candidates. Section 5.104 was also inserted into the Act requiring local governments to prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the provisions stated in the model code.

The relevant new sections in the Act are as follows:

“5.103. Model code of conduct for council members, committee members and candidates

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include—*
 - (a) *general principles to guide behaviour; and*
 - (b) *requirements relating to behaviour; and*
 - (c) *provisions specified to be rules of conduct.*
- (3) *The model code of conduct may include provisions about how the following are to be dealt with—*
 - (a) *alleged breaches of the requirements referred to in subsection (2)(b);*
 - (b) *alleged breaches of the rules of conduct by committee members.*
- (4) *The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations may amend the model code of conduct.*

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*
- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*

** Absolute majority required.*
- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements—*
 - (a) *can only be expressed to apply to council members or committee members; and*
 - (b) *are of no effect to the extent that they are inconsistent with the model code.*
- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*
- (5) *The model code is taken to be a local government’s adopted code of conduct until the local government adopts a code of conduct.*
- (6) *An alleged breach of a local government’s adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*

- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website."*

The regulations prescribing the model code provisions (as detailed in section 5.103(1) of the Act) are the *Local Government (Model Code of Conduct) Regulations 2021* which came into effect on 3 February 2021 (Attachment 1 to Report CJ071-05/21). Furthermore, when these Regulations came into effect the existing *Local Government (Rules of Conduct) Regulations 2007* were also repealed, although many of the provisions within the *Local Government (Rules of Conduct) Regulations 2007* were incorporated into the model code.

The thinking behind this action, as stated by the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries, was to have in a single document and point of reference, where:

- minor behavioural matters within the code are dealt with by the local government itself, through a complaint and investigation process
- a breach of a rule of conduct within the code, is deemed a minor breach to be investigated by the Local Government Standards Panel.

Since the new legislation was introduced, feedback has been sought from elected members around the new provisions and how a City code would be drafted, and any other supporting documents required in support of the complaint handling process. Feedback requested included, but was not limited to the following:

- The role Council and/or the Chief Executive Officer in processing and investigating behavioural complaints involving elected members, committee members and local government election candidates.
- Who is authorised to receive complaints and withdrawal of complaints.
- How complaints are assessed and the factors that are taken into consideration.
- The nature of the investigation and the powers of those that perform investigations.
- The rules of evidence, standard of proof and procedural fairness.
- Reporting.

Subsequent to the formal adoption of a code, Council needed to authorise a person (or persons) to receive complaints as well as withdrawal of complaints under the model code, until such time as a City code is adopted by Council. In view of this, Council at its meeting held on 20 April 2021 (CJ045-04/21 refers) authorised:

- 1 the City's Chief Executive Officer to receive complaints and withdrawal of complaints under the model code
- 2 the Director Governance and Strategy to receive complaints and withdrawal of complaints under the model code, where the complainant is the City's Chief Executive Officer.

At that meeting, Council also noted the complaint form to be used for this purpose (Attachment 5 to Report CJ071-05/21).

DETAILS

The model code (Attachment 1 to Report CJ071-05/21) is the formal regulations that the City's code has been based on (Attachment 2 to Report CJ071-05/21). One of the difficulties in relation to the development of the City's code is that it may include requirements additional to the model code, but any additional requirements:

- can only be expressed to apply to council members or committee members
- are of no effect to the extent that they are inconsistent with the model code.

Furthermore, a local government cannot include any provisions in addition to the general principles of behaviour referred to in section 5.103(2)(a) of the Act or the rules of conduct that are also specified in the model code. This in effect means there is no real opportunity for the City, and local governments generally, to expand on the provisions within the model code.

Feedback sessions held with elected members since the model code came into effect presented the above matters, as well as others, and in the main resulted in a view to:

- delegate responsibility to the Chief Executive Officer for the making of decisions on complaints lodged under the code
- create a range of procedural documents to support the code's operation, in light that the model code allows procedures to be determined around the complaint handling process.

In terms of putting the City's code into effect, especially in relation to dealing with minor conduct complaints under the code, legal advice and advice previously received from the Department of Local Government, Sport and Cultural Industries has indicated responsibilities can be undertaken by a council itself, a committee, or a local government's chief executive officer (both with relevant delegation of authority). There is no power under the Act for a local government's discretionary powers to be delegated to anyone else other than a committee or the Chief Executive Officer (the Chief Executive Officer can on-delegate responsibilities to employees).

Under section 5.42 of the Act a local government can delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Act, other than those powers or duties listed in section 5.43 of the Act. Section 5.43 of the Act does not prevent the local government delegating any powers or duties of the local government under the model code provisions, or indeed the City's own code. In view of the received advice and the fact there is no limitations around delegations to the Chief Executive Officer, it appears to be open to Council to delegate its discretionary powers to deal with complaints under the model code, to the Chief Executive Officer.

One complication in delegating the discretionary powers relating to complaints to the Chief Executive Officer, is in circumstances where the Chief Executive Officer is the actual complainant. It would be highly inappropriate and a compromised position for the Chief Executive Officer to exercise the discretionary decision-making power on a complaint that they themselves have made. There is no power under the Act for Council to delegate any powers or duties under the Act to anyone else other than the Chief Executive Officer. In this regard, the Chief Executive Officer would need to on-delegate their responsibilities to another employee in the case where the Chief Executive Officer is a complainant under the code.

The model code, and therefore the City's code provides that procedures in dealing with complaints under the code, may be determined by the local government to the extent that it is not provided for in the provisions around behaviour. There is currently no complaints process listed in either the model code or the City's draft code and therefore it is up to the City to determine that process. This was a matter raised with elected members during the feedback sessions.

In view of this and to ensure transparency in terms of how complaints are to be investigated, a draft Complaint Investigation Policy has been created (Attachment 3 to Report CJ071-05/21). The purpose of the Policy is to establish high level complaint investigation considerations in support of the City's code, which detail matters such as:

- who is authorised to receive complaints and withdrawal of complaints (being the Chief Executive Officer or the Director Governance and Strategy where the complainant is the City's Chief Executive Officer)
- how complaints are assessed and the factors that are taken into consideration
- the nature of the investigation and the powers of those that perform investigations
- the rules of evidence, standard of proof and procedural fairness
- reporting.

A Complaint Investigation Protocol and associated complaint form (Attachments 4 and 5 of this Report) have also been developed which sets out the process for the management of complaints involving council members, committee members and candidates. This enables the City's complaint process to remain agile and flexible as and when things change or improvements are identified. As part of the complaint process, complainants are provided a copy of this protocol to clarify the process with them and the expectations of the City when dealing with their complaint.

Issues and options considered

Council can either:

- adopt the Code, Policy and Protocol as presented
- adopt the Code, Policy and Protocol as presented with any additional amendments
or
- not adopt the Code, Policy or Protocol and seek further action from the Chief Executive Officer around the matter.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
 Local Government (Model Code of Conduct) Regulations 2021.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Effective representation.

Strategic initiative Attract a diverse elected body that represents, promotes and reflects the composition of the community.

Policy *Code of Conduct for Employees, Elected Members and Committee Members.*

Risk management considerations

Local governments across the state are now bound by the model code provisions and local governments are required to adopt a new code within three months of the Regulations coming into effect (being 3 February 2021). Local governments are required to abide by the requirements of the model code (if it does not adopt its own code within that time), and a local government would be deemed non-compliant with the legislative provisions if it does not adopt its own code by 3 May 2021.

Although Council has not adopted a code by the stipulated legislative timeframe, discussion with elected members has continually occurred including the need to clarify certain aspects of the model code with the Department of Local Government, Sport and Cultural Industries, legal advisors and other industry bodies.

Financial/budget implications

Provisions would need to be made in the City's operational budget to appoint any external party or investigator for complaints that are referred to those parties to manage. This could form part of the City's consultancy budget adopted annually from time to time.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Industry consultation has occurred with the Western Australian Local Government Association, Local Government Professionals WA and the Department of Local Government, Sport and Cultural Industries in terms of developing the City's complaint framework detailed in Report CJ071-05/21. Other local governments (such as the Town of Victoria Park) have also been consulted and are acknowledged in the preparation of the City's documentation.

COMMENT

Previously section 5.103 of the Act required local governments to prepare and adopt a code of conduct to be observed by council members, committee members and employees. The *Local Government Legislation Amendment Act 2019* also inserted provisions that the Chief Executive Officer is to prepare a code of conduct for employees (section 5.51A of the Act) and this is also being progressed.

The *Local Government (Model Code of Conduct) Regulations 2021* has been imposed on local governments and the local government industry's feedback around the model code, when it was first released for comment, was not recognised or taken on board. Local governments are now bound by the model code provisions, and until such time that local governments adopt their own codes of conduct.

The Code has been based on the model code provisions and the City has very little opportunity to influence, clarify or review the provisions within it. One of the difficulties in relation to the development of the City's Code is that it may include requirements additional to the model code, but any additional requirements:

- in terms of additional behavioural matters, can only be expressed to apply to council members or committee members
- are of no effect to the extent that they are inconsistent with the model code.

Furthermore, a local government cannot include any provisions in addition to the general principles of behaviour referred to in section 5.103(2)(a) of the Act or the rules of conduct that are also specified in the model code. This in effect means there is no real opportunity for the City, and local governments generally, to expand on the provisions within the model code.

The model code, and therefore the City's Code provides that procedures in dealing within complaints under the Code, may be determined by the local government to the extent that it is not provided for in the provisions around behaviour. There is currently no complaints process listed in either the model code or the City's Code and therefore it is up to the City to determine that process. In view of this and to ensure transparency in terms of how complaints are to be investigated, a draft *Complaint Investigation Policy* and *Complaint Investigation Protocol* have also been created.

It should be recognised that:

- minor behavioural matters within the code are dealt with by City, through the complaint and investigation process detailed in the recommended Code, Policy and Protocol
- a breach of a rule of conduct within the Code, is deemed a minor breach which is to be investigated by the Local Government Standards Panel.

In this regard any complaints the City receives and investigates under the Code are only minor in nature with more significant complaints to continue to be investigated by the Local Government Standards Panel.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ071-05/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 10 May 2021.

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

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY** and in accordance with section 5.42 of the *Local Government Act 1995*, DELEGATES to the Chief Executive Officer the powers and duties of the local government under:
 - 1.1 clause 12 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*;
 - 1.2 clause 13 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*;
 - 1.3 clause 15(2) of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*,including the relevant powers and duties within the same clauses specified in the *Code of Conduct for Council Members, Committee Members and Candidates* adopted by Council in accordance with section 5.104(1) of the *Local Government Act 1995* (and in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*);
- 2 **BY AN ABSOLUTE MAJORITY** and in accordance with section 5.104(1) of the *Local Government Act 1995* and part 1 above, ADOPTS the *Code of Conduct for Council Members, Committee Members and Candidates*, as detailed in Attachment 2 to Report CJ071-05/21;
- 3 ADOPTS the *Complaint Investigation Policy*, as detailed in Attachment 3 to Report CJ071-05/21;
- 4 ADOPTS the *Complaint Investigation Protocol*, as detailed in Attachment 4 to Report CJ071-05/21.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn210518.pdf](#)

CJ072-05/21**ELECTED MEMBERS' ENTITLEMENTS POLICY
- REVIEW**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	27122, 44688, 101515
ATTACHMENT	Attachment 1 Revised <i>Elected Members' Entitlements Policy</i> (marked up)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the revised *Elected Members' Entitlements Policy*.

EXECUTIVE SUMMARY

The City's *Elected Members' Entitlements Policy* details, among other things, payments and entitlements for elected members, including:

- the equipment issued to elected members
- the payment of statutory fees and allowances as determined by the Salaries and Allowances Tribunal
- provisions around the attendance at conferences and training events and associated requirements
- reimbursement of expense provisions and other entitlements.

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.128 was inserted into the *Local Government Act 1995* (the Act) requiring local governments to prepare a policy in relation to the continuing professional development of elected members which must be reviewed after each local government election. While there is no legislative prescription or guidance as to the form of this policy, it is considered the conference and training event provisions detailed in the *Elected Members' Entitlements Policy* satisfies the intent of section 5.128 of the Act.

In view of the need to review the policy in relation to the continuing professional development of elected members (being the City's *Elected Members' Entitlements Policy*) after each local government election, a revised policy has been subsequently discussed with elected members and is therefore submitted to Council for its consideration.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ADOPTS the revised Elected Members' Entitlements Policy, as detailed in Attachment 1 to Report CJ072-05/21, subject to the following changes:

- 1 Amend 4.2 by inserting "(if required)" after "Computer equipment supplied";
- 2 Amend 4.3(b) by replacing "following every ordinary election at which they are elected" with "following their inaugural election and every second ordinary election thereafter in which they are elected";
- 3 Replace 6.6.5(c) with the following:
 - 3.1 "All air travel within Australia shall be by Economy Class.";
- 4 Replace 6.8(e) with the following:
 - 4.1 "Elected members will only be registered for conference and training events itemised in this policy, if the Elected Member has sufficient funds in their annual Conference and Training Expense Allocation to meet those costs.";
- 5 Delete 6.8(g);
- 6 Amend 7(c) by replacing "All air travel overseas shall be by Business Class" with "Air travel overseas may be by Business Class";
- 7 Amend 10.1(c) by inserting the following at the end of the provision:
 - 7.1 "Details of invited guests that attend elected member dinners are to be reported to the Audit and Risk Committee on a quarterly basis.";
- 8 Delete 10.1(d).

BACKGROUND

In accordance with the Act, elected members are entitled to fees and allowances as well as the reimbursement for expenses, and these requirements are prescribed within the Act, the *Local Government (Administration) Regulations 1996*, and determined by the Salaries and Allowances Tribunal on an annual basis.

The current *Elected Members' Entitlements Policy* (the Policy) was last significantly reviewed in September 2013 (CJ185-09/13 refers), with a number of minor amendments subsequently made in March 2015 (CJ050-03/15 refers) and April 2017 (CJ051-04/17 refers). The Policy details, among other things, payments and entitlements for elected members, including:

- the equipment issued to elected members
- the payment of statutory fees and allowances as determined by the Salaries and Allowances Tribunal
- provisions around the attendance at conferences and training events and associated requirements
- reimbursement of expense provisions and other entitlements.

On 16 September 2019 and as part of the *Local Government Legislation Amendment Act 2019* a new section 5.128 was inserted into the Act as follows:

“5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*
** Absolute majority required.*
- (2) *A local government may amend* the policy.*
** Absolute majority required.*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government’s official website.*
- (5) *A local government—*
 - (a) *must review the policy after each ordinary election; and*
 - (b) *may review the policy at any other time.”*

There is no legislative prescription or guidance as to the form that this policy is to take, however it is considered the conference and training event provisions detailed in the *Elected Members’ Entitlements Policy* (parts 6 and 7) satisfies the intent section 5.128 of the Act. This new provision is in addition to the other new provision within the Act requiring elected members, on being elected at an election, to complete the mandatory training requirements within their first 12 months of Office.

DETAILS

To enable elected members to develop and maintain their skills and knowledge relevant to their role as representatives of the City, the Policy provides that elected members are able to attend conferences and training events within Australia and overseas (subject to Council approval) and the associated arrangements around bookings; registration; and the reimbursement of associated expenses (see Parts 6 and 7 of the Policy). Conferences and training under the Policy is generally limited to the following:

- Western Australian Local Government Association (WALGA) and Australian Local Government Association conferences.
- Special ‘one off’ conferences called for or sponsored by the Western Australian Local Government Association and/or Australian Local Government Association on important issues.
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- Australian Sister Cities Conferences.
- Western Australian Local Government Association’s Elected Member Training and Development.
- Training relating to the role of elected members.
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of elected members, meeting procedures and the like.

As part of the City's annual budget, allocation is made for elected members to attend conference and training events in line with the amounts set within the Policy. The costs for the mandatory training that is required to be completed by an elected member following their election, is not charged to the elected member's respective allocation, and is directly paid for by the City.

Although section 5.128 of the Act requires a local government to review its policy in relation to the continuing professional development of elected members following the bi-annual local government elections, other aspects of the Policy have also been reviewed.

In line with the need to review this Policy prior to the 2021 local government elections, amendments to the conference and training provisions within the current Policy have been made, including additional amendments necessary to be reflected in the Policy or provisions that need to be better clarified (Attachment 1 to Report CJ072-05/21).

Issues and options considered

Council can either:

- adopt the amended policy as presented
or
- adopt the amended policy as presented with further amendments as required.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>Local Government Act 1995. Local Government (Administration) Regulations 1996. Salaries and Allowances Determination on Local Government Chief Executive Officers and Elected Members.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Effective representation.
Strategic initiative	Attract a diverse elected body that represents, promotes and reflects the composition of the community.
Policy	<i>Elected Members' Entitlements Policy. Code of Conduct for Employees, Elected Members and Committee Members (Code of Conduct).</i>

The Act confers entitlements to claim fees, expenses and allowances for individual elected members and these levels are now set by the Salaries and Allowances Tribunal or as prescribed by the City. The payments that can be lawfully made by the City to elected members are limited to:

- a) a fee for attending Council or committee meetings (which may be either a fee per meeting up to an annual amount)
- b) a reimbursement of an expense of a kind that is prescribed by the Regulations and that has been incurred by an Elected Member
- c) in lieu of reimbursement for certain types of prescribed expenses, an allowance for that type of expense
or
- d) a cash advance to an Elected Member in respect of an expense for which the Elected Member can be reimbursed.

The Act allows expense reimbursement payments to be made over and above allowances that are set by a local government.

Risk management considerations

The expense reimbursements of government officials, politicians and local government elected members generates a high level of public scrutiny and organisations must be cognisant of the damage any inappropriate expense reimbursements can have on an organisation's brand and reputation.

The WA State Parliament, in its view to have greater public transparency into the affairs of local government, introduced changes to the Act and the *Local Government (Administration) Regulations 1996* that now requires local governments to publish on their websites, the type, and the amount or value, of any fees, expenses or allowances paid to each elected member during a financial year. Such information will be provided on the City's website following the end of each financial year.

Financial / budget implications

Sufficient budget provisions are made in the City's annual budget to cover the elected member allowances, expenses and entitlements that are detailed under the Policy.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable although assessment was undertaken of the policies in place for other local governments as well as the requirements for Ministers, Parliamentary Secretaries and Government Officers at a State Government level.

COMMENT

The *Elected Members' Entitlements Policy* provides a framework to support an elected member's training and development needs as well as clarity around the entitlements, allowances and fees as stipulated in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The suggested changes to the Policy provide greater clarity around this framework and to support current arrangements for elected members in performing their statutory role.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ072-05/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 10 May 2021.

The original recommendation as presented by City officers to the committee is as follows:

That Council BY AN ABSOLUTE MAJORITY ADOPTS the revised Elected Members' Entitlements Policy, as detailed in Attachment 1 to Report CJ072-05/21.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council BY AN ABSOLUTE MAJORITY ADOPTS the revised Elected Members' Entitlements Policy, as detailed in Attachment 1 to this Report, subject to the following changes:

- 1 Amend 4.2 by inserting "(if required)" after "Computer equipment supplied";
- 2 Amend 4.3(b) by replacing "following every ordinary election at which they are elected" with "following their inaugural election and every second ordinary election thereafter in which they are elected";
- 3 Replace 6.6.5(c) with the following:
 - 3.1 "All air travel within Australia shall be by Economy Class.";
- 4 Replace 6.8(e) with the following:
 - 4.1 "Elected members will only be registered for conference and training events itemised in this policy, if the Elected Member has sufficient funds in their annual Conference and Training Expense Allocation to meet those costs.";
- 5 Delete 6.8(g);
- 6 Amend 7(c) by replacing "All air travel overseas shall be by Business Class" with "Air travel overseas may be by Business Class";
- 7 Amend 10.1(c) by inserting the following at the end of the provision:
 - 7.1 "Details of invited guests that attend elected member dinners are to be reported to the Audit and Risk Committee on a quarterly basis.";
- 8 Delete 10.1(d).

RECOMMENDATION

That Council **BY AN ABSOLUTE MAJORITY ADOPTS** the revised *Elected Members' Entitlements Policy*, as detailed in Attachment 1 to Report CJ072-05/21, subject to the following changes:

- 1 Amend 4.2 by inserting “(if required)” after “Computer equipment supplied”;
- 2 Amend 4.3(b) by replacing “following every ordinary election at which they are elected” with “following their inaugural election and every second ordinary election thereafter in which they are elected”;
- 3 Replace 6.6.5(c) with the following:
 - 3.1 “All air travel within Australia shall be by Economy Class.”;
- 4 Replace 6.8(e) with the following:
 - 4.1 “Elected members will only be registered for conference and training events itemised in this policy, if the Elected Member has sufficient funds in their annual Conference and Training Expense Allocation to meet those costs.”;
- 5 Delete 6.8(g);
- 6 Amend 7(c) by replacing “All air travel overseas shall be by Business Class” with “Air travel overseas may be by Business Class”;
- 7 Amend 10.1(c) by inserting the following at the end of the provision:
 - 7.1 “Details of invited guests that attend elected member dinners are to be reported to the Audit and Risk Committee on a quarterly basis.”;
- 8 Delete 10.1(d).

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn210518.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ073-05/21

PROPOSAL FOR LEVYING DIFFERENTIAL RATES FOR THE 2021-22 FINANCIAL YEAR

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	109072, 101515
ATTACHMENT	Attachment 1 Objects of and Reasons for Proposed Differential Rates for the 2021-22 Financial Year
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 proposal for the setting of differential rates for the Draft Budget for the 2021-22 financial year.

EXECUTIVE SUMMARY

As part of the process for the 2021-22 draft budget it is proposed to continue to apply differential rating introduced in 2008-09. In accordance with section 6.36 of the *Local Government Act 1995* Council is required to determine the differential rates to be advertised prior to consideration of the budget.

It is recommended that the proposed differential rates be advertised, and public submissions sought in accordance with section 6.36 of the *Local Government Act 1995* (the Act).

BACKGROUND

To set the rates for its budget, Council generally determines the total rate revenue it needs, in accordance with section 6.2 of the Act, and sets the cents in the dollar that will generate that revenue. The individual property valuations determine what proportion of the total rate requirements are met by each property owner. This proportion will change when a valuation changes.

Differential rates were first introduced in 2008-09 to maintain the distribution of the rate burden between the classes of residential, commercial and industrial property following a revaluation. The relativities between the differentials have been adjusted at subsequent revaluations in 2011-12, 2014-15, 2017-18 and 2020-21.

In addition to a differential between classes of property the City has applied a differential between improved and vacant land within each of the classes of residential, commercial and industrial property. The City is keen to promote and encourage the development of vacant land. This can be done through a number of positive initiatives and in this regard the City makes a significant contribution to encourage and promote economic development.

It can also be done by actively discouraging the holding of vacant and undeveloped land. In respect of the latter a higher differential rate imposed on vacant land than the rate applicable for improved land is considered to be an inducement to develop vacant land.

DETAILS

Draft Budget 2021-22

The City is in the final stages of developing and preparing the Draft 2021-22 Budget.

This process has encompassed the following:

- Reference and alignment to the *Strategic Community Plan*.
- *Strategic Financial Plan* alignment and review.
- Other Plans and Strategies.
- Critical Analysis of 2019-20 and progress in 2020-21 Annual Plan performance.
- Consideration of budget parameters.
- Ongoing review of service delivery and service standards.
- Consideration of the efficiency and effectiveness of services and facilities and implementation of new efficiencies.
- Consideration of operating and capital proposals.
- Assessment of capacity including financial, rating and resources, sustainability, assets and reserves.

The development has been scrutinised by:

- executives through an extensive evaluation process encompassing the *Capital Works Program* and each Business Unit's draft budget
- Elected Members through the conduct of six Draft 2021-22 Budget Workshops to date (during February, March, April and May 2021).

The final stage of the Draft 2021-22 Budget process prior to adoption is to consider the setting of the cents in the dollar.

Differential Rates

Section 6.33 of the Act makes provision for the City to be able to levy differential rates based on a number of criteria:

- “(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.”

Section 6.33 of the Act permits Council to levy differential rates such that the highest is no more than twice the lowest differential. A greater difference in differentials may be used but requires Ministerial approval.

Issues and options considered

There are several broad approaches for how the City might apply an increase in rates for the 2021-22 Budget.

Cents in the Dollar

There are three options for determining how the cents in the dollar may be set.

Option One – Do not Differentially Rate and Revert to a General Rate

The differential rate was introduced in 2008-09 to compensate for the distortions caused by higher residential property valuation increases compared to commercial and industrial property valuations. These relativities have been adjusted at subsequent revaluations to maintain the relativity between residential compared to commercial and industrial.

Reverting back to a general rate would significantly increase the rate burden falling on residential property owners with a reduction to commercial and industrial property owners.

This option is not recommended.

Option Two – Apply a Differential Rate but Re-Assess What They Should Be

There needs to be a key driver or basis for setting a differential rate. In 2008-09 the driver was to maintain the proportion of rate revenue derived from each of residential, commercial and industrial property. Applying a higher differential rate for vacant property was introduced on the basis of discouraging the holding of property in a vacant or undeveloped state.

A change was made to the differential for vacant residential property in 2015-16 to bring it into line with treatment of the differentials for vacant commercial and industrial property. The differential for residential, commercial and industrial vacant property has since been set at a rate that is not more than twice the lowest differential which is the rate for residential improved property.

Since the differential rates were last considered for the 2020-21 budget there has been no change in legislative requirements impacting on the application of differential rating in the City of Joondalup and no change in circumstances that would suggest the basic drivers need to be reconsidered.

This option is not recommended.

Option Three – Apply a Differential Rate as a Percentage Based on the Differentials Set in 2020-21

There has been no change in legislative requirements impacting on the application of differential rating in the City of Joondalup. Applying a percentage change based on the differentials that were set in 2020-21 would best preserve the relativity between the differentials. This is considered to be the most appropriate course in the current circumstances.

This option is recommended.

Minimum Payments

The Act provides that a local government may set a minimum payment for rates. That is, regardless of the result of the rate calculation determined by multiplying the cents in the dollar by the valuation, no property should be assessed for rates at an amount below the minimum payment. The cents in the dollar and minimum payment will together determine the minimum property valuation. Properties with a valuation below this will be subject to the minimum payment.

The Act does not provide any guidance as to what is an appropriate value for the minimum payment or how it might be determined. In essence it is whatever the local government may determine. The general philosophy is that every ratepayer should make a reasonable contribution to the services and facilities that a local government provides. There is a statutory limit prohibiting a minimum being set so high that more than 50% of properties in each differential rating category would be on the minimum. The percentage of properties in the City of Joondalup on the minimum is well below this threshold in each differential rating category.

There are three options.

Option Four – Re-Assess the Setting of Minimum Payments

The minimum payment that the City has been applying each year has not been based on any formula or criteria but simply represents what the City has determined is reasonable as a minimum payment.

By way of comparison in the table below for the current 2020-21 financial year, the City's minimum payment for residential improved of \$850 is the lowest compared to eight of the larger metropolitan local governments by population noting that two of them do not have a separate refuse charge and include refuse in the rates charge.

Local Government	Residential Improved Minimum Payment 2020-21 \$
City of Joondalup	850.00
City of Stirling	853.00
City of Swan	890.00
City of Gosnells	980.00
City of Rockingham	1,200.00
City of Wanneroo	988.00
*City of Melville	1,283.43
*City of Cockburn	1,353.00

**Minimum rate includes rubbish charge*

In the absence of any specific guidelines and given that the City of Joondalup's minimum payment is well within industry norms the option of re-assessing the setting of minimum payments is not recommended.

Option Five – Apply Changes in Line with the Changes in Rates

It is considered that applying changes to the minimum payment that is in line with the overall City rate change provides the most consistent and equitable approach. However, the proposed differential rates for 2021-22 do not represent a significant change from the current rates.

Accordingly, it is not considered essential to make changes to the minimum payments as this is unlikely to significantly impact the number of properties on the minimum.

This option is not recommended.

Option Six – No Change to Minimum Payments

As noted above, the proposed differential rates for 2021-22 do not represent a significant change from the current differential rates applying in 2020-21. Leaving the existing minimum payments at the same level in 2021-22 is not expected to result in a significant rise in properties on the minimum, therefore retaining the current minimum payment levels is considered appropriate.

This option is recommended.

Draft 2021-22 Budget Rate Revenue Requirement

The Draft 2021-22 Budget is in the final stages of preparation. Workshops have been held with Elected Members, and the draft Budget expected to be presented to Council in June 2021.

It is recommended that the City base its cents in the dollar on Option Three and its minimum payment on Option Six with rates applying to each property category based on the following criteria:

- That differential rates apply to residential, commercial and industrial improved property.
- That the differential rate on residential, commercial and industrial vacant property be set at no more than twice the lowest differential rate.

Legislation / Strategic Community Plan / policy implications

Legislation

The *Local Government Act 1995* Section 6.33 sets out the provisions in relation to differential rating. The City is able to apply separate rates in the dollar for different categories of properties based on zoning, land use, whether they are improved or unimproved and any other characteristic or combinations of characteristics prescribed.

Section 6.36 of the Act requires that if the City is intending to apply differential rating it must advertise the differentials it intends to apply with local public notice for a minimum 21 days and invite submissions in relation to the proposed differentials. A document is required to be made available for inspection by electors and ratepayers that describes the objects of, and reasons for, each proposed rate and minimum payment (Attachment 1 refers).

The City is then required to consider any submissions received and make a final resolution in relation to the setting of the rates in the dollar and the adoption of the budget.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Provided the statutory provisions are complied with there are no risk management issues for applying a differential rate.

Financial/budget implications

The application of differential rating is about apportioning the rate revenue that is required between different categories of property. There are no budget implications from just applying differential rating. The City could derive exactly the same total revenue by applying a general rate to all categories of property. The intention with proposing a differential rate however is to maintain the general proportion of rate revenue derived from each category of residential, commercial and industrial property.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The proposed differential rating has been discussed at budget workshops by Elected Members and the Executive Leadership Team. The recommendations of this report reflect the feedback from those discussions.

The proposed differential rates are required to be advertised and public submissions sought. An advertisement will be placed in the local newspaper, City notice boards, City website and the City social media posts for 21 days.

COMMENT

The differential rates and minimum payments that have been recommended are in line with deliberations from the Budget Workshops held to date.

The various differential rates and minimum payments maintain the City's historical approach to apportioning the rate burden between the respective categories of residential, commercial and industrial as well as between vacant and developed residential, commercial and industrial property. The City reduced overall rates revenue in 2020-21 by over \$5 million from 2019-20, as part of the City's COVID-19 support to the community. The proposed differential rates for 2021-22 will not recover this revenue reduction, as the COVID-19 pandemic remains a significant issue.

The recommendation relates only to undertaking the prescribed advertising for public submissions on the proposed differential rates and minimum payments. Adopting the recommendation does not commit the Council to the differential rates and minimum payments proposed. Council is required to consider any public submissions received, prior to making its final determination. Adopting this recommendation also does not represent any commitment in relation to the adoption of the 2021-22 Budget.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the process undertaken for the development of the Draft Budget for the 2021-22 Financial Year;
- 2 **APPLIES** differential rates for the Draft Budget for the 2021-22 financial year;
- 3 **ADVERTISES** in accordance with section 6.36 of the *Local Government Act 1995* for public submissions on the proposed differential rates as set out in the table below and makes available to the public, Attachment 1 to Report CJ073-05/21 setting out the objects and reasons for the differential rates as below:

	Cents in \$	Minimum Payment
<u>General Rate - GRV</u>		\$
Residential Improved	6.0206	850
Residential Vacant	11.2778	929
Commercial Improved	6.7042	929
Commercial Vacant	11.2778	929
Industrial Improved	6.0970	929
Industrial Vacant	11.2778	929
<u>General Rate - UV</u>		
Residential	1.0442	909
Rural	1.0393	909

- 4 **REQUESTS** a further report be presented to Council to consider:
 - 4.1 any public submissions in relation to the proposed differential rates;
 - 4.2 the adoption of the Budget for the 2021-22 financial year after the close of public submissions;
- 5 **NOTES** the intention to apply a discount of \$300 to commercial improved properties and a discount of \$150 to industrial improved properties in the 2021-22 financial year.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15agn210518.pdf](#)

URGENT BUSINESS

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

CLOSURE



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

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

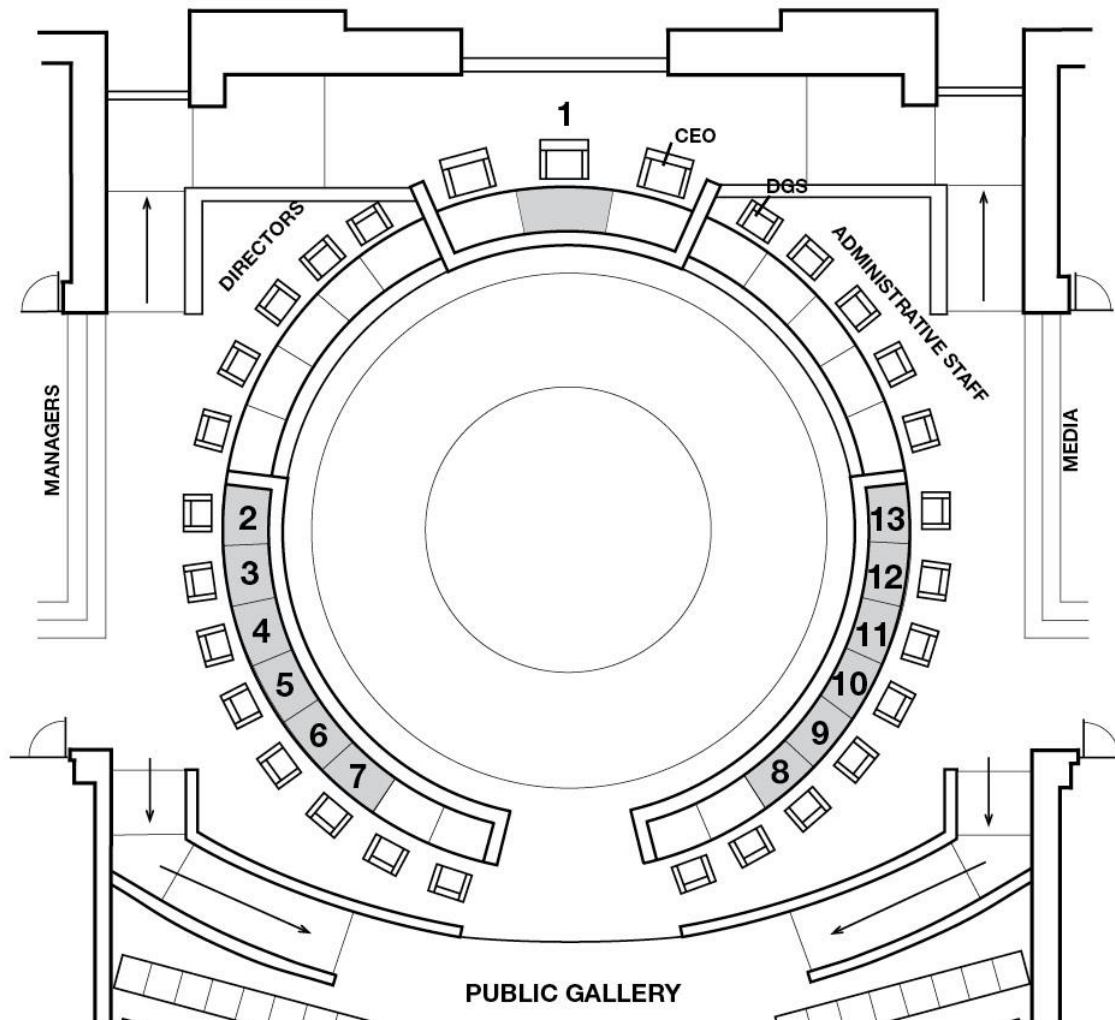
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<i>*Delete where not applicable</i>
Extent of Interest		
Signature		
Date		

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

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

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

Council Chamber – Seating Diagram



Mayor

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

North Ward

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

North-Central Ward

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

Central Ward

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

South-West Ward

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

South-East Ward

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

South Ward

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