

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 20 JULY 2021**

COMMENCING AT **7.00pm**

JAMES PEARSON
Chief Executive Officer
16 July 2021

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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 19 July 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 MEETINGS DURING STATE OF EMERGENCY

As the State is now in Phase 5 of the COVID-19 roadmap, public attendance numbers at City of Joondalup meetings has been changed accordingly, where public attendance at Briefing Sessions and Council Meetings are no longer restricted, and Council Chamber can be at full capacity.

There is no longer a requirement to pre-register to attend meetings or pre-register for public question time and / or public statement time. The registers for public question time and public statement time will be available in the lobby for interested residents to complete upon arrival.

There is still the requirement for the City to maintain a mandatory contact register. Residents are requested to scan the City of Joondalup SafeWA QR Code on entry to the Council Chamber or complete the manual contact register located in the lobby before entering Chamber.

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 physical distancing where possible
- use the hand sanitiser that is provided by the City at the venue
- not attend a meeting 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 SafeWA app from the [Apple App Store](#) or the [Google Play Store](#).

Members of the public are able to access audio of the proceedings at <https://joondalup.wa.gov.au/kb/resident/live-council-meeting-audio-feed>.

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

Council Members and Committee Members are to observe the City's adopted *Code of Conduct for Council Members, Committee Members and Candidates*. The following general principles guide the behaviours of Council Members (being the Mayor and Councillors) and other committee members while performing their role at the City:

Personal Integrity

- (1) A council member or committee member should –
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the City.
- (2) A council member or committee member should –
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the City in relation to the performance of their role.

Relationship with others

- (1) A council member or committee member should –
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

Accountability

A council member or committee member should –

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to Council or Committee meetings, Briefing Sessions or Strategy Sessions; and
- (d) be open and accountable to, and represent, the community in the district.

Employees are bound by the City's *Code of Conduct for Employees* which details similar provisions to be observed.

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:

[AdditionalInformation_210720.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 20 July 2021** commencing at **7.00pm**.

JAMES PEARSON
Chief Executive Officer
16 July 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

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

Note: Members of the public are advised that prior to the opening of the Council Meeting, Mayor the Hon. Albert Jacob, JP will acknowledge the traditional custodians of the land and say a prayer.

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

Disclosures of Financial Interest / Proximity Interest

Nil.

Disclosures of interest affecting impartiality

Elected Members (in accordance with 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 Russ Fishwick, JP.
Item No. / Subject	CJ095-07/21 - Confidential - Claim for Costs in relation to the Development Application for Six Aged or Dependent Persons' Dwellings at 16 and 18 Myaree Way, Duncraig.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	An email of Cr Fishwick's in the FOI is confidential.

Name / Position	Cr Suzanne Thompson.
Item No. / Subject	CJ095-07/21 - Confidential - Claim for Costs in relation to the Development Application for Six Aged or Dependent Persons' Dwellings at 16 and 18 Myaree Way, Duncraig.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thompson's involvement in the decision-making process led the developer to target Cr Thompson in the claim.

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ105-07/21 - Tender 010/21 - Building Minor Works and Maintenance of Value Less Than \$250,000.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob's brother provides some electrical sub-contracting for Hickey Construction.

Name / Position	Cr Russell Poliwka.
Item No. / Subject	CJ107-07/21 - Proposed Disposal of Lot 12223 (12) Blackwattle Parade, Padbury.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	The adjoining owner is known to Cr Poliwka.

PUBLIC QUESTION TIME

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Cr John Logan 22 July to 8 August 2021 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING HELD ON 15 JUNE 2021

RECOMMENDATION

That the Minutes of the Council Meeting held on 15 June 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

- CJ095-07/21 - Confidential - Claim for Costs in Relation to the Development Application for Six Aged or Dependent Persons' Dwellings at 16 and 18 Myaree Way, Duncraig.

PETITIONS

PETITION IN RELATION TO OPPOSING THE RECLASSIFICATION OF PART OF ANY BURNS BEACH AS A DOG EXERCISE BEACH

A 211 signature petition has been received from residents of the City of Joondalup opposing the reclassification of any part of Burns Beach as a dog exercise beach for the following reasons:

- 1 Established dog exercise beaches are already available located in Hillarys and at Quinns Beach.
- 2 The Burns Beach Coastal Node Concept Plan will establish upgraded family friendly facilities in the Burns Beach Foreshore Area and a dog exercise beach would be unsuitable for this area.
- 3 There would be a high risk of physical harm due to unwanted interaction between off-leash dogs and families.
- 4 It would not be hygienic for dogs to be exercised on a family-friendly beach especially the northern swimming area.
- 5 Parking will be insufficient once the upgrades, development and dual use pathway in the suburb are completed.
- 6 The protected marine area and Tamala Park (roosting place for the endangered Carnaby Cockatoo) will be impacted.

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 opposing the reclassification of any part of Burns Beach as a dog exercise beach.**

REPORTS

CJ093-07/21 DEVELOPMENT AND SUBDIVISION APPLICATIONS - MAY 2021

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBERS	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined - May 2021 Attachment 2 Monthly Subdivision Applications Processed - May 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 May 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 May 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during May 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 15 June 2021 (CJ079-06/21 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 May 2021 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	5	5
Strata subdivision applications	15	21
TOTAL	20	26

Of the subdivision referrals, 15 were to subdivide in housing opportunity areas, with the potential for 17 additional lots.

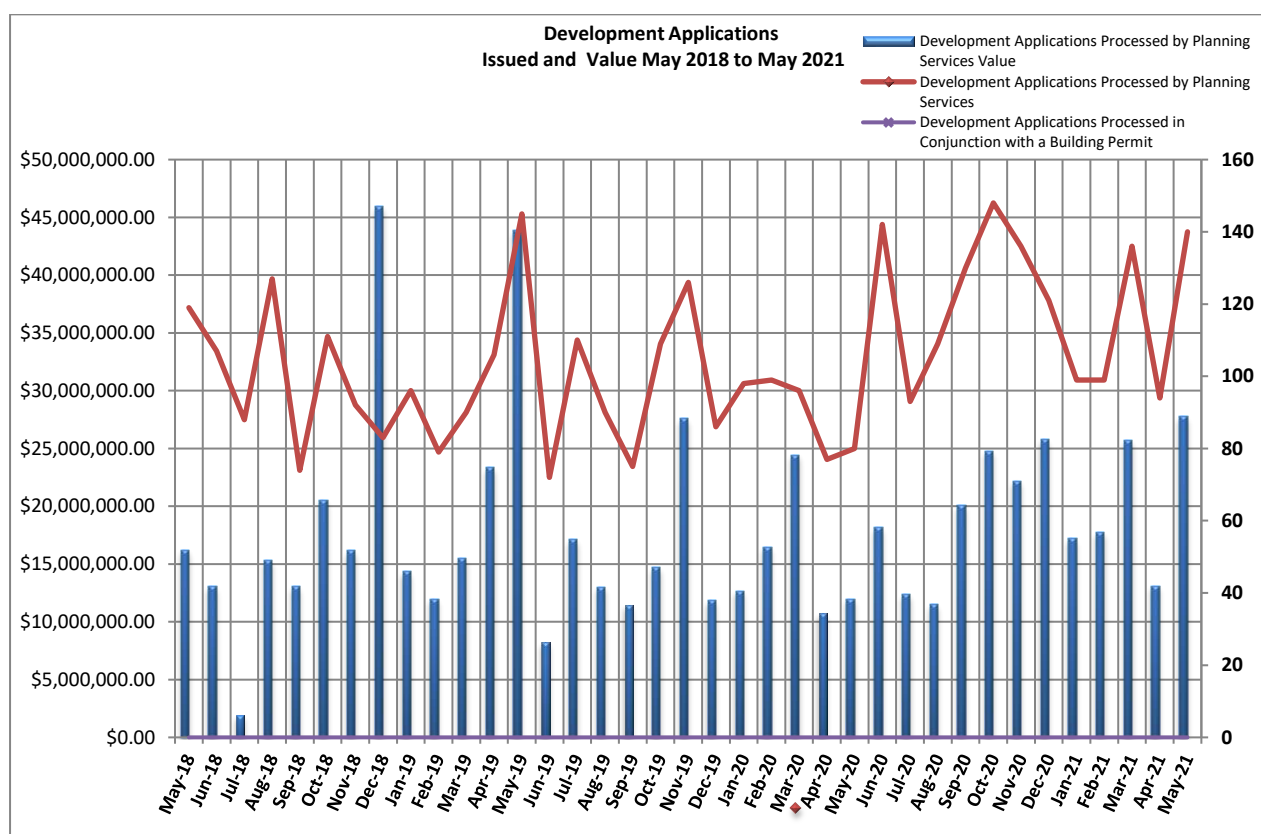
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	140	\$27,800,625

Of the 140 development applications, 31 were for new dwelling developments in housing opportunity areas, proposing a total of 38 additional dwellings.

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



The number of development applications received during May 2021 was 145.

The number of development applications current at the end of May was 253. Of these, 12 were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 313 building permits were issued during the month of May with an estimated construction value of \$43,181,378.

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 140 development applications were determined for the month of May with a total amount of \$96,014.15 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to Report CJ093-07/21 during May 2021;**
- 2 subdivision applications described in Attachment 2 to Report CJ093-07/21 during May 2021.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210713.pdf](#)

CJ094-07/21**DRAFT BURNS BEACH LOCAL DEVELOPMENT PLAN**

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	29557, 101515
ATTACHMENTS	Attachment 1 Location Plan Attachment 2 Burns Beach Structure Plan Attachment 3 Subdivision Plan Attachment 4 Draft Burns Beach Local Development Plan Attachment 5 Comparison Table Attachment 6 Schedule of Modifications
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Burns Beach Local Development Plan*, following public consultation.

EXECUTIVE SUMMARY

The City has received a draft local development plan, prepared by CDP Town Planning and Urban Design (planning consultants) on behalf of the property owners Peet Funds Management Pty Ltd.

The local development plan is required by a condition of subdivision approval issued by the Western Australian Planning Commission (WAPC) for the land comprising the 'Northern Residential Precinct' in the *Burns Beach Structure Plan* area. It is a document that is required to address the allocation of residential density codes and built form requirements for the area.

In doing so, the draft *Burns Beach Local Development Plan* (Burns Beach LDP) applies the development provisions of the existing *Burns Beach Structure Plan* along with the provisions of the State Government's *Medium Density Single House Development Standards - Development Zones* (R-MD Codes) as outlined in the WAPC's Planning Bulletin 112/2016.

The draft Burns Beach LDP was advertised for public comment for 21 days concluding on 12 May 2021. A total of 46 submissions was received, comprising 40 objections, three submissions of support, and three submissions that provided comments on the proposal. The main issues raised in the submissions relate to increased traffic, the number of lots in the precinct, the size of the lots, the amount of public open space, a view that the area should be left as a conservation reserve, and the fact that the beach access and coastal path have not yet been constructed.

The submissions received do not directly relate to the content of the draft Burns Beach LDP, which sets out the development standards for future development (houses) in the area. It is noted that the WAPC has already granted subdivision approval for the area which has determined the number, size and layout of the lots as well as the amount of public open space, and therefore comments relating to these matters have been addressed during the assessment and approval of the subdivision. It is also noted that the construction of the beach access and coastal path is not a matter to be addressed by the draft Burns Beach LDP.

The draft Burns Beach LDP meets the condition of subdivision approval as it addresses the allocation of residential density codes and built form development standards. The use of the R-MD Codes for the draft Burns Beach LDP is considered appropriate as the R-MD Codes are accepted alternative provisions to the Residential Design Codes (R-Codes), being developed by the WAPC specifically for greenfield medium density single houses. The R-MD Codes incorporate a range of development standards that reflect contemporary single house development on lots such as those in the Northern Residential Precinct.

Some minor modifications to the draft Burns Beach LDP are recommended by the City to improve the clarity and formatting of the document and to ensure that the Burns Beach LDP only addresses matters required by the condition of subdivision approval.

It is recommended that Council approves the draft Burns Beach Local Development Plan, subject to modifications.

BACKGROUND

Suburb/Location	Lot 9029 (1511) Marmion Avenue, Burns Beach.
Applicant	CDP Town Planning & Urban Design.
Owner	Peet Funds Management Pty Ltd.
Zoning	LPS Urban Development.
	MRS Urban.
Site area	25.56 ha.
Structure plan	<i>Burns Beach Structure Plan.</i>

Lot 9029 (1511) Marmion Avenue, Burns Beach is located in the northern part of Burns Beach south of the Parks and Recreation Reserve, west of Marmion Avenue and east of the Indian Ocean (Attachment 1 refers). It forms the 'Northern Residential Precinct' of the *Burns Beach Structure Plan*.

Burns Beach Structure Plan

The *Burns Beach Structure Plan* covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned 'Urban Development' under the City of Joondalup *Local Planning Scheme No. 3* (LPS3).

The *Burns Beach Structure Plan* supports the development of a residential housing estate (Attachment 2 refers) and was approved by the Western Australian Planning Commission (WAPC) in May 2005.

Modifications to the Burns Beach Structure Plan

Modifications to the structure plan were approved in 2007, primarily to establish development provisions and residential density for the 'Northern Residential Precinct'.

Modifications in 2014 to the 'Northern Residential Precinct' provisions capped the number of dwellings that could be developed in the precinct to 305 dwellings coded R25; 6,072m² of land coded R40; and 10,452m² of land coded R60 (Attachment 2 refers).

The caps were introduced via an appeal to the State Administrative Tribunal over Council's decision not to support the recoding of the 'Northern Residential Precinct' from R20 to R25.

Further modifications to the *Burns Beach Structure Plan* were approved by the WAPC in 2020, to modify the size and land use permissibility of the 'Local Shop Precinct'.

Northern Residential Precinct

The 'Northern Residential Precinct' is the last stage of the *Burns Beach Structure Plan* area to be developed.

The *Burns Beach Structure Plan* allows the 'Northern Residential Precinct' to be developed with a mix of residential dwellings with densities ranging from R25 to R60, public open space and a road network (Attachment 2 refers).

Subdivision approval has previously been granted by the WAPC in the Northern Residential Precinct for 208 lots in the eastern portion of the precinct (WAPC 159851), 110 lots in the western portion of the precinct (WAPC 160429), 34 lots to the south west (WAPC 156568), 10 lots to the south (WAPC 159269) and the coastal road to the west (WAPC 157322) (Attachment 3 refers).

It has been the City's position that the *Burns Beach Structure Plan* should be amended prior to consideration of major subdivision proposals that do not align sufficiently with the structure plan. As such, the City did not support subdivision proposals for the balance of the Northern Residential Precinct as the subdivision plans did not correspond sufficiently with the residential densities and lot layout outlined in the *Burns Beach Structure Plan* (Attachments 2 and 3 refer).

Notwithstanding the City's position in relation to these subdivision proposals, the WAPC approved the subdivision applications subject to conditions which, in relation to applications WAPC 159851 and WAPC 160429, include the preparation and approval of a local development plan to address the allocation of residential density codes and built form requirements for the lots shown on the approved subdivision plan.

DETAILS

The draft Burns Beach LDP has been prepared and submitted by CDP Town Planning and Urban Design (planning consultants) on behalf of the property owners Peet Funds Management Pty Ltd (Attachment 4 refers). The draft Burns Beach LDP applies to the development of single houses in the 'Northern Residential Precinct' of the *Burns Beach Structure Plan*.

The draft Burns Beach LDP:

- allocates R25, R40 and R60 density codes to the lots within the LDP area
- details the built form requirements, utilising the existing structure plan requirements and the R-MD codes
- designates garage locations for specific lots
- specifies primary dwelling orientation for corner and R60 coded lots
- identifies vehicle access restrictions for laneway lots
- identifies which lots are affected by a Bushfire Attack Level (BAL) rating.

The following outlines the details of the provisions, the applicant's justification (in italics), the response to submissions and recommended modifications to the Burns Beach LDP.

Allocation of residential density codes

The draft Burns Beach LDP allocates R25, R40 or R60 density codes to lots within the 'Northern Residential Precinct'. The proposed allocation of the various R-code densities does not align with that in the *Burns Beach Structure Plan*; however, they do align with the subdivision plans approved by the WAPC.

Through the WAPC's approval of the subdivision applications, the WAPC confirmed that the local development plan (not the *Burns Beach Structure Plan*) will become the source of residential density coding for the Northern Residential Precinct.

The applicant states that:

A provision has been included to address Condition 16 of the subdivision approval. That is, the LDP references the R-Code Density Plan and states that the density plan within the LDP supersedes the Structure Plan densities.

Officer Comment

The WAPC approved a subdivision layout for a portion of the 'Northern Residential Precinct' with residential density allocations different to those shown on the *Burns Beach Structure Plan* (Attachments 2 and 3 refer). The City did not support the proposed subdivision due to the misalignment of the R-Code densities and recommended that the *Burns Beach Structure Plan* be amended to resolve this issue. However, the City is not the determining authority for subdivision applications and the WAPC approved the subdivision subject to conditions. It is noted that a structure plan is a 'due regard' document, therefore the determining authority is not bound by the provisions of a structure plan when making decisions.

A condition of the subdivision approval requires the applicant to submit a LDP to address the allocation of residential density codes. The draft Burns Beach LDP includes a plan that depicts the R-Code densities and states that the densities of the plan supersede those depicted within the approved *Burns Beach Structure Plan*.

It is considered that the draft Burns Beach LDP meets the subdivision condition and addresses the allocation of residential density codes.

Built Form Requirements

The draft Burns Beach LDP applies provisions from the existing *Burns Beach Structure Plan* along with provisions from the R-MD Codes as outlined in the WAPC's Planning Bulletin 112/2016 *Medium Density Single House Development Standards – Development Zones*.

The applicant states that:

The proposed LDP is lodged to fulfil Condition 16 of the subdivision approval, to reflect the density codings of the WAPC approved Residential Density Code (R-Code) Plans, and to complement the built form requirements stipulated under LPS3, the Burns Beach Structure Plan, Residential Development LPP, and the R-Codes.

The proposed LDP relates to a total of 360 lots (Attachment 4 refers). The proposed LDP strictly relates to single house development only and includes provisions generally consistent with the City's Medium Density Single House Development Standards Local Planning Policy (R-MD Codes). The development standards contained in the LDP seek to amend, replace, or augment, those requirements of LPS3, the Burns Beach Structure Plan, Residential Development LPP, and the R-Codes. For all those matters not addressed in the proposed LDP, the R-Codes will generally apply.

The built form and street setback provisions proposed will establish a defined character for this specific precinct of the Estate; this based on current WA development standards (generally R-MD codes). The proposed standards pose no detriment to established Burns Beach residential area with their own unique character and built form provisions guided by Structure Plan and R-Codes provisions.

Officer Comment

A table comparing the current *Burns Beach Structure Plan* requirements against the draft Burns Beach LDP provisions is provided at Attachment 5 to Report CJ094-07/21.

The following provisions of the draft Burns Beach LDP are taken directly from the R-MD Codes:

- Open space and outdoor living area.
- Street setbacks.
- Garage setbacks.
- Lot boundary setbacks (including boundary walls).
- Visual privacy.
- Solar access for adjoining sites.

The R-MD Codes are a WAPC approved set of provisions that were developed in response to an increase in ad-hoc alternatives to the provisions of the R-Codes in a variety of local government planning documents. The R-MD Codes outline acceptable alternatives to the deemed-to-comply standards of certain clauses of the R-Codes that can apply to greenfield single house development with a density range of R25 to R60.

The use of the R-MD Codes for the draft Burns Beach LDP is considered appropriate as they have been adopted by the State Government and accommodate current single house typologies on smaller lots. It is also noted that the R-MD Codes have successfully been used in the development of the *MacNaughton Crescent Structure Plan* in Kinross.

In addition, the *Burns Beach Structure Plan* was adopted more than 15 years ago and therefore the R-MD Codes provide a more contemporary set of development provisions for greenfield medium density single residential development. It is also noted that the Burns Beach LDP only applies to the 'Northern Residential Precinct' which has not been developed yet and therefore will not apply to existing developed Burns Beach area.

The following development provisions in the draft Burns Beach LDP are proposed to be carried over from the existing *Burns Beach Structure Plan*:

- Street surveillance.
- Building height.
- Street walls and fences.
- Site works.

Although these provisions are repeated from the *Burns Beach Structure Plan*, their inclusion in the draft Burns Beach LDP will reduce the number of documents that need to be referred to when designing or assessing a single house in the precinct, making for an easier to follow process.

In addition to the above, the draft Burns Beach LDP includes a provision relating to the width of garages and incorrectly states that the provision comes from the *Burns Beach Structure Plan*. Rather, the provision comes from the City's *Residential Development Local Planning Policy* and will apply to single house development. Its inclusion on the draft Burns Beach LDP is therefore redundant and recommended to be removed.

The draft Burns Beach LDP designates garage locations for specified lots, particularly corner lots. These are considered acceptable as they accommodate the anticipated servicing, earthworks and retaining wall requirements associated with the subdivision.

Response to submissions

Number of lots proposed

A number of submissions state that too many lots are proposed for the area. These submissions also state the number of lots proposed is different to the original plan and different to that agreed between the City and Peet during SAT mediation for the 2014 amendment to the *Burns Beach Structure Plan*.

In response to the above, the applicant states:

The overall dwelling yields are considerably less (down ~41 dwellings) compared to that approved by the State Administrative Tribunal in determining the current Structure Plan and associated dwelling 'caps'.

Officer Comment

The number of lots in the 'Northern Residential Precinct' has already been determined through various subdivision approvals granted by the WAPC. Therefore, the number of lots is not a matter that can be addressed by the draft Burns Beach LDP, nor is it the subject of Council's consideration.

However, the following information is provided for clarity and to address the submissions received.

Overall, 360 lots have been approved by the WAPC in the 'Northern Residential Precinct'. This is less than the number of lots that could be developed under the requirements of *Burns Beach Structure Plan* for the area as outlined below.

The *Burns Beach Structure Plan* sets out a cap on the number of lots that can be developed in the 'Northern Residential Precinct' (Attachment 2 refers). These caps were included in the *Burns Beach Structure Plan*, following Council's decision to refuse an amendment to the structure plan to recode the R20 areas of the Northern Residential Precinct to R25 (CJ007- 02/14 refers). The landowner appealed Council's decision, and through the SAT process a mediated outcome was reached whereby the R20 areas were allowed to be recoded to R25, subject to the inclusion of the cap.

The caps in the *Burns Beach Structure Plan* include a cap on the total number of R25 coded lots (305 lots) and imposition of maximum land areas for R40 coded land (6,072m²) and R60 coded land (10,452m²).

The subdivisions recently approved by WAPC indicate the entire northern precinct will be subdivided into single lots (Attachment 3 refers), with a coding of R25, R40 and R60. Applying the average lot size requirement for the R40 and R60 density codes would produce the following number of dwellings contemplated under the *Burns Beach Structure Plan*:

	R25	R40	R60	Total
Structure plan requirement	305 lots	6,072 m ² @ 1 dwelling per 220m ² = 27 lots	10,452m ² @ 1 dwelling per 150m ² = 69 lots	401 lots
Approved subdivisions	306 lots	34 lots	20 lots	360 lots

The overall lot yield of 360 lots is less than the 401 lots that could be developed under the structure plan. There is also the theoretical potential for 14 of the 20 proposed R60 lots to be further subdivided into two lots, resulting in a potential total dwelling yield of 374, which is still below the 401 lots that could be developed.

Lot size

Several submissions state that the lots sizes are too small.

Officer Comment

Similar to the concern about the number of lots, the size of the lots has also been approved by the WAPC as part of preceding subdivision applications for the area and is not a matter for consideration in the Burns Beach LDP. It is noted, however, that the sizes of the lots comply with the minimum and average lot sizes related to the relevant R-coding.

Increase in traffic

A number of submissions were concerned with the increase in traffic that will occur, particularly on Burleigh Drive.

The applicant's justification is as follows:

The final dwelling yields will see considerably less 'total traffic numbers' than that permitted by the approved Structure Plan.

Officer Comment

Similar to the number and size of lots, comments regarding an increase in traffic in the area are not relevant to the consideration and assessment of the Burns Beach LDP as traffic was examined during the consideration of the structure plan and the subdivision of the area. The WAPC has granted approval for the number of lots, and therefore the resultant increase in traffic, as part of previous subdivision applications for the area.

Parks and Recreation reserve

A number of submissions state that the area should be left as a parks and recreation reserve.

Officer comment

The subject area is not a reserve for 'Parks and Recreation' and has been zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Urban Development' under the City's local planning scheme since the inception of the development of the Burns Beach estate. The *Burns Beach Structure Plan* allows the development of this precinct for housing and public open space. It is the land further north of the subject site that is reserved 'Parks and Recreation' under the MRS (Attachment 2 refers).

Insufficient Public Open Space

Several submissions state that there is not enough public open space for the number of lots proposed.

Officer comment

The provision of public open space is a matter controlled by the structure plan and the subdivision, not the draft Burns Beach LDP. The location and size of public open space has been determined by the subdivision applications already approved by the WAPC.

It is noted that the last subdivision approval for the 'Northern Residential Precinct' identified that the proposal complied with the requirement for new residential areas to provide 10% of the subdivisible area as public open space.

Beach access and coastal path

Several submissions state that it should be a condition of approval that the beach access points, and coastal path be constructed.

Officer comment

The matter of the construction of beach access, coastal path and any works to be carried out within the foreshore area is outlined in the *Burns Beach Foreshore Management Plan*, which is implemented through the subdivision process. The construction of the beach access and coastal path is not a matter to be addressed by the Burns Beach LDP.

Proposed modifications

An assessment of the draft Burns Beach LDP has been carried out by the City. While it is considered that the majority of the draft Burns Beach LDP is acceptable, the following modifications are recommended (Attachment 6 refers):

- Remove 'retaining wall' from the legend as no retaining walls are identified on the LDP.
- Remove 'BAL affected lots' from the legend as this is not required to be addressed by the LDP (this is covered by a separate subdivision condition and that requires a notification on the certificate of title).
- Insert the word 'the' between 'illustrated on' and 'plan' in paragraph four of the LDP requirements.
- Delete the row 'Garage width' as this is a *Residential Development Local Planning Policy* provision, not a *Burns Beach Structure Plan* or R-MD Code provision (and will apply even if not referenced on the LDP).
- Update references from 'augment' to 'replace' for 'Building Height' and 'Street Walls and Fences'.

Issues and options considered

The options available to Council in considering the draft Burns Beach LDP are to:

- approve the draft Burns Beach LDP as submitted
- require the applicant who prepared the Burns Beach LDP to:
 - modify the plan in the manner specified by the local government; and
 - resubmit the modified plan to the local government
- refuse to approve the draft Burns Beach LDP.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development (Local Planning Schemes) Regulations 2015.*
 Local Planning Scheme No. 3.
 Burns Beach Structure Plan.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Planning Consultation Local Planning Policy.*
 Medium-density Single House Development Standards Local Planning Policy.

Planning and Development (Local Planning Schemes) Regulations 2015

Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) outlines the process for determining local development plans.

The LPS Regulations state that a local development plan may be prepared under the following circumstances:

- A condition of subdivision approval requires the preparation of a local development plan.
- A local planning policy or structure plan requires a local development plan.
- Another provision of the Scheme requires a local development plan.
- or
- The WAPC and the local government consider one necessary for the purposes of orderly and proper planning.

A condition of subdivision approval requires the preparation of a local development plan in relation to subdivisions WAPC 159851 and WAPC 160429 (Attachment 3 refers).

No such condition was applied to the two smaller subdivisions (WAPC 159269 and WAPC 156568). In order for the entire Northern Residential Precinct to be developed under a single, coordinated set of development standards, the applicant sought approval from the WAPC for the draft Burns Beach LDP to apply to these subdivisions in addition to those that have a requirement as part of their conditional subdivision approval. The WAPC has confirmed that the preparation of a LDP for the lots included in WAPC 159269 and WAPC 156568 is consistent with the purpose of orderly and proper planning.

Once the local government has accepted a LDP, the local government must advertise the LDP within 28 days for a minimum of 14 days. It is noted that the City's *Planning Consultation Local Planning Policy* requires an LDP to be advertised for 21 days. However, the local government may decide not to advertise the LDP if it is satisfied that the LDP is not likely to adversely affect any owners or occupiers within the area covered by the plan.

After the close of advertising the LDP is required to be determined by the local government within 60 days. The local government has the ability to approve, require modifications or refuse the LDP taking into account the submissions received during advertising.

When an area is covered by an approved local development plan, the local government must have due regard to, but is not bound by, the local development plan when deciding an application for development approval.

Medium-density Single House Development Standards Local Planning Policy

The City's *Medium-density Single House Development Standards Local Planning Policy* implements the WAPC's Planning Bulletin 112/2016 *Medium-density single house development standards - Development Zones*. The Planning Bulletin adopts a set of alternatives to the deemed-to-comply provisions of certain clauses of the R-Codes that can be consistently applied to medium density single house development in specified development zones and structure plans. The policy already applies to the *MacNaughton Crescent Structure Plan* in Kinross.

Risk management considerations

Should Council resolve not to approve the draft Burns Beach LDP, the applicant will be unable to meet the condition of subdivision approvals that require the preparation and approval of a LDP. Conditions of subdivision approval need to be met in order for the lots to be created.

The applicant has a right of appeal through the *State Administrative Tribunal Act 2004* should Council refuse the draft Burns Beach LDP or approve the Burns Beach LDP subject to conditions/modifications that the applicant does not support. The same appeal rights also apply in the event that Council does not determine the Burns Beach LDP within 60 days from the last day of advertising.

Financial / budget implications

The applicant has paid fees of \$4,942.75 (including GST) for assessment of the draft Burns Beach LDP. The applicant is required to cover the cost of advertising separately.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft Burns Beach LDP was advertised for public comment for a period of 21 days, concluding on 12 May 2021, by way of:

- 216 letters to residents within 200 metres of the 'Northern Residential Precinct'
- a letter to the Burns Beach Residents Association
- a notice placed on the City's website.

A total of 46 submissions were received, comprising 40 objections, three submissions of support and three submissions that provided comments on the proposal.

The following summarises the main comments outlined in the submissions:

- There are too many lots proposed, the number of lots does not comply with that agreed when the previous amendment to the *Burns Beach Structure Plan* was approved.
- The proposed lots are too small, the density is too high.
- The proposal will lead to an increase in traffic in the area.
- The area should be left as a conservation reserve.
- There is not enough public open space for the area.
- Beach access points and coastal path are still yet to be constructed.

As noted in this report, the comments outlined above are matters that are not relevant to, or unable to be addressed by, the draft Burns Beach LDP.

COMMENT

The draft Burns Beach LDP addresses the WAPC's conditions of subdivision approval as it allocates residential density codes and built form requirements in the 'Northern Residential Precinct' of the *Burns Beach Structure Plan* area. The R-Code densities shown on the draft LDP replace those designated in the *Burns Beach Structure Plan*.

The draft Burns Beach LDP applies provisions from the existing *Burns Beach Structure Plan* as well as the R-MD Codes. Given that the R-MD Codes were developed by the WAPC specifically for greenfield areas of medium-density single houses, such as the 'Northern Residential Precinct', and incorporate a range of development standards that reflect contemporary single house development on smaller lots, the use of the R-MD Codes is considered acceptable in the context of the Northern Residential Precinct.

Minor modifications are proposed to the draft Burns Beach LDP to correct formatting errors and ensure the LDP only addresses matters required by the condition of subdivision approval. It is therefore recommended that Council approves the *Burns Beach Local Development Plan*, subject to modifications.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **REQUIRES** the applicant to modify the proposed *Burns Beach Local Development Plan* included as Attachment 4 to Report CJ094-07/21, as outlined within the schedule of modifications included as Attachment 6 to Report CJ094-07/21;
- 2** pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVES** the *Burns Beach Local Development Plan* included as Attachment 4 to Report CJ094-07/21, subject to the local development plan being modified as outlined in Part 1 above.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf210713.pdf](#)

Disclosures of interest affecting Impartiality

Name / Position	Cr Russ Fishwick, JP.
Item No. / Subject	CJ095-07/21 - Confidential - Claim for Costs in relation to the Development Application for Six Aged or Dependent Persons' Dwellings at 16 and 18 Myaree Way, Duncraig.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	An email of Cr Fishwick's in the FOI is confidential.

Name / Position	Cr Suzanne Thompson.
Item No. / Subject	CJ095-07/21 - Confidential - Claim for Costs in relation to the Development Application for Six Aged or Dependent Persons' Dwellings at 16 and 18 Myaree Way, Duncraig.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Thompson's involvement in the decision-making process led the developer to target Cr Thompson in the claim.

**CJ095-07/21 CONFIDENTIAL - CLAIM FOR COSTS IN
RELATION TO THE DEVELOPMENT
APPLICATION FOR SIX AGED OR DEPENDENT
PERSONS' DWELLINGS AT 16 AND 18 MYAREE
WAY, DUNCRAIG**

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBERS	10090, 101515
ATTACHMENTS	Attachment 1 Applicant Claim for Costs (Summary and Overview) Attachment 2 Applicant Legal Advice (Flint Legal) Attachment 3 Applicant Cost Schedule Attachment 4 Supporting Annexures to Applicant Claim Attachment 5 City of Joondalup Legal Advice (McLeods)

(Please Note: This Report and Attachments are Confidential and will appear in the official Minute Book only).

AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
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This report is confidential in accordance with section 5.23(2)(d) and (f)(i) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (f)(i) *a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.*

A full report is provided to elected members under separate cover. The report is not for publication.

CJ096-07/21**EXECUTION OF DOCUMENTS**

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 12 May to 8 June 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 12 May to 8 June 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 12 May to 8 June 2021, as detailed in Attachment 1 to Report CJ096-07/21.

BACKGROUND

For the period 12 May to 8 June 2021, 14 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	13
Withdrawal of Caveat	1

DETAILS**Issues and options considered**

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 12 May to 8 June 2021, as detailed in Attachment 1 to Report CJ096-07/21.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210713.pdf](#)

CJ097-07/21 ELECTED MEMBER TRAINING AND DEVELOPMENT SCHEDULE - 2020-21

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	109290, 00427, 101515
ATTACHMENT	Attachment 1 2020-21 Elected Member Training and Development Schedule
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 a report on the training and development undertaken by elected members during the 2020-21 financial year.

EXECUTIVE SUMMARY

With the introduction of new provisions within the *Local Government Act 1995* (the Act), local governments must prepare a report for each financial year on the training completed by elected members in that financial year. The report must be placed on the City's website within one month after the end of the financial year in which the report relates.

This report highlights the training development undertaken by elected members during the 2020-21 financial year, and details not only the mandatory training required under the Act, but also any conference and training events attended by elected members under the City's *Elected Members' Entitlement Policy*.

It is therefore recommended that Council:

- 1 *NOTES the training and development undertaken by elected members during the 2020-21 financial year, as detailed in Report CJ097-07/21;*
- 2 *NOTES the 2020-21 Elected Member Training and Development Schedule, as detailed in Attachment 1 to Report CJ097-07/21, will be placed on the City's website.*

BACKGROUND

On 16 September 2019 and as part of the State Government's local government reform agenda, certain provisions of the *Local Government Legislation Amendment Act 2019* came into operation which implemented a range of reforms to the Act to deliver on the principles of improved governance, transparency and accountability. Improvements included the need for universal training for elected members, a mandatory code of conduct, chief executive officer employment and performance management standards, a revised gifts framework, and improved reporting and transparency to the community.

In terms of universal training for elected members as well as improved reporting and transparency to the community, new sections 5.126 and 5.127 of the Act were introduced around elected member training and reporting, as follows:

“5.126. Training for council members

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
 - (a) *prescribe a course of training; and*
 - (b) *prescribe the period within which training must be completed; and*
 - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
 - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

5.127. Report on training

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government’s official website within 1 month after the end of the financial year to which the report relates.”*

The *Local Government (Administration) Regulations 1996* prescribes the *Council Member Essentials* training as being the mandatory training (as per section 5.126(1) of the Act) that elected members must complete within their first 12 months of Office. The *Council Member Essentials* training consists of the following modules:

- Understanding Local Government.
- Serving on Council.
- Meeting Procedures.
- Conflicts of Interest.
- Understanding Financial Reports and Budgets.

To enable elected members to develop and maintain skills and knowledge relevant to their role, the City also has an *Elected Members’ Entitlements Policy* that includes provisions around elected member attendance at conference and training events within Australia and overseas.

DETAILS

For the 2020-21 financial year, the mandatory training undertaken by respective elected members, and the training and development undertaken by elected members under the provisions of the City’s *Elected Members’ Entitlements Policy* is detailed in Attachment 1 to Report CJ097-07/21.

It should also be noted the mandatory training is only required to be completed within a period of 12 months (that is October 2020), by those elected members that were elected in the 2019 local government elections. Other elected members can undertake the mandatory training if they so wish, but are not required to do so, until such time they may be re-elected at the 2021 local government elections. All elected members elected at the 2019 local government election have completed the mandatory training modules within the required timeframe.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Effective representation.

Strategic initiative Develop and deliver training initiatives that will foster a skilled and confident elected body.

Policy *Elected Members' Entitlements Policy.*

Risk management considerations

Should Council not adopt the report on elected member training, the City will not comply with the requirements of the Act.

Financial / budget implications

The attendance of conferences and other training events for elected members is accommodated in the City's operational budget (an allocation of \$137,500 in the 2020-21 budget). In terms of the training and events undertaken during the 2020-21 financial year, the cost of elected member attendance under the various training categories (as listed in Attachment 1) at the time of writing of the report, is as follows:

Description	Amount
Mandatory Training	\$ 5,055.00
Interstate Conferences	\$13,248.46
WA Training and Development Events	\$11,836.66

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Local government is a complex entity and makes significant decisions that affect the local government's continued sustainability and community outcomes. Like any board or management structure, it is imperative that elected members have the appropriate skills to be able to undertake their roles to the best of their ability. Such skills are enhanced through the training and development offered to elected members throughout their term of Office.

The Minister for Local Government and the WA State Parliament recognise the need for elected members to undertake continual professional development in fulfilling their role of public office. The introduction of mandatory training requirements into the Act and the need for local governments to adopt a policy in relation to elected member continual professional development, support these views.

It should also be noted that elected members can undertake their own personal and professional development outside of the training and development offered by the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the training and development undertaken by elected members during the 2020-21 financial year, as detailed in Report CJ097-07/21;**
- 2 NOTES the 2020-21 Elected Member Training and Development Schedule, as detailed in Attachment 1 to Report CJ097-07/21, will be placed on the City's website.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210713.pdf](#)

CJ098-07/21**WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION 2021 ANNUAL
GENERAL MEETING**

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

PURPOSE

For Council to give consideration to nominating its voting delegates for the 2021 Annual General Meeting of the Western Australian Local Government Association (WALGA) to be held on Monday 20 September 2021.

EXECUTIVE SUMMARY

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

Mayor Jacob and Cr Fishwick were nominated as the City's voting delegates in 2020, with Crs Logan and Chester as their proxy delegates (CJ109-08/20 refers).

BACKGROUND

The 2021 WALGA Annual General Meeting will be held on Monday 20 September 2021.

DETAILSVoting Delegates

In order to participate in voting on matters received at the Annual General Meeting, each member Council must register its voting delegates by 27 August 2021. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either elected members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

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

Members	Deputy Members
Mayor. the Hon Albert Jacob, JP.	Cr John Raftis (first deputy member).
Cr Russ Fishwick, JP.	Cr Christopher May (second deputy member).
Cr John Logan.	
Cr Russell Poliwka.	

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

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

The City's *Elections Caretaker Policy* does not prevent an elected member, whose term is ending in October 2021, from being a delegate or proxy delegate at the Annual General Meeting.

Risk management considerations

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

Financial / budget implications

Not applicable.

Regional significance

Matters considered at the 2021 WALGA Annual General Meeting relate to local government as an industry.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

It is considered prudent to designate two voting delegates for the 2021 Annual General Meeting of WALGA to ensure the City is represented and is able to vote on matters affecting the City and the broader local government sector.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOMINATES:

- 1 two voting delegates for the 2021 Annual General Meeting of the Western Australian Local Government Association to be held on Monday 20 September 2021;**
- 2 two proxy voting delegates for the 2021 Annual General Meeting of the Western Australian Local Government Association to be held on Monday 20 September 2021 in the event that Council's appointed representatives are unable to attend.**

CJ099-07/21**GOVERNANCE FRAMEWORK REVIEW**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	25548, 101515
ATTACHMENT	Attachment 1 Revised <i>Governance Framework</i> (marked-up)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt a revised *Governance Framework*.

EXECUTIVE SUMMARY

Governance is an important concept and impacts on all parts of the City and all sectors of the community. The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

The principles and practices of good governance plot the specific processes of decision-making, and the processes by which the City is directed, controlled and held to account. Good governance ensures that the City is able to manage its many complex responsibilities effectively in the best interests of the entire community.

For an organisation to demonstrate good governance, there needs to be a clear understanding about its strategic direction, management responsibility and accountability. The City's *Governance Framework* has been developed to set out these matters as well as the roles of elected members and the organisation and their interdependent relationships, along with the financial, legal and ethical considerations required to provide good governance.

The City's framework consists of four key principles required to achieve excellence in governance:

- Culture and vision.
- Roles and relationships.
- Decision-making and management.
- Accountability.

The framework has been recently reviewed to update and reflect current operational practices and the legal framework in which all local governments throughout Western Australia operate.

It is therefore recommended that Council ADOPTS the revised City of Joondalup Governance Framework as detailed in Attachment 1 to Report CJ099-07/21.

BACKGROUND

In September 2003, Council established a Governance Review Panel to make recommendations on the operations of the City and specific governance-related issues being experienced at that time. Although the then Minister of Local Government suspended the City of Joondalup Council in December 2003, the governance review progressed on the basis it would document some of the issues being faced by the City and Council at that time, and provide guidance for the incoming Council on a range of improvements that could be implemented to improve corporate governance at the City.

The City's inaugural *Governance Framework* was adopted by Council at its meeting held on 11 October 2005 (Item CJ204-10/05 refers). While the issues facing the City in 2005 have long past and been addressed, the principles and practices within the City's framework have continued to assist with guiding and understanding of the processes of decision-making, and the processes by which the City is directed, controlled and held to account.

The framework was initially developed as an internal document for elected members to assist their understanding of the governance arrangements that exist within a local government. However the framework is also important for employees and the community in articulating the governance arrangements in place at the City.

The *Governance Framework* has been previously reviewed by Council at its meetings held on 15 September 2009 (Item CJ205-09/09 refers), 16 April 2013 (Item CJ049-04/13 refers), 20 September 2016 (Item CJ138-09/16 refers) and 19 May 2020 (Item CJ057-05/20 refers) which has resulted in amendments that strengthen the framework to ensure that it remains relevant and current to the operations of the City and the local government industry more broadly.

DETAILS

The City's *Governance Framework* has been reviewed to ensure it is relevant to the current operations of the City, taking into consideration developments in governance since the adoption of the original framework. Other than minor grammar and formatting, the improvements include better clarification around some aspects of the governance arrangements at the City.

While the content of the original document largely remains the same, the more significant amendments to the framework are detailed below:

Section 7 - Principle One: Vision and Culture

- "Section 7.2.5 - Conduct and ethical standards" (renamed): this section has been amended to reflect the new code of conduct arrangements for elected members, committee members, employees and local government election candidates. It also makes reference to the City's *Statement of Business Ethics* which articulates the ethical standards the City upholds when conducting business, as well as the conduct expectations the City places on business partners, contractors, and suppliers.
- "Section 7.2.7 - Confidentiality": this section is amended by removing the former code of conduct reference and replacing it with the improper use of information and confidentiality provisions that are contained in the codes of conduct at the City.

- “Section 7.2.9 - Acceptance of gifts”: this section is amended by reflecting the City’s *Attendance at Events Policy* which is required to be adopted by the *Local Government Act 1995* (the Act) in regard to the circumstances and provisions around the acceptance of ticket to events by elected members and employees.
- “Section 7.2.11 - Learning and training opportunities”: this section is amended by referencing the training and development policy requirements under the Act; the provisions of which are contained in the City’s *Elected Members’ Entitlements Policy*.

Section 9 - Principle Three: Decision-Making and Management

- “Section 9.3.5 - Joondalup Design Review Panel” (renamed): this section has been amended to reflect the new Joondalup Design Review Panel (as opposed to the former Design Reference Panel) as a result of the State Government’s *Design Review Guide*.

Section 10 - Principle Four: Accountability

- “Section 10.2.4 - CEO performance review”: this section has been amended to make reference to the adopted standards for the recruitment and selection, performance review and termination of the Chief Executive Officer. Such standards are required to be adopted by the Act.

Issues and options considered

Council can either:

- adopt the revised *Governance Framework*
- adopt the revised *Governance Framework* with further amendments
or
- retain the existing *Governance Framework*.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995</i> and associated regulations.
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Continuously strive to improve performance and service delivery across all corporate functions.
Policy	<i>Code of Conduct for Council Members, Committee Members and Candidates.</i> <i>Code of Conduct for Employees.</i>

The *Local Government Act 1995* is the primary piece of legislation governing the operations of all local governments in Western Australia and contains many sections that relate to the roles and functions of the Mayor, councillors, Chief Executive Officer and employees.

The *Governance Framework* describes the principles and key roles that guide Council in its decision-making and demonstrates to the community the processes by which the City uses to achieve its strategic goals and undertake its daily operations. It also details how the City is directed, controlled and held to account and how the community is involved in the City’s affairs and decision-making processes.

The adoption of the *Governance Framework* has impact on all City policies and the implementation of them.

Risk management considerations

The adoption of a *Governance Framework* highlights the City's commitment to providing good government for its community by defining systems, policies, processes and a methodology for ensuring accountability, probity and openness in the conduct of City business.

Financial/budget implications

There are no financial implications relating to Report CJ099-07/21.

Regional significance

Not applicable.

Sustainability implications

The various practices detailed in the framework that support the good governance principles enable the City to manage its assets and operations in a sustainable manner, now and into the future.

Consultation

Various documents have been sourced and referred to in the preparation and development of the City's framework.

COMMENT

The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

Although the framework is not enforceable, there are a range of benefits that can be derived from the development and implementation of an effective framework including:

- providing clear guidelines for the roles of the Council, elected members and the CEO, ensuring that all responsibilities are properly allocated, and performance expectations are well understood
- enshrining best practice in relation to 'board processes' (which are relevant to the elected Council body)
- assisting the City in delivering good governance
- ensuring legal and ethical compliance
- influencing processes throughout the organisation by setting guidelines for strategic planning at all levels
- assisting as an induction tool for new elected members and employees.

The City's *Governance Framework* assists elected members and employees to understand the increasing governance demands that are placed on them within the local government industry. The framework also communicates to the community the governance arrangements in place to ensure the City is performing at an optimum level and making progress towards its strategic goals.

It is necessary that the framework is reviewed on a regular basis thereby ensuring the document remains relevant to the current operations of the City and the legal framework in which it operates.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the revised *City of Joondalup Governance Framework* as detailed in Attachment 1 to Report CJ099-07/21.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210713.pdf](#)

CJ100-07/21**MINUTES OF REGIONAL COUNCIL MEETINGS**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENTS	Attachment 1 Mindarie Regional Council – Ordinary Council Meeting Minutes – 27 May 2021 Attachment 2 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 17 June 2021 Attachment 3 Mindarie Regional Council – Ordinary Council Meeting Minutes – 24 June 2021 <i>(Please Note: These Minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 27 May 2021.
- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 17 June 2021.
- Minutes of the Ordinary Council meeting of the Mindarie Regional Council held on 24 June 2021.

DETAILS**Mindarie Regional Council**

An Ordinary Meeting of the Mindarie Regional Council was held on 27 May 2021.

Mayor Albert Jacob, JP was Council's representative at the Ordinary Council meeting of the Mindarie Regional Council held on 27 May 2021, with Cr Fishwick, JP as an apology.

The attached minutes detail those matters that were discussed at the Mindarie Regional Council meeting that may be of interest to the City of Joondalup (Attachment 1 refers).

An Ordinary Meeting of the Mindarie Regional Council was held on 24 June 2021.

Cr Russ Fishwick, JP and Cr Christopher May were Council's representatives at the Ordinary Council meeting of the Mindarie Regional Council held on 24 June 2021, with Mayor Albert Jacob, JP as an apology.

The attached minutes detail those matters that were discussed at the Mindarie Regional Council meeting that may be of interest to the City of Joondalup (Attachment 3 refers).

Tamala Park Regional Council

An Ordinary Meeting of the Tamala Park Regional Council was held on 17 June 2021.

Cr John Chester and Cr Philippa Taylor were Council's representatives at the Ordinary Council Meeting of the Tamala Park Regional Council held on 17 June 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 (Attachment 2 refers).

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 Ordinary Council meeting of the Mindarie Regional Council held on 27 May 2021 forming Attachment 1 to Report CJ100-07/21;**
- 2 Ordinary Council meeting of the Tamala Park Regional Council held on 17 June 2021 forming Attachment 2 to Report CJ100-07/21;**
- 3 Ordinary Council meeting of the Mindarie Regional Council held on 24 June 2021 forming Attachment 3 to Report CJ100-07/21.**

To access this attachment on electronic document, click here: [RegionalMinutes210713.pdf](#)

CJ101-07/21 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 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 May 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of May 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of May 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 May 2021.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of May 2021, totalling \$13,841,143.98.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for May 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 CJ101-07/21, totalling \$13,841,143.98.

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 May 2021. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ101-07/21.

The vouchers for the month are appended as Attachment 3 to Report CJ101-07/21.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 111255 - 111285 & 111287 -111301 & 111303 - 111350 & EF092307 & EF092310 - EF092638 & EF092642 - EF092995 Net of cancelled payments Vouchers 3053A – 3067A	\$9,386,304.85 \$4,445,479.80
	Bond Refund Cheques & EFT Payments 111286 & 111302 & EF092304 - EF092306 & EF092308 - EF092309 & EF092639 - EF092641 Net of cancelled payments.	\$9,359.33
Total		\$13,841,143.98

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 February 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 May 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 CJ101-07/21, totalling \$13,841,143.98.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210713.pdf](#)

CJ102-07/21**FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 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 May 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 CJ102-07/21 are compared to the revised budget.

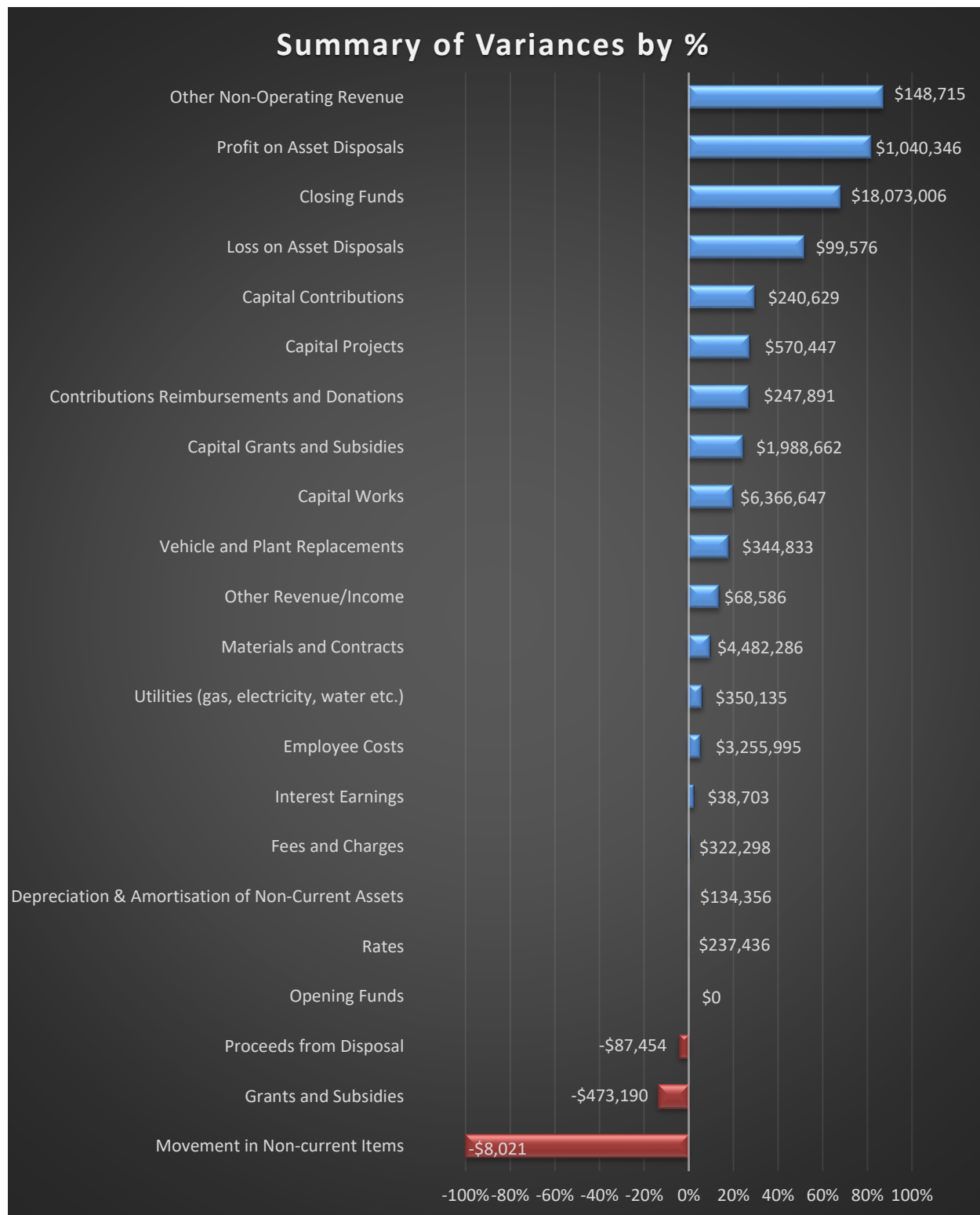
The May 2021 Financial Activity Statement Report shows an overall favourable variance of \$18,073,006 from operations and capital, after adjusting for non-cash items.

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 May 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 May. The notes in Attachment 3 to Report CJ102-07/21 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, February 2021 and April 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.

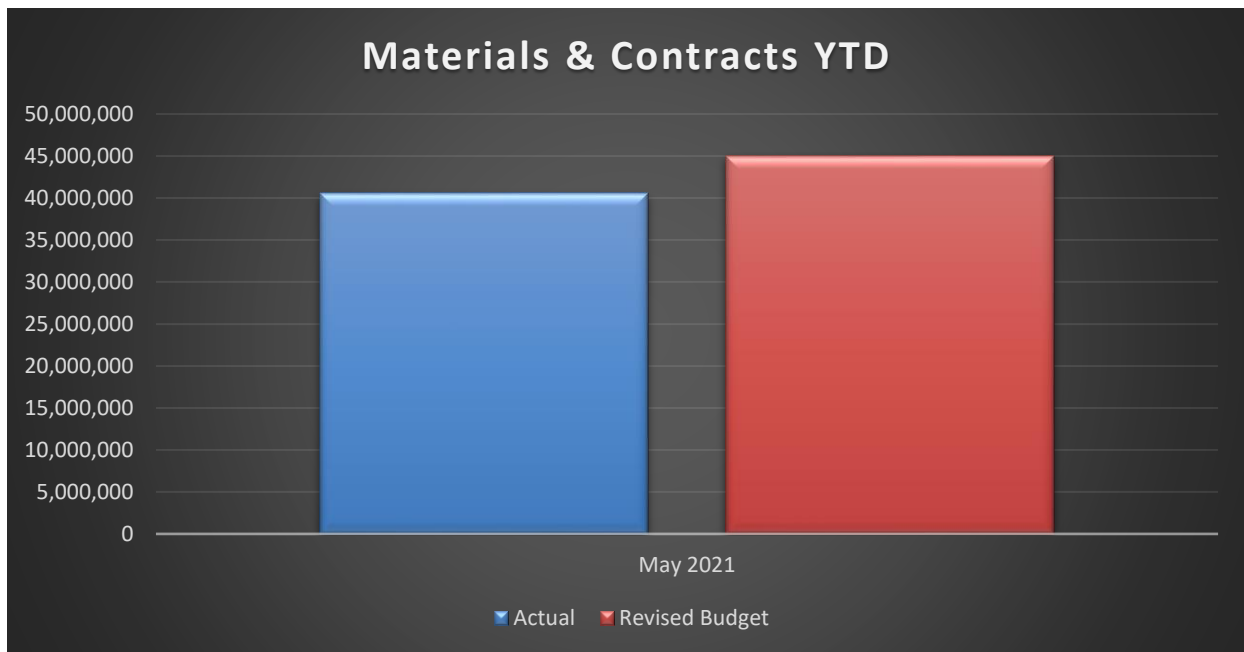
The key elements of the variance are summarised below:



The significant variances for May were:

Materials and Contracts

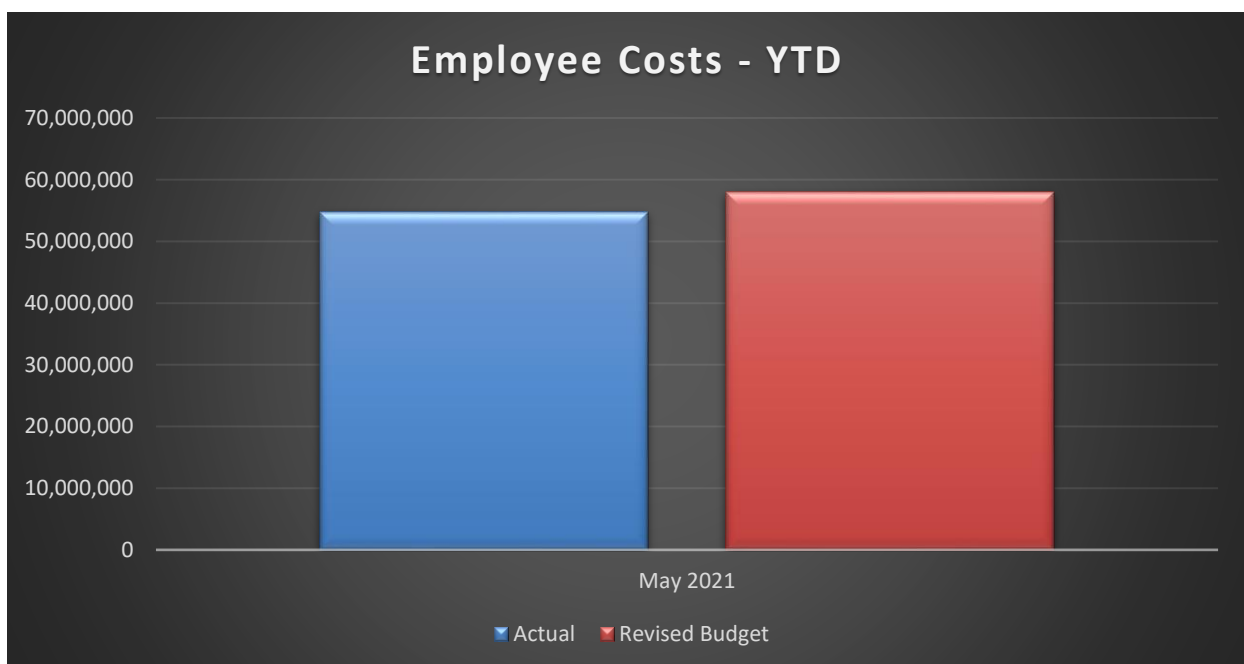
\$4,482,286



Materials and Contracts expenditure is \$4,482,286 below budget. This is spread across a number of different areas including External Service Expenses \$1,391,057, Professional Fees & Costs \$544,098, Other Materials \$433,344, Public Relations, Advertising & Promotions \$408,878, Furniture, Equipment and Artworks \$333,123 and Travel, Vehicles & Plant \$317,081.

Employee Costs

\$3,255,995



Employee Costs Expenditure is \$3,255,995 below budget. Favourable variances predominantly arose from vacancies during the year in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 2021 forming Attachment 1 to Report CJ102-07/21.

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 May 2021 is appended as Attachment 1 to Report CJ102-07/21.

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 this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

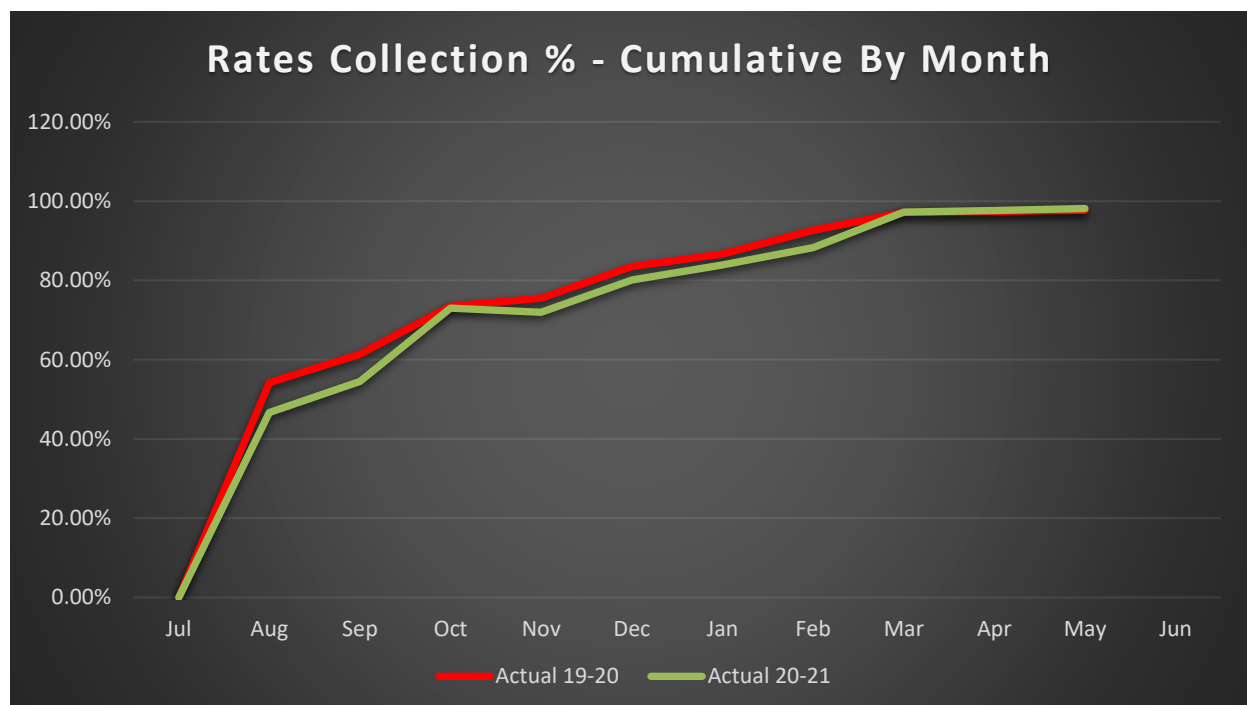
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

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

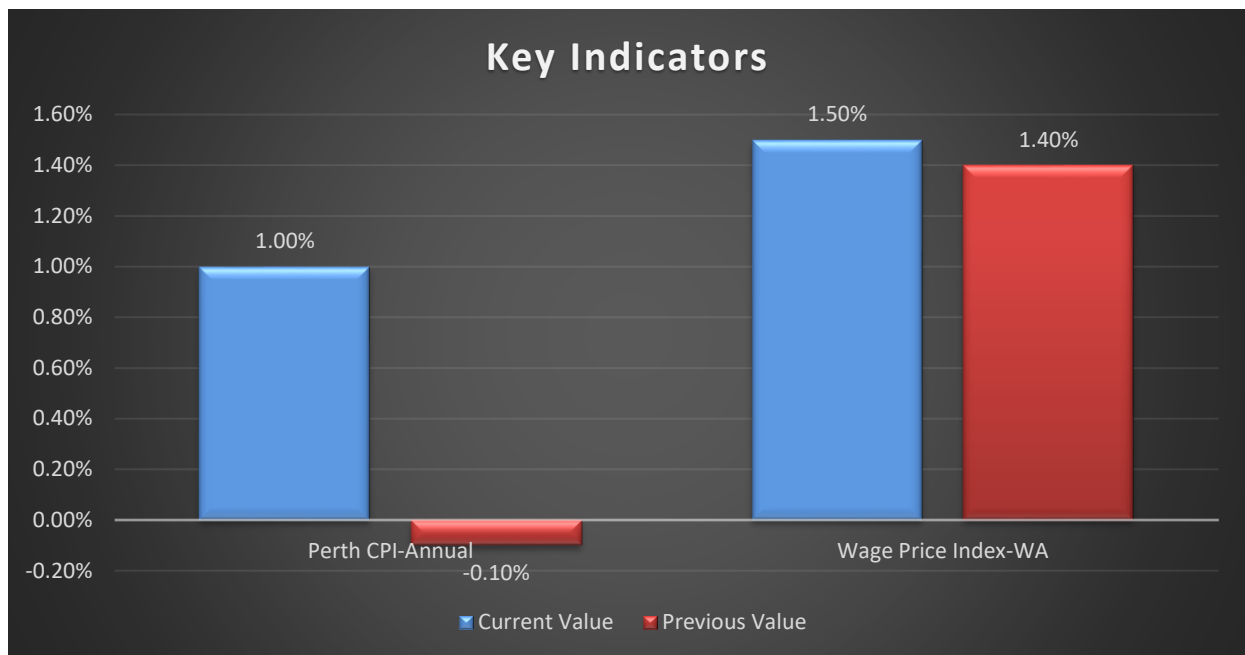
KEY INDICATORS

Rates Collection



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

Economic Indicators



During April the Perth CPI for the first quarter of 2021 was released. This saw a significant rebound that has been reflected across all other capital cities. The latest wages data from the WA Treasury shows a lift in the year-on-year WA Wage Price Index at the end of the first quarter.

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 May 2021 forming Attachment 1 to Report CJ102-07/21.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210713.pdf](#)

CJ103-07/21**REQUEST FOR ADDITIONAL SUBSIDY FOR JOONDALUP KINROSS JUNIOR FOOTBALL CLUB**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	101271, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider an application for an additional subsidy of fees for the hire of City facilities by Joondalup Kinross Junior Football Club (JKJFC) in 2021.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework* (the Framework) which guides the City management act of all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the Framework, Council also reviewed various supporting policies to assist in it managing property and users of City facilities. The revised *Facility Hire Subsidy Policy* (the Policy) allows for various levels of subsidisation of the hire fees for certain community groups. The Policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration for requests over \$5,000.

The City has recently completed the booking process for use of its facilities during the 2021 winter seasonal booking period. Consequently, JKJFC has sought further subsidisation of fees in accordance with the policy:

It is therefore recommended that Council:

- 1 *AGREES to extend the 100% subsidised use for the Joondalup Kinross Junior Football Club in 2021 to a maximum of 144 hours average per week and a value of \$5,392.39;*
- 2 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* (the Framework) which is intended to provide a consistent and concise methodology of property management. Also, at that meeting, Council adopted the *Facility Hire Subsidy Policy* (the Policy) which provides direction relating to subsidised use of City facilities, that is to:

- provide guidance on determining the extent of subsidy to be offered to groups hiring City-managed facilities
- ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The Policy applies to all local not-for-profit community groups and groups from educational institutions hiring City facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre, Craigie. The Policy applies to organised groups only and does not apply to individuals.

The Policy allocates a level of subsidy to user groups. The City will subsidise the cost of venue hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. These groups are categorised within the Policy based on the nature of the group - groups that provide recreational, sporting activities and / or targeted services exclusively for people aged 55 years and over.

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised, it may charge that group for the unutilised booking of that venue at the full community rate.

In regard to dealing with requests for additional subsidies over and above what is permitted within the Policy, the Policy states:

“A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. The Chief Executive Officer will determine such requests where the value of the additional subsidy is below \$5,000. Requests for additional subsidies above \$5,000 will be addressed by the Chief Executive Officer and referred to Council for determination.

Additional subsidies will be provided for the following:

- *Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hire facility.*
- *Any group who is experiencing significant financial difficulties.*
- *Any other group who can provide reasonable justification for receiving an additional subsidy.*

Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year / season. A new application must be made each following year / season.”

DETAILS

The City has recently completed the winter seasonal booking process for use of its facilities during the 2021 annual booking period. Consequently, JKJFC have sought further subsidisation of fees in accordance with the Policy.

Joondalup Kinross Junior Football Club

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Windermere Park Falkland Park Carlton Park Callander Park Caledonia Park	Eligible	100%	144	34
Total			144	34

The JKJFC is a not-for-profit sporting club with the largest junior member base in the West Perth District with over 850 registered players of which 85% are residents of the City. The Club caters for junior girls' teams in addition to a Starkick program catering for players of all abilities and junior boys' teams. The Club books with the City on a seasonal tenure (April to September – Winter season) at the following active reserves:

- Windermere Park.
- Falkland Park.
- Carlton Park.
- Callander Park.
- Caledonia Park.

The JKJFC is requesting an additional subsidy to cover the extra hours exceeded above their allowable hours.

This request does not include the use of clubrooms located at Windermere Park as these are leased to the Club (expiring 30 June 2022) on an exclusive seasonal arrangement. These clubrooms are leased to both JKJFC and Joondalup Kinross Cricket Club (seasonal based) based on annual rental of a peppercorn, both clubs pay outgoings for the facility.

In accordance with the *Facility Hire Subsidy Policy* (the Policy), the City of Joondalup will subsidise 100% of the cost of hire charges for City managed facilities and active reserves for local junior recreational or sporting groups, if the group is able to demonstrate that they provide recreational and/or sporting activities for people under 18 years of age. For a club that has 700 members or more, the club is provided up to 110 hours per week of subsidised use.

JKJFC (the Club) have gone over their 110 hours per week allocation and therefore owe the City \$5,392.40 in which they are requesting to be subsidised. The Club have not previously requested to extend their subsidised use as they have traditionally been within the 110 hours, although have this year reported an increase in the number of junior male and female teams resulting in an increased demand for the use of City facilities and reserves.

While there is an hourly cap on hours within the Policy, the City acknowledges that this cap does not fit all hirers needs, therefore it is recommended that Council agrees to extend the 100% subsidised use for the Joondalup Kinross Junior Football Club in 2021 to a maximum of 144 hours per week and a value of \$22,950.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$22,950	\$17,558	\$5,392	\$22,950	\$0	\$22,950	\$0

Issues and options considered

Council may agree or not agree to the request for an additional subsidy of fees on a case by case basis.

Legislation / Strategic Community Plan / policy implications

Legislation Section 6.12 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Financial diversity.

Strategic initiative Identify opportunities for new income streams that are financially sound and equitable.

Policy *Facility Hire Subsidy Policy*.

Risk management considerations

The following risks may arise pending the consideration of the additional requests for subsidised use of City facilities:

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Making exceptions for groups may set a precedent and cause complications when determine subsidies for other groups.

Financial / budget implications

The cost to the City across all levels of subsidised use of City managed community facilities is approximately \$1.3 million each year.

In 2021, Council approved approximately \$69,692 of additional subsidies and waivers of fees for venue bookings. A summary of those 2021 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

Group	Request type	Amount approved
Grandparents Rearing Grandchildren	Additional subsidy	\$14,258
Greenwood Tennis Club (Juniors)	Waiver of hire fees	\$3,760
Kingsley Senior Group	Additional subsidy	\$20,988
University of the Third Age (UWA) Inc – Joondalup Region	Waiver of hire fees	\$6,071
Whitford Senior Citizens Club	Additional subsidy	\$24,615
Total		\$69,692

If Council approves the requested additional subsidy and waivers of fees requested by JKJFC for 2021, the City will lose \$5,392.40 in income in the seasonal bookings.

Regional significance

Not applicable.

Sustainability implications

The *Property Management Framework* (the Framework) aims to support the equitable, efficient and effective management of City-owned and managed properties. The Framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The Framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

Consultation

Not applicable.

COMMENT

The intent of the *Facility Hire Subsidy Policy* is to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the Policy for levels of subsidisation remains consistent. However, if a group requires further consideration relating to fees, Council has the option to waive those fees.

Both the *Property Management Framework* and *Facility Hire Subsidy Policy* are currently undergoing a detailed review, with both scheduled to be formally considered by Council.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** **AGREES** to extend the 100% subsidised use for Joondalup Kinross Junior Football Club in 2021 to a maximum 144 hours per week and a value of \$5,392.40;
- 2** **NOTES** that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.

CJ104-07/21**TENDER 009/21 - SHENTON AVENUE UPGRADE
DESIGN AND DOCUMENTATION**

WARD	North
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	109386, 101515
ATTACHMENTS	Attachment 1 Summary of Tender Submission Attachment 2 Confidential - Tender Summary <i>(Please Note: Attachment 2 is Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Arup Australia Pty Ltd for the Shenton Avenue Upgrade design and documentation.

EXECUTIVE SUMMARY

A restricted tender was issued via Tenderlink on 3 March 2021 following an Expression of Interest (EOI) process for the Shenton Avenue upgrade design and documentation. Tenders closed on 16 April 2021. A submission was received from Arup Australia Pty Ltd.

The submission from Arup Australia Pty Ltd represents value to the City. The company demonstrated a very good understanding and appreciation of the City's requirements with its detailed proposed program, in accordance with the City's preferred timelines. The company has in the past provided services to the City in an earlier phase of the Shenton Avenue Concept Design project. The company is a well-established organisation with appropriate industry experience and proven capacity and capability to deliver the service.

It is therefore recommended that Council ACCEPTS the tender submitted by Arup Australia Pty Ltd for the provision of Shenton Avenue Upgrade Design and Documentation as specified in Tender 009/21 for the fixed lump sum of \$1,038,925 (GST Exclusive).

BACKGROUND

The City's recent Major Road Network Review indicated that the number of movements in the section between the Mitchell Freeway and Joondalup Drive on Shenton Avenue contain undesirable levels of service and have the potential to significantly worsen in the future unless network improvements are made. Shenton Avenue is one of the City's major east-west corridors with a section of the road east of Mitchell Freeway lying within the Joondalup Activity Centre Plan Area.

As a result, the City wishes to improve the capacity of this section, having been successful in its application for funding from the Metropolitan Regional Roads Group (MRRG), and requires the services of an experienced and capable consultant to undertake design and documentation for the section upgrade to address current and future issues.

The City requires a supplier who can:

- perform ground feature surveys
- conduct service investigation and service relocation design
- prepare design and documentation (including all necessary modelling, investigation, studies, and assessments)
- undertake Road Safety Audits at design stages
- liaise with utility service providers
- liaise with, and obtain necessary approvals from Main Roads WA (MRWA)
- liaise with, and obtain necessary approvals from Public Transport Authority (PTA)
- prepare a bill of quantities
- prepare a cost estimate.

To identify companies with the capability and capacity to undertake the works, an EOI for the Shenton Avenue upgrade design and documentation was advertised through state-wide public notice on 25 July 2020. The EOI closed on 18 August 2020, following which the Chief Executive Officer approved a list of four acceptable tenderers from the submissions received.

Subsequently, a tender was issued via Tenderlink on 25 November 2020 following the EOI process for the Shenton Avenue upgrade design and documentation. Tenders closed on 22 December 2020. A submission was received from each of the following:

- Arup Australia Pty Ltd.
- Pritchard Francis Consulting Pty Ltd.

On completion of the evaluation process the evaluation panel recommended that the City decline both offers on the following basis:

- At the time of submitting offers, neither tenderer had access to technical criteria from Public Transport Authority (PTA) for the rail tunnel component and had therefore made numerous assumptions and price exclusions.
- PTA had subsequently informed the City that it had project-specific technical requirements, which was to be provided to the City.
- PTA had also requested the appointment of a third-party consultant, to review design documentation, plus a PTA project engineer and Rail Safety Manager.
- Both submissions were likely to attract multiple variations due to the current uncertainty of PTA approvals and lack of technical data with lump sum prices expected to exceed the allocated budget.
- The budget had no provision for costs associated with the PTA's new requirements.

It was recommended that a new restricted tender be issued, to encompass PTA's design criteria to enable the shortlisted tenderers to submit responses based upon key critical technical information pertaining to the rail tunnel extension design.

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

DETAILS

The tender 009/21 was issued as a restricted tender via Tenderlink on Wednesday, 3 March 2021, specifying the revised requirements of the City.

An invitation to tender was sent to the previously approved acceptable tenderers, namely:

- Arup Australia Pty Ltd
- Pritchard Francis Consulting Pty Ltd
- WSP Australia Pty Ltd
- GHD Pty Ltd.

A tender briefing was held on 16 March 2021 for prospective tenderers to ask contractual and technical questions, with key PTA staff in attendance.

The tender period was for six weeks and closed on 16 April 2021.

Tender Submissions

A submission was received from Arup Australia Pty Ltd.

Pritchard Francis Consulting Pty Ltd declined to submit an offer due to the uncertainty around the PTA tunnel extension and therefore the potential time and cost risks to themselves.

WSP Australia Pty Ltd declined to submit an offer due to several critical risks around the PTA tunnel extension, which they felt could not be adequately addressed in the tender submission which could impact the contract between them and the City.

GHD Pty Ltd did not provide a reason as to not offering a submission.

A summary of the tender submission including the location of the tenderer is provided in Attachment 1 to Report CJ104-07/21.

Evaluation Panel

The evaluation panel comprised five members including:

- one with tender and contract preparation skills
- two with the appropriate technical expertise and involvement in supervising the contract
- two interested parties from PTA with the appropriate technical expertise.

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

Evaluation Method and Weighting

The comprehensive weighting method of tender evaluation (includes weighting to each selection criterion and price) was selected to evaluate the offers for this requirement.

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

Price and Qualitative Criteria		Weighting
1	Price	50%
2	Project Proposal	45%
3	Social and economic effects on the local community	5%

Compliance Assessment

The Offer received Arup Australia Pty Ltd was deemed partially compliant:

Arup Australia Pty Ltd declared that *“Arup is a profitable operating business with a reliable service delivery model. There are claims made against and issues arising involving the Company and its associated entities from time to time. In our experience, such claims are settled or resolved between the parties in due course. The Company mitigates risk by holding commercially acceptable insurance.”*

The City's assessment is that this does not pose as an unacceptable risk to the City.

The evaluation panel also identified, through the company's critical assumptions, proposed changes to the conditions of contract, which have subsequently been resolved. These items included standard of care, rejection of services, damages and insurance.

Qualitative Assessment

Arup Australia Pty Ltd scored 80% in the price and qualitative assessment. It provided an organisational chart showing its key personnel who will be allocated to the City's contract and submitted CV's for most of its project team. Its submission outlined the qualifications and relative experience of key personnel, many having very good experience in completing equivalent scopes of works for MRWA, involving various local governments such as the Cities of Wanneroo, Perth, Subiaco, Stirling, Swan and Cockburn. Its proposed staff include, Overhead Line Equipment Lead and Electrical and High Voltage Lead who are subject matter experts in their respective areas of rail engineering and have worked on PTA Metronet projects.

The company provided details of its chosen seven sub-consultants and submitted an overview for each company. While CV's were not sighted for each sub-consultant, their company qualifications, registrations and licences were noted for each and were deemed satisfactory.

Specific experience of Arup Australia Pty Ltd was noted, working on design and development projects with similar or greater complexity than the City's contract, including the Mitchell Freeway Widening (Hodges Drive to Hepburn Avenue), the Mitchell Freeway Interchange Upgrade (Hutton Street) and the Nicholson Road Bridge Over Rail which were all conducted for MRWA, and for the PTA, it recently delivered the Morley to Ellenbrook Line Project Definition Plan. Having good working relationships with both the PTA and MRWA is highly significant and beneficial to the project, as Arup Australia Pty Ltd understands the specific project approval requirements of both these key stakeholders.

It provided a very clear and thorough project methodology and program, addressing all project elements and stages, key tasks, milestones and dependencies along with various risk mitigation measures, indicating completion of the project by April 2022.

The company is a well-established organisation with appropriate industry experience and has the capacity and capability to deliver the service.

Price Assessment

Following the qualitative assessment, the panel carried out a review of the submitted lump sum prices offered by the tenderer to assess value for money to the City.

Tenderer	Contract Price (Ex GST)		
	Consultancy Services	Optional Item – Pre-feasibility report	Total Contract Price
Arup Australia Pty Ltd	\$ 992,069	\$46,856	\$1,038,925

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

Tenderer	Qualitative Weighted Percentage Score	Price Weighted Percentage Score	Total Weighted Percentage Score	Total Contract Price
Arup Australia Pty Ltd	30%	50%	80%	\$1,038,925

Based on the evaluation result the panel concluded that the offer from Arup Australia Pty Ltd provides value to the City and is therefore recommended.

Issues and options considered

The City has a requirement to design an extension to PTA's rail tunnel under the Shenton Avenue/ Pontiac Way intersection as well as modifications to traffic signalised intersections in order to facilitate improvements to the Shenton Avenue corridor under the Shenton Avenue Upgrade project. The City does not have the internal resources to provide the required services and requires the appropriate external consultant to undertake the works.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

Strategic initiative Provide for diverse transport options that promote enhanced connectivity.

Policy Not applicable.

Risk management considerations

The City's Major Road Network Review indicates that a number of movements within the Shenton Avenue corridor currently contain undesirable Levels of Service and have the potential to significantly worsen in the future unless network improvements are made.

In addition to these short to medium term issues, there continues to be the longer term demand on the corridor which, due predominantly to the proximity of intersections, will continue to be problematic. Therefore, if the project does not proceed, the Level of Service for Shenton Avenue will continue to deteriorate resulting in significant queuing during peak hours.

Mitigating this risk at this time would allow the City to make use of current grant funding approved by the MRRG which may be withdrawn should this project not proceed.

Financial / budget implications

Account no.	RDC2024
Budget Item	Shenton Avenue Upgrade Design
Budget amount	\$ 1,130,000
Amount spent to date	\$ 0
Proposed cost	\$ 992,069
Balance	\$ 137,931

Separable Portion

Account no.	RDC2008
Budget Item	Major Road & Intersection Improvement Program
Budget amount	\$ 50,000
Amount spent to date	\$ 1,298
Proposed cost	\$ 46,856
Balance	\$ 1,846

While not specifically designing a part of the Shenton Avenue corridor, the separable portion of the offer was included for a potential longer-term solution to reduce demand on the corridor. By including it as part of this contract, the City can include the proposed solution in the discussions with MRWA for the project providing a holistic approach as well as leverage off the offer financially.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Shenton Avenue is one of the City's major east-west corridors with a section of the road east of Mitchell Freeway lying within the Joondalup Activity Centre Plan Area with a critical interchange with Mitchell Freeway. It is essential that the corridor operates in a satisfactory manner in the future both in terms of impact on the Mitchell Freeway and surrounding road network.

Improving the capacity of the section of Shenton Avenue between the Mitchell Freeway and Joondalup Drive will cater for existing traffic demands and accommodate expected future demand in traffic flows along the overall corridor.

Consultation

The City will engage with the Lake Joondalup Baptist College, PTA and MRWA as part of the design and documentation phase.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Arup Australia Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Arup Australia Pty Ltd for the provision of Shenton Avenue Upgrade Design and Documentation as specified in Tender 009/21 for the fixed lump sum of \$1,038,925. (GST Exclusive).

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf210713.pdf](#)

- Orixon Pty Ltd.
- Programmed Facility Management Pty Ltd (Programmed Building Projects).
- Protek Carpentry & Fencing Services Pty Ltd (Protek 24/7).
- Tardan Pty Ltd (Western Projects).
- Trayd Australia Pty Ltd.
- Vidal Consultants Pty Ltd (Vidal Construction).

The submission from Hickey Constructions Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements with its submitted methodology and approach to service delivery in accordance with the City's requirements. Its submission outlined the qualifications and relative experience of key personnel and it demonstrated extensive experience in completing equivalent scopes of works for various local governments such as the Cities of Bayswater, Wanneroo and Belmont. It is the incumbent supplier to the City. The company is well established and has appropriate industry experience.

It is therefore recommended that Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of less than \$250,000 as specified in Tender 010/21, for a period of three years, with an option for a further two (2) terms of one (1) year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups) applicable to extension options only.

BACKGROUND

The City has a requirement to undertake maintenance and repairs to its existing assets and associated facilities from time to time and requires a suitably qualified and experienced Contractor to undertake these works.

The Contractor, who must be a registered builder, will be allocated work arising over and above the work conducted by the City's in-house building maintenance team, with each individual project having an inclusive value of less than or equal to \$250,000. The works will exclude electrical, plumbing and mechanical services as the City has nominated service providers for these activities. The Contractor will, however, be responsible for coordination of works with these nominated service providers as required.

The Contractor shall also provide an after-hours call out service for emergency situations with the nominated person required to attend site within 30 minutes outside the hours of 7.00am and 3.30pm Monday to Friday (excluding Public Holidays).

The City has a single contract in place with Hickey Constructions Pty Ltd which expires on 12 August 2021.

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

DETAILS

The tender for the provision of building minor works and maintenance of less than \$250,000 was advertised through state-wide public notice on 1 May 2021. The tender period was for two weeks and tenders closed on 19 May 2021.

Tender Submissions

A submission was received from each of the following:

- Hoskins Investments Pty Ltd as trustee for M R Hoskins Family Trust (AE Hoskins Building Services).
- Access Without Barriers Pty Ltd (AWB Co.).
- Devco Holdings Pty Ltd as trustee for The Devereux Family Trust (Devco Builders).
- Hickey Constructions Pty Ltd.
- JDS Building & Maintenance Services Pty Ltd.
- M Construction (WA) Pty Ltd.
- Marawar Pty Ltd.
- Orixon Pty Ltd.
- Programmed Facility Management Pty Ltd (Programmed Building Projects).
- Protek Carpentry & Fencing Services Pty Ltd (Protek 24/7).
- Tardan Pty Ltd (Western Projects).
- Trayd Australia Pty Ltd.
- Vidal Consultants Pty Ltd (Vidal Construction).

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ105-07/21.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ105-07/21.

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

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

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

The predetermined minimum acceptable pass score was set at 60% due to the technical nature of the services delivered under the contract and the projected volumes of work. The City needs to be assured that the successful Contractor has the capability and capacity to deliver the services to ensure a high standard of service is maintained.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- AWB Co.
- Hickey Constructions Pty Ltd.
- Orixon Pty Ltd.

The following offers received were assessed as partially compliant:

- AE Hoskins Building Services did not submit specific details for its asbestos licence despite nominating an employee for the scope of works who holds this certification.
- Devco Builders and Protek 24/7 did not include specific details for loss of keys insurance with the latter company providing critical assumptions which were not compliant with the City's scope of works.
- JDS Building & Maintenance Services Pty Ltd did not include specific details for loss of keys insurance or quality assurance documentation.
- M Construction (WA) Pty Ltd, Marawar Pty Ltd and Programmed Building Projects did not include specific details for loss of keys insurance or submit police clearances.
- Trayd Australia Pty Ltd did not provide quality assurance documentation.

These offers were included for further assessment on the basis that clarifications could be sought, if shortlisted for consideration. On this basis, the following offers were included for further assessment:

- AE Hoskins Building Services.
- AWB Co.
- Devco Builders.
- Hickey Constructions Pty Ltd.
- JDS Building & Maintenance Services Pty Ltd.
- M Construction (WA) Pty Ltd.
- Marawar Pty Ltd.
- Orixon Pty Ltd.
- Programmed Building Projects.
- Protek 24/7.
- Trayd Australia Pty Ltd.

The following offers were assessed as non-compliant and were not considered further:

- Western Projects did not indicate any compliance with the conditions of tendering and contract, or compliance with the specification. It has currently insufficient insurance coverage for loss of keys, has provided no quality assurance or quality management process documentation, and no details for its asbestos licence and police clearance certificates despite being a pre-requisite of the tender. It is not proposing to engage any sub-contractors, yet there are trades which are required which have not been nominated in the submission.
- Vidal Consultants has currently insufficient insurance coverage for Public Liability, has provided no quality assurance or quality management process documentation, and no details for its asbestos licence or police clearances. Sub-contractors nominated do not include asbestos removal therefore it is uncertain who will be undertaking this task as very limited information was provided for employees to ascertain whether the licence and qualifications are held in-house.

Qualitative Assessment

Trayd Australia Pty Ltd scored 14.3% and was ranked eleventh in the qualitative assessment. It did not demonstrate sufficient experience completing similar projects focussing on minor works projects with no examples for ongoing maintenance contracts. It did not demonstrate adequate capacity to carry out the works with brief details provided for key personnel which did not include relevant skills of all trades required under the scope of works. Specialised equipment that will be used and ability to provide additional personnel were not addressed. Methodology and approach to the works were not specifically addressed.

Programmed Building Projects scored 17.2% and was ranked tenth in the qualitative assessment. Limited information was submitted for its key personnel and trades personnel to determine whether the resources have adequate qualifications and experience to perform City's scope of works. Details for the proposed plant and equipment to be used, how it will source additional personnel, and emergency contact information was omitted from the submission. While it provided an extensive list of contracts it has performed it did not include the exact nature of the services provided to ascertain whether the contracts are similar in scale and complexity to the City's requirements. It did not demonstrate an understanding of the required tasks with no information provided for the criterion.

M Construction (WA) Pty Ltd scored 22.9% and was ranked ninth in the qualitative assessment. It did not fully demonstrate the capacity required to undertake the works for the City with skills of supervisory and trade staff not included. The ability to provide additional personnel was not fully addressed and specialised equipment to be used was omitted from the submission. It did not demonstrate its understanding of the City's requirements with a generic methodology included which was not tailored to the City's scope of works. Examples of contracts completed did not provide adequate information to determine any similarity to the City's requirements.

Marawar Pty Ltd scored 33.3% and was ranked eighth in the qualitative assessment. It demonstrated some experience completing repairs and maintenance for a local government however little detail was provided to enable the Evaluation Panel to gain an understanding of exactly what was provided under the scope of works. The company demonstrated some capacity to undertake the works with resumes included for its key supervisory staff only. Information for its tradespersons was lacking and a list of its proposed plant and equipment was omitted. It demonstrated a limited understanding of the required tasks providing a high-level overview for how it will perform the works.

Protek 24/7 scored 34.2% and was ranked seventh in the qualitative assessment. It demonstrated some experience in completing similar minor works projects, however it made no reference to any ongoing maintenance contracts. It did not demonstrate sufficient understanding of the required tasks with the Evaluation Panel noting conflicts within the submission. It demonstrated reasonable capacity to perform the scope of works however full details of all tradespersons to be utilised were missing. The ability to provide additional personnel and resources was not specifically addressed and minimal details were submitted for its proposed plant and equipment.

JDS Building & Maintenance Services Pty Ltd scored 46.8% and was ranked sixth in the qualitative assessment. It demonstrated good experience in completing similar projects providing project overviews for ongoing maintenance, and construction and fit out contracts, for various health departments and City of Armadale. It demonstrated limited capacity to undertake the works providing only minimal information for its employees and plant / equipment. It did not fully demonstrate its understanding of the required tasks with no details provided for how it will physically complete the various works.

Devco Builders scored 52.6% and was ranked fifth in the qualitative assessment. It demonstrated very good experience in completing similar projects for local governments, including the City, which encompassed preventative and reactive maintenance services, minor works projects and new installations. It has the capacity to perform the tasks with appropriately qualified and experienced personnel and sub-contractors allocated for the City's scope of works. It has ability to draw upon additional resources if required and has nominated persons for contacting in an emergency. It did not demonstrate an understanding of the required tasks with no information provided to explain its proposed methodology and approach to the works.

Orixon Pty Ltd scored 60.1% and was ranked fourth in the qualitative assessment. It demonstrated some capacity to undertake the works with information for experience of tradespersons lacking. Its submitted list of plant and equipment was considered suitable for the works and it has team members rostered to respond to emergency situations. The ability to provide additional resources was adequately addressed. It demonstrated good experience in completing similar projects having performed minor construction and maintenance repair projects for the Department of Building Management and Works and Western Power. It demonstrated a sound understanding of the required tasks with a detailed methodology and approach to the works provided.

AE Hoskins Building Services scored 62.1% and was ranked third in the qualitative assessment. It demonstrated substantial experience in completing similar projects having conducted reactive, preventative and minor works for numerous local governments. It demonstrated a good understanding of the required tasks providing its approach for reactive maintenance work and methodology to assess larger non-reactive minor works. While it provided information for its proposed personnel and resources, details to demonstrate skills of tradespersons were not sighted. Emergency contact details were omitted.

AWB Co. scored 62.9% and was ranked second in the qualitative assessment. It demonstrated capacity to carry out the works with comprehensive information provided for its proposed personnel and resources. It demonstrated substantial experience in completing similar projects conducting reactive and renewal maintenance, minor works and cyclical routine maintenance for local governments, and general building maintenance for Department of Education and Department of Training and Workforce Development (via Programmed Facility Management). It demonstrated a good understanding of the requirement tasks providing its methodology and approach to the works. It provided sufficient details to demonstrate its capacity to conduct the works including its plant and equipment, and summary of appropriate experience and qualifications for key personnel.

Hickey Constructions Pty Ltd scored 70.3% and was ranked first in the qualitative assessment. The company has been providing ongoing maintenance and emergency call out services and minor works for various local governments including the Cities of Bayswater, Wanneroo, and Belmont. It is the incumbent supplier to the City. It demonstrated a thorough understanding of the City's requirements with comprehensive process charts included to explain how it will undertake the works. It submitted comprehensive information for its proposed plant and equipment and resumes for key personnel to illustrate relative experience and qualifications. The ability to provide additional resources was addressed and emergency contact information was provided for four persons.

Given the minimum acceptable qualitative score of 60%, AE Hoskins Building Services, AWB Co., Hickey Constructions Pty Ltd, and Orixon Pty Ltd qualified to progress to the stage two assessment.

Price Assessment

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

The estimated expenditure over a 12 month period will vary based upon demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to actual historical usage data for eight maintenance items and six new / renovation works items. This provides a value of the tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur, as any future mix of requirements will be based upon demand and are subject to change in accordance with the operational needs of the City.

The rates are fixed for the first three years of the contract but are subject to a price variation in years four and five of the contract to a maximum of the CPI for the preceding year, subject to extension options being exercised.

Tenderer	Year 1	Year 2	Year 3	Estimated Total Price
AE Hoskins Building Services	\$1,975,628	\$1,975,628	\$1,975,628	\$5,926,884
AWB Co.	\$1,954,930	\$1,973,711	\$1,994,317	\$5,922,958
Hickey Constructions Pty Ltd	\$1,676,192	\$1,676,192	\$1,676,192	\$5,028,576
Orixon Pty Ltd	\$2,182,201	\$2,182,201	\$2,182,201	\$6,546,603

From 1 April 2020 to 31 March 2021 the City incurred expenditure of \$1,643,098. A direct comparison of the schedule of rates offered under this tender and the tendered rates of the current contract cannot be undertaken due to the following:

- The tender has provision for new disciplines such as carpenter, bricklayer, painter, and general labourer, which are all grouped under one rate for qualified tradesman in the current contract.
- The current contract requires the Contractor to perform the majority of emergency standby hours. Since the tender's closure date, the City has commenced recruitment for two replacement carpenters. Subject to the successful appointment of these employees, the number of emergency standby hours to be conducted by the Contractor will be considerably reduced.

- The incumbent Contractor sub-contracts the painting component of the scope of works. Expenditure incurred for this activity has therefore been captured under contractor new works and sub-contractor renovation works using a percentage mark-up and not the rate for a qualified tradesman.

In order to achieve an estimated contract value for each tenderer the following calculations have been conducted:

- Expenditure for the qualified tradesman during normal working hours has been broken down into a percentage of time the tradesperson would have undertaken carpentry, bricklaying and general labouring activities and aligned to the tendered rates for each of these disciplines.
- Hours taken to perform painting under contractor new works and sub-contractor renovation works have been extrapolated and aligned to the tendered rates for the qualified painter.
- Hours for emergency standby (3,284) have been reduced by 1,919 to 1,365 hours per annum being 13 possible weeks standby at 15 hours per day per annum.

When compared to the current schedule of rates for the qualified tradesman during normal and outside of normal working hours, the new rates remain unchanged.

It is anticipated that over the next three years, the City will incur expenditure of \$5,028,576 during the Contract period and up to \$8,456,764 if the two (2) one year options are exercised.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Total Comparative Price	Price Rank
Hickey Constructions Pty Ltd	70.3%	1	\$5,028,576	1
AWB Co.	62.9%	2	\$5,922,958	2
AE Hoskins Building Services	62.1%	3	\$5,926,884	3
Orixon Pty Ltd	60.8%	4	\$6,546,603	4

Based on the evaluation result the panel concluded that the offer from Hickey Constructions Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the provision of building minor works and maintenance of less than \$250,000 on an as required basis. The City does not have the internal resources to supply all the required services and as such requires an appropriate external service provider.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be moderate as the City will need to request quotes for numerous minor building and maintenance works which would reduce workflow and potentially delay many building projects. The additional staff hours spent requesting quotes will also result in reduced value for money for the City.

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

Financial / budget implications

Account no.	Various accounts
Budget Item	Building minor works and maintenance
Budget amount	\$ 1,500,000
Amount spent to date	\$ 0
Committed	\$ 0
Proposed cost	\$ 1,478,723
Balance	\$ 21,277

The balance for 2021-22 does not represent a saving at this time. The proposed cost includes calculations based upon expected usage for emergency standby hours and an assumption that the historical pattern of usage is maintained for other items. There is no guarantee that this will eventuate.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The maintenance and refurbishment of City facilities will enhance their visual appeal and improve the quality of the amenities available for use by the community.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Hickey Constructions Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the provision of building minor works and maintenance of value less than \$250,000 as specified in Tender 010/21, for a period of three years, with an option for a further two (2) terms of one (1) year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups) applicable to extension options only.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf210713.pdf](#)

REPORTS - MAJOR PROJECTS AND FINANCE COMMITTEE - 12 JULY 2021

CJ106-07/21 DRAFT 10 YEAR STRATEGIC FINANCIAL PLAN 2021 (2020-21 TO 2029-30)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBERS	108891, 101515
ATTACHMENTS	Attachment 1 Schedules Attachment 2 Draft 10 Year Strategic Financial Plan 2021 (2020-21 to 2029-30)
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the draft *10 Year Strategic Financial Plan 2021* (10 Year SFP) for the period 2020-21 to 2029-30 and *Guiding Principles 2021*.

EXECUTIVE SUMMARY

The new plan included in this document covers the years 2020-21 to 2029-30 and is referred to as the draft 10 Year SFP. The previous plan covered the years 2019-20 to 2028-29 and was noted by Council at its meeting held on 20 October 2020 (CJ147-10/20 refers).

In 2020 the City has experienced unprecedented economic and financial change as well as a revaluation of all rateable properties. The City prepared a budget for 2020-21 which responded positively to these circumstances providing relief to most households and businesses with a lower rates charge than in 2019-20. This resulted in an operating deficit instead of a planned operating surplus.

The budget for 2021-22 has again taken account of the ongoing economic uncertainty and has proposed a rate increase of 0.9% which is 0.85% lower than the projected increase in Perth CPI and is lower than the anticipated increase in most of its expenses. As a result, the budget for 2021-22 has also projected an operating deficit of \$9.7 million and this has an impact for future years of the SFP as well. It should be noted though that the operating deficit for 2021-22 includes one-off items of \$2.1 million bringing the underlying deficit is \$7.6 million.

From 2022-23 onwards the SFP has assumed that the rates base may increase in line with Perth CPI and in line with an increase in salaries/wages. As base income is only growing in line with expenses, the SFP does not provide a balanced operating budget in the short term. However, there is a steady improvement anticipated due to new rates income, new income from projects and increased earnings from cash reserves. By 2025-26 the operating deficit may have reduced to \$4.8 million and potentially by 2029-30 may almost be balanced.

The operating deficit is manageable because the City is in a strong cash position, but it is not sustainable in the long-term. The annual planning cycle provides the City with ongoing opportunities to evaluate existing expenditure, generate new income and further improve the financial projections - these will be explored in more detail in Report CJ106-07/21.

It is therefore recommended that Council:

- 1 *ADOPTS the draft 10 Year Strategic Financial Plan 2021 (2020-21 to 2029-30) as at Attachment 2 to Report CJ106-07/21;*
- 2 *ADOPTS the Guiding Principles 2021 as included in Appendix 1 of Attachment 2 to Report CJ106-07/21.*

BACKGROUND

The new plan included in this document covers the years 2020-21 to 2029-30 and is referred to as the draft 10 Year SFP. The previous plan referred to throughout this document covered the years 2019-20 to 2028-29 and was noted by Council in October 2020. The draft 10 year SFP aligns with the adopted budget 2021-22.

Disclaimer

The following disclaimer is included within the 10 Year SFP to ensure readers understand where the 10 Year SFP is positioned within Council's decision-making process. Readers of the 10 Year SFP should understand that the document is used predominantly as a planning tool. As such it is based on many assumptions and includes several projects and proposals that in some cases:

- have been approved by Council and are in progress
- have been considered by Council, but are yet to receive final approval
- have only been considered by elected members at a strategic level
- have only been considered by officers
- are operational in nature and based on the continued provision of services and maintenance of City assets and infrastructure in accordance with management and other plans.

Any of the assumptions and any of the projects or proposals not already approved could prove to be inaccurate both as to likely requirement, timing and financial estimates or may not come to pass at all. They have, however, been included based on the best available information and knowledge to hand at this point in time in relation to likely requirement, timing and financial estimates. The adoption of the 10 Year SFP by Council does not constitute a commitment or agreement to any of the projects or proposals that have not already been approved or the financial estimates and projections.

At the time of presenting the 10 Year SFP for consideration, there may be projects and plans under review that have different assumptions to those included in the 10 Year SFP. The 10 Year SFP is updated annually, and therefore revised assumptions can be included in future updates of the 10 Year SFP. It is not considered best practice to delay the adoption of the 10 Year SFP in order to include updated projections for new projects because this results in the delayed 10 Year SFP encroaching into the next planning cycle for the next Strategic Financial Plan. In any case, the impacts of projects are not critical to the long-term projections.

Ten years is a long period for financial forecasting, and it needs to be emphasised that the outer years have a lot more uncertainty than the earlier years. The 10 Year SFP strives to achieve the following:

- Years one to five – Higher level of accuracy, albeit dependent on the key assumptions.
- Years six to 10 – Moderate/minor level of accuracy.

How the draft 10 Year SFP is produced

There are four sets of assumptions that the draft 10 Year SFP is based on, as summarised below. The following assumptions are explained in more detail in the plan itself (Attachment 2 refers):

1 External Environment:

- Demographics.
- Economic indicators.
- Housing Strategy.
- Business Growth.

2 Operating Income and Expenses:

- Each line item of income and expenses is split into two, the “base” and “growth”.
- “Base” income and expenses are based on the Budget for 2021-22. Escalation factors (percentage increases) are then applied to each individual service item.
- “Growth” changes then capture all other changes not currently included in the base, for example:
 - one-off issues within the base. If the baseline (such as the budget) has one-off issues that would not be repeated in future years, then these would need to be included in the forward projections
 - volume changes based on changes to services, approved projects and planned projects. Where information is available from a feasibility study or business case or a decision by Council, then this information is used
 - legislation or any other change not captured in the base such as proposed increase to the superannuation guarantee to 12%.

3 Capital Expenditure / Major Projects:

- *Five Year Capital Works Program 2021-22 to 2025-26* is embedded into the draft 10 Year SFP.
- Forecast for the outer years (2025-26 to 2029-30) for each of the programs have been made.
- Other ‘business as usual’ capital programs (Information technology, fleet and parking) have been forecast.
- Major Projects – based on feasibility studies or Council / Committee reports. Projects which have not been subject to any review by elected members are excluded, a list of excluded projects is provided later in the report.
- Escalation factors (such as percentage increases) are then applied to each individual project.

4 Funding:

- Each program or project has been separately assessed, to identify whether the project is funded by either:
 - municipal funds
 - specific reserves
 - strategic asset management reserve
 - disposal proceeds
 - borrowings.

The critical assumptions for the plan are the percentage increases to the base income and expenses as these percentage increases are recurring and have a bigger on-going impact than one-off capital expenditure. For example, a lower rate increase in one year will affect each year of the plan thereafter.

The plan is prepared in consultation with all Business Units within the City's administration. Additionally, external agencies are involved where necessary.

Attachment 1 - Schedules

Attachments 1.1 to 1.8 are the detailed schedules. Each of these attachments is explained in the table below.

Table 1 – Attachments 1.1 to 1.8 – Detailed Schedules

No	Report	Purpose
1.1	10 Year Plan - Rate Setting Projections	<ul style="list-style-type: none"> • Operating statement, capital expenditure, funding.
1.2	Key Ratios Summary	<ul style="list-style-type: none"> • Summary of the key ratios achieved versus previous plan. • Other key indicators are also summarised. • Graphs of key indicators.
1.3	Assumptions	<ul style="list-style-type: none"> • Economic indicators and external environment. • Escalation assumptions applied for operating income and operating expenditure. • Also includes other key assumptions, such as costs of borrowing.
1.4	Major Project Assumptions	<ul style="list-style-type: none"> • List of major projects. • Source of funds and estimated timescales for completion.
1.5	Capital Expenditure (Capex) by Year – excluding escalation	<ul style="list-style-type: none"> • Summary of all capital requirements, both for existing programs and new projects.
1.6	Capital Expenditure (Capex) by Year – including escalation	<ul style="list-style-type: none"> • Summary of all capital requirements, both for existing programs and new projects.
1.7	Project Funding Estimates	<ul style="list-style-type: none"> • Funding summary to explain how projects are funded.
1.8	Reserves	<ul style="list-style-type: none"> • Projected reserve balances and movements.

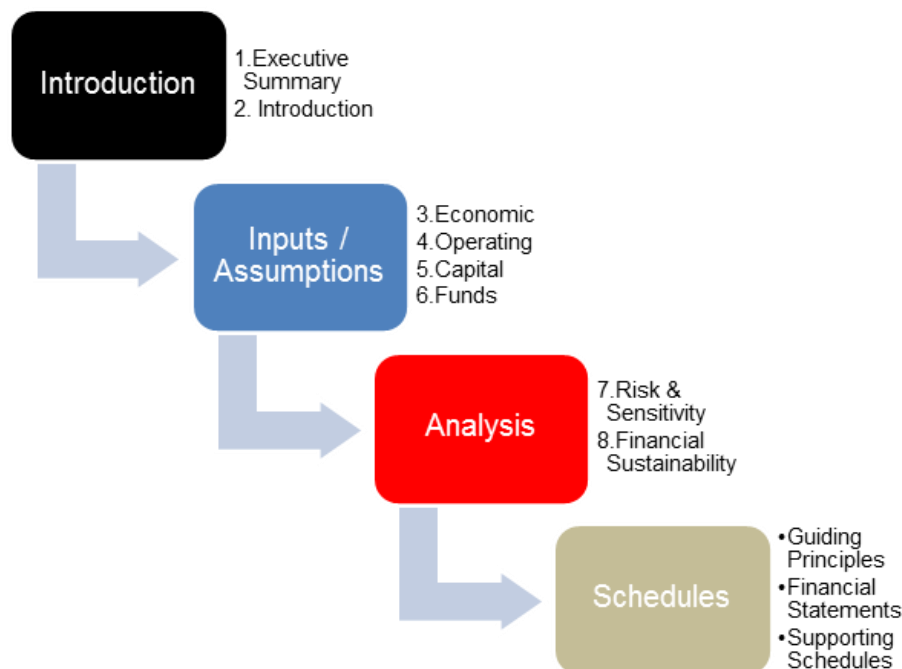
All attachments included in the schedules have forecast values for 10 years, including the following:

- Year one is the 2020-21 forecast.
- Year two is the adopted budget for 2021-22.
- Year three to 10 are the projections for future years.

Format and Content of the Plan (Attachment 2 refers)

The draft 10 Year SFP follows the same content and structure as the previous plan. The draft 10 Year SFP complies with the *Department of Local Government, Sport and Cultural Industries Integrated Planning and Framework*. The draft 10 Year SFP comprises of eight sections with financial statements and supporting schedules, the chart below summarises the contents of the plan:

Chart 1 – Contents of the Draft 10 Year SFP



Guiding Principles 2021

The draft 10 Year SFP has been developed using a set of guiding principles. These are reviewed annually and were last noted by Council at its meeting held on 20 October 2020 (Item CJ147-10/20 refers). The proposed *Guiding Principles 2021* are shown at Appendix 1 of Attachment 2. There are no changes proposed in 2021.

DETAILS

Continued economic uncertainty

In 2020 the City (and the world) has experienced unprecedented economic and financial change and the City was faced with implementing tri-annual revaluations which resulted in large reductions in Gross Rental Values. The City developed a unique budget that reduced rates income by \$5.9 million compared to the forecast 2020-21 income and provides a reduction to the majority of residents and businesses.

The economic uncertainty caused by the pandemic has continued in 2021 with lockdowns throughout Australia and significant restrictions on travel. Despite the ongoing uncertainty the state and national economy has rebounded and the economy is now larger than it was pre-pandemic, this has been driven by the resources sector and government stimulus. However, some sectors (for example, hospitality, travel) continue to be significantly affected by the pandemic. The City has levied a minimal increase in rates revenue of 0.9% for 2021-22, well below the projected increase in expenses and has provided some stimulus with rates rebates for businesses in 2021-22.

Due to the ongoing economic uncertainty the draft SFP 2021 has been prepared for a 10-year period only, instead of a forecast of 20 years as prepared prior to 2020.

Operating deficit and long-term renewal projections

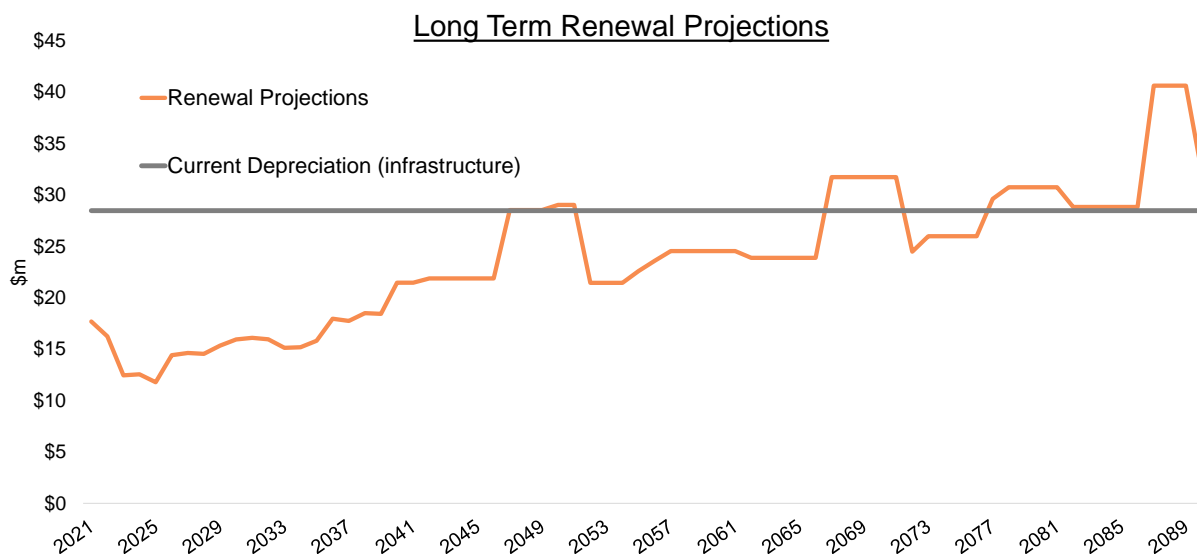
The draft budget 2021-22 is projecting an operating deficit of \$9.7 million (6.7%), but this includes one-off items of \$2.1 million so the underlying deficit is \$7.6 million. The City is able to withstand an operating deficit because the City's assets are still relatively young and therefore spends less on renewals than depreciation, as indicated on the early years of the chart below. The City is in a strong cash position and has developed a flexible budget that could withstand further shocks. However, the operating deficit is unsustainable in the long-term because as the age of the infrastructure gets older there will be a requirement to spend more on renewals to maintain service levels to the community and eventually renewal expenditure will be higher than depreciation (as indicated in the later years of the chart below).

The City would need to address this by either applying:

- rates growth – new income from business growth, housing growth or projects, for example Boas Place Development
- rates base – increases to base rates which are more than the increases in expenses
- reduction in services – as determined by Council
- new income – projects which provide new income streams and more income than expenses.

The guiding principles state the intent to have a balanced operating budget, or preferably a surplus. The guiding principles also state that this should be considered in the context of the economy, new projects, existing assets/services and applying rate increases that keep pace with increase in expenses.

The draft SFP 2021 includes a prudent set of assumptions which show moderate improvements in the operating deficit. While a balanced operating budget is not projected to be achieved in any of the next 10 years this is not considered a major financial concern as is explained within the plan (Attachment 1 refers). Meanwhile there are several improvement opportunities as part of the annual review of the budget, SFP and capital works program that can provide benefits.

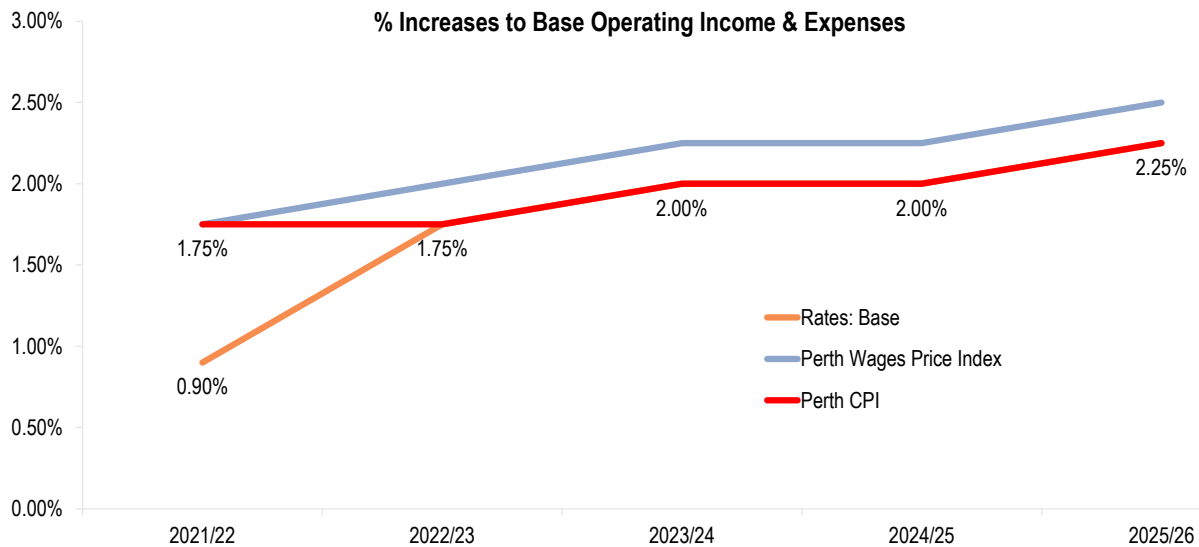


Critical Assumptions - Base Income and Expenses Percentage Increases (Attachment 1.3 refers)

The most critical assumptions in the operating projections are the percentage changes to existing income and expenses, these assumptions have the biggest impact because of the recurring impact, for example, a 1% increase or decrease to rates equates to approximately \$1 million income that forms part of the base revenue in future years. Note that the critical assumptions are applied to the existing base income and expenses and assume no change in services. If the City reduced/removed some services and reduced its costs permanently then this would alleviate the need to apply rates increases that are higher than increases in expenses or higher than CPI to achieve a balanced operating budget.

The chart below shows the summary assumptions assumed from 2021-22 to 2025-26. The economic projections are from WA Treasury as included in the State pre-election projections (February 2021). The key issues are as follows:

- Perth CPI – projected to be 1.75% for next two years, then rising to 2% for two years then 2.25%.
- Rates increases – 0.9% for 2021-22 and then match Perth CPI thereafter (and hence the orange line for rates increase is not visible from 2022-23).
- Perth Wages Price Index – estimated to be 1.75% in 2021-22 then be 0.25% higher than the increases in Perth CPI.
- Salaries and Wages – the City has referred to Perth Wages Price Index in the first instance. However, analysis of the past six years shows that the forecast for Perth Wages Price Index is normally at least 0.3% above the actual. The City has therefore reduced it's increase for salaries and wages by 0.25% less than the forecast for Perth Wages Price Index.
- Materials and Contracts – An increase in line with Perth CPI is assumed.



It is vital to emphasise that it is not the absolute number for each assumption that is critical to the financial projections but the difference between the assumptions, that is, if rates are increased less than the increase in expenses then the operating deficit will worsen, notwithstanding other factors.

The assumptions are not fixed, the rate increases for example are approved as part of the annual budget each year.

Attachment 1.3 provides more details of other assumptions, including the different assumptions for 'Fees and Charges', each of which has been reviewed separately, some of the items may increase at the discretion of the City (for example, sports/recreation fees), but other fee revenue can be volatile and outside of the City's control (such as dog/cat registration income).

Operating Projections (Section 4 of Attachment 2 refers) Summary

Section 4.3 and 4.4 (Attachment 2 refers) explain how the operating projections could improve from a deficit of \$9.7 million in 2021-22 to a deficit of \$4.8 million by 2025-26. The table below summarises the following estimated changes in operating results between 2021-22 and 2025-26:

- 1 One-offs \$2.1 million benefit – the 2021-22 budget has several one-off items that are not assumed to be repeated in future years, for example \$300,000 in one-off rates rebate and \$400,000 for review of planning framework.
- 2 Rates Growth \$2.6 million benefit – additional rates revenue from new dwellings and commercial growth. The assumptions are based on the most up-to-date assumptions (such as development applications) at the time the plan is prepared.
- 3 Projects (\$900,000) cost – the net impact from new depreciation, new expenses and new income, summarised as follows:
 - \$1 million benefit of Craigie Leisure Centre refurbishments.
 - (\$900,000) cost with new depreciation caused by the Capital Works Program.
 - (\$1.4 million) cost with Ocean Reef Marina, of this (\$1.2 million) is depreciation.
 - \$400,000 benefit with other projects.
- 4 Investment Earnings \$2.8 million benefit – the City may earn \$3.5 million in 2025-26 which is \$2.8 million more than the \$700,000 within the 2021-22 budget.

- 5 Interest on Borrowings \$200,000 benefit – this will reduce as existing borrowings are repaid.
- 6 Other (legislation) (\$800,000) – Superannuation Guarantee increase to 12%.
- 7 Critical Assumptions (\$1.2 million) – as explained earlier the percentage increases to base income are assumed to mostly keep pace with increases in expenses (except for 2021-22). However, the reason for a \$1.2 million worsening by 2025-26 is that the base expenses are already \$9.7 million more than the base income and some fees are not increased every year for example building and development fees.

Improvements in Operating Results	21/22 \$ms	25/26 \$ms	Difference \$ms
1 One-off items 2021/22 budget removed from future years		2.1	2.1
2 Rates Growth (Commercial & Residential)	0.3	2.9	2.6
3 Projects - additional operating expenses, depreciation and income		(0.9)	(0.9)
4 Investment Earnings	0.7	3.5	2.8
5 Interest on Borrowings	(0.3)	(0.1)	0.2
6 Other		(0.8)	(0.8)
7 Critical Assumptions			
- Rates Income & Fees/Charges	151.0	162.6	11.6
- Expenses (Employment Expenses, Materials/Contracts, Utilities, Depreciation)	(161.3)	(174.0)	(12.8)
Operating Surplus / (Deficit) after Depreciation	(9.7)	(4.8)	4.9

Further opportunities to address the operating deficit

The projected improvement in operating results of \$4.9 million indicated above is useful, and the plan indicates further improvements that may arise in the following five years due to rates growth predominately. The annual update of the budget, the *Five Year Capital Works Program* and SFP provides ongoing opportunities for the City to improve the financial outlook for the City. Some of the key activities that are, or can be developed, are as follows:

- Service reviews – additional information will continue to be provided to elected members to help review service levels.
- Waste management – this area provides several opportunities in the years ahead to reduce operating expenses, and potentially reduce the refuse charge per household, for example, the future of the Resource Recovery Facility; Waste to Energy; regional collaborations.
- Reserves – prior to the 2022 SFP a review will be undertaken of each reserve, and most notably some of the reserves that are growing but with no designated use within the next five years, this includes Tamala Park Reserve and Joondalup Performing Arts Cultural Facility. These reserves are invested by the City in line with the City's *Investment Policy*, it will be worth evaluating whether the reserves could be used to help support some key projects or generate new income streams. For example, the City could use the Tamala Park Reserve to take a lead on Boas Place Development rather than relying on a proponent for all of the financial investment, or the City could use the Tamala Park Reserve to finance the installation of LED street lights in place of the existing Western Power lights and achieve a recurring saving.

- Prioritisation – as part of the annual budget review a simplified approach to prioritising major projects was prepared. This was based on two key factors, the recurring financial impact (to the City) and the incremental social/economic benefit to the wider region/economy. This framework has allowed major projects to be prioritised and provides opportunities to align resources to projects that will provide the highest benefits.
- *Five Year Capital Works Program* – consider re-evaluating the drivers that have resulted in the annual program of upgrade and new infrastructure, reviewing the objectives and options for achieving the objectives.

Issues and Scenarios considered

Scenarios

Three scenarios for improving the operating projections have been evaluated in the draft 10 Year SFP (Section 7.2). The draft 10 Year SFP has been prepared using the 'base scenario.

Options

Council's options are as follows:

- adopt the 2021 draft 10 Year SFP, without any further changes
- adopt the 2021 draft 10 Year SFP with changes
or
- do not adopt the 2021 draft 10 Year SFP at this stage, pending further changes.

Legislation / Strategic Community Plan / Policy Implications

Legislation Section 5.56(i) of the *Local Government Act 1995* provides that:

"A local government is to plan for the future of the district."

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative

- Manage liabilities and assets through a planned, long-term approach.
- Balance service levels for assets against long-term funding capacity.

Policy *Strategic Financial Plan – Guiding Principles.*

Risk management considerations

The plan is based on many assumptions. There is a risk that those assumptions may not come to pass, however, the draft 10 Year SFP is a planning tool and the City is not committed to anything in the plan by virtue of endorsing the document. Periodic reviews and updates of the plan will ensure that it remains a relevant and useful document to manage the City's financial affairs into the future.

Projects not included in the 10 Year Strategic Financial Plan

There are several projects which have been subject to some investigation but are not included or only partially included as they do not have finalised plans adopted by Council.

Projects discussed but not yet included include the following:

- 1 Sorrento Surf Life Saving Club Redevelopment – a business case has been submitted by the Club, reviewed by the City and presented to elected members. In April 2021 Council requested that the City prepare a business case which is currently being prepared. The project is subject to an \$8 million state election commitment but the City is unable to include the project yet in the SFP because there are revised concept plans and costings being prepared so the capital cost and recurring impacts are unknown – the project can be included in the 2022 SFP subject to Council endorsing one of the redevelopment options/costs.
- 2 Joondalup City Centre Development – the project costs are included, but no other capital costs or financial impacts are included at this stage until the project is developed further. A draft Order of Magnitude Business Case was presented to the Major Projects and Finance Committee in 2019.
- 3 Percy Doyle Skate Park – a business case is currently being prepared to evaluate three concepts for a new facility at Percy Doyle Reserve, this will be presented within the next year. If Council resolves to proceed, the 2022 update of the *Five Year Capital Works Program* and SFP will include the recommended option.
- 4 Urban Bike Trails – a separate business case is being prepared and once this is presented and an option agreed this can also be included in future updates.
- 5 Underground Power and Streetlighting Strategy – the City has prepared a preliminary financial evaluation and project philosophy and parameters so that it is business-case ready for any proposals from Western Power, and to also assist with an advocacy position. Once there are any business cases approved for this strategy they can be included.
- 6 Housing Opportunity Areas and Infrastructure – the increased density and new dwellings may result in requirements for new or upgrade infrastructure at some future stage, for example community facilities, parks. This may be identified as part of the annual update of the *Five Year Capital Works Program* (such as the *Park Amenity Improvement Program*) or potentially as a project but before any other expenditure is included in the 10 Year SFP scoping and options evaluation is required to be undertaken.
- 7 Works Operations Centre (WOC) Tenure Review – at the request of Council, the City is currently reviewing options for changing the tenure for the WOC. This may involve a buy-out of the current lease arrangement, but this would provide ongoing annual savings. This can only be included in the SFP once there is some further certainty on the potential impacts and timing.
- 8 Woodvale Community Facilities – a community needs and facility study was prepared by external consultants in 2020 which evaluated the proposals from adjacent landowner. While this project has the potential to provide some limited financial benefits there are significant community impacts that need considered and as the City has commenced an overall review of community facilities as part of a Social Needs and Feasibility Study, this project is paused.

- 9 Heathridge Park – a community needs and facility study has been prepared by external consultants engaged by the City and preliminary impacts reported to Major Projects and Finance Committee in 2020. Further options are being prepared, with an update to the financial evaluation and a business case. Once the business case has been adopted by Council the project can be included in the SFP.
- 10 Craigie Leisure Centre Refurbishments Phase Two – the 10 Year SFP includes the impacts of Phase One which were approved by Council in December 2019. Phase Two project plan has been prepared.
- 11 Core Systems Refresh – the SFP already includes an increase in the recurring expenses for upgrading its core I.T. systems. However, the one-off implementation costs are not yet included as they are subject to a business case which is currently being prepared.
- 12 Resource Recovery Facility (RRF) – given that the organic content of the input waste feedstock to the RRF is diminishing as a result of a number of factors, the Mindarie Regional Council (MRC), with the support of the seven member Councils, is currently considering options for how the RRF and the Neerabup land, might be best used into the future. This is the subject of a business plan for the major land transaction which is out for public comment. Depending on the outcome of that process, there may be recurring savings to process waste, although a one-off payment from the Waste Management Reserve would be required. The SFP has not yet included any of these related impacts as the outcome of these considerations is still uncertain. The Waste Management Reserve is indicating a balance by June 2030 of \$18.3 million but depending on the outcomes of the MRC's process, the projected balance in the reserve may be much lower. The SFP will be updated in 2022 to take account of the impacts, if approved.

As mentioned for several of the projects above, it is not intended to include the projects in the SFP until there is some greater certainty with the project, that is, a business case and a timeline. The City could attempt to include some indicative placeholders for these projects in the SFP so as to gauge the overall financial impacts if, or when, the projects are approved – however this approach will may unrealistic expectations and may undermine the credibility of the SFP. As the SFP is updated annually there is sufficient opportunity for projects to be included if not already.

It may appear to be a significant risk to the SFP to omit these projects if they are then subsequently included. However, seven of the projects would provide a recurring financial benefit and the eventual inclusion will improve the financial projections. In any case it is the critical assumptions explained earlier (changes to operating projections) that have the biggest impact on forward projections, not one-off projects. Furthermore, the SFP is updated annually and can take account of any projects that have matured and should be included.

Financial / budget implications

The draft 10 Year SFP represents projections and estimates, based on many assumptions and is a primary planning tool for the development of future budgets. Adoption or noting of the draft 10 Year SFP, however does not constitute a commitment or agreement by the City to the projects and proposals it contains, or the financial estimates and projections included in the draft 10 Year SFP.

The 10 Year SFP is used as a reference point to the annual Budget for the following year.

Regional significance

Not applicable.

Sustainability implications

The draft 10 Year SFP represents the primary and key strategic financial planning document for the City and has a direct bearing on planning for the financial sustainability of the City.

Consultation

The draft 10 Year SFP has been prepared after extensive consultation with City Business Units, the Executive Leadership Team and elected members.

COMMENT

The draft *10 Year Strategic Financial Plan 2020-21 to 2029-30* (Attachment 2 refers), sets out a significant program of works and projects for the City of Joondalup over the next 10 years. These are in keeping with the Joondalup 2022 vision for the City: “*A global City: bold, creative and prosperous*”.

Although the program is ambitious, it is achievable with financial discipline and the draft 10 Year SFP maps out how this can be done.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ106-07/21 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 July 2021.

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

RECOMMENDATION

That Council:

- 1** **ADOPTS** the draft *10 Year Strategic Financial Plan* for the period 2020-21 to 2029-30 as at Attachment 2 to Report CJ106-07/21;
- 2** **ADOPTS** the *Guiding Principles 2021* as included at Appendix 1 of Attachment 2 to Report CJ106-07/21.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10agn210720.pdf](#)

Disclosure of interest affecting Impartiality

Name / Position	Cr Russell Poliwka.
Item No. / Subject	CJ107-07/21 - Proposed Disposal of Lot 12223 (12) Blackwattle Parade, Padbury.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	The adjoining owner is known to Cr Poliwka.

CJ107-07/21**PROPOSED DISPOSAL OF LOT 12223 (12)
BLACKWATTLE PARADE, PADBURY****WARD**

South-West

**RESPONSIBLE
DIRECTOR**Mr James Pearson
Office of the Chief Executive Officer**FILE NUMBERS**

55022, 63627, 101515

ATTACHMENT

Attachment 1 Location 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 approve a proposed two-stage land disposal process regarding Lot 12223 (12) Blackwattle Parade, Padbury (Lot 12223).

EXECUTIVE SUMMARY

Lot 12223 was acquired from State Government by the City in June 2019. The site is zoned 'Commercial.'

A location plan is provided as Attachment 1 to Report CJ107-07/21.

At its meeting held on 19 March 2019 (CJ031-03/19 refers) Council resolved to authorise the Chief Executive Officer to dispose of the site by public auction. If this method proved unsuccessful, disposal by private treaty was also authorised.

In the interim, due to the site's location, the City has been investigating potential alternative sales models in its effort to influence the site's future land use and development intensity.

Investigations have resulted in recommending to Council to support a two-stage land disposal process commencing with calling for EOI from developers where, besides a purchase price or land lease rental being offered, respondents are also to provide their intended future development proposals. A panel will judge and rank the submissions received, and a report will be submitted to Council. Should Council provide its in-principle support for a proposal received via the EOI process, stage two will commence with the City following negotiations with the preferred respondents via the private treaty land disposal regulations under the *Local Government Act 1995* (the Act).

As Council has previously provided its support to the disposal of the site by public auction in the first place and if unsuccessful by private treaty, part of Council's decision of 19 March 2019 (CJ031-03/19 refers) is required to be revoked should Council support calling for EOI.

It is therefore recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY REVOKES Parts 1 and 2 of its decision of 19 March 2019 (CJ031-03/19 refers) as follows:*
 - "1 AUTHORIZES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by public auction on the property being owned by the City;*
 - 2 AUTHORIZES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by private treaty should the public auction process be unsuccessful;"*
- 2 *AUTHORIZES the Chief Executive Officer to conduct a two-stage land disposal process for the disposal of Lot 12223 (12) Blackwattle Parade, Padbury, with Stage 1 calling for Expressions of Interest with submissions to include the purchase price or land lease arrangements in addition to respondents' intended development proposals;*
- 3 *At the conclusion of Stage 1, REQUESTS a report be submitted to Council in order for it to be advised of the outcome of the Expression of Interest process;*
- 4 *REQUESTS the Chief Executive Officer seek clarity from the Department of Planning, Lands and Heritage on the use of the proceeds of the sale of Lot 12223 (12) Blackwattle Parade, Padbury and the scope of the proximity in which those proceeds can be spent.*

BACKGROUND

The City's acquisition of the former community purpose site is related to petitions tabled during 2011. Residents' local to the site in "Hepburn Heights" raised concerns about parking, traffic and pedestrian issues occurring since the opening of St. Stephen's School's Early Learning Centre (Attachment 1 refers).

Petitioners stated that a long-term strategy to alleviate the traffic issues would be the City's concessional acquisition of the vacant community purpose site, Lot 12223. Petitions detailed that once Lot 12223 was owned in freehold by the City, rezoning and disposal of the site would provide the proceeds to install traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.

Main Roads WA (MRWA) has advised the City on several occasions that it does not support the installation of traffic lights at this location. MRWA support would be necessary for the installation of traffic lights, as they are the authority over Hepburn Avenue.

The Department of Planning, Lands and Heritage (DPLH) has also advised that the future sales proceeds from the disposal of Lot 12223 cannot be spent on installing traffic lights as it does not qualify under the definition of "Community Purpose". The proceeds are to be placed in a reserve and used for community purposes as detailed under the City's former *District Planning Scheme No. 2 – now Local Planning Scheme No.3 (LPS3)* as follows:

Community Purpose: means the use of premises designed or adapted primarily for the provision of education, social, cultural, and recreational facilities and services by organisations involved in activities for community benefit.

Ministerial approval was provided to Amendment No. 87 on 21 December 2017 to rezone Lot 12223 from 'Civic and Cultural' to 'Commercial.' The gazettal date was 12 January 2018.

An easement in favour of the Water Corporation and a public access easement encumbers the property and are shown on Attachment 1 to Report CJ107-07/21.

At its meeting held on 19 March 2019 (CJ031-03/19 refers) Council resolved that it:

- “1 *AUTHORISES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by public auction on the property being owned by the City;*
- 2 *AUTHORISES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by private treaty should the public auction process be unsuccessful;*
- 3 *NOTES that it has previously SUPPORTED the creation of a reserve account in the City's Trust Fund for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of 'Community Purpose' under the City's former District Planning Scheme No. 2 in which the sale proceeds of Lot 12223 (12) Blackwattle Parade, Padbury are to be allocated to;*
- 4 *NOTES a further status report on the progress of the City's proposed acquisition and disposal of Lot 12223 (12) Blackwattle Parade, Padbury will be submitted to the Major Projects and Finance Committee meeting to be held on 6 May 2019.”*

Since this resolution, it has been reported to the Major Projects and Finance Committee (the Committee) that the City has been investigating an alternative sales approach to the originally planned public auction.

The premise for these investigations was that selling the site by auction could result in a land use and development intensity for the site that is not necessarily suitable for its location.

After investigations that included the engagement of a consultant that has project management experience with 'phased' local government land disposals, the resultant recommended approach is a two-stage land disposal method.

DETAILS

The City will engage a real estate agent that has experience in the successful marketing of commercial property. The proposed marketing campaign and the EOI release date will be decided on by taking advice from the real estate agent regarding market conditions and other influencing factors.

Stage One will be the City calling for Expression of Interest submissions from respondents that includes the purchase price or land lease arrangements for the site and also provides their development proposals. Weighted and non-weighted criteria will be included in the EOI that respondents will be required to address. The proposals will be assessed and ranked and a report with the recommendations based on the results will be provided to the Major Projects and Finance Committee. If supported, discussions/negotiations with the preferred respondent will take place.

Should the panel conclude that successful negotiations with the preferred respondent are unreachable, negotiations will be discontinued, and the same negotiation process will commence with the second highest ranked preferred respondent and so forth. This process will continue until a recommendation to Council on the outcome of the EOI process.

Should Council provide its in-principle support to the recommended respondent/proposal, it will be subject to the outcome of a public notice period for the City to meet the private treaty provisions under the Act which is Stage Two. Council will consider any submissions received during the public notice period before it decides on the disposal of Lot 12223.

Issues and options considered

The rationale for re-examining the land disposal options for Lot 12223 and recommending an EOI process is the City's endeavour to guide the 'best fit' commercial development for the site due to its location. Matters to be addressed in the EOI will include proposed land use and development intensity. The EOI selection criteria will endeavour to ensure that a balanced approach is used that does not limit the commercial market's interest in the site to a disproportionate degree.

Respondents to the EOI will be required to provide their intended purchase price or proposed land lease details. The City will be seeking experienced developers of high-quality designed development projects, and examples of other matters to be addressed in submissions are details of internal and external traffic flow, proposed car-parking, noise emissions, proposed interface with the adjoining commercial centre, and the proposed development's relationship to the City's *Local Commercial Strategy* for the centre.

The City has used the services of an experienced consultant in local government land disposal models and considers an external probity check on the City's EOI document and intended process as the next action.

The City will retain its absolute discretion to terminate the EOI process at any time it sees fit without an agreement being reached.

An alternative option for Council is to reconsider selling the site at this time, retaining it for disposal at a future date.

Notwithstanding the recommended approach, Council can authorise the Chief Executive Officer to dispose of the site by any of the methods detailed under the relevant section of the Act, being public auction, public tender, or private treaty.

Legislation / Strategic Community Plan / Policy Implications

Legislation Sections 3.58 and 3.59 of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* determine how a local government may dispose of property.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Policy Not applicable.

Risk management considerations

A due diligence review will take place regarding the recommended two-stage land disposal process that includes legal advice. A risk register holds the identified risks with management strategies which will continue to be monitored and updated. The City will engage the necessary experts to provide their advice on various aspects of the end-to-end process.

A panel will judge the submissions received, and the EOI document will state that the City reserves its right to discontinue the process at any time.

Financial / budget implications

The Strategic Asset Management Reserve funded the purchase price for the acquisition of the site. The funds from the sale of Lot 12223 will be allocated to a specific reserve account for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of "Community Purposes" under *Local Planning Scheme No.3*.

Regional significance

Not applicable.

Sustainability implications

The City's proposed EOI document highlights the requirements that building design should integrate sustainable design principles into its siting, design, and construction. Respondents will be directed to the *Environmentally Sustainable Design Policy*.

Consultation

Community consultation was conducted from 24 February 2015 to 26 March 2015. The City sought the local community's feedback on the proposed acquisition of Lot 12223. The related survey detailed a number of selected projects that the future disposal proceeds could be used for, including a Council preferred project.

A scheme amendment proposal was advertised for public comment for 42 days closing on 20 July 2017. Amendment 87 rezoned the site from 'Civic and Cultural' to 'Commercial' and removed the residential density code.

As part of the EOI process, the City proposes using the services of a real estate agent for the site's marketing. Should Council provide its in-principle support for a negotiated outcome with a preferred respondent, a public notice will be served for a minimum of 14 days on the intent to dispose of the site by private treaty with the outcome being reported back to Council.

COMMENT

Under *Local Planning Scheme No.3*, permitted uses under 'Commercial' are, for example, medical centre, consulting rooms, offices, and shops. Examples of uses that can be approved at Council's discretion are child-care centres, multiple dwellings, residential aged care facilities and veterinary centres. The land use options under the commercial zone are broad and can result in very different development/traffic/parking outcomes.

Calling for Expressions of Interest to assess potential commercial development proposals for Lot 12223 (12) Blackwattle Parade, Padbury is the City's attempt to manage 'best fit' for the location.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ107-07/21 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 July 2021.

The original recommendation as presented by City officers to the committee is as follows:

That Council:

- 1 *BY AN ABSOLUTE MAJORITY REVOKES Parts 1 and 2 of its decision of 19 March 2019 (CJ031-03/19) as follows:*
 - "1 AUTHORISES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by public auction on the property being owned by the City;*
 - 2 AUTHORISES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by private treaty should the public auction process be unsuccessful;"*
- 2 *AUTHORISES the Chief Executive Officer to conduct a two-stage land disposal process for the disposal of Lot 12223 (12) Blackwattle Parade, Padbury, with Stage 1 calling for Expressions of Interest with submissions to include the purchase price or land lease arrangements in addition to respondents' intended development proposals;*
- 3 *At the conclusion of Stage 1, REQUESTS a report be submitted to Council in order for Council to be advised of the outcome of the Expression of Interest process.*

The committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *BY AN ABSOLUTE MAJORITY REVOKES Parts 1 and 2 of its decision of 19 March 2019 (CJ031-03/19) as follows:*
 - "1 AUTHORISES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by public auction on the property being owned by the City;*
 - 2 AUTHORISES the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by private treaty should the public auction process be unsuccessful;"*
- 2 *AUTHORISES the Chief Executive Officer to conduct a two-stage land disposal process for the disposal of Lot 12223 (12) Blackwattle Parade, Padbury, with Stage 1 calling for Expressions of Interest with submissions to include the purchase price or land lease arrangements in addition to respondents' intended development proposals;*
- 3 *At the conclusion of Stage 1, REQUESTS a report be submitted to Council in order for Council to be advised of the outcome of the Expression of Interest process;*

- 4 REQUESTS the Chief Executive Officer seek clarity from the Department of Planning, Lands and Heritage on the use of the proceeds of the sale of Lot 12223 (12) Blackwattle Parade, Padbury and the scope of the proximity in which those proceeds can be spent.

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY REVOKES** Parts 1 and 2 of its decision of 19 March 2019 (CJ031-03/19) as follows:
 - “1 **AUTHORISES** the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by public auction on the property being owned by the City;
 - 2 **AUTHORISES** the Chief Executive Officer to dispose of Lot 12223 (12) Blackwattle Parade, Padbury by private treaty should the public auction process be unsuccessful;”;
- 2 **AUTHORISES** the Chief Executive Officer to conduct a two-stage land disposal process for the disposal of Lot 12223 (12) Blackwattle Parade, Padbury, with Stage 1 calling for Expressions of Interest with submissions to include the purchase price or land lease arrangements in addition to respondents’ intended development proposals;
- 3 at the conclusion of Stage 1, **REQUESTS** a report be submitted to Council in order for Council to be advised of the outcome of the Expression of Interest process;
- 4 **REQUESTS** the Chief Executive Officer seek clarity from the Department of Planning, Lands and Heritage on the use of the proceeds of the sale of Lot 12223 (12) Blackwattle Parade, Padbury and the scope of the proximity in which those proceeds can be spent.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach 11agn210720.pdf](#)

CJ108-07/21**BURNS BEACH CAFÉ / RESTAURANT AND COASTAL NODE CONCEPT PLAN - PROJECT STATUS**

WARD	North
RESPONSIBLE DIRECTOR	Mr James Pearson Office of the Chief Executive Officer
FILE NUMBERS	108335, 101515
ATTACHMENTS	Attachment 1 Community Consultation Outcomes Report Attachment 2 Coastal Node Concept Plan Attachment 3 Burns Beach Café / Restaurant and Coastal Node Redevelopment Business Case
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 results of the community consultation on the Burns Beach Coastal Node Concept Plan and to approve the project business case for the purpose of progressing the project.

EXECUTIVE SUMMARY

At its meeting held on 15 September 2020 (CJ137-09/20 refers) Council in-part resolved to request the Chief Executive Officer to commence community consultation on a concept plan for the Burns Beach coastal node, which includes plans for a two storey café / restaurant to be built by the City and leased to commercial food and beverage operators.

The results of the community consultation are summarised in Report CJ108-07/21 and detailed in Attachment 1 to Report CJ108-07/21. The community was invited to provide feedback on the Coastal Node Concept Plan (Attachment 2 refers) from 13 May 2021 to 2 June 2021. The City collected a total of 464 valid responses throughout the 21 day advertised consultation period. Overall, feedback on the Burns Beach Coastal Node Concept Plan was mostly positive, with over 70% of respondents indicating that they “support” or “strongly support” all of the key features.

The Burns Beach Café / Restaurant and Coastal Node Redevelopment Business Case (Attachment 3 refers) evaluates options, whole-of-life costs, and a critique of options against the project objectives. The Business Case demonstrates that the project addresses the philosophies, parameters and project objectives, and that the café / restaurant component will provide a recurring income stream that would pay back the cost of the overall coastal node redevelopment.

It is therefore recommended that Council:

- 1 *NOTES the Community Consultation Outcomes report (Attachment 1 refers) on the Burns Beach Coastal Node Concept Plan (Attachment 2 refers);*
- 2 *APPROVES the Burns Beach Café / Restaurant and Coastal Node Redevelopment Business Case (Attachment 3 refers) as the basis for continuing to progress the project;*
- 3 *REQUESTS the Chief Executive Officer to continue to progress the Burns Beach Café / Restaurant and Burns Beach Coastal Node Redevelopment projects in line with the actions outlined in Report CJ108-07/21 and the indicative project schedule outlined in Attachment 3 to Report CJ108-07/21;*
- 4 *REQUESTS the Chief Executive Officer to initiate an Expression of Interest process to identify potential commercial operators for the proposed café / restaurant facility;*
- 5 *NOTES that the project will not commence to construction until the relevant land tenure arrangements and required approvals have been secured and a commercial operator for the café / restaurant identified for consideration by Council;*
- 6 *NOTES a further status report will be presented to the Major Projects and Finance Committee detailing the outcomes of Parts 2 through 5 above, to inform Council in making a final decision on whether to proceed with the development.*

BACKGROUND

The City owns and manages several strategically located land parcels that in terms of accommodating cafés, kiosks and restaurants have the potential to increase the enjoyment of popular recreational locations, provide food and beverage options to the community and provide the City with a level of commercial gain.

At its meeting held on 22 June 2010 (CJ103-06/10 refers), Council endorsed the philosophy and parameters for the cafés / kiosks / restaurants project to articulate, for historical purposes, its intent to progress the project and to address the project objectives. The *Cafés / Kiosks / Restaurants Project Vision* recognises the provision of facilities which will:

- advance the City's ability to attract visitors / tourists for entertainment and socialising
- provide more employment, increase business opportunities, a greater awareness of the City's natural assets and a greater social and economic contribution by tourists
- provide equitable community based facilities that acknowledges and provides for the lifestyle and alfresco culture of Western Australia.

The fiscal responsibility and commerciality development parameters of the project aims to provide:

- assurance of commercial viability
- due diligence and financial / cost benefit analysis
- future financial and social benefit for City residents and visitors
- high quality, appropriate commercial operations
- consideration of co-location opportunities
- creation of an asset/s that maintains its capital value throughout its economic life cycle.

A report was presented to the former Finance Committee at its meeting held on 7 August 2017 (Item 11 refers), outlining various options for the City to deliver a café / restaurant development at Burns Beach. After due consideration it was decided in part that the former Finance Committee NOTES:

“2 *the Chief Executive Officer will further investigate options for the City to build a café / restaurant facility at Burns Beach, with a view of leasing the facility to a commercial operator and to present options and opportunities to Council for consideration*”.

At its meeting held on 12 March 2018 (Item 8 refers), the Major Projects and Finance Committee considered a status report on options for the implementation of the project, and noted in part that the Chief Executive Officer will engage an architect to design a facility.

Several confidential reports were provided to the Major Projects and Finance Committee during 2018 and 2019, and at its meeting held on 9 March 2020 (Item 5 refers), the Major Projects and Finance Committee considered progress of the design development phase of the project, as well as an update on the City's request to the Department of Planning, Lands and Heritage (DPLH) to purchase Crown Land for the development - the DPLH indicating that a Crown Land purchase would not be considered and that a Crown Land lease was the preferred land tenure arrangement. The report also noted that the City was in the process of identifying a consultant landscape architect to review the 2016 *Burns Beach Master Plan – Coastal Node Concept Plan*.

At its meeting held on 15 September 2020 (CJ137-09/20 refers) Council considered a report on options to progress the project and resolved as follows that it:

- 1 *ENDORSES the refined Burns Beach Coastal Node Concept Plan forming Attachment 2 to Report CJ108-07/21 for the purpose of community consultation;*
- 2 *REQUESTS the Chief Executive Officer to commence community consultation on the refined Burns Beach Coastal Node Concept Plan as shown in Attachment 2 to Report CJ108-07/21;*
- 3 *NOTES the proposed artist impressions for the City's Burns Beach café / restaurant Project forming Attachment 3 to Report CJ108-07/21.*

DETAILS

Community Consultation

The community was invited to provide feedback on the Coastal Node Concept Plan (Attachment 2 refers) from 13 May 2021 to 2 June 2021. The City collected a total of 464 valid responses throughout the 21-day advertised consultation period. Responses that were considered valid include all those which contained contact details enabling identification and were submitted within the advertised timeframe.

Of the 1,686 residents and ratepayers from Burns Beach and properties in Iluka within 500 metres of the Burns Beach Coastal Node, 240 submitted feedback. A total of 70 Community Engagement Network members submitted feedback, as well as 24 Burns Beach Sunsets Village residents.

The City also received formal submissions from the following stakeholders:

- Burns Beach Residents Association.
- Burns Beach Sunsets Village.
- Burns Beach Twilights Markets.
- Department of Planning, Lands and Heritage.

The overall response rate is 16.2% from stakeholders who were engaged directly by the City. An additional 185 responses were also received from stakeholders who were engaged indirectly. This data is shown in Table 1 below:

Table 1 – Responses received by Stakeholder type

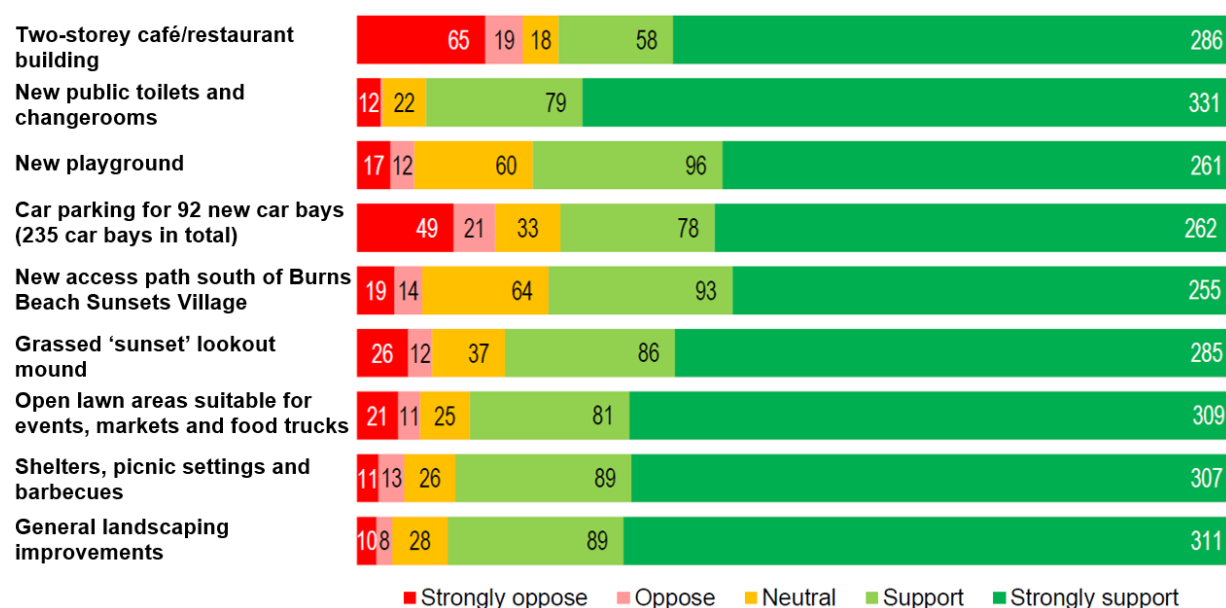
	Feedback sought	Feedback received	Response rate
	N	N*	%
Responses received by stakeholder type:			
Residents/ratepayers in Burns Beach and properties in Iluka within 500 metres of the Burns Beach Coastal Node	1,686	240	14.2%
Residents within Burns Beach Sunsets Village	61	24	39.3%
Community Engagement Network members (Burns Beach and Iluka)	322	70	21.7%
Environmental/friends' groups	1	0	0.0%
Friends of North Ocean Reef/Iluka Foreshore	1	0	0.0%
Resident/ratepayer groups	2	1	50.0%
Burns Beach Residents Association Inc	1	1	100.0%
Iluka Home Owners Association	1	0	0.0%
Local businesses	5	2	40.0%
AGEM Property Group (Iluka Plaza)	1	0	0.0%
Burns Beach Sunsets Village	1	1	100.0%
Burns Beach Twilight Markets	1	1	100.0%
Mums on a Mission	1	0	0.0%
Sistas Burns Beach Café	1	0	0.0%
Industry groups/peak bodies/government departments	4	1	25.0%
Department of Planning, Lands and Heritage	1	1	100.0%
Peet	1	0	0.0%
Satterley	1	0	0.0%
Surf Life Saving WA	1	0	0.0%
Parliamentarians/politicians	2	0	0.0%
Mr Mark Folkard MLA	1	0	0.0%
Mr Ian Goodenough MP	1	0	0.0%
Other community members (engaged indirectly)	—	185	—
Total response rate (engaged directly)	2,083	338	16.2%
Total responses	—	464	—

*Numbers may not add up to total, as respondents can represent multiple stakeholder types.

Overall, feedback on the Burns Beach Coastal Node Concept Plan was mostly positive, with over 70% of respondents indicating that they “support” or “strongly support” all of the key features. The most popular features include the new public toilets and changerooms, the shelters, picnic settings and barbecues, and the open lawn areas suitable for events, markets and food trucks. Nearly 75% of respondents indicated they “support” or “strongly support” the café / restaurant component of the concept plan.

The level of support for the key features of the Burns Beach Coastal Node Concept Plan is shown in Table 2 below:

Table 2 – Level of support for key features of the Burns Beach Coastal Node Concept Plan:



Respondents were also asked if they had any comments about the Burns Beach Coastal Node Concept Plan. A total of 343 respondents provided comments and common themes include the view that the project is long overdue/greatly wanted/needed, the view that the project is well-planned/fits in the area/adds to the suburb, general support for the concept plan, and suggestions for a range of additional/alternative infrastructure that could be included.

The full results of the community consultation process are detailed in Attachment 1 to Report CJ108-07/21.

Business Case

The Business Case (Attachment 3 refers) evaluates options, whole-of-life costs, and a critique of options against the project objectives. The Business Case is the culmination of work on the project over a number of years and demonstrates that the project addresses the project philosophies, parameters and project objectives, and that the café / restaurant component will provide a recurring income stream for the City that would eventually pay back the cost of the overall coastal node redevelopment. The projections in the Business Case are best estimates at this point in time but there is a level of risk and uncertainty in the assumptions. The financial projections will continue to be updated at each stage of the project.

The DPLH has indicated that the likely land tenure arrangement will be a land lease term of 21 years with an option for a further term of 21 years, subject to a new *Coastal Hazard Risk Management and Adaptation Plan* (CHRMAP) in line with *State Planning Policy 2.6: Coastal Planning* being undertaken. The Business Case shows that the costs of the café / restaurant component of the development would be paid back to the City within about 15 years of construction. When the total costs of the overall coastal node redevelopment (including the café / restaurant component) are considered the payback period extends into the second 21 year lease term, providing a reasonable surplus after 42 years.

Land Tenure

The DPLH submitted a response to the community consultation (page 59 of Attachment 1 refers) which addresses the likely land tenure arrangements for the commercial component of the coastal node redevelopment. The City will continue to liaise with the DPLH to investigate the potential terms surrounding a Crown Land lease arrangement and what implications and concessions may be involved for the project.

As requested, a business case for the Crown Land lease will be provided to the DPLH. Based on the City's negotiated Crown Land lease arrangement for the Pinnaroo Point Café Project it is plausible that the DPLH may consider providing a discounted Crown Land lease rent or rent free period to reflect some costs of the proposed improvements and value added to the Crown Land.

Approvals

The café / restaurant component of the coastal node concept plan will require the approval of a development application (DA) and building permit before it can proceed to construction. The DA requires approval by the Western Australian Planning Commission (WAPC) due to its location within a Metropolitan Region Scheme Reserve. The City's Planning Services will receive the DA from the project architect and undertake an assessment which may include further community consultation, before making a recommendation on the proposal to the WAPC. The WAPC will make the ultimate decision on approving the DA.

Some elements of the proposed coastal node concept plan will require the clearing of some existing vegetation therefore a clearing permit may be required under the *Environmental Protection Act 1986* (EP Act). A targeted flora and vegetation survey has been undertaken for the proposed café / restaurant site which showed that the impact of the proposed clearing on conservation significant species and communities will be relatively low. The City will liaise with the Department of Water and Environmental Regulation (DWER) to address any legislative requirements relating to the proposal.

Commercial Operators

It is proposed that an expression of interest (EOI) process to identify potential commercial operators for the proposed café / restaurant building will soon be undertaken. The City would offer a long-term lease for the premises in response for the right leasing arrangements. A competitive EOI process advertised nationally would ensure the City attracts the best operators with appropriate financial and operational experience. With the proposed two storey design there is an opportunity for two separate operators to occupy two separate tenancies, or one operator to operate over the two levels - potentially with unique food and beverage offerings on each floor.

Updates on the EOI process will be provided to the Major Projects and Finance Committee at future meetings.

Indicative timeframes for the EOI and other actions mentioned above are provided in Attachment 3 to Report CJ108-07/21.

Issues and options considered

Two options have been identified:

- Option 1 Council notes the community consultation outcomes report and approves the Café / Restaurant and Coastal Node Concept Plan Business Case, for the purpose of progressing the project (this is the recommended option).

- Option 2 Council notes the community consultation outcomes report but does not approve the Café / Restaurant and Coastal Node Concept Plan Business Case. (this is not the recommended option).

Legislation / Strategic Community Plan / Policy Implications

Legislation

Besides the legislation that covers the planning, environmental and building requirements, with regard to the land related matters the *Land Administration Act 1997* and the Department of Planning, Lands and Heritage relevant policies deal with the administration of Crown land. The *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* deal with local governments' dealings with property, which includes purchase and leasing.

Strategic Community Plan

Key theme

Economic Prosperity, Vibrancy and Growth.

Objective

Destination City.

Strategic initiative

Facilitate the establishment of major tourism infrastructure.

Policy

Not applicable.

Risk management considerations

The DPLH's *State Planning Policy No. 2.6: Coastal Planning* applies to development along the City's coastline, particularly with regard to potential long-term risks from severe storm erosion and sea level rise. In accordance with this legislation the City has undertaken the required *Coastal Hazard Risk Management and Adaptation Plan (CHRMAP)* for the proposed development site. The CHRMAP will be assessed as part of the development application process.

The DPLH's *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* also applies to this site. In accordance with the legislation the City has undertaken a *Bushfire Attack Level (BAL)* assessment and a *Bushfire Management Plan* for the project.

Other potential risks to the successful progression of the project include:

- inability to obtain support and approvals from the statutory approval authorities
- negative community reaction to the project
- lack of suitable respondents to the City's EOI to identify commercial business operators
- failure of negotiations on lease agreements with commercial operators
- a proponent, or the City, may opt not to proceed with the development.

Financial / budget implications

An amount of \$7.1 million is currently listed in the *Five-Year Capital Works Program* to cover the costs of the overall coastal node redevelopment – including the café / restaurant. A majority of the construction works are proposed to occur in 2023-24. A breakdown of the financial assumptions for the project are included in Attachment 3 to Report CJ108-07/21.

It is envisaged that the café / restaurant project will provide an additional long-term income stream, as per the City's financial diversity objectives contained within *Joondalup 2022 – Strategic Community Plan 2012-2022*.

Current financial year impact

Account no.	1-220-C1060.
Budget Item	Cafés/Kiosks/Restaurants (Burns Beach).
Budget amount	\$ 207,401
Amount spent to date	\$ 0
Proposed cost	\$ 32,000
Balance	\$ 207,401

All figures in this report are exclusive of GST.

Future financial year impact

Annual operating cost	In the event the City is successful in leasing the Crown Land required for the facility and the City constructs its own building, it will be responsible for paying Crown Land rent and the cost of structural maintenance, depreciation and insurance of the building. All other annual operating costs including rates and consumption of services would be borne by the commercial operator. There will also be a level of operating costs associated with the other improvements to the coastal node. These costs are included in the business case (Attachment 3 refers).
Estimated annual income	The City will receive the market rent negotiated with an operator of the café / restaurant building. Rates will also be payable by the operator to the City. These assumptions are included in the attached business case (Attachment 3 refers).
Capital replacement	A capital replacement component has been included in the financial evaluations in the business case and will be further developed through the detailed design process.
20 Year Strategic Financial Plan impact	The capital costs / funding for the coastal node redevelopment (including the café / restaurant) is currently included in the City's <i>Five Year Capital Works Program</i> .
Impact year	2021-22.

All amounts quoted in this report are exclusive of GST.

Regional significance

The redevelopment of the Burns Beach coastal node including the provision of the café / restaurant will provide significant resident / visitor / tourist benefit by enhancing the City's existing natural assets and amenities.

Sustainability implications

The project philosophy and parameters (CJ103-06/10 refers) outlines the intent of Council in progressing the project and addresses the following sustainability implications:

- Project Vision.
- Land Use and Built Form.

- Environmental Strategy.
- Liaison Protocol.
- Fiscal Responsibility and Commerciality.
- Governance.

Consultation

The results of the community consultation on the Burns Beach Coastal Node Concept Plan are presented in the Details section of Report CJ108-07/21.

The City may be required to further advertise the proposed café / restaurant development in accordance with the *Local Government Act 1995* (public notice to dispose of property), pending final decisions on land tenure arrangements.

The café / restaurant will require approval of a development application, building permit and a clearing permit prior to being constructed. Further community consultation may be required as part of these approvals processes.

COMMENT

The Burns Beach Coastal Node Concept Plan has received mostly positive support from the community, with over 70% of respondents indicating that they “support” or “strongly support” all of the key features. These results will assist Council in determining the future direction of the project.

The Business Case demonstrates that the project meets the philosophies, parameters and key objectives, and that the café / restaurant component will provide an additional long-term income stream for the City.

It is therefore recommended that the project continues to the next stages as outlined in Report CJ108-07/21 and that further status reports are provided to the Major Projects and Finance Committee as it progresses.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ108-07/21 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 12 July 2021.

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

RECOMMENDATION**That Council:**

- 1** NOTES the Community Consultation Outcomes Report (Attachment 1 refers) on the Burns Beach Coastal Node Concept Plan (Attachment 2 refers);
- 2** APPROVES the Burns Beach Café / Restaurant and Coastal Node Redevelopment Business Case (Attachment 3 refers) as the basis for continuing to progress the project;
- 3** REQUESTS the Chief Executive Officer to continue to progress the Burns Beach Café / Restaurant and Burns Beach Coastal Node Redevelopment projects in line with the actions outlined in Report CJ108-07/21 and the indicative project schedule outlined in Attachment 3 to Report CJ108-07/21;
- 4** REQUESTS the Chief Executive Officer to initiate an Expression of Interest process to identify potential commercial operators for the proposed café / restaurant facility;
- 5** NOTES that the project will not commence to construction until the relevant land tenure arrangements and applicable approvals have been secured and a commercial operator for the café/restaurant identified by for consideration by Council;
- 6** NOTES a further status report will be presented to the Major Projects and Finance Committee detailing the outcomes of Parts 2 through 5 above, to inform Council in making a final decision on whether to proceed with the development.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12agn210720.pdf](#)

URGENT BUSINESS

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO. 1 - CR JOHN RAFTIS - GLYPHOSATE ADVISORY SIGNAGE

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Raftis has given notice of his intention to move the following Motion at the Council meeting to be held on 20 July 2021:

That Council:

1 BY AN ABSOLUTE MAJORITY REVOKES parts 11.6 and 11.7 of its decision of 18 May 2021 (CJ063-05/21 refers) as follows:

“11.6 BY AN ABSOLUTE MAJORITY REVOKES part 15 of its decision of 21 July 2020 (CJ096-07/20 refers) as follows:

“15 SUPPORTS glyphosate use advisory signage being left in place for a minimum of 24 hours following the application glyphosate undertaken within City of Joondalup managed land;”;

11.7 SUPPORTS glyphosate and other chemical use advisory signage being left in place for duration as required by the Australian Pesticides and Veterinary Medicines Authority or for two hours after its application, whichever is greater;”;

2 BY AN ABSOLUTE MAJORITY AMENDS part 15 of its decision of 21 July 2020 (CJ096-07/20 refers) to read as follows:

“15 SUPPORTS glyphosate use advisory signage being left in place for a minimum of 24 hours following the application of glyphosate undertaken within City of Joondalup managed land or left in place for duration as required by the signage requirements in the Health (Pesticide) Regulations 2011, whichever is greater;”.

REASON FOR MOTION

The Council at its meeting held on 18 May 2021 (CJ063-05/21 refers) when considering the display of signage in relation to the spraying of glyphosate resolved inter alia that:

11 in relation to Motion No. 10 carried at the Annual General Meeting of Electors:

11.6 BY AN ABSOLUTE MAJORITY REVOKES part 15 of its decision of 21 July 2020 (CJ096-07/20 refers) as follows:

“15 SUPPORTS glyphosate use advisory signage being left in place for a minimum of 24 hours following the application glyphosate undertaken within City of Joondalup managed land;”;

11.7 SUPPORTS glyphosate and other chemical use advisory signage being left in place for duration as required by the Australian Pesticides and Veterinary Medicines Authority or for two hours after its application, whichever is greater;

During deliberations further information was sought about the costings for displaying signage for 24 hours advising of glyphosate spraying for all areas including the SAR's.

The information requested was taken on notice however had been previously provided by the Director Infrastructure Services and in particular information regarding comments made by Mr Adrian Hill at the recent Annual General Meeting of Electors in relation to the additional costs for glyphosate signage, as follows:

“By way background, at its meeting held on 20 June 2020 (CJ084-06/20 refers), Council accepted the tender submitted by Total Eden Pty Ltd for the provision of landscape and irrigation maintenance services – ‘New’ Burns Beach Estate as specified in Tender 009/20 for a period of three years for the fixed lump sum of \$359,310 (GST exclusive), with an option for a further two years and schedule of rates for any modifications with annual price variations subject to the percentage change in the Perth (All Groups) CPI.

Scheduled landscaping works in Burns Beach were undertaken on a Friday, which included the spraying of glyphosate. Signage of the spraying event was displayed (as per the Department of Health 2011 guidelines) and while waiting for the glyphosate product to dry the contractor undertook other landscaping works as per the contract. The glyphosate display signs were then collected, on the same day, by staff already on location.

Council, at its meeting held on 21 July 2020 (CJ096-07/20 refers), resolved, amongst other things, the following:

“15 SUPPORTS glyphosate use advisory signage being left in place for a minimum of 24 hours following the application glyphosate undertaken within City of Joondalup managed land;”

Following this decision, an amendment to the scope of works for Tender 009/20 was required, as the decision of Council requiring signage to be left in place for a minimum of 24 hours required the contractor to return to site on the following day, being a Saturday, to collect the signs. The cost to undertake the collection, in alignment with the tendered rates, is \$130 per hour (after hours rate) with a minimum call out period of three hours which equates to \$390 per event.

The enhanced level of service within this SAR is for a weekly landscaping services (52 events per year). The City's standard service (which is funded by general rates) is once per month (12 events per year). The total additional cost therefore payable through the SAR is 40 events x \$390 per event which equates to \$15,600 per annum.

This increased cost associated with the signage collection formed part of the proposed budget outlined in the 2021-22 Burns Beach Annual Service Review. The original budget sent to BBRA on 15 January 2021 included the cost of \$15,600 associated with the collection of glyphosate signage for the 12-month period. Following negotiations with the contractor, the contract service day was able to be changed from a Friday to a Monday resulting in the cost of signage collection reducing to \$195 per event as the signs would not be required to be collected on a Saturday which triggered the after-hours rate of \$390 per event. This will result in 50% reduction in the overall cost for signage collection.

Depending on the location there can be anything from five to fifteen signs allocated per spraying event. Regardless of the number of signs placed it is \$195 per event which includes mobilisation and submission of a spraying report.

Outside of SAR areas the total cost for glyphosate sign collection across the City between 1 January and 31 March 2021 was \$3,192.48 for contractors, and \$776.97 for City staff (weekend hours only). Total of \$3,969.45.

It should be noted that the City does not separately account for sign collection during normal hours, however, it impacts on the City's available resources to send staff back the next day to collect signs left out for the full 24 hour period."

Taking cognisance of the above, the cost therefore for displaying the signage for 24 hours in the SAR's area of the New' Burns Beach Estate will not be \$15,600 for a 12-month period but 50% of the that cost which equates to \$7,800 due to the collection dates being change with the contractor. The cost for the collection of signs outside the SAR areas for the first quarter of the year was \$3,192.48 for contractors, and \$776.97 for City staff (weekend hours only) being a total of \$3,969.45.

With a scheduling review (not spraying on a Friday) the necessity for City staff to collect glyphosate use advisory signage on the weekend would be reduced thus saving \$776.97 per quarter or \$3107.88 per annum.

I am therefore moving for the re-implementation of the signage to be left in place for a minimum of 24 hours when glyphosate is sprayed in our community, with reasons provided below:

- a. When the motion was put forward in May 2021, there were numbers stated as to the costs to the ratepayers of the City which were vastly over-stated from the true costs
- b. Since the implementation of 24-hour signage there has been no evidence put forward as to requests from the public to reduce signage because it is causing confusion in the community.
- c. Similarly, there has been no evidence provided, let alone statements made on the matter, by the Administration of any significant level of signs being stolen, vandalised or moved,
- d. There has been no evidence presented to support statements that many residents are upset with the alleged high costs to ratepayers of displaying the signs.
- e. When a motion was put forward at the City of Joondalup AGM in March 2021 to reduce the 24-hour minimum signage, the residents in attendance spoke in numbers against the motion and similarly voted against the motion comprehensively.
- f. It must be noted that the motion put forward at the AGM to reduce the 24-hour minimum signage requirement was in fact subject to the City being able to replace that with the use of marker dye in the spray which would last for a minimum of 3 days. Given the signage has been reduced without the implementation of a marker dye which lasts as long as the requested period, it can be argued that the recently passed signage motion was not what was being sought by the residents who raised the motion at the AGM.
- g. It was argued that the signage can be reduced because the City will be moving to a reduced usage and phasing out of glyphosate. That target of reduction is scheduled over a number of years and as the usage is reduced then the requirement for signage for 24 hours will be reduced accordingly. During this process we can still deliver on a better level of service to our residents with the 24-hour minimum signage.

Call for One-Third Support

In accordance with regulation 10 of the *Local Government (Administration) Regulations 1996*, one-third support of the number of offices of members of the Council was given by the following elected members:

- 1 Cr John Raftis.
- 2 Cr John Chester.
- 3 Cr Russ Fishwick.
- 4 Cr Russell Poliwka.
- 5 Cr Suzanne Thompson.

OFFICER'S COMMENTS

The City, as per its *Weed Management Plan*, undertakes an integrated weed management approach to weed control in natural areas, parks, and urban landscaping areas utilising a range of treatment methods, including the use of a variety of approved herbicides, in order to reduce weed infestations to manageable levels or if possible, to eradicate infestations. The majority of weed control within the City of Joondalup is managed through the use of physical weed control methods, including mowing, whipper snipping, mulching and manual removal. The City estimates that its proportion of non-chemical methods of weed control is already in excess of 90%.

The City takes its responsibility when using herbicides very seriously and to that end follows the guidance of the peak expert body - the Australian Pesticides and Veterinary Medicines Authority (APVMA), as well as fully complying with the instructions for use related to the product (this is particularly worth noting as Australia has the most stringent labelling and instructions for use requirements in the world). The City has, and will continue to, monitor and abide by any direction given by the Australian Pesticides and Veterinary Medicines Authority in relation to the use of glyphosate.

When chemical weed control is undertaken, City staff and/or contractors, comply with the specifications of approved herbicide labels and permits issued, including additional warnings and safety protocols such as the following:

- Use of PPE in accordance with the products Safety Data Sheet (SDS) and label requirements.
- Signage displayed in accordance with the Department of Health Pesticide Regulations 2011 Signage Requirements.
- Recording keeping in line with the WA Health (Pesticide) Regulations 2011 'Record of Pest Management Treatment.'

At its meeting held on 21 July 2020 (CJ096-07/20 refers), Council considered a report in relation to the use of glyphosate and implemented a number of improved or new communication options for residents to avail themselves of if they wished to including the following:

- City residents wishing to be advised in advance of scheduled spraying activities occurring within 100 metres of their residence and/or up to five park or reserve locations can apply to be added to the City's [Pesticide Notification Register](#). Residents listed on this register will receive notification at least 24 hours prior to spraying commencing.

- A [Pesticide Use Notification – Locations Map and Schedule](#) of the previous and following weeks scheduled spraying activities is provided on the City's website each Friday afternoon.
- City residents and/or property owners wishing to exclude the verge immediately abutting their property/residence from chemical weed control can apply to be added to the City's [Pesticide Exclusion Register](#).

At this meeting Council also adopted (amongst other things) the following:

- The use of marker dye with all glyphosate applications across the city of Joondalup.
- To cease the use of glyphosate within playspaces on City parks and reserves.
- To cease the use of glyphosate within 50 metres of schools, established childcare facilities and City community facilities that are hired by playgroups.
- Glyphosate advisory signage being left in place for a minimum of 24 hours following the application of glyphosate.

Following the implementation of Council's decisions, it has been noted that the glyphosate advisory signs have been removed from their locations and placed in areas where no spraying has occurred, and some of the relocated signs have been placed in playspaces, photographed and then placed on social media. Additionally, the extended time for which the signs are displayed can cause confusion as to when the application of glyphosate took place. All of this has the potential to cause confusion and undue anxiety with residents and visitors who are unfamiliar with Council's decision on this matter or the reasoning being this decision being made.

It is also advised, around 50 signs have gone missing in the time the City has been undertaking 24 hour notification signage, whereas none have gone missing under the original notification period (as per the signage requirements under the WA Health (Pesticide) Regulations 2011).

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**

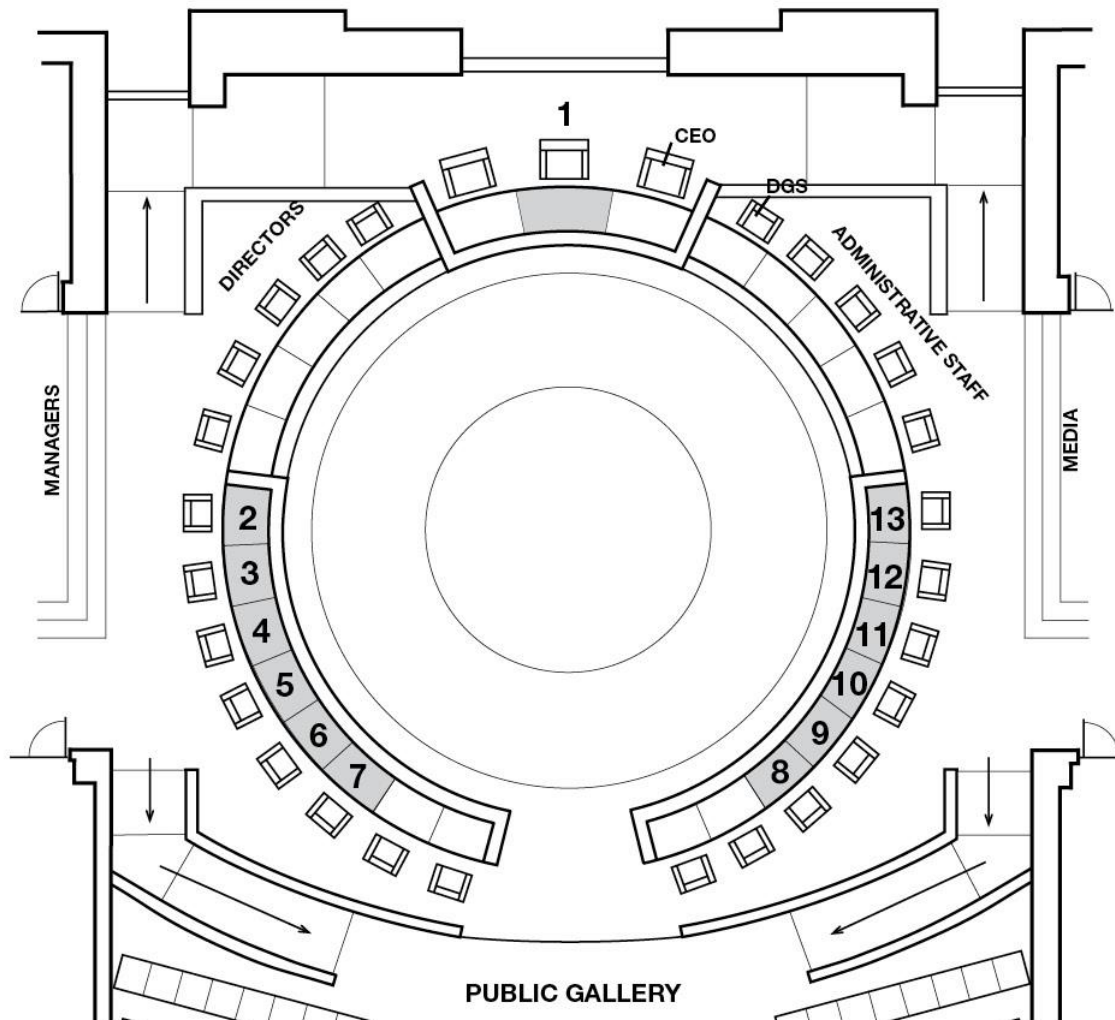
Name / Position		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<i>*Delete where not applicable</i>
Extent of Interest		
Signature		
Date		

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)