

minutes

Ordinary Meeting of Council

MEETING HELD ON

TUESDAY 17 AUGUST 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

TABLE OF CONTENTS

| ITEM NO. | TITLE | WARD | PAGE NO. |
|-----------|---|------|----------|
| | DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS | | 5 |
| | DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY | | 6 |
| | PUBLIC QUESTION TIME | | 8 |
| C69-08/21 | EXTENSION OF TIME TO SPEAK | | 22 |
| | PUBLIC STATEMENT TIME | | 23 |
| | APOLOGIES AND LEAVE OF ABSENCE | | 26 |
| | CONFIRMATION OF MINUTES | | 26 |
| C70-08/21 | MINUTES OF COUNCIL MEETING HELD ON 20 JULY 2021 | | 26 |
| | ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION | | 26 |
| | IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC | | 28 |
| C71-08/21 | MOTION TO CHANGE THE ORDER OF BUSINESS | | 28 |
| | PETITIONS | | 28 |
| C72-08/21 | PETITION IN RELATION TO A REQUEST TO UPGRADE THE FACILITIES AT THE DUNCRAIG EARLY LEARNING CENTRE TO INCLUDE AN ADDITIONAL TOILET AND SEWER CONNECTION | | 28 |
| C73-08/21 | PETITION IN RELATION TO APPROVING THE CHILD CARE PREMISES AT LOTS 243 AND 244 (44 AND 46) GRAND OCEAN ENTRANCE, BURNS BEACH | | 28 |
| C74-08/21 | PETITION IN RELATION TO THE EXPANSION AND REDEVELOPMENT OF THE WHITFORD SENIOR CITIZENS CLUB AND THE WHITFORD LIBRARY FACILITIES | | 29 |
| C75-08/21 | PETITION IN RELATION TO SUPPORTING SPEED LIMIT SIGNAGE ON MARINA BOULEVARD, OCEAN REEF AND ADVOCATING TO MAIN ROADS WA TO ERECT SPEED LIMIT SIGNAGE ON MARINA BOULEVARD | | 29 |

| ITEM NO. | TITLE | WARD | PAGE NO. |
|-------------|--|---------------|-----------|
| | REPORTS | | 30 |
| CJ109-08/21 | DEVELOPMENT AND SUBDIVISION APPLICATIONS - JUNE 2021 | ALL | 30 |
| CJ110-08/21 | PROPOSED MODIFICATION TO CONDITION OF DEVELOPMENT APPROVAL (OPERATING HOURS) FOR A RESTAURANT / CAFE AT LOT 1436 (59) BEACHSIDE DRIVE, BURNS BEACH | NORTH | 34 |
| CJ111-08/21 | SUBMISSION ON PLANNING REFORM - PHASE TWO | ALL | 47 |
| CJ112-08/21 | PROPOSED AMENDMENTS TO THE JOONDALUP ACTIVITY CENTRE PLAN | NORTH | 54 |
| CJ113-08/21 | PROPOSED NEW CHILD CARE PREMISES AT LOTS 243 AND 244 (44 AND 46) GRAND OCEAN ENTRANCE, BURNS BEACH | NORTH | 63 |
| CJ114-08/21 | EXECUTION OF DOCUMENTS | ALL | 86 |
| CJ115-08/21 | DRAFT YELLAGONGA INTEGRATED CATCHMENT MANAGEMENT PLAN 2021-26 | ALL | 89 |
| CJ116-08/21 | CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2021 | ALL | 95 |
| CJ117-08/21 | LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2021 | ALL | 104 |
| CJ118-08/21 | FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2021 | ALL | 107 |
| CJ119-08/21 | PETITION IN RELATION TO BURNS BEACH TWILIGHT MARKETS | ALL | 113 |
| CJ120-08/21 | PETITION IN RELATION TO GREENWOOD TENNIS CLUB (SENIORS) COURT HIRE FEES | ALL | 120 |
| CJ121-08/21 | ACTIVE RESERVE AND COMMUNITY FACILITY REVIEW | ALL | 126 |
| CJ122-08/21 | COMMUNITY SPORTING AND RECREATION FACILITIES FUND SMALL GRANT APPLICATION - PROPOSED CRICKET PRACTICE NETS AT BARRIDALE PARK, KINGSLEY | SOUTH-EAST | 134 |
| CJ123-08/21 | TENDER 005/21 - EMERALD PARK CLUBROOMS - EXTENSION AND REFURBISHMENT | NORTH-CENTRAL | 141 |
| CJ124-08/21 | TENDER 013/21 - PROVISION OF IRRIGATION ELECTRICAL SERVICES | ALL | 148 |

| ITEM NO. | TITLE | WARD | PAGE NO. |
|------------------|--|-------|------------|
| | REPORTS - POLICY COMMITTEE - 2 AUGUST 2021 | | 154 |
| CJ125-08/21 | REVISED ELECTED MEMBERS' COMMUNICATIONS POLICY | ALL | 154 |
| CJ126-08/21 | REVISED ELECTIONS CARETAKER POLICY | ALL | 160 |
| CJ127-08/21 | REVIEW OF COMMUNITY FUNDING PROGRAMS AND POLICIES | ALL | 163 |
| CJ128-08/21 | APPOINTMENT OF AN ACTING OR TEMPORARY CHIEF EXECUTIVE OFFICER POLICY | ALL | 179 |
| CJ129-08/21 | REVIEW OF THE COMMUNITY ART EXHIBITION | ALL | 183 |
| CJ130-08/21 | PROJECT JOONDALUP: ROBOTICS AND AUTOMATION PRECINCT | NORTH | 192 |
| C76-08/21 | EXTENSION OF TIME TO SPEAK | | 199 |
| C77-08/21 | COUNCIL DECISION - ADOPTION BY EXCEPTION RESOLUTION | | 200 |
| | REPORT OF THE CHIEF EXECUTIVE OFFICER | | 201 |
| CJ131-08/21 | CONFIDENTIAL - FUTURE OF THE RESOURCE RECOVERY FACILITY | ALL | 201 / 214 |
| | URGENT BUSINESS | | 202 |
| | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | | 202 |
| C78-08/21 | NOTICE OF MOTION NO. 1 - CR RUSSELL POLIWKA - CHILD CARE PREMISES LOCAL PLANNING POLICY | | 202 |
| C79-08/21 | NOTICE OF MOTION NO. 2 - CR CHRISTOPHER MAY - ADDITIONAL LIGHTING - BRIDGEWATER PARK, KALLAROO AND OTAGO PARK, CRAIGIE | | 205 |
| C80-08/21 | PROCEDURAL MOTION - THAT THE ITEM BE DEFERRED | | 205 |
| C81-08/21 | NOTICE OF MOTION NO. 3 - CR RUSS FISHWICK, JP - BRADEN PARK BASKETBALL AND HANDBALL COURTS | | 206 |
| C82-08/21 | MOTION TO CLOSE THE MEETING TO MEMBERS OF THE PUBLIC | | 213 |
| CJ131-08/21 | CONFIDENTIAL - FUTURE OF THE RESOURCE RECOVERY FACILITY | ALL | 214 / 201 |

| ITEM NO. | TITLE | WARD | PAGE NO. |
|-----------|---|------|----------|
| C83-08/21 | MOTION TO OPEN THE MEETING TO MEMBERS OF THE PUBLIC | | 216 |
| C84-08/21 | MOTION TO RESUME THE ORDER OF BUSINESS | | 216 |
| | ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING | | 216 |
| | CLOSURE | | 217 |

LATE ITEMS / ADDITIONAL INFORMATION

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

[*AdditionalInformation_210817.pdf*](#)

CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON 17 AUGUST 2021

DECLARATION OF OPENING

The Mayor declared the meeting open at 12.00 noon.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

absent from 3.02pm to 3.04pm

Councillors:

| | | |
|---------------------------------|---------------------------|--|
| CR KERRY HOLLYWOOD | North Ward | <i>absent from 3.59pm to 4.04pm</i> |
| CR TOM McLEAN, JP | North Ward | <i>absent from 4.13pm to 4.16pm</i> |
| CR PHILIPPA TAYLOR | North-Central Ward | <i>absent from 1.06pm to 1.09pm</i> |
| CR CHRISTOPHER MAY | Central Ward | <i>absent from 3.41pm to 3.43pm until 3.52pm</i> |
| CR RUSSELL POLIWKA | Central Ward | <i>absent from 1.06pm to 1.08pm absent from 3.09pm to 3.10pm</i> |
| CR RUSS FISHWICK, JP | South Ward – Deputy Mayor | |
| CR SUZANNE THOMPSON | South Ward | <i>absent from 1.51pm to 1.59pm</i> |
| CR CHRISTINE HAMILTON-PRIME, JP | South-West Ward | |
| CR JOHN RAFTIS | South-West Ward | <i>absent from 4.13pm to 4.15pm</i> |
| CR JOHN CHESTER | South-East Ward | <i>absent from 2.05pm to 2.07pm absent from 4.01pm to 4.05pm</i> |
| CR JOHN LOGAN | South-East Ward | <i>absent from 12.39pm to 12.40pm absent from 2.32pm to 2.35pm</i> |

Officers:

| | | |
|------------------------|---|--|
| MR JAMES PEARSON | Chief Executive Officer | |
| MR JAMIE PARRY | Director Governance and Strategy | |
| MS DALE PAGE | Director Planning and Community Development | <i>absent from 1.23pm to 1.25pm absent from 2.35pm to 2.37pm</i> |
| MR NICO CLAASSEN | Director Infrastructure Services | <i>absent from 2.20pm to 2.22pm</i> |
| MR MAT HUMFREY | Director Corporate Services | |
| MR BRAD SILLENCE | Manager Governance | <i>absent from 2.01pm to 2.02pm absent from 2.04pm to 2.05pm</i> |
| MR CHRIS LEIGH | Manager Planning Services | <i>until 4.15pm</i> |
| MR BLIGNAULT OLIVIER | Manager City Projects | <i>until 12.52pm</i> |
| MS NASHID CHOWDHURY | Economic Development and Advocacy Lead | |
| MR DANIEL DAVINI | Media Advisor | |
| MS VIVIENNE STAMPALIJA | Governance Coordinator | |
| MRS WENDY COWLEY | Governance Officer | |
| MRS NATASHA MOSSMAN | Governance Officer | <i>absent from 1.08pm to 1.09pm</i> |

There were 35 members of the public and one member of the press in attendance.

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

Disclosures of Financial Interest

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

| | |
|---------------------------|--|
| Name / Position | Cr Russell Poliwka. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Financial Interest. |
| Extent of Interest | Cr Poliwka owns properties in the West Precinct. |

| | |
|---------------------------|--|
| Name / Position | Cr Philippa Taylor. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Financial Interest. |
| Extent of Interest | A small business client of Cr Taylor is located within the zone. |

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 Suzanne Thompson. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Thompson has been employed by someone who owns property in the area. |

| | |
|---------------------------|---|
| Name / Position | Ms Dale Page, Director Planning and Community Development. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Ms Page is a Director on the Board of DevelopmentWA, which owns a parcel of land that would be affected by the recommended changes to the Joondalup Activity Centre Plan. |

| | |
|---------------------------|---|
| Name / Position | Cr John Chester. |
| Item No. / Subject | CJ115-08/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Chester is a member of both the Friends of Yellagonga Regional Park Inc. and DBCA Community Advisory Committee for Yellagonga Regional Park. |

| | |
|---------------------------|--|
| Name / Position | Cr John Logan. |
| Item No. / Subject | CJ115-08/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Logan is a member of the Friends of Yellagonga Regional Park, which provided feedback on the draft Yellagonga Integrated Catchment Management Plan 2021-26. |

| | |
|---------------------------|--|
| Name / Position | Cr Christopher May. |
| Item No. / Subject | CJ115-08/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr May is a member of the Friends of Yellagonga Regional Park and a volunteer for Friends of Beenypup Swamp. |

| | |
|---------------------------|---|
| Name / Position | Cr Kerry Hollywood. |
| Item No. / Subject | CJ119-08/21 - Petition in Relation to Burns Beach Twilight Markets. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Hollywood lives close to where the markets are held. |

| | |
|---------------------------|---|
| Name / Position | Cr John Logan. |
| Item No. / Subject | CJ122-08/21 - Community Sporting and Recreation Facilities Fund Small Grant Application - Proposed Cricket Practice Nets at Barridale Park, Kingsley. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Members of the Kingsley Woodvale Junior Cricket Club are known to Cr Logan. |

| | |
|---------------------------|---|
| Name / Position | Mayor Hon. Albert Jacob, JP. |
| Item No. / Subject | CJ123-08/21 - Tender 005/21 - Emerald Park Clubrooms - Extension and Refurbishment. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Mayor Jacob's brother provides electrical contracting services for Hickey Construction. |

| | |
|---------------------------|---|
| Name / Position | Mr Mat Humfrey, Director Corporate Services. |
| Item No. / Subject | CJ123-08/21 - Tender 005/21 - Emerald Park Clubrooms - Extension and Refurbishment. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Mr Humfrey's children are members of the Edgewater Woodvale Junior Football Club. |

| | |
|---------------------------|--|
| Name / Position | Cr Christopher May. |
| Item No. / Subject | CJ127-08/21 - Review of Community Funding Programs and Policies. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr May is a committee member of the Northshore Country Club, and is a Board Member of Craigie Heights Primary School and Springfield Primary School. |

| | |
|---------------------------|--|
| Name / Position | Cr Christine Hamilton-Prime, JP. |
| Item No. / Subject | CJ130-08/21 - Project Joondalup: Robotics and Automation Precinct. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Hamilton-Prime knows two of the people making a deputation in relation to Project Joondalup, with one of the deputees attending an elected members dinner as her guest. |

PUBLIC QUESTION TIME

The following summarised questions were taken on notice at the Council Meeting held on Tuesday 20 July 2021.

Ms B Hewitt, Edgewater:

Re: City of Joondalup Vacant Positions.

Q3 *Please could you provide a breakdown of staffing levels of both rangers and parking inspectors on a monthly basis over the past 12 months, indicating full time, part time and casual staff?*

A3 The following table provides the breakdown of staffing levels of both rangers and parking inspectors on a monthly basis over the past 12 months:

31/07/2020

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|--------|-----------|-----------|-------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 6 | | | 6 |
| Ranger | | 5 | 2 | 7 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Total | 6 | 12 | 4 | 22 |

31/08/2020

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|--------|-----------|-----------|-------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 7 | | | 7 |
| Ranger | | 5 | 2 | 7 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Total | 7 | 12 | 4 | 23 |

30/09/2020

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 7 | | | 7 |
| Ranger | | 5 | 2 | 7 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Total | 7 | 12 | 4 | 23 |

31/10/2020

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 7 | | | 7 |
| Ranger | | 7 | 1 | 8 |
| Ranger (Casual) | | 1 | 2 | 3 |
| Total | 7 | 13 | 3 | 23 |

30/11/2020

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 7 | | | 7 |
| Ranger | | 7 | 1 | 8 |
| Ranger (Casual) | | 1 | 2 | 3 |
| Total | 7 | 13 | 3 | 23 |

31/12/2020

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 7 | | | 7 |
| Ranger | | 6 | 1 | 7 |
| Ranger (Casual) | | 1 | 2 | 3 |
| Total | 7 | 12 | 3 | 22 |

31/01/2021

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 7 | | | 7 |
| Ranger | | 7 | 1 | 8 |
| Ranger (Casual) | | 1 | 2 | 3 |
| Total | 7 | 13 | 3 | 23 |

28/02/2021

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 4 | 1 | 5 |
| Parking Officer (Casual) | 7 | | | 7 |
| Ranger | | 4 | 1 | 5 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Total | 7 | 10 | 4 | 21 |

31/03/2021

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 6 | | | 6 |
| Ranger | | 4 | 1 | 5 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Ranger (Agency) | | 2 | | 2 |
| Total | 6 | 13 | 3 | 22 |

30/04/2021

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 6 | | | 6 |
| Ranger | | 4 | 1 | 5 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Ranger (Agency) | | 2 | | 2 |
| Total | 6 | 13 | 3 | 22 |

31/05/2021

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 5 | | 5 |
| Parking Officer (Casual) | 6 | | | 6 |
| Ranger | | 3 | | 3 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Ranger (Agency) | | 2 | | 2 |
| Total | 6 | 12 | 2 | 20 |

30/06/2021

| Position | Casual | Full-time | Part-time | Total |
|--------------------------|---------------|------------------|------------------|--------------|
| Parking Officer | | 4 | | 4 |
| Parking Officer (Casual) | 6 | | | 6 |
| Ranger | | 3 | | 3 |
| Ranger (Casual) | | 2 | 2 | 4 |
| Ranger (Agency) | | 2 | | 2 |
| Total | 6 | 11 | 2 | 19 |

Q4 Please could you provide a breakdown over the same period of the value of infringements and cautions issued?

A4 For the period 1 July 2020 to 30 June 2021 the value of infringements was \$619,512 and the number of cautions issued was 167.

| Period ending | Cautions Issued | Value of Infringements Issued |
|----------------------|------------------------|--------------------------------------|
| 31-Jul-20 | 23 | 72,131 |
| 31-Aug-20 | 49 | 77,427 |
| 30-Sep-20 | 44 | 76,519 |
| 31-Oct-20 | 39 | 96,468 |
| 30-Nov-20 | 1 | 89,999 |
| 31-Dec-20 | 2 | 56,017 |
| 31-Jan-21 | 2 | 85,989 |
| 28-Feb-21 | 0 | 7,132 |
| 31-Mar-21 | 1 | 22,711 |
| 30-Apr-21 | 6 | 11,263 |
| 31-May-21 | 0 | 13,393 |
| 30-Jun-21 | 0 | 10,463 |
| | 167 | \$ 619,512 |

Mr M Sideris, Mullaloo:

Re: *City of Joondalup Rangers.*

Q3 For the past 12 months, please provide a month by month breakdown of the number of Rangers (only and not job / task shared) employed full time by the City?

A3 The following table provides the total number of full-time rangers employed at the City of Joondalup:

| Period ending | Total Number Full-time Rangers |
|----------------------|---------------------------------------|
| 31 July 2020 | 5 |
| 31 August 2020 | 5 |
| 30 September 2020 | 5 |
| 31 October 2020 | 7 |
| 30 November 2020 | 7 |
| 31 December 2020 | 6 |
| 31 January 2021 | 7 |
| 28 February 2021 | 4 |
| 31 March 2021 | 4 |
| 30 April 2021 | 4 |
| 31 May 2021 | 3 |
| 30 June 2021 | 3 |

In addition to the full-time rangers employed by the City above, part-time, casual and agency rangers were sourced when required during 2020-21.

The following summarised questions were submitted prior to the Council Meeting:**Mr Phil Poulter, Ocean Reef:**

Re: *Resolute Way, Ocean Reef.*

Q1 *Can an update be provided to the residents of Resolute Way, as to what plans are there to keep Resolute Way a residential street with no thru traffic, now that the road has become the marina north entry / exit point?*

A1 This question will be taken on notice.

Ms B Hewitt, Edgewater:

Re: *Plastic Pollution at Mullaloo Beach and Burns Beach and Erosion from Iluka and Mullaloo Beaches.*

Q1 *We understand that City Officers and / or Elected Members have attended Mullaloo Beach to look into plastic waste that is washing up on shore. Please inform the community what the City's officers, or Elected Members, found when on site?*

A1 City officers are aware of signal tubing washing up on some beaches following recent storms. The signal tubing comes from the breakwater construction for the Ocean Reef Marina. DevelopmentWA has arranged an inspection of beaches with members of the community, and daily clean-up of the material from the beach. Enquiries about the signal tubing can be directed to DevelopmentWA, which is investigating alternate ways to mitigate the issue. Further information can be found at the DevelopmentWA website <https://yoursay.developmentwa.com.au/ocean-reef-marina>.

Q2 *Our Members have reported significant erosion and plastic contamination at a number of beaches, including Burns Beach, Iluka and Mullaloo. What will the City be doing to remedy these two different issues which are impacting the beaches mentioned?*

A2 Coastal processes have always impacted the City's coastline; impacts will increase over time as sea levels rise and storm intensity increases. The City undertakes several management activities to manage erosion on its beaches including post-storm checks and maintenance, management of access ways to ensure safe access, dune restoration and stabilisation and implementation of an annual sand bypassing program from Sorrento Beach to Hillarys Beach to reduce erosion north of Hillarys Boat Harbour.

To monitor erosion, the City undertakes coastal monitoring on a biannual basis including shoreline mapping from aerial photography, beach profile surveys and photo monitoring. *Coastal Monitoring Outcome* reports are available on the City's website. The City is also currently developing a Coastal Hazard Risk Management Adaptation Plan to identify adaptation options that can be taken now and into the future to adapt vulnerable areas.

The City refers to the plastic contamination found on some beaches, most of which is attributed to the signal tubing; however, the recent storm activity and the changing of seasons would also increase the volume of debris found on beaches.

Along with the City's scheduled beach cleaning maintenance, Development WA has confirmed that they undertake beach patrols six days per week to collect the signal tubing and other debris that gathers on the surrounding beaches.

Q3 *What will be the costs, borne by the ratepayers (through the City), that will be associated with the remediation of both the erosion of the beaches and the clean-up of the plastic pollution this year, and into the future?*

A3 The City has budgeted \$205,026 within the *2021-22 Adopted Budget* to continue to implement the Sand Bypassing Program. The City has successfully applied for a grant of \$89,800 from the Department of Transport for funding under the Coastal Adaptation Protection Grants Program which will contribute to the costs of continuing the Sand Bypassing Program in 2021-22.

The City has budgeted \$44,000 within the *2021-22 Adopted Budget* to continue to implement the Coastal Monitoring Program. The City has successfully applied for a grant of \$27,500 from the Department of Transport for funding under the Coastal Adaptation Protection Grants Program which will contribute to the costs of continuing the Coastal Monitoring Program in 2021-22.

The City has operational budget of \$68,987 for 2021-22 for general beach maintenance and erosion management such as reworking beach access ways, removing damaged fencing, scheduled beach cleaning and rehabilitation of dunes.

The City also supports Friends Groups such as the Friends of North Ocean Reef / Iluka Foreshore and Mullaloo Beach Community Group that conduct conservation activities, including litter collection on the City's beaches.

Q4 *Our members have reported seeing secondary sewage contamination in the form of cotton bud sticks and "presumably" used condoms floating in the ocean off Mullaloo Beach. Do you think it would be prudent for the City to issue a formal health advice for the contamination, which we can only presume is coming from the Beenyup sewerage outfall?*

A4 The Beenyup Wastewater Treatment Plant is a prescribed premise under the *Environmental Protection Act 1986* and is licenced by the Department of Water and Environmental Regulation. This includes the sewerage outfall. The *Environmental Protection Act 1986* contains provisions relating to pollution. The Department of Water and Environmental Regulation have been made aware of these concerns.

The City does not have any authority to serve formal health notices in regard to this matter.

Q5 *Please provide a statement of the City's understanding of the issues raised above.*

A5 Refer to A1 to A4 above.

Ms G Arch, Duncraig:

Re: Petition in relation to a request to upgrade the facilities at the Duncraig Early Learning Centre to include an additional toilet and sewer connection.

Q1 Why is a community not for profit childcare centre required to co-fund a toilet upgrade for a building that has not had any refurbishment for the past 17 years?

A1 The City's current service levels for planned building refurbishments assume a 25 to 30 year period. The Duncraig Early Learning Centre was the subject of a significant renovation in 2003 with eight to 13 years remaining in its current refurbishment cycle.

Refurbishment works may be considered for acceleration in accordance with the City's *Club-Funded Facility Upgrade* application process, which considers potential funding opportunities such as applicant or external grant contributions.

Q2 Why is one toilet for the large number of staff and parents who visit or work at the Duncraig Early Learning Centre daily deemed suitable, rather than being of high importance for an upgrade?

A2 The provision of adult toilets within the facility was compliant at the time of construction.

Q3 Why did the Wonderland building next door recently undergo a major upgrade that included toilets at no cost to them and how did it become connected to the sewer system?

A3 Duncraig Community Centre is a hireable facility that was identified for refurbishment in accordance with the City's current service levels. These works were undertaken in 2019-20 when the facility was 28 years old.

The connection to sewer at this location is historical, with the facility being located on a separate property to Duncraig Early Learning Centre.

Q4 What would be the best connection to a main sewerage line for Lot 43, that is crossing boundaries verses an expensive pumping station option?

A4 The requirement to avoid crossing property boundaries is set by the Water Corporation and is tenure blind. The location of an appropriate sewer connection is a matter for the Water Corporation to advise.

Q5 Are there any proposals or alternate uses for the land in which the day care is located on, that might impact on the provision of additional facilities for Duncraig Early Learning Centre?

A5 There are no current proposals identified for this property.

Ms M Kwok, Ocean Reef:

Re: *Glyphosate Advisory Signage.*

Q1 *How many of the 50 glyphosate advisory signs that have gone missing, were in the South West ward?*

A1 The City does not have this level of detail as some contractors report how many of their spraying notification signs are missing at the end of the week and not on a ward-by-ward basis.

Q2 *The City's 2021-22 Adopted Budget states \$15,877.70 as the cost for the display of glyphosate signage for a minimum of 24 hours in parks. Does that include signage for chemical weed control on road reserves?*

A2 Yes.

Q3 *Has the Pesticide Exclusion Register been advertised via social media and / or community newspaper?*

A3 The City's *Pesticide Use Notification Register* has been available to the public via the City's website since December 2020. The City used the following mediums to advertise the *Pesticide Use Notification Register*:

- Direct correspondence to persons listed on the City's existing Pesticide Use Notification Register;
- Direct correspondence to all schools and established childcare facilities.
- Updates to the City's website;
- Promotion through various media platforms (for example, social media, community newspaper).

Q4 *Would registered public accessways (PAW) be subjected to weed spraying by the City once registered by adjacent property owners?*

A4 Registered public access ways (PAWs) that are maintained as per the City's guidelines (currently in Draft) would not be subject to chemical weed control by the City.

Q5 *Can we have details of hydrothermal trials that the City is currently running?*

A5 The City is currently running two hydrothermal trials within the suburb of Joondalup that have been ongoing since December 2020 as follows:

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

Ms M O'Byrne, Kinross:

Re: 2021 Local Government Elections.

Q1 Which day is the appointed day for first re-issuing voting packages to electors who may require this service?

A1 It is anticipated that ballot packages will begin being delivered to residents and electors by Australia Post from 28 September 2021. An Electoral Officer will be available at the City of Joondalup Administration Centre to issue replacement ballots from around that date.

Q2 What better arrangements might the City make this year to allow workers have their voting packages re-issued up to at least 6pm per day during weekdays and perhaps even later still?

A2 It is not known at this stage what times the Electoral Officer will be available to issue replacement ballot packages, but it is unlikely to occur outside of normal weekday business hours.

Q3 Since the election of Local Government members is as much a part of our democracy and as important as electing State and Federal Members of Parliament, would the City consider retaining the services of the City appointed Electoral Officer for the purpose of re-issuing voting packages on Saturday 9 October (normal business hours) one week before polling day?

A3 See response to Q2. Any replacement ballot packages can also be issued on the date of the local government elections, being Saturday 16 October 2021.

Q4 Since the cost of providing these extra services to electors is spread across the whole ratepaying community, why would the City let the brief extra financial outlay be the reason for not providing effectively for the voting needs of the working community?

A4 See response to Q2.

Q5 Could the City please put Local Government election notices up to the same effect, written in plain English and on all City social media sites?

A5 The City undertakes a comprehensive communication campaign for all aspects of the local government elections, which includes the City's social media platforms.

Ms S Apps, Woodvale:

Re: CJ113-08/21 - Proposed New Child Care Premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach.

Q1 How many childcare premises development application have been received in the past five years?

A1 Since 1 January 2016 the City has received 23 applications for new childcare premises.

Of these applications, 13 have been located in the “Residential” zone and 10 have been located in “Non-residential” zones.

There are four applications yet to be determined.

Q2 *How many were received in 2019, 2020, and 2021?*

A2 The number of applications for new childcare premises received for each year are:

| Year | Applications |
|------|--------------|
| 2019 | 4 |
| 2020 | 6 |
| 2021 | 4 |

Q3 *How many applications received in the past five years have been rejected either by Council or via Development Assessment Panel?*

A3 Two applications were refused, and two applications were withdrawn prior to a decision.

There are currently four applications yet to be determined.

Q4 *How many childcare centres are licenced currently with in the City of Joondalup (excluding family day care)?*

A4 The Department of Communities is responsible for approving provider and service applications in Western Australia. It is suggested that this agency be contacted to provide further information.

Ms J Ferreira, Kallaroo:

Re: *Child Care Centres.*

Q1 *Why does the City’s Planning Policy allow residential houses to be demolished in R20 zones and large commercial childcare centres to be built next to family homes?*

A1 The City’s *Child Care Premises Local Planning Policy* aligns with the City’s planning scheme which includes childcare premises as a land use that can be considered in the ‘Residential’ zone.

Q2 *Why was the communities petition to amend the childcare policy, so no large commercial childcare centres can be built next to family homes, not be actioned immediately when it was lodged in April?*

A2 The City has been progressing the necessary analysis and work required to present a revised policy to Council for consideration. An amended policy will be made available for Council consideration and public comment when that work has been done.

The review has been progressed, notwithstanding that the City's planning department has a high workload and is managing competing priorities as a result of increased demand on its services due to an increase in applications for development from the community, submissions on State Government reform and policy initiatives, and decisions of Council in regard to planning strategy / policy reviews and changes.

Q3 *What are the exceptional circumstances which allows the entry of a childcare centre carpark to be placed on a quiet "access road" such as Stanford Road, Kallaroo?*

A3 The exceptional circumstances to allow vehicle access to a childcare centre from an access road would need to be assessed with consideration given to the individual characteristics of each application.

It is not appropriate at this time to provide comment in relation to the childcare centre proposal at 20 Stanford Road and 104 Mullaloo Drive, Kallaroo as the City is yet to finalise its assessment and submit its Responsible Authority Report to the Joint Development Assessment Panel (JDAP).

Q4 *If the development at 20 Stanford Road and 104 Mullaloo Road is approved by JDAP, who will manage and take action for the residents in regard to noise, traffic and parking on verge complaints?*

A4 The JDAP is yet to make its decision on the proposed childcare centre at 20 Stanford Road and 104 Mullaloo Drive, Kallaroo.

In the event the JDAP approve the application, it will be the responsibility of the operator to manage the development in accordance with any conditions of planning approval and other relevant legislative requirements.

It will be the responsibility of the City to investigate any concerns received that the development is not adhering to requirements and, if the concerns are found to be correct, the City will also be responsible for taking appropriate action.

Q5 *Why are the developers allowed to submit childcare centre plans which do not align with the regulations stated in the childcare policy?*

A5 The City is not able to prevent a childcare centre developer from submitting an application for the development in the form / design they want, as is the case for an applicant for any kind of development.

Ms R da Silva, Burns Beach:

Re: *CJ119-08/21 – Petition in Relation to Burns Beach Twilight Markets.*

Q1 *Would Council consider a compromise between the two requests in relation to the Burns Beach Twilight Markets, and perhaps look at a period of 18 weeks for the 2021-22 period?*

A1 This item will be considered by Council at its meeting dated 17 August 2021.

Mr M Moore, Edgewater:

Re: CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan.

Q1 Table 16 estimates that an additional 6,558 jobs will have been created in the Joondalup Activity Centre by 2021, how many additional jobs have been created to date?

A1 This question will be taken on notice.

Q2 Table 17 estimates that an additional 857 dwellings have been built in the Joondalup Activity Centre by 2021, how many additional dwellings have been built to date?

A2 Since January 2015 there have been approximately 170 additional dwellings constructed in the Joondalup Activity Centre to date.

The following summarised questions were submitted verbally at the Council Meeting:**Master J Hua, Warwick Senior High School:**

Re: Council Responsibilities.

Q1 What is the most important thing that the Council does?

A1 Mayor Jacob advised that the most important responsibility of Council is making decisions as a group, that are carried by a majority vote. The State Government has given delegation to local governments to enable decision making through various pieces of legislation, with the most common decisions relating to planning matters.

The Council makes decisions on the future of the City and this is achieved through the adoption of the annual budget, which is approximately \$150 million per annum. In addition, the City maintains \$1.8 billion in assets, which includes roads, drainage, parks, community centres and footpaths.

Miss M Norbury, Warwick Senior High School:

Re: Becoming an Elected Member.

Q1 How do you become an elected member?

A1 Mayor Jacob advised to become an elected member in the City of Joondalup a person would need to be over the age of 18 years and registered on the electoral roll, be an Australian citizen, own property or live in the City of Joondalup.

To become an elected member, an eligible person would nominate as an electoral candidate for the local government elections and secure most of the votes from the electors in a specific ward. It was added that the City has six wards with two elected members per ward with approximately 18,000 to 20,000 electors in each ward.

Miss L Vanirsen, Warwick Senior High School:

Re: Education of Local Students.

Q1 What role does the City play in regard to bettering the education for our present and future students?

A1 The Director Planning and Community Development advised that local governments do not have a direct role in formal education, however the City supports young people by delivering a range of services through the Youth Services and Libraries programs that it provides to the community. The City's Youth Services programs deliver the Youth Outreach Program through the Edge and Anchors Youth Centres. The City also conducts Youth Leadership Development programs, which includes the Youth Leadership Forum, the young driver education program "RYDE" and the Youth Awards which provides a scholarship for secondary and tertiary students.

The Director Planning and Community Development explained that the City's libraries allow patrons to access one of the largest physical and digital resource collections (including reference and local history collections) in Western Australia, as well as offering patrons a quiet space to study. There are also library programs that focus on literacy development, digital and innovation technologies, as well as mental and physical health and resilience.

Furthermore, the City has the School Connections program that connects the City and its services for local primary and secondary school curriculums, including the following:

- Adopt a coastline or bushland.
- Civic and library tours.
- Student citizenship awards.
- Mural and public art projects.
- Waste education and Constable Care program.

Finally, the City provides training and work experience opportunities for local students to experience the range of professions and trades available in local government.

Miss A Peterson, Mater Dei College:

Re: Bike Trail Connecting Mullaloo and Surrounding Suburbs.

Q1 Is there potential to construct an interconnected bike trail starting from Mullaloo and connecting to surrounding suburbs?

A1 The Director Planning and Community Development advised that the City has received a similar request from residents to develop an interconnected bike trail in the district. In February 2021, Council requested that the Chief Executive Officer prepare a business case that will look at combining mountain bike and BMX facilities at Whitfords West Park, with interconnect trails. In addition, Council requested that the City upgrade three existing BMX tracks.

The Director Planning and Community Development explained that the City is meeting regularly with residents to establish what the bike trail will look like and where the trail will go. It was added that once City officers have a business case developed it will be presented to Council for endorsement.

Ms J Templar, Kingsley:

Re: Commercial Developments in R20 Zones.

Q1 *Can Council describe how large commercial developments can be developed in R20 zones adjoining residential buildings in mature developed suburbs?*

A1 The Director Planning and Community Development advised that the City's *Child Care Premises Local Planning Policy* was developed in 1999 and reviewed and updated on seven occasions since its development. The current policy aligns with the City's planning scheme which allows for childcare premises and permissible land uses in a residential zone.

The Director Planning and Community Development stated that the *Child Care Premises Local Planning Policy* is currently under review by City officers.

Ms J Rubelli, Burns Beach:

Re: Item CJ113-08/21 - Proposed New Child Care Premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach.

Q1 *Where has the applicant found information that the proposed educare centre to be located within Burns Beach Primary School is going to cater for children three to five years of age?*

A1 The Director Planning and Community Development advised that she is not able to provide information on where the applicant has found this information.

Q2 *How has the applicant calculated the number of onsite parking bays as it is lower than what is stated in the City's Childcare Premises and Local Planning Policy?*

A2 The Director Planning and Community Development advised that she is not able to comment on how the applicant calculated the number of proposed onsite parking bays, however City officers have assessed the proposal against the City's Local Planning Policy and evaluated that the applicant was short of three parking bays.

Ms K Dorney, Kingsley:

Re: Infill and Commercial Development in R20 Zones.

Q1 *Can Council advise of its strategic direction for infill and commercial development of R20 zoned areas?*

A1 The Director Planning and Community Development advised that the City has been working on the strategic framework since it was developed in 2009. It was added that the public has become more aware of the State Government's direction towards infill and are more engaged in the process.

The Director Planning and Community Development explained that the City is currently reviewing its strategic framework of the housing opportunity areas, including the review of the City's *Local Planning Strategy*.

Mrs M Sullivan-Davis, Kingsley:

Re: Joint Development Assessment Panel Applications.

Q1 *Development applications must have a value of over \$2 million, to be referred to the Joint Development Assessment, how does the City administration check that the application values are correct?*

A1 Mayor Jacob explained that the development application threshold is set in legislation by the State Government. The Director Planning and Community Development further advised that the City does not have the means or the ability to undertake a cost analysis on every development application that is received. However, if an application appears not to be worth the amount stated, enquiries will be made to the applicant.

C69-08/21**EXTENSION OF PUBLIC QUESTION TIME**

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

The Motion was Put and

CARRIED (12/0)

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

Ms S Makoare, Greenwood:

Re: Local Government Elections.

Q1 *If residents are unhappy with their elected member, can that elected member be unelected mid-term?*

A1 Mayor Jacob advised no.

Re: Burns Beach and Kallaroo / Kingsley Childcare Centre Developments.

Q2 *Why does it appear that the City is fighting for the Burns Beach residents and not residents in Kingsley / Kallaroo with current childcare developments?*

A2 Mayor Jacob disagreed with the premise of the question and ruled the question out of order.

Mrs B Hewitt (Secretary, Edgewater Community Residents Association), Edgewater:

Re: Infringements.

Q1 *What has occurred in the City to cause a drop of \$81,000 (for the period August 2020 to January 2021) to \$13,000 (for the period February to June 2021)?*

A1 The Director Corporate Services stated that the decline in revenue has resulted from City officers taking an educative approach to parking, where cautions are given in the first instance and infringements issued if illegal parking continues to occur.

Q2 *As the average cautions issued is also lower, have residents started doing the right thing?*

A2 The Director Corporate Services advised that City officers have been actively working towards educating residents on correct parking practices, an example of this is officers are attending local schools and educating parents on where they can / cannot park, this has resulted in parents now complying when dropping off their children, and therefore this has resulted in less cautions and infringements being issued.

Mr A Murphy, Edgewater:

Re: *Petitions.*

Q1 *Does the allowance of online petitions comply with section 5.11 of the City's Meeting Procedures Local Law 2013?*

A1 The Director Governance and Strategy advised that online petitions do not comply with of the City's *Meeting Procedures Local Law 2013*.

Q2 *Does the Local Government Act 1995, section 2.8 Role of Mayor or President give permission to include online petitions ad-hoc or is this ultra-vires?*

A2 The Director Governance and Strategy stated that it is not ultra-vires, however if Council wished to allow electronic petitions, it could. It was added the risk in allowing electronic petitions is that the City may not be able to validate names listed on the petition.

Ms F Gilbert, Kallaroo:

Re: *Changes to Planning Policies.*

Q1 *Is it normal practice for the City to wait until there are no applications that would be affected by a policy change before the changes are made to the policy?*

A1 The Director Planning and Community Development advised that the number of applications pending is not considered by City officers when reviewing planning policies.

PUBLIC STATEMENT TIME

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

Mrs R Seeber, Marmion:

Re: *Notice of Motion No. 3 - Cr Russ Fishwick, JP - Braden Park Basketball and Handball Courts.*

Mrs Seeber stated that the City did not undertake effective community consultation prior to the works at Braden Park commencing, adding that at no time during the planning of the upgrade were residents formally surveyed on what they would like installed at Braden Park, nor were they sent the proposed concept plans, invited to comment on the proposed concepts or given an opportunity to voice their concerns before the project commenced.

Mrs Seeber expressed that the process for upgrading playspaces and community facilities is deeply flawed and that each stage of the project should involve community consultation and feedback.

Mrs J Rubelli, Burns Beach:

Re: CJ113-08/21 - Proposed New Child Care Premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach.

Mrs Rubelli, on behalf of the Burns Beach Residents Association, spoke with regard to their concerns in relation to the proposed new childcare premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach.

Mrs Rubelli advised that 80% of residents that took part in the community consultation were opposed to the childcare centre, due to the:

- traffic flow not being sufficiently addressed in the report
- shortfall of onsite parking
- unsuitable alternative parking options
- increased noise levels from children playing and from the parking areas
- ineffective noise reducing measures in the acoustic report.

Mr D Kingston, Edgewater:

*Re: Petition - Speed limit signage on Marina Boulevard, Ocean Reef.
CJ115-08/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26.*

Mr Kingston spoke in support of the petition in relation to speed limit signage on Marina Boulevard, Ocean Reef, stating that there is a significant number of vehicles that travel along Marina Boulevard that exceed the built-up areas speed limit and due to this there is a risk of serious injuries to pedestrians and creates serious issues for residents trying to safely enter and exit their driveways. Mr Kingston asked the City to consider traffic calming measures to help with the situation and for enforcement to address the problem of hooning.

Mr Kingston, on behalf of the Friends of Yellagonga Regional Park, also spoke in relation to the draft *Yellagonga Integrated Catchment Management Plan* stating that the friend's group was supportive of the of the draft plan and the projects that are being undertaken to further improve the conservation values of the regional park.

Mr G Talbot, Woodvale:

Re: CJ120-08/21 - Petition in Relation to Greenwood Tennis Club (Seniors) Court Hire Fees.

Mr Talbot, on behalf of the Greenwood Tennis Club, spoke against the officer's recommendation.

Mr Talbot stated that in order for the City to approve the 50% discount of waiver of fees the club must have more than 50% of its members residing within the City of Joondalup, adding that due to the club being located in the south east boundary of the district it has become increasingly difficult for the club to meet this criteria. Mr Talbot advised that the club currently has 38 senior members that reside in Joondalup, 30 in Stirling, 17 in Wanneroo and five from other areas.

Mr Talbot believes that their club plays an important role in the community in keeping adults fit and healthy, and he encourages Council to support the Greenwood Tennis Club's request for a 50% waiver of the hire fees for the use of Warwick open space tennis courts.

Ms L Thornton, Sorrento:

Re: Nature Strip between Clontarf Street and High Street, Sorrento.

Ms Thornton advised Council that the nature strip along Parnell Avenue was upgraded in April 2021 with the beautification of the strip, realignment of bollards and installation of a parking bay adjacent to a newly built property.

Ms Thornton expressed her concerns that these actions by the City has created a precedent and allows privileged ratepayers to encroach on Council land without repercussions.

Cr Logan left the Chamber at 12.39pm and returned at 12.40pm.

Ms J Kitto, Kingsley:

Re: Proposed Childcare Development in Kallaroo.

Ms Kitto expressed her concerns with regard to the proposed childcare development in Kallaroo, stating that the development is not compatible to the surrounding residential area.

Ms Kitto stated the current *Childcare Premises Local Planning Policy* (LPP) does not appear affective with the increase in development applications for two storey childcare premises in residential areas, adding that she believed it was essential that the City update its LPP to reflect residents' concerns.

Ms Kitto urged the Mayor and Councillors to request the City to undertake a review of the LPP as a matter of priority.

Mrs J Ferreira, Kallaroo:

Re: Proposed Childcare Development in Kallaroo.

Mrs Ferreira who is an adjoining property owner to the proposed childcare centre in Kallaroo expressed her concerns in relation to increased traffic congestion in the street and increase noise levels which in turn will impact the amenity of the surrounding residents.

Mrs Ferreira expressed if the *Childcare Premises Local Planning Policy* had been reviewed earlier in the year, it would have alleviated unnecessary stress on local Kallaroo residents that will be affected by the proposed development.

APOLOGIES AND LEAVE OF ABSENCE

Apology

Cr Nige Jones.

CONFIRMATION OF MINUTES

C70-08/21

MINUTES OF COUNCIL MEETING HELD ON 20 JULY 2021

MOVED Cr Hamilton-Prime, **SECONDED** Cr May that the Minutes of the Council Meeting held on 20 July 2021 be **CONFIRMED** as a true and correct record.

The Motion was Put and

CARRIED (12/0)

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

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

LOCAL HIGH SCHOOL STUDENTS IN ATTENDANCE

Mayor Jacob officially welcomed special guests attending today's Council meeting.

Mayor Jacob advised there are 34 local high school students and 11 staff members in the Council Chambers this afternoon, representing nine different high schools in the City of Joondalup.

Mayor Jacob advised the schools represented today are:

- Belridge Secondary College
- Belridge Secondary Education Support Centre
- Lake Joondalup Baptist College
- Mater Dei College
- Prendiville Catholic College
- Sacred Heart College
- Warwick Senior High School
- West Coast Secondary Education Support Centre; and
- Woodvale Secondary College

Mayor Jacob advised that elected members have chosen to hold this meeting of Council during the day to give local schools an opportunity to send their students along to see first-hand how Local Government authority functions and works.

Mayor Jacob advised that the first invitation to high school students to attend a Council meeting was in 2006 and it has been very pleasing to see growing interest from young people in Local Government affairs and learning of local issues that affect their community.

Mayor Jacob thanked the students and staff for their attendance and interest in Council and its business and for their relevant and well-thought out questions during question time.

WANDINA PARK

Mayor Jacob advised he had recently joined a number of other Councillors at a community event celebrating the renewal of Duncraig's Wandina Park as part of the City's park revitalisation program.

Mayor Jacob commented, formerly a park covered in dry grass with an ageing swing set, Wandina Park is now a modern, inviting destination for families across Duncraig and beyond.

Mayor Jacob advised elements include nature play, a small kickabout area, for the first time solar-powered irrigation systems and an improved path network which has given Wandina Park a new lease of life.

Mayor Jacob advised that a new park bench will soon be installed while the natural beauty of the existing vegetation has been enhanced with mulching and Geraldton wax trees.

Mayor Jacob encouraged residents and visitors to check out the revitalised Wandina Park soon.

AUSTRALIAN MADE

Mayor Jacob advised the City of Joondalup has reinforced its commitment to local manufacturers, by officially joining the Australian Made Campaign as a campaign supporter, the first local government in Western Australia to do so.

Mayor Jacob advised due to the impact of COVID-19, there has been a significant upswing in demand for Australian made products.

Mayor Jacob commented that while some of Joondalup's businesses are leveraging this opportunity for domestic sales and exports, it's an opportunity for many others to also get on board with the iconic green and gold kangaroo triangle, Australia's most recognised and trusted country of origin brand.

Mayor Jacob advised for more information please visit the business section of the City's website.

FAREWELL

Mayor Jacob made a special mention to the City's Manager Governance, Mr Brad Sillence, who has served the City for 10 years this week and a local resident himself. Mayor Jacob thanked Mr Sillence on behalf of the City of Joondalup Council for his years of dedicated service to Council and the local community.

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

- CJ131-08/21 - Confidential - Future of the Resource Recovery Facility.

C71-08/21 MOTION TO CHANGE THE ORDER OF BUSINESS

MOVED Mayor Jacob, **SECONDED** Cr McLean that Council, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of:

1.1 **CJ131-08/21 - Confidential - Future of the Resource Recovery Facility,**

to be discussed after “Motions of which previous notice has been given”.

The Motion was Put and

CARRIED (12/0)

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

PETITIONS

C72-08/21 PETITION IN RELATION TO A REQUEST TO UPGRADE THE FACILITIES AT THE DUNCRAIG EARLY LEARNING CENTRE TO INCLUDE AN ADDITIONAL TOILET AND SEWER CONNECTION

A 67 signature petition has been received from residents of the City of Joondalup requesting the Duncraig Early Learning Centre be upgraded with an additional toilet and sewer connection.

C73-08/21 PETITION IN RELATION TO APPROVING THE CHILDCARE PREMISES AT LOTS 243 AND 244 (44 AND 46) GRAND OCEAN ENTRANCE, BURNS BEACH

A 185 signature petition has been received from residents of the City of Joondalup requesting the proposed childcare centre at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach be approved for the following reasons:

- It is a much needed service for the local community.
- The design of it is consistent with the look and feel of the area.
- It services a range of age groups.
- The maximum number of children and operating hours will not impact residents.
- The car parking as provided is sufficient for the childcare premises.
- The planning framework allows for this childcare premises.

C74-08/21 **PETITION IN RELATION TO THE EXPANSION AND REDEVELOPMENT OF THE WHITFORD SENIOR CITIZENS CLUB AND THE WHITFORD LIBRARY FACILITIES**

A 198 signature petition has been received from residents of the City of Joondalup requesting the City prepare options for the expansion and redevelopment of the Whitford Senior Citizens Club and the Whitford Library Facilities.

C75-08/21 **PETITION IN RELATION TO SUPPORTING SPEED LIMIT SIGNAGE ON MARINA BOULEVARD, OCEAN REEF AND ADVOCATING TO MAIN ROADS WA TO ERECT SPEED LIMIT SIGNAGE ON MARINA BOULEVARD**

A 48 signature petition has been received from residents of the City of Joondalup requesting support of speed limit signage on Marina Boulevard, Ocean Reef by the City erecting "Remember 50 kilometre per hour in built up areas" signage, and advocating to Main Roads WA to erect speed limit signage on Marina Boulevard for the following road safety reasons:

- A significant number of vehicles exceed the 50 kilometre per hour unmarked built up area speed limit.
- Heavy vehicles delivering to Ocean Reef Shopping Centre often exceed the speed limit.
- Marina Boulevard connects to Marmion Avenue an 80 kilometre per hour road.
- Marina Boulevard has become a rat-run between district distributor roads.
- The risk of serious injury to pedestrians and children walking to Ocean Reef Primary School and parents accessing the child care facility at 77 Marina Boulevard.
- Local residents being unable to safely enter and exit their properties because of vehicles exceeding the speed limit.

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that the following petitions be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 Petition in relation to a request to upgrade the facilities at the Duncraig Early Learning Centre to include an additional toilet and sewer connection;**
- 2 Petition in relation to approving the childcare premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach;**
- 3 Petition in relation to the expansion and redevelopment of the Whitford Senior Citizens Club and the Whitford Library Facilities;**
- 4 Petition in relation to supporting speed limit signage on Marina Boulevard, Ocean Reef and advocating to Main Roads WA to erect speed limit signage on Marina Boulevard.**

The Motion was Put and

CARRIED (12/0)

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

REPORTS

CJ109-08/21 DEVELOPMENT AND SUBDIVISION APPLICATIONS - JUNE 2021

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

EXECUTIVE SUMMARY

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

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

This report identifies the development applications determined by the administration under delegated authority powers during June 2021 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during June 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 June 2021 is shown in the table below:

| Type of subdivision referral | Number of referrals | Potential additional new lots |
|---------------------------------|---------------------|-------------------------------|
| Subdivision applications | 10 | 9 |
| Strata subdivision applications | 14 | 21 |
| TOTAL | 24 | 30 |

Of the subdivision referrals, 15 were to subdivide in housing opportunity areas, with the potential for 22 additional lots.

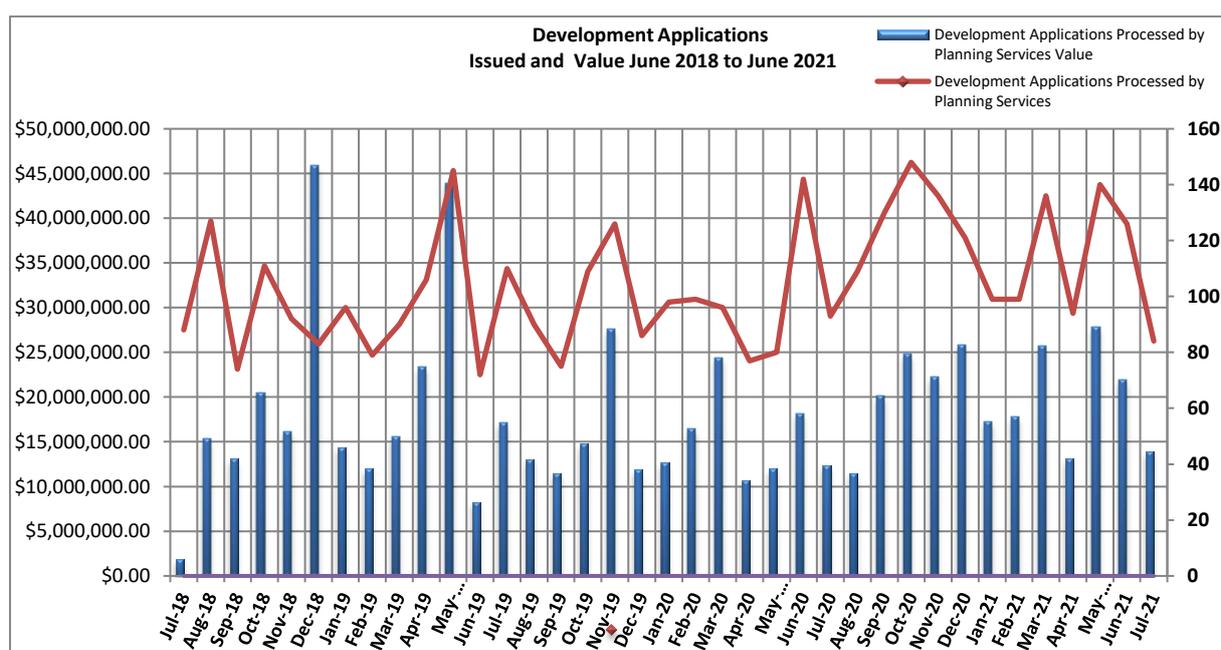
Development applications

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

| | Number | Value (\$) |
|---|--------|--------------|
| Development applications processed by Planning Services | 126 | \$21,953,884 |

Of the 126 development applications, 14 were for new dwelling developments in housing opportunity areas, proposing a total of 23 additional dwellings.

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



The number of development applications received during June 2021 was 118.

The number of development applications current at the end of June was 230. Of these, 37 were pending further information from applicants and nine were being advertised for public comment.

In addition to the above, 283 building permits were issued during the month of June with an estimated construction value of \$40,650,171.

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 Implications 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 a 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 126 development applications were determined for the month of June with a total amount of \$75,109.46 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

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

- 1 development applications described in Attachment 1 to Report CJ109-08/21 during June 2021;**
- 2 subdivision applications described in Attachment 2 to Report CJ109-08/21 during June 2021.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf210810.pdf](#)

CJ110-08/21 PROPOSED MODIFICATION TO CONDITION OF DEVELOPMENT APPROVAL (OPERATING HOURS) FOR A RESTAURANT / CAFE AT LOT 1436 (59) BEACHSIDE DRIVE, BURNS BEACH

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBERS | 22589, 101515 |
| ATTACHMENTS | Attachment 1 Location plan Attachment 2 Applicant request |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

PURPOSE

For Council to determine a development application to modify a condition of development approval relating to the operating hours for a 'Restaurant / Cafe' at Lot 1436 (59) Beachside Drive, Burns Beach.

EXECUTIVE SUMMARY

A development application has been received for modification to the condition of development approval relating to the operating hours for the 'Restaurant / Cafe' at Lot 1436 (59) Beachside Drive, Burns Beach.

The applicant seeks approval to modify condition 3 of the development approval that currently restricts operating hours to 6.00am to 8.00pm, Monday to Sunday. The proposed new hours are from 6.00am to 10.00pm, Monday to Sunday.

A 'Restaurant' was originally approved by Council at its meeting held on 26 June 2018 (CJ086-06/18 refers). Architectural modifications to the development were subsequently approved under delegated authority on 10 March 2021. The application approved under delegated authority included similar conditions imposed by Council and retained the same condition relating to operating hours. This approval remains valid, and the site can be developed in accordance with this approval.

As the original condition for the operating hours was included on the decision made by Council, the subject application to modify this condition is also required to be determined by Council.

The subject site is zoned 'Urban Development' under the City's *Local Planning Scheme No. 3* (LPS3) and is subject to the 'Lunch Bar and Restaurant/Café Precinct' provisions of the *Burns Beach Structure Plan* (structure plan).

The application was advertised for a period of 14 days. A total of 71 submissions were received being; 34 objections, 35 submissions of support and two submissions of neither support nor objection.

It is recommended that the application be approved, subject to conditions.

BACKGROUND

| | | |
|------------------------|------------|---|
| Suburb/Location | | Lot 1436 (59) Beachside Drive, Burns Beach. |
| Applicant | | Creative Design and Planning. |
| Owner | | Peet Funds Management Pty Ltd. |
| Zoning | LPS | Urban Development. |
| | MRS | Urban. |
| Site area | | 500m ² . |
| Structure plan | | <i>Burns Beach Structure Plan</i> (structure plan). |

The subject site is in the *Burns Beach Structure Plan* area. The site is currently vacant and is bound by Beachside Drive to the east, Beachside Park to the north and west, and Burns Beach Foreshore Reserve to the south (Attachment 1 refers).

The *Burns Beach Structure Plan* was initially adopted by Council and certified by the Western Australian Planning Commission (WAPC) in 2005. The structure plan applies to 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned 'Urban Development' under *Local Planning Scheme No. 3* (LPS3). The structure plan allows the development of a residential housing estate, which is continuing to be developed.

The site was originally identified as the 'Beach Shop/Lunch Bar and Restaurant Precinct' in the structure plan. At its meeting held on 27 March 2007 (CJ059-03/07 refers), Council endorsed Amendment 1 to the structure plan, which further restricted the use of the land by deleting the 'Shop' land use and modifying the name to 'Lunch Bar and Restaurant/Café Precinct'. As a result of the amendment, the permissible land uses within this precinct are restricted to 'Lunch Bar' and/or 'Restaurant/Café'.

At its meeting held on 26 June 2018 (CJ086-06/18 refers), Council approved a development application for a 'Restaurant', subject to a number of conditions. Condition 3 of this approval restricts the operating hours to 6.00am to 8.00pm, Monday to Sunday.

On 10 March 2021, an application to modify the design of the restaurant was approved. Given the nature of the modifications and given no further discretion was required under LPS3 or the structure plan, the application was able to be determined under delegated authority. It should be noted that this approval is still valid, and the restaurant can proceed in accordance with this approval. This approval includes the same condition imposed by Council, restricting operating hours to 6.00am to 8.00pm, Monday to Sunday.

DETAILS

The applicant seeks to modify condition 3, imposed on the current approval, restricting the operating hours for the 'Restaurant/Café' from 6.00am to 8.00pm, Monday to Sunday. The proposed new trading hours are 6.00am to 10.00pm, Monday to Sunday.

As part of the original application, the applicant indicated that it was likely the restaurant would operate during daylight hours, as reflected in the condition. The applicant has now requested to extend the operating hours to be able to provide a viable dinner service. Under the current approval the kitchen would be open until 7.00pm. By allowing the facility to operate until 10.00pm, it allows the kitchen to be open until 9.00pm.

Planning assessment

There are no set standards under LPS3 that regulate operating hours of restaurants or development on the site. Under the structure plan, a key objective for the precinct that is relevant to this application is:

“A lunch bar and restaurant/cafe are permitted within POS 6 as shown on the Structure Plan. The development of a lunch bar and a restaurant/cafe is proposed to provide for opportunities for the local population and visitors to the area to enjoy the coastal environment and to increase the vibrancy of the area as a destination beyond day light hours.”

Permitting the restaurant to operate until 10.00pm and to provide a viable dinner service is consistent with the objective for the site. The subject site is located next to Beachside Park and the Burns Beach Foreshore Reserve where the proposed ‘Restaurant/Cafe’ is expected to improve the surveillance and vibrancy of the area.

The dining area for the restaurant has been oriented into the park, minimising impact on adjoining residential properties. Any noise generated from the restaurant is subject to compliance with the *Environmental Protection (Noise) Regulations 1997*. In addition to the *Environmental Protection (Noise) Regulations 1997*, conditions of approval have been imposed that require management plans (that is, noise, waste and delivery management) be prepared and approved. These management plans will set out specific parameters for activities of the restaurant to further control noise to protect the amenity of the surrounding landowners/occupants.

It is considered that the new proposed trading hours are consistent with the intent for the site, as outlined in the structure plan.

Consultation was undertaken for a period of 14 days from 8 June to 22 June 2021. A total of 71 submissions was received; being 34 objections, 35 submissions of support and two submissions of neither support nor objection.

A summary of the concerns raised, along with the applicant’s and City officer response is provided in the ‘Consultation’ section of Report CJ110-08/21. A summary of the points raised in support of the proposal is also provided in the ‘Consultation’ section of Report CJ110-08/21.

Issues and Options Considered

Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / Policy Implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Implications *Planning Consultation Local Planning Policy.*

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

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

“In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (fa) any local planning strategy for this Scheme endorsed by the Commission;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting, including —*
 - (i) the compatibility of the development with the desired future character of its setting; and*

- (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate;*
- (zc) *include any advice of a Design Review Panel.”*

Burns Beach Structure Plan

“8.0 LUNCH BAR AND RESTAURANT/CAFE PRECINCT.

8.1 Objective.

A lunch bar and restaurant/cafe are permitted within POS 6 as shown on the Structure Plan. The development of a lunch bar and a restaurant/cafe is proposed to provide for opportunities for the local population and visitors to the area to enjoy the coastal environment and to increase the vibrancy of the area as a destination beyond day light hours.

The provision of on-street car parking and parking areas in the vicinity of the precinct, together with the fact that the precinct is in a highly accessible area for pedestrians and cyclists, on site car parking for the lunch bar and restaurant/cafe should be minimised. The number of car bays required on site will be determined by Council and assessed against the merits of the specific case as part of a development application.

8.2 Land Use.

The permissible land uses within this precinct are as follows:

- *Lunch Bar.*
- *Restaurant / café.*

No other land uses are permissible in this Precinct.

8.3 General Provisions.

Development proposals within this precinct shall be assessed in accordance with the District Planning Scheme, Council's policies, relevant local laws and the Building Codes of Australia.”

Risk Management Considerations

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

Financial / Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

The application was advertised for a period of 14 days, commencing on 8 June 2021. Consultation was undertaken in the following manner:

- A letter was sent to 165 landowners and occupiers surrounding the subject site, and to everyone who made a submission on the previous application.
- Information was made available for public viewing on the City's website and at the City's Administration Building.

A total of 71 submissions was received: being 34 objections, 35 submissions of support and two submissions that neither objected or supported. The key concerns raised during public consultation, along with the applicant's response to each issue, are summarised below:

| Issue raised | Applicant response | City comments |
|--|---|---|
| <p>Unfair and dramatic expansion of what was originally meant to be a takeaway kiosk. The development has grown to a café/restaurant with opening hours to 8.00pm, and now proposed until 10.00pm.</p> | <p>A Café/Restaurant is permitted in Beachside Park, as shown on the Burns Beach Structure Plan (Structure Plan) and has been contemplated as early as September 2007. The Structure Plan objectives for the Café/Restaurant Precinct explicitly state:</p> <p><i>...a restaurant/café is proposed to provide for opportunities for the local population and visitors to the area to enjoy the coastal environment and to increase the vibrancy of the area as a destination beyond daylight hours.</i></p> <p>Development approval for a Café/Restaurant accommodating up to 163 guests has been in place since as early as 19 July 2018 (DA17/1306) and was renewed most recently on 10 March 2021 (DA20/0792).</p> | <p>The structure plan has always identified the site for a use like a restaurant/café. This use will complement the other activities in the park and will contribute to activity beyond daylight hours.</p> <p>Any noise generated from the restaurant is subject to compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>. In addition to the <i>Environmental Protection (Noise) Regulations 1997</i>, conditions of approval have been imposed that require management plans (noise, waste and delivery management) be prepared and approved.</p> |
| <p>Operating 16 hours a day, seven days a week is unnecessary and inappropriate in this established and quiet residential area.</p> <p>Extended hours and resultant noise will cause disturbance to surrounding residents, some of whom live less than 20 metres away and many of whom have young children trying to sleep at this time.</p> | <p>The scale of the development has already been considered and approved by the City of Joondalup on a number of occasions and was most recently confirmed suitable on 10 March 2021 (DA20/0792).</p> <p>Commentary regarding the demographics of adjoining residents is unsubstantiated and can vary at any time.</p> <p>Pursuant to Condition 14 of the approval issued under DA20/0792, a Noise Management Plan is required to be submitted and approved by the City prior to the development first being occupied. Noise management shall be undertaken in accordance with the approved plan.</p> | |
| <p>Disruption to the quiet enjoyment and character of Beachside Park.</p> | <p>A Café/Restaurant within Beachside Park has been contemplated as early as September 2007, pursuant to the approved Structure Plan and is consistent with the Precinct objectives.</p> | |

| Issue raised | Applicant response | City comments |
|---|--|--|
| <p>Given the expected new restaurant at the Burns Beach foreshore and the nearby Sistas café, this development should be on a much smaller scale and operate no later than the current approval.</p> <p>Sistas café has operated successfully for 20 years without needing to offer a dinner service.</p> | <p>Commentary regarding Sistas Café is unsubstantiated and of a commercial nature immaterial to the planning matters being considered.</p> | <p>A restaurant operating from the site outside daylight hours is consistent with the objective of the structure plan.</p> <p>Any potential loss that may result from economic competition is not a valid planning consideration.</p> |
| <p>Decrease in property values.</p> | <p>This statement is unsubstantiated and the concern of decrease in property value is not a valid planning consideration.</p> | <p>Any impact on property values is not a valid planning consideration.</p> |
| <p>Concerns from artificial light generated beyond daylight hours impacting adjoining residences and residents' ability to sleep.</p> | <p>The approved development plans for Café/Restaurant do not contain inappropriate sources of artificial light.</p> <p>Further, the position of the Café/Restaurant is such that any artificial from the Café/Restaurant will spill into Beachside Park, rather than the road and adjacent residences.</p> | <p>The development has been designed with dining spaces oriented towards the park, minimising light spill to adjoining residential properties.</p> <p>Minimal lighting is provided on the building that faces residential properties.</p> |
| <p>Alcohol related issues:</p> <ul style="list-style-type: none"> ○ Anti-social behaviour late at night; ○ Noise disturbance; ○ Littering; ○ Similar to previous issues at Mullaloo beach, Hillarys and Mindarie marinas. | <p>This application only seeks approval to extend the approved operating hours. It does not include any proposal relating to the serving of alcohol or alcohol licensing.</p> | <p>The development is integrated with Beachside Park and is located next to the Burns Beach Foreshore Reserve. Activation of this space with a 'Restaurant/Café' use will improve the surveillance to these areas and will potentially deter antisocial behaviour during operating hours.</p> <p>It is noted that the subject site is approved for use as a 'Restaurant/Café' and not a 'Tavern' as is the case for the other sites mentioned.</p> <p>In the event any future operator chooses to offer alcohol as part of the 'Restaurant/Café' use there is a separate process that must be followed in order to obtain a liquor licence from the Department of Racing, Gaming and Liquor.</p> |

| Issue raised | Applicant response | City comments |
|--|---|---|
| <ul style="list-style-type: none"> • Noise: <ul style="list-style-type: none"> ○ Noise from cars starting and leaving, doors slamming, groups of people gathering and conversing outside the café/restaurant and residential properties. ○ Noise and disturbance outside of operating hours with staff arriving/leaving, the premises being cleaned, delivery trucks and waste disposal. | <p>Pursuant to Condition 14 of the approval issued under DA20/0792, a Noise Management Plan is required to be submitted and approved by the City prior to the development first being occupied. Noise management shall be undertaken in accordance with the approved plan.</p> <p>Similarly, collection of waste and delivery trucks will be managed by a Waste and Delivery Management Plan, pursuant to the requirements of Condition 12 of the approval issued under DA20/0792.</p> | <p>A condition of approval requires noise, delivery and waste management plans to be submitted to the City.</p> <p>As part of these management plans, the City will assess noise management and operational practices to ensure impact on adjoining residential properties is minimised.</p> |
| <ul style="list-style-type: none"> • Traffic <ul style="list-style-type: none"> ○ Extended hours will result in disturbance from additional traffic early in the morning and late at night. ○ Traffic flow impacts, including vehicles using driveways to turn around. | <p>Concerns regarding traffic have already been considered and approved by the City of Joondalup on a number of occasions and was most recently confirmed suitable on 10 March 2021 (DA20/0792).</p> <p>The proposed extension of operating hours will not have any material impact on the traffic statement submitted and prepared by Riley Consulting in support of DA20/0792.</p> | <p>As per the previous applications, the traffic generated by the development is considered appropriate.</p> <p>It is also noted that the morning operating hours are not changing as part of this application and as such there will be no additional traffic in the morning from that already approved.</p> |
| <p>Suggest opening until 10pm only on Thursdays, Fridays and Saturdays as a compromise.</p> | <p>The proposed amendment to the approved operating hours is to support the viability of the Café/Restaurant being open for an evening meal service. Allowing the Café/Restaurant to operate until 10:00pm, seven-days a week, allows the kitchen to be open up until 9:00pm.</p> <p>The proposed operating hours directly support the Precinct objectives of the Structure Plan; whereby it increases vitality of the area by extending public enjoyment of the coastal environment and increases the vibrancy of the area beyond day light hours (particularly within the summer months).</p> | <p>As outlined, the operating hours until 10.00pm is considered consistent with the objective of the structure plan.</p> |

The key points raised in support of the proposal are outlined as follows:

- We are confident the business will operate in a way that has limited impact to neighbouring properties.
- The business will not be viable without a dinner service. A restaurant needs to be able to serve evening meals to make it viable for them to operate.
- The current hours would largely limit the café/restaurant to breakfast and lunch only. The extended hours will allow them to provide an evening meal service and gives people who work full time fair access to the café/restaurant.
- The existing hours are too restrictive, particularly over summer months.
- Burns Beach needs more dining options and somewhere for residents to walk to for dinner.
- Burns Beach needs to be progressive and allow the market to decide on patronage rather than imposing restrictions.
- Burns Beach is an expanding residential area which needs commercial developments and hospitality services to provide social fabric and local employment opportunities.
- The development will enhance the neighbourhood and make Burns Beach more vibrant.
- Burns Beach is poorly serviced by food and beverage outlets, and the café/restaurant will be a welcome addition to the area.

COMMENT

The application proposes to increase the operating hours for the approved 'Restaurant/Café' by two hours in the evening such that the business may operate from 6.00am to 10.00pm, Monday to Sunday instead of up to 8.00pm as per the current approval.

The proposed change to operating hours is considered to meet the relevant objectives of the Burns Beach Structure Plan which seeks to incorporate development in this location to increase the vibrancy of the area as a destination beyond day light hours.

The concerns raised during consultation are acknowledged. In relation to the concerns that relate to potential amenity impacts as a result of the additional operating hours, it is considered that these are capable of being managed through the requirement for and adherence to management plans relating to noise, deliveries and waste.

The application is therefore recommended for approval, subject to existing conditions of approval, with the only modification being to condition 3 to extend the operating hours to 10.00pm.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr May that Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 20 April 2021 submitted by Creative Design and Planning for the proposed modification to condition of development approval for the 'Restaurant/Café' at Lot 1436 (59) Beachside Drive, Burns Beach, subject to the following conditions:

- 1 This approval is for 'Restaurant/Cafe' as defined under the City of Joondalup *Local Planning Scheme No. 3*. Development shall be in accordance with the approved plan(s) DA20/0792 date stamped 10 March 2021, any other supporting information and conditions of approval. It does not relate to any other development on the lot;**
- 2 A maximum of 163 guests shall be accommodated on the premises at any given time;**
- 3 The restaurant opening hours shall be between 6.00am and 10.00pm, Monday to Sunday;**
- 4 A total of 30 on-street parking bays shall be installed within the Beachside Drive and Grand Ocean Entrance road reserves to the specification of the City. Detailed engineering drawings shall be submitted to the City for approval prior to commencement of development. These on-street car bays shall be constructed and be publicly available prior to occupation of the development at the cost of the applicant;**
- 5 The car parking bays and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the *Australian Standard for Parking Facilities – On-street parking (AS 2890.5-2020)*;**
- 6 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City of Joondalup for execution prior to commencement of development and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
 - 6.1 'VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.';****
- 7 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense and lodged with the City of Joondalup for execution prior to commencement of development and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:
 - 7.1 'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner.';****
- 8 A Bushfire Emergency Evacuation Plan in accordance with *Australian Standard – Planning for emergencies in facilities (AS 3745-2010)* shall be submitted to the City and approved by the Department of Fire and Emergency Services prior to the occupation of the development;**

- 9 A Construction Management Plan being submitted and approved prior to the commencement of development. The Construction Management Plan shall detail how it is proposed to manage:**
- 9.1 all forward works for the site;**
 - 9.2 the delivery of materials and equipment to the site;**
 - 9.3 the storage of materials and equipment on the site;**
 - 9.4 the parking arrangements for the contractors and subcontractors;**
 - 9.5 the management of dust during the construction process;**
 - 9.6 other matters likely to impact on the surrounding properties;**
- and works shall be undertaken in accordance with the approved Construction Management Plan;**
- 10 A full schedule of colours and materials for all exterior parts to the building (including any retaining walls) shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;**
- 11 Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details;**
- 12 The external surface of the development, including roofing, shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;**
- 13 A Waste and Delivery Management Plan indicating the method of rubbish collection and timing of deliveries is to be submitted prior to the commencement of development, approved by the City prior to the development first being occupied and thereafter implemented to the satisfaction of the City;**
- 14 A Noise Management Plan shall be submitted prior to the commencement of development and approved by the City prior to the development first being occupied. Noise management shall then be undertaken in accordance with the approved plan;**
- 15 Bicycle parking facilities shall be provided in accordance with the *Australian Standard for Parking facilities – Bicycle parking* (AS 2890.3-2015) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development;**
- 16 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:**
- 16.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;**
 - 16.2 provide all details relating to paving and treatment of verges;**

- 16.3 show spot levels and/or contours of the site;
 - 16.4 indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - 16.5 be based on water sensitive urban design principles to the satisfaction of the City;
 - 16.6 be based on Designing out Crime principles to the satisfaction of the City;
 - 16.7 show all irrigation design details;
- 17 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 18 All development shall be contained within the property boundaries;
- 19 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 20 The bin store area shall be adequately screened to minimise any visual impact on surrounding landowners and visitors to the area, and screened from view from the street, the Burns Beach Foreshore Reserve and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf210810.pdf](#)

CJ111-08/21 SUBMISSION ON PLANNING REFORM - PHASE TWO

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBERS | 106771, 101515 |
| ATTACHMENTS | Attachment 1 Draft City of Joondalup submission on Planning Reform Phase Two Attachment 2 Department of Planning, Lands and Heritage proposed Phase Two Reforms Summary |
| AUTHORITY / DISCRETION | Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government / body / agency. |

PURPOSE

For Council to consider and endorse the City of Joondalup submission on the State Government's request for feedback on 'Phase 2' of planning reform.

EXECUTIVE SUMMARY

The State Government began rolling out its current planning reform agenda in 2018 with release of the 'Modernising Western Australia's Planning System' green paper. The outcomes of the green paper were then outlined in an 'Action Plan for Planning Reform' - released by the Minister for Planning in August 2019. The reform initiatives in the Action Plan were augmented in 2020 as part of the State Government's response to the impacts of the COVID-19 pandemic. 'Phase 1' reform initiatives have been rolled out throughout 2020 and early 2021.

In May 2021, the State Government announced 'Phase 2' of planning reform but did not specify or commit to specific planning reforms. Instead, the State Government suggested a number of potential reforms and is seeking input from the community, urban planners, local government and industry stakeholders on these. Feedback is also being sought on anything that is missing or what else could be done to improve Western Australia's planning system.

The City has prepared a draft submission for formal Council endorsement and submission to the Western Australian Planning Commission (WAPC) by the 20 August 2021 deadline.

It is recommended that Council endorses the draft submission provided as Attachment 1 to Report CJ111-08/21, so that the submission can be forwarded to the WAPC for its consideration.

BACKGROUND

The State Government's current planning reform agenda commenced in 2018 with a green paper titled 'Modernising Western Australia's Planning System'.

The green paper was prepared following the then Minister for Planning's commissioning of an independent review of the planning system to identify ways to make it more effective, streamlined, open and understandable to everyone.

The green paper outlined challenges in the planning system and proposed the following five key reform areas:

- Strategically-led - Make strategic planning the cornerstone of the planning system.
- Legible - Make the planning system easy to access and understand.
- Transparent - Open up the planning system and increase community engagement in planning.
- Efficient - Make the planning system well-organised and more efficient.
- Delivering smart growth - Refocus the planning system to deliver quality urban infill.

The Western Australian Planning Commission (WAPC) released the green paper for public comment in the middle of 2018.

Council considered and endorsed the City's submission on the green paper at its meeting held on 21 August 2018 (CJ134-08/18 refers).

Following the green paper, the Minister for Planning released the 'Action Plan for Planning Reform' (Action Plan) in August 2019 as a 'roadmap to reform'.

The Action Plan sets out three overarching goals / reform pillars and 19 reform initiatives to achieve these aims and assist in achieving the State Government's priorities.

The three overarching goals / reform pillars are as follows:

- Planning creates great places for people.
- Planning is easier to understand and navigate.
- Planning systems are consistent and efficient.

Delivery of the first tranche of reform initiatives (Phase 1) commenced from release of the Action Plan with an update on the status of the Action Plan published by the State Government in February 2020.

Soon after the release of the update, the State Government's reform agenda was augmented to include additional initiatives as part of a suite of economic recovery strategies rolled out to respond to the COVID-19 pandemic.

In May 2021 the State Government invited comment on 'Phase 2' of planning reform. Rather than committing to specific planning reforms the State Government is seeking feedback on the initiatives already contained in the Action Plan and which should be advanced as part of Phase 2. The State Government is also asking for feedback on anything else that is missing or what else could be done to improve Western Australia's planning system.

The deadline for providing submissions on Phase 2 is 20 August 2021.

DETAILS

The potential reform measures suggested by the State Government are outlined in Attachment 2 to Report CJ111-08/21.

A summary of the potential reform measures suggested by the State Government is provided in Attachment 1 to Report CJ111-08/21 (that is Table 1) along with a technical officer assessment against each to identify whether the initiative is supported, its priority and any additional relevant comments.

In addition to the reform measures suggested by the State Government, a separate table (that is Table 2) is provided in Attachment 1 to Report CJ111-08/21, which includes other reform initiatives identified by the City's technical officers for consideration along with supporting comments.

Potential reform measures suggested by the State Government

The City considers the following potential reform measures suggested by the State Government as high priority:

- Finalise appropriate new State Planning Policy to guide medium density development.
- Elevate status of local planning strategies to ensure all local governments have a clear development vision for their communities.
- Introduce a new simplified and efficient system for review of State planning policies, including new Regulations.
- Launch online planning portal to track applications and facilitate improved community engagement.
- Further improve consistency of consultation on development applications.
- Continue collaboration with local government and key stakeholders to identify data and collection method for mandatory reporting of planning activity.
- Improve public access to clear explanatory materials and greater transparency of Development Assessment Panel decisions.

The City considers the following potential reform measures suggested by the State Government as medium priority:

- Government led structure planning for areas of key strategic importance with fragmented land ownership. Consider and test legislative or regulatory amendments required.
- Reduce duplication and conflict in decision making across State and local Government through regulatory and statutory amendments.
- Develop and consult on a new Neighbourhood Design Policy to modernise and replace existing policy guidance.
- Clarify use and function of local planning policies and identify an appropriate lifespan for their operation.
- Develop clear and consistent guidance for structure plans, planning schemes and scheme amendments.
- Scope and implement a new, streamlined pre-lodgement model for development applications, and progressively implement a similar model for other planning processes.
- Investigate a central referral process across State Government agencies to improve consistency in consideration of related development matters such as heritage, environment, and traffic.
- Reduce red tape in assessment and decision-making for region schemes, structure plans and amendments.

- Review advertising timeframes for schemes and local planning strategies.
- Further reduce the number of Development Assessment Panels to three.
- Appoint permanent Development Assessment Panel members.
- Clarify WAPC functions and powers of the WAPC to ensure focus remains on strategic planning, oversight of the planning system and policy framework, and it will also inform emerging trends and challenges.

The City considers the following potential reform measures suggested by the State Government as low priority:

- Introduce statutory and regulatory amendments to reduce duplication in decision-making and better balance land use, transport and road planning outcomes for key urban roads and highways. Finalise new Movement and Place Framework.
- Review and reform developer contribution plans, specifically to streamline the assessment and approvals process.
- Introduce new requirements for plain English, one-page community focused summaries of proposed local and regional planning scheme amendments.
- Develop standard manner and form for local planning policies to ensure consistency across all local governments.
- Finalise new Planning Engagement Toolkit.
- Review land use classifications across local planning schemes through:
 - rationalising the number of land use classifications
 - establishing a more consistent approach to permissible uses
 - developing a suite of consistent car parking requirements.
- Working with the local government sector, define timeframes and establish consistent approaches for crossovers (connecting driveway to street).

The designation of priority for each potential reform initiative was assigned based on what the City considers to be the most impacting or urgent need for reform as it relates to the City of Joondalup. It is not to say that the potential reform initiatives identified as 'medium' or 'low' do not have merit or will not add value, rather it may be the case that there are more pressing issues to resolve as they relate to the City of Joondalup or the existing system is already performing adequately in this space.

Other suggested reform initiatives

In addition to the potential reform measures suggested by the State Government, the City has identified the following as other potential reform measures which could be considered:

- Delegation of small-scale subdivision function to local government.
- Review of public works process for housing.
- Introduce the local planning policy and local development plan approval process of the R-Codes into the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Increase the amount of statutory weight given to local planning policies.
- Greater support and resourcing for State planning policy interpretation and application.
- Review of local government planning fees.
- Clearer position on funding mechanisms for infill development.
- Review of subdivision assessment process.

Issues and Options Considered

The options available to Council in considering the State Government's Phase 2 of planning reform and the City's submission are:

- endorse the draft submission and forward to the WAPC
- endorse the draft submission with modifications and forward to the WAPC
or
- not endorse the draft submission.

Legislation / Strategic Community Plan / Policy Implications

Legislation

Planning and Development Act 2005.
Planning and Development (Local Planning Schemes) Regulations 2015.
Planning and Development (Development Assessment Panels) Regulations 2011.
Planning and Development Regulations 2009.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

Building and landscape is suitable for the immediate environment and reflect community values.

Policy

Not applicable.

Risk Management Considerations

Making a submission on 'Phase 2' of planning reform highlights areas of reform of greatest importance to the City. If a submission is not made, whilst some of these matters may be raised by others, the WAPC will not be informed of the City's specific issues and recommendations. This may result in reform measures of less benefit to the City being progressed ahead of others that would be more impacting.

Financial / Budget Implications

Not applicable.

Regional Significance

The potential reform measures will affect planning instruments that apply across Western Australia in its entirety.

Sustainability Implications

Not applicable.

Consultation

The DPLH, on behalf of the State Government, has released 'Phase 2' for public comment from 28 May to 20 August 2021.

Input is being sought from the community, urban planners, local government and industry stakeholders.

A Green Paper containing the City's draft submission in response to the 'Phase 2' reform documentation was circulated to elected members for review and input. The feedback received has been included in the draft submission provided at Attachment 1.

COMMENT

The City has undertaken a review of the potential reform initiatives suggested by the State Government and identified whether these initiatives are supported, supported in principle, supported conditionally or not supported. A level of priority is also assigned to each to assist in understanding what initiatives are most important to the City.

In addition to the potential reform initiatives suggested by the State Government the City has also identified a number of other initiatives that it believes would contribute toward achieving objectives set under each of the following three reform pillars of:

- Planning creates great places for people.
- Planning is easier to understand and navigate.
- Planning systems are consistent and efficient.

It is recommended that Council endorses the City's draft submission as contained in Attachment 1 to Report CJ111-08/21 and forwards the submission to the WAPC for consideration.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ENDORSES the City of Joondalup's submission on Planning Reform Phase 2 as shown in Attachment 1 of Report CJ111-08/21 and forwards it to the Western Australian Planning Commission.

The Manager City Projects left the Chamber at 12.52pm.

MOVED Cr Thompson, SECONDED Cr Poliwka that Council ENDORSES the City of Joondalup's submission on Planning Reform Phase 2 as shown in Attachment 1 of Report CJ111-08/21 and forwards it to the Western Australian Planning Commission, subject to the submission being modified to include the following additional reform measures:

- 1 increase the 'opt in' monetary threshold for Development Assessment Applications to \$4 million;**
- 2 reiteration of the City of Joondalup's existing position on third-party appeal rights as resolved at the meeting held on 18 February 2020 (CJ002-02/20 refers).**

The Motion was Put and

CARRIED (12/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf210810.pdf](#)

Disclosures of Financial Interest

| | |
|---------------------------|--|
| Name / Position | Cr Russell Poliwka. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Financial Interest. |
| Extent of Interest | Cr Poliwka owns properties in the West Precinct. |

| | |
|---------------------------|--|
| Name / Position | Cr Philippa Taylor. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Financial Interest. |
| Extent of Interest | A small business client of Cr Taylor is located within the zone. |

Disclosures of interest affecting Impartiality

| | |
|---------------------------|--|
| Name / Position | Cr Suzanne Thompson. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Thompson has been employed by someone who owns property in the area. |

| | |
|---------------------------|---|
| Name / Position | Ms Dale Page, Director Planning and Community Development. |
| Item No. / Subject | CJ112-08/21 - Proposed Amendments to the Joondalup Activity Centre Plan. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Ms Page is a Director on the Board of DevelopmentWA, which owns a parcel of land that would be affected by the recommended changes to the Joondalup Activity Centre Plan. |

Cr Taylor and Cr Poliwka left the Chamber at 1.06pm.

CJ112-08/21 PROPOSED AMENDMENTS TO THE JOONDALUP ACTIVITY CENTRE PLAN

| | |
|--------------------------------|--|
| WARD | North |
| RESPONSIBLE MANAGER | Mr Chris Leigh Planning and Community Development |
| FILE NUMBER | 104028, 101515 |
| ATTACHMENTS | Attachment 1 Activity Centre Boundary Attachment 2 Precinct Plan Attachment 3 Building Heights Plan |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to consider proposed amendments to the *Joondalup Activity Centre Plan* for the purpose of public advertising.

EXECUTIVE SUMMARY

The *Joondalup Activity Centre Plan* (JACP) came into operation in September 2018 and was prepared in accordance with *State Planning Policy 4.2: Activity Centres* (SPP4.2). The JACP provides specific development controls, supported by economic and transport analysis and was derived from a detailed masterplan which sets out the vision for the Joondalup City Centre through to 2050.

While it is considered that the JACP has been working well since its introduction, there are two components of the JACP that would benefit from minor modification.

The requirements of the City Centre Precinct of the JACP has raised issues for some properties located to the west of Joondalup Drive which were previously within the 'Service Industrial' zone under the City's previous planning scheme, *District Planning Scheme No. 2*. Buildings within this area may have been specifically constructed for certain land uses which are no longer permitted by the City's current planning scheme, *Local Planning Scheme No. 3* (LPS3). This has resulted in purpose-built buildings being unable to accommodate the land uses for which they were specifically constructed, potentially leading to unoccupied buildings as well as reduced economic activity and service availability within the city centre.

Existing owners and prospective developers have also raised challenges with achieving some of the minimum building height requirements of the JACP. Within the City Centre Precinct, a minimum height of 20.5 metres (notionally six storeys) is required, with a minimum height of 13.5 metres (notionally four storeys) for those properties located west of Joondalup Drive. The minimum heights are aspirational and seek to deliver on the JACP's long term vision of creating a city centre of sizeable scale and form. However, it is acknowledged that the required minimum heights may not be feasible to achieve at present and may actually be acting as disincentive to development or redevelopment.

It is considered that these two issues could be resolved through the introduction of additional discretionary provisions within the JACP, as recommended below. One allows for appropriate non-conforming land uses, such as 'bulky goods showroom' and 'warehouse/storage', to continue to operate in existing buildings located in the portion of the City Centre Precinct west of Joondalup Drive, prior to eventual redevelopment occurring. The second enables proposed developments to be constructed to lesser heights where it can be demonstrated that future stages can achieve the required minimum height.

In both instances, the amendments have been structured in a way that facilitates development in the shorter term that is potentially currently being deterred under the existing JACP requirements, whilst not compromising on the longer-term desires and vision of the JACP.

It is recommended that Council advertises the draft amendments to the JACP for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

BACKGROUND

The Joondalup Activity Centre (Attachment 1 refers) is designated as a Strategic Metropolitan Centre under SPP4.2. As required by SPP4.2, the Joondalup Activity Centre Plan (JACP) was prepared to establish the strategic direction for the centre, as well as specific development provisions to guide the assessment of development (planning) applications. The preparation of the JACP included consultation with key stakeholders and the community, workshops around various scenario positions, and development of a masterplan setting out the vision of Joondalup City Centre for 2050. The JACP came into operation in October 2018 in conjunction with the commencement of the City's new planning scheme, LPS3.

DETAILS

Broadly, the JACP has been operating successfully since its implementation in October 2018, facilitating the construction of a number of new developments and commencement of a range of new businesses.

Notwithstanding this broad success, there have been two recurring issues identified with the existing development standards of the JACP that, whilst setting a framework to achieve the long-term vision of the JACP, may be acting as a deterrent to development and business activity in the shorter term.

These two issues are:

- land use permissibility in the City Centre Precinct (west of Joondalup Drive);
- minimum building height requirements.

Land use permissibility in the City Centre Precinct (west of Joondalup Drive)

The JACP provides a guiding framework for the assessment of development applications within the activity centre and builds on the masterplan concept of different precincts. The City Centre Precinct is the nucleus of the activity centre and the recognisable heart. It includes the shopping centre and surrounding area as well as a portion of the Winton Road business park west of Joondalup Drive (Attachment 2 refers). The inclusion of a portion of the business park is intended to allow for mixed-use development in the future to form an intense inner-city development corridor and establish Joondalup Drive as one of the primary gateways of the City Centre.

The existing built form within this area consists predominantly of large concrete tilt-up panel buildings accommodating land uses such as bulky goods showrooms, warehouses, motor vehicle repairs and trade displays. Many of these buildings have been approved and purpose built for these land uses.

However, many of these land uses are not the sort of land uses that are typically allowed in a nucleus or core of a city centre. As such, they became non-permitted ('X') uses when the area was designated as part of the 'City Centre Precinct' of the JACP.

The below table outlines those land uses which were previously permitted ('P') or discretionary ('D') within the Winton Road business park under DPS2 and which are now non-permitted ('X') uses within the City Centre Precinct under LPS3, which includes part of the Winton Road business park:

| Land Use | Permissibility under former DPS2 |
|--|---|
| Bulky goods showroom | P |
| Car Park | P |
| Funeral Parlour | D |
| Industry-Light | P |
| Industry Service | D |
| Garden centre | P |
| Motor vehicle, boat or caravan sales (previously vehicle sales/hire premises) | P |
| Motor vehicle repairs (previously vehicle repairs, vehicle panel beating/spray painting) | P/D |
| Service station | D |
| Trade display (previously open-air display) | D |
| Trade supplies (previously Hardware Store, Landscape supplies, equipment hire) | D |
| Transport depot | P |
| Warehouse/Storage | P |

While no longer permitted in the City Centre precinct, with the exception of 'Car Park', all other land uses remain permitted ('P') or discretionary ('D') uses within the remainder of the business park which falls within the Joondalup West precinct of the JACP.

It is also noted that all of the land uses listed in the above table, with the exception of 'Car Park' and 'Funeral Parlour' continue to operate within the City Centre Precinct of the Winton Road business park and are able to do so under 'Non-conforming Use Rights' as outlined below.

Clause 22 of LPS3 allows for the continued use of any land or building for the purpose which it was being lawfully used immediately before the commencement of LPS3, despite it being a use which is no longer permitted, and provided the use of the land has not been discontinued for a period of more than six months.

This means that if a business is undertaking any of the land uses in the above table (and has approval to do so), they are able to carry on with that use even though it is no longer permitted under LPS3. However, if the business stops operating and the land use does not continue for a period of six months or more, that land use will no longer be permitted to operate in the City Centre Precinct of the Winton Road business park.

While this assists in ensuring a long-term transition to the intended higher intensity land uses and development envisaged for the City Centre, it does raise issues for new businesses wishing to make use of the existing purpose-built buildings in the shorter term.

For example, a number of bulky goods showrooms and warehouse buildings exist in the City Centre Precinct of the business park. These buildings provide for a large commercial floor space which is not suitable to many of the uses permitted under the current requirements of the City Centre Precinct. However, they are not yet ready to be demolished and replaced, meaning these types of buildings would potentially remain vacant and unoccupied.

As a solution, it is considered that the JACP be amended to allow previously permitted land uses that have limited impact on amenity and are likely to be able to coexist with the permitted City Centre Precinct uses, to establish in existing buildings within the precinct.

A review of the land uses listed in the table above has been carried out to identify which land uses are considered appropriate and complementary to the permissible land uses in the City Centre Precinct. 'Bulky Goods Showroom' and 'Warehouse/Storage' land uses are considered to provide this appropriate balance to the uses within the City Centre and would provide little to no impact on the amenity as the precinct develops. The remaining non-permitted land uses listed within the table above will continue to be subject the non-conforming use rights contained within LPS3.

It is therefore proposed to insert the following within clause 1.4.1 – *Land Use* of the JACP:

Further to clause 22(2)(b) of City of Joondalup Local Planning Scheme No. 3, and provided no significant external building work occurs, non-conforming use rights applies to 'Bulky Goods Showroom' and 'Warehouse/Storage' land uses within the City Centre Precinct west of Joondalup Drive, where the land use has been discontinued for a period of greater than six months.

In this context the reference to 'significant external building work' would include proposals such as additional storeys and or substantial increases to the overall building footprint and similar.

Limiting this solution to only low impacting land uses and for existing buildings will mean that the longer-term aspirations of the JACP for the City Centre Precinct will not be compromised.

Minimum building heights

Minimum and maximum building heights are applicable to a number of precincts within the JACP (Attachment 3 refers). For example, the City Centre Precinct area west of Joondalup Drive and fronting Lakeside Drive has a minimum building height of 13.5 metres (notionally four storeys) and maximum height of 45 metres (notionally 14 storeys). The remainder of the precinct has a minimum building height of 20.5 metres (notionally six storeys) and no maximum building height.

While the intent of the JACP is to encourage development that will align as closely as possible with the masterplan's vision to 2050, it is acknowledged that JACP should not be seen as stifling any development from occurring in the interim. In this context, the requirement for a development to achieve a minimum building height is potentially a challenging provision to achieve at this point in time.

Rather than remove or reduce the requirement for new development to achieve a minimum building height, and therefore detract from the long-term vision of the JACP, a proposed solution is to incorporate further guidance in clause 1.4.4 – Building Heights of the JACP.

Clause 1.4.4 currently contains the following two elements in relation to building height where a lesser height may be considered provided that the proposed development:

- Includes a tower structure which exceeds the minimum building height required by at least the equivalent dimension to the reduction sought to those portions of the building below the minimum height, is considered to meet the relevant objectives under the JACP, and is consistent with the existing/desired streetscape.
- Represents extensions/alteration to an existing approved building, is considered to meet the relevant objectives under the JACP and is consistent with the existing/desired streetscape.

Policy

State Planning Policy 4.2: Activity Centres for Perth and Peel.
State Planning Policy 7.2: Precinct Design.

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

In accordance with the Regulations, a structure plan may be amended by the WAPC at the request of the local government. An amendment to a structure plan is to follow the same advertising procedures as the preparation of a structure plan, unless the local government and the WAPC agree that the amendment is of a minor nature and advertising can therefore be waived.

State Planning Policy 4.2 Activity Centres for Perth and Peel (SPP4.2) and State Planning Policy 7.2 Precinct Design (SPP7.2)

SPP4.2 requires that activity centre structure plans are prepared for strategic metropolitan centres. The JACP was prepared and adopted in accordance with SPP4.2.

State Planning Policy 7.2 Precinct Design (SPP7.2) came in effect in February 2021 and applies to all new activity centre plans which will be known as Precinct Structure Plans. Existing activity centre plans are taken to comply with SPP7.2.

The Department of Planning, Lands and Heritage have advised that there is an expectation that any proposed amendment to the nature or intent of the JACP should generally align with the objectives and considerations of SPP7.2. The proposed amendments are not considered to fundamentally alter the underlying strategic intent of the JACP.

Risk Management Considerations

There is a risk that in extending non-conforming use rights, the land uses of 'Bulky Goods Showroom' and 'Warehouse/Storage' will continue to operate in the City Centre Precinct west of Joondalup Drive for a longer time than if the JACP remained in its current form. This could extend the time taken for this area to transition to development and land uses consistent with the longer-term aspirations of the JACP. However, the JACP is valid for a period of 10 years from its approval in 2018, at which point the development provisions can be further reviewed and refined to ensure that the long-term growth aspirations for the City Centre can be achieved.

It is also noted that there is also a counter risk that if some consideration is not provided in this context, buildings may become unoccupied and vacant, reducing the economic activity and service availability in the city centre.

There is a risk that allowing greater flexibility in relation to minimum building heights may compromise the ability to develop to the scale and form desired by the longer-term vision of the JACP. It is considered that this risk is managed appropriately by requiring development to demonstrate how future stages of development can be built to the applicable minimum building height (or greater).

It is also noted that there is also a counter risk that if further flexibility in relation to building height is not provided, the current building height requirements of the JACP may continue to act as a deterrent to development, resulting in no or significantly slower growth of the city centre.

Financial / Budget Implications

Not applicable.

Regional Significance

The JACP provides the planning framework for the desired economic and social development that reinforces the Joondalup City Centre as the preeminent central business district of the north-west sub-region.

Sustainability Implications

Not applicable.

Consultation

Should Council agree to advertise the proposed amendments to the JACP, the Regulations require that activity centre plans and any subsequent modifications be advertised for a period of 42 days. It is proposed that advertising would be by way of the following:

- Letters to all landowners and occupiers within the City Centre Precinct of the Winton Road Business Park.
- A letter to the Joondalup Business Association.
- A notice and documents placed on the City's website.
- A notice placed on the City's social media accounts.

COMMENT

The JACP provides a detailed planning framework that aims to deliver high quality outcomes that align with the longer-term vision for the Joondalup City Centre. However, the transition to a City Centre with an increased urban intensity is challenging, in particular for land within the Winton Road Business Park that is now located in the City Centre Precinct of the JACP.

The proposed amendments will assist in providing assurance to businesses of short-term continuity of bulky goods showrooms and warehouses within the business park, given their general compatibility with land uses permitted within the City Centre Precinct.

It is also considered that a more flexible approach to the minimum height requirements will also assist in stimulating development that meets market demands in the shorter term, without restricting the overall growth envisioned by the JACP masterplan.

It is recommended that Council support the advertising of the proposed amendments to the JACP for a period of 42 days.

VOTING REQUIREMENTS

Simple Majority.

The Governance Officer left the Chamber at 1.08pm.

MOVED Mayor Jacob, SECONDED Cr McLean that Council, pursuant to clause 18 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, AGREES to advertise the following proposed amendments to the *Joondalup Activity Centre Plan* for a period of 42 days:

1 Insert as a second dot point at Clause 1.4.1 – Land use:

1.1 “Further to clause 22(2)(b) of the City of Joondalup Local Planning Scheme No. 3, and provided no additional significant external building work occurs, non-conforming use rights apply to ‘Bulky Goods Showroom’ and ‘Warehouse/Storage’ land uses within the City Centre Precinct west of Joondalup Drive, where the land use has been discontinued for a period of greater than six months.”;

2 Insert as a third dot point at Clause 1.4.4 – Building Heights:

2.1 “Demonstrates through future staging and/or concept plans that a development or site is capable of accommodating additional building height in accordance with the applicable minimum building height requirement (or greater) at a later stage.”.

The Motion was Put and

CARRIED (10/0)

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

Cr Poliwka entered the Chamber at 1.08pm.

Cr Taylor and the Governance Officer entered the Chamber at 1.09pm.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210810.pdf](#)

CJ113-08/21 PROPOSED NEW CHILD CARE PREMISES AT LOTS 243 AND 244 (44 AND 46) GRAND OCEAN ENTRANCE, BURNS BEACH

| | |
|-------------------------------|--|
| WARD | North |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBERS | 29590, 101515 |
| ATTACHMENTS | Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Landscaping plan Attachment 4 Transport Impact Statement Attachment 5 Waste Management Plan Attachment 6 Acoustic Assessment Attachment 7 Applicants Planning Report Attachment 8 Environmentally Sustainable Design Checklist |
| AUTHORITY / DISCRETION | Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal. |

PURPOSE

For Council to determine a development application for a new Child Care Premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach.

EXECUTIVE SUMMARY

An application for development approval has been received for a new Child Care Premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach.

The proposed development will cater for up to 66 children and 12 staff within a purpose built two storey building, with 19 car parking bays accessed from Broulee Lane.

The subject site is in the 'Local Shop Precinct' under the *Burns Beach Structure Plan* (BBSP). The BBSP includes objectives, permissible land uses and general built form provisions to guide decision-making on development proposals in the Local Shop Precinct.

A Child Care Premises is a permissible land use in the Local Shop Precinct; however, in relation to Child Care Premises, the BBSP also requires consideration to be given to a retail / commercial use component fronting Grand Ocean Boulevard.

The application was advertised for a period of 14 days by way of letters to surrounding landowners / occupiers, two signs on site and information on the City's website, with advertising concluding on 9 July 2021. A total of 162 submissions was received, being 132 objections and 30 submissions in support. In addition, a multi-signature letter of 185 signatures, supporting the proposal, was also submitted by the applicant during the consultation period.

The application is required to be determined by Council as the proposed rear setback seeks a discretion of greater than 1.5 metres than the standards in the BBSP.

It is considered that the proposed development, as a standalone childcare premises, does not meet an objective of the 'Local Shop Precinct' under the BBSP as it does not provide a retail use to cater for the daily needs of the local community.

It is therefore recommended that the application is refused.

BACKGROUND

| | | |
|--------------------------|------------|--|
| Suburb / Location | | Lots 243 and 22 (44 and 46) Grand Ocean Entrance, Burns Beach. |
| Applicant | | Urbanista. |
| Owner | | Fares Raji Wahhab and Catalonia Investments Pty Ltd. |
| Zoning | LPS | Urban Development. |
| | MRS | Urban. |
| Site area | | 877m ² (combined area). |
| Structure plan | | <i>Burns Beach Structure Plan</i> - Local Shop Precinct. |

The subject sites are within the BBSP area. The sites are currently vacant and are bound by Grand Ocean Entrance to the north, Whitehaven Avenue to the east and Broulee Lane to the south. The immediate area is predominantly two storey residential properties, with Bengello Park to the north (Attachment 1 refers).

The BBSP was initially adopted by Council and certified by the Western Australian Planning Commission (WAPC) in 2005. The structure plan applies to 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned 'Urban Development' under *Local Planning Scheme No. 3* (LPS3). The structure plan allows the development of a residential housing estate, which is continuing to be developed.

The 'Local Shop Precinct' previously applied to 1,890m² of land over five lots. The intention of the precinct was to cater for the daily retail needs of the community. In 2010, the lots on the eastern portion of the 'Local Shop Precinct' (Lots 313, 314 and 315) were developed with three single houses.

In 2020, Amendment 4 to the BBSP was lodged seeking to:

- modify provisions of the 'Local Shop Precinct', primarily to allow the land use 'Child Care Premises'
- modify the boundary and reduce the size of the 'Local Shop Precinct' by reclassifying some of the lots to 'Residential'
- update various references within the structure plan.

At its meeting held on 19 May 2020 (CJ053-05/20 refers), Council resolved the following:

“That Council, pursuant to clause 20 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, RESOLVES to:

- 1 *NOT SUPPORT Amendment No. 4 to the Burns Beach Structure Plan included as Attachment 3 to Report CJ053-05/20 for the following reasons:*
 - 1.1 *assessment of the potential child care land use against the City's Child Care Premises Local Planning Policy has shown that the site does not meet the locational criteria outlined in the policy and is therefore unlikely to be a suitable land use on the site;*
 - 1.2 *the proposal to reclassify Lots 313, 314 and 315 to ‘Residential’ is not considered appropriate as these lots could be used or adapted in the future for a purpose in accordance with the structure plan;*
- 2 *FORWARD Report CJ053-05/20 and Community Engagement Outcomes Report to the Western Australian Planning Commission for consideration and determination.”*

On 3 December 2020 the City was advised that the Western Australian Planning Commission (WAPC) had endorsed Amendment 4 to BBSP, thereby modifying the size and land use permissibility of the ‘Local Shop Precinct’ and including ‘Child Care Premises’ as a permissible use. In approving Amendment 4 the WAPC inserted text in the BBSP which, in regard to ‘Child Care Premises’, requires consideration to be given to a retail / commercial component fronting Grand Ocean Entrance to facilitate the development of convenience retail.

DETAILS

The proposed development comprises the following:

- A two-storey building with a concealed roof design finished with painted rendered walls, feature timber panels and selected cladding.
- A single vehicle access point from Broulee Lane, providing access to 19 parking bays on the western side of the site.
- One large play space on the upper floor, overhanging the car parking area, with smaller play spaces on the ground floor abutting Whitehaven Avenue.
- A maximum of 66 children and 12 staff at any one time.
- Operating hours between 7.00am and 6.30pm Monday to Friday.

The development plans and supporting information for the development are provided at Attachments 2 to 7 to Report CJ113-08/21.

Joondalup Design Reference Panel

The proposal was presented to the Joondalup Design Reference Panel (JDRP) on 21 April 2021. A summary of the JDRP comments, as well as the applicant’s response to these items is included in the table below:

| Summary of Design Reference Panel comments | Summary of Applicant response |
|---|---|
| Alternative treatments for the external façade should be considered, as there are too many elements and different treatments. | The materiality of the palette is reduced to just three materials (charcoal render, wood and white render), all of which are present in the finishes of dwellings within the immediate surrounds. |

| Summary of Design Reference Panel comments | Summary of Applicant response |
|--|--|
| | The upper floor staff room is rounded to soften its treatment with the corner. A large 1.5 metre tall window extends the entire length of the curved corner to increase the extent of passive surveillance. |
| This height of the development ruins the proportions and has impacts on surrounding properties. A reduction in height should be considered noting this would likely require consideration of alternative waste collection methods. | <p>Building height has been reduced throughout and the building form and is now relatively compliant with height limits.</p> <p>The pronounced section of the building has a maximum height of 8.5 metres after being lowered by more than one metre – for only 20m² of the site. The protrusion is located on the corner of Grand Ocean Entrance and Whitehaven Avenue. It has dual benefits to allow solar access for the internal corridor and addresses the street and being a corner site, will benefit legibility.</p> |
| Queries from the panel regarding the inclusion of any other land uses other than 'Child Care Premises', either now or in the future. | No other uses proposed. |
| Entry to the development is underwhelming and not legible. It is recommended more is done to define the entrance to the site, including pedestrian protection and pram storage. | The amended plans have adjusted the materiality of the portico entry from the car park, to distinguish the entryway for pedestrians and improve legibility. |
| Development is not consistent with the Environmentally Sustainable Design (ESD) checklist provided. The bulk of the windows face east / west and are not shaded / recessed. | <p>The amended plans include all features referred to below (excerpt from the updated ESD):</p> <ul style="list-style-type: none"> • The proposal for a childcare centre is balancing the legislative requirements, access and passive solar design. • Noting statutory requirements relating to the car park location, the design orientates the foyer, activity room and staff area north. Shading devices and inset windows are provided. • Major openings facing east will allow natural ventilation by prevailing winds in the summer, dispersing through the development with complete cross-ventilation with the western aspect windows and upper floor doors. |
| The development needs to consider the structural response, including the width of columns and significant areas of cantilever over the office. | This will be reviewed by engineers as part of the process to attain a Building Permit. More detail will be provided at this time. |

| Summary of Design Reference Panel comments | Summary of Applicant response |
|---|--|
| <p>The landscape plan lacks detail (including tree species and size) and more information is required on:</p> <ul style="list-style-type: none"> • outdoor play space (upper and lower floor), • verge landscaping to Whitehaven Avenue and Grand Ocean Entrance (noting 'existing tree' has been removed), • trees used for screening to the north and west, including planting between parking bays. | <p>Landscaping plans are now provided which address these matters.</p> |
| <p>The ground floor activity areas appear tight. Configuration would be difficult to provide surveillance and activity for five-year old's proposed to be downstairs.</p> | <p>While children are outside, multiple staff members are positioned throughout the play area to ensure all areas have surveillance of each child at all times.</p> |
| <p>Details on plant and equipment need to be provided within the services store to ensure there is adequate space.</p> <p>Where services are provided on the roof, its location, including pipework, needs to be considered to ensure it does not detract from the street.</p> | <p>Services are contained within the proposed services store. Services on the roof are located to ensure they are not visible from the public realm.</p> |
| <p>Wheel stops should be considered in parking areas. These are to be appropriately spaced so there is no conflict with vehicles and any ground floor landscaping.</p> | <p>Wheel stops are provided on the amended plans.</p> |
| <p>Information provided back to the City in response to any non-compliance of the policy should be in a format that is considered acceptable for the public during consultation.</p> | <p>An outline of remaining variations is prepared in a legible format for the public.</p> |
| <p>Queries were raised about the appropriateness of the car parking shortfall and how the car park would operate if full.</p> | <p>The Traffic Impact Statement confirms that the provided number of bays will satisfy the likely requirements during peak pick-up and drop-off times of children to the centre.</p> |
| <p>Consideration should be given to windows abutting parking areas to ensure there is no issues of vehicle fumes entering activity areas.</p> | <p>The windows will not be open during drop-off or pick-up times when the car park is being used so no fumes will enter through the windows.</p> <p>Prevailing winds in the summer come from the east and will not cause fumes to enter the building. Windows will not be opened in winter when the prevailing winds come from the west.</p> |

While the majority of concerns raised by the JDRP have been satisfied, the City considers that there are some issues that have not been fully addressed, which are discussed below.

Planning Assessment

Land use

The BBSP outlines that Child Care Premises is a permissible land use within the 'Local Shop Precinct'.

It was noted through the City's assessment of Amendment 4 to the BBSP that the site, at a broad level, does not meet the requirements of the *Child Care Premises Local Planning Policy* (Child Care Premises LPP), specifically in relation to the locational criteria which guides appropriate siting of child care premises. However, given the decision of the WAPC to include child care premises as a permissible use in the Local Shop Precinct of the BBSP (which now includes the two subject sites only), the criteria of the Child Care Premises LPP are no longer relevant in assessment of the subject application.

While a child care premises can be considered, the structure plan also sets out under Part 7.0 that the Local Shop Precinct has been identified to allow for the development of a small convenience retail facility. Further, under Clause 7.2 – Land Use the BBSP states:

"In regard to the development of a Child Care Premises, consideration should be given to a Retail/Commercial use component fronting Grand Ocean Boulevard to facilitate the development of convenience retail; complying with any relevant development standards and requirements of the Scheme."

These components of the BBSP set out that there is the intent for a retail convenience use that should be provided within the precinct. Whilst the applicant has justified that a child care premises would cater for the daily needs of the community, incorporating a retail-based service in the precinct could be utilised by a broader demographic of the community and provide greater amenities than the proposed child care.

The need for additional land uses was raised as part of the JDRP consideration of the proposal.

The requirement for a shop in this site was also raised during community consultation, with a number of residents stating that they bought in the estate with the expectation that they would have a local shop.

The applicant has confirmed that no additional uses were being proposed as part of this proposal.

While Child Care Premises is a permissible land use for the site, the BBSP requires consideration to be given to the inclusion of a retail / commercial use to facilitate the development of convenience retail.

Given no retail component has been incorporated and the proposed child care premises will be the sole land use within the 'Local Shop Precinct', the development is not considered to be consistent with the BBSP in this regard and therefore not appropriate.

Building setbacks

The development meets the building setbacks required under the structure plan, with the exception of:

- a minimum setback to Whitehaven Avenue of 1.84 metres (rainwater pipe duct only), where two metres is required
- a minimum setback to Broulee Lane of 1.7 metres to the ground floor and 3.02 metres to the upper floor, where six metres is required.

The reduced setback to Whitehaven Avenue is for 0.5 metre wide duct that conceals a rainwater pipe. The duct is rendered and forms a minor part of the overall building façade, which includes major openings and a mix of materials to the street. Given this, the setback is considered appropriate.

The setback to Broulee Lane is consistent with the surrounding residential properties that have setbacks between 1.5 and two metres from the laneway. The majority of the proposed Broulee Lane frontage incorporates the screened ground floor car park and upper floor open play space, minimising the development's bulk viewed from the laneway and surrounding properties. The main building being two storeys is consistent with the height of the surrounding residential properties, with overshadowing from the development directed to the laneway only.

In view of the above, the proposal is considered to be adequately set back in relation to requirements of the BBSP and impact on adjoining properties and the streetscape.

Building height

The proposal incorporates a tower feature above the stairwell on the north eastern portion of the building with a maximum wall height of 8.6 metres. Under the BBSP the maximum wall height permitted (for a concealed roof) is 7.5 metres.

The development is located within a predominantly two storey residential area, therefore the height being sought is not out of character with the surrounding context, where the same height limitations apply for residential properties. In addition:

- the portion of the building with the 8.6 metre height is relatively minor, being up to 4.7 metres wide and an area of 20m². As viewed from the street or surrounding properties the impacts are not excessive
- the building height is towards the street boundaries, with the development compliant where closest to residential properties
- the tower element provides for increased articulation and a feature element and is below the maximum building height of 9.5 metres for a pitched roof
- the portion of the building where the height does not meet the requirement does not result in any overlooking or overshadowing to residential properties.

Given the above, the building height is considered to be appropriate.

Car Parking

The proposed child care premises caters for up to 66 children, supervised by 12 staff. Under the Child Care Premises LPP, 21 car bays are required for a development of this size, made up of 12 bays for staff and nine bays for customer drop off / pick up.

The proposal includes 19 car bays in total, 13 of which are allocated to staff parking, five provided for customer drop off / pick up and one ACROD bay. It is unclear why the applicant has allocated 13 bays for staff when only 12 are required, however it is noted that as only 12 staff bays are required under the Child Care Premises LPP, six bays would be available for drop off bays.

A turn around bay is also required within the car park to provide space for vehicles to turn around and exit the car park, should all parking bays be occupied. The applicant has proposed this to be co-located within the designated 'shared space' adjacent to the ACROD bay. This co-location is not considered to meet *Australian Standard 2890.6:2009 Parking Facilities – Off-Street Parking for People with Disabilities* and is not supported. As such, one of the parking bays would need to be converted to a turnaround bay, thereby reducing the number of useable car parking bays for the development to 18. This results in a shortfall of three car bays.

Clause 77D of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* sets out that a variation to the minimum on-site car parking is required to be considered against the likely use of the car parking spaces, availability of off-site parking facilities and likely use of alternative means of transport.

The Transport Impact Statement (TIS) submitted by the applicant (Attachment 4 refers) demonstrates that the parking provided on-site will be sufficient for the development. The TIS has taken a conservative estimate in the amount of time each parent is spending at the centre for drop off / pick up (ten minutes in lieu of 6.8 minutes). The TIS has been reviewed by the City and, subject to the modification of a parking bay to a turnaround area, the City concurs with the findings of the TIS that the number of parking bays proposed will be sufficient.

In addition to the on-site parking proposed, which is considered to be adequate, the immediate locality also has a number of surrounding public parking areas, including on-street parking and parking areas within Bengello Park. The peak use of these public bays is generally on weekends and not considered to conflict with the peak parking demand for the Child Care Premises.

It is therefore considered that sufficient car parking has been provided for the development.

Traffic

A Transport Impact Statement (TIS) provided as part of the application (Attachment 4 refers) demonstrates that the additional traffic generated by the development can be adequately accommodated within the existing road network.

The development is anticipated to generate 288 vehicle trips per day, with a maximum of 53 vehicles per hour in the peak (7.00am – 8.00am). The findings of the TIS indicate the road network will have sufficient capacity to cater for the new development and will not create an unacceptable amount of traffic congestion.

The WAPC *Transport Impact Assessment Guidelines* outline that a detailed Transport Impact Assessment is required where a development has the potential to have a 'high impact' on the existing transport network, which equates to a traffic increase of more than 100 vehicle trips during the development's peak hour. As the proposed development is predicted to result in a maximum increase of 53 vehicles during the morning peak period, the development does not meet the threshold for requiring a more detailed Transport Impact Assessment.

The City has reviewed the TIS and concurs with the findings in relation to the potential impact of traffic.

It is therefore considered that the additional traffic generated by the development would not have an unacceptable impact on the surrounding road network.

Waste

The applicant has provided a Waste Management Plan as part of the application (Attachment 5 refers), which includes waste being managed by a private waste collector, and not the City.

A bin storage area is located in the north-western corner of the site. The service yard is screened from view of the street and adjoining properties and includes a wash down area with a charged 'water trap' and hose cock.

The City has reviewed the method of waste storage and collection proposed and is satisfied that waste for the site can be appropriately managed. Additional details regarding waste pickup times and number and type of bins would need to be confirmed prior to occupation of the development to ensure that impact on adjoining residential properties is minimised. Should the application be approved, a condition is recommended to require a further Waste Management Plan providing full details on waste management, to the satisfaction of the City.

Noise

As required by the Child Care Premises LPP, an acoustic assessment was submitted as part of the application (Attachment 6 refers). The acoustic assessment concludes that the development could meet the requirements of the *Environmental Protection (Noise) Regulations 1997* subject to various recommendations. These recommendations relate to operational requirements, children's play areas, music, mechanical services and car parking and include recommendations such as:

- location of staff parking
- fixed play equipment should be not be metallic
- concrete or brick paved areas should be minimised or covered with synthetic grass to minimise noise on hard surfaces
- provide noise barriers
- keep external windows and doors closed while playing music, and do not play music outside
- services located more than six metres from the residential boundary
- incorporate signage within the car park to reduce slamming of car doors and / or playing loud music.

It is not uncommon for Child Care Premises in residential areas to be managed in this manner to minimise noise impacts. With regards to the exact requirements of noise barriers and other details, should the application be approved a condition would be recommended to require further details on noise management, to ensure recommendations of the acoustic assessment are built in to the operations of the facility.

Landscaping

The development generally satisfies the landscaping requirements of the Child Care Premises LPP which requires a minimum of 8% of the total site area provided as landscaping and a 1.5 metre minimum dimension for landscaped areas.

The proposal includes a total of 37% of the site as landscaping, maintaining the minimum 1.5 metre widths.

A detailed plan (Attachment 3 refers) has been submitted which includes the following:

- tree species
- a mixture of tall and low planting and ground covers
- numbers of plants for the ground floor, including the verge area.

Some of the landscaping proposed will be utilised as a screen to the car parking area, improving the appearance from the street.

Given the above, it is considered that the proposed landscaping is appropriate.

Hours of Operation

The Child Care Premises LPP permits opening hours between 7.00am and 6.00pm weekdays and 8.00am and 1.00pm Saturdays. The applicant proposes opening hours of 7.00am to 6.30pm weekdays.

Concerns were raised through assessment and consultation period regarding the earlier opening time of 6.30am and the potential for this to have an impact on the amenity of neighbouring properties regarding noise associated with parents and children arriving at the site. In response, the applicant has modified the opening hours in compliance with the City's policy. The provision of staff arriving prior to 7.00am is considered less of a concern as there is a lesser likelihood of noise disturbances occurring, particularly if the recommendations of the acoustic assessment are carried through to the operation of the child care premises.

It is still proposed that the centre operates until 6.30pm which is not in line with the Child Care Premises LPP. Given the Child Care Premises is located within a residential area and the proximity to residential properties, it is recommended that should the application be approved a condition is included restricting the operation hours in line with the Child Care Premises LPP.

Issues and Options Considered

Council is required to determine whether the application for a child care premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach is appropriate.

Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / Policy Implications

| | |
|---------------------------------|---|
| Legislation | <i>City of Joondalup Local Planning Scheme No. 3 (LPS3). Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).</i> |
| Strategic Community Plan | |
| Key theme | Quality Urban Environment. |
| Objective | Quality built outcomes. |
| Strategic initiative | Building and landscape is suitable for the immediate environment and reflect community values. |
| Policy | <i>Child Care Premises Local Planning Policy. Signs Local Planning Policy. Environmentally Sustainable Design Policy. State Planning Policy 7 Design of the Built Environment (SPP7).</i> |

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (fa) *any local planning strategy for this Scheme endorsed by the Commission;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting, including;*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*

- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate;*
- (zc) *include any advice of a Design Review Panel.”*

Clause 77D of Schedule 2 of the Regulations sets out the matters to be considered by Council when varying minimum on-site parking requirements in relation to development.

- “(1) *The local government may —*
 - (a) *vary a minimum on-site parking requirement that applies to development so that the minimum number of car parking spaces that must be provided as part of the development is a lower number; or*
 - (b) *waive a minimum on-site parking requirement that applies to development.*

- (2) *The local government must not vary or waive a minimum on-site parking requirement under subclause (1) in relation to development unless the local government is satisfied —*
- (a) *that reasonable efforts have been made to comply with the minimum on-site parking requirement without adversely affecting access arrangements, the safety of pedestrians or persons in vehicles, open space, street trees or service infrastructure; and*
 - (b) *that —*
 - (i) *in the case of a variation — the lower number of car parking spaces would be adequate for the demands of the development, having regard to the likely use of the car parking spaces, the availability of off-site parking facilities and the likely use of alternative means of transport; or*
 - (ii) *in the case of a waiver — it is not necessary for car parking spaces to be provided as part of the development, having regard to the availability of off-site parking facilities and the likely use of alternative means of transport.”*

Burns Beach Structure Plan

Clause 7.1 of the *Burns Beach Structure Plan* sets out the objectives for the Local Shop Precinct:

“7.1 Objective

- *To cater for the daily needs of the local community and generate local employment opportunities.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*
- *To ensure any retail or commercial uses are reflective of the local needs of the surrounding residential catchment; and*
- *To promote active street interfaces and minimal street setbacks, to enhance the vitality and permeability of the area.*

7.2 Land Uses

The following land uses are considered permissible uses in the Local Shop Precinct:

- *Convenience Store*
- *Restaurant/Café*
- *Child Care Premises*
- *Shop*
- *Home Shop*
- *Office.*

Grouped or Multiple Dwellings should only be permitted in the Local Shop Precinct if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of the Scheme.

In regard to the development of a Child Care Premises, consideration should be given to a Retail / Commercial use component fronting Grand Ocean Boulevard to facilitate the development of convenience retail; complying with any relevant development standards and requirements of the Scheme.

No other land uses are permissible in the Local Shop Precinct including Single and Grouped Dwellings.”

Child Care Premises Local Planning Policy

This policy provides assessment criteria for 'Child Care Premises' developments.

The objectives of the policy are:

- to provide development standards for the location, siting and design of child care premises
- to ensure that child care premises do not have an adverse impact on the amenity of surrounding area, particularly residential areas.

The statement within the policy also sets out:

"In considering applications for child care premises, the location, siting and design of the child care premises will be taken into consideration with the aim of ensuring that the development is compatible with, and avoids adverse impacts on, the amenity of adjoining and surrounding areas."

Risk Management Considerations

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

Financial / Budget Implications

The applicant has paid fees of \$3,499 (excluding GST) for assessment of the application, in accordance with the City's *Schedule of Fees and Charges*.

Regional Significance

Not applicable.

Sustainability Implications

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

- Development includes:
 - retention of natural landforms and topography
 - northerly orientation of daytime living / working areas with large windows, and minimal windows to the east and west
 - passive shading of glass.
- Development is to incorporate water efficient technologies.
- Low-VOC products.

Consultation

The application was advertised for 14 days by way of two signs on site and letters to 254 property owners and occupants within the surrounding area, concluding on 9 July 2021. A total of 162 responses was received, being 132 objections and 30 supporting the proposal.

The issues raised in the objections received during public consultation are included below, along with a summary of the applicant and City's comments.

| Issue | Applicant's Response | City Response |
|---|---|--|
| Traffic | | |
| <p>The location is on a busy intersection, including being used by buses and trucks, and will cause a traffic hazard for vehicles and pedestrians, especially associated with young children.</p> | <p>The structure plan states that a childcare premise is a preferred use on the subject site. The traffic impacts and other relevant matters are outlined by the submitted Traffic Impact Statement (TIS) which concludes the proposal is accommodated by the surrounding road network.</p> | <p>The Transport Impact Statement (TIS) has been prepared in accordance with the WAPC Guidelines.</p> <p>The TIS demonstrates that the proposal will not have an unacceptable traffic impact.</p> <p>The City has reviewed the TIS and concurs with its findings.</p> |
| <p>The traffic report fails to identify and address the obvious issues that will arise in Broulee Lane when parents are queuing to access the car park.</p> | <p>The TIS concludes the parking requirements are satisfactory and therefore no queuing will occur.</p> | <p>There is considered to be adequate car parking on-site and therefore it is not expected to be any significant queuing in Broulee Lane.</p> |
| <p>Broulee Lane is not an appropriate access point for the development. The Child Care Premises LPP says access shouldn't be from access roads and Broulee Lane is a lower order than this.</p> | <p>The proposal provides access from Broulee Lane in accordance with the <i>Burns Beach Local Structure Plan</i>.</p> | <p>The BBSP outlines that on-site car parking is required to be accessed from Broulee Lane, and therefore the access point is considered acceptable.</p> |
| <p>Backwater Circle would be used as a thoroughfare for cars to exit. It is currently a quiet street and the increase would reduce safety.</p> | <p>Refer to the traffic flow diagram in the TIS. Only 14 vehicles are anticipated to exit via a right turn from the site. 95% of exiting vehicles will turn left. The 14 vehicles that may access Backwater Circle are not considered a significant impact.</p> | <p>The TIS identifies the majority of vehicles would use Whitehaven Avenue.</p> <p>As such, it is anticipated that any increase in traffic to Backwater Circle would be minor and not create a significant impact.</p> |
| <p>How can the traffic report say that the development peaks will not coincide with existing road network peaks?</p> | <p>The pickup and drop off times are different to peak traffic times.</p> | <p>The peak operation of the existing road network was identified between 7.45am and 8.45am with the peak use of the Child Care Premises between 7.00am and 8.00am.</p> <p>Whilst noted there is a slight overlap in the impact of the vehicles movements is considered acceptable and can be accommodated within the road network as identified in the TIS.</p> |

| Issue | Applicant's Response | City Response |
|---|--|---|
| Parking | | |
| <p>There is insufficient car parking provided on site for the number of staff and children attending. Twelve staff bays and one ACROD bay would only leave six parking bays for parents to do drop off which is not enough. The plans also show 13 staff bays, leaving only five bays for drop off.</p> | <p>With reference to the TIS and planning report each parking bay will accommodate six vehicles per hour, estimated per a conservative 10-minute dwell time. The supplied parking will accommodate the needs of pick-up or drop-off 66 children.</p> | <p>The amount of parking proposed is considered to be adequate as detailed in the Planning Assessment section of the report.</p> |
| <p>No information has been provided for service vehicles, deliveries etc (while the report states one bay is needed for deliveries).</p> | <p>The report states no service bay is required on site and is not provided.</p> | <p>Waste is considered in the Planning Assessment section of the report. Deliveries can be managed through off peak periods to avoid conflict with drop-off / pick-up and the need for a specific delivery bay.</p> |
| <p>The rationale in the traffic report relies on assumptions that are illogical (that is, no two cars arrive at the same time over a two-hour period, 10 minute stay).</p> | <p>The TIS is prepared in accordance with the <i>RTA NSW A Guide to Traffic Generating Developments</i> and the WAPC Transport Impact Assessment Guidelines which is an accepted approach in the industry.</p> | <p>The rationale is commonly utilised through traffic reports relating to child care premises and is considered appropriate as outlined in the Planning Assessment section of the report.</p> |
| <p>Street parking is already an issue within the area this will make it worse. Parents will park across driveways and on verges.</p> | <p>The applicant is not aware of any existing issues relating to street parking. The parking shortfall of two bays is insignificant and the majority of parking will occur on-site.</p> | <p>The amount of parking proposed is considered to be adequate as detailed in the Planning Assessment section of the report.</p> <p>Any illegal parking can be reported to the City for investigation.</p> |
| <p>Parents that park in the public open space across the road will struggle to get across busy streets.</p> | <p>Two pedestrian crossings are located within 50 metres of the site and provide opportunity for safe pedestrian movement.</p> | <p>Whilst there is considered adequate parking on-site and the development is not reliant on parents parking in Bengello Park, should parents utilise parking in Bengello Park a footpath and crossing points are provided in the immediate vicinity of the site.</p> |
| <p>There is no pedestrian access in the car park with the entrance relying on a reversing / shared ACROD bay which is unsafe.</p> | <p>KCTT reviewed the layout for the proposed development and conclude that car parking bays, dimensions and aisle width comply with the <i>Australian Standard AS/NZS 2890.1:2004 – Parking Facilities</i>.</p> | <p>Parking availability, including use of the turnaround bay, is considered in the Planning Assessment section of the report.</p> |

| Issue | Applicant's Response | City Response |
|--|--|---|
| Parking | | |
| | The reversing bay will not interfere with pedestrians' safety. A bollard further eliminates the likelihood of obstacles in this pedestrian access way. | |
| The turnaround bay and shared space do not meet <i>Australian Standard AS/NZS AS2890.6:2009 – Parking Facilities Off-Street Parking for people with disabilities</i> as the bollard is not correctly located and will result in safety concerns. | Refer to page 11 of the TIS. The reversing bay and bollard comply with <i>AS/NZS 2890.6:2004 – Parking Facilities</i> . | |
| The parking bay next to the bin store does not meet the required width for abutting a wall. | Noted. This has been amended. | Following consultation, the proposed development has been modified, with the bin store relocated and parking bay compliant. |
| Land Use | | |
| There is a proposed child care facility opening at the Burns Beach Primary School and another one opened in Iluka. Another one is not needed here with any new centres putting pressure on others, making them unviable. | Not a relevant planning consideration, the use is proposed in accordance with the applicable local planning framework. | <p>The Burns Beach Primary School was approved by the Metro Outer Joint Development Assessment Panel in July 2020. The masterplan for the school includes an 'Edu-care Centre' which would provide child care services, however this was not included as part of the application to develop the rest of the school.</p> <p>The City has not received an application for the Edu-care Centre or has been provided any information in relation of timing for its construction.</p> <p>Notwithstanding, competition between facilities is not a valid planning consideration for child care premises.</p> <p>The appropriateness of the land use on the site is considered in the Planning Assessment section of the report.</p> |

| Issue | Applicant's Response | City Response |
|--|---|--|
| The site was originally intended for a shop which would benefit everybody. Peet have not listened to the residents and manipulated the planning rules for their own benefit. There was no serious effort to deliver a shop land use. | Not a relevant planning consideration, the use is proposed in accordance with the applicable local planning framework. | The land use is considered in the Planning Assessment section of the report. |
| The matter has already been presented to council and was refused. Local residents have already showed they do not want this here. | This application has not been presented to council previously. | Council's previous consideration related to the amendment to the structure plan to introduce the Child Care Premises land use, rather than Council considering a specific development proposal. The City is required to assess the development application against the planning framework which was approved by the WAPC, which includes child care premises as a permissible use under the BBSP. |
| The proposed development will not provide any community benefit. The statistics used are inflated and don't directly relate to those with children of child care age. | A childcare centre is used by the community and is a community benefit. The childcare premises is a benefit to the local community, which is largely families with multiple children. A multi-signature letter to support the proposal has received in excess of 185 signatures from local residents. | The proposed child care premises does provide a service to the community. However, a child care premises as the sole use on the site is not considered to meet the BBSP as outlined in the Planning Assessment section of this report. |
| The applicants identify a child care as a 'preferred' land use for the local shop precinct, however this is not in the structure plan anywhere. | Refer to page 8 of the structure plan under section 7.2 of part 1. | Child care premises is a permissible land use under the BBSP. |
| If we knew a child care centre was intended, we would not have purchased here. | Noted. | Child care premises is a permissible land use under the BBSP, along with a number of other land uses. The City is not able to control what application may be lodged by a private landowner for development of their land. |

| Issue | Applicant's Response | City Response |
|--|--|--|
| Noise | | |
| The proposal will create increased noise from children and traffic. The noise will also affect those working from home, shift workers wanting to sleep during the day and retirees who don't need to work. | The proposal will be constructed in accordance with the submitted acoustic report and its recommended construction standards to ensure there is no adverse impact to the amenity of surrounding homes. | The predicted noise generated from the development is considered acceptable and has been assessed in the applicant's Environmental Acoustic Assessment (Attachment 6 refers). |
| The acoustic report recommendations (noise walls) are not based on any detail included and may have further impacts. Likewise, signs for people not to slam doors and turn off music is not sufficient. | The Acoustic report is made in accordance with the Building Code of Australia, Australian Standards and the <i>Environmental Protection (Noise) Regulations 1997</i> . No noise walls are recommended, instead the assessment accounts for the transmission loss of noise when it travels through solid materials. Please refer to section 5.2 of the report which lists the recommendations. | Recommendations including signage is common for child care premises in residential areas. Should the development be approved, a condition is recommended requiring a noise management plan to ensure that the development is compliant. |
| The acoustic report does not cover all impacted homes, specifically 8 Backwater Circle which is diagonally opposite the development. | The acoustic report accounted for all homes that are within the noise emission contours (please refer to pages 19 and 20 of the acoustic report). | While it is noted that the acoustic report does not specifically mention 8 Backwater Circle, the mitigation measures included are considered to be sufficient to ensure there is not an unacceptable impact on surrounding properties. |
| Even if it's within the acceptable limits the noise will have an adverse impact on the neighbour's amenity. | The acceptable limits are guided by the noise levels as a standard guide to determine whether a perceivable noise is acceptable. Based on the acoustic report, the development has been confirmed to be acceptable. | In this instance the recommendations of the Acoustic Assessment are considered to be sufficient to mitigate any unacceptable impact on adjoining properties. |
| Waste | | |
| Waste collection will cause a problem especially if picked up during peak traffic periods. | The rubbish service attending the site between 9.00am and 2.00pm once per week, outside of peak traffic times (refer to section 5 of the Waste Management Plan). | A revised Waste Management Plan has been submitted which indicates that collection will occur outside peak times, once per week in order to minimise any conflict with users. |
| Waste collection will impact traffic and use of the lane way. | The proposal has been modified and waste collection is no longer undertaken on the laneway. | A revised Waste Management Plan has been submitted which does not rely on pick up on Broulee Lane. |

| Issue | Applicant's Response | City Response |
|--|--|--|
| A car parked in the closest bay would block the bin store from getting bins in and out. Allowing access will reduce the parking availability by one. | Noted. The applicant is aware of this and is reviewing the plans to address the issue. | A revised Waste Management Plan has relocated the bin store and there is no longer an issue with adjoining parking bays. |
| Legislative requirements | | |
| The proposal does not meet the requirements of the <i>Child Care Premises Policy</i> , clause 5.1.1(a). Just because the site is opposite a park does not negate that it abuts residential properties. | This requirement of the local planning policy is inconsistent with the local and state planning framework. The use is a preferred use by the <i>Burns Beach Local Structure Plan</i> and the childcare centre is suitably located in accordance with <i>Western Australian Planning Commissions Planning Bulletin No. 72</i> . | The land use is considered in the Planning Assessment section of the report. |
| The proposal does not meet <i>State Planning Policy 7.0 – Design of the Built Environment</i> , specifically relating to amenity, safety and community. | <i>State Planning Policy 7.0 – Design of the Built Environment</i> is satisfied and discussed in the planning report submitted with lodgement. | |
| The proposal (through other reasons outlined in the submissions) does not meet the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , specifically: <ul style="list-style-type: none"> • S (adequacy of access and egress); • T (traffic created); • U (storage and collection of waste); • V (loss of community service or benefit); • W (the history of the site where the development is located); and • X (impact on the community as a whole). | These aspects have been addressed by the planning report and all consultant reports submitted with the application. | |

| Issue | Applicant's Response | City Response |
|--|--|---|
| Other | | |
| The operating hours of the development are not appropriate. | The operating hours have been amended to comply with the local planning policy. | The operating hours is considered in the Planning Assessment section of the report. Should the application be approved it would be recommended that operating hours are restricted to those outlined in the City's <i>Child Care Premises Local Planning Policy</i> . |
| The proposal will overlook the residential property to the west with the amount of glass proposed. | The wall below the glass is 1.6m high above floor level, which prevents direct overlooking. | The proposed upper floor includes obscured glass on the western boundary which is considered adequate to provide privacy to surrounding properties. The 1.6 metre high privacy screen is consistent with the visual privacy screening requirements for residential properties. |
| The building design will be out of sync with the residential character of the area. | The materiality and setbacks have been provided with reference to the design guidance of the local framework and the surrounding homes. | The proposal is considered to be of an appropriate scale for the site having regard to building height, setbacks and parking. |
| The development will impact the adjoining property values. | Not a relevant planning consideration and not a proven concept. | The perceived impact on property values is not a valid planning consideration. |
| No security gates proposed, therefore increased anti-social behaviour. | No gates have been proposed to maintain clear sightlines in accordance with Crime Prevention Through Environmental Design (CPTED) principles which will deter anti-social behaviour. | There is no requirement for a gate to be provided to control access to and from the site. It is also noted that the carpark is proposed at grade and surrounded by visually permeable fencing which will allow surveillance of the area, deterring anti-social behaviour. This is different to a number of other child care premises recently developed in the City which provide security gates to control access to basement parking areas which have less surveillance and therefore a greater need to restrict access to act as a deterrent to anti-social behaviour. |

| Issue | Applicant's Response | City Response |
|--|--|---|
| The information for consultation was inaccurate / misleading and copied from others (acoustic report includes reference to Leach Highway). | This comment is not relevant in the context of this application. | Sufficient information is provided specific to the subject site for an independent assessment to be undertaken by the City. |

The submissions received in support of the application noted the following:

- A child care premises will be a valuable asset to the community.
- The development will be used by families within the area so they do not need to go to centres outside the suburb.
- The development will be an improvement on the two vacant lots.

In addition to the public consultation undertaken by the City, the proposed operator of the child care premises canvassed the surrounding area and received 185 signatures in a multi-signature letter supporting the proposal. The multi-signature letter identifies that the application should be approved for the following reasons:

- It is a much needed service.
- The design is consistent with the look and feel.
- It services a range of age groups.
- The maximum number of children and operating hours will not impact us residents.
- The car parking is sufficient for the child care premises.
- The planning framework allows for child care premises.

It is noted that some residents who submitted an objection to the City during the consultation period identified that they had signed the multi-signature letter, however wished to retract this signature of support.

COMMENT

The proposal has been assessed against the relevant planning framework including LPS3, the BBSP and the Child Care Premises LPP. As part of the assessment the application was reviewed by the Joondalup Design Reference Panel and has also been advertised for public comment.

The application is not considered to meet the requirements and relevant objectives of the BBSP as the child care premises as the sole land use in the 'Local Shop Precinct' is not considered reflective of the local needs of the surrounding residential catchment.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 25 March 2019 submitted by Urbanista, for a proposed child care premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach, for the following reason:

- 1 In accordance with clause 67(2), (h), (v), (w) and (x) of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with the objectives of the Burns Beach Structure Plan as a child care premises as the sole land use in the 'Local Shop Precinct', with no retail or other commercial use, does not adequately cater for the daily needs of the local community.

MOVED Cr McLean, SECONDED Cr Hollywood that Council REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 25 March 2019 submitted by Urbanista, for a proposed child care premises at Lots 243 and 244 (44 and 46) Grand Ocean Entrance, Burns Beach, for the following reasons:

- 1 In accordance with clause 67(2), (h), (v), (w) and (x) of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with the objectives of the Burns Beach Structure Plan as a child care premises as the sole land use in the 'Local Shop Precinct', with no retail or other commercial use, does not adequately cater for the daily needs of the local community;
- 2 in accordance with clause 67(2)(g) and (h) of Schedule 2 the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development does not meet the development standards of the *City of Joondalup Child Care Premises Local Planning Policy* and *Burns Beach Structure Plan* in relation to:
 - 2.1 building height;
 - 2.2 building setbacks;
 - 2.3 parking.

The Motion was Put and

CARRIED (11/1)

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

Against the Motion: Cr Thompson.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210810.pdf](#)

CJ114-08/21 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 18 June to 20 July 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 18 June to 20 July 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 18 June to 20 July 2021, as detailed in Attachment 1 to Report CJ114-08/21.

BACKGROUND

For the period 18 June to 20 July 2021, 11 documents were executed by affixing the Common Seal. A summary is provided below:

| Type | Number |
|--------------------------|--------|
| Section 70A Notification | 8 |
| Lease / Sublease | 2 |
| Licence Agreement | 1 |

DETAILS**Issues and options considered**

Not applicable.

Legislation / Strategic Community Plan / Policy Implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting.

Policy Not applicable.

Risk Management Considerations

Not applicable.

Financial / Budget ImplicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr May that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 18 June to 20 July 2021, as detailed in Attachment 1 to Report CJ114-08/21.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210810.pdf](#)

Disclosures of interest affecting Impartiality

| | |
|---------------------------|---|
| Name / Position | Cr John Chester. |
| Item No. / Subject | CJ115-08/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Chester is a member of both the Friends of Yellagonga Regional Park Inc. and DBCA Community Advisory Committee for Yellagonga Regional Park. |

| | |
|---------------------------|--|
| Name / Position | Cr John Logan. |
| Item No. / Subject | CJ115-08/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Logan is a member of the Friends of Yellagonga Regional Park, which provided feedback on the draft Yellagonga Integrated Catchment Management Plan 2021-26. |

| | |
|---------------------------|---|
| Name / Position | Cr Christopher May. |
| Item No. / Subject | CJ115-08/21 - Draft Yellagonga Integrated Catchment Management Plan 2021-26. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr May is a member of the Friends of Yellagonga Regional Park and a volunteer for Friends of Beenyup Swamp. |

CJ115-08/21 DRAFT YELLAGONGA INTEGRATED CATCHMENT MANAGEMENT PLAN 2021-2026

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Director Governance and Strategy |
| FILE NUMBERS | 72568, 101515 |
| ATTACHMENTS | Attachment 1 <i>Draft Yellagonga Integrated Catchment Management Plan 2021-2026 (Clean)</i> Attachment 2 <i>Community Consultation Outcomes report: Draft Yellagonga Integrated Catchment Management Plan 2021-2026</i> Attachment 3 <i>Draft Yellagonga Integrated Catchment Management Plan 2021-2026 (Mark-up)</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 note the outcomes of the community consultation process and to endorse the City of Joondalup and City of Wanneroo joint draft *Yellagonga Integrated Catchment Management Plan 2021-2026*.

EXECUTIVE SUMMARY

The draft *Yellagonga Integrated Catchment Management (YICM) Plan 2021-2026* was endorsed by Council for community consultation in April 2021 (CJ046-04/21 refers). The draft YICM Plan 2021-2026 was released for community consultation for a period of 42 days between 29 April 2021 and 9 June 2021. Following community consultation, the Cities of Joondalup and Wanneroo joint draft YICM Plan 2021-2026 has been amended for presentation to Council (Attachment 1 refers).

The draft *YICM Plan 2021-2026* has been developed to ensure ongoing management and conservation of the Yellagonga Regional Park (the park) and its catchment by the two Cities and the Department of Biodiversity, Conservation and Attractions (DBCA) in a collaborative manner.

The draft YICM Plan 2021-2026 contains numerous projects to be implemented over a five-year period that aim to improve the health of the Yellagonga Catchment Area. The draft YICM Plan 2021-2026 includes five joint projects with the City of Wanneroo, three City of Joondalup individual projects and six City of Wanneroo individual projects. These projects are designed to address key threats that provide the basis of the following key focus areas:

- Water quality.
- Water quantity.
- Urban Planning and Development.
- Biodiversity.
- Community and Partnerships.

It is proposed that the draft YICM Plan 2021-2026 (Attachment 1 refers), is adopted by Council.

BACKGROUND

The development of the initial YICM Plan 2009-2014 was an action within the City's *Environment Plan 2007-2011: Action 2.2 - Develop and implement a Yellagonga Integrated Catchment Management Plan* to ensure the effective overall management of the water body. In November 2009, the Cities of Joondalup and Wanneroo jointly endorsed the YICM Plan 2009-2014 (CJ247-11/09 refers). The YICM Plan 2015-2019 was developed following the five-year implementation and review of the YICM Plan 2009-2014.

Significant achievements have been made over the past 11 years through the implementation of the YICM Plan 2009-2014, and YICM Plan 2015-2019, which have also highlighted the need for the continued strategic management of the park and its catchment to maintain its environmental, social, economic, cultural, and scientific values.

The draft YICM Plan 2021-2026 has been developed to build on the YICM Plan 2015-2019 and provides recommendations to improve wetland health through an integrated management process, addressing a range of threats and issues associated with land use activities both past and present that are impacting, or may impact detrimentally on the wetlands within the Yellagonga Regional Park.

The City has worked in partnership with the City of Wanneroo, DBCA, the community, and Edith Cowan University since 2009 to implement projects within the YICM Plans.

DETAILS

Community consultation was conducted from 29 April to 9 June 2021 with community members and key stakeholders on the draft YICM Plan 2021-2026. A total of 13 valid submissions were collected throughout the 42 day advertised consultation period. All community members who provided feedback reside in the City of Joondalup. Feedback was also received from the Friends of Yellagonga Regional Park, the Department of Water and Environmental Regulation and the Joondalup Community Coast Care Forum.

Feedback received indicates that the City's stakeholders and community are generally supportive of the strategic direction and integrated approach of the draft YICM Plan 2021-2026. The Community Consultation Report is included as Attachment 2 to Report CJ115-08/21.

The common themes that emerged from the community consultation included concern about feral animals (especially foxes, cats, and dogs), concern for species decline (especially the native South-western Snake-necked Turtle), and suggestions for additional / alternative infrastructure in the Park.

Recommendations were also made regarding the management of water levels in Lake Joondalup and Lake Goollelal from stakeholders including the Friends of Yellagonga Regional Park and the Department of Water and Environmental Regulation. Amendments have been made within the plan to reflect these comments. Changes are shown in Attachment 3 to Report CJ115-08/21, with new text highlighted in yellow and deleted text marked with a strikethrough and yellow highlight.

A number of comments received were noted but not incorporated into the plan such as the installation of birdwatching hides and a suggestion for further consultation with Aboriginal people for the management of the park. The City is currently in the process of developing a Reconciliation Action Plan that will provide guidance on the City's approach to increasing engagement with first nations people.

Through the recent state government election, \$8.5 million has been committed to Yellagonga Regional Park through DBCA for infrastructure improvements and rehabilitation projects.

Legislation / Strategic Community Plan / Policy Implications

| | |
|---------------------------------|--|
| Legislation | Not applicable. |
| Strategic Community Plan | |
| Key theme | The Natural Environment. |
| Objective | Environmental resilience - to continually adapt to local environmental conditions. |
| Strategic initiative | Identify and respond to environmental risks and vulnerabilities. |

Policy Implications

Continued implementation of the YICM Plan 2021-2026 is consistent with the objectives within the City's *Sustainability Policy* and *Stormwater Management Policy*.

Risk Management Considerations

A range of impacts threaten the long-term viability of Yellagonga Regional Park including the drying climate trend, altered water levels, poor water quality, invasive flora and fauna, wildfire, plant pathogens, urban encroachment, traditional stormwater drainage, and habitat degradation and fragmentation.

The development and implementation of the draft YICM Plan 2021-2026 will provide ongoing guidance for the City and key stakeholders in delivering initiatives that address the threats to the Yellagonga Regional Park and aim to improve the health of the Yellagonga Catchment Area.

Financial / Budget Implications

Implementation of the draft YICM Plan 2021-2026 has financial implications for the City. Funds to implement the Local Biodiversity Project and the water quality monitoring and improvement program within the plan will be subject to the City's annual budget approval process. Projects identified as existing within the plan are approved within existing service levels and have budgets allocated within existing operating budgets.

A number of projects within the draft YICM Plan 2021-2026 have no additional requirements beyond existing staff resources. Projects that are dependent on outcomes of studies, investigations, or involve on-ground works will be subject to detailed costing and the City's annual budget approval process prior to being implemented.

The City of Wanneroo will continue to contribute equal funds to the implementation of joint projects undertaken under the draft YICM Plan 2021-2026.

The DBCA will contribute staff time, equipment and consumables to management actions within the YICM Plan 2021-2026 relating to on-ground management activities.

Regional Significance

Yellagonga Regional Park has significant regional value including being a Bush Forever site, having Conservation Category Wetlands, and Lake Joondalup is also a Class 'A' Reserve.

The draft YICM Plan 2021-2026 is a joint initiative of the Cities of Joondalup and Wanneroo with projects to be delivered both jointly and individually to protect the wetlands of the park. Liaison will continue with the third park co-manager, the DBCA, and key stakeholders including the Yellagonga Regional Park Community Advisory Committee, Friends of Yellagonga Regional Park and Edith Cowan University.

Sustainability Implications

Environmental management of the Yellagonga Catchment is a key component of a sustainable community. This wetland asset provides social and environmental services to the community including amenity, recreational opportunities, air quality improvement, biodiversity and cultural values and is an important haven for hundreds of species of fauna and flora.

Consultation

The two Cities consulted with the Yellagonga Regional Park Community Advisory Committee on the key focus areas of the draft YICM Plan 2021-2026 in March 2020, and a meeting was held between the two Cities and the Department of Biodiversity, Conservation and Attractions to discuss projects and responsibilities within the draft plan in July 2020. The Department of Biodiversity, Conservation and Attractions was provided the draft Plan for review and provided comment in September 2020.

Following Council endorsement of the draft plan from both the Cities of Joondalup and Wanneroo (CJ046-04/21 and PS04-04/21 refer), the draft YICM Plan 2021-2026 was released for community consultation for a period of 42 days between 29 April 2021 and 9 June 2021.

COMMENT

Although significant progress has been made in implementing the YICM Plan 2015-2019, a number of threats and issues remain which pose a serious risk to the health of the Yellagonga Catchment Area. To provide ongoing conservation across the Yellagonga Catchment further long-term management strategies are required as well as commitment and collaboration from the Cities of Joondalup and Wanneroo and the Department of Biodiversity, Conservation and Attractions.

The draft YICM Plan 2021-2026 has been developed to provide the park's co-managers with the strategic direction required to manage the Catchment Area in a sustainable manner to ensure the long-term protection of the park for future generations.

Community and stakeholder feedback has been provided to the two Cities on the draft YICM Plan 2021-2026 through the community consultation process. Where relevant, this community feedback has been considered and incorporated into the draft plan.

VOTING REQUIREMENTS

Simple Majority.

The Director Planning and Community Development left the Chamber at 1.23pm and returned at 1.25pm.

MOVED Cr Chester, SECONDED Cr Logan that Council:

- 1 NOTES the outcomes of the community consultation process as detailed in Attachment 2 to Report CJ115-08/21;**
- 2 ENDORSES the draft *Yellagonga Integrated Catchment Management Plan 2021-2026*, included as detailed in Attachment 1 to Report CJ115-08/21.**

The Motion was Put and

CARRIED (12/0)

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf210810.pdf](#)

CJ116-08/21 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2021

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBER | 20560, 101515 |
| ATTACHMENTS | Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 April to 30 June 2021 Attachment 2 Capital Works Program Quarterly Report for the period 1 April to 30 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 receive the Corporate Business Plan Quarterly Progress Report for the period 1 April 2021 to 30 June 2021 and the Capital Works Quarterly Report for the period 1 April 2021 to 30 June 2021.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2020-21 – 2024-25* is the City's five-year delivery program which is aligned to the strategic direction and priorities set within the 10-year *Strategic Community Plan: Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five year period and also specific milestones for projects and priorities in the first year (2020-21).

The Corporate Business Plan Quarterly Progress Report for the period 1 April 2021 to 30 June 2021 provides information on the progress of 2020-21 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ116-08/21.

A *Capital Works Quarterly Report*, which details all projects within the capital works program, is provided as Attachment 2 to Report CJ116-08/21.

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 April to 30 June 2021, as detailed in Attachment 1 to Report CJ116-08/21;*
- 2 *Capital Works Quarterly Report for the period 1 April to 30 June 2021, which is shown as detailed in Attachment 2 to Report CJ116-08/21.*

BACKGROUND

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

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

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

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

DETAILS

The Corporate Business Plan Quarterly Progress Report (Attachment 1 refers) provides information on progress against the milestones for the 2020-21 projects and programs within the *Corporate Business Plan*.

Commentary is provided against each quarterly milestone on the actions completed, and project status is reported via colour coding which indicates if the project has been completed, or not completed and to be carried forward. Information is also provided on the budget status for each item.

The milestones being reported this quarter are the grey shaded sections of Attachment 1 to Report CJ116-08/21. "*Business as usual*" activities within each key theme have also been separated from strategic projects and programs within the report.

Some projects, programs and activities planned for the April to June quarter were delayed, and/or will be carried forward into the new financial year due to the COVID-19 restrictions. These projects are detailed in the comments section of the Corporate Business Plan Quarter 4 Report.

As this is the final Corporate Business Plan Quarterly Progress Report for 2020-21, Report CJ116-08/21 outlines some of the achievements of 2020-21.

The following provides an overall summary of achievements for the financial year.

| Governance and Leadership | |
|----------------------------------|---|
| • | Community consultation carried out for a range of projects and programs including a significant consultation program to inform the development of a new Strategic Community Plan which comprised stakeholder and community workshops and an online survey published on the City's website. |
| • | A range of publications and online e-newsletters distributed to the community. |
| • | Significant community engagement on the City's social media platforms. |
| • | Four meetings of the Strategic Community Reference Group held to discuss: <ul style="list-style-type: none"> ○ the strategic vision for Joondalup and the development of the new <i>Strategic Community Plan</i> (two meetings) ○ the development of an Integrated Transport Strategy ○ the review of the <i>Weed Management Plan</i>. |
| • | Council endorsement of the City's <i>2019-20 Annual Report</i> . |

- Council endorsement of new and updated policies including:
 - *Notification of Public Works Policy*
 - *Alfresco Activities Local Planning Policy*
 - *Container Deposit Scheme Infrastructure Local Planning Policy*
 - *Business Continuity Policy*
 - *Draft Joondalup Design Review Local Planning Policy*
 - *Investment of Available Funds Policy*
 - *Risk Management Policy*
 - *Advertisements Local Planning Policy*
 - *Specified Area Rating Policy*
 - *Rates Hardship Policy*
 - *Payment of Rates and Charges Policy*
 - *Complaints Investigation Policy*
 - *Elected Members Entitlements Policy*
 - *Draft Joondalup Design Review Panel Local Planning Policy* (for finalisation).
- A range of submissions prepared on State and Federal Government strategic policy matters.
- Council endorsement of new standards for CEO Recruitment, Selection and Performance Review and Termination.
- Council endorsement of a new *Code of Conduct for Council Members, Committee Members and Candidates* and a new *Complaints Investigation Policy*.
- Approval of a new *Code of Conduct for Employees*.
- Council endorsement of the 2020 Compliance Audit Return and submission to the Department of Local Government, Sport and Cultural Industries.
- Development of an Advocacy Framework.
- Eight-Year Ward Boundary Review conducted.
- Eight-Local Law Review conducted.
- Meetings of the Audit and Risk Committee conducted.
- Appointment of consultants to conduct the City's 2020 annual Customer Satisfaction Survey.
- Strategic Position Statements reviewed and updated.
- Civic ceremonies conducted including citizenship ceremonies.

Financial Sustainability

- Capital Works Projects completed from the Parks Equipment Program including:
 - Kallaroo Park Playspace Renewal
 - Mentieth Park Playspace Renewal
 - Whitfords East Park Playspace Renewal
 - Sandalford Park Playspace Renewal
 - Emerald Park Kindy Playspace Renewal.
- Capital Works Projects completed from Parks Development Program including:
 - Park Amenity Improvement Program – Churton Park, Warwick
 - Wandina Park Revitalisation
 - Poseidon Park Revitalisation
 - Fencing of Playspace – Pinnaroo Point.
- Capital Works Projects completed from the *Blackspot Program* including:
 - Ocean Reef Road and Eddystone Avenue Upgrade
 - Hepburn Avenue and Mitchell Freeway south band on-ramp.
- Capital Works Projects completed from the Local Traffic Management Program including:
 - Lionel Court/Griffell Way Pedestrian Upgrade, Duncraig
 - Goollelal/Bindaree/Lagana Improvements, Kingsley.

- Capital Works Projects completed from the Parking Facilities Program including:
 - Burns Beach Coastal Parking Construction – associated pathway
 - Beldon Primary School on-street parking.
- Capital Works Projects completed from the Road Preservation and Resurfacing Program including:
 - Aidrie Court, Duncraig
 - Armstrong Square, Duncraig
 - Baler Court, Mullaloo
 - Bernard Manning Drive, Duncraig
 - Bonito Way, Sorrento
 - Brockman Court, Duncraig
 - Bunthorne Court, Duncraig
 - Dempster Place
 - Eckford Way, Duncraig
 - Hamersley Road, Sorrento
 - Keans Avenue, Sorrento
 - Kempenfeldt Avenue, Sorrento
 - Laurel Court, Mullaloo
 - Laurel Street, Mullaloo
 - Lockyer Court, Duncraig
 - Macintosh Rise, Duncraig
 - Mahonia Place, Duncraig
 - Naturaliste Boulevard/O'Mara Boulevard intersection, Iluka
 - Nekaya Way, Duncraig
 - Otago Lane, Currambine
 - Piver Corner, Ocean Reef
 - Sanders Cove, Sorrento
 - Sullivan Road, Duncraig
 - Sylvia Place, Duncraig
 - Whitfords Avenue slip lane.
- Capital Works Projects completed in the Stormwater Drainage Program including:
 - Cliff Street Sump Beautification
 - Camberwarra Park Sump Beautification
 - Scaphella Avenue Sump and Catchment upgrades
 - Dillenia Way Drainage Upgrade
 - Hawkins Avenue Drainage Upgrade.
- Capital Works Projects completed from the New Paths Program including:
 - Otago Park Pathway Connection
 - Lane 3 to Cliff Street Pathway
 - Whitfords Avenue, Kingsley WABN Pathways.
- Capital Works Projects completed from the Path Replacement Program including:
 - Shared Path Renewal and Resurfacing
 - Lake Yellagonga – Drivers Place to Joondalup Drive
 - Marmion Avenue to Hodges Spring Way to Venus Way, Hillarys
 - David Crescent to Hurley Way, Hillarys
 - Allenswood Road to Leaside Way, Greenwood
 - Damson Way to Vine Court, Greenwood
 - Leaside Way to Sandalwood Drive, Greenwood
 - Marmion Avenue – Hodges Drive to Prendiville Avenue, Ocean Reef
 - Burns Beach Road – Shenton Avenue to Iluka Beach, Iluka
 - Claygate Way to Barridale Drive, Kingsley
 - Moolanda Boulevard to Illawong Way, Kingsley.
- Capital Works Projects completed from the Building Capital Works Program including:
 - Joondalup Library Refurbishment
 - Craigie Leisure Centre Switchboard Upgrade

- Duncraig Library Minor Works
- Ellersdale Park Clubrooms Refurbishment
- Whitfords Library and Senior Citizens Centre Refurbishment Project, Whitfords.
- Capital Works Projects completed from the Foreshore and Natural Areas Program:
 - Coastal and foreshore fencing renewal
 - Whitfords Nodes Lookout
 - Central Park Conservation Signage
 - Warwick Open Space Bushland Path Renewals
 - Craigie Open Space Bushland Path Renewals
 - 1.2km of asphalt pedestrian paths laid in Warwick Bushland.

Quality Urban Environment

- Review of the Joondalup Activity Centre Plan progressed.
- Council adoption of the Joondalup Design Review *Local Planning Policy* and revised Terms of Reference.
- Council endorsement of a submission on the draft amendments to the *Residential Design Codes – Volume 1: Medium Density Code* and the submission to the Department of Planning, Lands and Heritage.
- City participation in a working group convened by the Department of Planning, Lands and Heritage on the proposed changes to Development Assessment Panels.
- City participation in a working group convened by Property Council WA on the Department of Planning, Lands and Heritage's 'Phase 2' planning reform initiatives.
- Progression of the Place Activation Strategy.
- Churton Park, Warwick, Park Amenity Improvement Project completed.
- Continuation of the Leafy City Program.
- Completion of works to the Whitfords Nodes Health and Wellbeing Hub and the official opening.
- Completion of the Burns Beach Dual Use Path – Burns Beach to Mindarie.
- Completion of the Joondalup City Centre Street Lighting Program – Stage Four.

Economic Prosperity, Vibrancy and Growth

- Actions from the Economic Development Strategy implemented, including:
 - Development of the Destination City Plan
 - Distribution of Business Online newsletters
 - Continued promotion of the Joondalup Business Catalogue
 - Actions from the International Economic Development Activities Plan including a virtual trade mission to Indonesia to promote potential economic initiatives in the areas of cyber security, health and education.
- Delivery of two successful Business Forums.
- A range of support programs provided for local businesses during COVID-19 lockdowns and during COVID-19 recovery.
- Implementation of the Business Engagement Program.
- Regular collaboration with the Joondalup Business Association and the Hillarys Traders Association.
- Participation in the Small Business Development Corporation's Small Business Friendly Approvals Program.
- Delivery of the Business Ready Program.
- Continued participation in the Cyber Check.Me Program.
- Delivery of the Joondalup Innovation Challenge.
- Sponsorship of the CyberWest Summit 2021.
- Regional collaboration with other local governments and Joondalup Learning Precinct partners on economic development initiatives.

- Major milestones achieved on the Ocean Reef Marina Project with Council approval of the Ocean Reef Marina Heads of Agreement and approval of the Major Land Transaction Business Plan for public advertising.
- Continued progress of the Pinnaroo Point, Hillarys, Cafe, Kiosk and Restaurant Project with the signing of the sublease by Sandgate (WA) Pty Ltd.

The Natural Environment

- Actions from the *Environment Plan 2014-2019* implemented.
- Submission of the 2019-20 State of the Environment Report to Elected Members.
- Actions from the *Climate Change Strategy 2014-2019* implemented including winter planting of street trees as part of the Urban Planting Program and analysis of utilities usage.
- Annual review of *Natural Area Management Plans*.
- Finalisation of the Coastal Monitoring program.
- Actions from the *Coastal Infrastructure Adaptation Plan* implemented.
- Successful grant application from the Department of Transport for the 2021-22 Coastal Monitoring Program and Sand Bypassing Program.
- Continued research and liaison with relevant stakeholders for the development of the Craigie Bushland Fauna Management Plan.
- Actions from the *Craigie Bushland Management Plan* implemented.
- Actions from the *City Water Plan* implemented including ongoing monitoring of groundwater usage and implementation of water saving devices in City parks and buildings.
- Gold Waterwise Councils endorsement for best practice water efficiency in City operations and throughout the community.
- Actions from the *Bushfire Risk Management Plan* implemented including continued collaboration with DFES regarding bushfire mitigation activities.
- Actions from the *Yellagonga Integrated Catchment Management Plan* implemented including the Water Quality Monitoring and Improvement Program.
- Actions from the *Pathogen Management Plan* implemented.
- Actions from the *Waste Management Plan* implemented.

Community Wellbeing

- Actions from the *Community Development Plan 2015-2020* implemented.
- Completion or commencement of major and minor upgrades at a number of community facilities, including:
 - Chichester Park Clubroom Facility
 - Emerald Park Clubrooms Facility Refurbishment
 - Warwick Sports Centre Club Refurbishment Works
 - Ellersdale Park Clubroom Facility
 - Duffy House Restoration
 - Joondalup Men's Shed (Winton Road, Joondalup)
 - Whitfords Senior Citizens Centre and Whitfords Library Refurbishment Works
 - Joondalup Library Refurbishment Works
 - Craigie Leisure Centre
- Development of a *Cultural Plan*.
- A comprehensive program of cultural events delivered throughout the year, including:
 - NAIDOC Week Celebrations
 - Sunday Serenades concerts
 - Luminight
 - Little Feet Festival
 - Music in the Park
 - Valentine's Concert.

- New public art projects commissioned and delivery of the Visual Arts Program.
- A range of community-based programs and events delivered, including:
 - Homelessness Awareness Community Workshop
 - Communities in- focus events
 - Grow it Local
 - Nature Passport
 - Meet-Your-Neighbour program
 - International Volunteer Day
 - National Volunteer Week.
- BMX, Skate and Youth Outdoor Recreation Strategy endorsed by Council.
- A range of youth events and programs delivered, including:
 - Youth Holiday Program
 - Summer Sessions
 - Youth Leadership Forum
 - Night Drop-in, Music Edge and Freestyle Edge programs
 - BMX, Skate and Scooter events
 - RYDE Program.
- Lifelong Learning and Library events and activities delivered, including:
 - Children's Book Week
 - Meet the Author events
 - Library and Information Week.
 - Story Time
 - Toddler Time
 - Live and Learn Events.
- Actions from the *Access and Inclusion Plan 2018-2021* implemented.
- Actions from the *Age Friendly Communities Plan* implemented.
- Actions from the *Regional Homelessness Plan* implemented.

Legislation / Strategic Community Plan / Policy Implications

Legislation

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

"This Act is intended to result in:

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

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate Capacity.

Strategic initiative

Demonstrate accountability through robust reporting that is relevant and easily accessible.

Policy

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

Risk Management Considerations

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

Financial / Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

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

The key themes are as follows:

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

Consultation

Not applicable.

COMMENT

The *Corporate Business Plan 2020-21-2024-23* was endorsed by Council at its meeting held on 20 October 2020 (CJ148-10/20 refers). A detailed report on the progress of the Capital Works Program has been included with the Corporate Business Plan Quarterly Progress Report. This report provides an overview of progress against all the projects and programs in the 2020-21 Capital Works Program.

Delivery of some projects and programs were affected by COVID-19 restrictions and some of these activities will be carried forward to the 2021-2020 financial year.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr May that Council RECEIVES the:

- 1 Corporate Business Plan Quarterly Progress Report for the period 1 April 2021 to 30 June 2021 as detailed in Attachment 1 to Report CJ116-08/21;**
- 2 Capital Works Program Quarterly Report for the period 1 April 2021 to 30 June 2021 as detailed in Attachment 2 to Report CJ116-08/21.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf210810.pdf](#)

CJ117-08/21 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 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 June 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of June 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of June 2021.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of June 2021, totalling \$20,154,771.06.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for June 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 CJ117-08/21, totalling \$20,154,771.06.

BACKGROUND

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

DETAILS

The table below summarises the payments drawn on the funds during the month of June 2021. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ117-08/21.

The vouchers for the month are appended as Attachment 3 to Report CJ117-08/21.

| FUNDS | DETAILS | AMOUNT |
|-------------------|---|-----------------|
| Municipal Account | Municipal Cheques & EFT Payments 111351 - 111382 & 111385 -111427 & 111434 - 111452 | \$12,635,006.05 |
| | EF093003 - EF093368 & EF093372 - EF093786 Net of cancelled payments Vouchers 3073A – 3088A | |
| | Bond Refund Cheques & EFT Payments 111383 -111384 & 111428 - 111433 & EF092996 - EF093002 & EF093369 - EF093371 & EF093787 Net of cancelled payments. | \$32,731.34 |
| Total | | \$20,154,771.06 |

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.

MOVED Cr Raftis, SECONDED Cr Thompson that Council NOTES the Chief Executive Officer's list of accounts for June 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 CJ117-08/21, totalling \$20,154,771.06.

The Motion was Put and

CARRIED (12/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf210810.pdf](#)

CJ118-08/21 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 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 (**subject to end of year finalisation**) for the period ended 30 June 2021.

EXECUTIVE SUMMARY

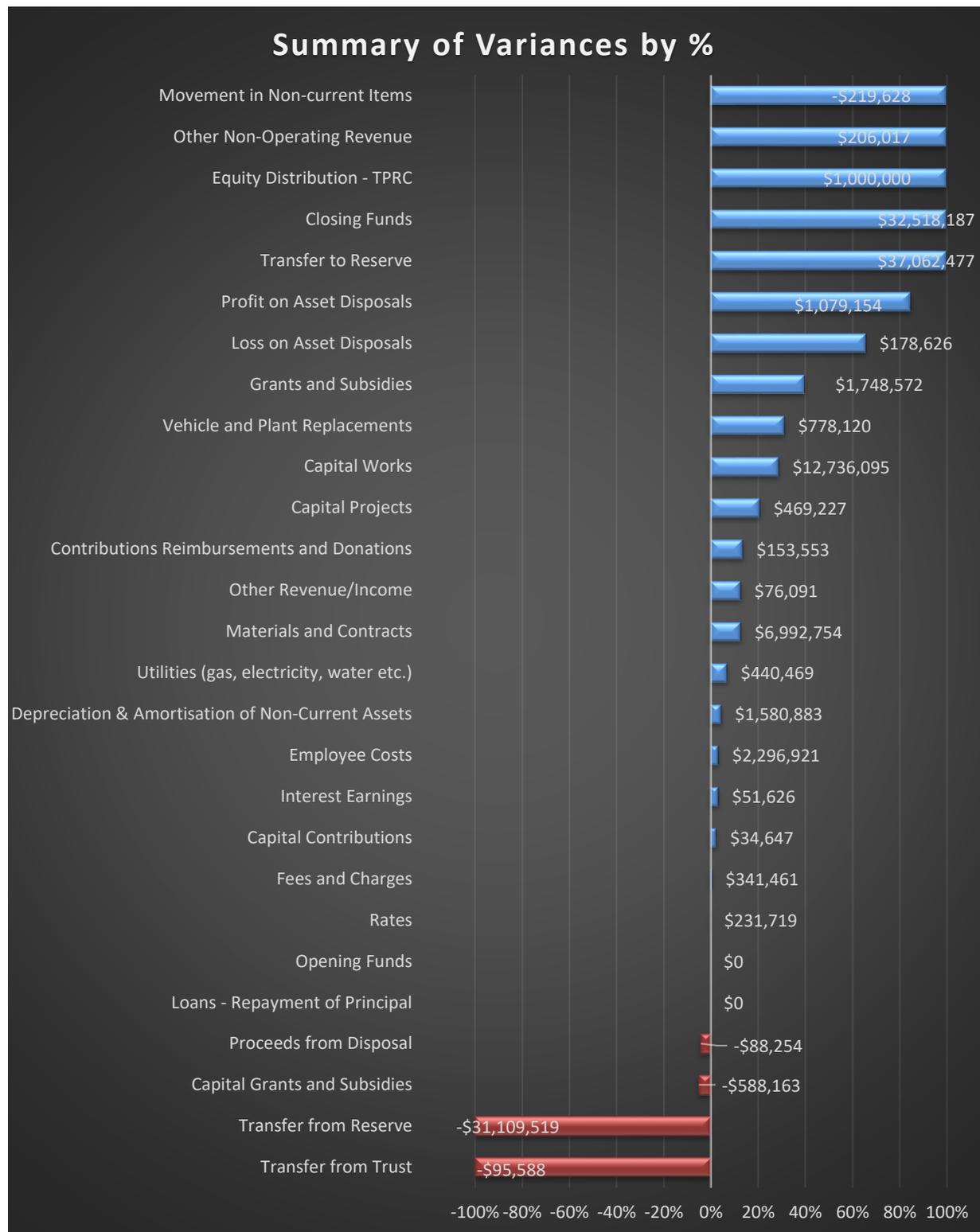
At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the Annual Budget for the 2020-21 financial year. Council subsequently revised the budget at its meeting held on 16 February 2021 (CJ020-02/21 refers). The figures in this report are compared to the revised budget (as amended).

The June 2021 Financial Activity Statement report shows an overall favourable variance of \$32,518,187 from operations and capital, after adjusting for non-cash items, for the period when compared to the revised budget.

It should be noted that this variance does not represent a projection of the end of year position as end of year adjustments, including reserves transfers, and the annual financial audit are still to be finalised.

There are a number of factors influencing the favourable variance, but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Attachment 3 to Report CJ118-08/21 identify and provide commentary on the individual key material revenue and expenditure variances to date.

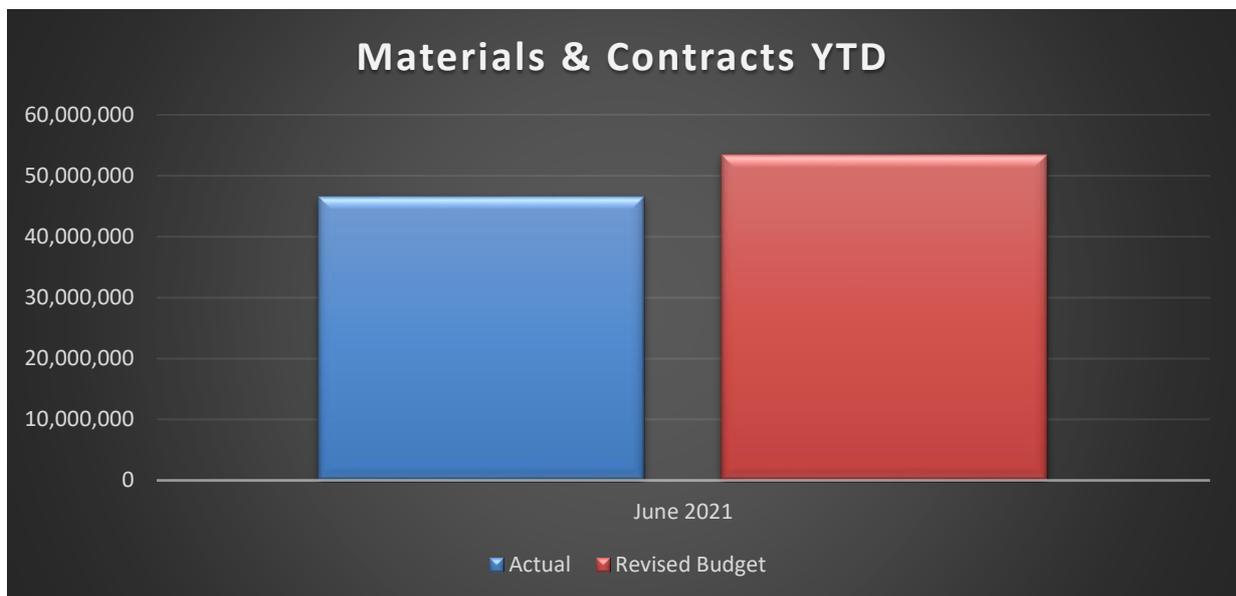
The key elements of the variance are summarised below:



The significant variances for June were:

Materials & Contracts

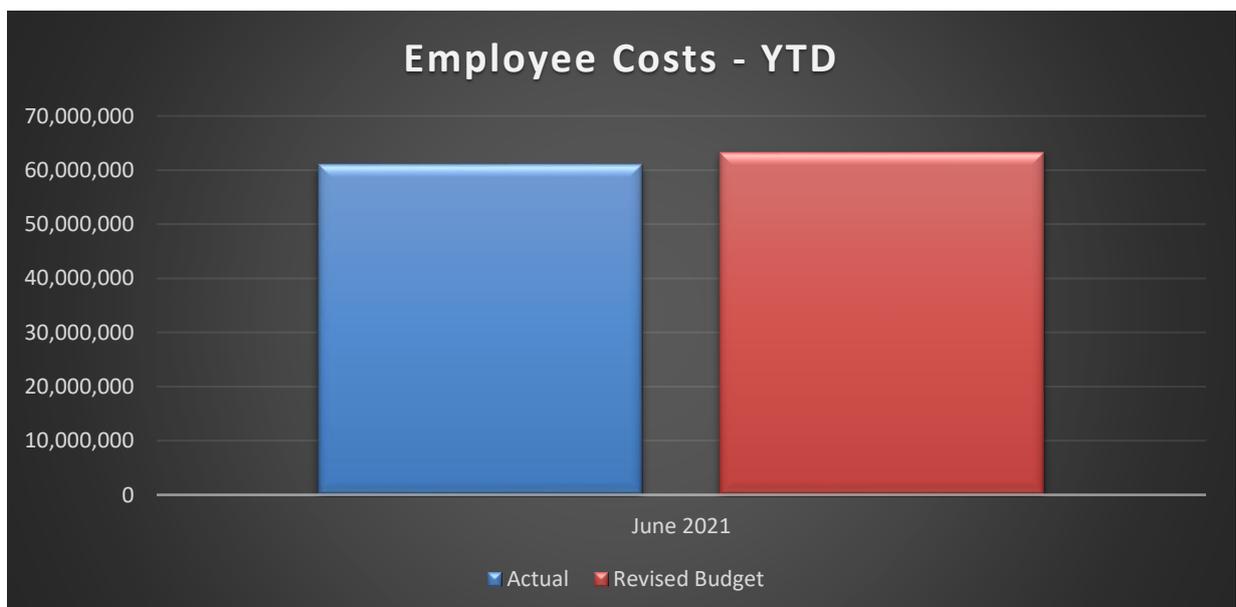
\$6,992,754



Materials and Contracts expenditure is \$6,992,754 below budget. This is spread across a number of different areas including favourable timing variances for Professional Fees and Costs \$1,434,938, External Service Expenses \$979,595, Other Materials \$732,033, Computing \$730,253, Administration \$639,968 and Contributions and Donations \$568,410. This also reflects cost reductions arising from the closure of facilities during 2020-21 due to the state of emergency in Western Australia driven by the COVID-19 pandemic.

Employee Costs

\$2,296,921



Employee Costs expenditure is \$2,296,921 below budget. Favourable variances predominantly arose from vacancies in various areas, including those not filled for some time during the height of the COVID-19 pandemic. The variance also includes the impact of closures of facilities, including leisure centres during the state of emergency in Western Australia due to the pandemic.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 June 2021 (subject to end of year finalisation) forming Attachment 1 to Report CJ118-08/21.

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 30 June 2021 is appended as Attachment 1 to Report CJ118-08/21.

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 except where the expenditure is authorised in advance by an absolute majority of Council.

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

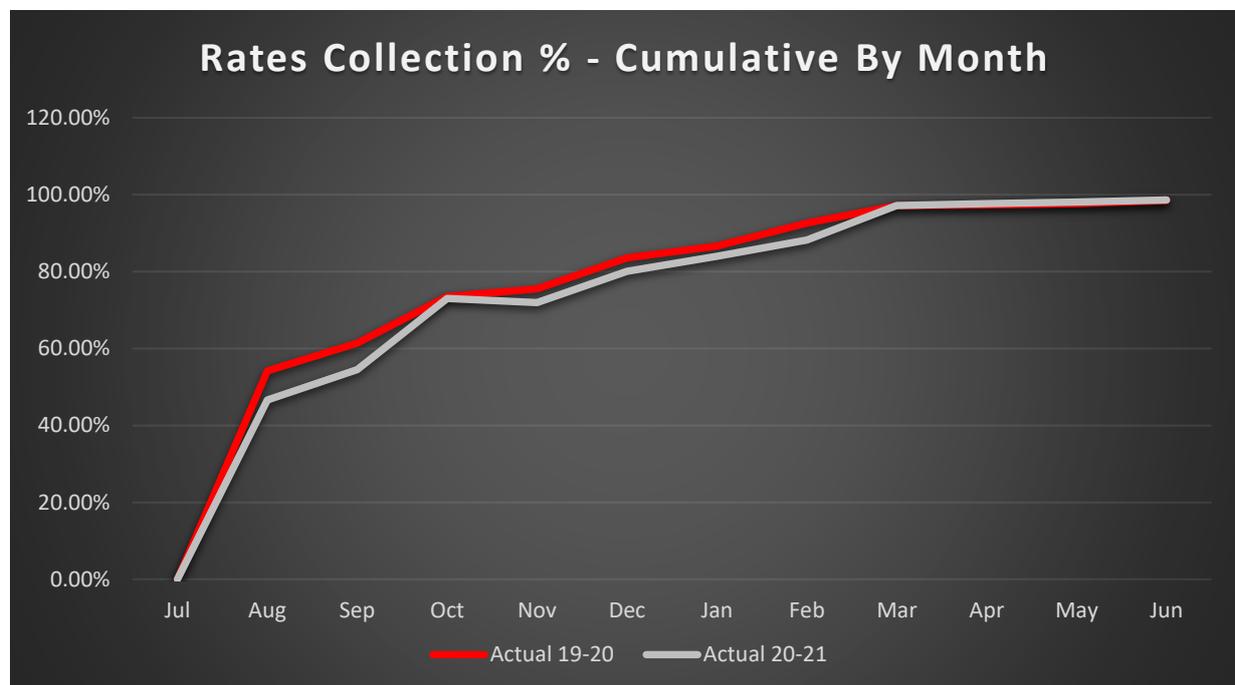
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

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

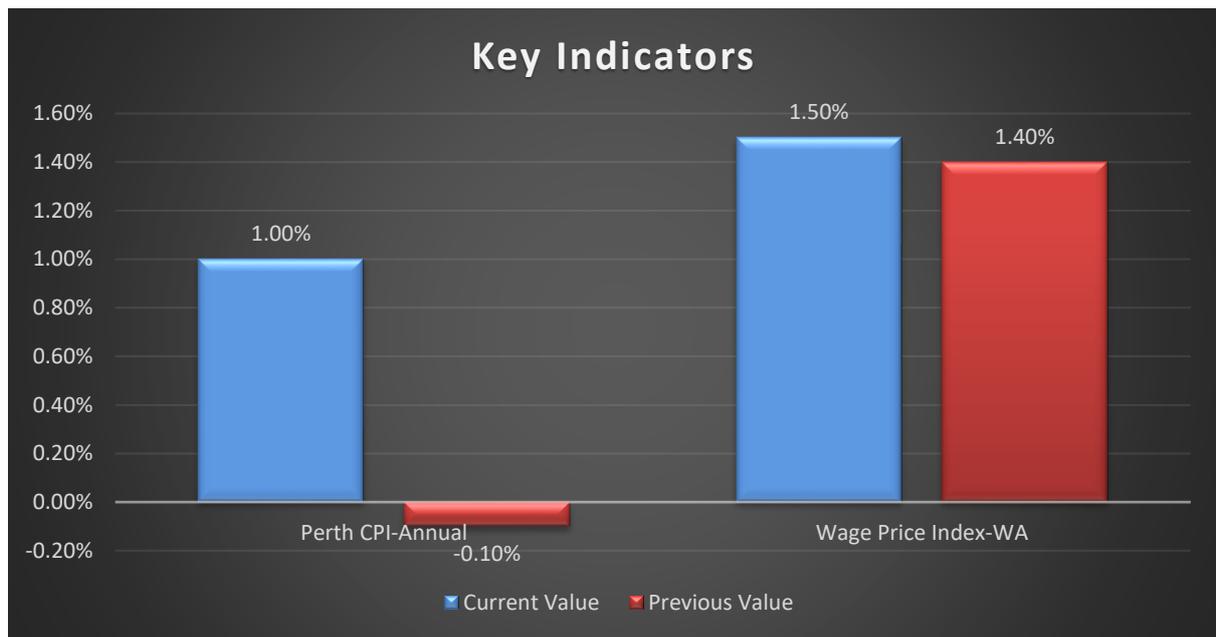
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is marginally above the prior year at the end of June, although the latter was affected by the onset of the COVID-19 disruptions.

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. The results presented in the Financial Activity Statement are prior to the regular end of year finalisation and audit and the final results will not be known until after end of year adjustments and entries are processed, including reserve movements.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr May that Council NOTES the Financial Activity Statement (subject to end of year finalisation) for the period ended 30 June 2021 forming Attachment 1 to Report CJ118-08/21.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf210810.pdf](#)

Disclosure of interest affecting Impartiality

| | |
|---------------------------|---|
| Name / Position | Cr Kerry Hollywood. |
| Item No. / Subject | CJ119-08/21 - Petition in Relation to Burns Beach Twilight Markets. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Hollywood lives close to where the markets are held. |

CJ119-08/21 PETITION IN RELATION TO BURNS BEACH TWILIGHT MARKETS

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBERS | 11622, 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 a report on a petition in relation to implementing a 14 week restriction on Burns Beach Twilight Markets.

EXECUTIVE SUMMARY

At its meeting held on 18 May 2021 (C36-05/21 refers), Council received a Petition of Electors. The petition requested that Council *"implement a maximum term of 14 weeks per year on Burns Beach Twilight Markets."*

Burns Beach Twilight Market has operated at Burns Beach Park, Burns Beach for the past three years. In 2018-19 the markets operated for a total of 15 weeks, in 2019-20 the markets operated for 22 weeks and in 2020-21 the markets operated for a total of 27 weeks. It should be noted, for the 2021-22 season, Farmers Markets have proposed for Burns Beach Twilight Market to operate for 22 weeks.

The City considers public events as being events held on City owned or managed land by a third-party event organiser. The City's role in the assessment of these events is to ensure legislative and statutory requirements are met as well as considering the impact on the venue, surrounding residents and community.

Over the past three years the City has received a total of nine complaints related to the markets. In addition to these complaints, the City has received two compliments. Burns Beach Markets has a weekly attendance of 2,500. In comparison to the size and scale of the event, the number of complaints that the City has received is very minimal.

The City has no reason to implement a cap on the markets as Farmers Markets has met all the requirements for a public event.

It is therefore recommended that Council:

- 1 *DOES NOT SUPPORT the petitioners' request to implement a 14 week restriction on Burns Beach Twilight Markets;*
- 2 *ADVISES the lead petitioner of its decision.*

BACKGROUND

At its meeting held on 18 May 2021 (C36-05/21 refers), Council received a 30-signature petition from residents of the City of Joondalup requesting Council *"to implement a maximum term of 14 weeks per year on Burns Beach Twilight Markets"*.

The City considers public events as being events held on City owned or managed land by a third-party event organiser. The City's role in the assessment of these events is to ensure legislative and statutory requirements are met as well as considering impact on the venue, surrounding residents, and community.

Burns Beach Twilight Market is organised by Farmers Markets WA Pty Ltd (Farmers Markets) and commenced at Burns Beach Park, Burns Beach on Wednesday 12 December 2018. The first season ran through to 27 March 2019 occurring from 5.00pm – 9.00pm each Wednesday (a total of 15 weeks). In its first year, the markets had an average weekly attendance of 2,000 attendees and generated \$1,764 in income for the City.

In October 2018, Farmers Markets met with the Burns Beach Residents Association and gave a presentation outlining the proposed event and considered feedback from the group. In addition, Farmers Markets sent the Burns Beach Residents Association and all residents adjacent to Third Park (where vendor parking was located) a letter in November 2018 notifying them of the event and provided contact details for further queries. The City also responded to a number of queries from the Burns Beach Residents Association regarding the event prior to the December start date.

Over the initial event period, the City closely monitored the markets by undertaking site visits; collating feedback from residents, businesses, Elected Members, and other stakeholders; and monitoring feedback on social media. Evaluating this feedback, the markets were considered successful, both in relation to the number of attendees and the positive feedback gathered from attendees and the local community.

The City approved Burns Beach Twilight Market to operate at Burns Beach Park, Burns Beach in 2019/20. Occurring from 5.00pm - 9.00pm each Wednesday, the season was approved from 9 October 2019 through to 15 April 2020 (a total of 27 weeks). Due to COVID-19, Burns Beach Twilight Market was cancelled, and the last event occurred on 11 March 2020 (a total of 22 weeks). During this period, the markets had a weekly average attendance of 2,500 attendees and generated \$2,802 in income for the City.

When assessing the event application for Burns Beach Twilight Market, the City placed the following conditions on the event:

- The event is run in accordance with the event application and subsequent information provided to the City, and the City's Terms and Conditions of Hire.
- All rubbish is removed at the end of the bookings.

- The approved Event Traffic Management Plan is actioned accordingly and provided to the City four weeks before first event date.
- The City approves the event to include a licenced area subject to the following:
 - The licenced area is contained within the pop-up bar as noted on the attached site plan.
 - The local police must be notified of this event and any liquor-related permissions from external bodies are obtained.
 - The Special Facility Licence issued by the DLGSC for the pop-up bar must be provided to the City prior to event commencement.
 - Purchased alcohol is not to be removed from the licenced area.
 - The following control measures (as stated by the pop-up bar provider) are put in place:
 - Accredited bar manager and RSA qualified staff.
 - Liquor licence area is demarcated using fencing.
 - Free drinking water and low alcoholic options are available.
 - The existing liquor licence does not permit the rapid supply of alcohol.
- The event to include a 'BYO' area for attendees to consume alcohol subject to the following:
 - The area permitted for alcohol consumption is restricted to the Park within the purple boundaries on the attached map and excludes a 5m radius from the playground and the pop-up bar area.
 - The local police will be notified of this event including any liquor-related permissions.
 - Security will be engaged to deter alcohol being taken off the defined area on the Park.
 - Approval is contingent on the Farmers Market not expressly publicising the BYO nature of the event.
- All relevant health approvals (for example, Street Market Approval) are obtained.
- A Form 5 – Certificate of Electrical Compliance is completed prior to each event and submitted to the City within two business days after each event.
- All marquees and structures are secured with weights (not stakes) and in the event of poor weather, are taken down to ensure safety to the public.
- Noise to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*, with speakers to be directed away from residential areas.
- Generators are located as far as practical from residential areas.

DETAILS

In 2020-21 the City approved Burns Beach Twilight Market to operate at Burns Beach Park, Burns Beach each Wednesday from 5.00pm - 9.00pm from 14 October 2020 to 14 April 2021 (a total of 27 weeks). The City received and approved a request from Burns Beach Twilight Market to extend the markets for an additional six weeks until Wednesday 26 May 2021. Following the approval, Farmers Markets advised the City they would not be progressing with the extension, therefore the markets concluded on 14 April 2021 as originally scheduled.

The City has received nine complaints over the past three years, these have been outlined below:

| Type of complaint | Number the City has received |
|------------------------------|------------------------------|
| Parking / Traffic Management | Eight |
| Rubbish | One |

In addition to these complaints, the City has received two compliments in relation to the Burns Beach Twilight Market.

In relation to the petition, the City has addressed the four main points raised:

Insufficient parking

The City has worked with the event organiser to manage the car parking associated with the site. The organiser is required by the City to implement a Traffic Management Plan, that informs and directs areas for attendees to park. A requirement of the Traffic Management Plan, Farmers Markets are required to inform residents around the site and manage the traffic and parking accordingly.

In addition, Farmers Markets have continually advertised appropriate parking locations for patrons of the Burns Beach Twilight Market. The City received eight complaints regarding insufficient parking. The City's Officers attend the markets regularly and issued infringements where parking is in contravention of the City's Local Laws.

Food cooking smells and repetitive music

Farmers Markets are required to apply for a street market permit. A condition of this permit is that all food vendors are compliant with the *Food Act 2008*. The City regularly undertakes site visits to ensure all vendors are adhering to the requirements.

Loud generators

Farmers Markets are required to comply with the prescribed standards of the *Environmental Protection (Noise) Regulations 1997*. Sound levels may be in the form of generators, amplified music and vocals or participant vehicles arriving and leaving the event.

The City has not received any noise complaints. Should the City receive such a complaint it would be investigated accordingly.

The City is aware that the Farmers Markets received one complaint directly from a resident regarding the location of generators. The generators were relocated from the next market to meet the request of this resident.

Set up / close times

In line with the *Local Government and Public Property Local Law 2014*, the City approved Farmers Markets a permit to operate from 3.30pm - 9.30pm. These times includes set up and pack up.

The City has not received any complaints regarding Burns Beach Twilight Market operating outside the approved time duration. If they do operate outside these times, the City would investigate and act accordingly.

Issues and Options Considered

Based on the information provided in this report, Council can either:

Option 1 – Implement a 14 week restriction on Burns Beach Twilight Markets

Limiting the markets to 14 weeks is not recommended as the markets are popular amongst a variety of people, with over 2,500 people attending each week. In addition, implementing restrictions on this event may impact on the City's ability to attract other events that would benefit the City culturally and economically. Such events like the markets, align with the City's strategic initiative of actively engaging event promoters to host iconic, cultural, and sporting events.

Option 2 – Decline the petition

The City undertakes a comprehensive process when assessing and approving events. With the City closely monitoring the markets over several years, and responding to complaints accordingly, the City has ensured the event is run in accordance with all conditions placed on the event and provides benefit to the wider community. It should be noted, for the 2021-22 season, Farmers Markets have proposed for Burns Beach Twilight Market to operate for 22 weeks.

Legislation / Strategic Community Plan / Policy Implications**Legislation**

Health (Public Buildings) Regulations 1992.
Health Act 1911.
Food Act 2008.
Road Traffic Code 2000.
Building Regulations 2012.

Strategic Community Plan**Key theme**

Cultural Wellbeing.

Objective

Cultural development.

Strategic initiative

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

Policy Implications

Alcohol Management Policy.
Beach Management Activities Policy.
Circus Policy.

Risk Management Considerations

Events held on City owned / managed land do present some risk to the City. The City has two roles to play in these events: land manager and statutory authority. The City as the land manager, approves the activity to take place and assumes responsibility for any impact on public amenity and the surrounding community. The City as a statutory agency is responsible for ensuring all events adhere to relevant legislation and local laws. Due to this, events need to be considered and managed by the City considering both statutory and community amenity impacts.

Community amenity

The City considers the impact on the community amenity as a core consideration for all public event applications. The variety of events held within the City make it challenging to determine the set risks associated with an event however, considerations may include:

- location (that is, beach, local park, district park, regional park)
- number of attendees
- type of attendees (members only, ticketed, private, public)
- length / duration / frequency of event
- type of event (farmers markets, sporting event, political event)
- demographics of attendees (families, 18-25, 65+)
- noise
- sale or consumption of alcohol.

Risk management plans

In accordance with the *Health Act 1911*, risk management plans are required for events considered as public buildings where it is expected attendance will exceed 1,000. These plans are assessed in conjunction with the public assessment and are required to meet Australian Standard *AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines*.

Financial / Budget Implications

Not applicable.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

When assessing event applications, the City considers a number of factors including the impact on residents and other users of the venue, as well as benefits to the wider community. Depending upon the risk of the event, the event organiser may be required to undertake a formal community notification process, however the City does not undertake public consultation for events.

COMMENT

Burns Beach Twilight Market initially started as a small local event. Due to the success of the markets, attendees are coming from a variety of areas.

The City acknowledges the opportunities Burns Beach Twilight Market provides to residents of Burns Beach and the greater Joondalup community to recreate and socialise in a beachside location. The City will continue to monitor and take into consideration feedback received from residents when assessing the Burns Beach Twilight Market 2021-22 event application.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the petitioners' request to implement a 14 week restriction on Burns Beach Twilight Markets;
- 2 ADVISES the lead petitioner of its decision.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 limits the access to Burns Beach Park, Burns Beach by Burns Beach Twilight Markets (Farmers Market WA Pty Ltd) to one day per week for a total of 20 weeks (events) per financial year;**
- 2 any request received by the City from Burns Beach Twilight Markets (Farmers Market WA Pty Ltd) that increases the number of events as referred to in one above, be referred to Council for determination.**

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

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

Reason for departure from Officer's Recommendation

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is to respect the amenity of the residents.

CJ120-08/21 PETITION IN RELATION TO GREENWOOD TENNIS CLUB (SENIORS) COURT HIRE FEES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBERS | 06383, 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 a report on a petition in relation to Greenwood Tennis Club's application for subsidised senior's court hire fees.

EXECUTIVE SUMMARY

At its meeting held on 16 February 2021 (CJ015- 02/21 refers), Council received a request to waive the hire fees for Greenwood Tennis Club (Seniors), for the use of Warwick Greenwood open space tennis courts in 2021. Council did not agree to this request.

At its meeting held on 18 May 2021 (C35-05/21 refers), Council received a Petition of Electors. The petition requested that Council reconsider its decision not to approve Greenwood Tennis Club's (Seniors) request for a waiver of court hire fees for its use of Warwick open space tennis courts in 2021.

The *Facility Hire Subsidy Policy* is a policy adopted by Council to provide guidance to eligible community groups in applying for various levels of subsidisation of facility hire fees. Under this policy, Greenwood Tennis Club (Seniors) are deemed not eligible for the subsidy due to 50% of their members not residing from the City of Joondalup.

It is therefore recommended that Council:

- 1 *DOES NOT AGREE to the Petition request to waive 50% of the hire fees for Greenwood Tennis Club (Seniors) for the use of Warwick open space tennis courts in 2021;*
- 2 *ADVISES the lead petitioner of its decision.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* which is intended to provide a consistent and concise methodology 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 Craigie Leisure Centre. 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, for groups that provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years and over.

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.”

At its meeting held on 16 February 2021 (CJ015- 02/21 refers), Council considered a report on the request for additional subsidies and waivers of fees for annual hire groups. Council did not agree, in part to:

“2 the request to waive the hire fees for the Greenwood Tennis Club – Seniors for the use of Warwick Open Space tennis courts in 2021;”

DETAILS

On 16 April 2021 the City received a Petition with 112 signatures from City of Joondalup residents, requesting Council waive 50% of hire fees for the Greenwood Tennis Club (Seniors) for the use of Warwick open space tennis courts in 2021.

Greenwood Tennis Club

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. While Greenwood Tennis Club is one club, the City deals with their booking requests for junior and senior separately, consistent with all sporting club bookings in the City. Dealing with each group separately allows the appropriate subsidy to be applied to each group under the *Facility Hire Subsidy Policy*.

The Greenwood Tennis Club book the Warwick open space tennis courts and lease a section of the Warwick Bowling Club to use as their clubrooms. The Greenwood Tennis Club currently pay \$1,655.63 annually in rent and approximately \$4,200 per annum for outgoings. Outgoings include utility services, rates, taxes, and scheduled maintenance. Currently, the Greenwood Tennis Club has 53 senior members.

It is to be noted this is the first request from the Greenwood Tennis Club for the senior portion of fees, as they have become ineligible for any subsidisation of hire fees under the *Facility Hire Subsidy Policy* as less than 50% of the Club's members reside in the City of Joondalup.

It is also to be noted at the meeting held on 16 February 2021 (CJ015- 02/21 refers), Council agreed, in part to:

"1 waive 50% of the fees for Greenwood Tennis Club (Juniors) for their use of the Warwick Open Space Tennis Courts in 2021 (to the maximum value of \$2,988);"

It is noted that Greenwood Tennis Club is based in the south-eastern corner of the City, with very few clubs servicing the area to the east and south of the Club's location. Therefore, it can be expected that the Club will attract participants from the neighbouring local governments. Similarly, the Club is surrounded to the west by Sorrento Tennis Club and to the north by the Kingsley Tennis Club, both of which compete for members from the Greenwood Tennis Club catchment area within the City of Joondalup.

In addition, the hire of tennis courts is different to the hire of a park in that a typical sporting club can have more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a tennis club is comparatively higher than other clubs whose activity is conducted on a park. It should be noted that the Greenwood Tennis Club has reviewed and reduced its booked hours each year since 2016-17.

As the Club does not meet the eligibility as listed in the *Facility Hire Subsidy Policy*, it is not recommended that Council approve the request from the Greenwood Tennis Club to waive 50% of the club's hire fees for its 2021 senior bookings.

| Total booking cost (Seniors) | Current | | Requested | | Recommended | |
|------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | Subsidy value | Group payment | Subsidy value | Group payment | Subsidy value | Group payment |
| \$3,310.20 | \$0 | \$3,310.16 | \$1,655.10 | \$1,655.10 | \$0 | \$3,310.16 |

Issues and Options Considered

Council may agree or not agree to the request for additional subsidy of fees.

Legislation / Strategic Community Plan / Policy Implications

Legislation

Section 6. 2 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 Implications | <i>Facility Hire Subsidy Policy.</i> |

Risk Management Considerations

The following risks may arise pending the consideration of the request for 50% subsidy of fees:

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

Financial / Budget Implications

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

If Council approves the request for a 50% waiver of fees requested by Greenwood Tennis Club (Seniors), the City will lose approximately \$1,655 in income for 2021 annual bookings. In 2021 Council has so far approved approximately \$73,243 of additional subsidies and waiver of fees for bookings. A summary of those 2021 additional subsidies and waiver of fees has been provided below:

| Group | Request type | Amount approved |
|--|---------------------|-----------------|
| Grandparents Rearing Grandchildren | Waiver of hire fees | \$40,207.36 |
| Greenwood Tennis Club (Juniors) | Waiver of hire fees | \$2,988 |
| Kingsley Senior Group | Additional subsidy | \$5,877.89 |
| University of the Third Age (UWA) Inc – Joondalup Region | Waiver of hire fees | \$8,015 |
| Whitford Senior Citizens Club | Additional subsidy | \$16,154.88 |

All amounts quoted in this report are exclusive of GST.

Regional Significance

Not applicable.

Sustainability Implications

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

Consultation

Not applicable.

COMMENT

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

It should be noted that Council has agreed to the refurbishment of the Greenwood Tennis Club kitchen and toilets with the intended scope of works totalling approximately \$350,000 in the 2021-22 capital budget.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Thompson that Council:

- 1 DOES NOT AGREE to the Petition request to waive 50% of the hire fees for Greenwood Tennis Club (Seniors) for the use of Warwick open space tennis courts in 2021;
- 2 ADVISES the lead petitioner of its decision.

The Motion was Put and

LOST (2/10)

In favour of the Motion: Crs Hollywood and McLean.

Against the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Logan, May, Poliwka, Raftis, Taylor and Thompson.

MOVED Cr Fishwick, SECONDED Cr Thompson that Council:

- 1 AGREES to support the Petition request to waive 50% of the hire fees for Greenwood Tennis Club (Seniors) for the use of Warwick open space tennis courts in 2021 and gives the Greenwood Tennis Club a subsidy of \$1,655.10;**
- 2 ADVISES the lead petitioner of its decision.**

The Motion was Put and**CARRIED (10/2)**

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

Against the Motion: Crs Hollywood and McLean.

Reason for departure from Officer's Recommendation

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because the support to the Greenwood Tennis Club will assist its financial sustainability and enable it to continue to provide sport and recreation for its senior members.

CJ121-08/21 ACTIVE RESERVE AND COMMUNITY FACILITY REVIEW

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBERS | 69612, 101515, 13010 |
| ATTACHMENT | Attachment 1 Active Reserve and Community Facility Review (2020) – report of findings |
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |

PURPOSE

For Council to consider the 2020 Active Reserve and Community Facility Review report and the recommendations made on the future provision of community and sporting facilities and infrastructure across the City of Joondalup.

EXECUTIVE SUMMARY

The City undertakes a review of active reserves and community facilities approximately every three years. Reviews were undertaken in 2011, 2014 and 2017 outlining detailed information and recommendations regarding the City's active reserves and community facilities. The recommendations aim to provide a strategic approach to the future provision of community and sporting facilities and infrastructure across the City of Joondalup.

The 2020 report has made recommendations to improve the infrastructure provision at active reserves to meet the increasing demand for parks and improve the distribution of sporting club usage. Each recommendation has been given a priority based on the trends in growth of individual sports; facilities within the catchment area of the different sporting clubs; distribution and allocation of grounds; surrounding reserve infrastructure; and current utilisation rates.

A number of the City's community facilities have been identified as requiring refurbishment works to improve the functionality and aesthetics. If refurbishment works are not undertaken, functionality will be limited and facilities will continue to age making them potentially non-compliant and unsuitable for use due to the functionality issues that may manifest over time. For community facilities, the recommendations are separated into facility refurbishment projects and facility redevelopment projects.

It is intended that the projects listed in the report will be considered (in priority order) as part of the *Capital Works Program* (CWP) budget process in conjunction with the City's overall project and financial priorities. The priority order may be reviewed annually as part of the CWP budget process to ensure factors have not changed that would impact the priority of the projects.

It is proposed that following feedback from the Executive Leadership Team, the report be presented to Council for noting the strategic approach to the future provision of community and sporting facilities and infrastructure.

It is therefore recommended that Council NOTES:

- 1 *The 2020 Active Reserve and Community Facility Review report and the recommendations made on the future provision of community and sporting facilities, and infrastructure;*
- 2 *That the recommended priority for future project works as detailed in Report CJ121-08/21, will be used in the development of the City's future Capital Works Program and Strategic Financial Plan.*

BACKGROUND

The City undertakes a review of active reserves and community facilities approximately every three years. Reviews were undertaken in 2011, 2014 and 2017 outlining detailed information and recommendations regarding the City's active reserves and community facilities. Over the past 13 years, the City has completed 32 facility refurbishment projects, nine facility redevelopment projects and 20 sports floodlighting upgrade projects.

The review aims to achieve the following outcomes:

- Review the existing facility hierarchy and standard level of provision for the City's community facilities.
- Collate the City's annual seasonal community facilities and active reserves bookings.
- Compare the sporting club membership data and state sporting association membership data.
- Review existing infrastructure on active reserves to identify new / upgraded infrastructure that may assist in increasing utilisation.
- Review the Active Reserve Utilisation report of findings.
- Apply a building priority matrix to identified community facility projects.
- Undertake a functionality audit on community facilities (including hire group requests) to identify facility improvements that may assist in increasing utilisation.
- Assess the increase in female membership numbers and determine which active reserves require unisex change rooms.

Since 2009, the City has applied a masterplan framework for guiding the process and principles when undertaking a refurbishment or redevelopment project. As part of the 2020 review, further minor amendments have been made to the process to align with current City project management practices.

DETAILS

The review has considered current and future population data in the City of Joondalup and demographic and sporting trends. Information on the City's active reserves and community facilities has also been collected and reviewed against the City's community facility hierarchy and standard level of provision. Usage of facilities has been considered and workshops have been held with internal stakeholders to develop the recommendations for future works.

The report collates all of this data and is separated into two main sections, active reserves and community facilities, and proposes a priority order for future projects (Attachment 1 refers).

Active Reserves

The City has 51 active reserves with 63 active playing fields with varying demand based on the level of infrastructure provided on them. As the popularity of individual sports and club membership numbers vary, so does the demand for active reserves with adequate infrastructure.

As the City has limited ability to create additional reserves on new land (as it is effectively “built out”), it is important to implement a strategic approach to the ongoing management of existing reserves and provision of infrastructure. Usage of an active reserve is impacted by a number of factors including size, location and the level of infrastructure provided.

The recommendations aim to meet the increasing demand for active reserves with adequate infrastructure and improve the distribution of sporting clubs usage. Each recommendation was determined by taking into consideration park classification; relevant Australian Standard (floodlighting); utilisation; user groups; and project outcomes. Toilet / change rooms were also assessed on their suitability to cater for female sport (unisex change rooms).

Sports floodlighting

The City aims to provide adequate floodlighting on active reserves that meets the *Australian Standard for football (all codes) (AS2560.2.3)* and the *control of obtrusive effects of outdoor lighting (AS4282)*. Adequate floodlighting allows clubs to utilise more of the playing surface of a reserve during training. It also helps to reduce wear and tear issues and safety issues arising from lack of visibility and can allow night competition games to be played when lighting is provided to that level.

Based on the review, the following is the top five reserves that have been identified in priority order for an upgrade in floodlighting. The priority table does not include any projects that the City have commenced planning stages. For example, projects listed in 2021-22 and 2022-23 of the CWP as these will continue as planned.

| Priority | Active reserve |
|----------|-----------------------------------|
| 1 | Forrest Park, Padbury |
| 2 | Santiago Park, Ocean Reef |
| 3 | Caledonia Park, Currambine |
| 4 | Callander Park, Kinross |
| 5 | James Cook Park (south), Hillarys |

Sports infrastructure

Most sports that utilise active reserves require standard supporting infrastructure that the City provides, for example goal posts and cricket nets / wickets. The top five priorities for replacement or installation of new sports infrastructure has been identified in the following table.

| Priority | Active reserve | Infrastructure type |
|----------|---------------------------------|----------------------------|
| 1 | MacDonald Park (north), Padbury | Four cricket practice nets |
| 2 | Callander Park, Kinross | Centre cricket wicket |
| 3 | Falkland Park, Kinross | Four cricket practice nets |
| 4 | Mirror Park, Ocean Reef | Four cricket practice nets |
| 5 | Warrigal Park, Greenwood | Four cricket practice nets |

Toilet / change rooms

Across the City there are a number of toilet / change rooms that support both active and passive park users. These facilities typically include a small space for changing, showers, toilets, kiosk, and may also incorporate storage. The following table is the top five priority projects for refurbishment or redevelopment of new toilet / change room facilities based on the review.

| Priority | Active reserve | Infrastructure type | Type of works |
|-----------------|-----------------------------------|--|----------------------|
| 1 | Chichester Park (north), Woodvale | Toilets / storage | New |
| 2 | Prince Regent Park, Heathridge | Toilets / unisex change rooms / kiosk / storage / umpire change room | Upgrade |
| 3 | Moolanda Park, Kingsley | Toilets / unisex change rooms / kiosk / storage / umpire change room | Upgrade |
| 4 | Caledonia Park, Currambine | Toilets / unisex change rooms / kiosk / storage / umpire change room | Upgrade |
| 5 | Santiago Park, Ocean Reef | Toilets / unisex change rooms / kiosk / storage / umpire change room | Upgrade |

Car Parking

When parking issues at an active reserve are identified, they will be investigated and considered as part of the annual CWP to align with other scheduled works at a particular site.

Community Facilities

The City has 33 community facilities that can be hired on a regular or casual basis and a number of community facilities that are leased to organised groups. These facilities are located across the City and vary in size and function. They support and assist to facilitate a wide range of uses including community and sporting group meetings, formal activities and social functions.

The City classifies community facilities into five categories: toilet / change rooms; small sporting facilities; small community facilities; large sporting facilities and large community facilities. These categories align with the City's existing strategies, plans and frameworks. The City has also developed a standard of provision and fit-out specification for each classification.

Facility redevelopment and refurbishment projects aim to improve the functionality and aesthetics of a facility in a way that balances the evolving requirements of sport, recreation and community activities with compliance needs and the overall affordability of service delivery and capital expenditure. As a general guideline, community facilities have an asset life of 100 years with refurbishment required after 25 years. Projects have been identified for future works based on elements such as existing and potential future usage; age of the facility; results of a functionality audit and building priority matrix review; and levels of provision as determined in the community facility hierarchy.

Refurbishment projects typically include repainting; new floor coverings; small storeroom extensions; updating kitchens and / or toilet areas; improvements to heating and cooling systems; and upgrading security. Redevelopment projects are considered larger in nature and generally involve major structural changes to a facility or demolition and construction of a new facility.

Facility refurbishment projects

The following is a summary of the top five recommended priorities for facility refurbishment projects based on the review. The recommended priority order of the projects will be reviewed annually to ensure factors have not changed that would impact the order of the projects. The priority table does not include projects that have already commenced the planning stages for example projects listed in 2021-22 and 2022-23 of the CWP as these will continue as planned.

| Priority | Facility |
|----------|--|
| 1 | Percy Doyle Football / Teeball Clubroom, Duncraig |
| 2 | Mullaloo Surf Life Saving Club toilet / change rooms, Mullaloo |
| 3 | Connolly Community Centre, Connolly |
| 4 | Beaumaris Community Centre, Ocean Reef |
| 5 | MacNaughton Park Clubroom, Kinross |

Facility redevelopment projects

Given the scale and cost of facility developments, careful consideration must be made when identifying future projects. Facility redevelopments may also take into consideration the surrounding landscaping and sporting infrastructure if located on an active reserve.

The Calectasia Hall / Greenwood Scout and Guide Hall project is the City's next priority for a facility redevelopment project as identified in the last three reviews. A redevelopment of these facilities is driven by the age and condition of the facilities, and various issues such as size and layout of the internal rooms; poor security; size and conditions of the toilets; and outdated exterior.

Issues and Options Considered

Not applicable.

Legislation / Strategic Community Plan / Policy Implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative

- Support a long-term approach to significant facility upgrades and improvements.
- Understand the demographic context of local communities to support effective facility planning.
- Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

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

Risk Management Considerations

Not applicable.

Financial / Budget Implications

The report (Attachment 1 refers) outlines the possible site infrastructure improvements, facility refurbishment and redevelopment projects. If projects are implemented, it will result in an upgrade / new assets and will have a detrimental impact on the operating results.

It is estimated that the annual operating impacts if all projects are implemented would be between \$150,000 and \$250,000 per year. The following estimates are indicative only and will be further refined as each project is evaluated in more detail. The estimates are based on:

- Indicative capital costs.
- Estimated split of the capital between renewal (no additional cost) and upgrade / new (new cost).
- Depreciation – new depreciation expense.
- New operating cash expenses.

The City currently has a \$9.2 million operating deficit and if the recommendations are implemented it will make it more difficult for the City to achieve a balanced operating position, which it intends to do by 2024-25.

Regional Significance

Not applicable.

Sustainability Implications

Environmental

Projects will consider and minimise impact to existing flora and fauna in the area. Infrastructure and facilities would be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features where possible.

Social

Projects would typically include community consultation with residents and / or current user groups to ensure that feedback received represents the diverse needs of the City's community. Any developments would consider access and inclusion principles and would aim to enhance the amenity of the public space.

Economic

One of the main principles of the City's masterplan process is the development of 'shared' and 'multi-purpose' facilities to avoid their duplication, and to reduce the ongoing maintenance and future capital expenditure requirements.

Consultation

Community consultation with residents and / or current user groups would be undertaken on projects to ensure that feedback received represents the diverse needs of the City's community. Consultation is completed in accordance with the City's *Community Consultation Policy* and Protocol.

COMMENT

It is important for the City to have a strategic approach to the provision of infrastructure on active reserves and community facilities to ensure that user groups and the wider community are provided with facilities that are multi-purpose, accessible, sustainable and of a good quality.

The report has made recommendations to improve the infrastructure provision at active reserves to meet the increasing demand for parks and improve the distribution of sporting club usage. Each recommendation has been given a priority based on the trends in growth of individual sports; facilities within the catchment area of the different sporting clubs; distribution and allocation of grounds; surrounding reserve infrastructure; and current utilisation rates.

The *Parks and Public Open Spaces Classification Framework* (PPOSCF) is currently under review and is due to be presented to Council in late 2021. The recommendations in this report are based on the needs analysis undertaken for the project. Therefore, it is not anticipated that any changes made to the PPOSCF would significantly impact the priority recommendation order.

A number of the City's community facilities have been identified as requiring improvement works. Without improvement works, facilities will continue to age making them potentially non-compliant and unsuitable for use due to the functionality issues that may manifest over time. For community facilities, the recommendations are separated into facility refurbishment projects and facility redevelopment projects. These projects aim to improve the functionality and aesthetics of a facility.

At its meeting held on 15 June 2021 (CJ087-06/21 refers), Council adopted the *Cultural Plan 2021-25* (the plan). The plan provides strategic direction for the City of Joondalup's activities for the period 2021-25, ensuring investment is directed towards the programming and infrastructure which is most valued by the community. As part of implementing the plan, the City will consider ways in which it can cater for arts and cultural groups in community facilities.

Over the past 13 years, the City has completed 32 facility refurbishment projects, nine facility redevelopment projects and 20 sports floodlighting upgrade projects. It is intended that the projects listed in the report will be considered (in priority order) as part of the CWP budget process in conjunction with the City's overall project and financial priorities. The priority order may be reviewed annually as part of the CWP budget process to ensure factors have not changed that would impact the priority of the projects.

It is proposed that following feedback from the Executive Leadership Team, the report be presented to Council for noting the strategic approach to the future provision of community and sporting facilities and infrastructure.

VOTING REQUIREMENT

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr May that Council NOTES:

- 1** The 2020 Active Reserve and Community Facility Review report and the recommendations made on the future provision of community and sporting facilities, and infrastructure;
- 2** That the recommended priority for future project works as detailed in Report CJ121-08/21, will be used in the development of the City's future *Capital Works Program* and *Strategic Financial Plan*.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf210810.pdf](#)

Disclosure of interest affecting Impartiality

| | |
|---------------------------|---|
| Name / Position | Cr John Logan. |
| Item No. / Subject | CJ122-08/21 - Community Sporting and Recreation Facilities Fund Small Grant Application - Proposed Cricket Practice Nets at Barridale Park, Kingsley. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Members of the Kingsley Woodvale Junior Cricket Club are known to Cr Logan. |

CJ122-08/21 COMMUNITY SPORTING AND RECREATION FACILITIES FUND SMALL GRANT APPLICATION - PROPOSED CRICKET PRACTICE NETS AT BARRIDALE PARK, KINGSLEY

| | |
|-------------------------------|---|
| WARD | South-East |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBERS | 22209, 02126, 101515 |
| ATTACHMENTS | Attachment 1 Barridale Park aerial map Attachment 2 Consultation report |
| 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 from Kingsley Woodvale Junior Cricket Club for grant funding for the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund 2021-22 small grant summer round to install two additional cricket practice nets at Barridale Park, Kingsley.

EXECUTIVE SUMMARY

The Community Sporting and Recreation Facilities Fund (CSRFF) program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality, multipurpose, well designed and well utilised facilities. The State Government allocates \$12 million per year for CSRFF grants in three categories over the 2021-2022 funding period.

The City received one application for the CSRFF small grant summer round for 2021-22. The application from the Kingsley Woodvale Junior Cricket Club (the club) is to install two additional cricket practice nets at Barridale Park, Kingsley. The club is committed to grow female participation in cricket and the additional two cricket practice nets will allow the club to locate the female teams at the one park for training.

The project has been estimated at \$73,470 (excluding GST) with a third contribution of \$24,490 proposed from the City, CSRFF and the club.

Community consultation was conducted from Tuesday 1 June to Monday 21 June 2021 in accordance with the City's *Community Consultation and Engagement Policy* and Protocol. Targeted consultation was undertaken with residents living within 200 metres of Barridale Park and user groups of the park. The City received 51 completed comment forms during the consultation period. Respondents were asked to indicate the level of support for the installation of two additional cricket practice nets, with 90.2% of respondents either strongly supported or supported the project.

It is therefore recommended that Council:

- 1 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$73,470 (excluding GST) to fund the additional cricket infrastructure at Barridale Park, Kingsley;*
- 2 *NOTES that the announcement of Community Sporting and Recreation Facilities Fund application results is expected in November 2021;*
- 3 *NOTES there are no funds for the project listed within the Five-Year Capital Works Program;*
- 4 *LISTS FOR CONSIDERATION in the 2021-22 mid-year budget review process \$73,470 (excluding GST) for the additional cricket infrastructure at Barridale Park, Kingsley, with funding being received of \$24,490 (excluding GST) from Community Sporting and Recreation Facilities Fund and \$24,490 (excluding GST) from the Kingsley Woodvale Junior Cricket Club Incorporated.*

BACKGROUND

| | | |
|------------------------|------------|---|
| Suburb/Location | | Barridale Park - 45 Barridale Drive Kingsley WA 6027. |
| Applicant | | City of Joondalup. |
| Owner | | Crown Land – City of Joondalup Management Order. |
| Zoning | LPS | Public Open Space. |
| | MRS | Urban. |
| Site area | | 42,061m ² . |
| Structure plan | | Not applicable. |

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

The State Government allocates \$12 million per year for CSRFF grants in three categories over the 2021-2022 funding period. The small grants are offered on a bi-annual basis for projects that have a total value of between \$7,500 and \$300,000. Clubs within the City of Joondalup had an opportunity to submit an expression of interest in February 2021 for the CSRFF program. The DLGSCI places a strong emphasis on a planned approach towards CSRFF applications.

Barridale Park is located on Barridale Drive, Kingsley. The reserve is approximately 4.21 hectares in size and is classified as a 'Local Sports Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The park has an active sporting field; two sports floodlighting poles; centre cricket wicket; two cricket practice nets; playground; BBQ; three on three basketball pad; outdoor fitness equipment and a toilet change room facility.

The park is currently used in summer by the Kingsley Woodvale Junior Cricket Club (382 members) and Kingsley Woodvale Senior Cricket Club (65 members) and during winter by the Kingsley Junior Football Club (713 members).

DETAILS

The City received one application for the CSRFF small grant summer round for 2021-22. The application from the Kingsley Woodvale Junior Cricket Club is to install two additional cricket practice nets at Barridale Park, Kingsley (Attachment 1 refers). The existing two cricket practice nets will also be refurbished to form four lane nets.

The proposed works include the following:

- Installation of an additional two-lane practice net, including retaining wall along the eastern side of the existing practice nets.
- Refurbishment of the existing two-lane practice nets.
- Installation of power access for bowling machine.
- Irrigation realignment.
- Tree removal, planting of suitable replacement trees and returfing.

The project has been estimated at \$73,470 (excluding GST) with a third contribution of \$24,490 proposed from the City, CSRFF and the club. The club received a 2021 State election commitment of \$30,000 to cover its contribution to the project.

The park is currently utilised by the Kingsley Woodvale Junior Cricket Club for training Monday to Friday and games on Saturday and Sunday during the summer season. The club is committed to grow female participation in cricket. The additional two cricket practice nets will allow the club to locate its female teams at the one park for training twice a week. Currently the female teams train at different times once a week due to availability of nets allocated to the club to cater for the increasing number of teams.

The club currently also trains in nets at Kingsley Park, Moolanda Park and Chichester Park (north). Chichester Park (north) was considered for the project; however Barridale Park was chosen because of the availability of toilets at the park. Kingsley Park was not considered due to the high utilisation by the senior club and junior boys for training, leaving limited training times available for the female teams. Moolanda Park was not considered because the senior club in the future may propose to change the centre wicket to a turf wicket and install two turf practice nets.

Issues and Options Considered

It is considered the Council has two options, to either agree or not to agree to progress the application to the DLGSCI for funding through the CRSFF. The announcement of successful grants is due in November 2021. If successful, the City will undertake detailed design and construction in 2021-22. If Council chooses not to part fund the project, the club would need to fully fund the project.

Legislation / Strategic Community Plan / Policy Implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk Management Considerations

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

Financial / Budget ImplicationsCapital costs and funding

The capital costs for the two additional nets and associated costs are estimated to be \$73,470. An assessment of eligible CSRFF funding has been prepared and an application for \$24,490 will be made. The club will contribute \$24,490. Therefore the net City contribution is \$24,490.

Capital Replacement

Although the initial City contribution of \$24,490 is only one third of the initial cost, the City would be responsible for all of the future replacement costs. It is estimated that the infrastructure has a 20-year life. Therefore, a cost of \$3,673 per year for depreciation and future capital replacement would be required by the City.

Annual Operating Income

There is not expected to be any change to the income received by the City.

Annual Operating Cost Including Depreciation

The operating costs may increase by \$2,204 per year for maintenance and cleaning. Combined with the depreciation per year of \$3,673, the total impact on the operating results is a cost of \$5,877 per year.

Strategic Financial Plan (SFP) Impact

The project is not included in the *Five-Year Capital Works Program* or the *Strategic Financial Plan* (SFP). The total 20-year impact in cash terms of adding the project to the SFP is a cost of approximately \$100,000.

Comment / Operating Deficit and Five-Year Capital Works Program

The proposed additional cricket nets are classed as new infrastructure. This makes it challenging for the City to address the operating deficit because they increase depreciation, increase operating costs and are not matched by increases in income.

All amounts quoted in this report are exclusive of GST.

Regional Significance

Not applicable.

Sustainability Implications

Environmental

To accommodate the additional two cricket practice nets, an evaluation identified that two small trees would require removal (Attachment 1 refers). To compensate for the loss of the two trees, up to six new trees are proposed to be planted on the site.

Social

Not applicable.

Economic

Not applicable.

Consultation

Community consultation was conducted from Tuesday 1 June to Monday 21 June 2021 in accordance with the City's *Community Consultation and Engagement Policy* and Protocol. Targeted consultation was undertaken with residents living within 200 metres of Barridale Park and user groups of the park. In addition, consultation documentation was available on the City's website for any other interested community members to make comment.

The consultation was advertised through the following methods:

- Direct mail out – cover letter and frequently asked questions sheet was sent to the identified stakeholders.
- Email to Community Engagement Network members residing in Kingsley linking them to the City's community consultation page on the City's website.
- Site signage – two signs were placed at the park during the consultation.
- City's website – frequently asked questions sheet and online comment form were available on the City's website during the consultation period.
- Item published in the Joondalup Voice.
- Item published in the Clubs in-focus eNewsletter.
- E-screen displays located at the City's customer service centres, libraries and Craigie Leisure Centre.
- Facebook and Twitter posts.

The aim of the community consultation was to determine the level of support for the installation of two additional cricket practice nets at the park. The City received 51 comment forms during the consultation period (Attachment 2 refers). Respondents were asked to indicate the level of support for the installation of two additional cricket practice nets, with 90.2% (46) of respondents either strongly supported or supported the project. One person strongly opposed the project and four opposed the project.

In addition, respondents were asked if they had any additional comments regarding the proposed project. Feedback was received from 41 respondents and the following common themes were identified:

- General support for the proposal (23).
- View that upgraded / new cricket nets are much needed / overdue (four).
- View that the works will be positive for local children / sporting teams / residents (five).
- Request for alternative / additional infrastructure at the park (four).
- Concern about the removal of trees (five).

COMMENT

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

The Kingsley Woodvale Junior Cricket Club is committed to grow female participation in cricket. The additional two cricket practice nets will allow the club to locate the female teams at the one park for training twice a week. Currently the female teams train at different times once a week due to availability of nets allocated to the club to cater for the increasing number of teams.

VOTING REQUIREMENTS

Simple Majority.

Cr Thompson left the Chamber at 1.51pm and returned at 1.59pm.

The Manager Governance left the Chamber at 2.01pm and returned at 2.02pm.

MOVED Cr Logan, SECONDED Cr Chester that Council:

- 1 ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$73,470 (excluding GST) to fund the additional cricket infrastructure at Barridale Park, Kingsley;**
- 2 NOTES that the announcement of Community Sporting and Recreation Facilities Fund application results is expected in November 2021;**
- 3 NOTES there are no funds for the project listed within the *Five Year Capital Works Program*;**
- 4 LISTS FOR CONSIDERATION in the 2021-22 mid-year budget review process \$73,470 (excluding GST) for the additional cricket infrastructure at Barridale Park, Kingsley, with funding being received of \$24,490 (excluding GST) from Community Sporting and Recreation Facilities Fund and \$24,490 (excluding GST) from the Kingsley Woodvale Junior Cricket Club Incorporated.**

The Motion was Put and

CARRIED (12/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf210810.pdf](#)

- Solution 4 Building Pty Ltd.
- Geared Construction Pty Ltd.
- The Trustee for M R Hoskins Family Trust (A E Hoskins Building Services).
- Vidal Consultants Pty Ltd.

The submission from Hickey Constructions Pty Ltd represents best value to the City. The company has extensive experience completing community facility refurbishment projects for WA local governments. It has in the past successfully completed numerous similar projects for the City and is currently undertaking the Warwick Bowling Club extension and refurbishment of existing facility. It demonstrated a sound understanding of the City's requirements. Hickey Constructions Pty Ltd is well established with significant industry experience and proven capacity to complete the works for the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the extension and refurbishment of the Emerald Park Clubrooms as specified in Tender 005/21 for the fixed lump sum of \$910,167 (excluding GST) for completion of works within eight months from commencement of contract.

BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake works for the extension and refurbishment of the Emerald Park Clubrooms at 45 Emerald Way, Edgewater. The works shall include, but not be limited to the following:

- Demolition as per documentation.
- Construction of new changerooms.
- Construction of new toilets.
- Construction of Park UAT.
- Relocation of switchboard.
- Construction of new kitchen.
- New vinyl in main hall.
- New paint finish.
- New LED lights.
- Power upgrade.
- A/C upgrade.
- New outside painting.

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 extension and refurbishment of the Emerald Park Clubrooms was advertised through state-wide public notice on 5 June 2021. The tender period was for two weeks and tenders closed on 23 June 2021.

Tender Submissions

A submission was received from each of the following:

- Hickey Constructions Pty Ltd.
- LKS Constructions (WA) Pty Ltd.

- Solution 4 Building Pty Ltd.
- Geared Construction Pty Ltd.
- The Trustee for M R Hoskins Family Trust (A E Hoskins Building Services).
- Vidal Consultants Pty Ltd.

The schedule of items listed in the tender is provided in Attachment 1 to Report CJ123-08/21.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2 to Report CJ123-08/21.

A confidential tender summary is provided in Attachment 3 to Report CJ123-08/21.

Evaluation Panel

The evaluation panel comprised three members, being:

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

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

Evaluation Method and Weighting

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

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

The Emerald Park Clubrooms Refurbishment Project involves significant works to an existing facility that is likely to present multiple challenges throughout the construction process. As such it is essential to seek a highly qualified contractor that is able to deal with these unexpected challenges professionally. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Hickey Constructions Pty Ltd.
- LKS Constructions (WA) Pty Ltd.
- Solution 4 Building Pty Ltd.
- Geared Construction Pty Ltd.

The following offers received were assessed as partially compliant:

- A E Hoskins Building Services.
- Vidal Consultants Pty Ltd.

A E Hoskins Building Services made critical assumptions that incorrectly assumed the provisional sum for inground services (under trade breakdown scheduled Item 19) is for the running of cabling, pit for the power upgrade and all associated works and excluded these works from electrical services specified (trade breakdown scheduled Item 12), which impacts the price submitted.

Vidal Consultants Pty Ltd made critical assumptions that excluded the specified hydraulic works and headworks fees which are not in accordance with the City's specified requirements.

These submissions were included for further assessment on the basis that clarifications could be sought from A E Hoskins Building Services and Vidal Consultants Pty Ltd, if shortlisted for consideration.

Qualitative Assessment

Vidal Consultants Pty Ltd scored 19.4% and was ranked sixth in the qualitative assessment. The company did not fully demonstrate the capacity or experience required to carry out the works for the City. Its submission did not include the company's structure of business. The number of full time employees was not stated. It did not address after hours contacts for emergency requirements or the ability to provide additional personnel. It listed three projects as examples of works and these were for RBIDZ Entrance Gate construction and installation works for uMhlatuze Municipal Council in South Africa and two house extension projects for private clients in WA. It did not fully demonstrate its understanding of the City's requirements. It proposed method of construction though limited information was provided on its approach in carrying out the required tasks to complete the works.

A E Hoskins Building Services scored 57.3% and was ranked fifth in the qualitative assessment. It demonstrated experience completing community facility refurbishment projects for local governments in WA including the Cities of Stirling and Canning. It has sufficient capacity to undertake the works. It did not fully demonstrate its understanding of the required tasks. Its critical assumptions incorrectly assumed the provisional sum for inground services is for the running of cabling, pit for the power upgrade and all associated works and excluded these works from electrical services specified which has an impact on price and excludes necessary works.

Geared Construction Pty Ltd scored 59.8% and was ranked fourth in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has experience completing clubrooms refurbishment and leisure centre amenities upgrade for WA local governments including the Cities of Stirling and Wanneroo. It is noted some of these were smaller scale projects to the City's requirements. It did not fully demonstrate the capacity required to undertake the works. After hours contacts for emergency requirements and the ability to provide additional personnel were not addressed.

Solution 4 Building Pty Ltd scored 63.5% and was ranked third in the qualitative assessment. The company demonstrated the capacity and experience required to carry out the works. It has in the past completed community facility construction and refurbishment projects for various government agencies in WA including Venues West and the Cities of Bayswater, Wanneroo and Kalamunda. It demonstrated its understanding of the required tasks though it is noted the company referenced site access through Canning Highway (drawing relates to Emerald Way).

LKS Constructions (WA) Pty Ltd scored 75.1% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has extensive experience completing construction and refurbishment projects at community facilities for various local governments in WA including the Cities of Rockingham, Stirling, Canning and Wanneroo. It has the capacity and experience required to carry out the works.

Hickey Constructions Pty Ltd scored 79.4% and was ranked first in the qualitative assessment. The company has extensive experience completing community facility refurbishment projects for WA local governments. It has in the past successfully completed numerous similar projects for the City and is currently undertaking the Warwick Bowling Club extension and refurbishment of existing facility. It demonstrated a sound understanding of the City's requirements. Hickey Constructions Pty Ltd is well established with significant industry experience and proven capacity to complete the works for the City.

Given the minimum acceptable qualitative score of 60%, Hickey Constructions Pty Ltd, LKS Constructions (WA) Pty Ltd and Solution 4 Building Pty Ltd qualified for stage two of the assessment.

Price Assessment

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

| Tenderer | Fixed Lump Sum (Exclusive of GST) |
|--------------------------------|-----------------------------------|
| Hickey Constructions Pty Ltd | \$910,167 |
| Solution 4 Building Pty Ltd | \$924,622 |
| LKS Constructions (WA) Pty Ltd | \$1,018,880 |

Evaluation Summary

| Tenderer | Weighted Percentage Score | Qualitative Ranking | Lump Sum Price | Price Ranking |
|--------------------------------|---------------------------|---------------------|----------------|---------------|
| Hickey Constructions Pty Ltd | 79.4% | 1 | \$910,167 | 1 |
| Solution 4 Building Pty Ltd | 63.5% | 3 | \$924,622 | 2 |
| LKS Constructions (WA) Pty Ltd | 75.1% | 2 | \$1,018,880 | 3 |

Based on the evaluation result the panel concluded that the tender 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 extension and refurbishment of the Emerald Park Clubrooms. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy Implications

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

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk Management Considerations

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

It is considered that the contract will represent a low risk to the City as the recommended tenderer is well established with significant industry experience and proven capacity to complete the works for the City.

Financial / Budget Implications

| | |
|-----------------------------|--|
| Account no. | CW004353. |
| Budget Item | Extension and refurbishment of the Emerald Park Clubrooms. |
| Budget amount | \$ 740,000 |
| Amount spent to date | \$ 88 |
| Committed | \$ 0 |
| Proposed cost | \$ 910,167 |
| Balance | \$(170,255) |

The tender exceeds the budget amount of \$740,000. However, the project also includes \$53,000 in provisional sums that may not be fully expended and there is surplus funding available that has been identified to be carried forward from the *2020-21 Capital Works Program* that would sufficiently cover the funding gap. The appropriate budget amendments will be reflected in the 2021-22 Mid-Year Budget Review.

All amounts quoted in this report are exclusive of GST.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

As the facility is fully leased, consultation was undertaken directly with the Emerald Park Clubrooms User Groups to finalise the design throughout October 2018 to April 2019.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

The Manager Governance left the Chamber at 2.04pm and returned at 2.05pm.

Cr Chester left the Chamber at 2.05pm.

MOVED Cr Taylor, SECONDED Cr McLean that Council ACCEPTS the tender submitted by Hickey Constructions Pty Ltd for the extension and refurbishment of the Emerald Park Clubrooms as specified in Tender 005/21 for the fixed lump sum of \$910,167 (excluding GST) for completion of works within eight months from commencement of contract.

The Motion was Put and

CARRIED (11/0)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf210810.pdf](#)

CJ124-08/21 TENDER 013/21 - PROVISION OF IRRIGATION ELECTRICAL SERVICES

| | |
|-------------------------------|--|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBERS | 109547, 101515 |
| ATTACHMENTS | Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions Attachment 3 Confidential Tender Summary <i>(Please Note: Attachment 3 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 Triton Electrical Contractors Pty Ltd for the provision of irrigation electrical services.

EXECUTIVE SUMMARY

Tenders were advertised on 5 June 2021 through state-wide public notice inclusive of publishing via Tenderlink for the provision of irrigation electrical services. Tenders closed on 23 June 2021. A submission was received from Triton Electrical Contractors Pty Ltd.

The submission from Triton Electrical Contractors Pty Ltd represents best value to the City. The company demonstrated extensive experience in providing similar services to local governments including the cities of Wanneroo, Melville and Belmont. It demonstrated a thorough understanding of the City's requirements and demonstrated sufficient capacity to undertake the services for the City. Triton Electrical Contractors Pty Ltd has provided irrigation electrical services to the City since 2009, currently providing these services to the City under Contract 024/18.

It is therefore recommended that Council ACCEPTS the tender submitted by Triton Electrical Contractors Pty Ltd for the provision of irrigation electrical services as specified in Tender 013/21 for a period of three years, with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for a contractor to provide irrigation electrical services including supply, installation, inspection, maintenance, repair and modification of irrigation electrical cubicles, control switchboards and cabling services.

The City upgrades multiple irrigation systems each year with some requiring the installation of new pumps, cubicles, cabling and electrical equipment. There are approximately 319 irrigated parks with irrigation cubicles through-out the City which may require repair work or modification over the contract period.

The City has a single contract for the provision of irrigation electrical services with Triton Electrical Contractors Pty Ltd which will expire on 21 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, respondents' experience and performance history, productive use of City resources and other environmental or local economic factors.

DETAILS

The tender for the provision of irrigation electrical services was advertised through state-wide public notice inclusive of publishing via Tenderlink on 5 June 2021. The tender period was for two weeks and tenders closed on 23 June 2021.

Tender Submissions

A submission was received from Triton Electrical Contractors Pty Ltd.

The schedule of items as listed in tender is provided in Attachment 1 to Report CJ124-08/21.

A summary of tender submissions including the location the tenderer is provided in Attachment 2 to Report CJ124-08/21.

A confidential tender summary is provided in Attachment 3 to Report CJ124-08/21.

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

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

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

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

| Qualitative Criteria | | Weighting |
|----------------------|---|-----------|
| 1 | Capacity | 35% |
| 2 | Demonstrated experience in providing similar services | 30% |
| 3 | Demonstrated understanding of the required tasks | 30% |
| 4 | Social and economic effects on the local community | 5% |

Compliance Assessment

The offer received from Triton Electrical Contractors Pty Ltd was fully compliant and was considered for further evaluation.

Qualitative Assessment

Triton Electrical Contractors Pty Ltd scored 86.4% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding of the City's requirements. It submitted a comprehensive methodology with specific details on irrigation electrical works and described various methods on how it will approach the tasks, with timelines for installation of new irrigation cubicles provided. It demonstrated extensive experience providing similar services to local governments including the Cities of Wanneroo, Melville, Belmont and the Town of Victoria Park. Triton Electrical Contractors Pty Ltd has provided irrigation electrical services to the City since 2009, currently providing these services to the City under Contract 014/18. The company is well established with significant industry experience and sufficient capacity to complete the works.

Given the minimum acceptable score (50%), Triton Electrical Contractors Pty Ltd qualified for stage two price assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by the tenderer and the current contract rates in order to assess value for money to the City.

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 of scheduled items in the current contract, over the financial year 2020-21.

This information provides a value of the tender for comparative evaluation purposes, based on the assumption that this pattern of usage is maintained.

However, expenditure over a 12-month period will vary based on demand and is subject to change in accordance with operational requirements. There is no guarantee that this will occur, and actual costs will be paid on the actual usage in the future.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the Perth Consumer Price Index (All Groups) (CPI) percentage change for the preceding year. For estimation purposes, a 1.5% CPI increase was applied to the rates in years two and three.

| Tenderer | Year 1 | Year 2 | Year 3 | Total |
|---------------------------------------|-----------|-----------|-----------|--------------------|
| Triton Electrical Contractors Pty Ltd | \$592,150 | \$601,032 | \$610,048 | \$1,803,230 |
| Current Contract Rates | \$592,090 | \$600,971 | \$609,986 | \$1,803,047 |

During the financial year 2020-21, the City incurred \$622,061 for the provision of irrigation electrical services. Expenditure is estimated at \$3,050,915 over a five-year period should both extension options be 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 Rank | Estimated Total Contract Price | Price Ranking |
|---------------------------------------|---------------------------|------------------|--------------------------------|---------------|
| Triton Electrical Contractors Pty Ltd | 86.4% | 1 | \$1,803,230 | 1 |

Based on the evaluation result the panel concluded that the tender submitted by Triton Electrical Contractors Pty Ltd provides value to the City and is therefore recommended. The rates proposed by the tenderer have been compared to those that the City has been billed in the last 12 months and are found to be generally similar.

Issues and Options Considered

The City has a requirement for irrigation electrical services to be provided to all parks and streetscapes within the City on an 'as and when required' basis. The City does not have the internal resources to provide the required services and requires an appropriate external supplier to undertake the services.

Legislation / Strategic Community Plan / Policy Implications

Legislation

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

Strategic Community Plan

Key theme

The Natural Environment.

Objective

Environmental resilience.

Strategic initiative

Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy

Not applicable.

Risk Management Considerations

The City upgrades multiple irrigation systems each year with some requiring the installation of new pumps, cubicles, cabling and electrical equipment. There are approximately 319 irrigated parks with irrigation cubicles through-out the City which may require repair work or modification over the contract period. The City also has a large number of older electrical cabinets with continuing need for repair and modification to ensure effective operation of the City's irrigation systems. Failure to maintain the irrigation infrastructure will result in the parks and reserves not being maintained at the required service level.

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

Financial / Budget Implications

Current financial year impact

| | |
|--|---|
| Account no. | Various Parks Cost Centres and Capital Works. |
| Budget Item | Irrigation Electrical Services. |
| Budget amount | \$ 631,391 |
| Amount spent to date (current Contract) | \$ 0 |
| Proposed cost - current Contract (1/7/2021 to 22/08/2021) | \$ 97,137 |
| Proposed cost - new Contract (23/08/2021 to 30/06/2022) | \$ 501,050 |
| Balance | \$ 33,204 |

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional Significance

Not applicable.

Sustainability Implications

The maintenance of reticulation systems is essential for the efficient management of the City's water resources. The City has more than 319 irrigated parks and public open spaces. The provision of efficient maintenance and repair services to irrigation systems will maintain and enhance the quality of these areas used by the community.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the qualitative criteria in a fair and equitable manner and concluded that the Offer submitted by Triton Electrical Contractors Pty Ltd representing value to the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Jacob, SECONDED Cr May that Council ACCEPTS the tender submitted by Triton Electrical Contractors Pty Ltd for the provision of irrigation electrical services as specified in Tender 013/21 for a period of three years, with the option of two further terms of one year each, at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf210810.pdf](#)

REPORTS - POLICY COMMITTEE - 2 AUGUST 2021

CJ125-08/21 REVISED ELECTED MEMBERS'

COMMUNICATIONS POLICY

| | | | |
|-------------------------------|---|--|--|
| WARD | All | | |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy | | |
| FILE NUMBERS | 101262, 101515 | | |
| ATTACHMENTS | Attachment 1 | Social Media Guidelines for Elected Members | |
| | Attachment 2 | Revised <i>Elected Members Communications Policy</i> | |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. | | |

PURPOSE

For Council to adopt a revised *Elected Members' Communications Policy*.

EXECUTIVE SUMMARY

The *Elected Members' Communications Policy* (the policy) provides guidance around the appropriate communication systems by elected members while undertaking their role at the City. The policy has been amended over time and was last reviewed by Council at its meeting held on 19 May 2020 (CJ068-05/20 refers) where revised provisions around meetings that are held externally by elected members were included.

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* came into effect, which introduced model standards of conduct for council members (elected members), committee members and local government election candidates. A behavioural provision within the model, requires that elected members, committee members and local government election candidates must ensure the use of social media and other forms of communication complies with the code. As required by the *Local Government Act 1995*, Council adopted the model code provisions as part of its new *Code of Conduct for Council Members, Committee Members and Candidates*, at its meeting held on 18 May 2021 (CJ071-05/21 refers).

In view of the new code, changes are suggested to the policy to better reflect the desired standards of social media use by elected members as well as amending the policy to reflect the City's new *Code of Conduct for Council Members, Committee Members and Candidates*.

It is therefore recommended that Council ADOPTS the revised Elected Members' Communications Policy as detailed in Attachment 2 to Report CJ125-08/21, subject to replacing clause 3.4 with the following:

1 **"3.4 Use of Social Media**

Elected Members must ensure that their use of social media and other forms of communication complies with the Code of Conduct for Council Members, Committee Members and Candidates."

BACKGROUND

As part of an overall review of the City's policy framework following the period of Joint Commissioners, the City's inaugural *Communications Policy* was adopted by Council at its meeting held on 11 October 2005 (CJ206-10/05 refers). At that time the policy detailed:

- the Chief Executive Officer as determining the styles, formats, protocols and processes for all written communications received by the City
- the Chief Executive Officer being responsible for determining the content and presentation of the City's website
- the principles of elected member communication and the statutory requirements that relate to the same
- how elected members are to interact with the media
- how correspondence of the Mayor and Councillors is to be treated
- electronic correspondence for elected members and the use of information technology supplied by the City
- access to information held by the City.

The policy was reviewed by Council at its meeting held on 20 March 2012 (CJ032-03/12 refers) as part of the City's broader review of its policy framework and manual. The review included incorporating elected member communication matters detailed in other policies into one succinct policy, as well as some other minor amendments. The policy was last reviewed by Council at its meeting held on 19 May 2020 (CJ068-05/20 refers) to include revised provisions around meetings that are held externally by elected members.

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* came into effect, which introduced model standards of conduct for council members (elected members), committee members and local government election candidates. As part of that model, the following behavioural provision around personal integrity was included:

"8. Personal integrity

(1) *A council member, committee member or candidate—*

- (a) *must ensure that their use of social media and other forms of communication complies with this code; and*
- (b) *must only publish material that is factually correct."*

As required by the *Local Government Act 1995*, Council adopted the model code provisions as part of its new *Code of Conduct for Council Members, Committee Members and Candidates*, at its meeting held on 18 May 2021 (CJ071-05/21 refers).

In terms of the use of social media by elected members, the City has existing guidelines around the use of social media by elected members (Attachment 1 refers), that were acknowledged by Council at its meeting held on 20 November 2012 (CJ233-11/12 refers). This guideline has formed part of the *Elected Members Induction Manual* and induction program since that time and offers guidance to elected members in terms of their social media use.

DETAILS

In view of the new code, changes are suggested to the policy to better refer the desired standards of social media use by elected members as well as minor revisions to reflect the City's new *Code of Conduct for Council Members, Committee Members and Candidates*.

In the main, the revised policy suggests elected members when using social media must:

- expressly state on all postings the stated views are their own and are not those of the City or the Council
- not imply that they are authorised to speak as a representative of the City or the Council, or give the impression that the views expressed are those of the City or the Council
- not use the City logo or insignia, or use the identity or likeness of another elected member, City employee, contractor or other member of the City
- only disclose and discuss publicly available information
- ensure that all content published is accurate and not misleading and complies with all relevant City policies and legislative requirements
- endeavour to be polite and respectful to all people they interact with
- comply with their record keeping responsibilities when using social media for elected member activities and Council related matters
- adhere to the guidelines of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws.

The revised policy is detailed in Attachment 2 to Report CJ125-08/21.

Issues and options considered

Council can either:

- adopt the revised *Elected Members' Communications Policy* as presented
- adopt the revised *Elected Members' Communications Policy* with further amendments or
- not adopt the revised *Elected Members' Communications Policy*.

Legislation / Strategic Community Plan / Policy Implications

Legislation

Local Government Act 1995.
Local Government (Model Conduct of Conduct) Regulations 2021.
State Records Act 2000.
Freedom of Information Act 1992.
City of Joondalup Code of Conduct for Council Members, Committee Members and Candidates.

Strategic Community Plan

| | |
|-----------------------------|---|
| Key theme | Governance and Leadership. |
| Objective | Effective Representation. |
| Strategic initiative | Ensure the elected body has a comprehensive understanding of its roles and responsibilities. |
| Policy | <i>Elected Members' Communications Policy.</i> <i>Elected Members' Entitlements Policy.</i> <i>Records Management Policy.</i> <i>Elections Caretaker Policy.</i> |

Risk Management Considerations

Should effective and detailed communication arrangements not be specified for elected members, there could be risk associated with elected members contravening legislative provisions around their conduct.

Financial / Budget Implications

There are no financial implications associated with the adoption of the revised policy.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

In support of good governance practices, the *Elected Members' Communications Policy* has been created to detail an elected member's appropriate use of, and access to communication systems and information managed and retained by the City. In terms of social media, it is often difficult for members of the community and indeed elected members, to distinguish between whether an elected member's social media activity is in their capacity as an elected official, or whether it is activity as an individual private citizen.

In view of this and the new provisions within the *Code of Conduct for Council Members, Committee Members and Candidates*, the suggested policy amendments will allow the communication standards of elected members to be known to the community, but just as importantly, to offer protection for elected members from possible breaches of the code. It is not considered that the suggested provisions go over and above the required conduct and behavioural standards.

The *Social Media Guideline for Elected Members* will be revised to provide additional guidance to elected members on the appropriate use of social media while in office.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ125-08/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 2 August 2021.

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

That Council ADOPTS the revised Elected Members' Communications Policy as detailed in Attachment 2 to this Report.

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

That Council ADOPTS the revised Elected Members' Communications Policy as detailed in Attachment 2 to this Report, subject to replacing clause 3.4 with the following:

1 "3.4 Use of Social Media

Elected Members must ensure that their use of social media and other forms of communication complies with the Code of Conduct for Council Members, Committee Members and Candidates.

MOVED Cr Hamilton-Prime, SECONDED Mayor Jacob that Council ADOPTS the revised Elected Members' Communications Policy as detailed in Attachment 2 to Report CJ125-08/21, subject to replacing clause 3.4 with the following:

1 "3.4 Use of Social Media

Elected Members must ensure that their use of social media and other forms of communication complies with the Code of Conduct for Council Members, Committee Members and Candidates.

Cr Chester entered the Chamber at 2.07pm.

The Director Infrastructure Services left the Chamber at 2.20pm and returned 2.22pm.

AMENDMENT MOVED Cr Raftis, SECONDED Cr May that an additional Part 2 be ADDED to the Motion so that the Motion reads as follows:

“That Council ADOPTS the revised Elected Members’ Communications Policy as detailed in Attachment 2 to Report CJ125-08/21, subject to:

1 *replacing clause 3.4 with the following:*

1.1 *“3.4 Use of Social Media*

Elected Members must ensure that their use of social media and other forms of communication complies with the Code of Conduct for Council Members, Committee Members and Candidates.”;

2 *inserting the following sentence after the second paragraph under clause 3.8:*

2.1 *“Where information, including copies of contracts, is sought by Elected Members and not provided within 14 days of the request, the request, and any reasons provided for the information being withheld from an Elected Member, are to be formally recorded and reported to the next Audit and Risk Committee meeting.”.*

The Amendment Motion was Put and

TIED (6/6)

In favour of the Amendment Motion: Crs Chester, Fishwick, May, Poliwka, Raftis and Thompson.

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

There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion

LOST (6/7)

The Motion as Moved Cr Hamilton-Prime, Seconded Mayor Jacob was Put and

CARRIED (10/2)

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

Against the Motion: Crs Poliwka and Raftis.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf210810.pdf](#)

CJ126-08/21**REVISED ELECTIONS CARETAKER POLICY**

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Governance and Strategy |
| FILE NUMBERS | 107644, 101515 |
| ATTACHMENT | Attachment 1 Revised <i>Elections Caretaker Policy</i> . |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to adopt a revised *Elections Caretaker Policy*.

EXECUTIVE SUMMARY

At its meeting held on 11 December 2018 (CJ229-12/18 refers) Council adopted an *Elections Caretaker Policy* (the policy) which establishes protocols for the purposes of preventing actual and perceived advantage or disadvantage to a candidate in the City of Joondalup elections.

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* came into effect, which introduced model standards of conduct for council members (elected members), committee members and local government election candidates. As required by the *Local Government Act 1995*, Council adopted the model code provisions as part of its new *Code of Conduct for Council Members, Committee Members and Candidates*, at its meeting held on 18 May 2021 (CJ071-05/21 refers).

In view of the new code, changes are suggested to the policy to reflect the City's new *Code of Conduct for Council Members, Committee Members and Candidates*.

It is therefore recommended that Council ADOPTS the revised Elections Caretaker Policy, as detailed in Attachment 1 to Report CJ126-08/21.

BACKGROUND

At its meeting held on 11 December 2018 (CJ229-12/18 refers) Council adopted an *Elections Caretaker Policy* (the policy) which establishes protocols for the purposes of preventing actual and perceived advantage or disadvantage to a candidate in the City of Joondalup elections.

The policy details matters, such as, but not limited to:

- decisions that are made by Council and the circumstances where a major decision may be undertaken
- the role of the Chief Executive Officer during the caretaker period
- information and material published by the City, including on-line formats and social media

- attendance and participation in functions and events
- use of the City's resources
- access to information held by the City.

On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* came into effect, which introduced model standards of conduct for council members (elected members), committee members and local government election candidates. As required by the *Local Government Act 1995*, Council adopted the model code provisions as part of its new *Code of Conduct for Council Members, Committee Members and Candidates*, at its meeting held on 18 May 2021 (CJ071-05/21 refers).

DETAILS

In view of the new code, changes are suggested to the policy to reflect the City's new *Code of Conduct for Council Members, Committee Members and Candidates*.

There are no other suggested changes to the policy at this time.

Issues and Options Considered

Council can either:

- adopt the revised *Elections Caretaker Policy* as presented
- adopt the revised *Elections Caretaker Policy* with further amendments
or
- not adopt the revised *Elections Caretaker Policy*.

Legislation / Strategic Community Plan / Policy Implications

| | |
|--------------------|---|
| Legislation | <i>Local Government Act 1995.</i> <i>Local Government (Model Code of Conduct) Regulations 2021.</i> <i>City of Joondalup Code of Conduct for Council Members, Committee Members and Candidates.</i> |
|--------------------|---|

Strategic Community Plan

| | |
|-----------------------------|--|
| Key theme | Governance and Leadership. |
| Objective | Effective representation. |
| Strategic initiative | Ensure the elected body has a comprehensive understanding of its roles and responsibilities. |
| Policy | <i>Elections Caretaker Policy.</i> |

Risk Management Considerations

There is no statutory requirement for a caretaker period to be implemented prior to elections, however such a policy would meet the intent of the *Local Government Act 1995* that seeks to ensure that local governments are efficient and effective and accountable to their communities.

The City's brand and image may be damaged if decisions are made that are not reflective of the community's desires during a caretaker period, or where there is a misuse of City resources for political gain.

Financial / Budget Implications

There are no financial implications associated with the adoption of the revised policy.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The primary purpose of any caretaker period is to avoid governments making major decisions that would bind an incoming government, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting government members who are seeking re-election, or new candidates, and ensuring government officials act impartially in relation to candidates.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ126-08/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 2 August 2021.

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

MOVED Mayor Jacob, SECONDED Cr May that Council ADOPTS the revised *Elections Caretaker Policy* as detailed in Attachment 1 to Report CJ126-08/21.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ130-08/21, page 200 refers.

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf210810.pdf](#)

Disclosure of interest affecting Impartiality

| | |
|---------------------------|--|
| Name / Position | Cr Christopher May. |
| Item No. / Subject | CJ127-08/21 - Review of Community Funding Programs and Policies. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr May is a committee member of the Northshore Country Club, and is a Board Member of Craigie Heights Primary School and Springfield Primary School. |

CJ127-08/21 REVIEW OF COMMUNITY FUNDING PROGRAMS AND POLICIES

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Ms Dale Page Planning and Community Development |
| FILE NUMBERS | 39290, 101515, 50591 |
| ATTACHMENTS | Attachment 1 <i>Community Funding Policy</i> Attachment 2 <i>Recognition of Community and Sporting Groups Policy</i> Attachment 3 <i>Draft Community Funding Program Policy</i> Attachment 4 <i>Draft Arts Development Scheme Policy</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 consider:

- a review of the City's community funding programs and associated policies
- proposed changes to the City's community funding programs
- a proposed draft *Community Funding Program Policy* and *Arts Development Scheme Policy*.

EXECUTIVE SUMMARY

Throughout 2020 and early 2021 the City has undertaken a review of its funding programs and policies. This included reviews of the following policies:

- *Community Funding Policy.*
- *Recognition of Community and Sporting Groups Policy.*

The following funding programs were also reviewed:

- Community Funding Program.
- Sports Development Program.

- Joondalup Sporting Achievement Grants.
- Arts Development Scheme.
- Mural Arts Program.
- Recognition of Community and Sporting Groups Fund.
- Small Community Group Incorporation Grant.
- City of Joondalup Youth Awards.
- Friends Groups Special Purpose Grants.

As a result, the City is proposing a number of changes to the funding programs and informing policies to ensure funding programs continue to provide the greatest benefit to the broadest cross-section of the community.

The following changes are being proposed to the funding programs:

| Fund / Grant Name | Proposed change to program | Proposed change to program budget |
|---|-----------------------------------|---|
| Community Funding Program | Continue – new format | Amalgamate into new Community Funding Program |
| Sports Development Program | Continue – new format | |
| Joondalup Sports Achievement Grant | Cease | |
| Recognition of Community and Sporting Groups Fund | Cease | |
| Small Community Group Incorporation Grants | Continue – current format | No impact |
| City of Joondalup Youth Awards | Continue – current format | No impact |
| Arts Development Scheme | Continue – current format | No impact |
| Mural Arts Program | Continue – current format | No impact |
| Small Community Group Incorporation Grants | Continue – current format | No impact |
| Friends Groups Special Purpose Grants | Continue – current format | No impact |

To achieve this, the City is proposing to revoke the current:

- *Community Funding Policy*
- *Recognition of Community and Sporting Groups Policy.*

These policies are suggested to be replaced with the following:

- *Community Funding Program Policy.*
- *Arts Development Scheme Policy.*

It is therefore recommended that Council:

- 1 *NOTES the outcomes of the review of the City of Joondalup funding programs and policies, and the recommended changes to the City's funding programs as detailed in Report CJ127-08/21;*
- 2 *REVOKES the current Community Funding Policy and Recognition of Community and Sporting Groups Policy as detailed in Attachments 1 and 2 to Report CJ127-08/21;*
- 3 *ADOPTS the new Community Funding Program Policy and Arts Development Scheme Policy, as detailed in Attachments 3 and 4 to Report CJ127-08/21;*
- 4 *LISTS FOR CONSIDERATION as part of the mid-year budget review deliberations, the amount of funding to be allocated under the new grants scheme.*

BACKGROUND

The City currently offers a range of funding programs for local community groups and individuals. These grant programs are governed by two policies:

- *Community Funding Policy*
- *Recognition of Community and Sporting Groups Policy.*

As guided by the two policies, the City currently provides a range of programs, these include the following:

- Community Funding Program.
- Sports Development Program.
- Joondalup Sporting Achievement Grants.
- Arts Development Scheme.
- Mural Arts Program.
- Recognition of Community and Sporting Groups Fund.

Over time, the funding programs and the policies that govern them, have been reviewed to meet the changing needs and demands of the community, while still meeting the objectives of the policies.

As well as the funding programs (that are policy led), the City also delivers a number of grants programs that have been directed either by Council decision or by the City. These include the following grants:

- Small Community Group Incorporation Grants.
- City of Joondalup Youth Awards.
- Friends Groups Special Purpose Grants.

DETAILS

A number of these funding programs are enshrined through policy statements adopted by Council, while others are established practices that have been in place for many years. A summary of all the community funding programs and the policies that guide them are provided below.

Community Funding Policy

The *Community Funding Policy* (Attachment 1 refers) was adopted in October 2005, the result of a review and consolidation of former funding policies. The *Community Funding Policy* has been amended twice, in August 2012 (CJ170-08/12 refers) and March 2016 (CJ046-03/16 refers).

The policy's objective is *"To support the City's role as a community partner in building capacity and developing community ownership and identity."*

Any funding request below \$10,000 is determined by the Chief Executive Officer, anything above \$10,000 is presented to the Council for determination.

Within the *Community Funding Policy* there are four specific funding programs listed, these are outlined below.

Community Funding Program

The Community Funding Program currently provides general funding opportunities for local organisations and community groups, as well as organisations that provide services to local residents. Financial assistance can be sought for small capital items, projects, activities, and events. Funds are allocated across the following three categories:

- Community Development.
- Culture and Arts Development.
- Environmental Development.

The Community Funding Program is subject to eligibility criteria, and groups must:

- be a not-for-profit organisation, community organisation, community group/club, company limited by guarantee, school, or religious organisation
- offer a project, activity or service based in the City of Joondalup or which will primarily benefit Joondalup residents.

The following table represents the level of funding applied for and the amount allocated in the last four financial years across all three fund categories:

| Year | Funds Requested | Funds Allocated |
|----------|-----------------|-----------------|
| 2016-17 | \$117,934 | \$68,864 |
| 2017-18 | \$151,709 | \$56,111 |
| 2018-19 | \$83,491 | \$46,422 |
| 2019-20* | \$75,777 | \$5,377 |

* Only one round of funding run due to COVID-19

Some examples of programs and activities supported by the Community Funding Program includes the following:

- The Human Excellence Project (\$2,500) - mental health program.
- Beldon Scout Group (\$2,059) - 40th-anniversary history project.
- LifePLUS Seniors Club (\$1,877) - indoor bowling mat.
- Indian Blue Chorus (\$1,000) - audio visual equipment.

Sports Development Program

The Sports Development Program was initially two separate funding programs, one being part of the City's Community Funding Program, which was established in 1999 and was similar to those above, with an annual allocation of \$25,000. The other program was the Sports Development Program, which was established in 2002 and focussed on elite sporting clubs in the City of Joondalup, with an annual allocation of \$90,000.

Following a review in 2016, these two funding programs were amalgamated to form the current Sports Development Program, with an annual allocation of \$115,000. The Sports Development Program assists incorporated community clubs in undertaking sporting and club development initiatives that align with the City's, State Government's, and individual club's strategic directions.

The Sports Development Program is subject to eligibility criteria, and groups must be:

- incorporated (under *Associations Incorporations Act 2015*)
- located within the City of Joondalup and/or servicing its residents
- affiliated with and submit a letter of support from a state sporting association or industry body who are recognised by the Department of Local Government, Sport and Cultural Industries
- have a club name reflecting the locale in which the club operates and in recognition of the level of funding and subsidies afforded to it by the City of Joondalup.

The following table depicts the level of funding requested and allocated since 2016-17:

| Year | Funds Requested | Funds Allocated |
|----------|-----------------|-----------------|
| 2016-17 | \$166,384 | \$109,084 |
| 2017-18 | \$103,680 | \$85,465 |
| 2018-19 | \$166,162 | \$105,000 |
| 2019-20* | \$28,251 | \$21,505 |

* Only one round of funding run due to COVID-19

Some examples of programs and activities supported by the Sports Development Program include the following:

- Whitford Junior Football Club (\$5,000) - girl's football development program.
- Sorrento Bowling Club (\$3,120) - development of a volunteer management plan.
- Wanneroo Joondalup Lacrosse Club (\$6,500) - junior modcrosse shared equipment.

Joondalup Sporting Achievement Grant

The Joondalup Sporting Achievement Grant (JSAG) is a grants program that provides donations to local individuals participating at national or international-level sporting events.

Eligible individuals must reside within the City of Joondalup, be under the age of 18 or be an athlete with a disability and participating in a formally recognised event (recognised by the sport's governing body).

The current grants provide financial contributions to eligible individuals of:

- \$100 if the athlete is representing Western Australia within Western Australia
- \$200 if the athlete is representing Western Australia interstate
- \$300 if the athlete is representing Australia.

Unlike the other grant programs, this program provides an “as right” access to funding. If deemed eligible, the applicant is entitled to receive the grant funds, irrespective of the funding level previously committed.

The following table depicts the level of funding requested and allocated since 2016-17:

| Year | No. of applications received | No. of applications approved | Funds Requested | Funds Allocated |
|-------------|-------------------------------------|-------------------------------------|------------------------|------------------------|
| 2016-17 | 232 | 201 | \$37,250 | \$32,600 |
| 2017-18 | 265 | 234 | \$55,100 | \$48,900 |
| 2018-19 | 318 | 272 | \$64,300 | \$55,900 |
| 2019-20* | 186 | 150 | \$36,100 | \$31,700 |

* Funding ceased in March 2020 as a result of the COVID-19 restrictions.

Several high-profile and prominent local sports people have been recipients of JSAG funding since its inception, including:

- Jessica Bratich-Johnson – Karate (inaugural inductee in the City’s Walk of Fame)
- Jack Darling – Australian Football League
- Liam Hendriks – Baseball (2019 and 2021 Major League Baseball (MLB) All-Star and 2020 MLB Reliever of the Year).

Arts Development Scheme

The Arts Development Scheme is the annual allocation of funds to encourage the delivery of arts programs and projects by professional art companies and individuals within the City of Joondalup.

The Scheme aims to increase opportunities for residents to participate in and attend quality cultural experiences and events within the City of Joondalup.

The following table depicts the level of funding requested and allocated since 2016-17:

| Year | Funds Requested | Funds Allocated |
|-------------|------------------------|------------------------|
| 2016-17 | \$62,666 | \$20,000 |
| 2017-18 | \$50,527 | \$4,200 |
| 2018-19 | \$20,000 | \$20,000 |
| 2019-20 | \$69,651 | \$20,000 |

Some examples of projects and activities supported by the Arts Development Scheme include the following:

- Black Swan State Theatre of WA (\$3,000) - Unsung Heroes.
- Zap Circus (\$3,000) - circus school tours.
- Whiskey and Boots (\$10,000) - Mama Stitch storytelling performances.

Recognition of Community and Sporting Groups Policy

In 2007, the Council adopted the *Recognition of Community and Sporting Groups Policy* (Attachment 2 refers) that recognises the significant anniversary dates of community and sporting groups. To implement this policy, the City delivers the Recognition of Community and Sporting Groups Fund.

Upon application the City will recognise those groups that have served the community for the following amount of time:

| Years of service | Amount |
|------------------|---------|
| 25 | \$2,000 |
| 50 | \$3,000 |
| 75 | \$5,000 |
| 100 | \$7,000 |

For a community and sporting group to be eligible under this policy, the group must:

- be an incorporated not-for-profit sport, recreation, or community organisation
- demonstrate equitable access to the public
- have been operational within the suburbs/localities within the current boundaries of the City of Joondalup for the period of time applied for and have provided service to the residents of the City of Joondalup.

The following table represents the level of funding applied for and the amount allocated in the last four financial years:

| Year | Funds Requested | Funds Allocated |
|---------|-----------------|-----------------|
| 2016-17 | \$9,000 | \$9,000 |
| 2017-18 | \$22,000 | \$22,000 |
| 2018-19 | \$12,000 | \$12,000 |
| 2019-20 | \$2,000 | \$2,000 |

Some examples of the groups recently recognised by the *Recognition of Community and Sporting Groups Policy* include:

- Whitfords Rainbow Toy Library for 25 years' service
- Wanneroo Joondalup Tee Ball Club for 25 years' service
- Mullaloo Surf Life Saving Club for 50 years' service.

Small Community Group Incorporation Grants

Following the receipt of a notice of motion, Council at its meeting held on 13 December 2016 (CJ202-12/16 refers) agreed to list funds in its annual budget process to support micro-community groups.

As part of the 2017-18 budget, and since that time, an amount of \$800 has been included in the annual budget to assist small community groups with one-off costs associated with becoming incorporated associations.

To be eligible for this support, groups must meet the following criteria:

- Have a membership of less than 30 people.
- At least 50% of members reside in the City of Joondalup.
- Be not incorporated but eligible to become incorporated.
- Undertake activities that are not for profit.
- Bring benefit to the City of Joondalup as a primary focus.

Since the establishment of the program there have only been three applications, all of which have been supported by the City. The groups benefited from this grant include the following:

- Northern Brewers Homebrew Club - \$152 in 2018-19 to become incorporated.
- The Human Excellence Project - \$180 in 2019-20 to become incorporated.
- Northern Lights Music Western Australia - \$160 in 2020-2021 to become incorporated.

Youth Awards

The Focussing on the Future Youth Awards program was created in 2009 to address the school attrition rate at the time. The program encourages young people to continue their secondary studies through the provision of a financial reward.

In 2013 the award was changed to the City of Joondalup Youth Awards. Each year six awards of \$1,000 are presented to secondary students and one award of \$5,000 to a second or third-year undergraduate at ECU Joondalup. The undergraduate award also provides opportunity for a paid internship of up to 12 weeks at the City of Joondalup.

The following criteria apply:

- Secondary Awards
 - aged between 15 and 18
 - participating in a high school or vocational education and training program in the City of Joondalup
 - be a resident of the City of Joondalup.
- Tertiary Award
 - aged between 18 and 25
 - second or third-year undergraduate at ECU Joondalup undertaking studies relevant to a local government career
 - be a resident of the City of Joondalup.

Students are ineligible if in receipt of another academic scholarship of \$500 or greater.

The following table represents the level of funding applied for and the amount allocated in the last four financial years:

| Year | Funds Requested | Funds Allocated |
|---------|-----------------|-----------------|
| 2016-17 | \$40,000 | \$11,000 |
| 2017-18 | \$49,000 | \$10,000 |
| 2018-19 | \$106,000 | \$11,000 |
| 2019-20 | \$39,000 | \$11,000 |

Friends Groups Special Purpose Grants

The City has an established Friends Groups Special Purpose Grants funding program to assist the Friends Groups based within the City of Joondalup. Friends Groups assist the City to manage bushland and natural areas and make a valuable contribution towards local conservation and biodiversity.

The following criteria apply for groups to be eligible for funding:

- Groups must discuss proposed projects with City prior to lodging applications.
- Applications require approval from the City.
- All contractors must be approved by the City.
- Groups must seek support of relevant external organisations or stakeholders involved in the project and submit letters of support with application.
- Groups must supply copies of licences required to carry out project.

Annual grants range from \$2,350 to \$3,850 - depending on the area of bushland the group cares for and the group's historic contribution of volunteer hours. Groups can also submit an annual claim to reimburse administration expenses associated with running a group, to a maximum of \$500.

| Year | No. of Natural Areas | Funds Requested | Funds Allocated |
|---------|----------------------|-----------------|-----------------|
| 2016-17 | 16 | \$27,674 | \$27,674 |
| 2017-18 | 17 | \$37,973 | \$37,973 |
| 2018-19 | 16 | \$46,439 | \$46,439 |
| 2019-20 | 16 | \$42,314 | \$42,314 |

Issues and Options Considered

There are several options available to Council:

- maintain the status quo and leave existing community funding programs and policies in their current format
- revoke some or all of the community funding programs and policies
or
- review the existing community funding programs and policies and consider deleting, maintaining, and amalgamating them.

The City has pursued Option 3 within this report. A review of the existing funding programs and policies has been undertaken to assess current need and alignment with the City's *Strategic Community Plan*. A number of changes are proposed to be undertaken as a result of this review, and these are outlined below.

Council could choose to consider the changes as presented or make its own recommendations specific to each program and/or policy presented.

Community Funding Program

The City has undertaken a review of the current Community Funding Program as well as the other funding programs listed. It is recommended that Council considers amalgamating a number of the current grant programs to create a single community funding program that provides maximum benefit and opportunity to the community groups that it would serve.

This option would propose to either cease and/or amalgamate the following funding programs:

- Community Funding Program (amalgamate program and funds) (\$77,500).
- Sports Development Program (amalgamate program and funds) (\$115,000).
- Joondalup Sporting Achievement Grants (cease program and amalgamate funds) (\$46,000).
- Recognition of Community and Sporting Groups Fund (cease program and amalgamate funds) (\$24,000).

The budgeted funds for these programs (approximately \$192,500 in 2021-22) are proposed to be rolled into a new Community Funding Program. This new funding program would be open to a wider range of local community groups, aiming to be more accessible and competitive, ensuring successful grant applications provide best value for money for the community.

It should be noted that this proposal would result in ceasing the current Joondalup Sporting Achievement Grant and the Recognition of Community and Sporting Groups Fund in their entirety, while the previous Community Funding Program and Sports Development Program will be delivered within the proposed new Community Funding Program.

If supported, the current *Community Funding Policy* would be replaced with a new *Community Funding Program Policy* that reflects these changes.

Proposed *Community Funding Program Policy*

The City has prepared a draft *Community Funding Program Policy* that is intended to replace the existing *Community Funding Policy* and provide direction for the proposed Community Funding Program.

The proposed objective of the draft policy is to “support the delivery of community-initiated activities for the benefit of the City of Joondalup community”.

The key elements of the draft policy include funding priorities, eligibility, and approvals mechanisms.

Funding Priorities

The funding priorities will align with the City’s *Strategic Community Plan* and contribute to positive community outcomes. The proposed priorities are for projects that:

- strengthen community participation
- encourage connected communities
- promote healthy and active lifestyles
- build resilient and sustainable communities.

The priority areas will be one of the criteria used to determine grant application eligibility (eligible grants must address at least one of these priority areas). To determine the order in which to issue the grants to applicants, consideration will be given to how successfully the applicant has addressed the priority area in their application.

Funding Eligibility

Applicants will need to provide evidence of eligibility as part of the application process. It is proposed that applicants must be:

- incorporated through the *Associations Incorporations Act 2015* (or other similar state or federal legislation)
- delivering a program, event or activity that benefits the City of Joondalup community.

Previous policies and grant programs have not been consistent or clear about eligibility criteria, especially in regard to what “not-for-profit” means. To address this, the City is proposing to use a new “incorporated entity” criteria. Being an incorporated entity requires a group to have been registered with and approved by the State Government as an organisation that does not return funds back to its members or stakeholders. This is considered the best legal definition of “not-for-profit”.

It is also proposed that applicants be required to provide evidence that their activity is benefitting the City of Joondalup community, irrespective of where the applicant is based or the level of their memberships. Previous grant programs required applicants to be based or located within the City of Joondalup.

The Sports Development Program required all applicants to have a name that reflects them being within the City of Joondalup local government area. In the past this requirement has contributed to applicants being ineligible to apply which has impacted on the delivery of valuable programs that would have benefitted the Joondalup community.

Funding Approval

The approval to allocate funds for the new Community Funding Program is proposed to remain as per existing requirements. The Chief Executive Officer will approve applications for funding of up to and including \$10,000 (excluding GST), while applications for funding greater than \$10,000 (excluding GST) will require the approval of Council.

It is proposed that two rounds of the new Community Funding Program will be available each financial year. One round will open early in the financial year (July/August) and the second in the latter half of the financial year (February/March).

The new draft policy outlines that the Chief Executive Officer has the discretion to approve funding guidelines as deemed appropriate. This aligns with the existing *Community Funding Policy* that states, “*Funding guidelines will be determined from time to time in accordance with this policy at the discretion of the Chief Executive Officer*”.

Comparison with other Local Governments

As a comparison, the City of Wanneroo provides a similar Community Funding Program with a total pool of funds of \$154,000. The City of Stirling’s Community Collaborations program has a total pool of funds of \$50,000.

Recognition of Community and Sporting Groups Policy

As outlined previously, Report CJ127-08/21 recommends the cessation of the Recognition of Community and Sporting Groups program and policy.

The program provides limited benefits to the City and the community. The City has other programs in place that successfully acknowledges the efforts of community groups and volunteers, including civic functions, social media posts, and City publications. While it is noted that community groups do financially benefit from this program, the funds provided are essentially donations, with no restriction as to what they are spent on, nor is there a requirement to acquit the money.

Joondalup Sporting Achievement Grant

As outlined previously, it is recommended to cease this program and re-purpose its current operational budget into the proposed new consolidated Community Funding Program.

The program is the only funding program the City provides that is not only operated as an “as right” grant (that is, if you meet the eligibility criteria you are eligible to receive the funds) but that also provides direct funding to individuals.

The funding of individual athletes, irrespective of their age or function is not a core role of local government and does not provide any additional connection to the increase in physical activity or connection to local communities.

Should Council support cessation of this program, it should be noted that young athletes are already supported via the Federal Government’s Local Sporting Champion Program which provides between \$500 to \$750 for athletes travelling to competitions. This program is administered locally by Federal Members of Parliament.

While the City (and local government in general) does have a role to play in supporting the development of sporting opportunities, young people and people with disabilities, this is addressed in other programs and activities and does not require the convergence of these unique challenges to be addressed by a specific funding program such as the JSAG.

Small Community Group Incorporation Grants

This program is proposed to continue as an operational activity.

The program is not currently listed within any funding policy and it is not proposed that it be included in any of the proposed new policies.

Providing small grants to non-incorporated groups to become incorporated provides significant value and benefits the City and the Joondalup community.

City of Joondalup Youth Awards

It is proposed that the City of Joondalup Youth Awards continue in their current format.

The program is well subscribed, and the objectives continue to meet the needs of the community and the City.

The program is not currently listed within any funding policy and it is not proposed that it be included in any of the proposed new policies.

Friends Groups Special Purpose Grants

It is proposed that the Friends Groups Special Purpose Grants continue in their current format. The program is well subscribed, and the objectives still meet the needs of the community and the City.

The program is not currently listed within any funding policy and it is not proposed that it be included in any of the proposed new policies.

Mural Arts Program

It is proposed that the Mural Arts Program will continue in its current format of supporting artist or community driven murals.

The program is well subscribed, and the objectives still meet the needs of the community and the City.

While the Mural Arts Program is listed within the current *Community Funding Policy*, it is not proposed to include or list this program in either of the two proposed new policies.

The Mural Arts Program will continue to be managed operationally by the City.

Arts Development Program

It is proposed that the Arts Development Program will continue in its current format.

While the program is listed within the current *Community Funding Policy*, it has not been listed in the draft *Community Funding Program Policy* which will focus solely on the Community Funding Program.

It is therefore recommended that Council supports the establishment of a stand-alone *Arts Development Scheme Policy*.

This new draft policy has an objective to “support the development of new audiences in the Joondalup area through attraction of professional performing arts companies to the City of Joondalup for performances and workshops”. It aligns with the recently adopted *Cultural Plan*, specifically the aspirational outcome “The community is empowered to lead the delivery of cultural programming”.

The proposed new *Arts Development Scheme Policy* is provided for consideration (Attachment 4 refers).

Summary of Proposed Changes

| Fund / Grant Name | Proposed change to Fund / Grant | Proposed change to Fund / Grant budget | Proposed change to Policy |
|---|---------------------------------|---|---|
| Community Funding Program | Continue – new format | Amalgamate into new Community Funding Program | Revoke current <i>Community Funding Policy</i> and incorporate in new <i>Community Funding Program Policy</i> |
| Sports Development Program | Continue – new format | | |
| Joondalup Sports Achievement Grant | Cease | | |
| Recognition of Community and Sporting Groups Fund | Cease | | Delete Recognition of Community and Sporting Groups Policy |
| Small Community Group Incorporation Grants | Continue – current format | No impact | Operational Not currently listed in any Policy – No Change |
| City of Joondalup Youth Awards | Continue – current format | No impact | Operational Not currently listed in any Policy – No Change |

| Fund / Grant Name | Proposed change to Fund / Grant | Proposed change to Fund / Grant budget | Proposed change to Policy |
|--|---------------------------------|--|--|
| Arts Development Scheme | Continue – current format | No impact | Currently listed in <i>Community Funding Policy</i> . Proposed to be extracted and governed under new Arts Development Scheme Policy |
| Mural Arts Program | Continue – current format | No impact | Currently listed in <i>Community Funding Policy</i> . Proposed to be extracted and delivered operationally |
| Small Community Group Incorporation Grants | Continue – current format | No impact | Operational Not currently listed in any Policy – No Change |
| Friends Groups Special Purpose Grants | Continue – current format | No impact | Operational Not currently listed in any Policy – No Change |

Legislation / Strategic Community Plan / Policy Implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Community spirit. To have proud and active residents who participate in local activities and services for the betterment of the community.

Strategic initiative Promote the sustainable management of local organisations and community groups.

Policy *Community Funding Policy.*
Recognition of Community and Sporting Groups Policy.

Risk Management Considerations

Any change to funding schemes has a risk of adverse reactions from the groups and individuals potentially affected. The review does not propose to reduce the value of grants provided to the community, but to re-distribute the current level of funding into one pool of funds to maximise community benefit. By providing access to a combined larger pool of funds there is the potential for the funding program to be accessed by a greater number of community groups, based on fair and equitable criteria.

Financial / Budget Implications

It is proposed to retain all of the current fund amounts, while amalgamating the budget amounts from the Community Funding Program, Sports Development Program, Joondalup Sports Achievement Grant, and Recognition of Community and Sporting Groups Fund into the new Community Funding Program. Within the recently approved 2021-22 Budget all currently on-hold funding programs have retained their full budget amounts, therefore, there is no expected impact on current or future budgets.

Regional Significance

Not applicable.

Sustainability Implications

The proposed Community Funding Program includes a funding priority to build resilient and sustainable communities. Local organisations and community groups can benefit from funding opportunities to undertake sustainability initiatives.

Consultation

Not applicable.

COMMENT

Should Council endorse the recommendations as presented, it is considered that the City would finalise development of the funding guidelines in late 2021 and prepare for the launch of the new Community Funding Program in early 2022, allowing the first round of funding of the new program to occur in the second half of the 2021-22 financial year.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ127-08/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 2 August 2021.

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

That Council:

- 1 *NOTES the outcomes of the review of the City of Joondalup funding programs and policies, and the recommended changes to the City's funding programs as detailed in this Report;*
- 2 *REVOKES the current Community Funding Policy and Recognition of Community and Sporting Groups Policy as detailed in Attachments 1 and 2 to this Report;*
- 3 *ADOPTS the new Community Funding Program Policy and Arts Development Scheme Policy, as detailed in Attachments 3 and 4 to this Report.*

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

That Council:

- 1 *NOTES the outcomes of the review of the City of Joondalup funding programs and policies, and the recommended changes to the City's funding programs as detailed in this Report;*
- 2 *REVOKES the current Community Funding Policy and Recognition of Community and Sporting Groups Policy as detailed in Attachments 1 and 2 to this Report;*
- 3 *ADOPTS the new Community Funding Program Policy and Arts Development Scheme Policy, as detailed in Attachments 3 and 4 to this Report;*
- 4 *LISTS FOR CONSIDERATION as part of the mid-year budget review deliberations, the amount of funding to be allocated under the new grants scheme.*

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

- 1 **NOTES the outcomes of the review of the City of Joondalup funding programs and policies, and the recommended changes to the City's funding programs as detailed in Report CJ127-08/21;**
- 2 **REVOKES the current *Community Funding Policy and Recognition of Community and Sporting Groups Policy* as detailed in Attachments 1 and 2 to Report CJ127-08/21;**
- 3 **ADOPTS the new *Community Funding Program Policy and Arts Development Scheme Policy*, as detailed in Attachments 3 and 4 to Report CJ127-08/21;**
- 4 **LISTS FOR CONSIDERATION as part of the mid-year budget review deliberations, the amount of funding to be allocated under the new grants scheme.**

The Motion was Put and

CARRIED (12/0)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf210810.pdf](#)

CJ128-08/21**APPOINTMENT OF AN ACTING OR
TEMPORARY CHIEF EXECUTIVE OFFICER
POLICY**

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Jamie Parry Director Governance and Strategy |
| FILE NUMBERS | 74574, 101515 |
| ATTACHMENTS | Attachment 1 Draft <i>Appointment of an Acting or Temporary Chief Executive Officer Policy</i> Attachment 2 City of Joondalup Delegation of Authority 1.6 Appointment of an Acting Chief Executive Officer |
| AUTHORITY / DISCRETION | Legislative - includes the adoption of local laws, planning schemes and policies. |

PURPOSE

For Council to adopt a new *Appointment of an Acting or Temporary Chief Executive Officer Policy*.

EXECUTIVE SUMMARY

Section 5.39C of the *Local Government Act 1995* provides that with regard to the temporary employment or appointment of Chief Executive Officer, "a local government must prepare and adopt* a policy that sets out the process to be followed in relation to:

- (a) *the employment of a person in the position of Chief Executive Officer for a term not exceeding 1 year;*
- (b) *the appointment of an employee to act in the position of Chief Executive Officer for a term not exceeding 1 year.*

* *Absolute majority required*"

A draft policy has been prepared as provided in Attachment 1 to Report CJ128-08/21. The policy aligns with the current Delegation of Authority related to appointment of an Acting Chief Executive Officer.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ADOPTS the Appointment of an Acting or Temporary Chief Executive Officer Policy as detailed in Attachment 1 to Report CJ128-08/21.

BACKGROUND

Section 5.39C of the *Local Government Act 1995* provides that with regard to the temporary employment or appointment of Chief Executive Officer, “a local government must prepare and adopt a policy that sets out the process to be followed in relation to:

- (a) *the employment of a person in the position of Chief Executive Officer for a term not exceeding 1 year;*
- (b) *the appointment of an employee to act in the position of Chief Executive Officer for a term not exceeding 1 year.*

** Absolute majority required.”*

The City has had a delegation in place since 11 October 2005 relating to the appointment of an Acting Chief Executive Officer. The Delegation was last reviewed by the Council at its meeting held 15 June 2021 (CJ079-06/21 refers).

The policy proposed fulfils the requirements of section 5.39C of the *Local Government Act 1995*.

DETAILS

Section 5.39(1a)(a) of the *Local Government Act 1995* provides the following:

"5.39 Contracts for CEO and senior employees

- 1(a)(a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting.”*

Section 5.39C of the *Local Government Act 1995* provides the following:

“5.39C Policy for temporary employment or appointment of CEO

- (1) *A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —*
 - (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*
 - (b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

** Absolute majority required.*

- (2) *A local government may amend* the policy.*
** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

- (4) *The CEO must publish an up-to-date version of the policy on the local government’s official website.”*

A draft policy has been prepared as required by the legislation and is provided in Attachment 1 to Report CJ128-08/21.

Legislation / Strategic Community Plan / Policy Implications

Legislation Sections 5.39(1a)(a) and 5.39C of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Maintain a highly-skilled and effective workforce.

Policy Delegation of Authority 1.6 - Appointment of an Acting Chief Executive Officer.

Risk Management Considerations

Council currently has a delegation of authority in place for the appointment of an acting Chief Executive Officer.

The proposed policy sets out the process to be followed in relation to:

- a the employment of a person in the position of Chief Executive Officer for a term not exceeding one year
- b the appointment of an employee to act in the position of Chief Executive Officer for a term not exceeding one year.

Adoption of the policy reduces the risk of the City not having a process in place for appointment of an acting or temporary Chief Executive Officer.

Financial / Budget Implications

Not applicable.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed policy has been prepared to comply with the provisions of section 5.39C of the *Local Government Act 1995* in regard to the appointment of an acting Chief Executive Officer or temporary Chief Executive Officer.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ128-08/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 2 August 2021.

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

MOVED Cr Hamilton-Prime, SECONDED Mayor Jacob that Council BY AN ABSOLUTE MAJORITY ADOPTS the *Appointment of an Acting or Temporary Chief Executive Officer Policy* as detailed in Attachment 1 to Report CJ128-08/21.

The Motion was Put and

CARRIED (12/0)

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf210810.pdf](#)

CJ129-08/21**REVIEW OF THE COMMUNITY ART EXHIBITION**

| | |
|-------------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Mat Humfrey Corporate Services |
| FILE NUMBER | 109180, 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 review the terms and conditions of its annual Community Art Exhibition (CAE).

EXECUTIVE SUMMARY

The CAE is an annual art exhibition open to artists who are residents / ratepayers of the City of Joondalup or members of local not-for-profit visual arts' associations based within the City of Joondalup. The exhibition aims to promote and support local arts and culture by providing an opportunity for artists from the community to extend their networks and promote their practice by exhibiting and selling their artwork to the general public. It is a popular event in the City's annual Cultural Services calendar.

Held in June at Lakeside Joondalup Shopping City since 1998, the CAE exhibition has been situated for the majority of these years in the Great Space; the busiest and most commercial area of the centre. It attracts over 11,000 visitors to the exhibition over a three-week period each year.

In 2014 and 2018, Council reviewed the CAE and made changes to the terms and conditions. The CAE is well received and operated in a professional manner, however as it has been three years since the last review it is timely another review is undertaken.

It is therefore recommended that the following changes be made:

- Due to the changing nature of traditional media, and a shift away from media categories in art exhibitions (as per City's Invitation Art Prize) it is recommended that prizes based on categories be discontinued, and replaced with the following revised awards (this will see a modest rise in total prize money allocated for the CAE of \$2,250, noting that prize money has not been increased for many years):

| | | |
|---|--------------------------|----------|
| - | Most Outstanding Artwork | \$ 4,000 |
| - | Highly Commended | \$ 1,500 |
| - | Celebrating Joondalup | \$ 1,500 |
| - | Arts <i>in focus</i> | \$ 1,500 |
| - | Student Award | \$ 750 |
| - | Popular Choice | \$ 500 |

- Due to challenges with inclement weather during the month of June (venue leaking) and the confusion with having a call for entries for both City art awards being open at the same time, it is recommended that the CAE be held during the months of March and April.
- The current terms and conditions do not specify the age range for the Student Award. It is recommended that for clarity reasons it be limited to students aged 12 to 18 years of age.
- Artists entering the CAE must either be a resident / ratepayer of the City of Joondalup or a member of an arts association that has its primary base within the City. Non-residents make up on average around 30% of entries. It is proposed to retain the Celebrating Joondalup Award however a change is recommended to restrict criteria for this award to Joondalup residents / ratepayers only as it is appropriate that this prize is awarded to a resident of the City.

BACKGROUND

The CAE is an annual art exhibition open to all residents / ratepayers and members of local visual arts' associations. It has been managed by the City for many years (1998) and is a very popular event in the City's annual calendar of cultural events.

The exhibition's main aim is to promote and support local artists from their community to extend their networks and promote their practice by exhibiting and selling their artwork to the public.

At its meeting held on 21 October 2014 (CJ201-10/14 refers), Council resolved the following:

"That Council:

- 1 *AGREES to amend the Terms and Conditions of the Community Art Exhibition by:*
 - 1.1 *Increasing the Community Art Exhibition artwork size restriction to 100cm x 100cm (including frame) and three-dimensional artworks to a size of 100cm high x 100cm wide and x 100cm deep;*
 - 1.2 *Introducing a change to the Terms and Conditions to include an option for the City to limit entries to a maximum of 200;* 1.3 *Increase the Community Art Exhibition price restriction to \$2,000;*
- 2 *REQUESTS a further report following the 2017 Community Art Exhibition that evaluates the amendments made in Part 1 above."*

At its meeting held on 26 June 2018 (CJ108-06/18 refers), Council resolved the following:

"That Council AGREES:

- 1 *to continue with the stipulated Terms and Conditions for size, price restrictions and limitation of the entries displayed in the Community Art Exhibition;*
- 2 *that the Textiles and Photomedia categories are merged to become the Mixed Media Category \$1,000 prize from 2019 onwards;*
- 3 *a new category 'Youth Photography' is included for online display only and that the Community Art Exhibition judges nominate the winner for a \$250 prize."*

As a result of it being a few years since the last review it is timely to again review the terms and conditions and make adjustments accordingly.

DETAILS

The CAE is held in June of each year and is held in the Great Space of Lakeside Joondalup Shopping City with an excess of 11,000 visitors through the area. It is not restricted to any medium or theme, it offers non-acquisitive prizes across several categories and attracts on average, in excess of 150 entries.

Issues and Options Considered

Categories and Prizes

Council as part of its review in 2018 made minor changes to the categories (merged the Textiles and Photomedia to be renamed Mixed Media, and a youth photography category was introduced).

The following table depicts the categories, number of entries per category and the amount of prize money offered:

| Category | 2017 | 2018 | 2019 | 2020 | 2021 | Prize Amount (2021) |
|---------------------------|------|------|------|------|------|---------------------|
| Most Outstanding Work** | | | | | | \$1,500 |
| Works on Paper | 30 | 25 | 24 | 36 | 39 | \$1,000 |
| Painting | 114 | 75 | 83 | 92 | 119 | \$1,000 |
| Three Dimensional | 11 | 6 | 10 | 15 | 8 | \$1,000 |
| Textiles | 5 | 3 | | | | |
| Photomedia | 14 | 6 | | | | |
| Mixed Media | | | 18 | 27 | 24 | \$1,000 |
| Arts <i>in focus</i> | 95 | 22 | 12 | 10 | 15 | \$500 |
| Celebrating Joondalup | 31 | 33 | 25 | 27 | 24 | \$250 |
| Popular Choice | 174 | 153 | 135 | 179 | 188 | \$500 |
| Student Photography Award | | | 18 | 9 | 6 | \$250 voucher |
| Student Award | 8 | 10 | 5 | 12 | 8 | \$250 voucher |

** All entries are eligible for the most outstanding works prize.

Except for the changes to the categories in 2014, the prize amounts and categories have remained in place for a number of years.

Due to the changing nature of traditional media, there is a shift away from media categories in art awards / exhibitions across the visual arts sector, particularly those coordinated by local governments. It is recommended that the current category prizes be replaced with the following:

- Most Outstanding Artwork \$ 4,000
- Highly Commended \$ 1,500
- Celebrating Joondalup \$ 1,500
- Arts *in focus* \$ 1,500
- Student Award \$ 750
- Popular Choice \$ 500

These prizes will bring them in line with formats operated by Cities of Melville and Belmont and the Town of Bassendean, also the City's Invitation Art Prize (IAP) judges across all media categories. Based on this principle, it is recommended that the Student Awards be combined as one.

These changes will also see a moderate increase in total prize money offered by \$2,250.

In the past the recipient of the Arts *in focus* Award was afforded a professional development opportunity with a solo exhibition at the Joondalup Art Gallery (JAG) located within Central Walk. However, the City recently agreed not to renew the lease of the facility on behalf of the Joondalup Community Arts Association (JCAA). The decision to close JAG compromised the City's ability to host a professionally curated solo show for the award winner and alternate venues have and will continue to be explored.

The City for the 2019 and 2020 Arts *in focus* Award winners utilised a pop-up venue in commercial premises to house the solo exhibition. It is recommended to retain this prize, with the offer of a solo exhibition to continue and the City will work the winner on a suitable location.

It is further recommended that the Celebrating Joondalup Award be restricted to residents / ratepayers of the City of Joondalup.

While not an award category, the City also selects an artist (based on recommendation from the judging panel) to commission a piece of artwork to be displayed on the City's Inside-Out Billboard located on the City of Joondalup Library. This is also recommended to continue.

Dates of CAE

The CAE is held in June of each year, which has provided challenges:

- With the event being held during winter the venue leaks and this increases the risk of damage and the need to install safety measures such as slip mats which detracts from the exhibition.
- Entries for both the CAE and the City's Invitational Art Prize (IAP) are opened at around the same time which causes confusion amongst artists.

It is recommended that CAE be moved to be held in March / April of each year. This minimises the risk of wet weather, while also allowing for entries to be called early reducing the confusion between CAE and IAP.

For 2022 the following dates are proposed (these will vary slightly each year):

| CAE Dates | Call for Entries | Start of Exhibition | VIP Event | Finish Date |
|-----------------|------------------------------------|---------------------|---------------|---------------|
| 2021 | 1 March to 30 April 2021 | 6 June 2021 | 5 June 2021 | 20 June 2021 |
| Proposed (2022) | 6 December 2021 to 4 February 2022 | 27 March 2022 | 26 March 2022 | 10 April 2022 |

Entry requirements

The CAE has a few criteria that are to be met to be eligible for entry:

- All artists must be a resident / ratepayer of the City of Joondalup or a member of one of the community art associations that are based within the City of Joondalup.
- All artworks must not be greater than 1m² x 1m².
- Due to capacity of venue, total artworks for the CAE are limited to 200.
- Price restriction for each artwork not to exceed \$2,000.

The size limits and the total number of artworks is to ensure that the event remains manageable given the constraints of the venue while also ensuring that the artworks are displayed in a respectful manner.

Over the last three CAE's, the total pieces of artwork entered averages 168, with an average of 30% from artists residing outside the City of Joondalup.

As part of the 2021 CAE, the City received five artworks that exceeded the size limit. In all cases each artist was offered the opportunity to submit an alternate piece that complied.

It is proposed that these entry requirements remain unchanged.

The terms and conditions of entry do not specify the age group for the Student Awards. It is proposed to clarify by stating the eligibility for the student award be restricted to between 12 and 18 years of age.

Legislation / Strategic Community Plan / Policy Implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community wellbeing.

Objective Cultural Development. For the community to have access to world-class cultural artistic events and facilities.

Strategic initiative Promote local opportunities for art development.

Policy Not applicable.

Risk Management Considerations

Hosting such an event within a public shopping centre provides several challenges that would normally be mitigated within a professional gallery environment. These are managed through a well-developed risk management plan.

Financial / Budget Implications

The 2021-22 annual budget contains an amount of \$65,210 to host the next CAE.

Regional Significance

While the CAE is primarily focussed on developing artists locally, the statistics show an average of 30% of the exhibitors reside outside the City therefore the event has an interest from beyond the City of Joondalup's boundaries.

The on-going provision of an accessible and high-calibre art event is integral to the cultural development and vibrancy of the City of Joondalup and for the development of visual arts within the industry of local government. The CAE attracts community artists and is an important cultural event held by the City in the northern corridor.

Sustainability Implications

Environmental

Art strengthens the public realm by creating points of interest, animating spaces and providing beauty, character and colour to place.

Social

The relevance of the City's cultural position increases the value of the City's cultural resources.

Economic

Art is a driver for cultural tourism.

Consultation

Each CAE provides the opportunity for artists and attendees to provide feedback.

COMMENT

The visual arts form an important part of the cultural and economic development of the Joondalup region. While the IAP hosted in October of each year caters for professional artists and fosters the growth of the City's art collection, the CAE contributes to the Joondalup community's sense of wellbeing through the promotion and support of local arts and culture, culminating in a showcase exhibition operated to a professional standard.

The CAE is a well run and popular event on the City's cultural event calendar. The proposed changes are minor in nature while maintaining the overall objective of the exhibition.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ129-08/21 (as detailed below) was resolved by the Policy Committee at its meeting held on 2 August 2021.

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

That Council:

- 1 *AGREES to host the annual Community Art Exhibition during the months of March and April of each year;*
- 2 *DELETES the current prize categories, and replaces them with the following:*
 - 2.1 *Most Outstanding Artwork* \$ 4,000;
 - 2.2 *Highly Commended* \$ 1,500;
 - 2.3 *Celebrating Joondalup* \$ 1,500;
 - 2.4 *Arts in focus* \$ 1,500;
 - 2.5 *Student Award* \$ 750;
 - 2.6 *Popular Choice* \$ 500;
- 3 *AGREES to include in the terms and conditions of the Community Art Exhibition that to be eligible for the Student Awards, entrants are to be aged between 12 and 18 years of age;*
- 4 *AGREES that the 'Celebrating Joondalup Award' be restricted to residents and / or ratepayers of the City of Joondalup.*

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

That Council:

- 1 *AGREES to host the annual Community Art Exhibition during the months of March and April of each year;*
- 2 *DELETES the current prize categories, and replaces them with the following:*
 - 2.1 *Most Outstanding Artwork* \$ 4,000;
 - 2.2 *Highly Commended* \$ 1,500;
 - 2.3 *Celebrating Joondalup* \$ 1,500;
 - 2.4 *Arts in focus* \$ 1,500;
 - 2.5 *Student Award* \$ 750;
 - 2.6 *Popular Choice* \$ 500;
- 3 *AGREES to include in the terms and conditions of the Community Art Exhibition that to be eligible for the Student Awards, entrants are ~~between 12 and 18 years of age~~ 18 years of age or younger;*
- 4 *AGREES that the 'Celebrating Joondalup Award' be restricted to residents and / or ratepayers of the City of Joondalup.*

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

- 1 **AGREES to host the annual Community Art Exhibition during the months of March and April of each year;**
- 2 **DELETES the current prize categories, and replaces them with the following:**
 - 2.1 **Most Outstanding Artwork \$ 4,000;**
 - 2.2 **Highly Commended \$ 1,500;**
 - 2.3 **Celebrating Joondalup \$ 1,500;**
 - 2.4 **Arts *in focus* \$ 1,500;**
 - 2.5 **Student Award \$ 750;**
 - 2.6 **Popular Choice \$ 500;**
- 3 **AGREES to include in the terms and conditions of the Community Art Exhibition that to be eligible for the Student Awards, entrants are 18 years of age or younger;**
- 4 **AGREES that the 'Celebrating Joondalup Award' be restricted to residents and / or ratepayers of the City of Joondalup.**

Cr Logan left the Chamber at 2.32pm and returned at 2.35pm.

The Director Planning and Community Development left the Chamber at 2.35pm and returned at 2.37pm.

AMENDMENT MOVED Cr Thompson, SECONDED Cr Fishwick that Part 3 of the Motion be AMENDED to read as follows:

- "3 *AGREES to include in the terms and conditions of the Community Art Exhibition that to be eligible for the Student Awards, entrants are between 12 and 18 years of age;*".**

The Amendment Motion was Put and

CARRIED (10/2)

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

Against the Amendment Motion: Crs Hollywood and Logan.

The Motion as amended, being that Council:

- 1 **AGREES to host the annual Community Art Exhibition during the months of March and April of each year;**
- 2 **DELETES the current prize categories, and replaces them with the following:**
 - 2.1 **Most Outstanding Artwork \$ 4,000;**
 - 2.2 **Highly Commended \$ 1,500;**
 - 2.3 **Celebrating Joondalup \$ 1,500;**
 - 2.4 **Arts *in focus* \$ 1,500;**
 - 2.5 **Student Award \$ 750;**
 - 2.6 **Popular Choice \$ 500;**
- 3 **AGREES to include in the terms and conditions of the Community Art Exhibition that to be eligible for the Student Awards, entrants are between 12 and 18 years of age;**
- 4 **AGREES that the 'Celebrating Joondalup Award' be restricted to residents and / or ratepayers of the City of Joondalup.**

was Put and

CARRIED (12/0)

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

Disclosure of interest affecting Impartiality

| | |
|---------------------------|--|
| Name / Position | Cr Christine Hamilton-Prime, JP. |
| Item No. / Subject | CJ130-08/21 - Project Joondalup: Robotics and Automation Precinct. |
| Nature of Interest | Interest that may affect impartiality. |
| Extent of Interest | Cr Hamilton-Prime knows two of the people making a deputation in relation to Project Joondalup, with one of the deputies attending an elected members dinner as her guest. |

CJ130-08/21 PROJECT JOONDALUP: ROBOTICS AND AUTOMATION PRECINCT

| | |
|-------------------------------|---|
| WARD | North |
| RESPONSIBLE DIRECTOR | Mr James Pearson Office of the CEO |
| FILE NUMBER | 102774, 101515 |
| ATTACHMENTS | Attachment 1 Project Joondalup: Feasibility Update |
| 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:

- provide IN-PRINCIPLE SUPPORT for initiatives to attract national and global businesses to invest in robotics, automation and artificial intelligence in Joondalup and the region
- provide IN-PRINCIPLE SUPPORT for collaborative initiatives to develop a robotics and automation precinct in Joondalup
- provide IN-PRINCIPLE SUPPORT for advocacy activities to state and federal government to enable the required regulatory and policy reform
- note that a full report on the Feasibility Study for a robotics and automation precinct in Joondalup will be presented to Council at a later date, for consideration.

EXECUTIVE SUMMARY

The City of Joondalup currently has limited population growth and will rely increasingly on public and private sector investment, innovation and entrepreneurship for economic growth to fund the delivery and enhancement of services to the local community.

The initiative outlined in Report CJ130-08/21, Project Joondalup, is being proposed as an innovative economic development opportunity which would increase job opportunities for Joondalup residents; and expand and diversify the City's rates base.

Project Joondalup proposes to establish a dedicated precinct in Joondalup for the testing and development of robotics and automation technologies. To be successful in attracting industry investment, the precinct would require changes to state government policy to allow for semi-autonomous vehicles (Level 4) to be tested on public roads.

This project has the potential to significantly grow the Gross Value Add of the Joondalup economy over the next decade.

Industry Cluster

A group of key stakeholders representing education providers, researchers and key operators in the robotics industry have formed a WA-based cluster called RoboWest. RoboWest incorporates Edith Cowan University, Curtin University, University of Western Australia, RCT, Minera, Chironix, Nexxis and the i-Move Cooperative Research Centre, with the lead consultant Project 412.

RoboWest has identified Joondalup central business district area and nearby suburbs as a suitable location for an urban precinct to conduct further research, development and attraction of businesses in robotic and artificial intelligence and autonomous vehicle technology.

This project is called Project Joondalup and will provide a blueprint for Joondalup to become a focus centre for urban and service robotics by 2032. This includes creating a world class education hub and an active ecosystem that supports emerging business and global organisations.

A feasibility study is currently being undertaken by Project 412. This study has been supported and funded by the City of Joondalup, Robotics Australia Group, Accenture, PwC, RCT- Perth, i-Move Cooperative Research Centre, Edith Cowan University, University of Western Australia, Queensland University of Technology, North Metropolitan TAFE, Barmingo, Austroads, Chironix, Nexxis and Minera Mining Technologies.

Project Joondalup was presented to Councillors at Strategy Sessions on 2 March 2021 and 6 July 2021 with a view to presenting preliminary outcomes of the feasibility study to Council.

Economic impact

The economic value add to the City of Joondalup and residents would be significant, as this growth sector will attract emerging industries, international investors, international talent and provide upskilling opportunities for all education networks in the Joondalup region.

As part of the feasibility study, Project 412 has undertaken comprehensive modelling of this economic value add. Preliminary modelling suggests that over the next 10 years, Project Joondalup has the potential to add \$1.5 to \$7.5 billion and 3,600 to 20,000 jobs to the Joondalup economy.

Much of the potential value in Project Joondalup relies on the approval process for autonomous vehicles and getting permission to have a level 4 autonomous vehicle on the road in traffic and being able to travel through controlled intersections. In the field of vehicle automation, level 4 vehicles can operate in self-driving mode, but must have a human driver who can over-ride and take control at any time. This requires advocacy at a state and federal level for reform and regulatory change. It does not require legislative change.

In-principle support from the City of Joondalup would enable Project Joondalup representatives to work with state government agencies, including Main Roads WA (MRWA), WA Department of Transport (DoT) and WA Department of Jobs, Tourism, Science and Innovation to progress the initiative. The responsibility to progress required reforms would then lie with these stakeholders. At a federal level, the project will require engagement with agencies such as Austroads, the National Transport Commission, Department of Industry, Science, Energy and Resources and the Department of Infrastructure, Transport, Regional Development and Communications.

It is therefore recommended that Council:

- 1 *Provides IN-PRINCIPLE SUPPORT for initiatives to attract national and global businesses to invest in robotics, automation and artificial intelligence in Joondalup and the region;*
- 2 *Provides IN-PRINCIPLE SUPPORT for collaborative initiatives to develop a robotics and automation precinct in Joondalup;*
- 3 *Provides IN-PRINCIPLE SUPPORT for advocacy activities to state and federal government to enable the required regulatory and policy reform;*
- 4 *NOTES that a full report on the Feasibility Study for a robotics and automation precinct in Joondalup will be presented to Council at a later date, for consideration.*

BACKGROUND

The City of Joondalup's *Expanding Horizons Economic Development Strategy* (the Strategy) considers the issues and challenges of achieving significant business and investment growth and increased employment opportunities in response to complex external drivers.

To support this Strategy, three specialist themes have also been identified as a high priority for the City and these are integrated throughout the Strategy as follows:

- *Global City – to position and focus the City's economic activity in an international context.*
- *Digital City – to support the application of new technologies and innovation to enhance business growth.*
- *Destination City – to recognise the value and opportunity of the visitor economy and tourism.*

To become a Digital City, the Strategy highlights the increasing importance of digital technologies and infrastructure as a fundamental enabler of economic development and City services.

The City has had a strong focus on digital innovation and cyber security for many years. Edith Cowan University (ECU) is the home of the WA government's first Innovation Hub which is home to WA AustCyber, the Cyber Security Cooperative Research Centre, ECU-Born Sapien Cyber and the cybercrime unit of WA Police.

The Artificial Intelligence and Robotics industry is experiencing rapid acceleration of the supply chain's capability and capacity, supporting primary firms as they harness automation and robotics technologies in the energy resources and mining sectors. WA is the biggest consumer of field robotics and automation globally, however there is no research, development and testing.

This progressive sector is forecast to add over \$70 billion of gross value to the Australian economy by 2030 and create over 80,000 jobs, and more if the supply chain's export potential is realised. Thirty billion of this alone in Western Australia.

Australian businesses are increasingly applying automation and robotics to remain internationally competitive, increasing their contribution to the Western Australian economy.

A strong domestic supply chain has historically supported these primary firms when they add capacity or improve productivity, however that supply chain is relatively immature in the development and application of automation and robotics when compared with international competitors.

Western Australia, despite leading the world in the use of field robotics, does not have an active urban and advanced manufacturing hub. Australia's peak body for the Robotics Industry (Robotics Australia Network) promoted the development of a WA based cluster for automation and robotics, to capitalise on the already established remote automation projects within the Western Australian mining services sector.

In July 2020, the Western Australian government announced an investment of \$20 million in the development of a robotics and automation test facility and precinct at Neerabup, in the City of Wanneroo. \$10 million of this investment has been allocated to the development of required roads and building infrastructure and the remaining funds, given to DevelopmentWA, will assist with setting up the test facility, which will focus on the development of heavy industrial automation and robotics for the mining industry.

The initial 51-hectare site has the potential to expand in the future, and will be used for testing, research and development, and training in autonomous, remote operations, and robotic systems and equipment.

Following this announcement, key stakeholders representing education providers, researchers and industry commenced collaboration and development of a robotics cluster in Western Australia. This cluster, RoboWest, was formalised in December 2020 and has identified the Joondalup CBD area as a suitable location for a dedicated urban living lab precinct to research and develop robotic and autonomous vehicle technology. This initiative, Project Joondalup, is currently being explored via a feasibility study which will determine requirements, economic benefits and potential impacts to the City and broader community.

DETAILS

Through the development and delivery of the feasibility study currently being undertaken, the gaps and opportunities required to establish a Joondalup Robotics and Innovation Precinct will be addressed. The aim is to establish this precinct as WA's active urban robotics and automation hub and create a global centre of excellence around robotics. RoboWest will also be officially launched and have their headquarters in Joondalup.

The City of Joondalup is an ideal location as our planned city and immediate surrounds has all the elements of key infrastructure and amenities of a metropolitan area within close proximity and compact location. It has a central business area, a retail precinct, commercial properties, a hospital, a university, a large sporting complex, train station, freeway access as well as a mixture of living density in both urban and suburban settings.

Key stakeholders in Joondalup already engaged with the project include Edith Cowan University, North Metro TAFE, Joondalup Health Campus and WA Police Academy. The City has also had discussions with a number of scale-ups, businesses locally, nationally and internationally who would be interested in being part of this initiative.

The following four key objectives have been identified for Project Joondalup:

- Establish a local ecosystem and network of robotics companies.
- Strengthen collaboration between primary firms, supply chain firms and educational and research and development institutions. In particular, a focus on research to commercialisation with involvement of the i-Move Centre for Cooperative Research (CRC), Cyber CRC and potentially the Digital Health CRC.
- Develop an entrepreneurial eco-system where there is access to funding, availability of skills, places to work and locations to innovate and reach potential customers easily.
- Build skills and the research and development platform, working with educational and research and development institutions to improve short and long-term skills in robotic technologies and incentivize adoption of robotics into the economy.

A significant percentage (70%) of the potential value in Project Joondalup relies on the approval process for autonomous vehicles and getting permission to have a level four autonomous vehicle on the road in traffic and being able to travel through controlled intersections. In the field of vehicle automation, level four vehicles can operate in self-driving mode, but must have human driver who can over-ride and take control at any time.

This requires a high level of advocacy at both a state and federal level for this to occur. This is about regulatory reform and not legislative change.

With Council's in-principle support, Project Joondalup representatives will be able work with various state government agencies, such as Main Roads WA, WA Department of Transport, WA Department of Jobs, Tourism, Science and Innovation to progress the initiative. At a federal level, the project will require engagement with agencies such as Austroads, the National Transport Commission, Department of Industry, Science, Energy and Resources and the Department of Infrastructure, Transport, Regional Development and Communications.

Issues and Options Considered

Council can either:

- provide in-principle support for collaborative initiatives and advocacy to attract investment to grow the robotics, automation and artificial intelligence industry in the City of Joondalup and note that a full report on the Feasibility Study will be presented to Council at a later date, for endorsement. This is the recommended option.
or
- not support these efforts.

Legislation / Strategic Community Plan / Policy Implications

| | |
|---------------------------------|---|
| Legislation | A number of transport and road related legislation need to be addressed on a state and federal level. |
| Strategic Community Plan | |
| Key theme | Economic Prosperity, Vibrancy and Growth. |
| Objective | Central business district of the North. |
| Strategic initiative | Support advanced technology opportunities that will foster a thriving business environment. |
| Policy | Not applicable. |

Risk Management Considerations

If consideration is not given by Council to the development of a dedicated precinct for the research and development of automation and robotic technologies in the City of Joondalup, there is a risk that the Western Australian Robotics Cluster will explore alternative locations for the precinct; and that cities and urban centres in other parts of WA and Australia will gain the benefit from hosting these facilities and activities; attracting investment, and generating jobs and an expanded rate base in their local government area.

The City is currently experiencing limited population and local economic growth. The risk of not supporting this initiative may result in lower growth of the local economy; fewer jobs for the local community; and less rates and other revenue to the City than otherwise possible. A project of this nature can catalyse the economic growth of key sectors in the City including education, retail and tourism through a thriving and activated economy and matching skills to job opportunities.

A decision to provide in-principle support will not require any increase in staff or budget for the City as the activities required will be able to be met from within existing resources. It does not commit the Council to delivery of the project as that consideration can follow the presentation of the final report of the feasibility study at a later date.

If supported, each step of the delivery of Project Joondalup would be subject to comprehensive risk assessments. This will be outlined in the report to Council following completion of the feasibility.

Financial / Budget Implications

The City's contribution to the development of the feasibility study has been \$50,000 of a total investment in the study of \$120,000, the remainder has been invested by the iMove Centre for Cooperative Research and other RoboWest partner organisations. The City's contribution was allocated from existing budget.

There is significant support, both in funding and in-kind support from the public and private sector.

At this stage, the City's involvement is predominantly through existing Economic Development and Advocacy services. Further support around testing of the concepts will require regulatory change at a state and federal level. This does not have significant financial or budget implications other than the time of City employees to support these efforts by potential investors, elected representatives and other government representatives, which will be accommodated within existing staff and budget.

Regional Significance

In July 2020, the Western Australian government announced an investment of \$20 million in the development of an advanced manufacturing robotics and automation test facility and precinct at Neerabup, in the City of Wanneroo.

A dedicated precinct in Joondalup for research and development of automation and robotic technologies would not only boost digital capabilities in Joondalup but would position the region as a key supporter and early adopter of automation and robotic technology.

The economic value add to the City and residents will be significant, as this growth sector will attract emerging industries, international investors, international talent and provide upskilling opportunities for all education networks in the Joondalup region.

Sustainability Implications

With options for population growth, sustained economic development requires business investment and sector development. The proposed development of a robotics precinct in Joondalup would bring together key global suppliers, researchers and regulators of autonomy and robotic products, services and systems, with focus on delivering a ubiquitous operating layer for end customers.

Examples of successful expansion and rejuvenation of city economies through robotics and automation test facilities include the US cities of Pittsburgh and Tucson. The Tucson test facilities created around 15,000 jobs and revitalised the local economy, including the development of a major resource industry education and training programs, ensuring longevity of the local talent pipeline for the resource industry in that city.

Advances in the development and application of robotics and automation are likely to benefit the environment in the areas of environmental monitoring and on ground management. Efficiencies in the manufacturing and industrial sectors would also lead to cleaner processes and a reduction in greenhouse gas emissions in the future.

Consultation

Not applicable.

COMMENT

Development of an automation and robotics precinct in Joondalup would further position Joondalup as a leader in digital development and would complement the region's existing capabilities. The project will support the talent retention of increased investment into local education providers to grow skills and research into automation and digital futures.

Project 412 has forecast that rapid acceleration of the supply chain's capability and capacity to support demand as they harness automation and robotics technologies in the energy resources and mining sectors alone, could add over \$70 billion of gross value to the Australian economy by 2030 and create over 80,000 jobs, and more if the supply chain's export potential is realised.

Project Joondalup would bring together key global suppliers, researchers and regulators of autonomy and robotic products, services and systems, with focus on delivering a ubiquitous operating layer for end customers.

It is envisaged that the project will include representation from government, the community, researchers and industry and will be responsible for the trial and testing of robotic equipment in the defined area, operating in conjunction with the relevant government agencies.

Project Joondalup would provide information and opportunities that encompass the needs of the community, suppliers, service providers, indigenous groups, and educational establishments.

Project Joondalup's vision is to create a global centre of research that will provide an accelerated knowledge transfer opportunity for local businesses, schools, and universities. This human capital and social infrastructure would in turn create a highly integrated ecosystem and provide the foundations for a vibrant future in the City of Joondalup.

Community consultation may be undertaken if the feasibility study identifies initiatives which could affect residents.

It is recommended Council provided in-principle support in relation to collaborative initiatives to develop a robotics and automation precinct in Joondalup; regulatory changes and government funded initiatives through the City's existing advocacy efforts and existing relationships with state and federal government networks; and of investment attraction through the City's existing investment concierge program. A final report on the feasibility study will be presented to Council at a later date.

VOTING REQUIREMENTS

Simple Majority.

Mayor Jacob left the Chamber at 3.02pm and returned at 3.04pm. The Deputy Mayor, Cr Fishwick assumed the Chair during this period.

Cr Poliwka left the Chamber at 3.09pm and returned at 3.10pm.

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

- 1 Provides **IN-PRINCIPLE SUPPORT** for initiatives to attract national and global businesses to invest in robotics, automation and artificial intelligence in Joondalup and the region;
- 2 Provides **IN-PRINCIPLE SUPPORT** for collaborative initiatives to develop a robotics and automation precinct in Joondalup;
- 3 Provides **IN-PRINCIPLE SUPPORT** for advocacy activities to state and federal government to enable the required regulatory and policy reform;
- 4 **NOTES** that a full report on the Feasibility Study for a robotics and automation precinct in Joondalup will be presented to Council at a later date, for consideration.

C76-08/21 EXTENSION OF TIME TO SPEAK

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

The Motion was Put and

CARRIED (7/5)

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

Against the Motion: Crs Chester, Fishwick, May, Poliwka and Thompson.

The Motion as Moved by Cr Hamilton-Prime, Seconded Cr McLean was Put and

CARRIED (12/0)

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf210810.pdf](#)

C77-08/21**COUNCIL DECISION - ADOPTION BY EXCEPTION RESOLUTION**

MOVED Mayor Jacob, **SECONDED** Cr May that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013 - Clause 4.8 - Adoption by exception resolution*, Council **ADOPTS** the following items:

CJ109-08/21; CJ110-08/21; CJ114-08/21; CJ116-08/21; CJ118-08/21; CJ121-08/21; CJ124-08/21 and CJ126-08/21.

The Motion was Put and

CARRIED (12/0)

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

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ131-08/21 CONFIDENTIAL - FUTURE OF THE RESOURCE RECOVERY FACILITY**

| | |
|-----------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Nico Claassen Infrastructure Services |
| FILE NUMBER | 03149, 101515 |
| ATTACHMENT | Nil |

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

| | |
|-------------------------------|---|
| AUTHORITY / DISCRETION | Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets. |
|-------------------------------|---|

This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 214 refers.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C78-08/21 NOTICE OF MOTION NO. 1 - CR RUSSELL POLIWKA - CHILD CARE PREMISES LOCAL PLANNING POLICY

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 17 August 2021:

That Council REQUESTS the Chief Executive Officer prepare a report for the September 2021 Council meeting, detailing possible amendments to the Child Care Premises Local Planning Policy to prevent childcare premises being built in residential areas.

REASON FOR MOTION

Large and inappropriate commercial developments are currently being approved to the detriment of the amenity of residential areas in our City. There are currently two development applications causing anxiety in the community, that will likely be approved due to the lack of restraints in our current Local Planning Policy.

OFFICER'S COMMENT

The Notice of Motion requests a report be presented to the September Council meeting, detailing possible amendments to the *Child Care Premises Local Planning Policy* to prevent childcare premises being built in residential areas. This Major Policy Decision fits the definition set out in the City's *Elections Caretaker Policy*, as follows:

'Major Policy Decision' means any decision:

- (e) *to prepare a report, initiated by an Elected Member or Council on a matter that, in the Chief Executive Officer's opinion, may be perceived as or is actually an election campaign issue*
- (f) *initiated through a Notice of Motion by an Elected Member, where the effect of that motion will change the status quo or, in the Chief Executive Officer's opinion, may be relevant to the circumstances described in sub-clauses (a) to (e) above*
- (g) *that adopts a new policy, service or service level or significantly amends an existing policy, service or service level, unless the decision is necessary to comply with legislation*
- (h) *that initiates or adopts a new Local Planning Scheme, amendment to a Local Planning Scheme or Planning Policy, unless in the Chief Executive Officer's opinion, is required for the orderly and proper land use planning within the district.*

The City's *Elections Caretaker Policy* states that Major Policy Decisions should not be presented to Council during the caretaker period (which will run from 9 September to 16 October). Instead, Major Policy Decisions should be made before the caretaker period or by the incoming Council after the election. The relevant clause of the *Elections Caretaker Policy* reads as follows:

4.1 *Scheduling Major Policy Decisions*

- (1) *During a Caretaker Period, unless Extraordinary Circumstances apply, the Chief Executive Officer will reasonably ensure that:*
 - (a) *a Council Agenda, Committee Agenda or Briefing Session Agenda, does not include reports that constitute Major Policy Decisions*
 - (b) *Elected Member forums, workshops or Strategy Sessions, do not list for discussion matters that relate to Major Policy Decisions.*
- (2) *The Chief Executive Officer shall reasonably ensure that, unless Extraordinary Circumstances apply, Major Policy Decisions are either:*
 - (a) *considered by Council prior to the Caretaker Period or*
 - (b) *scheduled for determination by the incoming Council.*

Extraordinary circumstances are defined as follows:

...a circumstance that requires Council to make or announce a Major Policy Decision during the Caretaker Period because, in the Chief Executive Officer's opinion, delaying the decision or announcement to occur after the Caretaker Period has reasonable potential to:

- (a) *Incur or increase legal, financial and/or reputational risk*
or
- (b) *Cause detriment to the strategic objectives of the City.*

It is not clear that delaying the decision or announcement to occur after the caretaker period has reasonable potential to incur or increase legal, financial and/or reputational risk; or cause detriment to the strategic objectives of the City. In these circumstances, extraordinary circumstances do not appear to apply.

MOVED Cr Poliwka, SECONDED Cr May that Council REQUESTS the Chief Executive Officer prepare a report for the September 2021 Council meeting, detailing possible amendments to the *Child Care Premises Local Planning Policy* to prevent childcare premises being built in residential areas.

AMENDMENT MOVED Cr Logan, SECONDED Cr McLean that the Motion be AMENDED by replacing the word “September” with “November”.

The Amendment Motion was Put and

TIED (6/6)

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

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

Cr May left the Chamber at 3.41pm and returned at 3.43pm.

Cr May left the Chamber at 3.52pm.

The Motion as amended, being that Council REQUESTS the Chief Executive Officer prepare a report for the November 2021 Council meeting, detailing possible amendments to the *Child Care Premises Local Planning Policy* to prevent childcare premises being built in residential areas.

The Motion was Put and

CARRIED (10/1)

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

C79-08/21 **NOTICE OF MOTION NO. 2 - CR CHRISTOPHER MAY -
ADDITIONAL LIGHTING AT BRIDGEWATER PARK, KALLAROO
AND OTAGO PARK, CRAIGIE**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr May has given notice of his intention to move the following Motion at the Council meeting to be held on 17 August 2021:

That Council REQUESTS the Chief Executive Officer prepare a report on the feasibility and costs associated with the installation of additional lighting in:

- 1 Bridgewater Park, Kallaroo, between the toilet block and Batavia Place;***
- 2 Otago Park, Craigie, between Revitalise Circuit and Fenellia Crescent.***

REASON FOR MOTION

To allow Council to consider options for improvement to lighting at the above parks for passive recreational use. These locations present a lack of spillage from streetlights during the evenings and early mornings. Many residents have experienced safety concerns when using these parks in the early mornings and evenings, particularly during the winter months.

While the ovals at large are illuminated for users, some key access points to these parks are not.

This motion will facilitate options being presented to Council to consider improving overall lighting with cost effective, energy efficient options for passive recreational use for pedestrians, exercisers and dog walker. This is particularly relevant as these areas of Kallaroo and Craigie have experienced urban infill and larger numbers of families and individuals using the City's parks.

OFFICER'S COMMENT

A report can be prepared.

C80-08/21 **PROCEDURAL MOTION - THAT THE ITEM BE DEFERRED**

MOVED Mayor Jacob, SECONDED Cr Poliwka that Item C78-08/21 - Notice of Motion No. 2 - Cr Christopher May - Additional Lighting at Bridgewater Park, Kallaroo and Otago Park, Craigie, BE DEFERRED to the Council Meeting to be held on Tuesday 21 September 2021.

The Procedural Motion was Put and

CARRIED (11/0)

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

C81-08/21

NOTICE OF MOTION NO. 3 - CR RUSS FISHWICK, JP - BRADEN PARK BASKETBALL AND HANDBALL COURTS

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Fishwick, JP has given notice of his intention to move the following Motion at the Council meeting to be held on 17 August 2021:

That Council:

- 1** *given the petition received from nearby residents living within close proximity to Braden Park in Marmion objecting to the installation of the basketball and handball courts in the Braden Park Playground upgrade due to the noise these facilities may generate requests the Chief Executive Officer conducts a survey at the end of November 2021 of only those residents who signed the petition to ascertain their views as to whether the basketball and handball courts should be removed due to the noise levels emanating from their use having a detrimental effect on the residential amenity for local nearby residents;*
- 2** *is to receive a report on results of the survey at its first ordinary meeting to be held in 2022;*
- 3** *is to remove the basketball and handball courts from the Braden Park Playground upgrade if supported by the majority of residents surveyed and where possible they be installed in another park within the district where there is a demand for their use.*

REASON FOR MOTION

The Council at its meeting held on the 27 July 2021 resolved that:

“The petition in relation to the removal of the basketball and handball courts from the Braden Park Playground upgrade currently underway and to add them to the plan for the proposed skate park at the Percy Doyle Sports Ground, Duncraig be received and referred to the Chief Executive Officer and subsequent report presented to Council for consideration.”

In relation to the above a 68-signature petition has been received from residents residing within close proximity to the Braden Park playground upgrade requesting the removal of the basketball and handball courts from the Braden Park Playground upgrade currently underway and to add them to the plan for the proposed skate park as proposed by Cr Russ Fishwick, JP, at the Percy Doyle Sports Ground, Duncraig.

The residents who reside within close proximity to the basketball and handball courts are concerned with the possible noise that will be generated from these facilities which will impact on their residential amenity.

It is therefore considered that a survey of those residents who signed the petition and who are most likely to be affected by the noise generated from these facilities be undertaken to ascertain the affect and if they should be removed. The survey should be conducted prior to the end of November 2021 when it is anticipated that they would be most likely to be utilised. Should the majority of residents surveyed indicate that the noise levels do impact on their residential amenity, then the City is to remove these facilities from Braden Park.

OFFICER'S COMMENT

Background to Braden Park play space

At its meeting held on 8 October 2019 (C65-10/19 refers) a petition of electors was received by Council which requested that Council reinstate the Braden Park play space renewal project in the 2019-20 budget, and to take into account recent community led feedback in the planning and design of the play space.

The wording on the petition was as follows:

"We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council make Braden Park Playspace renewal a priority again. We respectfully ask that you reinstate the Braden Park Playspace Renewal project to the 2019-20 schedule of the City's Five-Year Capital Works Program. Braden Park is in the heart of the Marmion Community and we have been anticipating this 2019-20 renewal since it was first scheduled to this date, back in 2015.

Furthermore, we ask that you take account of community input, in the planning and design of this popular playspace."

The accompanying letter from the lead petitioner listing a number of items that the community would like to see incorporated into the renewal project. These items were the result of an informal community meeting and subsequent survey carried out by the petition organisers which yielded 189 responses, with the support for each item noted in the table below:

| | | |
|---|---|--------------|
| 1 | Circuit for bikes and scooter play | 61.5% |
| 2 | A nature play area | 59% |
| 3 | A basketball half court | 56.4% |
| 4 | Play equipment to suit all ages, including exercise equipment and table tennis tables | 51.3% |
| 5 | More benches under trees and to the east for sea views | 41% |
| 6 | A footpath from the south-west corner | 25.6% |
| 7 | Relocation of playspace to a shadier spot | 20.5% |
| 8 | Gated area for younger children | 12.8% |

At its meeting held on 19 May 2020 (CJ063-05/20 refers), Council considered a report in relation to this petition and supported bringing forward the play space renewal project for construction in 2020-21 with an overall budget of \$140,000 (an increase of \$30,000) to include the supported items as listed below:

- Installation of a new play space (to replace the old one).
- Installation of a 3-on-3 basketball pad.
- Path linkage to the pedestrian crossing located on Cliff Street.
- Bench seat replacement.
- Installation of line marking on the existing paths to establish a quasi-bike skills track.

In early April 2021, the City advised affected residents surrounding Braden Park that, as part of its capital works program, the existing playground and associated infrastructure at the park would be replaced with new play equipment that catered for a range of children's age groups including:

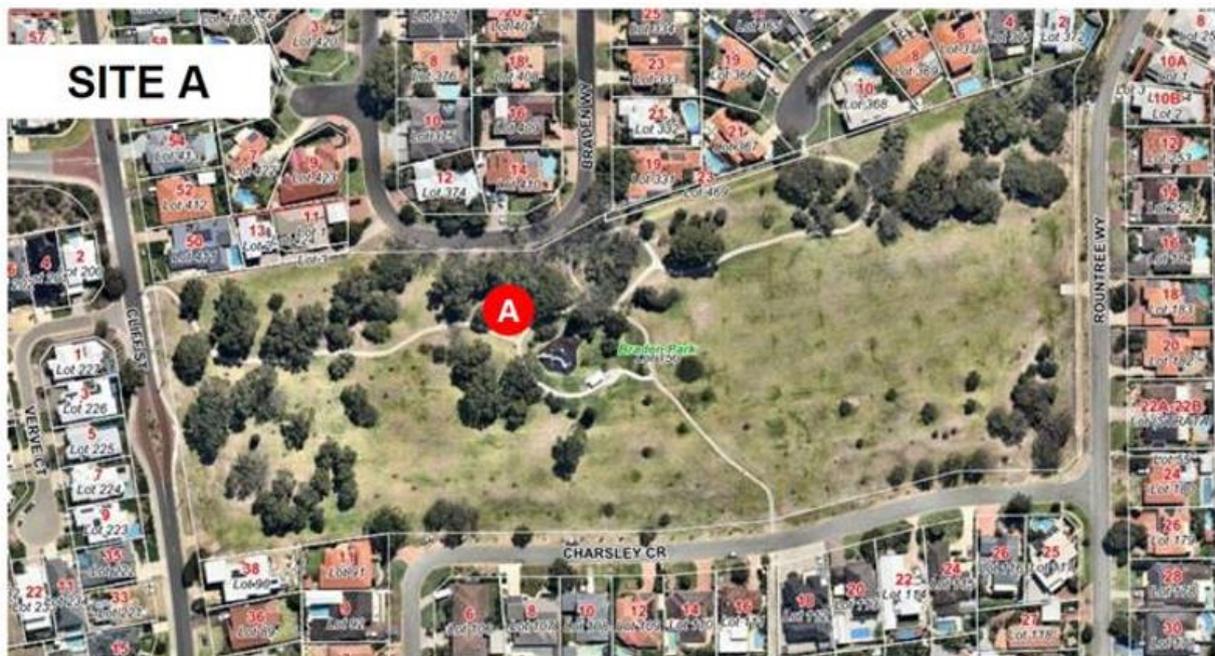
- new play space
- basketball pad and a four-square pad
- bench seat
- nature play elements
- shade sails over the playground equipment
- mulch underneath the existing trees surrounding the playground.

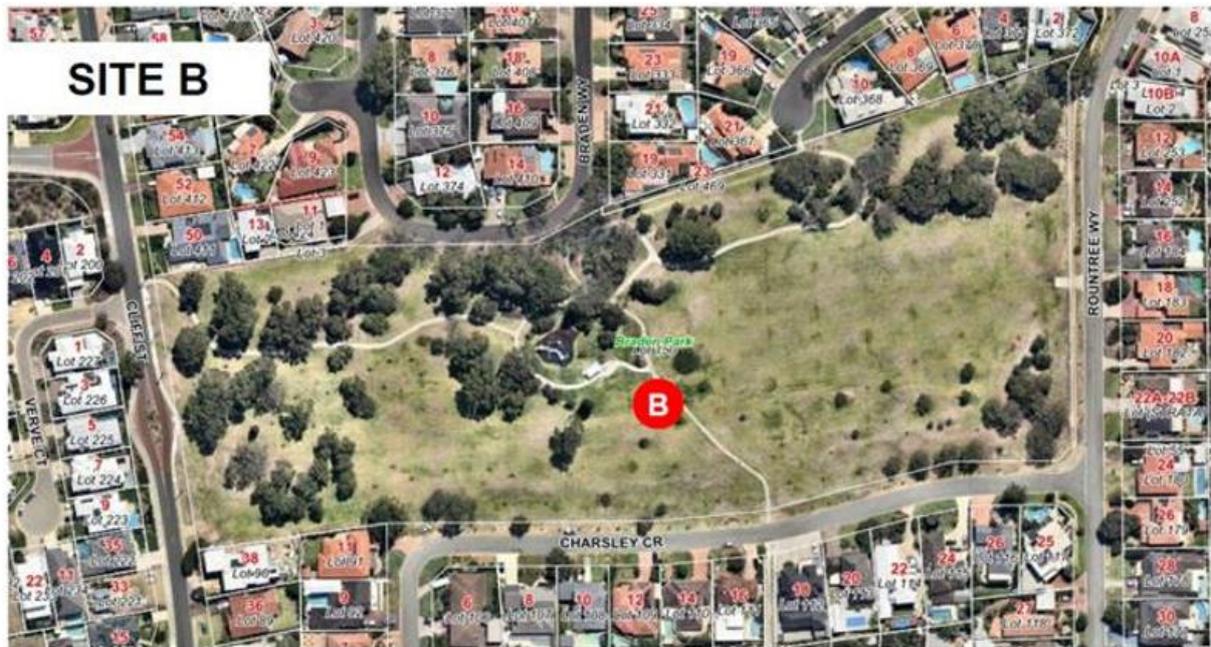
Following this notification, the City received feedback from some residents regarding the proposed location of the basketball pad which was integrated into the park's recreation hub.

In response, following discussions with the Mayor and a Ward Councillor, the City invited feedback on the proposed location of the basketball pad from those residents previously identified residing within a 200-metre buffer of Braden Park. The request for feedback ran from Wednesday 19 May 2021 to Tuesday 1 June 2021. Residents were asked to indicate their preference for one of the following:

- Installation of a basketball pad at Site A which formed part of the park's recreational hub.
- Installation of a basketball pad at Site B which was located to the south of the park's recreational hub.
- Not installing a basketball pad.

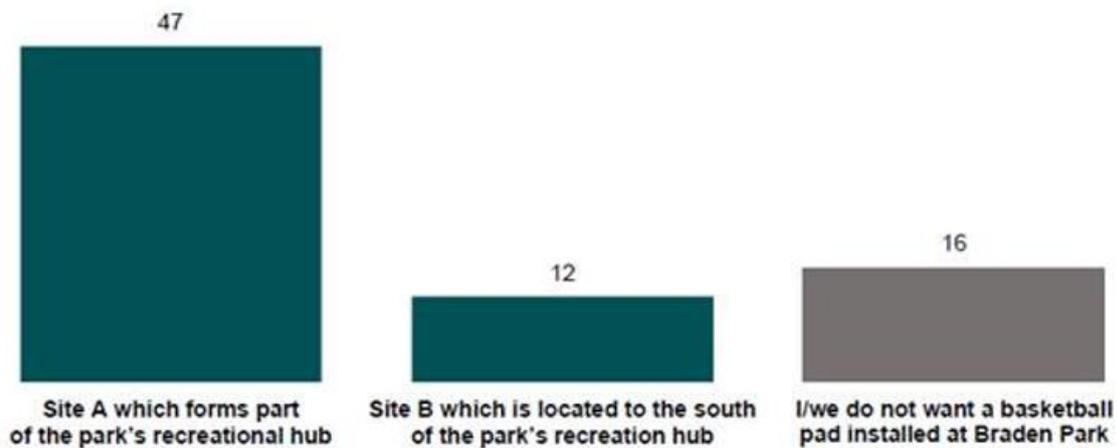
The maps below indicate these locations.





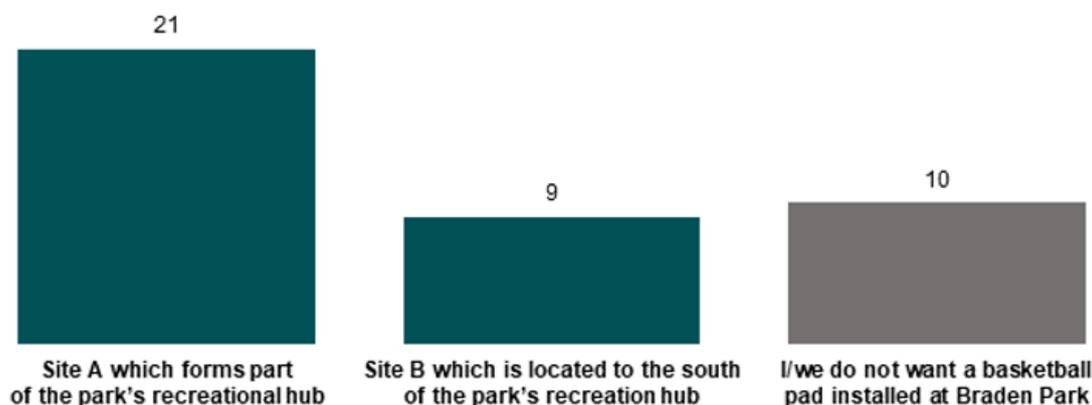
This was not an open consultation; only those residents affected by the works (that is those persons who had been contacted directly by the City), were eligible to participate and responses were limited to one per household. Of the 381 eligible participants within the 200 metre buffer of the park, 75 valid responses were received and the outcomes are provided below:

| Please indicate your preference for the location of the basketball pad in Braden Park: | N | % |
|---|-----------|---------------|
| Site A which forms part of the park’s recreational hub | 47 | 62.7% |
| Site B which is located to the south of the park’s recreation hub | 12 | 16.0% |
| I/we do not want a basketball pad installed at Braden Park | 16 | 21.3% |
| Total responses | 75 | 100.0% |



The above results were further broken down for residents from the surrounding streets (for instance Braden Way, Rountree Way, Charsley Crescent, Cliff Street.

| Please indicate your preference for the location of the basketball pad in Braden Park: | N | % |
|---|-----------|---------------|
| Site A which forms part of the park's recreational hub | 21 | 52.5% |
| Site B which is located to the south of the park's recreation hub | 9 | 22.5% |
| I/we do not want a basketball pad installed at Braden Park | 10 | 25.0% |
| Total responses | 40 | 100.0% |



The results above indicates a strong support for the installation of a basketball pad at Braden Park.

Comment addressing the notice of motion

The suggestion put forward in the notice of motion (that is to only survey those residents who signed the petition received on 27 July 2021) does not meet the intent of the City's *Community Consultation Policy* which provides the following:

Statement:

The City of Joondalup recognises the importance of effective, transparent and accessible community consultation in ensuring feedback from the community is considered as part of the City's decision-making processes. Community consultation informs, but does not replace, the decision-making role of the City and the Council.

Principle 4.1 (a) To ensure the City's community consultation practices are effective, transparent and accessible, the following principles will apply, unless bound by statutory and legislative requirements (see Table 1).

- a The City will identify stakeholders by considering any persons, groups or organisations that could be affected by, or are interested in, the matter under consideration.*

To survey only those residents that signed the petition to remove the basketball and handball courts will more than likely:

- result in a biased outcome (perceived or actual) given that residents who did not sign the recent petition (and may be in favour of the facilities) will not be granted the opportunity to provide comment (as per the intent of the City's policy)
- prevent residents who were not part of the petition or previous consultation, and who may be affected, to have an opportunity to participate in the consultation.

In view of the above, the notice of motion is not supported.

Cr Hollywood left the Chamber at 3.59pm and returned at 4.04pm.

Cr Chester left the Chamber at 4.01pm and returned at 4.05pm.

MOVED Cr Fishwick, SECONDED Cr Raftis that Council:

- 1** given the petition received from nearby residents living within close proximity to Braden Park in Marmion objecting to the installation of the basketball and handball courts in the Braden Park Playground upgrade due to the noise these facilities may generate requests the Chief Executive Officer conducts a survey at the end of November 2021 of only those residents who signed the petition to ascertain their views as to whether the basketball and handball courts should be removed due to the noise levels emanating from their use having a detrimental effect on the residential amenity for local nearby residents;
- 2** is to receive a report on results of the survey at its first ordinary meeting to be held in 2022;
- 3** is to remove the basketball and handball courts from the Braden Park Playground upgrade if supported by the majority of residents surveyed and where possible they be installed in another park within the district where there is a demand for their use.

AMENDMENT MOVED Cr Thompson, SECONDED Cr Fishwick that:

- 1** Part 1 of the Motion be **AMENDED** to read as follows:

“1 given the petition received from nearby residents living within close proximity to Braden Park in Marmion objecting to the installation of the basketball and handball courts in the Braden Park Playground upgrade due to the noise these facilities may generate, REQUESTS the Chief Executive Officer conducts a survey to residents within 200 metres of the perimeter of Braden Park (and provides a breakdown analysis of the responses received by those residing within 50 metres, 100 metres and over 200 metres radius from the court) to ascertain their views as to whether the basketball and handball courts should be removed due to the noise levels emanating from their use having a detrimental effect on the residential amenity for local nearby residents;”;

- 2** Parts 2 and 3 be **RENUMBERED** to Part 3 and 4 respectively, and a new Part 2 **INSERTED** as follows:

“2 REQUESTS the Chief Executive Officer to include a question in the survey conducted in Part 1 above, conveying a message along the following intent:

“If, in the opinion of those residents residing in closest proximity, the basketball and handball court causes noise and disruption that impacts unreasonably upon and their residential amenity, would you be amenable to having the facilities removed?”;

The Amendment Motion was Put and

CARRIED (11/0)

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

The Motion as amended, being that Council:

- 1 given the petition received from nearby residents living within close proximity to Braden Park in Marmion objecting to the installation of the basketball and handball courts in the Braden Park Playground upgrade due to the noise these facilities may generate, REQUESTS the Chief Executive Officer conducts a survey to residents within 200 metres of the perimeter of Braden Park (and provides a breakdown analysis of the responses received by those residing within 50 metres, 100 metres and over 200 metres radius from the court) to ascertain their views as to whether the basketball and handball courts should be removed due to the noise levels emanating from their use having a detrimental effect on the residential amenity for local nearby residents;
- 2 REQUESTS the Chief Executive Officer to include a question in the survey conducted in Part 1 above, conveying a message along the following intent:

“If, in the opinion of those residents residing in closest proximity, the basketball and handball court causes noise and disruption that impacts unreasonably upon and their residential amenity, would you be amenable to having the facilities removed?”;
- 3 is to receive a report on results of the survey at its first ordinary meeting to be held in 2022;
- 4 is to remove the basketball and handball courts from the Braden Park Playground upgrade if supported by the majority of residents surveyed and where possible they be installed in another park within the district where there is a demand for their use.

was Put and**CARRIED (11/0)**

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

Cr Raftis and Cr McLean left the Chamber at 4.13pm.

C82-08/21 MOTION TO CLOSE THE MEETING TO MEMBERS OF THE PUBLIC

MOVED Mayor Jacob, SECONDED Cr Poliwka that Council:

- 1 in accordance with Section 5.23(2)(d) and (f)(i) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, RESOLVES to close the meeting to members of the public to consider the following item:**
 - 1.1 CJ131-08/21 - Confidential - Future of the Resource Recovery Facility;**

- 2 PERMITS the following employees and other persons to remain in the Chamber during discussion on Item 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 while the meeting is sitting behind closed doors as detailed in Part 1.1 above:**
 - 2.1 Chief Executive Officer, Mr James Pearson;**
 - 2.2 Director Corporate Services, Mr Mat Humfrey;**
 - 2.3 Director Governance and Strategy, Mr Jamie Parry;**
 - 2.4 Director Planning and Community Development, Ms Dale Page;**
 - 2.5 Director Infrastructure Services, Mr Nico Claassen;**
 - 2.6 Manager Planning Services, Mr Chris Leigh;**
 - 2.7 Manager Governance, Mr Brad Sillence;**
 - 2.8 Coordinator Governance, Mrs Vivienne Stampalija;**
 - 2.9 Governance Officer, Mrs Wendy Cowley;**
 - 2.10 Governance Officer, Mrs Natasha Mossman.**

The Motion was Put and

CARRIED (9/0)

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

Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Director Infrastructure Services, Manager Planning Services, Manager Governance, Governance Coordinator and Governance Officers) and members of the public and press left the Chamber at this point; the time being 4.13pm.

CJ131-08/21 CONFIDENTIAL - FUTURE OF THE RESOURCE RECOVERY FACILITY

| | |
|-----------------------------|---|
| WARD | All |
| RESPONSIBLE DIRECTOR | Mr Nico Claassen Infrastructure Services |
| FILE NUMBER | 03149, 101515 |
| ATTACHMENT | Nil |

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

AUTHORITY / DISCRETION Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with section 5.23(2)(c) and (e)(ii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- (e)(ii) *information that has a commercial value to a person.*

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

The Manager Planning Services left the Chamber at 4.15pm.

Cr Raftis entered the Chamber at 4.15pm.

Cr McLean entered the Chamber at 4.16pm.

MOVED Cr Fishwick, SECONDED Cr Logan that Council:

- 1 NOTES the process undertaken by the Mindarie Regional Council to date regarding the future of the Resource Recovery Facility as detailed in Report CJ131-08/21;**
- 2 NOTES the timeline proposed by the Mindarie Regional Council regarding the future of the Resource Recovery Facility as detailed in Report CJ131-08/21;**
- 3 Subject to the decision of the Mindarie Regional Council regarding the Resource Recovery Facility, BY ABSOLUTE MAJORITY, AMENDS the 2021-22 Adopted Budget to authorise transfer of \$14,166,667 from the Waste Management Reserve to meet the City's potential obligations to the Mindarie Regional Council;**
- 4 Subject to the decision of the Mindarie Regional Council regarding the Resource Recovery Facility, BY ABSOLUTE MAJORITY, AMENDS the 2021-22 Adopted Budget to increase Materials and Contracts expenditure by \$14,166,667 to meet the City's potential obligations to the Mindarie Regional Council;**
- 5 Subject to the decision of the Mindarie Regional Council regarding the Resource Recovery Facility, AUTHORISES the Chief Executive Officer to undertake the necessary activities to meet the City's potential obligations to the Mindarie Regional Council.**

The Motion was Put and**CARRIED (11/0)****In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Logan, McLean, Poliwka, Raftis, Taylor and Thompson.

C83-08/21 MOTION TO OPEN THE MEETING TO MEMBERS OF THE PUBLIC

MOVED Mayor Jacob, SECONDED Cr Poliwka that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the meeting be REOPENED TO THE PUBLIC.

The Motion was Put and

CARRIED (11/0)

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

Doors opened at 4.26pm. No members of the public or press were present.

C84-08/21 MOTION TO RESUME THE ORDER OF BUSINESS

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council RESUMES the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

The Motion was Put and

CARRIED (11/0)

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

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Cr May's deferred notice of motion to the 21 September 2021 Council meeting regarding additional lighting at Bridgewater Park, Kallaroo and Otago Park, Craigie.

Mayor Jacob signalled his intention to submit a notice of motion to the 21 September 2021 Council meeting regarding that the City write to the Minister for Transport and Main Roads calling for a 50 kilometres per hour speed limit along Whitfords Avenue between Hepburn Avenue and North Shore Drive.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 4.28pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR JOHN CHESTER
CR RUSS FISHWICK, JP
CR CHRISTINE HAMILTON-PRIME, JP
CR KERRY HOLLYWOOD
CR JOHN LOGAN
CR TOM McLEAN, JP
CR RUSSELL POLIWKA
CR JOHN RAFTIS
CR PHILIPPA TAYLOR
CR SUZANNE THOMPSON