

# agenda

## Ordinary Meeting of Council

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

**ON** **TUESDAY 15 FEBRUARY 2022**

**COMMENCING AT** **7.00pm**

**JAMES PEARSON**  
Chief Executive Officer  
11 February 2022

### **Acknowledgement of Traditional Custodians**

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

*This document is available in alternate formats upon request*

**PUBLIC QUESTION TIME**

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by 9.00am on **Monday 14 February 2022.**

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

**QUESTIONS TO**

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

PO Box 21 Joondalup WA 6919

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

## IMPORTANT INFORMATION

### ATTENDANCE AT MEETINGS DURING STATE OF EMERGENCY

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

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

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

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

- follow the direction of the Presiding Members and City employees when attending meetings
- wear a mask unless exempted from doing so
- if you have an exemption from the requirement to wear a mask, you must show a medical certificate, in line with the *Covid Transition (Face Covering) Directions*
- maintain physical distancing where possible
- use the hand sanitiser that is provided by the City at the venue
- not attend a meeting should they feel unwell or if they have been in contact with a known COVID-19 case, or been overseas in the preceding two weeks
- download the SafeWA app from the [Apple App Store](#) or the [Google Play Store](#).

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

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

## CIVIC CENTRE EMERGENCY PROCEDURES

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

### Alarms

The City of Joondalup emergency system has two alarm tones:

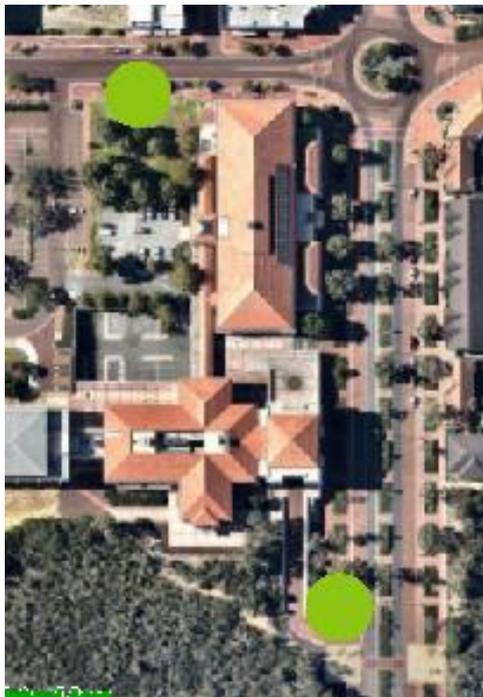
- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

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

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

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

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



## CODE OF CONDUCT

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

### Personal Integrity

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

### Relationship with others

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

### Accountability

A council member or committee member should –

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

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

## COUNCIL MEETINGS

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

### INTRODUCTION

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

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

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

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

### PURPOSE OF COUNCIL MEETINGS

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

### PROCEDURES FOR COUNCIL MEETINGS

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

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

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

## PROCEDURES FOR PUBLIC QUESTION TIME

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

### Questions asked Verbally

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

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

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

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

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

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

## **DISCLAIMER**

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

## **PROCEDURES FOR PUBLIC STATEMENT TIME**

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

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

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

[AdditionalInformation\\_220215](#)

# CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 15 February 2022** commencing at **7.00pm**.

JAMES PEARSON  
Chief Executive Officer  
11 February 2022

Joondalup  
Western Australia

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## VISION

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

## PRIMARY VALUES

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

## DISTINGUISHING VALUES

### **Bold**

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

### **Ambitious**

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

### **Innovative**

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

### **Enterprising**

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

### **Prosperous**

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

### **Compassionate**

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

## ORDER OF BUSINESS

### AGENDA

#### ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

#### DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

##### Disclosures of Proximity Interest

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

<b>Name / Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No. / Subject</b>	CJ004-02/22 - 'Unlisted Use (Modifications to Previously Approved Development-Container Deposit Premises)' at Lot 61 (5) Winton Road, Joondalup.
<b>Nature of Interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns part of the building located next door to Lot 61 (5) Winton Road, Joondalup.

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ025-02/22 - Petition requesting Toilet Facility at Sir James McCusker Park, Iluka - Outcomes of Community Consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Mayor Jacob owns a property located immediately opposite Sir James McCusker Park, Iluka.

### Disclosures of interest affecting Impartiality

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

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ004-02/22 - 'Unlisted Use (Modifications to Previously Approved Development-Container Deposit Premises)' at Lot 61 (5) Winton Road, Joondalup.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Members of the North-Central Ward are known to Cr Kingston.

<b>Name / Position</b>	<b>Mr Chris Leigh, Director Planning and Community Development.</b>
<b>Item No. / Subject</b>	CJ005-02/22 - Proposed Amendments to the Joondalup Activity Centre Plan-Outcomes of Public Consultation.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The author of a submission and Mr Leigh are both executive committee members of the Local Government Planners Association.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ007-02/22 - Child Care Premises Local Planning Policy-Following Public Advertising.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Members of the residents' associations advocating for change to the child care policy and residents potentially impacted by child care development applications are known to Cr Logan.

<b>Name / Position</b>	<b>Cr Adrian Hill.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Two of the north ward nominees are known to Cr Hill.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of the candidates seeking appointment to the Strategic Community Reference Group are known to Cr Hamilton-Prime.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of the candidates for representative roles are known to Cr Logan.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Some of the Strategic Community Reference Group nominees are known to Cr May.

## **PUBLIC QUESTION TIME**

## **PUBLIC STATEMENT TIME**

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Leave of Absence Previously Approved**

Nil.

### **REQUEST FOR LEAVE OF ABSENCE – CR JOHN LOGAN**

Cr Logan has requested Leave of Absence from Council duties covering the period 17 March 2022 to 21 March 2022 inclusive.

### **RECOMMENDATION**

**That Council APPROVES the request for Leave of Absence from Council duties for Cr Logan covering the period 17 March 2022 to 21 March 2022 inclusive.**

## **CONFIRMATION OF MINUTES**

### **MINUTES OF COUNCIL MEETING HELD ON 14 DECEMBER 2021 AND SPECIAL COUNCIL MEETING HELD ON 21 DECEMBER 2021**

#### **RECOMMENDATION**

That the Minutes of the Council Meeting held on 14 December 2021 and Minutes of the Special Council Meeting held on 21 December 2021 be confirmed as a true and correct record.

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

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

- CJ017-02/22 - Strategic Community Reference Group - Appointment of Community Member Representatives for 2022 and 2023.

## **PETITIONS**

## REPORTS

### CJ001-02/22 DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER AND DECEMBER 2021

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	07032, 101515
<b>ATTACHMENT</b>	Attachment 1 Monthly Development Applications Determined – November and December 2021 Attachment 2 Monthly Subdivision Applications Processed – November and December 2021
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')

#### PURPOSE

For Council to note the number and nature of applications considered under delegated authority during November and December 2021.

#### EXECUTIVE SUMMARY

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

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

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

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	12	11
Strata subdivision applications	17	17
<b>TOTAL</b>	<b>29</b>	<b>28</b>

Of the subdivision referrals, 29 were to subdivide in housing opportunity areas, with the potential for 28 additional lots.

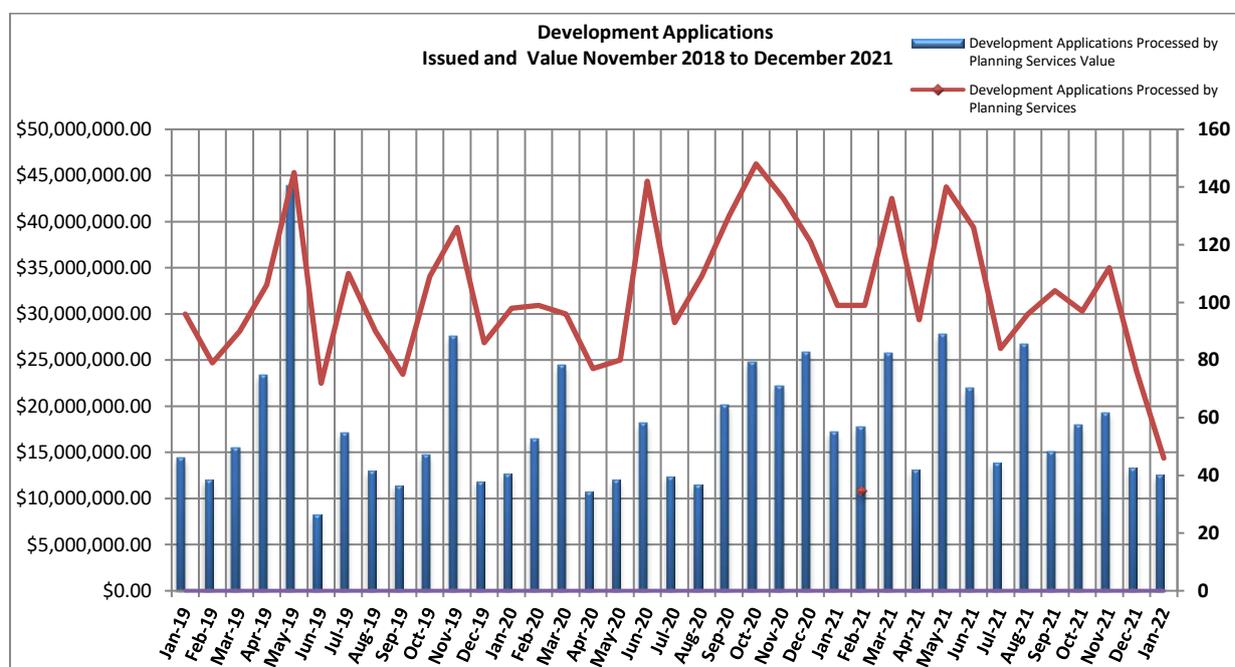
### Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	188	\$32,603,766

Of the 188 development applications, 42 were for new dwelling developments in housing opportunity areas, proposing a total of 36 additional dwellings.

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



The number of development applications received during November and December 2021 was 179.

The number of development applications current at the end of December was 210. Of these, 29 were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 479 building permits were issued during November and December with an estimated construction value of \$107,752,563.

### **Issues and options considered**

Not applicable.

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

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

### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality built outcomes.

**Strategic initiative** Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy** Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that may apply to the particular development.

Clause 82 of schedule 2 of the Regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Clause 82 of schedule 2 of the Regulations.

All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk management considerations**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

### **Financial / budget implications**

A total of 188 development applications were determined during November and December 2021 with a total amount of \$113,747.87 received as application fees.

All figures quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

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

**COMMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

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

- 1 development applications described in Attachment 1 to Report CJ001-02/22 during November and December 2021;**
- 2 subdivision applications described in Attachment 2 to Report CJ001-02/22 during November and December 2021.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf220208.pdf](#)

## **CJ002-02/22      PROPOSED                      REVOCATION                      OF                      THE CAMBERWARRA LOCAL STRUCTURE PLAN AND AMENDMENT TO LOCAL PLANNING SCHEME NO. 3**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	103150, 101515
<b>ATTACHMENT / S</b>	Attachment 1      Location plan Attachment 2      Camberwarra Local Structure Plan Attachment 3      Scheme amendment map Attachment 4      Comparison of development provisions
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to consider progressing the revocation of the *Camberwarra Local Structure Plan*, following advertising of the proposal. The proposed revocation will be progressed by way of an amendment to *Local Planning Scheme No. 3*.

### **EXECUTIVE SUMMARY**

The *Camberwarra Local Structure Plan* was adopted by Council at its meeting held on 9 December 2014 (CJ225-12/14 refers) and by the Western Australian Planning Commission (WAPC) on 23 January 2015. The structure plan was developed to facilitate the subdivision, zoning, densities and built form of the former Camberwarra Primary School site.

The structure plan specifies that land use permissibility is in accordance with the corresponding zone or reserve under the (now former) *District Planning Scheme No. 2* (DPS2). The estate has two remaining vacant lots, both of which have recently obtained a building permit to construct a dwelling. Following construction of these final two dwellings, the estate will be completely developed.

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the WAPC advised the City that a separate review of the City's existing structure plan areas should be undertaken to assess whether existing structure plans are still relevant and required.

The *Camberwarra Local Structure Plan* area is zoned 'Urban Development' under LPS3, and it is considered that there are no development provisions within the structure plan area that need to be retained and incorporated into LPS3. As all dwellings in the estate are developed or have approval to develop, it is considered that the structure plan is no longer required to guide development of the area.

In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the *Camberwarra Local Structure Plan*, and subject to a statement to that effect being included as part of the scheme amendment proposal, will require the WAPC to revoke the structure plan. This type of scheme amendment is classified as a 'basic' amendment and there is no statutory provision to advertise this form of amendment.

Although the formal planning process to revoke the structure plan does not require public consultation, it was considered appropriate to seek feedback on the proposal from the landowners within the structure plan area, prior to preparing a basic amendment to LPS3 to rezone the land within the *Camberwarra Local Structure Plan* area.

Council considered the intention to revoke the *Camberwarra Local Structure Plan* at its meeting held on 16 November 2021 (CJ151-11/21 refers) and resolved to advertise the proposal for a period of 14 days.

The advertising period closed on 9 December 2021 and no submissions were received. It is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the *Camberwarra Local Structure Plan* area, which, if approved by the Minister for Planning, will facilitate the revocation of the structure plan.

## BACKGROUND

<b>Suburb/Location</b>	Craigie, including Currajong Crescent, Summit Lane, Pinnacle Road and Observation Road.
<b>Owner</b>	Various.
<b>Zoning</b>	<b>LPS</b> Urban Development. <b>MRS</b> Urban.
<b>Site area</b>	3.5 hectares.
<b>Structure plan</b>	<i>Camberwarra Local Structure Plan</i> .

### Local Structure Plan review project

As part of the approval of LPS3, the WAPC advised that a separate review of the City's existing structure plan areas should be undertaken to assess the current status of each structure plan. This would determine if a structure plan covers an area:

- where development is still occurring, in which case the structure plan is still relevant and needs to be retained
- where development is complete or nearing completion, in which case the structure plan can be revoked via an amendment to LPS3 to rezone the area. This may include introducing relevant development provisions from the structure plan into the scheme.

It is important that the above assessments be undertaken as all structure plans that were in place prior to the introduction of the LPS Regulations in October 2015 will be automatically revoked in October 2025 unless their period of approval is formally extended.

### Camberwarra Local Structure Plan

The *Camberwarra Local Structure Plan* applies to the land bounded by Currajong Crescent to the north, Argus Close to the west, Camberwarra Drive to the south and includes the properties on Observation Road (Attachment 1 refers).

The structure plan area was originally the site of the Camberwarra Primary School. The school was identified as surplus to the Department of Education requirements and the facility ceased operations in 2008. The site was rezoned in 2011 to 'Urban Development' under DPS2 to facilitate residential development. Following the rezoning, the Department of Education entered into an agreement with (then) Landcorp to develop the site.

The *Camberwarra Local Structure Plan* was adopted by Council at its meeting of 9 December 2014 (CJ225-12/14 refers) and by the WAPC on 23 January 2015. Upon approval of the structure plan, the site was formally acquired by Landcorp who developed a 41 residential lot subdivision and an area of public open space.

The subject area has now been fully developed, except for two lots - an R50 coded lot on Summit Lane and an R30 coded lot on Pinnacle Road. Both sites have recently received a building permit to construct a dwelling.

The structure plan set residential densities of between R30 to R60, with two large parcels of land to the north of the subdivision, along Currajong Crescent, specifically set aside to support the future development of grouped or multiple dwellings. However, in November 2018, approval was granted by the WAPC for the further subdivision of these lots into 11 single residential lots. A condition of this approval was that a Local Development Plan be approved to address site constraints. Council, at its meeting of 19 February 2019, approved the *Currajong Local Development Plan* which facilitated the development of the R60 coded lots within the structure plan area (CJ004-02/19 refers).

Council considered the intention to revoke the *Camberwarra Local Structure Plan* at its meeting held on 16 November 2021 (CJ151-11/21 refers), and resolved the following:

*“That Council ADVERTISES the proposal to revoke the Camberwarra Local Structure Plan to the landowners within the structure plan area, for a period of 14 days.”*

## **DETAILS**

It is proposed that the *Camberwarra Local Structure Plan* be revoked as the estate is completely developed or has the relevant approvals for new dwellings to be constructed. Under the LPS Regulations, an amendment to the planning scheme to incorporate the zonings indicated in the structure plan will also revoke the structure plan, provided a statement is included to that effect.

It is proposed to rezone the land within the *Camberwarra Local Structure Plan* area from 'Urban Development' to the 'Residential' zone and apply residential density codes of 'R30', 'R40', 'R50' and 'R60' and to the 'Public Open Space' and 'Local Road' reserves (Attachment 3 refers). This scheme amendment is classified as 'basic' under the LPS Regulations as the amendment to the scheme map is consistent with the approved structure plan and the scheme includes the zones outlined in the structure plan. There is no provision in the LPS Regulations to advertise a basic amendment.

## **Issues and options considered**

### Current need for the *Camberwarra Local Structure Plan*

The structure plan consists of two zones being 'Residential' and 'Public Open Space'. The public open space is now formally known as 'Pinnacle Park'. The 'Residential' zone is divided into lots with four densities - R30, R40, R50 and R60 (Attachments 2 and 3 refer).

While the structure plan contains many provisions (Attachment 4 refers), all dwellings within the estate have now been constructed, aside from two lots which have current building permits for new dwellings. Therefore, the setbacks, boundary walls, building height, retaining walls, open space and the like have already been established. It is therefore not considered necessary to include any of the development provisions from the structure plan into the scheme. If a property is proposed to be extended or demolished and a new dwelling constructed, it is considered appropriate that the new development be assessed against the R-Codes and the City's *Residential Development Local Planning Policy* which includes both the deemed-to-comply and the design principle standards, allowing development to be assessed on its merits and in the context of the surrounding area.

## Zoning

The land within the structure plan area is zoned 'Urban Development' under LPS3. It is proposed to rezone this land to 'Residential R30', 'Residential R40', 'Residential R50', 'Residential R60', and the 'Public Open Space' and 'Local Road' reserves in accordance with the structure plan map (Attachments 2 and 3 refer). As noted previously, the rezoning of the land will require the WAPC to revoke the structure plan where a statement to that effect is included within the scheme amendment proposal.

## Land use permissibility

The structure plan states that land use permissibility is to be in accordance with the 'Residential' zone under the scheme. If the scheme amendment is supported and the structure plan revoked, land use permissibility will be in accordance with the 'Residential' zone of LPS3.

## Options

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

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

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

**Legislation**                      *Planning and Development (Local Planning Schemes) Regulations 2015.*  
*Local Planning Scheme No. 3.*

### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Buildings and landscaping are suitable for the immediate environment and reflect community values.

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

**Policy**                          Not applicable.

### *Planning and Development (Local Planning Schemes) Regulations 2015*

Clause 28 of the deemed provisions of the LPS Regulations states that structure plans have effect for 10 years from their date of approval. This includes structure plans that were approved before the LPS Regulations came into effect, which are taken to have been approved on commencement day of the LPS Regulations and are therefore valid until 19 October 2025. The WAPC may extend the period of approval of a structure plan or revoke a structure plan in certain circumstances.

The LPS Regulations state that an amendment to a scheme map that is consistent with an approved structure plan is a 'basic' amendment if the scheme includes the zones outlined in the structure plan. A statement must be included within the amendment proposal that when the amendment takes effect the approval of the structure plan is to be revoked. A basic amendment is not required to be advertised for public comment.

Should Council resolve to prepare the proposed amendment, it is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is necessary. Should the EPA decide that an environmental review is not required, the City will notify the WAPC of the EPA's decision.

Separately, Council's decision is forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment, or require the amendment to be advertised for public comment. If the Minister approves the scheme amendment, the *Camberwarra Local Structure Plan* will be revoked by the WAPC.

### Structure Plan Framework

The Structure Plan Framework outlines the manner and form in which a structure plan and activity centre plan is to be prepared under the LPS Regulations. Clause 16 of the framework outlines that the WAPC may revoke its approval of a structure plan under the deemed provisions of the LPS Regulations and provides for common circumstances in which this would occur, including where the zoning of the land is covered within the scheme and following finalisation of the subdivision of the land.

### Local Planning Scheme No. 3

The objectives of the 'Residential' zone in LPS3 are:

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

The objectives of the 'Public Open Space' and 'Local Road' reserves in LPS3 are:

<b>Reserve name</b>	<b>Objectives</b>
Public Open Space	<ul style="list-style-type: none"> <li>To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.</li> <li>To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.</li> </ul>
Local Road	<ul style="list-style-type: none"> <li>To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.</li> </ul>

### Currajong Local Development Plan

The deemed provisions of the LPS regulations state that a local government must not revoke approval of a local development plan unless the local planning scheme is amended so that the development to which the plan relates is rendered a non-conforming use. As a 'Single House' is a 'P' (permitted) use in the 'Residential' zone (therefore it is not a non-conforming use), the LDP will continue to apply until it expires after a period of ten years, being 2029, despite the lots being fully developed.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City, as the proponent, is required to cover the costs associated with the cost of publishing a notice in the local newspaper and the Government Gazette should the amendment be approved by the Minister for Planning. The cost of publishing the amendment in the local newspaper is approximately \$130 and the cost for publishing within the Government Gazette is approximately \$160.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

There are no provisions within the LPS Regulations or Structure Plan Framework which require consultation to be undertaken prior to a structure plan being revoked. However, it was considered appropriate to advise the landowners within the structure plan area of the proposal to revoke the structure plan and obtain any feedback prior to Council making a final decision.

The proposal was advertised for a period of 14 days by way of 57 letters to landowners within the structure plan area, closing on 9 December 2021. No submissions were received.

**COMMENT**

The area encompassed by the *Camberwarra Local Structure Plan* is nearing completion with all dwellings in the estate developed or having approval to develop. The provisions of the R-Codes and the City's *Residential Development Local Planning Policy* are considered sufficient to ensure that any further development or redevelopment has an appropriate built form outcome.

The proposed scheme amendment to rezone the land within the *Camberwarra Local Structure Plan* from 'Urban Development' to 'Residential R30', 'Residential R40', 'Residential R50', 'Residential R60', and the 'Public Open Space' and 'Local Road' reserves in accordance with the structure plan is considered appropriate. In the event that the Minister for Planning approves the scheme amendment, the *Camberwarra Local Structure Plan* will be revoked by the WAPC.

No issues were identified through the advertising of the proposal and it is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the *Camberwarra Local Structure Plan* area in accordance with the zones and reserves outlined in the structure plan, which will facilitate the revocation of the structure plan.

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 In accordance with section 75 of the *Planning and Development Act 2005*, resolves to PREPARE an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:
  - 1.1 rezone the land within the *Camberwarra Local Structure Plan* from 'Urban Development' to the 'Residential' zone and the 'Public Open Space' and 'Local Road' reserves;
  - 1.2 apply the 'R30', 'R40', 'R50' and 'R60' residential density codes;as shown in Attachment 3 to Report CJ002-02/22;
- 2 In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DETERMINES that the scheme amendment is a basic amendment as the proposal is consistent with the zones, reserves and residential density codes within the *Camberwarra Local Structure Plan*;
- 3 Pursuant to Regulation 35A(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment to the City of Joondalup *Local Planning Scheme No. 3* include the following statement:

*"Approval of the City's Camberwarra Local Structure Plan is to be revoked when this amendment is approved and takes effect."*
- 4 AUTHORISES the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal the amendment to the City of Joondalup *Local Planning Scheme No. 3*.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf220208.pdf](#)

## **CJ003-02/22 DRAFT PLANNING FOR TOURISM POSITION STATEMENT AND GUIDELINES AND STATE-WIDE REGISTRATION SYSTEM FOR SHORT-TERM RENTAL ACCOMMODATION – CITY OF JOONDALUP SUBMISSION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	106771, 101515
<b>ATTACHMENTS</b>	Attachment 1 Draft Position Statement: Planning for Tourism Attachment 2 Draft Planning for Tourism Guidelines Attachment 3 City of Joondalup submission
<b>AUTHORITY / DISCRETION</b>	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 draft *Position Statement: Planning for Tourism*, draft *Planning for Tourism Guidelines* and the implementation of a state-wide registration system for short-term rental accommodation.

### **EXECUTIVE SUMMARY**

The Western Australian Planning Commission (WAPC) is seeking comment on the:

- draft *Position Statement: Planning for Tourism*
- draft *Planning for Tourism Guidelines*
- implementation of a state-wide registration system for short-term rental accommodation, on behalf of the Department of Local Government, Sport and Cultural Industries.

The draft position statement, guidelines and registration system respond to some of the recommendations of the State Government's Parliamentary Inquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*.

The intent of the draft position statement is to set out the policy position of the WAPC on planning for all types of tourism accommodation in Western Australia and how this should be addressed through planning instruments such as a local planning strategy, local planning scheme or local planning policies. The draft guidelines provide further guidance on the implementation of the position statement. Should the position statement and guidelines become operational, it is also intended to update the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) to incorporate the new land-use general definitions and exempt some small-scale short-term rental accommodation from requiring development approval. Feedback is sought on these definitions and exemptions as part of this consultation.

The state-wide registration system being investigated will require providers of short-term rental accommodation in Western Australia to register their property to operate and advertise their accommodation. Feedback is sought on the general principle of having a registration system and the type of information that should be collected.

In inviting comments, the WAPC has prepared an online survey to assist with analysis of the submissions. The City's comments have been prepared in this format (Attachment 3 refers). The draft position statement and guidelines is generally supported as it consolidates and updates the State Government position on the planning framework for tourism in Western Australia and is more responsive to the current tourism industry. However, there are concerns with some of the changes to the definitions and exempting some forms of short-term rental accommodation from requiring development approval.

*It is therefore recommended that Council endorses Attachment 3 as the City of Joondalup submission and forwards the submission to the WAPC.*

## **BACKGROUND**

The draft position statement and guidelines, and state-registration system is a direct response to the 2019 Parliamentary Inquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*. This Inquiry made recommendations to improve outdated and inconsistent policy and provide greater certainty to the tourism industry, particularly regarding the management of short-term rental accommodation.

The current state planning framework for tourism is provided for in several guidelines and planning bulletins dealing with differing aspects of tourist activity and accommodation types. It is proposed that the draft position statement and guidelines will supersede these.

Within the City, the location and development of short-term accommodation is managed through land use permissibility in the City's *Local Planning Scheme No. 3 (LPS3)* and development provisions in the City's *Short-term Accommodation Local Planning Policy*. Should the position statement and guidelines become operational and the LPS Regulations amended, LPS3 and the policy will need to be reviewed to be consistent with the state planning framework.

## **DETAILS**

The WAPC is seeking comment on the:

- draft *Position Statement: Planning for Tourism*
- draft *Planning for Tourism Guidelines*
- implementation of a state-wide registration system for short-term rental accommodation, on behalf of the Department of Local Government, Sport and Cultural Industries.

As part of the implementation of the position statement and guidelines, feedback is also sought on future proposed changes to the LPS Regulations to incorporate the new land use and general definitions contained in the position statement and provide exemptions for small scale short-term rental accommodation.

### Position Statement: Planning for Tourism and Planning for Tourism Guidelines

The stated objectives of the position statement are to:

- facilitate acceptable development of new and evolving tourism opportunities
- provide a high-level of amenity in tourism areas
- deliver quality land use planning outcomes.

The purpose of the guidelines is to provide guidance on the implementation of the draft position statement and aim to:

- provide context for planning and decision making on tourism development and land use
- encourage strategic planning that considers local tourism and its wider context
- assist local government in planning for tourism in its local planning strategy and local planning scheme
- encourage a consistent approach to tourism in local planning frameworks
- encourage flexible and adaptive design of tourism and mixed-use development suited to each local government area.

The position statement and guidelines outlines the matters to be considered and information to be included in a local planning strategy and implementation through the local planning scheme and local planning policies. The extent to which tourism is to be addressed through a local planning strategy is to be reflective of the importance of tourism to a local government but should include current and projected tourism demand, identification of tourism sites, opportunities, and actions.

In regard to tourist accommodation types, the draft position statement maintains the importance of retaining caravan parks as a form of accommodation type and to protect existing caravan parks from being used for long-term accommodation or being redeveloped. Further guidance has been provided on planning for short-term rental accommodation. Short-term rental accommodation is the collective name given to homes usually built for residential purposes being offered as short-term accommodation, usually through online booking platforms (such as Airbnb). These considerations are dependent on the concentration and impact of short-term rental accommodation for a local government including managing compliance, impact on the availability of long-term rentals and amenity impacts for permanent residents.

#### *Definitions*

The position statement and guidelines introduce new and modified definitions for tourist accommodation. It is intended that these definitions will be incorporated into the LPS Regulations through a future amendment.

The land use terms for short-term rental accommodation, being accommodation provided in dwellings usually built for residential purposes, is divided into the following two categories:

- 'Hosted accommodation' is short-term accommodation provided in a dwelling or ancillary dwelling, with the permanent resident being present overnight for the duration of the stay. A dwelling can be a single house, grouped dwelling or multiple dwelling. Hosted Accommodation will replace the current Bed and Breakfast land use definition.
- 'Unhosted accommodation' is short-term accommodation provided within a dwelling where the permanent resident is not present on-site. It encompasses the land use definitions Holiday House (single house), Holiday Unit (grouped dwelling) and Holiday Apartment (multiple dwelling). The land use definitions Holiday Unit and Holiday Apartment replace the current Holiday Accommodation definition.

The general definition for 'Short-Term Accommodation' is also updated to make it clear that it is temporary accommodation for commercial purposes.

As a result of the changes to the above definitions, the current land use terms 'Tourist Development' and 'Serviced Apartment' are modified slightly, though the intent is unchanged.

### *Exemptions*

Feedback is sought on potential exemptions from development approval for hosted and unhosted accommodation. These exemptions would be incorporated as a future amendment to the LPS Regulations and would apply irrespective of any requirement in LPS3 or a local planning policy:

- 'Hosted accommodation' (such as bed and breakfast) in a single house, grouped or multiple dwelling, which does not exceed a maximum of two guest bedrooms. This form of accommodation is considered small-scale because the permanent resident resides on site, can manage any issues with guests and the tourism/commercial scale use of the property is incidental to the permanent residential use.
- 'Unhosted accommodation' in a single house, grouped dwelling or multiple dwelling which it is rented for no more than 60 days per calendar year as short-term accommodation. Any dwelling being used for unhosted accommodation for more than 60 days will require development approval.

### State-wide registration scheme for short-term rental accommodation

The Department of Local Government, Sport and Cultural Industries is investigating the implementation of a new state-wide registration system for short-term rental accommodation.

Under the proposed registration system, providers of short-term rental accommodation within Western Australia would be required to register their property to operate and advertise, including on online booking platforms.

The feedback received through the consultation will be used to inform the type of information collected and management of the registration system.

### **Issues and options considered**

#### Issues

The draft position statement and guidelines is generally supported as it consolidates and updates the State Government position on the planning framework for tourism in Western Australia and is more responsive to the current tourism industry.

The key issues identified in the draft documents are set out below and included in the draft submission. The draft submission (Attachment 3 refers) has been prepared in direct response to the specific questions posed in the survey by the WAPC.

#### *Definitions*

The position statement introduces new and amended definitions for different forms of tourist accommodation. These changes are supported as they address some ambiguity in the existing definitions.

However, the proposed modification to the short-term accommodation definition to include the requirement for it to be for commercial purposes only is not considered appropriate. The potential impact of short-term accommodation on the amenity of an area occurs irrespective of whether there has been a financial transaction. It is recommended that the current definition be retained, or the wording changed to 'hire or reward' or similar that does not necessarily require a commercial transaction.

### *Exemptions*

The proposed exemptions from the need to obtain development approval for small scale hosted and unhosted accommodation is considered problematic. Without the requirement for development approval, the management of the accommodation, including the provision of sufficient parking for guests and guest use of the property, to ensure amenity impacts are appropriate is not able to be controlled. While guest behaviour is less problematic for hosted accommodation as the permanent resident is required to be on-site overnight, allowing unhosted accommodation to operate for 60 days without approval could still result in significant amenity impacts on a residential area during this time.

It is also unclear if the exemptions have adequately considered the impact of short-term rental accommodation in a bushfire prone area. Through a development application, accommodation in a bushfire prone area would need to demonstrate that bushfire hazards have been considered, including a bushfire evacuation plan being available for guests, in accordance with *State Planning Policy 3.7 Planning for Bushfire Prone Areas*. Without requiring this information there is a risk to guests who would be unfamiliar with the area.

For unhosted accommodation, providing an exemption for a maximum of 60 days in a year, or any period of time, also presents challenges in ensuring compliance with that maximum period. Unless continual monitoring of a property is done, there is no ability for the City to determine the length of time a property has been used for unhosted accommodation. It is therefore considered impractical for there to be any exemption that is for a specified period of time.

For hosted accommodation, should an exemption be included, it could be subject to exemption conditions to address the requirement for on-site parking for guests and hosted accommodation in bushfire prone areas.

### *State-wide registration system*

The requirement for short-term accommodation to be registered is supported, particularly if exemptions from development approval are implemented. No detail has been provided on the level of information that operators would need to provide or who would be responsible. In regard to the system it is recommended as follows:

- The system should be the complete responsibility of the State Government, and the local government will not be responsible for ensuring compliance.
- Details that should be included within a register should include:
  - Location
  - Occupancy numbers
  - Type of accommodation (for example hosted or unhosted)
  - Availability (such as yearly, bi-annual).
  - Operator details
- The database should be accessible and searchable for local governments, with the ability to search by local government area.
- The database should be required to be reviewed regularly to ensure details are correct.

Options

The options available to Council in considering the City's submission on the draft position statement, guidelines and state-wide registration system are to either:

- 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.*  
    *Local Planning Scheme No. 3.*

**Strategic Community Plan**

**Key theme**                      Governance and Leadership.

**Objective**                      Strong leadership.

**Strategic initiative**        Participate in State and Federal policy development processes affecting local government.

**Key theme**                      Economic Prosperity, Vibrancy and Growth.

**Objective**                      Destination city.

**Strategic initiative**        • Facilitate the establishment of major tourism infrastructure.  
    • Encourage diverse accommodation options.

**Policy**                              *Short-term Accommodation Local Planning Policy.*

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

The draft position statement and guidelines applies to all tourism proposals across Western Australia. The registration system will also apply to all short-term rental accommodation in the State.

**Sustainability implications**

The draft position statement and guidelines details outcomes that include reference to environmental, social and economic sustainability.

Specifically, planning for tourism should:

- provide a strategic approach to sustainable development and management of tourism reflective of the demand for local and regional tourism
- recognise that the commercial sustainability of tourism may require flexibility in product mix, site design and risk mitigation
- encourage sustainable eco-tourism that recognises and complements the natural environment, heritage and Aboriginal culture.

Sustainability and being responsive to climate change are also listed as considerations in the more detailed planning for tourism sites.

### **Consultation**

The WAPC consultation on the draft Position Statement, draft Guidelines and state-wide registration system for short-term rental accommodation commenced on 6 December 2021 and closes 7 March 2022.

### **COMMENT**

The draft position statement and guidelines is generally supported and provides a consolidated and updated State Government position on the planning framework for tourism in Western Australia that is more responsive to the current tourism industry.

Notwithstanding, the City's draft submission outlines further considerations, particularly with the definition of short-term accommodation, proposed exemptions, and the state-wide registration system.

It is recommended that Council endorses the comments in Attachment 3 as the City of Joondalup's submission.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council ENDORSES the City of Joondalup's submission on the draft *Position Statement: Planning for Tourism*, the draft *Planning for Tourism Guidelines* and state-wide registration system for short-term rental accommodation as shown in Attachment 3 to Report CJ003-02/22 and forwards the City of Joondalup's submission to the Western Australian Planning Commission.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf220208.pdf](#)

**Disclosure of Proximity Interest**

<b>Name / Position</b>	<b>Cr Russell Poliwka.</b>
<b>Item No. / Subject</b>	CJ004-02/22 - 'Unlisted Use (Modifications to Previously Approved Development-Container Deposit Premises)' at Lot 61 (5) Winton Road, Joondalup.
<b>Nature of Interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Cr Poliwka owns part of the building located next door to Lot 61 (5) Winton Road, Joondalup.

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	CJ004-02/22 - 'Unlisted Use (Modifications to Previously Approved Development-Container Deposit Premises)' at Lot 61 (5) Winton Road, Joondalup.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Members of the North-Central Ward are known to Cr Kingston.

## CJ004-02/22 'UNLISTED USE (MODIFICATIONS TO PREVIOUSLY APPROVED DEVELOPMENT - CONTAINER DEPOSIT PREMISES)' AT LOT 61 (5) WINTON ROAD, JOONDALUP

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	81002, 101515
<b>ATTACHMENTS</b>	Attachment 1 Location Plan Attachment 2 Development plans Attachment 3 Acoustic assessment
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

**PURPOSE**

For Council to determine a development application for modifications to a previously approved 'unlisted use (container deposit premises)' operating at Lot 61 (5) Winton Road, Joondalup.

## EXECUTIVE SUMMARY

Council, at its meeting on 20 October 2020 (CJ144-10/20 refers), resolved to conditionally approve an 'unlisted use (container deposit premises)' at Lot 61 (5) Winton Road, Joondalup (subject site). The City has now received a Development Application (DA) which proposes amendments to Conditions 1 and 2 of that approval, as well as modifications to the external façade of the building to allow it to operate as a drive-through facility.

The subject site is zoned 'Centre' under the City's *Local Planning Scheme No. 3 (LPS3)* and is located within the 'City Centre' precinct under City's *Joondalup Activity Centre Plan (JACP)*.

As there is no appropriate land use listed under *Table 3b – Joondalup Activity Centre Zoning Table* of LPS3 which the operation can reasonably fall within, the proposal is considered an 'unlisted use' in accordance with clause 18(4) of LPS3.

The DA was advertised in accordance with clause 18(4)(b) of LPS3 and the City's *Planning Consultation Local Planning Policy* for a period of 14 days between 10 November 2021 and 24 November 2021. Advertising included letters to 11 surrounding landowners / occupiers and a notice on the City's website. No submissions were received during the consultation period.

The application is required to be determined by Council as the development includes an 'unlisted use'.

It is considered that the proposal continues to be consistent with the relevant objectives and satisfies the applicable development provisions of LPS3 and the JACP. It is therefore recommended that the application be approved, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 61 (5) Winton Road, Joondalup.
<b>Applicant</b>	Rowe Group.
<b>Owner</b>	Masaka Holdings Pty Ltd.
<b>Zoning</b>	<b>JACP</b> Centre.
	<b>MRS</b> Urban.
<b>Site area</b>	2,491.42m <sup>2</sup> .
<b>Structure plan</b>	<i>Joondalup Activity Centre Plan</i> .

### Container Deposit Scheme

Legislation to implement a Container Deposit Scheme (CDS) in Western Australian was passed by State Parliament in March 2019. The CDS complements existing kerbside recycling services and provides for a refund to be paid to any person who returns an eligible beverage container through the scheme.

The CDS was launched under the banner of 'Containers for Change' and commenced on 1 October 2020.

### Container Deposit Scheme Infrastructure Local Planning Policy

In May 2019, the Western Australian Planning Commission (WAPC) released a *Position Statement: Container Deposit Scheme Infrastructure* and a model local planning policy, which sets out exemptions from the need to obtain development approval for certain infrastructure associated with the CDS.

At its meeting on 18 August 2020, Council resolved to adopt the City's *Container Deposit Scheme Infrastructure Local Planning Policy (CDSILPP)* consistent with the model planning policy included within the WAPC's Position Statement (CJ120-08/20 refers). This Policy exempts small-scale CDS infrastructure from the need to obtain planning approval. However, in this instance, the operations are of a scale and nature which means that it is not exempt under the provisions of the CDSILPP and therefore requires planning approval.

### Subject site

The subject site accommodates an existing factory/warehouse building with an incidental office and associated car parking. The subject site is bound by Winton Road to the west, Joondalup Drive to the east and existing commercial buildings to the north and south (Attachment 1 refers).

Council previously considered that the operations associated with the container deposit premises do not fall within any of the definitions typically associated with this type of development. The scale, activities and infrastructure associated with the proposal mean it is not a 'reverse vending machine' or container deposit cage' and additionally its operations do not comfortably fit the definition of an 'Industry – Light' land use. As a result, the proposal was approved as an 'unlisted use'.

## **DETAILS**

The proposed modifications include the following:

- Incorporate tenancy 1 as an incidental office associated with the container deposit premises.
- Provision of an additional eight car parking bays and upgrades to vehicle access arrangements onsite.
- Minor modifications to the external façade of the building to provide for a drive-through facility.
- Change the permitted operating hours to 7.00am – 7.00pm from Monday to Saturday and 9.00am – 7.00pm Sundays and public holidays.
- Removal of the requirement for a Noise Management Plan following the submission of an acoustic assessment for the site.

A copy of the development plans and the acoustic report associated with the proposal are provided in Attachments 2 and 3 to Report CJ004-02/22.

### Planning Assessment

The City has completed an assessment of the proposal and the application is considered to comply with all relevant provisions under the JACP. The key issues associated with the consideration of this application are included as follows:

#### *Building modifications*

The applicant has proposed modifications to the building to accommodate the drive-through facility onsite. These modifications include the following:

- Inclusion of an additional roller door to the eastern side of the building to allow for vehicles to enter and exit the building in a one-way movement to deposit containers (as indicated on the development plans in Attachment 2 to Report CJ004-02/22).
- The existing gravel hardstand area to the east of the site being upgraded to asphalt and subsequently including an additional eight car parking bays onsite.

- Amending the internal layout of the facility and utilising the existing office tenancy as part of the container deposit premises.

The proposed modifications to the building are considered minor in nature and do not substantially change the appearance of the existing building. The modifications are therefore considered to continue to meet the relevant objectives of the JACP. As a result, it is recommended that the external modifications be supported and that Condition 1 of the Planning Approval (DA20/0710) be amended to remove reference to 'tenancy 2 only' so the 'unlisted use' relates to the entire building onsite, being tenancies 1 and 2.

### *Parking*

In accordance with clause CC7 – *Car Parking and Access* under the 'City Centre' Precinct Development Standards of the JACP, car parking for non-residential land uses is to be calculated at a rate of one car bay per 75m<sup>2</sup> of Net Lettable Area (NLA) and 10% of the required car bays are to be replaced by two motorcycle / scooter bays (and the car bay requirement reduced accordingly). The container deposit premises is not a use listed in Table 2 of the General Development Standards under the JACP, and therefore no bicycle spaces are required onsite.

The existing building includes a total of 578m<sup>2</sup> NLA. The proposed modifications do not increase the NLA of the existing building. As a result, the following is required onsite:

- Seven (6.7) car parking bays.
- Two motorcycle/scooter bays.

The applicant is proposing to increase the provision of car parking from 22 bays to 28 car parking bays, in addition to the existing two motorcycle / scooter bays and two bicycle parking spaces onsite.

Of the 28 car parking bays proposed onsite, 23 car bays are provided for customers (including an ACROD bay) and the five remaining car bays are allocated to staff which are located at the rear of the subject site. The two motorcycle / scooter bays and two bicycle bays are also being retained onsite. As a result, a surplus of 21 car parking bays is proposed onsite to ensure the proposal complies with the applicable car and motorcycle/scooter parking requirements under JACP.

In addition to the above, Condition 5 of the current planning approval (DA20/0710) also needs to be modified to remove reference to the over-flow car parking area which will now be a formal parking area with asphalt and line markings (Attachment 2 refers). As a result, it is recommended that this condition be updated to reflect the car parking modifications onsite.

### *Noise*

Condition 3 of the current planning approval (DA20/0710) requires a noise management plan to be submitted to mitigate any significant noise emissions generated from the subject site. The current condition of approval states:

*"A Noise Management Plan shall be submitted to the City for approval within 28 days of commencing operations onsite. The Noise Management Plan shall be to the satisfaction of the City and include measures to address noise emissions including (but not limited to) delivery / pick-up times, number of deliveries, operating hours and other associated noise impacts to ensure compliance with the Environmental Protection (Noise) Regulations 1997. Implementation of any noise mitigation measures shall be in accordance with the approved Noise Management Plan."*

In addition, Condition 2 was included to limit the hours of operations of the container deposit premises. The hours of operation were those requested by the previous applicant and ensured operations occurred within hours consistent with the *Environmental Protection (Noise) Regulations 1997*. The current approved hours of operation (under Condition 2) are as follows:

*“The proposed container deposit premises shall not operate beyond 8:30am to 4:30pm, Monday to Saturday (excluding public holidays).”*

In order to address any concerns associated with noise, the applicant has provided an acoustic assessment (Attachment 3 refers) which was undertaken by Herring Storer Acoustics demonstrate that the site complies with the relevant provisions of the *Environmental Protection (Noise) Regulations 1997*. It is noted that the acoustic assessment takes into account mechanical bin lifts and compactors operating from the site, however this equipment has been removed from the plans and does not form part of the revised proposal to ensure the land use can still be considered an ‘unlisted use’ as previously determined by Council.

The City has reviewed the proposal and the acoustic report provided by the applicant to consider the noise emissions generated by the development. Now that the container deposit premises is operational and the noise emissions generated from the premises are known and can be measured, the acoustic report demonstrates that the site can meet the relevant provisions of the *Environmental Protection (Noise) Regulations 1997* between the hours of 7:00am to 7:00pm, Monday to Friday and 9:00am to 7:00pm Sundays and public holidays.

As a result, the noise management plan required under Condition 3 and the restricted hours of operation under Condition 2 of Planning Approval DA20/0710 are no longer considered necessary. It is therefore recommended that Condition 3 be deleted, and Condition 2 be modified to allow for operations to occur onsite in accordance with the acoustic assessment and the requirements of the *Environmental Protection (Noise) Regulations 1997*.

### **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).  
Joondalup Activity Centre Plan (JACP).*

### **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.

Local Planning Scheme No. 3

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

- *To designate land for future development as an activity centre.*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.*

Clause 18(4) of LPS3 states that a use not listed can be considered in the following circumstances:

- (4) *The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table:*
- (a) *Determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government;*
  - (b) *Determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
  - (c) *Determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

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

- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*

- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*
- (zc) *include any advice of a Design Review Panel.*

#### Joondalup Activity Centre Plan

The objectives of the 'City Centre' precinct are as follows:

##### 1.5.1.1 City Centre Objectives

- a) *Encourage the highest intensity of mixed-use development and the greatest concentration of employment intensive land uses.*
- b) *Support mixed-use development along Joondalup Drive and Grand Boulevard to form intense inner-city development corridors.*
- c) *Establish the Joondalup Drive / Grand Boulevard and Shenton Avenue / Grand Boulevard intersections as the primary gateways into the city centre.*
- d) *Improve connectivity from Joondalup Trian / Bus Stations to surrounding precincts.*
- e) *Establish a local mobility hub at the Collier Pass city square to improve connectivity between Joondalup Trian Station and other precincts within the JAC.*
- f) *Establish a series of interconnected, functional and unique squares that form part of an integrated pedestrian network.*
- g) *Provide car parking in negotiation with Lakeside Shopping Centre as the major generator in the City Centre.*
- h) *Reinforce Central Walk (north-south) and Boas Avenue (east-west) as the primary pedestrian spines by activating buildings at ground floor uses.*
- i) *Encourage the amalgamation of smaller lots into larger parcels to optimise redevelopment potential.*

#### **Risk Management Considerations**

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

**Financial / Budget Implications**

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

All amounts quoted in this report are exclusive of GST.

**Regional Significance**

Not applicable.

**Sustainability Implications**

The implementation of the State Government's Container Deposit Scheme will assist in reducing litter and landfill, increase the number of eligible containers which are recycled, provide benefits for social / community organisations and provide opportunities for employment.

**Consultation**

The application was advertised for a period of 14 days in accordance with clause 18(4)(b) of LPS3 and the *Planning Consultation Local Planning Policy*. Advertising commenced on 10 November 2021 and concluded on 24 November 2021. Consultation was undertaken in the following manner:

- A letter was sent to 11 landowners and/or occupiers surrounding the subject site.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

No submissions were received during the consultation period.

**COMMENT**

As outlined above, it is considered that the proposed modifications to the current 'unlisted use' approval are appropriate in the context of its location and continues to meet the applicable development provisions under LPS3 and JACP.

The application is therefore recommended for approval, subject to modified conditions.

**VOTING REQUIREMENTS**

Absolute Majority.

## RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY amends Parts 1, 2 and 5 of its decision on 20 October 2020 (CJ144-10/20 refers) and APPROVES under clause 77(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* of Schedule 2 the application for development approval, dated 29 October 2021 submitted by Rowe Group for the proposed 'UNLISTED USE (modifications to previously approved development - container deposit premises)' at Lot 61 (5) Winton Road, Joondalup, subject to the following condition:

- 1 This approval relates to modifications of DA20/0710 only, as indicated on the approved plans. DA20/0710 approved on 20 October 2020 remains a valid approval and all conditions and advice notes of that approval remain applicable with exception to Condition 3 which is deleted and Conditions 1, 2 and 5 which are replaced by the following:
  - “1. *This approval relates to the change of use to ‘unlisted use (container deposit premises)’ as shown on the approved plans (drawing No. JD-RP-01), and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.*”
  - “2. *The proposed container deposit premises shall only operate between the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays.*”
  - “5. *The car and motorcycle / scooter parking bays shown on the approved plans are to be designed and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.01 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2 2002), prior to commencement of the amended use. These bays are to be thereafter maintained to the satisfaction of the City.*”

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf220208.pdf](#)

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Chris Leigh, Director Planning and Community Development.</b>
<b>Item No. / Subject</b>	CJ005-02/22 - Proposed Amendments to the Joondalup Activity Centre Plan-Outcomes of Public Consultation.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The author of a submission and Mr Leigh are both executive committee members of the Local Government Planners Association.

## CJ005-02/22      PROPOSED AMENDMENTS TO THE JOONDALUP ACTIVITY CENTRE PLAN – OUTCOMES OF PUBLIC CONSULTATION

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	104028, 101515
<b>ATTACHMENTS</b>	Attachment 1      Activity Centre boundary Attachment 2      Precinct plan Attachment 3      Building heights plan Attachment 4      Proposed amendment to the Joondalup Activity Centre Plan
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider proposed amendments to the *Joondalup Activity Centre Plan* following advertising.

**EXECUTIVE SUMMARY**

The *Joondalup Activity Centre Plan* (JACP) came into operation in October 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.

These two components are:

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

In response to issues identified, at its meeting dated 17 August 2021, Council considered proposed amendments (CJ112-08/21 refers) to the JACP which seek to:

- provide some additional flexibility for Showroom for properties located in the City Centre Precinct west of Joondalup Drive
- introduce further considerations for building heights, where it can be demonstrated that minimum building heights (or greater) can be achieved as part of future development stages.

At its meeting held on 17 August 2021 (CJ112-08/21 refers), Council resolved to advertise the proposed amendments for public consultation for a period of 42 days.

Consultation concluded on 20 December 2021, at which point three submissions were received. One submission opposes the proposed amendments, one submission supports the proposed amendments, and one submission suggests modifications to provide the land use permissibility within the City Centre Precinct with even greater flexibility.

While the concerns and suggestions raised in the submissions received are acknowledged, the City is of the view that not proceeding with the amendments will mean that the current issues identified will remain. Further, the City is also of the view that modifying the amendments to provide greater land use flexibility in the City Centre Precinct than suggested in the amendment will limit the ability to control land use in this important precinct and potentially undermine the long-term aspirations of the JACP.

As such, it is recommended that Council supports the proposed amendments to the *Joondalup Activity Centre Plan*, as advertised. If the proposed amendments are supported, Council's decision will then be forwarded to the Western Australian Planning Commission (WAPC) to make a final determination on the proposed amendment.

## **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, while 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 City's Administration and Civic buildings, Lakeside 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 the portion of the City Centre Precinct located in the Winton Road business park 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:

<b>Land Use</b>	<b>Permissibility under former DPS2</b>
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 in 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 in 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.

Following Council's resolution at its meeting dated 17 August 2021 (CJ112-08/21 refers), the City advertised this approach for public consultation.

A submission received during the consultation period requests that the City consider further extending the permissibility of the 'Bulky Goods Showroom' and 'Warehouse / Storage' within the City Centre Precinct, subject to conditions. In doing so, the submission recommends that the City could consider:

- limiting the approval only to a change of use application, with no substantial changes to the existing development
- limiting the timeframe for the approval to a set period to allow reconsideration at a later stage
- limiting the approval by condition to rescind the approval in the instance that the use ceases for more than 12 months following commencement of the use.

The submitter provided the request on the basis that such an amendment would provide all landowners within the precinct the flexibility to change to a broader array of interim land uses while the precinct transitions. The re-wording of the amendment to encompass the change recommended in the submission would require an amendment to the land use permissibility table within LPS3 as the uses would not be operating under the non-conforming use rights clause.

It is acknowledged that the portion of the City Centre Precinct west of Joondalup Drive will be subject to a longer transition period as it navigates from being a predominately service industry area to an intensified urban environment. In making the transition, the targets for both density and employment set within the JACP should be considered to ensure that the City is working towards achieving the vision set out in the 2050 masterplan.

Allowing sites that have not previously been utilised as 'Bulky Goods Showroom' or 'Warehouse / Storage' land uses the opportunity to do so is not considered to be in keeping with the vision set and would make the transition of this area to form part of the City Centre Precinct increasingly difficult. Allowing these land uses to be permitted throughout the entire City Centre Precinct is also not akin to a Joondalup City Centre's designation as a Strategic Metropolitan Centre.

While the suggestions received in the submission are acknowledged, the City is of the view that the balance struck in the advertised proposal between protecting the long-term vision but increasing flexibility to allow some shorter-term development to occur in suitable instances remains appropriate.

It is therefore proposed to insert the following, without further change, 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 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.

A third element is proposed which allows buildings to be developed to a lesser height where it can be demonstrated that the proposed development does not prevent development at greater height as part of future stages.

Following Council's resolution at its meeting held on 17 August 2021 (CJ112-08/21 refers), the City advertised this approach for public consultation.

A submission received during the consultation period raises concern with increased residences along Joondalup Drive and the effect that this will have on traffic. While the concerns raised in the submission are noted, the proposed amendments do not change the current densities of the JACP nor will they have a direct result in any change to traffic volumes in the activity centre area.

A further submission received during the consultation period supports the proposed amendments was received however no additional comment was provided.

It is therefore proposed to insert the following additional element of discretion, without further change, within clause 1.4.4 – *Building Heights*:

*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.*

It is considered this would allow for redevelopment to occur in the shorter term while still requiring built form in the future consistent with the longer-term vision.

### **Issues and Options Considered**

The options available to Council in considering the submissions received and proposed amendments to the JACP under the LPS Regulations include the following:

- may request further information from a person who prepared the structure plan  
or
- may advertise any modifications proposed to the structure plan to address issues raised in submissions.

Should Council be of the opinion that neither of the above is necessary, it must forward its report to the WAPC in accordance with Schedule 2, Part 4, Clause 20 of the LPS Regulations.

The report must include the following:

- A list of the submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan.
- Any comments by the local government in respect of those submissions.
- A schedule of any proposed modifications to address issues raised in the submissions.
- The local government's assessment of the proposal based on appropriate planning principles.
- A recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any proposed modifications.

## Legislation / Strategic Community Plan / Policy Implications

**Legislation** *Planning and Development Act 2005.*  
*Planning and Development (Local Planning Schemes) Regulations 2015.*  
*Local Planning Scheme No. 3.*

### Strategic Community Plan

**Key theme** Economic Prosperity, Vibrancy and Growth.

**Objective** Activity Centre development.

**Strategic initiative** Promote the primacy of the Joondalup City Centre in the application of the Activity Centre Hierarchy.

**Key theme** Quality Urban Environment.

**Objective**

- Quality built outcomes.
- City Centre development.

**Strategic initiative**

- Planning frameworks promote and support adaptive, mixed-use developments with active ground floor uses on appropriately zoned sites.
- Promote and support bold and iconic private building developments within strategic City Centre land locations.
- Encourage ground level retail activities to support a growing and dynamic City Centre.
- Pursue the development of commercial office buildings within the Joondalup City Centre

**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

In accordance with the LPS 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 and State Planning Policy 7.2 Precinct Design

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 into 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 has 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 ten 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**

The proposed amendments to the JACP were advertised for public comment for a period of 42 days, concluding on 20 December 2021, by way of:

- 295 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.

A total of three submissions were received, being one objection, one submission of support and one submission seeking an increase to the extent that the modification to land use permissibility applies. The objector raised concern that Joondalup Drive would not be able to cope with additional traffic as a result of increased residences.

In accordance with the requirements of the LPS Regulations, a schedule of submissions will be provided to the WAPC.

## 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 supports the proposed amendments to the JACP and forwards to the WAPC for consideration and determination.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council pursuant to clause 20 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:**

- 1 SUPPORT the proposed amendments to the *Joondalup Activity Centre Plan* specified in Attachment 4 to Report CJ005-02/22;**
- 2 FORWARDS the Council report, schedule of submissions and recommended modifications specified in Attachment 4 to Report CJ005-02/22 to the Western Australian Planning Commission for consideration and determination.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf220208.pdf](#)

## CJ006-02/22 PROPOSED OMNIBUS AMENDMENT TO LOCAL PLANNING SCHEME NO. 3

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	110004, 101515
<b>ATTACHMENTS</b>	Attachment 1 Omnibus amendment Attachment 2 Location maps
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider an omnibus amendment to *Local Planning Scheme No. 3* for the purposes of public advertising.

### EXECUTIVE SUMMARY

The City of Joondalup *Local Planning Scheme No. 3* (LPS3) controls how land may be utilised within the City of Joondalup. LPS3 came into effect on 23 October 2018 when it was published in the Government Gazette. Six amendments to LPS3 have been finalised since its gazettal.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) govern the way in which local planning schemes are prepared, consolidated and amended. The LPS Regulations were updated in February 2021 and July 2021 as part of the State Government's reform of the planning system. This included changes to the model provisions that local planning schemes are required to be based on.

It is considered appropriate to undertake an omnibus amendment to update and align LPS3 with the updated model provisions in the LPS Regulations and also address other minor anomalies which have been identified since the LPS3 was gazetted in October 2018.

An omnibus amendment is an amendment which typically includes a number of unrelated changes to the planning scheme that are minor or administrative in nature and do not necessarily warrant a separate or individual amendment of their own.

The omnibus scheme amendment proposes the following modifications to LPS3:

- Change the land use permissibility of 'Holiday House' from a 'D' (discretionary) to an 'X' (not permitted) in the 'Commercial zone.
- Change the land use permissibility of 'Animal Establishment' from an 'X' to a 'D' in the 'Light Industry' zone and 'Joondalup West' precinct of the Joondalup Activity Centre Plan.
- Fix several typographical errors.
- Update the scheme map to address a number of zoning anomalies.
- Undertake a number of modifications to align LPS3 with the updated model provisions of the LPS Regulations.

The omnibus amendment is considered to be a 'standard' amendment as the proposed amendments to the scheme map and land use changes are consistent with the objectives of the zones to which they relate. The text amendments are considered to be minor and address formatting errors or reflect updates to the LPS Regulations.

*It is therefore recommended that Council agrees to prepare the Omnibus Amendment to Local Planning Scheme No. 3 for the purpose of public advertising for a period of 42 days.*

## **BACKGROUND**

Local planning schemes are made under Part 5 of the *Planning and Development Act 2005*, which sets out the general objectives of schemes, the matters which may be addressed in schemes and the requirements for the review of the schemes.

The LPS Regulations govern the way in which local planning schemes are prepared, consolidated and amended. The LPS Regulations comprise of the Regulations, model provisions, deemed provisions and legends used in the scheme. The model provisions provide the form and content for all new local planning schemes. The deemed provisions provide uniform processes and procedures for all schemes.

As part of the State Government's reform of the planning system, amendments to the LPS Regulations were gazetted on 18 December 2021 which came into effect on 15 February 2021 and 1 July 2021. These amendments included a broad range of changes to the deemed provisions to improve processes and reduce administration. These amendments also included changes to the model provisions for local planning schemes to align with the changes to the deemed provisions. The changes to the model provisions are required to be implemented when the local government next updates its local planning scheme.

The City of Joondalup *Local Planning Scheme No. 3* (LPS3) controls how land may be used in the City of Joondalup. LPS3 came into effect on 23 October 2018 when it was published in the *Government Gazette*. The scheme has now been in operation for three years and in that time several minor anomalies have been identified.

It is considered appropriate to update LPS3 to reflect the changes to the LPS Regulations and also correct these minor anomalies to improve the legibility and functionality of the scheme.

## **DETAILS**

The proposed modifications to LPS3 and an explanation of the proposals are detailed below.

### **Proposal 1 – Zoning Tables**

The following changes are proposed to be made to Table 3 Zoning Table in LPS3:

- Change the land use permissibility of 'Holiday House' from a 'D' (discretionary) to an 'X' (not permitted) in the 'Commercial zone.
- Change the land use permissibility of 'Animal Establishment' from an 'X' to a 'D' in the 'Light Industry' zone.

The following change is proposed to be made to the Table 3b - Joondalup Activity Centre Zoning Table in LPS3:

- Change the land use permissibility of 'Animal Establishment' from an 'X' to a 'D' in the 'Joondalup West' precinct.

### Intent of modification

#### *Change to Holiday House land use permissibility*

A 'Single house' is an 'X' (not permitted) land use in the 'Commercial' zone.

A 'Holiday House' is defined as a 'Single house' that is used for short-term accommodation.

As a 'Single house' is not permitted in the 'Commercial' zone, a 'Holiday House' should also not be permitted in that zone.

#### *Change to Animal Establishment land use permissibility*

'Animal Establishment' means premises used for the breeding, boarding, training or caring of animals for commercial purposes. The use is currently an 'X' (not permitted) land use in all zones within the City, with the exception of the 'Rural' zone.

The City has received several enquiries since LPS3 came into effect to establish 'doggy day care' businesses in the City of Joondalup.

A 'doggy day care' falls under the 'Animal Establishment' land use definition of LPS3 as the activities relate to the boarding and caring of animals for commercial purposes.

Currently, this type of activity can only be considered within the 'Rural' zone of LPS3. It is considered appropriate that this type of activity be able to be considered within the 'Light Industry' zone and Joondalup West Precinct of the Joondalup Activity Centre, as these zones provide for a range of light and service industrial uses. The land use is considered compatible with the objectives of those zones.

It is considered appropriate for 'Animal Establishment' to be a 'D' (discretionary) land use as a 'D' land use requires a planning approval. This would allow the City to assess an application and determine the appropriate operational requirements such as hours of operation and number of dogs accommodated.

The land use 'Animal Establishment' allows a number of animal related operations, which depending on the scale proposed may not be as appropriate. As an application is required, this allows the City the discretion to determine this.

An 'Animal Establishment' would also be required to comply with noise and other health and building regulations under separate legislation.

### **Proposal 2 – Typographical Errors**

The following typographical errors are proposed to be corrected:

- Table 3 Zoning Table – replace 'Private Communiy Purposes' with 'Private Community Purposes';
- Clause 26(7) c. – replace 'with a 400m' with 'within a 400m';
- Clause 26(8) A3.2.5 iv. – replace 'aa dual density code' with 'a dual density code';
- Renumber Table 7 to Table 6;
- Renumber Table 8 to Table 7;

- Part 6 – Terms referred to in Scheme – Division 1 – replace ‘Defintions’ with ‘Definitions’;
- Clause 38 – Land use terms used – modify the ‘home occupation’ definition to include ‘and’ after ‘is not a member of the occupier’s household’ and replace ‘does not occupy and’ with ‘does not occupy an’;
- Clause 38 – Land use terms used – modify the ‘home office’ definition to include ‘and’ after ‘is solely within the dwelling’;

#### Intent of modification

To correct formatting and typographical errors.

### **Proposal 3 – LPS3 Scheme Map**

The following table details the proposed modifications to the LPS3 scheme map:

<b>Property Address</b>	<b>LPS3 Zoning</b>	<b>Proposed Zoning</b>	<b>Reason</b>
Lot 130 (57) Kenny Drive, Duncraig	Public Open Space	Residential R20	The lot is developed with a single house and is not part of the adjacent park.
Portion of Robin Park Adjacent Lot 99 (51) Robin Ave, Sorrento	Public Open Space	Local Road	Following the finalisation of adjustments to the Robin Park and Robin Avenue road reserve boundaries, the public open space zoning now extends over the road reserve.
Lot 15221 (15) Balliol Elbow, Kinross	Centre	Public Open Space	The lot is Crown land with City of Joondalup Management Order and is part of McNaughton Park.

The location of the above properties is included as Attachment 2 to Report CJ006-02/22.

#### Intent of modification

The proposed amendments to the scheme map align the actual land use of the lot with the appropriate zone or reserve in LPS3.

### **Proposal 4 – LPS Regulations Amendments**

The following is a summary of the proposed changes to LPS3 as a result of the changes to the model provisions of the LPS Regulations. A complete list of the proposed amendments is included as Attachment 1 to Report CJ006-02/22:

- Deleting reference to ‘activity centre plans’ and including ‘precinct structure plans’ to reflect the change in term within the planning framework.
- Replacing ‘giving notice’ with ‘advertising the application’ and updating reference to the public consultation and publishing requirements.
- Deleting reference to how a local government deals with an ‘X’ (not permitted) land use as this is now included in the deemed provisions.



The text amendments are considered to be minor and address formatting errors or updates to the LPS Regulations. It is noted that under the LPS Regulations an amendment to the scheme that is consistent with the model provisions is a basic amendment and therefore does not require advertising. However, as these amendments are undertaken as part of an omnibus amendment they will be treated as a standard amendment.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

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

The amendment is not a full review of LPS3 under Part 6 of the LPS Regulations. It is noted that under the LPS Regulations a full review of LPS3 is required in 2023-24, being five years after its gazettal.

### Local Planning Scheme No. 3

The following extract of Table 2 of LPS3 sets out the objectives of the 'Light Industry' zone.

Table 2 - Zone objectives:

Zone name	Objectives
Light Industry	<ul style="list-style-type: none"> <li>• To provide for a range of light industrial uses, service industries and recreational activities that are generally compatible with urban areas.</li> <li>• To ensure that where any development adjoins residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.</li> <li>• To ensure that development within this zone creates an attractive facade to the street for the visual amenity of surrounding areas.</li> </ul>

The following is the definition of animal establishment:

***animal establishment*** means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.

### Joondalup Activity Centre Plan

The following sets out the objectives of the 'Joondalup West' precinct of the *Joondalup Activity Centre Plan*.

#### 1.5.5.1 Joondalup West Objectives

- a) Provide a location for businesses with larger floor space requirements such as showrooms and bulky goods premises which complement the City Centre.

### **Risk Management Considerations**

The scheme is required to align with the model provisions of the LPS Regulations. Should Council elect not to progress the amendment, Council may be directed to do so by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

### **Financial / Budget Implications**

As the proponent, the City will cover any costs associated with the proposed scheme amendment, which includes the cost of publishing a notice in the Government Gazette, in the event that the proposal is approved by the Minister for Planning. The costs are estimated to be \$300.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

If the scheme amendment is initiated, advertising is required for 42 days. It is proposed that advertising will be by way of the following:

- An email to the Community Engagement Network.
- A letter sent directly to the landowners of 57 Kenny Drive, Duncraig in relation to Proposal 3.
- Letters to relevant service authorities.
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

### **COMMENT**

It is considered that the proposed omnibus amendment will improve the functionality of LPS3 as it corrects several typographical errors and aligns the scheme with the updated model provisions and removes duplications now contained in the deemed provisions of the LPS Regulations. The proposed amendments to the scheme map and land use changes are considered to be consistent with the objectives of the zones and reserves to which they relate.

It is recommended that Council agrees to prepare the omnibus amendment to LPS3 for the purpose of public advertising for a period of 42 days.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1** in accordance with section 75 of the *Planning and Development Act 2005* and Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to PREPARE the amendment to the City of Joondalup *Local Planning Scheme No. 3* as shown in Attachment 1 to Report CJ006-02/22 and proceed to advertise the amendment for a period of 42 days;
- 2** in accordance with Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* DETERMINES that the scheme amendment is a standard amendment for the following reasons:
  - 2.1** the proposed amendments to the scheme map are consistent with the objectives of the zones and reserves to which they relate;
  - 2.2** the proposed land use changes are consistent with the objectives of the zones to which they relate.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf220208.pdf](#)

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ007-02/22 - Child Care Premises Local Planning Policy-Following Public Advertising.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Members of the residents' associations advocating for change to the child care policy and residents potentially impacted by child care development applications are known to Cr Logan.

## CJ007-02/22 CHILD CARE PREMISES LOCAL PLANNING POLICY – FOLLOWING PUBLIC ADVERTISING

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	85510, 101515
<b>ATTACHMENTS</b>	Attachment 1 Current <i>Child Care Premises Local Planning Policy</i> Attachment 2 Draft revised <i>Child Care Premises Local Planning Policy</i> – as advertised Attachment 3 Summary of submissions Attachment 4 Draft revised <i>Child Care Premises Local Planning Policy</i> – proposed modifications
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider the draft revised *Child Care Premises Local Planning Policy* following public advertising.

**EXECUTIVE SUMMARY**

At its meeting held on 20 April 2021 (C26-04/21 refers), Council received a Petition of Electors requesting the *Child Care Premises Local Planning Policy* be amended so that child care premises could not be located adjoining or opposite residential properties.

At its meeting held on 17 August 2021 (C78-08/21 refers), Council requested a report be prepared detailing possible amendments to the *Child Care Premises Local Planning Policy* to prevent child care premises from being built in residential areas.

A review of the policy was undertaken and, at its meeting held on 16 November 2021 (CJ154-11/21 refers), Council resolved to prepare and advertise the following proposed amendments to the *Child Care Premises Local Planning Policy*:

- Requiring child care premises in the 'Residential' zone to directly adjoin (share a boundary with) a non-residential land use'.
- Limiting child care premises in the 'Residential' zone to accommodate a maximum of 50 children.

- Limiting child care premises to a maximum building site coverage of 50% in the 'Residential' zone.
- Preventing child care premises from being located in, or on the corner of, a cul-de-sac road.
- Requiring two way vehicle access from a Local Distributor Road.
- Allowing staff to be onsite 30 minutes prior to and after the stipulated hours of operation.
- Updating and strengthening the language in the policy.

The draft revised *Child Care Premises Local Planning Policy* was advertised for public comment for 21 days closing on 16 December 2021. A total of 68 submissions were received, comprising 54 submissions of support, 12 objections and two neutral submissions.

There was overall support for the amendments to the policy, in particular requiring child care premises to adjoin a non-residential land use and the cap on the number of children in the 'Residential' zone. The submissions of objection mainly stated that child care premises should not be located in residential areas and should only be located in commercial areas. However, it is considered that the modifications to the policy are sufficient to mitigate the adverse impacts of child care premises in residential areas particularly considering the reduction in the scale of a premises.

It is also noted that objections were received stating that the proposed changes will lead to an undersupply of child care premises as the additional provisions are too restrictive, particularly in relation to a 50-child cap in residential areas and requiring child care premises to adjoin non-residential land uses.

Several submissions raised concerns with regard to buildings being of residential appearance, overlooking, noise attenuation, servicing and topography. Some of these requirements are already addressed in the policy, however, it is recommended that the policy be amended to include provisions regarding buildings being of residential appearance and the location of services. Further amendments are also proposed to provide clarity on car parking being in accordance with Australian Standards and the criteria applicable to the access location.

Having considered the submissions received during public consultation, it is recommended that Council proceeds with the draft revised *Child Care Premises Local Planning Policy*, with modifications.

## **BACKGROUND**

The City's *Child Care Centres Policy* was initially adopted by Council in 1999 and has subsequently been reviewed several times to include provisions relating to amenity, location, noise, traffic and parking.

In 2017 (CJ174-10/17 refers), the policy was renamed the *Child Care Premises Local Planning Policy* as a result of a change to the land use name and definition, following the adoption of *Local Planning Scheme No. 3 (LPS3)* (Attachment 1 refers). While there were no fundamental changes made to the policy, provisions from the former scheme (*District Planning Scheme No. 2*) such as car parking and landscaping were included in the revised policy, as these provisions were no longer included in LPS3.

### *Petition of Electors*

At its meeting held on 20 April 2021 (C26-04/21 refers), Council received a petition from residents of Woodvale requesting Council to amend the *Child Care Premises Local Planning Policy* so that child care operations are not located adjoining or opposite a residential property.

The petition requests that Council:

*“Instruct the City of Joondalup’s administration to provide the Council with the necessary documentation to amend the Child Care Premises Local Planning Policy so the intent of the policy is that No Child Care Operations (excluding family day care service) are to be located adjoining or opposite a residential property.*

*We ask that policy, under 5.1.1 Neighbouring Uses, include the following – Child Care Premises (excluding family day care services) are not allowed adjoining/adjacent/opposite a residential property*

*We ask that in the policy, under Road Hierarchy, 5.1.2 that the following is included – Child Care Premises (excluding family day care services) are NOT to be located in/adjoining an ACCESS ROAD.”*

Council Resolution

In response to a Notice of Motion, at its meeting held on 17 August 2021 (C78-08/21 refers), Council resolved as follows:

*“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 child care premises being built in residential areas.”*

At its meeting held on 16 November 2021 (CJ154-11/21 refers), Council considered a report on the petition and possible amendment to the *Child Care Premises Local Planning Policy* and resolved to advertise proposed amendments to the policy for a period of 21 days.

Effect of a Local Planning Policy

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), the local government can prepare a local planning policy in respect to any matter related to planning and development in the scheme area. A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations.

Local planning policies outline acceptable development standards and provide guidance to local governments (or other decision makers) in the exercise of discretion. This allows the local government to ensure that the local planning framework reflects the needs and values of their local community. Local government or the relevant determining authority is required to have ‘due regard’ to any applicable local planning policy when determining an application for development approval.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* a local planning policy has effect once a local government resolves to proceed with the policy and a notice has been published making the policy available.

A local planning policy can also be given some consideration in decision-making ahead of a local government resolving to proceed with the policy or a notice being published, however the extent of consideration depends on how certain and how imminent a policy is from being implemented.

**DETAILS**

It is proposed to amend the *Child Care Premises Local Planning Policy* to provide additional location and development criteria for the establishment of child care premises, particularly within a residential area. The following proposed amendments (as advertised) include (Attachment 2 refers):

- Requiring child care premises in the 'Residential' zone to directly adjoin (share a boundary with) a non-residential land use.
- Limiting child care premises in the 'Residential' zone to accommodate a maximum of 50 children.
- Limiting child care premises to a maximum building site coverage of 50% in the 'Residential' zone.
- Preventing child care premises from being located in, or on the corner of, a cul-de-sac road.
- Requiring two way vehicle access from a Local Distributor Road.
- Allowing staff to be onsite 30 minutes prior to and after the stipulated hours of operation.
- Updating and strengthening the language in the policy.

There was general overall support for the changes proposed to the *Child Care Premises Local Planning Policy*. The following outlines the key comments received during advertising, and further modifications recommended, with a more detailed summary and the City's response provided in Attachment 3 to Report CJ007-02/22.

### Location

The draft amendments to the policy strengthen the locational requirements and the size of child care premises in the 'Residential' zone.

There was overall support in the submissions for requiring child care premises to adjoin a non-residential land use and introducing a cap on the number of children for premises in the 'Residential' zone.

The main issue raised in the submissions of objection is that they do not support child care premises in residential areas at all and state that they should only be located in commercial (non-residential) areas.

As discussed in the report considered by Council at its meeting held on 16 November 2021 (CJ154-11/21 refers), the only way to prevent a child care premises from being able to be considered in the 'Residential' zone is to undertake an amendment to LPS3 to change the land use permissibility to an 'X' (not permitted) use.

The land use of child care premises is consistent with the objectives of the 'Residential' zone and provides a necessary service to the community. It is therefore not proposed to prevent child care premises in the 'Residential' zone, however, the modifications proposed to the policy will help mitigate the potential adverse impacts of child care premises in residential areas include:

- the cap of 50 children will reduce the size and scale of child care premises which will also reduce the noise and traffic generated by the premises
- requiring child care premises to adjoin a non-residential land use will provide at least one boundary adjacent to which potential noise generating activities such as outdoor play areas and car parking can be located
- the 50% building site coverage will ensure there is adequate space for outdoor areas, parking and landscaping.

A separate submission was received objecting to the draft revised policy, however suggesting that the proposed changes are too onerous and that child care premises should be allowed in the 'Residential' zone without restriction. This is not considered appropriate as child care premises are a non-residential land use and therefore there should be controls on their size and location in the 'Residential' zone to reduce the impact on the amenity of the surrounding residential area and ensure they remain consistent with the objectives of the 'Residential' zone.

### Road Hierarchy

Currently the *Child Care Premises Local Planning Policy* requires access to be from a Local Distributor Road, with an Access Road considered in exceptional circumstances. The draft amendments to the policy strengthen the language requiring vehicle access to be only from a Local Distributor Road, not being permitted from a Local Access Road and not being located on the corner of a cul-de-sac.

Submissions were received supporting child care premises taking access from a Local Distributor Road and not be located on the corner of a cul-de-sac. Other submissions suggested that there should be no restriction on access location.

Vehicle access to a child care premises is most suitably located on roads designated as Local Distributor Roads as these roads are designed to carry higher volumes of vehicles with appropriate traffic and pedestrian infrastructure such as median islands, controlled intersections and footpaths embedded in the road design. Vehicle access from Local Access Roads, including cul-de-sac roads, is not considered appropriate.

Following advertising, a minor modification is proposed to Clause 5.2a.ii (Attachment 4 refers). This modification is to make it clearer that all criteria of the clause need to be met, with vehicle access to not conflict with traffic control devices, and not encourage unsafe movements or the use of nearby Access Roads for turning movements.

### Parking and Access

The *Child Care Premises Local Planning Policy* includes development standards that set out the minimum number of car parking bays for both staff and children, the location of car parking, access arrangements for car parking areas and the provision of a footpath between the car park and street to the building entrance.

Feedback received during consultation objected to the car park design providing two-way vehicle access. Concerns were raised that the number of car parking bays required is insufficient for a premises accommodating up to 50 children.

Having separate two-way access that allows vehicles to pass each other when entering and exiting a site is considered an appropriate access arrangement. The policy requires any car parking to be constructed in accordance with the Australian Standards which outlines bay, aisle and access widths. It is proposed that the policy is not changed in this regard, however a minor amendment is proposed to Figure 1 (Type 2 Diagram) to include a turning area at the end of the blind aisle to reflect the requirement in the Australian Standards (Attachment 4 refers).

There are no changes proposed to the number of car parking bays required for a child care premises. For a 50-child premises, the policy requires seven bays for a child care premises plus one bay per staff member.

As part of the City's analysis undertaken in preparing the revised policy it was found that the car parking requirements in the City's current policy are more conservative than the car parking ratio provided in *Planning Bulletin 72/2009 Child Care Premises* (PB72/2009).

PB72/2009 states that the minimum car bay provision should be one car bay per five children, which includes the provision of bays for staff. The City's policy requires each staff member to be provided a car bay in addition to a provision of car bays based on the number of children accommodated.

Analysis of the approved child care premises within the City indicates that the ratio of car bays to children / staff for these centres is greater than that outlined in the planning bulletin. The amount of car parking provided in the policy is considered appropriate, with the visitor bay ratio accounting for the turn-over in parking during drop-off and pick-up.

### Building Design

Currently the *Child Care Premises Local Planning Policy* includes building setbacks and noise attenuation requirements in the building design section. There were no changes to this section as part of the proposed amendments to the policy.

Feedback received during advertising raised concerns regarding the appearance of child care premises not being consistent with the residential area, overlooking to neighbouring properties, noise from outdoor play areas located on the second storey, servicing requirements and topography.

### Building Appearance and Servicing

Issues raised in relation to building appearance highlighted concerns that child care premises in residential areas are not consistent with their surroundings and that servicing components of the building (that is, air conditioning units and bin stores) are highly visible from the street or adjoining properties.

The concerns raised are noted and in consideration of the submissions received, the following modifications are recommended (Attachment 4 refers):

- Including a provision requiring buildings in the 'Residential' zone to be of residential appearance.
- Including provisions which require bin storage areas to be screened from view and located away from residential properties and for external fixtures (for example, air conditioning units) to be screened from view through building design or location.

These development standards proposed are similar to provisions contained in the *Non-residential Development in the Residential Zone Local Planning Policy* which applies to other types of non-residential development in residential areas. Including these provisions will ensure the design of a child care premises remains consistent with its residential setting. It also noted that the cap of 50 children and other considerations for child care premises in the 'Residential' zone should result in buildings of a more residential appearance as the scale of what is able to be developed is reduced as a result of the proposed changes.

### Visual Privacy

Issues raised in relation to visual privacy highlighted privacy issues from two storey child care premises and that consideration should be given to applying the R-Code visual privacy requirements.

Potential overlooking from a child care premises is currently considered as part of the overall amenity assessment and appropriate approval conditions or modifications applied. It is not recommended to apply the visual privacy provisions of the R-Codes to a child care premises as restricting the visual privacy assessment to the R-Code criteria is unlikely to ensure total privacy or take into account that the impact from a non-residential land use may be greater.

For example, under the deemed-to-comply requirements of the R-Codes (for lots coded R50 or lower) a balcony for a house can be setback 7.5 metres to an adjoining property without the need to provide any screening to obstruct a view. However, the potential amenity impact from an outdoor play space on the upper level of a child care premises is likely to be greater than the potential amenity impact of a house and as such this may require a greater setback or the provision of screening to protect the adjoining property.

It is therefore not considered appropriate to apply the privacy requirements of the R-Codes to a child care premises as the potential visual amenity impact is different between the two land uses.

### Location of Outdoor Play Spaces

Issues raised in relation to the location of outdoor play spaces highlighted that these play spaces should be required to be located away from residential properties, and the noise impact from having play spaces on the upper floors.

In regard to the location of child play spaces and noise, the policy currently requires noise-generating activities such as outdoor play areas, vehicle accessways, car parking areas and plant and equipment to be located away from noise-sensitive land uses (such as residences).

It is also noted that the draft revised policy includes a requirement for child care premises located in the 'Residential' zone to adjoin a non-residential land use on at least one side. The intent behind this provision is to provide at least one edge of a child care premises site can be used to locate noise-generating activities.

The policy also requires an acoustic report to be submitted which demonstrates how the development meets the noise regulations and a noise management plan. Outdoor play areas are required to meet the noise regulations regardless of whether they are located on the ground or upper floor.

Therefore, no further amendments to the current policy are considered necessary.

### Topography

Submissions requested that a clause be included requiring consideration for topography as part of the location criteria. This was on the basis that steep sites may have additional considerations to address access, noise transfer and noise mitigation.

Topography of a site and area is currently considered as part of the overall assessment of child care premises. Sites which are sloping often have undercroft car parking or split level buildings to account for the change in topography and limit excessive filling of a site. The topography of a site and area is also considered as part of the acoustic assessment regarding noise transfer.

As topography is a consideration in the overall assessment and matters such as access and noise are addressed through other provisions of the policy, no further changes are proposed to the policy.

### Hours of Operation

The City's current policy allows child care premises to operate as follows:

<b>Monday to Friday</b>	7.00am to 6.00pm
<b>Saturday</b>	8.00am to 1.00pm
<b>Sunday</b>	Not permitted

The draft amendments to the policy include allowing staff to arrive and depart the centre within half an hour of the operating hours outlined in the policy.

It is considered appropriate for the policy to make a distinction between staff and customers, by allowing staff to arrive and depart the centre beyond the open and closing times outlined in the policy, to allow for setting up and cleaning. Staff movements to and from the site are less impacting than customer movements and can be more easily managed operationally to ensure compliance.

Submissions received support the changes suggested in the draft revised policy.

#### Information Required for Applications for Development Approval

A submission was received requesting modifications to the draft policy to require developers to consult with residents within 200 metres of a proposed child care premises prior to a planning application being submitted and then again if any changes are proposed once built.

In addition, the submission also requests that the policy include a requirement for a report on amenity to be prepared by an independent person and include feedback from residents. Further, the submission suggests that technical reports (for example, noise and traffic report) required by the policy should be prepared by independent qualified experts.

There is no requirement in the LPS Regulations, LPS3 or the *Planning Consultation Local Planning Policy* for a developer to undertake pre lodgement consultation.

The City undertakes consultation in accordance with the City's *Planning Consultation Local Planning Policy* which requires new or expanded child care premises to be advertised for 14 days, including letters to stakeholders (landowners and occupiers of residential properties), a sign on site and notice on the City's website. It is not considered appropriate to require a developer to undertake consultation prior to the submission of a development application for a child care premises.

Relevant technical reports and information is required at the submission of a development application, including a traffic and road safety impact report and an acoustic report. These are required to be prepared by technical experts including qualified architects, planning, acoustic and traffic consultants (at the expense of the developer). These reports are independently assessed by the relevant technical officers at the City against the relevant standards.

It is therefore not recommended that such requirements be included in the revised policy.

#### **Issues and Options Considered**

The options available to Council in considering the amendments to the *Child Care Premises Local Planning Policy* are:

- proceed with the draft revised *Child Care Premises Local Planning Policy* without modifications
- proceed with the draft revised *Child Care Premises Local Planning Policy* with modifications
- or
- not proceed with the draft revised *Child Care Premises Local Planning Policy*.

It is recommended that Council proceeds with the draft revised *Child Care Premises Local Planning Policy*, with modifications outlined in Attachment 4 to Report CJ007-02/22. Further consultation on these modifications is not considered to be required as they respond to submissions received during the public consultation period.

## Legislation / Strategic Community Plan / Policy Implications

**Legislation**                      *Planning and Development (Local Planning Scheme) Regulations 2015.*  
*Local Planning Scheme No. 3.*

### Strategic Community Plan

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy**                              *Child Care Premises Local Planning Policy.*

### Risk Management Considerations

The revised policy will make it more difficult for larger child care premises to be developed in the 'Residential' zone. This could reduce the level of child care services available to the local community in the future. However, the revised policy may also result in child care premises located in residential settings that are more moderate in their amenity impacts on surrounding residential properties.

### Financial / Budget Implications

The costs associated with the public advertising and notice of the final adoption will be approximately \$1,000.

### Regional Significance

Not applicable.

### Sustainability Implications

The revised policy could make it more difficult for larger child care premises to be established in the 'Residential' zone. This could reduce the level of child care services available to the local community in the future and may also reduce the availability of local employment opportunities.

### Consultation

The draft revised *Child Care Premises Local Planning Policy* (Attachment 2 refers) was advertised for a period of 21 days closing on 16 December 2021, by way of the following:

- A notice published in the local newspaper.
- Resident and ratepayer organisations.
- An email to the Community Engagement Network.
- A letter to the Australian Childcare Alliance (Western Australia).
- A notice and documents placed on the City's website.
- A notice on the City's social media platforms.

A total of 68 submissions were received, comprising 54 submissions of support, 12 objections, and two submissions that provided comments on the proposal.

The following summarises the main comments provided in the submissions:

- Overall support for the changes to the policy, in particular requiring child care premises to adjoin a non-residential land use and the cap on the number of children.
- Child care premises should only be located in commercial (non-residential) areas and not at all in residential areas.
- Outdoor play areas should not be located on the second floor as these can be noisy and the noise can travel further.
- Child care premises should be of residential appearance.
- Child care premises should not overlook neighbouring properties.
- Bins should not be located near the boundary of residential properties.
- Two submissions stated that the proposed changes will lead to an undersupply of child care premises as they are too restrictive, they oppose the 50 children cap in residential areas and requiring child care premises to adjoin non-residential land uses,

Several submissions raised issues with regard to a specific child care premises. These comments are beyond the draft *Child Care Premises Local Planning Policy*, however general matters such as scale, location, parking and noise are addressed.

A full summary of submissions and the City's response is provided in Attachment 3 to Report CJ007-02/22.

## COMMENT

The submissions indicated overall support for the changes to the *Child Care Premises Local Planning Policy*, in particular requiring child care premises to adjoin a non-residential land use and the cap on the number of children.

As a result of the submissions, further amendments are recommended to address building appearance, location of waste and services, and clarity on parking in accordance with Australian Standards and considerations for the access location.

It is recommended that Council proceeds with the draft revised *Child Care Premises Local Planning Policy* with these modifications.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

**That Council:**

- 1 In accordance with clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Child Care Premises Local Planning Policy*, with modification, as included in Attachment 4 to Report CJ007-02/22;**
- 2 NOTES that the *Child Care Premises Local Planning Policy* will come into effect when a public notice is published on the City's website.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf220208.pdf](#)

**CJ008-02/22 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENT</b>	Attachment 1 Documents sealed by affixing the Common Seal during the period 3 November 2021 to 13 January 2022
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 3 November 2021 to 13 January 2022.

**EXECUTIVE SUMMARY**

The City enters into various agreements by affixing the Common Seal. The *Local Government Act 1995* states that the City is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to Council for information on a regular basis.

*It is therefore recommended the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 3 November 2021 to 13 January 2022, as detailed in Attachment 1 to Report CJ008-02/22.*

**BACKGROUND**

For the period 3 November 2021 to 13 January 2022, 22 documents were executed by affixing the Common Seal. A summary is provided below:

<b>Type</b>	<b>Number</b>
Removal of Section 70A Notification	2
Section 70A Notification	16
Lease	1
Deed of Renewal	1
Extension of Lease	1
Withdrawal of Caveat	1

**DETAILS****Issues and options considered**

Not applicable.

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

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

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**Current financial year impact

Not applicable.

Future financial year impact

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 3 November 2021 to 13 January 2022, as detailed in Attachment 1 to Report CJ008-02/22.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf220208.pdf](#)*

## CJ009-02/22 MINUTES OF REGIONAL COUNCIL MEETINGS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 41196; 101515
<b>ATTACHMENT</b>	<p>Attachment 1 Mindarie Regional Council – Ordinary Council Meeting Minutes – 16 December 2021</p> <p>Attachment 2 Tamala Park Regional Council – Special Council Meeting Minutes – 4 November 2021</p> <p>Attachment 3 Tamala Park Regional Council – Ordinary Council Meeting Minutes – 9 December 2021</p> <p>Attachment 4 Tamala Park Regional Council – Special Council Meeting Minutes – 15 December 2021</p> <p><i>(Please note: These minutes are only available electronically).</i></p>
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### PURPOSE

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

### EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Mindarie Regional Council ordinary meeting held on 16 December 2021.
- Minutes of the Tamala Park Regional Council special meeting held on 4 November 2021.
- Minutes of the Tamala Park Regional Council ordinary meeting held on 9 December 2021.
- Minutes of the Tamala Park Regional Council special meeting held on 15 December 2021.

### DETAILS

#### Mindarie Regional Council Meeting

16 December 2021

An ordinary meeting of the Mindarie Regional Council was held on 16 December 2021.

At the time of this meeting Mayor Albert Jacob and Cr Christopher May were Council's representatives at the Mindarie Regional Council ordinary meeting.

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

### **Tamala Park Regional Council Meetings**

#### 4 November 2021

A special meeting of the Tamala Park Regional Council was held on 4 November 2021.

At the time of this meeting Cr John Chester and Cr Nige Jones were Council's representatives at the Tamala Park Regional Council special meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 2 refers).

#### 9 December 2021

An ordinary meeting of the Tamala Park Regional Council was held on 9 December 2021.

At the time of this meeting Cr John Chester and Cr Nige Jones were Council's representatives at the Tamala Park Regional Council ordinary meeting.

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

#### 15 December 2021

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

At the time of this meeting Cr John Chester and Cr Nige Jones were Council's representatives at the Tamala Park Regional Council special meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup (Attachment 4 refers).

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Strong leadership.

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

**Policy** Not applicable.

#### **Risk Management Considerations**

Not applicable.

**Financial / Budget Implications**

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council NOTES the minutes of the:

- 1 **Mindarie Regional Council ordinary meeting held on 16 December 2021 forming Attachment 1 to Report CJ009-02/22;**
- 2 **Tamala Park Regional Council special meeting held on 4 November 2021 forming Attachment 2 to Report CJ009-02/22;**
- 3 **Tamala Park Regional Council ordinary meeting held on 9 December 2021 forming Attachment 3 to Report CJ009-02/22;**
- 4 **Tamala Park Regional Council special meeting held on 15 December 2021 forming Attachment 4 to Report CJ009-02/22.**

To access this attachment on electronic document, click here: [RegionalMinutes220208.pdf](#)

## **CJ010-02/22      AMENDMENT TO COUNCIL MEETING DATE - JUNE 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	08122, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to amend the June Council meeting date from 21 June 2022 to 28 June 2022, to enable Elected Members to attend the Australian Local Government Association National General Assembly (ALGA NGA) being held from 19 – 22 June 2022 in Canberra.

### **EXECUTIVE SUMMARY**

In accordance with the *Local Government Act 1995*, it is necessary for a local government to give local public notice of its Ordinary Council Meeting dates for the upcoming 12 months.

At its meeting held on 16 November 2021 (CJ160-11/21 refers), Council set its 2022 Council meeting dates and in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* has advertised the respective dates.

It has been identified that the meeting date for the June Council meeting is required to be amended from 21 June 2022 to 28 June 2022 to enable Elected Members to attend the ALGA NGA scheduled to be held between 19 to 22 June 2022 in Canberra.

### **BACKGROUND**

At its meeting held on 16 November 2021 (CJ160-11/21 refers), Council set its 2022 Council meeting dates based on the rolling four-weekly cycle, with Strategy Sessions being held in the first week of the month, Briefing Sessions in the second week and Council meetings in the third week of the month.

The 2022 Council meeting dates as endorsed by Council are as follows:

- 7.00pm on Tuesday 15 February 2022.
- 7.00pm on Tuesday 15 March 2022.
- 7.00pm on Tuesday 19 April 2022.
- 7.00pm on Tuesday 17 May 2022.
- 7.00pm on Tuesday 21 June 2022.
- 7.00pm on Tuesday 19 July 2022.

- 12.00 noon on Tuesday 16 August 2022.
- 7.00pm on Tuesday 20 September 2022.
- 7.00pm on Tuesday 18 October 2022.
- 7.00pm on Tuesday 15 November 2022.
- 7.00pm on Tuesday 13 December 2022.

## DETAILS

The Australian Local Government Association (ALGA) will be holding its Annual National General Assembly Conference in Canberra between 19 and 22 June 2022. The National General Assembly is convened annually by ALGA and is considered the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year.

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy, and to influence the future direction of Councils and communities.

The theme for the 2022 ALGA NGA is *Partners in Progress*. Further information in relation to the conference can be found at [National General Assembly 2022 - Australian Local Government Association \(alga.asn.au\)](http://National General Assembly 2022 - Australian Local Government Association (alga.asn.au)) .

The scheduled Council meeting date in June 2022 is required to be changed to the fourth week of the month (28 June 2022) as the ALGA conference falls in the third week of June (19-21 June 2022). This will enable elected members to attend the conference, should they wish to do so.

## Issues and Options Considered

Council can either:

- adopt the amended date for the June Council meeting as recommended in the report or
- select an alternative date and time to hold the June Council meeting.

## Legislation / Strategic Community Plan / Policy Implications

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

## Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

## Risk Management Considerations

Failure to set and advertise Council's meeting dates will contravene the requirements of the *Local Government Act 1995*.

## Financial / Budget Implications

### Current financial year impact

<b>Account no.</b>	1.522.A5202.3277.0000.
<b>Budget Item</b>	Advertising – Public and Statutory.
<b>Budget amount</b>	\$2,600
<b>Amount spent to date</b>	\$ 679
<b>Proposed cost</b>	\$ 679
<b>Balance</b>	\$1,242

All amounts quoted in this report are exclusive of GST.

### Regional Significance

Not applicable.

### Sustainability Implications

Not applicable.

### Consultation

Not applicable.

## COMMENT

It is recommended the current schedule for meetings be maintained for 2022, subject to the June Council meeting date be changed to the fourth Tuesday of the month (28 June 2022), to enable Elected Members to attend the ALGA NGA being held from 19 – 22 June 2022.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

That Council **BY AN ABSOLUTE MAJORITY** amends Part 1 of its decision on 16 November 2021 (CJ160-11/21 refers) to read as follows:

- 1 “SETS the following meeting dates and times for the Council of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Briefing Sessions to be held at 6.30pm in the Council Chamber	Council meetings to be held in the Council Chamber
Tuesday 8 February 2022	7.00pm on Tuesday 15 February 2022
Tuesday 8 March 2022	7.00pm on Tuesday 15 March 2022
Tuesday 12 April 2022	7.00pm on Tuesday 19 April 2022
Tuesday 10 May 2022	7.00pm on Tuesday 17 May 2022

<b>Briefing Sessions to be held at 6.30pm in the Council Chamber</b>	<b>Council meetings to be held in the Council Chamber</b>
<b>Tuesday 14 June 2022</b>	<b>7.00pm on Tuesday 28 June 2022</b>
<b>Tuesday 12 July 2022</b>	<b>7.00pm on Tuesday 19 July 2022</b>
<b>Tuesday 9 August 2022</b>	<b>12.00noon on Tuesday 16 August 2022</b>
<b>Tuesday 13 September 2022</b>	<b>7.00pm on Tuesday 20 September 2022</b>
<b>Tuesday 11 October 2022</b>	<b>7.00pm on Tuesday 18 October 2022</b>
<b>Tuesday 8 November 2022</b>	<b>7.00pm on Tuesday 15 November 2022</b>
<b>Tuesday 6 December 2022</b>	<b>7.00pm on Tuesday 13 December 2022 “</b>

- 2 **PUBLISHES** details of the changes on the City of Joondalup website, in accordance with r.12(3) of the *Local Government (Administration) Regulations 1996*.

## **CJ011-02/22      PETITION IN RELATION TO LIVE VIDEO STREAMING OF COUNCIL MEETINGS AND AGM**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	05386, 101515
<b>ATTACHMENT</b>	Attachment 1      McLeods - The future of technology in Council meetings
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider a petition received requesting live video streaming and video recordings of all Council meetings and Annual General Meetings of Electors.

### **EXECUTIVE SUMMARY**

At its meeting held on 21 September 2021, Council received a petition requesting live video streaming and video recordings of all City of Joondalup Council meetings and Annual General Meetings of Electors (AGM).

Given recent local government reform proposals which propose to make it mandatory for large local governments (Band 1 and Band 2 local governments) to video livestream Council meetings, and post the video recordings online, it is considered that the intent of the petition can be supported.

*It is therefore recommended that Council:*

- 1      NOTES the petitioner's request in relation to live video streaming and video recordings of all Council meetings and Annual General Meetings of Electors;*
- 2      APPROVES the development of a new policy to allow for the recording and live video streaming of Council meetings;*
- 3      LISTS for consideration in the 2022-23 Annual Budget an amount of \$40,000 for the installation of video equipment to allow for the live video streaming of Council meetings;*
- 4      ADVISES the lead petitioner of its decision.*

### **BACKGROUND**

On 21 September 2021, Council received a petition in relation to a request for live video streaming and video recordings of all City of Joondalup Council and Annual General Meetings of Electors. The reasons provided for the request are summarised below:

- improve accountability and transparency with local residents
- technological progression
- access / occupational health and safety reasons
- youth engagement
- quality and functionality
- learner styles – absorbing current Council content effectively
- better use of City of Joondalup website and social media platforms.

The City of Joondalup currently live-streams audio only of its Council meetings and Annual General Meetings of Electors.

## DETAILS

### Current Situation

Currently, local governments are only required to make written minutes of their Council meetings available. While there is no legal requirement for livestreaming of video and / or audio recording of Council meetings, many local governments do so. The City of Joondalup currently live-streams audio of its Council meetings and makes audio-records available on the City's website following the meeting. On average the City of Joondalup has 104 live audio views per month and 833 recorded views per month on the City's website.

### Local Government Reform

On 10 November 2021, the State Government released details of the local government reform package. The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review, and recommendations of various reports, including the *Local Government Review Panel Final Report*.

The proposed reforms are based on the following six themes:

- Earlier intervention, effective regulation and stronger penalties.
- Reducing red tape, increasing consistency and simplicity.
- Greater transparency and accountability.
- Stronger local democracy and community engagement.
- Clear roles and responsibilities.
- Improved financial management and reporting.

Under the theme 'Greater transparency and accountability,' the reforms will make it mandatory for large local governments (Band 1 and Band 2 local governments) to livestream Council meetings and post the recordings online. The City's administration has clarified with the Department of Local Government, Sport and Cultural Industries (DLGSC) that the intent of the reforms is for Band 1 and 2 local governments to livestream (video) their meetings and post the video recordings online following the meeting. Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. All Council meeting recordings would need to be published at the same time as the meeting minutes and recordings of all confidential items would also need to be submitted to the DLGSC for archiving.

Given that the proposed local government reforms will make it mandatory for local governments to live video stream their Council meetings, it is recommended that a new policy be implemented to allow for the recording and live video streaming of Council meetings and that a report be prepared to consider options for the installation of equipment to allow for the live video streaming of Council meetings.

## Issues and Options Considered

### Advantages of live video streaming

While not currently mandated, live video streaming will become mandatory in the future as part of the Local Government Reforms recently released. The advantages of introducing live video streaming includes the following:

- Live video streaming allows members of the public to watch and listen to Council meetings in real time, giving greater access to Council's decision making and debate, and encouraging openness and transparency.
- By live streaming Council meetings, constituents can get access to the information they need without the inconvenience of having to attend the Council Chamber.
- Live streaming Council meetings will enhance and maximise direct communication with the public and community partners.
- Holding elected members accountable to standards of good behaviour.
- Allowing for post meeting reviews, including accurate reflections in the Council meeting minutes.
- Allowing for remote attendance by elected members who may not be able to attend in person.
- Live video streaming is becoming an expectation for new generations and will encourage younger generations to participate in Council meeting processes.
- Allowing for a digital presence on social media platforms.

### Disadvantages of live video streaming

The implementation of technology to live video stream has obvious benefits, as the proceedings of a local government are likely to reach a larger audience and enhance a local government's transparency and accessibility to the public. However, there are also a number of risks that local governments should be aware of, as noted in an article published by McLeods Barrister & Solicitors (Attachment 1 refers), these are as follows:

- Potential legal consequences as a result of derogatory or offensive comments being made by a Council or committee member at a Council or committee meeting that is live streamed or recorded and published on a local government's website.

Although the *Local Government Act 1995* contains certain protections (in section 9.57A and section 9.56), to limit the circumstances where comments or statements of a defamatory nature made at a Council or committee meeting could be the subject of a successful defamation proceeding, this would not prevent other legal consequences arising. For example, where a comment constituted a breach of the Code of Conduct, the live streaming / recording of the comments or statements would provide strong evidence of what was said and the context in which it was said. The publication of this is likely to increase the prospect of a complaint being made.

- The live streaming of a Council meeting would not provide a local government with the same ability, opportunity and power to restrict public access, or edit out potentially offensive or defamatory statements. Instead, these statements:
  - would be 'published' in real time to a far larger potential audience
  - would be publicly accessible, at any time
  - could be recorded by members of the public and re-shared on social media to a far larger audience and measures to limit the potential for re-publication may not entirely eliminate this risk.

This could increase the risk of a defamation claim or complaints being made against an individual Council member or a member of the public.

- Where a local government opted to live stream or record a Council or committee meeting, it should ensure that attending or participating members of the public were made aware in advance of what was to occur, and that by attending or participating in the meeting they are taken to have given their consent to the proceedings being live streamed and / or uploaded to the local government's website in accordance with the procedures adopted by the local government.

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

**Legislation** *Local Government Act 1995.  
Local Government (Administration) Regulations 1996.  
Procedures for Strategy Session, Council / Committee Meetings  
and Electronic Meetings.  
City of Joondalup Meetings Procedures Local Law 2013.*

### **Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Corporate Capacity.

**Strategic initiative** Continuously strive to improve performance and service delivery across all corporate functions.

**Policy** New policy to be created.

### **Risk Management Considerations**

Potential legal consequences associated with live video streaming have been detailed above under 'Disadvantages of live video streaming.' However, given that live video streaming will become mandatory for Band 1 and Band 2 local governments, it is recommended that Council consider the full extent of all risks if and when implementing a policy.

### **Financial / Budget Implications**

There are direct financial implications relating to the procurement of technology to facilitate live video streaming. This project will require an expected budgeted expenditure in the 2022-23 financial year as follows:

#### *Future financial year impact*

**Annual operating cost** To be determined.

**Capital replacement** The introduction of live video streaming will require an estimated budget of \$40,000 for the purchase of equipment to allow for the video streaming.

**20 Year Strategic Financial Plan impact** No impact.

**Impact year** 2022-23.

All amounts quoted in this report are exclusive of GST.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

A draft policy will be presented to a future Policy Committee for feedback and input from Elected Members.

**COMMENT**

The live video streaming of Council meetings has been identified as an improvement to local government transparency through the Local Government Act Reform Package, led by the DLGSC, and also through various inquiries including the *City of Perth Inquiry Report*.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council:

- 1 **NOTES** the petitioner's request in relation to live video streaming and video recordings of all Council meetings and Annual General Meetings of Electors;
- 2 **APPROVES** the development of a new policy to allow for the recording and live video streaming of Council meetings;
- 3 **LISTS** for consideration in the 2022-23 annual budget an amount of \$40,000 for the installation of equipment to allow for the live video streaming of Council meetings;
- 4 **ADVISES** the lead petitioner of its decision.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf220208.pdf](#)

## **CJ012-02/22 LOCAL GOVERNMENT REFORM CONSULTATION - CITY OF JOONDALUP SUBMISSION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	103278, 101515
<b>ATTACHMENTS</b>	Attachment 1 DLGSCI Reform Fact Sheets Attachment 2 City of Joondalup Draft Submission Attachment 3 WALGA Draft Submission
<b>AUTHORITY / DISCRETION</b>	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/ agency.

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### **PURPOSE**

For Council to endorse the City of Joondalup submission to the Department of Local Government, Sport and Cultural Industries (DLGSCI) on the proposed local government reforms that were announced in November 2021.

### **EXECUTIVE SUMMARY**

On 10 November 2021, Local Government Minister Hon John Carey MLA released details of a number of proposed reforms to the *Local Government Act 1995*.

The reforms are based on the findings and recommendations of a number of reports and consultations undertaken over the past five years and represents the most significant package of reforms to local government in Western Australia since the *Local Government Act 1995* was introduced more than 25 years ago.

The City has drafted a submission (Attachment 2 refers) to the proposed reforms based on previous City / Council positions and matters considered requiring further clarity to assist with drafting of the legislation.

*It is therefore recommended that Council, in response to the Department of Local Government; Sport and Cultural Industries' invitation to comment on its proposed reforms of the Local Government Act 1995, dated November 2021, ENDORSES the City of Joondalup submission, provided as Attachment 2 to Report CJ012-02/22.*

### **BACKGROUND**

On 10 November 2021 Local Government Minister Hon John Carey MLA released details of a number of proposed reforms to the *Local Government Act 1995*.

The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the *Local Government Review Panel Final Report*.

The proposed changes to the *Local Government Act 1995* and Regulations are intended to provide for a stronger, more consistent framework for local government across Western Australia. The Minister advises that the reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes, and the City has drafted a submission in response to the proposed reforms within these themes.

Submissions are to be made to the DLGSCI by 25 February 2022.

## DETAILS

In November 2021 details of a number of proposed reforms to the *Local Government Act 1995* were released.

The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the [Local Government Review Panel Final Report](#).

The proposed changes to the *Local Government Act 1995* and Regulations are intended to provide for a stronger, more consistent framework for local government across Western Australia. The Minister advises that the reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on the following six themes:

- Earlier intervention, effective regulation and stronger penalties.
- Reducing red tape, increasing consistency and simplicity.
- Greater transparency and accountability.
- Stronger local democracy and community engagement.
- Clear roles and responsibilities.
- Improved financial management and reporting.

The Minister has informed the sector that the proposed reforms are as a result of the development of a number of reform reports and consultations undertaken with the sector, and this first tranche of reforms is (high-level) principle based, therefore still requiring legislative drafting. The response being sought from the Minister is not whether local governments support the initiatives but:

- whether there are any potential issues related to the reforms that need to be given further consideration when drafting the legislation
- whether there are any matters that require further consideration/clarification to assist in drafting the legislation.

It has been made clear that the Minister and DLGSCI intend to engage with the sector on the proposals therefore there will be further opportunities to comment on the proposed legislation during and following its drafting, to ensure it pragmatically meets the requirements of the sector while meeting the intent of the Minister.

The Minister has also advised that he would like responses only to the matters raised in the reform package as proposed, recognising that there have been many other issues raised in reform reports and consultation efforts.

The City's draft response takes into consideration the following:

- Previous City / Council positions related to local government reform proposals, and in particular:
  - the City's Local Government Reform Phase 1 response (CJ012-02/18 refers)
  - the City's Local Government Reform Phase 2 response (CJ023-03/19 refers).
- Practical application of the proposed reforms.
- Sector-wide discussions regarding the proposed reforms.
- Focusing only on the reform proposals included in the draft package.

The reform proposals and fact sheets provided by the DLGSCI (Attachment 1 refers) have not provided definitive options in terms of changes or indeed what specific drafting will be made in the legislation, but rather a series of high-level principles. In view of this, the City's response aims to be brief in its approach; is focused on the ideas presented in the reform paper; and whether the City supports the ideas, but more importantly coupled with justification to its stated positions.

### **Issues and Options Considered**

Council may choose either to:

- endorse the City's submission
- endorse the City's submission with amendments  
or
- not endorse the City's submission.

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

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

#### **Strategic Community Plan**

**Key theme**                      Governance and Leadership.

**Objective**                      Strong Leadership.

**Strategic initiative**        Participate in State and Federal policy development processes affecting local government.

**Policy**                          Not applicable.

### **Risk Management Considerations**

Providing a response to the Minister's reform paper enables the City to contribute to the review and potential amendments to the *Local Government Act 1995* and therefore, the future purpose and role of local government.

A response ensures the community is aware of the City's position regarding the proposed reforms and is an active participant in reform proposals that effect the governance of the City / Council.

### **Financial / Budget Implications**

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

The City's submission is, in the main, based on the City's comprehensive submissions on the Local Government Reform Phase 1 response (CJ012-02/18 refers); Local Government Reform Phase 2 response (CJ023-03/19 refers); and previously endorsed positions to a range of discussion papers and industry feedback requests.

The City has not engaged with the community on its submission due to not only time constraints but that members of the community are entitled to make their own submissions to the Minister.

**COMMENT**

The City has been an active and cooperative participant in all legislative and reform reviews, surveys and analysis of the local government sector, including the WA Local Government Association Systemic Sustainability Study in 2006, the Ministerial-initiated voluntary Local Government reform initiative in 2009, and Metropolitan Local Government Reform Process 2011-2013.

Through the Phase 1 and Phase 2 consultation processes, the Minister and the DLGSCI have stated the review attempts to modernise the *Local Government Act 1995* to empower local governments to better deliver for their communities, as well as to remove red tape and overly burdensome bureaucracy. Local governments, due to their existence as being a product of statute, are bureaucratic in nature and are required to comply with numerous reporting and oversight regimes.

Overall, the Act should remain principle-based in which local governments have the flexibility and ability to operate in, with good governance principles and standards in mind. Considering the capacity of different local governments, a size and scale compliance regime is welcomed based on possible banding methodology, similarly used by the Salaries and Allowance Tribunal for allowance and salaries for local governments.

The City recognises that its response to the reform proposals is but one element of the consultation to be undertaken and will consider further discussion papers and information distributed by the Minister of the DLGSCI on issues that have been identified over the last decade, including advocacy positions agreed by the sector. This will likely include a request for local governments to submit additional items for consideration in the Act review process as well as providing more definitive positions once they become clearer.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council, in response to the Department of Local Government; Sport and Cultural Industries' invitation to comment on its proposed reforms of the *Local Government Act 1995*, dated November 2021, ENDORSES the City of Joondalup submission, provided as Attachment 2 to Report CJ012-02/22.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf220208.pdf](#)*

## **CJ013-02/22      CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2021**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENT / S</b>	Attachment 1      Corporate Business Plan Quarterly Progress Report for the period 1 October 2021 to 31 December 2021  Attachment 2      Capital Works Program Quarterly Report for the period 1 October 2021 to 31 December 2021
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to receive the Corporate Business Plan Quarterly Progress Report for the period 1 October 2021 to 31 December 2021 and the Capital Works Quarterly Report for the period 1 October 2021 to 31 December 2021.

### **EXECUTIVE SUMMARY**

The City's *Corporate Business Plan 2021-22 to 2025-26* 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 specific milestones for projects and priorities in the first year (2021-22).

The Corporate Business Plan Quarterly Progress Report, for the period 1 October 2021 to 31 December 2021, provides information on the progress of 2021-22 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ013-02/22.

A Capital Works Quarterly Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ013-02/22.

*It is therefore recommended that Council RECEIVES the:*

- 1      *Corporate Business Plan Quarterly Progress Report for the period 1 October 2021 to 31 December 2021, which is shown as Attachment 1 to Report CJ013-02/22;*
- 2      *Capital Works Quarterly Report for the period 1 October 2021 to 31 December 2021, which is shown as Attachment 2 to Report CJ013-02/22.*

## BACKGROUND

The City's *Corporate Business Plan 2021-22 to 2025-26* demonstrates how the objectives of the City's *Strategic Community Plan: Joondalup 2022* are translated into a five-year delivery program.

The *Corporate Business Plan 2021-22 to 2025-26* was endorsed by Council on 21 September 2021 (CJ136-09/21 refers). The plan contains the major projects and priorities for the five-year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2021-22 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 and Reporting Framework, which requires planning and reporting on local government activities.

## DETAILS

The Corporate Business Plan Quarterly Progress Report provides information on progress against the milestones for the 2021-22 projects and programs contained within the Corporate Business Plan.

A commentary is provided against each quarterly milestone on the actions completed, and project status is reported via colour coding which indicates if the project has been completed, is on track or slightly behind schedule. Information is also provided on the budget status for each item. The milestones being reported this quarter are the grey shaded sections of Attachment 1.

## Legislation / Strategic Community Plan / Policy implications

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

*"This Act is intended to result in:*

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

## Strategic Community Plan

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

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

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

### **Risk management considerations**

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

### **Financial / budget implications**

2021-22 projects and programs in the Corporate Business Plan were included in the 2021-22 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 2021-22–2025-26* was endorsed by Council at its meeting held on 21 September 2021 (CJ136-09/21 refers). A detailed report on progress of the Capital Works Program has been included with the Corporate Business Plan Quarterly Progress Report. This report provides an overview of progress against all the projects and programs in the 2021-22 Capital Works Program.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 RECEIVES the Corporate Business Plan Quarterly Progress Report for the period 1 October 2021 to 31 December 2021, which is shown as Attachment 1 to Report CJ013-02/22;**
- 2 RECEIVES the Capital Works Quarterly Report for the period 1 October 2021 to 31 December 2021, which is shown as Attachment 2 to Report CJ013-02/22.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf220208.pdf](#)*

## CJ014-02/22 PROPOSED AMENDMENT LOCAL LAW 2021 – CONSENT TO ADVERTISE

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	05885, 101515
	Attachment 1 <i>City of Joondalup Amendment Local Law 2021</i>
	Attachment 2 <i>City of Joondalup Animals Local Law 1999 (marked up with changes)</i>
	Attachment 3 <i>City of Joondalup Local Government and Public Property Local Law 2014 (marked up with changes)</i>
	Attachment 4 <i>City of Joondalup Meeting Procedures Local Law 2013 (marked up with changes)</i>
	Attachment 5 <i>City of Joondalup Parking Local Law 2013 (marked up with changes)</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to make the *City of Joondalup Amendment Local Law 2021* for the purpose of public advertising.

### EXECUTIVE SUMMARY

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on the statutory review of its local laws, and resolved that amendments were required to the following:

- *City of Joondalup Animals Local Law 1999.*
- *City of Joondalup Local Government and Public Property Local Law 2014.*
- *City of Joondalup Meeting Procedures Local Law 2013.*
- *City of Joondalup Parking Local Law 2013.*

In view of this resolution and to put it into effect, a *City of Joondalup Amendment Local Law 2021* (Amendment Local Law) has been developed for Council's consideration, for the purposes of public advertising.

*It is therefore recommended that Council:*

- 1 *MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising;*
- 2 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*

- 2.1 *the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:*

*Purpose: The purpose of this local law is to amend certain provisions within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013.*

*Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meetings Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013 and to ensure information is current with prevailing legislation.*

- 2.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, Public Libraries or the City's website;*

- 2.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*

- 3 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*

- 4 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*

- 5 *the results of the public consultation be presented to Council for consideration of any submissions received;*

- 6 *in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in part 1 above;*

- 7 *NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known;*

- 8 *NOTES a review of the City of Joondalup Pest Plant Local Law 2012 will be progressed in 2022;*

- 9 *NOTES there will be no change to the City of Joondalup Local Government and Public Property Local Law 2014, at this time, in regards to the suggested amendments for shopping trolleys.*

## **BACKGROUND**

As part of a local government's legislative functions under the *Local Government Act 1995* (the Act), the City has created a number of local laws with the purpose of protecting amenity and regulating (with an appropriate enforcement regime) certain activities throughout the City of Joondalup district. In this regard the following local laws, the subject of this report, have been made by the City over a number of years:

- *Animals Local Law 1999*

The City's *Animals Local Law 1999* (Animals Local Law) provides a centralised local law framework for the management of certain animals throughout the City of Joondalup district.

- *Local Government and Public Property Local Law 2014*

The City's *Local Government and Public Property Local Law 2014* (Local Government Property Local Law) assists with the management of activities on local government property (including thoroughfares, City buildings and facilities and jetties) as well as other specific public places the public can use.

- *Meeting Procedures Local Law 2013*

The *Meeting Procedures Local Law 2013* (Meeting Procedures Local Law) provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors.

- *Parking Local Law 2013*

The *Parking Local Law 2013* (Parking Local Law) provides for the regulation, control and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

Section 3.16 of the Act requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended and involves a public consultation period.

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its most recent statutory review of its local laws, and in view of the information presented, resolved that amendments were required to the above local laws.

## **DETAILS**

In terms of making amendments to the City's *Animals Local Law*, *Local Government Property Local Law*, *Meeting Procedures Local Law* and *Parking Local Law*, a consolidated Amendment Local Law has been created for this purpose (Attachment 1 refers). The Amendment Local Law has been structured in parts, dealing with the necessary amendments to the specific local law that has been identified as needing amendment. In summary the following amendment provisions have been included in the Amendment Local Law:

### *Part 2 – Animals Local Law 1999*

The *Animals Local Law* (along with the City's *Health Local Law 1999*) is an old historic local law that is no longer conducive to modern day drafting standards. The *Animals Local Law* contains a mixture of provisions relating to public health and land use requirements in relation to certain animals. Since this local law was originally adopted back in 1999, the knowledge, requirements and constraints around local laws has evolved and become clearer, more so as a result of the various findings and reports of the WA Parliament's Joint Standing Committee on Delegated Legislation (which reviews local laws of local governments) and clearer guidance on the operation of the Act.

Within the local law eight-year review report submitted to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was highlighted that the local law framework around health related matters is under review as a result of the implementation of the *Public Health Act 2016* and in view of the remaining provisions under the *Health (Miscellaneous Provisions) Act 1911*. Public health matters are complex, and the legislation is being changed in stages and over time. In this regard any broad changes to the Animals Local Law as it relates to public health should occur once the higher-level legislative framework around public health is better known and implemented. This could include the creation of model local laws around health, or supporting regulations that may go into more detail and cover a broad range of matters. Notwithstanding, the provisions and requirements in the Animals Local Law should remain if it is necessary to continue to regulate such matters around animals.

In the report to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was also suggested that the City investigate the creation of two new local laws; one relating to cats and another for dogs. Any new local law around these types of animals will be guided by local law-making requirements under the *Cat Act 2011* and the *Dog Act 1976*, and created under specific heads of power. Until such time new local laws are created, the existing cat and dog provisions within the Animals Local Law will remain, but subsequently repealed at the time of creating the new local laws.

In view of this, the Amendment Local Law (Part 2) contains the following clauses to amend certain provisions in the Animals Local Law (marked up in Attachment 2 to Report CJ014-02/22):

- Clause 2.2 – this clause amends clause 6 in the Animals Local Law by deleting, inserting or amending various definitions used throughout the Animals Local Law.
- Clause 2.3 – this clause deletes clause 13(3) in the Animals Local Law which relates to fencing requirements for dogs in rural areas. There are no rural areas within the City's district and therefore the clause is no longer relevant.
- Clause 2.4 – this clause replaces clause 14 in the Animals Local Law relating to the maximum number of dogs that can be kept. The only reason it has been replaced is to remove the references to the number of dogs in rural areas.
- Clause 2.5 – this clause amends clause 15 in the Animals Local Law by correctly referencing the City's local planning scheme.
- Clause 2.6 – this clause deletes clause 24(2) in the Animals Local Law which relates to the fencing requirements for livestock in rural or special rural areas. There are no rural or special rural areas in the City's district, and any fencing requirements for livestock throughout land in the district are still detailed in clause 24(1), which is to remain.
- Clause 2.7 – this clause deletes clause 27 in the Animals Local Law which relates to fouling in public places by a horse. Similar provisions are now included in the City's *Local Government and Public Property Local Law 2014* (clause 10.2) and therefore this clause is redundant and a repeat of a new provision.
- Clause 2.8 – this clause includes a new clause 28A in the Animals Local Law in relation to restrictions for pigeons and doves nesting or perching. The provision allows an environmental health officer to order an owner or occupier of a premises to take steps to prevent the perching or nesting of pigeons or doves, due to a general health risk such activity can have.

- Clause 2.9 – this clause replaces clause 30 in the Animals Local Law by requiring the City to seek the written opinion of adjacent land owners and occupiers, where an application is made for a person to keep pigeons (clause 28). Clause 30 currently places that onus on the applicant to seek such opinion, not the City.
- Clause 2.10 – this clause amends clause 34(1)(a) in the Animals Local Law by removing the prescriptive construction requirements for the base floor of a loft used to house pigeons (currently 50mm thick concrete), and replacing it with a suitable impervious material standard that is approved by an environmental health officer.
- Clause 2.11 – this clause replaces Part 6 in the Animals Local Law which relates to the keeping of bees. The new Part provides more detail in relation to the needs for permits; permit application requirements; how the City will determine applications; the circumstances where a permit will be cancelled; the general conditions for keeping beehives; and removal notices.
- Clause 2.12 – this clause amends clause 40 in the Animals Local Law (relating to keeping miniature horses) by removing the references to special residential and special rural areas, as these areas are no longer exist within the City's district.
- Clause 2.13 – this clause amends clause 41 in the Animals Local Law that prevents a person from keeping a pig within the district. It removes references to licenced piggeries as well as the references to special residential areas and special rural areas in terms of keeping miniature pigs, in which one can be kept by a person in a residential area. There are a number of miniature pigs kept in the City's district (although classed as runts not bona fide miniature pigs, which are prevented from importation into Australia).
- Clause 2.14 – this clause amends clause 45(3) in relation to the keeping of cats through the removal of references to particular land use zonings within the City of Joondalup.
- Clause 2.15 – this clause deletes clause 46 in the Animals Local Law in respect of the burial of animals for commercial poultry farms, licensed piggeries or other intensive animal or bird farming activities. There are no land uses of the description within the City's district and is a restricted land use under the City's local planning scheme.
- Clause 2.16 – this clause amends clause 47 in the Animals Local Law by preventing the keeping of ostriches or emus completely throughout the district. Under the current provision a person was able to keep up to three adult pairs of ostrich or emu under certain land conditions in a special rural area (which do not exist in the City's district).
- Clause 2.17 – this clause amends clause 48 in the Animals Local Law by clarifying the circumstances around the keeping of poultry in the district. The amendments include:
  - that a person cannot keep a rooster, turkey, goose or geese, peacock or peahen on any land throughout the district
  - the removal of the requirement preventing poultry being kept in an open yard (thereby allowing poultry to free range, roam and scratch throughout a person's land)
  - inserting a provision restricting poultry approaching premises and boundary lines to protect possible residue accumulation of certain termite treatments in both the poultry itself and their eggs
  - poultry being provided a shed or hut as opposed to being kept in a structure (again allowing poultry to free range)
  - reducing the number of poultry that can be kept on land from 12 to six

- removing the diagram for the specification for a domestic deep litter poultry shed, which is more appropriately placed in guiding documents and advice from the City and relevant associations, as opposed to the local law.
- Clause 2.18 – this clause deletes clause 49 in the Animals Local Law in relation to the keeping of poultry in special rural areas as these land areas do not exist under the City’s local planning scheme.
- Clause 2.19 - this clause deletes clause 50 in the Animals Local Law in relation to the keeping of poultry in rural areas as these land areas do not exist under the City’s local planning scheme.
- Clause 2.20 – this clause replaces the First Schedule of the Animals Local Law which provides a list of modified penalties through the local law, in which an infringement notice can be issued by an authorised person. There are no changes to the modified penalty levels within the local law, however it was more conducive to replace the schedule in its entirety due to the extent of amendments that are being recommended throughout the local law.

As detailed above, it is likely that the Animals Local Law will be completely repealed in the future with provisions included in new local laws based on the legislative constraints that are imposed under legislation. Therefore, the suggested amendments above are only minor to improve the operation of the local law as it currently stands.

### Part 3 – Local Government and Public Property Local Law 2014

Within the local law eight-year review report submitted to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was highlighted that the Local Government Property Local Law is relatively new, with only a number of minor drafting amendments being identified. Of significance however is the proposed amendments relating to portable advertising signs in thoroughfares; real estate signs; and general provisions around verge treatments.

Related to this matter, at its meeting held on 16 August 2016, Council received a 51 signature petition requesting that Council create a working group that includes representatives from the City’s planning department to review and develop appropriate signage guidelines and policy that allows small business to have a say on signage and placemaking within the City of Joondalup.

In respect of the signage review on private property, the matter could only progress following the gazettal of the City’s *Local Planning Scheme No. 3* on 23 October 2018, that culminated in a review of the City’s *Signs Policy* that existed at that time. Council at its meeting held on 20 October 2020 (CJ162-10/20 refers), consented to the advertising of a new *Advertisements Local Planning Policy* which sought to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City’s position regarding signs currently prohibited by the City’s existing *Signs Policy*.

At its meeting held on 16 March 2021 (Item CJ037-03/21 refers) Council adopted its new *Advertisements Local Planning Policy* and the lead petitioner was advised of Council's decision.

Notwithstanding, while the *Advertisements Local Planning Policy* sets out a framework and the City's policy position around advertising signs on private property, signage in thoroughfares is currently prohibited under the City's Local Government Property Local Law. The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by the *Advertisements Local Planning Policy*. In view of this, amendments are suggested for an approval system for the placement of temporary advertising signs in thoroughfares by businesses throughout the City of Joondalup.

The Amendment Local Law (Part 3) contains the following clauses to amend certain provisions in the Local Government Property Local Law (marked up in Attachment 3 to Report CJ014-02/22):

- Clause 3.2 – this clause amends clause 1.6 in the Local Government Property Local Law by deleting, inserting, or amending various definitions used throughout the Local Government Property Local Law.
- Clause 3.3 – this clause amends clause 2.8(3) in the Local Government Property Local Law (in relation to activities which may be prohibited on specified local government property) by inserting the words “built structure” in the definition of “premises”. The definition of premises relates to the ability for the City to make a determination under the local law regarding smoking on premises. By including the words “built structure” (in addition to a building or stadium) would mean that smoking would be prevented at built structures such as skate parks or playgrounds (as they would be deemed built structures).
- Clause 3.4 – this clause amends clause 3.1 in the Local Government Property Local Law (relating to activities needing a permit) by including a new subclause (x) to enable permits to be issued by the City for the placement of a container receptacle on local government property by community organisations.

At the Council meeting held on 18 May 2021 the motions of the Annual General Meeting of Electors were considered (CJ063-05/21 refers) and subsequently a resolution was made where Council supported changes to the Local Government Property Local Law to allow cash container deposit infrastructure to be placed on local government property. The purpose of the electors' motion, as stated by the electors, was not only to divert recyclables away from the City's waste stream, but to also provide a revenue source for community groups.

The cash container deposit scheme is managed and controlled by the *Waste Avoidance and Resource Recovery Act 2007* (Part 5A) and the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019*. Both pieces of legislation are specific and legalistic in terms of where bone fide cash container infrastructure can be placed and who can operate such infrastructure. However, it is not considered that the intent of the electors' motion was to install cash container infrastructure per se, but to offer a collection receptacle point where members of the community could deposit appropriate containers, and the community organisation could subsequently collect the receptacle and empty its contents.

In view of this intent, it is considered a permit system could be implemented, whereby a community organisation could make an application for a permit to the City to install a container receptacle on local government property. In this way the City could condition a permit and responsibilities of a permit holder on matters such as, but not limited to, size; cleanliness; frequency of emptying; and disposal of other rubbish and waste.

For this purpose, the definitions for “container” and “container receptacle” are suggested to be included in the Local Government Property Local Law as well as an amendment to the definitions of “collection bin” (see clause 1.6 in the marked up version of the local law at Attachment 3).

- Clause 3.5 - this clause amends clause 5.1 in the Local Government Property Local Law (relating to refusal of entry to pool areas or direction to leave) by inserting a new subclause (g) allowing a pool attendant or authorised person to direct a person to leave a pool area in situations where they may be operating a camera device to record or transmit an image. Although such a provision may prevent parents from filming their children at aquatic events, it provides a framework to enforce behaviour that may not be so honourable, or making other pool patrons uncomfortable.
- Clause 3.6 – this clause amends clause 8.2 in the Local Government Property Local Law to allow permits to be issued for container receptacles to be placed on a thoroughfare by community organisations. The justification for this amendment is detailed above in clause 3.4. Clause 8.2 is also amended by adding a new subclause (n) that allows a permit to be issued to conduct a function, or undertake any promotional activity on a thoroughfare.
- Clause 3.7 – this clause amends clause 8.6 in the Local Government Property Local Law by amending the definition of “acceptable material”, used for the purposes of prescribing appropriate verge treatments. This suggested amendment allows the City to determine what is deemed an acceptable material for a verge treatment, that doesn’t necessarily have to create a hard and stable surface, and which may not be either lawn or a garden.
- Clause 3.8 – this clause amends clause 8.15 in the Local Government Property Local Law (relating to signs erected by the City) to clarify that a person authorised by the City can erect a sign on a public place specifying any condition of use which apply to that place.
- Clause 3.9 – this clause replaces Part 9 in the Local Government Property Local Law, relating to advertising signs on thoroughfares and is the most significant amendment to the Local Government Property Local Law. The new part maintains the current local law provisions regarding general prohibitions for advertising signs; permit requirements for temporary community organisation signs (such as school fetes and sport club registration days); permit exemptions; election and poll signs; and impounding provisions. However, the new part includes new or revised provisions around portable direction signs (for garage sales and home opens); property disposal signs; and portable business signs.

In regard to portable direction signs, the time restriction on when these can be installed in a thoroughfare or verge has been lifted. The existing clause restricts portable direction signs from being installed no earlier than 9.00am on the day of a home open, whereas the new clause allows them to be installed on the day of the home open (therefore including before 9.00am). The current restrictions as to their actual placement are maintained.

The new part includes a provision that allows property disposal signs (that is 'for sale' signs or 'for lease' signs) to be installed on a verge adjoining the property being disposed of (new clause 9.4). Any such placement is subject to conditions, in the main, to protect sight lines; prevent obstructions on the verge for pedestrians and road users; as well as to protect utilities and City infrastructure.

The most significant change to the local law, and as described in the opening paragraphs regarding amendments to the Local Government Property Local Law, is the new direction the City is proposing in regard to portable business signs. The new clause 9.5 allows a business to place a temporary portable business sign on a verge that is adjacent to their business. Similarly, it also allows a business that has an access point from a particular thoroughfare to also have an ability to place a business sign on that verge area.

Any placement of such signs must conform to certain requirements in terms of their construction, size and location for placement. Any such business must have the necessary public liability insurance to protect the business against any claims for personal injury or property damage resulting from the display of the portable sign.

However, where a business does not have an adjacent verge to place a temporary business sign, or where they don't have direct access, an application for a permit to the City can be made. The requirements for permits are detailed in Part 12 of the Local Government Property Local Law which details how to apply for a permit; the decisions that can be made and the relevant considerations in relation to determining a permit by the City; the types of conditions that can be placed on a permit; and other general permit requirements.

It must be highlighted that this proposal is a significant change to the City's current position of prohibiting temporary business signs to be placed in the verge. Opening the ability for business to do so (as of right) could create visual amenity issues, proliferation of signage and potential obstructions to road users and pedestrians.

In addressing the petition received by Council at its meeting held on 16 August 2016, it is not recommended that the City establish a working group to develop signage guidelines and a policy to support small business, in view of the new *Advertisements Local Planning Policy* that has been adopted by Council, and the proposed amendment suggested in the Amendment Local Law. However, it is suggested that the lead petitioner be advised of the proposed changes to the Local Government Property Local Law and invite them to make a submission on the new sign provisions that are proposed.

- Clause 3.10 – this clause amends Schedule 1 of the Local Government Property Local Law by including new modified penalties as a result of the various amendments that are proposed to be made to the local law.

Further to the above amendments, a Notice of Motion was moved at the Ordinary Council Meeting on 16 November 2021, requesting:

*"...the Chief Executive Officer to investigate and prepare a report on the possibility of amending the Council's Local Government and Public Property Local Law 2014 in relation to:*

- 1 *Clause 10.6(2) "A retailer must remove a shopping trolley within 24 hours of so advised under subclause (1)" so that it is reduced to three hours; and*

- 2 *Item 68 (clause 10.6(2)) in “Schedule 1 – Prescribed Offences” be amended so that the modified penalty for the failure to remove shopping trolleys upon being advised of the location can be increased to more than \$200.”*

The suggested amendments have been considered by the City’s administration, with the following comments:

- Abandoned shopping trolleys are proactively dealt with by the City’s Field Officers and retailers to reduce the number of abandoned shopping trolleys in public places. There are a large number of retailers within the CBD and Joondalup area including Whitford City.
- The City currently impounds shopping trolleys after 24 hours in line with the *City of Joondalup Local Government Public Property Local Law 2014*. Modified penalties of \$200 are imposed on retailers if the trolleys are not collected within the required timeframe.
- Illegal dumping of shopping trolleys is also addressed by the *Local Government Act 1995*. The *Local Government Act 1995* allows the City to impound trolleys and notify the retailer where and when they can be retrieved. The City can then require the retailer to pay a fee to collect trolleys in order to reimburse the costs associated with removing, impounding and storing the trolleys. Many local governments report that attempts to enforce fees on retailers to retrieve impounded shopping trolleys have been unsuccessful due to the low cost to retailers to replace lost shopping trolleys.
- The City can dispose of uncollected trolleys after one month of storage. Disposal includes selling trolleys to recoup any collection and storage costs. Trolleys can be auctioned, sold as scrap or be recycled. It is preferable that the metal in trolleys is recovered rather than disposed of to landfill.
- Clause 10.6(2) could be amended to reduce the hours in which to remove a shopping trolley down from 24 hours to three however, it is the City’s view that to reduce the time that a retailer would need to remove the trolley to three hours would be impractical/difficult to maintain due to the core hours of business for local governments and retailers.
- The City has also obtained legal advice which suggests there could be ‘...significant evidentiary challenges in proving offences relating to shopping trolleys. To the extent that amending the local law might make it more difficult or impracticable for a local government to comply with this provision, it is more likely that retailers might choose to challenge infringements issued on this basis. Furthermore, there is an increased chance that a Court may find that a retailer has a possible defence to any prosecution which might be alleged, if the Court considers that the retailer was simply unable to comply with the three hour notice provision. However, on balance, the three hour notice provision should be capable of enforcement if it is acceptable to the Joint Standing Committee on Delegated Legislation.’
- Furthermore, the administration has some concerns around the fact that the City has not had time to consult with affected business owners around the suggested change.
- **It is therefore recommended that the City does not reduce the number of hours in which a retailer has to remove a shopping trolley down from 24 hours to three hours at this late stage in the process of the local law review.**
- In relation to Part 2 of the Motion, Item 68 of Schedule 1 – Prescribed Offences – the general position is that the modified penalty should not be more than 10 percent of the maximum penalty. Therefore, given that the maximum penalty is \$5,000 under the City’s local law, it would be possible to increase the modified penalty to a maximum of \$500.
- City Officer’s have conducted a review of some of the larger local governments in regard to the number of hours a retailer has in which to remove a trolley, and the modified penalty associated with non-compliance and removal of the trolley:

Local Government	Hours to remove a shopping trolley	Modified Penalty
Wanneroo	24 hours	\$100
Stirling	24 hours	\$200
Swan	24 hours	\$100
Vincent	3 hours	\$100
Perth	24 hours	\$125
Vic Park	3 hours	\$100

- **In light of the above comments, it is not recommended to increase the modified penalty for the failure to remove a shopping trolley.**

#### Part 4 – Meeting Procedures Local Law 2013

The Meeting Procedures Local Law provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors. At a Strategy Session held on 3 November 2020, elected members were presented a report for discussion around the local law; the revised procedures adopted by Council in April 2020; as well as the public comments received during the local law review process. While most of the comments received during the local law consultation process related more so to the Council adopted *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* a range of amendments were highlighted by City officers, and generally accepted by elected members.

In view of this, the Amendment Local Law (Part 4) contains the following clauses to amend certain provisions in the Meeting Procedures Local Law (marked up in Attachment 4 to Report CJ014-02/22):

- Clause 4.2 – this clause amends clause 1.4 in the Meeting Procedures Local Law by deleting the reference to the Rules of Conduct Regulations (that is the former *Local Government (Rules of Conduct) Regulations 2007*) and inserting reference to the new *Local Government (Model Code of Conduct) Regulations 2021*, which came into effect on 3 February 2021.
- Clause 4.3 – this clause amends clause 1.5 in the Meeting Procedures Local Law by inserting a new definition for the *Local Government (Model Code of Conduct) Regulations 2021* and deleting various other definitions used throughout the Meeting Procedures Local Law that no longer apply.
- Clause 4.4 – this clause amends clause 4.3 in the Meeting Procedures Local Law (relating to the order of business at a committee) by deleting the reference to petitions. It is current practice that Council receives petitions and not committees.

The ability for an elected member to request a report for future consideration at a committee is also suggested to be removed (clause 4.3(2)(m)). Any call for a report (or a request for a report), should be made, through a formal motion, that is carried by the required majority of members present at a Council or a committee meeting. Such motions can be raised through the current notice of motion provisions, or through an amendment to a presented recommendation, that is carried by the majority of members at the respective meeting. Such action will allow the Chief Executive Officer to provide background information in respect of any legal, financial or policy implications before it is considered and subsequently determined.

- Clause 4.5 – this clause amends clause 4.6 in the Meeting Procedures Local Law (relating to motions for which previous notice has been given) by including a new subclause that prevents a notice of motion being submitted that is similar to a notice of motion submitted in the previous three months, and subsequently defeated by the required majority vote. This suggestion places a time caveat on when Council can again deal with the same matter, that has already been dealt with by Council in the previous three months.
- Clause 4.6 – this clause amends clause 4.8 in the Meeting Procedures Local Law (relating to adoption by exception resolution) by deleting the reference to special majority voting as this no longer applies under the Act. The amendment also clarifies that an exception resolution can be used where an employee has declared a financial or proximity interest in an item, however, maintains that it cannot be used when the Mayor or a Councillor so declares. There is no legislative requirement for employees to leave meetings when such declarations are made.
- Clause 4.7 – this clause amends a typographical error in clause 5.7(5) in the Meeting Procedures Local Law.
- Clause 4.8 – this clause replaces clause 5.17(2) in the Meeting Procedures Local Law (relating to prevention of disturbances) to clarify a person must not use their mobile phone or other electronic device to cause an audible disturbance, which is the intent of the clause as opposed to preventing people from using such devices to read statements, or viewing such devices while in silent mode.
- Clause 4.9 – this clause amends clause 6.6 in the Meeting Procedures Local Law by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021* which deals with impartiality interests for elected members at meetings.
- Clause 4.10 – this clause replaces clause 9.12(1) in the Meeting Procedures Local Law (relating to amendments to motions) by inserting a new subclause that an amendment cannot be moved by a mover or seconder to a primary motion. The existing exceptions for amendments are maintained.
- Clause 4.11 – this clause amends clause 10.1 in the Meeting Procedures Local Law (relating to procedural motions) by correctly referencing the intent of the procedural motion that “the item be deferred”, not “the motion be deferred”. Motions can technically be deferred through the other listed procedural motion “that the debate be adjourned”.
- Clause 4.12 – this clause replaces clause 10.5 in the Meeting Procedures Local Law by correctly referencing the effect of the procedural motion of “that the item be deferred” as detailed above.
- Clause 4.13 – this clause amends clause 17.1 by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021*.

### Part 5 – Parking Local Law 2013

The Parking Local Law provides for the regulation, control, and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

The Parking Local Law was last amended by the *Parking Amendment Local Law 2018* and does not require any substantial amendment. However, the City is investigating fee payment and permit technology that could see over 4,000 parking permits replaced with an electronic system and in view of this some aspects of the Parking Local Law need amendment to cater for such technology being used.

In view of this, the Amendment Local Law (Part 5) contains the following clauses to amend certain provisions in the Parking Local Law (marked up in Attachment 5 to Report CJ014-02/22):

- Clause 5.2 – this clause inserts a new clause 1.11 in the Parking Local Law to provide for the electronic systems for an array of permits, tickets or authorisations that may be issued under the Parking Local Law. This caters for the new electronic permit technology the City is investigating for parking permits.
- Clause 5.3 – this clause deletes clause 2.4(2) in the Parking Local Law (relating to parking where fees are payable) as it is now accommodated in the new overarching provision detailed above.
- Clause 5.4 – this clause replaces Part 7 in the Parking Local Law, that currently relates to Residential Parking Permits. The replacement part correctly terms the permits as annual parking permits (as opposed to residential parking permits) and also now provides for the issuing of annual parking permits through an electronic system approved by the City (see new clause 7.2(2)). The new provisions also removes the restriction on retail premises, that adjoin time restricted parking, from applying for an annual parking permit.

#### Local law-making procedure

The procedure for making local laws (including amendments) is detailed in the *Local Government Act 1995* (the Act) and is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

In the event that Council makes this local law, the following sequence of events will commence:

- 1 A public submission period of at least six weeks must be allowed, during which a copy of the proposed local law must also be submitted to the Minister for Local Government. At the close of advertising, Council must consider any submissions received and then resolve to make the local law either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to the local law, then a further public submission period will be required.
- 2 Once the final version of the local law has been approved, it must be published in the Government Gazette, and a further copy provided to the Minister for Local Government.
- 3 After gazettal, local public notice must be given stating the title of the local law, its purpose and effect (including the date it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 4 A copy of the local law, together with an accompanying explanatory memorandum, must then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* also requires that, in commencing to make a local law (or amendment local law), the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting  
and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the **purpose** of the *Amendment Local Law 2021* is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

The **effect** of the *Amendment Local Law 2021* is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.

### Issues and options considered

Council can either:

- make the *City of Joondalup Amendment Local Law 2021* as presented for the purposes of public advertising
- make the *City of Joondalup Amendment Local Law 2021* as proposed with any necessary amendments  
or
- not recommend the making of the *City of Joondalup Amendment Local Law 2021* and retain the existing local law.

The creation of the Amendment Local Law puts into effect the decisions of Council made at its meetings held on 16 February 2021 and 18 May 2021.

### Legislation / Strategic Community Plan / policy implications

#### Legislation

*Local Government Act 1995.*  
*City of Joondalup Animals Local Law 1999.*  
*City of Joondalup Local Government and Public Property Local Law 2014.*  
*City of Joondalup Meeting Procedures Local Law 2013.*  
*City of Joondalup Parking Local Law 2013.*

#### Strategic Community Plan

#### Key theme

Governance and Leadership.

#### Objective

Corporate Capacity.

#### Strategic initiative

Continuously strive to improve performance and service delivery across all corporate functions.

#### Policy

Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take approximately three to six months.

### **Risk management considerations**

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

### **Financial / budget implications**

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the 2021-22 *Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

The provisions and requirements of other local governments have been assessed for the creations of the City's Amendment Local Law. The changes bring into line the City's local law framework with other comparable local governments.

Should Council decide to make the Amendment Local Law for the purposes of public advertising, statutory advertising, and consultation with all members of the public will occur, as follows:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the district
  - displaying public notices at the City of Joondalup Administration Centre and public libraries
  - advertising on the City's website
  - advertising through the City's social media platforms.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government).

### **COMMENT**

The local laws that are subject to the Amendment Local Law are created under the powers of the *Local Government Act 1995*. The suggested amendments are recommended to ensure that the local laws remain current and reflect operational requirements as well as legislative constraints. The Amendment Local Law progresses the amendments that were identified and reported to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers).

In the report to Council at its meeting held on 16 February 2021 (Item CJ006-02/21 refers), it was suggested that the City would investigate the creation of two new local laws; one relating to cats and another for dogs. Any new local law around these types of animals is guided by local law-making requirements and abilities under the *Cat Act 2011* and the *Dog Act 1976*, and created under specific heads of power.

The Department of Local Government, Sport and Cultural Industries has completed a review of both the *Dog Act 1976* and the *Cat Act 2011*, the purpose of which was to gather feedback and information about how effective the legislation has been, and whether they should continue and whether there is the need for a full review of both Acts. Following analysis of the issues raised during the consultation period, a number of findings were made which are highlighted in an outcomes report detailed on the Department's website (see <https://www.dlgsc.wa.gov.au/department/publications/publication/statutory-review-of-the-cat-act-2011-and-dog-amendment-act-2013> ).

Relevant to this matter is a formal resolution of WALGA State Council, at its 2021 July meeting, where it was agreed to seek a commitment from the State Government:

- for the conduct of comprehensive reviews of the *Cat Act 2011* and *Dog Act 1976*
- that the reviews incorporate local government-specific consultation processes, coordinated in discussion with WALGA and local government stakeholders.

In view of the above it may be prudent to withhold any formal consideration of a cat and dog local law by Council until the legislative framework, and possible amendments (if any) is known, and indeed progressed. The City is monitoring the progress of these matters so that clarity on the next steps for the City can be determined.

Similarly, Council at its meeting held on 18 May 2021, when considering the motions of the Annual General Meeting of Electors resolved that it supported a review of the City's *Pest Plant Local Law 2012* to include other species of weed, such as Fleabane (CJ063-05/21 refers). Although the eight-year review report did not make recommendations to amend this local law, investigations into this request will progress later in 2022.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

That Council:

- 1 **MAKES** the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising;
- 2 **in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:**
  - 2.1 **the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:**

**Purpose:** The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

**Effect:** The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meetings Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.;

- 2.2 copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;
- 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5 the results of the public consultation be presented to Council for consideration of any submissions received;
- 6 in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;
- 7 NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the *Dog Act 1976* and the *Cat Act 2011* are better known;
- 8 NOTES a review of the *City of Joondalup Pest Plant Local Law 2012* will be progressed in 2022;
- 9 NOTES there will be no change to the *City of Joondalup Local Government and Public Property Local Law 2014*, at this time, in regards to the suggested amendments for shopping trolleys.

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf220208.pdf](#)

## **CJ015-02/22      FENCING AMENDMENT LOCAL LAW 2021 – ADOPTION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	08475, 101515
	Attachment 1      Schedule of Submissions
	Attachment 2 <i>City of Joondalup Fencing Amendment Local Law 2021 – marked-up copy</i>
	Attachment 3 <i>City of Joondalup Fencing Amendment Local Law 2021 – adoption copy</i>
	Attachment 4 <i>City of Joondalup Fencing Local Law 2014</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### **PURPOSE**

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Fencing Amendment Local Law 2021* and resolve to make the local law.

### **EXECUTIVE SUMMARY**

At its meeting held on 15 June 2021 (CJ076-06/21 refers), Council resolved to make the proposed *City of Joondalup Fencing Amendment Local Law 2021* for the purpose of public advertising. The effect of the proposed *City of Joondalup Fencing Amendment Local Law 2021* is to better clarify the sufficient fence provisions and other requirements within the *City of Joondalup Fencing Local Law 2014* and to ensure information is current within prevailing legislation.

In accordance with section 3.12(3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister for Local Government and Minister for Commerce for comment.

At the close of the public consultation period the City received one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). Details of the submission from the DLGSC is provided in Attachment 1.

*It is therefore recommended that Council:*

- 1      *NOTES the submission received at the close of the public submissions period for the proposed City of Joondalup Fencing Amendment Local Law 2021, as outlined in Attachment 1 to Report CJ015-02/22;*
- 2      *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Fencing Amendment Local Law 2021, as detailed in Attachment 3 to Report CJ015-02/22 and AUTHORISES the Common Seal to be affixed;*

- 3 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the Local Government Act 1995;*
- 4 *ADVISES all submitters of Council's decision.*

## **BACKGROUND**

At its meeting held on 18 November 2014 (CJ213-11/14 refers), Council adopted the *City of Joondalup Fencing Local Law 2014* (the local law). The purpose of the local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district. This is the first local law amendment since its adoption.

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its statutory review of its local laws, and resolved that amendments were required to the City's Fencing Local Law to incorporate the amendments identified by City officers and to expand on the fencing standards in residential areas.

Council resolved at its meeting held on 15 June 2021 (CJ076-06/21 refers), to make the proposed *City of Joondalup Fencing Amendment Local Law 2021* for the purpose of public advertising. The effect of the proposed Local Law is to better clarify the sufficient fence provisions and other requirements within the *City of Joondalup Fencing Local Law 2014* and to ensure information is current within prevailing legislation.

## **DETAILS**

In accordance with section 3.12 (3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister of Local Government and Minister for Commerce for comment.

Public notification of the proposed local law occurred as follows:

- Public notice boards at the City of Joondalup Administration Centre and public libraries.
- Public notice on the City's website.
- Public notice in a newspaper circulating throughout the district.
- Public notice in the Joondalup Voice.
- Public notice to the Community Engagement Network.
- Public notice by way of email to residents / ratepayer groups.
- Public notice posts via FaceBook and Twitter.
- Public notice via E-screen displays.

At the close of the public submission period the City received one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). The submission from DLGSC provided comment that the reference to the *Dividing Fencing Act 1961* can be removed from the enacting provision as the local laws are made using the power of the *Local Government Act 1995* alone. Further minor edits relating to clauses 1.5, 1.6 and 2.6 were suggested and supported. Details on the submission from DLGSC is provided at Attachment 1 – Schedule of Submissions.

Where suggested changes have been supported, they have been included in the local law and submitted to Council for adoption. A copy of the amended local law showing the marked-up changes is provided as Attachment 2 to Report CJ015-02/22. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided as Attachment 3. A copy of the City's current *Fencing Local Law 2014* is provided as Attachment 4.

## Issues and options considered

Council can either:

- adopt the local law as advertised
- adopt the local law with modifications made following the public submission period, subject to the modifications not being significantly different to what was advertised or
- not adopt the proposed local law.

## Legislation / Strategic Community Plan / policy implications

### Legislation

*Local Government Act 1995.*  
*City of Joondalup Fencing Local Law 2014.*  
*Dividing Fences act 1961.*

### 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 responsibility.

#### Policy

Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the amendment local law-making process will take a further four weeks to complete the process, following a decision of Council.

## Risk management considerations

The amendment local law is yet to be considered by the Joint Standing Committee on Delegated Legislation (JSCDL), which reviews local laws created by local governments (including amendments) as well as other subsidiary legislation.

Should the City not follow the local law creation process as detailed in the Act, the JSCDL may recommend to the Parliament disallowance of the local law.

## Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2021-22 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

## Regional significance

Not applicable.

## Sustainability implications

Not applicable.

## Consultation

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and included the following:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
  - advertising in a newspaper circulating throughout the district
  - displaying public notices at the City of Joondalup Administration Centre and public libraries
  - advertising on the City's website
  - advertising through the City's Community Engagement Network
  - advertising through the City's social media platforms.
- Providing a copy of the notice and a copy of the proposed local law to the Ministers responsible for the Act under which the proposed local law is being made (being the Minister for Local Government and the Minister for Commence).

## COMMENT

The *City of Joondalup Fencing Amendment Local Law 2021* has been progressed to specifically amend certain provisions within the *Fencing Local Law 2014* and the effect of this local law is to better clarify the sufficient fence provisions and other requirements within the *City of Joondalup Fencing Local Law 2014* and to ensure information is current within prevailing legislation.

The proposed *City of Joondalup Fencing Amendment Local Law 2021* was publicly advertised, and subsequently minor amendments made, taking into account comments received from the DLGSC.

The *Dividing Fences Act 1961* is the primary piece of legislation in relation to dividing fences between properties. Generally, local governments are not involved in dividing fence matters between neighbours, although they have the ability to specify certain fencing standards and approval requirements under *Building Regulations 2012*, the *City's Local Planning Scheme No. 3*, *State Planning Policy 7.3 - Residential Design Codes* and the *City's Residential Development Local Planning Policy*.

Where disputes occur between neighbours, it is a local governments local law that assists the courts in determining fencing matters, particularly around what a local government considers to be a sufficient fence.

It is recommended that fibro-sheet fencing continue to be a standard for sufficient fence as well as the suggestion to include steel sheet metal fencing. There is no issue with having a number of standards for sufficient fences as this assists the courts in relation to dividing fence disputes between neighbours, particularly in relation to cost contributions. The local law also does not prevent property owners from installing a type of fence they consider to be sufficient so long as it complies with the approval and safety requirements.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress, which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the JSCDL.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

That Council:

- 1 **NOTES** the submission received at the close of the public submissions period for the proposed *City of Joondalup Fencing Amendment Local Law 2021*, as outlined in Attachment 1 to Report CJ015-02/22;
- 2 **BY AN ABSOLUTE MAJORITY MAKES** the *City of Joondalup Fencing Amendment Local Law 2021*, as detailed in Attachment 3 to Report CJ015-02/22 and **AUTHORISES** the Common Seal to be affixed;
- 3 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the *Local Government Act 1995*;
- 4 **ADVISES** all submitters of Council's decision.

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf220208.pdf](#)

## **CJ016-02/22      PROVISION OF SPONSORSHIP FOR A SIGNIFICANT EVENT – FESTIVAL OF SPEED 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	109801, 109022, 101515
<b>ATTACHMENT</b>	Attachment 1      Confidential - Event Proposal Attachment 2      Confidential - Event Program  <i>(Please Note: Attachments 1 and 2 are Confidential and will appear in the official Minute Book only).</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to consider a Host City Sponsorship of a significant event within the City of Joondalup, in the form of the Festival of Speed 2022.

### **EXECUTIVE SUMMARY**

At its meeting held on 18 August 2020 (C78-08/20 refers), Council resolved as follows:

*“That Council REQUESTS the Chief Executive Officer to submit a report to Council for its consideration on the potential for the conduct of a major event based on the Joondalup Speed Classic held in October 1998.”*

After the establishment of the City of Joondalup (1 July 1998, which was a result of the split of the former City of Wanneroo), a Joondalup City Speed Classic was held. The event was designed to provide family friendly entertainment and promote the City as the Heart of the North after its split from the City of Wanneroo.

The event was managed by an external event group and was based on the ‘Round the Houses’ style racing that was established in the 1930’s and became very popular amongst regional towns throughout Western Australia. However, as time has passed, these events are less prominent with races now only staged in Albany and Northam.

While the City employs a number of professional staff capable of managing events, this style of event has specific requirements around event safety, track layout and accreditations required from relevant motorsport approving associations. If the event is to proceed, the City will need to engage an event management group that specialises in motor vehicle events; initially through an expression process prior to a formal tender request.

Through an Expression of Interest (EOI) process only one organisation capable of managing and delivering the proposed event was identified, proposing the Festival of Speed.

*It is therefore recommended that the Council AGREES to:*

- 1 *Sponsor the Festival of Speed two-day event delivered by Justin Hunt Management for 2022 with the option for a second and third-year agreement based on Key Performance Indicators being met in year one;*
- 2 *LISTS FOR CONSIDERATION as part of the City's budget development process, an amount of \$350,000 over a three-year period commencing 2022-2023 budget year.*

## **BACKGROUND**

A key strategic objective of the *Strategic Community Plan - Joondalup 2022 (SCP)* involves positioning Joondalup as a destination city where unique tourism opportunities and activities provide drawcards for visitors and residents.

Two strategic initiatives outlined in SCP include aspirations to:

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

The Council has also adopted a Strategic Position Statement regarding significant events which provides as follows:

*"The City will attract and support significant events that are unique to Joondalup and enhance its image as an attractive destination for residents, visitors, tourists, and businesses. These significant events will deliver economic development benefits for local businesses whilst promoting Joondalup's reputation state-wide, nationally, and internationally as the cultural, civic and entertainment CBD of the North West region of the Perth metropolitan area."*

At its meeting held on 18 August 2020 (C78-08/20 refers), it was resolved:

*"That Council REQUESTS the Chief Executive Officer to submit a report to Council for its consideration on the potential for the conduct of a major event based on the Joondalup Speed Classic held in October 1998."*

Following this resolution, a report was presented to Council at its 17 November 2020 meeting (CJ173-11/20 refers) to seek endorsement for the City to invite EOI from suitably qualified event management groups to host a vintage car speed classic within the City of Joondalup based on a 'Round the Houses' style format with both non-fee and fee-paying options being explored.

## **DETAILS**

Further to the Council decision of November 2020, the City issued (in May 2021) an EOI for the provision of Event Management Services to successfully own, develop, manage, plan, and deliver a Joondalup Classic Car Racing Event in the Joondalup City Centre, with the City being a key stakeholder and sponsor of the event.

Following the close of submissions on 25 June 2021, three submissions were received with one candidate, Justin Hunt Management, identified as suitable to deliver the event, although in a slightly different format to that of the initial proposal and with the requirement for an additional budget.

The proposal provides the following in summary:

Justin Hunt Management proposed a 'Festival of Speed' noting that this is a different format to the proposed Classic Car Round the House format outlined in the EOI. This would be an event that encapsulates a variety of motoring, motorsport and associated targeted events as part of a community festival event. The race would be a series of sprint events that could involve a greater range of motor vehicles.

In addition to the racing component, car displays, competitions, hospitality, VIP / corporate hospitality, partnerships with local accommodation venues, a golf day, traffic, and public transport were also proposed. Ticketing was not addressed.

### ***Event Programming***

Attachment one provides a general overview of the proposed event including the concept, format, and course. This is based on a single day event in line with the details outlined in the expression of interest document that went out to market.

Attachment two provides a more detailed outline of the proposed event including what the event program could look like if the event was to be held over two days as requested by Elected Members.

Impacts:

- Economic Benefit: \$1million
- 15,000+ Attendees
- 200 Event Officials (event command, sporting volunteers, parking, officials)
- 150 Competitors
- 150 Competitor Support Crew
- 300 Corporate Hospitality guests
- 5 Corporate Partners.

### ***Sponsorship Benefits for the City***

As the Host City sponsor, the City will receive the below outlined benefits:

<b>Promotional and Branding Benefits</b>	
Host City Sponsorship rights to the event, such as Festival of Speed held in the City of Joondalup	✓
Logo on promotional material	✓
Logo on local, regional, and state-wide advertising	✓
Logo on event, program, and activity signage	✓
Logo and hyperlink on event website	✓
Logo on signage displayed at the event	✓
Recognition on radio advertising, such as Festival of Speed held in the City of Joondalup	✓
Recognition on media releases	✓

<b>Promotional and Branding Benefits</b>	
Recognition and link/tag on social media promotion (paid and organic)	✓
Digital marketing, for example Inclusion in e-newsletters, emails, and other digital promotions undertaken	✓
Opportunity to include advertisement in publication or program	✓
Verbal acknowledgement throughout the event	✓
Opportunity to set up a promotional display	✓
Merchandise distribution, for example City merchandise in participant packs	✓
<b>Economic and Tourism Benefits</b>	
Economic development, the program or event will provide an opportunity for local organisations to be involved or it will bring visitors to the region who will utilise current businesses such as hospitality (dining and accommodation)	✓
Tourism, for example increase visitors to the region, people will travel to attend the event program	✓
<b>Other Benefits</b>	
Corporate hospitality, for example complimentary VIP tickets, invitation to event launch/finale	✓
Opportunity for the City representative to present/speak	✓
<b>Attendance</b>	
Over 10,000	✓

If Council agrees to progress with sponsorship of the Festival of Speed, a sponsorship agreement will be developed between the City and Justin Hunt Management outlining the roles, responsibilities, benefits, and key performance indicators, as per the City's standard sponsorship process.

### **Key Performance Indicators**

The following performance indicators will be used to evaluate the performance of the Contractor against the sponsorship of the event:

- Attendance
  - See a minimum of 15,000 people in attendance at the event over the two-day period for year one, with increases to be seen over future years. These increases are to be determined annually with consultation between the City and Justin Hunt Management.
- Customer Satisfaction Levels
  - Achieve a minimum of 85% customer satisfaction rating to be gauged through onsite and post event feedback.
- Marketing and Media Coverage
  - To gain a minimum of \$50,000 advertising space rate (unpaid media) throughout Western Australia for the event to start to be recognised amongst the identified target markets.

- Stakeholder Engagement
  - Approach key stakeholders in the region to be a part of the event including but not limited to local businesses, Edith Cowan University, North Metro Tafe, Motor Trade Association and the like. and provide the City with details of the outcome for each stakeholder.
- Financial Economic Impact
  - Based on the attendance of 15,000 people over the two days, with a spend of between \$50 - \$100 per person, achieve an estimated financial economic impact of between \$750,000 - \$1,500,000.

### Issues and options considered

Council may choose to:

- endorse the sponsorship of the Festival of Speed
- endorse the sponsorship of the Festival of Speed with amendments  
or
- not endorse the Festival of Speed.

### Legislation / Strategic Community Plan / Policy Implications

**Legislation** Not applicable.

#### Strategic Community Plan

**Key theme** Community Wellbeing.

**Objective** Cultural development.

**Strategic initiative** Actively engage event promoters to host iconic, cultural and sporting events.

**Policy** Not applicable.

### Risk Management Considerations

The event itself will pose many risks, particularly in and around the safety of drivers, officials and spectators and will be subject to individual specific risk management plans that will be endorsed by Motorsport Australia and the Australian Auto Sport Alliance who are empowered to approve such events.

The event risk mitigation and management will be the responsibility of the event owner, Justin Hunt Management. The City will be consulted during the development of a risk management plan and will sight a final version of the plan at least eight weeks prior to the event.

### Financial / Budget Implications

As part of its annual budgeting process, the Council allocates an amount of \$200,000 to attract significant events to the City to meet its strategic objectives.

The Festival of Speed requires a commitment of \$350,000 per annum for the City to secure the Host City Sponsorship.

## **Regional Significance**

Indications from relevant car club associations is that there would be a strong level of Western Australian based support for such an event. Any COVID-19 restrictions at the time will impact on the level of interest from interstate.

The event will be unique in that this format of motoring event does not exist elsewhere in Western Australia or Australia at this time.

## **Sustainability Implications**

Such an event should be well supported by the community, both locally and beyond the City boundaries, while also providing a strong stimulus for the local economy.

## **Consultation**

There has been no consultation with the community or local businesses to date, however this will be undertaken by Justin Hunt Management in liaison with the City as part of the event planning and management process to ensure the local community and businesses are well informed.

## **COMMENT**

Since 2012, the City has been working to sponsor a significant event of a calibre suitable to enhance tourism and stimulate the local economy, while attracting wide media coverage to enhance and strengthen Joondalup's reputation and image as a Destination City.

The City has identified a desire to attract significant events and activities to the region through the strategic initiatives outlined and adopted in the *Strategic Community Plan - Joondalup 2022*.

Attracting significant events is part of the City's strategy to position Joondalup as a destination that attracts visitors with its diverse mix of iconic events with local, national, and international appeal.

The City has hosted or supported major events including the NAB Cup (AFL), Soundwave and Future Music Festival. It also delivers major community events such as the Joondalup Festival and Valentine's Concert. In addition, it hosts and supports smaller community events such as the Heathridge Carols in the Park and other community group fairs / fêtes.

From 2016 – 2018 the City supported Kaleidoscope, an annual four-day event that steadily grew in attendance number each year to attract a total of 255,000 over the three-year period. This event was contractually setup under similar arrangements to what is being proposed for the Festival of Speed with an external event company managing and delivering the event.

The Festival of Speed would meet the objectives of the *Strategic Community Plan* attracting and hosting significant events in the City; and if successful, could become a unique and iconic national event held annually in the region.

## **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council AGREES to:**

- 1 Sponsor the Festival of Speed two-day event delivered by Justin Hunt Management for 2022 with the option for a second and third-year agreement based on Key Performance Indicators being met in year one;**
- 2 LISTS FOR CONSIDERATION as part of the City's budget development process, an amount of \$350,000 over a three-year period commencing 2022-2023 budget year.**

**Disclosures of interest affecting impartiality**

<b>Name / Position</b>	<b>Cr Adrian Hill.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Two of the north ward nominees are known to Cr Hill.

<b>Name / Position</b>	<b>Cr Christine Hamilton-Prime, JP.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of the candidates seeking appointment to the Strategic Community Reference Group are known to Cr Hamilton-Prime.

<b>Name / Position</b>	<b>Cr John Logan.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of the candidates for representation roles are known to Cr Logan.

<b>Name / Position</b>	<b>Cr Christopher May.</b>
<b>Item No. / Subject</b>	CJ017-02/22 - Strategic Community Reference Group-Appointment of Community Member Representatives for 2022 and 2023.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Some of the Strategic Community Reference Group nominees are known to Cr May.

## **CJ017-02/22 STRATEGIC COMMUNITY REFERENCE GROUP - APPOINTMENT OF COMMUNITY MEMBER REPRESENTATIVES FOR 2022 AND 2023**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	102605, 101515
<b>ATTACHMENT</b>	<p>Attachment 1 <i>Terms of Reference</i></p> <p>Attachment 2 Confidential Nominations North Ward</p> <p>Attachment 3 Confidential Nominations North Central Ward</p> <p>Attachment 4 Confidential Nominations Central Ward</p> <p>Attachment 5 Confidential Nominations South-West Ward</p> <p>Attachment 6 Confidential Nominations South-East Ward</p> <p>Attachment 7 Confidential Nominations South Ward</p> <p>Attachment 8 Confidential Nominations Youth (District)</p> <p><i>(Please Note: Attachments 2 - 8 are Confidential and will appear in the official Minute Book only)</i></p>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to appoint a maximum of two community representatives from each of the six wards of the district and two youth representatives from the district, to the Strategic Community Reference Group (SCRG) for 2022 and 2023.

### **EXECUTIVE SUMMARY**

From 6 December 2021 to 10 January 2022, the City sought nominations for 12 community representatives and two youth representatives to fill the vacant community member positions on the SCRG for 2022 and 2023.

The nomination process was publicly advertised through the City's website, social media, and e-newsletters to seek interest from the broader community. All resident and ratepayer associations, high schools, and tertiary institutions in the district were emailed the nomination details to distribute to their members, supporting networks and students.

The City has provided a report of the 62 valid nominations received (Attachments 2 to 8 refer), which includes 56 nominations for community representatives and six nominations for youth representatives.

*It is therefore recommended that Council, as per section 3.10 of the Strategic Community Reference Group Terms of Reference (Attachment 1 refers), consider the nominations provided (Attachments 2 to 8 refer) and APPOINTS a maximum of two community representatives from each of the six wards of the district and two youth representatives from the district, to fill the 14 community member representative positions on the Strategic Community Reference Group for 2022 and 2023.*

## **BACKGROUND**

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council established the Strategic Community Reference Group (SCRG) as a new participation mechanism for the external provision of input to Council on matters of significant community interest and strategic initiatives. After the local government elections of 2013, 2015, 2017 and 2019, Council made appointments of community member representatives to the SCRG following the nomination process.

In October 2021, community member representatives were advised of the conclusion of their current term, as per section 4.2 of the *Terms of Reference*, and were informed that Council would consider the re-establishment of the SCRG.

In November 2021 (JSC02-11/21 refers), Council re-established the SCRG for 2022 and 2023, and endorsed the revised *Terms of Reference*, subject to the following amendment:

### *Community Member Representatives*

3.7 *A maximum of two community member representatives from each of the six wards of the district and two youth representatives from the district (to be selected by the Council from nominations received).*

In addition to the appointed 14 community member representatives, the SCRG consists of four council-appointed elected members, and seconded subject matter experts that are utilised on an as-needs basis.

As per section 3.10 of the *Terms of Reference*, this report presents the valid nominations for Council to appoint the new community member representatives to the SCRG for 2022 and 2023.

## **DETAILS**

### Advertising of SCRG Nominations

Public advertising of the nomination process commenced on 6 December 2021 and closed on 10 January 2022.

Email invitations were sent directly to individuals who had expressed an interest in nominating and all resident and ratepayer associations, providing an opportunity for active community members to offer their nomination on the SCRG.

Email invitations were also sent directly to high schools and tertiary institutions within the district, requesting the nomination information be provided to all students aged from 16-24 years.

The email highlighted that support and mentoring will be provided by the City's Youth Services Team to the selected youth representatives. The email invitations provided a link to the *Online Nomination Forms* and the *Terms of Reference* document located on the City's website.

As a result of directly contacting high schools and tertiary institutions, the nomination for youth representatives was advertised via Edith Cowan University's Student Intranet e-News on 13 December 2021.

In addition to directly contacting identified stakeholders via email, the City advertised the nominations to community members through the following:

- Webpage linked through the Community Consultation section of the City's website, and visible from 6 December 2021 to 10 January 2022.
- Webpage on the City's Youth Services Team website, y-lounge, and visible from 6 December 2021 to 10 January 2022.
- Social media advertisement published 6 December 2021, through the City's Facebook, LinkedIn and Twitter accounts.
- Emailed to Community Engagement Network e-newsletter subscribers on 6 December 2021.
- Emailed to Clubs in Focus, Environmental News and Events, and Arts in Focus e-newsletters subscribers on 9 December 2021.
- Emailed to Joondalup Libraries e-newsletter subscribers on 16 December 2021.
- Emailed to Environmental News and Events e-newsletter subscribers on 21 December 2021.
- Emailed to Joondalup Business e-newsletter subscribers on 23 December 2021.
- Advertisement in the Joondalup Voice community newspaper insert, published on 23 December 2021 in print, available online and emailed to subscribers.

#### Summary of Nominations received

The City received a total of 155 nominations (136 community representatives and 19 youth representatives), of which 56 were valid nominations for the community representative and six were valid nominations for the youth representative. 93 nominations were invalidated due to either duplication or insufficient completion of the nomination form.

Of the 62 valid nominations received, 29 nominations (47%) are female, 32 nominations (52%) are male, and one nomination (1%) was non-binary.

The table below outlines the age brackets of the valid nominations:

<b>Age bracket (in years)</b>	<b>Number of nominations</b>	<b>Percentage of nominations*</b>
16-24	6	10%
25-29	2	3%
30-34	1	2%
35-39	4	6%
40-44	5	8%
45-49	4	6%
50-54	5	8%
55-59	8	13%
60-64	7	11%
65-69	8	13%
70-74	5	8%
75-79	6	10%
80+	1	2%
<b>Total</b>	<b>62</b>	<b>100%</b>

The table below outlines the district of the valid nominations:

<b>WARD</b>	<b>NUMBER OF NOMINATIONS</b>
North Ward	13
North-Central Ward	13
Central Ward	14
South-West Ward	9
South-East Ward	3
South Ward	4
Youth	6
Total Valid Nominations	62

The nominations have been forwarded to Elected Members under separate confidential cover.

### **Issues and options considered**

As per section 3.8 of the *Terms of Reference*, Council is requested to consider a balance in demographics such as age and gender, to ensure a diverse group of community member representatives is selected, as far as practicable.

Council can either:

- accept all nominations to date and appoint two community member representatives from each of the six wards of the district and two youth representatives from the district or
- not accept the nominations and re-commence the nomination process.

Option 1 is the preferred option based on the number, diversity and quality of nominations received.

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

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

**Strategic Community Plan** *Strategic Community Plan 2022.*

**Key theme** Governance and Leadership.

**Objective** Active democracy.

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

Adapt to community preferences for engagement formats.

**Policy** *Community Consultation and Engagement Policy.*

### **Risk management considerations**

If Council choose not to appoint the community member representatives from the nominations received, the risk of extending the period for nominations may elicit low levels of interest and potentially marginalise the community members that have already nominated.

**Financial / budget implications**

Advertising for the nomination process is included within the 2021-22 budget.

**Regional significance**

Not applicable.

**Sustainability implications**

The SCRG provides input to Council on a variety of strategic matters that may influence and contribute to increased sustainable outcomes for the City. Some issues the SCRG has considered include planning reviews on the environment, crime and community safety, community development, waste management, integrated transport strategy, weed management, and climate change strategy.

**Consultation**

Not applicable.

**COMMENT**

The SCRG is a unique mechanism for community engagement on strategic issues that are important to the community.

The City publicly advertised the nomination process widely, to target the broader community and strategically, to target youth aged 16-24 years.

The number, diversity and quality of nominations received are sufficient to enable Council to appoint 12 community representatives and two youth representatives to the SCRG for 2022 and 2023.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 APPOINTS two community representatives for the North Ward from the list of nominees for the Strategic Community Reference Group as detailed in Attachment 2 to Report CJ017-02/22;**
- 2 APPOINTS two community representatives for the North-Central Ward from the list of nominees for the Strategic Community Reference Group as detailed in Attachment 3 to Report CJ017-02/22;**
- 3 APPOINTS two community representatives for the Central Ward from the list of nominees for the Strategic Community Reference Group as detailed in Attachment 4 to Report CJ017-02/22;**

- 4 **APPOINTS two community representatives for the South-West Ward from the list of nominees for the Strategic Community Reference Group as detailed in Attachment 5 to Report CJ017-02/22;**
- 5 **appoints two community representatives for the south-east ward from the list of nominees for the strategic community reference group as detailed in Attachment 6 to Report CJ017-02/22;**
- 6 **APPOINTS two community representatives for the South Ward from the list of nominees for the Strategic Community Reference Group as detailed in Attachment 7 to Report CJ017-02/22;**
- 7 **APPOINTS two youth representatives from the district from the list of nominees for the Strategic Community Reference Group as detailed in Attachment 8 to Report CJ017-02/22.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf220208.pdf](#)*

## **CJ018-02/22 STRATEGIC COMMUNITY REFERENCE GROUP - WORK PLAN 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	102605, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Terms of Reference</i> Attachment 2 <i>SCRG 2022 Work Plan</i> Attachment 3 <i>SCRG Meeting 2021 - Report 1</i> Attachment 4 <i>SCRG Meeting 2021 - Report 2</i> Attachment 5 <i>SCRG Meeting 2021 - Report 3</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to note the achievements of the Strategic Community Reference Group (SCRG) in 2021 and to endorse the proposed SCRG 2022 Work Plan.

### **EXECUTIVE SUMMARY**

As specified in the SCRG 2021 Work Plan (CJ169-11/20 refers), the SCRG met on three occasions to provide input into the development of the City's Integrated Transport Strategy, and to review the City's Weed Management Plan and Climate Change Strategy. The meeting outcomes, outlined in the meeting reports, demonstrate the SCRG's effectiveness as a unique mechanism of obtaining community input and expert advice when considering high-level, strategic matters for the City.

The City has identified items for the SCRG 2022 Work Plan. Compilation of the SCRG 2022 Work Plan involved discussions across all directorates to identify key plans, strategies, and frameworks planned for development in 2022 that might benefit from community input.

The City has prepared the annual SCRG Work Plan 2022, and the items selected have considered the City's strategic planning objectives, annual priorities and other City plans or initiatives.

*It is therefore recommended that Council:*

- 1 NOTES the achievements of the Strategic Community Reference Group for 2021 as detailed in Attachments 3, 4, and 5 to Report CJ018-02/22;*
- 2 ENDORSES the Strategic Community Reference Group 2022 Work Plan, as detailed in Attachment 2 to Report CJ018-02/22.*

## BACKGROUND

At its meeting held on 26 June 2012 (CJ112-06/12 refers), Council established the SCRG as a new participation mechanism for the external provision of input to Council on matters of significant community interest and strategic initiatives. In addition to the four council appointed elected members, the SCRG consists of 14 community member representatives, as well as seconded experts who are utilised on an as-needs basis.

On 29 March 2021, the SCRG provided input into developing a new Integrated Transport Strategy by exploring the City's vision and strategic priorities for integrated transport modes (non-motorised, motorised, and public transport). The SCRG participated in facilitated activities to (see Attachment 3 for the full meeting report):

- understand what the future of transport in Joondalup could look like in 2040
- identify the key trends for integrated transport over the next 20 years
- discuss the vision for transport in Joondalup in 2030, and how people in the community may interact with transport in Joondalup
- identify the top five priorities to move Joondalup's transport system towards this vision for the future.

On 31 May 2021, the SCRG provided input into the review of the *Weed Management Plan* by considering the City's strategic, integrated weed management approach and identifying opportunities to inform the review of the *Weed Management Plan*. The meeting addressed the complexity of weed management, community concerns and weed management values. Key initiatives and improvements were also identified for consideration in the development of the new plan, such as increased community education and communications regarding weed management risks and benefits (see Attachment 4 for the full meeting report).

On 23 August 2021, the SCRG provided input into the review of the *Climate Change Strategy* by considering the City's strategic approach to climate change and identifying opportunities to inform the review of the *Climate Change Strategy 2014-2019*. The meeting focused on exploring the community appetite for different strategy target scenarios, identifying issues and opportunities for responding to climate change, and prioritising areas in which the City can act upon. See Attachment 5 for the full meeting report.

As per section 6.1 of the Terms of Reference, this report provides the proposed SCRG 2022 Work Plan for Council to endorse.

## DETAILS

### Proposed 2022 Work Plan and Meeting Dates

The SCRG meetings will be facilitated by an external and independent consultant through a Request for Quotation process for the required term of two years.

The table below outlines the items identified for the SCRG 2022 Work Plan, and suitable meeting dates (including Induction).

Item	Objective	Date
Induction	To outline roles and responsibilities and manage expectations.	28 March
Development of the Public Art Strategy and Master Plan	To provide input into the framework of the <i>Public Art Strategy and Master Plan</i> , prior to development, by discussing the proposed objectives and themes, and exploring and identifying significant sites for public art and type of public art.	30 May

Item	Objective	Date
Development of the Community Strategy and Community Consultation Plan	To review the City's approach to community development and provide input into the framework for the Community Strategy and Community Consultation Plan so that it meets the community's vision and expectations.	25 July
Development of the Environment Strategy	To provide input into the framework of the new 10 year Environment Strategy by discussing themes and objectives.	31 October

The proposed SCRG 2022 Work Plan is considered to contain an appropriate and manageable number of projects. However, the endorsed SCRG 2022 Work Plan does not prevent Council from referring additional items to the SCRG should they be considered of significant community interest or of a strategic nature.

Due to the impact of COVID-19 that has created ongoing uncertainties with the City's project scheduling, items in the SCRG 2022 Work Plan may be amended, replaced or cancelled, subject to approval of the Presiding Member of the SCRG.

### Issues and options considered

Council has the option to either:

- endorse the SCRG 2022 Work Plan as outlined in Attachment 1 to Report CJ018-02/22 or
- amend the SCRG 2022 Work Plan and suggest alternative preferences or additional matters for consideration.

It should be noted that if additional items are added to the SCRG 2022 Work Plan, facilitation fees to conduct the meetings will increase.

The recommended option is to adopt the SCRG 2022 Work Plan, as shown in Attachment 2 to Report CJ018-02/22.

### Legislation / Strategic Community Plan / policy implications

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

**Strategic Community Plan** *Strategic Community Plan 2022.*

**Key theme** Governance and Leadership.

**Objective** Active democracy.

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

Adapt to community preferences for engagement formats.

**Policy** *Community Consultation Policy.*

### **Risk management considerations**

The City will follow the State Government directions and in the event of a lockdown due to COVID-19, an online format will be provided to facilitate SCRG meetings.

### **Financial / budget implications**

The three items in the SCRG 2022 Work Plan can be undertaken within current budget allocations. Any expansion of the proposed work plan, or changes to meet COVID-19 requirements such as venue hire, will require additional resources and funds.

The budget below reflects the costs associated with conducting the meetings and includes external facilitation and catering costs.

#### Current financial year impact

<b>Account no.</b>	1.534.A5304.3359.0000 1.534.A5304.3281.0000
<b>Budget Item</b>	External contractors and services. Catering.
<b>Budget amount</b>	\$9,000
<b>Amount spent to date</b>	Nil.
<b>Proposed cost</b>	\$9,000
<b>Balance</b>	\$9,000

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The SCRG 2022 Work Plan has been developed to allow consideration on strategic matters that may be of significant interest to the community and may influence and contribute to increased sustainable outcomes for the City.

### **Consultation**

Not applicable.

### **COMMENT**

The SCRG continues to be an effective and unique mechanism of obtaining community input and expert advice when considering high-level, strategic matters for the City.

The items in the work plan have significant community interest and are of a strategic nature that will benefit from community input and expert advice provided by the SCRG, for the Council to endorse.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1** NOTES the achievements of the Strategic Community Reference Group for 2021 as detailed in Attachments 3, 4, and 5 to Report CJ018-02/22;
- 2** ENDORSES the Strategic Community Reference Group 2022 Work Plan, as detailed in Attachment 2 to Report CJ018-02/22.

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf220208.pdf](#)

## **CJ019-02/22 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2021**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of November 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of November 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of November 2021
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of November 2021.

### **EXECUTIVE SUMMARY**

Report CJ019-02/22 presents the list of payments made under delegated authority during the month of November 2021, totalling \$16,054,538.70.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 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 CJ019-02/22, totalling \$16,054,538.70.*

### **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 November 2021. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ019-02/22.

The vouchers for the month are appended as Attachment 3 to Report CJ019-02/22.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 111940 – 111964 & 111989 – 112017 & 112020 – 112035 & EF096498 – EF096829 & EF096838 – EF097151 Net of cancelled payments Vouchers 3168A – 3188A	\$9,148,652.70 \$6,881,149.60
	Bond Refund Cheques & EFT Payments 111936 – 111939 & 111985 - 111988 & 112018 – 112019 & EF096496 – EF096497 & EF096830 – EF096837 Net of cancelled payments.	\$24,736.40
<b>Total</b>		<b>\$16,054,538.70</b>

### Issues and Options Considered

There are two options in relation to the list of payments.

Option 1 That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

Option 2 That Council notes the list of payments paid under delegated authority. This option is recommended.

### Legislation / Strategic Community Plan / Policy Implications

**Legislation** The Council has delegated to the Chief Executive Officer the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### Risk Management Considerations

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

**Financial / Budget Implications**

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

**Regional Significance**

Not applicable.

**Sustainability Implications**

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

**Consultation**

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

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2021-22 Adopted Budget* as adopted by Council at its meeting held on 15 June 2021 (CJ092-06/21 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for November 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 CJ019-02/22, totalling \$16,054,538.70.**

*Appendix 16 refers*

To access this attachment on electronic document, click here: [Attach16brf220208.pdf](#)

## **CJ020-02/22 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2021**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENT/S</b>	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of December 2021 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of December 2021 Attachment 3 Municipal and Trust Fund Vouchers for the month of December 2021
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of December 2021.

### **EXECUTIVE SUMMARY**

This Report CJ020-02/22 presents the list of payments made under delegated authority during the month of December 2021, totalling \$20,979,407.58.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 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 CJ020-02/22, totalling \$20,979,407.58.*

### **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 December 2021. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ020-02/22.

The vouchers for the month are appended as Attachment 3 to Report CJ020-02/22.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112036 - 112047 & 112051 - 112073 & 112075 - 112093 & 112095 - 112143 & EF097157 - EF097440 & EF097445 & EF097449 - EF097713 Net of cancelled payments Vouchers 3194A – 3209A	\$15,714,404.83 \$ 5,247,165.05
	Bond Refund Cheques & EFT Payments 112048 - 112050 & 112074 & 112094 & EF097152 - EF097156 & EF097441 - EF097444 & EF097446 - EF097448 Net of cancelled payments.	\$17,837.70
<b>Total</b>		<b>\$20,979,407.58</b>

### Issues and Options Considered

There are two options in relation to the list of payments.

#### Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

#### Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

### Legislation / Strategic Community Plan / Policy Implications

#### Legislation

The Council has delegated to the Chief Executive Officer the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

#### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

### **Risk Management Considerations**

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

### **Financial / Budget Implications**

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

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

### **Consultation**

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

### **COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2021-22 Adopted Budget* as adopted by Council at its meeting held on 15 June 2021 (CJ092-06/21 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for December 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 CJ020-02/22, totalling \$20,979,407.58.**

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf220208.pdf](#)

## **CJ021-02/22 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2021**

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

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 30 November 2021.

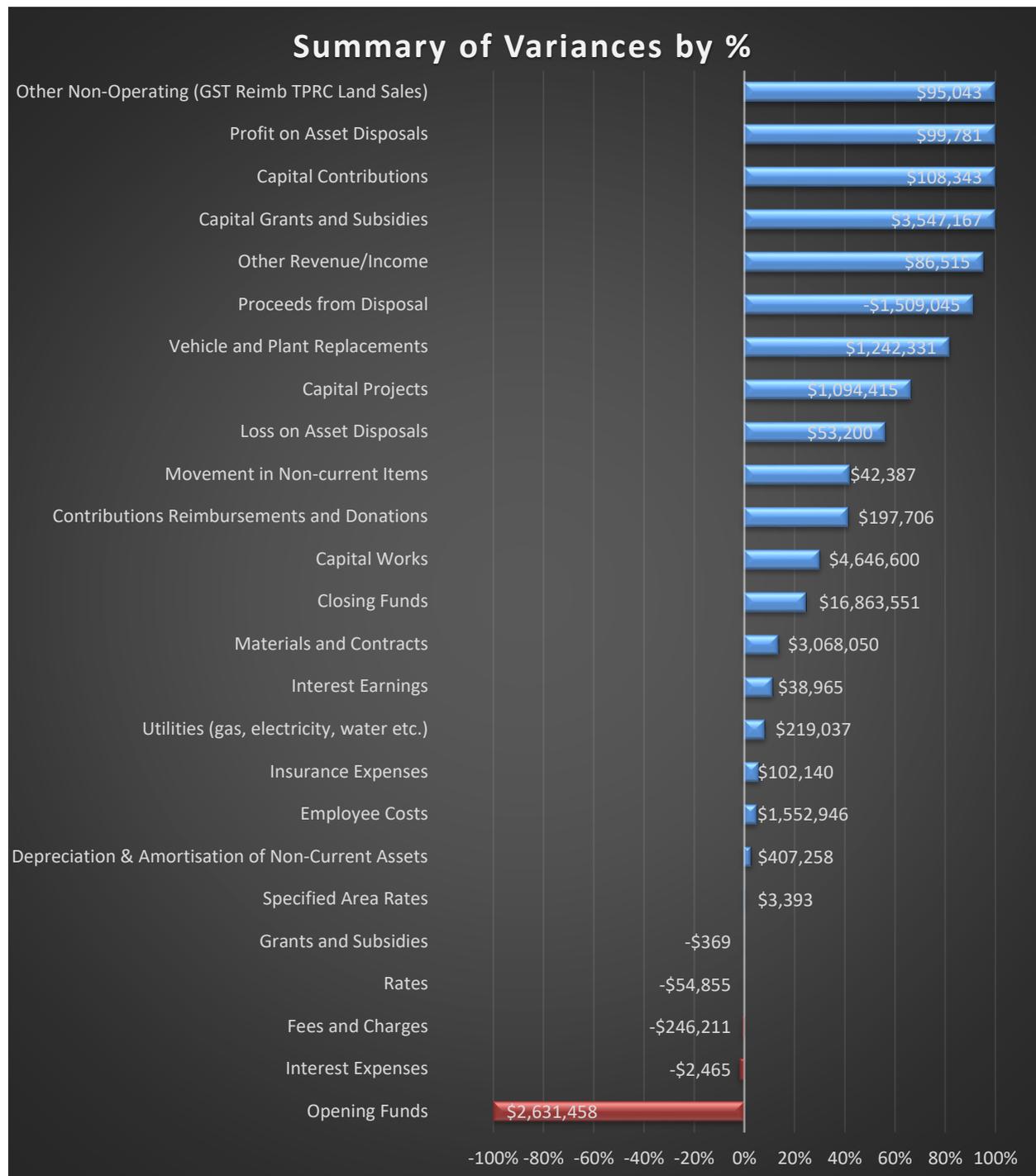
### **EXECUTIVE SUMMARY**

At its meeting held on 15 June 2021 (CJ092-06/21 refers), Council adopted the "2021-22 Annual Budget. Council subsequently amended the budget at its meeting held on 17 August 2021 (CJ131-08/21 refers), 21 September 2021 (CJ139-09/21 refers), 12 October 2021 (CJ147-10/21 refers) and 16 November 2021 (CJ169-11/21 refers). The figures in this report are compared to the adopted budget (as amended).

The November 2021 Financial Activity Statement Report shows an overall favourable variance of \$16,863,551 from operations and capital, after adjusting for non-cash items.

There are a number of factors influencing the favourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in November. The notes in Attachment 3 to Report CJ021-02/22 identify and provide commentary on the individual key material revenue and expenditure variances to date.

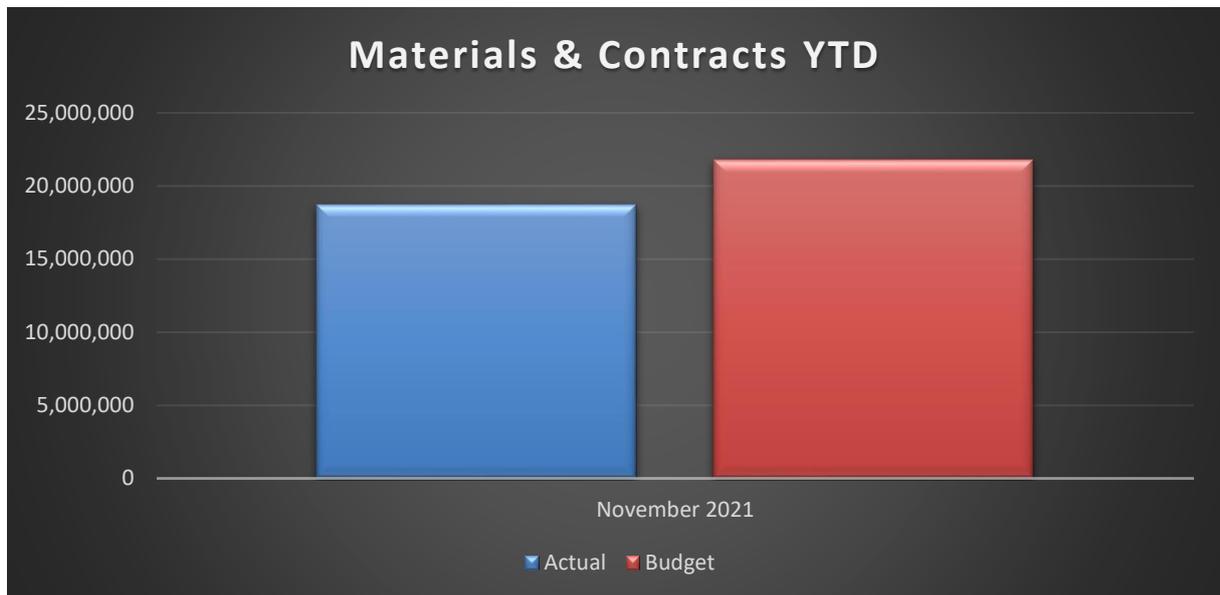
The key elements of the variance are summarised below:



The significant variances for November were:

**Materials and Contracts**

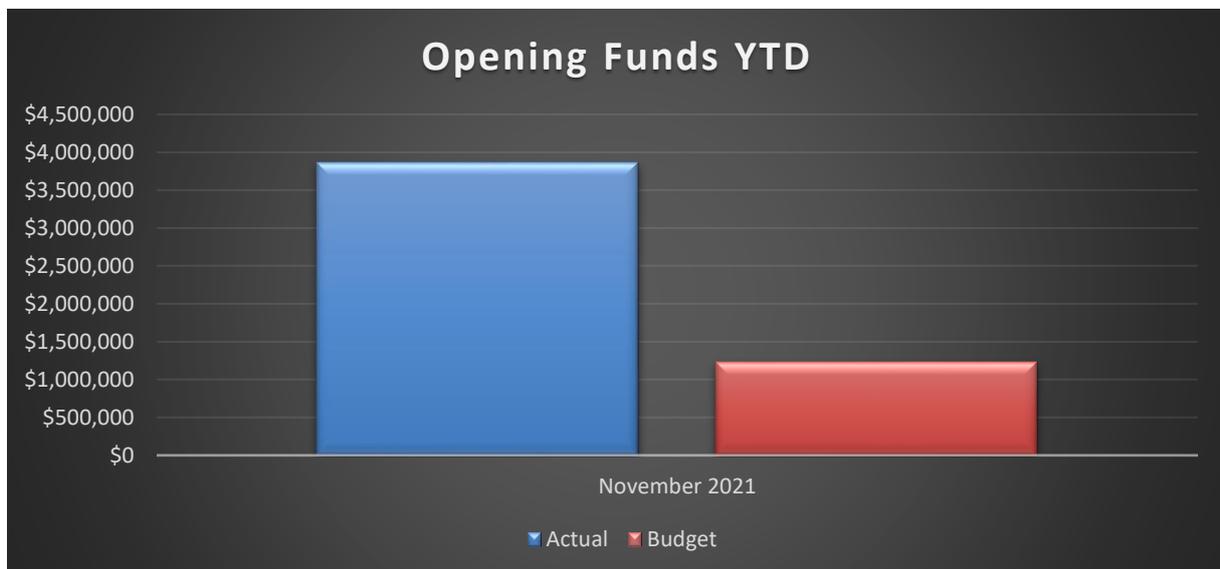
**\$3,068,050**



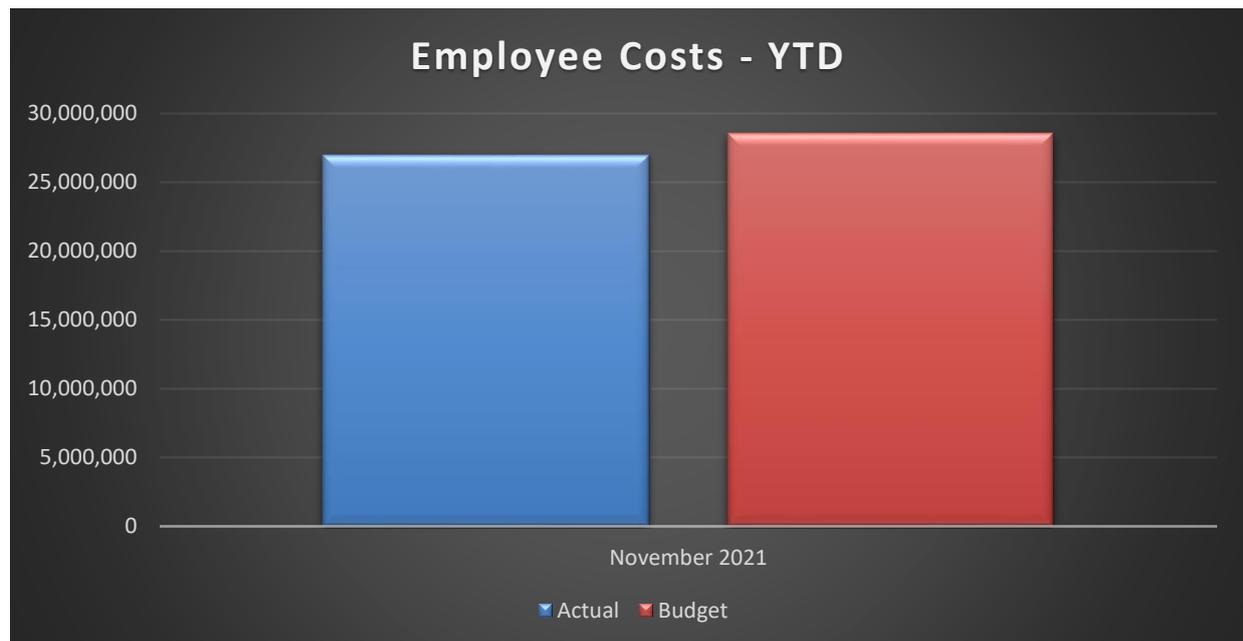
Materials and Contracts expenditure is \$3,038,050 below budget. This is spread across a number of different areas including External Service Expenses \$983,102, Waste Management Services \$555,720, Professional Fees and Costs \$430,268, Computing \$277,466, Public Relations, Advertising and Promotions \$193,866, and Contributions and Donations \$126,548.

**Opening Funds**

**\$2,631,458**



Variations in the actual results for 2020-21 compared to the budget estimate gave rise to a favourable variance of \$2,631,458 in opening funds. The drivers for the increased end of year surplus, after taking end of year reserve movements and other offsets into account, are reductions in capital expenditure partially offset by an increase in operating expenditure. Adjustment to opening funds will be reflected in the Mid-Year Budget Review.

**Employee Costs****\$1,552,946**

Employee Costs expenditure is \$1,552,946 below budget. Favourable variances predominantly arose from vacancies in various areas.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2021 forming Attachment 1 to Report CJ021-02/22.*

**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 November 2021 is appended as Attachment 1 to Report CJ021-02/22.

**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

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

## Risk Management Considerations

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

## Financial / Budget Implications

All amounts quoted in Report CJ021-02/22 are exclusive of GST.

## Regional Significance

Not applicable.

## Sustainability Implications

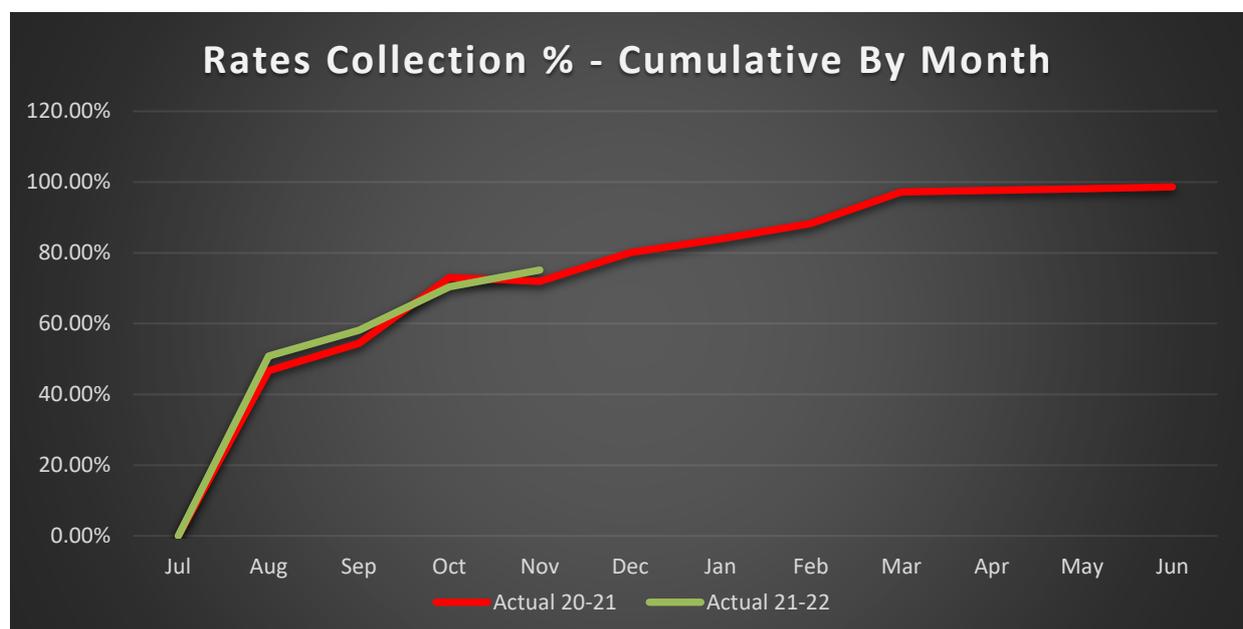
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## Consultation

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

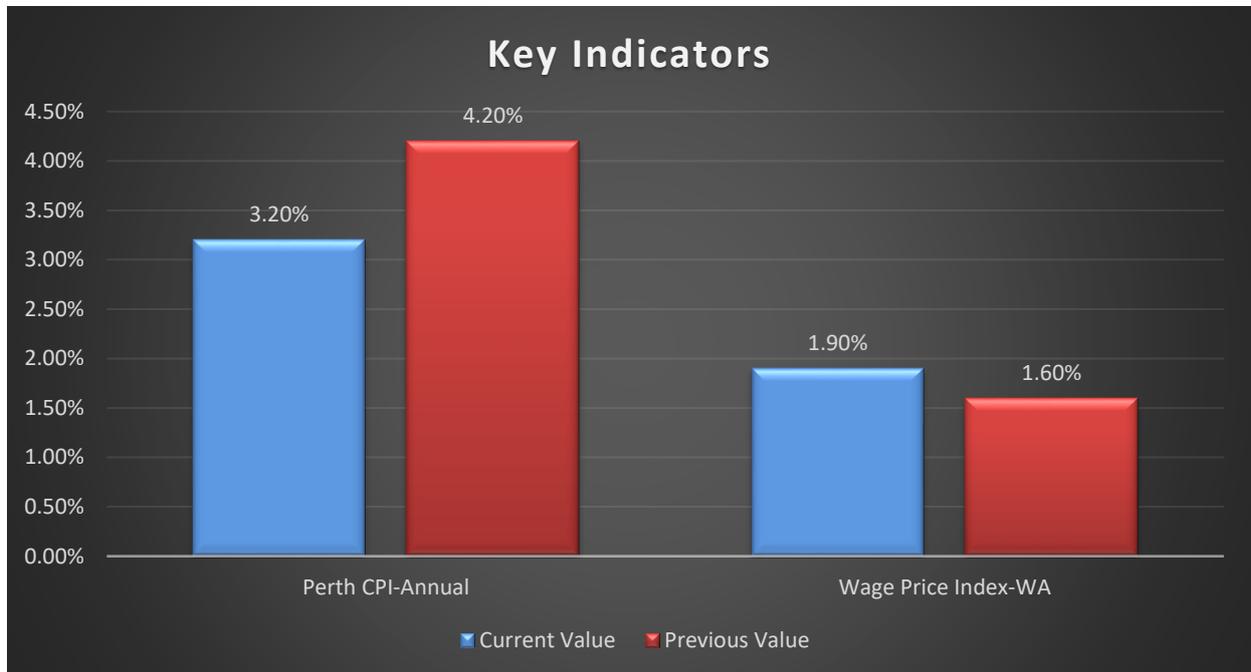
## KEY INDICATORS

### Rates Collection



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

### **Economic Indicators**



During November the WA Wage Price Index for the third quarter of 2021 was released. This saw a modest annual wages growth, despite little disruption from COVID-19 during the quarter compared to the other states.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the *2021-22 Annual Budget* (as amended) or has been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 November 2021 forming Attachment 1 to Report CJ021-02/22.**

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf220208.pdf](#)

**CJ022-02/22 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2021**

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

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**PURPOSE**

For Council to note the Financial Activity Statement for the period ended 31 December 2021.

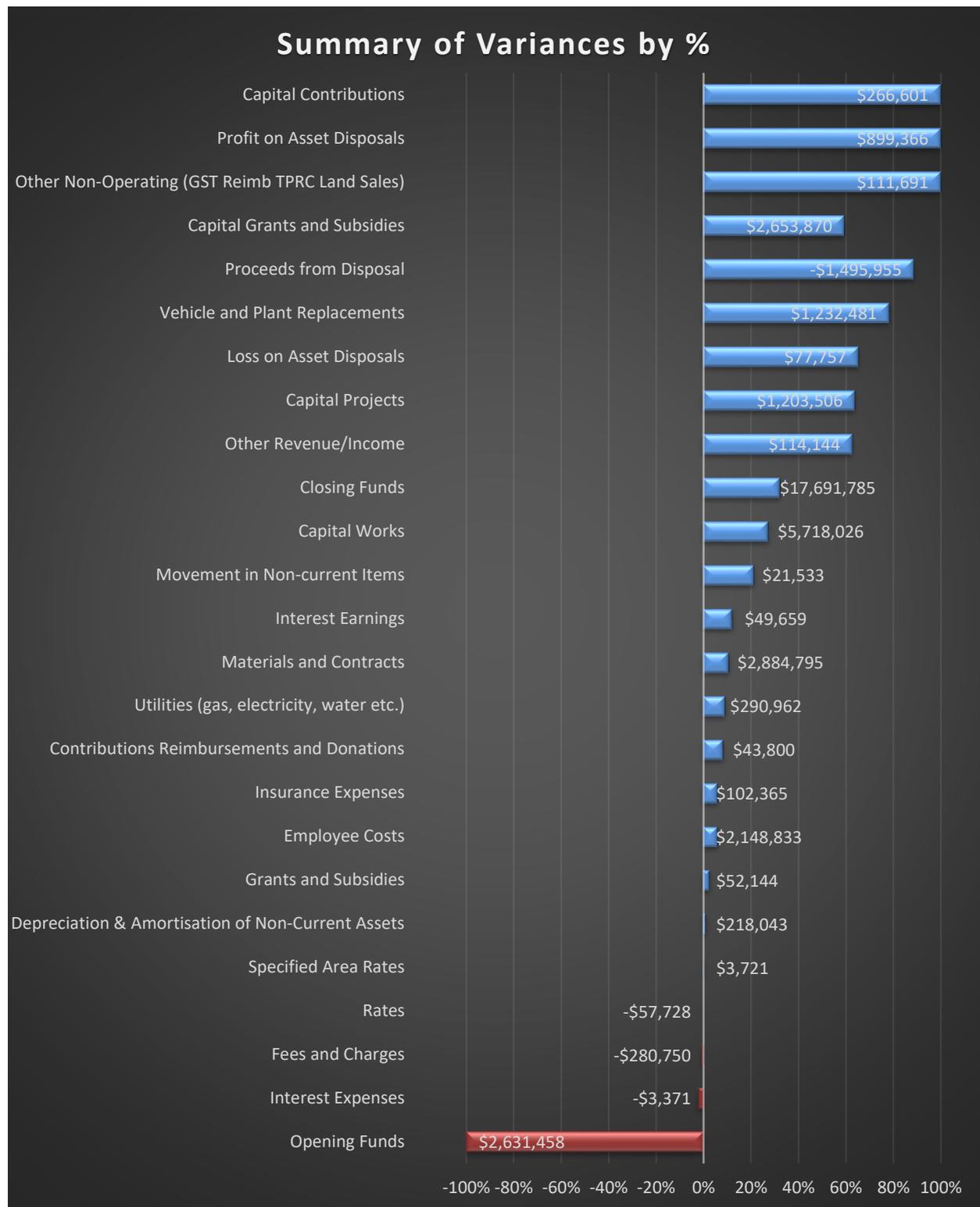
**EXECUTIVE SUMMARY**

At its meeting held on 15 June 2021 (CJ092-06/21 refers), Council adopted the *2021-22 Annual Budget*. Council subsequently amended the budget at its meeting held on 17 August 2021 (CJ131-08/21 refers), 21 September 2021 (CJ139-09/21 refers), 12 October 2021 (CJ147-10/21 refers) and 16 November 2021 (CJ169-11/21 refers). The figures in the report are compared to the adopted budget (as amended).

The December 2021 Financial Activity Statement Report shows an overall favourable variance of \$17,691,785 from operations and capital, after adjusting for non-cash items.

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

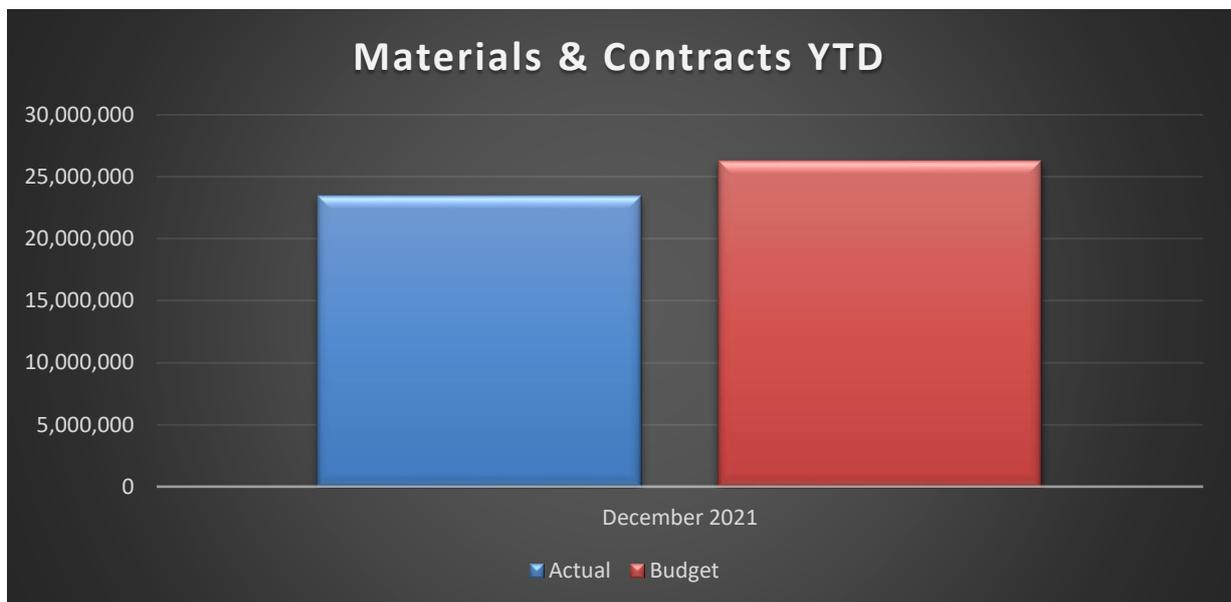
The key elements of the variance are summarised below:



The significant variances for December were:

**Materials and Contracts**

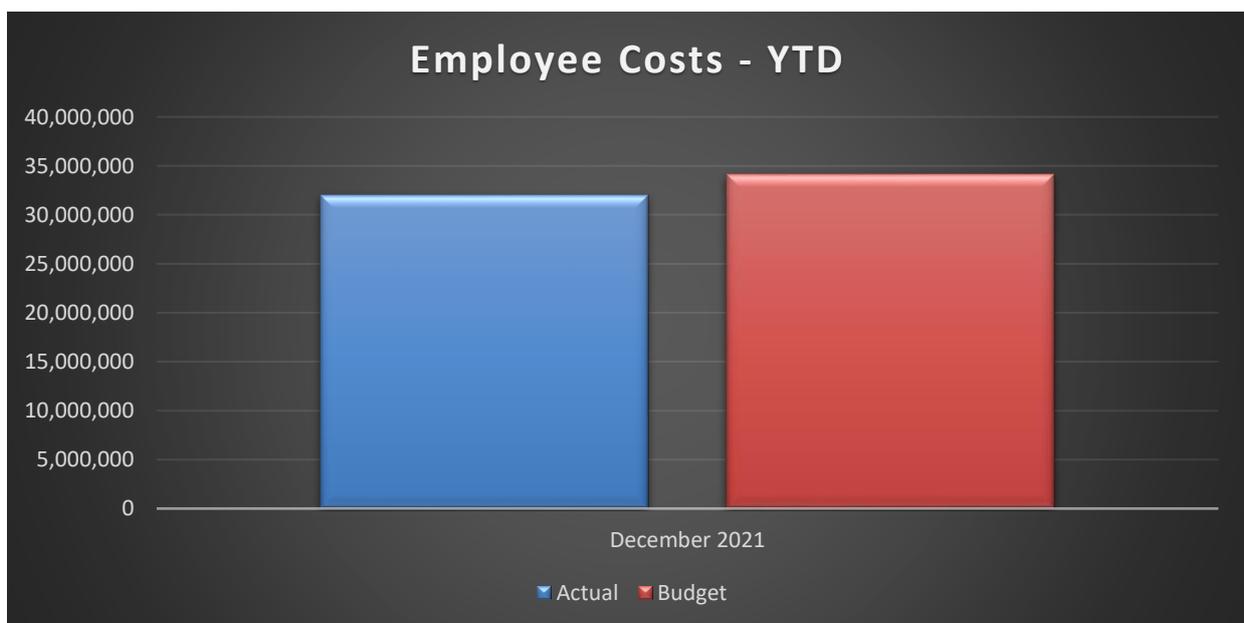
**\$2,884,795**



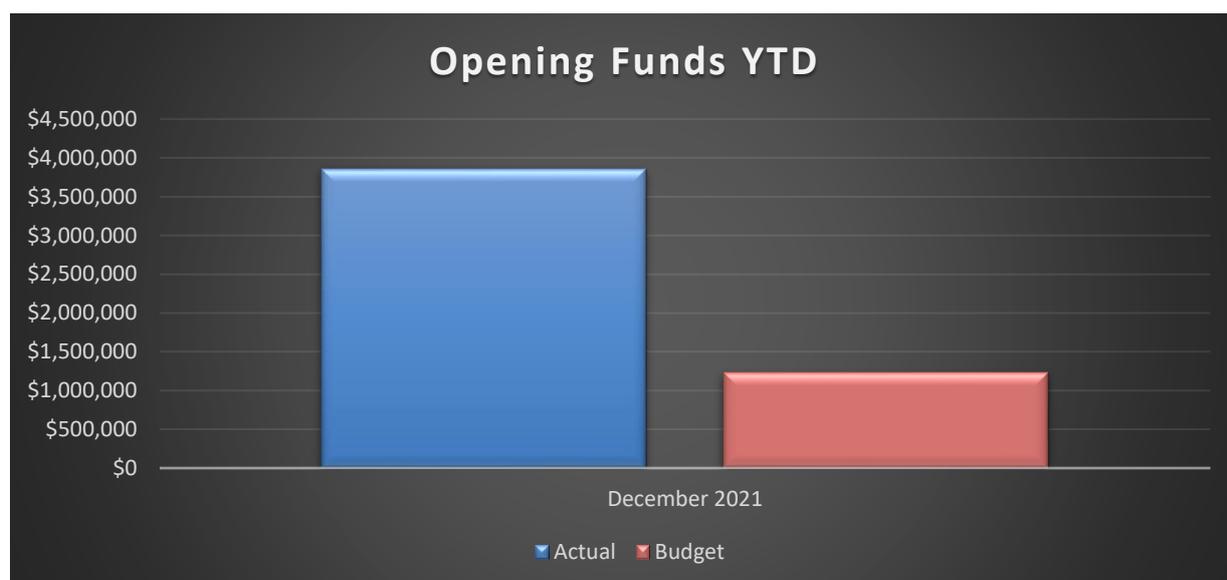
Materials and Contracts expenditure is \$2,884,795 below budget. This is spread across a number of different areas including Professional Fees and Costs \$668,711, External Service Expenses \$449,019, Waste Management Services \$418,262, Computing \$380,448, Public Relations, Advertising and Promotions \$233,222, Administration \$181,121, Contributions and Donations \$166,388, Furniture, Equipment and Artwork \$118,597 and Travel, Vehicles and Plant \$117,992.

**Employee Costs**

**\$2,148,833**



Employee Costs expenditure is \$2,148,833 below budget. Favourable variances predominantly arose from vacancies in various areas.

**Opening Funds****\$2,631,458**

Variations in the actual results for 2020-21 compared to the budget estimate gave rise to a favourable variance of \$2,631,458 in opening funds. The drivers for the increased end of year surplus, after taking end of year reserve movements and other offsets into account, are reductions in capital expenditure partially offset by an increase in operating expenditure. Adjustment to opening funds will be reflected in the Mid Year Budget Review.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2021 forming Attachment 1 to Report CJ022-02/22.*

**BACKGROUND**

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

**DETAILS****Issues and options considered**

The Financial Activity Statement for the period ended 31 December 2021 is appended as Attachment 1.

**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

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

## Risk management considerations

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

## Financial / budget implications

All amounts quoted in this report are exclusive of GST.

## Regional significance

Not applicable.

## Sustainability implications

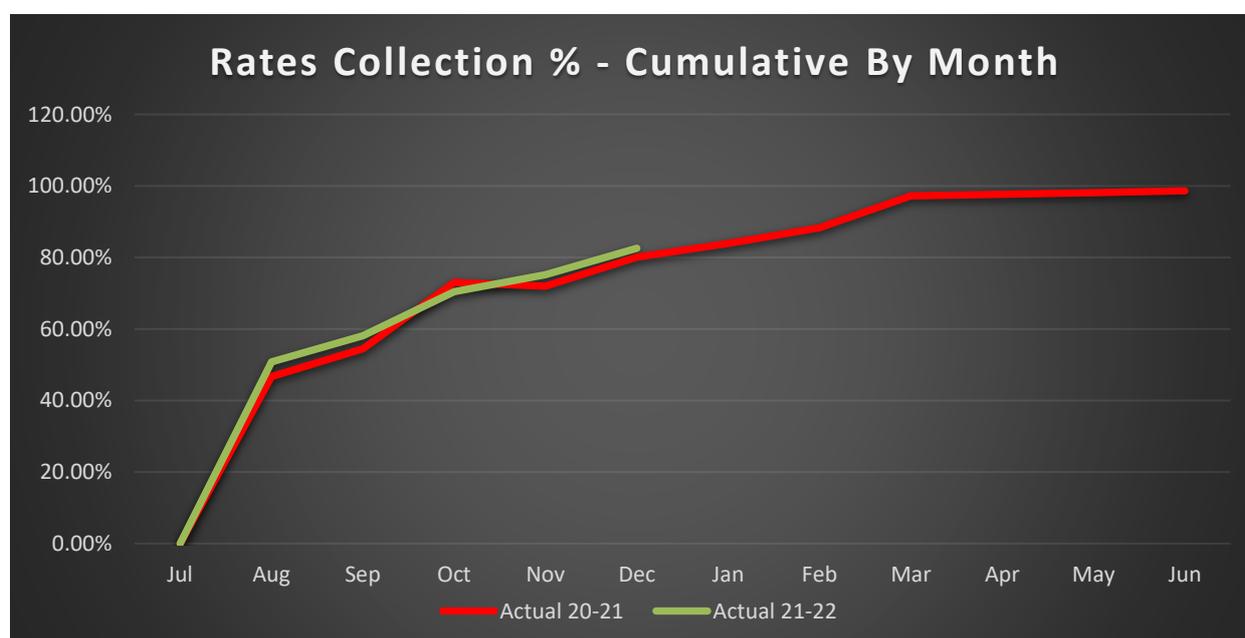
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

## Consultation

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

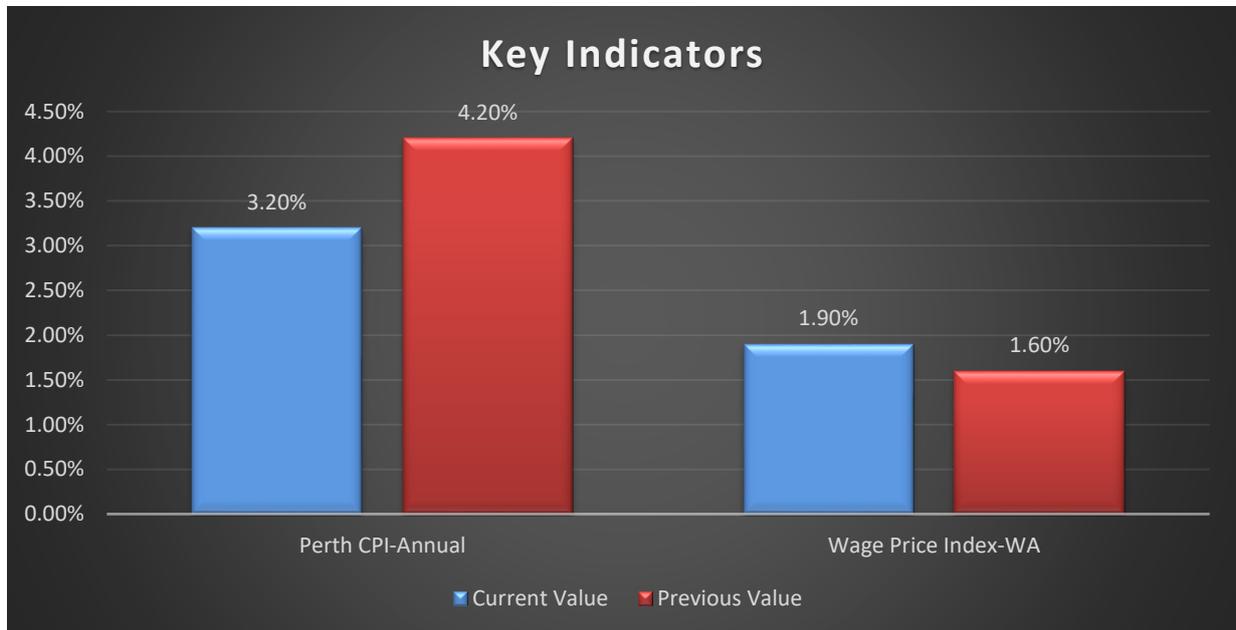
## KEY INDICATORS

### Rates Collection



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

### **Economic Indicators**



During November the WA Wage Price Index for the third quarter of 2021 was released. This saw a modest annual wages growth, despite little disruption from COVID-19 during the quarter compared to the other states.

### **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2021-22 adopted budget (as amended) or has been authorised in advance by Council where applicable.

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 December 2021 forming Attachment 1 to Report CJ022-02/22.**

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19brf220208.pdf](#)

## **CJ023-02/22      REQUEST FOR ADDITIONAL SUBSIDIES AND WAIVERS OF FEES FOR ANNUAL HIRE GROUPS**

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

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### **PURPOSE**

For Council to consider applications for additional subsidies and waivers of fees for the hire of City facilities by annual user groups in 2022.

### **EXECUTIVE SUMMARY**

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

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

The City has recently completed the booking process for use of its facilities during the 2022 annual booking period. Consequently, the following groups have sought further subsidisation or waiver of fees in accordance with the policy:

- Grandparents Rearing Grandchildren WA Inc.
- University of the Third Age (U3A) Inc. – Joondalup Region.
- Whitford Senior Citizens Club Inc.
- Undenominational Christians.
- Joondalup Symphony Orchestra (JSO) Inc.
- Revival Pentecostal Church WA Inc.

*It is therefore recommended that Council:*

- 1 *AGREES to extend the 100% subsidised use for Grandparents Rearing Grandchildren WA Inc. for the use of the Grove Child Care facility in 2022 to a maximum of 33 hours average per week and a value of \$33,170.48;*
- 2 *DOES NOT AGREE to the request for an additional subsidy of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2022;*
- 3 *AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club Inc. for the use of the Whitford Senior Citizens Centre in 2022 to a maximum of 97 hours average per week and a value of \$14,784.55;*
- 4 *DOES NOT AGREE to the request for a waiver of hire fees for the Undenominational Christians to conduct weekly services for the community at the Duncraig Community Centre during 2022 to the value of \$5,710.50;*
- 5 *DOES NOT AGREE to the request for an additional subsidy of hire fees for the Joondalup Symphony Orchestra Inc for the use of Whitford Senior Citizens Main Hall in 2022;*
- 6 *DOES NOT AGREE to the request for waiver of hire fees for the Revival Pentecostal Church WA Inc to conduct weekly services for the community at the Warwick Community Hall during 2022 to the value of \$11,780;*
- 7 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.*

## **BACKGROUND**

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

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

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

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of venue hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. Not-for-profit community groups must also have their primary base within the City. Primary base is defined in the policy as the principal location at which the group conducts its core business and / or delivers its core services.

Not-for-profit community groups and groups from educational institutions are categorised within the policy based on the nature of the group - groups that provide recreational, sporting activities and / or targeted services exclusively for people aged 55 years and over.

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

Regarding dealing of requests for additional subsidies over and above what is permitted within the policy, the policy states:

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

*Additional subsidies will be provided for the following:*

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

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

## DETAILS

The City has recently completed the booking process for use of its facilities during the 2022 annual booking period. Consequently, some groups have sought further subsidisation or waiver of fees in accordance with the policy.

An additional subsidy is considered to be an extension of an existing subsidy afforded to a group. This may be in the form of additional free-use hours or an extension of the subsidy percentage. A request for a waiver of hire fees occurs where a group is not currently eligible for a subsidy, but is requesting hire fees be waived due to their unique circumstances.

### Grandparents Rearing Grandchildren WA Inc.

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Grove Child Care	Community service and charitable group	100% up to a maximum of 10 hours per week	33	23

Grandparents Rearing Grandchildren WA Inc. (GRG) are an incorporated not-for-profit registered charity providing support services to grandparents raising their grandchildren on a full-time basis. Currently, the organisation assists 102 grandparents and 112 grandchildren.

GRG have booked 1,690 hours for 2022, averaging 33 hours per week, enabling the group to undertake its activities and events. The group have been assessed as being eligible for a subsidy under the policy. As a charitable organisation, the policy allocates the group up to 10 hours of fully (100%) subsidised use per week. GRG have indicated it is not in a financial position to afford the cost to hire the Grove Child Care facility without the additional subsidy. GRG have requested Council consider an additional subsidy for the group to continue to deliver its services to the community in 2022.

As the hirer meets the eligibility criteria for an additional subsidy under the policy, it is recommended that Council agrees to extend the 100% subsidised use for Grandparents Rearing Grandchildren WA Inc. for the use of the Grove Child Care facility in 2022 to a maximum of 33 hours average per week and a value of \$78,599.

At its meeting held on 16 February 2021 (CJ015-02/21 refers), Council agreed to extend the 100% subsidised use for the fees for Grandparents Rearing Grandchildren to a maximum of 38 hours average per week and a value of \$40,207.36.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$78,599	\$45,428.52	\$33,170.48	\$78,599	\$0	\$33,170.48	\$0

#### University of the Third Age (U3A) Inc – Joondalup Region

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Rob Baddock Community Hall and Heathridge Community Centre	Other not-for-profit community groups	50%	12	Not applicable

The University of the Third Age (U3A) Inc – Joondalup Region currently hires the Rob Baddock Community Centre and Heathridge Community Centre for delivery of its activities and events. The group has booked 600 hours for 2022, averaging 12 hours per week to enable it to undertake its activities and events and has been assessed as being eligible for a subsidy.

It should be noted that prior to 2019, the group was provided a 100% subsidy of hire fees as it was classified a 'Senior Citizens Recreational and Sporting Group' within the policy. A requirement of this classification is that the group offers its services exclusively to persons aged over 55 years. During 2018, the City identified that the group's constitution had changed and no longer reflected the requirements for members to be of retirement age (or over 55 years of age). As such, the group has been reassessed as being an 'Other Not-for-Profit Group' and is only eligible to receive a 50% subsidy of hire fees.

The group has advised that despite the change to its constitution, all current members are over 55 years of age and has requested Council consider waiving the remaining 50% of hire fees to enable the group to continue to service the community.

As the group does not meet the eligibility criteria to be classified as a 'Senior Citizens Recreational and Sporting Group' within the policy, it is recommended that Council does not agree to the request for an additional subsidy of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2022.

At its meeting held on 16 February 2021 (CJ015-02/21 refers), Council agreed to waive the remaining 50% of hire fees for University of the Third Age (U3A) Inc – Joondalup Region in 2021 to the maximum value of \$8,015.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$16,240	\$8,120	\$8,120	\$16,240	\$0	\$8,120	\$8,120

#### Whitford Senior Citizens Club Inc.

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Whitford Senior Citizens Centre	Senior Citizens Recreational and Sporting Group	100% up to a maximum of 80 hours per week	96	16

The Whitford Senior Citizens Club currently hires rooms within the Whitford Senior Citizens Centre for its delivery of activities and events targeted at people over 55 years of age.

The club has booked 4,992 hours for 2022, averaging 96 hours per week to enable the group to undertake its activities and events for its membership. The club has been assessed as being eligible for a subsidy under the policy. As a senior citizen recreational or sporting group with over 100 members the policy allocates the club up to 80 hours of subsidised use per week. It is noted that the club also holds a licence over an office space, games room, two craft rooms and courtyard which affords the club use of these spaces during the calendar year.

At its meeting held on 16 February 2021 (CJ015-02/21 refers), Council agreed to extend the 100% subsidised use for the Whitford Senior Citizens Club's 2021 bookings to a maximum of 109 hours average per week and a total value of \$117,932.55.

The club has requested Council consider an additional subsidy of hire fees for the hours required to deliver its activities and events during 2022. As the club meets the eligibility criteria for an additional subsidy under the policy, it is recommended that Council agrees to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2022 to a maximum of 96 hours average per week and a value of \$14,784.55.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$138,540.50	\$123,755.95	\$14,784.55	\$138,540.50	\$0	\$14,784.55	\$0

#### Undenominational Christians

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Duncraig Community Centre	Community regular hire	No subsidy applicable	8.5	Not applicable

The City has received a request from Undenominational Christians seeking a waiver of hire fees for weekly bookings at Duncraig Community Centre for 2022. The purpose of the group is to share gospel in the local area free of charge. The group is run by volunteers, and fees to hire the City's facility are covered by donations from group members.

As the group have advised the City in their booking application that none of their members reside in the City of Joondalup, they do not meet the eligibility criteria under the *Facility Hire Subsidy Policy* and as such it is recommended that Council do not approve the request for a waiver of hire fees for the bookings at Duncraig Community Centre during 2022 to the value of \$5,710.50.

Total booking cost	Current		Requested		Proposed	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$5,710.50	\$0	\$5,710.50	\$5,710.50	\$0	\$0	\$5,710.50

#### Joondalup Symphony Orchestra Inc (JSO).

Facility hired	Classification within the policy	Current extent of subsidy	Average hours booked per week	Hours exceeding subsidy per week
Whitford Senior Citizens Centre	Other not-for-profit Community Groups	50%	29	Not applicable

Joondalup Symphony Orchestra (JSO) are an incorporated not-for-profit volunteer run organisation. JSO provides musical activities for all ages and skills levels, with an intermezzo section for beginners and an orchestra for intermediate and above. JSO has been operating for less than one year and currently has 85 members, with 50% of these members residing within the City of Joondalup. A request has been received from JSO for the City to provide 100% subsidy for the bookings for 2022.

It should be noted that this group was supported in its development with assistance from the City. A community facility was booked on behalf of the JSO, for the first six months of the group's operation, meaning no hire fees were charged to the group.

As a not-for-profit community group under the policy, JSO currently receive 50% subsidy. As the group has not provided evidence to meet the eligibility criteria for an additional subsidy, it is recommended that Council does not agree to the request for an additional subsidy of hire fees for the Joondalup Symphony Orchestra for the use of Whitford Senior Citizens Centre Main Hall.

Total Booking Cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$11,317.80	\$5,658.90	\$5,658.90	\$11,317.80	\$0	\$5,658.90	\$5,658.90

#### Revival Pentecostal Church WA Inc.

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Warwick Hall	Community regular hire	No subsidy applicable	8.5	Not applicable

The City has received a request from Revival Pentecostal Church WA Inc. who are a newly formed not-for-profit organisation. The group provide counselling, guidance, and assistance to families within the community free of charge. The group currently receive no subsidy as they do not meet the 50% membership requirement under the policy. The group are seeking a waiver of their annual hire fees.

As the Revival Pentecostal Church Inc. have not provided evidence to support a waiver of hire fees, it is recommended that Council does not agree to approve the request for a waiver of hire fees for the bookings at Warwick Community Hall during 2022 to the value of \$11,780.

Total booking cost	Current		Requested		Proposed	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$11,780	\$0	\$11,780	\$11,780	\$0	\$0	\$11,780

### Issues and options considered

Council may agree or not agree to each of the requests for additional subsidies and waiver of fees on a case-by-case basis.

### Legislation / Strategic Community Plan / policy implications

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

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Financial diversity.

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

**Policy** *Facility Hire Subsidy Policy*.

### Risk management considerations

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

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Making exceptions for groups may set a precedent and cause complications when 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 \$1.4 million each year.

In 2021, Council approved approximately \$80,000 of additional subsidies and waivers of fees for venue bookings. A summary of those 2021 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

<b>Group</b>	<b>Request type</b>	<b>Amount approved</b>
Grandparents Rearing Grandchildren	Additional subsidy	\$40,208
Greenwood Tennis Club(juniors)	Waiver of reduced fees	\$2,988
Kingsley Senior Group	Additional subsidy	\$5,878
University of the Third Age (UWA) Inc – Joondalup Region	Waiver of hire fees	\$8,015
Whitford Senior Citizens Club	Additional subsidy	\$16,155
Joondalup Kinross Junior Football Club	Additional Subsidy	\$5,393

If Council approves the requested additional subsidies and waivers of fees requested by these groups for 2022, the City will lose approximately \$62,000 in income from the annual venue bookings.

### **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.

### **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 AGREES to extend the 100% subsidised use for Grandparents Rearing Grandchildren WA Inc. for the use of the Grove Child Care facility in 2022 to a maximum of 33 hours average per week and a value of \$33,170.48;**
- 2 DOES NOT AGREE to the request for an additional subsidy of hire fees for the University of the Third Age (U3A) Inc – Joondalup Region for the use of Rob Baddock Community Hall and Heathridge Community Centre in 2022;**
- 3 AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club Inc. for the use of the Whitford Senior Citizens Centre in 2022 to a maximum of 97 hours average per week and a value of \$14,784.55;**
- 4 DOES NOT AGREE to the request for a waiver of hire fees for the Undenominational Christians to conduct weekly services for the community at the Duncraig Community Centre during 2022 to the value of \$5,710.50;**
- 5 DOES NOT AGREE to the request to waive the remaining hire fees for the Joondalup Symphony Orchestra for the use of Whitford Senior Citizens Main Hall in 2022;**
- 6 DOES NOT AGREE to the request for waiver of hire fees for the Revival Pentecostal Church WA Inc to conduct weekly services for the community at the Warwick Community Hall during 2022 to the value of \$11,780;**
- 7 NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.**

**CJ024-02/22      REVIEW OF WOMEN ONLY SENIOR SPORTING USE  
AT BRAMSTON PARK, BURNS BEACH**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	06383, 101515
<b>ATTACHMENT</b>	Nil
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider a report to review junior sporting use only of the playing fields at Bramston Park, Burns Beach.

**EXECUTIVE SUMMARY**

Community consultation was conducted during the development of the Bramston Park Community Sporting Facility in 2013 to determine support for the facility and the adjacent playing fields. Outcomes from the consultation showed that while the majority of those consulted supported the development, some concerns were raised about parking, noise, traffic and anti-social behaviour. As a result, Council agreed to restrict use of the playing fields to junior sport only.

The City has received requests from local community sporting clubs to use Bramston Park playing fields for their senior teams since its opening in 2015. There is currently high demand for sporting facilities across the City, particularly for playing fields for winter season sports. As a result of a specific request from Kingsley Westside Football Club (KWFC) seeking consideration for its women's teams to access Bramston Park for games and training, at its meeting held on 14 December 2021 (C143-12/21 refers), Council received a Notice of Motion requesting a report be prepared reviewing the decision to restrict use of the playing fields at Bramston Park to junior sport.

The City's *Community Consultation Policy* and Protocol provide guidance on when and how the community should be consulted to inform decision making. In the case of Bramston Park, it is recommended community consultation be conducted following a 12-month trial of senior women's sporting use to determine support for ongoing senior women's use of the park.

*It is therefore recommended that Council:*

- 1      *APPROVE a 12-month trial of women only senior sporting use of Bramston Park, Burns Beach;*
- 2      *REQUEST the Chief Executive Officer to arrange for community consultation to be undertaken following the trial to determine future women only senior sporting use of Bramston Park, Burns Beach.*

## BACKGROUND

At its meeting held on 13 July 2013 (CJ142-07/13 refers), Council considered a report on the proposed development of the Bramston Park Community Sporting Facility, Burns Beach.

The facility was proposed to be located adjacent to Bramston Park; a passive recreational park with no formal sporting use. With the introduction of the facility, the park was to be formalised into an active reserve, with playing fields suitable for cricket and soccer to cater for growing demand in the region.

The City undertook community consultation in 2012 as part of the development process, with the following stakeholders invited to participate:

- Residents living within a 200m radius of the site.
- Representatives from potential user groups.
- Representatives from the local resident's associations.

The City received 121 valid responses, or 34.6% of those invited to participate. A total of 43% of respondents supported the development of the community sporting facility and floodlighting at the site, while 52% were opposed. The most common concerns stated by those opposed were related to parking, noise, traffic and anti-social behaviour.

In considering the report and associated consultation outcomes, Council agreed, in part to:

*"2 REQUEST the Chief Executive Officer to arrange for further community consultation as detailed in this Report for the Bramston Park development project to be conducted in July - August 2013 using Attachments 6, 7 and 8 to Report CJ142-07/13, noting that the facility would not be hired for functions that create risk for anti-social behaviour (such as 18th and 21st birthdays) and the intended use of the playing fields is for junior sports;"*

As a result, the use of the playing fields to senior sporting clubs playing fields at Bramston Park was restricted to use only by junior sporting clubs, while the community facility at the site is available for use by both junior and senior sporting clubs.

Further consultation was conducted in July and August 2013, which provided invited participants with more detailed information about the site layout, facility design and proposed venue usage and management. The City received a total of 125 responses, or 34.6% of those invited to participate. A total of 52% of respondents supported the development of the community facility, while 44.6% were still opposed. The most common concerns stated by those opposed were again related to parking, noise, traffic and anti-social behaviour. With the increase in community support, at its meeting held on 24 September 2013 (CJ175-09/13 refers), Council approved the proposed development at Bramston Park.

At its meeting held on 14 December 2021 (CJ143-12/21 refers), Council received a Notice of Motion requesting a report be prepared reviewing the decision to restrict use of the playing fields at Bramston Park to junior sport. This Notice was as a result of a specific request from Kingsley Westside Football Club (KWFC) to grant access to Bramston Park for its senior women's teams. The motion was adopted by Council as follows:

*"That the Council REQUESTS the Chief Executive Officer to prepare a report to be presented to the 2022 February Ordinary meeting of Council that reviews its decision of 13 July 2013 (CJ142-07/13 refers) that restricts the use of the playing fields at Bramston Park, Burns Beach for junior use only."*

Reasons for the Notice of Motion were as follows:

- A request has been received from the local soccer club (Kingsley Westside FC) to grant access for their senior women's teams to play matches at Bramston Park.
- Demand for senior sporting fields, especially those with supporting amenities (for example change rooms) that cater for female sport are at a premium across the City.
- Female soccer is a rapidly growing sport, especially as Perth is a host city for the 2023 FIFA Women's World Cup.
- The park and facility has been operating for a number of years with no issues raised by local community (indicative of good venue stewardship by the soccer club).
- If supported, any review would be subject to community consultation, including the option for a trial period of 12 months.

## **DETAILS**

### Current usage

Bramston Park playing fields are currently used by Joondalup Kinross Junior Cricket Club during summer season, and Kingsley Westside Football Club (KWFC) during winter season.

While KWFC have both junior and senior teams, Bramston Park is used as a base for its junior teams, with senior teams playing home games at Chichester Park, Woodvale. The community facility at Bramston Park is used by KWFC for a number of junior, senior and whole-club events and functions due to the capacity limitations at the current Chichester Park facility. The club has expressed a desire to use the playing fields at Bramston Park for their women's senior teams.

A number of other non-sport related community groups also use the community facility at Bramston Park, in addition to it being a popular choice for casual hire by the general public.

### Complaint history

The City has received a total of six complaints regarding the use of Bramston Park since formal sporting activities commenced during the summer season of 2015 - 2016. Four of these complaints were received between March and May 2016, and were primarily related to parking issues and reduced community access to the park during sporting activities. The City responded to the complaints, and no further complaints have been received.

Two other complaints relating to the community facility were received in December 2019 and October 2021. These complaints were regarding noise and rubbish related to casual hire groups using the community facility. No complaints have been received relating to use of the community facility by sporting clubs.

## **Issues and Options Considered**

*Option 1* Conduct community consultation to determine the level of support for a trial period of senior women sporting use only at Bramston Park.

This option proposes that the City conduct consultation to determine if a trial is supported. Should a trial be determined as the preferred course of action following consultation, further consultation would be conducted at the end of the trial to determine if ongoing senior sporting use should continue at the facility.

This is not the City's standard approach to community consultation as informed by the *Community Consultation Policy* and Protocol as it does not allow those being consulted to consider actual impact of a trial, only the perceived impact. This option is not recommended.

**Option 2** Conduct a 12-month trial period of senior women sporting use only at Bramston Park, followed by community consultation to determine the level of support for such use.

This option proposes to advise the community of the proposed trial, and that consultation will occur after the trial period. This is the approach commonly taken under the City's *Community Consultation Protocol*, as it allows those being consulted to consider actual impact of the trial rather than the perceived impact. A 12 month trial period will capture senior women's sporting use over both summer and winter sporting seasons, providing the community with a comprehensive understanding of the full impact of senior women sporting use at the facility prior to providing feedback. This option is recommended.

**Option 3** No action.

Council may decide to maintain the current restriction on senior sporting club use at Bramston Park and not undertake community consultation or a trial. This option is not preferred.

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

**Legislation** *City of Joondalup Local Planning Scheme No. 3.*

#### **Strategic Community Plan**

**Key theme** Quality Open Spaces.

**Objective** To have urban and green spaces which are attractive, well-utilised and enrich the lives of the community.

**Strategic initiative** Adopt consistent principles in the management and provision of urban community infrastructure.

**Policy Implications** *Asset Management Policy.*  
*High Risk Bookings in Community Facilities.*  
*Alcohol Management Policy.*  
*Facility Hire Subsidy Policy.*

### **Risk Management Considerations**

The following risks may arise should Council decide not to approve women's senior sporting club use of Bramston Park:

- Existing City facilities may be unable to meet the growing demand for senior sporting club use.
- Increased expenditure for significant turf repairs may be required at existing facilities due to high usage levels.
- Inability of residents to access sporting activities in their local area.

The following risks may arise should Council decide to approve women's senior sporting club use of Bramston Park, in a trial or ongoing capacity:

- Increased costs for general turf maintenance due to increase in use.
- Adverse reactions from men's senior clubs preventing them access due to limitations they face with existing venues.
- Impact on local residents from increased activity, including traffic, parking and noise associated with sporting activities.

### **Financial / Budget Implications**

Junior sporting clubs operating on City property currently receive a 100% subsidy on hire fees under the *Facility Hire Subsidy Policy*, while senior sporting clubs receive a 50% subsidy. Allowing women only senior sporting use of Bramston Park may require increased expenditure for ground maintenance at the venue, however income from hire fees would also increase.

### **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 also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

### **Consultation**

Any consultation relating to the options considered above and recommendations made by Council will be conducted in accordance with the City's *Community Consultation Policy* and Protocol.

### **COMMENT**

The demand for active sporting facilities in the City is increasing, however there are currently no opportunities to develop new facilities. This demand is noticeably higher among winter season sport, particularly soccer, where there is growing demand for access to sporting infrastructure outside traditional sporting season timeframes. In addition, an increase in participation in female sport in recent years has further increased pressure on existing facilities.

Enabling women's senior sporting club use at Bramston Park would contribute to increasing the availability of sporting infrastructure to the wider Joondalup community. A lack of issues or complaints at the facility related to sporting club use, combined with the high demand for sporting infrastructure supports the proposal for a 12 month trial of women's senior sporting use at Bramston Park. A trial would enable the City to determine the impact of such use on surrounding residents prior to making any further decisions on the long-term usage of the venue.

### **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 APPROVES a 12-month trial of women only senior sporting use of Bramston Park, Burns Beach;**
- 2 REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken following the trial to determine future women only senior sporting use of Bramston Park, Burns Beach.**

**Disclosure of Proximity Interest**

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ025-02/22 - Petition requesting Toilet Facility at Sir James McCusker Park, Iluka - Outcomes of Community Consultation.
<b>Nature of interest</b>	Proximity Interest.
<b>Extent of Interest</b>	Mayor Jacob owns a property located immediately opposite Sir James McCusker Park, Iluka.

## **CJ025-02/22      PETITION REQUESTING TOILET FACILITY AT SIR JAMES MCCUSKER PARK, ILUKA - OUTCOMES OF COMMUNITY CONSULTATION**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	11526, 101515
<b>ATTACHMENT / S</b>	Attachment 1    Community    Engagement    Outcomes Report
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

**PURPOSE**

For Council to consider the outcomes of community engagement for the proposed installation of a toilet facility in Sir James McCusker Park, Iluka and to seek endorsement for the project to be listed for consideration in the *Five-Year Capital Works Program*.

**EXECUTIVE SUMMARY**

At its meeting held on 16 March 2021 (C11-03/21 refers), Council, in response to a petition, requested the Chief Executive Officer to prepare a report on the feasibility of installing a single universal-access toilet on a time lock system at Sir James McCusker Park in Iluka, close to the existing barbeque and picnic area.

As a result of this request, a report was presented to Council at its meeting held on 15 June 2021 (CJ088-06/21 refers), noting that the City continued to receive community requests to construct a toilet facility at the park due to its popularity for long-stay uses such as picnicking, BBQs, and weddings. It was also noted that Sir James McCusker Park attracts both local residents and visitors from the surrounding region and the installation of a toilet facility in this location would align with the park's current classification as a Regional Recreation Park. It was recommended that the City undertake a community engagement process to assess the level of support within the community to progress the request.

Council approved the commencement of a community engagement process (CJ088-06/21 refers) that was subsequently undertaken from 25 November to 16 December 2021. The feedback received during the engagement period is outlined within the *Community Engagement Outcomes Report* (Attachment 1 refers).

In summary, a total of 242 valid responses were received, with 77.7% of respondents indicating they “strongly support” or “support” the proposal to install a new toilet facility within Sir James McCusker Park.

*It is therefore recommended that Council:*

- 1 *NOTES the results of the community engagement process as detailed in Attachment 1 to Report CJ025-02/22;*
- 2 *SUPPORTS the installation of a toilet facility at Sir James McCusker Park;*
- 3 *LISTS FOR CONSIDERATION as part of the City’s budget development process, an amount of \$195,000 in the Five Year Capital Works Program to progress the installation of a toilet facility within Sir James McCusker Park, Iluka;*
- 4 *ADVISES the lead petitioner of its decision.*

## **BACKGROUND**

At its meeting held on 16 March 2021 (C11-03/21 refers), a 159-signature petition was received by Council, and resolved that the petition be:

*RECEIVED and REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:*

- 1 *Petition in relation to Council constructing a single universal-access toilet on a time lock system at Sir James McCusker Park in Iluka close to the barbeque and picnic area.*

In response to the petition, a report was presented to Council at its meeting held on 15 June 2021 (CJ88-06/21 refers). The report noted that Sir James McCusker Park was currently classified as a Regional Recreation Park and attracts both local residents and visitors from the surrounding region. The installation of a toilet facility in this location would align with the park’s current classification, popularity for long-stay use, noting that the nearest public toilet options were located a considerable distance of between 800 metres and 1.1 kilometre away in either Delamere Park in Currambine or Bramston Park in Burns Beach.

Council, at its meeting held on 15 June 2021 (CJ88-06/21 refers) resolved (among other things) the following:

- “1 *NOTES that the provision of a toilet facility within Sir James McCusker Park aligns with its current classification as a Regional Recreation Park;*
- 2 *NOTES that preliminary cost estimates to install a toilet facility at Sir James McCusker Park range from \$80,000 to \$120,000 depending on the design option that is pursued;*
- 3 *REQUESTS the Chief Executive Officer to arrange for community consultation to be undertaken on the potential installation of a public toilet facility within Sir James McCusker Park;”*

Following Council's decision, the City commenced a community engagement process to determine the level of support for the installation of a toilet facility within Sir James McCusker Park. The report presents the results of this process to Council for its consideration.

## **DETAILS**

### Community Engagement Process

The community was invited to provide feedback from 25 November to 16 December 2021 on a proposal to install a toilet facility at Sir James McCusker Park, Iluka. The City engaged directly with a total of 608 stakeholders as follows:

- Residents/landowners of properties within 200 metres of Sir James McCusker Park (606).
- Iluka Homeowners Association.
- Mr Mark Folkard MLA, Member for Burns Beach.

Additional stakeholders, including interested residents and ratepayers residing further than 200 metres from the park, were also indirectly engaged via the following mechanisms:

- The installation of on-site signage.
- City of Joondalup website.
- E-screen images visible on the electronic display screens located at the City of Joondalup customer service centres, libraries, and Craigie Leisure Centre from 25 November 2021 to 16 December 2021.
- Items published in the *Joondalup Voice* section of the *PerthNow* community newspaper on 11 November 2021, and available online and emailed to subscribers of the *Joondalup Voice* eNewsletter on 25 November 2021.
- Social media posts on the City's Twitter and Facebook accounts on 25 November 2021.

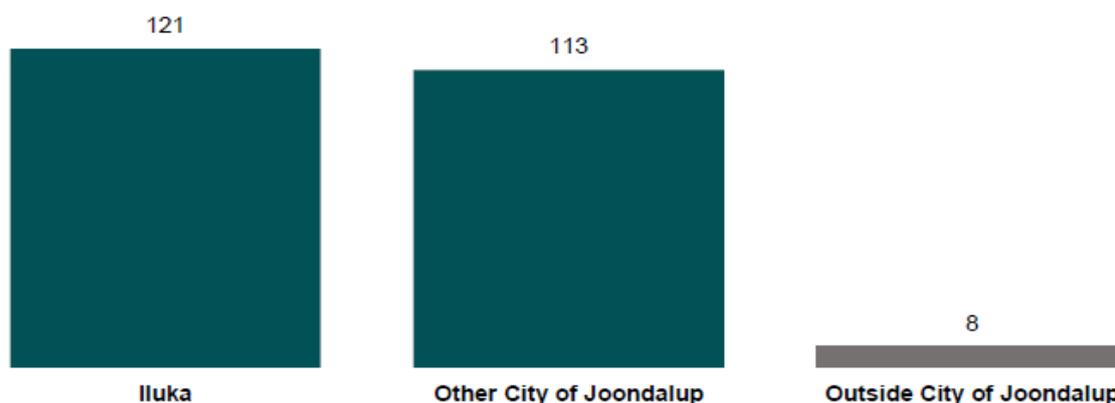
### Response Rate

The City collected a total of 242 valid responses throughout the 22-day advertised engagement period. Responses that were considered valid include all those which contained contact details enabling identification and were submitted within the advertised engagement period.

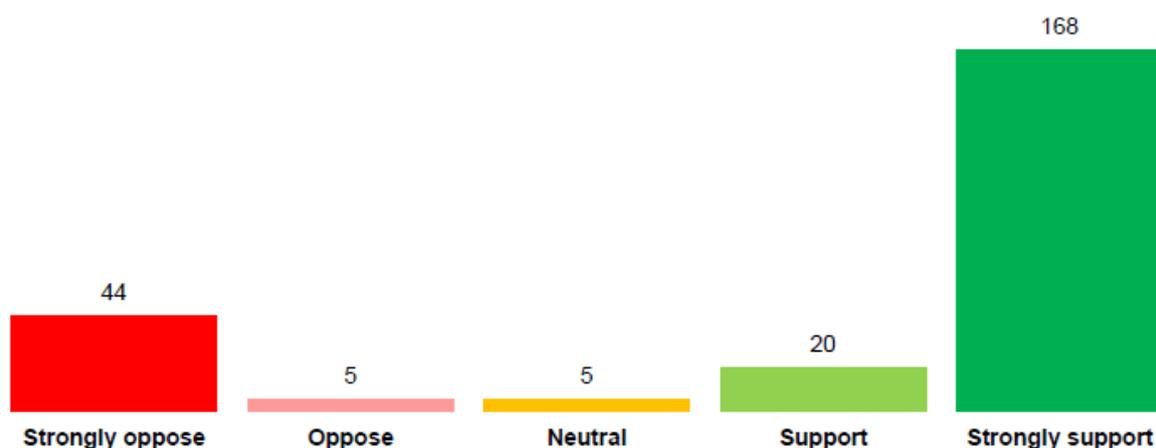
Of the 606 residents and landowners residing within 200 metres of Sir James McCusker Park, 57 submitted feedback indicating a response rate of 9.4%. Another 185 community members who were not directly engaged also completed a comment form.

### Demographics

The majority of respondents (234) reside in the City of Joondalup and 121 respondents reside in Iluka as shown in the chart below.

**Responses received by suburb and local government:****Survey Outcomes**

Respondents were asked to indicate their level of support for the proposal to install a new toilet facility in Sir James McCusker Park on a five point scale from “strongly oppose” to “strongly support”. The majority of respondents (188) indicated they “support” (20) or “strongly support” (168) the proposal (77.7%), while 49 respondents indicated they “oppose” (five) or “strongly oppose” (44) it (20.3%).



Respondents were asked if they had any comments about the proposal to install a toilet facility at Sir James McCusker Park, of which a total of 200 respondents responded. 66 respondents gave general comments of support, while 41 indicated the proposed toilet facility is needed for young families who visit the park. A small number of respondents commented about the negative impacts, such as the potential rise in antisocial behaviour (including drug use and loitering) (31).

**Issues and options considered**

Council may choose to:

- support the installation of a toilet facility in Sir James McCusker Park and list for consideration in the City’s *Five Year Capital Works Program* or
- not support the installation of a toilet facility in Sir James McCusker Park.

Due to the significant overall support demonstrated through the community engagement process, it is recommended that a project is listed for consideration in the City’s *Five Year Capital Works Program* to install a toilet facility within Sir James McCusker Park.

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

**Legislation** Not applicable.

**Strategic Community Plan**

**Key theme** Governance and Leadership.

**Objective** Active democracy.

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

**Policy** *Community Consultation and Engagement Policy.*

**Risk management considerations**

The provision of a toilet facility at this regional park aligns with the long-stay use expected at this level of park in alignment with community expectations. The City undertook a community engagement process to determine the level of community support for a toilet facility at Sir James McCusker Park.

**Financial / budget implications**

The cost estimate for the installation of a modest toilet facility at Sir James McCusker Park, including a universal access toilet, connecting path network, auto-locking door system and power connection, is estimated to be \$90,000, depending on the final design pursued. The estimate for a sewer pump station and sewer line to connect this toilet facility to the sewer system is \$95,000, making the overall cost estimate \$195,000.

There are currently no budgeted funds within the forward *Capital Works Program* or *Strategic Financial Plan* for the installation of a toilet facility at Sir James McCusker Park.

In terms of ongoing operating expenses associated with servicing a single universal access toilet for cleaning, annual depreciation, reactive maintenance and utility costs, are estimated at approximately \$11,000 per annum.

**Regional significance**

The unique features and infrastructure contained within Sir James McCusker Park consistently attract visitors from beyond the local suburban catchment area, providing a high-quality asset for both local and regional users.

As a destination park with feature landscaping, amphitheatre and picnicking infrastructure, the site currently encourages long-stay usage.

**Sustainability implications****Environmental**

Sir James McCusker Park is home to a large area of natural vegetation and feature water bodies that have experienced a history of nutrient issues of which the City continues to manage. The design of a potential toilet facility within the park would need to give consideration to mitigating any adverse impacts on the surrounding environment, including the option for a sewer connection.

## Social

Sir James McCusker Park is popular regional park with ample facilities which encourages long stay visits and is used for weddings and children's parties. The lack of a dedicated toilet facility within Sir James McCusker Park adversely affects visitors who are required to walk a significant distance in order to utilise a toilet facility in either Delamere Park in Currambine (which requires crossing Marmion Avenue) or at Bramston Park in Burns Beach, that is over 1km away. This is considered to be a significant distance for persons to travel to utilise a public toilet facility within a location that encourages long-stay use.

## **Consultation**

This report presents the outcome of a recent community engagement process, in which a significant majority of respondents either supported or strongly supported the installation of a toilet facility within Sir James McCusker Park.

## **COMMENT**

The community engagement process has indicated that sufficient community support and demand exists to consider the installation of a toilet facility. A toilet facility at this location, will service the wider community taking advantage of this regional facility and not just those living adjacent to the park.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council:**

- 1 NOTES the results of the community engagement process as detailed in Attachment 1 to Report CJ025-02/22;**
- 2 SUPPORTS the installation of a toilet facility at Sir James McCusker Park;**
- 3 LISTS FOR CONSIDERATION as part of the City's budget development process, an amount of \$195,000 in the Five Year Capital Works Program to progress the installation of a toilet facility within Sir James McCusker Park, Iluka;**
- 4 ADVISES the lead petitioner of its decision.**

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf220208.pdf](#)

## **CJ026-02/22      OUTCOMES OF COMMUNITY CONSULTATION - BASKETBALL AND FOUR-SQUARE PAD AT BRADEN PARK, MARMION**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENT / S</b>	Attachment 1      Consultation 1 Outcomes Report – Proposed Location of Basketball Pad Attachment 2      Consultation Outcome Report – Post Implementation Attachment 3      Confidential cross tabulation - Distance from basketball pole  <i>(Please Note: Attachment 3 is Confidential and will appear in the official Minute Book only)</i>
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

### **PURPOSE**

For Council to consider the outcomes of community engagement for the Braden Park Basketball Pad.

### **EXECUTIVE SUMMARY**

At its meeting held on 8 October 2019 (C65-10/19 refers), Council received a 165 signature Petition of Electors requesting that Council reinstate the Braden Park Playspace Renewal Project in the 2019-20 schedule of the City's *Five Year Capital Works Program* and to take into account recent community led feedback in the planning and design of the playspace.

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 and supporting the inclusion of additional infrastructure items in the project, one of which being a basketball pad.

In early April 2021, the City advised affected residents surrounding Braden Park of the renewal works and undertook additional consultation which indicated strong support for the installation of the basketball pad in its current location.

At its meeting held on 20 July 2021 (C58-07/21 refers), Council received a 68 signature petition requesting that Council remove the basketball pad and four-square court from the Braden Park playground upgrade. At its meeting held on 17 August 2021 (C81-08/21 refers), in response to a Notice of Motion, Council requested the Chief Executive Officer to conduct a survey of residents within 200 metres of the perimeter of Braden Park and remove the basketball pad and four-square court if supported by the majority of residents surveyed.

From 23 November to 21 December 2021, previously notified residents of the Braden Park renewal works were invited to provide their feedback on the recently installed basketball pad and four-square pad at Braden Park and determine its impacts (if any) on local amenity, and whether residents wished for the infrastructure to be removed. As detailed in this report, 77.2% of respondents either strongly oppose or oppose removing the basketball pad and four-square pad from Braden Park, Marmion.

*It is therefore recommended that Council:*

- 1 *NOTES the results of the community engagement process as detailed in Attachment 2 to Report CJ026-02/22;*
- 2 *NOTES that 77.2% of respondents either strongly oppose or oppose removing the basketball pad and four-square pad from Braden Park, Marmion as detailed in Attachment 2 to Report CJ026-02/22;*
- 3 *DOES NOT SUPPORT the request to remove the basketball court and four-square pad from Braden Park;*
- 4 *ADVISES the lead petitioner of its decision.*

## **BACKGROUND**

At its meeting held on 8 October 2019 (C65-10/19 refers), Council received a 165-signature petition from residents requesting Council to reinstate the Braden Park Playspace Renewal project to the 2019-20 schedule of the City's Five-Year Capital Works Program and to take account of community input, in the planning and design of this popular playspace. The accompanying cover letter from the lead petitioner listed a number of items that the community, via an informal community meeting and subsequent survey carried out by the petition organisers, would like to see incorporated into the renewal project which included a basketball half court.

At its meeting held on 19 May 2020 (CJ063-05/20 refers), Council considered a report in relation to a petition request and supported bringing forward the Braden Park Playspace Renewal project for construction in 2020-21 and supported the inclusion of additional infrastructure items in the project, one of which being a 3 on 3 basketball pad.

In early April 2021, the City, as per the *Notification of Public Works Policy*, notified residents and landowners (within a 200 metre buffer of Braden Park) of the infrastructure upgrade project and identified that as part of the works, a basketball pad and four-square pad would be constructed. Residents were advised that these works were programmed to commence in May 2021 and were expected to be completed by the end of June 2021.

Following this notification, the City received feedback from some residents regarding the proposed location of the basketball pad as the design incorporated the basketball pad into the new playspace to create a play and recreational hub within the park and to take advantage of the existing mature shade coverage in the area. The main concern raised was the potential for excessive noise from the use of the basketball court for immediate residents as well as the potential for increased anti-social behaviour in the area and increased vehicular traffic.

Although on-ground works for the renewal project commenced on 30 April 2021, the construction of the basketball pad and four-square court was put on hold to enable the City to undertake a closed consultation with those residents previously notified of the infrastructure upgrade project. The purpose of this engagement was to seek feedback regarding their preference for the proposed location of the basketball pad. This consultation ran from Wednesday 19 May 2021 to Tuesday 1 June 2021.

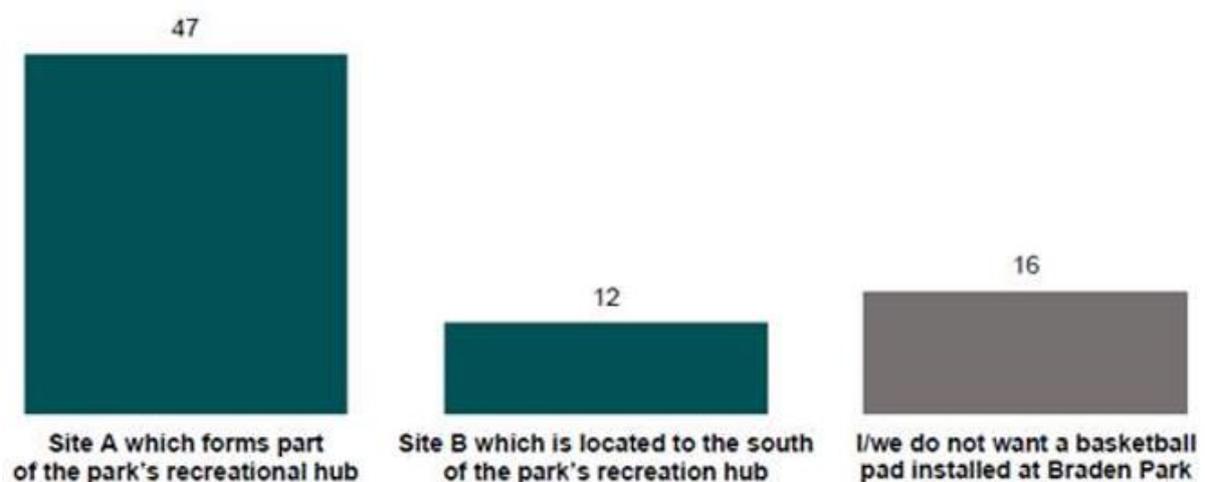
Residents were asked to indicate their preference for the installation of a basketball pad in Braden Park in one of two locations: Site A which formed part of the park’s recreational hub; or Site B which is located to the south of the park’s recreation hub. Residents/landowners were also given the option of not installing a basketball pad.

The map below indicates these locations:



Of the 381 eligible participants, 75 valid responses were received, and the outcome is provided as Attachment 1 to Report CJ026-02/22 and is summarised below:

<b>Please indicate your preference for the location of the basketball pad in Braden Park:</b>	<b>N</b>	<b>%</b>
<b>Site A which forms part of the park’s recreational hub</b>	47	62.7%
<b>Site B which is located to the south of the park’s recreation hub</b>	12	16.0%
<b>I/we do not want a basketball pad installed at Braden Park</b>	16	21.3%
<b>Total responses</b>	<b>75</b>	<b>100.0%</b>



In late June, the City informed the surveyed residents of the outcomes of this consultation and advised of the City’s intent to proceed with the construction of the facility at Site A in alignment with the consultation outcomes. This action was not supported from a small number of residents who questioned the validity of the consultation process and again raised concerns about potential future noise impacts, anti-social behaviour and dangerous parking.

At its meeting held on 20 July 2021 (C58-07/21 refers), Council received a 68 signature petition requesting that Council:

- “a remove the basketball court and handball court from the Braden Park Playground upgrade currently underway.*
- b Add a basketball and handball court to the plan for the proposed skate park (proposed by Councillor Russ Fishwick) at Percy Doyle Sports Ground, Duncraig.”*

Council resolved that the petition be received and referred to the Chief Executive Officer for a subsequent report to be presented to Council for consideration.

At its meeting held on 17 August 2021 (C81-08/21 refers), in response to a Notice of Motion, Council resolved as follows:

*“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.”*

The construction of the basketball pad and four-square pad component recommenced on 3 September 2021, however, to address the noise concerns that had been raised by some residents, the basketball back board design was changed to a new design which reduced the recorded decibels of the basketball striking the back board following a successful trial of this design at Mawson Park.

In addition to the design changes of the backboard, the City also installed a temporary CCTV unit for data collection to determine usage of the facility and if any anti-social behaviour was occurring. The camera location and its angle were specifically selected by the installer so that the trees and vegetation would form a natural screen for nearby residents. The overall upgrade project was completed and opened to the community on 17 September 2021.

Following this, the City received notification from some residents that they were experiencing noise issues associated with the basketball pad. These residents were informed that the City was able to investigate any issues reported and undertake the most appropriate action available including an investigation into their concerns by an Environmental Health Officer, including the installation of sound monitoring equipment in their home.

This offer was taken up and sound level measurements were undertaken between 8 October and 12 October 2021. A subsequent sound level assessment was completed to determine whether the noise that was occurring complies with the *Environmental Protection (Noise Regulations) 1997*. Prior to analysis of the sound level assessment, the Authorised (Noise) Officers of the Department of Water and Environmental Regulation's (DWER) Noise Section were contacted and provided with the measurements and sound recording taken as part of the assessment. The assessment, including the application of appropriate penalties was completed based on the advice and guidance from DWER.

The results of the assessment indicated there was a potential for the assigned levels to be exceeded after 7.00pm, due to the application of the LA Max criteria. Due to the many influencing factors associated with the playing of basketball, it could not be concluded that the playing of basketball would breach the assigned levels on every occasion after 7.00pm.

However, in consideration of the potential that the playing of basketball may breach the assigned levels on some occasions, the City, in early November 2021, installed signage which limited the permitted times of play to be between 7.00am and 7.00pm Monday to Saturday and between 9.00am and 7.00pm on Sundays and public holidays. The City's Field officers were used to help educate park users on the permitted times of play via targeted patrols and officers also attended the park during their working hours if play was occurring outside of the signed times.

## **DETAILS**

From 23 November to 21 December 2021, as per Council's decision of 17 August 2021 (C81-08/21 refers), previously notified residents of the Braden Park renewal works were invited to provide their feedback on the recently installed basketball pad and four-square pad at Braden Park and determine its impacts (if any) on local amenity, and whether residents wished for the infrastructure to be removed. Again, this was not an open consultation as only those residents/landowners of properties who had been directly contacted by the City, were eligible to participate and responses were limited to one per household.

This equated to a total of 381 stakeholders. Identified stakeholders were sent information packs containing a cover letter, hard-copy Survey Form and Frequently Asked Questions document. Signage was also erected in Braden Park on 30 November 2021 to advise park/facility users that the consultation was underway and that letters had been distributed to stakeholders located within a 200 metre radius of the park. The outcomes of this round of consultation is provided at Attachment 2 to Report CJ026-02/22 and are summarised below.

### Response Rate

The City collected a total of 118 valid responses throughout the consultation period. Responses that were considered valid included all those which contained contact details enabling identification and were submitted prior to the advertised closing date. This indicates an overall response rate of 31%.

## Survey Outcomes

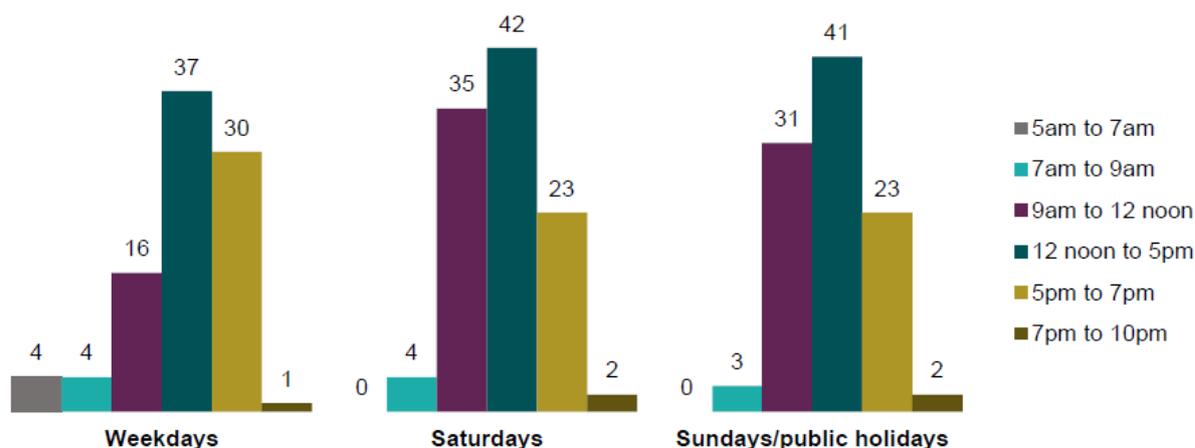
- 1 **QUESTION:** "Have you, or others in your household, used the basketball pad and four-square pad installed at Braden Park, Marmion?"

Just over 58% of respondents indicated that they were in a household where people had used the facility (69).

Have you, or others in your household, used the basketball pad and four-square pad installed at Braden Park, Marmion?	N	%
Yes	69	58.5%
No	49	41.5%
<b>Total responses</b>	<b>118</b>	<b>100.0%</b>

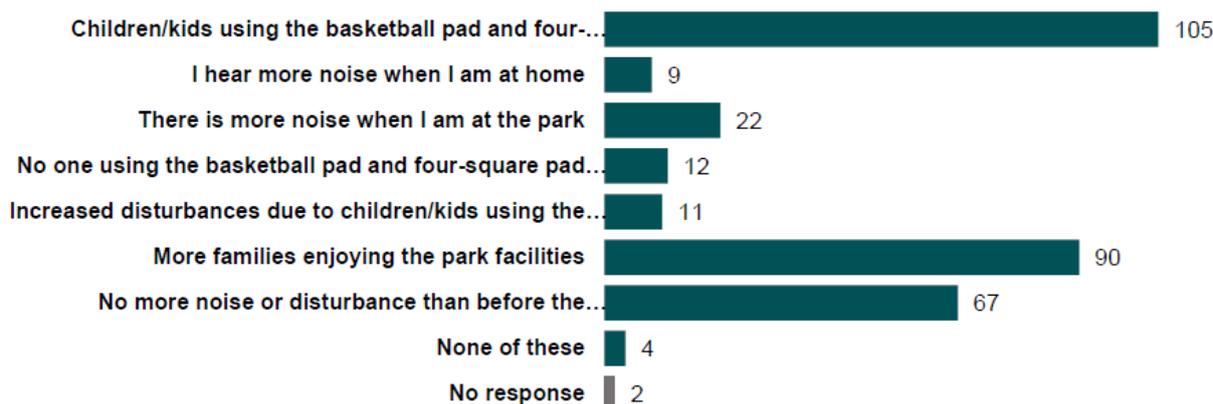
- 2 **QUESTION:** "What days and times do you/people in your household usually use the basketball pad and four-square pad located at Braden Park, Marmion?"

Respondents were asked to indicate the times that the people in their household usually use the basketball/four-square pad on weekdays, Saturdays and Sundays/public holidays. Approximately the same number of respondents indicated that the facility was used on either weekdays (55), Saturdays (56), and/or Sundays/public holidays (56). On weekdays, household members were more likely to use the facility after 12.00 noon, and on Saturdays and Sundays/public holidays, more likely to use the facility from 9.00am onwards.



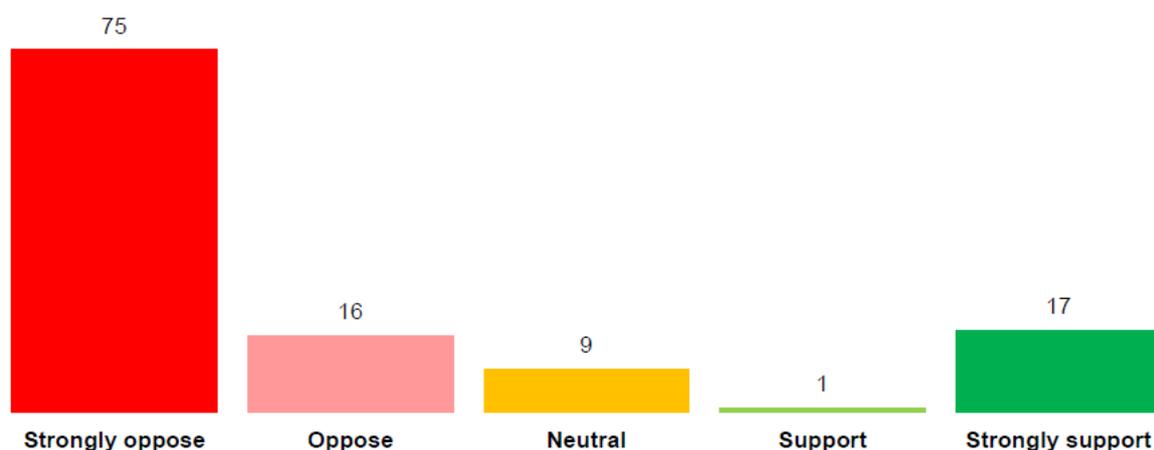
- 3 **QUESTION:** "Since the basketball pad and four-square pad was installed at Braden Park, Marmion, I have noticed..."

Respondents were asked to select from a list what they had noticed at Braden Park since the basketball/four-square pad was installed. Almost 90% of respondents indicated that they had noticed children/kids using the basketball and four-square pad (105), and approximately three quarters of respondents indicated that they had noticed more families enjoying the park facilities (90). A total of 22 respondents indicated that they had heard more noise when they were at the park, and nine respondents indicated that they had heard more noise when they are a home.



4 *QUESTION: "Please indicate whether you support or oppose the proposal to remove the basketball pad and four-square pad located at Braden Park, Marmion."*

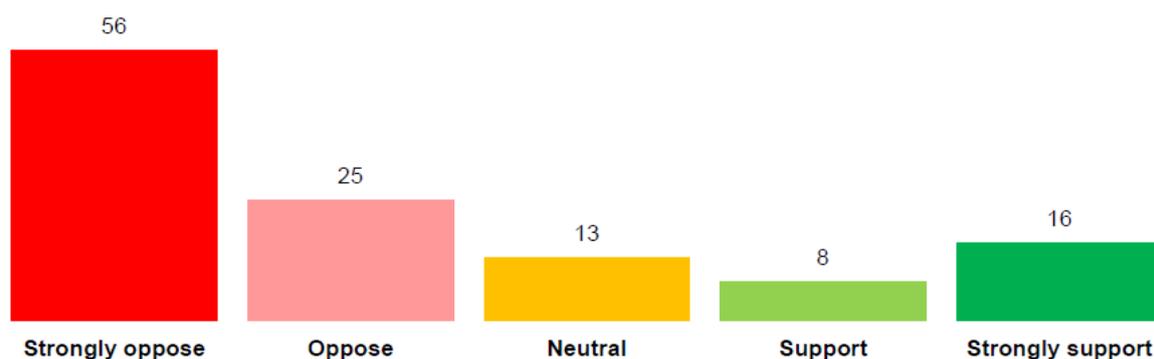
Respondents were asked to indicate their level of support to remove the facility on a five point scale from "strongly oppose" to "strongly support". Over three quarters of respondents (77.2%) indicated that they strongly oppose (75) or oppose (16) removing the basketball/four-square pad. 18 respondents (15.2%) strongly supported (17) or supported (one) the proposal.



As per Part 1 of Council's decision of 17 August 2021 (C81-08/21 refers), the community consultation outcomes have been cross-tabulated by distance from the basketball pole; namely, households 0-50 metres, 50-100 metres, 100-200 metres and 200+ metres, to ascertain their views as to whether the basketball and four-square pad should be removed due to the noise levels emanating from their use having a detrimental effect on the residential amenity for local nearby residents. This is provided as a confidential attachment (Attachment 3 refers) due to the small population sizes for some distances as the City advised households that their responses would be treated as confidential, and it is not possible to retain confidentiality of respondents for small population sizes.

5 *QUESTION: "Would you support or oppose the removal of the basketball and four-square pad if the noise levels that result from use of the facilities are unreasonably interfering with the lives of residents who live close to Braden Park, Marmion. Please indicate whether you support or oppose the proposal to remove the basketball pad."*

Although it is not the City's normal practice to include a question of this nature, it was included in the survey as per Part 2 of Council's decision of 17 August 2021 (C81-08/21 refers). Again, respondents were asked to indicate their level of support on a five point scale from "strongly oppose" to "strongly support". Almost 70% of respondents indicated that they oppose (25) or strongly oppose (56) removing the basketball pad.



6 **QUESTION:** "Do you have any further comments about your experiences with Braden Park, Marmion?"

A total of 101 respondents provided a comment and these were broadly grouped and quantified. A total of 30 respondents provided feedback relating to children/families enjoying or using the basketball/four-square pad, while 18 specifically mentioned that they did not want the basketball/four-square pad removed. A total of eight respondents provided comments that supported the removal of the facilities and outlined their dissatisfaction with the Council or City of Joondalup. Verbatim comments were randomised and are provided at Appendix 6 (Attachment 1 refers).

<b>Do you have any further comments about your experiences with Braden Park, Marmion?</b>	<b>N<sup>†</sup></b>	<b>%</b>
Do not want the basketball/four-square pad removed	18	15.3%
Want the basketball/four-square pad removed/dissatisfied with Council/City of Joondalup	8	6.8%
Children/families are enjoying/using the basketball/four-square pad	30	25.4%
Basketball/four-square pad gives older children something to do	7	5.9%
Children are socialising/off their devices/getting physical activity because they are using the basketball/four-square pad	17	14.4%
Have not experienced any additional noise/residents who live near a park should expect noise	23	19.5%
Have experienced increased anti-social behaviour/vandalism since the installation of the basketball/four-square pad	3	2.5%
Would like the basketball/four-square pad moved to a different location in the park	4	3.4%
It would be a waste of money to install and remove it	12	10.2%
Other/miscellaneous comment	26	22.0%
<b>Total comments</b>	<b>101</b>	<b>85.6%</b>
<b>Total responses</b>	<b>118</b>	<b>—</b>

### Issues and options considered

Council can either:

#### Option 1

Support the removal the basketball pad and four square pad from Braden Park.

#### Option 2

Not support the removal the basketball pad and four square pad from Braden Park.

This is the recommended option as the removal of the basketball pad and four square pad is not supported by the majority of the residents surveyed. This option is also in alignment with Part 4 of Council's decision of 17 August 2021 (C81-08/21 refers) which requested the removal of the basketball pad and four-square pad if supported by the majority of residents surveyed.

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

**Legislation** Not applicable.

#### **Strategic Community Plan**

**Key theme** Quality Urban Environment.

**Objective** Quality open space.

**Strategic initiative** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

**Policy** Not application.

#### **Risk management considerations**

There is a reputation risk for the City to remove the basketball pad when the majority of residents support its retention.

To minimise the risk of non-compliance with the *Environmental Protection (Noise Regulations) 1997* the City engaged with the DWER to ensure the City's assessment meets with their requirements. The City has also limited the permitted hours of play as there was a potential identified for the assigned noise levels to be exceeded after 7.00pm in certain circumstances.

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

The Braden Park upgrade was completed at a cost of approximately \$135,000 which included the installation of a basketball pad and four-square pad (approximately \$12,000). The estimate to remove the pad and associated reinstatement works is \$6,000.

#### **Regional significance**

Braden Park is currently classified as a District Recreation Park and as such is used generally by residents within the suburb of Marmion.

#### **Sustainability implications**

Not applicable.

#### **Consultation**

This report details the outcomes of previous engagement and the latest round of consultation with residents surrounding Braden Park, Marmion.

**COMMENT**

The upgrading of Braden Park was the result of a petition requesting the installation of additional infrastructure, specifically a basketball pad. There is still very strong support, as evidenced by the outcomes of the community engagement processes undertaken for the basketball pad to remain.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council:**

- 1 NOTES the results of the community engagement process as detailed in Attachment 2 to Report CJ026-02/22;**
- 2 NOTES that 77.2% of respondents either strongly oppose or oppose removing the basketball pad and four-square pad from Braden Park, Marmion as detailed in Attachment 2 to Report CJ026-02/22;**
- 3 DOES NOT SUPPORT the request to remove the basketball court and four-square pad from Braden Park;**
- 4 ADVISES the lead petitioner of its decision.**

*Appendix 21 refers*

To access this attachment on electronic document, click here: [Attach21brf220208.pdf](#)

**CJ027-02/22      2021-22 REVISED BUDGET AMENDMENT - CAPITAL WORKS ADDITIONAL GRANT FUNDING**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	107357, 101515
<b>ATTACHMENTS</b>	Attachment 1      Coastal Shared Path Project Map Attachment 2      Hepburn Avenue Shared Path Project Map
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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**PURPOSE**

For Council to consider the Department of Transport's (DoT) grant offer for the Coastal Shared Path and Hepburn Avenue Shared Path as part of the State Government election commitments.

**EXECUTIVE SUMMARY**

The Coastal path forms a key north-south link for pedestrians and cyclists linking Fremantle in the south with Mindarie and beyond in the north. The path has increased in popularity with movement counts peaking during the COVID era.

The path within the City of Joondalup is nearing the end of its useful life and the City commenced planning for the renewal and upgrade of the path, and funding was included in the *Five Year Capital Works Program* for this to occur.

As part of the 2021 State Election, a commitment was made to replace the length of Coastal Shared Path from Burns Beach to Hillarys, and to upgrade the northern path on Hepburn Avenue between West Coast Drive to Marmion Avenue. To accept this project and begin construction, the City must sign a Grant Agreement and facilitate amendments to the 2021-22 Capital Works Program.

*It is therefore recommended that Council BY AN ABSOLUTE MAJORITY:*

- 1      ACCEPTS the offer of grant funding from the Department of Transport for the renewal of the coastal shared path from Hillarys to Burns Beach and the upgrading of the northern path on Hepburn Avenue between West Coast Drive and Marmion Avenue;*
- 2      AMENDS the 2021-22 Revised Budget by the addition of \$200,000 to the Capital Works Expenditure Budget for the Coastal Foreshore Path;*
- 3      AMENDS the 2021-22 Revised Budget by the addition of \$200,000 to Non-operating Grant, Subsidies and Contributions revenue;*

- 4 *REQUESTS the Chief Executive Officer to liaise with the State Government to seek additional funding to meet the shortfall of delivering the Coastal Shared Path and Hepburn Avenue Shared Path projects.*

## BACKGROUND

The first section of the coastal path within the City of Joondalup was originally built in 1995 and was completed by 2005, totalling 14 kilometres in length and approximately three metres wide. The pathway is heavily utilised by pedestrians and cyclists and based on asset condition data it is nearing the end of its useful life.

The City has also received numerous complaints of conflict between path users, with some reporting injuries. Bike and pedestrian counters along the coastal shared path have shown an average of 72,000 pedestrian and bike movements per month which peaked in April 2020 at Burns Beach (20,227 bike trips and 58,169 pedestrians) coinciding with the first COVID-19 lockdown. A second counter located at Tom Simpson Park in Mullaloo showed 30,902 bike trips and 24,760 pedestrians for the same period. These figures are significantly higher than the previous two years and can be attributed to the higher volume of recreational uses in the COVID era. It is anticipated that usage will continue to grow with Burns Beach path connection to Mindarie due to open soon as well as the development of the Ocean Reef Marina.

The City commenced planning for the replacement of the most dilapidated sections of this coastal path, and a project was approved by Council in the *2021-22 Five Year Capital Works Program* to upgrade various sections funded as follows:

Year	Project Code	Project Name	Budget
2022/23	FPR2298	Coastal Path – Silver Sands to Ocean Parade	\$625,000
2023/24	FPR2299	Coastal Path – Whitfords Nodes to Flinders	\$500,000
2024/25	FPR2300	Coastal Path – Freshwater to Killarney	\$650,000
2025/26	FPR2301	Coastal Path – Killarney to Mullaloo	\$600,000

Additionally, Project FPR2297 (\$1,155,000) was approved in the 2021-22 financial year for the upgrading of the coastal path between West View Boulevard to the south of Ocean Reef Marina funded via the Local Road and Community Infrastructure Phase 2 (LRCI-P2) grant program. The City has commenced the delivery of this section of the coastal path and is nearing completion.

## DETAILS

During the 2021 State Government election, a commitment of \$8.25 million was made to replace the length of Coastal Shared Path (between Hillarys and Burns Beach) and to upgrade the northern path of Hepburn Avenue between West Coast Drive and Marmion Avenue.

The City has now received the formal grant offer from the DoT with a reduced allocation of \$6,939,000 reflecting the removal of the section funded under LRCI-P2 for the Mullaloo to Ocean Reef path section.

Following receipt of the offer, the City has developed a revised cost estimate (\$8,248,500), which takes into consideration the current market conditions with increased contractor rates and difficulty in sourcing appropriate material resulting in a potential shortfall of \$1,309,500. The City is currently in discussion with DoT to seek an increase of the grant in alignment with the original election commitment, however, the outcome of this is uncertain.

### Issues and Options Considered

Council can either:

#### Option 1 – Not accept the grant offered

This is not recommended as the coastal path is at the end of its useful life requiring renewal which will then need to be fully funded by the City.

#### Option 2 – Accept the grant offered and amend the 2021-22 Revised Budget

Accepting the grant offered will provide much need funding for the renewal and upgrade of this popular coastal path, which the City previously included funding in its *2021-22 Five Year Capital Works Program*. This is the recommended option.

Accepting the grant offered would allow the City to commence the work in alignment with the delivery expectations and conditions from DoT. The City will, however, continue to liaise with the DoT with the aim to increase the funding to fund the estimated shortfall.

### Legislation / Strategic Community Plan / Policy Implications

#### Legislation

Section 6.8 of the *Local Government Act 1995*:

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*;* or
  - (c) *is authorised in advance by the mayor or president in an emergency*
- (1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

\* *Absolute majority required.*

#### Strategic Community Plan

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

### **Risk Management Considerations**

There is a reputational risk for the City if the grant funding is not accepted as expectations have been created for the delivery of the path following the announcements made during the last State Government election.

Due to its age and condition, the path has been identified for renewal works to commence in the foreseeable future. Not accepting the grant does not remove the requirement for the path to be upgraded and resurfaced.

Additional internal resources will be engaged to minimise the risk of the City not being able to deliver the project in alignment with the grant conditions and delivery expectations.

### **Financial / Budget Implications**

Accepting the grant will reduce the City's expenditure over the next five years when the path was due for renewal and already included in the *Five Year Capital Works Program* as adopted by Council.

Accepting the grant will require a budget amendment to the 2021-22 revised budget to include this project as follows:

- \$200,000 to be added to the Capital Works Program 2021-22 Revised Budget (Expenditure).
- \$200,000 to be added to Capital Grants 2021-22 Revised Budget (Revenue).

The budget allocation would allow the appointment of an internal resource to commence design and relevant approvals to ensure the project is on track for completion within three years as per the funding agreement.

If approved, funding for future years will be included in the draft *Five Year Capital Works Program* for consideration by Elected Members during the budget development process. The City would continue discussions with DoT regarding the budget requirements and potential additional funding.

### **Regional Significance**

The Coastal Foreshore Path within the City of Joondalup forms part of a very popular coastal path network, which links Fremantle in the south and Mindarie and beyond in the north.

### **Sustainability Implications**

A clearing permit will be required for the widening of the path and the City will follow due process in this regard.

### **Consultation**

The City has been liaising with the DoT regarding the grant agreement which is the subject of this report. The City will engage with the Department of Water and Environmental Regulation regarding the clearing permit application and requirements.

The general public will be notified of the upcoming works in accordance with the *Notification of Public Works Policy*.

## COMMENT

The scope of the Coastal Shared Path Project included complete replacement and widening of the path from three metres to four metres to align with current Austroads guidelines. The project also includes the replacement of fencing and some access path connections. Due to the size of the project, dedicated internal resources are required to ensure the project is completed within the grant funding timeframe. The City will undertake the design, obtain the necessary approvals, and oversee construction.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

That Council **BY AN ABSOLUTE MAJORITY:**

- 1**     **ACCEPTS** the offer of grant funding from the Department of Transport for the renewal of the coastal shared path from Hillarys to Burns Beach and the upgrading of the northern path on Hepburn Avenue between West Coast Drive and Marmion Avenue;
- 2**     **AMENDS** the 2021-22 Revised Budget by the addition of \$200,000 to the Capital Works Expenditure Budget for the Coastal Foreshore Path;
- 3**     **AMENDS** the 2021-22 Revised Budget by the addition of \$200,000 to Non-operating Grant, Subsidies and Contributions revenue;
- 4**     **REQUESTS** the Chief Executive Officer to liaise with the State Government to seek additional funding to meet the shortfall of delivering the Coastal Shared Path and Hepburn Avenue Shared Path projects.

*Appendix 22 refers*

To access this attachment on electronic document, click here: [Attach22brf220208.pdf](#)

## REPORTS OF THE CHIEF EXECUTIVE OFFICER

### CJ028-02/22 MID-YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2021-22 FINANCIAL YEAR

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	109072, 101515
<b>ATTACHMENTS</b>	Attachment 1 Mid Year Budget Statement and Notes for the 2021-22 Financial Year
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

#### PURPOSE

For Council to consider and adopt the mid year review of the Annual Budget for the 2021-22 financial year.

#### EXECUTIVE SUMMARY

The review of the 2021-22 annual budget has been completed. A number of variations to existing budget allocations have been identified and included in the revised budget. Below is a summary of material variances within the Budget Review as attached:

- **Surplus Carried Forward** from 2020-21 was \$2,631,458 higher than budget (Note 20- Attachment 1 refers). After taking non-cash adjustments into consideration, this surplus comprised higher operating surplus \$6,845,841, higher capital revenue \$470,247 and reduced capital expenditure \$3,766,534 offset by reduced net funding requirements \$8,451,164.
- **Operations**, after adjusting for non-cash movements, show a cash surplus expected to be \$2,262,644 higher than budget (Note 1 to 12- Attachment 1 refers). This arises mainly from higher grants and subsidies \$239,248 and lower expenditure on employee costs \$1,350,033, materials and contracts \$216,038 and utilities \$177,439.
- **Capital revenue** is \$1,114,805 lower than budget (Note 13 to 15 Attachment 1 refers), comprising lower grants and subsidies \$1,498,730, higher capital contributions \$272,234 and higher other non-operating revenue \$111,691.
- **Capital expenditure** is \$10,698,930 lower than budget (Notes 16 to 18 - Attachment 1 refers). Expenditure is lower on capital projects \$370,390 and capital works \$10,605,235. Partially offset by higher motor vehicle replacements \$276,695.
- **Reserves transfers** net transfer from reserves has decreased by \$5,694,175 (Notes 21 to 22 – Attachment 1 refers). This comprises decreased transfers from reserves \$3,689,572 mainly arising from reduced transfers out of the Strategic Asset Management reserve \$5,514,222, Asset Renewal Reserve \$829,180, offset by higher transfer from the Carry Forward reserve \$2,660,967.

In addition there are increased transfers to reserves \$2,004,603 mainly comprising increased transfers to the Capital Works Carried Forward \$2,467,803 and Waste Management Reserve \$1,910,524 and offset by lower transfers to the Strategic Asset Management reserve \$1,425,000 and the Parking Facility Reserve \$995,402.

Council approved an amendment to the adopted budget in August 2021 (CJ131/08-21 refers) to reflect the City's expected share of the cost of the closure of the Resource Recovery Facility (RRF). The amount of \$14,166,667 was included in the budget funded entirely from the Waste Management Reserve. No further adjustment has been made to this in the Budget Review.

In November 2021 Council accepted the tender from Geared Construction Pty Ltd for the Chichester Park Community Sporting Facility project (CJ165/11-21 refers). The tender price exceeded project budget estimates and Council therefore resolved that an additional amount of \$1,243,426 be listed for consideration in the 2022-23 budget process. No adjustment has therefore been included in this Budget Review.

*It is therefore recommended that Council by an ABSOLUTE MAJORITY:*

- 1 *APPROVES the transfer of \$4,400,000 of surplus funds arising in the 2021-22 Mid Year Budget Review to the Asset Renewal Reserve;*
- 2 *APPROVES the Mid Year Review of the Budget for the 2021-22 Financial Year as at Attachment 1 to Report CJ028-02/22;*
- 3 *in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2021-22 annual budget review and determination to the Department of Local Government and Communities;*
- 4 *NOTES that the Mid-Year Review includes \$75,000 for cricket infrastructure at Barridale Park, Kingsley, with grant funding included of \$30,000;*
- 5 *NOTES the Mid-Year Review includes \$192,500 allocated to the new grants scheme;*
- 6 *NOTES surplus funds identified to fund the City's contribution of \$15,000 towards the Kingsley Football Club Awning project.*

## **BACKGROUND**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

## **DETAILS**

### **Issues and options considered**

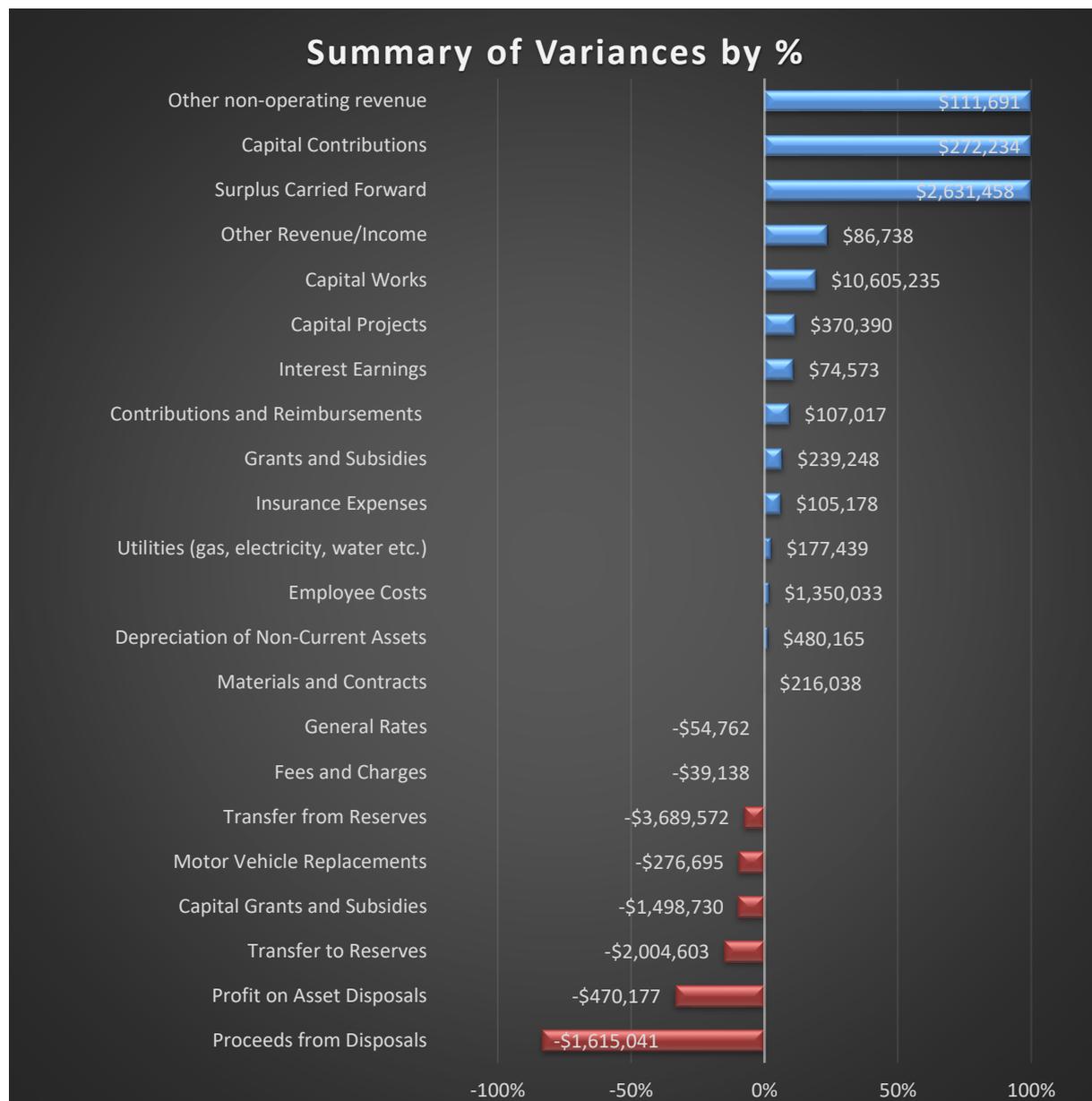
The budget review has comprised:

- a review of the adopted budget (as amended) and an assessment of actual results to date against that budget
- an assessment and projection of likely results over the remainder of the financial year against the adopted budget
- consideration of any issues not provided for in the adopted budget (as amended) that may need to be addressed.

The review of the adopted budget (as amended) has taken into account what has transpired in the first half of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions and the most likely impact on the City's financial position.

The focus in this review has been on ensuring that there is sufficient operating capacity to deliver the services and budget programs as set out in the adopted 2021-22 Budget and to accommodate events and issues that have arisen since budget adoption.

The key elements of the variance are summarised below:



The most significant variations between the adopted budget and the revised budget are as follows:

#### Surplus Carried Forward

The actual surplus brought forward from 2020-21 was \$2,631,458 higher than the budget estimate. This was reported to Council with the 2020-21 Annual Financial Report at its meeting held on 21 December 2021 (JSC05-12/21 refers).

Employee Costs

The decrease in employee costs arose mainly due to the timing of recruitment for vacant positions including positions currently being reviewed. This reflects current market conditions.

Capital Grants and Subsidies

The decrease in capital grants and subsidies arises primarily from grants expected to remain unspent as at 30 June 2022 derecognised from revenue, due to construction not expected to progress in the current financial year to the extent previously envisaged.

Capital Works

The decrease in capital works of \$10,605,231 arises primarily due to funds being carried forward into 2022-23 financial year due to construction not expected to progress in the current year, including:

- Craigie Leisure Centre Refurbishment \$2,257,318
- Joondalup Dr/Hodges Dr Intersection Upgrade \$2,250,000
- Chichester Park Clubrooms \$1,246,235
- Sorrento Football Upgrade \$800,000
- Shenton Ave Upgrade Design \$550,000
- Cafes/Kiosks/Restaurants Burns Beach \$439,000
- Boas/McLarty Intersection \$434,176
- Leafy City Program \$412,000
- Marmion Ave and Coral St Intersection \$350,000
- Pinnaroo Point Parking Improvements \$300,000
- Whitfords Ave Streetscape Upgrade \$259,203
- Dog Exercise Park Redevelopment \$221,000
- Marmion Ave and Forrest Rd Intersection \$150,000
- Joondalup Admin Building \$149,222
- Ocean Reef Rd and Gwendoline Dr \$100,000
- Duff House Restoration \$90,231
- Heritage Precinct Redevelopment \$89,000
- Joondalup City Centre Lighting \$80,000
- Burns Beach Coastal Node Redevelopment \$77,000.

Profit on Asset Disposals

The decrease in profit on asset disposals arose mainly from the decision at Major Projects and Finance Committee in July 2021 to revoke the sale of Blackwattle Parade Padbury (\$1,334,559), which is partially offset by an increase in City of Joondalup's share to date in the gains on the disposal of developed residential land by Tamala Park Regional Council (TPRC) \$860,271.

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

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, requires the local government to carry out a review of its annual budget for that year.

*"33A Review of budget*

(1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*

(2A) *The review of an annual budget for a financial year must*

- 
- (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) *consider the local government's financial position as at the date of the review; and*
- (c) *review the outcomes for the end of that financial year that are forecast in the budget.*

(2) *Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*

(3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

*\* Absolute majority required*

(4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department."*

## **Strategic Community Plan**

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Manage assets and liabilities through a planned, long-term approach.
<b>Policy</b>	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 decision of Council.

## **Financial / budget implications**

The anticipated revised budget surplus is \$4,453,657. Additional financial details are provided in Attachment 1 to Report CJ028-02/22.

The Rate Setting Statement in Attachment 1 to Report CJ028-02/22 includes year to date actuals to the end of December 2021. While the year to date surplus appears significant, the majority of this is driven by favourable timing differences for operating expenditure and proceeds from disposals as well as lower than budgeted expenditure on capital projects.

All amounts quoted in this report are exclusive of GST.

## **Regional significance**

Not applicable.

## **Sustainability implications**

Budget parameters are structured on financial viability and sustainability principles.

## **Consultation**

Extensive internal consultation with the executive and all business units has been undertaken and a mid-year budget review workshop conducted with Elected Members to prepare the revised budget.

## **COMMENT**

Council is required to consider the budget review submitted to it (regulation 33A of the *Local Government (Financial Management) Regulations 1996*) and make a determination in relation to the outcomes and recommendations.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **RECOMMENDATION**

That Council by an **ABSOLUTE MAJORITY**:

- 1 **APPROVES** the transfer of \$4,400,000 of surplus funds arising in the 2021-22 Mid-Year Budget Review to the Asset Renewal Reserve;
- 2 **APPROVES** the Mid Year Review of the Budget for the 2021-22 Financial Year as at Attachment 1 to Report CJ028-02/22;
- 3 in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996* **PROVIDES** a copy of the 2021-22 annual budget review and determination to the Department of Local Government and Communities;
- 4 **NOTES** that the Mid-Year Review includes \$75,000 for cricket infrastructure at Barridale Park, Kingsley, with grant funding included of \$30,000;
- 5 **NOTES** the Mid-Year Review includes \$192,500 allocated to the new grants scheme;
- 6 **NOTES** surplus funds identified to fund the City's contribution of \$15,000 towards the Kingsley Football Club Awning project.

*Appendix 23 refers*

To access this attachment on electronic document, click here: [Attach23aqn220215.pdf](#)

## **CJ029-02/22      2021-22 BUDGET AMENDMENT - LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM PHASE 3**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	00571, 101515
<b>ATTACHMENT / S</b>	Nil.
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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### **PURPOSE**

For Council to approve further amendments to the 2021-22 Revised Budget reflecting additional capital works projects proposed for funding under Phase 3 of the Local Roads and Community Infrastructure Program (LRCI).

### **EXECUTIVE SUMMARY**

The Local Roads and Community Infrastructure Program (LRCI) was established to stimulate additional infrastructure construction activity in local communities across Australia to manage the economic impacts of COVID-19.

The City completed the first phase of this funding in the 2020-21 financial year. The second phase of the LRCI funding is due to be completed with funds fully expended by 30 June 2022.

A third phase of the stimulus program was announced with the City being granted \$2,879,710 of funding, with projects eligible to be nominated from January 2022. Construction of the LRCI Phase 3 is required to be completed by 30 June 2023.

*It is therefore recommended that Council:*

- 1      APPROVES the list of projects to be funded under the Local Roads and Community Infrastructure Program Phase 3 as contained in Report CJ029-02/22;*
- 2      BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$105,000 to the Capital Works Expenditure Budget;*
- 3      BY AN ABSOLUTE MAJORITY AMENDS the 2021-22 Revised Budget by the addition of \$105,000 to Non-operating Grant, Subsidies and Contributions Revenue.*

## BACKGROUND

The LRCI Program was announced on 22 May 2020 (LRCI Phase 1). Through the 2020-21 Budget, the Australian Government announced an extension of the LRCI Program, now referred to as LRCI Program Phase 2. The City completed the first phase of this funding in the 2020-21 financial year. The second phase of the LRCI funding is due to be completed with funds fully expended by 30 June 2022.

On 11 May 2021, as part of the 2021-22 Budget, the Australian Government announced a further \$1 Billion for the continuation of the LRCI Program Phase 3. The grant opportunity set out in these Program Guidelines is for LRCI Program Phase 3 only.

The purpose of the LRCI Program is to support local councils to deliver local road and community infrastructure projects across Australia, supporting jobs and to create jobs by delivering priority local road and community infrastructure projects across Australia.

Phase 3 of the LRCI Program continues a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

Phase 3 of the LRCI Program will run from 3 January 2022 to 30 June 2023. Project construction can commence once Project Nominations are approved by the Department with projects required to be physically completed by 30 June 2023.

As with earlier phases of the LRCI Program, Eligible Funding Recipients can select a broad range of projects to fund so that communities can continue to be provided with the infrastructure they require. It is expected that Eligible Funding Recipients will use local businesses and workforces to deliver projects wherever possible to ensure stimulus funding flows into local communities.

The LRCI Program is a demand driven (eligibility based) grant program and delivered under *Outcome 3.2 of the Department's Portfolio Budget Statement 2021-2022*.

Grant money can only be used on Eligible Projects, which are projects that are a Local Road Project or Community Infrastructure Project and that meet the following Eligible Project Requirements and deliver benefits to the community:

- *Local Roads Projects* - Eligible Local Road Projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that support improved road safety outcomes.
- *Community Infrastructure Projects* - Eligible Community Infrastructure Projects are projects that involve the construction, maintenance and/or improvements to council owned assets (including natural assets) that are generally accessible to the public.
- *Eligible construction time period* - Construction activity on Eligible Projects must be undertaken before 30 June 2023, unless agreed by the Department due to exceptional circumstances. Planning issues and general delays associated with building projects are not considered exceptional circumstances.
- *Maintaining overall capital expenditure* – Eligible Funding Recipients will be required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2021-22 capital spending level. The focus on overall capital spending provides Eligible Funding Recipients with greater flexibility to set and deliver the infrastructure priorities in their communities.

## DETAILS

The City has been allocated an amount of \$2,879,710 under the LRCI Phase 3 Program. A key requirement for projects identified under this Program is that the projects must be completed by 30 June 2023.

The City is proposing to nominate nineteen projects, with preliminary investigation and designs to be undertaken during 2021-22 at a value of \$105,000. The remaining balance of the grant funding is proposed to be included in the draft 2022-23 Budget.

The following projects are therefore proposed to be funded under the LRCI Phase 3 Program:

Project Code	Project Name	2021-22 LRCI Phase 3 \$	2022-23 LRCI Phase 3 \$	TOTAL LRCI Phase 3 \$
BCW2540	Auto Door Access Control Upgrades	5,000	345,000	350,000
BCW2641	Changeroom Shower Modifications	5,000	95,000	100,000
BCW2668	Flinders Park Clubrooms Roof Replacement	5,000	145,000	150,000
FPR2001	Pathway Replacement Program	5,000	75,000	80,000
FPR2018	Pedestrian Accessibility Improvements	5,000	75,000	80,000
FPR2283	Joondalup Drive - Treetop to Wedgewood Path Renewal	10,000	405,000	415,000
LTM2194	Scaphella/Meridian Intersection Improvements and Resurfacing	5,000	70,000	75,000
LTM2201	Trappers Drive (Camarino Drive and Chichester Drive) Intersections Upgrades and Path Improvements	5,000	235,000	240,000
PDP2359	Percy Doyle Soccer Irrigation Network	5,000	45,000	50,000
PDP2360	Cliff Park Landscaping Improvements	5,000	115,000	120,000
PDP2361	Gascoyne Park Iron Filter Installation	5,000	95,000	100,000
PEP2644	Park Vehicle Entry Renewal Citywide	5,000	95,000	100,000
PFP2084	Prince Regent Park Verge Parking Improvements	5,000	140,000	145,000
PFP2087	Juniper Park Parking Improvements	5,000	75,000	80,000
PFP2098	Warrigal Park Car Park Renewal and Path Connections	10,000	195,000	205,000
PFP2100	Parnell Avenue PAW Parking Installation and Resurfacing Lane 2	5,000	245,000	250,000
PFP2101	St Patricks Road PAW Parking Installation and Resurfacing	5,000	95,000	100,000
RPR3285	Mawson / Shackleton Roundabout Improvements	5,000	85,000	90,000
SWD2231	Sump Beautification - Minor Sites	5,000	145,000	150,000
<b>TOTAL</b>		<b>105,000</b>	<b>2,775,000</b>	<b>2,880,000</b>

### Issues and options considered

#### Option 1 – Do not amend the 2021-22 Revised Budget

Council can choose not to amend the 2021-22 Revised Budget to include the projects identified to be funded under LRCI Phase 3. This would restrict the City's ability to incur the necessary expenditure to complete these projects within the grant agreement timeframes.

This option is not recommended.

## Option 2 – Amend the 2021-22 Revised Budget

This is the recommended option as amending the 2021-22 Revised Budget will allow the City to incur the necessary expenditure to complete these projects within the LRCI Phase 3 grant agreement conditions.

### Legislation / Strategic Community Plan / Policy implications

#### Legislation

Section 6.8 of the *Local Government Act 1995*:

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency
- (1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

\* *Absolute majority required.*

#### Strategic Community Plan

##### Key theme

Financial Sustainability.

##### Objective

Effective management.

##### Strategic initiative

Not applicable.

##### Policy

Not applicable.

#### Risk management considerations

The City's ability to complete the designated projects within the grant agreement timeframes will be impacted on without the approval to incur the necessary expenditure. The amendment is essential to ensure the City is able to meet the grant funding obligations. The additional expenditure is fully funded by the additional grant revenue.

#### Financial / budget implications

The total additional expenditure required in 2021-22 for the designated projects is as follows:

- \$105,000 to be added to the Capital Works Program 2021-22 Revised Budget (Expenditure).
- \$105,000 to be added to Capital Grants 2021-22 Revised Budget (Revenue).

#### Regional significance

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

A key requirement for projects identified for funding under LRCI Phase 3 is that the projects must be completed by 30 June 2023. To meet this requirement, the City has focused on the deliverability of projects to be brought forward and funded under this program.

Amending the 2021-22 Revised Budget will allow the City to incur the additional capital expenditure necessary to complete these projects as required under the LRCI Phase 3 grant funding agreement.

**VOTING REQUIREMENTS**

Absolute Majority.

**RECOMMENDATION**

That Council:

- 1 **APPROVES** the list of projects to be funded under the Local Roads and Community Infrastructure Program Phase 3 as contained in Report CJ029-02/22;
- 2 **BY AN ABSOLUTE MAJORITY AMENDS** the 2021-22 Revised Budget by the addition of \$105,000 to the Capital Works Expenditure Budget;
- 3 **BY AN ABSOLUTE MAJORITY AMENDS** the 2021-22 Revised Budget by the addition of \$105,000 to Non-operating Grant, Subsidies and Contributions Revenue.

## URGENT BUSINESS

### MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

#### **NOTICE OF MOTION NO. 1 – CR RUSS FISHWICK – ANNUAL FINANCIAL AUDIT**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on 15 February 2022:

***That Council REQUESTS the Chief Executive Officer to write to WALGA to form an advocacy position and advocate the Office of the Auditor General:***

- 1 for the Annual Financial Audit to be completed by the 31 October each year;***
- 2 to acknowledge that each local government is independent and that a local government's audit should not be delayed allowing the completion of an audit for a third party;***
- 3 audit issues to be raised no more than four weeks from submission of the Annual Financial Statements to the Office of the Auditor General;***
- 4 the requirement for local governments to recognise the transfer of road assets to Main Roads WA which result in the local government recognising a significant expense and Main Roads WA a significant revenue, as this greatly distorts the operating result for the local government in the year in which the transfer occurs.***

#### REASON FOR MOTION

The 2020-21 Annual Financial Audit was approved by the Office of the Auditor General on 14 December 2021. The timeframe of the audited financial statements has increased significantly over the past five years. In 2015-16 the audit was signed off on 14 October 2016.

The City is required under Section 6.4 of the *Local Government Act 1995* to prepare an annual financial report and to submit both the report and its accounts to its auditor by 30 September each year. Significant adjustment to the City's operating position occurred in early December including changes in accounting treatment. In addition, delays occurred due to the City awaiting final audited figures from Mindarie Regional Council. Therefore, it is requested that the Office of the Auditor General acknowledge that each Local Government is independent and that a Local Government's audit should not be delayed allowing the completion of an audit for a third party.

In addition, to ensure the City is performing its duties under the *Local Government Act 1995*, any audit issues should be raised no more than four weeks from submission of the Annual Financial Statements to the Office of the Auditor General. This will ensure the City is aware and can implement relevant changes in a timely manner.

As the delay in finalising the Annual Financial Audit by the Office of the Auditor General (OAG) has been an issue for some local governments and is problematic for the sector it is therefore considered appropriate that WALGA advocate that the OAG:

- 1 complete Annual Financial Audits by 31 October each year;
- 2 acknowledge that each local government is independent and that a local government's audit should not be delayed allowing the completion of an audit for a third party;
- 3 raise audit issues no more than four weeks from submission of the Annual Financial Statements;
- 4 the requirement for local governments to recognise the transfer of road assets to Main Roads WA which result in the local government recognising a significant expense and Main Roads WA a significant revenue, as this greatly distorts the operating result for the local government in the year in which the transfer occurs.

### **OFFICER'S COMMENT**

The timeframe of the audited financial statements has increased significantly over the past five years. The 2020-21 Annual Financial Audit was approved by the Office of the Auditor General (OAG) on 14 December 2021. Approval dates for the previous two Financial Years were 7 December 2020 (2019-20) and 5 November 2019 (2018-19).

The official sign off from the OAG has an impact to the City in relation to scheduling the Elector's General Meeting. The Chief Executive Officer is required to give at least 14 days local public notice and 14 days' notice to each council member. In addition, a general meeting is to be held on a day selected by the local government but no more than 56 days after the local government accepts the annual report for the previous year.

The delays in finalising the City's financial statements have arisen due to the OAG requirements for audited figures in relation to Mindarie Regional Council. Specifically, in relation to the disclosure note Related Party Transactions and Investment in Associates (Note 22/23 Annual Financial Statement 2021-22). The OAG requires audited financial statements from Mindarie Regional Council before information can be included which delays the process further. Based on AAS 14 Accounting for Investments in Associates no specific requirement for the figures to have been audited rather the most recent financial information available to be used.

Further, it has come to light that during the year in question, the City was required to recognise the transfer of road assets to Main Roads WA (MRWA) as a "donation" which required the City to recognise a significant expense in its operating result. Without this significant expense, the City would have recorded a small operating surplus, however with the expense being recorded a loss has eventuated. Previously, the transferring of assets to MRWA was treated as an acquisition by MRWA for a nominal value. Treating the transfer as an acquisition meant that only the residual costs of the assets would be recorded as an expense, not the full replacement value. It is felt that treating the transfer as an acquisition by MRWA more accurately reflects the substance of the transaction.

A request can be made to WALGA.

**NOTICE OF MOTION NO. 2 – CR JOHN RAFTIS – ANNUAL FINANCIAL STATEMENTS AND ANNUAL REPORTS**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Raftis has given notice of his intention to move the following Motion at the Council meeting to be held on 15 February 2022:

***That Council REQUESTS the Chief Executive Officer to prepare a report on the potential benefits and issues involved for the future Annual Financial Statements and Annual Reports to contain additional detailed information on:***

- 1 remuneration, allowances and expense reimbursements received by Elected Members in performing roles held with Mindarie Regional Council, Tamala Park Regional Council, WALGA and Joint Development Assessment Panel, such that there is clarity on the full compensation received by Elected Members in the performance of their roles;***
- 2 the compensation received by Key Management Personnel, such that the number of City staff included is identified, their roles are identified, and the individual amounts for each is included in total and in the applicable components of short-term employee benefits, post-employment benefits, other long-term benefits, termination benefits, and any other component as prescribed by the applicable accounting standards.***

**REASON FOR MOTION**

The level of disclosure requested in the above report is a step towards providing greater transparency and accountability to the residents and ratepayers of the City. It is envisaged that the City's Elected Members and Key Management Personnel are prepared to set a higher bar on providing information and are not satisfied with meeting only the minimum levels of compliance on such matters. The information requested above falls short of the levels required of ASX-listed entities and as such is not an onerous burden or imposition on privacy.

**OFFICER'S COMMENT**

A report can be prepared.

**NOTICE OF MOTION NO. 3 – CR JOHN RAFTIS – ELECTED MEMBER EMAILS**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Raftis has given notice of his intention to move the following Motion at the Council meeting to be held on 15 February 2022:

***That Council REQUESTS the Chief Executive Officer to prepare a report to inform Elected Members of the full scenario surrounding the loss of integrity of Elected Member email addresses where all emails between:***

- 1 Elected Members and all City staff;***
- 2 Elected Members (to other Elected Members),***

***were, without notification of the change, automatically copied to the central City email address [Councillor.Request@joondalup.wa.gov.au](mailto:Councillor.Request@joondalup.wa.gov.au).***

**REASON FOR MOTION**

Elected Member emails are important communication avenues which can be used for highly confidential matters such as the lodgement of complaints or code breaches against City staff or other Elected Members and the loss of privacy demonstrated in the recent event can result in a complete lack of confidence in trying to raise or seek advice on such confidential matters in the future.

The report should cover off on the full risk review of the implications of this occurrence and include areas such as how this happened, the full extent and period for which it was in place, whether any other Elected Member emails were captured by the automatic rule, and the steps taken to ensure this does not happen again.

**OFFICER'S COMMENT**

A report can be prepared.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING****CLOSURE**



**DECLARATION OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

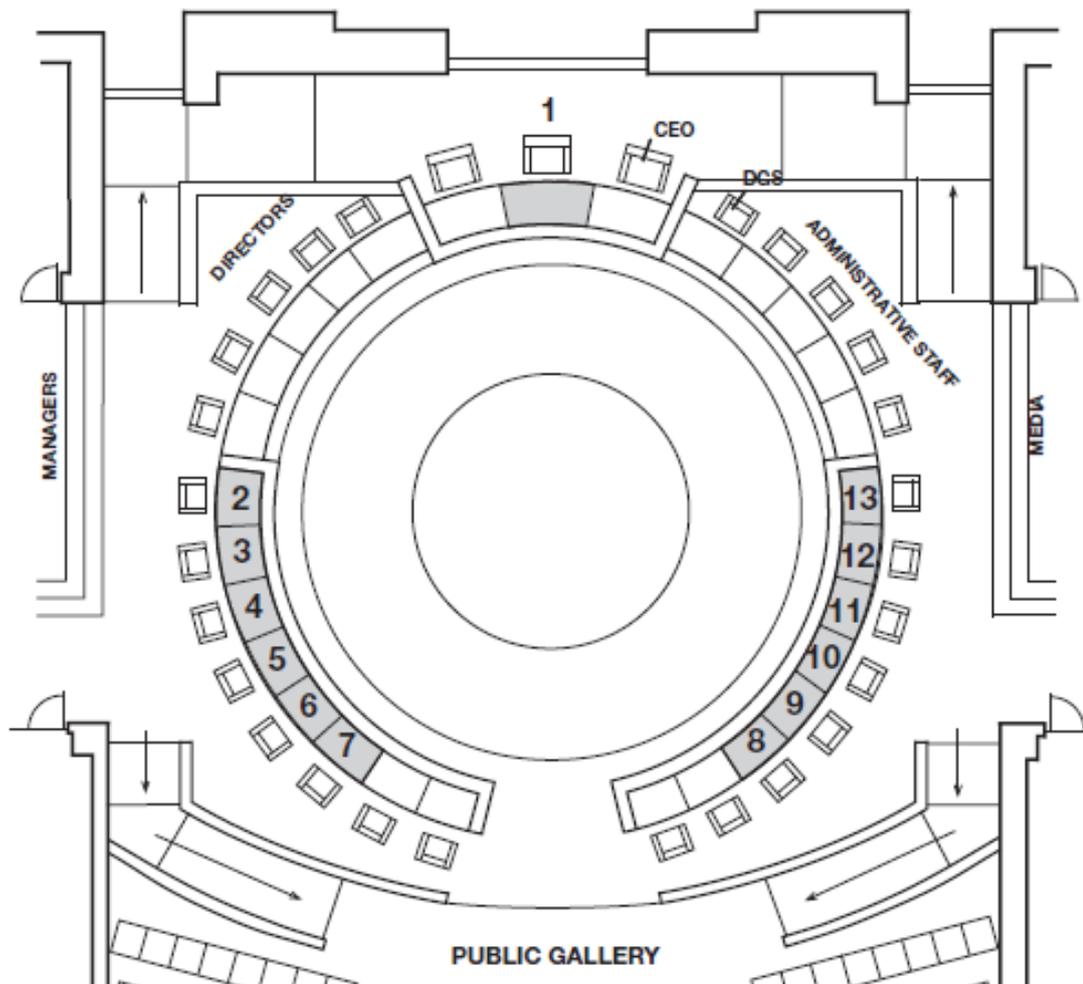
<b>Name / Position</b>		
<b>Meeting Date</b>		
<b>Item No. / Subject</b>		
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<b><i>*Delete where not applicable</i></b>
<b>Extent of Interest</b>		
<b>Signature</b>		
<b>Date</b>		

Section 5.65(1) of the *Local Government Act 1995* states that:

*“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*

## Council Chamber – Seating Diagram



### Mayor

1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/25)

#### North Ward

- 2 Cr Adrian Hill (Term expires 10/25)
- 3 Cr Tom McLean, JP (Term expires 10/23)

#### North-Central Ward

- 4 Cr Daniel Kingston (Term expires 10/25)
- 5 Cr Nige Jones (Term expires 10/23)

#### Central Ward

- 6 Cr Christopher May (Term expires 10/25)
- 7 Cr Russell Poliwka (Term expires 10/23)

#### South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/25)
- 9 Cr John Raftis (Term expires 10/23)

#### South-East Ward

- 10 Cr John Chester (Term expires 10/25)
- 11 Cr John Logan (Term expires 10/23)

#### South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/25)
- 13 Cr Suzanne Thompson (Term expires 10/23)