

# agenda

## Briefing Session

A BRIEFING SESSION WILL BE HELD IN THE COUNCIL CHAMBER,  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

**ON** **TUESDAY 9 AUGUST 2022**

**COMMENCING AT** **6.30pm**

**JAMES PEARSON**  
Chief Executive Officer  
5 August 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 8 August 2022.**

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

**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

On Tuesday 26 April 2022, the Premier announced that Covid-19 public health measures will be eased in Western Australia.

From 12:01am Friday 29 April 2022 the following will apply to the Council Chambers and Civic Centre building:

- masks are no longer required however, will be encouraged where physical distancing is not possible
- capacity limits will be removed
- check-in requirements are no longer required
- access doors to the Civic Centre Building will be no longer be locked prior to a public Briefing/Council meeting however, City Staff and Security staff will be present to provide assistance to members of the public and to ensure public safety is maintained
- hand sanitiser will continue to be provided by the City and members of the public are encouraged to use it when required
- City staff will continue to clean the public microphone/lectern following each use
- members of the public are encouraged not to attend a meeting should they feel unwell or if they have been in contact with a known Covid-19 case.

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.

## BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions 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 BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

### PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City.

- 1 Briefing Sessions 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 Briefing Sessions 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 Briefing Session 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 Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate among Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 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 Briefing Sessions. 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 notes kept for the Briefing Session.
  - (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 Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.

## RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, 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*.

### PROCEDURES FOR DEPUTATIONS

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer through the on-line form on the City's website by close of business on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to report listed in the agenda of the Briefing Session. The City will confirm with the person if a deputation request is approved including any limitations that apply.
- 4 Any visual presentation in support of the deputation (such as a PowerPoint presentation) must be received by the City by 12.00 noon of the day of the Briefing Session. No other information or material will be distributed to Elected Members at the Briefing Session.
- 5 A deputation may consist of no more than five people, only three of which may address the Briefing Session. Other parties of the Deputation may be called on by the Elected Members to respond to questions should they so wish.
- 6 A maximum time of one hour will be set aside for all deputations at Briefing Sessions. Each deputation can address the Briefing Session up to a maximum period of 15 minutes (including time for Elected Member questions) however the Presiding Member may reduce this time where the number of approved deputations would exceed the maximum one hour limit set aside for deputations.
- 7 A person that forms part of a deputation is prevented from making a public statement at the Briefing Session on the same matter.

To request an opportunity to make a Deputation complete the [Deputation Request Form](#).



## PROCEDURES FOR PUBLIC QUESTION TIME

### Questions asked Verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a report contained in the agenda.
- 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. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 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 to 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 Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Briefing Session that is not relevant to a report listed in the agenda
  - 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 responses will be summarised and included in the agenda of the next Briefing Session.

- 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 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.

**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 must relate to a report contained in the agenda.
- 3 The City will accept a maximum of five 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 Briefing Session will be responded to, where possible, at the Briefing Session. 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 the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 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 Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a report contained in the agenda.
- 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 if 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 Briefing Session, that is not relevant to a report listed in the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Public statements will be summarised and included in the agenda of the next Briefing Session.

## TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
	<b>OPEN AND WELCOME</b>		<b>xii</b>
	<b>DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY</b>		<b>xii</b>
	<b>DEPUTATIONS</b>		<b>xii</b>
	<b>PUBLIC QUESTION TIME</b>		<b>xii</b>
	<b>PUBLIC STATEMENT TIME</b>		<b>xii</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>		<b>xii</b>
	<b>REPORTS</b>		<b>1</b>
1	DEVELOPMENT AND SUBDIVISION APPLICATIONS – JUNE 2022	ALL	1
2	DRAFT CURRAMBINE LOCAL DEVELOPMENT PLAN	NORTH	5
3	HOUSING REVIEW – PHASE 1 COMMUNITY CONSULTATION PLAN	ALL	18
4	INNOVATION IN THE DIGITAL ECONOMY	ALL	25
5	EXECUTION OF DOCUMENTS	ALL	34
6	MINUTES OF REGIONAL COUNCIL MEETINGS	ALL	37
7	AMENDMENT LOCAL LAW 2021- ADOPTION	ALL	39
8	CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL 2022 TO 30 JUNE 2022	ALL	46
9	LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2022	ALL	61
10	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2022 (SUBJECT TO END OF YEAR FINALISATION)	ALL	64
11	CONSIDERATION OF ADDITIONAL KEY MANAGEMENT PERSONNEL REMUNERATION DISCLOSURES IN ANNUAL REPORT AND ANNUAL FINANCIAL REPORT	ALL	70
12	COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATION - 2023-24 ANNUAL GRANT	NORTH	81
13	CLUB NIGHT LIGHTS PROGRAM - 2023-24 GRANTS	SOUTH AND SOUTH WEST	87
14	REVIEW OF BULK WASTE SERVICES	ALL	98

ITEM NO.	TITLE	WARD	PAGE NO.
15	MOOLANDA BOULEVARD PEDESTRIAN FOOTBRIDGE	SOUTH-EAST	111
16	BRADEN PARK BASKETBALL FACILITY	SOUTH	118
	<b>REPORTS POLICY COMMITTEE – 1 AUGUST 2022</b>		129
17	REVIEW TERMS OF REFERENCE – POLICY COMMITTEE	ALL	129
18	REVISED RISK MANAGEMENT POLICY	ALL	133
19	LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES' POLICY	ALL	136
20	REVIEW OF HIGH RISK BOOKINGS POLICY	ALL	140
21	REVIEW OF ALCOHOL MANAGEMENT POLICY	ALL	145
22	PROPOSED VENUE HIRE FEES AND CHARGES POLICY	ALL	155
23	PROPOSED AMENDMENTS TO THE DEVELOPMENT PROPOSALS BEFORE THE STATE ADMINISTRATIVE TRIBUNAL POLICY	ALL	169
24	PARKING SCHEMES POLICY	ALL	173
25	ELECTED MEMBERS' ENTITLEMENTS POLICY – CONTINUING PROFESSIONAL DEVELOPMENT	ALL	180
26	AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK POLICY - REVIEW	ALL	185
27	ELECTED MEMBER ACCESS TO INFORMATION POLICY	ALL	189
28	MODEL LITIGANT FOR CIVIL LITIGATION POLICY	ALL	196
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>		204
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>		204
	NOTICE OF MOTION NO. 1 – CR HILL – ONGOING FINANCIAL SUPPORT TO JOONDALUP BROTHERS RUGBY UNION FOOTBALL CLUB		204
	<b>CLOSURE</b>		204

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

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

[AdditionalInformation.pdf](#)

# **CITY OF JOONDALUP – BRIEFING SESSION**

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 9 August 2022** commencing at **6.30pm**.

## **ORDER OF BUSINESS**

### **OPEN AND WELCOME**

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

### **DEPUTATIONS**

### **PUBLIC QUESTION TIME**

### **PUBLIC STATEMENT TIME**

### **APOLOGIES AND LEAVE OF ABSENCE**

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

Cr John Raftis  
Cr John Logan

17 to 31 August 2022 inclusive.  
29 August to 2 September 2022 inclusive.

## REPORTS

### ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – JUNE 2022

<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 – June 2022 Attachment 2 Monthly Subdivision Applications Processed – June 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 number and nature of applications considered under delegated authority during June 2022.

#### 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 June 2022 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during June 2022 (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 28 June 2022 (CJ092-06/22 refers), Council considered and adopted the most recent Town Planning Delegations.

## DETAILS

### Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during June 2022 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	4	2
Strata subdivision applications	7	8
<b>TOTAL</b>	<b>11</b>	<b>10</b>

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

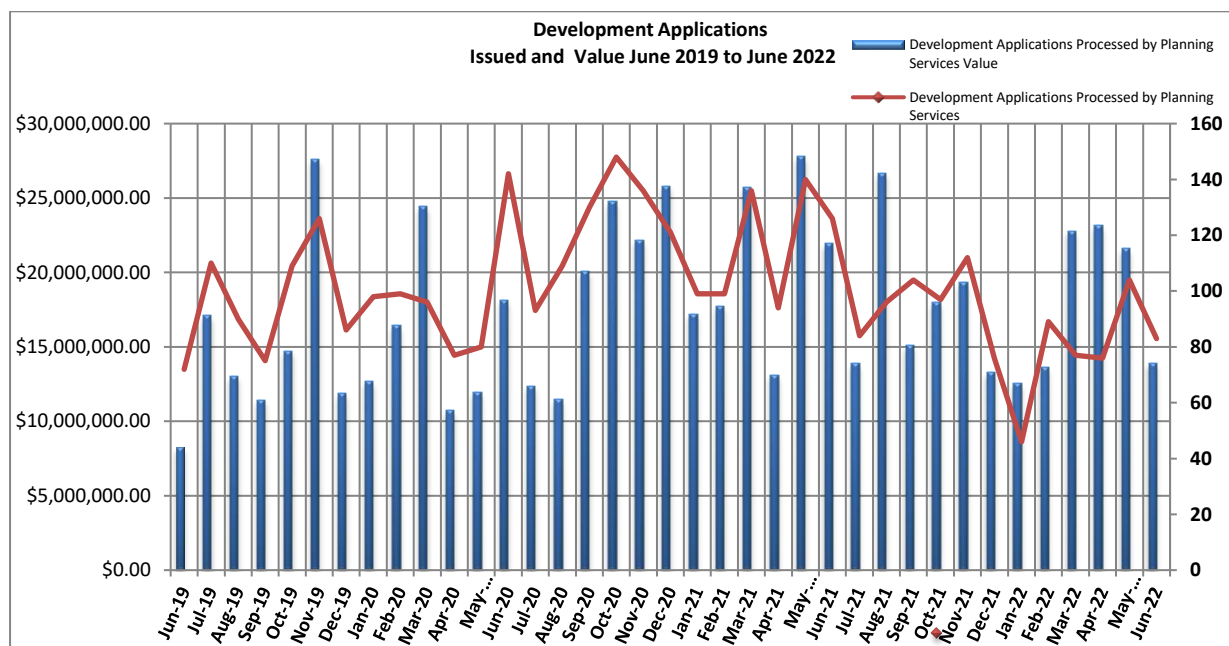
### Development applications

The number of development applications determined under delegated authority during June 2022 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	83	\$13,913,886

Of the 83 development applications, 11 were for new dwelling developments in housing opportunity areas, proposing a total of 12 additional dwellings.

The total number and value of development applications determined between June 2019 and June 2022 is illustrated in the graph below:



The number of development applications received during June 2022 was 86.



The number of development applications current at the end of June was 201. Of these, 27 were pending further information from applicants and 15 were being advertised for public comment.

In addition to the above, 254 building permits were issued during the month of June with an estimated construction value of \$47,398,953.

### **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.*

### **10-Year Strategic Community Plan**

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – You enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**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 83 development applications were determined for the month of June with a total amount of \$46,481.31 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 this Report during June 2022;**
- 2 subdivision applications described in Attachment 2 to this Report during June 2022.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf220809.pdf](#)



The draft Currambine LDP is considered to meet the requirements of the condition of the subdivision approval as it details the built form requirements including vehicular access and garage location, garage setbacks, dwelling orientation, private open space, dwelling articulation and fencing for corner lots. The use of the R-MD codes for some of the provisions is considered acceptable as those provisions have been developed by the WAPC for greenfield medium density single houses.

The other provisions are generally considered acceptable and will facilitate the development of a contemporary medium density housing development, however some modifications are recommended to the LDP to improve the functionality, amenity of the future development and to respond to concerns raised during consultation. These include increasing the setbacks for garages on secondary streets on corner lots and requiring garages to be setback in line or behind the dwelling alignment. In response to the submissions, it is also appropriate to ensure that consideration is provided to the existing residential dwellings along Currambine Boulevard that directly adjoin the development site, particularly in regard to visual privacy and overshadowing.

It is recommended that Council approves the draft *Currambine Local Development Plan* subject to modifications, and, given that WAPC approval is required to amend a number of clauses of the R-Codes as proposed by the Currambine LDP, forwards it to the WAPC for consideration.

## BACKGROUND

<b>Suburb/Location</b>	Lot 9001 (16) Sunlander Drive, Currambine.
<b>Applicant</b>	Rowe Group.
<b>Owner</b>	Southern Cross Care (WA) Inc.
<b>Zoning</b>	<b>LPS</b> Residential R80.
	<b>MRS</b> Urban.
<b>Site area</b>	48,188m <sup>2</sup>
<b>Structure plan</b>	Not applicable.

Lot 9001 (16) Sunlander Drive is zoned 'Residential' under the City of Joondalup *Local Planning Scheme No. 3* (LPS3) and has a residential density code of R80. The site is bound by Burns Beach Road to the north, Currambine Boulevard to the south, Silver Fern Avenue to the west and Sunlander Drive to the east (Attachment 1 refers).

The subject site is owned by an aged care provider (Southern Cross Care). Development approval had previously been issued for a retirement village on the site however the development was not progressed, and the approval has since lapsed.

In 2020, the land to the west of Silver Fern Avenue was rezoned to 'Commercial' and 'Mixed Use'. The 'Commercial' zoned lot was subdivided from the larger site in 2021 and a supermarket is currently under construction on this lot. The two sites to the east of the subject site, on the corner of Burns Beach Road and Sunlander Drive, are zoned 'Service Commercial' and 'Mixed Use' and have been developed with a service station and medical centre.

The surrounding area is predominantly 'Residential' zoned land with a residential density code of R80 and mostly developed with single dwellings except for two large multiple dwelling developments adjoining the Currambine train station.

Subdivision approval for Lot 9001 was granted in 2021 in two separate stages for a total of 128 residential lots, 1 mixed use lot and 1 public open space lot (Attachment 2 refers). The LDP is required as a condition of the subdivision approval issued by the Western Australian Planning Commission (WAPC). It is required to address the following:

- Building envelope, including but not limited to, building heights, setbacks, boundary walls and overshadowing.
- Private open space.
- Vehicular access and garage location.
- Dwelling orientation to roads and laneways.
- Garage setbacks to laneways.
- Dwelling articulation and fencing requirements for corner lots.

## DETAILS

The draft *Currambine Local Development Plan* has been prepared and submitted by Rowe Group (planning consultants) on behalf of the property owners Southern Cross Care (Attachment 3 refers). The draft LDP applies to the development of single houses on 81 lots in the southern portion of the subject site adjoining Mistral Meander.

The draft *Currambine Local Development Plan* establishes the planning framework for the future development of the subject area with two storey single residential attached dwellings with double garages. It proposed to replace some of the development standards in the R-Codes that would otherwise apply to the development.

The draft Currambine LDP proposes the following provisions to apply to single dwellings:

- A primary street setback to the dwelling of 2 metres.
- Double garages on 7.5 metre and 8.5 metre wide lots where vehicle access is from the street.
- Double garages on 6 metre wide lots where vehicle access is from a laneway.
- Garage setbacks of 2 metres or 3 metres to the primary street.
- A garage setback of 1 metre to laneways.
- A requirement for a minimum dwelling height of two storeys.
- Specified vehicular access and garage locations.
- Specified dwelling orientation to roads and laneways.
- Boundary walls to a maximum of 7 metres to both side boundaries of the lot.
- The street setback, open space and outdoor living area, visual privacy and overshadowing provisions of the R-MD codes.

The applicant has provided a report which includes justification and reasoning for the provisions in the draft Currambine LDP, a masterplan, lot mix plan, streetscape perspectives and a landscape master plan (Attachment 4 refers).

The following outlines the details of the provisions, the applicant's justification, the City's assessment, response to submissions and recommended modifications to the Currambine LDP.

### Built Form Requirements

A table comparing the draft Currambine LDP provisions against the R-Codes, *Residential Development Local Planning Policy* (where it replaces the deemed-to-comply provisions of the R-Codes) and the R-MD Codes is provided as Attachment 5 to this report.

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

- Street setbacks.
- Open space and outdoor living area.
- Visual privacy.
- Solar access for adjoining sites.

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

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

#### Lot boundary setbacks

The applicant states that:

*The proposed LDP seeks to allow boundary walls to be constructed to both side boundaries for no maximum length to a height of two-storeys. This approach is generally consistent with the R-MD Codes and is recognised as common practice for narrow townhouse and squat lot typologies.*

#### Officer comment

The construction of boundary walls to both side boundaries with no maximum height or length is generally considered acceptable as the walls will be simultaneously constructed and abutting each other and will provide a consistent terrace house streetscape. The boundary walls also maximise the use of the narrow lot widths.

However, Lot 83 (as noted on the LDP plan at Attachment 3) directly adjoins an existing single dwelling lot that is not part of the LDP. Given the potential impact on the amenity of the existing dwelling, it is not considered appropriate that a two storey boundary wall could be built on the northern boundary of that lot. It is therefore recommended that the LDP be modified to require the upper floor of any proposed dwelling facing the southern boundary of Lot 83 be setback a minimum of 1 metre to reduce the building bulk as seen from the external lot. It is noted that this is the same upper floor setback provision as required for the nearby dwellings on Lots 74 to 81.

It is also recommended that the southern boundary wall for Lot 83 be in accordance with the R-Codes, being a maximum 3.5 metre wall height for two-thirds the length of the boundary (Attachment 6 refers). It is also noted that the master plan included in the applicant's justification report (Attachment 4 refers) depicts the dwelling on Lot 83 with a building setback from the southern lot boundary rather than a boundary wall.

#### Building height

The draft Currambine LDP requires a minimum building height of two storeys.

#### Officer comment

While a minimum building height of two storeys is considered necessary to provide the appropriate built form outcome for this precinct, the LDP does not specify a maximum building height. Therefore, a dwelling greater than two storeys could be constructed and it would still comply with the LDP. It is recommended that the LDP be modified to specify a maximum height of two storeys also apply, to ensure an appropriate built form outcome.

### Garage location and dwelling orientation

The applicant states that:

*The LDP identifies designated garage locations for all single residential lots within the site.*

*The designated garage locations have typically been located in pairs to provide for consolidated areas for verge landscaping, street tree planting and to minimise the overall impact of crossovers and garages on the streetscape.*

Officer comment

The draft LDP specifies the garage location for all lots within the site which addresses the subdivision condition requirement. Garages must be located on laneways where there is one, on the secondary street if on a corner lot, and otherwise on the primary street.

The draft LDP specifies that dwellings must be orientated towards the primary street, not a laneway or secondary street. Modifications had previously been made by the applicant (in response to the Joondalup Design Review Panel comments) to require dwellings on corner lots to address both street frontages and provide a minimum of one major opening to both frontages.

The provision, with the amendments incorporated following design review, is considered to be acceptable.

### Garage setbacks

The applicant states that:

*The LDP identifies the locations of footpaths within the subdivision area, which are predominantly located on the 'back of kerb'. The location of the proposed footpaths are an important consideration to ensure that visitor parking can be accommodated in front of the dwelling without obstructing or overhanging the pedestrian footpath.*

*For lots 9 – 15 and 24, garages are to be setback 3.0m from the primary street.*

*For all other lots, garages are to be setback 2.0m from the primary street.*

*Where a footpath is located on the back of kerb, garages have been setback 3.0 metres from the primary street to ensure visitor parking can be accommodated in front of the garage without overhanging the footpath.*

Officer comment

Given the narrow lot frontages, there is limited opportunity for visitor parking on the street between the vehicular crossovers. Therefore, it is vitally important that informal visitor parking be accommodated in the driveway. As the garages are proposed to be setback either two or three metres from the primary street, the ability to provide parking that does not overhang onto the road or footpath is important. The proposed garage setbacks will allow visitor parking to be accommodated on the driveway/crossover where there is no footpath (2 metre garage setback applies) or where there is a footpath (3 metre garage setback applies) (Attachment 7 refers).

However, for lots 14, 24 and 30 where the garage is located on the secondary street (and subject to the secondary street setback to the garage of 1.5 metres), there is no ability to accommodate visitor parking in the driveway/crossover as the distance between the garage and road would not be able to accommodate a vehicle.

Therefore, those lots will not have any informal visitor parking and are not near the embayment parking provided in the street which provide visitor parking in the precinct, primarily for the laneway.

It is recommended that the LDP be modified to require the garage on Lot 14 to be setback three metres from the primary street and the garages on Lots 24 and 30 be setback two metres from the secondary street (Attachment 6 refers). Due to the narrow lot frontages, this will also provide a more consistent streetscape.

#### Garage width

The applicant states that:

*The variation to the R-codes seeks to ensure future dwellings are designed in a manner which appropriately offsets the perceived dominance of double garages. This is achieved through cantilevering the upper storey of the dwelling over the garage and ensuring the entrance to the dwelling is clearly visible from the primary street, in addition to ensuring a major opening to a habitable room is oriented towards the street.*

#### Officer comment

The draft LDP proposes that double garages will take up 80% of the frontage for the 7.5 metre wide lots and 70.5% of the frontage for the 8.5 metre wide lots. This is greater (in the case of 7.5 metre wide lots) than the 75% permitted under the City's *Residential Development LPP* for two storey dwellings where the upper floor extends for the full width of the garage, and under the R-MD Codes where lots less than 10.5 metre wide are required to have single garages. The R-MD Codes also require garages to be setback 0.5 metres behind the building alignment.

The draft LDP requires that the upper storey of the dwelling to overhang the garage by a minimum of 0.5 metres, a major opening to be directly above the garage, and the entrance to the dwelling to be clearly visible from and fronts the primary street. These provisions will assist to reduce the impact of the double garages on the streetscape.

The Joondalup Design Review Panel (see comments below) recommended that dwelling front entrances should be legible and clearly identifiable from the street given the extent of frontage on the ground floor that will be taken up by the garage. The applicant has, however, indicated that the LDP already requires entrances to be clearly visible from the primary street and no further changes are required. Notwithstanding, it is noted that the perspectives provided indicate that the porch and dwelling entrances will be setback behind the alignment of the garage, which is not considered to provide sufficient prominence to the entry. There is currently no provision in the LDP to prevent this from occurring.

It is therefore recommended the LDP be modified to require the garage to be setback in line or behind the dwelling alignment to reduce the prominence of the garage and increase visibility of the front entrance.

#### Landscaping

The applicant states that:

*The modified landscaping provisions have been formulated to accommodate a typical crossover width of 4.8m to provide access to double garages, resulting in between 2.7m (7.5m frontage) and 3.7m (8.5m frontage) of frontage remaining for landscaping. This equates to between 20 and 30% of the street frontage which can accommodate landscaping.*



*The developer will be responsible for delivery of all front landscaping packages, ensuring there is a level of control over the final outcome delivered on site.*

#### Officer comment

The proposed landscaping of 30% of the street frontage is considered acceptable as it will still allow for a variety of landscaping to be provided including a tree as required under the R-Codes. The developers have indicated they will provide the front landscaping as part of the development of the lots which will ensure consistent landscaping is provided at the outset of development.

#### Visual privacy and overshadowing

The applicant states:

*The LDP includes provisions which states that the lots within the LDP are exempt from the provisions of the R-Codes relating to solar access and overlooking. This approach is consistent with the R-MD Codes and has been included due to the small and narrow nature of the proposed lots which would otherwise result in variations to the R-Codes. Appropriate levels of privacy and amenity will be achieved through the implementation of building design measure such as highlight windows, privacy screens and the siting of the built form.*

#### Officer comment

While the removal of the privacy and overshadowing provisions is considered acceptable for lots within the LDP area, there are several lots which directly adjoin existing single dwellings on Currambine Boulevard that are not part of the LDP (Attachment 1 refers). It is considered that the LDP requirements for visual privacy or overshadowing should not impact lots not included in the LDP area further than the R-Codes allow.

This issue was also raised in the submissions as objections were received regarding overlooking and access to sunlight for properties adjoining the LDP area, specifically, the impact this would have on the existing dwellings that front Currambine Boulevard and back onto the LDP area.

In response to the submissions, the applicant has stated that the upper floor is located within the front half of the dwelling to assist with offsetting the visual impact of the double garage and therefore the future dwellings that abut the existing dwellings on Currambine Boulevard will generally comply with the visually privacy requirements of the R-Codes. However, the draft LDP has sought to remove provisions relating to visual privacy and overshadowing to provide flexibility for improved design solutions.

Notwithstanding the applicant's reasoning, it is inappropriate that the existing dwellings are not afforded considerations that they would otherwise be entitled to under the R-Codes. It is therefore recommended that the draft LDP be modified to require the lots that back onto the existing dwellings on Currambine Boulevard comply with the visual privacy and overshadowing requirements of the R-Codes. This will allow visual privacy and overshadowing to be assessed in accordance with the R-Codes.

#### **Joondalup Design Review Panel**

The draft LDP was presented to the Joondalup Design Review Panel (JDRP) on 15 June 2022 for consideration of the built form outcome and streetscapes that would be created by the LDP.

The JDRP considered that the draft LDP addresses some of the design challenges for successful medium density development, however further consideration was needed, particularly in regard to the public realm.

The JDRP identified the following design strengths with the proposal:

- The perspectives and images showing the intended built form outcome are well considered and if implemented will enhance the locality.
- The mandated two storey minimum height is necessary for a good built form outcome.
- The 6 metre wide laneway lots with double garages opposite each other are good, however the other roadways need to be treated as streets that contribute to the public realm.
- The mandated garage location and maximum 4.5 metre wide crossover is supported.
- Street tree planting (as identified in the landscaping plan) will be essential to the public realm to soften the impact of double garages at street level.

A summary of the JDRP recommendations, as well as the applicant's response to these items is included in the table below.

JDRP recommendation	Applicant response
<p>The designated built form designs should be linked to the LDP through Design Guidelines or other suitable mechanisms to ensure the intended outcome is achieved.</p>	<p>This is controlled through a separate process and will be enforced by Parcel Property through its Estate Design Guidelines. It is therefore not considered appropriate to use the LDP as a mechanism to mandate the built form outcomes which are otherwise controlled through the Contract of Sale process.</p>
<p>The challenges of the double garages on street level on narrow lots means that the quality of the built form and the landscaping will impact on how prominently they will appear from the public realm. The overhang of the upper floor on street frontages will assist in diminishing their prominence, however further design work is required. Therefore the panel recommends that:</p> <ul style="list-style-type: none"> <li>• the front entrances should be legible and clearly identifiable from the street as the frontage is dominated by the garage.</li> <li>• lot specific diagrams should be produced extending to the verge to show the built form, entries, crossovers, driveway length (to contain car parking), garages and landscaping locations both in the verge and on the lots.</li> <li>• servicing locations should be indicated to ensure that the street planting is not compromised by service provisions.</li> </ul>	<ul style="list-style-type: none"> <li>• The LDP already requires front entrances to be clearly visible from the primary street, no further changes are required.</li> <li>• Lot Specific Diagrams to be prepared (Attachment 7 refers).</li> <li>• Service locations have already been approved by the City of Joondalup's engineering department. It is not considered appropriate to designate service locations on the LDP as these could change and are approved separately by the City of Joondalup.</li> </ul>

<b>JDRP recommendation</b>	<b>Applicant response</b>
<p>The streetscape outcomes are compromised, particularly the main street of Citadel Way, which appears to be designed as a laneway rather than a continuation of a primary streetscape and the entry to the development area.</p> <p>In addition Lots 73 – 82 front the rear of the dwellings across the road, which this is not a good amenity outcome. Therefore the panel recommends that:</p> <ul style="list-style-type: none"> <li>the streetscapes be designed to provide urban streetscape amenity including footpaths and street trees.</li> <li>cross sections be provided as part of the LDP to understand how the streetscapes work.</li> </ul>	<ul style="list-style-type: none"> <li>The LDP already requires front entrances to be clearly visible from the primary street, no further changes are required.</li> <li>The subdivision layout has been approved by the Western Australian Planning Commission and supported by the City of Joondalup, noting there were a number of engineering constraints which has driven the resultant design outcome. Cross-sections are therefore not considered relevant, given this detail will be provided as part of future applications for engineering and landscape approval, with the LDP providing the basis for the siting and orientation of future dwellings.</li> <li>Furthermore, Citadel Way was originally designed as a continuation of a primary street, however the City of Joondalup engineering department requested that road treatments be added along Citadel Way to slow the movement of traffic.</li> </ul>
<p>The dwelling articulation and fencing requirements for corner lots is unclear. The panel recommends that:</p> <ul style="list-style-type: none"> <li>corner lots should include elements such as a balcony, veranda, continuation of materials/colours from the front to the visible side elevation and that the fence setback should be at least 4m from the front setback to allow a major opening to a habitable room at the ground floor to face the street.</li> <li>contribute to passive surveillance of the public realm via visible openings from a habitable room.</li> </ul>	<p>The LDP will be amended to include provisions relating to corner lots. Proposed wording below:</p> <ul style="list-style-type: none"> <li><i>Buildings located on corner lots are to address the primary and secondary street frontages with articulated building facades and a minimum of one (1) major opening to each street frontage to provide passive surveillance.</i></li> <li><i>Secondary street elevations should be generally consistent with the external colours and finishes of the primary elevation.</i></li> </ul>
<p>The provision of visitor parking appears limited and at the same time, the intended street tree planting may be restricted by parking embayments, crossovers and services. Therefore the panel recommends that:</p> <ul style="list-style-type: none"> <li>Visitor parking be carefully considered to ensure that there are adequate parking opportunities for the residents and their visitors.</li> <li>The provision of street trees that will enhance the public realm through shade, canopy cover and attractive presentation should be a priority in the layout of parking embayments, crossovers and services.</li> </ul>	<ul style="list-style-type: none"> <li>The Panel's comments are noted. The total number and provision of visitor car parking bays is subject to separate approval by the City's Engineering Department. Where car parking bays have already been approved, these locations have been shown on the LDP.</li> <li>The Panel's comments are noted, the final location of street trees is subject to separate approval by the City's Parks Department and therefore, have not been included within the LDP.</li> </ul>

As discussed previously in this report, the applicant has made some changes to the draft LDP in response to the comments made by the JDRP. This included provisions to articulate development on corner lots and provide major openings to both street frontages. In addition, the requirement for visually permeable fencing to the secondary street frontage has been included in the LDP which meets the subdivision condition and addresses the JDRP recommendation. Notwithstanding, it is considered that some additional changes can be made to the draft LDP to further align with the JDRP comments, as previously discussed.

### Issues and options considered

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

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

Notwithstanding Council's decision, the Currambine LDP must also be submitted to the WAPC for consideration given that WAPC approval is required to amend a number of clauses of the R-Codes as proposed within the LDP.

### Legislation / Strategic Community Plan / Policy implications

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

#### 10-Year Strategic Community Plan

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – You enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

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

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

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

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

A condition of subdivision approval requires the preparation of a local development plan in relation to subdivision WAPC 161316 and 159928 (Attachment 2 refers). However, the condition for a local development plan on WAPC 159928 only relates to the provision of a LDP for the mixed use lots that abut the 'Commercial' zoned land, which is not part of this LDP.

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

After the close of advertising the LDP is required to be determined by the local government within 60 days. The local government must consider the submissions made in relation to the LDP and must approve, require modifications or refuse the LDP. If the LDP amends or replaces deemed-to-comply provisions of the R-Codes that require WAPC approval, the LDP must be forwarded to the WAPC for determination.

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

#### *Medium-density Single House Development Standards Local Planning Policy*

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

#### **Risk management considerations**

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

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

#### **Financial / budget implications**

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

#### **Regional significance**

Not applicable.

#### **Sustainability implications**

Not applicable.

## Consultation

In accordance with the requirements of the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, the draft Currambine LDP was advertised for public comments for a period of 21 days concluding on 23 June 2022, by way of:

- letters to properties that directly adjoin the subject site
- a notice and documents placed on the City's website.

Three submissions were received, comprised of one neutral submission and two objections.

The two objections were concerned with two storey dwellings being constructed at the rear of the existing dwellings on Currambine Boulevard and the impact this will have on visual privacy and access to sunlight for the existing properties that front Currambine Boulevard.

## COMMENT

The draft Currambine LDP establishes the planning framework to facilitate the development of a contemporary medium density housing development with two storey single residential attached dwellings with double garages. It addresses the WAPC's condition of subdivision approval as it details the built form requirements including vehicular access and garage location, garage setbacks, dwelling orientation, private open space, dwelling articulation and fencing for corner lots.

The draft LDP was referred to the JDRP for consideration of the built form outcome. Some modifications to the draft LDP have been undertaken by the applicant to address the comments made by JDRP.

Further minor modifications are recommended to improve the functionality of the future development and to address issues raised in the submissions.

It is recommended that Council approves the draft *Currambine Local Development Plan* subject to modifications, and forwards it to the WAPC for approval, given that WAPC approval is required to amend clause 5.1.3 (lot setbacks) and clause 5.3.2 (landscaping) of the R-Codes.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **REQUIRES** the applicant to modify the proposed *Currambine Local Development Plan* included as Attachment 3 to this Report, as outlined within the schedule of modifications included as Attachment 6 to this Report;
- 2 pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVES** the *Currambine Local Development Plan* included as Attachment 3 to this Report, subject to the local development plan being modified as outlined in Part 1 above;
- 3 **FORWARDS** the modified *Currambine Local Development Plan* as detailed in Parts 1 and 2 above to the Western Australian Planning Commission for consideration and determination of the replacement deemed-to-comply provisions associated with clauses 5.1.3 and 5.3.2 of the Residential Design Codes.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf220809.pdf](#)

## ITEM 3 HOUSING REVIEW – PHASE 1 COMMUNITY CONSULTATION PLAN

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	109808, 101515
<b>ATTACHMENTS</b>	Attachment 1 Phase 1 Community Consultation Plan – Building Sustainable Neighbourhoods Attachment 2 Endorsed Stakeholder Strategy – Building Sustainable Neighbourhoods
<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 Community Consultation Plan which has been prepared to guide community consultation to inform Phase 1 of Building Sustainable Neighbourhoods (the housing component of the City's review of its *Local Planning Strategy*).

### EXECUTIVE SUMMARY

At its meeting held on 19 April 2022 (CJ047-04/22 refers), Council endorsed a project approach and Stakeholder Engagement Strategy (Attachment 2 refers) for the review of the housing component of the City's *Local Planning Strategy*. This established Building Sustainable Neighbourhoods, the project which is undertaking the review.

Phase 1 of Building Sustainable Neighbourhoods is undertaking analysis and stakeholder consultation to confirm the housing issues for the review and develop the required project scope to investigate those issues. Aligned with the scope of the first phase, Phase 1 community consultation, will:

- provide robust, independent, and quantifiable data regarding housing intentions to enable housing supply and demand analysis for the City of Joondalup to be understood to inform the broader scope of the housing review
- provide stakeholder information from previously unengaged stakeholder groups regarding housing concerns and issues across the City of Joondalup to inform the broader scope of the housing review
- confirm issues of concern provided by previously engaged stakeholders to inform the broader scope of the housing review.

The Phase 1 Community Consultation Plan prepared by engagement consultants (Attachment 1 refers) sets out identified stakeholders and the engagement methods proposed for Phase 1 consultation.

*It is therefore recommended that Council endorse the Phase 1 Community Consultation Plan to allow for commencement of community consultation for Phase 1 of Building Sustainable Neighbourhoods.*



## BACKGROUND

At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council agreed to bring forward the review of the housing component of the Local Planning Strategy to allow resource planning/procurement and project planning to commence in the 2021-22 financial year.

At its meeting held on 19 April 2022 (CJ047-04/22 refers), Council endorsed the following:

- The project approach for the review of the City's Local Planning Strategy.
- The scope of works associated with the review of the City's Local Planning Strategy.
- The Stakeholder Strategy for the housing component of the Local Planning Strategy review.
- The scope of works associated with Phase 1 of the housing review.

The report to Council at the April 2022 meeting identified that Council's endorsement would enable the following next steps to be commenced:

- 1 Engagement of consultants to prepare a community consultation plan for Phase 1 of the housing review.
- 2 Preparation of the Phase 1 community consultation plan and presentation to Council for endorsement.
- 3 Commencement of community consultation in accordance with endorsed Phase 1 community consultation plan.
- 4 Commencement of technical analysis as listed in scope of works for Phase 1 of the housing review (including supply and demand analysis, yield and targets analysis).
- 5 Coordination of decision-makers engagement activities.

Following a procurement process, Research Solutions have been engaged by the City to undertake the community consultation for Phase 1 of the project, completing the first of the "next steps" reported to Council in April 2022.

## DETAILS

The Stakeholder Strategy (Attachment 2 refers) endorsed by Council establishes the principles for community and stakeholder consultation to inform Building Sustainable Neighbourhoods. The endorsed strategy confirms that community consultation will be a key element of each project phase and indicates the consultation purpose associated with each phase along the entirety of the project.

The Community Consultation Plan for Phase 1 (Attachment 1 refers) is focussed on community consultation associated with the initial problem definition and scoping phase. Future consultation plans will be prepared to establish the consultation approach for subsequent phases, which will have different purposes based on the focus of the project at those points in time.

Phase 1 of the project is focussed on identifying the issues for the project to investigate, and the Phase 1 Community Consultation Plan establishes how the project will involve the community in the scoping of these issues. In line with the scoping focus of Phase 1, the purpose of consultation in Phase 1 will be to:

- identify future housing needs in the City of Joondalup
- confirm issues related to housing and infill, based on both future housing needs and stakeholder expectations and perceptions related to planning for liveable housing.

Consultation undertaken in future phases of the project will engage community and stakeholders in setting a vision and objectives for the housing review and seek feedback on options and policy measures; this is not the purpose of Phase 1 which is focussed on issues confirmation to inform the detailed scope of the project.

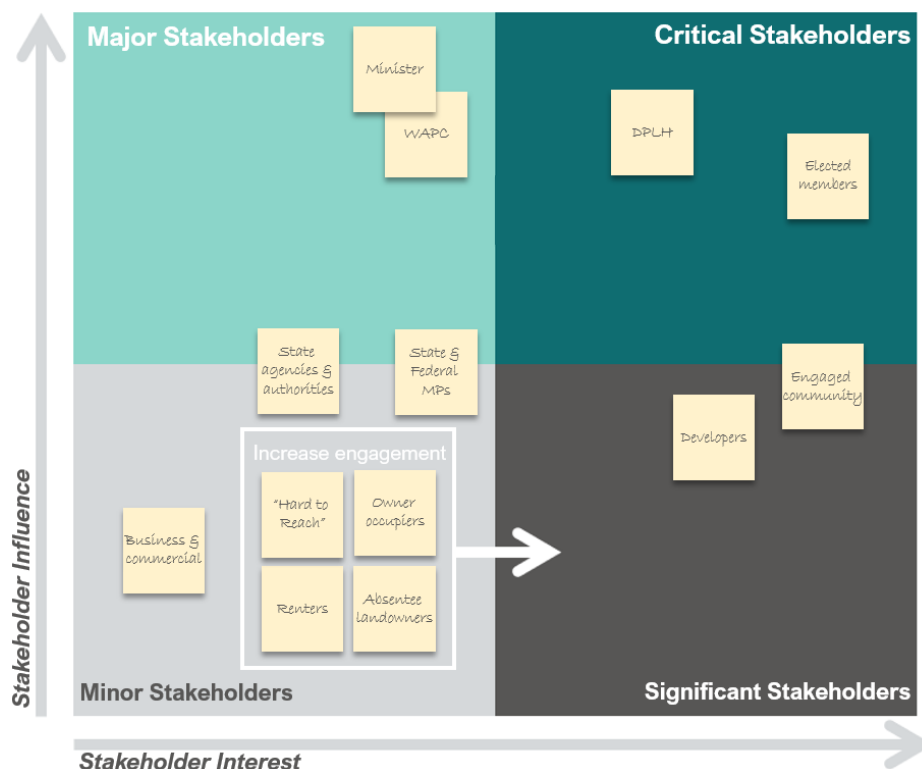
Research Solutions have prepared a community consultation plan, provided as Attachment 1. The community consultation plan sets out:

- purpose of consultation in Phase 1
- required outcomes of Phase 1 consultation
- non-negotiables that have informed the consultation and research techniques proposed
- roles and responsibilities for the consultation process
- target stakeholders, engagement methods, and recruitment methods
- supporting communications and key messages
- consultation timing
- reporting.

The required outcomes of the Phase 1 community consultation are to:

- provide robust, independent, and quantifiable data regarding housing intentions to enable a housing supply and demand analysis for the City of Joondalup
- provide stakeholder information from previously unengaged stakeholder groups regarding housing concerns and issues across the City of Joondalup to inform the broader scope of the housing review
- confirm issues of concern provided by previously engaged stakeholders to inform the broader scope of the housing review.

These outcomes are aligned with the endorsed Stakeholder Strategy, which establishes a key engagement principle to “be informed by a representative range of stakeholders” and identifies under-engaged stakeholder groups where specific approaches are required to increase engagement, as shown in the stakeholder mapping below.



The consultation techniques proposed by the plan are recommended as the most appropriate methods to achieve the required outcomes for Phase 1. The range of techniques are tailored to increasing engagement and representative feedback from currently unengaged stakeholders and working with previously engaged stakeholders to confirm issues for the review. Techniques proposed are summarised in the table below.

<b>Consultation technique</b>	<b>Purpose</b>
Quantitative, random sample telephone survey	Provide quantifiable data regarding housing intentions and preferences, with a random sample providing representation of statistical significance.
Face to face intercept surveys	Target currently unengaged stakeholder groups to identify housing issues that may not have been expressed through previous consultations.
Online guided discussion	Target currently unengaged stakeholder groups to identify housing issues that may not have been expressed through previous consultations.
Invited stakeholder interviews	Target representative groups associated with currently unengaged and hard to reach stakeholders to identify housing issues that may not have been expressed through previous consultations.
Open online community consultation	Confirm the City's interpretation of known housing issues with engaged stakeholders, ensuring their perspectives have been properly captured to inform the project scope of works.
Validation workshop with engaged residents	Confirming the full range of issues with engaged stakeholders, utilising a random selection from database of registered, engaged community members

The consultation plan outlines the types of stakeholder groups to be included in the consultation. Groups which have been identified for in-depth interviews are predominantly made up of demographics which fall into the hard-to-reach category and need to be targeted specifically as these groups are not typically captured by random surveys or sit within the currently engaged community.

To ensure equity of opportunity between different interest groups, both community interest groups and development advocacy groups will be afforded an equal number of in-depth interviews and participants, noting again however that the purpose of Phase 1 consultation is to confirm existing issues and understand future housing intentions and not to weigh up conflicting perspectives of different groups.

The use of random sampling through the telephone survey allows the City to quantify general community housing preferences to inform the supply and demand analysis. Random sampling is a quantifiable research technique which ensures that results obtained from the sample should approximate what would have been obtained if the entire population had been measured. The sampling methodology proposed by the consultation plan has a maximum error margin of +3.5% across the City at the 95% level of confidence. This random sampling method allows for data collected to be reflective of the City's entire population without influence of self-select bias. It is also the most equitable consultation method as it affords everyone within the City equal chance at being selected to contribute to the consultation. This results in findings which will be representative of the entire community, thus filling the current gap in knowledge by capturing the views of the not-yet-engaged, in line with the objectives set out in the endorsed Stakeholder Strategy (Attachment 2 refers).



## **Risk management considerations**

A thorough issues and scoping phase will allow the project to fully understand the issues to be addressed from the perspective of decision-makers, practitioners, and stakeholders. This manages the risk of project outcomes not responding to stakeholder concerns which would then reduce confidence for decision-making.

Key risks influencing Building Sustainable Neighbourhoods relate to:

- Low participation rates and low engagement
- Consultation fatigue amongst engaged stakeholders

The consultation plan addresses these risks by aligning techniques with the different needs of engaged stakeholders (those who have raised their housing issues and concerns in previous consultations) and stakeholders who have not yet engaged (for which the City has not been given feedback regarding their potential concerns, and for which representative feedback is currently lacking).

Unengaged community members are reached through direct contact via random telephone survey and intercept surveys. With specified response quotas imposed on the consultants, the direct recruitment approaches results in feedback being obtained from community members who have not previously responded to open consultations regarding housing issues, therefore filling the current gap in knowledge. These representative results will enable a broader understanding of housing issues across the demographic groups of the City, and ensure the scope of subsequent project phases responds to all issues of concern across the community.

Consultation fatigue for engaged stakeholders is addressed by not repeating or asking again for feedback specifically around issues, instead engaged stakeholders are invited to confirm the City's interpretation of their previous feedback. This provides greater certainty that the scope of the subsequent project phases will respond to issues that have been previously raised by engaged community members and provides an opportunity for engaged stakeholders to be involved in the scoping phase by confirming issues. This complementary feedback stream, alongside the random techniques, also provides opportunity for engaged community members to provide any additional feedback should they not be recruited for random, direct consultation activities.

## **Financial / budget implications**

Consultancy costs associated with the delivery of Phase 1 consultation are within the project funds allocated by Council.

## **Regional significance**

Perth is currently home to more than two million people and this is anticipated to grow to 3.5 million by 2050.

The State Government has a strategy for the future growth of Perth that aims to accommodate 47% of this population growth in existing suburbs. To achieve this, the State Government set targets for new dwellings for each metropolitan local government. For local governments like the City of Joondalup, which do not have many undeveloped areas left, a portion of this growth needs to be accommodated as infill development.

Any modifications to the City's local planning strategy as a result of the housing review will need to demonstrate how the City will meet the residential infill target set by the State Government.

## **Sustainability implications**

Phase 1 community consultation will identify key issues to be explored and will enable the identification of a full range of technical studies to fully inform the project. This will allow the review of the City's local planning scheme and strategy to explore and evaluate social, economic, and environmental implications and identify policy changes where required.

## **Consultation**

The Phase 1 Community Consultation Plan (Attachment 1 refers) has been prepared in accordance with the endorsed Stakeholder Strategy for the project. Once endorsed, consultation activities will commence.

## **COMMENT**

The proposed consultation techniques align with the relevant project-specific engagement principles, as provided in the endorsed Stakeholder Strategy, to:

- be informed by a representative range of stakeholders
- provide opportunities for authentic and meaningful participation in the project.

The techniques proposed are appropriate for the purpose of Phase 1 consultation, being:

- to understand housing intentions of the community, therefore informing a supply and demand analysis
- to confirm the range of issues for the project to consider, which will inform the nature of technical studies to be undertaken to inform the housing review.

The Phase 1 Consultation Plan is confined to consultation activities to inform Phase 1; future consultation plans will be prepared for consultation associated with later phases of the project. Later consultation phases will engage community in developing vision and objectives for the housing review and seek feedback on options and policy measures. Consultation plans developed later in the project will include appropriate consultation activities aligned with those different consultation purposes.

Council's endorsement of the Phase 1 Community Consultation Plan will allow for commencement of consultation to progress the first phase of Building Sustainable Neighbourhoods.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council ENDORSES the Phase 1 Community Consultation Plan as provided in Attachment 1.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf220809.pdf](#)*

## ITEM 4 INNOVATION IN THE DIGITAL ECONOMY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBER</b>	112774, 101515
<b>ATTACHMENTS</b>	Attachment 1 Report Summary – Robotics Innovation Precinct
<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 support key development areas to drive innovation in the digital economy to benefit the community including:

- advocating for a dedicated precinct for the testing of urban robotics through regulatory reform to support robotics, automation and artificial intelligence
- facilitating a digital innovation centre with access to funding, programming, co-working space and the ability to reach customers
- facilitating the development of research to define and improve short and long-term skills and research and development activities in new and emerging industries to expand on the existing education precinct
- investigating and advocating for a business park in Joondalup for new and emerging industries, with an initial focus on robotics, automation, artificial intelligence, data science and cyber security.

### EXECUTIVE SUMMARY

Investigations undertaken in relation to Autonomous and Robotic technology have highlighted that the City of Joondalup is well placed to become a prime location for the testing and development of these technologies and can leverage existing capabilities to become a hub for innovation in the broader digital economy.

A final draft of the report “Robotics Innovation Precinct” has been prepared and is being reviewed by the City of Joondalup and other project partners prior to finalisation and publication. A Report Summary of the Robotics Innovation Precinct report prepared by the City, is included as Attachment 1.

The Report Summary identifies the importance of the diversification of the City’s economy to support the development of autonomous and robotic technology and highlights the opportunities for innovation right across the digital economy. It is proposed to progress with key development areas which allow for autonomous and robotic technology and facilitate innovation in the digital economy within Joondalup.

A key development area is the regulatory reform to establish of a dedicated precinct for the testing of urban robotics. This is an important step for the community in Joondalup to benefit from the development of this sector and it is recommended the City advocate for this.

While an important opportunity for the local economy, such a precinct is just one of several key catalysts for the growth of Joondalup. Other key development areas are proposed to support new and emerging industries by developing a digital innovation centre, expanding the existing education precinct and land use optimisation. These are key economic development opportunities for growth in the City to support innovation in the digital economy.

As medical, cyber security, digital technologies, education and other existing industries grow, these actions are critical to support their development. Other new and evolving areas to support economic growth, such as those identified in the state government's *Diversify WA Framework*, will continue to be investigated, including tourism, international education, and space industries.

The digital economy will provide the jobs for Joondalup residents now and into the future and the City is able to play a role in facilitating their development. This aligns with the City's *Strategic Community Plan 2022-2032* through the goal within the Economy theme of '*Our City is home to diverse industries that generate a wide-range of local job opportunities*'.

Though working with our partners and stakeholders the City can strengthen entrepreneurial and employable skills development. Preparing graduates and professionals for the jobs of the future is key to securing the talent supply chain to support and sustain growth of the emerging industries that make up the digital economy.

Prospects for success are strengthened by the WA government's recent \$20m investment in the Australian Automation and Robotics Precinct at Neerabup and its \$16.7m commitment over four years to support acceleration of new and emerging businesses, through innovation, to diversify the economy and create new jobs and industries.

*It is therefore recommended that Council support key development areas to drive innovation in the digital economy to benefit the community including:*

- *Advocate for a dedicated precinct for the testing of urban robotics through regulatory reform to support robotics, automation and artificial intelligence.*
- *Facilitate the development of a digital innovation centre with access to funding, programming, co-working space and the ability to reach customers.*
- *Facilitate research to define and improve short and long-term skills and research and development activities to expand on the existing education precinct.*
- *Investigate and advocate for a business park in Joondalup for new and emerging industries, with an initial focus on robotics, automation, artificial intelligence, data science and cyber security.*

## **BACKGROUND**

The City of Joondalup currently has limited population growth and will rely increasingly on public and private sector investment, innovation and entrepreneurship for economic growth to fund the delivery and enhancement of services to the local community.

The initial concept of Project Joondalup was an innovative economic development opportunity which would increase job opportunities for Joondalup residents; and expand and diversify the City's rates base. At its meeting held on 17 August 2021 (CJ130-08/21 refers), Council resolved to:

- "1 *Provide IN-PRINCIPLE SUPPORT for initiatives to attract national and global businesses to invest in robotics, automation and artificial intelligence in Joondalup and the region;*



- 2 *Provide IN-PRINCIPLE SUPPORT for collaborative initiatives to develop a robotics and automation precinct in Joondalup;*
- 3 *Provide IN-PRINCIPLE SUPPORT for advocacy activities to state and federal government to enable the required regulatory and policy reform;*
- 4 *NOTE that a full report on the Feasibility Study for a robotics and automation precinct in Joondalup will be presented to Council at a later date, for consideration.”*

The City of Joondalup's *Expanding Horizons Economic Development Strategy* (the Strategy) considers the issues and challenges of achieving significant business and investment growth and increased employment opportunities.

To support this Strategy, three specialist themes have also been identified as a high priority for the City and these are integrated throughout the Strategy as follows:

- *Global City – to position and focus the City's economic activity in an international context.*
- *Digital City – to support the application of new technologies and innovation to enhance business growth.*
- *Destination City – to recognise the value and opportunity of the visitor economy and tourism.*

The City of Joondalup was the first local government in WA to create a Digital Strategy in 2013. The Strategy aimed to provide direction to the City so the local community and businesses could maximise the benefits from the growth of online and digital activity and other new communication infrastructure and technologies. It proposed actions and projects to:

- Lead and position Joondalup as a Digital City
- Realise Joondalup's potential as an Education City
- Build small business capacity and confidence
- Grow and attract new business in innovative sectors
- Build community capacity and innovative government services.

Since the Digital Strategy was created, the City and our community have undergone dramatic digital transformation, engaged more freely with global markets and attracted public and private investment in education, health, technology and connectivity.

To become a Digital City, the Strategy highlights the increasing importance of digital technologies and infrastructure as a fundamental enabler of economic development and City services. The City has had a strong focus on digital innovation and cyber security for many years. Edith Cowan University (ECU) is the home of the WA government's first Innovation Hub which is home to WA AustCyber, the Cyber Security Cooperative Research Centre, ECU-Born Sapien Cyber and the cybercrime unit of WA Police.

## **DETAILS**

### Automation and Robotics

The robotics and autonomous technology sector is experiencing rapid acceleration in capability and capacity, supporting businesses as they harness automation and robotics technologies, particularly in the energy resources and mining sectors.

This sector is forecast to add over \$70 billion of gross value to the Australian economy by 2030 and create over 80,000 jobs, and more if the supply chain's export potential is realised.

Thirty billion of this alone in Western Australia. Australian companies are increasingly applying automation and robotics to remain internationally competitive, increasing their contribution to the WA economy. Western Australia, despite leading the world in the use of field robotics, does not have an active urban and advanced manufacturing hub.

Australia's peak body for the Robotics Industry (Robotics Australia Network) promoted the development of a WA based cluster for automation and robotics, to capitalise on the already established remote automation projects within the Western Australian mining services sector.

In July 2020, the Western Australian government announced an investment of \$20 million in the development of a robotics and automation test facility and precinct at Neerabup, in the City of Wanneroo. \$10 million of this investment has been allocated to the development of required roads and building infrastructure and the remaining funds, given to DevelopmentWA, will assist with setting up the test facility, which will focus on the development of heavy industrial automation and robotics for the mining industry. The initial 51-hectare site has the potential to expand in the future, and will be used for testing, research and development, and training in autonomous, remote operations, and robotic systems and equipment.

Following this announcement, key stakeholders representing education providers, researchers and industry commenced collaboration and development of a robotics cluster in Western Australia. This cluster, RoboWest, was formalised in December 2020 and has identified the Joondalup CBD area as a suitable location for a dedicated urban living lab precinct to research and develop robotic and autonomous vehicle technology.

#### Robotics Innovation Precinct Report

Since August 2021, the City of Joondalup, ROBOWest and Education partners have engaged with various state government agencies, such as Main Roads WA, WA Department of Transport, WA Department of Jobs, Tourism, Science and Innovation to advocate for the required changes. At a federal level, agencies such as Austroads, the National Transport Commission, Department of Industry, Science, Energy and Resources and the Department of Infrastructure, Transport, Regional Development and Communications have been engaged.

Key stakeholders in Joondalup already engaged with the project include Edith Cowan University, North Metro TAFE, Joondalup Health Campus and WA Police Academy. The City has also had discussions with a number of businesses in the automation, robotics and AI sector who have indicated support for this initiative

A range of these partners agreed to the development of a report on the opportunities for the development of a Robotics Innovation Precinct. This report has been provided to the City in final draft form. The City has reviewed the report and prepared the attached Report Summary containing recommendations and supporting information. The Robotics and Innovation report will go to all project partners for review before finalisation and publication of the report.

The Report Summary identifies the opportunities and gaps required to establish a dedicated robotics innovation precinct. A key aim is to establish this precinct as WA's active urban robotics and automation hub and create a global centre of excellence in this sector with the potential for up to an additional 18,500 jobs as a result of developing the robotics, automation, AI, cyber security and data science industries in Joondalup.

It is identified that the City of Joondalup is an ideal location for a robotics innovation precinct being a planned city in close proximity to required elements of key infrastructure and amenities of a metropolitan area. It has a central business district, a retail precinct, commercial properties, a hospital, a university, a large sporting complex, train station, freeway access as well as a mixture of living density in both urban and suburban settings.

### Innovation in the Digital Economy

While the original focus of this initiative was robotics and automation, the investigations have explored industry development opportunities in areas such as artificial intelligence, cyber security and data science. These technologies already have a strong base in Joondalup in both industry and education and together form part of the broader digital economy.

The City has a significant opportunity to showcase, support and grow the digital economy through advocacy, investment attraction and innovation. The growth of emerging sectors such as medical, financial and education technologies and the digital transformation of small and medium enterprises all present opportunities for innovation and growth.

This is further strengthened by the federal government's *Digital Economy Strategy* which in 2022 announced a further \$1.1 billion investment in initiatives to grow skills and tech capabilities and boost jobs and investment.

The City's proposed approach aims to facilitate the delivery of robotics and automation (Project Joondalup), and all aspects of the Digital Economy across all industries. By focussing more broadly on development and innovation in a range of technologies, Joondalup's economy will diversify and grow. To do this it needs to be responsive not just to one new area but to all emerging technologies.

### Key Development Areas

The City is well placed to become a prime location for the testing and development of Robotic and Autonomous technologies, and leverage existing capabilities to become a hub for innovation in the broader digital economy.

By taking a broader view on the recommendations contained in the Report Summary and working with industry and key partners, the City is able to take the lead in progressing the development of the digital economy in Joondalup in line with our Economic Development and Digital City Strategy. This will promote investment in areas of emerging demand, in not only robotics and automation, but also other emerging industries right across the digital economy. The development areas proposed are consistent with the State Government's *Diversity WA Framework*.

The City is therefore recommending the development of the following four key development areas, which while in line with the Report Summary, have been identified to drive innovation in the digital economy as detailed as follows:

- Advocate for a dedicated precinct for the testing of urban robotics through regulatory reform to support robotics, automation and artificial intelligence.
  - Advocacy around regularity reform to allow the testing of level 4 autonomous vehicles in the public space. Up to 70% of the potential value of this project is locked in the approval process and regulatory challenges.
- Facilitate the development of a digital innovation centre with access to funding, programming, co-working space and an ability to reach customers.
  - Developing a landing pad for new and emerging businesses, support a cluster, connecting education facilities to incubators and accelerators and enabling grants to focus on the precinct. This includes supporting a robotics cluster.
- Facilitate research to define and improve short and long-term skills and research and development activities to expand on the existing education precinct.
  - Joondalup has the opportunity to transform into a university city that allows for a concentration of education providers to set up and provide the services that retain people within the City.

- Investigate and advocate for a business park in Joondalup for new and emerging industries, with an initial focus on robotics, automation, artificial intelligence, data science and cyber security.
  - Identification of available land close to the education providers and within the testing precinct for businesses to locate.

### Progress to date

Following the unanimous vote by Council in favour of the motion relating to Project Joondalup at its meeting held on 17 August 2021 (CJ130-08/21 refers), the following opportunities have been progressed:

- Successful attraction of the 2021 Robotics and Automation in Mining Conference. This national conference had never been held in WA before and attracted more than 500 delegates to the three day event at Joondalup Resort. Featuring keynote presentations from the Hon Bill Johnson MLA, Development WA, Roy Hill, Rio Tinto, BHP and FMG, this conference was a prime opportunity to position Joondalup as an innovative driver of technology and industry development.
- The Canberra-based Australian Transport Cooperative Research Centre (CRC), known as the iMOVE CRC has confirmed sponsorship of a PHD student who is now based at Edith Cowan University. The City is participating in discussions with Industry to secure funding for a project relating to Project Joondalup.
- ROBOWest, the WA Cluster for robotics, automation, AI, cyber security and data science in Western Australia was formally launched in Joondalup and plans to be headquartered in Joondalup CBD.
- Commitment by University of WA and Curtin University to relocate parts of robotics and automation education to Joondalup to co-locate with Edith Cowan University.
- In October 2021, the WA Government released the revised [Diversify WA Report](#), along with the [Diversify WA: Supply Chain Development Plan 2021-22](#), which outlines a for WA to have “a strong and diversified economy delivering secure, quality jobs through increased investment across a broad range of industries.” As identified above this framework supports the key development areas proposed in this report.

### **Issues and options considered**

Council can either:

- not support the development of innovation and the digital sector to drive economic and jobs growth
- or
- support the development of Project Joondalup’s four key development areas identified in the Report using a partnership approach with stakeholders, neighbouring local governments and the WA government. This is the recommended option.

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

**Legislation** Not applicable.

#### **10-Year Strategic Community Plan**

**Key theme** Economy.

**Outcome** Innovative and confident – You are attracted to the City’s unique characteristics and potential and feel confident in investing.

**Policy** Not applicable.

### **Risk management considerations**

The City is currently experiencing limited population and local economic growth. The risk of not supporting this initiative may result in reduction of the local economy; fewer jobs for the local community; and lower rates and other revenue to the City than otherwise possible.

A project of this nature can catalyse the economic growth of key sectors in the City including education, retail and tourism through a thriving an activated economy and matching skills to job opportunities.

### **Financial / budget implications**

The City's contribution to the development of the feasibility study (the Report) has been \$50,000 of a total investment in the study of \$120,000. The remainder was invested by Robotics Australia Group, Accenture, PwC, RCT- Perth, i-Move Cooperative Research Centre, Edith Cowan University, University of Western Australia, Queensland University of Technology, North Metropolitan TAFE, Barminco, Austroads, Chironix, Nexxis and Minera Mining Technologies. The City's contribution was allocated from existing budget.

There is currently significant support, both in funding and in-kind support from the public and private sector.

The City's involvement is predominantly through existing Economic Development and Advocacy services. A decision to provide support for the actions outlined in this report will not require any increase in staff or budget for the City as the activities required will be able to be met from within existing resources of the Economic Development and Advocacy Team.

### **Regional significance**

In July 2020, the Western Australian government announced an investment of \$20 million in the development of an advanced manufacturing robotics and automation test facility and precinct at Neerabup, in the City of Wanneroo.

A dedicated precinct in Joondalup for research and development of automation and robotic technologies would not only boost digital capabilities in Joondalup but would position the region as a key supporter and early adopter of automation and robotic technology.

The economic value to the City and residents would be significant, as this growth sector will attract emerging industries, international investors, international talent and provide upskilling opportunities for all education networks in the Joondalup region.

### **Sustainability implications**

With options for population growth, sustained economic development requires business investment and sector development. The proposed investigation of innovation in the digital economy and the potential for the development of a robotics precinct in Joondalup would bring together key global suppliers, researchers and regulators of autonomy and robotic products, services and systems, with focus on delivering a ubiquitous operating layer for end customers.

Examples of successful rejuvenation of city economies through robotics and automation test facilities include the US cities of Pittsburgh and Tucson. The Tucson test facilities created around 15,000 jobs and revitalised the local economy, including the development of a major resource industry education and training programs, ensuring longevity of the local talent pipeline for the resource industry in that City.

## Consultation

The City has consulted with stakeholders from relevant sectors to seek feedback and support for this initiative. These have included ECU, North Metro TAFE, UWA, Curtin University, Joondalup Health Campus, Joondalup Business Association, Department of Transport, Department of Jobs, Development WA, Tourism, Science and Innovation and the National Road Safety Committee. The City has also facilitated discussions with industry across all relevant sectors such as Mining equipment and technology (METs), automation, robotics, cyber security, AI and data science.

## COMMENT

Development of an automation and robotics precinct in Joondalup would further position Joondalup as a leader in digital development and would complement the region's existing capabilities. The project will support the talent retention of increased investment into local education providers to grow skills and research into automation and digital futures.

As outlined in the Report Summary the economic modelling for the Joondalup's future shows that industry and skill development in robotics, automation, AI, cyber security and data science technology has the capacity to catalyse significant job creation and economic growth.

The City has investigated global cities to identify the key drivers of innovation and developing a successful and competitive local industry. It found that to support commercialisation of technology, particularly in early-stage, companies need to be able to scale. A supportive and innovative eco-system can be enabled by creative programs, incubation space and access to global markets. There is an opportunity in Joondalup to leverage the learning precinct to attract commercialisation specialists who can attract and support start-ups and scale-ups, clusters and investment.

If Western Australia could supply enough talent in the fields of Automation, Robotics, AI, Cyber Security and Data Science, coupled with competitive regulatory reform through an accelerated model, the City's investigations indicate it could create up to 18,500 new jobs. In addition, there is an opportunity to grow student numbers in Joondalup by up to 4000 per year. This could be achieved by working with education providers, government and industry to consolidate education around the key skills requirements.

Preparing graduates and professionals for the jobs of the future is key to securing the talent supply chain to support and sustain growth of the emerging industries that make up the digital economy. This aligns with the City's Strategic Community Plan 2022-2032 through the goal within the Economy theme of '*Our City is home to diverse industries that generate a wide-range of local job opportunities*'. The City can strengthen the talent supply chain through entrepreneurial and employable skills development.

Innovation in the digital economy has potential for diversification and growth across all areas of Joondalup's industry and business community. As medical, health, cyber security and other existing industries grow, these actions are critical to support their development. Other new and evolving areas, such as those identified in the State Government *Diversify WA Framework* will also continue to be investigated such as tourism, international education data science and space industries.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council **SUPPORTS** the following key development areas to drive innovation in the digital economy:

- 1 **ADVOCATE** for a dedicated precinct for the testing of urban robotics through regulatory reform to support robotics, automation and artificial intelligence;
- 2 **FACILITATE** development of a digital innovation centre with access to funding, programming, co-working space and the ability to reach customers;
- 3 **FACILITATE** research to define and improve short and long-term skills and research and development activities to expand on the existing education precinct;
- 4 **INVESTIGATE** and **ADVOCATE** for a business park in Joondalup for new and emerging industries, with an initial focus on robotics, automation, artificial intelligence, data science and cyber security.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf220809.pdf](#)

## ITEM 5 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 Signing and Common Seal Register - extract for between 21 June and 25 July 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 between 21 June and 25 July 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 Signing and Common Seal Register for between 21 June and 25 July 2022, as detailed in Attachment 1 to this Report.*

### BACKGROUND

For between 21 June and 25 July 2022, eight documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Removal of Section 70A Notification	1
Section 70A Notification	3
Transfer of Land	1
New Lease Agreement	1
Restrictive Covenant	1
Temporary Withdrawal of Caveat	1



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

Not applicable.

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

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

**10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Capable and effective - You have an informed and capable Council backed by a highly-skilled workforce.

**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 Signing and Common Seal Register for between 21 June and 25 July 2022, as detailed in Attachment 1 to this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf220809.pdf](#)*

## ITEM 6 MINUTES OF REGIONAL COUNCIL MEETINGS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	03149, 101515
<b>ATTACHMENT</b>	Attachment 1 Mindarie Regional Council – Ordinary Council Meeting Minutes – 7 July 2022
	<i>(Please note: These minutes are only available electronically).</i>
<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:

- Ordinary Minutes of the Mindarie Regional Council meeting held on 7 July 2022.

### DETAILS

#### Mindarie Regional Council Ordinary Council Meeting – 7 July 2022

An ordinary meeting of the Mindarie Regional Council was held on 7 July 2022.

At the time of this meeting Cr Christopher May and Cr Adrian Hill were Council's representatives at the Mindarie Regional Council 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).

### Legislation / Strategic Community Plan / Policy Implications

**Legislation** Not applicable.

#### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Capable and effective - You have an informed and capable Council backed by a highly-skilled workforce.

**Policy** Not applicable.

**Risk Management Considerations**

Not applicable.

**Financial / Budget Implications**

Not applicable.

**Regional Significance**

Not applicable.

**Sustainability Implications**

Not applicable.

**Consultation**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council **NOTES** the minutes of the ordinary meeting of the Mindarie Regional Council held on 7 July 2022 forming Attachment 1 to this Report.

To access this attachment on electronic document, click here: [RegionalMinutes220809.pdf](#)

## ITEM 7                      AMENDMENT LOCAL LAW 2021- ADOPTION

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy	
<b>FILE NUMBER</b>	05885, 101515	
<b>ATTACHMENT / S</b>	Attachment 1	Schedule of Submissions
	Attachment 2	<i>City of Joondalup Amendment Local Law 2021 – marked up</i>
	Attachment 3	<i>City of Joondalup Amendment Local Law 2021 adoption copy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.	

### PURPOSE

For Council to note the submissions received following the public advertising of the proposed *City of Joondalup Amendment Local Law 2021* and resolve to make the local law in accordance with section 3.12 of the *Local Government Act 1995* (the Act).

### EXECUTIVE SUMMARY

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved to make the proposed *City of Joondalup Amendment Local Law 2021* for the purpose of public advertising. The purpose of the 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*. The effect of the 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 Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.

*It is therefore recommended that Council:*

- 1        *NOTES the submissions received at the close of the public submissions period for the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to this Report;*
- 2        *BY AN ABSOLUTE MAJORITY ADOPTS the City of Joondalup Amendment Local Law 2021, as detailed in Attachment 3 to this Report;*
- 3        *AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted City of Joondalup Amendment Local Law 2021;*
- 4        *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995;*
- 5        *ADVISES all submitters of Council's decision.*

## BACKGROUND

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

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved to:

- “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 subject to the following amendment;*
  - 1.2 *AMENDS clause 10.6(2) of the City of Joondalup Local Government and Public Property Local Law 2014, to read:*

*“10.6 Retailer to remove abandoned trolley*

*(2) A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).”*
- 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 Meeting 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, and in addition NOTES that an additional review of the City of Joondalup Animals Local Law 1999 will be progressed in 2022, in relation to additional measures being incorporated for the control of cats;*
- 8 *NOTES a review of the City of Joondalup Pest Plant Local Law 2012 will be progressed in 2022”*

A notice advising of Council’s intention to make the proposed local law, and of the purpose and effect of the proposed local law, was published in accordance with section 3.12 of the Act in the following places for a period of six weeks:

- Email to resident/ratepayer groups distributed on 7 April 2022.
- eNewsletter to Community Engagement Network subscribers distributed on 7 April 2022.
- Webpage linked through the ‘Community Consultation’ and ‘Public Notice’ sections of the City’s website visible from 7 April 2022 to 20 May 2022.
- Proposed local laws webpage linked through the ‘City Administration’ section of the City’s website visible from 7 April 2022 to 20 May 2022.
- Public notice advertisement published in the community newspaper *PerthNow Joondalup* on 7 April 2022.
- Facebook post published through the City’s Facebook account on 11 April 2022.
- LinkedIn post published through the City’s LinkedIn account on 11 April 2022.
- Twitter post published through the City’s Twitter account on 11 April 2022.

In accordance with the requirements of the Act, a copy of the proposed local law was also submitted to the Minister for Local Government on 7 April 2022 for consideration.

The time for making public submissions closed on Friday 20 May 2022.

## DETAILS

At the close of the public submission period, the City received seven submissions including one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). A Schedule of Submissions is provided at Attachment 1 to this Report. The submissions received are summarised below as follows:

- One submission received from the DLGSC providing general comment on proofreading and the publishing of a consolidated local law. The comments are noted.
- One submission received supporting the changes to the *Amendment Local Law 2021*. The comments are noted.
- One submission received suggesting the City consider reviewing their authority over structures at sea. The comments are noted and an Officer’s response provided.
- Two comments received relating to roaming cats. The comments are noted and an Officer’s response provided.
- One comment received relating to parking at Greenwood Primary School. The comments are noted and an Officer’s response provided.
- One comment received relating to dog waste bins. The comment is noted and an Officer’s response provided.

- One comment received relating to dry parks. The comment is noted and an Officer's response provided.
- Two comments received relating to penalties. The comments are noted and an Officer's response provided.
- One comment relating to advertising signage on median strips. The comment is noted and an Officer's response provided.

In addition to the submissions received from members of the public, Officer's have identified the following:

#### Parking Local Law 2013

- In clause 5.4 of the *Amendment Local Law 2021*, under Part 7.2(1)(a), remove the words 'expiring on 31 December on the year of issue'.
- The purpose of this amendment is to align the local law with technology that the City is investigating which would see over 4,000 parking permits replaced with an electronic system. In view of this, some aspects of the *Parking Local Law 2013* require amendment to cater for improvements available with the new technology being used.

#### City of Joondalup Local Government and Public Property Local Law 2014

At the Council meeting on 19 July 2022, Council received a report on the initiatives to reduce the proliferation of abandoned trolleys (CJ109-07/22 refers). With regard to reducing the time for removing a shopping trolley from 24 hours to 3 hours, the following commentary was provided:

*"When a Field Officer is tasked with an Abandoned Shopping Patrol they also have the task of visiting retailers, depending on the trolleys found. For example, if they locate a number of Kmart trolleys while on their patrol, they will make a point of visiting that store and meeting with the Store Manager informally. At this stage, these tasks are difficult to quantify as not every interaction with retailers is recorded on the corporate system, however as this is now part of the procedure in dealing with abandoned trolleys, the City can be comfortable that this is occurring.*

*As a result of these informal interactions, many retailers take the opportunity to update their contact details with the City to ensure that they are able to be notified and deal with the trolley before it is impounded. This engagement has provided anecdotal feedback from retailers that any period shorter than the current 24 hours would be difficult for them to manage, that is a three-hour window. A shorter response time would also increase the amount of Officer time required to impound the trolley, as it is likely that more trolleys will be impounded rather than collected by stores. This will also cause a flow on effect of locating enough space to impound them.*

*Further, the City's legal advice has substantiated that it would be difficult to take action against a retailer if a three-hour time frame was used given that the City couldn't necessarily be confident that the retailer was made aware within that short time.*

*The recent proactive relationship that the City has fostered with retailers under this new process is very harmonious and the evidence shows that it is working given that only around 11% of trolleys remain uncollected after notification. Any reduction in timeframe to remove the trolley would strain the City's relationship with retailers which could have a negative flow on affect for businesses in the CBD."*



Elected Members may wish to re-consider reducing the time for removing a shopping trolley as a result of information provided at the July 2022 Council meeting.

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 at Attachment 2 this Report. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided at Attachment 3 to this Report.

In the event that Council resolves to make the *City of Joondalup Amendment Local Law 2021* as presented, the following sequence of events will commence:

- 1 The local law will be published in the *Government Gazette* and a copy provided to the Minister for Local Government.
- 2 After gazettal, local public notice will be given stating the title of the local law, the purpose and effect of the local law (including the date when it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 3 A copy of the local law, together with the accompanying explanatory memoranda, will then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny. The local law will come into effect 2 weeks after gazettal.

Council should be aware that it is possible that the Joint Standing Committee (JSC), after reviewing the local law, may require certain amendments to be made. If this is the case, the Council will be required to recommence the process of advertising for public comment, resolving again to make the local law, gazettal and re-submission to the JSC for further consideration.

### Issues and options considered

Council can either:

- adopt the proposed *City of Joondalup Amendment Local Law 2021*, as advertised
- adopt the local law with minor modifications 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

<b>Legislation</b>	<p><i>Local Government Act 1995.</i>  <i>Local Government (Functions and General) Regulations 1996.</i>  <i>City of Joondalup Animals Local Law 1999.</i>  <i>City of Joondalup Local Government and Public Property Local Law 2014.</i>  <i>City of Joondalup Meeting Procedures Local Law 2013.</i>  <i>City of Joondalup Parking Local Law 2013.</i></p>
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### 10-Year Strategic Community Plan

<b>Key theme</b>	Leadership.
<b>Outcome</b>	Capable and effective – You have an informed and capable Council backed by a highly-skilled workforce.

**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 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 disallowance of the local law.

### **Financial / budget implications**

The costs 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 2022-23 Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

In accordance with section 3.12 of the Act, public consultation occurred as follows:

- 1 By giving local public notice for a period of no less than six weeks from the date of advertising, including:
  - email to resident/ratepayer groups distributed on 7 April 2022
  - eNewsletter to Community Engagement Network subscribers distributed on 7 April 2022
  - webpage linked through the 'Community Consultation' and 'Public Notice' sections of the City's website visible from 7 April 2022 to 20 May 2022
  - proposed local laws webpage linked through the 'City Administration' section of the City's website visible from 7 April 2022 to 20 May 2022
  - public notice advertisement published in the community newspaper *PerthNow Joondalup* on 7 April 2022
  - facebook post published through the City's Facebook account on 11 April 2022
  - LinkedIn post published through the City's LinkedIn account on 11 April 2022
  - Twitter post published through the City's Twitter account on 11 April 2022.
- 2 Providing 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 *City of Joondalup Amendment Local Law 2021* has been progressed to amend certain provisions within the following local laws:

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

The proposed *City of Joondalup Amendment Local Law 2021* was publicly advertised in accordance with the Act, and subsequently minor amendments were made taking into account the submissions received.

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 submissions received at the close of the public submissions period for the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to this Report;
- 2 **BY AN ABSOLUTE MAJORITY ADOPTS** the *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 3 to this Report;
- 3 **AUTHORISES** the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted *City of Joondalup Amendment Local Law 2021*;
- 4 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*;
- 5 **ADVISES** all submitters of Council's decision.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf220809.pdf](#)

## **ITEM 8                    CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL 2022 TO 30 JUNE 2022**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	20560, 101515
<b>ATTACHMENTS</b>	Attachment 1    Corporate Business Plan Quarterly Progress Report for the period 1 April 2022 to 30 June 2022  Attachment 2    Capital Works Program Quarterly Report for the period 1 April 2022 to 30 June 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').

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### **PURPOSE**

For Council to receive the Corporate Business Plan Quarterly Progress Report for the period 1 April 2022 to 30 June 2022 and the Capital Works Quarterly Report for the period 1 April 2022 to 30 June 2022.

### **EXECUTIVE SUMMARY**

The City's *Corporate Business Plan 2021/22 – 2025/26* (Corporate Business Plan) 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 2032* (Strategic Community Plan).

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 April 2022 to 30 June 2022 provides information on the progress of 2021-22 projects and programs against these quarterly milestones and is shown as Attachment 1 to this report.

A Capital Works Quarterly Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this Report.

*It is therefore recommended that Council RECEIVES the:*

- 1     *Corporate Business Plan Quarterly Progress Report for the period 1 April 2022 to 30 June 2022, which is shown as Attachment 1 to this Report;*
- 2     *Capital Works Quarterly Report for the period 1 April 2022 to 30 June 2022, which is shown as Attachment 2 to this Report.*

## BACKGROUND

The City's Corporate Business Plan demonstrates how the objectives of the City's Strategic Community Plan are translated into a five year delivery program.

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

## DETAILS

The Corporate Business Plan Quarterly Progress Report (Attachment 1 refers) provides information on progress against the milestones for the 2021-22 projects and programs within the Corporate Business Plan.

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

The milestones being reported this quarter are the grey shaded sections of Attachment 1. "business as usual" activities within each key theme have also been separated from strategic projects and programs within the report.

As this is the final Corporate Business Plan Quarterly Progress Report for 2021-22, this report details the projects, programs and activities that have been carried forward into the new Corporate Business Plan endorsed by Council at its meeting held on 28 June 2022 (CJ093-06/22 refers). This report also outlines some of the achievements of 2021-22.

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

### Governance and Leadership

Community consultations were undertaken on the following projects:

- Anchors Term 3 Program
- Angove Drive, Hillarys — Traffic and Parking Conditions
- Become a Bushland Birder
- Braden Park, Marmion — Proposed Basketball Pad
- Burns Beach Coastal Node Concept Plan
- Changes to Parking Conditions — North-East Joondalup
- Changes to Parking Conditions — Warren Way, Mullaloo
- Changes to Traffic and Parking Conditions — Angove Drive, Hillarys
- City Communications Survey
- City of Joondalup Amendment Local Law 2021
- Climate Change Survey
- Communities in-focus Event Feedback (Recruiting and Retaining Volunteers)

## Governance and Leadership

- Community Art Exhibition 2022 Feedback
- Community Art Exhibition Feedback and People's Choice Award
- Community Transport Program
- Craigie Leisure Centre Customer Survey 2022
- Development Application and Building Application
- Development Application and Building Permit 2020/21 Customer Satisfaction
- Draft 10-Year Strategic Community Plan (Joondalup 2032)
- Draft Joondalup Place Activation Strategy and Draft Joondalup City Centre Place Activation Plan
- Draft Minor Residential Development Local Planning Policy
- Draft Yellagonga Integrated Catchment Management Plan
- Duffy House Site Concept Plan
- Facility Hire Feedback
- Feedback Outcomes Report — MA15+ Term 2 Program
- Forrest Park, Padbury — Floodlighting Upgrade
- Guided Bike Tour Around Lake Goollelal
- Homelessness Awareness Training
- Invitation Art Prize People's Choice Award
- Joondalup Festival Feedback
- Joondalup Volunteer Resource Centre
- July Business Forum
- Little Feet Festival
- Local Government Volunteer Network
- Local Law Amendments Consultation
- Multi-Storey Car Park Business Stakeholder Survey
- Music in the Park
- Notice of Intention to Levy Differential Rates
- Ocean Reef Park Upgrade
- Park Amenity Improvement Program Project (Killen Park)
- Planning Consultation Local Planning Policy Feedback
- Proposed Scheme Amendment No 8 to City of Joondalup Local Planning Scheme No 3
- Rangers, Parking and Community Safety Customer Service
- Seniors' Gathering
- Sir James McCusker Park, Iluka — Proposed Toilet Facility
- Skate Park Festival
- Strategic Community Reference Group
- Summer Sessions
- Sunday Serenades
- Valentine's Concert
- Website Review
- Youth Forum 2021.

Council endorsed the following policies:

- Elected Members' Communications Policy
- Revised Elections Caretaker Period
- Appointment of an Acting or Temporary Chief Executive Officer Policy
- Community Funding Program Policy
- Arts Development Scheme Policy
- Elected Members' Entitlements Policy

## Governance and Leadership

- Home Business Local Planning Policy
- The City publicly advertised the following local laws:
- City of Joondalup Health Amendment Local Law 2021
- City of Joondalup Fencing Amendment Local Law 2021
- City of Joondalup Amendment Local Law 2021.

A range of publications and online e-newsletters were distributed to the community including:

- 2021-22 Waste Guide
- Arts in-Focus
- Budget News
- City News
- Clubs in-Focus
- Community Engagement Network
- Environmental Events
- Family and Local History Newsletter
- Invitation Art Prize Catalogue
- Joondalup Job Notices
- Joondalup Voice
- Joondalup Library Events
- Joondalup Leisure Online
- Joondalup Business Online
- Libraries Online Resources Guide
- Libraries Events and Programs Guide
- Little Feet Festival Program
- Music in the Park Flyers
- PlayNow and Lifestyle Program
- Public Notices
- Saluting their Service
- School Connections
- Strategic Community Reference Group Flyers
- Valentine's Concert Flyers
- Y-Lounge Online
- Youth Services Summer Catalogue.

There was significant community engagement on the City's social media platforms:

- Facebook
- Twitter
- Instagram
- LinkedIn
- YouTube.

The City participated in events and meetings with the following key external stakeholders:

- Festival of Motoring
- Football West
- Hillarys Boat Harbour Traders Association
- Joondalup/Wanneroo Local Emergency Management Committee
- Metropolitan Area Recreation Advisory Group
- Metropolitan Environmental Health Managers Group
- North West Metropolitan District Leadership Group
- Perth Festival

## Governance and Leadership

- Perth Institute of Contemporary Arts
- Public Libraries Western Australia Executive Committee.

A range of submissions prepared on State and Federal Government strategic policy matters including:

- Draft State Infrastructure Strategy (Western Australian Local Government Association)
- Draft Native Vegetation Policy for Western Australia
- Draft State Planning Policy 2.9 (Planning for Water and Planning for Water Guidelines)
- Draft Coastal Management Plan (City of Wanneroo)
- Draft Gnangara Groundwater Allocation Plan (Department of Water, Environment and Regulation)
- Draft Position Statement: Planning for Tourism, Draft Planning for Tourism Guidelines and State-Wide Registration Scheme for Short-Term Rental Accommodation (Department of Planning, Lands and Heritage)
- Draft Safer Places by Design Guidelines Centres (Department of Planning, Lands and Heritage)
- The City of Joondalup provided a submission to the Department of Local Government; Sport and Cultural Industries on the Local Government Reform – Summary of Proposed Reforms following Council endorsement of the submission at the February Council meeting
- Supporting Multiculturalism Locally (Department of Local Government, Sport and Cultural Interests, Office of Multicultural Interests)
- Stakeholder Satisfaction Survey (Department of Local Government, Sport and Cultural Interests, Office of Multicultural Interests)
- Inquiry: What happens next? Beyond a Finding of Serious Misconduct (Joint Standing Committee on the Corruption and Crime Commission).

The City coordinated the Local Government Election 2021, provided an Elected Member Induction Program, training, strategic development session, and conducted a review of the Governance Framework.

A Strategic Community Reference Group meeting was held on the City's Climate Change Plan, and a new Reference Group was formed for 2022-2023.

The Annual Report was presented to the Annual General Meeting of Electors.

In accordance with the State Government's Integrated Planning and Reporting Framework, the City developed the new *10-Year Strategic Community Plan: Joondalup 2032* and the Corporate Business Plan 2022–2026, which were both adopted by Council.

The City participated in several advocacy activities with State and Federal Members of Parliament.

The City undertook a review of the Delegated Authority Manual and ward boundaries.

The City provided a number of reports to the Audit and Risk Committee.

The City participated in the Australasian Local Government Excellence Program.

The City presented the results of the Customer Satisfaction Survey to Elected Members.



### Governance and Leadership

The City conducted several civic ceremonies including 16 citizenship ceremonies, and provided a number of civic functions including:

- Seniors' Appreciation Lunch
- Sporting Clubs' Appreciation Function
- National Aborigines and Islanders Day Observance Committee –NAIDOC Week Flag-Raising Ceremony
- Wandina Park Opening.
- Elected Member Dinners
- Invitation Art Award Opening Function
- Ninja Warrior (Park Warrior) Official opening at Hillarys Beach Park, Whitfords Nodes Health and Wellbeing Hub
- Remembrance Day Memorial Service
- Two Elected Member Dinners
- Community Stakeholder Reception
- Staff Christmas Party
- Valentines Concert VIP Function
- Joondalup Festival VIP Function
- Community Art Exhibition Award — Winners Presentation
- ANZAC Dawn Service
- Library and Community Development volunteer appreciation function
- Joondalup Business Forum
- Joondalup Dinner.

### Financial Sustainability

Capital Works Projects completed from the Parks Equipment Program including:

- Macaulay Park, Duncraig — play space installation
- Kiernan Park, Kallaroo — play space renewal
- Regents Park, Joondalup — play space renewal
- Leichhardt Park, Padbury — play space renewal
- Finney Park, Marmion — play space renewal
- Chelsford Park, Warwick — play space renewal
- Coolibah Park, Duncraig — play space renewal
- Gibson Park, Padbury — drinking fountain installation
- Huntingdale Park, Greenwood — play space renewal
- Kingsley Park, Kingsley — play space renewal
- Timberlane Park, Woodvale — soccer field leveling
- Emerald Park, Edgewater and Heathridge Park, Heathridge — match cricket wicket upgrades
- Sheoak Park, Greenwood — bollard renewal
- Hillarys Beach Park, Hillarys — Warrior Course (Whitfords Nodes Health and Wellbeing Hub)
- Chelsea Park, Kingsley — play space renewal
- Simpson Park, Mullaloo — play pace renewal
- Newcombe Park, Padbury — play space renewal
- Braden Park — play space renewal
- Pinarroo Point — play space renewal.

## Financial Sustainability

Capital Works Projects completed from the Parks Development Program including:

- Newcombe Park, Padbury — amenity improvement
- Illawong Park, Kingsley — irrigation renewals
- Charonia Park, Mullaloo, — irrigation network
- Granadilla Park, Duncraig — cabinet renewal
- Stanford Park, Kallaroo — cabinet renewal
- Simpson Park, Mullaloo — cabinet renewal
- Wallangarra Park, Kingsley — cabinet renewal
- Fenton Park, Hillarys — cabinet renewal
- Wolinski Park, Mullaloo — cabinet renewal
- Noal Gannon Park, Duncraig — cabinet renewal
- Churton Park, Warwick — irrigation upgrades
- Newcombe Park, Padbury — amenity improvement
- Sorrento Foreshore, Sorrento — irrigation cabinet
- Caledonia Park, Currambine — irrigation cabinet.

Capital Works Projects completed from the Blackspot Program including:

- Marmion Avenue/McWhae, Hillarys — road intersection upgrade
- Marmion Avenue and Cambria Street, Kallaroo.

Capital Works Projects completed from the Building Construction Works including:

- Belrose Park, Kallaroo — Toilet Reconstruction.

Capital Works Projects completed from the Local Traffic Management Program including:

- Sherington Road, Greenwood — splitter island
- Goollelal Drive/Robertson Road Cycleway, Kingsley — crossing
- Montessori Place/Talbot Park, Kingsley — traffic improvements
- Endeavour Road/Cook Avenue/Kebble Close, Hillarys —pedestrian upgrade.

Capital Works Projects completed from the Parking Facilities Program including:

- Readshaw Road, Duncraig — on-street parking
- Ellersdale Park, Warwick — parking improvements stage 2
- Windermere Park, Joondalup — parking improvements stage 2
- Burns Beach Road Trail, Burns Beach — car park access
- Mullaloo Drive, Mullaloo — cul-de-sac parking improvement
- Burns Beach — coastal footpath connection
- Iluka Beach Park, Iluka — car park reconfiguration.

Capital Works Projects completed from the Road Preservation and Resurfacing Program including:

- Kempenfeldt Avenue, Sorrento
- Haynes Road, Sorrento
- Lane 1, Sorrento
- Wimbledon Drive, Kingsley
- Ford Street, Sorrento
- Reef Court, Sorrento
- Porteous Road, Sorrento
- Tingle Court, Greenwood
- Buckthorn Way, Greenwood
- Buckthorn Court, Greenwood
- Grove Court, Greenwood
- Warner Place, Greenwood

## Financial Sustainability

- Pearsall Gardens, Mullaloo
- Koombana Way, Mullaloo
- Volute Place, Mullaloo
- Maritana Road, Kallaroo
- Meryll Place, Duncraig
- Wittenoom Place, Duncraig
- Vigors Court, Duncraig
- Barre Place, Duncraig
- Sunlander Drive/Currambine Boulevard roundabout, Currambine
- Matipo Court, Duncraig
- Gibson Avenue, Padbury — Warburton Avenue to Rudall Way
- Blue Mountain Drive/Yellowstone Way intersection, Joondalup
- Candlewood Boulevard/Brienz Drive roundabout, Joondalup
- Davidson Terrace, Joondalup — Reid Promenade to Boas Avenue
- Blackfriars Road, Joondalup — Lakeside Drive to St Pauls Crescent
- Shenton Avenue (west-bound), Joondalup – Grand Boulevard to McLarty Avenue
- Shenton Avenue (west-bound), Joondalup — McLarty Avenue to Joondalup Drive
- Coolibah Drive/Orkney Road roundabout, Greenwood
- Burns Beach Road/Delgado Parade roundabout, Burns Beach
- Joondalup Drive (south-bound), Joondalup — Dan Murphy's entrance
- Calectasia Street, Greenwood — Marlock Drive to Leschenaultia Street
- Joondalup Drive (south-bound), Joondalup — Petrol Station to Cord Street
- Calectasia Street, Greenwood — Coolibah Drive to Leschenaltia Street
- Albacore Drive, Sorrento — Seacrest Drive to Harman Road
- Reef Court, Sorrento
- Nemisia Court, Heathridge
- Scallop Close, Heathridge
- Squire Avenue, Heathridge
- Peninsula Avenue, Heathridge
- Connolly/Sussex roundabout, Connolly
- Diablo/Fairway roundabout, Connolly
- Riviera Court, Connolly
- Broughton/Glespin roundabout, Kinross
- Broughton/Callander roundabout, Kinross
- Byrne Close, Padbury
- Hann Place, Padbury
- Burke Place, Padbury
- Gibson/Pinnaroo roundabout, Padbury
- Gibson/Giles roundabout, Padbury
- Whitfords Avenue westbound, Wanneroo to Mooro Street
- Whitfords Avenue westbound, Mooro Street to Duffy Terrace
- Whitfords Avenue westbound, Kingsley to Freeway
- The Loop, Edgewater
- Settler Way, Edgewater
- Vista Close, Edgewater
- Treetop Avenue, Edgewater
- Kingsley Drive, Kingsley
- Kiah Court, Kingsley
- Pinner Court, Kingsley
- Picasso Court, Kingsley
- Vance Close, Kingsley

### Financial Sustainability

- Bowes Court, Kingsley
- Shannon Close, Woodvale
- Tara Court, Woodvale
- Maple Hill, Woodvale
- Timbercrest Rise/Trailwood Drive roundabout, Woodvale.

Capital Works Projects completed in the Stormwater Drainage Program including:

- Macedon Place, Craigie — sump beautification
- Quay Court, Sorrento — sump retaining wall repair
- Ballantine Road, Warwick, drainage upgrade
- Marri Park Sump, Duncraig — upgrade outlets
- Newcombe Park, Padbury — sump beautification.

Capital Works Projects completed from the New Paths Program including:

- Marmion Avenue — Prendiville Avenue to Shenton Avenue, Ocean Reef
- Ocean Reef Road — Water Corporation access road to Bellanger Drive, Beldon
- Lockyer Court, Duncraig — path links
- Mueller Court, Padbury — path links
- Eddystone Avenue/Honeybush Drive, Joondalup — pedestrian crossing
- Caledonia Park, Currambine (eastern side).

Capital Works Projects completed from the Path Replacement Program including:

- Bernard Manning Drive to Hepburn Avenue, Duncraig — public access way
- Ocean Gate Parade, Iluka
- Coastal path — West View Boulevard to Marina, Mullaloo
- Marmion Avenue (Delamere Avenue to Burns Beach Road)
- Lakeside Drive (Aldgate Street to Bethnal Green public accessway)
- Caledonia Avenue/Sussex Way to Yorkshire Grove, Currambine.

Capital Works Projects completed from the Lighting Program including:

- Greenwich Park, Kingsley — security lighting
- Emerald Park, Edgewater — floodlighting
- Neil Hawkins Park, Joondalup — LED car park lighting.

Capital Works Projects completed from the Foreshore and Natural Areas Program:

- Warwick Open Space, Warwick — bushland path renewals
- Mandalay Park, Craigie — bushland fencing
- Merrifield Way, Mullaloo — bushland fencing (foreshore reserve)
- Duncraig Library Bushland — bushland fencing

### Quality Urban Environment

A review and update of the Local Planning Strategy has progressed.

A review of the Residential Development Local Planning Policy and Other Local Planning Policies has progressed.

A review of the Joondalup Activity Centre Plan was completed with the amended plan provided to the Western Australian Planning Commission for endorsement.

### Quality Urban Environment

Council endorsed the City's submission on the draft amendments to the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Joondalup Design Review Panel Local Planning Policy and Joondalup Design Review Terms of Reference were implemented following Council's appointment of panel members.

Council adopted the Place Activation Strategy and Joondalup City Centre Place Activation Plan.

The following streetscape enhancement programs were completed:

- Joondalup Drive North to Burns Beach Streetscape Upgrades
- City Centre Streetscape Renewal Program: Shenton Avenue, Joondalup

The Newcombe Park, Padbury Park Amenity Improvement Program was completed.

The Leafy City Program was provided with tree planting in the following suburbs:

- Kallaroo
- Mullaloo
- Warwick
- Beldon.

The Leafy City Program was provided with tree maintenance in the following suburbs:

- Kinross.
- Currambine.
- Heathridge.
- Beldon.
- Kallaroo.
- Craigie.
- Woodvale.
- Padbury.
- Kingsley.
- Greenwood.
- Warwick.

Joondalup City Centre Street Lighting Stage 5 was completed.

### Economic Prosperity, Vibrancy and Growth

Under the Business Engagement and Communication Program, the City supported and attended several partner and industry events:

- Joondalup Business Association Lunch
- Business News Post Budget Breakfast
- Committee for Economic Development of Australia State of the State Lunch
- Cyber Week 2021 Launch
- Huzhou International Friendship Cities Conference
- Joondalup Business Association Coffee Connections and AGM/Christmas Sundowner
- Liberty Joondalup Launch Event
- Robotics and Automation in Mining Conference
- West Tech Fest
- Joondalup Business Association coffee connections and sundowner events
- Launch of the Australia Japan Business Council

### Economic Prosperity, Vibrancy and Growth

- Investment led strategy building Aus–India economic relations event with the Indian High Commissioner and Deputy Premier
- Chamber of Commerce and Industry WA Webinar on COVID-19 impacts
- Joondalup Business Association Coffee Connection and Sundowner events
- Chamber of Commerce and Industry WA event with the former Federal Treasurer Hon Josh Frydenberg MP
- Liberty Flexible workspace event to meet with new tenants
- Business News Politics and Policy event with Hon Roger Cook MLA Deputy Premier
- Property Council event on Suburban Cities, with the Mayor presenting.
- ANZ and Chamber of Commerce and Industry WA economic forum
- Wanneroo Business Association event with the Premier presenting
- Committee for Perth event on closing the gap between male and female workforce pay and participation.

Communications were provided to local businesses through e-business newsletters, social media posts, publications and City updates to promote local and international economic development initiatives.

Implementation of the Economic Development Strategy to provide strategic direction for the promotion of economic and employment growth within the City continued with several meetings held with the City of Joondalup Cyber Security Stakeholder Group, and the Joint Economic Development Initiative.

Business Forums were provided with keynote speakers including Premier Hon Mark McGowan MLA.

Several actions were implemented under the Destination City Plan including workshops of the Joondalup Visitor Economy Network, and regular meetings of stakeholders representing the Sunset Coast tourism region.

Global engagement activities were undertaken including attendance at the Department of Jobs, Tourism, Science and Innovation's Investment Attraction Fund forum, and at Austrade's Australia India Business Exchange.

Activities for regional collaboration were facilitated and promoted with the Cities of Wanneroo, Stirling, Swan, and Destination Perth.

The City partnered with industry experts to deliver the Business Ready Programs, Business Engagement Programs, and Buy Local Programs.

The projects to promote innovation and support creativity; grow the North-West Alliance; promote business capacity and cluster formation; support for future workforce, innovators, and entrepreneurs; promote the visitor economy, investigate opportunities for international economic exchange; and attract events such as the Joondalup Festival of Motoring were delivered.

The City and Development WA progressed the Ocean Reef Marina project.

## The Natural Environment

Ongoing actions were implemented from the following

- Environment Plan including the Community Funding Program and the State of the Environment Report.
- Climate Change Strategy including submitting an Expression of Interest to the Western Australian Local Government Association for the Australian Renewable Energy Agency Future Fuels Program for electric vehicle fleet and charging infrastructure funding.
- Coastal Infrastructure Adaptation Plan including the finalisation of the Coastal Monitoring Program Report.
- Pathogen Management Plan including finalisation of a Pathogen Treatment Program in natural areas and parks.
- Weed Management Plan including distribution of a tender regarding hydrothermal application for the control of weeds in nominated locations.
- Bushfire Risk Management Plan including ongoing firebreak improvement works.
- Yellagonga Integrated Catchment Management Plan including feral animal control in Yellagonga Regional Park.
- Waste Management Plan including bin audits to inform behaviour change and waste disposal trends.
- City Water Plan including ongoing monitoring of scheme water and groundwater performance. The City was awarded Platinum Waterwise Council of the Year by the Water Corporation and the Department of Water and Environmental Regulation, as part of the Waterwise Council Program.

A State of the Environment report for 2020-21 was finalised and presented to Elected Members.

The review of Natural Area Management Plans and Key Performance Indicators were completed.

The landscape design for the Ocean Reef Park upgrade were completed.

## Community Wellbeing

A review of the current Active Reserve and Community Facilities to inform priorities for refurbishment and redevelopment was completed.

Actions from the *Community Development Plan 2015-2020* implemented.

Completion, commencement, or investigation of options of major and minor upgrades at several community facilities, including:

- Facility Refurbishment — Percy Doyle Football Teeball Park Clubroom
- Sorrento Surf Life Saving Club Redevelopment
- Chichester Park Clubroom Facility Redevelopment
- Emerald Park Clubrooms Facility Refurbishment
- Warwick Sports Centre Club Refurbishment Works
- Sorrento Football Club – Changeroom Extension
- Duffy House Activation Works and Commercial Expression of Interest
- Craigie Leisure Centre Refurbishment.

Development of a Public Art Masterplan and Strategy commenced.

## Community Wellbeing

A comprehensive program of cultural events delivered throughout the year, including:

- NAIDOC Week Celebrations
- Sunday Serenades concerts
- Luminight
- Little Feet Festival
- Music in the Park
- Valentine's Concert.

New public art projects commissioned including:

- A public artwork by Eveline Kotai
- Christopher Pease to create a new artwork for the City's art collection.

Ongoing actions were implemented from the following projects:

- Access and Inclusion Plan
- Community Funding Program
- Community Programs and Initiatives
- Age Friendly Plan
- Regional Homelessness Plan.

Delivery of the Visual Arts Program including:

- NAIDOC Week exhibition.
- The Invitation Art Prize exhibition held at Westfield Whitford City Shopping Centre.

The final business case for the Percy Doyle Outdoor Youth Facilities and Skate Park was presented to Council with the scope and budget adopted.

A range of youth events and programs delivered, including:

- Youth Holiday Program
- Summer Sessions
- Youth Leadership Forum
- Night Drop-in, Music Edge and Freestyle Edge programs
- BMX, Skate and Scooter events
- RYDE Program

Lifelong Learning and Library events and activities delivered, including:

- Children's Book Week
- Meet the Author events
- Library and Information Week.
- Story Time
- Toddler Time
- Live and Learn Events.

The Social Needs Analysis was completed and presented to Council.

## 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.*

## **10-Year Strategic Community Plan**

**Key theme** Leadership.

**Outcome** Accountable and financially-sustainable – You are provided with a range of City services which are delivered in a financially responsible manner.

**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 *10-Year Strategic Community Plan, Strategic Financial Plan, Corporate Business Plan* and *Annual Budget*.

## **Risk management considerations**

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

## **Financial / budget implications**

All 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 2032 which have been developed to ensure the sustainability of the City.

The key themes are:

- Leadership
- Place
- Economy
- Environment
- Community.

## **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 RECEIVES the:

- 1 ***Corporate Business Plan Quarterly Progress Report*** for the period 1 April 2022 to 30 June 2022 which is shown as Attachment 1 to this Report;
- 2 ***Capital Works Program Quarterly Report*** for the period 1 April 2022 to 30 June 2022 which is shown as Attachment 2 to this Report.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf220809.pdf](#)

## ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2022

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of June 2022 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of June 2022) Attachment 3 Municipal and Trust Fund Vouchers for the month of June 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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of June 2022.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of June 2022, totalling 18,032,388.79.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for June 2022 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 this Report, totalling 18,032,388.79.*

### BACKGROUND

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

### DETAILS

The table below summarises the payments drawn on the funds during the month of June 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

The vouchers for the month are appended as Attachment 3 to this Report.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112450 – 112489 & EF101774 – EF101807 & EF101814 – EF101905 & EF101907 – EF102127 & EF102525 – EF102920 Net of cancelled payments Vouchers 3312A – 3328A	\$12,768,537.67 \$5,253,304.42
	Bond Refund Cheques & EFT Payments 112490 & EF101808 - EF101813 & EF102128 & EF102921 Net of cancelled payments.	\$10,546.70
<b>Total</b>		18,032,388.79

### 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.

### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Accountable and financially-sustainable - You are provided with a range of City services which are delivered in a financially responsible manner.

**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 Revised Budget* as adopted by Council at its meeting held on 15 February 2022 (CJ028-02/22 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 June 2022 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 this Report, totalling 18,032,388.79.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf220809.pdf](#)

## **ITEM 10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2022 (SUBJECT TO END OF YEAR FINALISATION)**

<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 30 June 2022.

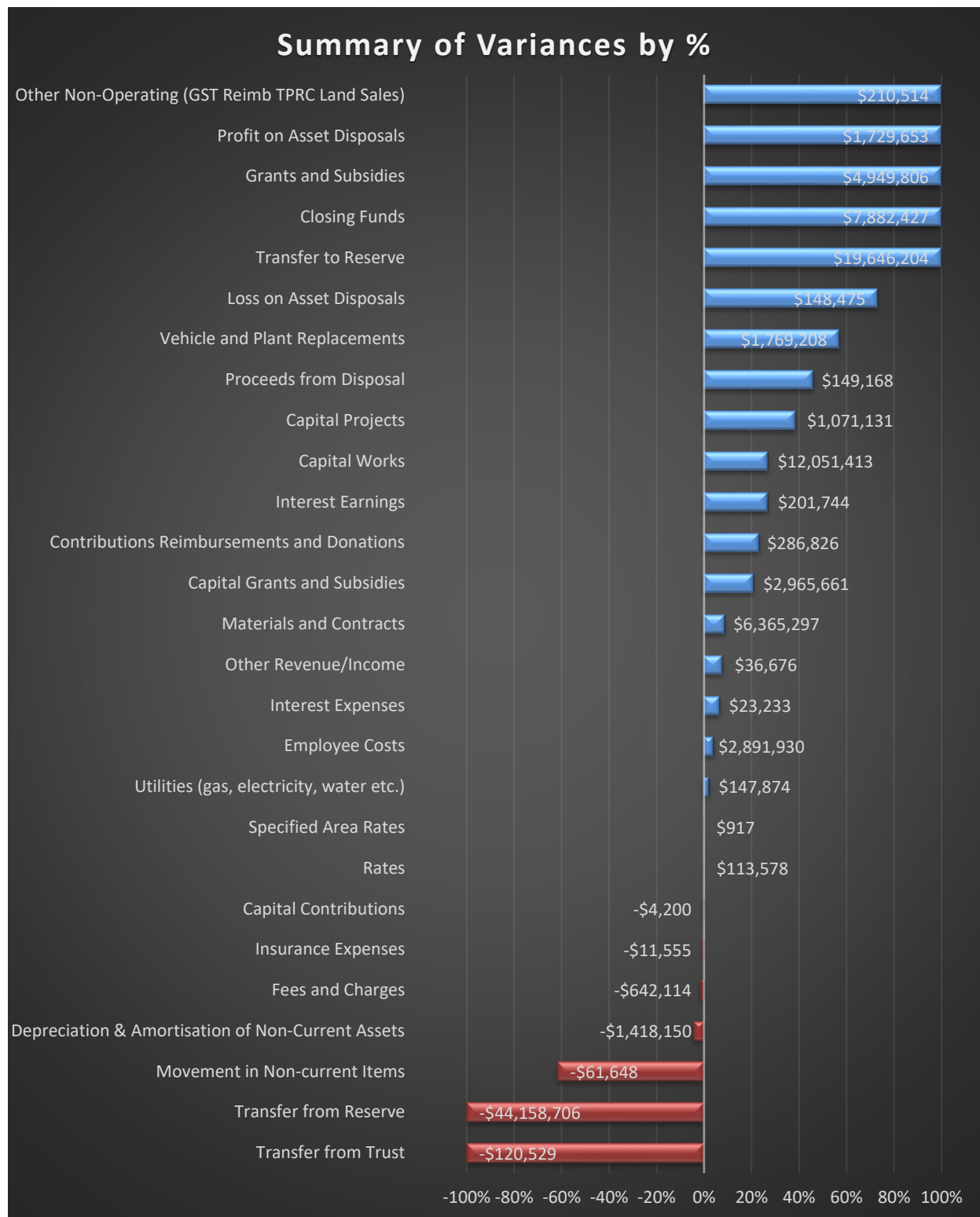
### **EXECUTIVE SUMMARY**

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). Council subsequently revised the budget at its meeting held on 15 February 2022 (CJ028-02/22 and CJ029-02/22 refers). Council subsequently amended the revised budget on 15 March 2022 (CJ042-03/22 refers) and on 19 April 2022 (CJ058-04/22 refers). The figures in this report are compared to the revised budget.

The June 2022 Financial Activity Statement Report shows an overall favourable variance of \$7,882,427 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 June, as well as the End of Financial Year process which is in progress. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

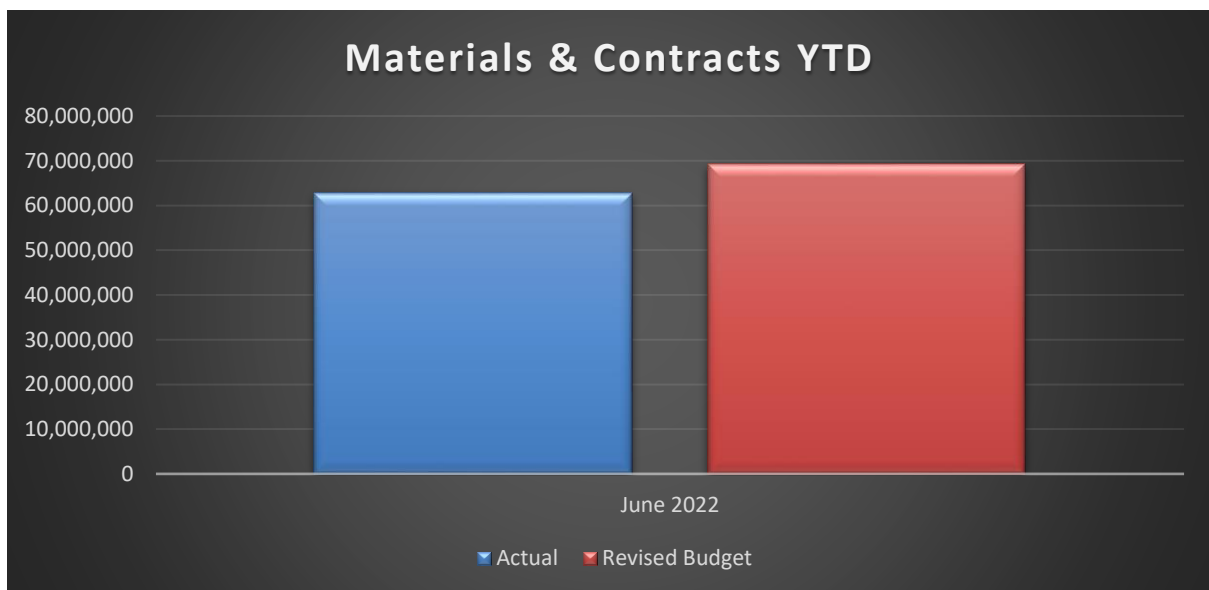
The key elements of the variance are summarised below:



The significant variances for June were:

**Materials and Contracts**

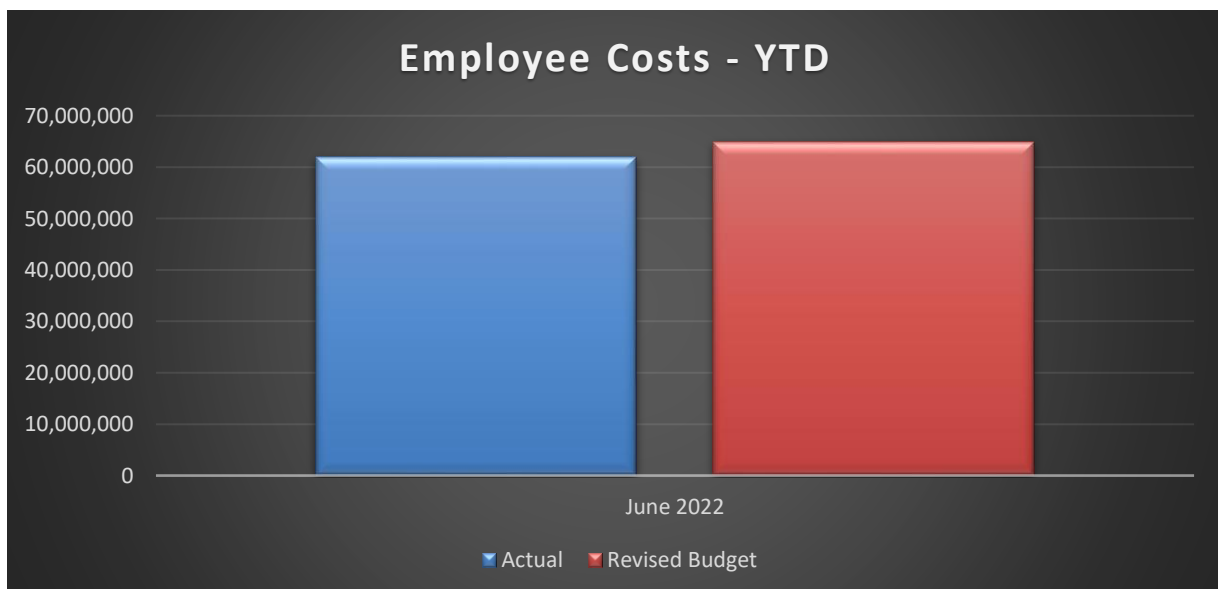
**\$6,365,297**



Materials and Contracts expenditure is \$6,365,297 below budget. This is spread across a number of different areas including External Service Expenses \$1,746,113, Professional Fees and Costs \$1,196,760, Waste Management Services \$781,605, Contributions and Donations \$581,213, Other Materials \$539,573, Furniture, Equipment and Artworks \$395,513, Administration \$310,613 and Public Relations, Advertising and Promotions \$298,336.

**Employee Costs**

**\$2,891,930**



Employee Costs expenditure is \$2,891,930 below budget. Favourable variances predominantly arose from the cumulative impact of vacancies during the year in various areas.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 June 2022 forming Attachment 1 to this Report.*



## BACKGROUND

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

## DETAILS

### Issues and options considered

The Financial Activity Statement for the period ended 30 June 2022 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.

### 10-Year Strategic Community Plan

**Key theme** Leadership.

**Outcome** Accountable and financially-sustainable - You are provided with a range of City services which are delivered in a financially responsible manner.

**Policy** Not applicable.

### Risk management considerations

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

### Financial / budget implications

All amounts quoted in this report are exclusive of GST.

### Regional significance

Not applicable.

### Sustainability implications

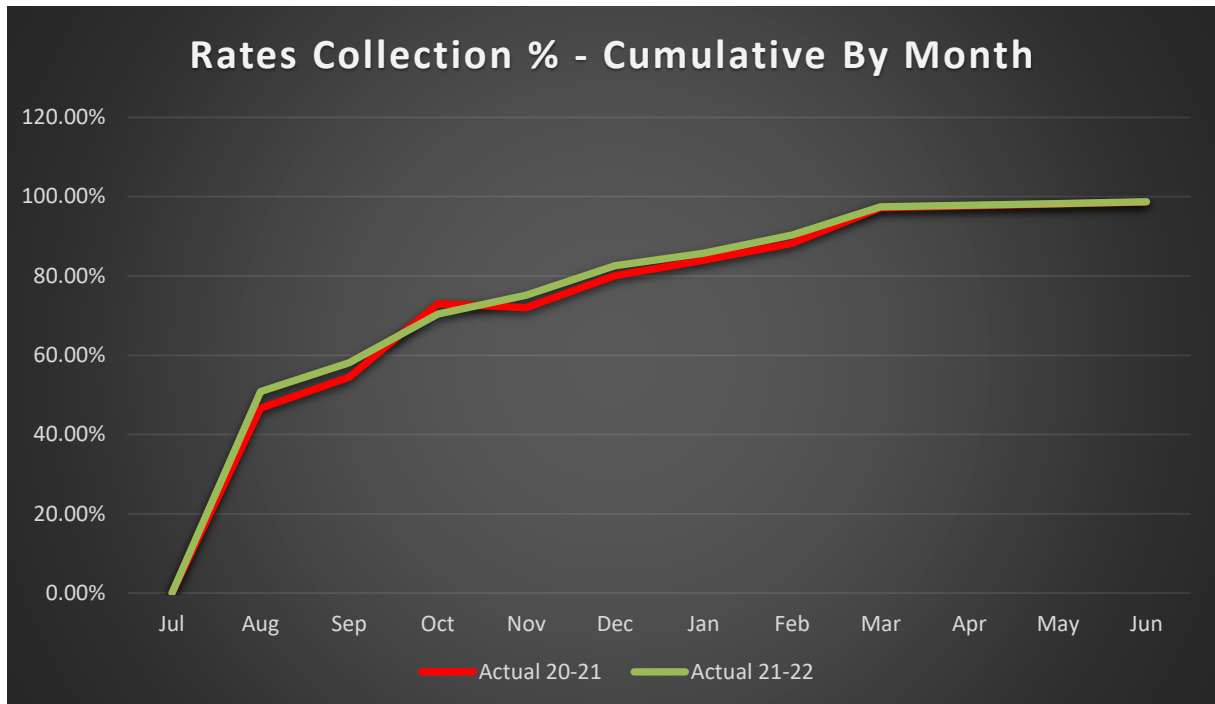
Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation**

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

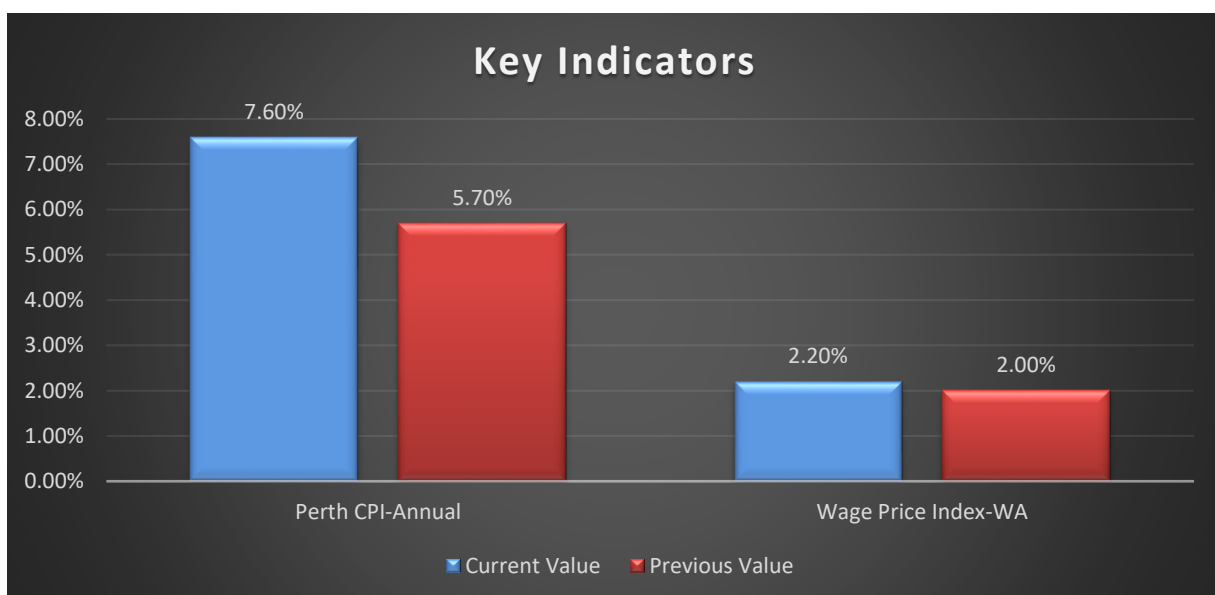
**KEY INDICATORS**

**Rates Collection**



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

**Economic Indicators**



During May the Western Australia Wage Price Index for the first quarter of 2022 was released. Western Australia and South Australia saw the smallest annual gains (2.2%). The first quarter was in line with the market expectations and at the same pace as the previous quarter.

## **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2021-22 revised budget or has been authorised in advance by Council where applicable.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 June 2022 forming Attachment 1 to this Report.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf220809.pdf](#)*

## **ITEM 11                    CONSIDERATION        OF        ADDITIONAL        KEY MANAGEMENT PERSONNEL REMUNERATION DISCLOSURES IN ANNUAL REPORT AND ANNUAL FINANCIAL REPORT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	107357, 101515
<b>ATTACHMENTS</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 the inclusion of additional disclosures in the City's *Annual Financial Report* and *Annual Report* pertaining to compensation earned by Elected Members and other Key Management Personnel (KMP) of the City.

### **EXECUTIVE SUMMARY**

At its meeting held on 15 February 2022, in response to a Notice of Motion, Council resolved (CJ010-02/22 refers) that the Chief Executive Officer:

*“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.”*

The relevant legislative and other aspects pertaining to disclosure of such information are considered further here.

## BACKGROUND

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, a Notice of Motion was moved at the Council meeting on 15 February 2022 (CJ010-02/22 refers) for a subsequent report to be presented to Council to consider the potential benefits and issues involved in disclosing additional detailed information in the City's *Annual Financial Report* and *Annual Report* on remuneration paid to Elected Members performing roles with other entities, such as Mindarie Regional Council and Tamala Park Regional Council, as well as compensation to Key Management Personnel (KMP) presented so that the number of City staff, their roles, and individual remuneration is identified and disclosed, showing components as required by applicable accounting standards.

## DETAILS

Sections 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* as well as Part 8 of the *Local Government (Administration) Regulations 1996* provide for councillors (such as Elected Members, including mayor and deputy mayor) of a local government to be paid certain fees, expenses or allowances in performance of various duties as councillors. A local government cannot make any payments to anyone who serves in this capacity unless it is in accordance with these legislative provisions.

Regulation 44 of the *Local Government (Financial Management) Regulations 1996* prescribe that a local government's annual financial report must include the total of each category of fees, expenses or allowance paid to each council member.

The *Local Government Act 1995* defines a councillor as "...a person who holds the office of councillor on a council...".

Reporting of fees, expenses or allowances in the City's *Annual Financial Report* under Regulation 44 is therefore only in respect of such amounts paid to those who hold the office of councillor of the City of Joondalup.

The City complies with this reporting requirement each year, which is subject to audit by the Office of the Auditor-General (OAG), with the most recent disclosure of such payments to councillors included in the City's audited *Annual Financial Report* for the year ended 30 June 2021.

The *Local Government (Financial Management) Regulations 1996 (FMR)* require a local government to comply with the prescriptions of the Australian Accounting Standards (AAS) to the extent not inconsistent with the Regulations. The AAS are issued by the Australian Accounting Standards Board with a number of these applicable to the City's annual financial reporting.

AASB 124 *Related Party Disclosures* requires a reporting entity to include the following disclosure in its annual financial statements:

*Key Management Personnel compensation in total and for each of the following categories:*

- (a) *short-term employee benefits;*
- (b) *post-employment benefits;*
- (c) *other long-term benefits;*
- (d) *termination benefits; and*
- (e) *share-based payment.*

AASB 124 defines Key Management Personnel (KMP) as "those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity."

In the case of a local government, KMP would therefore comprise councillors and senior staff (executives), as indicated in the guidance provided within AASB 124. Since the accounting standard became applicable, the City has reported related party disclosures for KMP on this same basis. This approach has been confirmed in each annual financial audit.

Reporting of allowances paid to City of Joondalup councillors in the Annual Financial Report under Regulation 44 is deemed to satisfy the disclosure requirements under AASB 124 in respect of KMP who are Councillors. In respect of KMP who are Executives, the City discloses remuneration paid in aggregate to all such KMP for each of the categories required in AASB 124.

This financial reporting treatment has been accepted as complying with the requirements of AASB 124 by the City's auditors in each annual financial audit so far.

Current disclosure detail for KMP in Annual Financial Report

<b>Allowances to Councillors</b>	<b>Remuneration to executives</b>
Allowances reported individually for each councillor as required in Reg 44.	Reported cumulatively for all executives in line with AASB 124.
Reported for each allowance category, such as meeting fees, IT allowance, as required in Reg 44.	Reported for each category of remuneration prescribed in AASB 124.
Reported in notes to annual financial report.	Reported in notes to annual financial report.

Current disclosure detail for KMP in Annual Report

<b>Allowances to Councillors</b>	<b>Remuneration to executives</b>
Reported individually for each councillor in addition to annual financial report.	Included by virtue of Annual Financial report forming part of Annual Report.
Reported for each allowance category such as meeting fees, IT allowance, in addition to annual financial report.	Included by virtue of Annual Financial report forming part of Annual Report.

Resolution part 1

The Council resolution (CJ010-02/22) is for the City 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.*

Under the *Local Government Act 1995* a councillor is a person who holds the office of councillor on a council.

Under Regulation 44 of the FMR, the City's annual financial report discloses details of all allowances and other payments made to councillors of the City of Joondalup. No disclosure is made of any remuneration or payment that a councillor might derive from another source, which may include private employment, business or other activities, which has not been paid or incurred by the City towards them as Councillors.

The City is a member of two regional local governments, namely the Tamala Park Regional Council (TPRC) and Mindarie Regional Council (MRC). By virtue of being a member council, the City nominates two of its councillors to sit on the councils of each of these regional local governments on behalf of the City. These councillors, along with similarly nominated individuals from other member councils, constitute the council of each of these regional local governments, for the purposes of Regulation 44 of the FMR. Allowances and other payments made to the councillors of both MRC and TPRC are reported by both in their respective annual financial reports as required by the FMR as these individuals, as councillors of those local governments, are considered KMP of those entities.

Similarly, Elected Members of the City of Joondalup have been nominated by the Council to serve on the state council of the Western Australian Local Government Association (WALGA). WALGA is constituted under the *Local Government Act 1995* and is the peak industry sector body representing the interests of member local governments in Western Australia. WALGA reports remuneration paid to members of its state council in aggregate in its annual financial report.

Joint Development Assessment Panels (JDAPs) are constituted by the WA State Government as independent decision-making bodies comprising technical experts and local government Elected Members to determine planning applications made under local and regional planning schemes. JDAPs service two or more local government districts. The City, as a member of JDAP, is required to nominate members who are appointed by the state Minister for Planning. Sitting fees and expenses reimbursements are paid to Elected Members of the City who sit on a JDAP.

Nominations of specific Elected Members to these entities arise from decisions of Council. Reports to Council that are the basis for Council decisions in this regard include information about the applicable allowances and other remuneration that are expected to be paid to the nominated individuals. This information is therefore considered by Council when making a decision to nominate an individual in this manner.

*Disclosure in the Annual Financial Report and/or Annual Report of remuneration received by Elected Members from other roles/sources*

The City's Annual Financial Report (AFR) presents the City's revenue and expenditure over a particular reporting period. This includes expenditure that the City incurs on allowances and other remuneration paid to Elected Members for their role as councillors, including meeting fees, IT allowances, training expenses, and reimbursements of allowable expenses incurred.

The AFR presents the financial statements, including the statement of comprehensive income (income statement), supported by the various notes where applicable. The AFR reports expenditure incurred by the City in the course of its operations, including remuneration paid to Elected Members in the performance of their roles as councillors of the City of Joondalup.

The City does not include, either in the financial statements or the notes, information pertaining to remuneration or other income that Elected Members may derive from sources outside of their roles as councillors of the City of Joondalup. This includes income from private employment, business interests, or investments. This is for two related reasons:

- such remuneration is not earned by Elected Members from the performance of their roles as councillors of the City of Joondalup
- such remuneration earned by Elected Members has not been incurred by the City as a cost of its operations.

Elected Members who perform roles as councillors of the Mindarie Regional Council or the Tamala Park Regional Council are nominated to those roles by the Council of the City of Joondalup and derive remuneration from those entities to perform those roles. However, those costs are not incurred by the City of Joondalup and, though Elected Members are nominated to those roles they are required to exercise their functions as councillors of those entities in those capacities and are therefore required to participate in decision-making at those entities to achieve the best outcomes for those entities, rather than for the City of Joondalup. This is similar to the corporate world, where individuals serving as directors of multiple organisations are still required to act in the best interests of each entity they serve, regardless of how that affects other organisations that they might be directors of.

Consequently, performance of an Elected Member in their role as a councillor of the City of Joondalup does not include their performance as a councillor of those regional councils or any other entity that they might serve, regardless of whether they were nominated to those roles by the City or not. Those entities are distinct from the City and performance of those roles is separate from the same individuals' performance as councillors of the City of Joondalup.

The Act and Regulations do not make stipulations about disclosures in the City's Annual Report of remuneration that Elected Members might derive from sources outside of their roles as councillors of the City of Joondalup. The City's *Annual Report* contains a variety of information pertaining to the City's operations, including financial results, governance, activities undertaken during the reporting period and other relevant information. While there is an expectation that information included in the City's *Annual Report* be accurate and relevant, this is not subject to external requirements such as *Australian Accounting Standards* and information in the City's *Annual Report* is not subject to audit, except for the audited financial information included in it through the *Annual Financial Report*.

Therefore, Council can choose to include information in the *Annual Report* over and above what is required by legislation, should this be considered necessary by Council to enhance understanding of the City's operations by users of the *Annual Report*, including the City of Joondalup community.

Broadly, information about Elected Members' income, other than remuneration derived from the City, is usually considered private and separate to the City's activities and, therefore, excluded from an *Annual Report*. Remuneration derived by Elected Members from entities on which they serve as Elected Members by virtue of being nominated by the City, can still be considered private as those entities are entirely separate from the City and, as noted earlier, performance of Elected Members in roles with those entities does not form part of the performance of their roles as councillors of the City.

## Resolution part 2

The Council resolution (CJ010-02/22) is for the City 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:*

- 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."*

It is noteworthy that KMP, as contemplated in *Australian Accounting Standards*, include Elected Members in their roles as councillors of the City; however, this aspect of the Council resolution is understood to refer exclusively to KMP who are senior executives of the City, not Elected Members.



The accounting standard requirement to report KMP remuneration by classifying into the applicable components applies to all KMP. However, in the local government context, the Act and Regulations already require detailed reporting of remuneration paid to Elected Members. This disclosure is considered to satisfy the requirements of the accounting standard and separate disclosure is not necessary. In fact, the legislative direction goes beyond the accounting standard as the latter does not require individual Elected Members, as KMP, to be identified or reported on.

As pertains to remuneration to other KMP, namely senior executives, the accounting standard currently does not require that an entity reporting such KMP information identify those individuals and disclose their individual remuneration. The City complies with the reporting requirements as they currently stand in its AFR and reports KMP remuneration in aggregate.

Disclosure of KMP remuneration takes various forms in various industry sectors.

a) Public sector - Commonwealth

A number of Commonwealth entities and Commonwealth companies are required to report KMP remuneration in their annual reports by identifying the individual and disclosing the various categories of remuneration earned by each KMP<sup>1</sup>. This requirement is spelt out in the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) under the provisions of the *Public Governance, Performance and Accountability Act 2013*.

There is very specific guidance about how to identify KMP in a Commonwealth entity and how to present remuneration information for these individuals in the entity's annual report. For example, the Department of the Prime Minister and Cabinet identifies individual KMP within the agency and reports their remuneration at an individual level in its annual report<sup>2</sup>.

It may be noted that remuneration of ministers is not disclosed within the annual reports for those Commonwealth entities, as remuneration for ministers is reported at the whole-of-government level in the Consolidated Financial Statements for the Australian Government.

b) Public sector – WA State Government

Currently, there does not appear to be a requirement for State Government entities to disclose KMP remuneration at an individual level in annual or financial reports. For example, the annual report of the Office of the Auditor General reports KMP remuneration in aggregate, as required by accounting standards, and does not identify the individuals or report individual remuneration paid<sup>3</sup>.

c) Private sector – Listed corporations

Section 300A of the *Corporations Act 2001* requires listed disclosing entities to prepare a remuneration report as part of the annual Directors' Report. This is also required to be audited and associated regulations prescribe the manner in which disclosure is made for each individual KMP. For example, the ASX-listed company Nearmap Ltd discloses individual KMP remuneration – both directors and senior executives – as part of its directors' report within its full annual financial report.<sup>4</sup>

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<sup>1</sup> Commonwealth Companies' Executive Remuneration Reporting Guide for Annual Reports

<sup>2</sup> Australian Government, Department of the Prime Minister and Cabinet. *Annual Report 2020-21*  
<https://www.pmc.gov.au/sites/default/files/publications/pmc-annual-report-2020-21.pdf>

<sup>3</sup> Office of the Auditor General *Annual Report 2020-2021*. <https://audit.wa.gov.au/reports-and-publications/reports/annual-report-2020-2021/>

<sup>4</sup> Nearmap Ltd. *Appendix 4E Full Year Financial Report Year ended 30 June 2021*.  
[https://www.nearmap.com/content/dam/nearmap/investor-relations/asx-announcements/2021/Nearmap\\_4E\\_30June2021\\_V5.pdf](https://www.nearmap.com/content/dam/nearmap/investor-relations/asx-announcements/2021/Nearmap_4E_30June2021_V5.pdf)

According to the auditing and consulting firm KPMG, a remuneration report for listed entities “explains how KMP are remunerated in the short, medium and long term” and links this to the performance of the corporation. It is intended to clearly outline how remuneration is structured and how it aligns to the “creation of long-term sustainable value, for both shareholders and other key stakeholders”.<sup>5</sup>

d) Private sector – Unlisted corporations

The Australian Securities and Investments Commission (ASIC) requires non-listed corporations to comply with the *Corporations Act 2001* and accounting standards when preparing financial reports. There is no requirement for individual KMPs to be identified and remuneration reported accordingly.

e) Not-for-profit organisations

The Australian Charities and Not-for-profits Commission (ACNC) provides guidance to registered charities on how to identify KMP and also prescribes the level of remuneration disclosure required. The ACNC does not require disclosure of individual KMP remuneration by registered charities.<sup>6</sup>

It is therefore seen that, generally, identification of individual KMP and disclosure of remuneration paid at an individual level is most prominently required in the case of listed companies. This is entirely reasonable since this information, and the strong link between this and the company’s performance, is crucial for investors and capital markets to make rational decisions about investment in such a company or the company’s current and future prospects.

This imperative of shareholder/investor value does not exist for non-listed entities, including non-listed companies. Consequently, there is no corresponding requirement for a similar remuneration report, or the same level of disclosure, for such entities, whether in the private or public sectors.

For such entities, the link between KMP remuneration and organisational performance is not as clear-cut, although disclosure of individual remuneration may be necessary to accountability of KMP in some organisations. This would seem to be the reasoning behind this requirement in the PGPA Rule, where legislation requires this level of disclosure for individual KMP in Commonwealth government entities. However, aggregate reporting of KMP remuneration, as currently done at the City, would suffice for this purpose if the disclosure is considered in the context of the organisation’s annual revenue and expenditure.

It should be noted that individual disclosure of KMP remuneration in listed companies and Commonwealth government entities is undertaken only because required by legislation, which does not exist for the other entities considered above.

Comparison to local government in Western Australia

Local governments, as public sector entities, are required to report individual remuneration of Elected Members as Councillors. KMP reporting is not prescribed, per se, in the Act or Regulations. This requirement is therefore confined to Elected Members. As elected representatives, there is an obligation to inform the community of remuneration which the public can then consider in light of performance of the local government as a whole as well as individual performance as councillors.

<sup>5</sup> <https://home.kpmg/au/en/home/insights/2021/05/remuneration-reporting-guide.html>

<sup>6</sup> <https://www.acnc.gov.au/for-charities/manage-your-charity/obligations-acnc/reporting-annually-acnc/key-management-personnel-remuneration>

As regards KMP who are not Councillors, the decision-making powers in a local government vest almost entirely with the Council, although some legislative obligations are imposed directly on the local government Chief Executive Officer (CEO). A Council has power to delegate some of its authority downwards to the CEO who may choose to on-delegate some of these further to other employees in the organisation. The CEO engages senior employees at executive level who assist with the efficient administration of the local government that is one of the CEO's legislated obligations. The CEO and these executives are considered to be KMP for the purposes of financial reporting to comply with the accounting standards requirements, as is indicated in the guidance provided within AASB 124 itself.

### Issues and Options Considered

The following are the key issues for Council to consider:

- a) *Should the City include disclosures in its Annual Financial Report of income derived by Elected Members from sources other than remuneration from the City?*

As considered previously, other sources of revenue derived by Elected Members are not pertinent to the City's financial performance or position. Where such sources of revenue may have a bearing on decisions of Council, Elected Members are required to appropriately disclose conflicts of interest at meetings where such matters are considered, and these declarations are retained as public records. The *Annual Financial Report* is not an appropriate mechanism for this purpose.

It is recommended that the City does not disclose income derived by Elected Members from other sources in its *Annual Financial Report*.

- b) *Should the City include disclosures in its Annual Report of income derived by Elected Members from sources other than remuneration from the City?*

The City's *Annual Report* is a record of the City's activities for the period covered by the report, although not just a record of financial performance. However, disclosure of private sources of revenue derived by Elected Members are still not relevant within the *Annual Report*.

Elected Members who serve on Councils or Panels of other entities do so following nomination by the City to those roles. Remuneration derived by those Elected Members from such activity is still not relevant to the City's Annual Report of its activities, as these other entities are separate from the City. In addition, such Elected Members are considered to be KMP of those entities for financial reporting purposes.

It may, however, be considered appropriate to make suitable disclosures in the *Annual Report* regarding Elected Members who serve in such other capacities, on the following lines:

\* *Served during the period 1 July 20XX to 30 July 20XX as a councillor of the \_\_\_\_\_ Regional Council. Any remuneration paid to the individual by the \_\_\_\_\_ Regional Council for this is reported in the Regional Council's annual financial report for this period.*

\*\* *Served during the period 1 July 20XX to 30 July 20XX on the Joint Development Assessment Panel (JDAP) for \_\_\_\_\_. Any remuneration paid to the individual for this purpose by the State Government is in accordance with the standard scale of remuneration as published, and as presented to Council at the time the Elected Member was nominated to this role.*

*It is therefore recommended that the City DOES NOT DISCLOSE income derived by Elected Members from other sources in its Annual Report, including income that may be derived by individuals from roles on regional councils or JDAPs or other entities to which they are nominated.*

It also recommended that the City include appropriate disclosure in the *Annual Report* identifying Elected Members who serve on regional councils or JDAPs or other bodies, and referring the users of the Annual Report to those entities for information on remuneration paid by them

- c) *Should the City identify KMP (other than Elected Members) in its Annual Financial Report and accordingly report KMP remuneration by individual?*

As considered earlier, reporting of individual KMP remuneration is primarily a feature of listed companies because of the impact that such KMPs can have on a company's performance and, therefore, its importance to capital markets and investors. Even in such case, this disclosure is not within the *Annual Financial Report* but within a remuneration report produced as part of the entity's directors' report, that is a requirement of the *Corporations Act 2001*.

The Commonwealth Government requires such reporting for KMP in Commonwealth departments and related entities, to comply with legislation to this effect.

No such legislative requirement exists for non-listed companies, charities or the public sector in Western Australia. There is no such legislative requirement for local governments in Western Australia since the operating environment is considerably different from that of a listed company that has obligations to capital markets and the investing public.

Without a legislative imperative to disclose individuals' remuneration, the necessity for disclosure of individual remuneration in a financial report must be based on clear and compelling rationale. Transparency objectives usually arise where such information is pertinent to a particular matter or operation or organisation and especially where the extent, or structure, of such remuneration could be considered as influencing an individual's performance and/or behaviour, or where the information is important to the organisation's overall context. An example of this would be the quantum of remuneration earned by a CEO relative to their organisation's financial position.

Where a link can be drawn between the remuneration paid to an individual and the organisation's direction, performance and overall position, both financial and otherwise, the rationale for disclosure of that individual's remuneration in financial reports is stronger.

Where this link cannot be drawn, the argument for disclosure is weakened. Ultimately, then, disclosure becomes more about making information available for its own sake, as opposed to transparency because of its importance to the organisation and its stakeholders.

A link between individual KMP remuneration and the City's position and performance is virtually impossible to make. The accounting standard requirement recognises the collective impact that KMP have on an organisation and disclosure of total remuneration to KMPs in a reporting period provides information to users of financial statements that is pertinent in the organisational context. It is difficult to make the case that this information is strengthened by disclosing individual remuneration, as opposed to the aggregate. For example, the total remuneration paid to KMP as a share of the organisation's total revenue or expenditure is important in context. It allows the public to assess this in light of the organisation's overall performance and position. Identifying the remuneration paid to each individual KMP does little to enhance the public's understanding of the organisational context or organisational performance or to improve accountability of those KMP to the Council.

Disclosure of individual KMP remuneration is, therefore, unlikely to achieve much other than to make public information of a personal nature with little reason to do so.

There is, however, a reasonable argument to identify the KMP job titles in the financial report without necessarily disclosing individual remuneration or identifying individuals. This is because the KMP in question, namely the CEO and executives, who substantively serve in those roles are in the public realm by virtue of attendance at, and participation in, Council meetings, and referred to in minutes published. This being the case, inclusion of job titles of KMP whose aggregated remuneration is reported within a financial report, would meet the reporting requirements and provide additional disclosure of KMP positions in the City.

*It is therefore recommended that individual KMP remuneration NOT BE DISCLOSED in the City's Annual Financial Report but continue to be reported in aggregate as presently done, with the job titles of those KMP being identified in the disclosure note along with their job titles.*

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

**Legislation** Not applicable.

#### **10-Year Strategic Community Plan**

**Key theme** Leadership.

**Outcome** Accountable and financially-sustainable - You are provided with a range of City services which are delivered in a financially responsible manner.

**Policy** Not applicable.

### **Risk Management Considerations**

Disclosure of information that is of a personal nature in a statutory report requires appropriate reasons to do so. Where legislation requires it, the risk to the City of disclosing personal remuneration information is minimal as it is a matter of compliance. Where there is no legislative imperative, the City must consider carefully what a proposed disclosure is intended to achieve.

### **Financial / Budget Implications**

Not applicable.

### **Regional Significance**

Not applicable.

### **Sustainability Implications**

Not applicable.

### **Consultation**

No separate consultation was undertaken in this regard. Information from various government and other sources was referred to in this report.

### **COMMENT**

It is not considered appropriate to disclose remuneration earned by KMP who are Elected Members from non City of Joondalup sources in either the *Annual Report* or the *Annual Financial Report*. Such information may be considered private in nature and disclosure does not enhance the public's ability to understand the City's performance or to assess the Elected Members' performance as Councillors of the City of Joondalup. It is also noted that such disclosure by the City is not required by legislation.

It is also not considered appropriate to disclose individual remuneration of KMP, who are not Elected Members, in the City's *Annual Financial Report*. This disclosure is not required by legislation or accounting standards and is of a private nature. Disclosure of individual remuneration is not considered to improve public understanding of the City's performance or position. It is considered appropriate to continue reporting non Elected Member KMP remuneration in the Annual Financial Report in aggregate. It is, however, appropriate to disclose the number and position titles of KMP in the *Annual Financial Report*.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **NOTES** that remuneration paid by the City to Key Management Personnel that are Elected Members is disclosed in the City's *Annual Financial Report* and *Annual Report* in the manner required by the *Local Government (Financial Management) Regulations 1996*;
- 2 **NOTES** that legislation does not require disclosure of remuneration earned by Key Management Personnel that are Elected Members from sources other than the City of Joondalup in the City's *Annual Financial Report* or *Annual Report*;
- 3 **AGREES** that remuneration earned by Key Management Personnel that are Elected Members from sources other than the City of Joondalup should not be disclosed in the City's *Annual Report* or *Annual Financial Report*;
- 4 **AGREES** that the City's Annual Report should identify Key Management Personnel that are Elected Members who serve on Regional Councils, Joint Development Assessment Panels, or other entities to which they have been nominated, with the period of their service and should refer users of the Annual Report to those entities for details of remuneration paid by them to these Key Management Personnel;
- 5 **NOTES** that remuneration paid by the City to Key Management Personnel who are not Elected Members is currently disclosed in the *Annual Financial Report* in aggregate in the manner required by AASB 124 *Related Party Disclosures*;
- 6 **NOTES** that neither accounting standards nor legislation requires disclosure of individual remuneration of Key Management Personnel who are not Elected Members in the City's *Annual Financial Report*;
- 7 **AGREES** that individual remuneration of Key Management Personnel who are not Elected Members should not be disclosed in the City's *Annual Financial Report* or *Annual Report*;
- 8 **AGREES** that the number and positions of Key Management Personnel who are not Elected Members be disclosed in the *Annual Financial Report* where aggregate remuneration is disclosed.

## **ITEM 12                    COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATION - 2023-24 ANNUAL GRANT**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	22209, 101515, 28189, 79606
<b>ATTACHMENTS</b>	Attachment 1    Iluka District Open Space aerial map Attachment 2    Joondalup Bowling Club greens Attachment 3    Cost estimate
<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 an application for the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund 2023-24 annual grant round.

### **EXECUTIVE SUMMARY**

The Community Sporting and Recreation Facilities Fund (CSRFF) program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality; multipurpose; well designed and well utilised facilities. The State Government allocates \$12.5 million per year for CSRFF grants in three categories over the 2023-24 funding period.

The City received one application for the CSRFF annual grant round for 2023-24. The application from the Joondalup Bowling Club is to convert bowling green B to synthetic grass and replace existing metal halide floodlight fittings with energy efficient LED fittings on both bowling greens A and B at the Joondalup Bowling Club, Iluka. The improved lighting and the conversion of the bowling green from grass to synthetic will provide increased opportunities for social and pennant bowling and increase participation in the sport. Synthetic greens allow for more use as they can be played on year-round without damage to the surface and require lower maintenance and less watering.

The total cost estimate for the project is \$468,933 (excluding GST). The CSRFF program considers a contribution of up to one third for eligible components of a project that demonstrates it will increase sport participation, in this case up to \$146,085. Currently there are no funds within the *Five Year Capital Works Program* for the project.

*It is therefore recommended that Council:*

- 1 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$146,085 (excluding GST) to part fund synthetic grass conversion of a bowling green and LED floodlighting on two bowling greens at the Joondalup Bowling Club, Iluka;*
- 2 *NOTES that the announcement of Community Sporting and Recreation Facilities Fund application results are expected in January 2023;*
- 3 *NOTES that there are no funds for the project listed within the Five Year Capital Works Program;*
- 4 *REQUESTS that \$468,933 be listed for consideration in the 2023-24 budget development process for the synthetic grass conversion of a bowling green and LED floodlighting on two bowling greens at the Joondalup Bowling Club, Iluka subject to a successful Community Sporting and Recreation Facilities Fund grant application and Joondalup Bowling Club contribution as follows:*
  - 4.1 *\$161,424 City contribution;*
  - 4.2 *\$146,085 Community Sporting and Recreation Facilities Fund contribution;*
  - 4.3 *\$161,424 Joondalup Bowling Club contribution.*

## **BACKGROUND**

<b>Suburb/Location</b>	Iluka District Open Space - 6A Miami Beach Promenade Iluka WA 6028.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>LPS</b> Public Open Space.
	<b>MRS</b> Urban.
<b>Site area</b>	72,518m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The Western Australian Government, through the Department of Local Government, Sport and Cultural Industries (DLGSCI) provides financial assistance to Local Government Authorities and sport and recreation clubs through the CSRFF program. The program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality; multipurpose; well designed and well utilised facilities. The joint funding partnership is usually based on an equal one third contribution from each partner.

The State Government allocates \$12.5 million per year for CSRFF grants in three categories over the 2023-24 funding period. Annual grants require detailed planning and have a total project value of between \$200,001 and \$500,000. Clubs within the City of Joondalup had an opportunity to submit an expression of interest in February 2022 for the CSRFF program. The DLGSCI places a strong emphasis on a planned approach towards CSRFF applications.

The Joondalup Bowling Club is located within Iluka District Open Space on Miami Beach Promenade, Iluka (Attachment 1 refers). The bowling greens are leased by the Joondalup Sports Association with Joondalup Bowling Club being one of the associated clubs. The club has approximately 230 members.



## DETAILS

The City received one application for the CSRFF annual grant round for 2023-24. The application from the Joondalup Bowling Club is to convert bowling green B to synthetic grass and replace existing metal halide floodlight fittings with energy efficient LED fittings on both bowling greens A and B at the Joondalup Bowling Club, Iluka (Attachment 2 refers). The improved lighting and the conversion of the bowling green from grass to synthetic will provide increased opportunities for social and pennant bowling and increase participation in the sport. Synthetic greens allow for more use as they can be played on year-round without damage to the surface and require lower maintenance and less watering. The proposed works include installation of synthetic grass and associated reticulation on bowling green B and installation of LED floodlighting on bowling greens A and B.

A panel of City officers met to discuss the application. The proposal is club driven therefore, the City does not currently have a budget for the project.

The total cost estimate for the project is \$468,933 (excluding GST) (Attachment 3 refers). The CSRFF program considers a contribution of up to one third for eligible components of a project, in this case up to \$146,085. The project management costs are not eligible for CSRFF funding and would be shared between the City and the Joondalup Bowling Club. The works would be undertaken by the City in line with standard specifications, processes and policies. The life expectancy of the synthetic surface is between 13 to 15 years. The club would be responsible for the resurfacing which would cost approximately \$120,000. The club have confirmed they would put in place a sinking fund based on replacement of the surface in 13 years.

The City completed a review of the financial sustainability of the club and financial capacity to contribute one third of the project cost and the sinking fund. The City is satisfied that the club is financially sustainable and has the capacity to contribute one third towards the proposed project and half of the project management costs. The club would not have the financial capacity to contribute two thirds of the project costs if the CSRFF grant was unsuccessful. The City would contribute one third towards the proposed project and half of the project management costs.

DLGSCI has previously contributed to the conversion of one of the bowling greens from grass to synthetic grass at the Warwick Bowling Club in 2004 and Sorrento Bowling Club in 2022.

Total project cost:	\$468,933 (excluding GST)
City of Joondalup contribution	\$161,424 (excluding GST)
CSRFF grant requested	\$146,085 (excluding GST)
Joondalup Bowling Club	\$161,424 (excluding GST)

### Issues and options considered

It is considered that Council has two options, to either agree or not agree to support progress of the application to the DLGSCI for funding through the CSRFF. If not supported, the project would not be eligible for a CSRFF grant as the local government must be a partner in the project.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

### 10-Year Strategic Community Plan

**Key theme** Community.

**Outcome** Active and social – You enjoy quality local activities and programs for sport, learning and recreation.

**Policy** Not applicable.

### **Risk management considerations**

Any capital project brings risks in relation to contingencies and over runs against original design. The cost estimate is based on recent relevant projects and may differ once detailed designs are undertaken for the project.

### **Financial / budget implications**

#### Future financial year impact

**Capital cost and funding** The capital costs are estimated to be \$468,933. An assessment of eligible CSRFF funding has been prepared, and an application for \$146,085 will be made. Including project management costs, the club and City will contribute \$161,424 each to the project.

**Capital replacement** The club would be responsible for the replacement of the synthetic green in 13 years' time of approximately \$120,000. The club have committed that a sinking fund will be created into which \$15,000 would be paid per year. The City would have responsibility for replacement of the ancillary infrastructure (floodlighting and reticulation).

**Annual operating cost including depreciation** The club would have direct responsibility for maintenance of the green and associated infrastructure.

The City currently contributes \$22,700 per year in maintenance towards the bowling greens. This will reduce by \$2,675 after the project because the synthetic bowling green attracts less maintenance cost.

The estimated increase in depreciation is approximately \$27,000 per year. There would be no increase in operating income (the lease) as a result of the project and therefore the total recurring operating impact to the City is a net increase of \$24,325 per year.

**10 Year Strategic Financial Plan impact** The project has not been budgeted within the *Five Year Capital Works Program* and therefore the costs would either have to be added to the budget or other projects would have to be removed / reduced.

**Club contribution** The club have provided their recent accounts and confirmation of cash balances. The City is satisfied that the club is financially sustainable and has the capacity to meet the contribution.

All amounts quoted in this report are exclusive of GST.

### **Regional significance**

Not applicable.

## **Sustainability implications**

### Environmental

The conversion of bowling green B to synthetic will reduce the need to water natural grass and reduce the reliance on ground water for reticulation purposes. Upgrading floodlighting at sport and recreation facilities, provides an opportunity to minimise environmental impacts by reducing electricity use and greenhouse gas emissions.

Utilising LED luminaires for sports floodlighting offers better value for money with electricity savings of around 60 per cent. In addition, LED luminaires last longer before they need to be replaced, as compared to metal halide lamps. LED luminaires have the capability to be turned on / off immediately and do not contain hazardous substances. They also reduce light pollution and the impact on amphibians, birds, mammals, insects and plants that rely on daily cycles of light and dark, by providing more targeted and precise light.

### Social

Not applicable.

### Economic

Not applicable.

## **Consultation**

Community consultation for this project was not undertaken as it is for standard infrastructure upgrades with minimal impact on nearby residents.

## **COMMENT**

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality; multipurpose; well designed and well utilised facilities. The funding program provides the City with an opportunity to upgrade City infrastructure with the support of the State Government which will benefit the community and sporting clubs.

The improved floodlighting and the conversion of bowling green B from grass to synthetic will provide increased opportunities for social and pennant bowling and increase participation in the sport. Synthetic grass bowling greens allow for more use as they can be played on year-round without damage to the surface and require lower maintenance and less watering. The use of energy efficient LED floodlight fittings will reduce energy consumption.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1** ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund program for \$146,085 (excluding GST) to part fund synthetic grass conversion of a bowling green and LED floodlighting on two bowling greens at the Joondalup Bowling Club, Iluka;
- 2** NOTES that the announcement of Community Sporting and Recreation Facilities Fund application results are expected in January 2023;
- 3** NOTES that there are no funds for the project listed within the *Five Year Capital Works Program*;
- 4** REQUESTS that \$468,933 be listed for consideration in the 2023-24 budget development process for the synthetic grass conversion of a bowling green and LED floodlighting on two bowling greens at the Joondalup Bowling Club, Iluka subject to a successful Community Sporting and Recreation Facilities Fund grant application and Joondalup Bowling Club contribution as follows:
  - 4.1** \$161,424 City contribution;
  - 4.2** \$146,085 Community Sporting and Recreation Facilities Fund contribution;
  - 4.3** \$161,424 Joondalup Bowling Club contribution.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf220809.pdf](#)

## ITEM 13 CLUB NIGHT LIGHTS PROGRAM - 2023-24 GRANTS

<b>WARD</b>	South and South-West
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBER</b>	22209, 101515, 06514, 09631
<b>ATTACHMENTS</b>	Attachment 1 Forrest Park aerial map Attachment 2 Forrest Park floodlight design Attachment 3 Forrest Park cost estimate Attachment 4 Sorrento Tennis Club aerial map Attachment 5 Sorrento Tennis Club cost estimate Attachment 6 Forrest Park consultation 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 applications for the Department of Local Government, Sport and Cultural Industries' Club Night Lights Program 2023-24 annual and forward planning grant round.

### EXECUTIVE SUMMARY

The Club Night Lights Program (CNLP) aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through the development of sports floodlighting infrastructure. The State Government allocated from 2021-22 \$10 million over four years to contribute to floodlighting infrastructure.

There are two potential applications for this CNLP funding round. The first is an application to upgrade the sports floodlighting at Forest Park, Padbury. The City identified the need for the upgrade of the sports floodlighting at Forrest Park in the 2020 Active Reserve and Community Facility Review (CJ121-08/21 refers).

The floodlighting project at Forrest Park will accommodate training and competition standard lighting and is estimated at \$593,970. The CNLP considers a contribution of up to one third for eligible components of a project that develop sports floodlighting infrastructure that demonstrates it will maintain or increase participation in sport and recreation, in this case up to \$194,656. Currently there is \$320,000 listed within the *Five Year Capital Works Program* for the project (\$106,667 identified as potential revenue from the CNLP). Therefore, if the project is supported, a further \$273,970 would be required to be listed for consideration.

Community consultation was conducted for the floodlighting project at Forrest Park from Tuesday 10 May to Monday 30 May 2022 in accordance with the City's *Community Consultation Policy and Protocol*. Targeted consultation was undertaken with residents living within 200 metres of Forrest Park and sporting clubs using the park. Respondents were asked to indicate their level of support for the upgrade to the sports floodlighting. The City received 111 valid responses during the consultation period, 87% of respondents either strongly supported or supported the proposed works.

The second potential application is from the Sorrento Tennis Club to upgrade floodlight fittings to energy efficient LED on tennis courts one to 12 including an online tennis court booking system which is estimated at \$173,750. The improved lighting will allow the tennis courts to be available for use for more hours and increase participation in the sport. The CNLP considers a contribution of up to one third for eligible components of a project that develop sports floodlighting infrastructure that demonstrates it will maintain or increase participation in sport and recreation, in this case up to \$55,583. Currently there are no funds within the *Five Year Capital Works Program* for the project.

*It is therefore recommended that Council:*

- 1 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Club Night Lights Program for \$194,656 (ex GST) to part fund the upgrade of the sports floodlighting to the Australian Standard for Football (All Codes) Amateur Competition (AS2560.2:2021) at Forrest Park, Padbury;*
- 2 *ENDORSES an application to the Department of Local Government, Sport and Cultural Industries Club Night Lights Program for \$55,583 (ex GST) to part fund the upgrade of tennis court floodlight fittings to LED to the Australian Standard for tennis club competition (AS2560.2:2021) including an online booking system at Sorrento Tennis Club Percy Doyle Reserve, Duncraig;*
- 3 *ENDORSES the ranking and rating of the Club Night Lights Program applications below:*

<i>Applicants rank</i>		<i>Applicants rating</i>
<i>1</i>	<i>Forrest Park, Padbury – upgrade sports floodlighting.</i>	<i>Well planned and needed by the local government.</i>
<i>2</i>	<i>Sorrento Tennis Club, Duncraig – upgrade of floodlight fittings to LED including an online booking system.</i>	<i>Well planned and needed by the applicant.</i>

- 4 *REQUESTS that the funds listed for consideration in the 2023-24 budget development for the floodlighting project at Forrest Park, Padbury be increased to \$593,970 subject to a successful Club Night Lights Program grant application as follows:*
  - 4.1 *\$399,314 City contribution;*
  - 4.2 *\$194,656 Club Night Lights Program contribution;*
- 5 *REQUESTS that \$173,750 be listed for consideration in the 2023-24 budget development for the upgrade of floodlight fittings to LED including an online booking system at the Sorrento Tennis Club, Duncraig subject to a successful Club Night Lights Program grant application and Sorrento Tennis Club contribution as follows:*
  - 5.1 *\$59,084 City contribution;*
  - 5.2 *\$55,583 Club Night Lights Program contribution;*
  - 5.3 *\$59,083 Sorrento Tennis Club contribution.*

## BACKGROUND

<b>Suburb/Location</b>	Forrest Park - 47 Forrest Road Padbury WA 6025.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>LPS</b> Public Open Space.
	<b>MRS</b> Urban.
<b>Site area</b>	29,606m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

<b>Suburb/Location</b>	Percy Doyle Reserve - 46 Warwick Road Duncraig 6023.
<b>Applicant</b>	City of Joondalup.
<b>Owner</b>	Crown Land – City of Joondalup Management Order.
<b>Zoning</b>	<b>LPS</b> Public Open Space.
	<b>MRS</b> Urban.
<b>Site area</b>	190,209m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The Western Australian Government, through the Department of Local Government, Sport and Cultural Industries (DLGSCI) provides financial assistance to Local Government Authorities and sport and recreation clubs through the CNLP to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality; multipurpose; well designed and well utilised facilities. The joint funding partnership is usually based on an equal one third contribution from each partner.

The State Government allocated \$10 million from 2021-22 over four years to contribute to floodlighting infrastructure. Clubs within the City of Joondalup had an opportunity to submit an expression of interest in February 2022 for the CNLP.

There are two types of grants in the round. Annual grants are for projects that have a total project cost between \$5,000 and \$500,000 (GST exclusive) and forward planning grants for projects that have a total project cost exceeding \$500,000 (GST exclusive). The DLGSCI places a strong emphasis on a planned approach towards CNLP applications.

The City is required to place a priority ranking (where there are multiple applications) and rate projects that fall within its boundaries based on the following criteria:

- Well planned and needed by the local government.
- Well planned and needed by the applicant.
- Needed by the local government, more planning required.
- Needed by the applicant, more planning required.
- Idea has merit, more preliminary work needed.
- Not recommended.

### Forrest Park

Forrest Park is located on Forrest Road, Padbury and is currently classified as a local sports park under the City's *Parks and Public Open Space Classification Framework*. The park has an active sporting field, five floodlight poles and a playground (Attachment 1 refers). The park is currently used in summer and winter by the Northern Warriors Veterans Football Club (AFL 173 members) and during winter by the Whitford Junior Football Club (AFL 1,040 members); Whitford Amateur Football Club (AFL 235 members); and Joondalup United Football Club (168 members).

### Sorrento Tennis Club

The Sorrento Tennis Club is located within Percy Doyle Reserve on Warwick Road, Duncraig (Attachment 4 refers). The clubrooms and 20 tennis courts are leased by the club with approximately 300 members.

### **DETAILS**

There are two projects for consideration in the CNLP 2023-24 grant round.

#### Forrest Park

The City identified the need for the upgrade of sports floodlighting at Forrest Park, Padbury in the 2020 Active Reserve and Community Facility Review (CJ121-08/21 refers). It was determined to be a high priority due to the high level of sporting club usage. While the park does currently have floodlighting, these lights do not meet the relevant Australian Standards for sports floodlighting.

Currently there is \$320,000 listed within the *Five Year Capital Works Program* in 2023-24 for the upgrade of sports floodlighting at Forrest Park. \$106,667 of these funds were identified as potential revenue from a CNLP grant.

Floodlighting designs (Attachment 2 refers) and a cost estimate (Attachment 3 refers) have been developed for the project to ensure it meets the *Australian Standard for football (all codes) (AS2560.2:2021)* and the *control of obtrusive effects of outdoor lighting (AS4282)*. It is proposed to install four 28 metre light poles with LED sports floodlighting to accommodate training and games at night. There are two levels of floodlighting that can be installed - one for training and one for competition standard for football (all codes) at a total estimated cost of \$593,970. The project management costs are not eligible for CNLP funding and would be shared between the City and the Sorrento Tennis Club. The project will also include installation of two LED passive recreation lights (attached to two of the floodlight poles) to accommodate general recreational use.

The City is proposing to upgrade the sports floodlighting on the playing field to meet the competition standard so that the sporting clubs can fixture night games at the park. By fixturing night games, the clubs can better program usage of the park from the peak usage on Saturdays and Sundays to other times including Friday and Saturday evenings. Upgrading the sports floodlighting would enable clubs to train and play matches in a safe and more accessible manner. The inclusion of LED passive recreation lights would enable local community members to use the park more safely after dark.

The floodlighting will be managed in relation to bookings made for the park by sporting clubs, schools, community groups and individuals in accordance with the City's existing hiring process. All floodlighting is usually switched off by 9.30pm. However, if there are special event bookings, the lighting may be required to be on later into the evening.

The CNLP can fund floodlighting to community training and / or competition standard where the existing facilities do not meet training standard. The City is proposing to seek one third of the costs for training and competition level floodlighting for the playing field through the CNLP grant of \$194,656. The City would contribute the other two thirds and the project management costs.

Total project cost:	\$593,970 (excluding GST)
City of Joondalup contribution	\$399,314 (excluding GST)
CNLP grant requested	\$194,656 (excluding GST)



*Assessment summary*

Assessment criteria	Evidence provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Coordination	✓		
Potential to increase physical activity	✓		
Sustainability	✓		

*Recommendation summary*

Ranking: 1 (of 2).  
Rating: Well planned and needed by local government.  
Funding request: \$194,656 (excluding GST).

Sorrento Tennis Club

The Sorrento Tennis Club application includes an upgrade to floodlight fittings to energy efficient LED lighting to tennis courts one to 12 including an online court booking system which will automatically activate the lights in line with bookings. The improved lighting will allow the courts to be available for use for more hours, increasing participation in the sport.

A panel of City officers met to discuss the application. The proposal is club driven therefore, the City does not currently have a budget for the project. The cost estimate for the project is \$173,750 (Attachment 5 refers). The CNLP can fund the replacement of floodlighting with energy efficient LED floodlighting to meet the *Australian Standard for tennis club competition (AS2560.2:2021)*. The City is proposing to seek one third of the costs for training and competition level floodlighting through the CNLP grant. The works would be undertaken by the City in line with standard specifications, processes and policies.

The club's financial position demonstrates it could afford to contribute one third towards the proposed project and half the project management costs. The club would not have the financial capacity to contribute two thirds of the project costs if the CNLP grant was unsuccessful. The City would contribute one third towards the proposed project along with half the project management costs.

Total project cost:	\$173,750 (excluding GST)
City of Joondalup contribution	\$ 59,084 (excluding GST)
CNLP grant requested	\$ 55,583 (excluding GST)
Sorrento Tennis Club	\$ 59,083 (excluding GST)

*Assessment summary*

Assessment criteria	Evidence provided		
	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input			✓
Management planning	✓		

Assessment criteria	Evidence provided		
Access and opportunity	✓		
Design	✓		
Financial viability	✓		
Coordination	✓		
Potential to increase physical activity	✓		
Sustainability	✓		

### *Recommendation summary*

Ranking: 2 (of 2).  
Rating: Well planned and needed by the applicant.  
Funding request: \$55,583 (excluding GST).

### **Issues and options considered**

#### Forrest Park

It is considered that Council has two options for sports floodlighting at Forrest Park, to either agree or not to agree to progress the application to the DLGSCI for funding through the CNLP. The announcement of the grant is due December 2022 - January 2023. If successful, the City will undertake detailed design and construction in 2023-24. If Council chooses not to support progress of the project, the clubs will remain training at the park under the existing floodlights that do not meet Australian Standards.

#### Sorrento Tennis Club

It is considered that Council has two options for the upgrade of floodlight fittings at Sorrento Tennis Club, to either agree or not to agree to progress the application to the DLGSCI for funding through the CNLP. If not supported, the project would not be eligible for a CNLP grant as the local government must be a partner in the project.

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

**Legislation** Not applicable.

#### **10-Year Strategic Community Plan**

**Key theme** Community.

**Outcome** Active and social – You enjoy quality local activities and programs for sport, learning and recreation.

**Policy** Not applicable.

#### **Risk management considerations**

Any capital project brings risks in relation to contingencies and over runs against original design. The cost estimates are based on recent relevant projects and may differ once detailed designs are undertaken for the project.

**Financial / budget implications**Forrest Park

<b>Account no.</b>	STL2121.
<b>Budget Item</b>	Forrest Park floodlighting upgrade.
<b>Budget amount</b>	\$320,000 (\$213,333 City funds; \$106,667 grant funding).
<b>Amount spent to date</b>	\$0
<b>Proposed cost</b>	\$593,970 (\$399,314 City funds; \$194,656 grant funding).
<b>Balance</b>	\$273,970

*Future financial year impact*

**Existing infrastructure** There are currently five sports floodlighting poles at Forrest Park. The current replacement cost of the lights is \$25,626 and the annual depreciation is \$741.

**Capital costs and funding** The capital costs are estimated to be \$593,970. An assessment of eligible CNLP funding has been prepared, and an application for \$194,656 will be made. There is no club contribution relevant for the project therefore the net City contribution would be approximately \$399,314 if the grant application is successful.

**Capital replacement** Although the initial City contribution of \$399,314 is 67% of the initial cost, the City would be responsible for 100% of the future replacement costs. It is estimated that the infrastructure has a 25 year life, so a cost of \$23,759 per year for depreciation and future capital replacement would be required by the City, which is \$23,018 more than the current depreciation.

**Annual operating cost including depreciation** The operating costs may increase by \$11,500 per year for maintenance and electricity. The overall increase in operating costs including depreciation (\$23,018) would therefore be \$34,518 per year.

There is not expected to be any increase in income as a result of this project.

The net impact on the operating results would be \$34,518 per year, which is based on the \$34,518 operating expenses and no change to income.

**Cost per user** There are an estimated 1,616 users of Forrest Park so the cost per year per user is estimated at \$21.36.

**Five Year Capital Works Program** The proposed floodlights are classed as upgrade infrastructure and make it more difficult for the City to address the operating deficit because they increase depreciation, increase operating costs and are not matched by increases in income.

The *Five Year Capital Works Program* is prepared each year with a higher priority towards renewal expenditure, and the amount of expenditure on upgrade / new infrastructure is limited so that the operating deficit can be addressed. If this project progresses then it results in less affordability for new / upgrade projects.

Sorrento Tennis Club*Future financial year impact*

<b>Existing infrastructure</b>	There are currently 20 tennis courts and it is proposed to replace the light fittings on twelve courts. The current replacement cost of the floodlights for the twelve courts is approximately \$30,000 and the depreciation is approximately \$1,230 per year.
<b>Capital costs and funding</b>	The capital costs are estimated to be \$173,750. An assessment of eligible CNLP funding has been prepared, and an application for \$55,583 will be made. The Sorrento Tennis Club is also proposing to contribute \$59,083 so the remaining City contribution would be \$59,084 if the grant application is successful.
<b>Capital replacement</b>	Although the initial City contribution of \$59,084 is 34% of the initial cost, the City would be responsible for 100% of the future replacement costs. It is estimated that the infrastructure has a 25 year life, so a cost of \$6,950 per year for depreciation and future capital replacement would be required by the City, which is \$5,720 more than the current depreciation.
<b>Annual operating cost including depreciation</b>	<p>The operating costs may increase by \$4,995 per year for maintenance and electricity. The overall increase in operating costs including depreciation (\$5,720) would therefore be \$10,715 per year.</p> <p>There is not expected to be any increase in income as a result of the project. The facilities are currently leased, however the lease fee does not increase with changes to the supporting infrastructure.</p> <p>The net impact on the operating results would be \$10,715 per year, which is based on the operating expenses and no change to income.</p>
<b>Cost per member</b>	There are currently 300 members of the club so the cost per year per member is estimated at \$35.72.
<b>Club contribution</b>	The club have provided their recent accounts and confirmation of cash balances. The City is satisfied that the club is financially sustainable and has the capacity to meet the contribution.
<b>Five Year Capital Works Program</b>	<p>The proposed LED lights are classed as upgrade infrastructure and make it more difficult for the City to address the operating deficit because they increase depreciation, increase operating costs and are not matched by increases in income.</p> <p>The <i>Five Year Capital Works Program</i> is prepared each year with a higher priority towards renewal expenditure, and the amount of expenditure on upgrade / new infrastructure is limited so that the operating deficit can be addressed. If this project progresses then it results in less affordability for new / upgrade projects.</p>

All amounts quoted in this report are exclusive of GST.

## **Regional significance**

Not applicable.

## **Sustainability implications**

### Environmental

Upgrading floodlighting at sport and recreation facilities, provides an opportunity to minimise environmental impacts by reducing electricity use and greenhouse gas emissions. Utilising LED luminaires for sports floodlighting offers better value for money with electricity savings of around 60 per cent. In addition, LED luminaires last longer before they need to be replaced, as compared to metal halide lamps. LED luminaires have the capability to be turned on / off immediately and do not contain hazardous substances. They also reduce light pollution and the impact on amphibians, birds, mammals, insects and plants that rely on daily cycles of light and dark, by providing more targeted and precise light.

### Social

Not applicable.

### Economic

Not applicable.

## **Consultation**

### Forrest Park

Community consultation was conducted from Tuesday 10 May to Monday 30 May 2022 in accordance with the City's *Community Consultation Policy and Protocol*. Targeted consultation was undertaken with residents living within 200 metres of Forrest Park and user groups using the park. In addition, consultation documentation was available on the City's website for any other interested community members to make comment. The consultation was advertised through the following methods:

- Direct mail out – cover letter and frequently asked questions sheet was sent to the identified stakeholders.
- Site signage – two signs were placed at the park during the consultation.
- City's website – frequently asked questions sheet and online comment form were available on the City's website during the consultation period.

The aim of the community consultation was to determine the level of support for the upgrade of the sports floodlighting to competition level.

The City received 111 valid responses during the consultation period (Attachment 6 refers). Respondents were asked to indicate their level of support for the upgrade to the sports floodlighting, 87% of respondents either strongly supported or supported the proposed works.

Respondents were also asked if they had any additional comments regarding the proposed works. A total of 96 (88.9%) respondents provided feedback. Common themes and City responses have been outlined in the following table.

<b>Comment</b>	<b>City response</b>
General support for the upgrade (24). Better lighting will provide benefit to sporting clubs and the wider community (43). Park is overdue for an upgrade as current lighting is poor (14).	The City notes these comments.
General opposition to the upgrade (5). Concerned about negative impact of light overflow issues (5). Suggestions for other parks that need upgrades (5).	The City identified the need for the upgrade of sports floodlighting at Forrest Park in the 2020 Active Reserve and Community Facility Review (CJ121-08/21 refers). It was determined to be a high priority due to the high level of sporting club usage of the park.  The floodlighting design is fully compliant with the <i>Australian Standard for Control of Obtrusive Effects of Outdoor Lighting (AS4282)</i> . This includes consideration of design features, such as horizontal positioning and floodlighting types. The new taller poles would allow the luminaires to be aimed more directly onto the main playing area, therefore reducing the light spill onto nearby roads and residences. In circumstances where amenity issues are identified, increased design features would be employed to minimise potential adverse effects.

### Sorrento Tennis Club

Community consultation for this project was not undertaken as it is for standard infrastructure upgrades with minimal impact on nearby residents.

### **COMMENT**

The CNLP aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through the rational development of sports floodlighting infrastructure. The funding program provides the City with an opportunity to upgrade sports floodlighting with the support of the State Government which will benefit the community and sporting clubs.

The upgrade to the sports floodlighting at Forrest Park to competition level would allow sporting clubs to fixture night games on Fridays and Saturday evenings and the improved training level lighting would allow more teams to train at the same time. Upgrading the sports floodlighting would enable clubs to train and play matches in a safe and more accessible manner. The inclusion of LED passive recreation lights would enable local community members to use the park more safely after dark.

The improved tennis court lighting at Sorrento Tennis Club would allow the courts to be available for use for more hours, increasing participation in the sport.

### **VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council:

- 1 **ENDORSES** an application to the Department of Local Government, Sport and Cultural Industries Club Night Lights Program for \$194,656 (excluding GST) to part fund the upgrade of the sports floodlighting to the Australian Standard for Football (All Codes) Amateur Competition (AS2560.2:2021) at Forrest Park, Padbury;
- 2 **ENDORSES** an application to the Department of Local Government, Sport and Cultural Industries Club Night Lights Program for \$55,583 (excluding GST) to part fund the upgrade of tennis court floodlight fittings to LED to the Australian Standard for tennis club competition (AS2560.2:2021) including an online booking system at Sorrento Tennis Club Percy Doyle Reserve, Duncraig;
- 3 **ENDORSES** the ranking and rating of the Club Night Lights Program applications below:

Applicants rank		Applicants rating
1	Forrest Park, Padbury – upgrade sports floodlighting.	Well planned and needed by the local government.
2	Sorrento Tennis Club, Duncraig – upgrade of floodlight fittings to LED including an online booking system.	Well planned and needed by the applicant.

- 4 **REQUESTS** that the funds listed for consideration in the 2023-24 budget development process for the floodlighting project at Forrest Park, Padbury be increased to \$593,970 subject to a successful Club Night Lights Program grant application as follows:
  - 4.1 \$399,314 City contribution;
  - 4.2 \$194,656 Club Night Lights Program contribution;
- 5 **REQUESTS** that \$173,750 be listed for consideration in the 2023-24 budget development process for the upgrade of floodlight fittings to LED including an online booking system at the Sorrento Tennis Club, Duncraig subject to a successful Club Night Lights Program grant application and Sorrento Tennis Club contribution as follows:
  - 5.1 \$59,084 City contribution;
  - 5.2 \$55,583 Club Night Lights Program contribution;
  - 5.3 \$59,083 Sorrento Tennis Club contribution.

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf220809.pdf](#)

## ITEM 14 REVIEW OF BULK WASTE SERVICES

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	01427, 101515
<b>ATTACHMENT / S</b>	Attachment 1 Vergeside Bulk Waste Collection Service Review
<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 receive information on the City's bulk hard waste collection service and to consider options for the City's bulk green waste collection services.

### EXECUTIVE SUMMARY

Waste management is a key area of responsibility for Local Government, not only for the collection of the waste, but also to ensure the most environmentally responsible disposal for each waste stream in line with the *Waste Avoidance Resource Recovery Act 2007* (WARR Act 2007) and the *Waste Avoidance Resource Recovery Strategy 2030* (WARR Strategy).

At its meeting held on 16 March 2021 (C18-03/21 refers), Council considered a Notice of Motion and resolved as follows:

*"That Council REQUESTS the Chief Executive Officer prepare a report detailing:*

- 1 *the current comparative costings of the current bulk skip bin model against the previous bulk verge collection model, noting the impacts of the current pricing of waste disposal charges and also factoring in the potential for verge collection to be similarly treated as the bin model, with the collected waste taken for sorting prior to going to landfill;*
- 2 *the reasons behind the reduction in the diversion rate of bulk bin collections from over 50% (as quoted in the May 2018 meeting) to approximately 25% in 2019-20 (as per March 2021 Council meeting papers);*
- 3 *the impacts of the Mindarie Regional Council contract with Biovision on the costs of waste disposal for the City, in particular the impacts of higher costs for landfill disposal for the applicable local governments over the term of the contract in order to cover the Mindarie Regional Council operating costs;*
- 4 *the steps the City has taken to explore avenues to provide assistance for those residents in genuine need to use the skips to dispose of bulk waste; those steps actually implemented to provide assistance since the introduction of the skip bins in 2016-17; and how the current bin system meets the aims of the City's Access and Inclusion Plan to ensure people with disability have equal access to services and facilities;*



- 5 *an examination of the City's annual bulk green waste system, including options and implications for an annual on-demand bulk green waste collection versus the existing scheduled bulk green waste system."*

In response to this decision, the City engaged Talis Consultants to review the City's current bulk hard waste and bulk green waste collection services and provide a subsequent report (Attachment 1 refers). The review undertaken found the following:

- The current bulk hard waste skip bin service model is approximately \$1.3 million (37%) cheaper than the previous bulk verge collection model, as well as having achieved a 47% reduction in the material collected.
- The variability in the bulk hard waste skip recycling rates between 2017 (48%) and 2020 (32%) for the current service offering is largely as a result of a change in third party waste processing during the time period and the improved diversion of recyclable material from the bulk hard waste stream prior to collection (source separation).
- The current scheduled bulk green waste service is the cheapest comparable service option, being \$300,000 cheaper than either of the on-request collection options. However, moving to an on-request collection would provide residents the ability to book this service at a time convenient to them. Addition, the alternative on-request options could potentially yield a 43% reduction in waste collected for the increase in cost.

*It is therefore recommended that Council:*

- 1 *NOTES the comparative costings of the various service types for bulk collection services as detailed in this Report;*
- 2 *NOTES the reasons behind the reduction in landfill diversion rate of the bulk collection service as detailed in this Report;*
- 3 *NOTES that the impacts the Resource Recovery Facility Agreement on the Mindarie Regional Council waste disposal cost were provided to Council at its meetings held on 15 June 2021 (CJ090-06/21 refers) and 17 August 2021 (CJ131-08/21 refers);*
- 4 *NOTES the assistance that is provided by the City to residents that cannot load bulk hard waste items from the verge into the skip bin as detailed in this Report;*
- 5 *SUPPORTS the introduction of an on-request bulk green waste collection service;*
- 6 *NOTES that a decision on whether the on-request bulk green waste collection service will be via a loose collection or via a containerised service will be made as part of the procurement process;*
- 7 *NOTES that the City will seek to align the collection service contracts for both bulk hard waste and bulk green waste.*

## **BACKGROUND**

Waste management is a key area of responsibility for Local Government. The responsibility is not only for the collection of the waste, but to ensure the most environmentally responsible disposal for each waste stream. The *Waste Avoidance Resource Recovery Act 2007* (WARR Act 2007) requires every local government to collect putrescible waste and provide a waste management plan that outlines how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the *Waste Avoidance Resource Recovery Strategy 2030* (WARR Strategy).

To guide waste management practices within Western Australia, three overarching objectives have been identified within the WARR Strategy as outlined in Figure 1 below.



Figure 1: Waste Avoidance and Resource Recovery Strategy 2030, Western Australia's Waste Strategy, p.11

The WARR Strategy applies the waste hierarchy, which is a widely accepted decision-making tool which is set out in the WARR Act 2007. The waste hierarchy ranks waste management options in order of their general environmental desirability. The waste hierarchy is used alongside other tools (including economic, social and environmental assessment tools) to inform decision making. Waste avoidance is the most preferred option in the hierarchy.

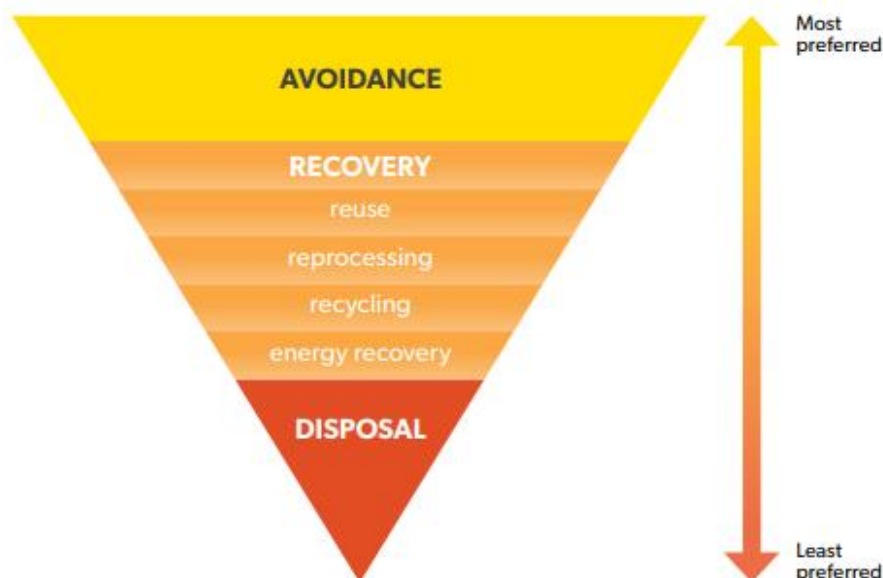


Figure 2: Waste Avoidance and Resource Recovery Strategy 2030, Western Australia's Waste Strategy, p.13

Resource recovery options recover value from materials, thereby offsetting the environmental impacts of extracting and processing raw materials. Energy recovery is the least preferred recovery option.

Disposal is the least preferred option. Disposal generally recovers the least value from materials and delivers the least environmental benefit.

### Previous Decisions - Bulk Waste Services

At its meeting held on 15 March 2016 (CJ042-03/16 refers), Council considered the options for bulk waste collection services including the opportunity to modify the delivery of the existing scheduled bulk hard waste service to introduce an on-request service. The proposed changes to the service were recommended to reduce the amount of waste the City sends to landfill; to assist the City in moving towards the waste diversion target set by the State Government; and to reduce the cost to deliver the service.

At that meeting Council resolved, as follows:

- “1 *introduction of separate and distinct services for bulk green waste and bulk hard waste;*
- 2 *continuation of a scheduled service for bulk green waste with each household to receive one service per year;*
- 3 *continuation of no limit per household for bulk green waste;*
- 4 *verge set out time of no earlier than 10 days before the Monday of the scheduled collection week for bulk green waste;*
- 5 *introduction of an ‘on request’ service for bulk hard waste in lieu of the schedule service already supplied by the City, to be paid for by rate payers either as part of the annual refuse charge or a fee for service;*
- 6 *introduction of one service per year per household for each of the following bulk hard waste streams:*
  - 6.1 *general household bulk waste to a maximum of three cubic metres;*
  - 6.2 *one mattress item;*
  - 6.3 *one white goods item.”*

In relation to Parts 5 and 6, the City implemented a new on-request bulk hard waste service in October 2016.

A petition of 493 electors was received by Council at its meeting held on 18 July 2017 (C49-07/17 refers). The petition requested that Council consider the reinstatement of the scheduled bulk hard waste collection service. Council considered a report in relation to this petition at its meeting held on 15 May 2018 (CJ083-05/18 refers) and resolved the following:

- “1 *DOES NOT SUPPORT the reinstatement of the scheduled bulk hard waste collection services;*
- 2 *APPROVES the introduction of the following bulk hard waste stream services per financial year per refuse charge:*
  - 2.1 *one three cubic metre skip bin for bulk hard waste;*
  - 2.2 *one collection of up to six mattresses;*
  - 2.3 *one collection of up to four white good items;*
- 3 *APPROVES the provision of one additional three cubic metre bulk hard waste skip bin at a charge to residents based on the City’s contracted rate for collection and processing as detailed in the City’s Schedule of Fees and Charges;*
- 4 *REQUESTS the Chief Executive Officer to explore and consider further options to provide assistance to those residents that cannot load bulk hard waste items from the verge into the skip bin.”*

In response to Part 4 above, the City considered various options to provide assistance to those residents that cannot load bulk hard waste items from the verge into the skip bin. Following a trial of the preferred option, the City engaged Intelife (a Western Australian Disability Enterprise who are contracted to undertake litter collection for the City) to assist those with mobility issues to utilise the containerised bulk hard waste service by lifting the items for disposal into the skip bin provided.

The uptake of this service has been very limited, with less than half a dozen request per year. During the trial period of 12 months, the City received seven requests for assistance; most however, requested assistance in moving items from within their property, garage or garden onto the verge. Of those seven calls, only two resulted in complying cases of assistance being required.

At its meeting held on 16 March 2021 (C18-03/21 refers), Council considered a Notice of Motion regarding Verge Bulk Collection; the reasoning for the motion was stated as follows:

*“The return of the bulk rubbish verge collection model is still a hot topic amongst the ratepayers and residents. We as a City state “Our purpose is to serve the community. We do this through delivering services to meet the needs and expectations of our customers.” (City of Joondalup Annual Report 2019-20 page 9 refers).*

*We know that the City of Joondalup has an ageing population with an expected 45.5% increase in population of retirement age in the City expected between 2016 and 2031, and it is well documented that lifting heavy items into the high-sided bins creates a major challenge for older people. A similar problem exists for those members of society with physical impediments. How are we making the bulk service more inclusive for those incapable of lifting heavy objects into the bins when it seems the only solution we as a City have managed to come up with is to tell people to ask their friends, family or neighbours for help.*

*Between 2016 and 2031, the age structure forecasts for the City of Joondalup indicate a 3.4% increase in population under working age, a 45.5% increase in population of retirement age, and a 0.9% decrease in population of working age.*

*The City implemented the bin model in 2016-17 and we now have the opportunity to analyse the financial and social implications of the two models going forward. As part of that comparison, we need to contemplate the adjustment of the old verge collection model to factor in a step to sort and divert items to recycling so that a true comparison can be made.*

*Prior to the bin model all the verge collection was taken straight to landfill so there is little wonder that the diversion rate under the bin model was higher. It is also a factor that, for verge collections items are left complete and provide a greater chance of recycling amongst the community while the bin model results in useable items being broken down in order to fit more items into the bin, removing any opportunity for recycling. Perhaps this is the factor for the diversion rate of the bulk waste bins now falling to approximately 25% in 2019-20.*

*There are a range of other advantages/disadvantages for each, including the bin system having an advantage of being available upon order instead of being once a year when the City dictates for that area, however, that also comes with accompanying drawbacks of limited options for delivery and limited days to fill the bin before pick-up.*

*These can all be captured within the report and provide the opportunity for the Council to make a decision with a full review of the current comparative costings and social or non-financial benefits in order to ensure we are discharging our City’s purpose of serving our community by delivering services to meet their needs and expectations.”*

The following was resolved:

*“That Council REQUESTS the Chief Executive Officer prepare a report detailing:*

- 1 the current comparative costings of the current bulk skip bin model against the previous bulk verge collection model, noting the impacts of the current pricing of waste disposal charges and also factoring in the potential for verge collection to be similarly treated as the bin model, with the collected waste taken for sorting prior to going to landfill;*

- 2 *the reasons behind the reduction in the diversion rate of bulk bin collections from over 50% (as quoted in the May 2018 meeting) to approximately 25% in 2019-20 (as per March 2021 Council meeting papers);*
- 3 *the impacts of the Mindarie Regional Council contract with Biovision on the costs of waste disposal for the City, in particular the impacts of higher costs for landfill disposal for the applicable local governments over the term of the contract in order to cover the Mindarie Regional Council operating costs;*
- 4 *the steps the City has taken to explore avenues to provide assistance for those residents in genuine need to use the skips to dispose of bulk waste; those steps actually implemented to provide assistance since the introduction of the skip bins in 2016-17; and how the current bin system meets the aims of the City's Access and Inclusion Plan to ensure people with disability have equal access to services and facilities;*
- 5 *an examination of the City's annual bulk green waste system, including options and implications for an annual on-demand bulk green waste collection versus the existing scheduled bulk green waste system."*

## **DETAILS**

The City currently provides an on-request bulk hard waste collection service and a scheduled bulk green waste collection service. The City also provides designated drop off locations for e-waste and textiles and provides ratepayers with green waste tip vouchers. The current annual service provisions are detailed below as follows:

- Bulk Hard Waste
  - One 3 cubic metre skip bin or one lounge suite collection
  - One white goods collection of up to four items
  - One mattress collection of up to six items.
- Bulk Green Waste Service
  - One scheduled greens collection (unlimited quantity) loose on the verge
  - Four green waste vouchers at the Wangara Dropoff Facility (managed by the City of Wanneroo).

In response to the Notice of Motion, the City engaged Talis Consultants to review the provision of kerbside waste services and to consider options that will benefit the community, including financial modelling to ensure the most efficient and effective service continues to be available for residents, while meeting State Government targets under the WARR Strategy. The waste hierarchy forms the bases for the assessment undertaken by the consultants.

In undertaking a comparison of services there are a number of variables which interact with one another to generate the overall cost and efficiency of each service method to help determine which offers the best value. Such variables are best described in the order of which they occur:

### Generation:

- participation rate
- volume per property
- weight of material.

### Collection:

- cost of collection
- ability to recover materials from the collection process.

Processing and disposal:

- cost of processing
- recovery rate of materials
- cost of disposal of the residual waste.

The Talis report (Attachment 1 refers) focuses on both the bulk hard waste and bulk green waste collection services and as part of the modelling, various scheduled and on-request collection scenarios were considered and compared with current business as usual (BAU) services and past service offerings.

### **Bulk Hard Waste Comparative Costings**

The Talis report examined eight options in an effort to best provide a comparison of service options using simplified cost measures including the cost per service, the cost per household, and the overall service cost. These options are summarised below:

Service Type	Option	Description	Participating Properties	Cost/ Service	Cost/ Household	Service Total
Scheduled	1a	Past service, uncontained scheduled service – in refuse charge	37,034 (61%)	\$96.34	\$58.77	\$3,568,028
Contained (skip bin) and on request	1b	BAU – Current service – on request & contained (3m <sup>3</sup> skip bin) with additional items – in refuse charge	15,875 (26%)	\$142.91	\$37.16	\$2,255,810
	2a	On request & contained (3m <sup>3</sup> skip bin) – user pays for skip bin and all additional items	10,928 (18%)	\$8.24	\$1.48	\$90,068
	2b	On request & contained (3m <sup>3</sup> skip bin) – charged in refuse charge then user pays and all additional items	15,785 (26%)	\$112.51	\$29.25	\$1,775,926
	4a	On request & contained (3m <sup>3</sup> skip bin) – user pays for skip bin all other collections included in refuse charge	12,142 (20%)	\$46.94	\$9.39	\$569,952
Uncontained (loose on verge) and on request	3a	On request - uncontained 2m <sup>3</sup> limit and additional items – in refuse charge	24,285 (40%)	\$120.28	\$48.11	\$2,921,042
	3b	On request - uncontained 2m <sup>3</sup> limit and additional items – user pays	12,142 (20%)	\$7.42	\$1.48	\$90,068
	4b	On request - uncontained 2m <sup>3</sup> user pays for collection, additional items included in refuse charge	15,178 (25%)	\$37.55	\$9.39	\$569,952

Talis recommends that the City considers providing one skip bin collection per household each year within the refuse charge and all additional services, including extra skip bin, mattresses, and white goods becomes a user pays service as per option 2b.

User pays model

Options 2a, 2b, 3b, 4a and 4b all present significant cost reductions for the City, however, these costs would be fully or partially borne by the users of the service directly. These options are expected to be unpopular with residents and therefore unlikely to be supported by them. It is, therefore, not recommended that a user-pay model be pursued at this time.

Remaining options

Based on the above, the remaining three options available for consideration are:

Option 1a Past service, uncontained scheduled service – in refuse charge

Advantages	Disadvantages:
<ul style="list-style-type: none"> <li>Supported by a limited number of residents</li> <li>Perception that verge-side scavenging achieves generates significant re-use</li> <li>No requirement to load items into a skip bin</li> </ul>	<ul style="list-style-type: none"> <li>47% more waste presented than the current service offering</li> <li>\$1.3 million more expensive than the current service offering</li> <li>Not aligned to the State Waste Strategy 2030</li> </ul>

Option 1b Current service, on-request and contained with additional items – in refuse charge

Advantages	Disadvantages:
<ul style="list-style-type: none"> <li>Most cost effective of the three options</li> <li>Least waste generated of the three options</li> <li>Waste is contained and presented neatly and safely on verges</li> <li>Aligned to the State Waste Strategy 2030</li> </ul>	<ul style="list-style-type: none"> <li>More vehicle and skip bin movements than the scheduled service</li> <li>Lifting items into skip bins can be difficult for mobility impaired residents</li> </ul>

Option 3a On-request, uncontained 2m<sup>3</sup> limited – in refuse charge

Advantages	Disadvantages:
<ul style="list-style-type: none"> <li>More cost effective than the scheduled service</li> <li>Less waste generated than the scheduled service</li> <li>No requirement to load items into a skip bin</li> </ul>	<ul style="list-style-type: none"> <li>More vehicle movements than the scheduled service</li> <li>More expensive than the on-request contained service</li> <li>Generates more waste than the on-request contained service</li> </ul>

When considering all the advantages and disadvantages of these three options, Option 1b is considered the most appropriate option.

**Bulk Hard Waste Recycling Outcomes**

The bulk hard waste collected under the historical scheduled service was taken directly to landfill at Tamala Park and as a result, very little of that material was recycled. It is reasonable to expect that if the historical scheduled service was reintroduced, the waste would not be taken to landfill directly but would use the same sorting process as for the on-request services and as such, recycling rates comparative to those accomplished with the current service would be achievable (circa 32%). The Talis report modelling has been premised on this assumption.

The variability in the bulk hard waste skip recycling rates between 2017 (48%) and 2020 (32%) for the current service offering is largely as a result of a change in third party waste processing during the time period and the improved diversion of recyclable material from the bulk hard waste stream prior to collection (source separation).

### **Mindarie Regional Council (MRC) contract with BioVision**

The Resource Recovery Facility (RRF) Agreement between the MRC and BioVision has been covered in detail in separate report to Council on 15 June 2021 (CJ090-06/21 refers) and on 17 August 2021 (CJ131-08/21 refers). The City's 2022-23 budget now reflects a lower gate fee of \$145 per tonne for member councils following the cessation of the RRF Agreement.

### **Assistance provided to residents**

The challenges involved with presenting bulk hard waste to the kerbside for residents with physical impediments is common to both the previous bulk hard waste collection service and the current skip bin service.

This matter was the subject of a Council resolution at its meeting held on 15 May 2018, following which, the City considered various options to provide assistance to those residents that cannot load bulk hard waste items from the verge into the skip bin. Following a trial of the preferred option, the City engaged Intelife (a Western Australian Disability Enterprise who are contracted to undertake litter collection for the City) to assist those residents with mobility issues by lifting the items for disposal into the skip bin.

The uptake of this service has been very limited, with less than half a dozen request per year. During the trial period of 12 months, the City received seven requests for assistance; most however, requested assistance in moving items from within their property, garage or garden onto the verge. Of those seven calls, only two resulted in assistance being required to lift items from the verge into the skip bin.

The availability of this service and guidance on how to access it is now clearly advertised on the City's various information pages and the skip bin booking platform.

### **Bulk Green Waste Service**

The Talis report examined five options in an effort to best provide a comparison of service options using simplified cost measures including the cost per service, the cost per household, and the overall service cost. These options are summarised below:

Service Type	Option	Description	Participating Properties	Cost/ Service	Cost/ Household	Service Total
Scheduled	1a	BAU – Current service – uncontained scheduled service – in refuse charge	42,498 (70%)	\$24.54	\$17.18	\$1,042,787
Uncontained (on verge) and on request	2a	On request - uncontained 2m <sup>3</sup> – in refuse charge	24,285 (40%)	\$55.58	\$22.23	\$1,349,736
	2b	On request - uncontained 2m <sup>3</sup> – user pays	15,178 (25%)	\$5.93	\$1.48	\$90,068
Contained (skip bin)	3a	On request - contained (skip bin 3m <sup>3</sup> ) – in refuse charge	24,285 (40%)	\$56.08	\$22.43	\$1,362,000
	3b	On request - contained (skip bin 3m <sup>3</sup> ) – user pays	15178 (25%)	\$5.93	\$1.48	\$90,068

Talis recommends that the City considers moving to an on-request and contained system with costs within the refuse charge as per Option 3a.



User pays model

When looking at user pays models, both Options 2b and 3b present significant cost reductions for the City, however, these costs would be fully borne by the users of the service directly. Similar to the bulk hard waste service, it was considered that this would be unappealing to the City's residents and therefore unlikely to be supported. As a result, it is not recommended that the City pursue a change to a user-pays model at this time.

Remaining options

Based on the above, the remaining three options for consideration are:

Option 1 Current service, uncontained, unlimited – in refuse charge

Advantages	Disadvantages:
<ul style="list-style-type: none"> <li>• Most cost effective of the three options</li> <li>• Fewer vehicle / skip bin movements than other options.</li> </ul>	<ul style="list-style-type: none"> <li>• Most waste generated of the three options</li> <li>• Waste is presented to the verge in an uncontrolled manner</li> <li>• Only available at a scheduled time which may not be convenient for resident.</li> </ul>

Option 2a On-request, uncontained limited to 2m<sup>3</sup>– in refuse charge

Advantages	Disadvantages:
<ul style="list-style-type: none"> <li>• 43% less waste presented than the current service</li> <li>• Aligned to the State Waste Strategy 2030</li> <li>• Aligns with on-request bulk hard waste service, however, not contained.</li> </ul>	<ul style="list-style-type: none"> <li>• More vehicle movements than the scheduled service.</li> </ul>

Option 3a On-request, contained limited to 3m<sup>3</sup> – in refuse charge

Advantages	Disadvantages:
<ul style="list-style-type: none"> <li>• Waste is contained and presented neatly and safely on verges</li> <li>• 43% less waste presented than the current service</li> <li>• Aligned to the State Waste Strategy 2030</li> <li>• Aligns with on-request/contained bulk hard waste service.</li> </ul>	<ul style="list-style-type: none"> <li>• Most expensive of the three options (although only marginally so)</li> <li>• More vehicle and skip bin movements than the scheduled service</li> <li>• Lifting items into skip bins can be difficult for mobility impaired residents.</li> </ul>

When considering all the advantages and disadvantages of these three options, Options 2a or 3a are considered the most appropriate options, even though the current scheduled service is marginally cheaper than these on-request alternatives.

A change, to an on-request bulk green waste service could, however, significantly reduce the amount of waste collected by this service which aligns with both the City's waste strategy and the *State Waste Strategy 2030*.

## Issues and options considered

### Bulk Green Waste Services

Option 1: Continue with the current scheduled bulk green waste collection service.

This is not the recommended option.

Option 2: Introduce an on-request bulk green waste collection service with the mode of collection to be determined as part of the procurement process.

This is the recommended option as it will provide residents the ability to book a service at a time more suitable to their needs. Deferring the decision regarding the mode of collection, that is, either loose or containerised, will allow the City to undertake the procurement process to determine the difference in cost between the two options prior to making this decision. This is the prudent approach in a currently untested market for the City.

## Legislation / Strategic Community Plan / Policy implications

**Legislation** *The Waste Avoidance and Resource Recovery Act 2007.*

### 10-Year Strategic Community Plan

**Key theme** Environment.

**Outcome** Clean and sustainable - You are supported to minimise waste and live sustainably in a clean environment.

**Policy** *Waste Management Plan 2016-2021.*

## Risk management considerations

A range of risks exist when considering current and future bulk verge collection services provided by the City. The City needs to ensure that it puts in place arrangements for managing its domestic waste as a whole over the long term in order to:

- maintain good services to residents
- ensure that services are financially sustainable
- achieve landfill diversion targets.

## Financial / budget implications

The cost for the external consultant to review the provision of kerbside waste services and to consider options was approximately \$30,000.

The bulk waste services are budgeted for in the annual budget. For 2022-23, the City has budgeting for the collection of 2,320 lounge suites, 15,719 skips bins, 6,756 whitegoods, and 7,332 mattresses and to collect approximately 5,360 tonnes of bulk green waste including garden clippings, pruning's, tree lopping's, and palm leaves.

Changes to the cost of these bulk green waste services will depend on the option chosen for the services upon contract expiry.

## **Regional significance**

The City has a close working relationship both directly with its nearby neighbouring Local Government Authorities and through the Mindarie Regional Council. Discussions occur as opportunity presents to collaborate on such undertakings as contracts and regional procurement, where the desired outcomes align.

## **Sustainability implications**

Waste reduction, reuse and recycling results in reduced landfill, reduced energy consumption and a reduction in raw material consumption. Changes to the bulk hard waste processing have assisted in increasing the City's diversion of waste from landfill. Ultimately, the City would desire the least volume of waste generated, with the highest percentage of recovery – which is dependent on community behaviour, complementary services such as specific drop off days for various materials, and the recovery rate achievable by the processor with the residual material.

## **Consultation**

Informal discussions have also been undertaken with neighbouring local governments to understand their future intentions for these waste services in their local government areas and the opportunities that may exist for mutual co-operation.

Changes to the bulk green waste collection service, if supported by Council, will be communicated to residents prior to implementation.

## **COMMENT**

The service review undertaken by Talis (Attachment 1 refers), shows that the bulk hard waste service change from a scheduled service to on-request led to a drop of 47% in tonnes collected which saw a reduction in collection and processing costs. This was a positive change and supports the targets in the *State Waste Strategy 2030*.

The current bulk green waste service has the potential to be change to an on-request service which can be contained (skip bin) or uncontained (loose). Moving in this direction would better align the City's bulk waste service offerings and create a consistent, standardised approach which would be simpler and more convenient for residents.

It should be noted that a contained service (skip bin) for green waste would not only leave the streets cleaner it will limit the volume of waste that can be presented for collection to the container size supplied. An uncontained service (loose) may lead to higher volumes (more than 3 cubic meters) of green waste being put out on the verge which will require additional monitoring and action to enforce the maximum volumes allowed. Practices that encourage larger quantities of waste being presented goes against the premise of the *State Waste Strategy 2030*.

## **VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the comparative costings of the various service types for bulk collection services as detailed in this Report;**
- 2 NOTES the reasons behind the reduction in landfill diversion rate of the bulk collection service as detailed in this Report;**
- 3 NOTES that the impacts the Resource Recovery Facility Agreement on the Mindarie Regional Council waste disposal cost were provided to Council at its meetings held on 15 June 2021 (CJ090-06/21 refers) and 17 August 2021 (CJ131-08/21 refers);**
- 4 NOTES the assistance that is provided by the City to residents that cannot load bulk hard waste items from the verge into the skip bin as detailed in this Report;**
- 5 SUPPORTS the introduction of an on-request bulk green waste collection service;**
- 6 NOTES that a decision on whether the on-request bulk green waste collection service will be via a loose collection or via a containerised service will be made as part of the procurement process;**
- 7 NOTES that the City will seek to align the collection service contracts for both bulk hard waste and bulk green waste.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf220809.pdf](#)*

**ITEM 15**                      **MOOLANDA**                      **BOULEVARD**                      **PEDESTRIAN**  
**FOOTBRIDGE**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	15587, 101515
<b>ATTACHMENTS</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 receive an update regarding the condition of the Moolanda Boulevard pedestrian footbridge and to approve an amendment to the *2022-23 Budget* to include funding for temporary repairs and to commence the design for a permanent replacement footbridge.

**EXECUTIVE SUMMARY**

The Moolanda Boulevard pedestrian footbridge was constructed in 1986 and is a key component of the Robertson Road Cycleway which is one of the City's strategic bike routes within the City.

The City undertakes annual 'Level 1' bridge inspections which includes the Moolanda Boulevard pedestrian footbridge. Following visual observations by City officers, Main Roads WA (MRWA) and their consultants undertook a further inspection in April 2022 which resulted in a recommendation that the City close the footbridge in the interest of community safety which occurred in late April 2022.

The City has received further advice from MRWA, following an independent structural assessment, that the timber footbridge is beyond repair and will require a full replacement. Due to the time involved in constructing a new footbridge, a temporary fix has been designed by consultants engaged by MRWA, which, when in place, will enable the City to reopen the bridge to pedestrians and cyclists.

*It is therefore recommended that Council:*

- 1 NOTES the condition of the Moolanda Boulevard pedestrian footbridge as detailed in this Report;*
- 2 BY AN ABSOLUTE MAJORITY, increases the 2022-23 Capital Works Budget expenditure by \$400,000 to enable the City to implement the temporary solution and to commence designing a new footbridge over Moolanda Boulevard;*
- 3 BY AN ABSOLUTE MAJORITY, increases the 2022-23 budgeted Capital Contributions revenue by \$100,000 to reflect expected grant funding from Main Roads WA for the design of a replacement footbridge over Moolanda Boulevard;*

- 4 *BY AN ABSOLUTE MAJORITY, increases the 2022-23 budgeted Transfers from the Asset Renewal Reserve by \$300,000 to fund the City's portion of the expected cost to implement the temporary solution and design a replacement footbridge over Moolanda Boulevard;*
- 5 *LISTS FOR CONSIDERATION the renewal of the Moolanda Boulevard pedestrian footbridge as part of the 2023-24 budget development process noting that the 2023-24 budget development process will include consideration of impacts to the current Five Year Capital Works Program as a result of the estimated cost of construction of a new footbridge at Moolanda Boulevard, and necessary amendments to the Capital Works Program to accommodate this project.*

## BACKGROUND

The Moolanda Boulevard pedestrian footbridge was constructed in 1986 and comprises of a 37 metre long, three-span timber structure. The footbridge is a key component of the Robertson Road Cycleway which is one of the City's strategic bike routes within the City which links the Principal Shared Path (PSP) along the Mitchell Freeway with the Lake Goollelal path networks.

As depicted in Figure 1 below, the Robertson Road Cycleway provides safe connectivity to the Greenwood Train Station, Shepherds Bush Park, and is nearby to the five schools in the area.

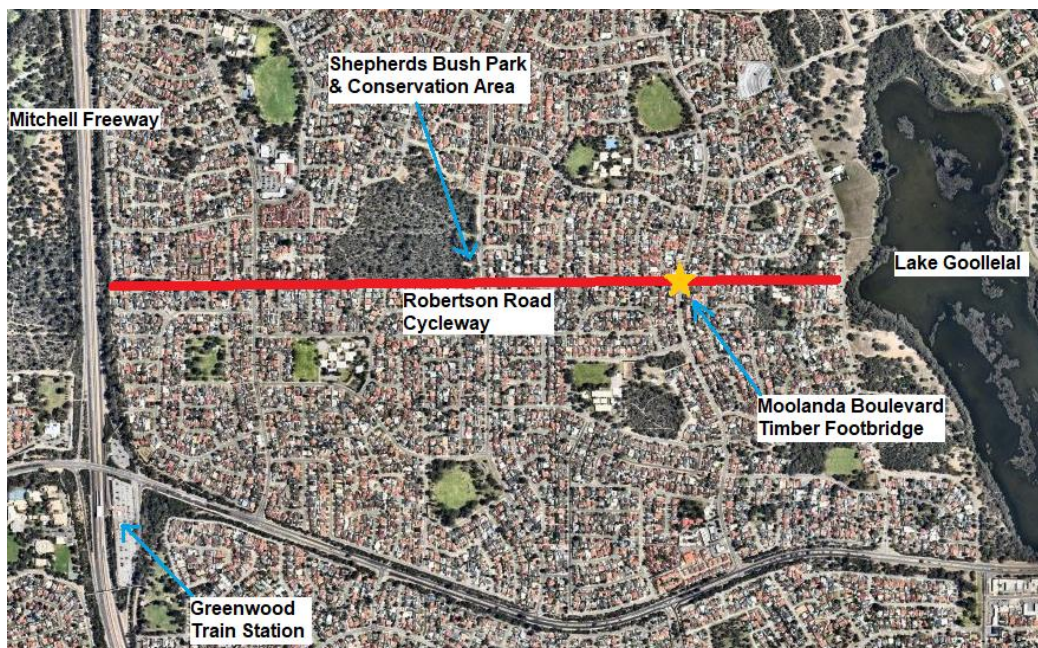


Figure 1 – Locality Map

The City has counters installed along the cycleway adjacent to the Shepherds Bush Park that demonstrates its high usage. For example, for the period September 2021 to April 2022 volumes were as follows:

- Bike Trips – 36,904 (4,613 monthly average).
- Pedestrian Trips – 66,941 (8,367 monthly average).

Each year the City is required to undertake routine visual inspections ('Level 1' bridge inspection) of all its bridges and underpasses, of which there are two within the City of Joondalup. These inspections are then passed on to Main Roads WA (MRWA) for further consideration and, if required, a 'Level 2' inspection is undertaken by MRWA.

An 'interim' inspection was undertaken by MRWA in September 2020, where they noted they had found 'good solid timber' sufficient to hold up the footbridge and did not progress a 'Level 2' inspection at that time.

A further inspection was undertaken by MRWA and their consultants in April 2022 after the City identified a structural split on one of the support columns and delamination of one of the beams for the main span of the footbridge. The outcome of that inspection resulted in a recommendation that the City close the footbridge in the interest of community safety as soon as possible.

The City closed the footbridge in late-April 2022 with fencing and pedestrian signage in place and commenced working with MRWA and their consultants to design a temporary repair to make the footbridge safe to enable it to be re-opened to the public.

The City has now also received advice from MRWA, following an independent structural assessment, that the timber footbridge is beyond repair and will require a full replacement.

## **DETAILS**

The construction of a new footbridge will take significant planning and development, along with a significant financial investment from the City.

Due to the time involved for a replacement bridge to be constructed, the City commenced working with MRWA to design a temporary solution involving the propping of the existing timber footbridge that should allow the footbridge to be reopened while a more permanent solution is being developed.

### Temporary Solution

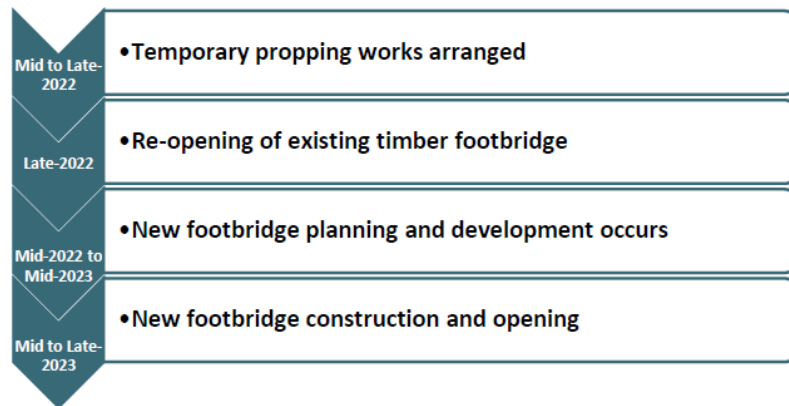
The temporary solution has been designed to be in place for up to a maximum of three years and involves the installation of a temporary support beam on the inside of the existing deteriorated beam to directly support the existing transverse timber bearers. The ends of the support beam will be supported by a vertical propping system secured to the existing timber columns, which may require the relocation of the existing crash barrier on the eastern side of Moolanda Boulevard and the subsequent reduction of the road carriageway width.

The temporary solution will also reduce the vertical clearance beneath the footbridge from 5.35 metres to 4.89 metres. While noting that this is still more than the minimum vertical clearance of 4.6 metres required for local roads like Moolanda Boulevard, the City and MRWA will put measures in place to manage this reduced clearance. These may include the installation of a clearance warning sign and identification of alternative routes via Barrisdale Drive and Wanneroo Road.

Installation of the temporary solution is envisaged to take a couple of weeks, although there may be some variability depending on the vertical propping system that may be proposed by the contractor to be engaged to undertake the works. The immediate section of Moolanda Boulevard approaching the footbridge will need to be closed to traffic during the installation of the temporary solution, however, appropriate detours and signage will be in place.

### Full Replacement

If supported by Council, the City, in conjunction with MRWA, will commence the process of a full detailed design of the new footbridge as soon as practicable in the current financial year. The City is expecting, subject to no unforeseen delays, to be able to deliver the works and complete the construction of a new footbridge in late-2023 as outlined in the indicative timeline below.



## Issues and options considered

Council can either:

Option 1 – Do not amend the *2022-23 Budget*.

Council can choose not to amend the *2022-23 Budget*. This would restrict the City's ability to undertake the necessary temporary works to enable the Moolanda Boulevard pedestrian footbridge to be re-opened to the public. It will also restrict the City's ability to commence with the detailed design required for a permanent replacement footbridge.

This option is not recommended.

Option 2 – Amend the *2022-23 Budget*

Amending the *2022-23 Budget* will allow the City to incur the necessary expenditure to complete the identified works.

This option is recommended.

## 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.*



## 10-Year Strategic Community Plan

<b>Key theme</b>	Place.
<b>Outcome</b>	Connect and convenient – You have access to a range of interconnected transport options.
<b>Policy</b>	Not applicable.

### Risk management considerations

At the request of the City, MRWA undertook an interim structural inspection in mid-June 2022 which confirmed that there has been no visible increase in deterioration since it was closed end-April 2022. However, there is an ongoing risk that the existing footbridge may fail under its own weight should it not be temporarily support in the short term and replaced within the next three years.

It is therefore imperative that the temporary solution be installed as soon as practical to remove this risk. In the interim, the City has been mitigating this risk by regularly monitoring the footbridge for signs of further deterioration. Should the risk of failure increase to an unacceptable level, the City will have no choice but to close the section of Moolanda Boulevard in the immediate vicinity of the footbridge.

With the footbridge currently closed, cyclists and pedestrians are detouring to cross Moolanda Boulevard at-grade which increases the safety risk for not only themselves but also motorists travelling along the road.

### Financial / budget implications

#### Temporary Solution

The design of the temporary solution was completed and fully funded by MRWA; however, the installation cost will have to be borne by the City. The preliminary estimate for the temporary solution is \$200,000 as detailed below:

Item	Cost Estimate \$
Preliminaries (inc. traffic management)	35,000
Temporary support system	115,000
Carriageway and crash barrier works	25,000
Allowance for other minor maintenance works	5,000
Contingency (approximately 10%)	20,000

The temporary solution expenditure of \$200,000 will be met by municipal funds unspent in the previous financial year and the detailed design cost for a permanent replacement will be met from the asset renewal reserve.

#### Full Replacement

The costs estimate for the design and construction of a replacement bridge is considered to be in the order of \$200,000 and \$3 - 4 million respectively. It should be noted that the construction cost estimate will be refined as detailed design progresses.

The City has enquired with the Department of Primary Industries and Regional Development (DPIRD) about possible funding under the Bridge Renewal Program and was advised that only projects where the majority of the funding is used for road-based transport are eligible. As such, footbridges such as this footbridge is ineligible for funding under the program.

The City also approached MRWA seeking financial support who has now confirmed that it can contribute \$100,000 towards the replacement design in 2022-23 and \$1,000,000 towards the replacement construction works in 2023-24.

As such, the total additional capital works expenditure required in 2022-23 is \$400,000. The table below outlines the indicative expenditure required across 2022-23 and 2023-24.

	2022-23		2023-24	
	COJ contribution	MRWA contribution	COJ contribution	MRWA contribution
Temporary Solution	\$200,000	-	-	-
Full Replacement	\$100,000	\$100,000	\$3,000,000 <sup>^</sup>	\$1,000,000
<b>Total Financial Year Expenditure</b>	<b>\$400,000</b>		<b>\$4,000,000</b>	

<sup>^</sup>to be refined as detailed design progresses in 2022-23

Council adopted the *2022-23 Annual Budget* at its meeting held on 28 June 2022 (CJ104-06/22 refers). The City's portion of the cost of temporary solution and design element of the full replacement option is proposed to be funded from the Asset Renewal Reserve, which has sufficient funds to accommodate this additional expenditure.

The estimated construction costs will be listed for consideration in the 2023-24 budget process, as part of the Capital Works Program. This will include consideration of appropriate changes to the *Five Year Capital Works Program* to accommodate this additional cost of \$4,000,000 without necessarily increasing overall program expenditure. The appropriate funding source for the construction costs, apart from the expected \$1,000,000 grant from MRWA, will also be presented for consideration as part of the 2023-24 budget process deliberations.

### Regional significance

The footbridge is a key component of the Robertson Road Cycleway which is one of the City's strategic bike routes within the City which links the Principal Shared Path (PSP) along the Mitchell Freeway with the Lake Goollelal path networks.

The Department of Transport's *Long Term Cycling Plan* has endorsed the Robertson Road Cycleway as a Local Route. Additionally, the *Perth Transport Plan for 3.5 Million People and Beyond* has listed a future walking and cycling bridge across Lake Goollelal connecting into the City of Wanneroo.

### Sustainability implications

#### Social

The City's *Bike Plan 2016-2021* identified the vision for the City to be recognised as a bike friendly city where riding a bike is considered an easy and convenient way to get around, it is part of a normal everyday healthy lifestyle, and where all types and abilities of riders are catered for.

Quality infrastructure that are strategically connected is key to increasing these alternative modes of transport. Strategic routes, such as the Robertson Road Cycleway, facilitate a higher number of people bike riding particularly for longer commuter trips, contributing significantly to the City becoming a bike friendly city.

## Consultation

The City has liaised extensively with MRWA regarding a temporary solution and will continue to do so during the detailed design of the permanent replacement.

## COMMENT

The proposed budget amendment will allow the City to incur the necessary expenditure to undertake the temporary works required to enable the footbridge to be re-opened to the public and to commence the detailed design of the replacement footbridge.

## VOTING REQUIREMENTS

Absolute Majority.

## RECOMMENDATION

That Council:

- 1 **NOTES** the condition of the Moolanda Boulevard pedestrian footbridge as detailed in this Report;
- 2 **BY AN ABSOLUTE MAJORITY**, increases the 2022-23 Capital Works Budget expenditure by \$400,000 to enable the City to implement the temporary solution and to commence designing a new footbridge over Moolanda Boulevard;
- 3 **BY AN ABSOLUTE MAJORITY**, increases the 2022-23 budgeted Capital Contributions revenue by \$100,000 to reflect expected grant funding from Main Roads WA for the design of a replacement footbridge over Moolanda Boulevard;
- 4 **BY AN ABSOLUTE MAJORITY**, increases the 2022-23 budgeted Transfers from the Asset Renewal Reserve by \$300,000 to fund the City's portion of the expected cost to implement the temporary solution and design a replacement footbridge over Moolanda Boulevard;
- 5 **LISTS FOR CONSIDERATION** the renewal of the Moolanda Boulevard pedestrian footbridge as part of the 2023-24 budget development process noting that the 2023-24 budget development process will include consideration of impacts to the current *Five Year Capital Works Program* as a result of the estimated cost of construction of a new footbridge at Moolanda Boulevard, and necessary amendments to the Capital Works Program to accommodate this project.

**ITEM 16                      BRADEN PARK BASKETBALL FACILITY**

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<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	05386, 101515
<b>ATTACHMENTS</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 receive information regarding basketball facilities and consider options for the Braden Park basketball facility.

**EXECUTIVE SUMMARY**

At its meeting held on 15 March 2022 (CJ22-03/22 and CJ2-03/22 refers), Council considered two Notices of Motion in relation to a basketball pad installed at Braden Park. Both of these Notices of Motion were referred back via procedural motions (C25-03/22 and C28-03/22 refers) to the Chief Executive Officer to report back to Council with an analysis of current and proposed guidelines and any further information that will assist Council in making a decision on the Braden Park basketball facility.

The City has been advised by the Department of Water and Environmental Regulations (DWER) that the proposed guidelines referenced in the procedural motions are still in development and may not be available for some time. However, the DWER has indicated that the appropriate siting and separation distances will be a key factor in reducing the noise impacts of basketball facilities on nearby residents. Where minimum separation distances cannot be achieved, other factors such as noise mitigation which may include surface treatments and low noise backboards, and time restriction may need to be considered to enable facilities to be provided to the community.

Noting the strong community response and interest in the Braden Park basketball facility it is considered appropriate to provide Council with this further information regarding basketball facilities and seek guidance on the appropriate course of action to take, in relation to the Braden Park basketball facility.

*It is therefore recommended that Council:*

- 1        *NOTES that the guidelines on basketball pads are still in development by the Department of Water and Environmental Regulations and may not be available for some time;*
- 2        *SUPPORTS the provision of a basketball facility at Braden Park;*
- 3        *SUPPORTS delaying the installation of a basketball facility at Braden Park to enable the City to consider the guidelines in Part 1 above and revisit the design and location to maximise hours of use while minimising noise impacts on residents.*

## BACKGROUND

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 consider recent community led feedback in the planning and design of the 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 conducted 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 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 following feedback received from some residents regarding the proposed location of the basketball pad undertook additional consultation which indicated support for the installation of the basketball pad in its proposed location as part of the park's recreational hub (62.7%). Overall, 78.7% of respondents supported the installation of a basketball pad at Braden Park with 21.3% of respondents opposed.

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 resolved as follows:

- “1     *given the petition received from nearby residents living within close proximity to Braden Park in Marmion objecting to the installation of the basketball and handball courts in the Braden Park Playground upgrade due to the noise these facilities may generate, REQUESTS the Chief Executive Officer conducts a survey to residents within 200 metres of the perimeter of Braden Park (and provides a breakdown analysis of the responses received by those residing within 50 metres, 100 metres and over 200 metres radius from the court) to ascertain their views as to whether the basketball and handball courts should be removed due to the noise levels emanating from their use having a detrimental effect on the residential amenity for local nearby residents;*
- 2     *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, 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 overall upgrade project was completed and opened to the community on 17 September 2021.

The City undertook sound level measurements between 8 October and 12 October 2021. A subsequent sound level assessment was completed to determine whether the noise that was occurring complied 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.

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.

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.

Respondents to the consultation survey who opted in as part of the survey process were notified by email that the analysis of this consultation would be provided to Council to assist them in their decision-making role first at the Briefing Session to be held on 8 February 2022 and then at the Council meeting to be held on 15 February 2022.

At its meeting held on 15 February 2022 (CJ026-02/22 refers), Council considered a report in relation to the outcomes of this round of community consultation and resolved the following:

*"That Council:*

- 1 *NOTES the results of the community engagement process as detailed in Attachment 2 to this Report;*
- 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 this Report;*
- 3 *BY ABSOLUTE MAJORITY revokes Part 4 of its decision of 17 August 2021 (C81- 08/21 refers) which reads as follows:*  
  
*"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.";*
- 4 *SUPPORTS the request to remove the basketball pole and backboard from Braden Park;*
- 5 *ADVISES the lead petitioner of its decision."*

Residents were notified of the above decision of Council via a letter dated 18 February 2022 and the basketball pole and backboard were removed on Tuesday 1 March 2022 at a cost of \$750 (excluding GST).

At its meeting held on 15 March 2022 (CJ22-03/22 and CJ2-03/22 refers), Council considered two Notices of Motion in relation to the basketball pad at Braden Park. Both of these Notices of Motion were referred back via procedural motions (C25-03/22 and C28-03/22 refers) to the Chief Executive Officer to report back to Council with an analysis of current and proposed guidelines and any further information that will assist Council in making its decision.

The City has been advised by DWER that the proposed guidelines referenced in the Procedural Motions are still in development and may not be available for some time, however, noting the strong community response and interest in the Braden Park basketball facility it is considered appropriate to provide Council with further information gathered to date regarding basketball facilities and seek guidance on the appropriate course of action to take in relation to the Braden Park basketball facility.

## DETAILS

Basketball is a popular recreational activity for children and adults to stay fit, interact with others, and have fun and can be used by people of all ages, abilities, and backgrounds.

The City provides basketball facilities at a number of its public open spaces for residents and visitors to use and enjoy. These range in size from 28 metres x 15 metres (full court), 15 metres x 11 metres (three on three pad) to 9 metres x 7 metres (one on one pad), and where possible, the facility is installed as part of a recreational hub. The regular use of the basketball facilities provided by the City demonstrates a continuing community need for this type of facility.

### Existing basketball facilities and proximity to nearest house

Suburb	Public Open Space (POS)	POS Size (sq m)	Edge of pad to nearest house (m)	Size of Pad
Craigie	Chadstone Park	6,464	20.60	1 on 1
Kallaroo	Wallangarra Park	5,962	21.50	1 on 1
Burns Beach	Bengello Park	19,121	25.80	3 on 3
Joondalup	Nanika Park	6,471	28.00	3 on 3
Woodvale	Plumdale Park	17,230	33.00	1 on 1
Hillarys	Maquire Park	10,630	33.60	3 on 3
Padbury	Newcombe Park	35,915	35.00	1 on 1
Kallaroo	Montague Park	10,739	38.00	1 on 1
Kinross	MacNaughton Park	34,740	40.00	1 on 1
Kallaroo	Aristride Park	10,299	41.40	1 on 1
Mullaloo	Tom Simpson Park North	40,378	42.00	1 on 1
Currambine	Christchurch Park	41,813	42.30	3 on 3
Sorrento	Tom Walker Park	22,540	43.00	1 on 1
Kallaroo	Newham Park	18,094	44.00	1 on 1
Warwick	Ellersdale Park	35,760	44.10	3 on 3
Kallaroo	Legana Park	35,380	45.00	1 on 1
Padbury	Simpson Park	16,322	47.00	1 on 1
Marmion	Braden Park*	47,495	50.00	1 on 1

Suburb	Public Open Space (POS)	POS Size (sq m)	Edge of pad to nearest house (m)	Size of Pad
Edgewater	Lakevalley Park	3,300	52.00	1 on 1
Hillarys	Mawson Park	92,366	52.20	1 on 1
Mullaloo	Blackboy Park	20,750	54.00	3 on 3
Beldon	Sandalford Park	36,312	55.00	1 on 1
Greenwood	Oleaster Park	8,223	56.50	1 on 1
Hillarys	Broadbeach Park	41,912	56.70	1 on 1
Duncraig	Juniper Park	47,055	57.00	1 on 1
Sorrento	Seacrest Park	91,061	60.00	1 on 1
Currambine	Caledonia Park	34,080	60.10	3 on 3
Greenwood	Kanangra Park	32,818	60.50	1 on 1
Heathridge	Heathridge Park	95,980	62.00	1 on 1
Duncraig	Granadilla Park	37,863	63.00	3 on 3
Ocean Reef	Southern Cross Park	15,437	63.00	3 on 3
Duncraig	Melene Park	43,226	63.50	1 on 1
Duncraig	Glengarry Park	57,033	64.00	1 on 1
Mullaloo	Tom Simpson Park South	40,378	64.00	1 on 1
Kallaroo	Barridale Park	42,040	65.00	1 on 1
Warwick	Churton Park	14,731	66.00	1 on 1
Padbury	Gibson Park	37,050	68.00	3 on 3
Edgewater	Emerald Park	63,682	74.00	1 on 1
Padbury	Macdonald Park	119,028	74.30	Full court
Connolly	Bonnie Doon Park	29,599	80.00	1 on 1
Mullaloo	Wolinski Park	39,786	80.00	1 on 1
Kallaroo	Dampier Park	23,183	81.50	1 on 1
Greenwood	Penistone Park	114,255	93.00	1 on 1
Joondalup	Windermere Park	46,431	93.00	3 on 3
Warwick	Hawker Park	34,635	95.00	1 on 1
Padbury	Fernwood Park	15,266	106.90	1 on 1
Woodvale	Chichester Park	63,609	117.00	1 on 1
Woodvale	Timberlane Park	53,547	118.00	1 on 1
Kinross	Falkland Park	54,171	147.00	1 on 1

\* currently under review – basketball pole and backboard removed.

### Complaints

The table above provides the separation distance (obtained via aerial imagery) from the edge of the basketball facility to the nearest house. Undesirable noise associated with basketball play does not appear to be an issue at most of these locations as the City has, over the years, received complaints from a small number of nearby residents at only a couple of locations.



Where a complaint has been received, the City has investigated the matters raised and taken the most appropriate action depending on the specific circumstances. These actions have included one or more of the following:

- An investigation by an Environmental Health Officer.
- The installation of sound monitoring equipment within the residential home.
- Modification or installation of alternative backboards.
- The introduction of time restrictions on hours of play.
- The scheduling of Field Officers to attend the site and educate users of the facility on the time restrictions.
- The installation of temporary CCTV unit for data collection to determine usage of the facility and if any anti-social behaviour was occurring.

### **Further Information for Consideration**

#### Sound Wall

The building of a sound wall adjacent to the existing pad located within the recreational hub at Braden Park was proposed by a member of the community as a way to block sound from travelling. This would involve a solid physical wall which, while it may reduce noise impacts, would be costly to construct, require on-going maintenance, be a potential target for graffiti, and reduce the opportunity for passive surveillance.

#### Time Restrictions and Enforcing Permitted Times of Use

The City has investigated the potential to limit times of usage by the installation of infrastructure, as it is impractical to have a City officer on site all the time to enforce permitted hours of play.

Infrastructure options would likely be site specific and may include one of the following:

- Restricting access by a physical barrier (fence).
- Fold away and and/or locking mechanisms on the basketball hoop.

Infrastructure options would come at a cost, be it the construction of a fence, the purchase of a physical mechanism, or the resource required to open and close the facility on a daily basis and would add to ongoing maintenance costs.

#### Noise Attenuation Treatment Options

The City has undertaken some investigations into different treatment options that could be applied to outdoor basketball concrete pads to reduce noise levels including a synthetic turf layer glued to a concrete slab.

An assessment was undertaken at Heathridge Park on 16 February 2022 on Astroturf on a concrete cricket pitch as compared to a bare concrete basketball pad. Although the bounce of the ball appeared unaffected by the Astroturf surface, the initial results showed that the Astroturf with a normal bounce was about 11dB quieter than the concrete pad and 6 dB quieter with a heavy bounce. The results of the test indicated there is good potential in reducing noise to meet the relevant assigned noise levels that are stipulated under the *Environmental Protection (Noise) Regulations 1997*.

The City subsequently provided the results on Astroturf to the DWER for their advice and sought comment on the potential use of Astroturf as a noise mitigating surface. The DWER reviewed the data provided by the City and also included additional information on recent investigations that the DWER had undertaken on the potential noise reduction provided by a synthetic turf cricket pitch.

The DWER indicated that based on their own findings, a 3dB(A) reduction is more likely with the installation of a synthetic surface. To this regard, the DWER stated that while synthetic turf may reduce noise emissions to some extent, the appropriate siting/separation and times of use of basketball facilities are considered the most critical factors in minimising noise impacts on the surrounding community, and risk of non-compliance with the *Environmental Protection (Noise) Regulations 1997*.

The DWER stated that based on data collected for similar facilities, a separation distance of up to 120 metres from the centre of the play area to residential receivers should be considered initially which would imply that if you can achieve 120 metre separation distance, no further noise attenuation measures or time restrictions would be required. The DWER further stated that, assuming a 3dB(A) noise reduction with synthetic turf, the separation distance to nearest residences of 90 metres should be considered the minimum. This implies that if the 90 metre separation distance can be achieved, limitations to the times of use would not likely be required. However, the inverse then would also apply, meaning that time restrictions could be required if this minimum distance of 90 metres cannot be achieved.

#### Department of Water and Environmental Regulation (DWER) Guidelines

In response to recent concerns being raised with the DWER on noise issues associated with basketball facilities across a number of local governments, the DWER have indicated that specific guidelines are in development that would assist in the planning for installation of basketball facilities. Guidelines had not previously existed as noise concerns for basketball facilities in WA had not commonly been identified.

The most recent advice received from the DWER on the progression of the guidelines was received by the City on 23 June 2022. The DWER indicated that all technical assessments had been completed, that the document is still being finalised, and that it is likely to be several months before any formal document is released. However, the DWER indicated that the appropriate siting and separation distances will be a key factor in reducing the noise impacts to nearby residents.

#### Summary

Separation distance will be the key consideration to manage the provision of basketball facilities within residential areas. Based on the information gathered by the City to date, the following noise attenuation measures might need to be considered for one on one and three on three pads:

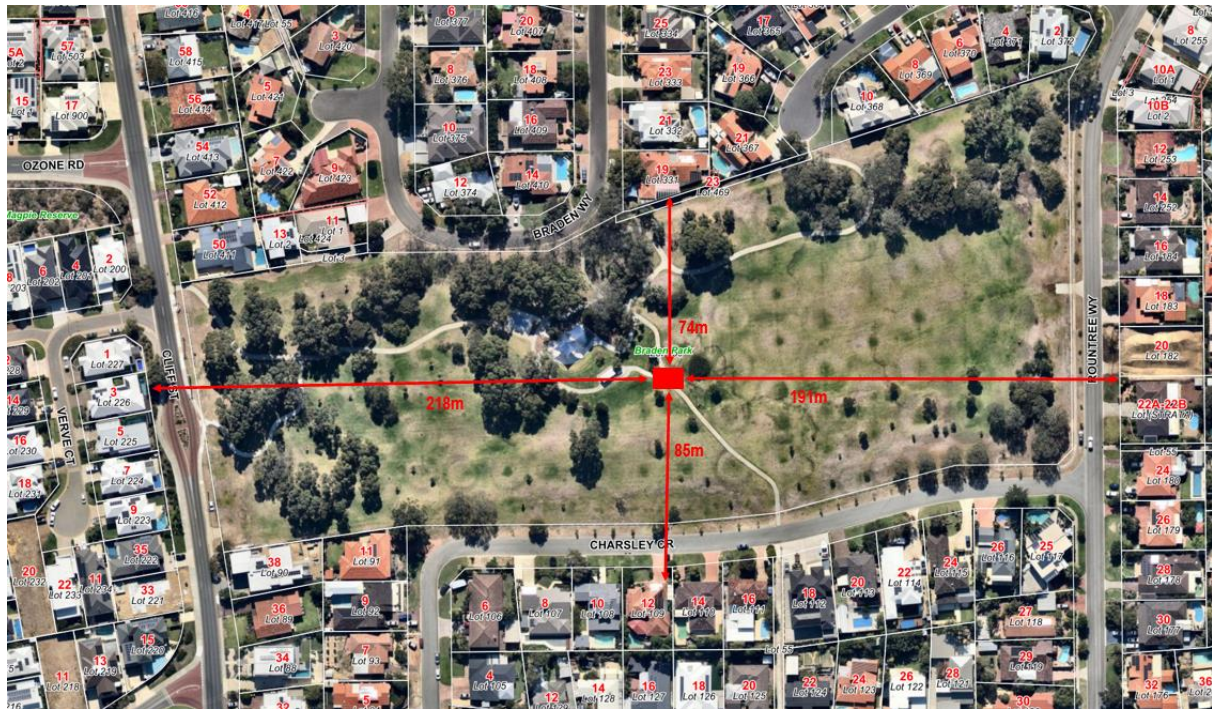
Separation distance from centre of court to nearest house	Noise attenuation measures	Time restrictions
> 120 metres	Not required	No time restrictions
> 90 metres but < 120 metres	Synthetic turf or similar	No time restrictions
< 90 metres	Synthetic turf or similar	Time restrictions*

The table above is indicative and not absolute and will depend on a number of site specific factors such as topography, physical barriers, as well as the style of play and hours of continuous play.

In applying this to Braden Park specifically, a potential location has been identified which maximises the separation distance from nearby residential properties being:

- 74 metres to the north
- 85 metres to the south
- 191 metres to the east
- 218 metres to the west.

These measurements as depicted in the figure below have been taken from the edge of the basketball pad to the nearest house again, using aerial imagery.



Consideration could be given to a basketball facility at this location at Braden Park with noise attenuation and some time restrictions.

### Issues and options considered

Council could consider:

Option 1 Do not support a basketball facility at Braden Park.

This is not supported as there is community support for the provision of this type of facility at this park.

Option 2 Support the installation of a basketball facility at Braden Park and reinstall the pole and backboard with noise attenuation measures and time restrictions at the pad's current location in Braden Park.

This is not supported due to the opposing views within the community.

**Option 3** Support the installation of a basketball facility at Braden Park and install a new basketball facility with noise attenuation measures and consideration of time restrictions at an alternate location within Braden Park.

This option can be supported by the City as it maximises the separation distance from nearby houses.

**Option 4** Support the installation of a basketball facility at Braden Park at an alternate location but delay the installation to enable the City to:

- consider the guidelines currently in development by the Department of Water and Environment Regulations when they become available to local governments noting the advice from DWER that it is likely to be several months before any formal document is released.
- revisit the design, noise attenuation and time restrictions of the basketball facility.

This option is supported as it will provide clear guidance to the City in relation to a basketball facility at Braden Park.

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

**Legislation** Not applicable.

### **10-Year Strategic Community Plan**

**Key theme** Place.

**Outcome** Attractive and leafy – You have access to quality public open spaces and enjoy appealing streetscapes.

**Policy** Not applicable.

### **Risk management considerations**

The key risk consideration is the compliance with the noise regulations for basketball facilities such as the one being considered at Braden Park, Marmion. This Report details the likely separation distances, noise attenuation and time restrictions that may be required to minimise this risk should Council choose to support a basketball facility at this location.

This will also apply to other basketball facilities within the City and at the time of renewal for each facility, these requirements will be considered by the City to inform location, noise attenuation measures, and time restrictions on a site specific basis.

### **Financial / budget implications**

The cost estimate to reinstate the basketball pole and backboard as per option 2 above is \$1,500.

The cost estimate to install a new basketball facility as per option 3 and 4 above is \$25,000 - \$30,000.

### **Regional significance**

Braden Park, Marmion is one of the City's seven district recreation parks and as such is used generally by residents within the suburb of Marmion only.

## **Sustainability implications**

Not applicable.

## **Consultation**

Consultation regarding a basketball facility at Braden Park has been undertaken on two occasions in 2021. In both these consultations, the majority of responses supported the installation of this type of facility.

Given the large amount of data already collected from the residents within close proximity of Braden Park, including detailed verbatim comments, it is not recommended that further consultation would provide significant new information relevant to Council's decision making; and there is a risk of consultation fatigue, where residents may disengage with the process as they feel they have already provided input through the previous consultation activities.

Should Council support the installation of a basketball facility at Braden Park, affected residents will be informed in accordance with the City's *Notification of Public Works Policy*.

## **Other Local Government Experiences**

In recent years, there have been a number of similar cases within other local governments as detailed below:

In 2020, the Town of Victoria Park, removed the backboards and hoops from two new basketball courts at Koolbardi Park in Lathlain which were 33 metres from the nearest house, after receiving noise complaints from nearby residents. The administration trialled two different types of noise-attenuating backboards, as well as signage and security patrols. The administration eventually removed the hoops and backboards permanently, citing an inability to bring the "noise levels below Environmental Noise Regulations".

In 2020, the Shire of Capel, removed the backboard and hoop from a new basketball pad in Daablone Park in Dalyellup which was 32 metres from the nearest house, after receiving complaints from nearby residents about noise and anti-social behaviour. The administration undertook an initial questionnaire, the results of which indicated majority support for the infrastructure to be reinstated. After trialling noise-attenuating backboards, a second questionnaire was administered with similar outcomes to the first. However, with ongoing complaints, the Council supported removing the entire pad and installing new basketball infrastructure in an alternative park.

In early 2021, at the City of Swan, following noise complaints about a new basketball half-court installed in Noonan Park in Caversham which was 25 metres from the nearest house, the administration undertook a questionnaire with nearby residents. The results of the questionnaire were relatively even and the administration recommended removing the half-court, citing "complexities in managing noise in public facilities". Council, voted to keep the basketball half-court in place at the park, and reversed the hoop and backboard to the opposite end of the pad so they were slightly further away from houses.

**COMMENT**

Braden Park, Marmion is one of the City's seven district recreation parks and when considering the petition in relation to the refurbishment of Braden Park at its meeting held on 19 May 2020 (CJ063-05/20 refers), the report noted that when compared with infrastructure provision at other district recreation parks, and taking into account the community led feedback for additional infrastructure items, the inclusion of a basketball pad, would be supported to ensure a consistent level of infrastructure across the City's district recreation parks.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council:

- 1** NOTES that the guidelines on basketball pads are still in development by the Department of Water and Environmental Regulations and may not be available for some time;
- 2** SUPPORTS the provision of a basketball facility at Braden Park;
- 3** SUPPORTS delaying the installation of a basketball facility at Braden Park to enable the City to consider the guidelines in Part 1 above and revisit the design and location to maximise hours of use while minimising noise impacts on residents.

## REPORTS – POLICY COMMITTEE - 1 AUGUST 2022

### ITEM 17                      REVIEW TERMS OF REFERENCE – POLICY COMMITTEE

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	101515, 103963
<b>ATTACHMENTS</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 review the role and purpose of the Policy Committee and endorse the revised Terms of Reference.

#### EXECUTIVE SUMMARY

At the Policy Committee meeting held on 21 February 2022, Cr Thompson requested a report to review the current Policy Committee's role, with a view to consider adding the review of local laws as part of the Committee's remit.

A report was presented to the Policy Committee on 9 May 2022, where the Committee resolved that the Terms of Reference be referred back to the Chief Executive Officer for further revision in relation to the arts and culture items.

*It is therefore recommended that Council ADOPTS the revised Terms of Reference for the Policy Committee, as detailed below:*

- 1        make recommendations to Council on the development and review of the City's policies and overall policy framework;*
- 2        make recommendations to Council on the development and review of the City's local laws;*
- 3        oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual and Performing Arts Programs.*

## BACKGROUND

The current Terms of Reference for the Policy Committee were endorsed by the Council on 1 November 2021, and are as follows:

- 1 Make recommendations to Council on the development and review of the City's policies and overall policy framework.
- 2 Develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies.
- 3 Collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art.
- 4 Collect and commission selectively works of art which enhance the existing collection, and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public.
- 5 Review the criteria established to determine award winners.
- 6 Oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual Art Programs.

On 9 May 2022, a report was presented to the Policy Committee, where the Committee resolved:

*"That Item 3 – Review of Terms of Reference – Policy Committee, BE REFERRED BACK – to the Chief Executive Officer to review the Terms of Reference related to arts and culture while retaining the Terms of Reference related to the development and review of the City's Policies and proposed development and review of the City's local laws."*

## DETAILS

The current Terms of Reference for the Policy Committee have been revised, with a view to consolidating the arts and culture reference points and maintaining a high-level strategic level in line with the intent of the *Local Government Act 1995*. The revised Terms of Reference for the Policy Committee are detailed below:

- 1 make recommendations to Council on the development and review of the City's policies and overall policy framework;
- 2 make recommendations to Council on the development and review of the City's local laws;
- 3 oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual and Performing Arts Programs.

This Committee has no delegated authority to implement its recommendations without resolution of Council and any changes to the Terms of Reference will require a resolution of Council.



**Issues and options considered**

Council can either:

- endorse the revised Terms of Reference as presented
- amend the Terms of Reference  
or
- make no changes to the Terms of Reference.

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

**Legislation**                      *Local Government Act 1995.*  
*Local Government (Administration) Regulations 1996.*  
*City of Joondalup Meeting Procedures Local Law 2013.*

**10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Capable and effective – you have an informed and capable Council back by a highly-skilled workforce.

**Policy**                          Not applicable.

**Risk management considerations**

The establishment of committees assists Council in performing some of its legislative responsibilities and functions. If Council does not establish committees this may hinder the overall decision-making process and place an onerous burden on Council.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

Should the Committee endorse a change in its Terms of Reference, this will need to progress through to the Council for approval given that the Policy Committee has no delegated authority to make decisions in this regard.

## **VOTING REQUIREMENTS**

Absolute Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 August 2022.

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

## **RECOMMENDATION**

**That Council ADOPTS BY AN ABSOLUTE MAJORITY the revised Terms of Reference for the Policy Committee, as detailed below:**

- 1 make recommendations to Council on the development and review of the City's policies and overall policy framework;**
- 2 make recommendations to Council on the development and review of the City's local laws;**
- 3 oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual and Performing Arts Programs.**

**ITEM 18**                      **REVISED RISK MANAGEMENT POLICY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBERS</b>	49586, 101515, 109499
<b>ATTACHMENT</b>	Attachment 1      Revised <i>Risk Management Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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**PURPOSE**

For Council to adopt a revised *Risk Management Policy*.

**EXECUTIVE SUMMARY**

The *Risk Management Policy* (the Policy) outlines the City's commitment and approach for managing risks that may impact on the achievement of its objectives. The Policy was initially created in 2013 and was last reviewed by Council at its meeting held on 20 October 2020 (Item CJ158-10/20 refers), where a range of changes were made to reflect the updated Australian Standard *AS ISO 31000:2018 Risk Management – Guidelines* and improvements to the City's risk management practices.

In line with the need for periodic reviews of policies, some minor changes to the Policy are suggested to improve its operation.

*It is therefore recommended that Council ADOPTS the revised Risk Management Policy, as detailed in Attachment 1 to this Report.*

**BACKGROUND**

The City's risk management arrangements continue to be reviewed and improved to provide an integrated and consistent approach across the City for the identification, assessment and treatment of risks.

The Policy outlines the City's commitment and approach to managing risks. Risks are to be recorded, analysed and reported, based on the context of the individual risk and the risk portfolio it belongs to. The Policy was first adopted by Council at its meeting held on 24 September 2013 (Item CJ190-09/13 refers).

**DETAILS**

In the main the policy is retained in its current form, with minor changes being recommended. The amendments to the policy will assist with improving the City's risk maturity level, as well as providing evidence of the appropriateness and effectiveness of the City's systems, in regard to risk management, internal control and legislative compliance.

The changes include:

- expanding the wording for whom the City delivers its services to, from residents and visitors, to community including residents, ratepayers, businesses and visitors
- expanding the risk management approach to include risk, controls and responsibilities are recorded and updated as required by risk responsible officers.

### **Issues and options considered**

Council can either:

- adopt the revised *Risk Management Policy* as presented
- adopt the revised *Risk Management Policy* with further amendments  
or
- not adopt the revised *Risk Management Policy*.

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

**Legislation**                      *Local Government (Audit) Regulations 1996.*

#### **10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Accountable and financially sustainable – You are provided with a range of City services which are delivered in a financially responsible manner.

**Policy**                              *Risk Management Policy.*  
*Fraud, Corruption and Misconduct Control Policy.*

### **Risk management considerations**

The changes provide better guidance to integrate risk management into activities and functions performed by the City.

### **Financial / budget implications**

There are no financial implications associated with the adoption of the revised policy.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

**COMMENT**

In line with the need for periodic reviews of policies, the suggested minor changes to the policy is anticipated to improve its operation and reflect current legislative intent.

**VOTING REQUIREMENTS**

Simple Majority.

**COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 August 2022.

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

**RECOMMENDATION**

**That Council ADOPTS the revised *Risk Management Policy* as detailed in Attachment 1 to this Report.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf220809.pdf](#)*

## ITEM 19                      LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES' POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr James Pearson Office of the CEO
<b>FILE NUMBERS</b>	13562, 101515
<b>ATTACHMENT</b>	Attachment 1 <i>Revised Legal Representation for Council Members and Employees Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to adopt a revised *Legal Representation for Council Members and Employees Policy*.

### EXECUTIVE SUMMARY

The *Legal Representation for Council Members and Employees Policy* (the Policy) outlines the guidelines to assist Council in determining when it is appropriate to pay legal representation costs. The Policy was initially created in 1999 and was last reviewed by Council at its meeting held on 15 July 2014 (CJ128-07/14 refers), where a range of changes were made to align the Policy more closely to the then Department of Local Government and Communities' model policy and the City's standardised policy template.

In line with the need for periodic reviews of policies, some minor changes to the Policy are suggested to improve its operation and ensure it remains relevant and current.

*It is therefore recommended that Council ADOPTS the revised Legal Representation for Council Members and Employees Policy, as detailed in Attachment 1 to this Report.*

### BACKGROUND

The Policy was inherited from the former City of Wanneroo in 1999 when the City's Corporate Policy Manual was adopted by the Commissioners at the time (CJ2013-06/99 refers) and was first reviewed by Council at its meeting held on 13 February 2001 (CJ001-02/01 refers).

The Policy has been the subject of several reviews including:

- 2001 – financial assistance was increased from \$3,000 to \$5,000
- 2004 – aligning the policy to the then Department of Local Government and Regional Development's draft model policy and precluding requests for financial assistance where legal proceedings are commenced by an Elected Member or employee, except for extenuating circumstances where they are the subject of threatening behaviour by another person

- 2008 – increasing the maximum payment for legal representation costs from \$5,000 to \$6,000 and increasing the maximum payment that could be approved by the Chief Executive Officer from \$2,000 to \$6,000
- 2014 – aligning the policy to the then Department of Local Government and Communities model policy, and the City’s new standardised policy template.

## DETAILS

The current Policy has been reviewed against the most recent local government operational guidelines (Legal Representation for Council Members and Employees) from the Department of Local Government, Sport and Cultural Industries. This guideline, and the incorporated model policy, are provided to assist councils when making decisions or developing a policy. Further information is available by visiting the Department of Local Government, Sport and Cultural Industries website below:

<https://www.dlgsc.wa.gov.au/department/publications/publication/legal-representation-for-council-members-and-employees>

Amendments to the Policy have been made to refer to Council Members rather than Elected Members, to align to the operational guidelines.

Amendments have also been made to correct grammatical errors or out-of-date references, such as the definition of approved lawyer referring to the *Legal Practice Act 2003*, which was repealed in 2009, and including the WALGA panel of legal service providers in place of the City’s panel that no longer exists. The references to Director Corporate Services has been changed to Director Governance and Strategy to align to the Director’s responsibility for the Chief Executive Officer’s contract and performance reviews.

Previous amendments included increasing the limit for legal representation costs per application in 2001, from \$3,000 to \$5,000, and in 2008, from \$5,000 to \$6,000. Since the completion of the Inquiry into the City of Joondalup in 2005, few applications have been brought before the Council for approval with an estimated expenditure of \$31,500 between the years of 2008-2013. As there has been no applications since 2013, it is recommended to maintain the current limit of \$6,000.

## Issues and options considered

Council can either:

- adopt the revised *Legal Representation for Council Members and Employees Policy* as presented
- adopt the revised *Legal Representation for Council Members and Employees Policy* with further amendments
- or
- not adopt the revised *Legal Representation for Council Members and Employees Policy*.

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

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

**10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Accountable and financially sustainable – You are provided with a range of City services which are delivered in a financially responsible manner.

**Policy**                              *Legal Representation for Elected Members and Employees Policy.*

**Risk management considerations**

There are no major risks identified in amending the Policy due to its close alignment with the current local government operational guidelines (Legal Representation for Council Members and Employees) from the Department of Local Government, Sport and Cultural Industries.

**Financial / budget implications**

As there have been no applications for legal representation costs since 2013, and it is recommended to maintain the current limit of \$6,000, the expense to the City is considered to be only minor.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

In line with the need for periodic reviews of policies, the suggested minor changes to the policy is anticipated to improve its operation and reflect current legislative intent.

**VOTING REQUIREMENTS**

Simple Majority.



## COMMITTEE RECOMMENDATION

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

*That Council ADOPTS the revised Legal Representation for Council Members and Employees Policy as detailed in Attachment 1 to this Report.*

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

*That Council ADOPTS the revised Legal Representation for Council Members and Employees Policy as detailed in Attachment 1 to this Report subject to an amendment to Part 2(a) of the Policy as follows:*

**"2** *Definitions:*

*"approved lawyer" means:*

- a. an Australian lawyer as defined under the Legal Profession Uniform Law Applications Act 2022; and / or*
- b. from a law firm on the WALGA panel of legal service providers, unless Council considers that this is not appropriate – for example, where there is and may be a conflict of interest or insufficient expertise; and*
- c. who is approved in writing by the Council or the CEO acting under delegated authority."*

## RECOMMENDATION

**That Council ADOPTS the revised Legal Representation for Council Members and Employees Policy as detailed in Attachment 1 to this Report subject to an amendment to Part 2(a) of the Policy as follows:**

**"2** *Definitions:*

*"approved lawyer" means:*

- a. an Australian lawyer as defined under the Legal Profession Uniform Law Applications Act 2022; and / or*
- b. from a law firm on the WALGA panel of legal service providers, unless Council considers that this is not appropriate – for example, where there is and may be a conflict of interest or insufficient expertise; and*
- c. who is approved in writing by the Council or the CEO acting under delegated authority."*

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf220809.pdf](#)

## ITEM 20                      REVIEW OF HIGH RISK BOOKINGS POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	26370, 101515
<b>ATTACHMENT</b>	Attachment 1      High Risk Bookings in Community Venues
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

---

### PURPOSE

For Council to consider the proposed amendments to the *High Risk Bookings in Community Facilities* Policy.

### EXECUTIVE SUMMARY

At its meeting held on 17 August 2015 (CJ148-08/15 refers), Council adopted the current *High Risk Bookings in Community Facilities*.

The City has 33 community facilities that can be hired on a 'casual' basis for private functions and activities. Each separate booking is subject to an application process and a set of booking terms and conditions which the hirer must agree to before a booking can be confirmed. The majority of bookings that occur in the City's community venues take place without any incidents. Prior to the implementation of the current policy, there were incidents with property damage and anti-social behaviour issues during some casual bookings.

The current policy has been very effective in managing the incidence of property damage and anti-social behaviour issues while also reducing administrative time spent on recovering costs. The policy has been reviewed in line with the City's *Policy Manual* and required minor amendment to remove references to the City's leisure centres and updating terminology in the policy in line with what is currently used.

*It is therefore recommended that Council ADOPTS changes to the High Risk Bookings in Community Facilities Policy as included in Attachment 1 to this Report.*

### BACKGROUND

A casual booking relates to any one-off approved scheduled activity booked to take place within a City of Joondalup community hireable venue. The *High Risk Bookings in Community Facilities* policy relates only to private bookings, where the booking is made by an individual person.

Between January 2011 and April 2012, the City had 80 casual bookings that could be categorised as high risk bookings (approximately 8% of all casual bookings).

Of these 80 bookings, the City experienced issues with 12 which includes:

- ten were for 18th or 21st birthday parties
- one was a 16th birthday party
- one was a 40th birthday party.

The issues ranged from relatively minor concerns (such as the facility not being adequately cleaned) through to more significant issues such as vandalism / damage, violence and general anti-social behaviour at the venue. Two of the bookings required police attendance.

When incidences such as these occur, a significant amount of administrative time is spent rectifying the issues, responding to complaints from other user groups and residents, and liaising with the hirer to resolve the bond and/or recover costs. From May 2012, the City conducted a general review of high risk casual bookings which covered the following areas:

- Review of approach taken by other local governments on high risk bookings.
- Reviewing the booking documentation and processes to determine if improvements could be made to mitigate risk.
- Monitoring all existing and new bookings to determine if hirers attempted to circumvent the ban on high risk bookings by submitting false booking applications.
- Monitoring of enquiries to gauge customer reaction to the ban on high risk bookings.

This review led to the introduction of the *High Risk Bookings in Community Facilities Policy*. The policy has been reviewed in line with the City's Policy manual.

## DETAILS

Under the current policy, a high risk casual booking is one which:

- is a birthday party for ages ranging from 16 to 21
- a buck's night / hen's night
- any other function where the City has a reasonable concern that there is a risk of property damage, vandalism and/or anti-social behaviour
- involves provision or sale of alcohol
- involves more than 50 guests (as indicated on the booking form).

Between January 2018 and December 2021 there were 4,887 casual bookings which took place within the City's venues of which approximately 4% were classed as high risk bookings. Of these bookings, there were two high risk bookings where the bond had to be retained for various issues including cleaning and repair of damage incurred to City assets. The amount required to rectify the damage was retained from the bond and the remaining amount was refunded back to the hirers.

Since its introduction, the current policy has been effective in reducing the incidence of vandalism / damage, violence and general anti-social behaviour. There has been one incident between January 2018 to December 2021, where damage was incurred to City assets during a casual booking and the cost of the repairs has been recovered through a payment plan with the hirer.

This booking was an 18th birthday party however the booking was falsely represented in the booking application. There was no information provided within the booking application to indicate it was a 18th birthday party and as a result, it did not incur the additional measures put in place for high risk bookings.

Local government comparison

Bonds for high risk bookings were reviewed across other local governments:

Local Government	High Risk Bond Amount	When is the High Risk Bond Applied
City of Joondalup	\$2,500	<ul style="list-style-type: none"> <li>16<sup>th</sup> – 21<sup>st</sup> birthday parties.</li> <li>Buck's night / hen's night.</li> <li>Any other function where the City has a reasonable concern that there is a risk of property damage, vandalism and/or anti-social behaviour.</li> </ul>
City of South Perth	\$2,000	<ul style="list-style-type: none"> <li>Any booking with more than 100 people.</li> <li>Any event with alcohol.</li> </ul>
City of Stirling	\$5,000	<ul style="list-style-type: none"> <li>18<sup>th</sup> and 21<sup>st</sup> birthday parties.</li> <li>Any booking with more than 100 people.</li> </ul>
City of Wanneroo	\$2,700	<ul style="list-style-type: none"> <li>15<sup>th</sup>–21<sup>st</sup> birthday parties.</li> </ul>

The City's *High Risk Bookings in Community Facilities* policy allows high risk bookings to take place whereas some other local governments have placed restrictions on their venues such as no 13<sup>th</sup> to 30<sup>th</sup> birthday parties, no bucks / hens nights and no alcohol on any park or reserve. This allows the City's community hireable venues to be utilised by residents for these events with a bond. Some local governments also consider any event with alcohol to be high risk regardless of the number of people attending.

**Issues and options considered**

The *High Risk Bookings in Community Facilities* policy has been reviewed and amendments proposed as indicated in the attached draft document (Attachment 1 refers). The amendments proposed are minor and are listed below:

Section	Change	Explanation
All	Changing references from facilities to hireable venues.	Venues is a broader term that encompasses all of the City's hireable community venues, including parks, beaches and buildings.
All	Removal of Leisure Centres.	Removing references to Leisure Centres as it has its own bonds within the <i>Schedule of Fees and Charges</i> and procedures for managing bookings.
Part 5.1.a	Removal of the word 'signed'.	Booking applications are now completed online with the hirer accepting the terms and conditions rather than signing a physical document.

Council can either choose to:

- adopt changes to the High Risk Bookings in Community Facilities Policy as included in Attachment 1
- or
- retain the policy as is its current format.

It is recommended that option one is implemented as the current policy is effective and only minor amendments are required.

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

**Legislation** The City's Local Government and *Public Property Local Law 2014* allows the City to have absolute discretion over whether it approves an application for use of local government or public property (Part 12). Clause 12.6 of the *Local Government Public Property Local Law 2014* supports the development of a specific policy on particular types of bookings.

**10-Year Strategic Community Plan**

**Key Theme** Community.

**Outcome** Healthy and safe – You feel healthy and safe in your local community.

**Policy** *High Risk Bookings in Community Facilities.*

The recommendation of adopting a revised policy is to make minor amendments and update terminology in the policy.

**Risk management considerations**

The amendments proposed to the existing policy will have the effect of better clarifying when the policy will be applied. If the amendments are not adopted, there is a risk that the policy will be incorrectly applied, resulting in confusion for customers and potential for increased damage to City property.

**Financial / budget implications**

The amendments suggested to the revised policy would have no further financial / budget implications in comparison to the current policy.

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 *High Risk Bookings in Community Facilities* policy has been very effective at managing potential risk in bookings at City venues. The infrequency of these incidents proves the policy's effectiveness along with the City's current bookings processes, booking forms and terms and conditions of hire in reducing such incidents.

While other local governments are more restrictive, the City's policy is effective and allows greater access to facilities while still managing risk. The proposed amendments serve to better clarify the intent of the policy as a guide to high risk bookings in community venues.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 August 2022.

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

## RECOMMENDATION

**That Council ADOPTS the revised *High Risk Bookings in Community Facilities Policy* as included in Attachment 1 to this Report.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf220809.pdf](#)*

## ITEM 21                    REVIEW OF ALCOHOL MANAGEMENT POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	13010, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Alcohol Management Policy</i> Attachment 2 <i>Alcohol Management Plan 2011-14</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to consider the proposal to revoke the *Alcohol Management Policy*.

### EXECUTIVE SUMMARY

The City's *Alcohol Management Plan 2011-14* and associated *Alcohol Management Policy* were introduced in 2011 with the purpose of addressing alcohol related issues in the City.

The policy broadly outlines the City's role in the availability and consumption of alcohol in the community. These statements are designed to guide the City's position on alcohol management, however are no longer supported by specific actions and objectives that were previously contained within the *Alcohol Management Plan 2011-14*.

The policy also sets specific conditions on when the sale and / or consumption of alcohol will and will not be supported on City owned or managed property. A number of these conditions are able to be managed via State legislation in the *Liquor Control Act 1988* and the City's *Local Government and Public Property Local Law 2014*. The rest are currently managed via the City's Venue Hire Terms and Conditions and internal booking assessment procedures.

The *Alcohol Management Policy* also prohibits the sale and consumption of alcohol at Tom Simpson Park, Mullaloo. This restriction was included to remain consistent with a previous decision made in 2008 by the then Chief Executive Officer following ongoing antisocial behaviour at the park involving alcohol.

Evaluations of alcohol-free zones have shown little or no evidence that public drinking bans reduce congregations of drinkers or reduce alcohol-related crime or harm. Additionally, the prohibition of alcohol at Tom Simpson Park is inconsistent with the management of alcohol sales and consumption at other City venues and the City's strategic initiative to adopt consistent principles in the management and provision of urban community infrastructure.

Under the *Public Health Act 2016*, the City is required to develop a Public Health Plan. Due to the potential impact of alcohol on the health of individuals and the wider Joondalup community, the development of the plan will provide opportunities for the City to consider its role in alcohol management, including the introduction of policies or managing strategies.

*It is therefore recommended that Council:*

- 1 *AGREES to revoke the Alcohol Management Policy;*
- 2 *NOTES that the City will have opportunities to consider its role in alcohol management, including the development of policies relating to alcohol, during the development of the Public Health Plan.*

## **BACKGROUND**

### Alcohol Management Policy and Plan

In 2010, the City was nominated by the Western Australian Local Government Association (WALGA) to participate in a pilot project to develop an alcohol policy and management plan. As a result, the City's *Alcohol Management Plan 2011-14* was introduced in 2011 and was developed with the purpose of addressing alcohol related issues in the City.

The plan set out a series of strategies intended to address priority needs associated with alcohol, and focussed on the following four key areas:

- Liquor licence applications.
- City owned and managed property.
- Responding to the community.
- Urban design and town planning.

The plan was intended to be read in conjunction with the City's *Alcohol Management Policy*, which was also introduced in September 2011 (CJ159-09/11 refers). The policy outlines the City's role in alcohol management and sets specific conditions on when the sale and / or consumption of alcohol will and will not be supported on City owned or managed property.

A review of the plan was due to occur following its conclusion in 2014, however this did not occur and the plan was not renewed beyond its expiry in 2014. Instead, the City's *Community Safety and Crime Prevention Plan 2014-18* incorporated elements of alcohol management into a broader approach to community safety.

The *Alcohol Management Policy* remains active, however has not undergone a review since its introduction. There is no statutory requirement for the City to have an Alcohol Management Plan.

### Current legislation

Restrictions on alcohol consumption and sale in public places are covered under State legislation in the *Liquor Control Act 1988*:

*"s 119. Limitations as to liquor on unlicensed premises, etc.*

- (1) *A person who consumes liquor in any place or on any premises, including any park or reserve, without the consent of the occupier, or of the person or authority having control, of that place or those premises commits an offence.*

*Penalty: \$2,000."*

The police are responsible for the enforcement of the Act.



Furthermore, the City's *Local Government and Public Property Local Law 2014* determines restrictions on the consumption of alcohol on City-managed property:

*“3.3 Permit required for possession and consumption of liquor:*

- (1) *A person must not, on local government property, consume any liquor or have in her or his possession or under her or his control any liquor, unless –*
- (a) that is permitted under the Liquor Control Act 1988; and*
  - (b) a permit has been obtained for that purpose.*

*3.4 Responsibilities of permit holder:*

*A holder of a permit must, in respect of local government property to which the permit relates –*

- (a) take reasonable steps to maintain law and order by all in attendance at any function for which the local government property has been hired.*
- (g) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Control Act 1988 for that purpose.*

*4.5 Intoxicated persons not to enter local government property:*

*A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.”*

The Department of Local Government, Sport and Cultural Industries (DLGSC) are responsible for assessing and issuing liquor licence applications, however, should the licence be requested for a City owned or managed property, then the City is required to indicate it's support or lack of for the proposed licence.

### Tom Simpson Park

The *Alcohol Management Policy* prohibits the sale and consumption of alcohol at Tom Simpson Park, Mullaloo. This restriction was included to remain consistent with a previous decision made in 2008 by the then Chief Executive Officer.

Between 2005 and 2007, the City received a number of complaints of antisocial behaviour at Tom Simpson Park, including hooning, illegal parking, violence, littering and drunken behaviour.

At the Briefing Session held on 15 May 2007, Council received a Notice of Motion requesting a report be prepared regarding the designation of Tom Simpson Park as an alcohol-free zone. A significant incident at the park occurred on 26 January 2008 before the report could be presented. The incident involved a brawl between multiple park users under the influence of alcohol which escalated to bottles being thrown at Police in attendance.

Following the incident, the City adopted a zero-tolerance approach to alcohol consumption at Tom Simpson Park, consistent with the City's *Local Government and Public Property Local Law 2014* and the *Liquor Control Act 1998*.

This approach was communicated to local residents and the wider community with mixed results. A number of local residents who had previously consumed alcohol at the park in a responsible manner opposed the City's revised approach, while others supported the City's efforts to reduce antisocial behaviour.

CCTV was installed at the park in December 2009 and remains operational today. In the last three years, the City has only received one request from Police for CCTV footage in the Tom Simpson Park area, which related to the Mullaloo Beach Hotel. Similarly, no requests for attendance from the City have been received for antisocial behaviour at the park during this period.

The refurbishment and expansion of the playground at the northern end of the park in 2018 has further reinforced the status of the park as a regional, family-friendly destination.

## DETAILS

### Role of the City

The *Alcohol Management Policy* broadly outlines the City's role in the availability and consumption of alcohol in the community. This role includes encouraging safe alcohol consumption, supporting relevant agencies in alcohol management and education, and assistance in complying with relevant locals laws and state legislation.

It also clarifies that the City will not take on responsibilities undertaken by other Government departments, such as liquor licencing or enforcement of the *Liquor Control Act 1988*. Additionally, it is clarified that Development Applications for liquor outlets are managed through the City's planning approvals processes in line with relevant legislation.

These broad level statements are designed to guide the City's position on alcohol management, however are no longer supported by specific actions and objectives that were previously contained within an *Alcohol Management Plan 2011-14*.

The rest of the plan provides specific direction on the consumption and sale of alcohol on City owned and managed property, in particular for hireable venues.

### Approval conditions

Section 2.2.1 of the *Alcohol Management Policy* refers to the conditions applicable to the consumption and sale of alcohol on City owned and managed property:

#### *“2.2.1. Approval Conditions:*

*With regard to approving the consumption and/or sale of alcohol on City-owned or City-managed parks and in City buildings, the following conditions apply:*

- a. The Chief Executive Officer must be satisfied that any application or request to consume or sell alcohol will not cause undue disruption to the community.*
- b. If applicable, appropriate Liquor Licence(s) must be in place.*
- c. Liquor Licence applications will be broadly supported in accordance with the following time restrictions:*
  - Thursdays to 11.00pm.*
  - Fridays and Saturdays to 12 midnight.*
  - Sundays to 10.00pm.”*

As per the City's *Local Government and Public Property Local Law 2014*, a permit is required for the consumption of alcohol on City property, and liquor licences must be obtained by the permit holder where applicable under the *Liquor Control Act 1988*.

The Department of Local Government, Sport and Cultural Industries (DLGSC) are responsible for assessing and issuing liquor licence applications, however, should the licence be requested for a City owned or managed property, then the City is required to indicate its support or lack of for the proposed licence.

The City's indoor hireable facilities are currently available for hire until 12 midnight, with outdoor venues including parks and beaches available to hire until 10.00pm. While this time extends beyond the 10.00pm limit on Sundays and the 11.00pm limit on Thursdays as specified in the policy, booking times are required to include all set up and pack down time. As a result, the sale of alcohol is generally ceased before midnight for bookings that extend to the facility closing time.

It should be noted that a liquor licence is only required where alcohol is being sold. A liquor licence is not required to consume alcohol, such as a birthday party with alcohol supplied to guests free of charge by the host.

For venues under a lease or licence, specific conditions relating to alcohol consumption and sale are included in the lease / licence agreement.

### Supported events and activities

Under the *Alcohol Management Policy*, the list of supported activities where alcohol may be consumed effectively covers all activities, with the exception of those occurring at Tom Simpson Park, which is referenced separately within the policy:

#### *"2.2.2. Supported Events/Activities:*

*The circumstances in which the Chief Executive Officer should consider an event as being unlikely to cause undue disruption to the community include:*

- a. The duration of a wedding ceremony in a City park (not to exceed 2 hours).*
- b. Private events or functions held within community facilities and/or parks.*
- c. A fundraising event held either on a City park or within a community building, where alcohol is being sold and a Liquor Licence has been successfully obtained from the Department of Racing, Gaming and Liquor.*
- d. Corporate functions or events held on a City park or within a community building, where appropriate risk assessments have been conducted.*
- e. City-run community events held on a City park, where BYO alcohol is permitted."*

Considering these supported activities, as per the City's *Local Government and Public Property Local Law 2014* the City may issue a permit to consume alcohol on City property. This is currently managed in two parts as follows:

- 1 An approved booking for the venue must be in place.
- 2 An application to consume alcohol is submitted to the City.

The application to consume alcohol must provide detail on the function type, number of people attending, the length of time alcohol will be consumed, and any precautionary measures in place to reduce the risk of alcohol-related harm. Precautionary measures generally include the option of low-strength alcohol being served, non-alcoholic beverages and water available to guests, and clear boundaries indicated for where on the property alcohol will be consumed.

As no two requests are the same, it can be challenging for the City to apply blanket rules on when alcohol consumption will be approved. By requiring a booking to be in place and requesting the hirer to submit an application to consume alcohol, the City is able to assess the application in context with other bookings, hirer history, venue suitability and potential community impact.

Furthermore, the City's *High Risk Bookings in Community Facilities Policy* places additional restrictions on a number of function types where the risk of antisocial behaviour is higher. This includes birthday parties in the 16 to 21 age range, bucks parties, hens parties, or functions where the sale or provision to more than 50 guests will occur. For these functions, the City applies a bond and the hirer is required to engage licenced security staff.

Public event applications where alcohol will be sold or consumed are subject to further assessments, including a tiered approach to event approvals based on the nature of the event and potential impact to the community. Public events are required to provide evidence of appropriate insurance, security, risk assessments, and other qualifications where relevant, including those under the *Liquor Control Act 1988*.

Lastly, the City's Venue Hire Terms and Conditions set out clear rules and expectations for hirers, including that approval and / or a liquor licence is required to consume or sell alcohol.

This approach to liquor consumption, in combination with the application of the City's *High Risk Bookings in Community Facilities Policy* has effectively minimised antisocial behaviour at City-managed venues. The broad definition of a supported activity under the *Alcohol Management Policy* does not add further benefit to the current decision-making process for assessing requests to sell or consume alcohol, with the exception of requests for Tom Simpson Park.

#### Unsupported events and activities

Under the *Alcohol Management Policy*, unsupported activities where alcohol will not be considered for sale or consumption is as follows:

##### *"2.2.3. Unsupported Events/Activities:*

*The City does not support the consumption or sale of alcohol in the following circumstances:*

- a. *At all times within Tom Simpson Park, Mullaloo (excluding the Mullaloo Surf Life Saving Club facility)."*

The incidence of antisocial behaviour at Tom Simpson Park 14 years ago was used as justification for the introduction of a zero-tolerance approach to alcohol. However, in 2006 the NSW Department of Local Government undertook an *Alcohol Free Zone Evaluation and Survey of Councils Report*. The preliminary findings suggested that on its own, Alcohol Free Zones do not reduce incidences of inappropriate street drinking; as signage is mostly ignored by offenders and Local Governments are unable to effectively enforce the ban.

The findings of the report recommended that Alcohol Free Zones instead be used in conjunction with other community safety strategies, such as alcohol education programs, otherwise, establishing the zones may in fact simply displace the problem to another area.

Similarly, a 2014 report by the National Drug Law Enforcement Research Fund (an initiative of the National Drug Strategy) noted that evaluations of public drinking laws have shown that they often result in negative impacts to marginalised groups and lead to displacement. These evaluations have also shown little or no evidence that public drinking bans reduce congregations of drinkers or reduce alcohol-related crime or harm.

The only liquor control initiatives in Western Australia deemed to be successful to date have been those that control the supply of alcohol and not the act of consumption. These approaches are only applied in circumstances of chronic alcohol abuse to address widespread social issues in isolated aboriginal communities. This would not apply in the case of Tom Simpson Park.

As all public parks are effectively alcohol-free zones under the *Liquor Control Act 1988*, should the City continue to designate a singular park as “alcohol free” will not provide any additional enforcement avenues in the event of antisocial behaviour. The responsibility for enforcing public drinking offences remains a police matter under the *Liquor Control Act 1988*, while the City may enforce its own local laws in the event a person consuming alcohol does not have a permit to do so.

The current restriction on alcohol at Tom Simpson Park is in conflict with the City’s strategic initiative to adopt consistent principles in the management and provision of urban community infrastructure. This creates confusion for the community, in particular those seeking to hire a venue with the intent to sell or consume alcohol.

Should the prohibition on the sale and consumption of alcohol at Tom Simpson Park be removed, then the same process for requests for alcohol consumption or sale will apply as at any other venue and would consider the availability of alcohol at the nearby Mullaloo Beach Hotel.

#### Local Government Comparison

The Cities of Belmont, Cockburn and Wanneroo do not have policies related to alcohol management. Liquor licence applications are determined by internal protocols and procedures in conjunction with the *Liquor Control Act 1988*. Conditions and responsibilities relating to alcohol consumption and sale at hireable venues are detailed within each City’s terms and conditions of hire and are consistent with the *Liquor Control Act 1988*.

The City of Stirling adopted its *Alcohol Policy* in 1998 that seeks to reduce alcohol-related issues through:

- management of liquor licencing
- establishment of requirements for venue management policies relating to responsible service of alcohol
- encouraging individuals to take responsibility for their alcohol consumption.

The City of Stirling policy focusses predominately on liquor licencing and details extensively how liquor licence applications will be assessed and what conditions will be placed on approved applications.

The City’s policies have a less prescriptive operational focus, instead reflecting the strategic position of Council and / or fulfilling statutory requirements. Operational content is commonly incorporated into City protocols or operational plans.

#### Public Health Plan

Under the *Public Health Act 2016*, the City is required to develop a Public Health Plan that:

- identifies the public health needs of the local government district
- includes an examination of data relating to health status and health determinants
- establishes objectives and policy priorities for the promotion and protection of public health
- describes the development and delivery of public health services
- includes a report on the local government’s performance of its functions under the Act.

The release of Stage 5 of the *Public Health Act 2016* has been delayed, the contents of which will impact what is required to be included in the Public Health Plan. The City will be required to have a plan in place two years after the release of Stage 5.

Due to the potential impact of alcohol on the health of individuals and the wider Joondalup community, the development of the plan will provide opportunities for the City to consider its role in alcohol management, including the introduction of policies or managing strategies.

### Issues and options considered

Option 1      Revoke the *Alcohol Management Policy*.

This option removes the operational elements of the policy that are currently captured in existing legislation, other policies, and procedures. It also removes the City's broader position statement on alcohol management.

As the Policy has not been updated since 2011, there is a risk in retaining the current policy when the position statement on alcohol management may not accurately represent the views of the City in the current socioeconomic climate. Opportunities to consider the City's position on alcohol management will occur in the development of the City's Public Health Plan, which may recommend the introduction of further policies or management strategies that better reflect the City going forward.

This option is recommended.

Option 2      Retain the *Alcohol Management Policy* in its current form. This option will require the City to continue to apply inconsistencies in venue management, in conflict with the City's strategic initiatives. Current evidence does not support the application of alcohol restrictions such as those in the policy.

This option is not preferred.

Option 3      Amend the *Alcohol Management Policy* as directed by Council.

### Legislation / Strategic Community Plan / policy implications

**Legislation**                      *Liquor Control Act 1988.*  
    *Local Government and Public Property Local Law 2014.*

### 10-Year Strategic Community Plan

**Key Theme**                      Community.

**Outcome**                        Healthy and safe – You feel healthy and safe in your local community.

**Policy**                              *Alcohol Management Policy.*  
    *High Risk Bookings in Community Facilities Policy.*

As detailed above, the City has recommended a revocation of the *Alcohol Management Policy* for the Policy Committee's consideration.

### **Risk management considerations**

Removing the policy is unlikely to cause any additional risks to the City, as the sale and consumption of alcohol on City-managed land is currently controlled via the City's *Local Government and Public Property Local Law 2014*, *Liquor Control Act 1988*, the City's Venue Hire Terms and Conditions, and internal operational procedures. Removing the restriction on alcohol at Tom Simpson Park is consistent with other similar venues within the City.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

The revocation of the *Alcohol Management Policy* does not change the current implications for regional users and hirers of City-owned or management venues. Responsible alcohol consumption is instead currently managed through other channels that duplicate the policy as outlined in this Report.

The exception is Tom Simpson Park, which is classified as Regional Open Space under the City's current Parks and Public Open Spaces Classification Framework and as a result, attracts users from the wider Joondalup region. The ability to consume alcohol at this venue will provide consistency with other similar venues, such as Sorrento Beach Foreshore.

### **Sustainability implications**

#### Social

Responsible alcohol management aims to meet the City's social obligations for mitigating potential incidences of antisocial behaviour and other such actions.

### **Consultation**

Feedback was sought from the City's internal business units, with no negative impacts identified should the policy be revoked.

### **COMMENT**

City policies are designed to reflect the current strategic positions of Council, however the current *Alcohol Management Policy* predominantly focusses on the operational aspects of alcohol sale and consumption in the City at City owned and managed venues. Some of these operational aspects are in conflict with the City's strategic initiative to adopt consistent principles in the management and provision of urban community infrastructure.

Revoking the policy is unlikely to cause any additional risks to the City, as the sale and consumption of alcohol on City property is currently controlled via the City's *Local Government and Public Property Local Law 2014*, *Liquor Control Act 1988*, the City's Venue Hire Terms and Conditions, and internal operational procedures.

While the events leading to the introduction of the restriction on alcohol consumption at Tom Simpson Park are acknowledged, recent years have seen little to no antisocial activity at that location. While this could be attributed to the alcohol restrictions in the policy, research indicates that these restrictions are generally ineffective.

Should alcohol related antisocial behaviour begin to resurface at the park, or at any other City venue, then there are provisions under the City's *Local Government and Public Property Local Law 2014* and the *Liquor Control Act 1988* that will enable action to be taken to limit alcohol consumption. Removing the restriction on alcohol at Tom Simpson Park will provide consistency with other venues within the City.

The City should continue to liaise with local Police and other community organisations in the management of alcohol related harm within the Joondalup community. Opportunities for the City to consider its role in alcohol management, including the introduction of further policies or managing strategies, may occur during the development of the City's Public Health Plan.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

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

*That Council:*

- 1 *AGREES to REVOKE the Alcohol Management Policy;*
- 2 *NOTES that the City will have opportunities to consider its role in alcohol management, including the development of policies relating to alcohol, during the development of the Public Health Plan.*

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

*That Council:*

- 1 *AGREES to REPEAL the Alcohol Management Policy;*
- 2 *NOTES that the City will have opportunities to consider its role in alcohol management, including the development of policies relating to alcohol, during the development of the Public Health Plan.*

## **RECOMMENDATION**

**That Council:**

- 1 AGREES to REPEAL the Alcohol Management Policy;**
- 2 NOTES that the City will have opportunities to consider its role in alcohol management, including the development of policies relating to alcohol, during the development of the Public Health Plan.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf220809.pdf](#)*



## ITEM 22                    PROPOSED VENUE HIRE FEES AND CHARGES POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mat Humfrey Corporate Services
<b>FILE NUMBERS</b>	101271, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Current Facility Hire Subsidy Policy</i> Attachment 2 <i>Proposed Venue Hire Fees and Charges Policy</i> Attachment 3 <i>Modelled Changes to Schedule of Fees and Charges</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to consider the proposed *Venue Hire Fees and Charges Policy*.

### EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a *Property Management Framework (PMF)* with a supporting *Facility Hire Subsidy Policy (FHSP)*, as shown in Attachment 1 to this Report. The intent of both documents is to provide direction on the management and utilisation of City managed property under a variety of circumstances, including exclusive use and hire arrangements.

The FHSP deals with hire arrangements by determining fee subsidy levels and the circumstances in which they will apply. This is achieved by allocating community groups into certain categories of subsidy entitlement when hiring City venues (being community facilities, parks, beaches, courts and the like). These levels of subsidy are perceived as a 'right', and only when the groups exceeds their allocation of hours for subsidised use, or are unable to pay the associated fees, is a further request made to either extend their subsidy or waive the applicable fees.

The primary intent of the FHSP is to mitigate the prevalence of 'blanket bookings' by regular users, which in effect, restricts access to City venues by others. Since the introduction of the policy in 2012, it is clear this intent has not been realised due to the continued experience of hirers being unable to access City venues based on bookings received.

To resolve the issue, the City commenced a review of the FHSP and sought input from Elected Members via an externally facilitated workshop in February 2019. Consistent and agreed feedback received through this workshop included the following:

- The need to maximise 'real' utilisation of City venues (this is mitigating blanket bookings).
- The requirement for any new policy to be easier to interpret and apply.
- The social value of groups to be 'proven' and not 'perceived' within a policy context.
- The importance of considering a hirer's financial capacity to pay.
- Ensuring all hirers have some exposure to operational costs.

Based on the workshop outcomes and discussions at subsequent information sessions, a draft *Venue Hire Fees and Charges Policy* (Attachment 2 refers) has been prepared, which proposes a significant departure from the City's current approach to administering fees and charges associated with community venue hire. In summary, the new policy recommends a simplified way of:

- classifying venue users, that is, reducing classifications to three categories (category A, B and C) rather than having multiple types of activity and location-based groupings
- charging for venue hire (using an hourly hire rate that is underpinned by a cost contribution model, rather than a pre-determined allocation of free / subsidised hours based on membership numbers and the perceived social value of individual groups).

The major impacts of this approach would be as follows:

- The removal of all current subsidy and waiver allocations (including 100% subsidies to junior and senior groups).
- Groups being charged on the basis of operational venue costs, with discounts applied in a standardised manner to all non-commercial (community) users.
- Increased hire fees for some groups that currently attract significant subsidies and free use compared to others.
- Removal of the reimbursement of junior hire fees for members of the Arena Community Sport and Recreation Association's (ACSRA) use of Joondalup Arena facilities.

The intended outcomes of the draft policy are to:

- reduce the level of inequity that exists between groups by assuming all non-commercial users provide similar levels of social value to the community
- apply an affordable charge as a mechanism for encouraging regular hirers to book venues based on actual need / usage in order to increase venue availability to others
- ensure increased fees are minimised and distributed across groups, rather than having a large increase apply to a small sub-set of groups
- lessen the demand on the City to construct new and extend existing buildings by maximising existing facility utilisation.

## **BACKGROUND**

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Facility Hire Subsidy Policy* (FHSP) alongside the *Property Management Framework* (PMF). At that time, there was an identified need to review and implement a revised policy that dealt with the degree of subsidisation afforded to community groups that were accessing City venues.

The PMF and FHSP were introduced because the City was dealing with a large percentage of hirers over-booking City venues and those bookings subsequently not aligning with actual usage. This created a false demand for venues therefore generating a greater demand for new or significantly redeveloped venues.

The PMF provides guidance on managing all property under the City's ownership, care and control to ensure the City meets its statutory obligations and promotes equitable and sustainable practices for the use and occupation of property. To support the broader objectives of the PMF, Council also adopted a FSHP at the same meeting.

The objectives of the policy are 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 general criteria that must be met by groups in order to attract a pre-determined subsidy under the policy includes:

- groups must be not-for-profit (includes educational institutions)
- 50% of active members must reside within the City of Joondalup
- the 'primary' base of operation for a group must be located within the City of Joondalup\*.

\* This additional criteria was included by Council as part of a policy review in 2014 (CJ243-12/14 refers).

The FHSP then details categories of groups based on the type of activity they undertake and the size of their membership, to determine the extent of hire subsidy that is applied. These groups may attract a full or partial subsidy up to a certain number of hours per week by way of right, due to their pre-determined category. When the maximum allocation of hours is exceeded, or a group does not meet the policy's general criteria, the City will consider requests for further subsidisation up to a value of \$5,000, with requests above this value being referred to Council.

The policy also extends to a small number of clubs that hire non-City of Joondalup venues, namely junior clubs that are members of the Arena Community Sports and Recreation Association (ACSRA – Joondalup Netball Association and affiliate clubs, Joondalup Little Athletics, Joondalup Brother Rugby Union), and use HBF Arena Joondalup venues. To facilitate this subsidy the City provides these clubs a financial reimbursement of 50% of ground hire fees paid to Venues West.

In 2018, the City began a review of the FHSP and on 18 February 2019 undertook a facilitated workshop with Elected Members seeking their input. This was followed by three sessions held on 2 July 2019, 4 February 2020, and 6 April 2021. At each of these information sessions, updates were provided and discussions occurred.

At the 3 May 2022 information session, Council requested clarification on a number of minor details before progressing to Policy Committee. This report submits the proposed policy for consideration.

## **DETAILS**

Following adoption of the revised FHSP in 2012, the City saw a correction in the bookings and a better alignment with actual use. Over recent years, however, this has deteriorated to the stage where the matter needs to be revisited.

### Current challenges

Since its adoption and subsequent amendment in 2014, the FHSP has presented several challenges for the City and community, most notably the following:

- The current policy provides a full (100%) subsidy of hire fees to a significant number of groups. As these groups have no financial motivation to ensure accurate bookings, venues are often 'blanket booked' which reduces their availability to others and places pressure on the City to invest in additional infrastructure that may not be required.
- The 'primary base of operation' criterion has created issues for larger not-for-profit organisations that are not based within the City of Joondalup, but still provide a direct service and benefit to the local community within City venues.
- To determine a hirer's eligibility for subsidy, groups are required to undertake a self-assessment, which is often unable to be substantiated by the City or consistently applied (for example confirming 50% active membership of residents).
- The administrative process required to annually assess requests for additional subsidies or fee waivers often delays their application, which can adversely impact on billing processes and creates uncertainty for groups.
- The term 'not-for-profit', as it is reflected in the current policy, creates confusion for applicants given that it is open to interpretation with unintended consequences (for example applying to low-income commercial operators).
- The inconsistencies that are created by allowing reimbursements to be made to junior ACSRA members, when not all user groups of Joondalup Arena (outside ACSRA) are entitled to the reimbursement and many other non-City venues accessed by community members are fully funded by the hirer.

### Review process

To consider these challenges and to inform the policy review process, Elected Members participated in an externally facilitated workshop in February 2019. The discussion centred around the policy objectives, Council's role in the decision-making process and the potential criteria that should be applied. Through this workshop, the Elected Members agreed upon the following set of principles that would guide the development of a new policy:

- The need to maximise 'real' utilisation of City venues (that is mitigating blanket bookings).
- The requirement for any new policy to be easier to interpret and apply with applications for fee waivers be determined by the City.
- The social value of groups to be 'proven' and not 'perceived' within a policy context.
- The importance of considering a hirer's financial capacity to pay.
- Ensuring all hirers have some exposure to operational costs.

A draft policy prepared in accordance with the above agreed principles was presented to a Strategy Session held on 2 July 2019, where discussion occurred, and Elected Members provided the following feedback:

- Confirming that all hirers should be charged a fee for use based on a cost contribution methodology and that the City's fee structure should be simple and easy to understand.
- A third category be included somewhere between commercial and non-commercial which reflects those organisations who hold not-for-profit status but are established to operate under a commercial model.

The draft policy proposes to instead of focussing on the level of subsidy afforded to groups, look at the way the City sets the fees and charges for all hirers of City managed venues.

The revised policy is drafted honouring the agreed principles from the Elected Member Workshop and subsequent feedback from the two Strategy Sessions.

### Cost Contribution Methodology

The City has undertaken a cost contribution methodology assessment to identify the hourly cost of operation for each of the venue types the City hires.

For community facilities, parks, open spaces, beaches and tennis courts the cost contribution fee has been based on total annual operating costs divided by total bookable hours. Annual operating costs include the following:

- Community facilities:
  - Utilities (power, water, gas, water rates).
  - Maintenance (reactive, scheduled, cleaning).
  - Emergency Services Levy.
  - Depreciation.
  - Refuse collection.
  - Insurance.
- Parks, open spaces, beaches:
  - Utilities (power, water, water rates).
  - Maintenance (mowing, fertilising, reactive and scheduled).
  - Refuse collection.
- Tennis courts:
  - Maintenance (court resurfacing, net / fence repair and replacement).
  - Electricity for lights (after 6.00pm).

The proposed community facilities cost contribution fee also includes the administrative costs associated with the Community Facility Booking Office who are responsible for managing the booking and usage for all City managed community venues.

The proposed sports floodlighting fees have been set in accordance with the hourly electricity costs associated with their operation.

The proposed annual storage license fees have been based on the capital construction costs of storerooms per square metre spread over a facility's expected lifetime (100 years).

It should be noted that other than for the storage fees, initial and ongoing capital costs associated with constructing, refurbishing and redeveloping venues has not been included in the cost contribution methodology. It is considered that it is the City's role to provide these venues, however those that use them should have exposure to the operating costs.

### Group Categories

The City is proposing to introduce a three category system to provide clear categorisation of hirers, eliminating uncertainty and inconsistent application of the fees and charges. It is proposed that instead of providing descriptive titles to these categories that may confuse or distract their interpretation, they be referred to as categories A, B and C.

The three proposed categories are listed as follows:

- "Category A user" means an organisation, group or individual hiring a venue as part of a business, for commercial purposes and / or for financial benefit.
- "Category B user" means a charity, an incorporated association or a community group with annual revenue of at least \$3 million, a government department / agency, or an educational provider hiring a venue for non-commercial purposes.
- "Category C user" means a charity, an incorporated association or a community group with annual revenue of less than \$3 million, or an individual hiring a venue for non-commercial purposes.

In regard to Category B, it has been identified that some groups who are legally registered as not-for-profit groups while functioning under the principles of not-for-profit (in that no funds are distributed to members) have significant and diverse revenue streams, resulting in them operating under a commercial model. This often includes paying staff and directors and entering into commercial tenancy agreements to house administrations and deliver services. Often these groups utilise City managed venues to deliver services benefiting from the City's current policy to receive significant subsidies.

Rather than continue to provide significantly discounted hire fees for these large financially sustainable not-for-profit groups, it is proposed to fit them into Category B. The City is proposing to utilise a \$3 million revenue cap as the eligibility figure for this category as this aligns with the Australian Charities and Not-for-profits Commission which categorises financial reporting and management obligations based on total annual revenue.

Category C assumes that all non-commercial users provide equal contributions to the community and removes any subjective quantification of their social value compared to others (as agreed at the Elected Member Workshop). This is further reflected in the proposed new policy statement, which indicates:

*"The City also acknowledges that its venues are primarily hired by non-commercial users and that many of these users play an important role in combating social exclusion and enhancing the economic, social and environmental wellbeing of the community. In recognition of this, the City will offer discounted fees and charges for City-managed venues to non-commercial users".*

This is also consistent with the Organisation for Economic Co-operation and Development definition of 'social capital', which is described as *"networks together with shared norms, values and understandings that facilitate co-operation within or among groups"*.

### Proposed changes to Schedule of Fees and Charges

As noted above, the City has prepared a cost contribution model to identify the hourly operating costs for all its hireable venues. It is proposed that at the time of implementing the reviewed policy, the fees will be set based on an average of the previous three years of operating costs. Fees will undertake a full cost contribution review every three years with increases in line with CPI in between the three yearly review.

As it has been proposed to have three categories of users, each fee category (such as small facility hire) is proposed to have three variants, one for each of the three categories.

It is proposed that these categories be used to set the cost contribution methodology, with each of the three categories being charged a percentage of the base line cost contribution fee.

The City is proposing the following rates:

- Category A - 500% of cost contribution fee.
- Category B - 100% of cost contribution fee.
- Category C - 50% of cost contribution fee.

It is also proposed to provide some simplification of the City's current Schedule of Fees and Charges. This includes the following:

- Consolidating the number of categories of bookable rooms within community facilities from five (meeting room, activity room, small hall, large hall and function room) to three (small hall, large hall and function room).
- Consolidating the current regular and casual hire rates for all venue types into hourly rates.
- Removing seasonal team hire rates (five hours per team per week per season) and replacing with a simplified hourly rate.
- Removing regular tennis court hire rates (per court, per booking per annum) and replacing with a simplified hourly rate.

Modelled changes to the Fees and Charges are attached (Attachment 3 refers).

### Fee waivers

Through the current FHSP, groups not eligible to receive a subsidy may apply for a fee waiver. Similarly, those groups that do receive a subsidy may seek an additional subsidy to either provide a higher level of subsidy (from 50% subsidy to 100%) or additional hours (where already receiving a 100% subsidy). As the proposed policy does not provide for subsidies in the old format, there is no need to provide for consideration of additional subsidies, only requests for the waiving of fees. To ensure consistent and effective decision-making regarding requests for fee waivers, it is proposed that the consideration of fee waiver requests be changed to provide more clarity and structure. It is proposed that where a group can demonstrate financial hardship then the City give consideration for a fee waiver.

### *Financial hardship*

Incorporated associations and charities will also be able to seek a fee waiver for all or part of their applicable venue hire fees where they can demonstrate they are experiencing financial hardship. Any application for fee waiver for financial hardship will be required to be substantiated using financial records and must meet the definition within the policy, being "a temporary situation affecting a hirer where that hirer is willing, but unable to meet their payment obligations due to an unforeseen circumstance".

Any fee waiver will be for the valid booking or booking period only, not open ended. All waiver recipients will also be required to enter an agreement with the City of Joondalup which specifies certain requirements of the approval, including how the group will address its financial situation. Where a fee waiver is not supported in part or full, it will only be reconsidered if new information is presented that warrants reconsideration.

It is intended that fee waivers will be temporary arrangements to assist a group through a short-term period of financial hardship due to an unforeseen circumstance only. Where multiple or ongoing requests are received from the one group, this would not be considered as a temporary situation and therefore not considered for a fee waiver. The fee waiver process is not intended to reduce facility hire costs to make them more accessible for groups.

Given an agreed outcome at the Elected Member Workshop was for requests to be dealt with at the administrative level, it is also proposed that the current cap in place that limits the Chief Executive Officer to consider fee waivers not exceeding \$5,000 be removed, allowing the Chief Executive Officer to consider all applications for waiver of fees.

#### Arena Community Sport and Recreation Association

The Arena Community Sport and Recreation Association (ACSRA) was formed in 2004 to represent the sporting clubs operating at HBF Arena. The current *Facility Hire Subsidy Policy* allows member clubs of ACSRA to claim a reimbursement from the City of 50% of junior hire fees for use of facilities at HBF Arena. These clubs include Joondalup Brothers Rugby Club, Joondalup Netball Association (including seven individual clubs under the association), and Joondalup Little Athletics Centre.

As clubs using City facilities received a 100% subsidy of hire fees, this provision was designed to assist ACSRA clubs to meet the venue hire fees at HBF Arena where the City was unable to provide appropriate facilities.

The value of the reimbursements provided to ACSRA since 2012 is shown below. Joondalup Brothers Rugby League have not made a reimbursement claim since 2016.

<b>Club</b>	<b>Reimbursement Amount</b>
Joondalup Netball Association	\$155,581
Combined Netball Clubs	\$90,273
Joondalup Little Athletics Club	\$39,814
Joondalup Brothers Rugby Club	\$12,493
<b>Total</b>	<b>\$304,820</b>

Since the formation of ACSRA, the City has contributed approximately \$550,000 towards ACSRA clubroom facilities, in addition to providing approximately \$4,000,000 toward new netball courts, a netball administration office, and a second grassed playing field on the western oval.

The City also contributes 50% of the annual cost to maintain the rugby / athletics playing surface at HBF Arena, and an annual contribution to a renewal fund for the ACSRA clubrooms. The value of this contribution in 2021-22 was approximately \$85,000.



The revised policy proposes to remove the subsidy afforded to the members of ACSRA for junior use of the venues located at HBF Arena. This is in accordance with the City's position in relation to other sporting and community groups that occupy non-City managed venues and must meet hire fees for those venues. Under the proposed policy, junior clubs using City venues will no longer be provided with a 100% subsidy, diluting the original intent of the ACSRA fee reimbursement.

The 2021-22 hire fees for ACSRA clubs at HBF Arena and a comparison with the City's fees under the proposed policy are outlined in the table below:

Fee Category	Hire Fees Per Hour		
	HBF Arena – Before 50% Reimbursement	HBF Arena – After 50% Reimbursement	City of Joondalup Proposed
Active park	\$37.00	\$18.50	\$6.63
Netball court - (outdoor)	\$20.00	\$10.00	\$0.36 – \$1.54*
Floodlights per hour (training)	\$0 (included in hire fee)	\$0 (included in hire fee)	\$2.59

\*The City does not have dedicated outdoor netball courts. The hire fee shown is the charge to hire the tennis courts at Falklands Park, Kinross that have netball goals installed. Due to the location of the netball posts in relation to the tennis courts, two tennis courts are required to be hired to utilise one netball court. The figures shown indicate hire fees prior to 6.00pm, and those after 6.00pm including floodlighting.

#### Kingsley Amateur Football Club

At its meeting held on 26 June 2018 (CJ107–06/18 refers), Council agreed to waive 75% of the subsidised fees applicable to the Kingsley Amateur Football Club for the hire of the Kingsley Memorial Clubrooms in perpetuity. This reduced hire fee was in recognition of the club's financial contribution to the redevelopment of the clubrooms in 2004.

The Kingsley Amateur Football Club have a booking for the Sports Hall at the Kingsley Memorial Clubroom during the 2022 season. As an adult sporting club, a 50% continuous subsidy is applied to the hire fees for the hall. The additional 75% waiver is applied on top of this, resulting in a hire fee of \$4.05 per hour in 2022.

Should the proposed policy be adopted, the Kingsley Amateur Football Club would no longer receive the 75% perpetual waiver. Instead, the club would be subject to the proposed Category C hire fee for use of the Sports Hall at \$5.41 per hour.

The club currently book the Sports Hall for 18 hours per week, or 468 hours for the duration of the winter sporting season (April to September inclusive). A summary of the impact of the proposed policy on the club is below:

	Current fees	Proposed fees	Variance
Cost per week	\$72.90	\$97.38	\$24.48
Cost per season	\$1,895.40	\$2,531.88	\$636.48

The club has indicated that it currently has 180 members. The increase in hire fees for the Sports Hall translates to an additional \$4.24 per member, per season, or \$0.16 per week.

Proposed changes summary

The proposed changes are summarised below:

<b>Proposed Change</b>	<b>Alignment to Feedback Received</b>
Simple hourly rates for all venue hire fees and removing seasonal and annual fees.	<ul style="list-style-type: none"> <li>• New policy is easier to interpret and apply.</li> <li>• Maximising 'real' utilisation of City venues.</li> </ul>
Hourly rates being based on a cost contribution model.	<ul style="list-style-type: none"> <li>• Ensuring all hirers have some exposure to operational costs.</li> </ul>
Introduction of new fees for sports floodlighting use and exclusive storage allocations.	<ul style="list-style-type: none"> <li>• Maximising 'real' utilisation of City venues.</li> <li>• Ensuring all hirers have some exposure to operational costs.</li> </ul>
Reduction in the number of subsidy categories from 11 to 3.	<ul style="list-style-type: none"> <li>• Social value of groups is 'proven' and not 'perceived' within the policy.</li> </ul>
Fee waivers detailed and supported for: <ul style="list-style-type: none"> <li>• charity fundraisers</li> <li>• short-term financial hardship.</li> </ul>	<ul style="list-style-type: none"> <li>• Importance of considering a hirer's financial capacity to pay.</li> <li>• Social value of groups is 'proven' and not 'perceived' within the policy.</li> </ul>
Removal of reimbursement provision to junior members of ACSRA.	<ul style="list-style-type: none"> <li>• New policy is easier to interpret and apply.</li> </ul>

**Issues and options considered**

Council can either choose to:

- continue with existing policy that leads to inconsistencies when applying the levels of subsidy
- continue with existing policy objectives however make some changes to assist with the administering of the policy  
or
- introduce a revised policy with the intent of making greater use of City venues at a subsidised fee that contributes towards part of the operating expenses of that facility.

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

**Legislation** Section 6.16 of the *Local Government Act 1995*.

**10-Year Strategic Community Plan**

**Key Theme** Place.

**Outcome** Functional and accessible – You have access to quality community facilities that are functional and adaptable.

**Policy** *Facility Hire Subsidy Policy.*  
*10 Year Strategic Financial Plan.*

There is a risk of an adverse response from community groups whose previous subsidy value is proposed to change under the new policy. While it is acknowledged that some groups' venue hire costs will increase, the changes are proposed to ensure increases are minimised and shared equally among a large majority of groups, rather than a large increase to a small subset of hirers.

It should also be noted that the proposed new fees and charges would significantly lessen the community facility hire costs for individuals. This would primarily benefit local residents using City community venues to host social functions (such as birthday parties, weddings and the like).

### Financial / budget implications

In 2020-21, the City generated \$1,809,490 total income for community venue hire. This included \$1,022,442 in subsidised hire income and \$787,048 in actual income. In that same period the City spent \$6,446,686 to maintain its community venues.

	Venue Operational Expenditure	Actual Income	Value of Subsidised Use
2016-17	\$6,876,135	\$739,485	\$ 945,498
2017-18	\$6,980,669	\$817,941	\$1,319,352
2018-19	\$6,999,718	\$698,018	\$1,402,603
2019-20*	\$5,999,616	\$544,555	\$1,067,169
2020-21*	\$6,446,686	\$787,048	\$1,022,442
<b>Total</b>	<b>\$33,302,824</b>	<b>\$3,587,047</b>	<b>\$5,757,064</b>

\* Operational expenditure, actual income and value of subsidise afforded by the City were impacted due to the COVID-19 pandemic.

It should be noted that the venue operational expenditure figures do not include the capital costs to construct, redevelop or refurbish these venues and associated infrastructure. During the 2015-16 to 2019-20 period, the City spent approximately \$10 million to construct, redevelop and refurbish hireable community venues.

The proposed policy has not been designed to increase income levels the City receives through venue hire, but rather spread the exposure of cost contribution for ongoing venue costs to all venue hirers. While initial modelling does identify a small increase in income levels for the City as a result of the proposed policy, overall income levels are expected to drop within the first year of operations as venue hirers rationalise hours booked. The City expects the reduction in venue bookings to offset any increase in income, resulting in the proposed policy having a net zero impact on City venue hire income.

### Regional significance

The policy will no longer require users to have their primary base of operations within the City. Therefore, offering all groups an equitable rate of hire irrespective of their base of operations. It could be considered that irrespective of an organisation's primary base of operation, that if they are providing services within a City of Joondalup venue then they are providing benefit to the Joondalup community.

### Sustainability implications

The City has hundreds of community groups that provide wide and varied community services to the benefit of its residents. Allowing access to City venues through an affordable fee structure allows these groups to deliver these services which greatly assist the social fabric of the community.

## Consultation

A facilitated workshop was held with Elected Members in February 2019, followed by consideration of the proposed *Venue Hire Fees and Charges Policy* at a Strategy Session held on 2 July 2019. The proposed *Venue Hire Fees and Charges Policy* was again considered at the Strategy Session held on 6 April 2021.

## Implementation

It is proposed that the City will seek to bring the final policy report to the Policy Committee and Council in late 2022 for endorsement.

Following that, the City will propose to introduce the revised policy and fees and charges in 2024, rolled out as follows:

- Casual hirers from 1 January 2024.
- Annual hirers from 1 January 2024.
- Winter seasonal hirers from 1 April 2024.
- Summer seasonal hirers from 1 October 2024.

This deferred implementation period is proposed to allow the City to adequately inform those groups and individuals who will be affected by the change and provide at least 12 months for them to consider and prepare for the changes.

It also allows for greater financial stabilisation of groups and individuals following the widespread economic impact of COVID-19 throughout the 2019-20 and 2020-21 financial years.

It is not proposed to introduce the new fees and charges over a phased approach. Any phased implementation would not only significantly increase the complexity of implementing the new fees within the City's booking system, but also result in a significant loss of income during the implementation.

## COMMENT

The draft policy reflects the agreed outcomes from the Elected Member Workshop.

The City is committed to ensuring fees and charges for venue hire are set in a fair and equitable way that reflect the actual cost of operating bookable venues. The City also acknowledges that its venues are primarily hired by non-commercial users and that many of these users play an important role in combating social exclusion and enhancing the economic, social and environmental wellbeing of the community.

In noting the community benefits these groups bring, all groups must have some financial exposure to the ongoing operating costs of the City's bookable venues (that is parks, buildings and the like). In recognition of this, the City will offer discounted fees and charges for non-commercial users. Further, it is anticipated that the introduction of a nominal fee will encourage groups to manage their bookings leading to a greater level of availability for a wider reach of groups.

## VOTING REQUIREMENTS

Absolute Majority.

## COMMITTEE RECOMMENDATION

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

*That Council:*

- 1 *NOTES the outcomes of the review of the City of Joondalup Facility Hire Subsidy Policy and the modelled changes to the City's Schedule of Fees and Charges as detailed in Attachment 3 to this Report;*
- 2 *REVOKES the current Facility Hire Subsidy Policy detailed in Attachment 1 to this Report on 31 December 2023;*
- 3 *BY AN ABSOLUTE MAJORITY REVOKES Part 2 of its decision at its meeting held on 26 June 2018 (CJ107-06/18 refers) as follows:*
  - "2 *AGREES to waive 75% of the subsidised fees applicable to the Kingsley Amateur Football Club for the hire of the Kingsley Memorial Clubrooms only in perpetuity.*"
- 4 *ADOPTS the new Venue Hire Fees and Charges Policy as detailed in Attachment 2 to this Report as of 1 January 2024;*
- 5 *AGREES to list for consideration as part of the 2023-24 budget a revised schedule of fees and charges for the hire of City venues;*
- 6 *REQUESTS the Chief Executive Officer undertake a detailed community engagement program prior to the implementation of the Venue Hire Fees and Charges Policy on 1 January 2024.*

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

*That Council:*

- 1 *NOTES the outcomes of the review of the City of Joondalup Facility Hire Subsidy Policy and the modelled changes to the City's Schedule of Fees and Charges as detailed in Attachment 3 to this Report;*
- 2 *REPEALS the current Facility Hire Subsidy Policy detailed in Attachment 1 to this Report on 31 December 2023;*
- 3 *BY AN ABSOLUTE MAJORITY REVOKES Part 2 of its decision at its meeting held on 26 June 2018 (CJ107-06/18 refers) as follows:*
  - "2 *AGREES to waive 75% of the subsidised fees applicable to the Kingsley Amateur Football Club for the hire of the Kingsley Memorial Clubrooms only in perpetuity.*";
- 4 *ADOPTS the new Venue Hire Fees and Charges Policy as detailed in Attachment 2 to this Report as of 1 January 2024 subject to Category B as defined within the Venues Hire Fees and Charges Policy be deleted and replaced with the following:*

*"a charity, an incorporated association or a community group, government department / agency or educational provider with an annual gross revenue of less than \$10 million and more than \$3 million, occupying the premises for non-commercial purposes";*

- 5 *AGREES to list for consideration as part of the 2023-24 budget a revised schedule of fees and charges for the hire of City venues;*
- 6 *REQUESTS the Chief Executive Officer undertake a detailed community engagement program prior to the implementation of the Venue Hire Fees and Charges Policy on 1 January 2024.*

## RECOMMENDATION

### That Council:

- 1 **NOTES the outcomes of the review of the City of Joondalup Facility Hire Subsidy Policy and the modelled changes to the City's Schedule of Fees and Charges as detailed in Attachment 3 to this Report;**
- 2 **REPEALS the current Facility Hire Subsidy Policy detailed in Attachment 1 to this Report on 31 December 2023;**
- 3 **BY AN ABSOLUTE MAJORITY REVOKES Part 2 of its decision at its meeting held on 26 June 2018 (CJ107-06/18 refers) as follows:**
  - "2 *AGREES to waive 75% of the subsidised fees applicable to the Kingsley Amateur Football Club for the hire of the Kingsley Memorial Clubrooms only in perpetuity.*";
- 4 **ADOPTS the new Venue Hire Fees and Charges Policy as detailed in Attachment 2 to this Report as of 1 January 2024 subject to Category B as defined within the Venues Hire Fees and Charges Policy be deleted and replaced with the following:**

*"a charity, an incorporated association or a community group, government department / agency or educational provider with an annual gross revenue of less than \$10 million and more than \$3 million, occupying the premises for non-commercial purposes";*
- 5 **AGREES to list for consideration as part of the 2023-24 budget a revised schedule of fees and charges for the hire of City venues;**
- 6 **REQUESTS the Chief Executive Officer undertake a detailed community engagement program prior to the implementation of the Venue Hire Fees and Charges Policy on 1 January 2024.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf220809.pdf](#)*

## ITEM 23                      PROPOSED                      AMENDMENTS                      TO                      THE DEVELOPMENT PROPOSALS BEFORE THE STATE ADMINISTRATIVE TRIBUNAL POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	101281, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Current Development Proposals Before the State Administrative Tribunal Policy</i> Attachment 2 <i>Draft Revised Development Proposals Before the State Administrative Tribunal Local Planning Policy – Tracked Changes</i> Attachment 3 <i>Draft Revised Development Proposals Before the State Administrative Tribunal Local Planning Policy – Clean Version</i>
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to consider amendments to the *Development Proposals before the State Administrative Tribunal Policy* for the purposes of public advertising.

### EXECUTIVE SUMMARY

The *Development Proposals before the State Administrative Tribunal Policy* broadly outlines the manner in which planning decisions before the State Administrative Tribunal are to be dealt with.

A review of the policy has been undertaken to ensure it aligns with relevant legislation and processes. Amendments to the policy are proposed to provide further detail on the City's current practice, which aim to ensure these matters are dealt with in an open and accountable manner. Minor amendments are also proposed to align with the City's current policy template and to refer to *Local Planning Scheme No. 3* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

*It is therefore recommended that Council supports the draft revised Development Proposals before the State Administrative Tribunal Policy for the purposes of public consultation for a period of 21 days.*

### BACKGROUND

The *State Administrative Tribunal – Mediation and Revised Development Proposals Policy* was adopted by Council at its meeting held on 11 October 2005 (CJ206-10/05 refers). The policy was renamed and updated in 2012 to remove procedural elements and better reflect its intent. At its meeting held on 20 November 2012 (CJ254-11/12 refers), Council adopted the modified *Development Proposals before the State Administrative Tribunal Policy*.

## DETAILS

The policy is proposed to be updated to align with the City's current policy template and to refer to *Local Planning Scheme No. 3* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The policy has also been expanded to include any planning decision subject to review, not just applications for development approval.

The draft amendments to expand on the processes to be followed for planning decisions subject to review by the State Administrative Tribunal aim at ensuring these matters are dealt with in an open and accountable manner. These processes include the following:

- Informing Elected Members and any submitters to a development proposal when an application is subject to review by the State Administrative Tribunal.
- Engaging external parties where a decision made by Council varies significantly from the Administration's recommendation.
- Seeking sufficient time from the State Administrative Tribunal to undertake further community consultation when an amended proposal has been presented.
- Establishing a position for instances where a community member makes a submission to the State Administrative Tribunal or applies to intervene in a review, the City will not oppose community members participating in the process.

Clarification has also been provided where the City or Council is not the decision maker (for example an application determined by a Development Assessment Panel or Western Australian Planning Commission). In these instances, where the City can participate in the State Administrative Tribunal process, regard will be given to the policy to the extent possible.

The processes incorporated into the draft revised policy are consistent with similar policies of other local governments. It is noted that some local government policies include further information, including detail on when costs may be sought, mediation and appeals against State Administrative Tribunal decisions. A set position on these matters is not considered practical to include in a policy as they would need to be considered on a case by case basis and in some instances would be subject to seeking legal advice on the best course of action.

### Issues and options considered

Council has the option to either:

- advertise the draft revised *Development Proposals before the State Administrative Tribunal Policy*, without modifications
- advertise the draft revised *Development Proposals before the State Administrative Tribunal Policy*, with modifications
- or
- not support the advertising of the draft revised *Development Proposals before the State Administrative Tribunal Policy*.

### Legislation / Strategic Community Plan / Policy implications

<b>Legislation</b>	<i>Planning and Development Act 2005.</i> <i>State Administrative Tribunal Act 2004.</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015.</i> <i>Local Planning Scheme No. 3.</i>
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## 10-Year Strategic Community Plan

<b>Key theme</b>	Leadership.
<b>Outcome</b>	Engaged and informed – You are able to actively engage with the City and have input into decision-making
<b>Policy</b>	<i>Development Proposals before the State Administrative Tribunal Policy.</i> <i>Planning Consultation Local Planning Policy.</i>

### Risk management considerations

The amendments to the policy provide transparency by outlining the manner in which planning matters before the State Administrative Tribunal are to be managed by the City. Should the policy not be updated, the City would still undertake these processes, but there could be a perceived lack of transparency.

### Financial / budget implications

The costs associated with any public advertising and notice of any final adoption of the draft revised *Development Proposals before the State Administrative Tribunal Policy* will be approximately \$1,000.

### Regional significance

Not applicable.

### Sustainability implications

Not applicable.

### Consultation

The deemed provisions as set out in the LPS Regulations require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The *Planning Consultation Local Planning Policy* also requires a policy to be advertised for 21 days, unless the amendment is considered minor.

The policy is proposed to be advertised for 21 days as follows:

- A notice published in the local newspaper.
- Letters to registered resident and ratepayer groups.
- An email to the Community Engagement Network.
- A notice on the City's social media platforms.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the Western Australian Planning Commission. The proposed policy is not considered to be inconsistent with any State planning policy.

## COMMENT

The proposed amendments to the *Development Proposals before the State Administrative Tribunal Local Planning Policy* aims to provide transparency in how the City approaches matters before the State Administrative Tribunal. It is recommended that Council advertise the draft revised *Development Proposals before the State Administrative Tribunal Local Planning Policy* for public comment for a period of 21 days.

## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 August 2022.

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

## RECOMMENDATION

**That Council, in accordance with clauses 3 and 4 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft revised *Development Proposals before the State Administrative Tribunal Local Planning Policy*, as shown in Attachment 2 to this Report, for a period of 21 days.**

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf220809.pdf](#)

**ITEM 24                    PARKING SCHEMES POLICY**

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBERS</b>	05787, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Parking Schemes Policy</i>
<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 consider a report on the development of a policy for coastal parking areas which would articulate the Council's position in relation to the parking management in coastal areas.

**EXECUTIVE SUMMARY**

There has been speculation that the City may consider the adoption of paid parking along its coast. The City of Joondalup has not formally considered a regime that would require members of the public to pay for parking to access the City's beaches.

At its meeting held on 17 May 2022 (CJ071-05/22 refers), Council requested that the Chief Executive Officer:

*“prepare a report on the development of a policy for paid parking in coastal areas, to be presented to the Policy Committee at its meeting to be held on 1 August 2022.”*

The report responds to the Council resolution and outlines options available that would allow a policy position to be established that articulates Council's position in relation to parking management in coastal areas. By Council providing direction and guidance on matters to be considered, the City will then be able to prepare the document to establish this position as either a standalone policy or integrate the policy position in the existing *Parking Schemes Policy* for Council to then consider.

Clearly articulating the City's position will assist in clarifying with residents and others the City's position in relation to this issue. It will also provide guidance to the City on the development of future business cases and facilities along the City's coastline.

In relation to policy preparation for parking management, historically the City had individual policies that dealt with various geographic locations, however these were combined into the current *Parking Schemes Policy* following a review and rationalisation in 2012.

A review of the Parking Schemes Policy was undertaken in 2018 and is again currently being reviewed. It is intended to present a review of the policy to the Policy Committee at its first meeting of 2023 (anticipated to be February 2023).

It is appropriate that parking considerations for coastal areas be integrated into the *Parking Schemes Policy* consistent with previous Council decisions to consolidate such matters into a single policy. It is also considered appropriate that Council provide direction on the intent of parking for coastal areas to inform its inclusion as part of the *Parking Schemes Policy* review.

*It is therefore recommended that Council:*

- 1 *REQUESTS that consideration of parking in coastal locations is included in the review of the City's Parking Schemes Policy;*
- 2 *REQUESTS as part of the review of the City's Parking Schemes Policy, the consideration of parking in coastal locations shall include:*
  - 2.1 *the City's current position, being that there is no paid public parking in coastal locations*
  - 2.2 *strategies for managing demand for parking that are available for the City, including but not limited to:*
    - 2.2.1 *time restricted parking in areas of high demand;*
    - 2.2.2 *permit parking where for residential areas close to the coast;*
    - 2.2.3 *temporary or seasonal parking controls where required;*
  - 2.3 *detail that outlines uses that would be considered commercial or exclusive parking arrangements and how such arrangements will be managed in coastal locations;*
  - 2.4 *detail that outlines uses that would be considered activity specific parking, such as boat trailer parking, and whether special arrangements should exist for these facilities.*

## **BACKGROUND**

### **Request for report**

The catalyst of this report is a petition submitted in response to the business case for the Ocean Reef Marina land transaction. The Ocean Reef Marina is an extensive development currently being undertaken by DevelopmentWA. The proposed land transactions required the City to write a Business Plan, as outlined in section 3.59 of the *Local Government Act*. The Business Plan requires an assessment of the impact on the City's financial position the proposed land transaction will have. The City needed to anticipate potential revenue streams across a range of areas that could occur as a result of the Ocean Reef Marina development, that was held to be a direct result of the proposed land transaction. The business plan was not a policy document and had no implications for parking outside of the Ocean Reef Marina development area.

A decision was made to include a nominal amount of revenue for parking within the City's Business Case to be presented to Council. This revenue was included in two of the three scenarios presented but was excluded from the third. Given the large commercial development associated with the Ocean Reef Marina and the significant boating facilities that have been included in the development, it was considered possible that fees may be charged for some of these activities. For example, there would likely be parking provided for boat pen holders, however as the boat pens are a commercial undertaking, it was considered that a fee may be applied to the parking that would be associated with the provision of boat pens.

The presence of the revenue stream in the business case should not be taken as a positive decision of Council to change long standing arrangements for areas that are not covered by the Business Case. Indeed, the presence of a revenue stream in a forecast, should not be taken as any policy decision of the Council, as it is merely an indication of what is possible.

The City provided an update to Council via the Status of Petitions report at the March 2022 Ordinary Council Meeting (CJ034-03/22 refers). Following consideration of this item Council resolved at point 3 of this item that Council:

*“NOTES that in relation to the petition requesting the City not to install paid public parking at Ocean Reef Marina, and any coastal location within the City of Joondalup, that the item be REFERRED BACK to the Chief Executive Officer to report by no later than May 2022”.*

A further report was then prepared and presented to the May 2022 Ordinary Council Meeting (CJ071-05/22 refers). That report outlined issues which may be considered in the development of a policy that would provide direction to the City on the application of parking arrangements in coastal zones. In response to the report Council resolved:

*“That Council REQUESTS the Chief Executive Officer prepare a report on the development of a policy for paid parking in coastal areas, to be presented to the Policy Committee at its meeting to be held on 1 August 2022.”*

This report responds to the above Council resolution from the meeting held on 17 May 2022.

## **Parking Schemes**

Parking schemes are designated areas throughout the City where some form of parking management is in place.

The introduction of a parking scheme occurs where:

- parking demands are causing a hazard to residents and/or other road users
- parking is damaging City infrastructure or infrastructure owned by other government agencies
- parking is having a significant detrimental effect on local amenity.

Parking schemes are developed to meet the needs of each scheme area aim to provide the best parking management outcome and can consist of one, or a combination of the following:

- Time-restricted parking.
- Limited parking prohibitions.
- Area-wide prohibitions.
- Paid parking.

Parking schemes are introduced by resolution of Council or delegated authority following a community engagement process.

## **Current Parking Schemes Policy**

The *Resident/Visitor Parking Permits for Joondalup City Centre Policy* was originally adopted in 2008 as the *Resident/Visitor Parking Permit Policy*. Its aim was to facilitate the parking requirements of residents who resided in areas affected by parking restrictions. Implementation of the policy was then deferred in late 2008 following a decision of Council to undertake further consultation with affected communities. An amended version of the policy was subsequently adopted in 2009 as the *Resident/Visitor Parking Permits for Joondalup City Centre Policy*.

In late 2009, Council then adopted the *Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy*. The intention behind this policy was to present a consistent approach to the development of parking schemes and the distribution of parking permits for areas outside of the Joondalup City Centre.

A joint review of these policies was conducted in 2011, revealing significant duplication between the two. In 2012, it was recommended that Council revoke both the *Resident/Visitor Parking Permits for Joondalup City Centre Policy* and the *Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy* and adopt the *Parking Schemes Policy*.

The *Parking Schemes Policy* includes information detailing the instances where a parking scheme may be introduced, the possible components of a parking scheme and clarifies that parking permit areas may be established in locations with a designated parking scheme as a way of avoiding adverse impacts on local residents. At its meeting held on 20 February 2018 (CJ027-02/18 refers), Council reviewed the policy which recommended only minor amendments for consistency.

The *Parking Schemes Policy* is currently being reviewed with an intent to provide more detail to guide decision-making around the establishment of parking schemes in particular locations – such as the Joondalup CBD. Guidance around coastal locations could also be included in the *Parking Schemes Policy* and could form part of the policy review currently underway.

## DETAILS

At present, Council determines fees for parking in all areas as a part of the annual budget process. There is currently no policy or strategy regarding the imposition of parking fees outside of the Joondalup CBD in the City of Joondalup. The City is not aware of any previous consideration being given to the imposition of parking fees outside of the Joondalup CBD.

The consideration of the imposition of parking fees outside of the Joondalup CBD was initiated by a petition relating to the Ocean Reef Marina Business Case, which was adopted by Council in May 2021 (CJ060-05/21 refers). In the business case, there is a potential revenue stream identified in two of the three scenarios for parking fees. The business case also noted that if a fee was charged for parking within the Ocean Reef Marina, then the City should consider working with the Department of Transport to see if they would consider a similar arrangement for Hillarys Boat Harbour. No other area was mentioned within the business case.

The petition was received by Council at its meeting held on 12 October 2021 (C107-10/21 refers) and requested that Council:

- opposes the application of any paid public parking at Ocean Reef Marina
- opposes any further application of paid public parking at any other coastal location controlled by the City of Joondalup
- ceases any representations to the State Government for the application of paid public parking at Ocean Reef Marina, Hillarys Boat Harbour, or any other coastal location.

Some media coverage on the issue appears to show a perception by some that the City is considering paid parking along the coast, despite there being no evidence of such considerations.

In view of the above, and in order to ensure the City's position is conveyed clearly, it was recommended that a report be prepared on the development of a policy that outlines the City's position. It should be noted that at this stage, the City is not considering paid public parking along its coastline. The policy would ensure this is clearly stated for the avoidance of any doubt.

It is the City's view that rather than developing a standalone policy for parking in coastal areas, it would be in the interests of good governance to include the matter in the existing *Parking Schemes Policy*, which is a policy which evolved from the integration of separate, standalone parking management policies. The *Parking Schemes Policy* is currently being reviewed with a view to it being presented to the first Policy Committee meeting of 2023 (notionally February 2023).

If it is determined that a policy position should be established, it would be beneficial if the Policy Committee, and Council, provides guidance on the matters to be considered as part of establishing this position. In the City's view these include:

- the City's current position, being that there is no paid public parking in coastal locations
- strategies for managing demand for parking that are available for the City, including but not limited to:
  - time restricted parking in areas of high demand
  - permit parking where for residential areas close to the coast
  - temporary or seasonal parking controls where required
- detail that outlines uses that would be considered commercial or exclusive parking arrangements and how such arrangements will be managed in coastal locations
- detail that outlines uses that would be considered activity specific parking, such as boat trailer parking, and whether special arrangements should exist for these facilities.

Based on this feedback, the City can undertake further investigation and reporting for the Committee's and then Council's consideration.

### **Issues and options considered**

The Policy Committee can either:

- recommend to the Council that a policy position on parking in coastal locations be established  
or
- recommend to the Council that a policy position on parking in coastal locations not be established.

If it is decided that a policy position should be established, the Policy Committee can either:

- recommend to the Council that the policy position is established via a standalone policy  
or
- recommend to the Council that the policy position is established in the existing *Parking Schemes Policy*.

Further, if it is decided by the Council that a policy position should be established, the Policy Committee can either:

- provide guidance on the matters to be considered as part of establishing a policy position  
or
- not provide guidance on the matters to be considered as part of establishing a policy position.

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

**Legislation**                      *Local Government Act 1995.*  
*Parking Local Law 1998.*

**10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Accountable and financially sustainable – You are provided with a range of City services which are delivered in a financially responsible manner.

**Policy**                              *Parking Schemes Policy.*

**Risk management considerations**

There is an existing misunderstanding amongst some members of the community in relation to the City's position on parking in coastal areas.

In the absence of clarifying or establishing a position there is a risk that this misunderstanding will continue and potentially harm the City's reputation and diminish trust of the City within the community.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The issue of paid parking along the Perth coastline has long been a controversial issue. More recently it has become evident that there is some misunderstanding or confusion regarding the City's position in the way it intends to manage parking along its coast.

To that end, it is considered there would be some benefit in formally establishing a position, via a policy, to guide the City's management of parking in coastal areas.

It is considered that the City's existing *Parking Schemes Policy* is an appropriate, existing document in which to establish this position, particularly as the policy is currently under review.

It would also be beneficial for the Policy Committee to provide some guidance on the matters to be considered as part of establishing a policy position and the City has suggested what these should be as part of its recommendation.



## VOTING REQUIREMENTS

Simply Majority.

## COMMITTEE RECOMMENDATION

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 August 2022.

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

## RECOMMENDATION

That Council:

- 1 **REQUESTS** that consideration of parking in coastal locations is included in the review of the City's *Parking Schemes Policy*;
- 2 **REQUESTS** as part of the review of the City's *Parking Schemes Policy*, the consideration of parking in coastal locations shall include:
  - 2.1 the City's current position, being that there is no paid public parking in coastal locations;
  - 2.2 strategies for managing demand for parking that are available for the City, including but not limited to:
    - 2.2.1 time restricted parking in areas of high demand;
    - 2.2.2 permit parking where for residential areas close to the coast;
    - 2.2.3 temporary or seasonal parking controls where required;
  - 2.3 detail that outlines uses that would be considered commercial or exclusive parking arrangements and how such arrangements will be managed in coastal locations;
  - 2.4 detail that outlines uses that would be considered activity specific parking, such as boat trailer parking, and whether special arrangements should exist for these facilities.

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19brf220809.pdf](#)

## ITEM 25                    **ELECTED MEMBERS' ENTITLEMENTS POLICY – CONTINUING PROFESSIONAL DEVELOPMENT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	101269, 101515
<b>ATTACHMENTS</b>	Attachment 1 <i>Elected Members' Entitlements Policy (current)</i> Attachment 2    WALGA Template Policy on Council Member Continuing Professional Development
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For Council to review the *Elected Members' Entitlements Policy* with regards to continuing professional development, and to identify any amendments that may be required.

### EXECUTIVE SUMMARY

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.128 was inserted into the *Local Government Act 1995* (the Act), requiring local governments to prepare a policy in relation to the continuing professional development of Elected Members and that the policy must be reviewed after each local government election.

The last local government elections took place in October 2021. The purpose of this report is to review the *Elected Members' Entitlements Policy* with regards to continuing professional development, and to satisfy the requirements of section 5.128 of the Act.

*It is therefore recommended:*

*That Council:*

- 1    *NOTES a review of the Elected Members' Entitlements Policy has been undertaken in accordance with section 5.128(5)(a) of the Local Government Act 1995, with regards to continuing professional development;*
- 2    *NOTES the current policy provisions detailed in the Elected Members' Entitlements Policy, with regards to continuing professional development, satisfies the intent of section 5.128 of the Local Government Act 1995.*

## BACKGROUND

The current *Elected Members' Entitlements Policy* (the policy) was last significantly reviewed in September 2013 (CJ185-09/13 refers), with a number of minor amendments subsequently made in March 2015 (CJ050-03/15 refers), April 2017 (CJ051-04/17 refers) and May 2022 (CJ077-05/22 refers). The policy details, amongst other things, payments and entitlements for Elected Members, including:

- the equipment issued to Elected Members
- the payment of statutory fees and allowances as determined by the Salaries and Allowances Tribunal
- provisions around the attendance at conferences and training events and associated requirements
- reimbursement of expense provisions and other entitlements.

On 16 September 2019 and as part of the *Local Government Legislation Amendment Act 2019* a new section 5.128 was inserted into the Act as follows:

### ***“5.128. Policy for continuing professional development***

(1) *A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.*

*\* Absolute majority required.*

(2) *A local government may amend\* the policy.*

*\* Absolute majority required.*

(3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

(4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

(5) *A local government —*

*(a) must review the policy after each ordinary election; and*

*(b) may review the policy at any other time.”*

There is no legislative prescription as to the form that this policy is to take, and it was considered the conference, training and event provisions detailed in the *Elected Members' Entitlements Policy* (parts 6 and 7) satisfied the intent of section 5.128 of the Act.

A report was presented to Council on 18 May 2021 (CJ072-05/21 refers), and minor amendments were made to the policy, to reflect feedback received at Strategy Sessions held on 2 February 2021 and 4 May 2021. These changes are reflected in the current *Elected Members' Entitlements Policy* (Attachment 1 refers).

## DETAILS

### Conference and Training events

To enable Elected Members to develop and maintain their skills and knowledge relevant to their role as representatives of the City, the City's policy provides that Elected Members are able to attend conferences and training events within Australia and overseas (subject to Council approval) and the associated arrangements around bookings; registration; and the reimbursement of associated expenses (see Part 6).

Conferences and training under the policy is generally limited to the following:

- West Australian Local Government Association and Australian Local Government Association conferences.
- Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and / or Australian Local Government Association on important issues.
- Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- Australian Sister Cities Conferences.
- West Australian Local Government Association Elected Member Training and Development.
- Training relating to the role of Elected Members.
- Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles / responsibilities of Elected Members, meeting procedures and the like.

As part of the City's annual budget, allocation is made for Elected Members to attend conference and training events in line with the amounts set within the policy (currently \$16,400 for the Mayor and \$7,500 for Councillors) which is adjusted annually by CPI (All Groups Perth). The costs for the mandatory training that is required to be completed by an elected member following their election, is not charged to the elected member's respective allocation, and is directly paid for by the City.

### **Issues and options considered**

The following options are available to Elected Members:

- 1 Retain the current *Elected Members' Entitlements Policy* as is, with regards to continuing professional development.
- 2 Make amendments to the *Elected Members' Entitlements Policy*, with regards to continuing professional development.
- 3 Remove those references to training and development and conference attendance from the *Elected Members' Entitlements Policy* and create a separate policy on continuing professional development.

Should option 3 be pursued, a WALGA Template Policy on Council Member Continuing Professional Development is provided at Attachment 2 to this Report.

Option 1 is the preferred option as it is considered that the legislative requirement is adequately covered in the *Elected Members' Entitlements Policy*.

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

**Legislation**                      *Local Government Act 1995.*  
*Local Government (Administration) Regulations 1996.*  
*Salaries and Allowances Determination on Local Government Chief Executive Officers and Elected Members.*

**10-Year Strategic Community Plan**

**Key theme**                      Leadership.

**Outcome**                      Capable and effective – You have an informed and capable Council backed by a highly-skilled workforce.

**Policy**                              *Elected Members' Entitlements Policy.*

**Risk management considerations**

That the *Elected Members' Entitlements Policy* does not adequately meet the intent of section 5.128 of the *Local Government Act 1995*.

The *Elected Members' Entitlements Policy* has been reviewed and it is considered that the conference, training and event provisions detailed in the Policy (parts six and seven) satisfy the intent of section 5.128 of the Act.

**Financial / budget implications**

Sufficient budget provisions are made in the City's annual budget to cover the elected member allowances, expenses and entitlements that are detailed under the policy.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

An opportunity is provided to Elected Members through the Policy Committee to be held on 1 August 2022.

WALGA have provided a template 'Council Member Continuing Professional Development Policy' to assist Local Governments in adopting a policy as required by section 5.128 of the *Local Government Act 1995*, which is provided at Attachment 2 to this Report.

**COMMENT**

The *Elected Members' Entitlements Policy* provides a framework to support an elected member's training and development needs as well as clarity around the entitlements, allowances and fees as stipulated in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

Feedback is sought from Elected Members as to whether the current policy provisions adequately meet the intent of section 5.128 of the Act, in relation to training and development.

### **VOTING REQUIREMENTS**

Simple Majority.

### **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 August 2022.

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

### **RECOMMENDATION**

That Council:

- 1 **NOTES** a review of the *Elected Members' Entitlements Policy* has been undertaken in accordance with section 5.128(5)(a) of the *Local Government Act 1995*, with regards to continuing professional development;
- 2 **NOTES** the current policy provisions detailed in the *Elected Members' Entitlements Policy*, with regards to continuing professional development, satisfies the intent of section 5.128 of the *Local Government Act 1995*.

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf220809.pdf](#)

## ITEM 26 AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK POLICY - REVIEW

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBERS</b>	89549, 101258, 101515
<b>ATTACHMENTS</b>	Attachment 1 Revised <i>Australian Business Excellence Framework Policy</i> Attachment 2 Current <i>Australian Business Excellence Framework Policy</i>
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For Council to adopt the revised *Australian Business Excellence Framework Policy*.

### EXECUTIVE SUMMARY

The City's *Australian Business Excellence Framework Policy* was adopted by Council in 2006 (CJ032-03/06 refers) and was last updated in 2017 (CJ105-06/17 refers).

The Policy is due for review in 2022 to ensure the Policy remains relevant and applicable, and to evaluate if changes are required resulting from a review of the Framework by Business Excellence Australia in 2021.

The review has confirmed the *Australian Business Excellence Framework Policy's* continued relevance for the City and the Policy has been updated to include minor amendments. The revised *Australian Business Excellence Framework Policy* is shown as Attachment 1 to this Report.

*It is therefore recommended that Council ADOPTS the revised Australian Business Excellence Framework Policy as shown in Attachment 1 to this Report.*

### BACKGROUND

Council adopted the *Australian Business Excellence Framework (ABEF)* as its leadership and management framework in November 2005 to provide a best practice mechanism to assess the City's management systems and to identify and implement improvements (CJ251-11/05 refers). In 2006, Council adopted the *Australian Business Excellence Framework Policy* (CJ032-03/06 refers).

The Framework was first developed in 1987 and was one of the first global excellence frameworks. It was initially developed in response to calls by the Commonwealth Government and industry for Australian enterprises to be more efficient and competitive.

The Framework is now managed by Business Excellence Australia (BEA), a not-for-profit organisation comprising agencies and individuals committed to improving organisational performance. BEA also provides assistance to a wide variety of organisations implementing the Framework, including organisations from the following sectors:

- Financial.
- Manufacturing and Aerospace.
- Resource.
- Professional Services.
- Construction.
- Technology.
- Federal, State and Local Governments.
- Not-for-Profit Organisations.

Since initial development in 1987, the Framework has been regularly updated to reflect evolving, leading-edge thinking and state-of-the-art practice in business excellence. The most recent review was undertaken in 2021 by Business Excellence Australia (BEA) which resulted in a 'refresh' of the Framework with no major changes being made to its overall structure, major elements or intent.

The ABEF is an integrated leadership and management system that describes the elements essential to sustainable organisational performance. It is a framework which can be used to assess and improve any aspect of an organisation. The Framework comprises the following:

- **Principles**, considered to be the governing laws which underpin the Framework and are necessary to create an environment for sustainable performance.
- **Categories** against which an organisation can review, question and analyse its leadership and management system. These include:
  - Leadership.
  - Strategy and Planning.
  - Information and Knowledge.
  - People.
  - Customer and Other Stakeholders.
  - Process Management, Improvement and Innovation.
  - Results and Sustainable Performance.
- **Items** which break down the categories into tangible components that can be systematically reviewed and improved in order to achieve organisational excellence.
- **A learning cycle** which requires an organisation to demonstrate its Approach, Deployment, Results and Improvement for each item.
- **An assessment matrix** against which an organisation's performance is assessed.

Since 2006, the City has successfully applied the Framework to the following:

- Assess organisational performance through a guided assessment.
- Provide training to City employees to enable them to undertake a self-assessment and gap analysis.
- Review the organisational structure.
- Promote excellence in leadership and management practices.
- Drive a systematic approach to continuous improvement through revision and improvement of processes and service reviews.
- Improve delivery of services to the community.
- Inform strategic planning processes.



- Apply for the ABEF Strategy and Planning Category Award.
- Apply for an ABEF Organisational Award for all Categories.
- Gain ISO 9001 Quality Management certification as part of continuous improvement activities.
- Implement AS/MZS ISO 31000:2009 – Risk Management as part of continuous improvement activities.

The City was recognised in the 2012 ABEF Business Excellence Awards for its best practice processes and systems in the Category of Strategy and Planning.

The City also received a Bronze Award in the Organisational Australian Excellence Awards in 2017 following an evaluation by independent assessors against all Categories of the *Australian Business Excellence Framework*.

## DETAILS

The 2021 review of the *Australian Business Excellence Framework* by Business Excellence Australia (BEA) has not resulted in major changes to the overall intent or application of the Framework. The major elements, including the Principles, Categories and Items remain largely the same. Minor wording updates have been made to clarify direction and provide greater alignment with current organisational thinking and trends.

The revised *Australian Business Excellence Framework Policy*, shown as Attachment 1 to this Report, is in line with the revised 2021 *Australian Business Excellence Framework*.

### Issues and options considered

Council has the option to:

- adopt the revised *Australian Business Excellence Framework Policy* as presented in Attachment 1 to this Report
- adopt the revised *Australian Business Excellence Framework Policy* as shown as Attachment 1 to this Report with further amendments  
or
- not adopt the revised *Australian Business Excellence Framework Policy*.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** Not applicable.

#### 10-Year Strategic Community Plan

**Key Theme** Leadership.

**Outcome** Capable and effective – You have an informed and capable Council backed by a highly-skilled workforce.

**Policy** *Australian Business Excellence Framework Policy*.

### Risk management considerations

The *Australian Business Excellence Framework Policy* provides the City with a proven methodology for assessing the organisation against the Principles, Categories and Items to assess strengths and prioritise opportunities for improvement. Review and improvement of organisational functions ensures continued scrutiny of the City's operations against the Framework and assists in working towards sustainable performance.

The Framework also requires organisations to assess risks in its business activities and to identify how risks can be minimised within City operations.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

The *Australian Business Excellence Framework* requires organisations to assess its performances in the areas of society, community and environmental responsibility, as well as legal and ethical behaviour and long term sustainability.

### **Consultation**

Not applicable.

## **COMMENT**

The City provides a broad range of services to its stakeholders and the community in line with its vision in *Joondalup 2032*, and is committed to ensuring services are of a consistently high standard. Alignment with the Framework provides a leadership focus and practical methodology for continuous improvement across all management aspects of the organisation with the aim of achieving excellence in service delivery and sustainable performance.

Use of the Framework has contributed towards significant improvements as a result of assessments of its core functions, and continued application will facilitate greater operational efficiencies and improved community and stakeholder relations.

## **VOTING REQUIREMENTS**

Simple Majority.

## **COMMITTEE RECOMMENDATION**

The Committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 August 2022.

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

## **RECOMMENDATION**

**That Council ADOPTS the revised *Australian Business Excellence Framework Policy* as shown in Attachment 1 to this Report.**

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf220809.pdf](#)*

## ITEM 27                    Elected Member Access to Information Policy

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<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101515
<b>ATTACHMENT</b>	Attachment 1      Paragraphs 215-219 of the Inquiry into the City of Joondalup Report 2005
<b>AUTHORITY / DISCRETION</b>	Legislative – includes the adoption of local laws, planning schemes and policies.

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### PURPOSE

For the Policy Committee to give consideration to the proposal to develop an Elected Members access to information policy.

### EXECUTIVE SUMMARY

At the Policy Committee held on 9 May 2022, Cr Kingston requested a report be presented to the Policy Committee by October 2022 on development of a policy for *Elected Members Access to Information*, for requests to access information made under section 5.92 of the *Local Government Act 1995*.

Given that the Council has previously made a determination in relation to this particular matter at its meeting held on 18 May 2021 (CJ063-05/21 refers), it is recommended that the Committee note the previous resolution of Council.

*It is therefore recommended that the Policy Committee note the resolution of the Council at its meeting held on 18 May 2021 (CJ063-05/21 refers) whereby the development of an Elected Member Access to Information Policy was not supported.*

### BACKGROUND

At the Policy Committee held on 9 May 2022 Cr Kingston requested a report be presented to the Policy Committee by October 2022 on developing a policy for *Elected Members Access to Information*, for requests to access information made under Section 5.92 of the *Local Government Act 1995*.

At the meeting it was advised that a decision related to this matter had previously been considered by the Council, and that the future report would provide details regarding this previous decision for the Policy Committee.

The previous decision of Council was at its meeting held on 18 May 2021 (CJ063-05/21 refers). Further details regarding the Council determination are provided in the following section.

## DETAILS

At the May 2022 Policy Committee meeting, Cr Kingston requested a report be presented to the Committee by October 2022 on developing a policy for *Elected Members Access to Information* for requests to access information made under section 5.92 of the *Local Government Act 1995*.

Cr Kingston provided in writing, following the Policy Committee meeting, advice with regard to the intent of requesting the report:

*“The intent of the requested policy for an ‘Elected Members Access to Information’ be created consistent with the interpretation of Section 5.92 made in the Inquiry Panel as recorded in the Report of the Inquiry into the City of Joondalup made under Division 2 Part 8 Local Government Act 1995.*

*That the policy, explicitly include the following propositions from the Report of the Inquiry into the City of Joondalup:*

- a) *“... that members of the Council are entitled to all information they seek, unless there are exceptional circumstances” at Paragraph 217;*
- b) *‘... Section 5.92 does not cast an onus on an elected member to prove to the satisfaction of the Administration that the information is relevant to their statutory function’ at Paragraph 218;*
- c) *“It is a fundamental right of councillors to seek legal and other advice provided to the City on topics they are required to make decisions on” at Paragraph 217 quoting the Report of the Inquiry into the City of South Perth;*
- d) *That Section 5.41(b) “... imposes a duty on the CEO to advise the Council and to ‘ensure that advice and information is available to the Council so that informed decisions can be made’...” At Paragraph 215;*
- e) *“... it is not a relevant consideration, in the discharge of the CEO’s statutory duty to provide information to Elected Members that the information may be forwarded to others who may not be entitled to it...” at Paragraph 219.*

*That the policy, contain a process for requests for information, in accordance with Recommendation 13 and 29 of the 14 May 2004 Final Report of the Governance Review Panel as part of the Inquiry into the City of Joondalup, and, Recommendation 22 of the Report of the Inquiry into the City of Joondalup:*

*Recommendation 13: Council to establish a policy that states that Elected Members have full access to all aspects of legal advice obtained by the staff on behalf of the local government.*

*Recommendation 29: With regard to the provision of information to Elected Members, the Council should:*

- a) *develop a protocol outlining elected member access to information;*
- b) *establish a standard form for Elected Members to request information;*
- c) *establish a record of requests for information and response to requests;*
- d) *make the record of requests available to all Elected Members.*

*Recommendation 22: A policy should be established by the Council of the City of Joondalup which facilitates full access to legal advice by Elected Members.*

*That the policy, contain a process for requests for information, which includes the following:*

- a) *That Elected Members must generally be able to access any record held by the City of Joondalup;*
- b) *That where information is not provided to Elected Members, a reason must be given and the item referred to the Audit and Risk Committee within 14 days;*
- c) *Where no reason or information has been provided, the item is to be addressed by the Audit and Risk Committee within 21 days after the information was first sought by the Elected Member;*
- d) *All information, including records and documents, held by the City may be relevant to performance of an Elected Member of the City of Joondalup and will generally be provided upon request unless subject to legislated privacy and confidentiality provisions such as tender documents and recruitment processes;*
- e) *Matters so referred to the Audit and Risk Committee will be included in an annex to the City's Annual Report;*
- f) *Records are as defined by the State Records Act 2000."*

A copy of the relevant paragraphs (215 – 219) of the Inquiry into the City of Joondalup Report (2005) are provided as Attachment 1 to this Report, to provide further context to the above excerpts extracted from the Report.

It is important to note that the relevant paragraphs of the Inquiry into the City of Joondalup Report relate specifically to legal advice access by Elected Members.

With regard the manner in which policy recommendations of the Inquiry Report were considered by the Commissioners and subsequent Councils, the Commissioners, at the Council meeting held on 11 October 2005 (CJ205-10/05) revoked the current Policy Manual and adopted a revised Policy Manual. The policies contained within this manual have been reviewed and revised by subsequent Councils since that time.

### **Council Decision – May 2021**

At the Council meeting held on 18 May 2021 (CJ063-05/21 refers), Council considered the following motion from its Annual General Meeting of Electors:

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

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

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

Officer comment in relation to this item was as follows:

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

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

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

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

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

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

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

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

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

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

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

In giving consideration to the elector motion the Council resolved inter alia as follows:

*"That Council:*

- 9 *in relation to Motion No. 8 carried at the Annual General Meeting of Electors:*
  - 9.1 *NOTES the Local Government Act 1995 and the City's Elected Members' Communications Policy provides for information access requirements relevant for the performance of an elected member's role;*
  - 9.2 *NOTES the Chief Executive Officer and the City's administration provide Elected Members with information that is relevant to the performance of the elected member's role under the Local Government Act 1995 or other written laws;*
  - 9.3 *DOES NOT SUPPORT the development of an Elected Member Access to Information Policy in view of parts 1 and 2 above, or the establishment of a Governance Committee to consider information access matters of Elected Members."*

Given that the Council has previously made a determination in relation to this matter at its meeting held on 18 May 2021 (CJ063-05/21 refers) the Committee is requested to note the previous Council determination.

Given the Council has resolved not to progress an *Elected Member Access to Information Policy* matters raised by Cr Kingston pertaining to the City of Joondalup Inquiry Report have not been addressed. Should the Council determine that such a Policy would be of benefit and examined it would be appropriate to review those matters raised in the Inquiry Report.

**Issues and options considered**

The Committee may:

- note the resolution of the Council at its meeting held on 18 May 2021 and that this matter has been given previous consideration by the Council  
or
- recommend to the Council that it revoke its decision of 18 May 2021 and progress development of a Policy.

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

**Legislation** Section 5.92 of the *Local Government Act 1992*.

**10-Year Strategic Community Plan**

**Key theme** Leadership.

**Outcome** Capable and effective – you have an informed and capable Council backed by a highly-skilled workforce.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

While the recommendations of the 2005 Report of the Inquiry into the City of Joondalup are important, policy positions of the Council regarding the recommendations have been reviewed by subsequent Councils since that time as they apply to the governance of the City of Joondalup.

Given that the Council has previously made a determination in relation to this matter at its meeting held on 18 May 2021 (CJ063-05/21 refers) it is recommended that the Committee note the previous decision.

Should the Committee consider that a new Council Policy *Elected Members Access to Information* be progressed the Council will need to first revoke its decision of May 2021.



## VOTING REQUIREMENTS

Simple Majority.

## COMMITTEE RECOMMENDATION

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

*That the Policy Committee NOTES the resolution of Council at its meeting held on 18 May 2021 (CJ063-05/21 refers), whereby the development of an Elected Member Access to Information Policy was not supported.*

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

*That Council:*

1 BY AN ABSOLUTE MAJORITY REVOKES Part 9 of its decision on 18 May 2021 (CJ063-05/21 refers) as follows:

*"That Council:*

9 in relation to Motion No. 8 carried at the Annual General Meeting of Electors:

9.3 DOES NOT SUPPORT the development of an Elected Member Access to Information Policy in view of Parts 1 and 2 above, or the establishment of a Governance Committee to consider information access matters of Elected Members."

2 SUPPORT development of an 'Elected Member Access to Information' Policy.

## RECOMMENDATION

**That Council:**

**1 BY AN ABSOLUTE MAJORITY REVOKES Part 9.3 of its decision on 18 May 2021 (CJ063-05/21 refers) as follows:**

**"9.3 DOES NOT SUPPORT the development of an Elected Member Access to Information Policy in view of Parts 1 and 2 above, or the establishment of a Governance Committee to consider information access matters of Elected Members."**

**2 SUPPORT development of an 'Elected Member Access to Information' Policy.**

*Appendix 22 refers*

To access this attachment on electronic document, click here: [Attach22brf220809.pdf](#)

## ITEM 28 MODEL LITIGANT FOR CIVIL LITIGATION POLICY

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER</b>	101515
<b>ATTACHMENTS</b>	Attachment 1 NSW Model Litigant Policy for Civil Litigation Attachment 2 Town of Cambridge Model Litigant for Civil Litigation Policy
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### PURPOSE

For the Policy Committee to give consideration to recommending to the Council that it develop a *Model Litigant for Civil Litigation Policy*.

### EXECUTIVE SUMMARY

At the Policy Committee held on 9 May 2022, Cr Raftis requested that the Chief Executive Officer prepare a report on the drafting of a *Model Litigant Policy* for the City.

The City of Joondalup (and legal practitioners representing the City) have various obligations to act fairly reflecting values related to the following:

- Protecting the reasonable expectations of those dealing with the City (that is public trust).
- Ensuring that the powers possessed by the City, whether conferred by statute or by contract, are exercised 'for the public good'.
- Requiring the City to act as 'moral exemplar' leading by example.

The report details how model litigant rules are applied, also giving consideration to current legal practitioner standards. Should the Council consider that the adoption of a *Model Litigant for Civil Litigation Policy* would enhance the City's ethical standards as a government body in civil litigation matters then consideration might be given to adoption of such a Policy.

*It is therefore recommended that the Policy Committee CONSIDERS as to whether to recommend to Council that it develop a Model Litigant Policy.*

### BACKGROUND

At the Policy Committee held on 9 May 2022 Cr Raftis requested that the Chief Executive Officer prepare a report on the drafting of a *Model Litigant Policy* for the City. Cr Raftis requested that the report consider the following:

“1 *Using the NSW Model Litigant Policy (March 2016) as a reference, the obligation to act as a model litigant requires more than merely acting honestly and in accordance with the law and court rules. It also goes beyond the requirement for lawyers to act in accordance with their legal ethical obligations. Essentially it requires that the Council act with complete propriety, fairly and in accordance with the highest standards. The obligation requires that the Council act honestly and fairly in handling claims and litigation by:*

- a) *Dealing with claims promptly and not causing unnecessary delay in the handling of claims and litigation;*
- b) *Paying legitimate claims without litigation, including partial settlements of claims or interim payments, where it is clear that liability is at least as much as the amount to be paid;*
- c) *Acting consistently in the handling of claims and litigation;*
- d) *Endeavouring to avoid litigation, wherever possible;*
- e) *Where it is not possible to avoid litigation, keeping the costs of litigation to a minimum, including by:*
  - i) *Not requiring the other party to prove a matter which the Council knows to be true; and*
  - ii) *Not contesting liability if the Council knows that the dispute is really about quantum;*
- f) *Not taking advantage of a claimant who lacks the resources to litigate a legitimate claim;*
- g) *When settling civil claims the Council should consider the use of confidentiality clauses in relation to settlements on a case by case basis;*
- h) *Only undertaking and pursuing appeals where the Council believes that it has reasonable prospects for success or the appeal is otherwise justified in the public interest. The commencement of an appeal may be justified in the public interest where it is necessary to avoid prejudice to the interest of the Council pending the receipt of proper consideration of legal advice, provided that a decision whether to continue the appeal is made as soon as practicable;*
- i) *Apologising where the Council is aware that it or its lawyers have acted wrongfully or improperly.*

*The obligation does not require that the Council be prevented from acting firmly and properly to protect its interests. It does not prevent all legitimate steps being taken in pursuing litigation, or from testing or defending claims made.*

2 *That the Policy require the presentation to Council of a Confidential Report at each Council meeting regarding the conduct of any civil litigation undertaken or responded to and the applicable legal costs incurred in relation to each litigation.”*

## DETAILS

At the Policy Committee meeting held on 9 May 2022, Cr Raftis requested that the Chief Executive Officer prepare a report on the drafting of a *Model Litigant Policy* for the City.

### **Model Litigant Rules - Defined**

Model litigant rules (obligations) are guidelines for how a government ought to behave before, during, and after litigation with another government body, a private company, or an individual. The model litigant rules provide best practice for government agencies in civil litigation matters.

The obligation of a model litigant is generally considered to encompass a range of specific duties, including dealing with claims promptly, minimising delay in proceedings, acting consistently in the handling of claims and litigation, using alternative dispute resolution options, minimising costs in proceedings and not taking technical points unless the agencies' interests would be compromised.

In civil litigation, there can sometimes be a significant imbalance of power (whether perceived or actual) between government agencies and other parties to the proceedings. Government agencies may have access to substantial resources, powers to investigate, greater power to compel people to provide information, and/or greater experience and expertise in dealing with complex and contentious legal matters.

Behind each of the duties is an overarching duty to act honestly, fairly, with complete propriety and in accordance with the highest professional standards.

The rules are designed to tread a middle ground. On the one hand, they recognise that a government body is often better resourced than small companies or individuals, and is supposed to lead by example, protecting the public interest as opposed to its own private interest.

However, these rules are not designed to prevent a government body from acting firmly and properly to protect their interests, taking all legitimate steps to pursue or defend claims, or even from pursuing litigation in order to clarify a significant point of law even if the other party wishes to settle the dispute. It must be recognised that government bodies pursuing or defending claims are doing so on behalf of the public, and the public's rights ought not to be undermined in the face of genuine litigation.

### **Adoption of Model Litigant Policies**

In an effort to codify and confirm their commitment to their model litigant obligations, the Commonwealth Government and some state and territory governments have adopted written policies. The Commonwealth, Victoria, Queensland, New South Wales and the Australian Capital Territory all follow similar policies, while Western Australia, Tasmania and South Australia are subject to the principles of the common law (as such model litigant obligations are still likely to apply).

It is understood that the policy proposed to be adopted is an amended version of the New South Wales Model Litigant Policy and is also similar to that adopted by the Town of Cambridge (Attachments 1 and 2 refer). The City of Rockingham recently considered whether to develop a similar Policy (as a result of a Notice of Motion), however, at its March 2022 meeting Council declined to progress.

The written policies of the Commonwealth and other States provide that the obligations apply before courts, tribunals, inquiries, in arbitration and other alternative dispute resolution processes.

It is unclear whether the policy proposed is to apply to civil litigation only (as referred to in the reason for the proposal by Cr Raftis) or is to apply to all prosecutions undertaken by the City including those related to parking, dog or building offences, or propagating Council's position at the State Administrative Tribunal.

For the purposes of this report, it is presumed it applies to civil litigation only, as specifically referred to in the reasons for proposing a policy.

### **City's Involvement in Civil Litigation**

The City's involvement in civil litigation generally involves the following:

- Civil actions by the City to recover rates (which are conducted by the City's external solicitors).
- Civil actions against the City (to which the City's insurer responds).

Proceedings to recover rates are only commenced when less formal efforts have been unsuccessful via a letter of demand not resulting in the debtor agreeing to pay off the debt over time. The City has a *Rates Hardship Policy* which is intended to ensure that the City offers fair, equitable, consistent, respectful and dignified support to ratepayers experiencing financial hardship.

When proceedings are commenced, the City engages external solicitors who endeavour to bring the matter to a swift conclusion without the need for a trial, but this is not always possible to achieve. It is rare for such proceedings to proceed to a formal trial.

When proceedings are commenced (or a claim is made) against the City (for example for personal injury, workers' compensation or property damage), the City's insurer (LGIS Insurance) will generally take over the conduct of the matter and will either manage the claim itself or engage solicitors from its panel to represent the City. If the City were to act contrary to LGIS' instructions, the City may lose cover under the relevant policy. It is therefore suggested that any policy would need to extend to action undertaken by the City's insurers as a matter of their own accord.

When external solicitors are engaged, they must act in accordance with legislative requirements and onerous professional standards which are enforced by the Legal Practice Board and ultimately, the Supreme Court of Western Australia. General Counsel has general oversight of court proceedings in which the City is involved and is subject to the same professional obligations set out below.

#### *The Professional Obligations:*

The primary legislation/rules governing these professional obligations are as follows:

- Legal Profession Uniform Law Application Act 2022.
- WA Barristers' Rules 2017.
- Supreme Court Act 1935.
- Supreme Court Rules.

The professional standards by which a legal practitioner's conduct will be judged include the following:

- Law Society of Western Australia's Ethical and Practical Guidelines [here](#).
- Western Australian Bar Association's Best Practice Paper - Confining the Issues in Dispute in Civil Litigation (Best Practice Paper) [here](#).
- Western Australian Bar Association's Best Practice Paper – Communication and Conferral (Best Practice Paper) [here](#).

The Law Society of Western Australia's Ethical and Practical Guidelines include the following:

- Practitioners are required to act with honesty and integrity, whether in litigious matters or commercial transactions. Practitioners must never misrepresent, mislead or deceive in any way: cl 1.
- The same ethical obligations apply in relation to mediation as apply in all other areas of practice. The paramount duty to the Court and to the administration of justice assumes great practical significance, since mediation is regarded as a primary means of achieving the objectives of case flow management: cl 10.2.
- The primary function of a practitioner in a mediation is to assist the client, not to engage in adversarial advocacy: cl 10.8.

The Western Australian Bar Association's Best Practice Paper *Confining the Issues in Dispute in Civil Litigation* includes the following:

- Lawyers owe ethical duties to their clients and general duties to the court to ensure that cases are conducted so as to avoid unnecessary expense and wastage of court time: cl 1.3.
- The ultimate narrowing of issues is a settlement. Lawyers should advise the acceptance of reasonable offers to settle: cl 3.1.
- Care should be taken when preparing pleadings to ensure that the disputed issues on the pleadings truly reflect the outstanding matters in issue in the proceedings: cl 3.4.
- Lawyers are required to engage in conferral by Order 59 Rule 9 of the SCR before making any interlocutory application: 4.7.

The Western Australian Bar Association's Best Practice Paper – *Communication and Conferral* includes the following:

- An adversarial system should not be unduly combative. Litigation is neither a game nor an opportunity for practitioners to demonstrate their knowledge of "The Art of War": cl 21.
- Practitioners should at all times communicate by reference to their role as professional advisers and officers of the court. This requires the exercise of professional judgment and the avoidance of communicating as a mere mouthpiece of the client. The practitioner's duty is to ensure that only matters necessary for the proper disposition of the claim are dealt with: cl 41.

A search of the eCourts Portal provides that there are a number of decisions involving the City of Joondalup, including the following:

- Supreme Court – 17 decisions.
- State Administrative Tribunal – 169 decisions.
- Magistrates court – Nil.
- District Court – Nil.

## Codes of Conduct

If the Council considers it would be beneficial to adopt a *Model Litigant for Civil Litigation Policy*, it should be satisfied whether such a policy is warranted given legal professional standards and guidelines and that the City's obligations under its *Code of Conduct for Employees* which establishes the principles and standards of behaviour employees must observe when performing their duties, intended to promote accountable and ethical decision-making. The code must be read in conjunction with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and other legislation that affect employees while performing their duties and the code does not override or affect those provisions or requirements.

The City's inhouse legal officer is obliged to act in accordance with the City's Code and to be aware of the extent of the model litigant obligations as ethical issues will frequently arise. Active consideration of the obligations will prevent breaches occurring.

The City's engagement of legal representation to act on its behalf would take into account the City's values, principles and standards observed when performing duties, not excluding their own professional ethical obligations and any laws related to performance of legal work.

## Issues and options considered

The Committee may note the information contained within the report and choose to either:

- recommend to the Council to progress development of a *Model Litigant for Civil Litigation Policy*
- not progress development of a *Model Litigant for Civil Litigation Policy*  
or
- recommend to the Council that it advocate to the Minister for Local Government and/or WA Local Government Association that a *Model Litigant for Civil Litigation Policy* be considered as part of the review of the *Local Government Act 1995* to enhance the ethical standards of local governments.

Given section 2.7 of the *Local Government Act 1995* provides that the role of Council is in part to determine the local government's policies, it is considered that the Policy Committee considers its preferred option.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**                      Section 5.92 of the *Local Government Act 1992*.

### 10-Year Strategic Community Plan

**Key theme**                        Leadership.

**Outcome**                        Capable and effective – You have an informed and capable Council backed by a highly-skilled workforce.

**Policy**                              *City of Joondalup Rates Hardship Policy.*  
*City of Joondalup Payment of Rates and Charges Policy.*  
*City of Joondalup Code of Conduct for Employees.*

**Risk management considerations**

There is no direct enforcement mechanism to ensure compliance with model litigant guidelines. Negative consequences of non-compliance include judicial and public criticism.

**Financial / budget implications**

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

At the Commonwealth level, the Crown's model litigant rules are now grounded in the *Legal Services Directions*, enforced by the Attorney-General through a light-touch system of self-monitoring and reporting, and the common law through the court's procedural powers to impose costs and stay proceedings in which the government is a litigant, or in extreme cases where failure to meet the model litigant standards has resulted in a miscarriage of justice, overturn the outcome on appeal.

Western Australia has not adopted such rules and is subject to the principles of the common law (where model litigant obligations are still likely to apply).

The City of Joondalup (and legal practitioners representing the City) have various obligations to act fairly reflecting values related to the following:

- Protecting the reasonable expectations of those dealing with the City (that is public trust).
- Ensuring that the powers possessed by the City, whether conferred by statute or by contract, are exercised 'for the public good'.
- Requiring the City to act as 'moral exemplar' leading by example.

Should the Council consider that the adoption of a *Model Litigant for Civil Litigation Policy* would enhance the City's ethical standards as a government body in civil litigation matters, directed more to good governance and administration than mere conduct as a litigant in Court, then consideration might be given to adoption of such a Policy.

However, the Council should also consider whether the Policy is required given there is no known history of allegations that the City has been unethical during civil litigation.

**VOTING REQUIREMENTS**

Simple Majority.



**COMMITTEE RECOMMENDATION**

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

*That the Policy Committee CONSIDERS as to whether to recommend to Council that it develop a Model Litigant for Civil Litigation Policy.*

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

*That Council SUPPORTS the development of a Model Litigant for Civil Litigation Policy.*

**RECOMMENDATION**

**That Council SUPPORTS the development of a *Model Litigant for Civil Litigation Policy.***

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23brf220809.pdf](#)*

## REPORTS OF THE CHIEF EXECUTIVE OFFICER

### MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

#### **NOTICE OF MOTION NO. 1 – CR HILL – ONGOING FINANCIAL SUPPORT TO JOONDALUP BROTHERS RUGBY UNION FOOTBALL CLUB**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Hill has given notice of his intention to move the following Motion at the Council meeting to be held on 16 August 2022:

***That Council REQUESTS the Chief Executive Officer prepare a report on the options to provide ongoing financial support (through annual Sponsorship or through annual financial contributions) to Joondalup Brothers Union Football Club, noting that the City currently provides ongoing annual financial support to a significant number of other sporting clubs in the City of Joondalup.***

#### REASON FOR MOTION

The Joondalup Brothers Rugby Union Football Club:

- 1 is a Premier Grade Club based in the City of Joondalup
- 2 delivers significant, large scale, positive community outcomes through creation of an inclusive and positive social and sporting environment underpinned by respect and integrity
- 3 does not have access to City-operated sporting facilities and has to pay commercial rates to Venues West for use of HBF Arena facilities for training and matches
- 4 does not currently benefit from any ongoing financial support from the City
- 5 faces ongoing financial sustainability issues due to points (3) and (4) above.

#### OFFICER'S COMMENT

A report can be prepared.

## CLOSURE



**DECLARATION OF FINANCIAL INTEREST / PROXIMITY INTEREST /  
INTEREST THAT MAY AFFECT IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

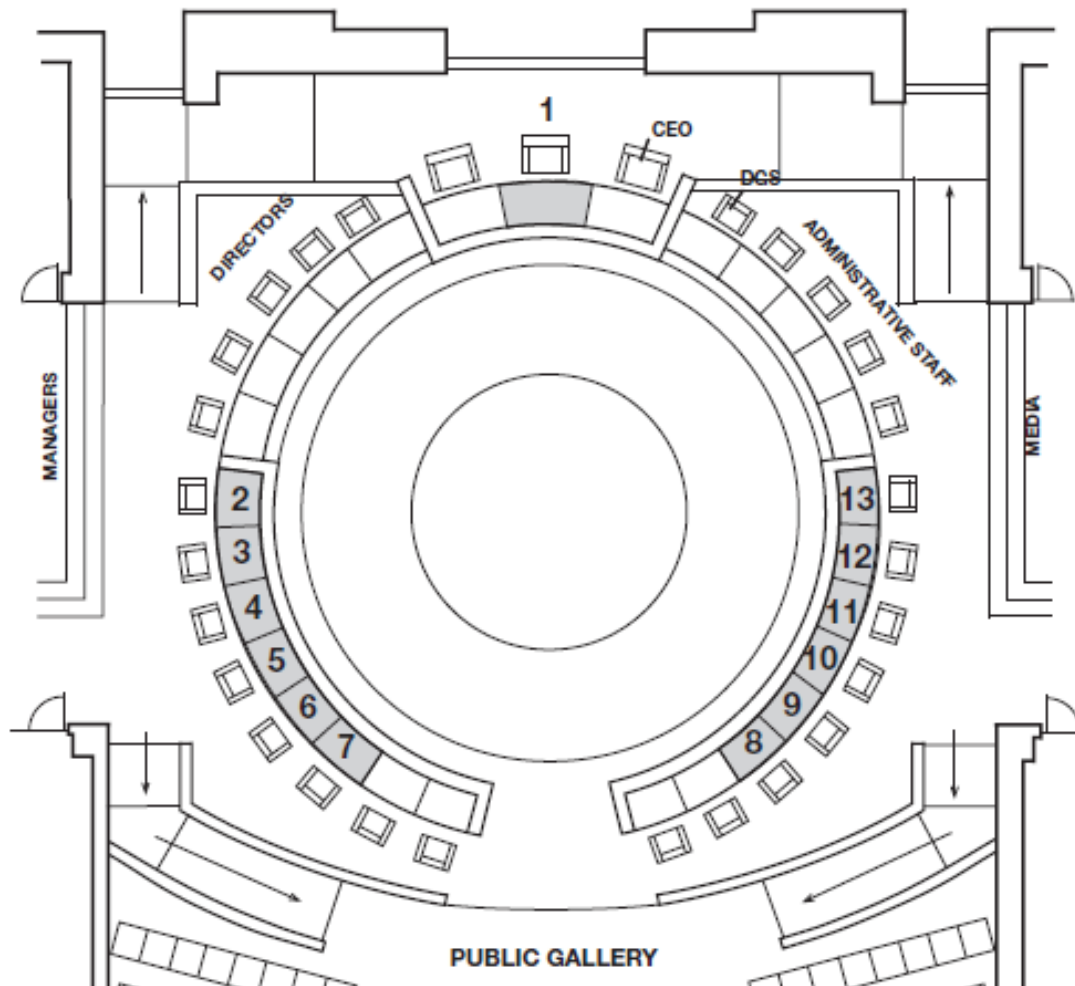
<b>Name / Position</b>		
<b>Meeting Date</b>		
<b>Item No. / Subject</b>		
<b>Nature of Interest</b>	Financial Interest * Proximity Interest* Interest that may affect impartiality*	<b><i>*Delete where not applicable</i></b>
<b>Extent of Interest</b>		
<b>Signature</b>		
<b>Date</b>		

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)