

minutes

Ordinary Meeting of Council

MEETING HELD ON TUESDAY 18 APRIL 2023

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.

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CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON 18 APRIL 2023**

DECLARATION OF OPENING

The Mayor declared the meeting open at 6.30pm.

ANNOUNCEMENTS OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

Councillors:

CR TOM MCLEAN, JP	North Ward	<i>absent from 8.19pm to 8.21pm to 8.42pm</i>
CR ADRIAN HILL	North Ward	
CR NIGE JONES	North Central Ward	<i>absent from 8.08pm to 8.11pm</i>
CR DANIEL KINGSTON	North Central Ward	<i>absent from 8.11pm to 8.15pm</i>
CR RUSSELL POLIWKA	Central Ward	<i>absent from 8.08pm to 8.11pm</i>
CR CHRISTOPHER MAY	Central Ward	<i>absent from 6.58pm to 7.00pm absent from 7.38pm to 7.42pm</i>
CR SUZANNE THOMPSON	South Ward	
CR RUSS FISHWICK, JP	South Ward	
CR JOHN RAFTIS	South-West Ward	
CR JOHN LOGAN	South-East Ward	<i>absent from 6.44pm to 6.47pm</i>
CR JOHN CHESTER	South-East Ward	

Officers:

MR JAMES PEARSON	Chief Executive Officer	
MR CHRIS LEIGH	Director Planning and Community Development	
MR NICO CLAASSEN	Director Infrastructure Services	
MRS SIMONE HOLMES-CAVANAGH	Acting Director Governance and Strategy	
MR DAVID MURNAIN	Acting Director Corporate Services	
MRS KYLIE BERGMANN	Manager Governance	
MRS REBECCA MACCARIO	Manager Strategic and Organisational Development	<i>to 8.16pm</i>
MR MATHEW PENNINGTON	Manager Waste Services	
MR SHANE FRASER	Manager Community Development & Library Services	<i>to 8.08pm</i>
MS SHEREE EDMONDSON	Manager Asset Management	<i>to 8.09pm</i>
MR ALAN ELLINGHAM	Senior Financial Analyst	<i>absent from 7.00pm to 7.03pm absent from 8.10pm to 8.11pm to 8.22pm</i>
MR STUART MCLEA	Acting Media Advisor	<i>to 8.40pm</i>
MRS VIVIENNE STAMPALIJA	Governance Coordinator	
MRS SUSAN HATELEY	Governance Officer	

There were 36 members of the public and no members of the press in attendance.

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

Disclosures of Financial Interest / Proximity Interest

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

Name / Position	Cr Christopher May.
Item No. / Subject	CJ048-04/23 – Development and Subdivision Applications – February 2023.
Nature of Interest	Financial Interest.
Extent of Interest	Cr May is the owner of one of the properties listed in Attachment 1.

Disclosures of Interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

Name / Position	Cr John Chester.
Item No. / Subject	CJ050-04/23 – Notice of Motion - Dementia Programming.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester is a member and supporter of Alzheimer's WA.

Name / Position	Cr John Chester.
Item No. / Subject	CJ053-04/23 – Review of City Water Plan 2016-2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester is a long-standing member of the Friends of Yellagonga and has an interest in the water quality of the wetlands.

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ053-04/23 – Review of City Water Plan 2016-2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston is the secretary of the Friends of Yellagonga Regional Park which has an interest in managing water in the district.

Name / Position	Cr John Logan.
Item No. / Subject	CJ053-04/23 – Review of City Water Plan 2016-2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Friends of Yellagonga which takes an active interest in water management and water initiatives in the park.

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ054-04/23 – List of Payments made during the month of February 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob does some part-time work for Thompson Geer. He does not have any involvement in City of Joondalup matters.

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob is a Councillor on Mindarie Regional Council.

Name / Position	Cr Christopher May.
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr May is a member of Mindarie Regional Council.

Name / Position	Mrs Vivienne Stampalija, Governance Coordinator
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mrs Stampalija's husband works at Mindarie Regional Council.

PUBLIC QUESTION TIME

The following summarised questions were submitted prior to the Council Meeting:

B Hewitt, Edgewater:

Re: *Pesticide usage.*

Q1 *The City advised that they use pesticides to deal with ants and termites in response to my questions earlier this month. Can you please advise whether MAXXTHOR 100 water-based termiticide and insecticide is recorded in the weekly pesticide use locations map and schedule and if not, why not?*

A1 Yes. The City records MAXXTHOR in the weekly pesticide use if spraying is required.

Re: *Leafy City Program.*

Q2 *Has the City investigated the expressed concerns of the community in Edgewater regarding its planned street tree planting of large eucalyptus trees along Edgewater Drive, adjacent to Yellagonga?*

A2 The City continues to investigate each resident enquiry individually. Presently the City is prioritising enquiries from residents with hardstand verge treatments, primarily in Duncraig and then Mullaloo as preparation works have commenced in some of these areas.

As provided in notification letters to all affected residents, the provisional deadline for the confirming of tree planting locations on hardstand verges in Edgewater is Friday 5 May, and Friday 30 June 2023 for all other verge treatment surfaces.

The City is able to work individually with residents who require additional time beyond these provisional deadlines, within a reasonable period of time, to achieve the best outcomes for the community and the long-term success of the Leafy City Program.

The City has selected a smaller Eucalyptus variety for the residential side of Edgewater Drive, *Eucalyptus sideroxylon*, commonly known as a Mugga Ironbark or Red Ironbark. This is an Australian native which is considered a small to medium-sized tree. Furthermore, an important consideration to note is that the urban environment is very different to the natural environment and some native species simply will not grow and thrive in harsh urban road-side conditions. This results in tree species reaching only a portion of their potential mature height.

The larger Eucalypt trees, *Eucalyptus gomphocephala*, commonly known as Tuart trees, are to be planted only on the non-residential side of Edgewater Drive, with canopy coverage within adequate distances from properties to be deemed as a minimal fire contribution risk, as per Department of Emergency Service guidelines.

It is important to note that as the selected tree species proposed for the verge of Edgewater Drive are native, they are an appropriate choice in regard to the Class 1 Conservation category status of Yellagonga Regional Park.

Q3 *What is the City's response to the concerns regarding increasing the fire risk to the properties which are currently built in this area?*

A3 The location and planting of the Leafy City Program trees within bushfire prone areas complies with the *Building Protection Zone Standards (BPZ)* produced by the Department of Fire and Emergency Services (DFES) which requires the following:

- The crowns of trees within the BPZ should be separated where practical such that there is a clear separation distance between adjoining tree crowns.
- The lower branches of trees within the BPZ are required to be pruned (up to 2 metres off the ground) to stop a surface fire spreading to the canopy of the trees.
- There are to be no tree crowns or branches overhanging the building or asset within the BPZ and a minimum horizontal clearance of 2 metres is required between tree branches and buildings or assets.

The City includes these factors amongst a number of other conditions during the planning stages of the Leafy City Program to ensure the safe and responsible delivery of the program, both for the present and into the future.

The City has discussed the Program with DFES representatives and has received confirmation from DFES that the proposed planting locations are consistent with the standards referenced above.

Re: *Coastal Erosion Monitoring.*

Q4 *The recent storm surges have seen a significant loss of sand along Mullaloo Beach. What monitoring does the City undertake to ensure that buildings such as the new Hillarys Beach Club are built correctly and within acceptable safety standards in consideration of the proximity to the beach?*

A4 Non-residential buildings are privately certified by complying with the *National Construction Code – Building Code of Australia 2019*. Local governments do not have a legislated monitoring and inspection function as this was removed with the introduction of the *Building Act 2011*. The City is able to undertake inspections for compliance with relevant approvals if there is a concern that a building may not have been built in accordance with the relevant approvals.

Q5 *What measures and at what cost will the City be undertaking to ensure storm surges and erosion do not impact our coastal infrastructure and our coastal environment?*

A5 The City undertakes several management activities to manage erosion on its beaches including post-storm checks and maintenance, management of access ways to ensure safe access, dune restoration and stabilisation and implementation of an annual sand bypassing program.

To monitor erosion the City undertakes coastal monitoring on a biannual basis including shoreline mapping from aerial photography, beach profile surveys and photo monitoring. *Coastal Monitoring Outcome Reports* are available on the City's website.

The City has budgeted \$40,000 within the *2022/23 Budget* to continue to implement the Coastal Monitoring Program. The City successfully applied for a grant contribution of \$17,186 from the Department of Transport for funding under the Coastal Adaptation Protection Grants Program which will contribute to the costs of continuing the Coastal Monitoring Program in 2022/23.

The City also has operational budget in 2022/23 of \$427,956 for sand bypassing, \$236,737 for clearing of beach access ways, and \$69,036 for the sand sifting and seaweed removal.

The City is currently developing a Coastal Hazard Risk Management Adaptation Plan to identify adaptation options that can be taken now and into the future to adapt vulnerable areas.

M Dunstan, Mullaloo:

Re: Leafy City Program – West Boulevard, Mullaloo.

Q1 West View Boulevard is located in very close proximity to the beach, and has a daily high temperature below that of neighbouring suburbs such as Craigie and Beldon. In light of this, why would West View Boulevard be viewed as being in more need of these trees in comparison to further inland suburbs?

A1 In March 2020, canopy cover and land surface temperature data was independently captured and used to prioritise project sites which were identified as ‘hot spots’. Suburbs receiving the Leafy City Program have been identified as ‘hot-spots’ via thermal mapping and tree-canopy surveying, with selection being supported by the advice and planning of the City’s arborist, landscape architects and civil engineers. To view the canopy cover and land surface temperature maps, please visit the City’s website. Additional considerations on site selection include potential impacts on Housing Opportunity Areas and existing infrastructure and services.

Q2 The petition was lodged before the hardstands for the planting were spray painted on the curbs, along West View Boulevard. Did any Councillors approach the CEO or members of Joondalup City Administration to put a halt to the progress of the Leafy City Program, whilst the petition was being addressed?

A2 The City cannot provide comment on actions undertaken by individual Councillors.

Q3 A significant number of residents of West View Boulevard have used appropriate channels to express that they will be negatively impacted by the Leafy City Program. As CEO, how does the will of the residents who fund and are directly impacted by your policy affect your decision making?

A3 The City of Joondalup Strategic Community Plan 2022-2032 (Joondalup 2032) provides a shared vision for the future. Joondalup 2032 was developed following comprehensive feedback from 1,483 community members through the Shaping Your Local Community consultation initiative. The vision has a strong focus on sustainability, liveability, active lifestyles and friendly social interactions. Based on the feedback, the Plan contains five key themes with each of the themes having a goal and a series of outcomes which guide the City’s service delivery.

The goal for the Place theme is that:

“We have well-planned and attractive suburbs and streetscapes, supported by a range of integrated transport options. Our urban landscapes are connected, useable and accessible. A high standard of liveability is enjoyed by our community who can access quality facilities and public open spaces.”

One of the outcomes, Outcome 3-3 Attractive and Leafy provides that residents have access to quality public open spaces and enjoy appealing streetscapes. The Leafy City Program aims to deliver on this outcome and is adopted by Council as part of the annual budget and *Five-Year Capital Works Program* for delivery by the City.

The manner in which the Leafy City Program is being implemented is through a “no-opt-out” approach. While the City appreciates that this may present some levels of frustration to a small number of residents, the primary reason for this approach is to ensure maximum impact and benefit to the wider community in the long-term, while also providing a uniform aesthetic streetscape into the future and ensuring equity and impartiality for all residents.

Q4 *West View Boulevard's road surface is poor and is a significant thoroughfare for cars in the area, resulting in speeding traffic. Considering the two above mentioned matters. How would a tree planting scheme be more of a priority to the City and its residents over road safety?*

A4 West View Boulevard is classified as a local distributor road and is designed to be a thoroughfare through the suburb by distributing resident and commercial traffic to the wider road network. Local Distributor roads have a maximum desirable threshold of approximately 6,000 vehicles per day.

The latest traffic count survey occurred in October 2020 with the results in the table below:

West View Boulevard	Vehicles per day (vpd)	85th per centile speed km/h
East Oceanside Promenade	883	45km/h
West of Key West Drive (midblock)	1,561	55km/h
West of Dampier Avenue	2,306	52km/h

As shown in the table above, the vehicle volumes are well below what the road is designed to carry, and vehicle speeds were within an acceptable range. Speed data can be forwarded to the WA Police’s Traffic Intelligence Service if the 85th percentile speed is 10km/h or more over the speed limit.

In this instance, the speed data did not meet this criterion which is an indication that speeding motorists are in the minority. The road is currently listed in the Traffic Count Program to be programmed between July and November 2023.

The utilisation of trees within a carriageway is commonly used by the City and other local governments, either as part of a traffic management scheme when strategically located in the median or as is the case with the ‘Leafy City Program’ on verges.

Trees give the appearance that the road environment is ‘closed’ in and has a tendency to impact driver behaviour by encouraging a slower speed environment.

WALGA have been heavily involved with regards to the development of an urban forest including releasing a policy discussion paper ‘Urban Street Trees’ in May 2014 which did refer the use of street trees as a traffic calming measure.

Q5 *As residents are opposed to the tree planting and this petition appears to be a side issue to the trees being planted. What actions can the residents of West View Boulevard take to have the trees removed and hardstands fixed, after the trees have been planted?*

A5 The manner in which the Leafy City Program is being implemented is through a “no-opt-out” approach. While the City appreciates that this may present some levels of frustration to a small number of residents, the primary reason for this approach is to ensure maximum impact and benefit to the wider community in the long-term, while also providing a uniform aesthetic for streetscapes into the future and ensuring equity and impartiality for all residents.

M Kwok, Ocean Reef:

Re: *"Oscar" the Marri Tree.*

Q1 *What methods will the City use to poison the tree stump of 600 year old Marri tree "Oscar"?*

A1 No application of a herbicide has been scheduled to be applied to the tree stump of the Marri tree at Chichester Park.

Q2 *When did this occur?*

A2 Not applicable, refer to A1.

Re: *Weed Management.*

Q3 *How long has the City been purchasing chemicals from Growers Agrishop?*

A3 The City has been purchasing Chemicals from Growers Agrishop since 2010. They currently have a contract with the City to supply chemicals.

Q4 *How does the City dispose of left over pesticides?*

A4 The City currently uses a qualified waste management company to collect, transport and dispose of any unused pesticides.

Q5 *What are the advantage(s) of adopting Herbi-Blue Spray over BASF-Turf Mark Blue marker dye?*

A5 The City used BASF-Turf Mark Blue marker dye for a short period of time between contracts for the supply of chemicals, the City's current supplier of chemicals does not supply BASF-Turf Mark Blue marker dye and only supplies Herbi-Blue marker dye. Both are APVMA approved and fit for purpose.

A Arrah, Craigie:

Re: *Smart Cities.*

Q1 *Where did "Smart Cities" originate from?*

A1 The smart city concept was first introduced by International Business Machines Corporation [IBM] in the late 1990s.

A smart city uses technology and sensors to collect data, with these insights guiding an organisations decision in order to operate more efficiently and effectively when it comes to managing assets, resources and the natural environment.

Q2 *What public consultation was carried out prior to participating in "Smart Cities"?*

A2 The Joondalup Digital City Plan, as part of the City's Economic Development Strategy, references investigation of smart city infrastructure and was subject to community consultation.

Q3 *What agreements has the City of Joondalup entered into?*

A3 No agreements have been entered into in relation to Smart Cities.

Q4 *What fees have been paid in relation to "Smart Cities"?*

A4 No fees have been paid in relation to Smart Cities.

Q5 *What sensors and technologies have been applied to collect data, what data is collected?*

A5 This question will be taken on notice.

M O'Byrne, Kinross:

Re: *City of Joondalup – Meeting Procedures Local Law 2013.*

Q1 *Where does it state in City of Joondalup Meeting Procedures Local Law 2013 that a City-compliant petition, (on the prescribed form, dealing with a City issue and handed in at the preceding Briefing Session according to City requirements) can be rejected entry to Council and then be replaced by an Elected Member's Notice of Motion at the same Ordinary Meeting of Council?*

A1 A petition may be rejected if it does not meet the requirements set out in clause 5.11(1) of the City's *Meeting Procedures Local Law 2023* (Meeting Procedures).

Should a petition meet the requirements set out in clause 5.11(1) of the Meeting Procedures, the petition shall be presented to Council. In accordance with clause 5.11(2)(b) of the Meeting Procedures, *"the only motion that is in order is that the petition be received and, if necessary, that it be referred to the CEO for action."* Like any motion, Elected Members must vote for or against the motion presented, in accordance with Part 11 of the Meeting Procedures.

The requirements for presenting a Notice of Motion are set out in clause 4.6 of the Meeting Procedures, in which an Elected Member may *"raise at a meeting such business of the local government as he or she considers appropriate."*

Whether a petition is rejected or accepted is subject to the vote of the Council, as with a Notice of Motion.

Q2 *Given that section 5.11(3) states that Council is not to vote on any matter that is the subject of a petition presented to that meeting – how then can Elected Members justifiably vote to adopt an Elected Member's Notice of Motion on subject matter entirely covered by two compliant City petitions presented to the same Ordinary Meeting of Council, September 21, 2021 (C88-09/21 and C89-09/21 refers)?*

A2 Clause 5.11(3) of the Meeting Procedures must be read in its entirety which states as follows:

"(3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless –

- (a) the matter is the subject of a report included in the agenda; and*
- (b) the Council or committee has considered the issues raised in the petition."*

Clause 5.11(3) of the Meeting Procedures does allow for the Council to vote on a matter that is the subject of a petition presented to that same meeting, in the circumstances stated in clauses 5.11(3)(a) and (b).

- Q3 *What exactly and in plain English does 5.11(2)(b) mean when it states that the only motion that is in order is that the petition be received, and if necessary that it be referred to the CEO for action?*
- A3 When the petition is presented to Council for voting on, the only motion that may be presented is that *“the petition be received, and if necessary, that it be referred to the CEO for action.”*
- Q4 *Why wouldn't an elector interpret the wording of 5.11(2)(b) to mean that a City of Joondalup fully compliant petition will automatically be received into Council?*
- A4 The City is unable to comment on how individuals may interpret particular clauses of the City's Meeting procedures.
- Q5 *When is the City of Joondalup bringing a report to Council on online petitions?*
- A5 A report was presented to Council at its meeting held on 28 February 2023.

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

M O'Byrne, Kinross:

Re: Personal Explanation - City of Joondalup Meeting Procedures Local Law 2013.

- Q1 *Where in the City of Joondalup's Meeting Procedures Local Law 2013 is there an authorisation for an Elected Member to bypass the regulatory requirements of 7.16 subsections (1), (2) and (3) to make a personal explanation apology at the end of an Ordinary Council Meeting when no Elected Member is speaking?*
- A1 Mayor Jacob responded that a member who wishes to make a personal explanation, relating to a matter referred to by another member, must indicate to the Presiding Member their intention. Under 7.16 (2) it is the Presiding Member who determines whether the personal explanation is to be heard either immediately or at the conclusion of speech by another member, and then (3) goes on to say it must be a succinct statement.
- Q2 *Why did the City's Presiding Member cease the practice of making a routine 7.16 personal explanation apology at the end of each Ordinary Meeting of Council mid-year 2022?*
- A2 Mayor Jacob responded that multiple members make personal explanations at various times, though not as a matter of routine. Elected Members make personal explanations when they feel there is something they should make a personal explanation for.

S Boylan, Mullaloo:

Re: CJ056-04/23 – Ocean Reef Sea Sports Club – City Contribution.

Q1 How will the 160,000 residents who are not part of the (private) Ocean Reef Sea Sports Club benefit from council rates being contributed towards the project?

A1 Mayor Jacob responded that the Ocean Reef Sea Sports Club is open for all residents to join, and other clubs such as the Joondalup City RSL also use the facility. The project has a long history over 17 years in the making, with a level of community support not seen before. Members of the community see the benefit in different ways, and based on the strong support, it is beyond question that the community do see benefit.

Q2 When the Mayor and the Councillors use the term “world class precinct” when describing the Ocean Reef Marina, what is it about this marina that makes it world class and sets it apart from other marinas in the state?

A2 Mayor Jacob responded that the level of community support for the grand scale and ambition of the project is greater than anything seen before. In terms of it being world class, it is a marina without a peer in that it has a far broader and deeper harbour access than other marinas.

M Kwok, Ocean Reef:

Re: Planning Legislation – Restrictions relating to Service Stations.

Q1 Is there any restriction in legislation relating to the distance of a service station from schools?

A1 The Director Planning and Community Services responded that no specific set back or buffer distance between service stations and schools are known under planning legislation. There is an EPA guidance note that provides indication, but none are known of under planning legislation.

PUBLIC STATEMENT TIME

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

P Gallagher, Ocean Reef:

Re: CJ056-04/23 – Ocean Reef Sea Sports Club - City Contribution.

Mr Phil Gallagher spoke in support of funding for the Ocean Reef Sea Sports Club. Mr Gallagher explained the benefit to the community which the club provides to both members and non-members by describing previous club trips. One trip facilitated by the club was to the Buccaneer Archipelago in the Northwest, involving 14 families and two sea rescue boats. At the town of Derby both members, non-members and indigenous Australians came together. Mr Gallagher detailed the extensive sightseeing that was included and noted that the trip was revisited 20 years later.

Mr Gallagher emphasised that many other trips over the years have fostered community involvement of both members and non-members in sailing training, dive training, fishing clinics and family activities.

Mr Gallagher noted that the RSL joined the facility in 2006 and many volunteers and non-members have been involved, as will be seen on Anzac Day. Mr Gallagher urged ratepayers to support the community minded Ocean Reef Sea Sports Club.

R Green, Currambine:

Re: CJ056-04/23 – Ocean Reef Sea Sports Club - City Contribution.

Mr Rick Green spoke on behalf of the interests of the Joondalup City RSL and emphasised the importance of funding for the Ocean Reef Sea Sports Club that is required. Mr Green stated that the club building serves as home for a growing community and supports important social activities for residents.

Mr Green described the role of the RSL as providing support to veterans, continuing patriotic duty and the spirit of mateship, maintaining traditions and honouring those who have served and those that have paid the ultimate sacrifice.

Mr Green stated that a new building at the Ocean Reef Marina, alongside a memorial, may become a beacon for the community on special commemorative days such as Anzac Day and Remembrance Day. Mr Green noted that currently over 3500 people attend on Anzac Day, which is the second biggest dawn service in Perth. Mr Green emphasised the need for a new space and facility that can accommodate the growing population.

K Wood, Joondalup:

Re: CJ056-04/23 – Ocean Reef Sea Sports Club - City Contribution.

Mr Ken Wood addressed the Council on behalf of Mr Andy Cass, a member of the Ocean Reef Sea Sports Club for over 30 years who could not be present and read his written statement.

The statement expressed the valuable sense of community and support shown to his family by members of the Ocean Reef Sea Sports Club. Having migrated to Western Australia from the United Kingdom in 1999, the Cass family were keen to experience a coastal lifestyle but were only able to fully appreciate this through the support of the Ocean Reef Sea Sports Club.

Mr Cass' statement described that the club provided family-oriented events and safe access to local power boating, sailing, fishing and diving. Mr Cass' statement summarised the way club membership provided a sense of community and a network for the exchange of advice and assistance.

Cr Logan left the Chamber at 6.44pm and returned at 6.47pm.

G Cowcher, Woodvale:

Re: CJ050-04/23 – Notice of Motion – Dementia Programming.

Mr George Cowcher spoke in support of the dementia programming recommendations and described personal experiences of volunteering in aged care facilities to illustrate the importance of being a caring community.

Mr Cowcher reflected on a 56-year-old woman with Huntington's disease and dementia who bonded with Mr Cowcher through reminiscing over Elvis books, songs and movies. Another story involved an 88-year-old woman with early-stage dementia who would chat enthusiastically while examining photo albums and reminiscing over her time living in Egypt, the Netherlands and Central Africa.

In both instances, Mr Cowcher emphasised the power of reminiscence to engage the aged care patients in social interaction and improve the quality of their lives.

Mr Cowcher noted that many people live with dementia within the community, not just in care facilities, who would benefit from elements such as memory cafes or memory bags. Mr Cowcher trusted that the City will show compassion and support the dementia programming recommendations.

S Boylan, Mullaloo:

Re: CJ056-04/23 – Ocean Reef Sea Sports Club - City Contribution.

Ms Susan Boylan spoke in opposition to the City providing extra funding for the Ocean Reef Sea Sports Club. Ms Boylan outlined that since 2009 ratepayers have contributed at least \$6 million to the development of the Ocean Reef Marina precinct, and the Ocean Reef Sea Sports Club looks to require a further \$3 million of ratepayer funding.

Ms Boylan raised concerns that ratepayers do not receive any added benefit in exchange for this funding, as ratepayers have no ownership of the project. Instead of benefits conferred, Ms Boylan listed losses such as the loss of coastal land, an abalone reef, three surf breaks, limestone cliffs and bush forever land.

Ms Boylan suggested that DevelopmentWA should bear the burden of the cost for a new building.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence Previously Approved

Cr Christine Hamilton-Prime 1 April to 22 May 2023 inclusive.
Cr Suzanne Thompson 19 to 23 April 2023 inclusive.

C034-04/23 REQUEST FOR LEAVE OF ABSENCE – CR NIGE JONES AND CR JOHN LOGAN

MOVED Cr May, SECONDED Cr Thompson that Council APPROVES the following request for Leave of Absence from Council duties for:

- 1 Cr Nige Jones covering the period 21 May to 29 May 2023 inclusive;**
- 2 Cr John Logan, covering the period 13 to 21 May 2023 inclusive.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

CONFIRMATION OF MINUTES

C035-04/23 MINUTES OF ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2023

MOVED Cr Jones, SECONDED Cr May that the Minutes of the Ordinary meeting of Council held on 28 March 2023 be CONFIRMED as a true and correct record.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Home Away from Home for Haiti

Mayor Jacob announced that the City of Joondalup will play a role in one of the world's biggest sporting events, the FIFA Women's World Cup 2023, after Sorrento Football Club was selected as a Team Base Camp for the Haitian national team. Mayor Jacob noted that is the first time that Haiti has qualified for the tournament and we are delighted to host them in our City as they embark on their World Cup journey.

Mayor Jacob said Haiti will be based at Duncraig's Percy Doyle Reserve and will have exclusive use of the venue, including the clubrooms, changerooms and main pitch from 8 July to 5 August. Mayor Jacob said the facilities at Percy Doyle are world-class and will provide an outstanding team base camp environment. Mayor Jacob said the City completed extensive ground maintenance at the venue, including new reticulation and hybrid synthetic stitching. He said the venue is also home to new changerooms, which opened earlier this month, funded primarily by \$1 million from the State Government.

Mayor Jacob noted that most of us will be backing Australia in the World Cup and encouraged City of Joondalup residents to adopt Haiti as their second team.

New era begins at Chichester Park

Mayor Jacob announced that a commemorative plaque will be unveiled on Friday morning to mark the opening of the City's newest community sporting facility at Woodvale's Chichester Park.

Mayor Jacob said the two-storey building, which includes an undercover viewing area that overlooks the playing fields, is the centrepiece of a \$5.6 million redevelopment project that was undertaken by Geared Construction Pty Ltd over the past 14 months.

Mayor Jacob said the sleek modern facility will cater for the needs of male and female users, and the wider Woodvale community, for decades to come. He said it includes a meeting room, four change rooms, an umpires' change room and first aid room, toilets, kitchen and storage areas. Mayor Jacob confirmed additional parking bays, a new barbecue/picnic area and underground drainage for the southern playing field were incorporated into the project.

Mayor Jacob commended City of Joondalup Council for being bold enough to push ahead with this important project despite some challenges in the construction market. Mayor Jacob asserted that this foresight has resulted in a community asset we can all be very proud of.

Craigie Leisure Centre refurbishment

Mayor Jacob confirmed Stage 2 of the Craigie Leisure Centre refurbishment is nearing finalisation with practical completion expected soon. He said the second stage of works included the expansion of the gym from 500sqm to 1200sqm, a new wellness studio of 225sqm and new toilets / change rooms.

Mayor Jacob said this followed the successful completion of Stage 1 work, which incorporated a creche, group fitness studio, staff amenities, cycle studio and additional car parking.

Mayor Jacob shared that since opening in April 2022, these facilities have been well received by members of the centre and the wider Joondalup community.

Mayor Jacob said Stage 2 will open in early to mid-May, with an official opening scheduled for Saturday 20 May and urged residents to stay tuned for more updates through City publications and social media channels.

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

- CJ058-04/23 - Confidential – Mindarie Regional Council – Waste to Energy Tender

C036-04/23 MOTION TO CHANGE THE ORDER OF BUSINESS

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

- 1 **CJ058-04/23 - Confidential – Mindarie Regional Council – Waste to Energy Tender**

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

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

PETITIONS

C037-04/23 PETITION IN RELATION TO THE LEAFY CITY PROGRAM, WEST IN VIEW BOULEVARD, MULLALOO

A 41 signature petition has been received from residents of the City of Joondalup regarding the Leafy City Program in West View Boulevard, Mullaloo.

MOVED Cr May, **SECONDED** Cr Poliwka that the following petition be **RECEIVED, REFERRED** to the Chief Executive Officer and a subsequent report presented to council for consideration:

- 1 **A 41 signature petition has been received from residents of the City of Joondalup regarding the Leafy City Program in West View Boulevard, Mullaloo.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

REPORTS

Disclosure of Financial Interest

Name / Position	Cr Christopher May.
Item No. / Subject	CJ048-04/23 – Development and Subdivision Applications – February 2023
Nature of Interest	Financial Interest.
Extent of Interest	Cr May is the owner of one of the properties listed in Attachment 1.

Cr May left the Chamber at 6.58pm.

CJ048-04/23 DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENT	Attachment1 Monthly Development Applications Determined – February 2023 Attachment 2 Monthly Subdivision Applications Processed – February 2023
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’)

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during February 2023.

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 February 2023 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during February 2023 (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 February 2023 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	2	3
Strata subdivision applications	4	4
TOTAL	6	7

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

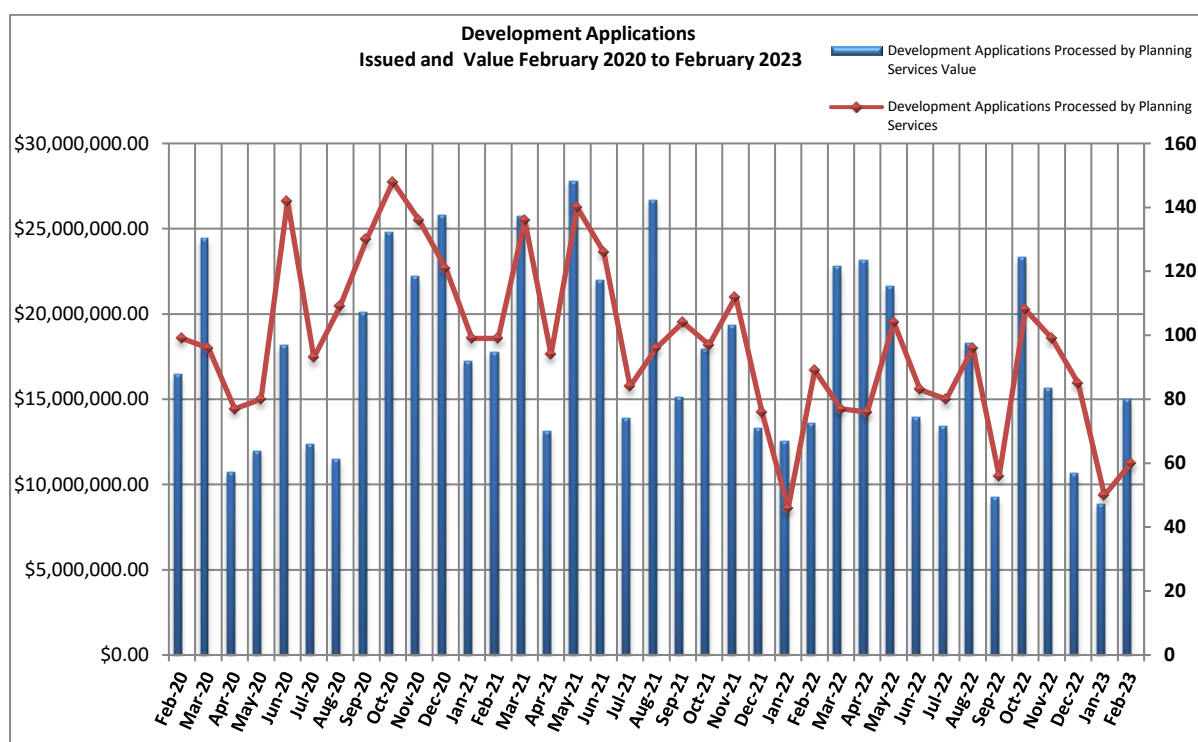
Development applications

The number of development applications determined under delegated authority during February 2023 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	60	\$14,968,565

Of the 60 development applications, 12 were for new dwelling developments in housing opportunity areas, proposing a total of 18 additional dwellings.

The total number and value of development applications determined between February 2020 and February 2023 is illustrated in the graph below:



The number of development applications received during February 2023 was 71.

The number of development applications current at the end of February was 139. Of these, 14 were pending further information from applicants and seven were being advertised for public comment.

In addition to the above, 162 building permits were issued during the month of February with an estimated construction value of \$16,384,632.63.

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 60 development applications were determined for the month of February with a total amount of \$50,699.30 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

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

- 1 Development applications described in Attachment 1 to Report CJ048-03/23 during February 2023;**
- 2 Subdivision applications described in Attachment 2 to Report CJ048/03/23 during February 2023.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

Cr May entered the Chamber at 7.00pm.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf230411.pdf](#)

CJ049-04/23 PROPOSED MULTIPLE DWELLING (NINE DWELLINGS) AT LOT 502 (11) TOTTENHAM ROAD, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	89563, 101515
ATTACHMENTS	Attachment 1 Approved plans (DA15/1248) Attachment 2 Development plans and perspectives Attachment 3 Location plan Attachment 4 Applicant's statement addressing SPP7.0 Attachment 5 Environmentally Sustainable Design Checklist Attachment 6 Applicant's site analysis Attachment 7 Assessment summary
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for development approval for nine Multiple Dwellings at Lot 502 (11) Tottenham Road, Joondalup.

EXECUTIVE SUMMARY

The City received an application for an extension of time and for minor amendments to a previous approval for eight Multiple Dwellings in June 2018. The original application was approved in 2016.

Since receiving the application in 2018, there have been substantial changes to the planning framework, including the adoption of the *Joondalup Activity Centre Plan* (JACP) and the introduction of Volume 2 of the *Residential Design Codes* (R-Codes) relating to Apartment Design. At the time that the (now expired) original application was approved (application DA15/1248), the development was subject to the requirements of the *Joondalup City Centre Development Plan* and Manual and the Draft *Joondalup City Centre Structure Plan*. These plans have since been replaced by the JACP.

The changes to the planning framework need to be taken into account when considering the current, extension of time application. These changes have resulted in ongoing communication with the applicant, in which the City identified several elements where the proposal fails to meet the relevant provisions of the JACP and the R-Codes. Areas of concern include building adaptability, car parking, landscaping, pedestrian access, appearance of the development and access to sunlight and ventilation. The plans were also presented to the City's Joondalup Design Review Panel (JDRP) who identified similar issues and do not support the proposal.

While some changes were made to address the JACP and R-Codes, which resulted in the addition of a dwelling, progress from the applicant in response to various requests for additional information from the City stalled following the onset of COVID-19. The State Government's State of Emergency declaration in response to the COVID-19 pandemic ended on 4 November 2022. Ongoing engagement with the applicant reveals that the applicant is still not in a position to address the issues raised by the City. The City has provided several opportunities to the applicant, over nearly five years, to submit further revised plans to address its concerns to no avail. The City has concluded that it is unlikely that further ongoing engagement will result in the provision of the necessary changes required by the City to address identified issues and therefore the application is now being presented to Council for determination.

The subject lot is zoned 'Centre' under the City's *Local Planning Scheme No. 3 (LPS3)* and is subject to the requirements of the JACP. Under the JACP the site is within the Health and Wellness Precinct and the land use 'Multiple Dwelling' is a discretionary ('D') use.

As the proposal includes the land use 'Multiple Dwelling', the City's administration does not have delegation to approve or refuse the application and therefore determination by Council is required. Based on the plans received to date, the proposal is not considered to meet the requirements of the current planning framework applicable to the application and it is therefore recommended that Council refuse the application.

BACKGROUND

In June 2018 the City received an application for an extension of time and minor amendments to a previously approved development for eight 'Multiple Dwellings', originally approved in 2016. Since the original approval was granted in 2016 the applicable planning framework has substantially changed with the implementation of the JACP in 2018 resulting in revocation of the structure plans over the Joondalup's 'Centre' zone, and the introduction of Volume 2 of the R-Codes relating to Apartment Design in 2019.

Despite the application being accepted in June 2018, soon-after this time the applicant provided further plans to the City in July 2018. Following receipt of the plans, the City's assessment identified a number of issues where the design failed to meet the requirements of the JACP, and subsequently requested additional information to address this.

At the applicant's request, the timeframe for providing the requested information was extended until May 2019. In granting this extension the applicant was advised of the forthcoming adoption of amendments to the R-Codes, which would further significantly alter the applicable planning framework. By the time amended plans were received in May 2019 to respond to requirements of the JACP, Volume 2 of the R-Codes also became operational. An assessment of the amended plans identified a number of issues that still existed where the design did not meet the requirements of both the JACP and R-Codes.

The City received subsequent sets of amended plans, which resulted in further modifications including an increase in the number of dwellings from eight to nine, however previous issues with the design remained largely unaddressed. To assist the applicant, City officers met with the project designer with a view to progress the design to a point where it could be presented to the JDRP, which occurred in January 2020 following receipt of further amended plans.

The JDRP identified a number of fundamental planning and design issues with the development, having regard to *State Planning Policy 7 – Design of the Built Environment*. Minutes were provided to the applicant outlining areas for improvement.

Following the JDRP review the applicant submitted concept plans (not formal amended plans) to address the comments provided by the JDRP. City officers met with the applicant to discuss the concepts and requested further information to undertake a complete planning assessment.

The City acknowledges the applicant made some changes to the proposal to address the City's concerns however, there has been no further information received since January 2020. On several occasions, the City has provided the applicant with the opportunity to submit additional information, however no further information has been submitted.

It is considered that sufficient support and time has been provided to allow the applicant to respond to outstanding matters. It is now the City's view that it is unlikely that further ongoing engagement will result in the provision of the necessary changes required to address these outstanding issues.

As such, the City believes it is now appropriate to determine the application based on the information received to date, with the only complete proposal received by the City being the design presented to the JDRP in January 2020 which is included as Attachment 2.

Suburb/Location		Lot 502 (11) Tottenham Road, Joondalup.
Applicant		Yenny Tan.
Owner		Yenny Tan.
Zoning	LPS	Centre.
	MRS	Central City Area.
Site area		500m ² .
Structure plan		Joondalup Activity Centre Plan.

DETAILS

Existing

The subject site is located within the 'Health and Wellness' precinct of the JACP, with 'Multiple Dwelling' a 'D' (discretionary) land use within this precinct. The site is currently vacant and bound by residential properties to the north and south, Tottenham Road to the east and McLarty Avenue to the west (Attachment 3 refers). Located 25 metres north of the subject site is Queensbury Park, and to the south, Lakeside Shopping Centre and Joondalup Train Station are approximately 350 metres and 700 metres away respectively. On-street paid car parking is available on both Tottenham Road and McLarty Avenue.

At its meeting held on 17 May 2022 (CJ062-05/22 refers), Council approved a five storey apartment building at the adjoining property to the south (9 Tottenham Road) which remains a valid approval. There are existing multiple dwellings further south at 7 Tottenham Road, with the remainder of the street occupied by two storey grouped dwellings.

The site has a Water Corporation sewer easement to the western portion of the lot which extends approximately 14 metres inwards from the McLarty Avenue boundary. Development over this easement is restricted, with only lightweight construction being permissible in this location. There is also an existing reciprocal vehicle access easement between the subject site and 9 Tottenham Road to the south, allowing each lot to gain access from McLarty Avenue via a shared crossover. A restrictive covenant is applicable to the site preventing vehicular access from Tottenham Road.

Proposed

The applicant is seeking an extension of time for the substantial commencement for DA15/1248, in addition to a number of modifications to the design which are captured in the table below:

Development aspect	DA15/1248	DA18/0591
Number and type of dwellings	Eight, two-bedroom dwellings.	Nine dwellings, with eight two-bedroom dwellings and one three-bedroom dwelling
Number of car bays	Eight, all accessed from McLarty Avenue	Nine: <ul style="list-style-type: none"> • Eight accessed from McLarty Avenue; and, • One accessed from Tottenham Road.
Number of storeys	Three	Four
Ground floor to ceiling height	2.743 metres	2.657 metres
Storeroom location	Distributed across all floors accessed from the communal stairwell.	All storerooms located at ground floor accessed from a common corridor.
Unit 1	One level	Two levels, with a ground floor and mezzanine.
Units fronting McLarty Avenue	Balconies matching the width of the internal living areas.	<ul style="list-style-type: none"> • Balconies extended full width of the dwellings, and incorporation of planter boxes. • Internal modifications to room layouts.
Fencing	<ul style="list-style-type: none"> • 2 metres facing Tottenham Road, solid to 0.685 metres. • 1.8 metres facing McLarty Avenue, solid to 0.857 metres. 	<ul style="list-style-type: none"> • 1.6 metres facing Tottenham Road, solid to 0.4 metres. • 2.4 metres to McLarty Avenue, visually permeable.
Materials	A mixture of rendered wall and facebrick with a steel roof carport.	Facebrick design with a steel roof carport.

The proposed development plans and perspectives are included in Attachment 2.

Joondalup Design Review Panel (JDRP)

The proposal was presented to the JDRP on 22 January 2020. A summary of the comments provided from the JDRP are included as follows:

- The proposed light wells will be ineffective once parapets are installed on the adjoining site.
- There is limited chance of air flow once the building on the south side is built.
- Combined laundries/ensuites are an unsuitable use of space.
- The walk-in-robos are very small and would be difficult to walk into.
- The development lacks any communal open space and lacks landscaping at the ground floor level. There is no attempt at deep soil zones or how they will be provided. It is suggested there is opportunity for addressing the street verge and driveways/front courtyard with landscaping.
- Material finishes present a harsh elevation with perspectives indicating a dark blockwork design with little articulation to the frontage or side elevations.
- The car bay on Tottenham Road is a poor outcome and is unworkable due to the existence of a restrictive covenant preventing vehicle access to the street.
- The entry point to the dwelling is not a good outcome being a long, tight corridor that appears unwelcoming and a poor outcome for safety without a pedestrian shelter.
- Requirement under the JACP for minimum ground floor ceiling height for adaptable buildings has not been met, noting the site is located in a mixed use area.
- No frontage to McLarty Avenue is a poor outcome and increases the dominance of vehicle parking along that street. There is potential opportunity for a frontage to McLarty Avenue with car parking behind the building alignment.
- There is a poor outlook for a number of the rear bedrooms (little light access).

A further design concept was provided to the City in March 2020 which sought to address the JDRP's comments above, however, was not a complete set of amended plans and, did not include the required information needed for the City to undertake an assessment. Therefore, the plans presented to the JDRP in January 2020 are those being presented to Council for consideration in Attachment 2.

Planning assessment

Based on matters considered through the State Administrative Tribunal (ALH Group Property Holdings PTY LTD and Metro Central JDAP) the following is to be considered when determining if a modification to a previous approval, including the extension of an approval period, is appropriate:

- Whether the planning framework has changed substantially since the development approval was granted.
- Whether the development would likely receive approval now.
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.
- Whether the time originally limited was adequate in all of the circumstances.
- Was the developer seeking to "warehouse" the approval.

The City has considered the application against the above criteria, highlighting the key areas where the development does not achieve the objectives of LPS3, the JACP and the R-Codes below, with the City's full assessment included in Attachment 7.

Whether the planning framework has changed substantially since the development approval was granted

As outlined above, the planning framework under which the original approval was issued has substantially changed, with the introduction of the JACP, *State Planning Policy 3.7 – Planning in bushfire prone areas* (SPP3.7) and Volume 2 the R-Codes (also known as the 'Apartment Code').

The JACP is the primary guiding document in assessing development within the Joondalup Activity Centre. The City's assessment of the previously approved application (DA15/1248) was undertaken against the provisions of the Joondalup City Centre Development Plan and Manual, and the Draft Joondalup City Centre Structure Plan, which were the structure plans over Joondalup's 'Centre' zone at the time. Both of these documents were replaced by the JACP which came into operation in 2018.

A summary of the City's assessment against the development provisions of the JACP and the R-Codes is included at Attachment 7. As the JACP was properly endorsed by the WAPC the requirements of the JACP apply in the event of any inconsistency with requirements of the R-Codes. It is noted that the JACP replaces some of the acceptable outcomes of the R-Codes and as such, the element objectives of the R-Codes remain relevant and are still required to be considered through the assessment.

The key design elements which do not meet the 'development standards' of the JACP and the suggested 'acceptable outcomes' of the R-Codes are discussed in further detail below:

Building height

Previous Planning Framework			Current Planning Framework	
Joondalup Development Plan	Draft Joondalup City Centre Plan	Expired Approval	Joondalup Activity Centre Plan	Current application
<i>Overall Building Height</i>				
3 storeys	2 – 5 storeys	3 storeys 9.515m	Minimum 13.5m	4 storeys Maximum 12m
<i>Minimum ground floor height</i>				
Not addressed	Not addressed	2.743m	4.5m ground floor	2.66m

The relevant objective of the JACP is outlined below:

- *Encourage buildings and development that are able to adapt to changing economic, technological, environmental and social conditions.*

The relevant objective from the R-Codes is provided below:

O2.2.1 The height of the development responds to desired future scale and character of the street and local area, including existing buildings that are unlikely to change.

While the revised design presented by the applicant proposes to increase the overall building height by one storey (2.485 metres), it does not meet the minimum height prescribed by the JACP. In addition, the revised design includes a reduced ground floor height despite the JACP requiring a minimum 4.5 metre ground floor height.

Clause 1.4.4 Building heights of the JACP states that buildings shall comply with the minimum building heights, however, parts of a building may be developed at a lesser height provided the proposed development:

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

The proposed development does not meet either scenario described in clause 1.4.4 of the JACP and therefore the discretion for building height cannot be considered against this part of the planning framework.

To consider whether the development responds to the desired future scale and character of the area, it is important to understand the site context. The subject site is within the 'Health and Wellness' precinct of the JACP, which connects the HBF Arena on the western side of Joondalup Drive with the Joondalup Health Campus on the eastern side of Grand Boulevard. The precinct is intended to provide a mix of residential, mixed use and non-residential development. The area bounded by McLarty Avenue to the west, Shenton Avenue to the south and Grand Boulevard to the north is generally intended to be residential and mixed-use development with a minimum height of 13.5 metres and maximum height of 20.5 metres.

The subject lot has a dual frontage to both Tottenham Road and McLarty Avenue. Tottenham Road is approximately 130 metres in length, with existing development including two storey grouped dwellings (No's 5 & 15) and a three storey multiple dwelling development (No. 7). Development approval was issued in May 2022 for a five storey 'Multiple Dwelling' development at 9 Tottenham Road which abuts the southern boundary of 11 Tottenham Road. Development adjacent to Tottenham Road comprises of one and two storey dwellings.

In this context, the proposed four storey building achieves a balance between existing/approved development along Tottenham Road (between two and five storeys) and the intended building height within the 'Health and Wellness' precinct (13.5 metres). The City is of the view that while the four storey height of the development is consistent with the streetscape (existing and emerging) along Tottenham Road, the proposed floor to ceiling height of the ground floor limits the ability for the development to be adapted for retail/commercial use in the future which is an objective of the JACP. If the ground floor ceiling height was increased to 4.5 metres, this would in turn increase the overall building height to 13.84 metres which is above the intended minimum building height for this location.

The development is therefore not considered to achieve the objectives of the JACP in relation to building height.

Car parking and access

Previous Planning Framework			Current Planning Framework	
Joondalup Development Plan	Draft Joondalup City Centre Plan	Expired Approval	Joondalup Activity Centre Plan	Current application
<i>Car bays required</i>				
8 bays (no visitor bay requirement)	8 bays (no visitor bay requirement)	8 bays	9 resident bays and 3 visitor bays	9 resident bays
<i>Bicycle parking required</i>				
Not addressed	Not addressed	0 bays	5 resident bays and 1 visitor bay	0 bays
<i>Location of car parking</i>				
Not addressed	Not addressed	0m to McLarty Avenue	3 metre setback from a street with landscaping and/or screening	0 metres to McLarty Avenue and Tottenham Road. No landscaping or screening

The relevant objectives of the JACP are as follows:

- *Provide car parking commensurate with the road network capacity.*
- *Create an attractive city centre that sets Joondalup apart through the use of high-quality design, materials, street furniture, public art, landscape and the retention of vegetation where appropriate.*
- *Consolidate car parking, encourage reciprocal public use and consolidate access to reduce the dominance of cars in the urban landscape.*
- *Provide safe and attractive streets and public places to enhance the pedestrian experience throughout JAC.*
- *Reduce transport conflict by providing dedicated cycle lanes, footpaths separated from vehicles and minimal vehicle crossovers in the city centre.*
- *Promote short-term, public on-street car parking in highly accessible areas.*

The relevant objectives of the R-Codes are as follows:

03.9.1 Parking and facilities are provided for cyclists and other modes of transport.

03.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.

03.9.3 Car parking is designed to be safe and accessible.

03.9.4 The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.

The applicant is proposing nine car parking bays, including one car parking bay for Unit 1 accessed from Tottenham Road, and the remaining eight bays accessed from McLarty Avenue.

There is a restrictive covenant preventing vehicle access to the site from Tottenham Road meaning that the car bay associated with Unit 1 accessed from Tottenham Road cannot be achieved. In addition, the City considers that there is insufficient manoeuvring space to provide safe and proper access for car bay 2 due to a conflict with the cleaner's store. There is insufficient space in the McLarty Avenue car parking area to provide any additional bays and as a result the number of on-site bays that can actually be provided on-site is only seven. While discretion can be considered to vary the on-site visitor parking requirements prescribed by the JACP given the proximity to on-street parking and Joondalup Train Station, the City considers that the development should provide one car parking bay per dwelling, particularly given each dwelling has at least two bedrooms. The City is of the view the development provides insufficient parking bays for the number of residents, and that the design of the proposed parking does not result in safe and accessible bays (car bays 1 and 2). This is contrary to the objectives of the JACP and R-Codes and therefore not supported.

The site also has an existing reciprocal access easement associated with it, located in the southwestern corner of the subject site, abutting McLarty Avenue and 9 Tottenham Road. The purpose of this easement is to ensure that vehicle access for the subject site and 9 Tottenham Road avoids conflict with existing street tree islands located within the road reserve. The intended outcome is that one centrally located crossover would service both lots, with vehicles having reciprocal rights of access over both lots within the easement area for the purpose of manoeuvring. The proposal includes a 6.4 metre wide crossover and driveway which functions as its own access, without allowing reciprocal access within the easement to take place, given the proposed dividing fence that extends along the southern boundary, extending through the easement area. Given this, the design of the site's vehicular access from McLarty Avenue is not supported.

The JACP requires parking areas to be set back three metres from a street, with screening or a landscaping buffer. The design of the car parking area from McLarty Avenue does not provide sufficient space for landscaping and does not incorporate any screening. The City notes the recently approved apartment building to the south of the subject site at 9 Tottenham Road included a landscape buffer of 1.5 metres in width to McLarty Avenue, which facilitated the inclusion of three on-site shade trees which demonstrates a landscape buffer can be achieved through design. The City considers the design of the car parking area will negatively impact on the streetscape particularly given there is no ability for any landscaping to be provided in this area. This is contrary to the objectives of the R-Codes and therefore not supported.

Street setbacks

Previous Planning Framework			Current Planning Framework	
Joondalup Development Plan	Draft Joondalup City Centre Plan	Existing Approval	Joondalup Activity Centre Plan	Current application
Nil preferred	No min or max	<u>Tottenham Road</u> 0m to balconies 2.4m to living areas <u>McLarty Avenue</u> 0m to carport 12.5m – 15m	<u>Tottenham Road</u> Minimum: Nil Maximum: 3m <u>McLarty Avenue</u> No openings or balconies: Nil Openings and balconies: 4m	<u>Tottenham Road</u> 2.3m to Unit 1 6.49m to Store 1 <u>McLarty Ave</u> 0m to carport 20.7m to ground floor 12.7m to balconies and 15m to upper floor

The relevant objectives of the JACP are outlined as follows:

- *Promote buildings with scale and character that reflects JAC's status as the primary centre of the north-west sub-region.*
- *Provide safe and attractive streets and public places to enhance the pedestrian experience throughout JAC.*
- *Encourage buildings that have a well-considered relationship to the street, enabling the city to become more intense and active while retaining a human scale.*

The relevant objectives of the R-Codes are provided as follows:

O2.4.2 Building boundary setbacks are consistent with the existing streetscape pattern or desired streetscape character.

O2.4.3 The setback of the development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of the area, and support tree canopy and assist with stormwater management.

The intent of the JACP street setbacks to Tottenham Road is to create a consistent urban form where buildings have a well-considered relationship to the street. Existing development fronting Tottenham Road is set back between zero to three metres. The setback to Unit 1 is 2.3 metres to Tottenham Road, however, due to the proposed car parking bay off Tottenham Road the remainder of the ground floor is setback 6.49 metres. This is inconsistent with the existing and desired streetscape pattern and will result in a building that does not have a well-considered relationship to the street. This is contrary to the objectives of the JACP and R-Codes and therefore the proposed primary street setback to Tottenham Road is not supported.

In relation to the McLarty Avenue setback, it is noted the JACP requires a rear setback of 4 metres. It is important to note the subject lot is affected by a Water Corporation easement which extends approximately 14 metres inwards from the McLarty Avenue boundary. Development over this easement is restricted and it would not be possible to meet the rear setback requirements of the JACP. As a result of this easement, existing development along McLarty Avenue is set back between 11.5 metres and 15.7 metres from the street boundary.

The proposal has balconies associated with the west-facing dwellings set back 12.7 metres from the McLarty Avenue boundary, with the dwellings themselves set back 15 metres. It is considered that the street setbacks of the proposal to McLarty Avenue are consistent with the existing streetscape pattern and is therefore considered appropriate.

Street interface

Previous Planning Framework			Current Planning Framework	
Joondalup Development Plan	Draft Joondalup City Centre Plan	Existing Approval	Joondalup Activity Centre Plan	Current application
<i>Sill height</i>				
Max 0.5m above FFL	N/A	0.9m above FFL	N/A requirements removed	N/A
<i>Glazing</i>				
50% glazing	50% glazing	45.95% glazing	N/A does not apply to subject lot	N/A
<i>Surveillance</i>				
N/A	Passive surveillance required	Street facing balconies	Passive frontage to ground floor	Living areas at all levels provide surveillance

Previous Planning Framework			Current Planning Framework	
<i>Pedestrian entry</i>				
Clear identity and directly accessible from a public street	Clearly identifiable from street	Courtyard gates and front doors visible	Primary entrances visible from public realm, provide pedestrian shelter and accessed directly from primary frontage	Main pedestrian entrance located down narrow path, no shelter
<i>Fence heights</i>				
Max solid portion: 0.75m Visually permeable to 1.8m	Max solid portion: 0.75m Visually permeable to 1.8m	Tottenham Road Solid to 0.685m Permeable to 1.8m McLarty Avenue Solid to 0.857m Permeable to 1.8m	Fence height to public road – 1.2m and visually permeable	Tottenham Road Solid to 0.4m Permeable to 1.6m Gates: no solid portion McLarty Avenue Permeable to 2.4m

The relevant objective of the JACP is:

- *Encourage buildings that have a well-considered relationship to the street, enabling the city to become more intense and active while retaining a human scale.*

The proposed development does not meet the JACP in the following areas:

- Primary entrance point; and
- Fence heights.

Pedestrian entrance

In considering the pedestrian entrance, the relevant objectives of element 3.7 Pedestrian access and entries are as follows:

03.7.1 Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.

03.7.2 Entries to the development connect to and address the public domain with an attractive street presence.

The location of the main pedestrian entrance to the development remains from Tottenham Road and is not proposed to be changed from the expired approval. The main entry is provided via a footpath from Tottenham Road to the entrance door, which is set back 6.3 metres from the property boundary. The footpath is 1.5 metres in width. An entrance gate provides direct entry to the courtyard for Unit 1 on the ground floor. Pedestrian entry to the building is also available from the rear (accessible from McLarty Avenue), however this is considered to more likely be used by residents accessing the building from the car park rather than visitors.

The JDRP considered the Tottenham Road pedestrian entrance and described it as a long, unwelcoming tight corridor and a poor outcome, that offers little safety and no pedestrian shelter. The JDRP further noted that the communal bin storage area is directly visible to pedestrians as they enter through this door which offers poor amenity. As the primary pedestrian entrance from Tottenham Road, the entry point should have greater visibility, be more welcoming and provide shelter for pedestrians.

The City does not consider the Tottenham Road pedestrian entrance meets the objectives of the R-Codes as it is not easy to identify and safe for residents and visitors, nor does it connect well with the public domain or provide an attractive street presence.

Fence heights

In considering the proposed fence heights, the relevant objectives of element 3.6 Public domain interface are as follows:

O3.6.1 The transition between the private and public domain enhances the privacy and safety of residents.

O3.6.2 Street facing development and landscaping design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.

The expired approval incorporated two ground floor units fronting Tottenham Road, each being provided with a fenced courtyard with the fence being solid to 0.69 metres and visually permeable to 1.8 metres. The revised development proposes a single unit fronting Tottenham Road, and a car parking bay. The applicant is proposing a 1.63 metre high visually permeable gate to the proposed car parking bay in addition to gates accessing the Unit 1 courtyard and main pedestrian entrance, and a fence to the outdoor courtyard for Unit 1 that is solid to 0.4 metres and visually permeable to 1.6 metres.

The proposed fence to the Unit 1 courtyard does allow surveillance of and activation with the public realm, in addition to providing safety and privacy to the occupants and therefore meets the objectives of element 3.6 of SPP 3.7. The City does not support the proposed 1.6 metre gate screening the car parking bay however this is further discussed under the Car parking and access heading below.

An existing reciprocal access easement is located in the southwestern corner of the subject site, abutting McLarty Avenue and 9 Tottenham Road. The development proposes a dividing fence along the southern boundary adjacent to the carpark through the easement area. The City is unable to support the proposed fence within the car parking area as this will compromise the easement, which must remain free of obstructions.

The expired approval proposed a 1.8 metre high fence to McLarty Avenue, comprising of a solid portion of wall to 0.86m and visually permeable to 1.8 metres. A visually permeable sliding gate to 1.8 metres was proposed to provide access to the car parking area. The revised plans propose a 2.4 metre high visually permeable fence and sliding gate to McLarty Avenue. The proposed fence height of 2.4 metres is inconsistent with existing fencing treatment along McLarty Avenue which is up to 1.8 metres in height. The height of 2.4 metres is therefore considered to be inconsistent with the existing streetscape and contrary to the intent of the provisions of the JACP. This fence is further exacerbated by the lack of landscaping in the rear setback area, which as discussed in the 'car parking and access' and 'street setbacks' sections of the planning assessment above, is also not considered appropriate.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (R-Codes)

Tree canopy and deep soil area

Element 3.3 Tree canopy and deep soil area objectives states:

- O 3.3.1 Site planning maximises retention of existing healthy and appropriate trees and protects the viability of adjoining trees.*
- O 3.3.2 Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.*
- O 3.3.3 Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.*

The landscaping provision for the expired approval comprised of planter boxes in the pedestrian entrance from Tottenham Road. The amended plans for consideration propose landscaping in the form of balcony planters for the units facing McLarty Avenue only, totalling 8.1m² of planting area. There are no deep soil zones proposed at ground level.

The acceptable outcomes suggest that for a lot size of 500m², 50m² of deep soil area and one medium tree should be provided on-site. The R-Codes further state that where the required landscaping cannot be provided due to site restrictions, planting on buildings including rooftops or balconies can be provided with an area equivalent to two times the shortfall in deep soil area provided. This would equate to 100m² given the absence of any landscaping at ground level.

The element objectives require deep soil areas and landscaping to be capable of supporting tree growth. The proposed planter boxes are 0.8 metres in width, individually measuring 1.2m² in area, they are not considered as 'deep soil area' under the R-Codes, nor are they suitable for supporting tree canopy given they do not provide sufficient space for root growth and are located underneath the balcony roof. The City is of the view the amount of landscaping proposed does not meet the element objectives of the R-Codes as is not of a sufficient area (size) or volume to enable healthy plant and tree growth.

Solar and daylight access

Element 4.1 Solar and daylight access objectives states:

- O 4.1.1 In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 Windows are designed and positioned to optimise daylight access for habitable rooms.*
- O 4.1.3 The development incorporates shading and glare control to minimise heat gain and glare:*
 - from mid-spring to autumn in climate zones 4, 5 and 6 AND*
 - year-round in climate zones 1 and 3.*

The acceptable outcomes suggest that every habitable room has at least one window with a glazed area not less than 10% of the room's floor area. External shading devices should also be provided to rooms with a northern orientation to limit heat gain in summer. This could be conditioned in the event the application is approved.

Three units within the development (Units 3, 6 and 9) meet all solar and daylight access acceptable outcomes, being the three west-facing apartments. Additionally all of the main living areas within the development meet window size requirements. However, all bedrooms in Units 1, 2, 4, 5, 7 and 8 do not meet minimum window size requirements with window sizes ranging from 3.2% to 12.35% of the floor area. Reduced window sizes will limit the amount of natural light available to these habitable rooms. In addition, external shading devices are also not proposed across any of the windows on the northern elevation, which will limit the ability to control heat gain in summer months.

In light of the above, and based on the information provided by the applicant, the proposal does not meet the element objectives as it has not designed and located bedroom windows for optimal access to daylight, nor incorporated adequate shading to limit heat gain.

Natural ventilation

Element 4.2 Natural ventilation objectives states:

- O 4.2.1 Development maximises the number of apartments with natural ventilation.*
- O 4.2.2 Individual dwellings are designed to optimise natural ventilation of habitable rooms.*
- O 4.2.3 Single aspect apartments are designed to maximise and benefit from natural ventilation.*

The acceptable outcomes suggest that 60% of dwellings should be capable of cross ventilation. The proposal includes 67% of dwellings being capable of cross ventilation, which meets the acceptable outcome. However, in reviewing the development, the JDRP commented that access to cross ventilation for the southern units may be problematic as a number of windows located close to the lot boundaries may need to be fixed, rather than openable in order to meet Building Code fire separation requirements. Similarly the Unit 1 bed 2 window faces onto a communal stairwell, and for the same reason may be required to be a fixed window, limiting cross ventilation.

The design guidance for this element emphasises the importance of accounting for fire considerations in a development's planning phase. In this regard, windows required for ventilation may, due to fire considerations, be rendered unopenable or removed altogether, particularly where opening onto a fire escape.

It is therefore considered that although some apartments are capable of cross ventilation, the development does not meet the element objectives as individual dwellings are not designed to optimise natural ventilation of habitable rooms as outlined above. Further information would be required from the applicant in order to fully assess this element.

Façade design

Element 4.10 Face design objectives states the following:

- O 4.10.1 Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.*
- O 4.10.2 Building façades express internal functions and provide visual interest when viewed from the public realm.*

The façade of the building has changed from a mix of rendered brick and face-brick (expired approval) to a face-brick façade. The JDRP expressed concern that the material finishes for the development presented a harsh dark blockwork elevation, with little articulation to the frontage or side elevations. The existing and approved developments within the immediate streetscape consist of brick rendered or a mix of brick render and face-brick designs with contrasting colours.

Under the previous planning framework façade design was required to:

- utilise exterior building materials of a robust nature, which are durable and resistant to vandalism
- incorporate materials and colours that recognise the local environment.

The original application was considered to meet these standards and was approved in accordance with Attachment 1.

While the City acknowledges that face-brick is a commonly used material in the surrounding area, other developments have incorporated a mix of materials and colours which add character and depth to their facades. The City is of the view the development does not meet the element objectives of the R-Codes as the lack of variation in materiality and colour, and minimal articulation incorporated into the street facades does not provide visual interest when viewed from the public realm or respect and reference the local character.

State Planning Policy 3.7 – Planning in bushfire prone areas

The original application (DA15/1248) was submitted by the applicant with a bushfire attack level assessment undertaken by an accredited bushfire assessor dated 12 May 2016. The report indicated that due to the setback of the main building from McLarty Avenue, the development was able to meet the requirements of SPP3.7.

Relevant to the current application, is that a bushfire report is valid for a period of 12 months, and to date, an updated bushfire report has not been provided. However given that the nature of the adjoining bushland remains largely unchanged, and the setback of the development to McLarty Avenue also remains unchanged, the City considers that the proposal capable of addressing the requirements of SPP3.7. If Council were to consider approving the proposed development, a condition for an updated bushfire attack level assessment prior to construction should be included.

Whether the development would likely receive approval now

Since the original approval was granted in 2016 the planning framework applicable to Multiple Dwellings in Joondalup's Centre Zone has altered from the Joondalup Development Plan and Manual, and the Draft Joondalup City Centre Structure Plan to the JACP, as well as the R-Codes.

In addition to the extension of time proposed, several modifications to the development have also been made, with some of these changes having been made in response to the current planning framework. The application has been considered against the development standards of the JACP and the R-Codes and is not considered to meet the objectives of each, as set out above.

On this basis, if submitted now as a new application it is considered that the development would not receive approval.

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

Since the time of the previous approval being granted the City has no record of any progress being made regarding the implementation of that approval, besides from the extension of time application subject of this report.

It is therefore considered that during the time between the previous approval being granted and the current application being lodged, the holder of the development approval was not active in pursuing implementation of the development approval based on the above.

Whether the time originally limited was adequate in all of the circumstances

Prior to COVID-19 development approvals were generally subject to a two year approval period. In response to the COVID-19 pandemic the state government granted a blanket two year extension for any approvals that remained valid in April 2020. This was in response to problems commonly felt by the development industry including financial pressures and issues associated with acquiring materials/trades.

The previous approval granted in 2016 was not subject to this extension of approval period, having lapsed in July 2018, and therefore the approval period of two years initially granted is considered appropriate.

Was the developer seeking to "warehouse" the approval

Warehousing has been interpreted as obtaining permits with no intention of acting on these approvals. Given the limited amount of information supporting an intention to act on the approval as outlined above, it is unclear whether the developer is seeking to "warehouse" the development in this instance.

Issues and options considered

Council may determine an application for development approval by:

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

Legislation / Strategic Community Plan / Policy implications

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

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 *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7).
State Planning Policy 4.2: Activity Centres (SPP4.2).
State Planning Policy 7.0 – Design of the Built Environment.
State Planning Policy 7.3 – Volume 2 – Apartments (R-Codes).
Joondalup Activity Centre Plan (JACP).*

Local Planning Scheme No.3

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

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

Joondalup Activity Centre Plan

The overall objectives of the JACP that relate to urban form are as follows:

- Create an identifiable and unique civic heart that is enlivened and activated through a series of connected city squares. each with a unique character and function.
- Create an attractive city centre that sets Joondalup apart through the use of high-quality design, materials, street furniture, public art landscape and the retention of vegetation where appropriate.
- Promote buildings with scale and character that reflects JACs status as the primary centre of the north-west sub-region.
- Encourage development at gateways to the city to enhance arrival and contribute to the city’s character and identity.
- Encourage increased development intensity, building scale and design quality along transport corridors to appropriately frame the city centre
- Encourage buildings and development that are able to adapt to changing economic, technological, environmental and social conditions.
- Encourage buildings that have a well-considered relationship to the street enabling the city to become more intense and active while retaining a human scale.
- Enhance the natural environment and emphasise the existing ‘bush’ identity and landscape quality throughout the JAC.

The objectives of the Health and Wellness Precinct are as follows:

- Establish Shenton Avenue as the northern gateway to JAC and as a multi-modal east-west connection linking Joondalup Arena and Joondalup Health Campus.
- Encourage more intense development on both sides of Joondalup Drive and Grand Boulevard.
- Improve pedestrian connectivity between Joondalup Arena and Joondalup Health Campus.
- Establish Kennedy Drive as an east-west connector for all transport modes.
- Establish a centrally located community focal point or neighbourhood centre to serve the residential community in the precinct.
- Encourage mixed use development throughout the precinct by focusing street base non-residential activity around the neighbourhood centre/community focal points, along Grand Boulevard, and surrounding key institutions such as the Joondalup Health Campus and Private Hospital.

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

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

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

State Planning Policy 7.3 Residential Design Codes Volume 2 - Apartments

The overall policy objectives for Multiple dwellings are as follows:

- To provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives.
- To encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context.
- To encourage design that considers and respects local heritage and culture.
- To facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.

The overall policy objectives for the planning, governance and development processes are as follows:

- To encourage design that is responsive to site, size and geometry of the development site.
- To allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives.
- To ensure clear scope for scheme objectives to influence the assessment of proposals.
- To ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's Environmentally Sustainable Design Checklist (Attachment 5 refers) to the extent that is applicable to the development. The applicant has indicated that the following characteristics are factored into the development:

- Development includes:
 - Northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west
 - Passive shading of glass
 - Sufficient thermal mass in building materials for storing heat
- Development is to incorporate:
 - Renewable energy technologies
 - Natural and/or fan forced ventilation

Consultation

Community consultation was not undertaken for this application. The City considered that advertising the proposal was likely to cause unnecessary confusion in the community given the extent of issues which were identified through assessment of the proposal against the planning framework and comments from the City's JDRP, and the applicants lack of response to multiple requests for revised plans to address the issues raised.

COMMENT

The application is for a time extension to a previous approval granted in 2016, including amendments to the design of the development. In determining whether an amendment to a previous approval is appropriate, the City has given due regard to the matters required to be considered that were established through the State Administrative Tribunal, which include the following:

- Whether the planning framework has changed substantially since the development approval was granted.
- Whether the development would likely receive approval now.
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.
- Whether the time originally limited was adequate in all of the circumstances.
- Was the developer seeking to "warehouse" the approval.

There have been significant changes to the planning framework since the original approval was issued, and the City's assessment has established that the development would be unlikely to receive approval now. The City considers that the applicant has not actively pursued implementation of the development approach due to their failure to respond to numerous requests to address the issues identified by the City. While some changes to the proposal have been made in an effort to address the requirements of the JACP and the R-Codes, further progress from the applicant stalled following the onset of COVID-19 and in turn, the City has not received additional information that might enable it to provide a favourable recommendation on the proposal. Given that the State Government's State of Emergency regarding Covid-19 ended in November 2022, the City has sought to bring the application to a resolution.

As the planning framework has substantially changed since the previous approval was granted, and given the proposed development is unable to meet the objectives of the JACP and the R-Codes, nor addresses the comments and recommendations provided by the JDRP; it is recommended that that application be refused.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Jones, SECONDED Cr May that Council REFUSES under clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 the application for an extension of time for substantial commencement and modifications to the development approval issued on 18 July 2016 (DA15/1248), submitted by Yenny Tan on 8 June 2018, for nine multiple dwellings at Lot 502 (11) Tottenham Road, Joondalup, for the following reasons:

- 1 There has been a significant change in the planning framework since the original approval was granted (DA15/1248) including the introduction of the *Joondalup Activity Centre Plan* and *State Planning Policy 7.3 Residential Design Codes Volume 2 (Apartment Design)*;**
- 2 The development would be unlikely to receive development approval now as it does not meet the objectives of the *Joondalup Activity Centre Plan* and *State Planning Policy 7.3 Residential Design Codes Volume 2 (Apartment Design)* as outlined below:**
 - 2.1 The ground floor height of 2.66 metres is insufficient to allow the building to adapt to changing economic, technical, environmental and social conditions;**
 - 2.2 The number of proposed on-site car parking bays cannot be achieved due to a vehicle access restriction from Tottenham Road and the accessibility of car bay 2 which is accessed from McLarty Avenue is compromised by the cleaner's store. There is insufficient room on-site to relocate these bays and therefore the number of on-site car parking bays that can be achieved will be insufficient to meet the requirements of residents;**
 - 2.3 The proposal conflicts with an existing easement allowing reciprocal right of access between the subject site and 9 Tottenham Road, for the purpose of providing vehicle access to the sites from McLarty Avenue via a centrally located crossover. The proposal includes its own crossover and a dividing fence within the easement area which is required to remain free of obstructions to allow reciprocal access to take place;**

- 2.4 The main car parking area has a nil setback to McLarty Avenue which will have a detrimental impact to the streetscape due to there being insufficient space to provide a landscaping buffer;
- 2.5 As a result of the proposed car parking bay accessed from Tottenham Road, the primary street setback is inconsistent with the existing and desired streetscape character;
- 2.6 The pedestrian entrance from Tottenham Road is set back down a long corridor and is not easy to identify or safe for residents and visitors, nor does it offer any shelter for pedestrians;
- 2.7 The 2.4 metre high fence along McLarty Avenue is inconsistent with the existing streetscape which comprises of fences with low solid portions and piers with visually permeable inserts to a maximum height of 1.8 metres;
- 2.8 The proposal does not incorporate sufficient space for landscaping or incorporate deep soil areas that will enable healthy plant or tree growth;
- 2.9 Bedroom windows in units 1, 2, 4, 5, 7 and 8 are not of a sufficient size to allow sufficient solar and daylight access;
- 2.10 The design of the development has not sufficiently considered cross ventilation;
- 2.11 The façade of the development has minimal articulation and lacks in materiality and colour and will negatively impact on the established streetscape.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ059-04/23, page 92 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf230411.pdf](#)

Disclosure of Interest affecting Impartiality

Name / Position	Cr John Chester.
Item No. / Subject	CJ050-04/23 – Notice of Motion - Dementia Programming.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester is a member and supporter of Alzheimer's WA.

CJ050-04/23 NOTICE OF MOTION - DEMENTIA PROGRAMMING

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Planning and Community Development
FILE NUMBER	59011, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the outcomes of the City's review of the current dementia-related programs and services provided by the City and to also consider the opportunities available for the City to provide additional dementia-related initiatives.

EXECUTIVE SUMMARY

At its meeting held on 15 November 2022 (C132-11/22 refers), Council accepted a Notice of Motion that requests the Chief Executive Officer to prepare a report to review the current dementia related programs and services provided by the City, while also investigating opportunities for the City to provide additional dementia related initiatives.

Dementia is not a single specific condition. It is an umbrella term for over 150 different conditions that gradually impair brain function and can result in changes with cognition, language, memory, perception, personality, behaviour, mobility and other physical impairments.

Dementia Australia estimate that approximately 400,000 Australians and 46,000 Western Australians (1 in 85) live with dementia. For people aged 65 years and over, it is estimated that almost 1 in 10 live with dementia.

The State and Federal Governments provide significant levels of funding to a number of service providers to provide support, advocacy, and care for not only those living with dementia, but also their carers, family and friends.

To complement or fill gaps in service provision, local service providers, community groups and local governments may provide services at a community level.

While the City of Joondalup currently provides a number of programs, services and activities which can be accessed by people living with dementia, there are opportunities for the City to further investigate service delivery gaps. This is proposed to occur through the City's upcoming community consultation efforts to develop its consolidated community plan, which is expected to replace the City's current *Age-Friendly Plan* and *Access and Inclusion Plan*. This community consultation process will take place in 2023-24 before the proposed consolidated community plan is presented for Council consideration in early 2024-25.

Beyond this, the City is preparing to trial two new activities in line with its *Age-Friendly Plan* in 2023-24, including a Memory Café and Memory Bag program. Both of these activities are expected to target and benefit people living with dementia and involve their families and carers.

It is therefore recommended that Council NOTES:

- 1 *the information provided on both the nature and prevalence of dementia, and the services currently available for people living with dementia, as well as their carers, family and friends;*
- 2 *that the City will undertake community consultation in 2023-24 in relation to the City's proposed consolidated community plan, and that this consultation will include a review and consideration of the City's approach to age-friendly communities, and access and inclusion;*
- 3 *that the City will trial the establishment of a Memory Café and Memory Bag programs within the City of Joondalup Libraries, specifically benefitting people living with dementia.*

BACKGROUND

At its meeting held on 15 November 2022, Council accepted a Notice of Motion (C132-11/22 refers) that requests the Chief Executive Officer to prepare a report to:

- 1 *Review the current dementia-related programs and services provided by the City;*
- 2 *Investigate, through engagement with relevant service providers and community groups, other local governments and other tiers of government what opportunities are available for the City to consider to provide additional dementia related initiatives.*

Dementia

Dementia is not a single specific condition. It is an umbrella term for over 150 different conditions that gradually impair brain function. It can result in changes with cognition, language, memory, perception, personality, behaviour and mobility. The most common types of dementia are Alzheimer's disease, vascular dementia, frontotemporal dementia, and Lewy body disease. It is more prevalent in people over 65 years, but it can be diagnosed at any age. The term 'younger onset dementia' is used to describe any form of dementia diagnosed in people under the age of 65.

It is difficult to determine the exact number of people living with dementia in Australia because there is no single authoritative data source for deriving dementia prevalence and different approaches are used to generate estimates. However, the Australian Institute of Health and Welfare (AIHW) acknowledges that dementia currently poses a substantial health, aged care and social challenge which is predicted to become an even bigger challenge in the future with an ageing and growing population.

The table below shows the different estimates of dementia prevalence with Australia and Western Australia, as well as the Census data from 2021 conducted by the Australian Bureau of Statistics (ABS).

	AIHW (2022)	Alzheimer's WA (2021)	Dementia Australia (2023)	ABS (2021)
Australia	401,300 (1 in 12 over 65)	472,000	400,000	189,162
Western Australia	37,963	44,300	46,000	17,616
City of Joondalup	N/A	N/A	N/A	1,002 (56 under 65)

2021 was the first time the ABS asked questions relating to long-term health conditions, including dementia, so results cannot be compared with previous years. The ABS acknowledges limitations with the Census as a source of long-term health condition data, more than likely resulting in under reporting due to self-reporting bias.

Additional information noted through the 2021 Census (ABS, 2022) includes the following:

- Dementia affects women (0.9 percent of the population) at a greater rate than men (0.6 percent).
- Median age of those living with dementia is 83 years (oldest of all long-term health conditions).
 - The next oldest is stroke (73 years) and heart disease (72 years).
- 43 percent of people living with dementia live in non-private dwellings.
 - A non-private dwelling includes hospitals, residential aged care facilities, aged care hostels, cared components of retirement villages and other 'homes' such as group homes for people with disability.
- People living with dementia had the greatest need for assistance with core activities compared to other long-term health conditions (81.9 percent).
 - Only 14.4 percent reported not requiring assistance with a core activity.

The AIHW have made calculations of dementia prevalence rates in Australia from 2010 to 2058. It shows a steady increase each year of around 10,000 diagnoses with 278,096 people living with dementia in 2010 and a predicted 849,331 people by 2058.

Based on key findings from the Dementia in Australia online compendium, the AIHW *Dementia in Australia 2022 Summary* report, states the following:

- Dementia is the second leading cause of disease burden in Australia, behind coronary heart disease (up from the third leading cause in 2021) and the leading cause of disease burden in Australians aged 75 and over. Burden of disease measures the impact of living with illness and injury and dying prematurely.
- It is the second leading cause of death in Australia (almost 14,500 deaths in 2020) and the leading cause of death for women (9,100 deaths in 2020).
- The number of deaths in Australia due to dementia rose from 35 deaths per 100,000 people in 2010 to 42 in 2019, before falling in 2020 to 38 per 100,000.
- Between 2012-13 and 2019-20, the number of scripts dispensed for dementia-specific medications rose by 43 percent (623,300 scripts to almost 64,600 people).

In 2014, the State Government provided funding to Alzheimer's WA to deliver the Dementia-Friendly Communities project, including developing *Guidelines for the Development of Dementia-Friendly Communities*. A dementia-friendly community can be defined as a place where people living with dementia are supported to continue living with meaning, purpose and value. Alzheimer's WA estimate that over 65 percent of people diagnosed with dementia live at home (which is comparative with the ABS findings of 43 percent of people with dementia living in non-private dwellings).

Results from the ABS 2018 Survey of Disability, Ageing and Carers (SDAC) found the bulk of care for people with dementia is provided by informal carers (relatives or friends). Providing support and opportunities for social connection for carers as well as the person living with dementia is equally important.

In consultation with people living with dementia and those that help care for them, Alzheimer's WA identified the need for:

- reduction of stigma and improved community awareness and understanding
- increased knowledge of dementia in primary health services
- built environments that incorporate dementia design
- the awareness of increased needs of people living with dementia in businesses and services.
- increased support and services for families
- increased availability of person-centred services
- improved access to social clubs and activities for people living with dementia.

Until there is a cure or significant advancements in treatment, the best way to reduce the prevalence of dementia is to minimise exposure to risk factors that increase the likelihood of developing dementia later in life. Some risk factors for dementia are unavoidable (such as ageing, family history and genetics) but the risk of developing dementia can be reduced through factors such as regular physical activity, keeping mentally stimulated, and maintaining an active social life.

DETAILS

Age Friendly Plan

The City's *Age-Friendly Plan* guides many of the events and activities provided by the City for older residents. This plan includes a number of strategies and actions that benefit people living with dementia. Most notably strategy 8.3 states that the City will "*Support the community in a greater understanding of dementia and Alzheimer's*". The actions associated with this strategy include the following:

- Investigate training opportunities for City employees, community and business sector;
- Investigate the establishment of a memory café/s in the City of Joondalup.

Also included within the *Age-Friendly Plan* are a number of other strategies and actions that while not directly targeted at, or for people living with dementia, would significantly benefit them.

Responding to the "training opportunities" action, the City regularly provides staff with specific training to increase their understanding of the needs of those living with disability, and long-term medical conditions. Over the past two years, three opportunities for training have been made available for staff. Further to this, in June 2022, the City partnered with Alzheimer's WA to deliver its *Understanding Dementia* training program. 20 of the City's front-line Customer Service, Community Development and Library staff undertook this training.

City Dementia-Related Programs and Services

Engaging through meaningful activity is associated with an improved quality of life for people affected by dementia. An activity is considered meaningful when it enables a person living with dementia, be that a person diagnosed with dementia or their loved ones, to remain involved in everyday activities and maintain personal relationships. Some of the activities the City is currently undertaking that benefits those living with dementia, as well as their friends, family, carers, and the wider community include:

Discovery Sessions at City Libraries

Discovery Sessions provide lifelong learning opportunities for all adults. They include information sessions and workshops on a variety of topics and cover themes such as arts and culture, travel, history, and health and wellbeing. Past sessions have been specifically about dementia with the aim of raising awareness and providing information around prevention / delaying onset. A workshop presented by Alzheimer's WA is scheduled for August 2023 at Joondalup Library.

Adult Clubs and Games at City Libraries

There is an array of clubs and games available across the library branches, such as book clubs and knitting, jigsaw, Mah-jong, and French conversation groups, with benefits including meeting new people, learning a new skill, keeping mentally active and involved, developing a sense of community, and discovering new interests. Brain Games, a program held weekly at Joondalup Library and monthly at Duncraig Library, is designed to exercise and stimulate the brain – a known factor in keeping cognitively healthy.

Digitisation Station

Woodvale Library is assisting patrons to relive memories by digitally converting VCR home videos onto a USB or external hard drive, which the customer provides. Sessions are currently offered twice a day over four weekdays. Customers are guided through the process step-by-step, ensuring the video and audio is working, and then left to reminisce. Conversions are done in real time, so will take the length of the video. Library staff are looking to expand the project in the future by being able to digitise photos and film and projector slides.

Technology Help at City Libraries

City Libraries provide a number of technology-based training opportunities, including one-on-one training and assistance, and small group presentations. Keystrokes is a personalised, one-to-one volunteer facilitated session for help with introductory computer skills. Ready, Tech, Go offers small group sessions for people to learn digital skills such as staying safe online, learning about mobile apps, and accessing entertainment. There is also a digital helpline for phone assistance with technology issues. Digital devices can provide a way for people living with dementia to stay engaged with others and enjoy activities.

Books on Wheels

The City's Books on Wheels service currently delivers books, CDs and DVDs to approximately 169 residents each fortnight, both in private residences as well as shared care facilities. These residents may not be able to leave their home for a number of reasons, however the City estimates approximately 25 percent of Books on Wheels customers are living with dementia. Books on Wheels staff develop relationships with their customers and due to their fortnightly interaction, can often provide feedback to healthcare workers and family members on the physical and / or mental condition.

Libraries as Safe Spaces

The City's libraries offer a place for all members of the community to go to that is safe, welcoming and free of cost. The physical space is open, well lit, clean and accessible. Libraries are staffed by professional, caring and empathetic people who know the community they serve and their regular patrons. The City is aware of approximately 30-50 people living with dementia who regularly attend their local library branch (most often with a carer, but sometimes solo) and utilise the space, collection, and programs, some weekly, some daily. Staff note that for these regulars, they can often provide direct assistance or aid the carer to ensure the person living with dementia is safe and comfortable.

Libraries have previously had people with dementia volunteer within the branches (with carers) which has been very successful and positive, not only for the volunteer, but also for City staff and library patrons who can engage with the volunteer in a productive manner. Several library staff have lived experience caring for family and friends living with dementia, adding immense value and depth to library programming and the general attitude of inclusivity at all libraries.

Act Belong Commit Partnership

The City has partnered with Mentally Healthy WA to help promote the Act Belong Commit message:

- Act - Do something
- Belong - Do something with someone
- Commit - Do something meaningful.

Being active, having a sense of belonging and having a purpose in life all contribute to good mental health and wellbeing, and builds stronger communities.

Partnerships with Service Providers

Organisations, such as Dementia Australia and Alzheimer's WA, have had pop-up stalls at library branches and Seniors Expos to share information and engage with the community. The City partnered with Community Vision last October to exhibit a number of art pieces completed by its patrons, including people living with dementia, at Woodvale Library. The exhibition was complemented by a series of talks and activations in regard to accessing the National Disability Insurance Scheme (NDIS), dementia support, and ageing in place. Aphasia WA hold a weekly aphasia conversation group at Joondalup Library. Aphasia is a difficulty in producing or understanding language and can occur with dementia. This is called Primary Progressive Aphasia and begins gradually, worsening over time. A conversation group is a welcoming and supportive space for people to socialise and practise their talking with volunteers and other members with aphasia. Trained volunteers can assist the conversation to flow with effective communication strategies.

Other Dementia-Related Programs and Services

There are currently several dedicated services available to the those living with dementia, beyond activities undertaken by the City, including:

Dementia Australia

The national peak body for people living with dementia, and their families and carers, providing a range of information, education and support services including the National Dementia Helpline, Connecting Peers program, webinars and workshops, and downloadable resources from their website. The service operates locally from a Perth-based office.

Dementia Support Australia

Funded by the federal government, Dementia Support Australia is a free nationwide service for carers of people living with dementia where behaviours are impacting care. No local support office.

Alzheimer's WA

Western Australia's peak body and also provides services to support people living with dementia and their carers, including an Adjusting to Change program for those who are newly diagnosed, a dementia advisory service, in-home occupational therapy, nursing care, respite services, day centres (such as the one due to open in Woodvale shortly), friendship clubs and social support groups, and carer support groups (including those at the Currumbine Community Centre and Penistone Park in Greenwood).

Access to some of these services is dependent upon eligibility for the Commonwealth Home Support Program (CHSP) (for people aged 65 and over) or NDIS (for those under 65 years). Alzheimer's WA also offer training and education to families, friends and employees who work with people living with dementia, as well as consultancy services to organisations who provide services to people living with dementia.

Assistance can also be accessed through other service providers, such as Silver Chain, Mercy Care and Community Vision. Services are subsidised for recipients of the CHSP, Home Care Package or NDIS.

Opportunities for Additional Dementia-Related Initiatives

It is important for the City not to duplicate or compete with existing initiatives and to work within its capacity. While the City does play a pivotal role in service delivery in certain areas, the City's primary role in relation to health care is to facilitate networks by bringing stakeholders together, build capacity through supporting community-led initiatives, and advocate on behalf of others.

Based on the above research and looking at federal, state and local government initiatives, residents in the City of Joondalup who are impacted by dementia, currently have access to informational and educational resources, in-home care, day care, respite, and carer support groups through external organisations, and can participate in numerous programs and activities hosted by the City. Before introducing any new programs or services specifically related to dementia, it is recommended that the City should undertake community consultation to determine community need. A gap that has been identified is the lack of opportunities for both the person living with dementia and their carer or loved one to connect and socialise together, and the City to be more proactive in raising awareness of the existing support services available.

The City is proposing that this community-based consultation could take place in 2023-24 as part of the City's consultation processes to inform the development of the City's proposed consolidated community plan. This consolidated community plan is noted in a report presented to Council at its meeting held on 13 December 2022 (CJ198-12/22 refers), where Council endorsed the extension of the *Age-Friendly Plan* to cover 2023-24, to allow it to expire in line with the City's *Access and Inclusion Plan* on 30 June 2024. This extension allows the City to review both plans concurrently to inform the development of the consolidated community plan, which would cover not only age-friendly communities and access and inclusion, but all elements of the City's Community and Youth Development and Library services.

Memory Cafés

A community-led concept that allows for people living with dementia (and their carers) to connect, socialise, and build new support networks in a relaxed setting (often in a café or around coffee / tea) usually on a monthly basis. The focus is on the reduction of social and emotional isolation and increased support for people living with dementia, their carers and families to continue to live and connect to their communities and to each other as normally as possible. One of the strategies of the City's *Age-Friendly Plan* is to support the community in a greater understanding of dementia and Alzheimer's, specifically by investigating the establishment of Memory Cafés in the City of Joondalup. Investigations began in early 2020, however was not able to be progressed further at the time due to the onset of COVID-19.

There are approximately 20 Memory Cafés operating in metropolitan Perth and five in regional WA. There is currently one Memory Café within the City of Joondalup specifically for people living with younger onset dementia. It is managed by the Younger Onset Dementia Support and Social Network (founded in 2017) at Waldeck's Lakeview Café in Kingsley.

The City of Stirling (CoS) implemented a Memory Café in 2018 in collaboration with The Coffee Club Innaloo, Westfield Innaloo and Alzheimer's WA. A resident whose husband is living with dementia was the driving force in its establishment and still is today. Staff from CoS and Alzheimer's WA attend each meeting to link people with services. In September 2020, the City of Wanneroo (CoW) along with Alzheimer's WA, Jamaica Blue and Ocean Keys Shopping Centre, established the Reflect and Connect Memory Café in Clarkson. CoW staff attended for the first six months then on an ad hoc basis thereafter. COVID-19 meant the Café was put on hold and in recent discussions with CoW staff, it has failed to pick up again since, as they have not been able to find a community member to champion the Café. Research has shown that community-led cafés tend to be more successful in the long-term, through providing a sense of ownership and ensuring the structure is what the participants want.

The City is preparing a trial of a Memory Café within the Local History section of the Joondalup Library in early 2023-24. The City would lead the establishment and management of the group for a short period (no more than 12 months) to ensure its sustainability, before looking to transition the group into a café, or other locations and being community-led.

Memory Bags and Reminiscence Programming (Local History)

Memory Bags are light takeaway bags that are available to borrow from libraries and include themed books, activities, images and props used by families and carers as a way of triggering memories, nostalgia and reminiscence. Themes can include beach, school, cooking, football, to name a few. Similar to the Memory Café concept, the City had planned to run this initiative in late 2020, and it was likewise put on hold due to COVID-19. This is being prepared to be trialled in 2023-24, with a purpose that is similar to Memory Cafes. Reminiscence programming provides those with dementia an opportunity to step back in time and reminisce (actively or passively) about their shared past. Images and items from the local history collection are used to evoke memories and encourage participants to share stories and laughter, fostering conversation and connection. Material and resources can be made available to view online and download for use at home.

Social Needs Analysis

The City undertook a Social Needs Analysis in 2021 to measure the social needs of the Joondalup community across a number of service streams. While dementia was not considered explicitly, Residential Aged Care and Disability, Youth, Homelessness, and other Targeted Community Services were two of the 19 service categories.

Real need was established using Bradshaw's Taxonomy of Need which considers the following:

- Felt Need – the views of the local community that can be measured through consultation.
- Expressed Need – existing demand that can be measured through the audit of current usage statistics and locations.
- Normative Need – an accepted industry standard that is professionally defined and applied to the community demographic.
- Comparative Need – performance compared with other benchmarked, similar local governments.

Residential Aged Care

Minor need was identified, mostly as a result of an average level of comparative need (less aged care floorspace per person compared with other benchmarked local governments, and an average normative need when comparing number of beds to national benchmarks) under provision of 330 beds by 2041.

Only minor expressed and felt need was identified.

Potential gaps identified, included the following:

- At home services.
- Services catering to persons entering aged care later in life (with more critical conditions).

Disability, Youth, Homelessness and other Targeted Community Services

High need was identified. This was due to a major need identified in both expressed and comparative needs, a high need in felt needs and an average need in normative needs.

Potential gaps identified, included the following:

- Undersupply in floorspace per resident for a range of targeted services, including welfare / charitable services, and family welfare services.
- Expressed need for further provision of affordable housing.
- Consultation (felt need) observed an increased need for targeted services.
- Undersupply of community centre floorspace per resident.

While dementia was not specifically identified within the targeted community services section, the following services were identified:

- Disability care.
- Disability support groups.
- Peer support groups.

Issues and options considered

The City has considered the most practical and pragmatic way of responding to this specific request as a result of the Notice of Motion.

It should be noted that while dementia is a significant challenge within the Joondalup community, it is one of many forms of long-term health conditions and disabilities that can affect a person's quality of life.

By integrating a larger review of the community's needs, specifically in regards to age-friendly communities, and access and inclusion, the City can consider the service gaps and needs of people living with dementia, along with other members of the community who may be living with other health conditions and disability.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Community.

Outcome Inclusive and Connected - you enjoy local services and programs that cater for different ages, abilities and backgrounds.

Active and social - you enjoy quality local activities and programs for sport, learning and recreation.

Policy Not applicable.

Risk management considerations

Any new services introduced by the City are subject to risk management reviews before they are established.

Financial / budget implications

The City anticipates the introduction of trial Memory Café and Memory Bag services within the Joondalup Libraries could be incorporated into existing program schedules using existing staffing and financial resources.

Should additional resources be required to sustain the new services, these will be identified as part of the 2024-25 budget process.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Consultation

To complement the desktop research and inform this report; engagement has taken place with the following groups:

- Alzheimer's WA (state peak body).
- Dementia Australia (national peak body).
- City of Wanneroo.
- City of Stirling.
- Department of Communities (WA State Government).

COMMENT

The City has considered the most practical and pragmatic way of responding to this specific request as a result of the Notice of Motion.

It should be noted that while dementia is a significant challenge within the Joondalup community, it is one of many forms of long-term health conditions and disabilities that can affect a person's quality of life.

It is proposed that the City will undertake community consultation in 2023-24 in relation to the City's proposed consolidated community plan, and that this consultation will include a review and consideration of the City's approach to age-friendly communities, and access and inclusion and trial the establishment of a Memory Café and Memory Bag programs within the City of Joondalup Libraries, specifically benefitting people living with dementia.

VOTING REQUIREMENTS

Simple Majority.

The Senior Financial Analyst left the Chamber at 7.00pm and returned at 7.03pm.

MOVED Cr Logan, SECONDED Cr Chester that Council NOTES:

- 1** the information provided on both the nature and prevalence of dementia, and the services currently available for people living with dementia, as well as their carers, family and friends;
- 2** that the City will undertake community consultation in 2023-24 in relation to the City's proposed consolidated community plan, and that this consultation will include a review and consideration of the City's approach to age-friendly communities, and access and inclusion;
- 3** that the City will trial the establishment of a Memory Café and Memory Bag programs within the City of Joondalup Libraries, specifically benefitting people living with dementia.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

CJ051-04/23 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENT	Attachment 1 Tamala Park Regional Special Council Meeting Minutes – 17 March 2023 <i>(Please note: These minutes are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Tamala Park Regional Council special meeting held on 17 March 2023.

DETAILS**Tamala Park Regional Council Meeting – 17 March 2023**

A special meeting of the Tamala Park Regional Council was held on 17 March 2023.

At the time of this meeting Cr John Chester was Council's representatives at the special Tamala Park Regional Council meeting, with Cr Nige Jones as an apology.

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.

MOVED Cr Jones, SECONDED Cr May that Council NOTES the minutes of the special meeting of the Tamala Park Regional Council held on 17 March 2023 forming Attachment 1 to Report CJ051-03/23.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ059-04/23, page 92 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

To access this attachment on electronic document, click here: [RegionalMinutesBRF230411.pdf](#)

CJ052-04/23 CORPORATE SPONSORSHIP APPLICATION: CHURCHES OF CHRIST SPORT AND RECREATION ASSOCIATION INC. (CCSRA) – WARWICK SENATORS NBL1 AND UNDER 16 NATIONAL CHAMPIONSHIPS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	110313, 101515
ATTACHMENT/S	Attachment 1 Master Sponsorship Assessment Matrix Attachment 2 CCSRA Sponsorship Application Attachment 3 Warwick Senators Sponsorship Information Attachment 4 Under 16 National Championship Sponsorship Information
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the sponsorship application received from Churches of Christ Sport and Recreation Association Inc. (CCSRA) for the City to become the following:

- Naming Rights holder for domestic competitions.
- “Gold” Major Partner of the Warwick Senators 2023 NBL1 Men’s and Women’s team.
- Continue as a hosting support partner for the 2023 Under 16 Australian National Championships.

EXECUTIVE SUMMARY

The City’s Corporate Sponsorship Program aims to attract, host or support a wide range of events, programs and activities that enhance the service delivery to the community and attract visitors to the region, while also providing positive exposure for the City’s brand locally and regionally.

This program is open all year round (budget allowing) and has supported a wide range of events held in the region from Carols in the Park, triathlons to dance competitions and more.

The City has received an application from the CCSRA for the City to become a “Gold” Major partner of the Warwick Senators 2023 NBL1 Men’s and Women’s team, continue as a hosting support partner for the 2023 Under 16 Australian National Championships and a sponsor of the domestic competition. The sponsorship value requested of \$38,000 excluding GST for 2023.

With the club branded “Warwick Senators” they are a highly successful and recognisable club in the Northern suburbs of Perth, the largest basketball association in WA according to official basketball WA figures. Having been based at Warwick Stadium in the City for over 20 years, originally under the auspices of the Stirling Basketball Association, in 2012 the Stirling Senators officially became part of the CCSRA and in 2018 were rebranded Warwick Senators to best reflect and represent the community.

The CCSRA currently operate the Warwick Stadium and Duncraig Stadium under a lease arrangement with the City and have proven to be reliable tenants.

The application for sponsorship of the domestic competition, Warwick Senators NBL1 “Gold” Major partner and the Under 16 Australian National Championships partnership has been assessed against the master sponsorship assessment matrix (attachment 2 refers) and has been valued at \$20,000 excluding GST.

The full amount requested has not been recommended as follows:

- The domestic competition does not align with the philosophy of the City’s sponsorship program, whereby “the City is invested in supporting community wellbeing through the provision of free or low-cost events, programs or activities for the community”. The domestic program is a registration-based program that requires individuals to contribute to the association via fees. The City currently supports this program through the supply of City facilities and has supported the CCSRA with funding for refurbishment and expansion.
- The higher level of funding requires the City to receive significantly more benefits in the area of naming rights, regional promotion, tourism and economic development for the NBL1 season as outlined in the master sponsorship assessment matrix (attachment 4 refers).

The recommended sponsorship is commensurate with the benefits available to the City.

It is therefore recommended that Council AGREES to:

1 *APPROVE a sponsorship amount of \$20,000 (excluding GST) for:*

1.1 *Warwick Senators 2023 NBL1 “Gold” Major Partner;*

1.2 *2023 Under 16 Australian National Championship;*

subject to the Churches of Christ Sport and Recreation Association Inc. entering into a formal sponsorship agreement with the City of Joondalup.

BACKGROUND

The City’s corporate sponsorship program aims to achieve the following objectives:

- Attracting, hosting, or supporting a wide range of events, programs and activities that enhance the level of service delivery to the community and visitors to the region.
- Providing positive exposure for the City’s brand locally and regionally.
- Providing support to local organisations/community groups.
- Stimulating economic development and providing benefits to local businesses.
- Increasing visitors to the region.
- Creating long-term value to the City and its residents by building sustainable partnerships or relationships.
- Ensuring that all agreements entered into provide an adequate return on investment by overseeing and managing the sponsorship, contributions and donations program, process, and outcomes.

All corporate sponsorship applications need to meet the following criteria:

- The applicant, event, program and/or activity must be aligned with the City's vision and corporate values.
- The event, program or activity must be consistent with the City's Sponsorship Program objectives.
- The audience for the event, program or activity should reach the City's target audiences.
- Requests for sponsorship should be for an event, program or activity located within the City of Joondalup, which provides a significant return to the general and/or business community.
- Tangible benefits for the City, its residents and/or local businesses need to be associated and demonstrated with the event, program, or activity.
- The event, program or activity must provide positive exposure for the City and its brand.
- The event, program or activity should provide opportunity to create long-term value to the City, residents and/or businesses.

The City has sponsored the Under 16 Australian National Championships hosted by CCSRA as Warwick Stadium as outlined below:

- 2017 Event \$5,000 excluding GST
- 2021 Event \$5,000 excluding GST – Cancelled due to COVID.
- 2022 Event \$5,000 excluding GST.

No other sponsorship arrangements have been held with the CCSRA.

The CCSRA is a not-for-profit community sporting organisation that has been in operation for over 30 years. It has a long-standing history with the City and former City of Wanneroo, having either managed or leased the Warwick Leisure Centre, (now known as "Warwick Stadium"), for almost three decades. In 1990 the former City of Wanneroo and the CCSRA entered into a joint venture to construct the Warwick Leisure Centre, at a total project cost of \$2,700,000. The CCSRA funded \$1,500,000, the State Government contributed \$700,000 and the balance of \$500,000 was funded by the former City of Wanneroo in addition to the provision of land for the facility.

In 2011, the CCSRA submitted a proposal to the City to construct four additional multi-use indoor courts, a gymnasium and revised entrance to the existing facility and requested a capital contribution and long-term lease over the extended building footprint. The total cost of the project was estimated to be \$8,950,000.

At its meeting held on 10 December 2013 (CJ251-12/13 refers), Council agreed to fund an amount of \$2,300,000 towards the project and to develop a lease agreement between the City and the CCSRA. In accordance with the *Property Management Framework*, an additional 50% rental subsidy was also approved due to the significant capital contribution committed by the CCSRA. The current tenure arrangements at the Warwick Stadium are as follows:

Commencement Date:	1 January 2014.
Expiry Date:	31 December 2023.
Further Terms:	One option of 10 years and two options of five years.
Termination Date:	31 December 2043.
Annual Rent:	50% of 0.1% of the current building replacement cost.

Since the expanded section of the Warwick Stadium opened in 2016, the number of people served has grown from 5,000 to 13,000 per week, with the CCSRA continuing to strive to meet its key objectives and vision, namely:

- to serve the local community with high quality and affordable sport, leisure and fitness facilities
- to create a community hub for users to feel connected, accepted and have a sense of purpose
- to see its facilities utilised to meet maximum potential and to ensure a long-term and sustainable outlook.

In July 2019, the CCSRA submitted a formal management proposal to the City, requesting its consideration to lease the Duncraig Leisure Centre.

At its meeting held on 18 August 2022 (CJ115-08/20 refers), following a community consultation period, Council agreed to:

- 1 *Enter into a five-year lease with one five-year option with the Churches of Christ Sports and Recreation Association (Inc) for the Duncraig Leisure Centre subject to:*
 - 1.1 *the Churches of Christ Sports and Recreation Association (Inc) maintaining where practicable the existing internal programs and external hirers of the facility.*
 - 1.2 *the Churches of Christ Sports and Recreation Association (Inc) agreeing to lease the area of the Duncraig Leisure Centre to the Warwick Marmion Play Group under existing conditions.*
- 2 *Set the lease fee at 0.1% of the capital replacement of the Duncraig Leisure Centre.*
- 3 *Request the Churches of Christ Sports and Recreation Association (Inc) to submit its annual financial statements to the City for review.*
- 4 *Request the Churches of Christ Sports and Recreation Association (Inc) to submit its annual fee structure to the City for review to ensure that fees charged to users of the Duncraig Leisure Centre are reasonable.*

The lease agreement came into effect from January 2021.

DETAILS

Warwick Senators is a club that prides itself in continuing to foster and thriving and active “You Matter” community to all aspects of engagement, including a real pathway in develop local junior talent. They are a highly successful and recognisable club in the Northern Suburbs of Perth, the largest basketball association of Western Australia according to official Basketball WA Figures.

Having been based at Warwick Stadium for over 20 years, originally under the auspices of the Stirling Basketball Association, in 2012 the Stirling Senators officially became part of the CCSRA and in 2018 were rebranded Warwick Senators to best reflect and represent the community.

The CCSRA currently operate the Warwick Stadium and Duncraig Stadium under a lease arrangement with the City and have proven to be reliable tenants.

The Association has more than 5,500 registered participants through seven large, volunteer governed, affiliated domestic clubs with 13,000 people visiting the facility weekly. City of Joondalup residents are by far the largest local government demographic represented with almost 77% of the weekly visitation being from the City's catchment area, equating to 10,000 locals each week frequenting the Stadium and Senators programs and events.

Domestic Basketball

Community (domestic) Basketball competitions consists of 670 teams each week across 57 junior divisions (Boys and girls) and 26 senior divisions (men and women).

The Junior WABL program consists of 34 teams that are selected from the domestic competition to represent the club in the premier elite state level competition.

NBL1

The pinnacle of the Association is the NBL1 Men's and Women's teams. The Warwick Senators are reigning NBL1 West Women's Champions and inaugural NBL1 National Women's Champions in 2022 with the men's team finishing 4th.

NBL1 consists of five conferences covering every state and territory of Australia. Each conference has both a women's and men's competition, with a total of 76 clubs and 149 teams all competing for a chance to win a spot at the NBL1 National Finals.

NBL1 is the official pathway to the elite levels of basketball, including the WNBL, NBL, US College, NBA D-League the NBA and the Australian Boomers and Opals.

All games are live streamed via the NBL1 app and website, along with multiple games throughout the season being broadcast live via KAYO sport.

Under 16 National Championships

The Under 16 National Championships in conjunction with Basketball Australia will be held at Warwick Stadium from 2 to 9 July 2023. This national event attracts all states and territories to the region and provides the first chance for up-and-coming talents to impress on a national stage and be strongly supported by visiting friends and family.

Attendance

The domestic season sees 13,000 stadium attendees per week over 44 full weeks of basketball equating to approximately 572,000 attendees per annum – noting these are not unique visitors - with almost 77% of the weekly visitation being from the City's catchment area, equating to 10,000 locals each week frequenting the Stadium and Senators programs and events.

The 2022 NBL1 season saw 13 home games, attracting 920 patrons to each game totalling 12,000 people over the season.

The NBL1 competition, both men and women, is a high standard and offers opportunities for families to support their team and experience a family-friendly evening of entertainment at a very low cost, with ticket prices at \$10.00 to attend the game.

The Under 16 Australian National Championships attracted almost 20,000 visits in the first week of July 2022 and it is anticipated that there will be some growth for the 2023 event, pushing visitors past the 20,000 mark. This attendance is not necessarily unique visits as it includes 260 participants, 75 coaches and managers, 50 officials, 40 basketball Australia staff and volunteers, plus 780 interstate travellers and several thousand local supporters from the Perth Metro and regional WA.

Sponsorship Benefits for the City

There are considerable brand and profile benefits to be gained from a partnership with the Association and being recognised as the Naming Rights partner for the domestic competition, Gold Major Partner for the NBL1 competition and host City support partner for the Under 16 Australian National Championships.

In return for the sponsorship contribution the City will receive the below outlined benefits:

Benefits to be provided to the City by CCSRA	Domestic Competition	NBL1	U16 Champs
Naming rights	✓	-	-
Promotional and Branding Benefits			
Logo on promotional material			
- Logo on men's and women's team uniform		✓	
- Logo on program			✓
Signage displayed at the event, program or activity			
- Fixed court signage (2.4m x 1.2m) on courts 1&2 and 5&6	✓ (4)		
- Two courtside a frame Toblerone signage at home games that are visible on KAYO		✓(2)	
- Two courtside a frame Toblerone signage at under 16 National Championships			✓(2)
- 4 x tear drop banners to be on display at the entry of the Stadium (City to supply)			✓(4)
Logo displayed on "partners" foyer signage @ Warwick Stadium	✓		
Logo on media wall		✓	
Logo and hyperlink on website	✓		
Recognition on media releases	✓		
Recognition and link on social media forums - Including 4 x specific posts		✓	
Logo on local and/or regional advertising	✓		
Digital Marketing e.g. inclusion in club newsletters, emails	✓		
Economic and Tourism Benefits			
Economic development			

Benefits to be provided to the City by CCSRA	Domestic Competition	NBL1	U16 Champs
NBL1 Season - visitors to the region may utilise current businesses such as hospitality (dining and accommodation)		✓	
Under 16 National Championship - expected to deliver more than 3,400 bed nights across the 8 days from the 420+ players and officials - interstate visitors to spend with local providers within the region during their stay			✓
Tourism			
NBL1 Season - over 13 opposition clubs from over the Perth Metro area will compete in the region throughout the season, bringing athletes, supports staff and spectators with them.		✓	
Under 16 National Championship - expected to deliver more than 3,400 bed nights across the 8 days from the 420+ players and officials - interstate visitors to visit locations within the region during their stay			✓
Other Benefits			
Naming rights to a club award	✓		
Corporate Hospitality - Corporate box for six for each NBL1 home game through the season		✓	
NBL1 Game Passes - 330 passes (30 per game) for local residents' junior domestic teams and parents or schools from the City's catchment		✓	
Verbal acknowledgement throughout each home game		✓	
Merchandise distribution - City merchandise to give away at games		✓	
Opportunity for the City representative to present/speak at opening ceremony			✓
Attendance			
Domestic Competition - 13,000 attendees per week	572,000 pa*		
NBL1 Season - 920 patrons per game		12,000 per season	
Under 16 Australian National Championship			20,000*

*Note: these visitors number are not unique visitors as they are often repeat visitors such as teams, coaches, manager, to name a few.

Economic Impact and Business Engagement

The Warwick Senators NBL1 games attract visitors to the region, including athletes, visiting teams and basketball fans and spectators.

Each season the Warwick Senators NBL1 teams welcome 13 opposition clubs from all over the Perth Metro and some outlying country locals.

The Under 16 Australian National Championships is expected to deliver more than 3,400 bed nights across the 8 days from the 420+ players and officials alone. With accommodation within the City of Joondalup being promoted to players and officials as the preferred providers, it is estimated that significant bookings will be taken up with Sorrento Beach, Nautical @ Hillarys and Quest Joondalup. Based on Tourism Research Australia data estimates this is expected to contribute \$622,200 to the local accommodation sector and \$612,000 in additional spend to the economy.

Other Funding Support

Bethanie Group are Warwick Senators NBL1 teams major sponsor, providing significant support at the platinum level of between \$30,000 - \$35,000 in commercial sponsorship support. The association also receives support via bronze level partners and in-kind support from a wide range of organisations. Refer to the Warwick Senators partners information in attachment 1 for full details.

The Under 16 Australian National Championships receive \$20,000 in funding from the WA State Government through the DLGSC Grant program, and \$2,000 in funding from MTM Warwick.

City of Stirling are not an official partner.

Sponsorship Agreement and Key Performance Indicators

Should the Council agree to progress with supporting sponsorship of the CCSRA, a sponsorship agreement will be developed between the City and the Association outlining the roles, responsibilities, benefits, and key performance indicators, as per the City's standard sponsorship process.

Key Performance indicators will address all details outlined in the sponsorship benefits table previously outlined.

The City's approach to sponsorship is to ensure a coordinated approach towards the development of agreements that aim to maximise benefits and create effective partnerships.

Sponsorship is a mutually beneficial commercial partnership involving financial or in-kind investments made in return for marketing and promotional benefits.

The proposal from the CCSRA meets these requirements as the City will receive a range of benefits in return for its financial contribution to the organisation.

Upon completion of the sponsored events, CCSRA will be required to complete the City's acquittal report which outlines event details, benefits delivered, KPI's met and financial records for funds provided by the City. The final sponsorship payment will not be made until this report has been completed to the City's satisfaction.

Issues and options considered:

The Council may choose to:

- endorse the sponsorship of the CCSRA for the full amount requested of \$38,000 excluding GST. The benefits outlined in the application do not align with this value as detailed in the City's sponsorship assessment matrix and the support for the domestic competition is not in line with the City's corporate sponsorship philosophy
- endorse the sponsorship of the CCSRA 2023 NBL1 "Gold" Major partnership and 2023 Under 16 Australian National Championship for the assessed amount of \$20,000 excluding GST. This option ensures that the proposed benefits are in line with City's sponsorship assessment matrix. This option is recommended
- endorse the sponsorship of the 2023 NBL1 "Gold" Major partnership of both the women's and the men's team only to the value of \$15,000 excluding GST
- endorse the sponsorship of the 2023 Under 16 Australian National Championship event only to the value of \$5,000 excluding GST
or
- not endorse the sponsorship application.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme Community.

Objective Active and Social - you enjoy quality local activities and programs for sport, learning and recreation.

Policy Not applicable.

Risk management considerations

At its meeting held on 28 February 2023 (CJ013-02/23 refers), Council resolved as follows:

"That Council AGREES to:

APPROVE a sponsorship amount of \$20,000 (excluding GST) for the 2023 season only subject to the Wanneroo Basketball Association entering into a formal sponsorship agreement with the City of Joondalup. "

Should the CCSRA sponsorship application be endorsed, this commits a sizeable portion of the City's sponsorship budget to two basketball organisations, reducing the availability of funding to support other events or programs held within the region.

Supporting the City's state level basketball Associations with this level of funding may also prompt other state levels sporting codes to seek sponsorship support from the City which isn't financially sustainable as part of the Corporate Sponsorship Program and other sporting funding options would need to be explored within the organisation.

Financial / budget implications

2022-23 financial year impact

70% of the sponsorship amount recommended is due in the 2022-23 financial year. The City's corporate sponsorship budget has been fully allocated; however funds are available in the significant event sponsorship budget. It is recommended that these funds are utilised for this sponsorship.

Account no.	1.210.A2101.3293.0000.
Budget Item	Significant Event Sponsorship
Budget amount	\$625,000
Sponsorship proposed cost	\$14,000 (70% of sponsorship)
Balance of budget line	\$24,000

Noting that this account has already covered the cost for significant events such as Joondalup Festival of Motoring and NBL1 Final Championship.

2023-2024 financial year impact

30% of the sponsorship amount recommended is due in the 2023-2024 financial year. This will be budget for through the corporate sponsorship program with the fund being held in the marketing budget.

Account no.	1.524.A5204.3293.0000.
Budget Item	Sponsorship.
Budget amount	Historical budget of \$130,000 (subject to adoption of 2023-24 budget).
Sponsorship proposed cost	\$6,000
Balance of budget line	TBC

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The NBL1 season is well supported both locally and beyond the City boundaries, while also providing a strong stimulus for the local economy.

The Association has proved through hosting the 2017 and 2022 Under 16 Australian National Championships that there is support for the championships both locally and beyond.

Consultation

Not applicable.

COMMENT

The sponsorship proposal submitted is an opportunity for the City to provide financial support to the CCSRA, in return for a range of marketing and promotional benefits.

If the sponsorship proposal was endorsed, the City would receive a range of benefits that enhanced the development of the sport, provide a positive image of the City and its ability to provide assistance to regionally significant sporting organisation and help to promote Joondalup as an attractive destination.

Attracting events and supporting youth and local sporting groups is part of the City's strategy to position Joondalup as a destination that attracts visitors with its diverse mix of iconic events with local, national, and international appeal.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Thompson, SECONDED Mayor Jacob that Council AGREES to:

1 APPROVE a sponsorship amount of \$20,000 (excluding GST) for:

1.1 Warwick Senators 2023 NBL1 "Gold" Major Partner;

1.2 2023 Under 16 Australian National Championship;

subject to the Churches of Christ Sport and Recreation Association Inc. entering into a formal sponsorship agreement with the City of Joondalup.

The Motion was Put and

CARRIED (8/4)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Logan, May and McLean.

Against the Motion: Crs Kingston, Poliwka, Raftis and Thompson.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf230411.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Cr John Chester.
Item No. / Subject	CJ053-04/23 – Review of City Water Plan 2016-2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester is a long-standing member of the Friends of Yellagonga and has an interest in the water quality of the wetlands.

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ053-04/23 – Review of City Water Plan 2016-2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Kingston is the secretary of the Friends of Yellagonga Regional Park which has an interest in managing water in the district.

Name / Position	Cr John Logan.
Item No. / Subject	CJ053-04/23 – Review of City Water Plan 2016-2021.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a member of the Friends of Yellagonga which takes an active interest in water management and water initiatives in the park.

CJ053-04/23 REVIEW OF CITY WATER PLAN 2016-2021

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	78616, 101515
ATTACHMENTS	Attachment 1 City Water Plan 2016-2021 Attachment 2 Waterwise Action Plan 2021 - 2026
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

To provide the Council with information regarding the review of the *City Water Plan 2016 – 2021* and the proposed approach to strategic water management into the future.

EXECUTIVE SUMMARY

The City demonstrated its commitment to sustainable water management by developing the *City Water Plan 2016 – 2021* (Attachment 1 refers) which was endorsed by Council (CJ210-12/16 refers) and has made significant progress in implementing waterwise projects and achieving targets in the *City Water Plan 2016 – 2021*.

The City joined the Waterwise Council Program in 2010-11. The Waterwise Council Program is a partnership between Water Corporation and the Department of Water and Environmental Regulation which supports local governments to improve their water efficiency and water management.

As part of the City's commitment to the Waterwise Council Program the City is required to develop a Waterwise Council Action Plan to track water use and to set waterwise goals and opportunities for City facilities and the improvement of water quality. The City developed its Waterwise Council Action Plan (Attachment 2 refers) in 2021 and submitted the plan to the Department of Water and Environmental Regulation and Water Corporation for approval.

The overarching goals and activities within the Waterwise Council Action Plan align with the *City Water Plan 2016 – 2021*. There is no requirement from the Department of Water and Environmental Regulation or Water Corporation for Council endorsement of the Waterwise Council Action Plan.

The *City Water Plan 2016 – 2021* has reached the end of the plan life and a review has been undertaken which has determined there would be duplication between a new City Water Plan and the requirement for a Waterwise Council Action Plan. It is recommended that high level objectives for water management are included in the new Environment Strategy, currently being developed and that sustainable water initiatives be delivered through the implementation of the City's Waterwise Council Action Plan.

It is therefore recommended that Council:

- 1 *NOTES that a review of the City Water Plan 2016 – 2021 has been undertaken;*
- 2 *DOES NOT SUPPORT a new City Water Plan being developed due to the duplication with the Department of Water and Environmental Regulation and Water Corporation's requirement for a City Waterwise Council Action Plan;*
- 3 *NOTES that high level strategic water management objectives will be included within the City's new Environment Strategy;*
- 4 *NOTES that achievement of sustainable water management goals will be reported through the City's participation in the Waterwise Council Program and the City's annual State of the Environment Report and Annual Report.*

BACKGROUND

The City demonstrated its commitment to sustainable water management by developing the *City Water Plan 2016 – 2021* (Attachment 1 refers) which was endorsed by Council (CJ210-12/16 refers).

The *City Water Plan 2016 – 2021* was developed to provide a coordinated approach for the City to sustainably manage water resources within City operations and the community into the future. The plan identifies the main water related issues impacting the City and sets objectives for scheme and groundwater water conservation and water quality improvement.

The overarching objective of the *City Water Plan 2016 – 2021* was to manage the City's water resources in a sustainable manner in order to decrease water consumption, increase efficiency and improve water quality.

The *City Water Plan 2016 – 2021* aimed to address water management within the following areas:

Corporate

- Water conservation - groundwater and scheme water.
- Water quality- improving the quality of surface water within the City of Joondalup.

Community

- Water conservation - groundwater and scheme water
- Water quality - improving the quality of surface water within the City of Joondalup.

The objectives of the *City Water Plan 2016 – 2021* were to:

- Provide mechanisms for the City to meet statutory requirements regarding water licensing.
- Enable the City to meet water reduction targets for scheme and groundwater use.
- Enhance and protect the quality of surface water bodies within the City of Joondalup.
- Ensure that the City of Joondalup leads by example and demonstrates the value of water conservation to the community.

The *City Water Plan 2016 – 2021* utilised a project-based implementation framework and included specific water related projects that were implemented over the life of the plan to achieve sustainable water management objectives. The *City Water Plan 2016 – 2021* adopted a multi-pronged approach to holistic water management to ensure that all areas of water management were addressed, and that on-ground projects were supported by education and awareness-raising, ensuring continued improvement and positive behavioural changes in water management practices.

DETAILS

City Water Plan 2016 – 2021

The *City Water Plan 2016 – 2021* has been implemented since its endorsement by Council. Some of the key achievements of the *City Water Plan 2016 – 2021* included, but are not limited to the following:

- Monthly groundwater monitoring and quarterly review of scheme water use.
- Installation of soil moisture sensors, weather stations and smart technology irrigation controllers within public open spaces across the City.
- Park upgrades and redesign to include hydrozoning, ecozoning, redesign of irrigation systems and landscaping as per the Parks Redevelopment Program.
- Continual implementation of the Sump Beautification Project to incorporate Water Sensitive Urban Design (WSUD) and improve public open spaces across the City.
- Continued implementation of the environmental building audits and retrofits.
- Continued implementation of the Leak Detection Project to identify and repair water leaks in buildings.
- Review undertaken of the City's nutrient management practices to identify areas for improvement.
- Delivery of a wide range of community and staff water education initiatives.
- Development and implementation of the Yellagonga Integrated Catchment Management Plan 2021 – 2026.
- Ongoing participation in the Waterwise Councils Program.
- Reporting on the implementation of water management activities and water use through the City's Annual Report and State of the Environment Reports.

The *City Water Plan 2016 – 2021* included targets for water reduction and quality, as shown in Table 1 below. The following section provides details of the City's performance against these targets.

Table 1: City Water Plan 2016 – 2021 Targets

INDICATOR	TARGET 2020-21	BASELINE
Corporate Groundwater Consumption	To reduce the amount of groundwater used per hectare by 10% (average kL/irrigated hectare)	average of 7,500 kL/irrigated hectares (2007-08 DoW allocations per hectare)
Corporate Scheme Water Consumption: Aquatic Leisure Centre	5% reduction kL/patron	2015/16 kL/patron
Corporate Scheme Water Consumption: CoJ owned, operated and leased buildings	5% reduction on average kL/m ²	5-year average kL/m ² (2011/12 to 2015/16)
Corporate Water Quality	Undertake water quality improvement projects within City operations, procedures and policies in at least three Key Water Focus Areas by 2020/2021.	
Community Scheme Water Consumption	5% reduction kL/capita	2014 -15 kL/capita
Community Water Quality	Undertake water quality improvement projects that encourage community awareness and promote partnerships for water quality improvement in at least two Key Water Focus Areas by 2020-2021.	

Corporate Groundwater

Groundwater accounts for over 98% of the City's water use. Corporate groundwater use for 2021-22 was 4,256,201kL. This is an increase of 19% or 689,343kL compared to the previous year (2020-21) and is 2% above the current annual groundwater allocation limit set by the Department of Water and Environmental Regulation as shown in Figure 1. This exceedance was due in part to increasing the evapotranspiration replacement percentage on irrigated recreation parks from 40% to 50% to combat the ongoing decline in turf quality. Despite increasing the maintenance regime over the past years by applying wetting agent, increasing the fertiliser program and applying an active weed control program, the level of irrigation at 40% evapotranspiration is unsustainable for turf growth. Despite the 19% increase, the City's total groundwater use only exceeded its total groundwater allocation by 86,367kL (or 2%).

The City's groundwater consumption for 2021-22 averages at less than 6,700 kL per hectare, which is below the *City Water Plan 2016 – 2021* endorsed target of 6,750 kL/irrigated hectare by 2020/21. The *City Water Plan 2016 – 2021* target of a 10% reduction for corporate groundwater consumption per hectare was achieved.

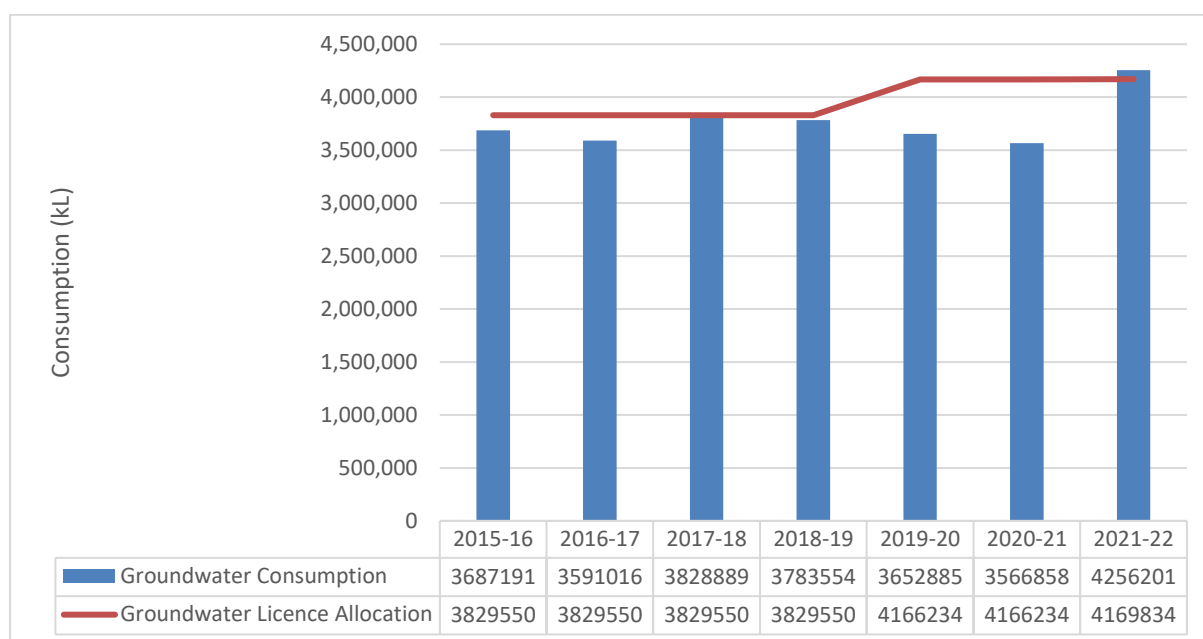


Figure 1: Total corporate groundwater consumption for 2015-16 to 2021-22

Corporate Scheme Water Consumption - Aquatic Leisure Centre

The Craigie Leisure Centre scheme water usage for 2021-22 was a total of 23,947kL which equates to a consumption of 0.02kL/patron. This meets the endorsed target as shown in Figure 2 below. The increase as compared to 2020/21 may have been due to ongoing impacts from the pandemic in 2021-22, including a five-day closure and capacity restrictions.

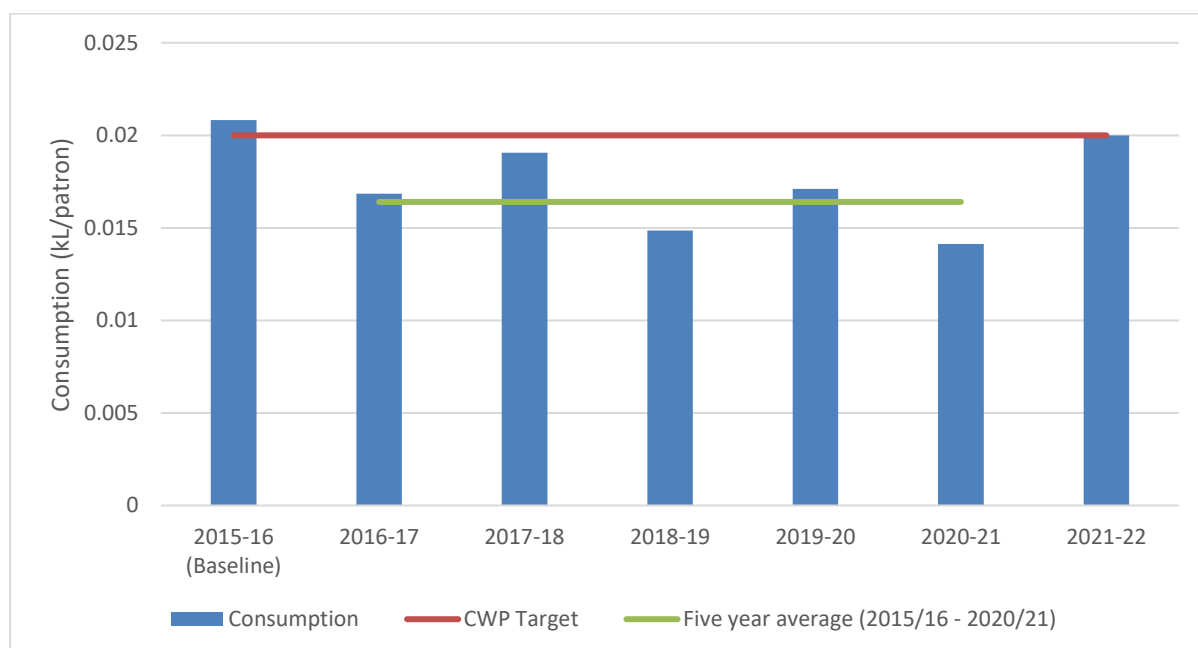


Figure 2: Craigie Leisure Centre consumption from 2015-16 to 2021-22 compared to the City Water Plan target

Corporate Scheme Water Consumption- City owned, operated and leased buildings

Corporate scheme water use in City owned, operated and leased buildings and facilities for 2021-22 was 62,960kL which was a 14,478kL increase compared to the previous year. However, the average kL/m² equates to 14.95kL/m² consumption in 2021-22 which is an 81% increase compared to the previous year and is a 62% increase from the City Water Plan target.

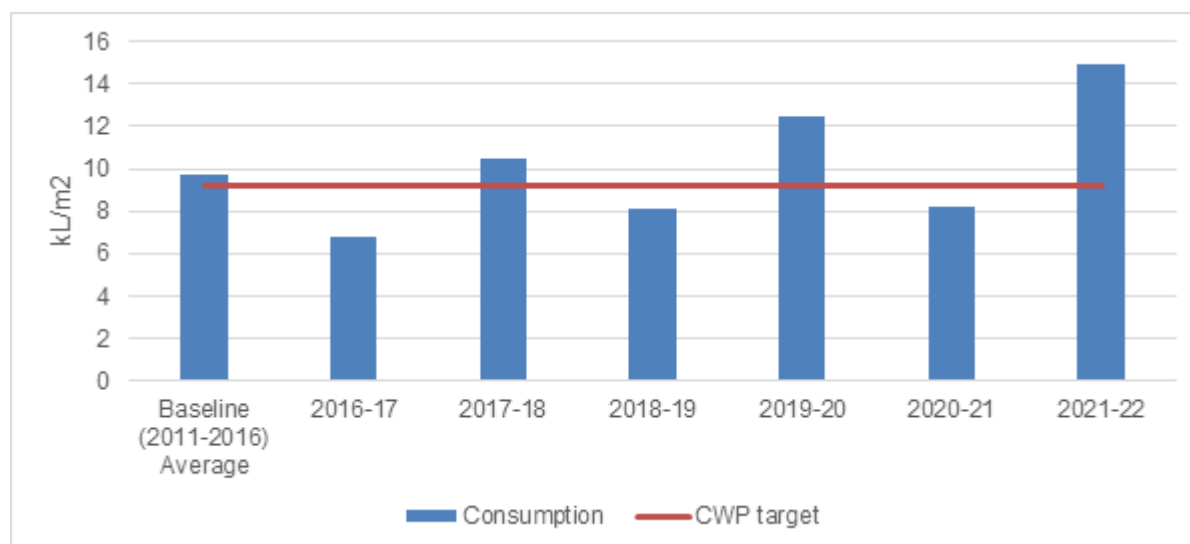


Figure 3: City owned, operated and leased buildings and facilities consumption for 2016-17 to 2021-22

The increases in water usage in City buildings in 2021-22 may be associated with increased use of community facilities from previous years which had been impacted by pandemic restrictions. In addition, there were a number of leaks which were reimbursed by Water Corporation and may have contributed to the increase in water consumption.

Total Corporate Scheme Water

The 2021-22 corporate scheme water consumption was 98,878kL which is a 25% increase from 2020-21 and a 13% increase from 2015-16, as shown in Figure 4 below.

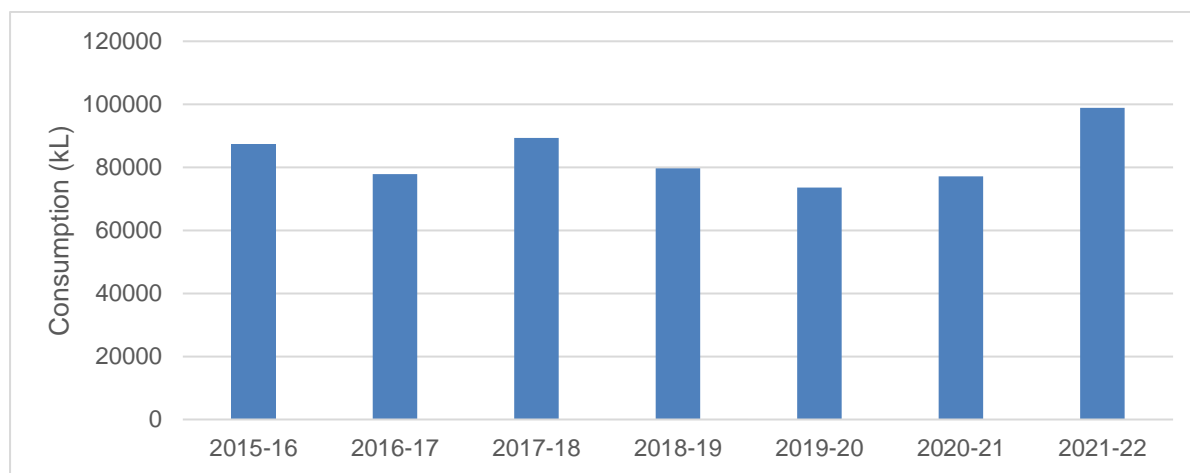


Figure 4: Corporate Scheme Water Consumption 2015-16 to 2021-22

This increase is attributed to several non-visible leaks detected at the City's community facilities, which have been reimbursed financially by Water Corporation, and upgrading one dry park to scheme water irrigation to meet community expectations.

Community Scheme Water Consumption

In 2021-22 community scheme water consumption, which includes residential and trade water consumers, totalled 18,577,745 kL which equated to 116 kL/capita. This was 0.42% above the baseline, 2% above 2020/21 and 5.5% above the endorsed 2020-21 target of 110kL/capita, see Figure 5 below.

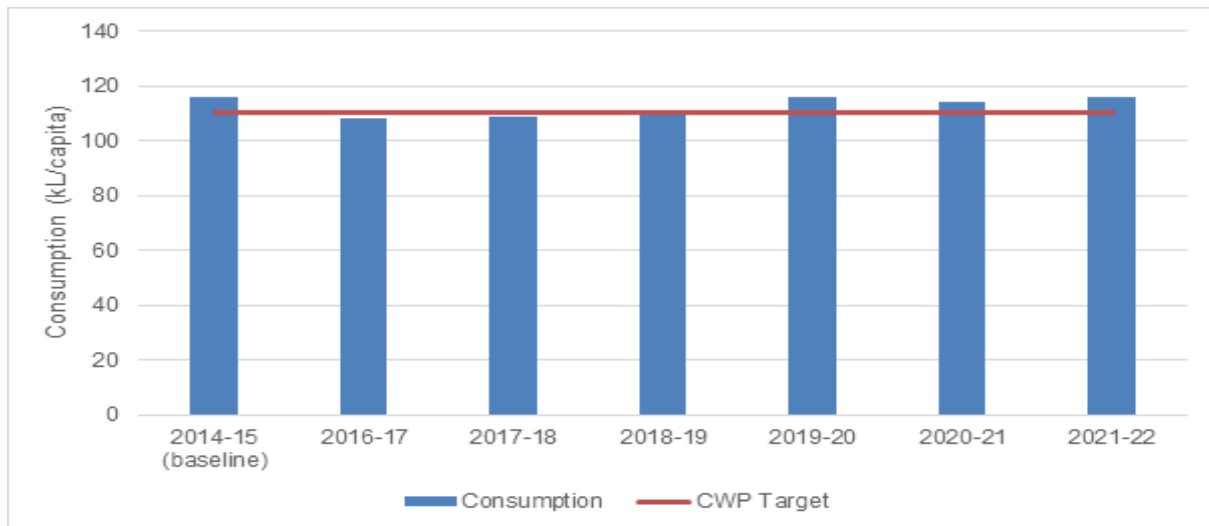


Figure 5: Community scheme water consumption 2016-17 to 2021-22 compared to the baseline year

The community scheme water consumption increase in 2021-22 may be attributed to greater numbers of people working from home and increased hygiene practices requiring water usage due to COVID-19 lockdowns and/or restriction periods, this would have also applied to 2019-20 and 2020-21 performance. There were also a record number of days recorded over 40°C in 2021-22 which may have increased water usage, particularly for watering gardens.

Corporate and Community Water Quality

The City achieved the targets of delivering water quality improvement projects of three by 2021-22 for corporate and two by 2020-21 for community. Examples of projects that have been implemented over the life of the Plan includes the following:

- Yellagonga Water Quality Monitoring and Improvement Project.
- Review of Nutrient Management Practises project.
- Iron Filtration Projects.
- Green Stamp for the Robowash Facility.
- Yellagonga Ecotourism and Community Awareness.
- Environmental Education Program initiatives.

Waterwise Council Action Plan

The City joined the Waterwise Council Program in 2010-11. The Waterwise Council Program is a partnership between Water Corporation and the Department of Water and Environmental Regulation which supports local governments to improve their water efficiency and water management.

The Waterwise Council Program includes a mandatory requirement to develop a Waterwise Council Action Plan unless local governments have a strategic water management plan that meets their requirements and is reported against annually. Previously the City Water Plan was submitted to meet the strategic water management requirements of the Waterwise Council Program and a Waterwise Council Action Plan was not required. As the City Water Plan expired in 2021, the City was required to develop a Waterwise Council Action Plan.

The City developed its Waterwise Council Action Plan (refer Attachment 2) in 2021 and submitted the plan to the Department of Water and Environmental Regulation and Water Corporation for approval. The overarching goals and activities within the plan align with the *City Water Plan 2016 – 2021*. There is no requirement from the Department of Water and Environmental Regulation or Water Corporation for Council endorsement of the Waterwise Council Action Plan as the plan is operational in nature.

The City's Waterwise Council Action Plan includes water management targets which are provided in Table 2 below.

Table 2: Waterwise Council Action Plan 2021 – 2026 Goals

Sector	Goals
Corporate Water Management	Maintain corporate potable water use 5% below 57,000 kL (five year average from 2014-15 to 2018-19) for the next 5 years.
	Maintain Craigie Leisure Centre water use 5% below 0.017 kL/person (average kL/person from 2016-17 to 2018-19) for the next 5 years.
	Maintain groundwater abstraction below groundwater allocation levels for the next 5 years.
Community Water Management	Maintain community per capita water use below 115kL per annum for the next 5 years.
	Undertake a minimum of two water efficiency and/or water quality projects that encourage community awareness and promote partnerships by 2025-26.

Reporting against the targets will be provided through the City's annual State of the Environment Report, the Annual Report and through reporting to Water Corporation and the Department of Water and Environmental Regulation as part of the Waterwise Council Program.

Issues and options considered

In regard to the future approach to the sustainable management of water, Council has the following options.

Option 1 – Develop a new City Water Plan including goals and actions from the Waterwise Council Action Plan. This will result in a duplication of content in the City Water Plan and require dual reporting requirements.

Option 2 – Include high level strategic water management objectives and goals aligning to the City's Waterwise Council Action Plan in the new Environment Strategy, rather than developing a new City Water Plan. The Environment Strategy is currently being developed. Sustainable water initiatives would be delivered through the implementation of the City's Waterwise Council Action Plan.

Given the likely duplication between a new City Water Plan and the Waterwise Council Action Plan option 2 is the preferred option.

Legislation / Strategic Community Plan / Policy implications

Legislation *Rights in Water and Irrigation Act 1914.*
 Rights in Water and Irrigation Regulations 2000.

10-Year Strategic Community Plan

Key theme Environment.

Outcome 2-3 Responsible and efficient.

Policy The proposed approach to sustainable water management is consistent with the objectives with the City's *Sustainability Policy*.

Risk management considerations

A coordinated and planned approach is required to address sustainable water management within the City and provide strategies for on-going long-term management of the City's water resources.

There is minimal risk associated with not developing a new City Water Plan given the requirement for the City to have a Waterwise Council Action Plan. The inclusion of high-level water management objectives and goals within the new Environment Strategy would allow for Council endorsement and support for the City's strategic water management direction. It would also ensure the community can provide their feedback on the City's strategic water management direction. Supporting information could be provided on the City's website on the Waterwise Council Program and reference the City's Waterwise Council Action Plan.

Financial / budget implications

Actions identified within the Waterwise Council Action Plan are costed and listed within the current and proposed 2023-24 budgets and Capital Works Program. Funding for future initiatives is subject to approval of annual budget by Council.

Opportunities to apply for grant funding will also be investigated, as they arise.

Regional significance

The issues and challenges that the City faces regarding sustainable water management are common to other local governments. Sharing information and knowledge and working in partnership with other local governments will be progressed wherever possible as part of the implementation of the Waterwise Council Action Plan.

Many of the projects that have been implemented from the *City Water Plan 2016 – 2021* included regional partnerships, including the Yellagonga Ecotourism and Community Awareness and Midge Management Strategy Partnership.

Sustainability implications

Implementation of the *City Water Plan 2016 – 2021* has ensured that water resources in the City are managed sustainably, with consideration for both water quantity and water quality issues. The *City Water Plan 2016 – 2021* also included projects that targeted community education and awareness to ensure that the community is well-informed on water issues and is provided the support it needs to change behaviours that impact negatively on water resources.

The delivery of projects has enhanced the City's built and natural assets while contributing to sustainable, holistic water management.

In addition, many of the projects aimed to provide economic benefit to the City, through improved asset management and sustainable technologies.

Consultation

Not applicable.

COMMENT

The City has made significant progress in implementing waterwise projects and achieving targets in the *City Water Plan 2021 – 2026*. It is anticipated that the Waterwise Council Action Plan will continue to provide direction and operational guidance on water conservation and water quality into the future. The Waterwise Council Action Plan also provides alignment with the Department of Water and Environmental Regulation and Water Corporation requirements as well as the approach taken by other local governments.

During the development of the Waterwise Council Action Plan, extensive benchmarking of local government strategic water planning approaches, objectives and goals was undertaken. It was determined through this process that many local governments that participate in the Waterwise Council Program only develop and implement a Waterwise Council Action Plan.

The inclusion of high-level strategic water management objectives and goals from the Waterwise Council Action Plan in the development of a new Environment Strategy would ensure Council endorsement and support for the City's strategic water management direction.

As the Waterwise Council Action Plan is operational in nature it is not recommended that the Plan be made publicly available. This approach is consistent with other local governments that have developed Waterwise Council Action Plans.

VOTING REQUIREMENTS

Simple Majority.

C038-04/23 PROCEDURAL MOTION – THAT THE MOTION BE NOW PUT

MOVED Cr May, SECONDED Cr Jones that the Motion be now PUT as per 10.1(b) of the *Meeting Procedures Local Law 2013*.

The Motion was Put and

CARRIED (8/4)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Logan, May and McLean.

Against the Motion: Crs Kingston, Poliwka, Raftis and Thompson.

MOVED Mayor Jacob, SECONDED Cr Poliwka that Council:

- 1 NOTES that a review of the *City Water Plan 2016 – 2021* has been undertaken;**
- 2 DOES NOT SUPPORT a new City Water Plan being developed due to the duplication with the Department of Water and Environmental Regulation and Water Corporation's requirement for a City Waterwise Council Action Plan;**
- 3 NOTES that high level strategic water management objectives will be included within the City's new Environment Strategy;**
- 4 NOTES that achievement of sustainable water management goals will be reported through the City's participation in the Waterwise Council Program and the City's annual State of the Environment Report and Annual Report.**

The Motion was Put and

CARRIED (7/5)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Logan, May and McLean.

Against the Motion: Crs Jones, Kingston, Poliwka, Raftis and Thompson.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf230411.pdf](#)

Disclosure of Interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ054-04/23 – List of Payments made during the month of February 2023.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob does some part-time work for Thompson Geer. He does not have any involvement in City of Joondalup matters.

CJ054-04/23 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegate Municipal Payment List for the month of February 2023 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds for the month of February 2023) Attachment 3 Municipal and Trust Fund Vouchers for the month of February 2023
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 2023.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2023, totalling \$15,235,370.22.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for February 2023 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 \$15,235,370.22.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of December 2022. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ054-03/23.

The vouchers for the month are appended as Attachment 3 to Report CJ054-03/23.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 112713 - 112726 & 112728 - 112745 112748 - 112752 & EF108339 - EF108644 & EF108679 - EF109332	\$10,157,674.37
	Net of cancelled payments Vouchers 3468A – 3478A	\$5,058,406.52
	Bond Refund Cheques & EFT Payments 112727 & 112746 - 112747 & EF108337 - EF108338 & EF108678 Net of cancelled payments.	\$19,289.33
Total		\$15,235,370.22

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 City of Joondalup *2022-23 Revised Budget* as adopted by Council at its meeting held on 28 June 2022 (CJ024-02/23 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Raftis, SECONDED Cr Thompson that Council NOTES the Chief Executive Officer's list of accounts for February 2023 paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ054-03/23, totalling \$15,235,370.22.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka and Thompson.

Against the Motion: Cr Raftis.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf230411.pdf](#)

CJ055-04/23 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENT / S	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the Financial Activity Statement for the period ended 28 February 2023.

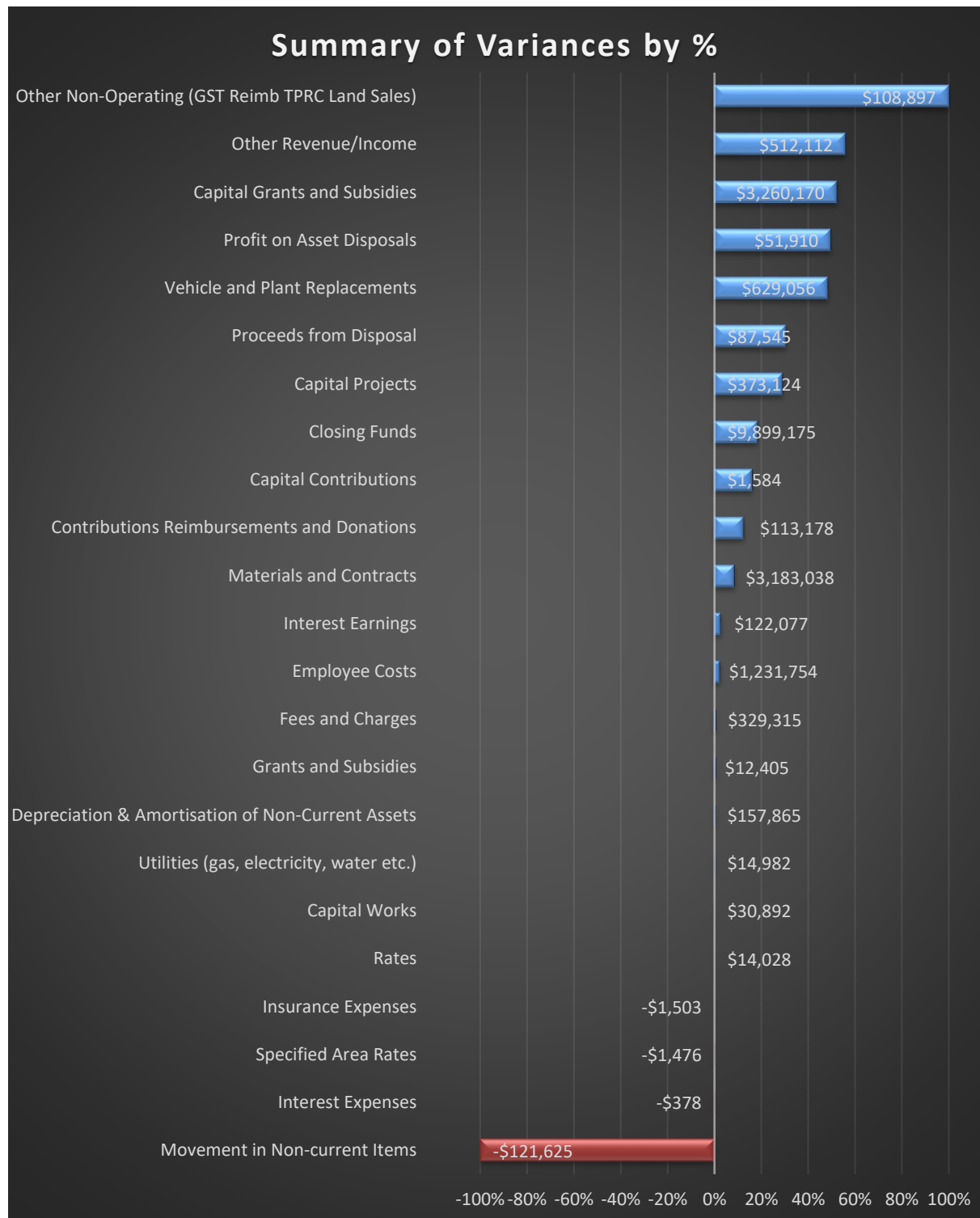
EXECUTIVE SUMMARY

At its meeting held on 28 June 2022 (CJ104-06/22 refers), Council adopted the 2022-23 *Annual Budget*. Council subsequently amended the budget at its meeting held on 16 August 2022 (CJ132-08/22 refers), 20 September 2022 (CJ158-009/22 and CJ161-09/22 refers), 18 October 2022 (CJ178-10/22 and CJ179-10/22 refers) and 13 December 2022 (CJ211-12/22 refers). Council subsequently revised the budget at its meeting held on 28 February 2023 (CJ024-02/23). The figures in this report are compared to the revised budget.

The February 2023 Financial Activity Statement Report shows an overall favourable variance of \$9,899,175 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 February. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

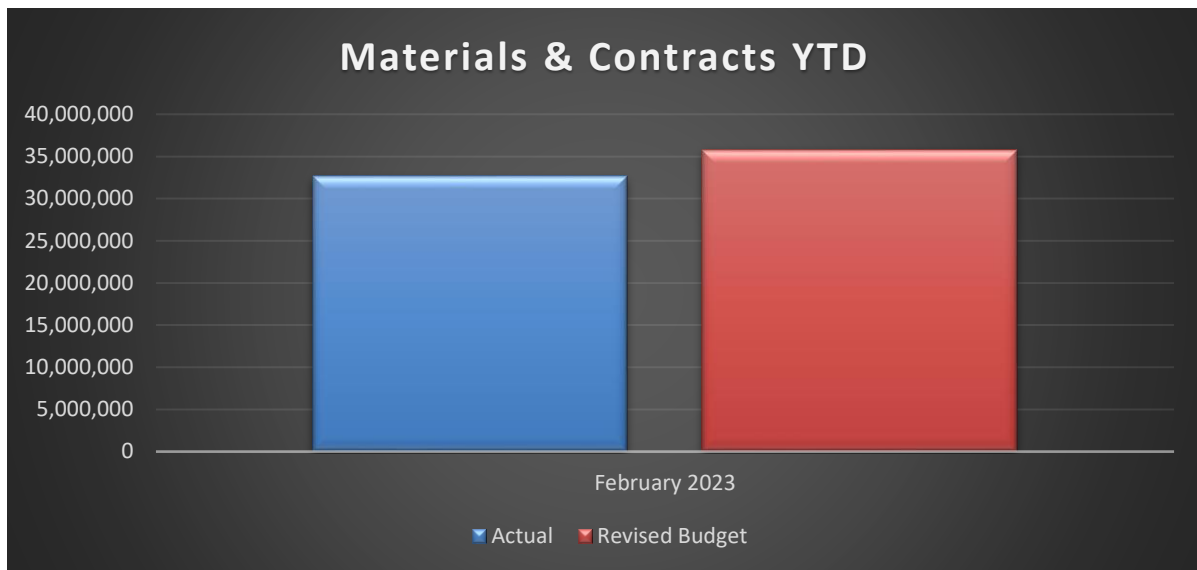
The key elements of the variance are summarised below:



The significant variances for February were:

Materials and Contracts

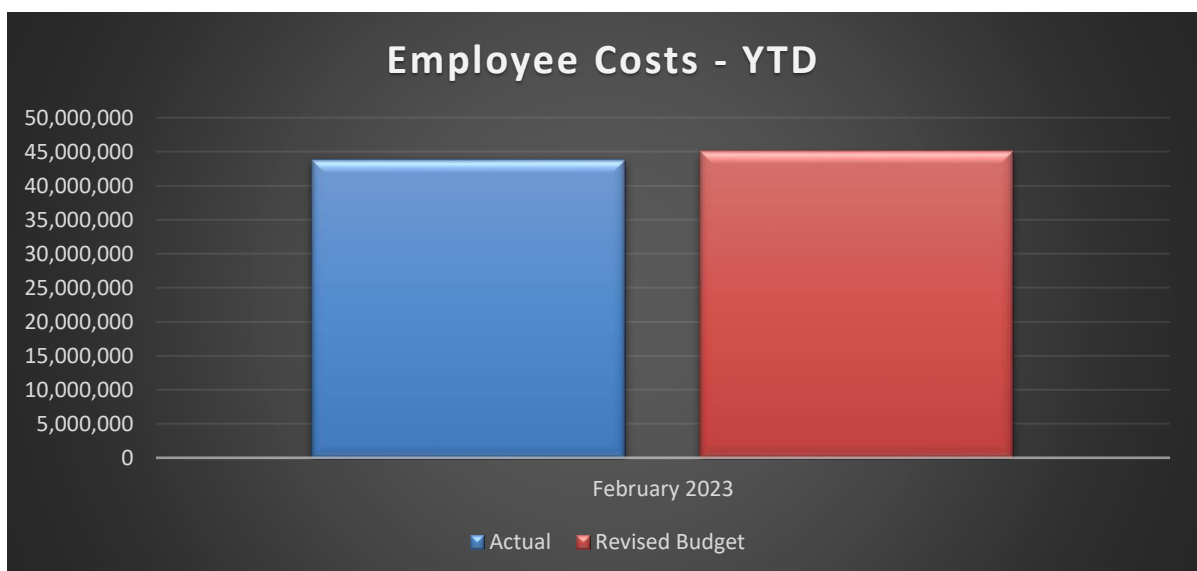
\$3,183,038



Materials and Contracts expenditure is \$3,183,038 below budget. This is spread across a number of different areas including External Service Expenses \$1,531,795, Professional Fees and Costs \$523,493, Furniture, Equipment and Artworks \$523,388, Other Materials \$150,505 and Public Relations, Advertising and Promotions \$135,549.

Employee Costs

\$1,231,754



Employee Costs expenditure is \$1,231,754 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 28 February 2023 forming Attachment 1 to Report CJ055-03/23.

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 28 February 2023 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 Responsible and financially-sustainable - you benefit from a responsible and efficient use of natural resources.

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

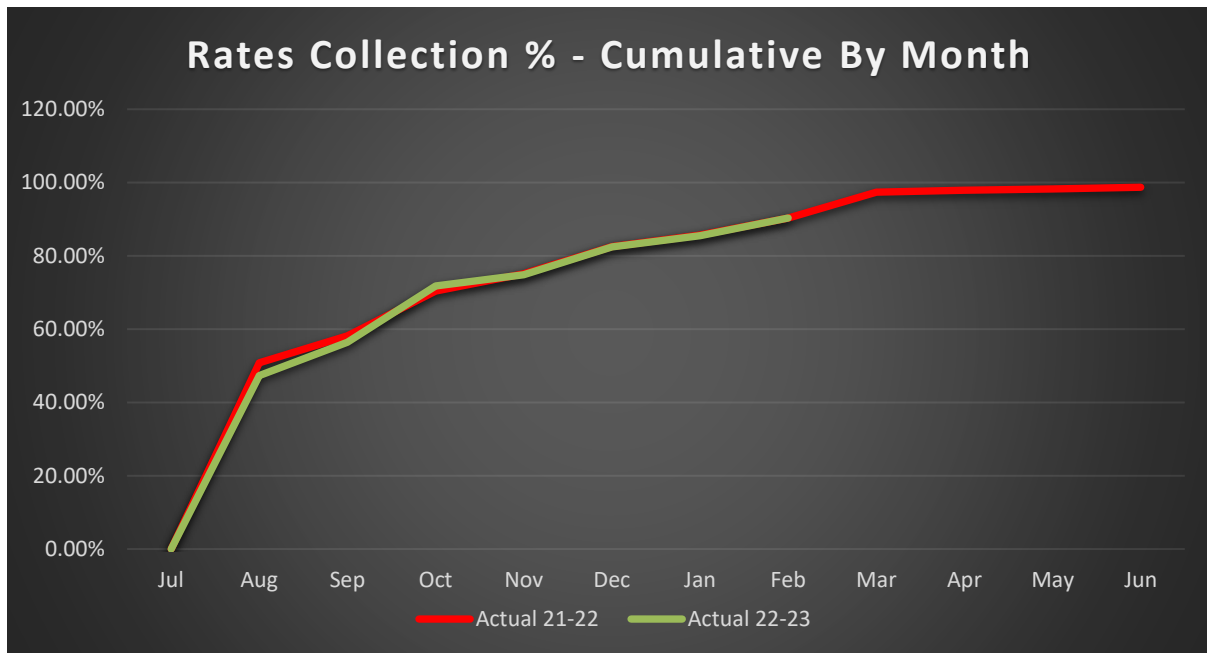
Expenditure has been incurred in accordance with revised budget parameters, which have been structured on financial viability and sustainability principles.

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*.

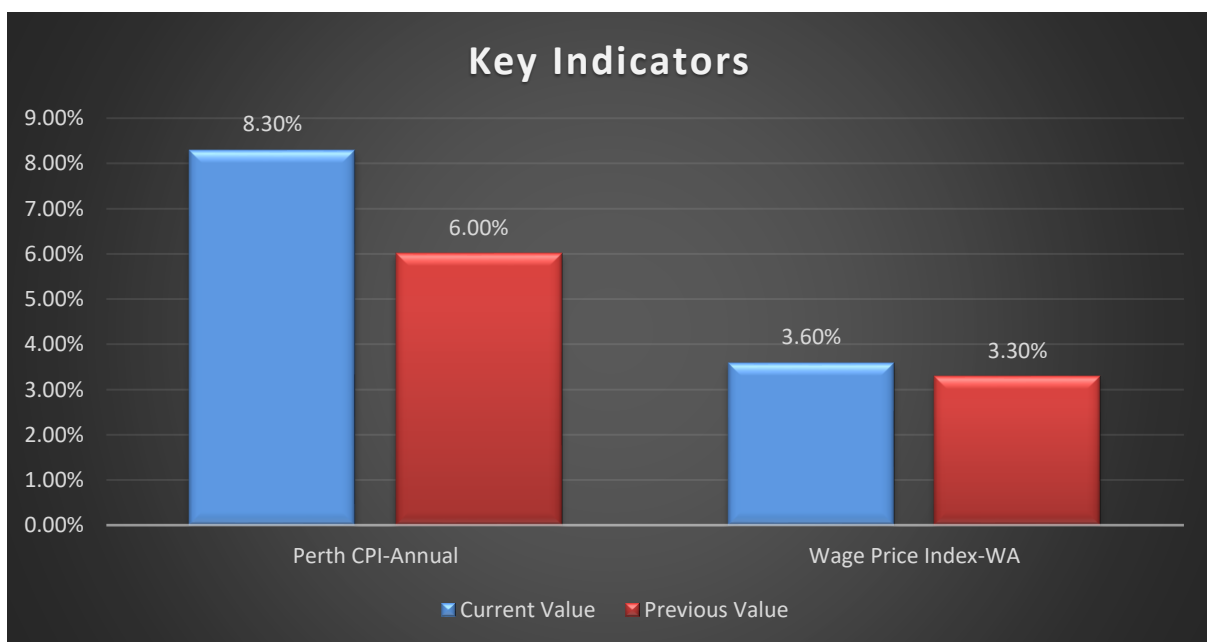
KEY INDICATORS

Rates Collection



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

Economic Indicators



During February, the Q4 Wage Price Index was released. Western Australian wages rose by 0.8% in the quarter, to be 3.6% higher than a year ago. This was the strongest annual rate of increase of all mainland states.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2022-23 revised budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Jones, SECONDED Cr May that Council notes the Financial Activity Statement for the period ended 28 February 2023 forming Attachment 1 to Report CJ055-03/23.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ059-04/23, page 92 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf230411.pdf](#)

CJ056-04/23 OCEAN REEF SEA SPORTS CLUB – CITY CONTRIBUTION

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	04171, 101515
ATTACHMENTS	Attachment 1 Business Case Attachment 2 Schematic Designs Attachment 3 Letter from DevelopmentWA Attachment 4 Letter from Ocean Reef Sea Sports Club
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to increase the contribution towards the construction costs of the Ocean Reef Sea Sports Club (ORSSC) building by \$1.321 million.

EXECUTIVE SUMMARY

The City has already committed \$1.75 million towards the construction costs of the Ocean Reef Sea Sports Club (ORSSC) building (JSC03-03/22 refers). This was based on concept design and costings from October 2021 estimated total capital cost of \$8.3 million. The ORSSC committed also to \$1.75 million and DevelopmentWA providing the majority of the funding of \$4.8 million.

Since October 2021 economic conditions have seen rising inflation which has affected the building industry in particular and as a result the revised capital cost for the ORSSC is \$10.3 million.

Since last year, a multi-stakeholder design team has progressed the design to a more detailed level, schematic design and obtained updated Quantity Surveyor (QS) costings. The design team have critiqued the costings and DevelopmentWA and the Club have identified portions that they can accept responsibility for. This has reduced the costs to \$9.621 million which still leaves a funding gap of \$1.321 million.

A business case has been prepared to evaluate the options for funding the shortfall of \$1.321 million and options to proceed or not proceed. The business case has concluded that both DevelopmentWA and the ORSSC are not in a position to bridge the gap and the best option, taking account of all the key factors, is for the City to fund the gap. The City will achieve a very good financial outcome from the overall Ocean Reef Marina project, and if it did contribute a further \$1.321 it would still do so.

It is therefore recommended that Council:

- 1 *BY ABSOLUTE MAJORITY AMENDS Parts 2 and 3.2 of its decisions at its meeting held on 29 March 2022 (JSC03-03/22) as follows:*
 - “2 *LISTS for consideration within the Strategic Financial Plan that 36% of the contribution by the City (\$1.75 million) will be repaid to the City by the Ocean Reef Sea Sports Club.*
 - 3.2 *The total cost of the Club building being capped at \$9.6 million with a contribution by DevelopmentWA of \$4.8 million.”*
- 2 *NOTES that the City’s final contribution to the Ocean Reef Sea Sports Club building will increase from \$1.75 million to \$3.06 million;*
- 3 *NOTES that an amount of \$4.81 million will be included in the 2023-24 budget which will cover the City’s contribution of \$3.06 million and the amount to be repaid to the City by the Ocean Reef Sea Sports Club of \$1.75 million.*

BACKGROUND

In March 2022 Council resolved to contribute \$3.5 million towards the capital costs of the \$8.3 million cost of the new ORSSC (JSC03-03/22 refers), with \$1.75 million to be repaid by the ORSSC to the City. The design of the building has not changed since then but the economic conditions have changed and as a result the capital costs are higher than estimated and there is now a funding gap of \$1.321 million.

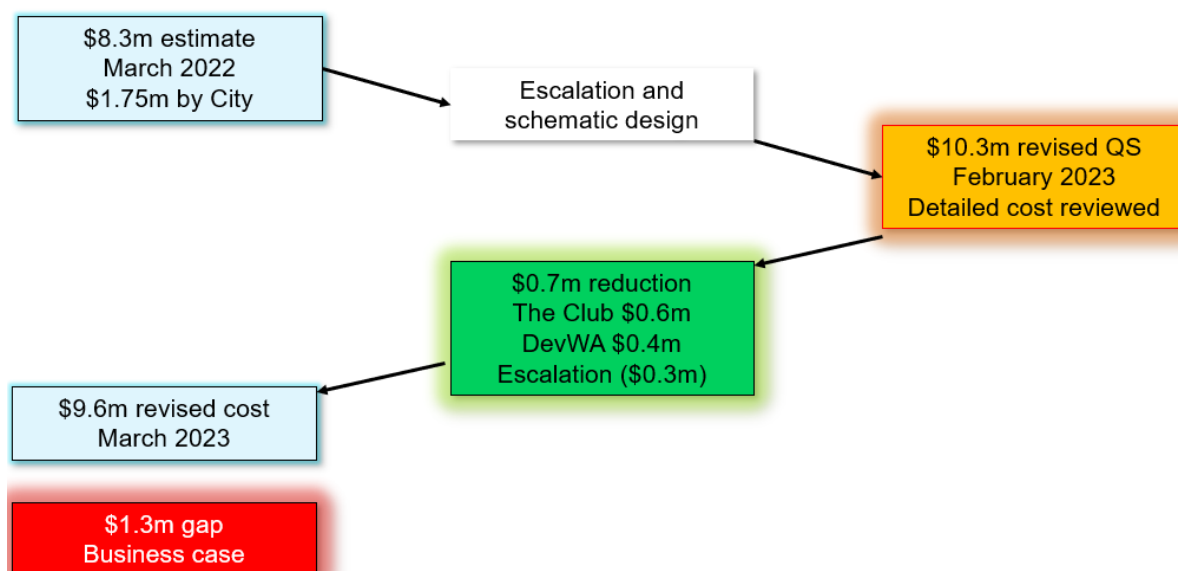
DevelopmentWA have done as much as they can to mitigate the costs and/or transfer the costs to other parts of the project. Meanwhile the ORSSC has also accepted ownership of additional costs (loose items, relocation costs) in addition to their original \$1.75 million contribution, which was already a significant impost for a community club. The City have been requested by DevelopmentWA to consider its position and whether it is possible to increase the contribution.

DETAILS

Gap

The following chart summarises the costings for the ORSSC:

- October 2021 - estimated cost of \$8.3 million, with a \$1.75 million contribution by the City.
- February 2023 - \$10.3 million revised estimate due to escalation. The building size did not increase. A detailed schematic design is provided at Attachment 2.
- March 2023 - following an extensive review involving the design team and all stakeholders, the capital costs was reduced to \$9.621 million, with DevelopmentWA able to move some of the costs (electrical and hydraulic services) to other parts of the project and the ORSSC accepting ownership of the fit-out and loose items.



Business case and Option evaluation

The City is committed to the success of the Ocean Reef Marina (ORM) project and has therefore worked with DevelopmentWA and the ORSSC to prepare a business case for the evaluation of options to fund the shortfall or not, the business case is provided as Attachment 1.

The business case explains the steps already taken by DevelopmentWA to reduce the funding gap. Meanwhile a detailed assessment of the financial sustainability has been completed.

Four options have been evaluated for funding the shortfall as follows:

- Option 1 – do not fund shortfall, reduce building size.
- Option 2 – DevelopmentWA to seek revised Treasury approval.
- Option 3 – Club to fund the shortfall.
- Option 4 – City to fund the shortfall.

A multi-criteria assessment has been prepared and is summarised in the table below. Option 4 scores the highest and it is therefore recommended that the City fund the shortfall:

Criteria	Weighting	Option 1	Option 2	Option 3	Option 4	
		Do not fund shortfall, reduce building size	DevelopmentWA seek revised Treasury approval	Club fund shortfall	City fund shortfall	
Financial sustainability - City	20%	4	4	4	3	
Social & Economic Return on Investment	10%	2	3	3	3	
Success of overall ORM project	30%	1	2	2	5	
Financial sustainability - Club	30%	2	5	1	5	
ORM alignment	10%	1	2	3	4	
Weighted Score		2.0	3.4	2.3	4.3	
Rank		4	2	3	1	

Some further comments about Options 1 to 3:

- Option 1 – do not fund shortfall, reduce building size. This is not considered a good outcome because the option used for the schematic design is the same option (option 3) as nominated previously. The design has not changed and it is based on requirements for the Club that have been agreed by the City and DevelopmentWA.
- Option 2 – DevelopmentWA to seek revised Treasury approval. This is not considered plausible because DevelopmentWA have only just sought revised Treasury approval in November 2022 and to go back so shortly would be far from ideal. In any case it can take 4 to 6 months to have an item on the agenda, so awaiting a response would delay the project considerably.
- Option 3 – Club to fund the shortfall. This initially appeared to be plausible because the Club has over \$1.5 million in cash. But after further investigation by the City this is not considered realistic by both the City and the Club. The \$1.5 million cash includes \$0.5 million working capital, and the cash will be significantly depleted as the Club have accepted responsibility for items that were originally on the QS schedule (payment of loose furniture, audio/visual equipment) whilst the Club will also have the burden of relocation costs. Revised financial projections also include large increase in fixed costs and no guarantee that the income will increase to match the increase in expenses.

Summary of reasons for the City to fund the gap

A summary of the key points in support of the City to increase its contribution are as follows:

- Vision – City's commitment to the Project vision and the City has agreed to the Development Agreement which expects the City to play a proactive role in resolving key issues, especially on the Club Facilities Lot.
- Risk – if the City did not fund the gap, it may be seen as not fulfilling its obligations within the Development Agreement.
- Big picture – gap of \$1.321 million needs to be considered in the context of the bigger picture – overall investment in the marina by State is \$223 million.
- The costs to enable construction of the new ORSSC to commence along with direct supporting infrastructure required to service the new building (such as car parking) is being funded by DevelopmentWA (circa \$2.55 million) outside the \$9.6 million building cost estimate.
- Multi-stakeholder review – QS costs critiqued and capital costs for the ORSSC have already reduced from an initial QS estimate of \$10.3 million to \$9.6 million.
- DevelopmentWA – stripped out other costs from the QS and excluded the project management costs (Bridge42).
- Design – the design has not changed.
- Escalation – Economic conditions have caused the changes and in that time the City has earned more in interest from cash reserves than it has budgeted.
- Business case – Multi Criteria Assessment has provided rationale for the recommendation.
- Club – affordability and financial sustainability is a key consideration and that by asking the Club to contribute more would pose too much of a financial burden and risk on the Club.
- Land value – Club Facilities Lot has been transferred to the City as fee simple, valued at circa \$4.31 million. Income stream will be created that will repay investment costs.
- Financial evaluation – demonstrates that the financial objectives of the project are still achieved.
- Building – City will own the ORSSC building but only contributing 30% of the cost.
- Timing – new building for ORSSC is a crucial part of the timeline.
- Options – all options have been explored and due diligence completed. This has culminated in a robust objective business case.
- Marine Rescue Group – City will have no financial responsibility for the Marine Rescue Group.

Issues and Scenarios considered

Timescales

The importance of the ORSSC building cannot be underestimated. Firstly, the new building will be home to a growing and important community club, providing important social activities and opportunities for many residents. Secondly, and perhaps more importantly, the timely and effective construction of the new ORSSC building is crucial for the overall success of the ORM – the land that the existing ORSSC building is located in a key location for the development of the ORM and the establishment of the town centre.

DevelopmentWA have already commenced the Expression of Interest (EOI) process for the town centre which will require multi-million investment by the proponent to construct the dwellings, commercial facilities and establishment of the town centre. Also, having the new ORSSC ready by November 2024 is crucial, as that is the beginning of the summer season, and a key timeline to launch day one activation activities. If the new building was not ready by November 2024, and the ORSSC was still located in its existing property, they would be surrounded during the summer of 2024-25 in the midst of heavy construction.

Financial / budget implications

The financial evaluation of the impacts of the overall ORM project to the City has been updated and included in the business case. If the City contributed a further \$1.321 million to the ORSSC building, this would bring the total net committed investment costs to \$9.071 million, comprising of the following:

- Sunk project costs \$6 million (project costs invested since 2005/06)
- ORSSC initial commitment \$1.75 million (\$3.5 million paid by the City and \$1.75 million repaid by the club).
- Additional contribution \$1.321 million.

If the City commits a further \$1.321 million to the ORSSC project, it will take the total commitment to circa \$9.071 million. In return for this the City has secured a premium piece of land, valued at \$4.31 million, and has high confidence of achieving a moderate operating surplus which will repay the investment. In addition, the City will have benefited from the development of a world-class marina for the benefit of its ratepayers and the wider community.

Regional significance

The ORM project will provide benefits to the wider region.

Sustainability implications

Not applicable.

Consultation

Consultation has been undertaken with ORSSC and DevelopmentWA who have provided input into the business case.

Legislation / Strategic Community Plan / Policy implications

Legislation The Local Government Act 1995 details provisions for when the City leases property. The lease that will be established with the ORSSC will be in accordance with the Local Government Act 1995.

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Responsible and financially-sustainable.

Risk Management Considerations

To prevent the risk of the construction costs increasing further, Development WA will manage the procurement process via a Fixed Lump Sum process.

VOTING REQUIREMENTS

Absolute Majority.

Call for One-Third Support

Regulation 10 of the *Local Government (Administration) Regulations 1996* prescribes the following procedure for dealing with revoking or changing decisions made at Council or Committee Meetings:

"If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority."

One-third support has been given by the following Elected Members:

- 1 Mayor Albert Jacob, JP.
- 2 Cr Russ Fishwick, JP.
- 3 Cr Nige Jones.
- 4 Cr John Logan.
- 5 Cr Christopher May.

Cr May left the Chamber at 7.38pm and returned at 7.42pm.

MOVED Cr Jones, SECONDED Mayor Jacob that Council:

- 1 BY ABSOLUTE MAJORITY AMENDS Parts 2 and 3.2 of its decisions at its meeting held on 29 March 2022 (JSC03-03/22) as follows:
 - “2 *LISTS for consideration within the Strategic Financial Plan that 36% of the contribution by the City (\$1.75 million) will be repaid to the City by the Ocean Reef Sea Sports Club.*
 - 3.2 *The total cost of the Club building being capped at \$9.6 million with a contribution by DevelopmentWA of \$4.8 million.”*
- 2 NOTES that the City’s final contribution to the Ocean Reef Sea Sports Club building will increase from \$1.75 million to \$3.06 million;
- 3 NOTES that an amount of \$4.81 million will be included in the 2023-24 budget which will cover the City’s contribution of \$3.06 million and the amount to be repaid to the City by the Ocean Reef Sea Sports Club of \$1.75 million.

AMENDMENT MOVED Cr Raftis SECONDED Cr Poliwka that additional Parts 4 and 5 BE ADDED to the motion to read as follows:

- “4 *REQUESTS that the CEO propose within the 2023-24 Draft Budget that the \$4.81 million be funded as borrowings with the terms of the borrowings to be determined through the standard application process with Western Australia Treasury Corporation;”*
- “5 *REQUESTS that the Chief Executive Officer includes as part of any future lease agreement and/or funding agreement entered into with the Ocean Reef Sea Sports Club, a condition that the Club’s contribution towards a reduction in rent, in accordance with the City’s Property Management Framework, only apply to the extent that the loan has been repaid to the City.”*

During debate it was requested that Parts 4 and 5 be voted on separately.

AMENDMENT MOVED Cr Raftis SECONDED Cr Poliwka that additional Parts 4 and 5 BE ADDED to the motion to read as follows:

- “4 *REQUESTS that the CEO propose within the 2023-24 Draft Budget that the \$4.81 million be funded as borrowings with the terms of the borrowings to be determined through the standard application process with Western Australia Treasury Corporation;”*

The Amendment was Put and

LOST (4/8)

In favour of the Amendment: Crs Chester, Kingston, Poliwka and Raftis.

Against the Amendment: Mayor Jacob, Crs Fishwick, Hill, Jones, Logan, May, McLean, and Thompson.

AMENDMENT MOVED Cr Raftis SECONDED Cr Poliwka that additional Parts 4 and 5 BE ADDED to the motion to read as follows:

“5 REQUESTS that the Chief Executive Officer includes as part of any future lease agreement and/or funding agreement entered into with the Ocean Reef Sea Sports Club, a condition that the Club’s contribution towards a reduction in rent, in accordance with the City’s Property Management Framework, only apply to the extent that the loan has been repaid to the City.”

The Amendment was Put and

LOST (4/8)

In favour of the Amendment: Crs Kingston, Poliwka, Raftis and Thompson.

Against the Amendment: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Logan, May and McLean.

MOVED Cr Jones, SECONDED Mayor Jacob that Council:

1 BY ABSOLUTE MAJORITY AMENDS Parts 2 and 3.2 of its decisions at its meeting held on 29 March 2022 (JSC03-03/22) as follows:

“2 LISTS for consideration within the Strategic Financial Plan that 36% of the contribution by the City (\$1.75 million) will be repaid to the City by the Ocean Reef Sea Sports Club;

3.2 The total cost of the Club building being capped at \$9.6 million with a contribution by DevelopmentWA of \$4.8 million.”;

2 NOTES that the City’s final contribution to the Ocean Reef Sea Sports Club building will increase from \$1.75 million to \$3.06 million;

3 NOTES that an amount of \$4.81 million will be included in the 2023-24 budget which will cover the City’s contribution of \$3.06 million and the amount to be repaid to the City by the Ocean Reef Sea Sports Club of \$1.75 million.

The Motion was Put and

CARRIED (8/4)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Logan, May and McLean.

Against the Motion: Crs Kingston, Poliwka, Raftis and Thompson.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf230411.pdf](#)

CJ057-04/23 ENGAGEMENT AND ADVOCACY OPTIONS FOR COMMUNITY BATTERIES WITHIN THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	110311, 101515
ATTACHMENTS	Attachment 1 Further information on community batteries
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider options for the City to engage with Synergy and Western Power and advocate to State and Federal government for the installation of community batteries.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2022 (C79-06/22 refers), Council received a Notice of Motion from Cr Chester regarding community batteries. In response to the Notice of Motion, Council resolved the following:

“That Council REQUESTS a report on options for the City to engage with both Synergy and Western Power and advocacy for the installation of community batteries within the City of Joondalup.”

City representatives have been engaging with Synergy and Western Power and a funding application was submitted by Western Power to the Federal Government Community Batteries for Household Solar Program for a community battery in Kinross. The funding opportunity identified 56 locations across Australia, with Kinross as one of six suburbs selected within Western Australia. The City will also liaise with Synergy and Western Power regarding opportunities for the installation of community PowerBank batteries and Virtual Power Plants within the City.

Council adopted the City of Joondalup *Advocacy Framework* at the October 2022 meeting (CJ168-10/22 refers). Advocacy, in alignment with the Framework, for community batteries will encourage support from the State and Federal Governments regarding the installation of community batteries within the City.

It is therefore recommended that Council:

- 1 *NOTES that the City is currently engaging with Synergy and Western Power regarding a Federal Government funding opportunity for a community battery in Kinross;*
- 2 *NOTES that the City will continue to engage with Synergy and Western Power regarding opportunities to install PowerBank batteries and/or Virtual Power Plants in other suburbs within the City;*
- 3 *NOTES advocacy for community batteries will be undertaken in alignment with the City’s advocacy Framework.*

BACKGROUND

At its meeting held on 28 June 2022 (CJ107-06/22 refers), Council considered a Notice of Motion from Cr Chester regarding community batteries; the reasoning for the motion was stated as follows:

“Community batteries are a relatively new concept in Australia.

They have been found to have advantages for both energy providers and householders. With the increasing uptake of photovoltaic panels on homes (currently 275,000 PV systems with a generating capacity of 1.1 GigaWatts) the grid can become overloaded during the day and grid-connected community batteries are able to absorb the excess energy and prevent daytime grid overload. At night, they become virtual power plants.

A particular type of community battery being trialled in Western Australia is PowerBank, where households can store up to 8 kiloWatt hours of excess energy during the day and withdraw it at their own convenience at night. In this way PowerBank removes the need to have in-home battery installations which could cost between \$8,000 - \$13,000.

PowerBank batteries can support up to 250 households but there are service costs involved in sharing the battery and the cost/benefit for customers would need to be further investigated.

Current Locations of PowerBank Community Batteries:

- 1 City of Mandurah, Meadow Springs.
- 2 City of Mandurah, Falcon.
- 3 City of Swan, Ellenbrook #1.
- 4 City of Swan, Ellenbrook #2.
- 5 City of Wanneroo, Two Rocks.
- 6 City of Wanneroo, Ashby.
- 7 City of Canning, Canning Vale.
- 8 City of Rockingham, Port Kennedy.
- 9 City of Stirling, Yokine.
- 10 City of Kwinana, Parmelia.
- 11 City of Kalgoorlie-Boulder, Kalgoorlie-Boulder.
- 12 City of Busselton Vasse.
- 13 Shire of Augusta-Margaret River, Margaret River (behind the meter community battery (5 year trial)).”

The following was resolved:

“That Council REQUESTS a report on options for the City to engage with both Synergy and Western Power and advocacy for the installation of community batteries within the City of Joondalup.”

Initial research at the time the Notice of Motion was considered by Council found that all current trials and locations of community batteries, PowerBank batteries and Virtual Power Plants are owned and operated by Western Power and Synergy. Trials of the latest PowerBank project were planned to conclude in September 2022.

Given the complexity and that the oversight of the power generation assets and storage lies with external agencies, it was considered by the City that the most prudent course of action was to leave it to those agencies to investigate, assess, and prioritise community batteries in alignment with their generation and storage requirements and overall power generation strategies. The City, however, could focus its efforts on advocating to the relevant agencies to consider community batteries within the City in support of the City’s residents. This report presents the options for the City to engage with both Synergy and Western Power and advocate for the installation of community batteries within the City.

There are some existing battery storage systems that are located within the City or being investigated. The City has installed battery storage systems at two community buildings with solar PV systems. The State government has also installed a commercial battery system at Belridge Secondary College as part of the Schools Virtual Power Plant Pilot Project.

Further information regarding Distributed Energy Resources, Network Opportunity Map, battery storage on City buildings, community batteries (including PowerBank batteries, Virtual Power Plants and microgrids) and solar uptake within the City is provided as Attachment 1 to Report CJ039-03/23.

DETAILS

The City engaged with Synergy and Western Power regarding a Federal Government grant opportunity titled "Community Batteries for Household Solar Program – Delivery of Election Commitments Stream 1" regarding installation of a community battery in Kinross, which was submitted on 24 February 2023. The grant opportunity aims to deliver community batteries to support lower electricity bills and emissions, support storage of excess solar energy, reduce pressure on the grid and allow households that may not be able to install solar panels to benefit from renewable energy through shared community storage. The objective of the grant is to install, connect and operate community batteries in eligible locations.

The grant opportunity outlines 6 eligible locations for community batteries in WA including one suburb within the City of Joondalup, Kinross. The minimum grant amount is \$100,000 and the maximum grant amount is \$500,000 per eligible location. Incorporated entities, local government and state government agencies or bodies are eligible to apply for the grant and joint applications are acceptable if there is a lead organisation. If the application was successful, projects could commence in June 2023.

Western Power was the lead applicant in the funding submission and Synergy was a project partner. The City is not required to financially support the program, however, some in kind support has been requested from the City.

Western Power will be responsible to procure and install a community scale battery (~100kW/400kWh) which would service approximately 70 households. Households with rooftop solar would be required to pay a small daily access fee to store excess electricity to use during peak times with average savings of approximately \$140-\$200 per annum. The battery will be approximately 3m (L) x 1.5m (W) x 2m (H) with a concrete pad approximately 4m x 3.5m. As part of a detailed desktop review, Western Power have identified four potential locations within Kinross. The final location will be a joint decision between Western Power and the City based on network requirements and local factors including impact on residents and future strategic plans. If funding is successful, the project will take approximately 18 months from procurement to installation.

There are further potential opportunities for the City to engage with Synergy, Western Power and the private sector and advocate to State and Federal government for community batteries including PowerBank batteries and Virtual Power Plants. The objective of the advocacy would be to encourage the installation of community batteries within the City, such as PowerBank batteries or Virtual Power Plants, to utilise local energy, increase energy efficiency and assist to stabilise the energy network.

Issues and options considered

The City uses energy from the South West Interconnected System (SWIS) electricity grid which is geographically and electrically isolated, with no interconnections to other transmission systems.

The SWIS will be at risk of experiencing widespread outages within the next five years if challenges associated with integrated significant levels of utility-scale renewables and distributed energy resources are not addressed. The installation of community batteries will assist to decentralise and stabilise the energy network and allow for further uptake of renewable energy to reduce greenhouse gas emissions.

Council adopted the City of Joondalup Advocacy Framework at the October 2022 meeting (CJ168-10/22 refers). To encourage the installation of community batteries within the City, Council can either:

- support the City undertaking advocacy in alignment with the Advocacy Framework. This is the recommended option.
or
- not support advocacy for the installation of community batteries within the City.

Legislation / Strategic Community Plan / Policy implications

Legislation *Climate Change Act 2022 (Cwlth).*

10-Year Strategic Community Plan

Key theme Environment.

Outcome Responsible and efficient – you benefit from a responsible and efficient use of natural resources.

Key theme Leadership.

Proactive and Represented – you are confident that the City is advocating on your behalf for initiatives that benefit the community.

Policy *Sustainability Policy.*
Western Australian Climate Policy.

Risk management considerations

There have been rapid advances in renewable energy technology and swift uptake of renewable energy in Western Australia. Higher levels of renewable energy uptake present risks to power system security and reliability because power systems were not designed for high levels of intermittency and two-way flow of power. To address these risks, the State Government is moving towards a decentralised supply chain comprising a variety of downstream distributed energy resources and away from a centralised power system.

Financial / budget implications

The installation of a community battery within the City may have financial implications for the City in regard to contributing land for infrastructure. However, community batteries generally have a lifespan of 10-15 years at which point the community battery may be maintained or removed. The infrastructure costs for a community battery would be funded by Federal grant funding and Western Power. The estimated costs for a 400kWh community battery that is fully installed and commissioned is approximately \$650,000.

Regional significance

The City uses energy from the South West Interconnected System (SWIS) electricity grid which serves more than 1.1 million customers in the southwest of Western Australia. The SWIS also allows for penetration of renewable energy resources. The SWIS is geographically and electrically isolated, with no interconnections to other transmission systems. It was planned and developed around centralised, large-scale, dispatchable generation. The SWIS will be at risk of experiencing widespread outages within the next five years if challenges associated with integrated significant levels of utility-scale renewables and distributed energy resources are not addressed.

Sustainability implications

Distributed Energy Resources such as solar panels contribute to decarbonise the power system, reduce emissions and lower the cost of electricity bills. As Distributed Energy Resources capabilities improve and technology costs continue to fall, these benefits will increase, and the technologies become more accessible. Community batteries assist to remove the barriers to Distributed Energy Resource participation and supports the State governments commitment to a low-carbon future for the State, as demonstrated in the Western Australian Climate Policy.

The proposed community battery in Kinross is estimated to avoid annual emissions of approximately 61,430 kg CO₂-e due to the benefits associated with the mitigation of future solar hosting constraints.

Consultation

The City has liaised with Synergy and Western Power in regard to the Federal Government community battery grant opportunity for Kinross. If the community battery funding application is successful, Western Power, with the assistance of the City will consult with the community regarding the specific location of the community battery in Kinross.

COMMENT

Advocacy regarding the installation of community batteries within the City would further enhance current activities and increase opportunities to seek support for the use of local energy, increase energy efficiency and assist to stabilise the energy network.

Council adopted the City of Joondalup Advocacy Framework at the October 2022 meeting (CJ168-10/22). Advocacy, in alignment with the Framework, for community batteries will encourage support from the State and Federal Governments and the private sector regarding the installation of community batteries within the City.

Advocating for community batteries aligns with the City's Advocacy Framework which states a focus area is the "physical and digital infrastructure to enable the region's economic environmental and community development goals."

The City supports Western Power's funding application for a community battery in Kinross and will engage with Synergy and Western Power in regard to other opportunities to install community batteries within the City to reduce greenhouse gas emissions, lower the cost of electricity bills and assist to decentralise and stabilise the energy network.

The City implements a *Climate Change Strategy 2014-2019* with a corporate and community focus to reduce greenhouse gas emissions to minimise the severity of climate change. The City is also currently developing a new Climate Change Plan. The installation of community batteries in the City would reduce greenhouse gas emissions from the community and meet the objectives of the City's *Climate Change Strategy 2014-2019*.

VOTING REQUIREMENTS

Simple Majority.

Cr Poliwka left the Chamber at 8.08pm and returned at 8.11pm.

Cr Jones left the Chamber at 8.08pm and returned at 8.11pm.

Manager Community Development & Library Services left the Chamber at 8.08pm.

Manager Asset Management left the Chamber at 8.09pm.

Senior Financial Analyst left the Chamber at 8.10pm and returned at 8.11pm.

Cr Kingston left the Chamber at 8.11pm.

MOVED Cr Chester, SECONDED Cr Logan that Council:

- 1 **NOTES that the City is currently engaging with Synergy and Western Power regarding a Federal Government funding opportunity for a community battery in Kinross;**
- 2 **NOTES that the City will continue to engage with Synergy and Western Power regarding opportunities to install PowerBank batteries and/or Virtual Power Plants in other suburbs within the City;**
- 3 **NOTES advocacy for community batteries will be undertaken in alignment with the City's *Advocacy Framework*.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf230411.pdf](#)

Disclosures of Interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob is a Councillor on Mindarie Regional Council.

Name / Position	Cr Christopher May.
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr May is a member of Mindarie Regional Council.

Name / Position	Mrs Vivienne Stampalija, Governance Coordinator
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mrs Stampalija's husband works at Mindarie Regional Council.

CJ058-04/23 CONFIDENTIAL – MINDARIE REGIONAL COUNCIL – WASTE TO ENERGY TENDER

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	03149, 101515
ATTACHMENTS	Attachment 1 Mindarie Regional Council Position Paper – Waste to Energy Tender Endorsement
	<i>(Please note: The Report and Attachments are Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This Item was dealt with later in the meeting, after 'Motions of Which Previous Notice has been Given', page 103 refers.

*Cr Kingston entered the Chamber at 8.15pm.
The Manager Strategic and Organisational Development left the Chamber at 8.16pm.*

REPORTS – MAJOR PROJECTS AND FINANCE COMMITTEE - 20 MARCH 2023

CJ059-04/23 MAJOR PROJECT DEFINITION 2023

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	110433, 101515
ATTACHMENTS	Attachment 1 List of Major Projects
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to note the definition of major projects for 2023 and to review the list of projects defined as a major project be considered as part of the 2023-24 budget process.

EXECUTIVE SUMMARY

The City has refined the definition of major projects in the past two years and presented to Elected Members at budget workshops and strategic weekend. It is worthwhile reviewing the definition each year and to consider whether existing projects meet the definition or there are other projects that need to be categorised as a major project. It is important that projects are correctly defined as a major project because they should provide more substance and rationale than other projects such as a business case should always be prepared for major projects.

It is therefore recommended that Council NOTES:

1 *the definition of Major Projects as follows:*

“A major project is a high-profile, one-off, project that will require a significant level of resources to evaluate (objectives, options, scoping), fund (business case), implement (delivery) and operate (staff and/or contracts). Major projects may involve existing facilities which require master-planning or major redevelopment. Major projects can also be transformational which can mean a completely new building, new service or a significant change to existing service. Major projects are required to have a greater level of rigour, evaluation and justification than other projects”

2 *the list of Major Projects provided as Attachment 1 to Report CJ059-03/23.*

BACKGROUND

In 2021 the City reviewed the definition of major projects and created thresholds for the definition. The need for a business case to approve a major project was also firmly established and during the past three years the City has demonstrated regular capability in preparing business cases. The City has reviewed the definition in 2023 and proposes some minor changes.

DETAILS

Overview

The overall definition of a major project is:

“A major project is a high-profile, one-off, project that will require a significant level of resources to evaluate (objectives, options, scoping), fund (business case), implement (delivery) and operate (staff and/or contracts). Major projects may involve existing facilities which require master-planning or major redevelopment. Major projects can also be transformational which can mean a completely new building, new service or a significant change to existing service. Major projects are required to have a greater level of rigour, evaluation and justification than other projects”

Thresholds / Tests for Defining a Major Project – 2022 Definition

The 2022 definition included five tests for a major project, each of them must be satisfied:

- 1 **ENDORSED BY COUNCIL** – Council has given some type of endorsement for the project to be evaluated and resources/budget are allocated.
and
- 2 **HIGH-PROFILE** - will attract a significant level of attention from the community (and/or Elected Members).
and
- 3 **LONG LEAD TIME** – a project which requires significant level of resources spread over multiple years to evaluate, approve, tender and implement.
and
- 4 **FINANCIAL THRESHOLD**
 - Capital >\$1 million. A major project would normally have at least \$1 million of capital expenditure (not necessarily in one year); or
 - Operating Surplus/Deficit incremental impact >\$100,000 per year.*and*
- 5 **UPGRADE / NEW** – a project comprises of at least 30% upgrade/new, or if a project is >70% renewal but has a significant early renewal component.

Enhanced Definition 2023

All five tests above are still considered appropriate. There are two minor enhancements proposed. Firstly, threshold two is proposed to also refer to state.

- 2 HIGH-PROFILE - will attract a significant level of attention from the community (and/or Elected Members) or state.

The second proposed change is to the financial threshold, this needs to be tighter because the key financial test is gross capital expenditure, not net of grants. The definition does already refer to outright capital expenditure (not net of grants) but this could be more explicit, so the following additional statement proposed is underlined for inclusion in the definition of the Financial Threshold:

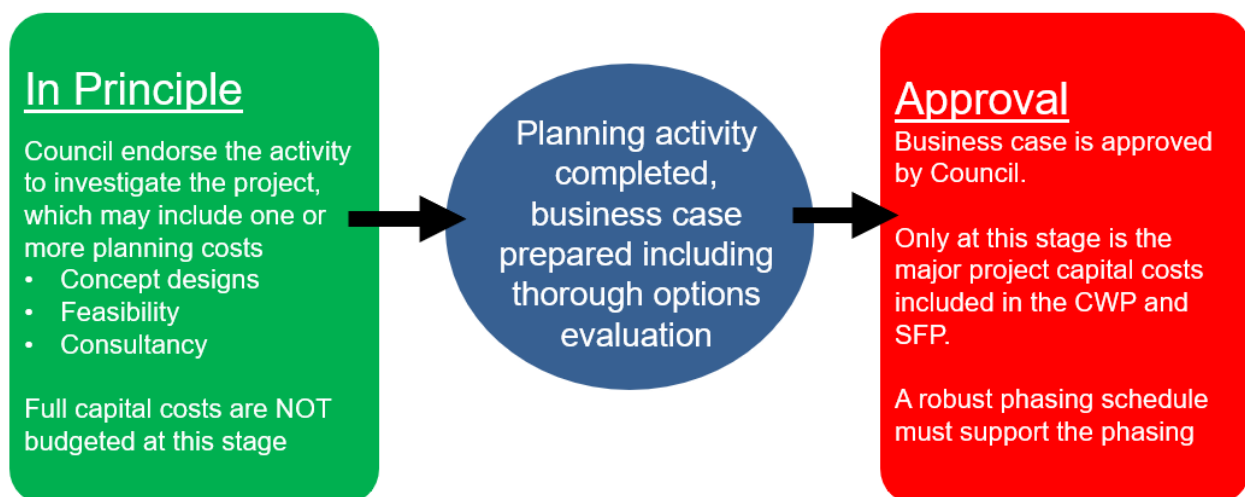
4 FINANCIAL THRESHOLD

- Capital >\$1 million. A major project would normally have at least \$1 million of capital expenditure (not necessarily in one year). The test is based on total (gross) capital expenditure and is not based on the net funding.

It is crucial for the City to recognise that the provision of grant funding is a one-off. The real burden to the City is the gross capital expenditure as the City has responsibility for the future replacement and maintenance/operation. So if a \$10 million project was 100% funded by grants it may still be a major project and a business case is still required.

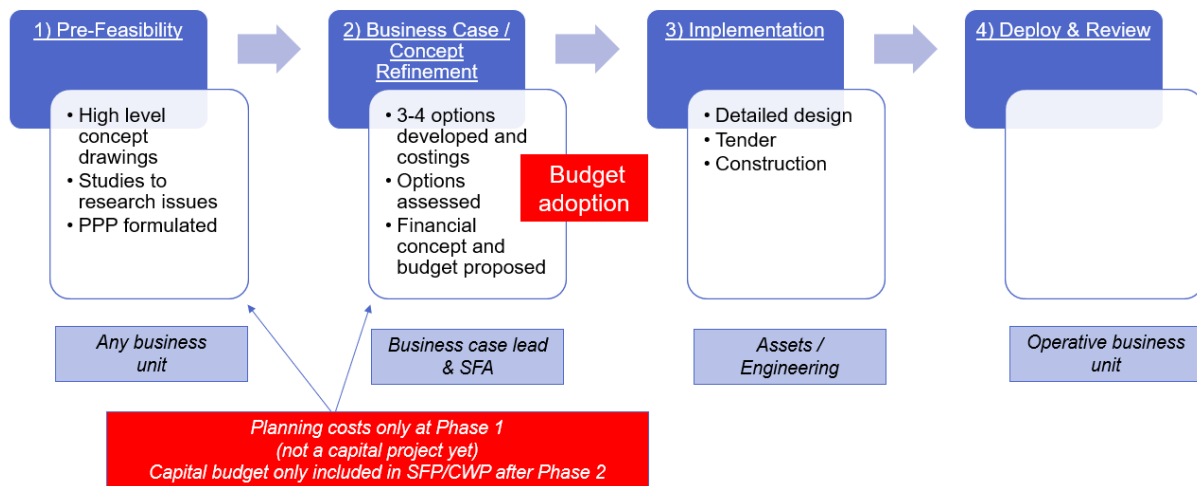
Budgeting for major projects

Due to the uncertain nature/cost/outcome of major projects the capital costs are only included in the *Strategic Financial Plan (SFP)* and *Capital Works Program (CWP)* once fully approved. This has been the practice for three years. The planning costs required to evaluate a major project and prepare a business case are therefore operating costs. The chart below summarises the budgeting practice for major projects:



Phases of a major project

There are also different phases of a major project and different roles for business units as shown on the chart below.



Issues and Options considered

Council's options are as follows:

- retain the existing definition of major projects
- endorse the revised definition of major projects
or
- propose other changes to the definition

Legislation / Strategic Community Plan / policy implications

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

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

10-Year Strategic Community Plan

Key theme Leadership.

Outcome: Responsible and financially-sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

Policy *Strategic Financial Plan – Guiding Principles.*

Risk management considerations

Business Cases also require a risk evaluation of the project.

Financial / budget implications

Major projects are only included in the *Strategic Financial Plan* once a business case has been prepared and fully approved by Council. The City evaluates the potential financial impact of the full pipeline of major projects, if they were eventually approved.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENTBusiness Case

There are significant benefits from the preparation of a business case as follows:

- Why are we doing it? Objectives quantified at an early stage if possible.
- Community demand/utilisation.
- Options evaluated.
- Financial evaluation to provide clear audit trail for the whole of life costs.
- Social and Economic benefits identified.
- Rationale for decision.
- Value for money for community.

A resolution from Council to approve a project or “list for consideration” is of course crucial to giving authority for a major project to proceed. However, the endorsement of a robust business case in conjunction with the Council resolution provides additional substance. A business case provides opportunities to assess different options and evaluate whether the best use of funds is being applied.

While there are significant benefits from the preparation of a robust business case, it is a resource-intensive process, so not every large project in the City could have a business case and hence it is vital to have an appropriate definition of major projects so that the volume of business cases to be prepared is manageable.

List of Major projects and comments on specific projects

A list of major projects is provided at Attachment 1. There are 33 projects listed, 31 of which were on the previous list. A review of the draft CWP has considered whether any of those projects meet the definition of a major project and should be categorised as such. There are two new projects proposed to be classed as major, these are highlighted in yellow and listed below (Attachment 1 refers):

- Moolanda Bridge - this asset already existed and may at first not appear to meet threshold number 5. However, the bridge has been demolished earlier than anticipated so it is an early renewal. There is currently no bridge on the site so any new bridge could be considered as a new asset. The business case should also evaluate the utilisation of a new bridge and prepare value for money metrics for example if there were 500 regular users of the bridge and the cost was \$5 million, this equates to a cost per user of \$10,000, is this a reasonable cost to spend?
- Shenton Avenue Road Upgrades / Freeway – Main Roads have proposed significant upgrades to the Shenton Avenue Freeway junction and associated area. This would be an expensive project, lasting several years and it is vital for the City to assess the viability of this, irrespective of how much grant funding Main Roads provide to the City.

It is therefore proposed that the above two projects are reclassified as a major project and the City only commits to the planning costs and preparation of a business case. Once a business case is approved then the capital costs can be added to the SFP and CWP.

Comments about other projects:

- Hillarys Cycle Network Expansion - a multiyear project to upgrade existing foot paths. State Government have committed significant grant funding to this project which has been formally accepted by the City. This project may have benefited from being classed as a major project and having a business case, but the grant funding has now been accepted so it would not be a good use of resources to prepare a business case. This project will therefore remain in the standard CWP (within the "New Paths" program).
- Percy Doyle Youth Facilities - a business case was presented to Council at its meeting held 19 April 2022 (CJ046-04/22 refers). While the business case was endorsed the project was not fully approved with approval to go to concept design and report back to Council. As the project is not fully approved then it cannot be classed as a capital project or included in the SFP or CWP. The planning and design costs required to progress the project will therefore be included within the 2023-24 operating budget.
- Neil Hawkins Park Redevelopment - this project is only at very early investigative stages and therefore the planning costs will be budgeted as operating expenses.
- Ocean Reef Marina Commercial facilities - the City is currently preparing a business case for the development of commercial facilities on the lot it has secured as fee simple (the "Club Facilities Lot"). Approval for budgeting for the capital costs will only be sought once the business case is endorsed.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ059-03/23 (as detailed below) was resolved by the Major Project and Finance Committee at its meeting held on 20 March 2023. The committee recommendation is the same as recommended by City officers.

MOVED Cr Raftis, SECONDED Cr McLean that Council NOTES:

1 the definition of Major Projects as follows:

"A major project is a high-profile, one-off, project that will require a significant level of resources to evaluate (objectives, options, scoping), fund (business case), implement (delivery) and operate (staff and/or contracts). Major projects may involve existing facilities which require master-planning or major redevelopment. Major projects can also be transformational which can mean a completely new building, new service or a significant change to existing service. Major projects are required to have a greater level of rigour, evaluation and justification than other projects";

2 the list of Major Projects provided as Attachment 1 to Report CJ059-03/23.

The Motion was Put and

CARRIED (9/3)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Logan, May, McLean and Thompson.

Against the Motion: Crs Kingston, Poliwka and Raftis.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf230411.pdf](#)

C039-04/23

COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION

MOVED Cr Jones, **SECONDED** Cr May that pursuant to the *City of Joondalup Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

CJ049-04/23, CJ051-04/23, CJ055-04/23 and CJ060-04/23.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

CJ060-04/23 STATUS REPORT - PROPOSED DISPOSAL OF LOT 12223 (12) BLACKWATTLE PARADE, PADBURY

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	55022, 63627, 101515
ATTACHMENTS	Attachment 1 Location Plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

To provide Council with a status update concerning the proposed disposal of Lot 12223 (12) Blackwattle Parade, Padbury (Lot 12223), and defer the Expression of Interest (EOI) process and disposal of Lot 12223 to allow the consideration of the economic, natural and social sustainability implications associated with the site.

EXECUTIVE SUMMARY

The acquisition of Lot 12223 commenced in 2011 when petitions from residents local to the 'Hepburn Heights' estate raised concerns about parking, traffic, and pedestrian issues since the opening of a local early learning centre (Attachment 1 refers). The petitions detailed that should the City acquire the site in freehold from State Government, it could be rezoned and sold using the proceeds for the installation of traffic signals at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.

At its meeting held on 19 April 2022 (CJ057- 0/22 refers). Council resolved, in part, to support the commencement of a two-stage land disposal process concerning Lot 12223. Prior to commencing the first stage of calling for EOI a due diligence review was to take place on the City's intended land disposal model. To undertake the due diligence review, fee proposals were requested from a number of solicitors.

On examination of the fee proposals, a solicitor was selected and met with City representatives to provide initial advice. It was highlighted that some relevant factors and rationales have likely changed since 2011 when local residents first petitioned the City to purchase the site.

A range of factors concerning the current economic climate was raised, such as the high inflation environment making selling and holding the proceeds as cash indefinitely a less-attractive option. The impact of COVID on the economy and more particularly the property market and construction industry was also identified as a compromising factor.

Besides the matters highlighted at the start of the due diligence review, other factors materialised that had relevance to the intended disposal of Lot 12223. These factors include a \$3 million grant from State Government for traffic mitigation measures in the area and a child care centre development application pending approval for the property directly east of Lot 12223, on Lot 193 (16) Blackwattle Parade, Padbury (Lot 193).

Access to State Government funding to deal with traffic-related issues in the proximity of Lot 12223 results in it now being unnecessary to sell Lot 12223 immediately. This may allow the time for the City to review the future of Lot 12223 against the objectives of the *10-Year Strategic Community Plan* and the outcome of the recent City-wide Social Needs Analysis (SNA). The purpose of the SNA is to assist the City to identify the social needs of its existing and future residents.

Should a child care centre be approved for development on Lot 193, local traffic flow is highly likely to increase from that being experienced currently. Should the sale and development of Lot 12223 continue, traffic flow again will increase locally.

The City plans to install a dual lane roundabout at the Walter Padbury Boulevard and Hepburn Avenue intersection and traffic signals at the Lilburne Avenue and Hepburn Avenue intersection which should positively influence traffic flow in the area. These works are planned to be completed in late 2024. Should a child care centre be developed on Lot 193, deferring any further development at this location (on Lot 12223) may be beneficial until the traffic treatments in the area have been installed. This delay also allows the City time to review the future of Lot 12223.

It is therefore recommended that Council:

- 1 *NOTES that at its meeting held on 19 April 2022 (CJ057- 04/22 refers), Council's resolution, in part, was to "SUPPORT the commencement of a two-stage land disposal process concerning Lot 12223 (12) Blackwattle Parade, Padbury as detailed in the report to Council at its meeting held on 20 July 2021 (CJ107-07/21 refers).";*
- 2 *DEFERS the commencement of disposal actions for Lot 12223 (12) Blackwattle Parade, Padbury until further notice.*

BACKGROUND

At its meeting held on 20 July 2021 (CJ107-07/21 refers), Council resolved the following:

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

It was reported to Council that prior to commencing the land disposal process, a due diligence review would take place to include legal advice.

In the interim, as requested in item 4 of Council's above resolution, the DPLH was contacted concerning the use of the proceeds on the sale of Lot 12223 and the scope of the proximity in which those proceeds can be spent. The result of this contact was reported back to Council at its meeting held on 19 April 2022 (CJ057- 0/22 refers). Council's resolution, in part, was the following:

"7 SUPPORTS the commencement of the two-stage land disposal process concerning Lot 12223 (12) Blackwattle Parade, Padbury as detailed in the report to Council at its meeting held on 20 July 2021 (CJ107-07/21 refers)."

In July 2022, the City contacted three solicitors requesting their fee proposals for providing a due diligence review. Several documents relevant to the EOI process were forwarded as part of the City's request. The solicitors' responses were assessed, a solicitor was selected, a meeting with City representatives was arranged and a letter was provided to the City summarising the matters discussed.

Part of the advice provided was that the EOI sale/lease process and outcomes could still be successful without some of the factors detailed in the letter being in place; however, the City considered that some of the points raised had merit and potentially the land disposal process needed to be considered on a more strategic level. This outcome culminating with other relevant matters related to the sale of Lot 12223, contributed to a decision to report back to Council before calling for EOI.

DETAILS

Solicitor's Information – October 2022

Some of the matters raised were, for example, for the City to consider if it was selling Lot 12223 at the appropriate time in the economic cycle. Other matters discussed were the current labour and materials shortages the building industry is experiencing, the current high inflation environment (making selling and holding the proceeds as cash indefinitely a less-attractive option), and the potential to examine the overall 'Blackwattle Parade commercial area' from a planning framework perspective.

Additionally, the solicitor highlighted that some relevant factors, rationales, and opportunities have likely changed since local residents first petitioned for the site to be purchased in 2011, therefore potentially, the City may now be overlooking opportunities to use or dispose of the site to align with or advance the objectives of its *10-Year Strategic Community Plan*.

At the same time as considering the above information, the following relevant matters occurred.

Improvements to the Walter Padbury Boulevard/Hepburn Avenue Intersection

The acquisition, rezoning, and disposal of Lot 12223 had considerable local community support with the focus being to use the sale proceeds towards the installation of traffic signals at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury if such use of the funds was approved by the DPLH, such approval was eventually provided.

In the interim, as part of the 2021 State Government elections, a commitment of \$3 million was made to fund improvements to the Walter Padbury Boulevard and Hepburn Avenue intersection.

At its meeting held on 20 August 2022, Council resolved the following (CJ161-09/22 refers) which released the need to dispose of the site should Council determine it.

- “1 *NOTES the outcome of the modelling and option analysis undertaken by the City and Main Roads WA;*
- 2 *SUPPORTS Option 5 being a dual lane roundabout at the Walter Padbury Boulevard and Hepburn Avenue intersection and traffic signals at the Lilburne Avenue and Hepburn Avenue intersection;*
- 3 *BY AN ABSOLUTE MAJORITY ACCEPTS the offer of \$3 million grant funding commitment from the State Government and upon the initial progress payment being received undertakes the works as per Part 2 above;*
- 4 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Capital Works Expenditure Budget for the Hepburn Avenue intersection improvements;*
- 5 *BY AN ABSOLUTE MAJORITY AMENDS the 2022-23 budget by the addition of \$50,000 to the Non-operating Grant, Subsidies and Contributions Revenue Budget;*
- 6 *ADVISES the lead petitioner of its decision.”*

Council’s decision (CJ161-09/22 refers) indicates that the traffic issues in the area will be mitigated by a dual lane roundabout at the Walter Padbury Boulevard and Hepburn Avenue intersection and traffic signals at the Lilburne Avenue and Hepburn Avenue intersection.

Child Care Centre Development Application

The City has received a development application for a child care premises with a maximum of 86 children and 13 staff for the site directly east of Lot 12223 – Lot 193 (16) Blackwattle Parade, Padbury. A 35-day public consultation period took place from 6 December 2022.

Issues and options considered

A dual lane roundabout at the Walter Padbury Boulevard and Hepburn Avenue intersection and traffic signals at the Lilburne Avenue and Hepburn Avenue intersection are planned to be installed by late 2024. Alternative funding availability, a \$3 million State Government grant, removes the need to dispose of Lot 12223 to fund these works.

If there is no strategic use for Lot 12223 and it is surplus to requirements, then disposal for economic/financial reasons would appear to be a sound decision. To be considered against this is that the project to dispose of Lot 12223 commenced over 11 years ago, potentially making re-evaluation of the site's future timely if disposal of the site is deferred. This review can now take into account the objectives of the City’s *10-Year Strategic Community Plan* which was endorsed by Council at its meeting held on 28 June 2022 (CJ093-06/22 refers) and the outcome of the City-wide Social Needs Analysis (SNA).

Should a child care centre be developed on Lot 193 - currently operating as a real estate office, local traffic flow will increase from that now being generated. Should the disposal of Lot 12223 continue, the future development of the site will also increase traffic flow. Council may consider that with no pressing need for sale proceeds, the disposal can be deferred until the installation of traffic mitigation measures has been completed and new traffic patterns are known.

A number of the matters raised by the solicitor at the commencement of the due diligence review appeared to hold enough merit to pause the EOI process and report back to Council. The economic considerations of retaining or disposing of the site at this particular time and that the City may be overlooking opportunities to use or dispose of the site to align with or advance the objectives of its *10-Year Strategic Community Plan*.

Legislation / Strategic Community Plan / Policy implications

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

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.

Function and accessible – you have access to quality community facilities that are functional and adaptable.

Policy Not applicable.

Risk management considerations

The need for sale proceeds towards a dedicated project no longer appears necessary; however, deferring the disposal of Lot 12223 could result in the loss of current interest rate benefits. Should the City retain Lot 12223, mitigating such a loss may occur if property values were to increase; conversely, property values could also decline.

The outcome of the planning approval assessment process for a child care centre on the adjoining property to Lot 12223 is imminent. Should the development be approved, deferring the disposal of Lot 12223 may allow residents time to adjust to any changes in traffic flow assisted by the installation of a dual lane traffic roundabout at the intersection of Walter Padbury Boulevard onto Hepburn Avenue, Padbury.

Financial / budget implications

The Strategic Asset Reserve (formerly Strategic Asset Management Reserve) funded the purchase price for the acquisition of the site.

Main Roads WA (MRWA) has confirmed a \$3 million State Government funding commitment to upgrade the intersection to improve access from Walter Padbury Boulevard onto Hepburn Avenue, Padbury.

Commercial development on Lot 12223 would increase the City's rates base.

Regional significance

Not applicable.

Sustainability implications

The future development of Lot 12223 has the opportunity to meet a variety of social sustainability needs, be it developed by the City or a private developer.

Should the City continue with the EOI process concerning Lot 12223, the EOI document highlights the requirement for any building design to integrate sustainable design principles into its siting, design, and construction.

On disposal of Lot 12223, the proceeds are to be placed in a special reserve for projects within the proximity of Lot 12223. These projects may include improvements to the local natural environment.

A decision to defer the disposal of Lot 12223 and review its potential will allow the consideration of the economic, natural, and social sustainability implications associated with this opportunity site.

Consultation

Community consultation was conducted from 24 February 2015 to 26 March 2015. The local community was requested to provide feedback on the City's intention to acquire Lot 12223. Additionally, a survey for completion that detailed a number of selected projects - including the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury was also provided to local residents.

Scheme Amendment 87 which rezoned Lot 12223 from 'Civic and Cultural' to 'Commercial' and removed the residential density code was advertised for public comment for 42 days closing on 20 July 2017.

As part of any future EOI process, the City will use the services of a real estate agent for sales marketing. A public notice will be required for a minimum period of 14 days on the intent to dispose of the site by private treaty. The outcome of the public notice period is reported back to Council.

COMMENT

At the outset of the project to acquire, rezone and dispose of Lot 12223, the objective was clear, that with the approval of the relevant State Government departments, the proceeds of the sale were to be used towards the installation of traffic signals at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.

MRWA was unsupportive of traffic signals at the Walter Padbury Boulevard and Hepburn Avenue, Padbury intersection; however, has supported the installation of a dual lane roundabout, in addition to the installation of traffic signals at the Lilburne Avenue and Hepburn Avenue intersection. Alternative funding is available for these works and as the original land disposal objective was concerned with traffic mitigation in the local area, the planned works should help achieve this result.

It would now appear there is no urgent need for the City to dispose of Lot 12223. Deferral of the land disposal process may allow time for the City to reassess the opportunities that a 3332m² commercially zoned site provides against the objectives of the *10-Year Strategic Community Plan*. Prior to the development of Lot 12223, it may also be beneficial to wait for the completion of the local traffic improvements and any change of land use for the neighbouring Lot 193 (16) Blackwattle Parade, Padbury.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ060-03/23 (as detailed below) was resolved by the Major Project and Finance Committee at its meeting held on 20 March 2023.

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

MOVED Cr Jones, SECONDED Cr May, that Council:

- 1 **NOTES** that at its meeting held on 19 April 2022 (CJ057- 04/22 refers), Council's resolution, in part, was to ***"SUPPORT the commencement of a two-stage land disposal process concerning Lot 12223 (12) Blackwattle Parade, Padbury as detailed in the report to Council at its meeting held on 20 July 2021 (CJ107-07/21 refers)."***;
- 2 **DEFERS** the commencement of disposal actions for Lot 12223 (12) Blackwattle Parade, Padbury until further notice.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ059-04/23, page 92 refers.

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf230411.pdf](#)

REPORTS OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C040-04/23 **NOTICE OF MOTION – CR JOHN LOGAN – VENUE HIRE FEES AND CHARGES POLICY**

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr John Logan has given notice of his intention to move the following Motion at the Council meeting to be held on 18 April 2023:

That Council:

- 1** **REQUESTS the Chief Executive Officer to prepare a report on the outcomes of the City's engagement with the community on the *Venue Hire Fees and Charges Policy*, to be presented at a Strategy Session in May 2023;**
- 2** **That the report include:**
 - 2.1** **A review of the goals of the *Venue Hire Fees and Charges Policy*, in particular the setting of fees in a fair and equitable manner to reflect the costs associated with the operating bookable venues; and**
 - 2.2** **Mechanisms to consider addressing any financial hardship and/or other issues identified during the community engagement.**

REASON FOR MOTION

The venue hire fees and charges policy aims to reduce the significant levels of inequity associated with the booking of City-managed facilities that have been apparent in the community for many years.

The policy's intention is to apply an affordable cost structure to encourage hirers to book venues on a genuine needs basis and, thereby, increase the availability of venues for other interested parties.

It's considered appropriate the fees should be fairly distributed rather than the cost burden falling on a small number of groups.

The intended outcome of the policy is not for the City to boost revenue but rather to ensure fair returns to reflect the costs associated with bookable venues in line with ratepayer expectations.

If all user groups are given a fair go and the usage of facilities is maximised, the City anticipates there will be reduced demand on the City to construct buildings and extend the footprint of existing ones.

Now that the City's community engagement has been undertaken, it is timely for Elected Members to review the goals of the policy at a strategy session, especially the setting of fees in a fair and equitable manner.

While valuable, the community feedback to Elected members to date has been from a limited number of venue user groups.

There's a need for an in-depth report to Elected Members on how the policy will impact user groups, especially any negative impacts on volunteer-run clubs, associations and other groups which have limited funding capacity.

The community expects a responsible approach to identifying any genuine cases of financial hardship and/or other issues and towards providing mechanisms to address them.

As the venue hire fees and charges policy is due to be an item for consideration as part of the 2023-2024 budget it is important that consideration be given to the policy at a strategy session when practicable next month.

OFFICER'S COMMENT

A report can be prepared.

*Cr McLean left the Chamber at 8.19pm and returned at 8.21pm.
The Senior Financial Analyst left the Chamber at 8.22pm.*

MOVED Cr Logan, SECONDED Mayor Jacob that Council:

- 1 REQUESTS the Chief Executive Officer to prepare a report on the outcomes of the City's engagement with the community on the *Venue Hire Fees and Charges Policy*, to be presented at a Strategy Session in May 2023;**
- 2 That the report include:**
 - 2.1 A review of the goals of the *Venue Hire Fees and Charges Policy*, in particular the setting of fees in a fair and equitable manner to reflect the costs associated with the operating bookable venues;**
 - 2.2 Mechanisms to consider addressing any financial hardship and/or other issues identified during the community engagement.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

C041-04/23 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC

MOVED Mayor Jacob, SECONDED Cr Kingston that Council:

- 1** in accordance with Section 5.23(2)(b) and (e)(ii) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following item:
 - 1.1** CJ058-04/23 - Confidential – Mindarie Regional Council – Waste to Energy Tender;

- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Items CJ058-04/23 - Confidential – Mindarie Regional Council – Waste to Energy Tender while the meeting is sitting behind closed doors as detailed in Parts 1.1 above:
 - 2.1** Chief Executive Officer, Mr James Pearson;
 - 2.2** Director Planning and Community Development, Mr Chris Leigh;
 - 2.3** Director Infrastructure Services, Mr Nico Claassen;
 - 2.4** Acting Director Governance and Strategy, Mrs Simone Holmes-Cavanagh;
 - 2.5** Acting Director Corporate Services, Mr David Murnain;
 - 2.6** Manager Governance, Mrs Kylie Bergmann;
 - 2.7** Manager Waste Services, Mr Mathew Pennington;
 - 2.8** Coordinator Governance, Mrs Vivienne Stampalija;
 - 2.9** Governance Officer, Mrs Susan Hateley.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Members of the staff (with the exception of the Chief Executive Officer, Director Planning and Community Development, Director Infrastructure Services, Acting Director Governance and Strategy, Acting Director Corporate Services, Manager Governance, Manager Waste Services, Coordinator Governance and Governance Officer) and members of the public left the Chamber at this point; the time being 8.40pm.

Cr McLean left the Chamber at 8.42pm.

Disclosures of Interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob is a Councillor on Mindarie Regional Council.

Name / Position	Cr Christopher May.
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr May is a member of Mindarie Regional Council.

Name / Position	Mrs Vivienne Stampalija, Governance Coordinator
Item No. / Subject	CJ058-04/23 – Confidential – Mindarie Regional Council – Waste to Energy Tender.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mrs Stampalija's husband works at Mindarie Regional Council.

CJ058-04/23 CONFIDENTIAL – MINDARIE REGIONAL COUNCIL – WASTE TO ENERGY TENDER

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	03149, 101515
ATTACHMENTS	Attachment 1 Mindarie Regional Council Position Paper – Waste to Energy Tender Endorsement
	<i>(Please note: The Report and Attachments are Confidential and will appear in the official Minute Book only).</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with section 5.23(2)(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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

MOVED Cr Kingston, SECONDED Cr Raftis that Council:

- 1 in relation to the Mindarie Regional Council Waste to Energy Tender ENDORSES Option 2 as detailed in Report CJ058-04/23;**
- 2 in relation to Future Waste Treatment Opportunities, ENDORSES Option 1 as detailed in Report CJ058-04/23;**
- 3 AUTHORISES the Chief Executive Officer to provide the details of Council's position as detailed in this Report to the Mindarie Regional Council's Chief Executive Officer.**

The Motion was Put and**CARRIED (11/0)****In favour of the Motion:** Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, Poliwka, Raftis and Thompson.

C042-04/23**MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC**

MOVED Mayor Jacob, **SECONDED** Cr Hill that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Council meeting now be **REOPENED TO THE PUBLIC**.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, Poliwka, Raftis and Thompson.

Doors opened at 8.48pm.

Five members of the public and no members of the press were present.

In accordance with Clause 5.2(6)(a) of the City's *Meeting Procedures Local Law 2013*, Mayor Jacob read aloud the motions in relation to:

- CJ058-04/23 - Confidential – Mindarie Regional Council – Waste to Energy Tender.

Mayor Jacob made a further public statement as follows:

Local Government Standards Panel No. SP 2021-023

Mayor Jacob

I advise this meeting that:

- 1 A complaint, SP 2021-023, was made to the Local Government Standards Panel, in which it was alleged that I contravened the *Local Government (Rules of Conduct) Regulations 2007* (WA) when I made certain negative comments regarding a motion and about certain elected members during the ordinary council meeting of 17 November 2020.
- 2 On 1 August 2022, the State Administrative Tribunal (***Jacob and Local Government Standards Panel*** [2022] WASAT 66) found that I breached regulation 4 of the said Regulations as I:
 - a. Reflected adversely on the character or actions of other elected members; and
 - b. Imputed a motive to other elected members.
- 3 I accept that I should not have made such comments regarding the nature of the relevant motion and the councillors involved with the same.
- 4 I now apologise to Councillors Poliwka and Thompson, the members of the Major Projects Committee, my fellow councillors, the City of Joondalup and the public.

Local Government Standards Panel No. SP 2021-021**Mayor Jacob**

I advise this meeting that:

- 1 A complaint, SP 2021-021, was made to the Local Government Standards Panel, in which it was alleged that I contravened the *Local Government (Rules of Conduct) Regulations 2007 (WA)* when I made improper use of my office as a member of the Council of the City of Joondalup to cause detriment to any person and thereby contravened regulation 7(1)(b) of the *Local Government (Rules of Conduct) Regulations 2007 (WA)* when I made improper comments regarding other elected members during the ordinary council meeting of 20 October 2020.
- 2 On 1 August 2022, the State Administrative Tribunal (***Jacob and Local Government Standards Panel*** [2022] WASAT 66) found that I breached regulation 7(1)(b) of the said Regulations by not limiting my comments to the motion under discussion and by my comments implying other elected members did not support measures to assist ratepayers in hardship in circumstances where their vote against the adoption of the budget could have been explained for other reasons.
- 3 I accept that I should not have acted in such a manner towards Councillors Raftis, Thompson and Poliwka, my fellow Councillors, the City of Joondalup and the public.
- 4 I now apologise to Councillors Raftis, Thompson and Poliwka, my fellow Councillors, the City of Joondalup and the public.

C043-04/23**MOTION TO RESUME ORDER OF BUSINESS**

MOVED Mayor Jacob, SECONDED Cr Logan that Council RESUMES the operation of clause 4.3 of the *City of Joondalup Meeting Procedures Local Law 2013 – Order of Business*.

The Motion was Put and**CARRIED (11/0)**

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hill, Jones, Kingston, Logan, May, Poliwka, Raftis and Thompson.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.52pm the following Elected Members being present at that time:

HON. ALBERT JACOB, JP
CR ADRIAN HILL
CR NIGE JONES
CR DANIEL KINGSTON
CR RUSSELL POLIWKA
CR CHRISTOPHER MAY
CR SUZANNE THOMPSON
CR RUSS FISHWICK, JP
CR JOHN RAFTIS
CR JOHN LOGAN
CR JOHN CHESTER