

agenda

Briefing Session

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

ON TUESDAY 9 OCTOBER 2018

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
5 October 2018

joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday 8 October 2018**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.

- 5 There is to be no debate among Elected Members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Briefing Session. When disclosing an interest the following is suggested:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
 - (b) Elected Members disclosing a financial interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
 - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 11 Elected Members have the opportunity to request the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Briefing Session.

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.

- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final
 - nominate an Elected Member and/or City employee to respond to the question or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing Session that is not relevant to a matter listed on the agenda
 - or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.

- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Written questions should be sent via email to council.questions@joondalup.wa.gov.au

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time at Briefing Sessions were adopted at the Council meeting held on 19 November 2013:

- 1 Members of the public are invited to make statements at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a matter contained on the agenda.

- 3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing Session, that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Briefing Session may present a written statement rather than making the statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the notes of the Briefing Session.

PROCEDURES FOR DEPUTATIONS

- 1 Prior to the agenda of a Briefing Session being discussed by Elected Members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.
- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer by 4.00pm on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to matters listed on the agenda of the Briefing Session.
- 4 Other requirements for deputations are to be in accordance with clause 5.10 of the *City of Joondalup Meeting Procedures Local Law 2013* in respect of deputations to a committee.

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

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.

Civic Centre Emergency Procedures

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

Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information181009.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 9 October 2018** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

DEPUTATIONS

PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 11 September 2018:

Mr N Miller, Sorrento:

Re: Item 2 – Additional Land Use ‘Place of Assembly’ to existing educational establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Q1 *Will the City of Joondalup continue to provide Ranger Services including the costs incurred for these services, to police the proposed out of hours non-school events held in the school’s two venues (Performing Arts Centre and New Gymnasium) which may occur at a frequency of up to seven days a week?*

A1 The City will continue to respond to requests from ratepayers for Ranger attendance as and when requested. The City’s Ranger services will be able to assist with concerns in relation to parking and antisocial behaviour.

Q2 *With regard the schools “Event Management Plan”, who is responsible for ensuring that the school abides by this plan and what is the process that needs to be followed if the school decides to change their “Event Management Plan” in the future?*

A2 Both the City of Joondalup and Sacred Heart College are responsible for ensuring compliance with the *Event Management Plan*. The City has recommended a time limited approval which will allow the City to re-consult with nearby landowners if any aspects of the plan are not working. This will enable the City to determine whether continuation of the use is appropriate or whether changes to the plan are necessary.

Any complaints received that indicate a breach of compliance with the *Event Management Plan* and associated conditions of approval will be followed up by the City's Compliance Services.

A condition of approval is recommended requiring any modifications to the *Event Management Plan* specifically relating to parking and transport management, start and finish times and maximum number of persons proposed, be the subject of further approval from the City.

Mrs S Warnes, Sorrento:

Re: Item 2 – Additional Land Use 'Place of Assembly' to existing educational establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Q1 *Sacred Heart College states they will close off the northern car park (access via Bahama Close). Does this mean we will receive no respite from parking along Bahama Close, currently five days per week increasing to seven days per week?*

A1 A proposed condition of approval requires gates to the car park located at the northern boundary of the site and accessible from Bahama Close to be closed for the duration of non-school events. The intent behind this condition is to protect the amenity of residents in Bahama Close and adjoining the northern boundary of the school.

If there are concerns this would not prevent parking in Bahama Close, a minor modification could be made to proposed condition 8 to require installation of gates that prevent both vehicular and pedestrian access to the school from Bahama Close during non-school events.

Q2 *How will residents get respite from excessive sound noise and traffic noise, if the gymnasium and auditorium are rented out (unlikely to exceed 25 events per annum, however if you allow for a 48 week year due to Christmas, Easter and the like this means every second weekend potentially could be rented out on top of the already problematic school events that occur?*

A2 A condition of approval is recommended, requiring the applicant to demonstrate, through an acoustic report, that all functions and activities within the gymnasium associated with the proposed use will comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*. The acoustic report will need to consider the installation of sound equipment to manage noise, restrictions on sound equipment supplied by external users and prevention of breakout noise. Additionally, a condition of approval is recommended, requiring events to cease by 5.00pm on Sundays.

Q3 *What penalties will be put in place if the Events Management Plan (EMP) and / or Travel Management Plan (TMP) are not adhered to?*

A3 If the recommended conditions are included as part of any approval, the school will need to adhere to the *Events Management Plan* (EMP), which also requires adherence to the *Travel Management Plan* (TMP) in certain situations. If the school does not adhere to the EMP or TMP, they will be in contravention of their planning approval and the City would be able to take action against the school for failing to comply with conditions of planning approval.

Also, given a time limited approval is currently recommended, this means the school will need to seek further approval if it wishes to continue hosting non-college events beyond the next 24 months. As part of the City's consideration of any subsequent application to extend the planning approval, consideration will be given to whether the school adhered to the EMP within the 24 month timeframe.

Q4 *If the auditorium and / or new gymnasium are rented out and the northern car park is closed to external parties, how will the parking in Bahama Close be supervised any differently than Rangers already do?*

A4 It is acknowledged that the current situation may be having an impact on the amenity of surrounding properties, however it is noted that this is occurring in the absence of any controls imposed on the school. Through recommended conditions of approval, coupled with the obligations on the school under the EMP, greater control will be placed on non-school events to control parking. Through formally preventing access to the parking area accessed via Bahama Close, driver behaviour is likely to also change and people will choose to park elsewhere as it becomes apparent that parking is not available at the northern part of the school site.

In addition the City's Rangers will continue to respond to complaints.

Q5 *Why do we need to ring City of Joondalup Rangers (1300 655 860) rather than a school contact number, as stated in a pamphlet dated 30 August 2018 issued by Principal, Peter Bothe in relation to 'Jazz n Shiraz' evening (7 September 2018) regarding noise issues, when the Rangers are unable to enter school premises regarding noise issues?*

A5 It is understood that the 'Jazz n Shiraz' evening was a school event and is unrelated to the application currently before Council. Rangers may also be contacted regarding noise complaints, however as an additional measure, for non-school events, the EMP states that during the external hire, and up to designated pack-up time, a dedicated mobile phone contact will be available to talk to the Manager. A dedicated email address will also be available to communicate to the school on matters of a less urgent nature.

Mr J Croome, Sorrento:

Re: *Item 2 – Additional Land Use 'Place of Assembly' to existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).*

Q1 *How does the Council address the health and safety of the community when assessing Event Management and Traffic Management Plans and have statistics been provided on 'near miss' incidents in the area when making those assessments?*

A1 The Manager Planning Services advised statistics on 'near misses' and the like were not provided as part of the traffic impact assessment and is not something that is typically provided. When the City considered the impact on amenity of the surrounding residents as part of the proposal, traffic as well as parking and noise, were taken into consideration. Through the detail provided in the Event Management Plan, as well as the conditions that are included as part of the recommendation for Council's consideration, it is believed those in their entirety will manage the potential impacts on amenity for residents. However, acknowledging the concerns that residents do have is the reason the City has also included a recommendation for a time limited approval. There will be a requirement for the college, if the application is approved, to lodge a further application in two years time, that will be able to demonstrate both the effectiveness of the Event Management Plan as well as impacts on surrounding residents.

- Q2 *On looking at the traffic photographs as displayed during an earlier deputation, together with the number of vehicle movements, children crossing roads and attempting to get into vehicles, how does Council include those health and safety aspects within the plans that have been provided?*
- A2 The Manager Planning Services commented with respect to managing the health, safety and risks aspects from a traffic point of view for residents, as well as attendees to events, the Event Management Plan and recommended conditions of approval have been structured that all parking will be required to be provided on-site. For events where the parking ratio under the current scheme allows for the number of bays to be accommodated on-site, there will be no need for a travel management plan. When the quantum of attendees for a larger event are such that there are insufficient defined bays on-site, there is a requirement for the college to provide spill-over parking on the oval that will need to be managed by traffic wardens. The intent of the non-college based events is for these to occur outside of school hours and therefore will not be a conflict in that regard.

Ms K Wright, Sorrento:

- Re: *Item 2 – Additional Land Use ‘Place of Assembly’ to existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).*
- Q1 *In order that City of Joondalup Councillors can make an informed decision regarding this application, are they aware of the issues of traffic chaos and illegal traffic activity that already surrounds the college on a daily basis?*
- A1 Mayor Jacob advised in the event Councillors were not previously aware, they would be after this evening’s presentations.

Mrs L McNally, Sorrento:

- Re: *Item 2 – Additional Land Use ‘Place of Assembly’ to existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).*
- Q1 *How has Sacred Heart College been permitted to have non-community organisations using its performing arts theatre already, when it was a condition that the theatre was only for the college’s own use?*
- A1 The Acting Chief Executive Officer advised that when the City became aware the college was hiring out its facilities, the City met with the college and advised that it needed to cease this activity or alternatively seek to apply for approval to do so. Two options were available to the college, with the college choosing to apply for approval. If approval is granted, the college can continue to use the facilities for hire purposes. Should Council deny approval, then the college will need to cease hiring out its facilities. In the event that this activity does not stop, the City of Joondalup will need to take compliance action against the college.
- Q2 *Please explain the ‘Background’ section of the report wherein it mentions adopting Local Planning Scheme No. 3 and removing ‘Place of Assembly’ causing the hiring of the gymnasium and performing arts facility for non-college purposes to be captured under the use ‘Community Purpose’, thus changing the parking standard.*

- A2 The Manager Planning Services stated the City is due to bring into operation a new planning scheme which has been devised over a number of years. In all planning schemes there is a schedule of land uses and attached definitions. There are also typically parking ratios that are attached to each land use. The City's new planning scheme that is due to come into effect in the near future has been drafted to align with the State Government's local planning scheme regulations which provide a model list of land use and definitions.

The City's current scheme does not align with the new model. While the proposed land use of 'Place of Assembly' appears in the City's current scheme; it will not appear in the City's new scheme, falling under a separate definition. At the same time the City moves through one scheme to another, new parking ratios for the land uses that have not previously been defined under the scheme will be introduced. Through that process, although the land use at present under the City's current framework is 'Place of Assembly' and attracts a parking ratio, when it moves to the new scheme, it will be defined as a different land use and have another parking ratio attached.

Mrs S Warnes, Sorrento:

Re: Item 2 – Additional Land Use 'Place of Assembly' to existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

- Q1 *How can the community be guaranteed that the traffic management plan will be put into place when for the past 19 years that I have lived in Bahama Close the school and the Council have ignored residents' repeated complaints in relation to noise and traffic issues?*

- A1 The Acting Chief Executive Officer commented the application currently before Council is for approvals relating to the performing arts facility and the gymnasium which form part of the college. There are currently no approvals for the management of such events, this being the reason the City has been unable to take action other than City Rangers attending to deal with specific issues that have been raised. If Council is of a mind to approve this application with conditions as recommended, including the Event Management (EMP) and Traffic Management Plans (TMP), the City will have a legal ability under its planning scheme to take compliance action against the college. It would be possible to prosecute the college for non-compliance with their planning approval. Secondly, in approximately 18 months when the college will need to lodge a new planning application to extend the life of its planning approval, in the event the college have not adhered to the terms of its EMP or EMP, it is unlikely to secure a recommendation for City approval to extend.

- Q2 *Why is Council not enforcing the fact that the college has not undertaken any consultation with the residents regarding these changes to commercially rent out both the gymnasium and performing outside of the school education system?*

- A2 The Acting Chief Executive Officer advised the City does not have the ability to compel a developer or an applicant who is lodging an application to consult with the community.

Mr D Froome, Sorrento:

Re: Item 2 – Additional Land Use ‘Place of Assembly’ to existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Q1 The Event Management Plan and the officers report (Recommendation 9) indicates that the car parks on the northern boundary will not be used during events. Why hasn’t the same consideration been given to the car park on the southern boundary adjacent to Sorrento Sunset Estate complex?

A1 The Manager Planning Services advised that in consideration of the location of the two car parking areas, the City has recommended that the car park along the northern boundary not be utilised for non-college events, whereas the City is comfortable to allow the southern car park to be used. The City has taken into account the fact that the parking bays along Bahama Close abut the property boundaries of the residents along the northern boundary of the college. In looking at the car parking facilities to the south, although a portion of the access drive through does run along the boundary, it deviates away and provides some separation between the car park and the townhouses to the south.

Q2 Why hasn’t the same consideration been given to the southern car parks?

A2 Mayor Jacob advised this had previously been responded to.

PUBLIC STATEMENT TIME

The following statements were made at the Briefing Session held on 11 September 2018:

Mr M Bergin, Sorrento:

Re: Item 2 – (CJ157-09/18) - Additional Land Use ‘Place of Assembly’ to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Mr Bergin spoke against the officer’s recommendation to allow additional land use at Sacred Heart College.

Ms K Wright, Sorrento:

Re: Item 2 – (CJ157-09/18) - Additional Land Use ‘Place of Assembly’ to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Ms Wright spoke against the proposal to allow additional land use ‘Place of Assembly’ at Sacred Heart College, stating that in 2017 there were 75 objections lodged and in 2018 there were 94 objections lodged against the proposed additional land use at the college. It was requested that the opinions of adjacent families be given a high level of respect and consideration as it is believed the change of land use will significantly impact residential amenity and lifestyle, as well as having a substantial impact on resources in the immediate area.

Mrs L McNally, Sorrento:

Re: Item 2 – (CJ157-09/18) - Additional Land Use 'Place of Assembly' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Mrs McNally spoke against the proposal to allow additional land use 'Place of Assembly' at Sacred Heart College, stating that by approving the application the key issues of traffic congestion, parking and accessibility will increase and become critical in the Sorrento Beach Precinct.

Mrs S Warnes, Sorrento:

Re: Item 2 – (CJ157-09/18) - Additional Land Use 'Place of Assembly' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Mrs Warnes spoke against the proposal to allow additional land use 'Place of Assembly' at Sacred Heart College, raising her concerns in regard to further parking issues occurring on Bahama Close. Mrs Warnes advised that Bahama Close currently experiences parking issues five days a week during school drop-off and pick-up, as well as when afterschool activities are being held. She stated she is strongly opposed to the hiring out of the gymnasium and auditorium to commercial enterprise.

Mr R Nunn, Sorrento:

Re: Item 2 – (CJ157-09/18) - Additional Land Use 'Place of Assembly' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Mr Nunn spoke against the proposal to allow additional land use 'Place of Assembly' at Sacred Heart College, stating he fully supported the objections from neighbours to stop the extension of the use of the facility.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Philippa Taylor	8 October to 30 October 2018 inclusive;
Cr Mike Norman	21 October to 24 October 2018 inclusive.

Request for Leave of Absence

Mayor Albert Jacob, JP	18 January to 25 January 2019 inclusive.
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REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – AUGUST 2018

WARD	All			
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development			
FILE NUMBER	07032, 101515			
ATTACHMENT	Attachment 1	Monthly Development Determined – August 2018	Applications	
	Attachment 2	Monthly Subdivision Processed – August 2018	Applications	
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').			

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during August 2018.

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 every two years, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during August 2018 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during August 2018 (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 27 June 2017 (CJ091-06/17 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 August 2018 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	8	9
Strata subdivision applications	10	9
TOTAL	18	18

Of the 18 subdivision referrals nine were to subdivide in housing opportunity areas, with the potential for nine additional lots.

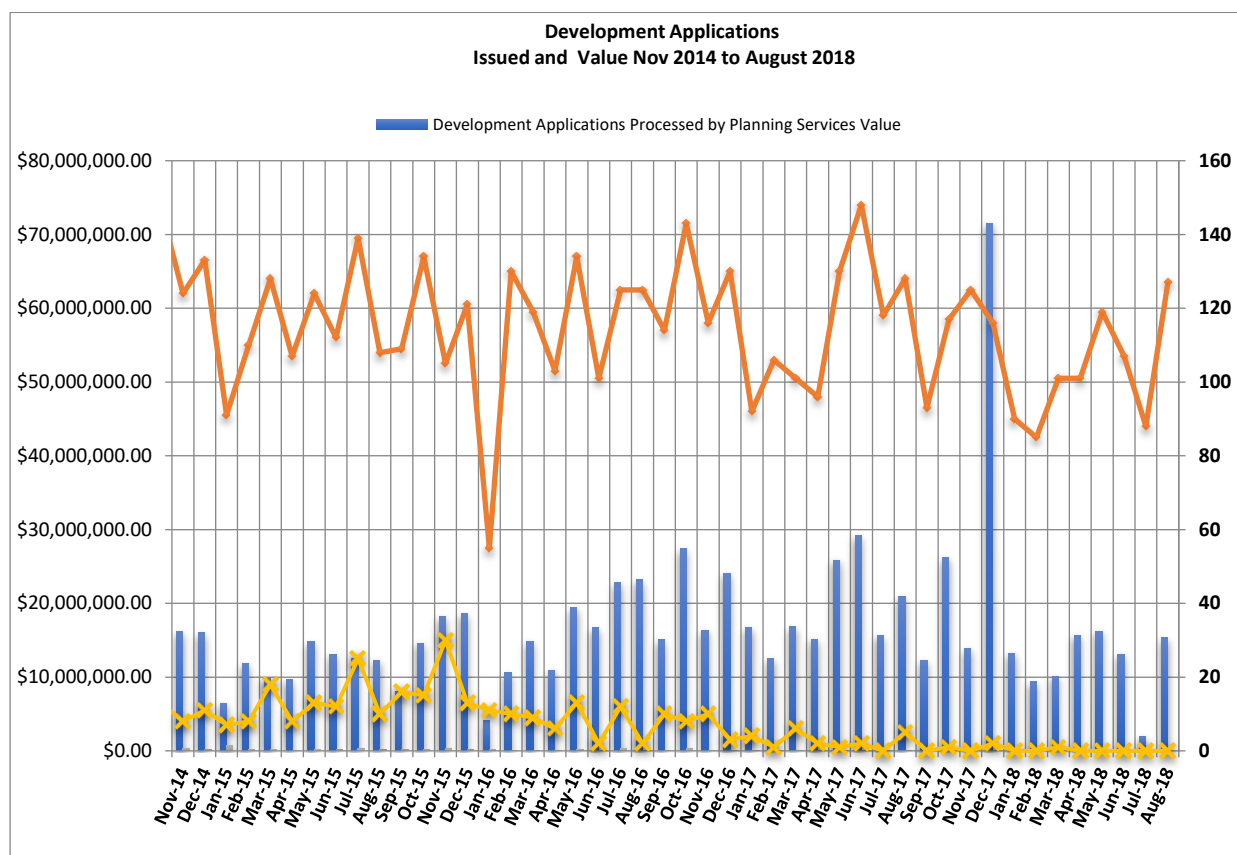
Development applications

The number of development applications determined under delegated authority during August 2018 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	127	\$ 15,328,637
Development applications processed by Building Services	0	0
TOTAL	127	\$ 15,328,637

Of the 127 development applications, 14 were for new dwelling developments in housing opportunity areas, proposing a total of 16 additional dwellings.

The total number and value of development applications determined between November 2014 and August 2018 is illustrated in the graph below:



The number of development applications received during August was 133. (This figure does not include any development applications to be processed by Building Approvals as part of the building permit approval process).

The number of development applications current at the end of August was 242. Of these, 41 were pending further information from applicants and 17 were being advertised for public comment.

In addition to the above, 221 building permits were issued during the month of August with an estimated construction value of \$35,648,598.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation

*City of Joondalup District Planning Scheme No. 2.
Planning and Development (Local Planning Schemes)
Regulations 2015.*

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

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

Policy Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that 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 Schedule 2 Clause 82 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 127 development applications were determined for the month of August with a total amount of \$57,154 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 DPS2 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to this Report during August 2018;**
- 2 subdivision applications described in Attachment 2 to this Report during August 2018.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf181009.pdf](#)

ITEM 2 PROPOSED CHILD CARE CENTRE DEVELOPMENT AT LOT 703 (50) MARRI ROAD, DUNCRAIG - RECONSIDERATION FOLLOWING CHANGES

WARD	South		
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development		
FILE NUMBER	107062, 101515		
ATTACHMENTS	Attachment 1	Location plan	
	Attachment 2	Development plans	
	Attachment 3	Building perspectives	
	Attachment 4	Landscaping concept plan	
	Attachment 5	Traffic statement	
	Attachment 6	Vehicle access diagrams	
	Attachment 7	Environmental noise assessment	
	Attachment 8	Arborist report	
	Attachment 9	Environmentally sustainable design checklist	
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.		

PURPOSE

For Council to determine a modified proposal for a new 'Child Care Centre' development at Lot 703 (50) Marri Road, Duncraig.

EXECUTIVE SUMMARY

An application for development approval was received on 6 December 2017 for a new 'Child Care Centre' development at Lot 703 (50) Marri Road, Duncraig. This proposal was considered by Council at its meeting held on 26 June 2018 (CJ088-06/18 refers), where it was resolved to refer the proposal back to the Chief Executive Officer to allow the applicant to address issues raised by the community and the City.

Following the Council resolution, meetings were held between the applicant and officers of the City. Revised plans were received in July 2018 and further modifications received in August 2018 (Attachment 2 refers).

The revised proposal was advertised for a period of 21 days by way of letters to surrounding landowners and respondents to the original proposal. In addition, a notice was placed on the City's website. A total of 34 responses were received, being 18 objections to the development, 15 responses which neither objected or supported the revised proposal and one letter of support.

The revised application has been assessed against the non-residential development requirements of *District Planning Scheme No. 2 (DPS2)* and the City's relevant local planning policies, including the City's *Child Care Centres Policy*, *Height of Non-Residential Buildings Local Planning Policy* and draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy (draft LPP)*.

The amended proposal still seeks discretions in a number of areas, which require Council's determination, including the following:

- 1.6 metre setback of the proposed and modified retaining walls to the Roche Road street boundary in-lieu of a minimum of nine metres.
- Four metre setback of the verandah and 6.15 metre setback of the child care centre building to the Roche Road street boundary in-lieu of nine metres.
- Nil setback of the building (retaining walls) and 1.8 metres minimum setback of the shade sail to the eastern lot boundary in-lieu of a minimum of three metres.
- A proposed increase in the existing car parking shortfall of eight bays (4.7%) across the site, resulting in a shortfall of 18 bays (10%).

Additionally, the modified proposal results in reconfigured access arrangements with broader implications for the shopping centre. This includes closure of a portion of the existing eastern vehicle access leg connecting Marri and Roche Roads.

The car parking shortfall and proposed access arrangements are considered inappropriate and are likely to result in adverse impacts to the amenity of residential properties surrounding the site, as well as users within the site. The proposal does not improve traffic circulation within the site and is likely to result in increased potential for pedestrian and vehicle conflicts resulting in decreased safety for the users of the child care centre and shopping centre.

It is therefore recommended that the modified application be refused.

BACKGROUND

Suburb/Location	Lot 703 (50) Marri Road, Duncraig.
Applicant	Aveling Homes.
Owner	CCW Childrens Fund Pty Ltd.
Zoning	DPS Commercial.
	MRS Urban.
Site area	15,664m ² .
Structure plan	Not applicable.

Lot 703 (50) Marri Road, Duncraig (subject site) is bound by Marri Road to the north, Duncraig Primary School to the east, Roche Road to the south and Cassinia Road to the west. The subject site currently accommodates the Duncraig Shopping Centre, two free-standing buildings and associated car parking. The development is proposed to replace the existing free-standing building (restaurant) located in the south-east corner of the subject site. A location plan is provided as Attachment 1.

DETAILS

The following aspects of the proposal remain unchanged from the plans considered by Council at its meeting held on 26 June 2018 (CJ088-06/18 refers):

- Demolition of an existing freestanding building (restaurant) and removal of established tree.
- Construction of a two-storey building with vehicle access to the car parking bays via existing vehicle access points from Roche and Marri Road.
- Child care centre with a capacity for 62 children and 13 employees.
- Additional pedestrian crossing to link a path next to the shopping centre building with the entry to the child care centre.

The following aspects of the proposal have been modified:

- Modifications to the internal car park and vehicle access including:
 - Reconfiguration of the nine angled car bays immediately to the north of the development site, resulting in a new disabled car parking space, nine bays (all of which will be allocated to the child care centre during 'drop off' and 'pick up' times) and a pedestrian safe zone.
 - Closure of a portion of the eastern vehicle access leg, being the portion directly next to the proposed child care centre which currently provides access to Roche Road and extension of the child care centre site footprint to the eastern boundary abutting the adjoining primary school (Duncraig Primary School).
 - Redirection of traffic flow to the remaining portion of the eastern access leg directly adjacent the existing shopping centre building. The traffic flow originally was directed from north to south and is now proposed to be directed from south to north.
 - Reconfiguration of car parking bays along the portion of the eastern access leg to remain, adjacent to the shopping centre building.
 - Modifications to the liquor store loading area.
- Increased retaining wall setbacks from Roche Road street boundary, resulting in a minimum setback of 1.6 metres where a nil setback was originally proposed.
- A 300m² ground floor and 108m² first floor outdoor play area.
- Landscaping in the outdoor play area and within the tiered retaining wall to the eastern lot boundary and in front of the retaining wall to Roche Road.
- Tiered retaining to the eastern lot boundary with play area above.
- Shade sails relocated to the eastern lot boundary.
- Incorporation of a waiting area for patrons internal to the building.

The revised development plans and landscaping concept plan are provided as Attachment 2 and Attachment 4 respectively.

Land use

The land use 'Child Care Centre' is a discretionary ("D") use under DPS2 in the Commercial zone.

As discussed in the previous report to Council (CJ088-06/18 refers), when considered in isolation, the 'Child Care Centre' land use is considered to be appropriate within the Commercial zone.

Building setbacks

The *Child Care Centres Policy* requires child care centre building setbacks to be in accordance with the requirements of DPS2, which specifies a nine metre building setback to the street boundary. The definition of 'building' in DPS2 is broad and includes other structures such as the proposed verandah and retaining walls in addition to the walls of the building itself.

The child care centre building is proposed to have a minimum setback of 6.15 metres to the Roche Road street boundary, with a verandah setback of four metres and retaining walls with a 1.6 metre setback to the Roche Road street boundary.

The existing curved retaining wall as viewed from Roche Road is proposed to be modified. The western portion of the retaining wall will remain set back a minimum of 1.6 metres to the Roche Road street boundary, however is proposed to have an approximate 1.27 metres increase to the wall height, resulting in a maximum height of three metres. The retaining wall is proposed to be extended towards the eastern lot boundary and is set back a minimum of 2.25 metres from the Roche Road street boundary. This portion of retaining ranges in height from 2.5 metres to 3.3 metres. Hedging is proposed directly in front of the retaining wall and a tree to the eastern side goes some way to reducing the overall bulk of the wall as viewed from Roche Road, however additional landscaping is needed in the verge to soften the impact of the proposed retaining walls.

The proposed building as viewed from Roche Road is considered to be appropriately designed, incorporating a number of architectural and design features to add interest and result in an acceptable built form outcome. The setbacks of the child care centre building itself and retaining walls to both the street and eastern lot boundary are considered appropriate.

Parking

The revised proposal does not change the proposed number of staff or children. The revised proposal includes an additional bay to the existing car parking on site however still results in an increase to the existing car parking shortfall from eight bays to 18 bays (10%). As discussed in the previous report, the traffic statement provided as part of the application provides existing and future parking demand based on a shared parking analysis for the shopping centre and child care centre (Attachment 5 refers). The statement takes into consideration the apartment development approved for the south-west corner of the site and approved modifications to the 'Nourish and Feed' kiosk. The report concludes that the shared parking requirement for the shopping centre totals 156 spaces, resulting in a five bay surplus across the site.

Notwithstanding the comments provided by the traffic consultant, as outlined in the June 2018 report to Council, there is considered to be an insufficient amount of car parking available on site to accommodate the proposed child care centre development.

Access and Traffic

The *Child Care Centres Policy* requires regard to be given to the need to minimise disruption of existing traffic safety measures and traffic flows close to proposed child care centres, the potential for substantial traffic increases, particularly on residential streets and the provision of safe access to proposed on-site car parking areas. The policy also states that car parking is to be located on site in an arrangement that enables a free flow of traffic movement internal and external to the site and that the incorporation of a designated 'pick-up' and 'drop-off' area is recommended to reduce congestion and improve safety for patrons and prevent traffic build up.

While the revised proposal now includes a designated 'pick-up' and 'drop-off' area directly north of the child care centre, the deletion of the existing eastern access leg directly next to the child care centre and the redirection of traffic flow are concerns to the City.

The eastern access leg directly next to the child care centre is regularly used by service vehicles to the existing shopping centre site, enabling them to enter from Marri Road and exit onto Roche Road without any significant potential for conflict with other uses of the shopping centre (Attachment 6 refers).

The following issues have been identified with the amended vehicle access:

- The amended scenario will force service vehicles (trucks) to use the shopping precinct's circulating roads, which would lead to more pedestrian and vehicular interactions and possible congestion.
- Service vehicles will now be forced to traverse a steep section of the main access from Roche Road resulting in a greater potential for nearby residents to be impacted by traffic noise.
- All service vehicles will travel past the child care centre car parking and its pedestrian entry.
- The City has been unable to confirm whether adequate service vehicle manoeuvrability and turning movements can be achieved with the reconfigured access arrangements, as the applicant has not provided sufficient information, despite this being requested by the City.

As stated in the previous report to Council, the development is located in an existing commercial centre with access from either Marri Road or Roche Road. Marri Road is classed as a local distributor road by Main Roads Western Australia, but the development will front Roche Road, which is classified as a local access road. The traffic statement provided as part of the application indicates that the additional traffic generated by the development can be adequately accommodated within the existing road network. However, no information has been provided by the applicant regarding the current total number of vehicles per day utilising either Marri Road or Roche Road. It is therefore difficult to ascertain whether the likely increase in traffic associated with the development is acceptable.

While it is acknowledged that some of the issues identified in the original proposal have been addressed, new issues have been created and it is considered that the revised proposal results in an unsafe environment for pedestrians and vehicles and results in potential amenity impacts to surrounding residential properties.

Noise

A revised acoustic assessment contains recommendations to ensure the noise impact on the adjoining properties is minimised. Should the child care centre operate in accordance with the recommendations detailed within the report, the City is satisfied that the development itself would meet the requirements of the *Environmental Protection (Noise) Regulations 1997*.

While service vehicle noise relating to reversing beepers and the removal of waste is required to be done in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*, engine noise is not controlled by these regulations. As discussed in the previous section of the report, the reconfiguration of vehicle access will result in a greater potential for nearby residents to be impacted by traffic noise.

The revised acoustic assessment is provided as Attachment 7.

Landscaping

The *Child Care Centres Policy* requires landscaping to be in accordance with the requirements of DPS2, and for verge areas next to the child care centre to be suitably landscaped to discourage patrons from parking on the verge. The proposed amount of soft landscaping across the site is 12.31%, exceeding the 8% requirement under DPS2.

Outdoor play areas, the area between the retaining wall and the Roche Road street boundary and the terraces associated with the retaining wall along the eastern lot boundary are to be landscaped as per the concept plan provided as Attachment 4.

As discussed in the previous Council report (CJ088-06/18 refers), an existing London Plane tree located in the south west corner of the subject site is proposed to be removed.

In relation to the proposed landscaping concept plan, generally the provision of landscaping is considered to be acceptable. Of concern to the City, however, is the inadequacy of the proposed landscaping within the verge. The *Child Care Centres Policy* requires verge areas to be suitably landscaped to discourage patrons from parking on the verge and this does not appear to have been adequately addressed.

Joondalup Design Reference Panel

The development was reviewed by the JDRP at its meeting held on 9 January 2018. Notwithstanding the new issues proposed with the amended vehicle access, the main concerns raised at the JDRP relating to the retaining walls, landscaping, location of 'drop off' and 'pick up' area, patron waiting areas and built form have generally been addressed in the revised proposal.

Consideration of Local Planning Scheme No. 3 (LPS3)

LPS3 has been approved by the Minister for Planning and is anticipated to be gazetted shortly after the Council meeting to be held on 16 October 2018. At the same time, it is also anticipated that the suite of local planning policies that will guide development under LPS3 will also come into effect. It is therefore considered appropriate to acknowledge the potential implications for the proposal under the LPS3 framework.

For the reasons set out below, the introduction of LPS3 is not considered to significantly affect the proposal. Importantly, the current recommendation and reasons to refuse the proposal under DPS2 would also be applicable under LPS3.

Zoning and land use permissibility

The site is currently zoned 'Commercial' under DPS2 and the land use 'Child Care Centre' is a 'D' (discretionary) land use.

The same zoning and land use permissibility will apply under LPS3 and therefore the introduction of LPS3 has no effect on the proposal in this regard.

Parking

Currently, parking for child care centres is prescribed by both DPS2 and the existing *Child Care Centres Policy*.

When LPS3 comes into effect, parking standards for child care centres will be prescribed within the *Child Care Centres Local Planning Policy*. The parking ratio for child care centres under

the LPS3 framework remains unchanged to the current requirements and therefore the introduction of LPS3 has no effect on the proposal in this regard.

Building setbacks

Currently, building setbacks for non-residential land uses is prescribed by DPS2 and requires a minimum building setback to the street of nine metres.

When LPS3 comes into effect, building setback requirements for non-residential buildings are set out in individual zone policies. In relation to the subject proposal, the relevant zone policy, being the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, prescribes a building setback requirement of 3.5 metres to street boundaries.

The application currently proposes setbacks to the Roche Road street boundary of 6.15 metres for the child care centre building itself, a verandah setback of four metres and retaining walls with a minimum 1.6 metre setback. Accordingly, under the current DPS2 setback requirements discretion is sought for the setback of the building itself, the verandah and the retaining walls.

Under the relevant LPS3 policy, discretion would only be sought for the setback of the retaining walls, with the setback of the building itself and verandah meeting the minimum setback requirements.

Notwithstanding the above, it is noted that the setbacks of the building, verandah and retaining walls submitted as part of the amended proposal are considered acceptable, even under the more onerous provision of the current planning framework (DPS2). Accordingly, it is considered that the introduction of LPS3 has no effect on the proposal in this regard.

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 District Planning Scheme No. 2.
Planning and Development (Local Planning Schemes)
Regulations 2015 (the Regulations).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

City of Joondalup District Planning Scheme No. 2 (DPS2)

Clause 3.7 of DPS2 sets out the objectives for development within the 'Commercial' zone:

3.7 THE COMMERCIAL ZONE

- 3.7.1 *The Commercial zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide a Structure Plan in accordance with Part 5 of the deemed provisions.*

The objectives of the Commercial zone are to:

- (a) make provision for existing or proposed retail and commercial areas that are not covered by a Structure Plan;*
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

- 3.7.2 *Notwithstanding clause 3.7.1, subject to clause 43 of the deemed provisions, any major development on land in the Commercial zone which is wholly or partly within one of the following activity centres shall not be approved unless an activity centre plan has been prepared and adopted in accordance with the requirements of State Planning Policy 4.2 – Activity Centres for Perth and Peel and Part 5 of the deemed provisions:*

Clause 4.5 of DPS2 gives Council discretion to consider the variations sought to the standards and requirements.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS.

- 4.5.1 *Except for development in respect of which the Residential Design Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*

- (a) Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
- (b) Have regard to any expressed views prior to making its decision to grant the variation.*

- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

- (b) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

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

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

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

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

Child Care Centres Policy

The *Child Care Centres Policy* provides assessment criteria for 'Child Care Centre' developments.

The objective of the policy is:

"To provide guidelines for the location, siting and design of child care centres."

The statement within the policy also sets out:

"In considering applications for child care centres, Council shall take into consideration a variety of criteria that aim to ensure that such developments are compatible with, and avoid adverse impacts on, the amenity of adjoining and surrounding areas."

Height of Non-Residential Buildings Local Planning Policy

The *Height of Non-Residential Buildings Local Planning Policy* sets provisions for the height of non-residential buildings in the City of Joondalup.

The objective of this policy is:

"To ensure that the height of non-residential buildings is appropriate to the context of any development site and sympathetic to the desired character, built form and amenity of the surrounding area."

Environmentally Sustainable Design Policy

The *Environmentally Sustainable Design Policy* encourages the integration of environmentally sustainable design principles into the construction of all new developments.

The objective of this policy is:

"To encourage the integration of environmentally sustainable design principles into the siting, design and construction of both new and redeveloped residential, commercial and mixed-use buildings (excluding single and grouped dwellings, internal fit outs and minor extensions) in the City of Joondalup. Environmentally sustainable design considers the environmental impact of a building for the entire life of the asset."

The applicant has completed the Environmentally Sustainable Design checklist. A copy of the checklist is provided as Attachment 9.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$3,342.29 (excluding GST) in accordance with the City's Schedule of Fees and Charges for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

No modifications were made to the checklist that formed part of the 26 June 2018 Council meeting. The completed checklist is provided as Attachment 9.

Consultation

The revised proposal was advertised for a period of 21 days, commencing on 29 August 2018 and concluding on 19 September 2018. Consultation was undertaken in the following manner:

- A letter outlining the nature of the revised proposal was sent to 44 land owners and / or occupiers in the vicinity of the subject site and respondents to the original proposal.
- A notice was placed on the City's website.

A total of 34 responses were received, being 18 objections to the development, 15 responses which were neither objections or support and one letter of support.

Concerns raised in the submissions included:

- negative impact on the Roche Road streetscape
- reconfigured access resulting in pedestrian safety issues and added congestion within the existing shopping centre car park, with the redirection of traffic flow and surrounding streets
- inadequacy of parking remains unresolved
- noise in association with open style fencing surrounding the outdoor play areas
- removal of a significant tree
- concerns with regards to the immediately surrounding land use mix.

The City's response to the concerns raised are summarised below:

- *Negative impact on the Roche Road streetscape.*

As outlined in the 'Details' section of this report, the overall impact of the reduced setback of the building and the retaining walls to the Roche Road boundary (along with their height) is considered to be appropriate, when considering the extent of landscaping proposed to soften their appearance. The built form is considered to be compatible with the surrounding existing residential development and streetscape.

- *Reconfigured access resulting in pedestrian safety issues and added congestion within the existing shopping centre car park, with the redirection of traffic flow and surrounding streets.*

As outlined in the 'Details' section of this report, the proposed child care development is considered to result in the potential for additional congestion, pedestrian safety issues and amenity impacts given the reconfigured vehicle access arrangement.

- *Inadequacy of parking remain unresolved.*

As outlined in the 'Details' section of this report, the City has concerns relating to the amount of car parking available on site in order to accommodate the proposed child care centre development.

- *Noise in association with open style fencing surrounding the outdoor play areas.*

As outlined in the 'Details' section of the report, an acoustic report has been prepared in support of the application. The report has been reviewed by relevant City technical officers and the development has been designed to comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.

- *Removal of a significant tree.*

As outlined in the 26 June 2018 report to Council, despite the negative impact the removal of the established London Plane tree will have on the Roche Road streetscape, the removal of trees on private property is not controlled by the City. Maintenance, including removal or retention, is at the discretion of the landowner.

The proposed peppermint trees included in the landscaping concept are considered to be appropriate in terms of species selection.

- *Concerns with regards to the immediately surrounding land use mix, specifically adjacent to a bottle shop.*

As outlined in the 'Details' section of the report, the subject site is located within the Commercial zone and the land use 'Child Care Centre' is a discretionary ("D") use under DPS2. For the reasons outlined earlier in this report, the land use is considered to be acceptable.

At its meeting held on 17 July 2018 (C62-07/18 refers), a 196 signature petition was presented to Council requesting refusal for the proposed child care centre.

COMMENT

The proposed child care centre results in an increased car parking shortfall that does not meet the requirements of DPS2. The reconfiguration of vehicle access will increase the potential for vehicle congestion and vehicle and pedestrian conflicts.

For these reasons, along with the others outlined in the report, the application is recommended for refusal.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 30 November 2017 submitted by Aveling Homes, on behalf of the owners, CCW Children's Fund Pty Ltd, for a proposed Child Care Centre development at Lot 703 (50) Marri Road, Duncraig, for the following reasons:
 - 1.1 in accordance with Clause 67(g) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not comply with the provisions of the City's *Child Care Centres* policy as the proposed development is not considered to provide:
 - 1.1.1 safe and functional access to on-site car parking areas;
 - 1.2 in accordance with clause 67(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with its setting and relationship to other development / land within the locality as:
 - 1.2.1 the insufficient provision of on-site car parking has potential to result in an undue negative impact to the amenity of the immediate locality and adjoining properties;
 - 1.3 in accordance with clause 67(s) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed means of vehicle access and parking is not adequate in respect to the following:
 - 1.3.1 inadequate vehicle access for service vehicles creating an increase in pedestrian and vehicle interactions resulting in potential safety issues within the site and undue amenity impacts to surrounding residential properties;
 - 1.3.2 lack of designated staff parking as a result of parking for staff being proposed within the main shopping centre carpark;
- 2 ADVISES the lead petitioner of its decision.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf181009.pdf](#)

ITEM 3 STIMULATION OF HOSPITALITY AND TOURISM VENTURES IN THE CITY OF JOONDALUP

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	45001
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:

- note the actions already being undertaken by the City to stimulate hospitality and tourism ventures
- note the key issues influencing or impacting the stimulation and delivery of tourism and hospitality ventures and the actions suggested to address these issues
- endorse a series of actions to address the issues faced by tourism and hospitality operators in the City of Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 12 December 2017 (C96-12/17 refers), the Mayor presented a Notice of Motion which was subsequently resolved by Council as follows:

“That Council REQUESTS the Chief Executive Officer to prepare a report that examines initiatives which can stimulate opportunities and employment in hospitality and tourism ventures within the City of Joondalup, with the examination of measures including, but not limited to:

- 1 possible changes to alfresco regulation and licensing including allowances or signage and verge / sidewalk alfresco structures to encourage greater alfresco hospitality provision within the City of Joondalup;*
- 2 greater facilitation of growers’ markets and evening food markets throughout the City of Joondalup;*
- 3 parking provisions in strategic locations adjacent to hospitality business, including the provision of short term (less than an hour) free parking opportunities;*
- 4 investigating opportunities for greater City discretion to approve uses within Commercial and Industrial zones within the City of Joondalup, particularly for proponent initiatives which may have tourism potential.”*

The City of Joondalup already has a series of plans and initiatives in place to encourage economic development and tourism development in the City of Joondalup and these are outlined in this report.

There is, however, further opportunity for the City to stimulate hospitality and tourism ventures in the City of Joondalup and to increase activation and community enjoyment of some of the City's key coastal nodes, parks and open spaces, and activity centres, including the Joondalup City Centre.

This report outlines what tourism and hospitality related initiatives have recently been achieved, the investigation and action the City is currently taking in relation to existing regulatory processes and actions that can be undertaken to address the issues faced by tourism and hospitality operators in the City of Joondalup. The report also explores the need for an overarching strategy to encapsulate initiatives to guide future actions and resource allocation by the City.

Although there are four key points listed in the above motion, these points are closely interrelated. Therefore, rather than responding to each point individually, this report responds to the points in a cohesive manner.

BACKGROUND

Over the 2016-17 financial year, tourism and hospitality sales in the City of Joondalup was estimated at \$792.6 million and the total value added (a measure of industry productivity) was estimated at \$454.4 million (*Source: National Institute of Economic and Industry Research*).

Tourism and hospitality represents 8.1% of total sales in the City of Joondalup economy and is therefore a significant industry.

In recognition of this, the City has a series of strategies and plans that seek to grow opportunities and employment in hospitality and tourism ventures within the City of Joondalup. These include, but are not limited to:

- *Joondalup 2022 – Strategic Community Plan.*
- *Expanding Horizons – Economic Development Strategy.*
- *Local Planning Strategy (2017).*
- *International Economic Development Activities Plan.*
- *Joondalup Activity Centre Plan.*

What has recently been achieved

The above plans and strategies have guided and assisted the City in pursuing and realising a number of significant tourism and hospitality related initiatives and outcomes over the past 12 to 18 months, aimed at stimulating investment and employment. These initiatives and outcomes include the following:

- Launch of the City's new website with dedicated "visitor" portal highlighting a range of activities and attractions. The website profiles a number of key tourism business operators.
- Development and distribution of the Sunset Coast Holiday Planner by Destination Perth, including at the recent Malaysian Association of Tours and Travel Agents (MATTA) Fair in Kuala Lumpur.

- A Tourism Stakeholder Group meeting with over 20 industry attendees was held at Joondalup Resort in July covering City events and sponsorship opportunities, the City's new website and other ideas for visitor attraction. The opportunity to meet and collaborate with other tourism stakeholders was welcomed by the group and it was agreed that regular meetings will be held throughout the year.
- The City has produced an investment attraction video "Joondalup has the Edge" that features tourism attractions. The video is also available in Mandarin, with both versions on the City's website and social media platforms.
- Two trade delegations have been undertaken by the City as part of the implementation of the International *Economic Development Activities Plan*. Tourism is one of the four key industry sectors that the plan is focussed on.
- Publishing of "Joondalup has the Tourism Edge" advertisement and thought leadership article in Business News.
- Implementation of the *International Economic Development Activities Plan*, with a focus on four key industries of tourism, education, retail and health. Key outcomes included facilitation of an International Aged Care Conference (with a focus on aged tourism) with a Chinese delegation in attendance. and establishment of an Australian Medical Association international training facility.
- Attraction of tourism-related businesses Latitude Air and Aloha Surfhouse to the City of Joondalup.
- Delivery of Kaleidoscope, which attracted around 88,000 visitors to the Joondalup City Centre last year driving positive economic impacts for local hospitality businesses.
- Delivery of Joondalup Festival, which attracted around 50,000 visitors to the Joondalup City Centre earlier this year driving positive economic impacts for local hospitality businesses.
- Delivery of Little Feet Festival, which attracted around 7,000 people to the Joondalup City Centre earlier this year.
- Delivery of the Spring Markets (four weeks) and Twilight Markets (four weeks) in the City Centre, which attract a total of 8,000 people to the Joondalup City Centre.

A number of other visitor attraction related developments, which either have or will have significant impacts on investment and employment growth in the City of Joondalup are also either now underway or in the advanced stages of planning. These include the following:

- Lakeside Joondalup Shopping City.
- Hillarys Boat Harbour and Sorrento Quay, which attracts over four million visitors per year.
- Ocean Reef Marina.
- Order of magnitude business case preparation for the Boas Place site, owned by the City.
- Commencement of development of the Quest apartments on Boas Avenue.
- Receipt of the application for the proposed "Pirates Cove" development at Hillarys Boat Harbour to replace "The Great Escape".
- Proposed relocation of the Duyfken to Hillarys for part of the year.
- Development of the Whitfords Nodes Health and Wellbeing Hub.
- Café/restaurant at Pinnaroo Point and café/restaurant at Burns Beach to capitalise on the City's world class beaches.

- Development of Parin Park/heritage precinct including pathways, arbor structures and story boards celebrating the rich and diverse history of the area.

The City also, in its normal course of business, either organised or approved a number of key events and activities in open spaces and nodes along the City's coastline. These include the following:

- Valentine's Concert, which usually attracts a capacity crowd of 8,000 people.
- ANZAC Day Dawn Service which attracts almost 8,000 people.
- Music in the Park, which attracted around 10,000 people to two concerts held in two of the City's parks.
- Joondalup Christmas Lunch.
- Community fairs.
- Pictures in the park.
- Triathlons.
- Surf Lifesaving carnivals.
- Bike riding events.
- Paddle boarding events.
- Christmas Carols in parks.
- Joondalup Growers' Market.
- Food truck event at Whitfords Nodes.
- Cultural and arts activities including arts installations.
- Markets by the Sea (new event).

There are also a number of other event applications that are currently being considered by the City but have not yet been finalised. Most of these are proposed food truck events.

The City also has a Sponsorship, Contributions and Donations Program that recognises the importance of attracting and supporting events and programs that deliver economic benefit to the region and contribute to a vibrant and dynamic community atmosphere.

Through the Sponsorship, Contributions and Donations Program, the City is able to provide support to external organisations and community groups that are assisting the City to achieve its strategic vision by delivering events, programs and activities within the region.

The City's Sponsorships, Contributions and Donations Program aims to achieve the following objectives:

- Attracting, hosting or supporting a wide range of events, programs and activities that enhance the liveability of the City for the community and promote Joondalup as a destination for visitors to the region;
- Providing positive exposure for the City's brand and image locally and regionally;
- Providing support to local organisations/community groups/sporting clubs;
- 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.

DETAILS

The key issues influencing or impacting the stimulation and delivery of tourism and hospitality ventures in the City of Joondalup include the following:

- 1 Critical mass.
- 2 Regulatory frameworks and processes.
- 3 Parking.
- 4 Possible impact on residential amenity and community response.
- 5 Targeted and purposeful activation of key coastal nodes, parks and open spaces and activity centres (including the Joondalup City Centre).

These issues and suggested ways of addressing some of the issues, are outlined in more detail below.

1 Critical mass

One of the success factors for a viable hospitality / tourism venture is the critical mass of people who work, live in or visit the area in which the business is located. The growth of commercial floorspace, residential development and employment in the Joondalup City Centre and smaller activity centres outside of the City Centre is therefore essential to generate additional demand for food and beverage activities.

Fortunately, the Joondalup City Centre has experienced significant and sustained growth since 1990, adding on average an additional 28,300m² of commercial and industrial floorspace per annum over the 27 years to 2017, to reach a total floorspace of more than 800,000m². If public purpose uses such as education, hospital and government, are added to the commercial and industrial figures, then the floorspace totals over 1.18 million square metres, with employment totalling about 18,500. New additions such as the Primewest building will add an additional 800 employees to the City Centre in February or March of 2019.

While the Joondalup City Centre has experienced a healthy growth in commercial, industrial and public purpose floorspace in recent years, the growth in the residential population has been comparatively low. The *Joondalup Activity Centre Plan* (JACP) indicates that population in the City Centre grew from 3,150 in 2006 to 4,414 in 2015, or an average growth of 150 people per annum. In 2015, there were an estimated 2,008 dwellings in the City Centre.

The JACP anticipates that by 2050, the City Centre will house an estimated 19,845 people in 5,481 dwellings. This additional population is expected to generate significant additional demand for food and beverage activities.

The implementation of the JACP will be critical to the success of the City Centre. An additional 3,473 residential dwellings and 800,000m² of commercial floorspace will need to be developed by 2050. The result will be a City Centre employing 45,000 people with nearly 20,000 residents.

The Joondalup City Centre is, however, not the only focal point for hospitality and tourism businesses. Such initiatives and businesses are also necessary and desirable along the City's coastline and they form critical components of other, smaller activity centres serving local communities in the suburbs of Joondalup.

Currently, along the coastline, the City's café / kiosk / restaurant project is intended to stimulate hospitality and tourism ventures through the construction of new facilities in identified tourism nodes. These projects will advance the City's ability to, not only meet the needs of its residents, but also to attract visitors / tourists to the City and to provide more employment and increased business opportunities.

In smaller activity centres outside the Joondalup City Centre, there are already a number of hospitality ventures ranging from smaller local cafés and restaurants to larger taverns and clusters of restaurant and entertainment activities in larger centres like Currambine and Whitford City.

Development in these other centres is guided by the State Government's *Activity Centres Policy*, and the City's *Local Commercial Strategy*, local planning scheme and zone specific local planning policies. In some cases, structure plans or activity centre plans have been approved for specific centres.

The intention of this coordinated suite of planning documents is to encourage a move away from suburban centres being only shopping or commercial centres and becoming community focal points that include a diversity of activities such as commercial, retail, higher density housing, entertainment, tourism, civic / community, higher education, and medical services.

The impacts of this policy suite are already being seen in centres like the Whitford Activity Centre, where major redevelopment of the centre has recently occurred to introduce a range of hospitality uses. In November 2017 plans were approved by the Joint Development Assessment Panel (JDAP) for the development of a community plaza, new retail / commercial space and 42 apartments on the eastern edge of the Whitford Activity Centre. Following approval of this application, a subsequent application has been received to amend this earlier approval. The new application that has been received, and is currently being assessed by the City, proposes to double the number of apartments.

This is the critical mass needed in suburban centres to further sustain current and future hospitality ventures and will continue to be encouraged through future activity centre plans and local planning policies.

The City is also currently going through a process to review the existing Housing Opportunity Areas close to these centres and near train stations and public transport and to develop a new planning framework for infill development in the City of Joondalup. The primary aim of this review and new planning framework will be to address the concerns of residents affected by density. However, the review will also need to consider how to accommodate the target, set for the City by the State Government, to achieve 20,670 additional dwellings in the City of Joondalup by 2050. This process of review will be cognisant of the need for a critical mass of residential population in or near established centres to ensure current and future sustainability of these centres and the hospitality, entertainment and tourism ventures within them.

2 Regulatory frameworks and processes

Another key issue influencing or impacting the stimulation and delivery of tourism and hospitality ventures in the City of Joondalup are the regulatory frameworks and processes. Some challenges faced by people wanting to start hospitality businesses in the City include:

- the need for approvals before they can commence operation
- complexity of the approvals process
- not knowing what approvals are necessary
- sometimes having to deal with different teams or City staff to get all approvals needed
- the time taken to get approvals.

Need for approvals

Under the State Government's *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), all development requires planning approval, unless explicitly exempted under the Regulations. Currently, the Regulations exempt:

- internal building works
- a single house that complies with the R-Codes and local planning policies
- demolition of a single house
- temporary development
- development exempted from requiring planning approval under a local planning policy.

In addition to the exemptions provided for by the Regulations, local governments can (with approval from the Western Australian Planning Commission and Minister for Planning) include further exemptions in their own local planning schemes. The City's new *Local Planning Scheme No. 3* (LPS3) includes some additional exemptions, including:

- urgent works required to address public safety issues
- outbuilding (shed) and patio additions that seek specific, minor discretions
- operating a Home Office
- operating a Family Day Care.

These exemptions do not specifically relate to hospitality and tourism land uses. However, by not requiring planning approval for these types of development, this will free up the City's planning resources to process other planning applications in a more efficient manner.

There is also the potential for further exemptions to be explored by the City. This can be done by listing extra exemptions in the scheme (via a scheme amendment) or by introducing exemptions into policies. Essentially, this means an applicant would do a self-assessment against the policy and if they believe they comply with the policy, then they do not need planning approval.

The benefits of such an approach would be a streamlined process for operators. However, it would mean some loss of income for the City and there could be some risk that operators do not interpret policy provisions correctly and end up being non-compliant. This would then result in either a need for retrospective planning approval (which attracts higher application fees than standard applications) or cessation of the activity or components of it.

The need for **building** approval is set out in the *Building Act 2011*. The ability for an applicant to submit an externally certified building application under the *Building Act 2011*, has already streamlined the building approvals process significantly. The City is required, as per the building legislation, to process certified building applications within 10 business days. Currently, the City is processing most of these applications within five business days.

From an **environmental health** point of view, depending on the use proposed, this may generate the need for new toilets, disability access, fire and emergency devices, grease traps, new floors / walls /solid ceilings, bin areas, hot water systems, extractor hoods and cool rooms or freezers. Most health requirements are under the *Health (Miscellaneous Provisions) Act 1911* and there is no ability for the City to exempt operators from the need to do the works or seek the approvals required.

Operators wishing to conduct **events** in the City are also required to seek approval. The *Local Government and Public Property Local Law 2014* deals with traders in public places and street markets. This local law outlines the need for a permit, exemptions, conduct of traders and entertainers, obligations of permit holders and enforcement.

Complexity of the approvals process

Event approvals

The public event application process can be viewed as a barrier (particularly for those wanting to run small scale events) because the approval process can take some time, which can impact on event planning processes. In addition, there are a few different business units involved in event approval processes and having to deal with a number of different people can become confusing for applicants.

The cost of running an event can also be a disincentive. In addition to hire fees, organisers may need to bear the costs of applying for approvals, as well as costs for planning and running events to meet other City expectations and requirements (for example, preparation of traffic management plans).

In addition, the City generally adopts a cautious approach in relation to approving community events and often imposes various conditions on the approval of an event, such as:

- restricting vehicle access to reserves due to the potential turf impact
- restricting certain activities on reserves, particularly if there may be an impact to existing sporting clubs
- restrictions on the type and amount of infrastructure that may be used on reserves because of concerns about damage.

In recognition of the above, the City has already commenced an internal review of the public event application process. Expected outcomes include easier-to-understand information available upfront for customers, simpler forms and a more efficient internal assessment process.

There is also potential to create a 'one-stop-shop' where customers have a single point of contact in relation to any information or approvals they may need in relation to running an event in the City of Joondalup.

The City could also consider developing a policy (not dissimilar to the City of Vincent's 'Mobile Food Vendor' policy) which makes it easy for interested parties to find information on the requirements for permits and available locations and times for food trucks.

New flexible planning frameworks

Both new *Local Planning Scheme No. 3* (LPS3) and the JACP provide greater flexibility and greater discretion for the City to consider a range of land uses, including those which may have tourism potential, than that allowed under the current planning framework.

A wide range of leisure, entertainment and sporting activities can be accommodated under the 'Recreation - Private' land use which is either permitted or discretionary in all precincts in the JACP area, and all zones within LPS3 apart from the 'Residential' and 'Rural' zones. Hospitality uses, such as 'Restaurant / café' and 'Small bar' are also permitted or discretionary uses in most JACP precincts.

Under new LPS3, short-term accommodation will become a discretionary use in the 'Residential' zone, where it is currently not permitted. Both 'Holiday House' and 'Bed and Breakfast' land uses will enable a dwelling to be used for purposes such as Airbnb, but these will remain discretionary land uses in the 'Residential' zone to ensure the appropriate operation of these uses.

Generally, under new LPS3 and the JACP, there will be far more scope for the provision of hospitality businesses and tourist accommodation than currently allowed under the City's existing scheme.

The new LPS3 and the JACP are due to commence operation in mid to late October 2018.

Land use control and development standards

In addition to exempting specific development types (mentioned earlier), in certain circumstances there is the ability to also exempt the need for planning approval when changing from one 'Permitted' use to another.

This is intended to simplify the establishment processes for businesses by removing one of the approvals required. However, if the development standards (like parking) are not the same for the different uses, then a planning approval may still be required.

In larger activity centres such as Joondalup and Whitford, there is a more standardised approach to parking and this provides greater opportunity for changing one permitted use to another, without the need for planning approval.

There is scope to investigate opportunities to broaden this same principle for other centres and commercial areas, not only for parking, but also other development standards, with a view to simplifying the processes involved in starting up a business in the City's activity centres and commercial areas.

Other possible changes to alfresco regulation and licensing

Currently, development (planning) approval is required for alfresco activities and this approval is time limited, meaning operators need to reapply for approval every three years.

The City has already embarked on a review of its processes and procedures associated with alfresco activities.

As part of this review, earlier this year the City approached a number of hospitality businesses in the Joondalup City Centre – some with alfresco dining and some without – to get feedback on the City's current processes and what, from a business operator's perspective, the incentives (or disincentives) are to provide alfresco dining opportunities to their patrons.

All respondents were aware of alfresco dining as an option and the initial feedback from businesses identified a range of issues in relation to alfresco dining, including:

- the application and renewal processes
- location of the alfresco activity
- need for a minimum benchmark to guide alfresco activities
- use of fees for the maintenance of the alfresco areas
- free parking options to encourage customers.

The issues raised do not appear to highlight any fundamental flaws with the City's approach to managing alfresco activities, but rather confirmation that existing policies and approval processes need to be simplified and streamlined.

In commencing the policy review, the City has also undertaken some initial benchmarking of other local governments to investigate how other local governments approach the management of alfresco areas.

This initial benchmarking exercise identified that all local governments provide some control and management, however the degree of control varies. Some operate in a similar way to the City's current approach, whereas others are pursuing a more flexible process whereby alfresco dining may be exempt from planning approval, subject to meeting a set of criteria.

The benefits of such an approach would be a streamlined process for operators. However, this would mean some loss of income for the City and there could be some risk that operators do not interpret policy provisions correctly and end up with non-compliant alfresco activities. This would then result in either a need for retrospective planning approval (which attracts higher application fees than standard development applications) or cessation of the activity or components of it.

The City's *Alfresco Activities Policy* is currently under review and a subsequent report to Policy Committee and Council will expand on the benefits and issues associated with exempting this type of development from requiring approval as a matter of course.

The report mentioned above will also consider other options, such as the temporary use of car bays or other parts of the road reserve for alfresco activities at certain times or under certain circumstances.

Regulation of signage

In parallel with the review outlined above, the City is also undertaking a review of its approach to signage.

The City's *Signs Policy* provides guidance on the extent and location of various forms of signage that are not exempt from planning approval. The policy applies primarily to signage on private property but needs to be read in conjunction with the *Local Government and Public Property Local Law 2014* which deals with advertising signage on public land, including portable signage (or 'A' frame signs) often used by hospitality businesses in the City of Joondalup.

A petition was presented to Council at its meeting held on 16 August 2016 (C41-08/16 refers) requesting that the City create a working group to review and develop appropriate signage guidelines and policy that allows small business to have a say on signage and place-making within the City of Joondalup.

This request will be dealt with as part of the major review of the City's *Signs Policy* that is currently underway.

A major review of the *Signs Policy* has not been progressed in earnest until now, given the new policy needs to supplement and align with the City's new LPS3 and the JACP. These documents have only recently been approved by the State Government and will come into effect upon gazettal of the new planning scheme shortly after the Council meeting to be held on 16 October 2018.

A minor review of the *Signs Policy* was considered by the Policy Committee at its meeting held on 1 October 2018 and forms the subject of a different report on this agenda. The intent of this minor review is to capture the existing signage exemptions that currently exist under DPS2 and will fall away upon gazettal of the City's new planning scheme.

Knowing when approvals are required

When operators of businesses do not contact the City prior to starting a business, they may not become aware of what approvals they may need before signing leases with landlords. This sometimes results in them not getting all required approvals and having to deal with these retrospectively, which sometimes causes them delays, stress and extra, unplanned costs.

However, when the City received enquiries from businesses seeking to start or locate in the City, every effort is made to make sure the operators know what is needed from an approvals point of view, and what support is available from the City to assist them.

General advice and information is provided by the City and business operators are also directed to the most appropriate external organisation or agency to assist with their specific enquiry. Most information sought by start-up businesses is provided by State Government (Business Local Program) or Federal Government (Australian Small Business Advisory Services) agencies. All the general business support information and contacts are provided on the City's website within the Business portal.

There is also a specific City of Joondalup webpage dedicated to starting and growing a business and this provides information on key support contacts, business approval requirements, local business advisory services and local business training, workshops and events. The information provided is part of the City's commitment to be a "Small Business Friendly Local Government" developed by the Small Business Development Corporation (SBDC). The City reports bi-annually to the SBDC on its activities that support small businesses.

Dealing with multiple approval processes

Sometimes multiple approvals are required for an operator to establish a business or run an event in Joondalup (planning, building, environmental health and hire of land). Some of the approval processes are currently sequential, for example the need for planning approval and then building approval.

The City is currently trialling a "fast track" system for simple proposals that require both planning and building approval. This process aims to short-cut the process for applicants by having the same officer deal with both planning and building applications concurrently, using a single set of documents. These applications are also prioritised to make sure they get dealt with in the shortest time possible, though this process does rely on having a full staff complement to make sure other customers are not unduly impacted by this prioritisation of 'fast track' applications.

The 'fast track' trial is in its infancy, but there is potential to improve and expand this process to the benefit of all business in the City of Joondalup, not only hospitality and tourism businesses.

Time taken to get approvals

Planning applications are subject to statutory timeframes, meaning that the decision-maker has a statutory obligation to determine an application within a certain timeframe. These timeframes vary depending on whether the application needs to be advertised.

Delegated authority

To meet statutory requirements and facilitate the timely processing of planning applications, the City uses delegated authority in relation to its town planning functions.

The current delegation of authority for planning applications is structured in two tiers - one tier allows some City officers limited delegation to 'sign off' on minor matters, and a second tier applies to the Director of Planning and Community Development and Manager Planning Services, who have broader delegation to determine applications.

There are, however, some instances in which delegation does not exist to any City officer and Council is required to determine the proposal. While there are instances where this is appropriate because the proposals are contentious and/or will have significant impact, there are also existing situations where a decision of Council is required relating to a matter of minimal significance. Examples of this include determination of Unlisted Uses, modifications to Unlisted Uses and proposals that fall short of meeting the parking or landscaping requirements of the planning scheme.

Planning applications that require a Council decision typically take much longer to determine, as the process involved is more protracted and relies on an established cycle of Council meetings. These applications often exceed the statutory timeframes.

It is open to Council to investigate the current level of delegated authority provided to the administration for planning applications with a view to reducing the timeframes associated with certain planning applications. A revised approach to delegations could also allow Council additional capacity to focus on strategic matters.

3 Parking

Some businesses, particularly hospitality businesses in the Joondalup City Centre, have a concern about customers being unable to park for short periods to visit their premises, without paying a fee.

Currently, paid parking applies in the City Centre from Monday to Friday between 8.00am to 6.00pm. Parking in the city centre is free in the evenings during the week and all day on weekends.

Paid parking was introduced by Council in 2008, in response to community concerns regarding City Centre parking issues. Surpluses of parking revenue, after allowing for all the operating costs, are allocated to a 'Parking Facility Reserve' fund that is applied in the development and provision of facilities and services, both parking and non-parking, in the Joondalup City Centre.

It is possible to introduce a system of allowing people to park free for the first ½ hour during the periods paid parking is operational. If the City was to introduce first ½ hour free parking (on-street) in the inner-city centre area bounded by Shenton Avenue to the north, Lakeside Drive to the east, Boas Avenue to the south and McLarty Avenue to the west, the potential financial and operational impacts that could result are as follows:

- Drivers would still be required to obtain and display a ticket from the parking machine.
- The ticket would either cover the entire free parking period (in existing half hour areas) or the combined free and paid parking periods (in existing one hour and two hour areas). In the latter situation, the ticket would display the expiry time of any 'free' and paid parking periods.
- The City would need to retain all existing parking ticket machines and patrols to check displayed tickets, and there would be no decrease in existing expenditure associated with the provision of these services.
- This option would however reduce the City's existing level of income by more than \$507,000 per annum.

The area of focus for first half hour free parking could be narrowed to Davidson Terrace (between Boas Avenue and Shenton Avenue) and Reid Promenade (between Grand Boulevard and Lakeside Drive). The revenue received from paid parking on these streets in 2017-18 was \$245,000. If first half hour free parking was introduced in this area only, revenue would notionally reduce by 52% to \$118,000.

Noting the above, if the City provided first half free parking in inner City Centre areas, this would have a significant impact on the overall financial and key parking assumptions for the City as follows:

- Since the City introduced paid parking the surpluses have been transferred into the Parking Facility Reserve, which was established to be applied in the development and provision of facilities and services, both parking and non-parking, in the Joondalup City Centre such as the City's one-third share of the cost of the CAT bus service.
- Construction of the City's multi-storey Reid Promenade Car Park (RPCP) was partly funded using the reserves from the surpluses from paid parking with the remaining funding derived from external loans. The adopted *20 Year Strategic Financial Plan* (SFP), assumes that the ongoing surpluses in the Parking Facility Reserve would be available to help pay off existing loans and in the future assist with the funding of a second multi-storey car park.

Income projections for the RPCP were assumed to be low in the first few years, but gradually increase to produce an operating surplus. Loan repayments would be met from the overall surpluses from paid parking. Once the loan payments had been finalised then there would be larger surpluses. These assumptions would be affected if the first half hour of parking was free.

- The City currently (2018-19) has an operating deficit of \$6.1 million. The parking surpluses of \$1.5 million per year mitigate this, meaning the operating deficit would be \$7.6 million if there were no parking surpluses. If the parking was changed to first half-hour free resulting in \$649,000 of parking surpluses being removed, then the operating deficit would increase from \$6.1 million to \$6.7 million.
- At present there is sufficient surplus from parking operations to repay the Reid Promenade Car Park loan, but if first half hour free parking was introduced there would only be a \$800,000 surplus. \$200,000 of this would be required in 2017-18 for other parking expenditure leaving just \$600,000 for repayment of borrowings. As a result, \$400,000 of the \$1.0 million loan repayment would need to be paid from municipal funds.
- As municipal funds would be required to repay part of the loan repayment this would result in reduced funds being available for other services and programs.
- The second multi-storey car park, planned for 2022-23, would no longer be able to be partially funded by reserves and, if the City were still to proceed at that point, the car park would need to be funded wholly from borrowings, subject to meeting the requirements of the City's Sustainable Borrowing, Strategic Position Statement. It is highly unlikely this would be viable as there would be insufficient surpluses from parking operations in subsequent years because of first half hour free parking to repay the borrowings for a second multi-storey car park. It would be reasonable to assume that the second multi-storey car park would therefore need to be delayed between 10 and 20 years.

It is also important to note that other local governments who currently have half hour free parking and were consulted prior to compilation of this report, have advised that they experience misuse of the free parking periods as some drivers 're-use' the free period by moving their vehicle between zones and thereby eliminate parking fees.

It is therefore considered that it may not be appropriate to introduce first half hour free parking in the inner City Centre at this time.

However, there is the option to create additional on-street parking for hospitality or tourism businesses through the planning approval process, though this opportunity is more likely to eventuate in centres or areas outside the Joondalup City Centre or in limited areas within the City Centre.

When a business applies for planning approval, they need to meet certain parking requirements set out in the City's planning scheme. On some occasions, not all parking that is required is able to be provided on the site itself.

In these situations, the City can approve the application if:

- it is considered there is enough parking on the site to cater for the actual demand the business will generate
- there is surplus parking on adjoining sites and the applicant can enter into formal agreement with adjoining landowners to use the car parking on a reciprocal basis
- the applicant pays cash-in-lieu of parking provision. This option is often not pursued by the City as any cash-in-lieu taken by the City can only be used by the City to provide parking elsewhere in the vicinity of the subject site. Often there is no opportunity to do so and, therefore, the cash-in-lieu is not able to be considered.

However, in recent times the City has agreed to take cash-in-lieu from an applicant and used it to construct parking bays in the road reserve near the business. The City has also recently come to agreement with an applicant that, because not all bays could be accommodated on site, that some bays were able to be provided in the road reserve outside the front of the business premises instead.

While not being able to be considered for all new businesses, the City will continue to explore opportunities with applicants to provide some of the parking required for any new proposal in the road reserve, provided the parking in the road reserve does not result in any safety issues or undue negative amenity impacts for nearby residents.

4 Possible impact on residential amenity and community response.

This report essentially deals with investigating mechanisms for stimulating hospitality and tourism ventures in the City of Joondalup.

However, consideration also needs to be given to the impact that such venues can have on surrounding residential areas, and the reverse impact that complaints from nearby residents can have on the operations of hospitality businesses.

In the Joondalup City Centre, interface issues between hospitality venues and residents are easier to manage, given residents have made a conscious decision to move into an area where there are non-residential uses. In and around smaller centres, however, the conflicts that occur (mainly parking and noise) tend to generate more amenity impact and consequent complaints and requests for City intervention from local residents.

For example, the City is currently dealing with and working to resolve complaints that have been raised by residents in relation to parking and traffic associated with a suburban café; and concerns in relation to increased hospitality activity and the growing success of another of its local centres. Not only are these interface issues causing concern for residents and frustration for business owners, but they are also requiring the allocation of significant City resources (staff and financial) to bring to resolution.

On one hand, the City needs to encourage investment and development of smaller hospitality venues in and around its smaller centres, for the benefit of the local community. On the other hand, the City needs to make sure, through careful assessment of building design and parking / traffic studies received as part of development applications, that proposals for new hospitality and tourism venues do not unduly impact on existing residents living next to or close to the venue.

It may also be useful for the City to develop information (possibly a fact sheet) for residents living in or near activity centres that explains:

- how centres will be changing as a result of the State Government's *Activity Centres Policy* – moving away from being only shopping / commercial centres and becoming diverse centres of activity (including hospitality venues)
- that parking requirements for some of these centres are reducing
- the benefits of the abovementioned points
- how the *Environmental Protection (Noise) Regulations, 1997* apply to different types of noise
- what residents can do if they experience negative impacts as a result of living next to or near a hospitality / tourism venue or other non-residential land use.

5 Targeted and purposeful activation of key coastal nodes, parks and open spaces and activity centres (including the Joondalup City Centre).

One of the challenges currently being faced in larger activity centres, including the Joondalup Activity Centre is the impact that the shopping centre itself has on the activation of the remainder of the centre. Historically, larger shopping centres have tended to be inward facing, drawing people into them and draining the vitality from the surrounding area.

The City has worked hard, and continues to do so, in conjunction with larger retail stakeholders, to ensure that new development is designed to have good connections with the rest of the activity centre (and beyond it) and an external relationship with the context in which the buildings sit. The State Government's *Activity Centres Policy* has enabled the City to insert provisions into the *Whitford Activity Centre Plan* and the *Joondalup Activity Centre Plan* to ensure this occurs and the City's new local planning policies apply similar provisions to smaller centres.

Another challenge for the City is to manage expectations about what / how the Joondalup City Centre should be today. The Joondalup City Centre has grown and matured quickly because of a trajectory, borne out of a unique set of circumstances and it is important to note that:

- the centre is 40 years old; however, it is only 40 years old. In terms of City development and maturation, 40 years is a very short timeframe
- the centre measures up substantially to the concept envisaged and pursued when the dreaming of Joondalup began.

This does not mean, however, that the City should not continue to work hard to drive investment into and development of the Joondalup City Centre. For this reason, the City has a strong strategy, planning and policy framework in place for activation of the City's most important places and spaces through a number of objectives that promote thriving centres, local job opportunities and tourism activities.

Notwithstanding these strategies and plans, which provide high level direction, in order to stimulate concrete opportunities and employment through increased investment and visitation, a practical *Place Activation Plan* is currently being progressed that will identify specific projects and initiatives to activate key nodes and areas of the City of Joondalup.

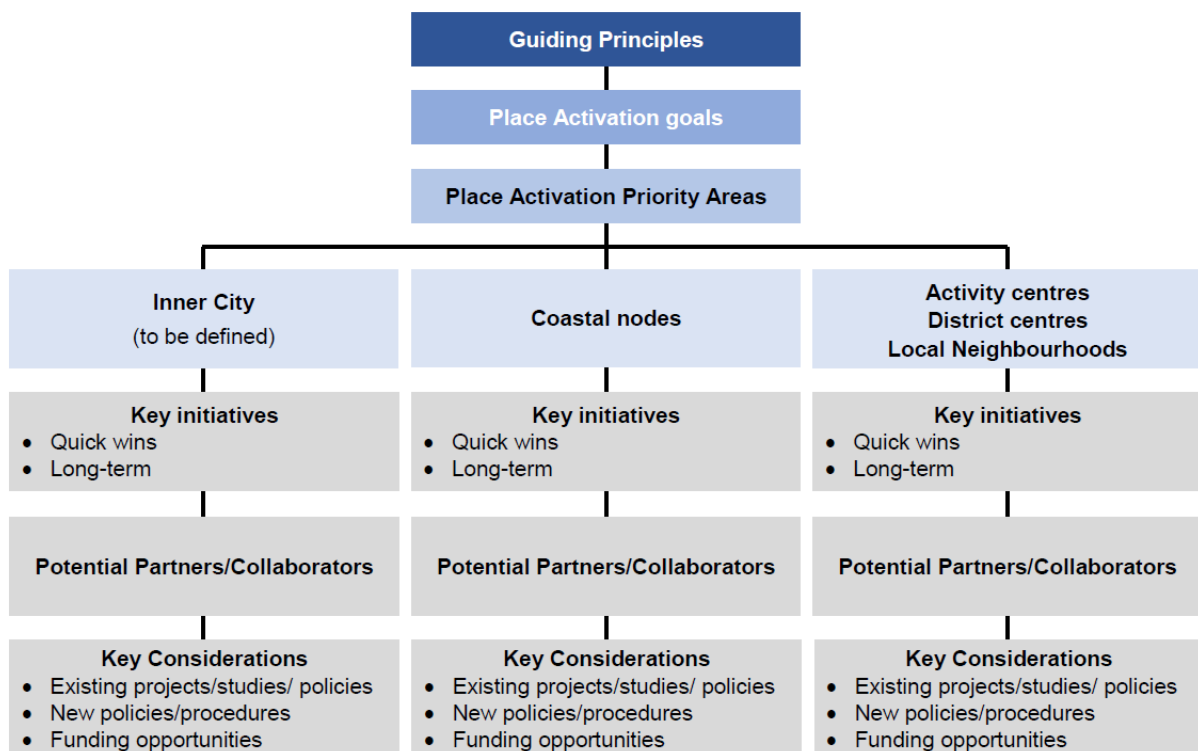
This *Place Activation Plan* will cover the whole of the City of Joondalup and will link with the City's *Strategic Community Plan*, *Economic Development Strategy*, *Local Planning Strategy* and the *Joondalup Activity Centre Plan*. It will provide a practical implementation mechanism for the delivery of an activation program with an intended outcome of lively places that attract people and stimulate investment and jobs.

The *Place Activation Plan* will also be a working document that will deliver a series of specific projects and actions (short, medium and long-term) to increase vibrancy in the Joondalup City Centre and other key areas in the City of Joondalup.

The *Place Activation Plan* is intended to include the following:

- A baseline assessment of the vibrancy of the Joondalup City Centre and other nominated key areas to establish the strengths and opportunities as well as the obstacles and challenges.
- Stakeholder and community engagement.
- Quick wins – projects that can be undertaken immediately and are low risk with a corresponding high reward, low cost and may be designed as pilots or to test new ideas. These projects may require some changes to City policies and processes.
- Longer term projects, which may result in permanent changes to public spaces, are more complex and larger scale and have high costs due to provision of infrastructure.
- Identification of strategic partnership opportunities to promote a collaborative approach to place activation.
- Identification of roles and responsibilities (City, local businesses, community, key stakeholders).

As indicated in the graphic below, the *Place Activation Plan* will identify the guiding principles for place activation, place activation goals and place activation priorities (quick wins and longer-term projects) and will provide the delivery mechanism for a range of projects and activities intended to activate public places. Effective place activation will require collaborations between the City, businesses and key stakeholders and the community and it is envisaged that the plan will be developed in conjunction with the community and key business stakeholders.



The City is currently in the process of finalising the scope for a Request for Quotation for a consultant to prepare a *Place Activation Plan* that will provide a clear set of priority projects and aim to attract business and visitors to Joondalup particularly in the tourism and hospitality sectors.

In the interim, there are may be opportunities for some quick wins, including the following:

- The City has an existing Community Events Calendar which any group can promote their event on. The City could consider targeted marketing to ‘fill’ gaps (time and location) in the event calendar and could improve promotion of community events and “hero” public community events on the City’s website.
- The City could establish a more consolidated approach to community events by establishing a single point of contact for all event organisers.
- The City could consider organising its own Food Truck event(s) which are managed and operated by the City, through engaging contractors. This would operate in a similar manner to the way in which the Spring and Summer Night Markets are currently operated. The cost to the City would be approximately \$10,000 per event. A perfect opportunity would be to hold such an event in the City Centre to welcome the new occupants of the Primewest building to the City of Joondalup, when they move here in early 2019.
- The City could consider a food truck trial, similar to those run by the City of Wanneroo and City of Perth.

The City of Wanneroo recently completed a trial of its food truck program for 2018. The trial was organised by a local food truck coordinator, in consultation with the City, and identified seven sites throughout the City at which food trucks could operate on certain days and times. The City approved a maximum number of operators who could be on site during the allocated time and the food trucks, along with the food truck coordinator, were responsible for managing this. Food truck operators were required to meet all relevant legislative requirements and were considered against a range of criteria.

The City of Perth operates a 12 month food truck permit that runs from 1 April to 31 March, which is governed by the City of Perth *Mobile Food Trading Policy*. Successful applicants may be approved to operate from four approved sites, seven days per week between 7.00am and 3.00am. Permits are limited to 12 food trucks and vans and five food trailers. Applicants are also assessed against a range of criteria.

- Although intended to be captured as an action the Place Activation Plan, the City could also consider the short-term establishment of additional farmers' markets in different locations in the City of Joondalup. It is important to note, however, that the existing weekly farmers' market in Central Park, Joondalup, is currently heavily subsidised by the City. It may therefore be more prudent to wait until the end of the current financial year to assess the success of this market, before beginning trials or starting farmers' markets elsewhere.

Legislation / Strategic Community Plan / policy implications

Legislation

Planning and Development Act 2005.
Planning and Development (Local Planning Schemes) Regulations 2015.
District Planning Scheme No. 2.
Local Planning Scheme No. 3.
Joondalup Activity Centre Plan.
Building Act 2011.
Health (Miscellaneous Provisions) Act 1911.
Local Government and Public Property Local Law 2014.

Strategic Community Plan

Key theme Economic Prosperity.

Objective Activity Centre development.
 Destination City.

Key theme Community Wellbeing.

Objective Cultural development.
 Community spirit.

Policy *State Planning Policy - 4.2: Activity Centres.*
Local Commercial Strategy.
Alfresco Activities Policy.
Signs Policy.

Risk management considerations

There are risks associated with exempting some forms of development from requiring planning approval and relying instead on self-assessment by operators of alfresco activities. However, these risks can be easily managed through a clearly worded policy and associated checklist, and through ongoing communication with business operators.

Financial / budget implications

Introducing half hour free parking in the city centre will have significant financial implications for the City, as mentioned earlier in this Report.

There will be some financial implications with exempting additional types of development from needing planning approval, but this reduction in revenue will be minimal.

There will be some cost to the City to host a food truck event (around \$10,000) and there would be some minimal cost involved in running a food truck trial in the City of Joondalup.

Regional significance

Tourism and hospitality represents 8.1% of total sales in the City of Joondalup economy and is therefore a significant industry. Building on this investment in the local economy through the mechanisms and actions identified in this report will bring benefit, not only to the Joondalup community, but also to the broader north-west corridor.

Sustainability implications

The economic welfare and sustainability of local businesses is of critical importance to the City, as is the need to attract more residents, visitors and investment into the City of Joondalup. The actions identified in this report will assist in making it easier for businesses to establish themselves in the City of Joondalup, contributing to their longer-term economic sustainability and the social sustainability of the Joondalup community.

Consultation

Consultation was undertaken with other local governments as part of the process of developing this report and consultation was done with certain hospitality operators on the issue of alfresco dining.

No other consultation has been undertaken in association with this Report.

However, consultation will be undertaken with business operators as part of the review of the City's *Alfresco Activities Policy* and the City's *Signs Policy*. Extensive consultation would also be undertaken as part of the development of any *Place Activation Plan* for the City of Joondalup.

COMMENT

The City already has a series of plans and initiatives in place to encourage economic development and tourism development in the City of Joondalup and these are outlined in this Report. The City has also pursued and realised a number of significant tourism and hospitality related initiatives and outcomes over the past 12 to 18 months, aimed at stimulating investment and employment.

There is, however, further opportunity for the City to stimulate, not only hospitality and tourism ventures in the City of Joondalup, but also increased activation and community enjoyment of some of the City's key coastal nodes, parks and open spaces, and activity centres, including the Joondalup City Centre.

This Report suggests a series of actions and initiatives to address the issues being faced by business operators and to stimulate hospitality and tourism ventures in the City of Joondalup (both directly and indirectly).

These actions and initiatives include the following:

- Investigating what additional types of development could be exempt from needing planning approval.
- Investigating amended levels of delegated authority with a view to reducing timeframes for processing of certain planning applications.
- Progressing expansion and improvement of the existing 'fast track' approvals trial to the benefit of all business in the City of Joondalup, not only hospitality and tourism businesses.
- Progressing the implementation of a 'one-stop-shop' where customers have a single point of contact in relation to any information or approvals they may need in relation to running an event in the City.
- Finalising a review of the *Alfresco Activities Policy* and, through this review, investigating exempting alfresco operators from the need for planning approval if a process of self-assessment indicates compliance with the new policy.
- Investigating, as part of the review of the City's *Signs Policy*, the opportunities for provision of signage for hospitality operators.
- Investigating a more standardised approach to parking requirements with a view to simplifying the processes involved in starting up a business in the City's activity centres and commercial areas.
- Continuing to explore opportunities with applicants to provide some of the parking required for any new proposal in the road reserve, provided the parking in the road reserve does not result in any safety issues or undue negative amenity impacts for nearby residents.
- Finalising an internal review of the public event application process.
- Investigating the merits of developing a 'Mobile Food Vendor' policy which makes it easy for interested parties to find information on the requirements for permits and available locations and times for food trucks.
- Progressing a *Place Activation Plan*, for adoption by Council, that will provide a clear set of priority projects and aim to attract business and visitors to Joondalup particularly in the tourism and hospitality sectors.
- Investigating opportunities for some quick wins, including: better marketing and promotion of community events, organisation of a food truck event to welcome the new inhabitants of the Primewest building in early 2019, and consideration of a food truck trial.

Not all the initiatives mentioned above can be implemented immediately. Some require additional investigation and research, which will take time given this work will need to be absorbed into existing work programs. Other initiatives will require a significant body of work and, therefore, this work may therefore need to be staged over a period of time to ensure that existing services, programmes and projects are not affected. Some initiatives will need to form the subject of separate reports to Council.

Once Council has considered which initiatives it wishes to pursue, an internal implementation plan will be developed to establish delivery timeframes for each initiative and to guide the allocation of staff resources.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the actions and initiatives already in place and currently being undertaken to encourage hospitality and tourism ventures in the City of Joondalup;
- 2 **NOTES** the key issues influencing or impacting the stimulation and delivery of tourism and hospitality ventures;
- 3 **REQUESTS** the Chief Executive Officer to investigate what additional types of development could be exempt from needing planning approval, with a subsequent report to be presented to Council seeking to initiate an amendment to *Local Planning Scheme No. 3* to give effect to the exemptions;
- 4 **REQUESTS** the Chief Executive Officer to investigate amendments to the levels of delegated authority for the City's planning staff, with a view to reducing timeframes for processing of certain planning applications, with a subsequent report to be presented to Council seeking approval to amend the Register of Delegation of Authority;
- 5 **NOTES** the City is currently progressing the expansion and improvement of the existing 'fast track' approvals trial to the benefit of all business in the City of Joondalup, not only hospitality and tourism businesses;
- 6 **NOTES** the City is currently progressing the establishment of a 'one-stop-shop' where customers have a single point of contact in relation to any information or approvals they may need in relation to running an event in the City;
- 7 **NOTES** that the City is currently undertaking and finalising a review of the *Alfresco Activities Policy* and, through this review, the option of exempting alfresco operators from the need for planning approval if a process of self-assessment indicates compliance with the new policy will be investigated. This matter will form the subject of a subsequent report to Policy Committee and Council;
- 8 **NOTES** that, as part of the review of the City's *Signs Policy*, the opportunities for provision of signage for hospitality operators will be investigated. This matter will form the subject of a subsequent report to Policy Committee and Council;
- 9 **REQUESTS** the Chief Executive Officer to investigate a more standardised approach to parking requirements in the City's planning scheme and / or local planning policies, with a view to simplifying the processes involved in starting up a business in the City's activity centres and commercial areas. This matter will form the subject of subsequent reports to Policy Committee and Council;
- 10 **AGREES** that the City should not pursue half hour free parking in the inner-city centre area, at this point in time;

- 11 **NOTES** that the City will continue to explore opportunities with applicants seeking planning approval to provide some of the parking required for any new proposal in the road reserve, provided the parking in the road reserve does not result in any safety issues or undue negative amenity impacts for nearby residents;
- 12 **NOTES** that the City is currently finalising an internal review of the public event application process;
- 13 **REQUESTS** the Chief Executive Officer to investigate the merits of developing a 'Mobile Food Vendor' policy which makes it easy for interested parties to find information on the requirements for permits and available locations and times for food trucks. A subsequent report on this matter will be presented to Policy Committee and Council;
- 14 **NOTES** the City is currently progressing a *Place Activation Plan*, for adoption by the Council, that will provide a clear set of priority projects and aim to attract business and visitors to Joondalup particularly in the tourism and hospitality sectors;
- 15 **REQUESTS** the Chief Executive Officer to:
 - 15.1 explore the potential for more marketing and promotion of community events;
 - 15.2 organise a food truck event to welcome the new inhabitants of the Primewest building in early 2019;
 - 15.3 consider running a food truck trial in the City of Joondalup.

ITEM 4 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENTS	Attachment 1 Documents executed by affixing the Common Seal during the period 11 September to 27 September 2018.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 11 September to 27 September 2018.

EXECUTIVE SUMMARY

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

It is therefore recommended that Council NOTES the Schedule of Documents executed by means of affixing the Common seal for the period 11 September to 27 September 2018, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 11 September to 27 September 2018, three documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Restrictive Covenant	1
Section 70A Notification	1
Withdrawal of Caveat	1

DETAILS**Issues and options considered**

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 11 September to 27 September 2018, as detailed in Attachment 1 to this Report.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf181009.pdf](#)

ITEM 5 SETTING MEETING DATE ANNUAL GENERAL MEETING OF ELECTORS 2018

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	107128, 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 determine the meeting date for the 2018 Annual General Meeting of Electors.

EXECUTIVE SUMMARY

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. It is anticipated that Council will accept the annual report at its meeting to be held on 20 November 2018.

Section 5.29 of the *Local Government Act 1995* states the Chief Executive Officer is to convene an electors meeting by giving at least 14 days public notice. Furthermore, section 5.55 of the *Local Government Act 1995* states the Chief Executive Officer is to give at least seven days public notice of the availability of the Annual Report, following its acceptance by Council.

Should Council accept the annual report at its meeting to be held on 20 November 2018, the earliest date to issue local public notice is Thursday 22 November 2018, meaning that the earliest date the Annual General Meeting can be held is Thursday 29 November 2018 and the latest the AGM of Electors can be held is Monday 14 January 2019.

It is considered the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 4 December 2018, prior to the scheduled Briefing Session. Elected Members are more likely to be available at this time due to their attendance at the Briefing Session and it also provides opportunity for the public to attend who may also be attending the scheduled Briefing Session.

It is therefore recommended that Council AGREES to convene the 2018 Annual General Meeting of Electors on Tuesday 4 December 2018, commencing at 5.30pm in the Council Chamber.

BACKGROUND

At its meeting held on 16 October 2007 (CJ206-10/07 refers), Council resolved to *“AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council”*.

The Annual General Meeting of Electors is a statutory requirement under the *Local Government Act 1995* and the meeting is to consider, among other things, the annual report for the previous financial year.

DETAILS

The audited financial statements are anticipated to be finalised by the City’s Auditor in early October and will be presented to Council at its meeting to be held on 20 November 2018. The audited financial statements are a key component of the City’s annual report, which will be presented to Council in a separate report to the Council meeting scheduled to be held on 20 November 2018. The finalised annual report will include an abridged version of the audited financial statements.

The receipt of the City’s annual report by Council and the holding of an AGM of Electors are both statutory requirements of the *Local Government Act 1995*. A decision is required on the date to hold the AGM of Electors, being aware of Council’s decision on 16 October 2007, and in view of the limitations to finalise the necessary documentation as well as complying with the required public notice period.

It should be noted that at the Council meeting held on 20 February 2018, during which Council considered the report of the minutes of the 2017 Annual General Meeting of Electors, the following question was asked during Public Question Time:

“Would consideration be given to holding future Annual General Meetings at 7.00pm as a 5.30pm start time makes it difficult to attend given that people are still working / commuting from work or attending to family arrangements?”

The Mayor responded by stating that this request would be considered for the 2018 Annual General Meeting of Electors.

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session in December 2014 and December 2016, and immediately prior to the Council meeting in December 2013, December 2015 and December 2017. This format has resulted in an improved elector turnout compared to previous years. For this reason, it is recommended that the meeting continue to be held at 5.30pm immediately prior to the scheduled Briefing Session.

Issues and options considered

It is a statutory requirement that Council sets a meeting date for the AGM of Electors.

Council can either:

- adopt the date and time as recommended in the report
or
- select an alternative time and / or date to hold the AGM of Electors.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Active democracy.

Strategic initiative

Optimise opportunities for the community to access and participate in decision-making processes.

Policy

Not applicable.

Section 5.27 states the following in regard to the Annual General Meeting of Electors:

“5.27 Electors’ general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors’ meetings are to be those prescribed.”*

Section 5.29 states the following in respect to convening electors meetings:

“5.29 Convening electors’ meetings

- (1) *The Chief Executive Officer is to convene an electors’ meeting by giving:*
 - (a) *at least 14 days’ local public notice; and*
 - (b) *each council member at least 14 days’ notice,*

of the date, time, place and purpose of the meeting.
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.”*

Section 5.55 states the following in respect to giving notice of annual reports:

“5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.”

Section 1.7 of the *Local Government Act 1995* defines ‘local public notice’ and states where such notice is not expressly stated, the notice is to be published and exhibited for at least seven days.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the AGM of Electors. They are the contents of the annual report for the previous financial year and then any other general business. It is suggested therefore, that the agenda format for the Annual Meeting of Electors be:

- Attendances and apologies.
- Contents of the 2017-18 Annual Report.
- General business.

Risk management considerations

The risk associated with failing to set a date for the 2018 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the annual report through the City’s website once it is adopted by Council at its meeting to be held on 20 November 2018.

COMMENT

The audited financial statements for 2017-18 will be the subject of a separate report to Council. Once these statements are adopted by Council, an abridged version will be inserted into the 2017-18 Annual Report.

In order for the City to meet its legislative requirements and ensure continued positive attendance by the public, it is recommended that Council convenes the 2018 Annual General Meeting of Electors on Tuesday 4 December 2018, commencing at 5.30pm, prior to the scheduled Briefing Session.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES to convene the 2018 Annual General Meeting of Electors on Tuesday 4 December 2018, commencing at 5.30pm in the Council Chamber.

ITEM 6 SETTING OF 2019 COUNCIL MEETING DATES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	08122, 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 set its meeting dates for the 2019 calendar year.

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1995*, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended the current monthly timeframe for meetings be maintained and deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

At its meeting held on 12 December 2006 (CJ236-12/06 refers), Council introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions, or for scheduling various committee meetings.

At its meeting held on 30 September 2008 (CJ196-09/08 refers), Council adopted a revised cycle based on a monthly timeframe; that is each Tuesday was set aside for either a Strategy Session (first Tuesday), Briefing Session (second Tuesday) or Council meeting (third Tuesday). This allowed the fourth and fifth Tuesday (when they occur) of the month to be available for various other non-standard meetings to be scheduled where required.

DETAILS

The proposed meeting schedule is based on the monthly timeframe that commenced in 2009. Maintaining the monthly meeting cycle will provide a level of continuity for members of the public.

The meeting scheduled for August 2019 has a proposed commencement time of 12.00 noon to enable attendance and participation by high school students.

It will be necessary to schedule the October 2019 meetings earlier due to the 2019 local government elections and subsequent Elected Members' induction program.

In order to accommodate the Christmas holiday period, the December meetings have been scheduled one week earlier, as is current practice.

In respect of other changes to the regular monthly meeting cycle, the Australian Local Government Association (ALGA) will be holding its Annual National General Assembly Conference in Canberra between 16 and 19 June 2019. Therefore it is recommended the Council meeting in June (scheduled to occur in that week of June) be moved to the fourth week in June to enable Elected Members to attend the conference, should they wish to do so.

Issues and options considered

Council can either:

- adopt the proposed meeting dates
or
- adopt a modified set of meeting dates.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

Current financial year impact

Account no.	1.522.A5202.3277.0000.
Budget Item	Advertising – Public and Statutory.
Budget amount	\$ 7,500
Amount spent to date	\$ 0
Proposed cost	\$ 600
Balance	\$ 6,900

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is recommended the current monthly timeframe for meetings be maintained for 2019, subject to the:

- June Council meeting being moved to the fourth week in June to enable Elected Members to attend the ALGA Annual National General Assembly Conference in Canberra between 16 and 19 June 2019, should they wish to do so
- August Council meeting commencing at 12.00 noon to enable attendance and participation by high school students
- October meetings being scheduled earlier due to the 2019 local government elections and subsequent Elected Members' induction program
- December meetings being scheduled one week earlier in order to accommodate the Christmas holiday period.

A schedule of committee meeting dates is currently being developed, cognisant of the desire to streamline the scheduling of committee meetings so they are held on the same day as other scheduled meetings, thereby making more effective use of Elected Members' attendance and time.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

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

Briefing Sessions To be held at 6.30pm in the Council Chamber	Council meetings To be held in the Council Chamber
Tuesday 12 February 2019	7.00pm on Tuesday 19 February 2019
Tuesday 12 March 2019	7.00pm on Tuesday 19 March 2019
Tuesday 9 April 2019	7.00pm on Tuesday 16 April 2019
Tuesday 14 May 2019	7.00pm on Tuesday 21 May 2019
Tuesday 11 June 2019	7.00pm on Tuesday 25 June 2019
Tuesday 9 July 2019	7.00pm on Tuesday 16 July 2019
Tuesday 13 August 2019	12.00 noon on Tuesday 20 August 2019
Tuesday 10 September 2019	7.00pm on Tuesday 17 September 2019
Tuesday 1 October 2019	7.00pm on Tuesday 8 October 2019
Tuesday 12 November 2019	7.00pm on Tuesday 19 November 2019
Tuesday 3 December 2019	7.00pm on Tuesday 10 December 2019

- 2 AGREES to hold deputation sessions in conjunction with Briefing Sessions;**
- 3 in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, GIVES local public notice of the meeting dates detailed in Part 1 above;**
- 4 INVITES a number of students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12.00 noon on Tuesday 20 August 2019;**
- 5 NOTES the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Zone meetings are generally scheduled to be held on Thursdays;**
- 6 AGREES that, where possible, no meetings are to be scheduled in the fourth week of every month;**
- 7 NOTES that, where possible, meetings for designated Council committees be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month to minimise potential conflicts with other Council activities.**

ITEM 7 LOCAL GOVERNMENT ELECTIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	29068, 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 whether the local government elections up until the end of 2023 will be postal elections, as well as to consider appointing the WA Electoral Commissioner to conduct all elections on the City's behalf.

EXECUTIVE SUMMARY

Local government elections are held on the third Saturday in October every two years with the next election scheduled to occur in 2019. Local government elections must be conducted in accordance with the *Local Government Act 1995* and associated Regulations.

The City recently received advice from the Western Australian Electoral Commissioner that he was prepared to be responsible for the City's local government elections and any other polls that may be required until the end of 2023. In accordance with the *Local Government Act 1995*, Council is now required to confirm whether the Electoral Commissioner is to be responsible for the local government elections up until this date, as well as to determine the voting method to be used in any elections held between now and 31 December 2023.

It is therefore recommended that Council:

- 1 *NOTES the WA Electoral Commissioner has agreed in writing to be responsible for the City of Joondalup Local Government Elections and any other polls until 31 December 2023;*
- 2 *In accordance with section 4.20(4) of the Local Government Act 1995, DECLARES BY AN ABSOLUTE MAJORITY the WA Electoral Commissioner being responsible for all Local Government Elections for the City of Joondalup together with any other elections or polls which may be required between now and 31 December 2023;*
- 3 *In accordance with section 4.61(2) of the Local Government Act 1995, DECIDES BY AN ABSOLUTE MAJORITY the method of conducting all elections for the City between now and 31 December 2023 will be as postal elections;*
- 4 *CONFIRMS that parts 2 and 3 above are not a binding contract with the WA Electoral Commissioner to conduct all elections until 31 December 2023 and nothing shall prevent Council from revoking the decisions at any time in the future.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ227-11/12 refers) Council resolved to appoint the WA Electoral Commissioner to be responsible for the City of Joondalup elections and confirmed that the elections would be by postal voting until 31 December 2017.

In accordance with section 4.20(1) of the *Local Government Act 1995* the Chief Executive Officer is the returning officer for local government elections, unless and in accordance with section 4.20(2) of the *Local Government Act 1995*, another person is appointed by Council as being responsible for the election. Any other person, other than the Chief Executive Officer, is required to be approved by the WA Electoral Commissioner. The Council can decide, under section 4.20(4) of the *Local Government Act 1995*, that the WA Electoral Commissioner be responsible for the election, which includes the appointment of a returning officer and other arrangements associated with the election.

The City recently received in-principle advice from the WA Electoral Commissioner to conduct local government elections on the City's behalf and any other polls that may be required until the end of 2023. In accordance with the *Local Government Act 1995*, Council is required to confirm whether the WA Electoral Commissioner is to undertake the local government elections up until 31 December 2023 on the City's behalf, as well as determine the method of voting to be used at any elections between now and 31 December 2023.

DETAILS

The *Local Government Act 1995* gives a local government the option of having a voting in-person election or a postal election. A local government election shall be a voting-in-person election unless the local government decides (by absolute majority) to conduct the election as a postal election. The decision to conduct the election as a postal election must be made at least 80 days before election day and can only be made after or in conjunction with a declaration that the Electoral Commissioner is to be responsible for the election. The *Local Government Act 1995* also allows a local government to decide that the WA Electoral Commissioner is to be responsible for the conduct of an election.

The options for Council are as follows (Council must first decide on the method by which an election is to be held as other available options are determined by the method of the election):

1 Voting in person election

- The Chief Executive Officer is the returning officer, unless other arrangements are made.
- Council may, having first obtained the permission of the person concerned and the written approval of the WA Electoral Commissioner, appoint a person other than the Chief Executive Officer to be the returning officer for an election or for all elections held while the appointment of that person subsists (such an appointment is to be made at least 80 days before an election day and cannot be rescinded after 80 days before election day).

2 Postal election

- A decision to conduct a postal election can only be made after or in conjunction with a declaration by Council that the WA Electoral Commissioner be responsible for the conduct of the election (this declaration must be made at least 80 days before an election day and cannot be rescinded after 80 days before election day and can only be made after the WA Electoral Commissioner has provided a written agreement to do so).

- Council may decide to appoint the WA Electoral Commissioner to be responsible for the conduct of all elections conducted with a particular period. The WA Electoral Commissioner has advised that he is willing to be responsible for the conduct all local government elections on the City's behalf until the end of 2023.

Issues and options considered

Council can either:

- maintain the existing arrangement for the WA Electoral Commissioner to undertake the City's local government elections on its behalf as well as retain the postal voting method
or
- request the Chief Executive Officer to be the returning officer for the election and change the voting to an in-person method.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.
Local Government (Elections) Regulations 1997.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Effective representation.

Strategic initiative

Attract a diverse elected body that represents, promotes and reflects the composition of the community.

Policy

Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

It is estimated that the cost of undertaking the 2019 election for the City (as a postal ballot) would be in the vicinity of \$300,000 (excluding GST), however more detailed cost estimates will be submitted by the WA Electoral Commission closer to the time.

Appropriate allocations will be made in the relevant Annual Budgets for the local government elections which will include the above costs, as well as any other advertising and promotion the City's wishes to undertake to promote the election and voter participation.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Advice has been received from the Electoral Commissioner that he is willing to be responsible for the City's local government elections and any other polls until the end of 2023.

COMMENT

The City of Joondalup has been conducting postal elections since its inaugural election in December 1999. The voting turnout figures are as follows:

Election Date	Election Method	Voter turn-out
May 1997	In-person	6.51%
December 1999	Postal	28.2%
May 2001	Postal	29.7%
May 2003	Postal	25.9%
May 2006 *	Postal	27.2%
October 2007	Postal	27.2%
October 2009	Postal	26.9%
October 2011	Postal	23.8%
October 2013	Postal	22.1%
October 2015	Postal	20.2%
October 2017	Postal	31.3%

* *Election under Section 4.14 of the Local Government Act 1995.*

For a number of elections, and as part of the post local government election processes, the City has undertaken an election candidate survey, seeking feedback as to candidate satisfaction on the City's election process, and in particular, the performance of the WA Electoral Commission. The results from candidates, and that of the City's officers, have demonstrated a high level of satisfaction with the performance of the WA Electoral Commission and that of the City's appointed Returning Officer.

As part of the Local Government Act review currently underway, the Department of Local Government, Sport and Cultural Industries has highlighted a range of matters for consideration around elections, including but not limited to election methods; electronic voting; and possible third party involvement in conducting elections (such as allowing the Australian Electoral Commission to conduct elections as opposed to the WA Electoral Commission). It is not known at this stage what the outcome of the consultation process will be and whether the Minister for Local Government will propose any significant changes to the provisions in the *Local Government Act 1995* around local government elections.

Notwithstanding and until such time that the legislation is reviewed and the direction is known, it is recommended that the WA Electoral Commissioner be responsible for the City's local government elections due to the Commissioner's and the WA Electoral Commission's experience in running elections of this type and the City's level of satisfaction on previous elections. It is also supported that a postal voting system continue due to the significant increase in voter turnout as opposed to in-person elections.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the WA Electoral Commissioner has agreed in writing to be responsible for the City of Joondalup Local Government Elections and any other polls until 31 December 2023;
- 2 In accordance with section 4.20(4) of the *Local Government Act 1995*, **DECLARES BY AN ABSOLUTE MAJORITY** the WA Electoral Commissioner being responsible for all Local Government Elections for the City of Joondalup together with any other elections or polls which may be required between now and 31 December 2023;
- 3 In accordance with section 4.61(2) of the *Local Government Act 1995*, **DECIDES BY AN ABSOLUTE MAJORITY** the method of conducting all elections for the City between now and 31 December 2023 will be as postal elections;
- 4 **CONFIRMS** that parts 2 and 3 above are not a binding contract with the WA Electoral Commissioner to conduct all elections until 31 December 2023 and nothing shall prevent Council from revoking the decisions at any time in the future.

ITEM 8 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00033, 101515
ATTACHMENT	Attachment 1 Minutes of WALGA State Council Meeting held on 7 September 2018 (Please note: These minutes are only available electronically).
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 WALGA State Council Meeting held on 7 September 2018.

DETAILS

The following information details those matters that were discussed at these external meetings and may be of interest to the City of Joondalup.

WALGA State Council Meeting held on 7 September 2018

The State Council Meeting of WALGA was held on 7 September 2018.

At the time of the State Council Meeting, Cr Russ Fishwick JP was Council's representative at the meeting.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the State Council Meeting:

4.1 Vexatious Appeals against the Issuing of Native Vegetation Clearing Permits

It was resolved by the WALGA State Council as follows:

“That this item be referred to the relevant Policy Teams to consider WALGA’s advocacy for changes to the act to insure any third party appeals are genuine.

CARRIED”

5.1 Local Government Act Review (05-034-01-0001 TB/JM)

It was resolved by the WALGA State Council as follows:

“That WALGA:

1. *Support the policy positions announced by the Minister for Local Government relating to phase 1 of the Local Government Act review process in relation to:*
 - a. *Acceptance and declaration of gifts;*
 - b. *Universal training;*
 - c. *Standards of behaviour;*
 - d. *CEO Recruitment and Performance;*
 - e. *Public notices and access to information; and,*
 - f. *Administrative efficiencies.*
2. *Seek a formal commitment from the Minister for Local Government that WALGA and Local Government Professionals WA now actively participate in the legislative drafting process to develop the Local Government Amendment Bill relating to Phase 1 of the Review;*
3. *Note the process for phase 2 of the Act review process and encourage Local Governments and Zones to provide input; and,*
4. *Acknowledge the timely progress of the Local Government Act Review and the Minister for Local Government’s ongoing prioritisation of the Review within his portfolio of responsibilities.”*

Alternate Recommendation

“That WALGA:

1. *Support the policy positions announced by the Minister for Local Government relating to phase 1 of the Local Government Act review process in relation to:*
 - g. *Acceptance and declaration of gifts;*
 - h. *Universal training;*
 - i. *Standards of behaviour;*
 - j. *CEO Recruitment and Performance;*
 - k. *Public notices and access to information; and,*
 - l. *Administrative efficiencies.*

2. *Seek a formal commitment from the Minister for Local Government that WALGA and Local Government Professionals WA now actively participate in the legislative drafting process to develop the Local Government Amendment Bill relating to Phase 1 of the Review;*
3. *Request the Minister for Local Government to extend the initial consultation time frame on phase 2 to 6 months ending by 31 March 2019.*
4. *Encourage Local Governments and Zones to provide input to phase 2 of the Act Review; and,*
5. *Acknowledge the timely progress of the Local Government Act Review and the Minister for Local Government's ongoing prioritisation of the Review within his portfolio of responsibilities.*

CARRIED"

5.2 Stop Puppy Farming – Local Government Consultation (05-034-01-0001 JM)

It was resolved by the WALGA State Council as follows:

"That WALGA:

1. *Welcomes a cost modelling review of the financial impact on Local Governments to ensure sufficient funding be directed to ensure compliance of any new legislation to Stop Puppy Farming;*
2. *Acknowledges the benefit of mandatory de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with de-sexing of dogs prior to considering supporting the proposal;*
3. *Supports a centralised dog registration system that is developed, operated and maintained by State Government;*
4. *Supports the introduction of compulsory registration of dog breeders;*
5. *Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements; and*
6. *Supports the transition of pet shops to adoption centres, and*
7. *Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and Guidelines for the Health and Welfare of Animals including dogs; and*
8. *Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders; and*
9. *Requests the State Government discontinue the use of the term 'Farming' due to the negative connotation that may be associated with other regulated industries, and consider re-naming the initiative 'Stop Puppy Mills'."*

Alternate Recommendation

“That WALGA:

- 1. Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming;*
- 2. Acknowledges the benefit of mandatory de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with de-sexing of dogs prior to considering supporting the proposal;*
- 3. Supports a centralised dog registration system that is developed, operated and maintained by State Government;*
- 4. Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements; and*
- 5. Do not support the transition of pet shops to adoption centres, and*
- 6. Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and Guidelines for the Health and Welfare of Animals including dogs; and*
- 7. Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders; and*
- 8. Requests the State Government discontinue the use of the term ‘Farming’ due to the negative connotation that may be associated with other regulated industries, and consider re-naming the initiative ‘Stop Puppy Mills’.*

CARRIED”

5.3 Interim Submission on Green Paper – Modernising WA’s Planning System: Concepts for a Strategically Led System (05-047-02-0015 VJ)

It was resolved by the WALGA State Council as follows:

“That WALGA:

- 1. Endorse the interim submission to the Independent Planning Reform Team’s Green Paper -Modernising WA’s Planning System: Concepts for a strategically-led system;*
- 2. Continue to discuss the review of State Planning Policy for Development Contributions with the State, as it is the more appropriate planning mechanism for managing Development Contributions.*

CARRIED”

5.4 Regional Health Services in Western Australia – Survey of Local Governments (05-031-01-0001 EDR)

It was resolved by the WALGA State Council as follows:

Composite Recommendation

“That WALGA:

- 1. Continue to work with affected Local Governments and key stakeholders, including but not limited to Rural Health West and WA Primary Health Alliance, to address short to medium term solutions including investigating how other States / countries have addressed recruiting and retaining staff, including but not limited to the role Nurse Practitioners across diverse landscapes and report back to State Council as progress is made;*
- 2. Continue to work with WA Health to advocate and prioritise regional health and the regional health workforce as a key strategic driver for change to ensure equitable access to health for all Australians;*
 - a. To broker partnerships with WACHS, through WA Health, and other key stakeholders identified on the Area of Need database to identify and develop collaborative strategies to mitigate pathways for change; and*
- 3. Develop a strong policy connection with the Australian Local Government Association as a pathway for advocating for stronger regional health service options for specialized regional health workforces.*

CARRIED”

5.5 WA Foodborne Illness Reduction Strategy (05-031-01-0001 EDR)

It was resolved by the WALGA State Council as follows:

“That the WA Food-borne Illness Reduction Strategy be endorsed.”

Alternate Recommendation

“That the WA Food borne Illness Reduction Strategy not be endorsed until the roles and responsibilities proposed for Local Government are known and cost to the sector of any additional responsibilities are understood.

CARRIED”

5.6 Developing a National Plan on Elder Abuse – Interim Submission (05- 086-03-0004 KD)

It was resolved by the WALGA State Council as follows:

“That the recommendations of the WALGA Developing a National Plan on Elder Abuse – Interim Submission be endorsed.

CARRIED”

5.7 Vehicle Emissions (05-028-03-0004 MM)

It was resolved by the WALGA State Council as follows:

“That WALGA:

- 1. Supports the consideration, where possible, of vehicle emissions during planning, designing and construction of large scale infrastructure projects.*
- 2. Supports the consideration of vehicle emissions during the process of purchasing new fleet, in addition to fleet policies.*
- 3. Supports the consideration of policies that facilitate the adoption of electric vehicles and electric vehicle charging infrastructure.*
- 4. Advocates to the proposed Infrastructure Western Australia body, when it is established by the State Government, to consider vehicle emissions as part of the assessment process and cost-benefit analysis for projects.*
- 5. Advocates to Infrastructure Australia to consider vehicle emissions such as particulate matter, other than greenhouse gas emissions, during the assessment of projects.*
- 6. Advocates to State Government for the broader implementation of the Department of Water and Environmental Regulation ‘CleanRun’ roadside emissions monitoring program, as a behaviour change initiative which has the potential to reduce fuel consumption.*
- 7. Advocate to the State Government for the preparation of planning policies or guidelines for the installation of electric vehicle charging stations within WA.*

CARRIED”

5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions (05-036-03-0020 NM)

It was resolved by the WALGA State Council as follows:

“That the Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed subject to the inclusion of:

- 1. Further guidance regarding the form of a assurance and adaptive management framework; and*
- 2. Reference to the costs to Local Government of the ongoing management of conservation areas and how decisions the impacts of land use within urban areas will impact on peri-urban areas.*

CARRIED”

5.9 Interim Submission on Proposed new Biodiversity Conservation Regulations and Ministerial Guidelines (05-014-01-0002 MD)

It was resolved by the WALGA State Council as follows:

“That WALGA’s interim submission to the Department of Biodiversity, Conservation and Attractions supporting the new Biodiversity Conservation Regulations and Ministerial Guidelines be endorsed.

CARRIED”

5.10 2018 WALGA Annual General Meeting (01-003-02-0003 TL)

It was resolved by the WALGA State Council as follows:

“That:

- 1. The Motions passed by the 2018 Annual General Meeting be noted; and,*
- 2. Items 4.2, 4.3 and 4.4 be forwarded to the relevant State Council Policy Teams for action.*
- 3. A report on the action taken in respect to Items 4.2, 4.3 and 4.4 be presented to State Council no later than the March 2019 State Council Meeting.*

CARRIED”

6.1 State and Local Government Partnership Agreement Update (04-001-03-0001 TL)

It was resolved by the WALGA State Council as follows:

“That State Council note the update on the State and Local Government Partnership Agreement and the secretariat continue to advise State Council of any details on where the intent of the partnership agreement has not been met.

CARRIED”

6.2 Strata Titles Amendment Bill 2018 and the Community Titles Bill 2018 (05-047-01-0011 CH)

It was resolved by the WALGA State Council as follows:

“That State Council note the Introduction to Parliament of the Strata Titles Amendment Bill 2018 and the Community Titles Bill 2018.

CARRIED”

6.3 Bicycle Share Schemes (05-005-03-0009 MM)

It was resolved by the WALGA State Council as follows:

“That State Council note the Bicycle Share Schemes Discussion Paper.

CARRIED”

6.4 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

It was resolved by the WALGA State Council as follows:

“That State Council note the resolutions of the Municipal Waste Advisory Council at its 27 June meeting.

CARRIED”

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the WALGA State Council Meeting held on 7 September 2018 forming Attachment 1 to this Report.

To access this attachment on electronic document, click here: [EXTERNAL MINUTES181009.pdf](#)

ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2018

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of August 2018 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of August 2018. Attachment 3 Municipal and Trust Fund Vouchers for the month of August 2018.
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 August 2018.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2018 totalling \$11,500,797.71.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for August 2018 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 \$11,500,797.71.

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 August 2018. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 106995 - 107205 & EF072592 – EF073144 Net of cancelled payments.	\$6,718,753.21
	Vouchers 2309A – 2327A	\$4,762,480.42
Trust Account	Trust Cheques & EFT Payments 207310 - 207315 & TEF001571 – TEF001594 Net of cancelled payments.	\$19,564.08
Total		\$11,500,797.71

Issues and options considered

There are two options in relation to the list of payments.

Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

Legislation / Strategic Community Plan / policy implications

Legislation

The Council has delegated to the Chief Executive Officer the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2018-19 Annual Budget* as adopted by Council at its meeting held on 26 June 2018 (CJ114-06/18 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for August 2018 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 \$11,500,797.71.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf181009.pdf](#)

ITEM 10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2018

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

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 August 2018.

EXECUTIVE SUMMARY

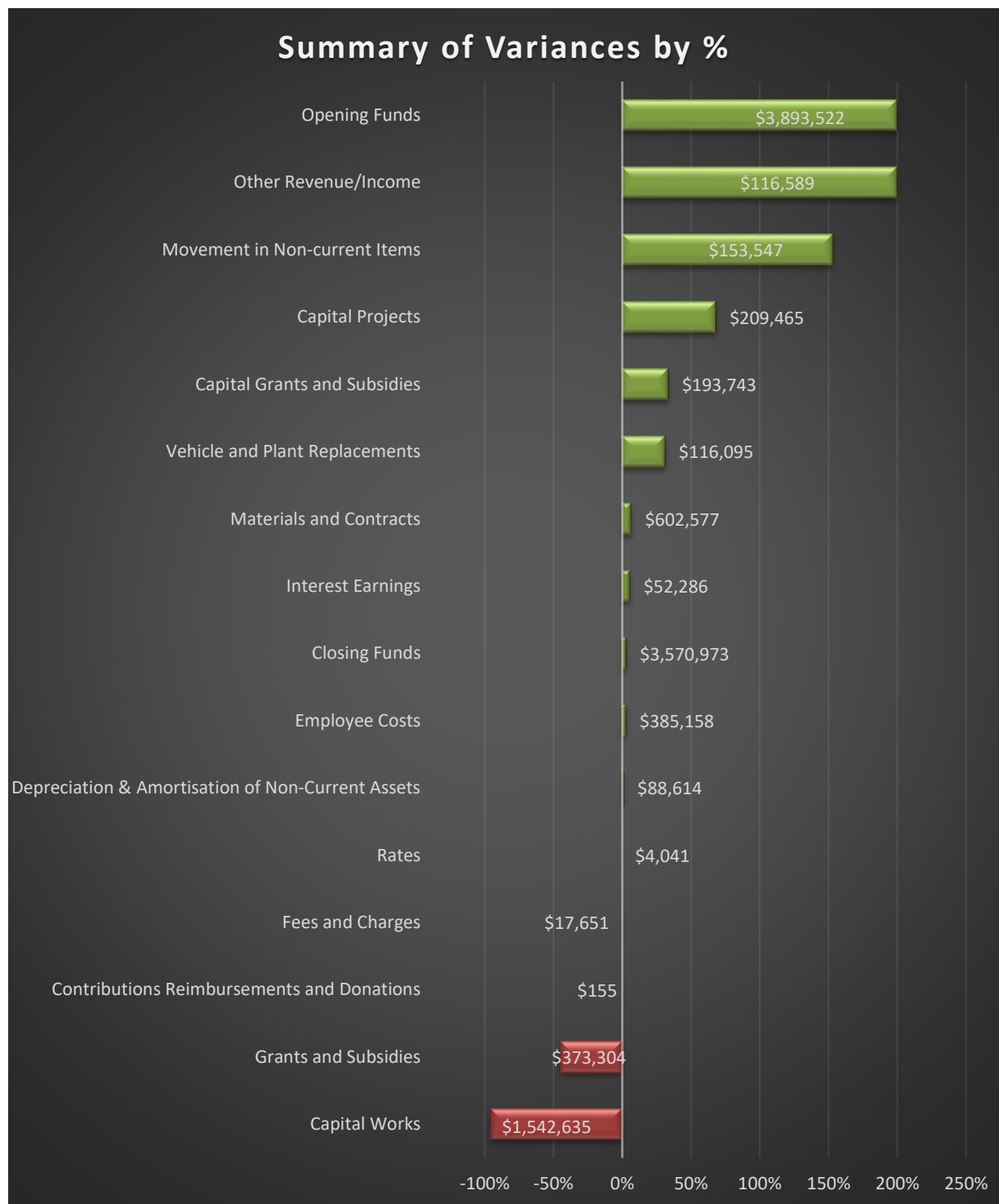
At its meeting held on 26 June 2018 (CJ114-06/18 refers), Council adopted the Annual Budget for the 2018-19 financial year. The figures in this report are compared to the revised budget.

The August 2018 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,570,973 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 August 2018 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of 2017-18 annual financial statements.

There are a number of factors influencing the favourable variance, but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

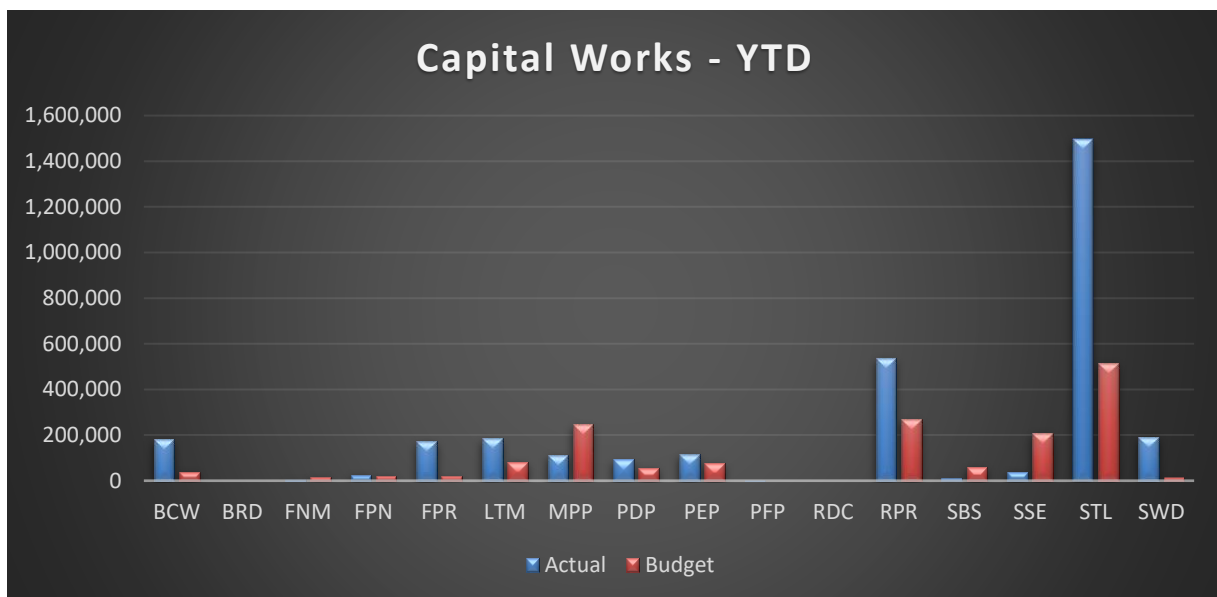
The key elements of the variance are summarised below:



The significant variances for August were:

Capital Works

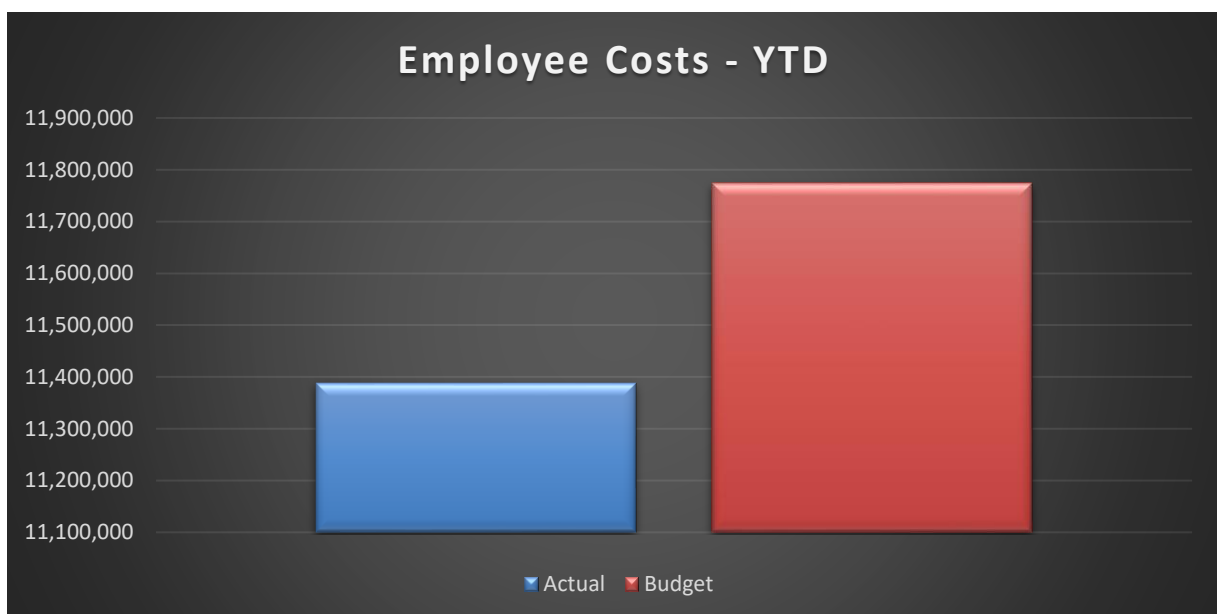
(\$1,542,635)



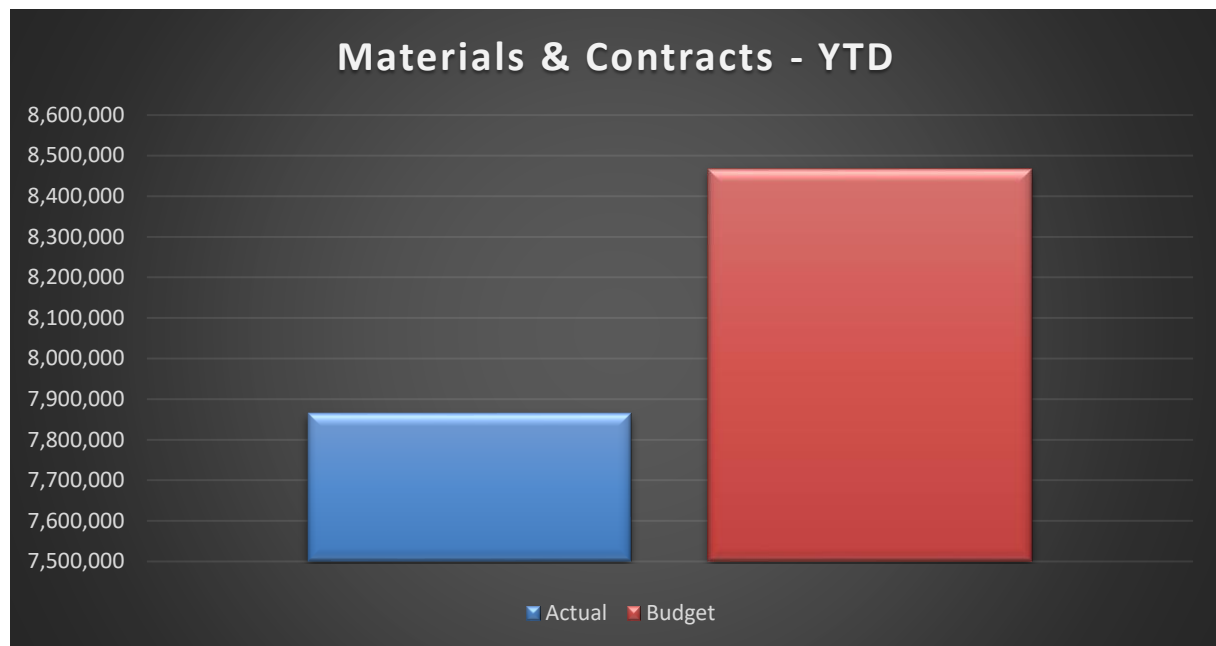
Capital Works expenditure is (\$1,542,635) above budget due to projects carried forward from the previous financial year. This includes unfavourable timing variances for Street Lighting Program (\$981,814) and Road Preservation / Resurfacing Program (\$269,677).

Employee Costs

\$365,158



Employee Costs expenditure is \$365,158 below budget. This is spread across a number of different areas including Salaries and Wages for Parks \$140,203 and Planning Approvals \$84,753 mainly due to vacant positions.

Materials & Contracts**\$602,577**

Materials and Contracts expenditure is \$602,577 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$546,893, Public Relations, Advertising & Promotions \$131,925 and Professional Fees and Costs \$127,475.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2018 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS**Issues and options considered**

The Financial Activity Statement for the period ended 31 August 2018 is appended as Attachment 1.

Legislation / Strategic Community Plan / policy implications**Legislation**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

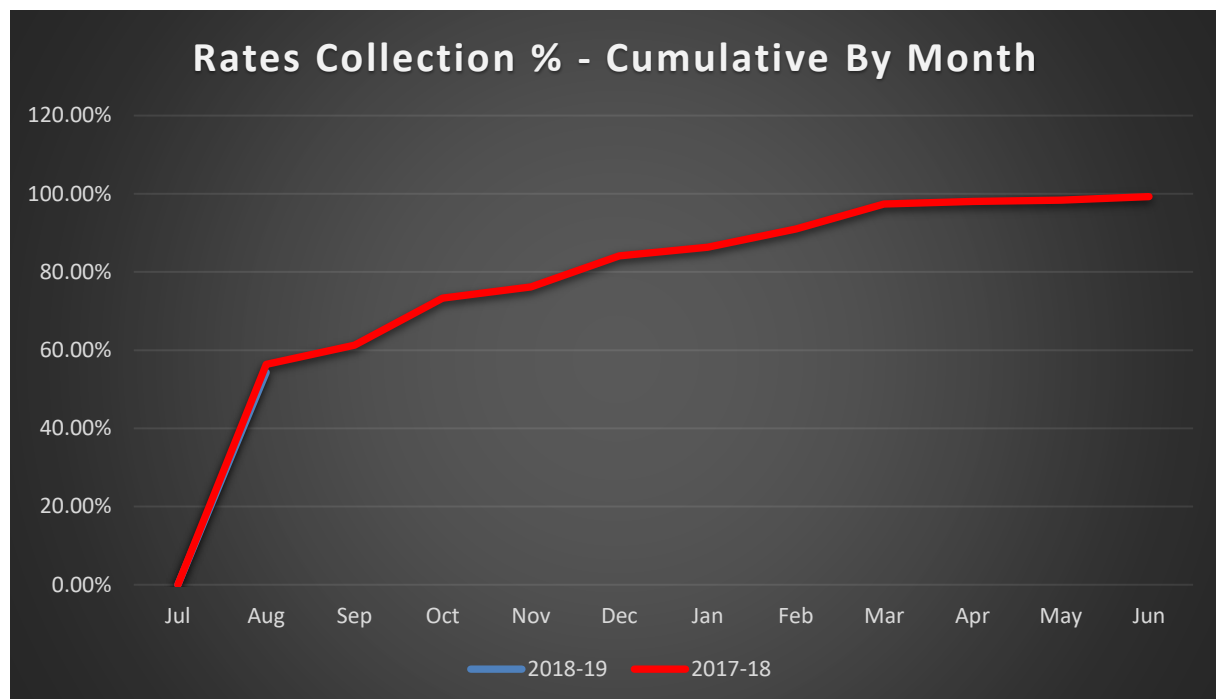
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the *Local Government Act 1995*.

KEY INDICATORS

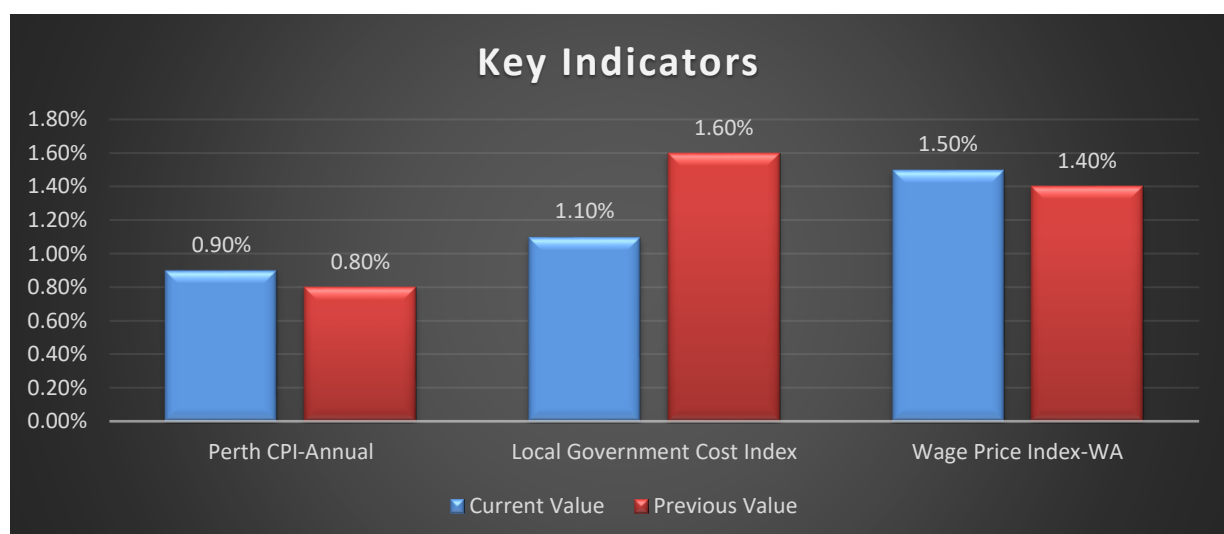
Rates Collection



Rates collections as a percentage of rates issued (debtors) continues on par with the prior year at the end of August. This trend is expected to continue to the end of the financial year.

Economic Indicators

The Local Government Cost Index remains above CPI, indicating that cost pressures in the local government industry remain higher than the general economy. Wage inflation remains above CPI, although significantly lower than in the past.



COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2018-19 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 August 2018 forming Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf181009.pdf](#)

ITEM 11 REQUEST FOR ADDITIONAL SUBSIDIES AND WAIVER OF FEES - WHITFORDS SENIOR CITIZENS CLUB AND JUNIOR TENNIS CLUBS

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

PURPOSE

For Council to consider additional subsidies and waiver of fee requests for the hire of City facilities by regular hire groups.

EXECUTIVE SUMMARY

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

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

The City has recently received four requests from regular hire groups for additional subsidies and waivers of fees. Requests have been received from the following:

- Whitfords Senior Citizens Club – additional subsidised hours for remainder of 2018 booking (valued at \$7,171).
- Kingsley Tennis Club (juniors) – additional subsidised hours for 2018-19 seasonal booking (valued at \$2,288).
- Ocean Ridge Tennis Club (juniors) – additional subsidised hours for 2018-19 seasonal booking (valued at \$448).
- Greenwood Tennis Club (juniors) – waiver of fees request for 2018-19 seasonal booking (valued at \$9,902).

The three additional subsidy requests are supported by the City as these groups have been deemed eligible for a subsidy and are seeking extensions to this subsidy level to accommodate club activities.

The request from the Greenwood Tennis Club (juniors) is not supported as the group does not meet the eligibility criteria within the City's *Facility Hire Subsidy Policy* as it does not have at least 50% of its members residing within the City of Joondalup.

It is therefore recommended that Council:

- 1 *AGREES to the request to provide an additional subsidy of up to 103.5 average hours per week to the Whitfords Senior Citizens Club for the use of Whitford Senior Citizens Centre in 2018 (valued at \$7,171);*
- 2 *AGREES to the request to provide an additional subsidy of up to 53 average hours per week to the Kingsley Tennis Club (juniors) for the use of the Timberlane Park Tennis Courts and Clubrooms for the 2018-19 season (valued at \$2,288);*
- 3 *AGREES to the request to provide an additional subsidy of up to 21 average hours per week to the Ocean Ridge Tennis Club (juniors) for the use of the Heathridge Park Tennis Courts for the 2018-19 season (valued at \$448);*
- 4 *DOES NOT AGREE to the request to provide a waiver of fees to the Greenwood Tennis Club (juniors) for the use of the Warwick Open Space Tennis Courts for the 2018-19 season (valued at \$9,902);*
- 5 *NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made in each following year / season.*

BACKGROUND

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

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

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

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

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

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

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

Additional subsidises will be provided for the following:

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

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

DETAILS

The City has received a request from the Whitfords Senior Citizens Club to extend its current regular booking for the Whitford Senior Citizens Centre. As the extension of the booking takes the club over the maximum hours allowed for a 100% subsidy under the policy, the club has requested an additional subsidy to cover the additional hours.

Whitfords Senior Citizens Club

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Whitford Senior Citizens Centre	Senior Citizens Recreational and Sporting Group	100% up to a maximum of 80 hours per week.	103.5	23.5

The Whitfords Senior Citizens Club currently hires rooms within the Whitford Senior Citizens Centre for its delivery of activities and events targeted at people over 55 years of age.

The group has booked 4,264 hours for 2018, averaging 82 hours per week, to enable it to undertake its activities and events. The club has been assessed as being eligible for a subsidy under the policy. As a senior citizens recreational or sporting group with over 100+ members the policy allocates the club up to 80 hours of subsidised use per week. While the club's current booking exceeds the maximum allowable under the policy, the City has waived these additional charges.

The club has requested an extension to its booking for the remainder of 2018 which will extend its daily booking from 3.30pm on weekdays to 6.00pm and 3.30pm on weekends to 5.00pm. This extension will increase the club's weekly hours booked from 82 to 103.5 a total of 23.5 hours per week over the maximum allowable under the policy and above the value the City can waive.

The club has requested Council consider an additional subsidy for the additional hours booked for the remainder of 2018.

It is therefore recommended that Council agrees to the request for an additional subsidy of hire fees for the Whitfords Senior Citizens Club for up to 103.5 average hours per week.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$106,035	\$98,864	\$7,171	\$106,035	\$0	\$106,035	\$0

The City has also recently completed the booking process for the use of tennis facilities within the 2018-19 booking period. The following groups have sought further subsidisation or a waiver of fees in accordance with the policy:

- Kingsley Tennis Club (juniors) – additional subsidised hours.
- Ocean Ridge Tennis Club (juniors) – additional subsidised hours.
- Greenwood Tennis Club (juniors) – waiver of fees.

Kingsley Tennis Club (juniors)

Classification within policy	Extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Junior recreational or sporting group	100% (10 hours per week)	53	43

The Kingsley Tennis Club is a not-for-profit club with both senior and junior members. The club books the Timberlane Park tennis courts and the adjacent Timberlane Park Clubrooms on a 12 monthly basis.

The junior section of the club has 90 members and is recognised as a junior sporting and recreational group receiving a 100% subsidy on its booking for the courts and facility. Under the *Facility Hire Subsidy Policy*, the club is entitled to a maximum of 10 hours per week of 100% subsidised hire as it has less than 100 junior members.

The club has written to the City requesting the 10 hours per week of 100% subsidised use be extended to 53 hours per week to cover its junior booking for the 2018-19 year. The club reduced its booked hours significantly from 103 hours per week in 2016-17 to 53.5 hours in 2017-18 to more accurately reflect usage. This has been maintained for the club's 2018-19 booking.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for junior tennis club is comparatively higher than other clubs whose activity is conducted on a park.

At its meeting held on 12 December 2017 (CJ204-12/17 refers), Council resolved to extend the maximum subsidised hours for the Kingsley Tennis Club (juniors) to 53.5 hours per week for its 2017-18 booking period.

As the club meets the eligibility criteria as listed in the *Facility Hire Subsidy Policy* and has demonstrated a need for additional hours of subsidised use, it is recommended that Council extends the subsidised hours of hire for the Kingsley Tennis Club (juniors) to 53 hours per week.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Club payment	Subsidy value	Club payment	Subsidy value	Club payment
\$7,949	\$5,661	\$2,288	\$7,949	\$0	\$7,949	\$0

Ocean Ridge Tennis Club (juniors)

Classification within policy	Extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Junior recreational or sporting group	100% (10 hours per week)	21	11

The Ocean Ridge Tennis Club is a not-for-profit group with both senior and junior members. The club books the Heathridge Park tennis courts and has a licence on the tennis clubrooms section of the Guy Daniel Clubroom.

The junior section of the club has 38 members and is recognised as a junior sporting and recreational group receiving a 100% subsidy on its bookings for the courts. Under the *Facility Hire Subsidy Policy*, the club is entitled to a maximum of 10 hours per week of 100% subsidised hire as it has less than 100 junior members.

The club has written to the City requesting the 10 hours per week of 100% subsidised use be extended to 21 hours per week to cover its junior bookings for the 2018-19 year.

It is noted that the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose activity is conducted on a park.

At its meeting held on 12 December 2017 (CJ204-12/17 refers), Council resolved to extend the maximum subsidised hours for the Ocean Ridge Tennis Club (juniors) to 20 hours per week for its 2017-18 booking period.

As the club meets the eligibility criteria as listed in the *Facility Hire Subsidy Policy* and has demonstrated a need for additional hours of subsidised use, it is recommended that Council extends the subsidised hours of hire for the Ocean Ridge Tennis Club (juniors) to 21 hours per week.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Club payment	Subsidy value	Club payment	Subsidy value	Club payment
\$855	\$407	\$448	\$855	\$0	\$855	\$0

Greenwood Tennis Club (juniors)

Classification within policy	Extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Junior recreational or sporting group	Not eligible	104	104

The Greenwood Tennis Club is a not-for-profit group with both senior and junior members. The club books the Warwick Open Space tennis courts and has a lease on the tennis clubroom section of the Warwick Sports Centre.

The junior section of the club has 54 members and books the courts on a 12 monthly basis. The club has previously been regarded as a junior sporting and recreational group and therefore received a 100% subsidy for bookings. During the 2015-16 booking period, the club reported that it no longer met the requirement of having at least 50% of junior members being residents of the City of Joondalup and as such, the club was not eligible for a subsidy for its 2015-16 bookings. Over the past three years Council has agreed to waive varying amounts for the club's annual hire fees.

Reference	Year	Subsidy percentage requested	Subsidy percentage approved	Notes
CJ041-03/16	2015-16	100%	75%	Council also resolved to provide a waiver of: <ul style="list-style-type: none"> • 50% in 2016-17. • 25% in 2017-18. • No waiver in 2018-19.
CJ122-07/17	2016-17	100%	100%	• Up to 177 hours per week.
CJ204-12/17	2017-18	100%	0%	
CJ123-07/18	2017-18	100%	50%	• Consideration of petition to Council to review its decision at its meeting held on 17 December 2017.

For the club's 2018-19 booking, it has stated that only 17% (9 out of 54) of junior members are City of Joondalup residents. Therefore, the club is considered ineligible for a subsidy of hire fees for its 2018-19 bookings. The club has written to the City requesting a 75% waiver of fees be provided to reduce court hire fees for the 2018-19 year. The club has requested that a 50% waiver of hire fees alternatively be considered should a 75% waiver of hire fees not be supported.

It is noted that this club is based in the south-eastern corner of the City, with very few clubs servicing the area to the east and south of the club's location. Therefore, it can be expected that the club will attract participants from the neighbouring local governments. Similarly, the club is surrounded to the west by the Sorrento Tennis Club and to the north by the Kingsley Tennis Club, both of which compete for members from the Greenwood Tennis Club's catchment area within the City of Joondalup. In addition, the hire of tennis courts is different to the hire of a park in that a typical junior sporting club can have a lot more participants on a park compared to one tennis court. Consequently, the total hours of court hire for a junior tennis club is comparatively higher than other clubs whose activity is conducted on a park. It should also be noted that the Greenwood Tennis Club has reviewed and reduced its booked hours from 2016-17 and 2017-18 to bring it closer to the normally subsidised allocation.

As the club does not meet the eligibility as listed in the *Facility Hire Subsidy Policy*, it is not recommended that Council approve the request from the Greenwood Tennis Club (juniors) to waive 75% of the club's hire fees for its 2018-19 bookings.

Option One

The Greenwood Tennis Club (juniors)'s preferred option is to receive a 75% waiver of hire fees.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Club payment	Subsidy value	Club payment	Subsidy value	Club payment
\$9,902	\$0	\$9,902	\$7,427	\$2,475	\$0	\$9,902

Option Two

Should a 75% waiver of hire fees not be supported, the Greenwood Tennis Club (juniors) has requested consideration for a 50% waiver of hire fees.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Club payment	Subsidy value	Club payment	Subsidy value	Club payment
\$9,902	\$0	\$9,902	\$4,951	\$4,951	\$0	\$9,902

Issues and options considered

Council may agree or not agree to provide an additional subsidy on a case by case basis. Alternatively, a partial subsidy may be applied (that is 50%).

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Financial diversity.

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

Policy *Facility Hire Subsidy Policy*.

Risk management considerations

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

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

Financial / budget implications

The cost to the City across all levels of subsidised use of City managed community facilities was \$1.32 million in 2017-18.

If Council approves the additional subsidies as recommended, it will be at a cost of approximately \$9,907 in lost income.

The City is projected to have a \$6.1 million per annum operating deficit in 2018-19, with it paying significant amounts in grants and contributions, while also waiving and subsidising a large amount of City fees for use of reserves and facilities. Continuing to approve fee waivers and additional subsidy requests for groups that do not meet the criteria of the policy will not assist the City in managing its ongoing operating deficit.

A summary of the decisions of Council in regard to waiver of fee and additional subsidy requests in 2018 has been provided below:

Client	Waiver or Additional Subsidy	Value of Waiver / AS requested	Amount approved	Council decision reference
Lions Club of Whitford (Inc)	Additional subsidy	\$23,978	\$23,978	CJ021-02/18
Grace Church Padbury	Waiver of fees	\$11,421	\$5,647	CJ021-02/18
Youth Futures	Additional subsidy	\$29,542	\$29,542	CJ021-02/18
Kingsley Amateur Football Club	Waiver of fees	\$5,324	\$5,324*	CJ107-06/18
Farmers Markets (WA) Pty Ltd	Waiver of Fees	\$19,000	\$19,000	CJ107-06/18
Dominic Yam	Waiver of fees	\$9,811	\$0	CJ123-07/18
Greenwood Tennis Club (Juniors)	Waiver of fees	\$8,868	\$4,434	CJ123-07/18
Total		\$107,944	\$87,925	

* Hire fees for Kingsley Memorial Clubrooms waived in perpetuity.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

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

It should be noted that the City has commenced a project to review the *Facility Hire Subsidy Policy* and it is expected that further information will be presented to Council in late 2018 to consider this review.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 AGREES to the request to provide an additional subsidy of up to 103.5 average hours per week to the Whitfords Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2018 (valued at \$7,171);**
- 2 AGREES to the request to provide an additional subsidy of up to 53 average hours per week to the Kingsley Tennis Club (juniors) for the use of the Timberlane Park Tennis Courts and Clubrooms for the 2018-19 season (valued at \$2,288);**
- 3 AGREES to the request to provide an additional subsidy of up to 21 average hours per week to the Ocean Ridge Tennis Club (juniors) for the use of the Heathridge Park Tennis Courts for the 2018-19 season (valued at \$448);**
- 4 DOES NOT AGREE to the request to provide a waiver of fees to the Greenwood Tennis Club (juniors) for the use of the Warwick Open Space Tennis Courts for the 2018-19 season (valued at \$9,902);**
- 5 NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made in each following year / season.**

ITEM 12 RESPONSE TO PETITION REQUESTING THE INSTALLATION OF YELLOW LINES ADJACENT TO THE ENTRANCE OF TRINITY VILLAGE, DUNCRAIG

WARD	South
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	29194, 101515
ATTACHMENTS	Attachment 1 Installed Yellow No Stopping Lines
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 consider the petition requesting the installation of a 'No Standing Zone' adjacent to Trinity Village, 7 Beddi Road, Duncraig.

EXECUTIVE SUMMARY

At its meeting held on 21 August 2018 (C70-08/18 refers) Council received a petition from the residents of Trinity Village Duncraig, requesting that Council installs a 'No Standing Zone' on the village side of Beddi Road for 15 metres either side of the centre point of the driveway to Trinity Village in an attempt to facilitate safer egress from the village.

City officers regularly investigate requests for parking scheme amendments and have delegated authority to implement these if determined appropriate. In this case the request has been assessed as appropriate and the changes have been implemented to the satisfaction of the lead petitioner.

It is therefore recommended that Council:

- 1 SUPPORTS the action taken by the City to install no stopping lines at the entrance of 7 Beddi Road, Duncraig;*
- 2 ADVISES the lead petitioner of its decision.*

BACKGROUND

Trinity Village have, for some time, raised concerns about drivers parking adjacent to their driveway. Concerns relating to this matter have been raised in December 2007, February 2010, August 2011 and November 2013, with one formal request for a 'no standing' zone at the entrance to the facility received in January 2018. The City, at the time, declined to install the requested treatment, noting the requested location being quiet and with low traffic volumes. Subsequently and without the approval of the City, Trinity Village painted their own yellow 'no stopping' lines, which have been in place for some time. The most recent request made to the City has been in relation to the deteriorated state of the yellow lines and a request for the City to refresh the markings. The City identified that the lines were not consistent with current parking scheme amendments, therefore declined to refresh those lines however, accepted that it may be prudent to apply lines if supported by the residents and given that the unauthorised ones have been in place for some time.

The City requested the applicant write to the City, expressing a consensus view of the residents. A misunderstanding of this request resulted in the applicants acting on the impression that a petition was required. Since the City was already working on the proposal only a written expression of support was required to enable the works to proceed.

DETAILS

The City has, through its internal working group, identified, agreed to and installed the yellow lines to the satisfaction of the lead petitioner.

Issues and options considered

Option 1 - Council may determine that the action taken by the City taken to date is sufficient and that the petitions request have been met.

This option is recommended.

Option 2 - Council may determine that the petition request should not be supported and the works conducted by the City be removed.

This option is not recommended.

Legislation / Strategic Community Plan / Policy Implications

Legislation	<i>City of Joondalup Parking Local Law 2013.</i>
Strategic Community Plan	
Key theme	Community Wellbeing.
Objective	Community safety.
Strategic initiative	Imbed safety principles into asset management and design.
Policy	Not applicable.

Risk management considerations

Should Council elect not to support the petition, an increased risk of traffic incidents causing property damage, injury or death may exist.

Financial / budget implications

There is a general budget allocation within the operational budget for allow for the installation of yellow lines.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

City Officers from Infrastructure Management Services and Rangers Parking and Community Safety Business Unit conferred under the delegated authority of the Chief Executive Officer.

COMMENT

Trinity Village is a residential aged care facility located at 7 Beddi Road, Duncraig. Unauthorised yellow lines were in place adjacent to the property for some time and the retention of the parking restrictions is supported by all the residents. The intention of the restrictions is to maintain a clear sightline for the residents when exiting the village.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SUPPORTS the action taken by the City to install no stopping lines at the entrance of 7 Beddi Road, Duncraig;**
- 2 ADVISES the lead petitioner of its decision.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf181009.pdf](#)

ITEM 13 PETITION REQUESTING PERMISSION FOR DOGS ON LEADS IN CENTRAL PARK, JOONDALUP

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	05998, 101515
ATTACHMENTS	Attachment 1 Map of Central Park Attachment 2 Map of Current Designations
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider a petition to allow dogs within Central Park, Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 26 June 2018 (C54-06/18 refers), Council received a petition requesting that Council change the designation of Central Park to permit dogs on leads to enter the park within the active areas and along its pathways. This followed advice from the City to customers attending the Joondalup Farmers Markets on Saturday mornings that Central Park was a dog prohibited park.

In research for this report it has been identified that while Central Park Natural Area on the eastern side of Central Park and bordering Lakeside Drive (Attachment 1 refers) is a dog prohibited park, Central Park to the west and bordering Grand Boulevard, which is a separate reserve, is actually designated as a dog exercise area. This is an oversight and it has always been considered that Central Park was dog prohibited, the same as Central Park Natural Area.

The report has also considered the designation of Lakeside Park opposite Central Park Natural Area on the eastern side of Lakeside Drive (Attachment 2 refers). This reserve was known to be a dog exercise area, but this designation has been reviewed in light of the designations of the parks that border it to the west and east.

Internal consultation has identified that Central Park and Lakeside Park are high value ecological and socially significant sites. The areas being part of an ecological corridor, support a diverse range of flora and fauna, some of which are considered threatened and endangered. Specifically, the Forrest Red Tail Cockatoo and the Carnaby's Black Cockatoo. Central Park is also the site for several high-profile and socially significant events including the Anzac Day and Australian Day Citizenship Ceremonies and the Joondalup and Kaleidoscope festivals.

The City has an opportunity to now designate Central Park and Lakeside Park as dogs prohibited at all times, upholding measures already in place that protect the biodiversity values and sensitivities of the ecological corridor.

It is therefore recommended that Council:

- 1 *DOES NOT SUPPORT the request to permit dogs on leads to enter Central Park within the active areas and along its pathways;*
- 2 *BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY the following areas as a place where dogs are prohibited at all times pursuant to section 31(2B)(a) of the Dog Act 1976:*
 - 2.1 *Central Park, Joondalup, being Lot 14406, Reserve 46710;*
 - 2.2 *Lakeside Park, Joondalup, being Lot 15512, Reserve No. 47432;*
- 3 *APPROVES the advertising by local public notice of its intention to specify the areas detailed in Part 2 above, in accordance with section 31(3C) of the Dog Act 1976;*
- 4 *ADVISES the lead petitioner of its decision.*

BACKGROUND

Central Park (Lot 14406, Reserve 46710) is a large community park (4.1666 hectares) located in the Joondalup CBD (Attachment 1 refers). It is bounded by Grand Boulevard to the west, private residential and commercial to the north, Central TAFE to the south and Central Park Natural Area to the east. Lakeside Park (Lot 15512, Reserve 47432) is a large natural area park (3.1357 hectares) of high density bush located on the eastern side of Lakeside Drive, opposite Central Park Natural Area. It is bordered on the north and south by private residential and to the east by Neil Hawkins Park and Yellagonga Regional Park. Together, from Central Park on the western most edge through Central Park Natural Area and Lakeside Park they form an ecological corridor to Yellagonga Regional Park and Neil Hawkins Park.

Central Park contains within its area, the Joondalup War Memorial, a mix of manicured gardens, artificial stream, fresh water lake, designated pathways and natural areas. The grassed area part of the Joondalup War Memorial is a high-volume site during the Anzac Day and Australian Day Citizenship Ceremonies and the Joondalup and Kaleidoscope festivals. The southern half of the park is home to the weekly Joondalup Farmers Markets (the petitioner), operating each Saturday between 8.30am to 12.30pm. This weekly event attracts approximately 875 visitors per week.

Lakeside Park contains a high density of bush and has only two short pathways acting as thoroughfares linking Yellagonga Regional Park with Lakeside Drive, coupled with the presence of threatened and endangered fauna, namely the Forrest Red Tail Cockatoo and the Carnaby's Black Cockatoo.

On the creation of the *City of Joondalup Animal Local Law in 1999*, Central Park, Joondalup, then being Lot 1101, locations 3324 and 9809, was designated dogs prohibited. Subsequently a number of changes occurred to the land tenure arrangements eventually resulting in what is now known as Central Park Natural Area and Central Park, both becoming Crown Reserves and the City being issued Management Orders over each. In 2008 the *City of Joondalup Animal Local Law 1999* was amended and the reference to Lot 1101 was changed to delete reference to locations 3324 and 9809 and replace it with reserve No 48354. Lot 1101 however only covers Central Park Natural Area and Lot 14406 Reserve No 46710 being Central Park was overlooked.

In 2013 and 2014 the *Dog Act 1976* was amended removing the need for dog area specifications to be included in a local law and requiring that declarations be made by Council resolution. The designations Council made at its meeting held on 16 September 2014 (CJ169-09/14 refers) reflected what was previously in the local law and did not include Lot 14406, being Reserve No. 46710 as a dog prohibited reserve.

Both Central Park, Lot 14406, Reserve No. 46710; and Lakeside Park, Lot 15512, Reserve No. 47432 are specified as dog exercise areas pursuant to section 31(3A) of the *Dog Act 1976*.

DETAILS

The increased customer activity within Central Park stemming from the Joondalup Farmers Markets, has seen a rise in the number of dogs within this space. The incorrect view that Central Park Lot 14406, Reserve No. 46710 is a dog prohibited park has given rise to a formal petition submitted to Council at its meeting held on 26 June 2018 (C54-06/18 refers) requesting that Council allow dogs on lead to enter the park within the active areas and along its pathways.

The public space within the Joondalup CBD comprises mostly road and street reserves and is largely devoid of large animal exercise areas, the nearest options being Windermere Park in Joondalup (where dogs are prohibited during seasonal sporting activities (CJ096-06/14 refers), Quarry Park in Edgewater and Admiral Park in Heathridge. Dogs are permitted on road and street reserves while on a leash. Neil Hawkins Park is designated as dogs prohibited (CJ096-06/14 refers) in consideration of the year-round presence of wildlife at the lake.

There is only one reserve containing sufficient space to exercise dogs within the immediate application area. Yellagonga Regional Park, under the care and control of the Department of Biodiversity Conservation and Attractions, is designated as dogs on leash at all times, also in consideration of the significant biological value of the region.

The natural bushland component within Central Park and Lakeside Park is classified as high priority in recognition of the bushlands significant biological values. They support a large array of fauna species including the Western Grey Kangaroo, a number of reptile and bird species, some of which are classified as threatened and endangered including the Forrest Red Tail Cockatoo and the Carnaby's Black Cockatoo. Central Park and Central Park Natural Area provide an ecological linkage via Lakeside Park to Yellagonga Regional Park and Neil Hawkins Park. while the freshwater lake situated in Central Park is home to a number of waterbird species.

In relation to the *Food Act 2008* this would prohibit animals within any food handling, food preparation or food storage areas. As the browsing / walk through areas of the Joondalup Farmers Markets are not part of the food premises, it would be possible to allow a dog in the area without breaching the relevant provisions. This would be similar to the current requirements that allow dogs in outdoor eating areas. The presence of animals may present a very small food safety risk. The onus of responsibility would rest with each food stall operator to ensure that food is protected from possible sources of contamination. Issues such as dog faeces would need to be managed. Should a person be required to collect any dog faeces left behind, it is recommended that this not be carried out by a food handler, or at the very least, appropriate hand washing occurs. Excluding dogs from the farmers market would be the most effective way to eliminate risk, however the risk to food safety is likely to be limited and appropriate management practices can be employed.

The installation and maintenance of additional waste receptacles in conjunction with the provision of dog faeces bags would be required and is consistent with process in place at all dog exercise areas. The City should reasonably expect that litter in the form of empty and full dog faeces bags will require management. The nature of this litter does pose a risk to the biodiversity and aesthetic aspects so highly valued in the area.

The City currently has four significant events in its calendar that utilise the area specified by the petitioner. The Australia Day Citizenship ceremony, Anzac Day Dawn Service, the Joondalup Festival and Kaleidoscope are major draw cards and attract significant visitor numbers to the area. Permitting dogs in any capacity has the potential to negatively impact the visitor experience through undesirable behaviour of dog owners and their dogs, the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles.

City Rangers, who have responsibility for enforcement of permissibility, have had one request to respond to animals within the Central Park during the Joondalup Farmers Markets.

Issues and options considered

There are several options available for an appropriate designation to apply to Central Park and / or Lakeside Park under the *Dog Act 1976*.

Option 1 – No change to the current designation of Central Park and Lakeside Park.

Maintaining the designation for both parks as animal exercise areas puts at risk the high biodiversity value of flora and fauna in the area. For example, the recently observed, threatened and endangered Forrest Red Tail Cockatoo and Carnaby's Black Cockatoo in Lakeside Park. The presence of dogs allows for the introduction of soil borne disease and increases risk of fauna death by illness and dog attack.

In the case of Central Park permitting dogs to exercise during the City's high-volume and high-profile events increases the likelihood of the visitor experience being adversely impacted. Incidents of undesirable behaviour by dog owners and their dogs, the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles would be expected.

This option is not recommended.

Option 2 – Remove the current dog exercise specification for Central Park and Lakeside Park making them places where dogs must be on leash at all times pursuant to section 31(3) of the *Dog Act 1976*.

Designating both parks as dogs on lead at all times, would help reduce the likelihood of conflict between dogs and humans or native fauna as dogs would be under a greater level of control however risks would remain for the introduction of soil borne disease and increased risk of fauna death by illness.

In the case of Central Park, permitting dogs on lead during the City's high-volume and high-profile events increases the likelihood that the visitor experience will be adversely impacted. Incidents of undesirable behaviour of dog owners and their dogs, the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles would be expected.

This option is not recommended.

Option 3 – Specify Lakeside Park as dog prohibited at all times and Central Park as dogs prohibited at all times except Saturdays between 08.00am and 1.00pm (to cover the hours of operation for the Joondalup Farmers Markets – the petitioner) pursuant to section 31(2B) of the *Dog Act 1976*. Designating Central Park that dogs prohibited does not apply on Saturday 8.00am to 1.00pm would by default under the *Dog Act 1976* permit dogs on lead during this time.

Having dogs on lead during these times puts at risk the high biodiversity value of flora and fauna in the area. For example, the recently observed, threatened and endangered Forrest Red Tail Cockatoo and Carnaby's Black Cockatoo. The presence of dogs allows for the introduction of soil borne disease and increases risk of fauna death by illness and dog attack.

Permitting dogs on lead during the City's high-volume and high-profile events that fall on a Saturday, increases the likelihood that the visitor experience will be adversely impacted. Incidents of undesirable behaviour of dog owners and their dogs, the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles would be expected.

This option is not recommended

Option 4 – Specify Central Park and Lakeside Park as dog prohibited areas at all times.

Designating both Central Park and Lakeside Park dogs prohibited at all times aligns the designation of these parks with that of the Central Park Natural Area and ensures the maintenance of the ecological corridor from Grand Boulevard to Yellagonga Regional Park.

It would strongly assist in protecting the integrity of the flora and fauna of the parks and in the case of Central Park ensure a continuing high value customer experience at the City's significant and high-profile events.

This option is recommended.

Legislation / Strategic Community Plan / policy implications

Legislation *Dog Act 1976.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Apply a strategic approach to the planning and development of public open spaces.

Policy Not applicable.

Risk management considerations

Several key risks are associated with designating Central Park and / or Lakeside Park as dogs on lead.

First and foremost, the risk of adverse impacts upon the high value, threatened and endangered fauna, and sensitive flora, increases with the presence of dogs. Having dogs on lead is a form of mitigation against fauna death by attack, however does not mitigate against the introduction of soil borne disease and disturbance to nesting fauna.

With the significance and high-profile nature of the City's key events, in the case of Central Park, permitting dogs on lead introduces scope for increased litter, dog faeces and incidents involving dogs, thereby posing a risk to the value and experience of visitors to these events.

Given that Central Park has always been perceived to be a dog prohibited park, there is little risk of the City being subject to adverse publicity resulting from formalising this arrangement. This perception has not been the case for Lakeside Park however the high-density bush and only two pathways through the park make this park unsuitable for dogs.

Financial / budget implications

The supply and installation of 12 single sided signs, at a total cost of approximately \$1,950 is deemed adequate to ensure sufficient awareness of prohibitions.

The City has a budget for new and replacement general signage which is adequate to cover these costs.

Regional significance

Not applicable.

Sustainability implications

The natural bushland component within Central Park and Lakeside Park is classified as high priority in recognition of the bushland's significant biological values. Supporting a large array of fauna species including the Western Grey Kangaroo, a number of reptile and bird species, some of which are classified as threatened and endangered including the Forrest Red Tail Cockatoo and the Carnaby's Black Cockatoo. Central Park and Central Park Natural Area provide an ecological linkage via Lakeside Park to Yellagonga Regional Park and Neil Hawkins Park. Whilst, the freshwater lake situated in Central Park is home to a number of waterbird species. The introduction of dogs to both parks increases the risk of soil borne disease, having the potential to negatively impact the high-value flora within the ecological corridor. The high-value fauna is susceptible through the increased risk of disturbances to nesting birds, namely the threatened and endangered including the Forrest Red Tail Cockatoo and the Carnaby's Black Cockatoo.

Consultation

Consultation has been undertaken with the City's Environmental Development, Health, Waste, Community Development and Rangers Parking and Community Safety business units to understand and scope the impacts of the current designation for the parks. Maintaining the current specification as a dog exercise area, or, permitting dogs on leash at all times, is not supported.

COMMENT

The provisions of the *Dog Act 1976* in relation to dog prohibited areas and dog exercise areas make it difficult to apply a reasonable outcome that will satisfy everyone's needs. While the Act does allow dog prohibited areas to apply at specific times, the detail required for those times make it impractical to apply. When considering the environmental and social significance of the area and high priority status of the ecological corridor, further weight is applied to the impracticality of designating either Lakeside Park or Central Park as dog on lead or dog exercise areas, at particular times or on particular days.

Succinctly aligning the recommended areas to the current designations of Central Park Natural Area and Neil Hawkins park serves to uphold the biological integrity and value of the City's Central Park and ecological corridor.

There are 18 parks within the immediate Joondalup CBD area ranging in size from 374 square metres to 17,889 square metres that are currently designated as dog exercise areas which are available to local residents.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the request to permit dogs on leads to enter Central Park within the active areas and along its pathways;**
- 2 BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY the following areas as a place where dogs are prohibited at all times pursuant to section 31(2B)(a) of the *Dog Act 1976*:**
 - 2.1 Central Park, Joondalup, being Lot 14406, Reserve 46710;**
 - 2.2 Lakeside Park, Joondalup, being Lot 15512, Reserve No. 47432;**
- 3 APPROVES the advertising by local public notice of its intention to specify the areas detailed in Part 2 above, in accordance with section 31(3C) of the *Dog Act 1976*;**
- 4 ADVISES the lead petitioner of its decision.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf181009.pdf](#)

ITEM 14 PROVISION OF INFRASTRUCTURE TO CATER FOR THE GROWTH DEMAND FOR SOCCER IN THE NORTHERN CORRIDOR

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	00523, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

PURPOSE

For Council to consider a report on the provision of infrastructure to cater for the growth of soccer in the northern corridor of Perth.

EXECUTIVE SUMMARY

At its meeting held on 20 February 2018 (C12-02/18 refers), Council requested a report from the Chief Executive Officer that analysed existing City facilities that could meet the growing needs of soccer that could:

- act as a regional venue that hosts National Premier League (NPL) fixtures
- meet the needs of Football West as a home of football.

Council has previously considered a report that considered Percy Doyle Reserve, Duncraig as a possible location to act as a regional venue to host NPL fixtures. However, after considerable investigation, at its meeting held on 26 June 2018 (CJ106-06/18 refers), Council agreed not to pursue the proposal.

During the investigation into the viability of Percy Doyle acting as a regional venue for NPL fixtures, discussions were held with Football West about co-locating its headquarters within the development that would then serve as a home of football. During these discussions it was revealed that the possible footprint proposed for Percy Doyle did not align with Football West's proposal and that operationally Football West's requirements would conflict with existing users of the site. Due to those factors it was agreed not to further pursue this site as a home of football.

Subsequent to that decision, Football West has advised they continue to work with both federal and state governments in an effort to find a suitable site and appropriate funding.

It is therefore suggested that due to the previous extensive research into attempting to find a regional facility to host NPL fixtures and a suitable site to house the headquarters for football that have proved unsuccessful, that Council agrees to take no further action in examining any of its sites to develop to meet these outcomes.

BACKGROUND

At its meeting held on 20 February 2018 (C12-02/18), Council resolved as follows:

“That Council REQUESTS the Chief Executive Officer to prepare a report for Council’s consideration in 2018 which, in recognition of the success and growth of soccer in the northern corridor, considers the needs of all soccer clubs within the City of Joondalup and determines the most strategic approach whereby these needs can be met into the future which should include, but is not limited to:

- 1 the identification, in consultation with the local community, of future locations which could possibly host senior National Premier League as well as the full range of training and junior facility needs;*
- 2 engaging with Football West around a suitable home for soccer within the northern corridor.”*

Prior to and subsequent to the above resolution of Council, there have been a number of investigations into securing a location for NPL Games within the City of Joondalup, along with finding a suitable home for soccer.

Those investigations examined all City active reserves (62) and community facilities (34) and was narrowed to the following shortlist as potential sites that could cater for NPL:

- Beldon Park, Beldon.
- Caledonia Park, Currambine.
- Christchurch Park, Currambine.
- Hawker Park, Warwick.
- Littorina Park, Heathridge.
- Prince Regent Park, Heathridge.
- Warrandyte Park, Craigie.
- Santiago Park, Ocean Reef.

The City further pursued Beldon Park and Warrandyte Park as possible NPL facilities, however following detailed investigations and extensive community consultation, none of these sites were further progressed.

DETAILS

Location for NPL fixtures

At its meeting held on 13 December 2016 (CJ236-12/16 refers), Council requested a report be developed to consider designating Percy Doyle Reserve as an NPL stadium site for use by Sorrento Football Club (SFC) as their home ground and by other City of Joondalup clubs for NPL matches, including potential scope of project, cost estimates and timing, to be prepared in consultation with Football West, SFC, Joondalup United Football Club (JUFC) and Edith Cowan University (ECU) Joondalup Football Club.

At that meeting, the resolution of Council was as a result of discussion in relation to finding a home venue for JUFC, who had recently been promoted to Football West's highest level of competition for football in Western Australia, the NPL. The City's attempt to find a suitable location for JUFC to host NPL fixtures was not successful.

Subsequent to that decision, a report was presented to Council at its meeting held on 26 June 2018 (CJ106-06/18 refers), where Percy Doyle was explored as a regional centre for NPL fixtures. The process including an in-depth feasibility study along with concept designs and detailed costings.

In response to that report Council resolved:

"That Council:

- 1 NOTES the findings of the feasibility study and potential site and floor plans undertaken for the development of a regional National Premier League stadium at Percy Doyle Reserve, Duncraig;*
- 2 AGREES not to progress the development of a regional National Premier League stadium at Percy Doyle Reserve, Duncraig;*
- 3 REQUESTS the Chief Executive Officer to notify Football West, Sorrento Football Club, Joondalup United Football Club and Edith Cowan University Joondalup Football Club of its decision not to progress the development of a regional National Premier League stadium at Percy Doyle Reserve, Duncraig."*

Home of soccer – northern corridor

During the research to prepare the report ascertaining the viability of developing Percy Doyle Reserve into a regional NPL venue, preliminary discussions were held with Football West to ascertain if it could be developed to meet its needs to act as a home of soccer for it, not only in the northern corridor but the wider state of Western Australia.

These discussions revealed that the scope of a home of soccer for Football West did not align to what could be accommodated within the Percy Doyle foot print. Further if it did, then there would be significant operational challenges as use of the site by Football West would conflict with the needs of the existing user group, Sorrento Soccer Club.

Based on those discussions, the concept of a home of soccer within the City of Joondalup were not progressed at that time.

In recent discussions with Football West, they continue to work with both Federal and State Governments in an attempt to find a suitable site and appropriate funding.

A further long-term consideration is the current Mindarie Regional Council waste site at Tamala Park. This is located in the City of Wanneroo between Marmion Avenue and Connolly Drive just north of the City of Joondalup's northern boundary. The land is held in fee simple and is currently zoned Regional Open Space and / or Bush Forever and an interim zoning exists for 57 hectares of land under the classification 'public utility'. While not located within the City, it is partly owned by the City along with six other local governments.

The future of this site post its use as a waste facility has not been finally determined, but a future regional recreation facility has been identified as a strong possibility. The City has adopted a Strategic Position Statement in regard to this:

“Tamala Park

The contribution of funds for the development of future regional recreation facilities at Tamala Park should be coordinated by the Mindarie Regional Council, with contributions provided by all current member Councils.”

Should this proposal proceed, Tamala Park could be a location for a significant regional facility that could accommodate soccer.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative

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

Policy

- *Requests for New or Capital Upgrades to Existing Community Buildings Policy.*
- *Facility Hire Subsidy Policy.*

Risk management considerations

Not developing a regional NPL stadium will result in the City remaining under increasing pressure to accommodate those clubs currently and aspiring to play NPL within their suburban locations, which given the specific venue requirements for such facilities may prove challenging.

However, given the level of research the City has undertaken in an attempt to find a suitable location and the level of community engagement, the City has exhausted all opportunities.

Financial / budget implications

Accurate costings for an NPL facility or home of soccer would be based on a location by location basis. Given previous decisions of Council that Percy Doyle Reserve was the only possible location (since not supported), estimated costs for that site ranged between \$7.6 and \$9.1 million, with a number of exclusions.

Regional significance

With the number of football clubs within the City's district aspiring to compete at the NPL level, a regional venue would be better suited to house such fixtures rather than duplicating venue requirements at reserves located within the various suburbs of the City which may not be best suited to host NPL fixtures. However, an appropriate site is required for a development of this size and scale to ensure minimal noise, traffic and lighting impacts on nearby residents.

Consultation

During the feasibility study for Percy Doyle Reserve a number of key stakeholders were engaged, however due to the preliminary nature of the project no community consultation was undertaken.

COMMENT

Due to the extensive research the City has undertaken in attempting to find a site that could host NPL fixtures for JUFC and subsequently in attempting to develop Percy Doyle Reserve as a regional NPL site, it is determined that there is no suitable managed City site capable of hosting NPL fixturing or meeting the needs of Football West as a home of soccer.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES to take no further action in examining any of its sites to develop into a facility to host National Premier League fixtures or act as a home of soccer for the sport in the northern corridor.

ITEM 15 PARIN PIONEER PARK DEVELOPMENT - OUTCOMES OF COMMUNITY ENGAGEMENT ON PROPOSED PARK NAME CHANGES

WARD	South-East	
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services	
FILE NUMBER	39658, 101515	
ATTACHMENTS	Attachment 1	Community Engagement Plan
	Attachment 2	Community Engagement Outcomes Report
	Attachment 3	Lockwood Certificate of Title and Property Maps
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 results of the recent community engagement regarding the proposed park name changes as part of the Parin Pioneer Park Development.

EXECUTIVE SUMMARY

On 12 February 2015, the City received a request from Mrs Dorothy Parin for the installation of a memorial at Parin Park, Greenwood in commemoration of her late husband, Mr John Erik Parin and to showcase the history of the site as the location of their historical family landholding.

Following numerous discussions between Mrs Parin and Elected Members, the City was instructed to investigate options to develop Blackthorn Park instead of Parin Park as a memorial park including the renaming of 'Blackthorn Park' to 'Parin Pioneer Park' and 'Parin Park' to 'Homestead Park' (as this was the original site of the Parin family house).

A letter was received on 28 June 2017 from Hon. Rita Saffioti, MLA, Minister for Transport, Planning and Lands regarding the proposed renaming indicating support on the condition that engagement was undertaken with the immediate community and that the outcome of the engagement was favourable. Mrs Parin was advised of the Ministerial support for the name changes, however she indicated a preference to the City for the existing 'Parin Park' to be renamed 'Ten Mile Peg Park' instead of 'Homestead Park'.

At its meeting held on 17 April 2018 (CJ065-04/18 refers), it was resolved that Council:

- “1 *SUPPORTS the request for the renaming of ‘Blackthorn Park’ to ‘Parin Pioneer Park’ and ‘Parin Park’ to ‘Ten Mile Peg Park’;*
- 2 *APPROVES the commencement of a 30 day consultation period with property owners within a 500 metre radius of the two parks regarding their renaming in accordance with the Community Engagement Plan shown in Attachment 5 of this Report.”*

Community engagement was undertaken by the City to determine the overall level of community support for the renaming of ‘Blackthorn Park’ to ‘Parin Pioneer Park’ and ‘Parin Park’ to ‘Ten Mile Peg Park’. The engagement was carried out in accordance with the *Community Engagement Plan* (Attachment 1 refers). The engagement period commenced on 4 June 2018 and closed on 4 July 2018.

The City collected a total of 185 valid responses throughout the 31 day advertised engagement period (Attachment 2 refers).

Respondents were asked to indicate their overall level of support for the park name change proposal ‘Blackthorn Park’ to ‘Parin Pioneer Park’ and ‘Parin Park’ to ‘Ten Mile Peg Park’. 61.6% of respondents indicated that they support the name change ‘Blackthorn Park’ to ‘Parin Pioneer Park’. 56.8% indicated that they support the name change ‘Parin Park’ to ‘Ten Mile Peg Park’.

Within the suburbs of Greenwood and Kingsley, 59.3% of respondents indicated that they support the name change ‘Blackthorn Park’ to ‘Parin Pioneer Park’. 57.0% indicated that they support the name change ‘Parin Park’ to ‘Ten Mile Peg Park’.

One hundred and nineteen respondents provided comments on the proposal. Common themes included the following:

- Renaming after the Indigenous Australian People instead.
- Support for the Parin family specifically.
- Opposition to the name changes.
- Support for historic recognition generally.
- Concerns that renaming would be a waste of money.
- Belief that the renaming is unnecessary and would cause confusion.
- Lockwood family claim regarding Blackthorn Park’s history.

During the consultation period, the City was approached by John Lockwood who was objecting to the renaming of ‘Blackthorn Park’ to ‘Parin Pioneer Park’, claiming that the land had previously been owned by his family. He produced Certificates of Title of the land transfer to the Lockwood’s dated 1935 (Attachment 3 refers). Review of the survey diagrams on the title confirms that Blackthorn Park sits within the Lockwood piggery landholding (Attachment 3 refers).

Based on the community engagement outcomes and the specific feedback from the Lockwood family, it is therefore recommended that Council:

- 1 *NOTES the Community Engagement outcomes for the park name change proposal ‘Blackthorn Park’ to ‘Parin Pioneer Park’ and ‘Parin Park’ to ‘Ten Mile Peg Park’ as detailed in Attachment 2 to this Report;*
- 2 *DOES NOT SUPPORT the name change proposal ‘Blackthorn Park’ to ‘Parin Pioneer Park’;*

- 3 *DOES NOT SUPPORT the name change proposal 'Parin Park' to 'Ten Mile Peg Park';*
- 4 *SUPPORTS the continued development of Heritage Trail Walk with recognition of the Parin family in Parin Park;*
- 5 *NOTES that the City in the development of the Heritage Trail Walk will engage with key stakeholders and the community to inform the history and identify peoples of significance to the Joondalup District;*
- 6 *ADVISES Mrs Dorothy Parin of its decision.*

BACKGROUND

On 12 February 2015, the City received a request from Mrs Dorothy Parin for the installation of a memorial at Parin Park to showcase the history of the site as the location of their historical family landholding. The request was for a park bench, drinking fountain, picnic setting and an arbour with trellis grape vines or similar in commemoration of her late husband, Mr John Erik Parin. The City commenced with the assessment of this request in terms of the *Memorials in Public Reserves Policy* however, prior to the completion of the assessment and subsequent report to Council for consideration, multiple discussions were held between Mrs Parin and Elected Members between February 2015 and February 2016.

Following further discussions in February 2016 between Mrs Parin and Elected Members, the City was requested to develop a concept design for the development of Blackthorn Park instead of Parin Park as it was a larger, more attractive park. To facilitate this development, the City was requested by Elected Members to investigate the renaming of 'Blackthorn Park' to 'Parin Pioneer Park' and 'Parin Park' to 'Homestead Park'.

At its meeting held on 15 May 2012 (CJ093-05/12 refers), Council adopted the revised *Naming of Public Facilities Policy* which was subsequently amended and endorsed by Council at its meeting held on 20 February 2018 (CJ027-02/18 refers). This policy guides the process for the naming of public facilities and supports a consistent approach for the naming of City streets, reserves and buildings to be in accordance with Landgate's *Policies and Standard for Geographical Naming in Western Australia*. Where possible, parks and reserves shall be named after an adjacent boundary road to facilitate ease of identification. The policy, however, allows for exceptions to this approach subject to Council approval.

The City investigated the process to rename the two parks and was advised by Landgate that they were not supportive of the renaming of 'Blackthorn Park' to 'Parin Pioneer Park' as it did not comply with *Policies and Standard for Geographical Naming in Western Australia*.

As there was no historical foundation to contest Landgate's advice regarding the renaming of Blackthorn Park, the City advised Mrs Parin and Elected Members that the development of a memorial park was to remain at the current Parin Park.

Following subsequent meetings between the Parin family, Elected Members and the City, the City was requested to write to the Minister for Transport, Planning and Lands for the consideration of renaming of 'Blackthorn Park' to 'Parin Pioneer Park' and 'Parin Park' to 'Homestead Park'.

To assist in the justification for the proposed park name changes, the City investigated historical maps to find whether there was any previous land ownership that could support a name change application and found that the original Parin landholding and house was in fact located at the current Parin Park, which supported the proposed renaming of 'Parin Park' to 'Homestead Park'. Investigations also revealed however, that Blackthorn Park was not a part

of the original Parin landholding, it fell into the adjacent landholding which at one stage had belonged to Sir George Shenton.

A letter was received back from the Hon. Rita Saffioti, MLA, Minister for Transport, Planning and Lands regarding the renaming of Blackthorn Park to 'Parin Pioneer Park' and Parin Park to 'Homestead Park' on the 28 June 2017 indicating that the renaming request would be supported on the condition that engagement was undertaken with the immediate community and that the outcome of the engagement was favourable.

Mrs Parin was advised of the Ministerial support for the name changes, however she indicated a preference to the City for the existing 'Parin Park' to be renamed 'Ten Mile Peg Park' instead of 'Homestead Park' as it was the historical ten-mile peg reference point from the Perth post office. The City contacted the Minister for Transport, Planning and Lands' office to request whether the name 'Ten Mile Peg Park' could be considered in-lieu of 'Homestead Park'. The City was informed that further name changes would not be considered as the Minister had already made a substantive exception in considering names that were not compliant with the adopted naming policy.

At its meeting held on 17 April 2018 (CJ065-04/18 refers), it was resolved that Council:

- "1 *SUPPORTS the request for the renaming of 'Blackthorn Park' to 'Parin Pioneer Park' and 'Parin Park' to 'Ten Mile Peg Park';*
- 2 *APPROVES the commencement of a 30 day consultation period with property owners within a 500 metre radius of the two parks regarding their renaming in accordance with the Community Engagement Plan shown in Attachment 5 of this Report."*

Community engagement was undertaken by the City to determine the overall level of community support for the renaming of the two parks and was executed in accordance with the approved *Community Engagement Plan* (Attachment 1 refers). The engagement period commenced on 4 June 2018 and closed on 4 July 2018.

DETAILS

Community Engagement Process

A community engagement process was undertaken by the City in accordance with the approved *Community Engagement Plan* (Attachment 1 refers), commencing on 4 June 2018 and closing on 4 July 2018. This involved the City engaging directly with a total of 3,103 stakeholders as follows:

- Local residents and landowners within 500 metre radii of Parin Park and Blackthorn Park (947).
- Kingsley and Greenwood Residents Association (KAGRA) Inc.
- Government Stakeholders (9).
- Community Engagement Network Members (2,146).

A personalised information pack was sent to each local resident and landowner explaining the purpose of the engagement and advising of the consultation period. Each package included the following:

- A covering letter advising of the engagement.
- A hard copy questionnaire.
- Frequently asked questions containing information on the purpose of the engagement.

Local state and federal government members were sent a cover letter and frequently asked questions document through the post. These stakeholders were advised of the engagement and directed to the City's website for further information.

A representative of the Kingsley and Greenwood Residents Association Inc. and members of the City's online Community Engagement Network were sent an email advising of the engagement and directing them to the "Community Engagement" section of the City's website and the online questionnaire.

In addition to directly contacting identified stakeholders, the City advertised the engagement to other community members via the following channels:

- On site signage at Blackthorn Park and Parin Park.
- The City's website.
- Newspaper advertising and media releases (The Joondalup Voice).
- Social media posts (Facebook and Twitter).

Response Rate

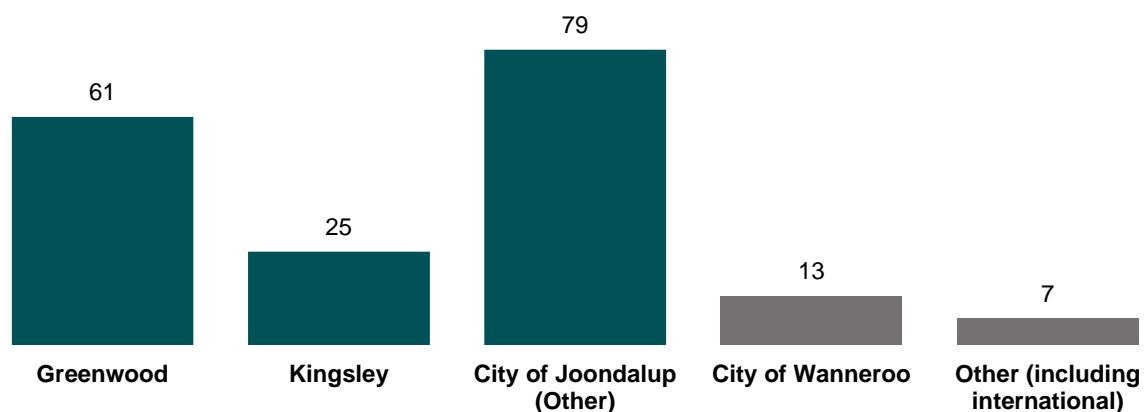
The City collected a total of 185 valid responses throughout the 31 day advertised engagement period. Responses that were considered valid included all those which contained contact details enabling identification and were submitted within the advertised engagement period. Where multiple survey forms were received from the same respondent (for the same property) these were combined into one response.

Of the 185 respondents, 125 completed the Comment Form online and 59 respondents submitted hard-copy Comment Forms. One respondent provided feedback via telephone which was inputted directly into a Comment Form on their behalf.

Of the 947 residents and landowners within 500 metres radii of Blackthorn and Parin Parks, 61 submitted feedback. Further, 76 Community Engagement Network members submitted feedback, as well as 54 community members who were not directly engaged. Feedback was also received from the Member for Girrawheen, Ms Margaret Quirk MLA, indicating an overall response rate of 4.4%.

Demographics

The majority of respondents were residents of the City of Joondalup (89.2%), with large numbers of the respondents coming from the suburbs of Greenwood (61) and Kingsley (25). In addition, 20 respondents reside in suburbs outside of the City, with the majority of these coming from the City of Wanneroo.



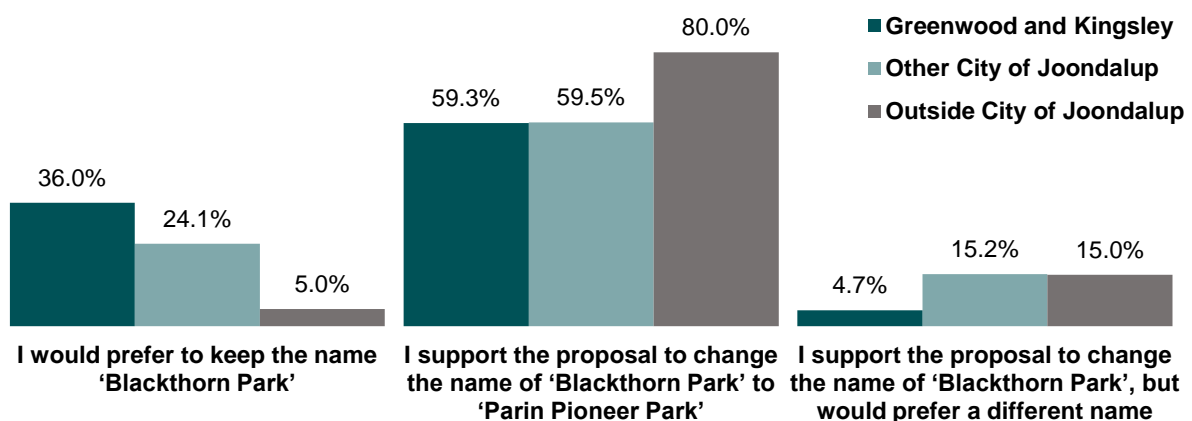
Survey Outcomes Blackthorn Park

Respondents were asked to indicate their level of support for the proposal to change the name of 'Blackthorn Park' to 'Parin Pioneer Park'. The majority of respondents (114) indicated that they support the park name change proposal with 51 respondents indicating that they would prefer to keep the name 'Blackthorn Park'. Of the 19 respondents who indicated that they would prefer a different name, 13 suggested that an Aboriginal name would be more appropriate, and three suggested the name of another local early colonial family 'Lockwood' should be used.

61.6% (114) of all respondents (200) indicated that they support the name change 'Blackthorn Park' to 'Parin Pioneer Park'.

Responses were also analysed by respondent address for those living in the suburbs of Greenwood and Kingsley. The majority of respondents (51) indicated that they support the park name change proposal with 31 respondents indicating that they would prefer to keep the name 'Blackthorn Park' and four respondents requesting a different name.

59.3% (51) of respondents from Greenwood and Kingsley (86) indicated that they support the name change 'Blackthorn Park' to 'Parin Pioneer Park'.



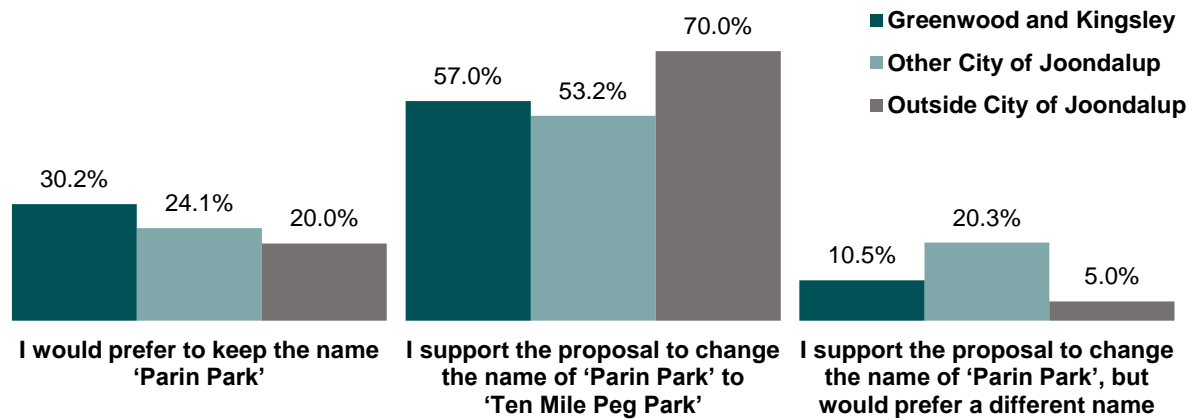
Survey Outcomes Parin Park

Respondents were asked to indicate their level of support for the proposal to change the name of 'Parin Park' to 'Ten Mile Peg Park'. Just over half of respondents (105) indicated that they support the park name change proposal, with 29 respondents indicating that they would prefer to keep the name 'Parin Park'. 26 respondents who indicated that they would prefer a different name, 13 suggested that an Aboriginal name would be more appropriate, and the remainder suggested a range of different names and variations on the name "Ten Mile Peg".

56.8% (105) of all respondents (199) indicated that they support the name change 'Parin Park' to 'Ten Mile Peg Park'.

Responses were also analysed by respondent address for those living in the suburbs of Greenwood and Kingsley. Just over half of respondents (49) indicated that they support the park name change proposal with 26 respondents indicating that they would prefer to keep the name 'Parin Park' and nine respondents requested a different name.

57.0% (49) of respondents from Greenwood and Kingsley (84) indicated that they support the name change 'Parin Park' to 'Ten Mile Peg Park'.



Issues and options considered

One hundred and nineteen respondents provided comments on the proposal. Common themes that emerged included the following:

- Renaming after the Indigenous Australian People instead.
- Support for the Parin family specifically.
- Opposition to the name changes.
- Support for historic recognition generally.
- Concerns that renaming would be a waste of money.
- Belief that the renaming is unnecessary and would cause confusion.
- Lockwood family's history at Blackthorn Park.

During the consultation period, the City was approached by John Lockwood who was objecting to the renaming of 'Blackthorn Park' to 'Parin Pioneer Park', claiming that the land had previously been owned by his family. He produced certificates of title of the land transfer to the Lockwood's dated 1935 (Attachment 3 refers). Review of the survey diagrams on the title confirms that Blackthorn Park sits within the Lockwood piggery landholding (Attachment 3 refers).

The lack of information on the Lockwood family is not unusual as the City relies on volunteered oral histories from the early European settlers to the area. Further investigations into the City's oral history database have revealed mention of the Lockwood family owning a piggery on the south side of Lake Goollelal. After Mr Lockwood contacted the City regarding the proposed renaming of Blackthorn Park, the City's Reference and Local History Team Leader has met with Mr Lockwood and recorded his oral history.

Council may choose to:

Option 1

Apply to the Minister for Transport, Planning and Lands for the renaming of both parks as planned. If the application is successful, implement a historic installation honouring the Parin family alone at Parin Pioneer Park (Blackthorn Park).

Option 2

Undertake a second community engagement proposing the renaming of 'Blackthorn Park' to 'Pioneer Park'. If the consultation outcome is favourable, apply to the Minister for Transport, Planning and Lands to rename 'Blackthorn Park' to 'Pioneer Park'. If the application is successful, implement a historic installation honouring both Parin and Lockwood families at 'Pioneer Park' (Blackthorn Park).

Option 3

Do not pursue the renaming of either park. Implement a historic installation at Blackthorn Park honouring both the Parin and Lockwood families.

Option 4

Do not pursue the renaming of either park. Implement a historic installation at Parin Park to honouring the Parin family and implement a historic installation at Blackthorn Park to honour the Lockwood family.

Option 5 – Preferred Option

Do not pursue the renaming of either park. Implement a historic installation at Parin Park to honour the Parin family and continue developing the Heritage Trail Walk project which will honour the Lockwood's and other identified Joondalup early European settlers as well as the Indigenous Australian People.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open space.

Strategic initiative Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

Policy *Memorials in Public Places Policy.*
Naming of Public Facilities Policy.

Risk management considerationsHistorical Accuracy

Through the consultation process, the City has been made aware that our current historical records are not complete. As the recorded knowledge of Joondalup's historic families is limited, execute a call for information to invite historic Joondalup families to provide information for inclusion in the Heritage Walk.

Reputational

Some of the common themes raised in the consultation, namely the lack of indigenous recognition and perceived money-wastage may incur criticism of the City.

Financial / budget implicationsCurrent financial year impact

Capital cost	The Parin Pioneer Park / Heritage Precinct Development project has the following amounts listed in the City's 2018-19 budget:	
	CFW from 2017-18	\$100,000
	2018-19	<u>\$350,000</u>
	Total	\$450,000

Future financial year impact

Annual operating cost	The annual operating cost is estimated to be \$15,000 which will be included as an increase to the 2019-20 operational budget.
Estimated annual income	Not applicable.
Capital replacement	Estimated 20 years.
20 Year Strategic Financial Plan impact	The capital cost for replacement of park assets is included in the <i>20 Year Strategic Financial Plan</i> .
Impact year	2038-39.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Engagement

The results of the community engagement for the renaming of 'Blackthorn Park', Greenwood to 'Parin Pioneer Park' and 'Parin Park', Greenwood to 'Ten Mile Peg Park' have been summarised in the details section of this Report and the full outcomes of the community engagement process are provided (Attachment 2 refers).

COMMENT

Parin Park is the site of the original Parin family home and winery. As such, it is historically accurate and appropriate to implement historic storyboards describing the Parin family's establishment of their winery and life at this location.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the Community Engagement outcomes for the park name change proposal “Blackthorn Park” to “Parin Pioneer Park” and “Parin Park” to “Ten Mile Peg Park” as detailed in Attachment 2 to this Report;**
- 2 DOES NOT SUPPORT the name change proposal “Blackthorn Park” to “Parin Pioneer Park”**
- 3 DOES NOT SUPPORT the name change proposal “Parin Park” to “Ten Mile Peg Park;**
- 4 SUPPORTS the continued development of a Heritage Walk commencing with the recognition of the Parin family in Parin Park;**
- 5 NOTES that the City in the development of the Heritage Trail Walk will engage with key stakeholders and the community to inform the history and identify peoples of significance to the Joondalup District;**
- 6 ADVISES Mrs Dorothy Parin of its decision.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf181009.pdf](#)

REPORTS – POLICY COMMITTEE – 1 OCTOBER 2018

ITEM 16 PAYMENTS TO EMPLOYEES IN ADDITION TO A CONTRACT OR AWARD POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	00384, 101515
ATTACHMENTS	Attachment 1 Revised <i>Payments to Employees in Addition to a Contract or Award Policy</i> Attachment 2 Current <i>Payments to Employees in Addition to a Contract or Award Policy</i>
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to review the *Payments to Employees in Addition to a Contract or Award Policy* and adopt the revised policy as part of the Policy Manual review process.

EXECUTIVE SUMMARY

The *Payments to Employees in Addition to a Contract or Award Policy* prescribes a means by which payments that may be made to an employee/s over and above contractual entitlements are regulated, allows for a method of assessment of the merit of an additional payment and a means by which an amount can be arrived at, if merit exists. The policy ensures the City of Joondalup complies with section 5.50 of the *Local Government Act 1995* and applies to most employees except those designated as senior employees and in the following circumstances:

- Where a commercial decision is made to make a payment to an employee to avoid potentially long, costly and public court action where it is in the interests of the City that the employee leaves employment.
- In the difficult circumstances where an employee/s are made redundant and a small additional payment in recognition of those circumstances facilitates separation, avoiding disputation and drawn out redundancy disputes.
- In the difficult circumstances where the City may make an operational decision to use voluntary severance as a means of managing the “downsizing” of the workforce.

The *Payments to Employees in Addition to a Contract or Award Policy* was last reviewed and endorsed by Council at its meeting held on 19 March 2013 (CJ035-03/13 refers). This review concentrated on the specific legislative need required of such a policy to be in place, removing much content that was related to internal and / or operational matters.

At its meeting held on 20 February 2018 (CJ027-02/18 refers), Council requested that the Chief Executive Officer provide further clarity around the City's current *Payments to Employees in Addition to a Contract or Award Policy* (Attachment 1 refers).

As part of the Policy Manual Review in 2018, *Payments to Employees in Addition to a Contract or Award Policy* was identified as requiring minor amendments, namely:

- provide clarity that maximum entitlement of a person's annual remuneration applies only for circumstances relating to voluntary severance
- clearly articulate the differences between additional payment calculations for voluntary severance and redundancy circumstances.

It is therefore recommended that Council ADOPTS the revised Payments to Employees in Addition to a Contract or Award Policy.

BACKGROUND

The former City of Wanneroo first considered matters relating to voluntary redundancy packages as part of an organisational structure review in 1996 (P70-07/96 refers). This became policy in 1998 when the selective *Voluntary Severance Policy* was adopted by the Joint Commissioners to meet the requirements of section 5.50 of the *Local Government Act 1995*.

The *Payments to Employees in Addition to a Contract or Award Policy* was last reviewed and endorsed by Council at its meeting held on 19 March 2013 (CJ035-03/13 refers). This review concentrated on the specific legislative need required of such a policy to be in place, removing much content that was related to internal and / or operational matters.

As part of the Policy Manual Review in 2018, the *Payments to Employees in Addition to a Contract or Award Policy* was identified as requiring minor amendments. At its meeting held on 20 February 2018 (CJ027-02/18 refers), Council requested that the Chief Executive Officer provide further clarity around the City's current *Payments to Employees in Addition to a Contract or Award Policy* (Attachment 1 refers).

DETAILS

Section 5.50 of the *Local Government Act 1995*, to which this policy pertains, relates specifically to circumstances where the employment of an employee or employees is terminating for reasons of redundancy, voluntary severance or on industrial relations grounds (such as dismissal). This excludes those employees designated as Senior Employees (Directors).

The National Employment Standards contained within the *Fair Work Act 2009* (Cwlth) outline the minimum requirements for termination and redundancy pay for employees working within Australian organisations. This act also establishes financial penalties in circumstances of unfair dismissal or general protections claims that may be brought against the City in industrial circumstances.

The City's current federal Enterprise Agreements cover the majority of employees and reflect these standards as a minimum and provide additional detail with regard to specific processes, benefits and entitlement calculations to support the implementation of the Commonwealth legislation.

The City's policy outlines the circumstances in which additional payments over and above those provided for within the current Enterprise Agreements and applicable legislation might be considered, supported and calculated.

Since the establishment of the City of Joondalup in 1999, there have only been four circumstances of redundancy and all paid within the Enterprise Agreement entitlement and no voluntary severance payments made, demonstrating the rarity of the application of this policy. Nonetheless it is a requirement of section 5.50 of the *Local Government Act 1995* that the City transparently outlines the circumstances in which it would consider making such payments.

The policy also provides for the potential for the City to make a payment where such payment may avoid costly litigation in circumstances of employment related court matters such as unfair dismissal or general protections claims under the *Fair Work Act 2009* (Cwlth). Although this discretionary payment option has never been exercised, a payment could be entertained on commercial grounds where the financial implications of the payment are far more favourable than litigation costs.

For matters of redundancy any payment is limited to a maximum of \$5,000 by regulation 19A of the *Local Government (Administration) Regulations 1996*.

As voluntary severance is used as an inducement for persons to end their employment, the payment ceiling is greater than the \$5,000 otherwise prescribed, but still limited to a maximum of a person's annual remuneration at the time a severance may be effected.

With that background, the intention of this report is for Council to consider this policy which requires minor amendment (language, style, formatting, legislation and the like). In determining those minor amendments, the policy was reviewed and assessed against the following broad areas:

- 1 Consistency – with regard to language, style, format and policy template.
- 2 Relevance – new plans and strategies that may supersede previously endorsed positions within existing policies.
- 3 Duplication — identified sections of policies that duplicate other policies, City plans and strategies, local laws, and / or State legislation.
- 4 Outdated content – identified references to outdated legislation, policies or plans.

In addition to those matters identified as minor, a wording change to clarify the calculation of a payment was made to provide greater clarity.

Issues and options considered

Council has the option to either:

- adopt the revised *Payments to Employees in Addition to a Contract or Award Policy*, as shown at Attachment 1 to this Report
 - suggest further modifications to the revised *Payments to Employees in Addition to a Contract or Award Policy*
- or

- retain the *Payments to Employee in Addition to a Contract or Award Policy* in its current format as shown at Attachment 2 to this Report.

The recommended option is to adopt the revised *Payments to Employees in Addition to a Contract or Award Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation Section 5.50 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Not applicable.

Objective Not applicable.

Strategic initiative Not applicable.

Policy *Payments to Employees in Addition to a Contract or Award Policy*.

Risk management considerations

Given that any potential application of the policy is at the discretion of the Chief Executive Officer, it does not present any particular risk to the City. Having the ability for the City to respond to legal actions or claims, establish voluntary severance arrangements, or if ever required enhance a redundancy package/s to prevent litigation and / or challenge by third parties reduces the risk of lengthy and expensive litigation.

Financial / budget implications

To date the provisions of this policy have not been activated in any legal action the City has faced or redundancy the City has completed and as such there are no financial or budget precedents.

Any financial implications of the policy are activated on a “case-by-case” basis and would be subject to the circumstances pertaining to each case. In considering a cost implication the Chief Executive Officer would consider the most appropriate outcome according to the circumstances of the case being considered.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The *Payments to Employees in Addition to a Contract or Award Policy* is a requirement of section 5.50 of the *Local Government Act 1995*. Although circumstances are rare in which the policy may be enacted, it provides the City with a degree of flexibility in dealing with employee matters in an effective, commercially responsible and timely manner.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 October 2018.

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

RECOMMENDATION

That Council ADOPTS the revised *Payments to Employees in Addition to a Contract or Award Policy* provided as Attachment 1 to this Report.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf181009.pdf](#)

ITEM 17 DRAFT NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE LOCAL PLANNING POLICY – CONSIDERATION FOLLOWING ADVERTISING

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106888, 101515
ATTACHMENTS	Attachment 1 Draft <i>Non-Residential Development in the Residential Zone Local Planning Policy</i> - as advertised Attachment 2 Draft <i>Non-Residential Development in the Residential Zone Local Planning Policy</i> – amended post advertising Attachment 3 <i>Small Scale Renewable Energy Systems Policy</i> Attachment 4 <i>Height of Non-Residential Buildings Local Planning Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Non-Residential Development in the Residential Zone Local Planning Policy* following advertising, for the purposes of final adoption.

EXECUTIVE SUMMARY

At its meeting held on 10 October 2017 (CJ173-10/17 refers), Council considered the draft *Non-Residential Development in the Residential Zone Local Planning Policy* and resolved that it be advertised for public comment.

The draft policy was advertised from 9 November to 29 November 2017. One submission was received suggesting the need for public consultation on development applications as non-residential development could impact on traffic and parking issues. As a result of the submission, a modification is proposed to the draft policy to include a requirement that applications for new non-residential development, or applications proposing the existing development be intensified, will be advertised to adjoining and nearby landowners for a period of 14 days. A further submission received after the close of advertising, requested that the height limit for residential care facilities be increased to accurately reflect the realities of residential care facilities. However, the maximum building heights are based on the *Residential Design Codes*, and a modification to this policy is not considered necessary at this point in time.

Other minor modifications to the draft policy are proposed to align with the final version of *Local Planning Scheme No. 3* (LPS3) that has been approved by the Minister for Planning.

It is recommended that Council proceeds with the *Non-Residential Development in the Residential Zone Local Planning Policy*, with modifications.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

During the preparation and Council's adoption of draft LPS3, it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions (CJ005-02/16 refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially, it provides Council with control over its own development provisions and will ultimately save time as any updates to the development provisions will only need to be approved by Council rather than via a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the site and development requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are found in one place rather than some in the scheme and some in local planning policies.

The *Residential Development Local Planning Policy* was adopted by Council at its meeting held on 15 December 2015 (CJ228-12/15 refers). It applies to all residential development within the City. It does not, however, apply to non-residential development in the 'Residential' zone. With the removal of the development provisions from LPS3, a policy is needed to cover the non-residential development requirements that were previously contained in DPS2.

At its meeting held on 10 October 2017 (CJ173-10/17 refers), Council resolved to proceed with the draft *Non-Residential Development in the Residential Zone Local Planning Policy* for the purpose of public advertising (Attachment 1 refers).

Prior to the approval of draft LPS3, the Minister for Planning required a number of modifications to the document, principally to further align LPS3 with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations). The modifications were undertaken and LPS3 has now been approved by the Minister. LPS3 will become operational once it is published in the *Government Gazette*, which is anticipated to occur immediately following the Council meeting to be held on 16 October 2018.

DETAILS

The draft policy provides the development requirements for non-residential development in the 'Residential' zone and structure plan areas where the 'Residential' zone is applied (Attachment 2 refers). One of the changes required to draft LPS3 by the Minister for Planning was to remove the 'Special Residential' zone and to zone this land 'Residential'. References to the 'Special Residential' zone have therefore been removed from the draft policy.

The main provisions of the draft policy are outlined below.

Non-residential land uses

The draft *Non-Residential Development in the Residential Zone Local Planning Policy* only deals with non-residential land uses that are allowed in the 'Residential' zone and are not covered by other local planning policies, such as the *Consulting Rooms Local Planning Policy* and the *Child Care Premises Local Planning Policy*.

The modifications to LPS3 required by the Minister for Planning included changes to land uses that are not in accordance with the model provisions of the LPS Regulations. This included the removal of 'Land Sales Office (temporary)' and the replacement of the land uses 'Nursing Home' and 'Retirement Village' with a new land use 'Residential Aged Care Facility'.

The following land uses are included in the proposed final *Non-Residential Development in the Residential Zone Local Planning Policy*:

- Caravan Park.
- Civic Use.
- Home Store.
- Park Home Park.
- Residential Aged Care Facility.

Setbacks to buildings

The building setbacks for non-residential buildings in the current scheme are applied to all non-residential development, regardless of whether the development is located in a residential area. The non-residential building setbacks are large, being a nine metre front setback, six metre rear setback and three metre side setback.

It is considered that the current setback requirements do not facilitate development of non-residential buildings that are in keeping with the residential area in which they are to be located. Therefore, it is proposed within the draft policy that building setbacks be assessed in accordance with Part 5 of the *Residential Design Codes* (R-Codes) and the table included in the draft policy. This will allow new buildings and additions to existing non-residential buildings to be set back in keeping with the residential environment and maintain the residential streetscape.

Building height

The proposed building heights are the same as those in the existing *Height of Non-Residential Buildings Local Planning Policy* for development in the 'Residential' zone. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* have now been incorporated into each relevant policy and therefore this policy is proposed to be revoked.

Building design

DPS2 contains very few provisions regarding the design and built form of development. The draft policy requires that the appearance of buildings must be sympathetic to the residential environment in which they are situated. This provision is similar to that within the *Residential Development Local Planning Policy* and will help to ensure that non-residential buildings maintain a residential appearance and integrate with the surrounding area.

Parking and access

DPS2 does not list a car parking standard for every land use in the scheme. It is considered preferable however, that each land use has an applicable parking standard and therefore the draft policy proposes to include a parking standard for each non-residential land use that can be undertaken in the 'Residential' zone.

Where DPS2 contained a car parking standard, this standard has been transposed to the new policy. The car parking requirement of '1 per 10 sites' for a 'Caravan Park' in DPS2 has been modified to also include one car bay for each caravan or chalet site. The parking standard for 'Residential Aged Care Facility' is the same as that proposed for 'Nursing Home' and 'Retirement Village'.

Provisions for car park design, vehicle and pedestrian access have also been included to provide safe vehicle and pedestrian access to these lots.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street. There is no requirement for landscaping where a car parking area does not abut the street. The draft policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. A minimum size of 4m² for landscaped areas is included to ensure a usable area of land is provided.

Servicing

The provisions regarding servicing have been retained from DPS2 to state that bin storage areas must be screened. In addition, provisions regarding external fixtures such as air conditioning units and rainwater tanks have been included requiring that they are located on the roof, basement or rear of the building, and concealed from view from the street. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* (Attachment 3 refers) have been incorporated into this draft policy. It is proposed that this policy be revoked because when the *Non-Residential Development in the Residential Zone Local Planning Policy* is finalised, the provisions will have been incorporated into all the individual zone-based policies.

Issues and options considered

One submission was received during the consultation period suggesting that public consultation is needed for non-residential development in the 'Residential' zone as it would have an impact on traffic and parking. One further submission was received following the close of the consultation period, requesting that the maximum height limits be increased to accommodate residential care facilities.

Response to submissions

Consultation requirements

In accordance with the respective local planning policies, new 'Child Care Premises' and 'Consulting Rooms' in the 'Residential' zone are required to be advertised to adjoining and nearby landowners. As indicated in the submission, it is therefore also considered appropriate to require other non-residential land uses in the 'Residential' zone (such as a 'Residential Aged Care Facility') to be advertised. Wording has been introduced into the draft policy to require all new applications for non-residential development, or the intensification of existing non-residential development, to be advertised to adjoining and nearby landowners for a period of 14 days.

Building height

A submission was received requesting that the maximum building height requirements accurately reflect the realities of residential care facilities, and / or for the policy to refer to the maximum number of storeys (for example three storeys) in-lieu of metres (for example nine metres). The submission was made on the basis that the typical wall height of a residential care facility is 3.6 metres per storey, rather than the maximum of three metres that is permitted by the *Residential Design Codes*. The submission provides the example of the wall height of a typical three-storey residential care facility being approximately 10.8 metres, however the draft policy could limit the wall height to nine metres.

The policy will be applicable to a number of non-residential land uses and not just residential care facilities and the provisions within the draft policy mirror those of the existing *Height of Non-Residential Buildings Local Planning Policy* (Attachment 4 refers). While the submitter's comments are noted, it is not possible to tailor the policy to cover all scenarios and site-specific circumstances. Rather, the policy outlines the minimum standards that are considered acceptable in a residential area, with the height in metres based on the standards within the *Residential Design Codes*. It is not considered appropriate to refer to the height limit in storeys, as the actual height that this would permit is not readily known.

It is acknowledged that specific sites or developments may demonstrate merit that would warrant departure from the provisions of the policy and the policy should not be seen as a barrier to the approval of appropriate development. However, the policy already provides for additional height for residential care facilities on larger sites in residential areas, beyond what is typically permitted (two storeys) for the majority of the City's residential areas, the typical two-storey limit for residential dwellings.

In the event that Council supports a modification to increase the height limits for residential care facilities, it is considered that further advertising of the policy would be appropriate.

Council has the option to:

- proceed with the policy, with or without modification
or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Height on Non-Residential Buildings Local Planning Policy.*
Small Scale Renewable Energy Systems Policy.

Risk management considerations

General development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme will be operational without the development provisions and standards needed to assess development applications.

To ensure a suitable transition to LPS3, the new scheme will come into effect when published in the *Government Gazette* following the Council meeting to be held on 16 October 2018. This will allow the draft policy to be considered by Council and come into operation at the same time as LPS3.

In the event that Council supports a modification to increase the height limits for residential care facilities and further advertising of the policy is considered appropriate, it would not be possible for the policy to come into effect until after the commencement of LPS3.

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft policy was advertised for public comment in accordance with the LPS Regulations from 9 November 2017, closing on 29 November 2017, by way of:

- a notice published in the local newspaper
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

COMMENT

Overall, the proposed modifications to the draft policy are considered to be minor and it is therefore recommended that Council proceed with the *Non-Residential Development in the Residential Zone Local Planning Policy*, as modified. It is noted that the policy will come into effect when a notice is published in the local newspaper, which will occur once LPS3 comes into effect, anticipated to occur immediately following the Council meeting to be held on 16 October 2018.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 October 2018.

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

RECOMMENDATION

That Council:

- 1 in accordance with clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the *Non-Residential Development in the Residential Zone Local Planning Policy*, with modifications, as included in Attachment 1 to this Report;
- 2 NOTES that the policy will come into effect when published in the local newspaper;
- 3 NOTES the submissions received and ADVISES the submitters of its decision;
- 4 REVOKES the *Small Scale Renewable Energy Systems Policy*, as included as Attachment 3 to this Report;
- 5 REVOKES the *Height of Non-Residential Buildings Local Planning Policy*, as included as Attachment 4 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf181009.pdf](#)

ITEM 18 AMENDMENTS TO LOCAL PLANNING POLICIES FOLLOWING APPROVAL OF LOCAL PLANNING SCHEME NO. 3

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106157, 101289, 13048, 106279, 106237, 72584, 101515
ATTACHMENTS	Attachment 1 <i>Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i> Attachment 2 <i>Consulting Rooms Local Planning Policy</i> Attachment 3 <i>Home-based Business Local Planning Policy</i> Attachment 4 <i>Light Industry Zone Local Planning Policy</i> Attachment 5 <i>Private Community Purposes Zone Local Planning Policy</i> Attachment 6 <i>Short-term Accommodation Local Planning Policy</i> Attachment 7 <i>Bed and Breakfast Accommodation Policy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider proposed amendments to several local planning policies to align with the final *Local Planning Scheme No. 3* as approved by the Minister for Planning.

EXECUTIVE SUMMARY

During 2017, a number of local planning policies were developed which contain the general development requirements needed to implement *Local Planning Scheme No. 3* (LPS3).

Draft LPS3 was submitted to the Western Australian Planning Commission for final approval in June 2017. The Minister for Planning has recently advised that LPS3 has been approved. As a result, several of the adopted LPS3 policies need to be updated to align with the version of LPS3 as approved by the Minister.

The proposed amendments to the policies include the deletion of a number of land uses that are no longer included in LPS3, as well as the deletion of the 'Special Residential' zone. In addition, some minor formatting changes are proposed to ensure the policies are consistent with each other.

The proposed amendments to the policies are considered to be minor and do not alter the existing development provisions of the policies. It is therefore recommended that Council proceed with the amended local planning policies, without the need for advertising.

BACKGROUND

LPS3 does not contain development provisions, with the general development requirements being contained in local planning policies that were developed during 2017 and adopted by Council. The local planning policies do not come into effect until a notice is published in the local newspaper.

Prior to the approval of draft LPS3, the Minister for Planning required a number of modifications to the document, principally to further align LPS3 with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations). The modifications were undertaken and LPS3 has now been approved by the Minister. LPS3 will become operational once it is published in the *Government Gazette*, which is anticipated to occur shortly after the Council meeting to be held on 16 October 2018.

DETAILS

Several of the adopted LPS3 related policies must be updated to align with the final version of LPS3 as approved by the Minister for Planning.

The proposed amendments to the policies include the deletion of the 'Special Residential' zone, as well as a number of land uses which are covered within the definition of other land uses. Deleted land uses include uses such as 'Auction Room', 'Place of Assembly', 'Bakery', 'Dry Cleaning Premises', 'Hardware Store', 'Laundrette', 'Laundry', 'Tattoo Studio', 'Display Home', 'Land Sales Office', 'Kindergarten', 'Nursing Home' and 'Retirement Village' (now 'Residential Aged Care').

In addition, some minor updates to the formatting is also proposed to ensure all policies are consistent.

The following policies previously adopted by Council are proposed to be updated as follows:

Commercial, Mixed Use and Service Commercial Zone Local Planning Policy (CJ059-04/17 refers)

- Deletion of reference to land uses that are no longer in LPS3.

Consulting Rooms Local Planning Policy (CJ057-04/17 refers)

- Deletion of reference to the 'Special Residential' zone.

Home-Based Business Local Planning Policy (CJ108-06/17 refers)

- Deletion of reference to the 'Special Residential' zone
- Minor modifications to ensure consistency with the other local planning policies.

Light Industry Zone Local Planning Policy (CJ061-04/17 refers)

- Deletion of reference to land uses that are no longer in LPS3 and the inclusion of a new 'Industry - Service' land use.

Private Community Purposes Zone Local Planning Policy (CJ060-04/17 refers)

- The 'Private Clubs, Institutions and Places of Worship' zone has been renamed the 'Private Community Purposes' zone.
- Deletion of reference to land uses that are no longer in LPS3 and inclusion of new land uses now in LPS3.

Short-term Accommodation Local Planning Policy (CJ058-04/17 refers)

- Minor modifications to ensure consistency with the other local planning policies.

Bed and Breakfast Accommodation Policy

Development provisions for 'Bed and Breakfast' have been included in the *Short-term Accommodation Local Planning Policy*, therefore the *Bed and Breakfast Accommodation Policy* (Attachment 7 refers) is no longer required and can be revoked.

Issues and options considered

Council has the option to:

- proceed with the amendments to the policies, with or without modification or
- not proceed with the amendments to the policies.

Legislation / Strategic Community Plan / policy implications**Legislation**

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

Strategic Community Plan**Key theme**

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

- *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy.*
- *Consulting Rooms Local Planning Policy.*
- *Home-based Business Local Planning Policy.*
- *Light Industry Zone Local Planning Policy.*
- *Private Community Purposes Zone Local Planning Policy.*
- *Short-term Accommodation Local Planning Policy.*

Risk management considerations

General development provisions and standards are not included in draft LPS3 and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme will be operational without the development provisions and standards needed to assess development applications.

To ensure a suitable transition to LPS3, the new scheme will come into effect when published in the *Government Gazette* following the Council meeting to be held on 16 October 2018. This timing of the commencement of the LPS3 will allow these amended policies to be considered by Council and then come into operation at the same time as LPS3.

Financial / budget implications

The costs associated with the notice of any final adoption of the policies will be approximately \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

All the policies were previously advertised and any relevant submissions taken into consideration at that time.

The LPS Regulations allow a local government to make an amendment to a local planning policy if it is considered to be minor. Given the proposed amendments are principally to align the policies with LPS3 as approved by the Minister of Planning, the proposed amendments are considered to be minor and therefore advertising is not required.

COMMENT

The proposed amendments to the policies are considered to be minor and are principally required for alignment with LPS3. It is therefore recommended that Council proceed with the amended local planning policies. It is noted that the amended policies will come into effect when a notice is published in the local newspaper, which will occur once LPS3 comes into effect, anticipated to occur shortly after the Council meeting to be held on 16 October 2018.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 October 2018.

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

RECOMMENDATION**That Council:**

- 1 in accordance with Clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the amendments to the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, *Consulting Rooms Local Planning Policy*, *Home-based Business Local Planning Policy*, *Light Industry Zone Local Planning Policy*, *Private Community Purposes Zone Local Planning Policy*, and the *Short-term Accommodation Local Planning Policy*, as included in Attachments 1, 2, 3, 4, 5 and 6 to this Report;
- 2 NOTES that the above policies will come into effect when published in the local newspaper;
- 3 REVOKES the *Bed and Breakfast Accommodation Policy*, as included as Attachment 7 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf181009.pdf](#)

ITEM 19 INTERIM AMENDMENTS TO THE SIGNS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	01907, 101515
ATTACHMENTS	Attachment 1 Draft <i>Signs Local Planning Policy</i> (tracked version) Attachment 2 Draft <i>Signs Local Planning Policy</i> (non-tracked version)
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies

PURPOSE

For Council to consider proposed amendments to the *Signs Policy* to align with the final *Local Planning Scheme No. 3* as approved by the Minister for Planning.

EXECUTIVE SUMMARY

Draft *Local Planning Scheme No. 3* (LPS3) was submitted to the Western Australian Planning Commission for final approval in June 2017. The Minister for Planning has recently advised that LPS3 has been approved. The new *Joondalup Activity Centre Plan* (JACP) will also commence operation at the same time as LPS3. As a result, the *Signs Policy* needs to be updated to align with the version of LPS3 as approved by the Minister and the new JACP.

The policy has been updated to reflect the zones contained within LPS3 and the precincts within the JACP, align the wording with LPS3 and reflect the repeal of the *Signs Local Law*. In addition, it is proposed to amend the policy to include the exemptions from the need to obtain development approval for minor signs, which were contained in *District Planning Scheme No. 2* (DPS2).

The interim modifications to this policy are only to ensure that the policy can be read in conjunction with LPS3 and the JACP. The proposed amendments to the policy are not a review of the development provisions of the policy and a detailed review of this policy and associated provisions will be undertaken in detail at a later date.

It is recommended that Council proceeds with the amended *Signs Local Planning Policy*.

BACKGROUND

The City's *Signs Policy* has been in operation since October 2009 and provides guidance on the permissible types and locations of signage within the City of Joondalup. The current policy controls types and sizes of signage throughout the City based on zoning as per the City's current scheme, DPS2, as well as designated precincts within the *Joondalup City Centre Development Plan and Manual* (JCCDPM).

Both DPS2 and the JCCDPM will be replaced by new documents recently approved by the State Government (LPS3 and the JACP respectively).

Zones contained within LPS3 are, in some instances, different to those in DPS2. Likewise, precincts within the JACP are different to those in the JCCDPM. Accordingly, the existing *Signs Policy* requires updates to align with these new zones and precincts.

In addition, the policy requires an update as a result of *Part 5 – Special Controls* and *Schedule 4 – Exempted Advertisements* which currently appears in DPS2, not being contained in LPS3.

Prior to the approval of LPS3, the Minister for Planning required a number of modifications to the document, principally to further align LPS3 with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations). The modifications were undertaken and LPS3 has now been approved by the Minister. LPS3 will become operational once it is published in the *Government Gazette*, which will occur immediately following the Council meeting to be held on 16 October 2018.

DETAILS

The policy is proposed to be updated to include the exemption from the need for development approval for a range of minor signs and incorporate a number of design objectives for signs from DPS2. Changes have also been made to capture references to the new zones within LPS3 and the JACP precincts. The proposed amendments are shown as tracked changes to the current *Signs Policy* (Attachment 1 refers), with a non-tracked version (Attachment 2 refers).

Inclusion of the schedule of exempted signs from DPS2

Under DPS2, certain minor types of signs were exempt from the need for development approval, for example, property For Sale signs and signs within a building. The intent is for these minor signs to remain exempt from the need for development approval, however the clause that enables this will now to be in the *Signs Policy*, rather than LPS3, consistent with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

Therefore, the *Signs Policy* is proposed to be updated with a new Section 4.4 that includes the list of exemptions that were contained in DPS2, with only minor modifications to ensure references read correctly.

Inclusion of objectives for signs from DPS2

Both DPS2 and the *Signs Policy* contain general objectives and design principles for signs, with a high degree of similarity between the provisions. Notwithstanding, it is proposed to include a number of the provisions from DPS2 into the *Signs Policy* to assist in ensuring that signs are of a high standard of design and not superfluous in number.

Modifications to zones

The applicable zones of Table 1 and Table 2 of the policy have been updated to reflect the zones within LPS3 and the precincts within the JACP, as follows:

DPS2 zones and JCCDPM precincts	LPS3 zones and JACP precincts
<ul style="list-style-type: none"> Residential zone Rural zone Special Residential zone City North (JCCDPM) Lakeside (JCCDPM) 	<ul style="list-style-type: none"> Residential Rural Residential - all precincts (JACP)
<ul style="list-style-type: none"> Business Zone Civic and Cultural Zone Commercial Zone Mixed-Use Zone Private Clubs and Recreation City North (JCCDPM) Northern Recreation (JCCDPM) 	<ul style="list-style-type: none"> Private Community Purposes Commercial Service Commercial Mixed Use Learning and Innovation (JACP) Health and Wellness (JACP) Joondalup Edge (JACP)
<ul style="list-style-type: none"> Central Business District (JCCDPM) 	<ul style="list-style-type: none"> City Centre (JACP)
<ul style="list-style-type: none"> Service Industrial Zone Southern Business District (JCCDPM) Western Business District (JCCDPM) 	<ul style="list-style-type: none"> Light Industry Joondalup West (JACP)

Other minor updates

A number of other updates to the current policy are proposed as follows:

- Updating the policy name to *Signs Local Planning Policy* to reflect its adoption as a local planning policy.
- Removing references to the *Signs Local Law 1999* as this local law has been repealed and replaced with reference to the *Local Government and Public Property Local Law 2014*, as appropriate.
- Removing references to *District Planning Scheme No. 2* and replacing with *Local Planning Scheme No. 3* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, as appropriate.
- Removing references to the *Joondalup City Centre Development Plan and Manual* and replacing with *Joondalup Activity Centre Plan* and updating wording of the provisions to remove references to JCCDPM precincts.

Issues and options considered

Council has the option to either:

- consider that the proposed amendments are minor and proceed with the policy, with or without modification
- consider that the proposed amendments to the policy are not minor and advertise the draft *Signs Local Planning Policy*, with or without modifications
- or
- not proceed with the policy.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015. Local Planning Scheme No. 3. Joondalup Activity Centre Plan.</i>
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Strategic Community Plan

Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Policy	<i>Signs Policy.</i>

Risk management considerations

A list of advertisements which are exempt from requiring an application for development approval under DPS2 are not contained within LPS3. Should the proposed amendments to the *Signs Policy* not be progressed, a range of minor signs will technically require planning approval which may lead to an increase in planning applications.

Financial / budget implications

The costs associated with the notice of any final adoption will be approximately \$180.

Reginal significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the LPS Regulations state that a local government may make an amendment to a local planning policy without advertising if, in the opinion of the local government, the amendment is a minor amendment.

The proposed amendments in this instance are to ensure that the policy includes the exemptions from requiring development approval for minor signs currently contained in DPS2 and aligns with the zones and precincts contained within LPS3 and JACP respectively.

These amendments are considered minor as they do not fundamentally change the requirements for signs within the City of Joondalup. Advertising is therefore not required.

COMMENT

It is considered that the proposed minor amendments to align the current *Signs Policy* with LPS3 and the JACP will ensure that the policy is consistent with these documents and that applications for development approval will not be required for signage that was previously listed as being exempt. The proposed amendments to the policy are not a review of the development provisions of the policy and a detailed review of this policy and associated provisions will be undertaken in detail at a later date.

It is therefore recommended that Council proceed with the amended *Signs Local Planning Policy*. It is noted that the amended policy will come into effect when a notice is published in the local newspaper, which will occur once LPS3 comes into effect, anticipated to occur immediately following the Council meeting to be held on 16 October 2018.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 October 2018.

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

RECOMMENDATION

That Council:

- 1 in accordance with Clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the amendments to the *Signs Policy*, as included in Attachment 1 to this Report;
- 2 NOTES that the amended *Signs Local Planning Policy* will come into effect when published in the local newspaper.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf181009.pdf](#)

ITEM 20 ACCESS AND EQUITY POLICY REVIEW

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	89609, 101515	
ATTACHMENTS	Attachment 1	Access and Equity Policy
	Attachment 2	Access and Inclusion Plan
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to revoke the *Access and Equity Policy* as part of the Policy Manual Review.

EXECUTIVE SUMMARY

The City's *Access and Equity Policy* was adopted by Council at its meeting held on 11 October 2005 (CJ206-10/05 refers) following the amalgamation of *Policy 6.2.1: Access to Information for People with Disabilities* and *Policy 6.2.2: Access to Council Services and Facilities for People with Disabilities, their Families and Carers*. The policy was last reviewed with minor amendments in 2012 and outlines the City's position on ensuring there is equitable access to the City's information, services and facilities for all residents.

Through section 28 of the *Disability Services Act 1993* the City is legislatively required to develop a *Disability Access and Inclusion Plan*, which outlines the City's actions and strategies for ensuring services, buildings and information are accessible to all community members. The implementation of the plan is reviewed on an annual basis with Council recently approving the *2018-2021 Access and Inclusion Plan* at its meeting held on 15 May 2018 (CJ071-05/18 refers). The plan was subsequently endorsed by the Disability Services Commission and published on the City's website.

As part of the 2018 Policy Manual Review, the *Access and Equity Policy* was highlighted for revocation, following amendments to Section 29A of the *Disability Services Act 1993* which mandates the City's *Access and Inclusion Plan* be made publicly available. Details contained within the *Access and Equity Policy* have now been duplicated and superseded by the review of the *Access and Inclusion Plan*.

It is therefore recommended that Council REVOKES the Access and Equity Policy, as shown in Attachment 1.

BACKGROUND

Access and Equity Policy

At its meeting held in June 1999 (CJ213-06/99 refers), Council adopted *Policy 6.2.1: Access to Information for People with Disabilities* and *Policy 6.2.2: Access to Council Services and Facilities for People with Disabilities, their Families and Carers*. These two policies detailed the City's commitment to providing equitable access to information on City functions, facilities, services and programs to all members of the community, including those with disabilities. In 2005, the two policies were recommended for amalgamation as part of the 2005 Policy Manual Review. At its meeting held on 11 October 2005 (CJ206-10/05 refers), Council subsequently endorsed *Policy 5-1 Access and Equity Policy*.

When the City's *2008-2011 Access and Inclusion Plan* was endorsed by Council at its meeting held on 18 December 2007 (CJ292-12/07 refers), the *Access and Equity Policy* was recommended for review to ensure alignment with the plan. Amendments included broadening the statement to include culturally and linguistically diverse communities and incorporating a list of matters for implementation and review in the details section of the policy. At its meeting held on 15 April 2008 (CJ052-04/08 refers), Council adopted the revised policy.

The policy was last reviewed with minor amendments in May 2012 as part of the 2012 Policy Manual Review (CJ093-05/12 refers). The policy has remained unchanged since this last review.

Access and Inclusion Plan

Section 28 of the *Disability Services Act 1993* states that all public authorities must have a disability access and inclusion plan to ensure their services, buildings and information are accessible for people with disabilities. Public authorities are required to review actions and strategies relating to access and lodge a review report with the Disability Services Commission.

The City has developed and implemented an *Access and Inclusion Plan* on an annual basis since 2008 and reviews the implementation of the plan every year. The plan outlines the City's actions and strategies for ensuring services, buildings and information are accessible to all community members, including those with disabilities or people that experience barriers to access and inclusion. Council most recently approved the *2018-2021 Access and Inclusion Plan* at its meeting held on 15 May 2018 (CJ071-05/18 refers), which was subsequently endorsed by the Disability Services Commission and published on the City's website.

DETAILS

The City's policies are reviewed to ensure their continued relevance and applicability. The *Access and Equity Policy* was identified as part of the 2018 Policy Manual Review.

Local Government Comparison

An analysis of other local government policies was undertaken to inform the review of the City's *Access and Equity Policy*. Of the 14 local governments considered, eight do not have a policy relating to disability access and inclusion.

The analysis confirms that all authorities have a *Disability Access and Inclusion Plan*, as required under the *Disability Services Act 1993*. Of the six local governments who have elected to exceed the legislative requirements and develop Access and Inclusion Plans rather than Disability Access and Inclusion Plans, only the City of Perth has a related policy. These policies and plans are summarised in the table below.

Name of Local Government	Existing Policy	Plan Name
City of Fremantle	No	Access and inclusion plan.
City of Stirling	No	Access and inclusion plan.
City of Wanneroo	No	Access and inclusion plan.
Town of Bassendean	No	Access and inclusion plan.
City of Nedlands	No	Access and inclusion plan.
City of Belmont	No	Disability Access and Inclusion Plan.
City of Canning	No	Disability Access and Inclusion Plan.
Town of Victoria Park	No	Disability Access and Inclusion Plan.
City of Perth	Yes	Access and inclusion plan.
City of Melville	Yes	Disability Access and Inclusion Plan.
City of Bayswater	Yes	Disability Access and Inclusion Plan.
City of Swan	Yes	Disability Access and Inclusion Plan.
City of Subiaco	Yes	Disability Access and Inclusion Plan.
Town of Vincent	Yes	Disability Access and Inclusion Plan.

Reasons for Revocation

The *Access and Inclusion Plan* establishes a clear and transparent policy position for the City in relation to access and equity matters and therefore, the policy is considered unnecessary.

Issues and options considered

Council has the option to either:

- revoke the *Access and Equity Policy*, as shown in Attachment 1 to this Report
- suggest modifications to the *Access and Equity Policy*
or
- retain the *Access and Equity Policy* in its current format, as shown in Attachment 1 to this Report.

The recommended option is to revoke the *Access and Equity Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation

Disability Services Act 1993.
Equal Opportunity Act 1994.
Disability Discrimination Act 1992 (Cwlth).
Carers Recognition Act 2004.

Strategic Community Plan

Key theme

Community Wellbeing.

Objective

Quality facilities.

Community spirit.

Community safety.

Strategic initiative

Understand the demographic context of local communities to support effective facility planning.

Employ facility design principles that will provide for longevity, diversity and inclusiveness and where appropriate, support decentralising the delivery of City services.

Promote and support the needs of disadvantaged communities.

Build a community that works in partnership with government and non-government organisation to achieve real and long-lasting improvements in safety and wellbeing.

Policy

Access and Equity Policy.

Community Consultation and Engagement Policy.

Risk management considerations

As the revised *2018-2021 Access and Inclusion Plan* details the City's position, strategies and actions supporting equitable access for any person, there is no risk to the community or the City in revoking the *Access and Equity Policy*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The on-going review of the City's Policy Manual aims to increase consistency and relevance and reduce duplication and operational content. When the *Access and Equity Policy* was originally developed, it was the only publicly available document that established the City's policy position on access and inclusion.

The responsibilities of public authorities around planning for access and inclusion are now very clearly defined through the *Disability Services Act 1993* and the City has successfully integrated the review of actions and strategies into its planning framework. As such, the *Access and Equity Policy* is now considered unnecessary and the recently endorsed *2018-2021 Access and Inclusion Plan* will replace this policy as the City's public document and policy position on access and inclusion.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this report (as detailed below) was resolved by the Policy Committee at its meeting held on 1 October 2018.

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

RECOMMENDATION

That Council:

- 1 **NOTES** the *Access and Inclusion Plan* provided at Attachment 2 to this Report;
- 2 **REVOKES** the *Access and Equity Policy* provided as Attachment 1 to this Report.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf181009.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – CR MIKE NORMAN – UPDATE OF THE CITY'S INVESTMENT POLICY TO SUPPORT GREATER PERCENTAGE OF DIVESTMENT – [107582, 101272]

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Norman has given notice of his intention to move the following Motion at the Council meeting to be held on 16 October 2018:

That the Chief Executive Officer prepare a report examining the options for the City to change its risk appetite and Investment Policy to place a greater percentage of invested funds in institutions that have all (or a great majority) of their portfolio in fossil fuel free investments, providing that in doing so the City can secure a rate of return that is at least equal to the alternative offered by other institutions.

REASON FOR MOTION

A quotation from Section 1.3(3) of the *Local Government Act 1995* at the head of "Fundamentals" on page 17 is relevant and appropriate to this Notice of Motion: "In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity."

The Climate Institute has been conducting its Climate of the Nation attitudinal research for more than a decade. It is the longest continuous survey of community attitudes in the country. In 2017 they surveyed 2,660 Australians across the country, including 600 each in Queensland, New South Wales and Victoria, and 400 each in South Australia and Western Australia. They also conducted eight focus groups in Adelaide, Brisbane, Parramatta and Townsville. They found:

- 1 The majority of Australians agree that climate change is occurring (71 per cent) and accept the scientific consensus that human activity is the main cause (57 per cent).
- 2 The majority of Australians want Australia to address climate change because they see strong economic, environmental and social benefits and opportunities in the shift to a clean economy (73 per cent).
- 3 The vast majority of Australians want Australia's future energy mix to be dominated by renewable energy (96 per cent), preferably supported by storage technologies (58 per cent). They see this as an economically smart outcome for our country.
- 4 A majority of Australians want traditional coal generation out of the mix within the next 20 years (60 per cent) - they want an orderly, managed transition to clean energy underway now (72 per cent).

- 5 The majority of Australians want our country to be an international leader on climate change action (63 per cent), particularly renewable energy development, innovation and implementation - an overwhelming majority would not want Australia to copy the USA's withdrawal from the Paris Agreement (87 per cent). Most want us to work harder with other countries to achieve the Agreement's objectives of limiting global warming to 1.5-2°C (61 per cent).

City of Joondalup residents have not been specifically surveyed on this issue, but being a relatively well educated community, I anticipate we would see a similar spread in opinions.

It is acknowledged that the City of Joondalup has committed to reducing greenhouse gas emissions through its Climate Change Strategy 2014-2019, and has taken a number of steps to reduce its greenhouse gas emissions, but that could be enhanced significantly by having a more environmentally focussed investment strategy. Although the City has installed photovoltaic cells on a number of City community buildings, offset 100% of vehicle fleet emissions, made energy efficiency improvements in City buildings as directed by energy audits etc, it should be noted that in the ABC 7:30 Report 21 June 2018 that the growth in greenhouse gas emissions from the LNG industry nationally (alone) has cancelled out the greenhouse gas emission reductions from the nearly 2 million roof top PV installations in Australia, and Australia's green house gas emissions are still tracking up instead of down as committed under the Paris Agreement.

I believe our economy and society is still really operating in a "business as usual" mode in regard to carbon emissions and all organisations need to show greater leadership to seriously tackle the huge risk of climate change. An amendment to Joondalup's Investment Policy could potentially achieve significant greenhouse gas reducing results at no cost to Council.

There are already 14 local governments in WA and WALGA that have adjusted their investment policies to support greater divestment to fossil-free institutions. The City of Kalamunda is the latest example of a City in WA that has done so. As part of this work, the City could examine how other Councils have pursued divestment.

The City of Stirling is a large local government authority that has updated their Investment Policy resulting in an increase in the percentage of funds divested. As of July 2018, 66.4% of the City of Stirling's approximately \$129m portfolio of investments are in Fossil Fuel Free banks as compared to 32.2% of the City of Joondalup's \$100m portfolio.

I suggest that if a change in the Investment Policy is supported by Council, reporting on the level of divestment achieved could be included in the City's financial reports, and when next updating the City's Climate Change Strategy, the change could be referred to as part of that Strategy.

In terms of the wording "great majority" in my motion above, that refers to the Bank of Queensland, which has only a very minor proportion of its total investments in fossil fuels.

Officer's Comment

A report can be prepared.

REPORTS REQUESTED BY ELECTED MEMBERS

CLOSURE



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality* <div style="text-align: right;"><i>* Delete where not applicable</i></div>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*

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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- email to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called.



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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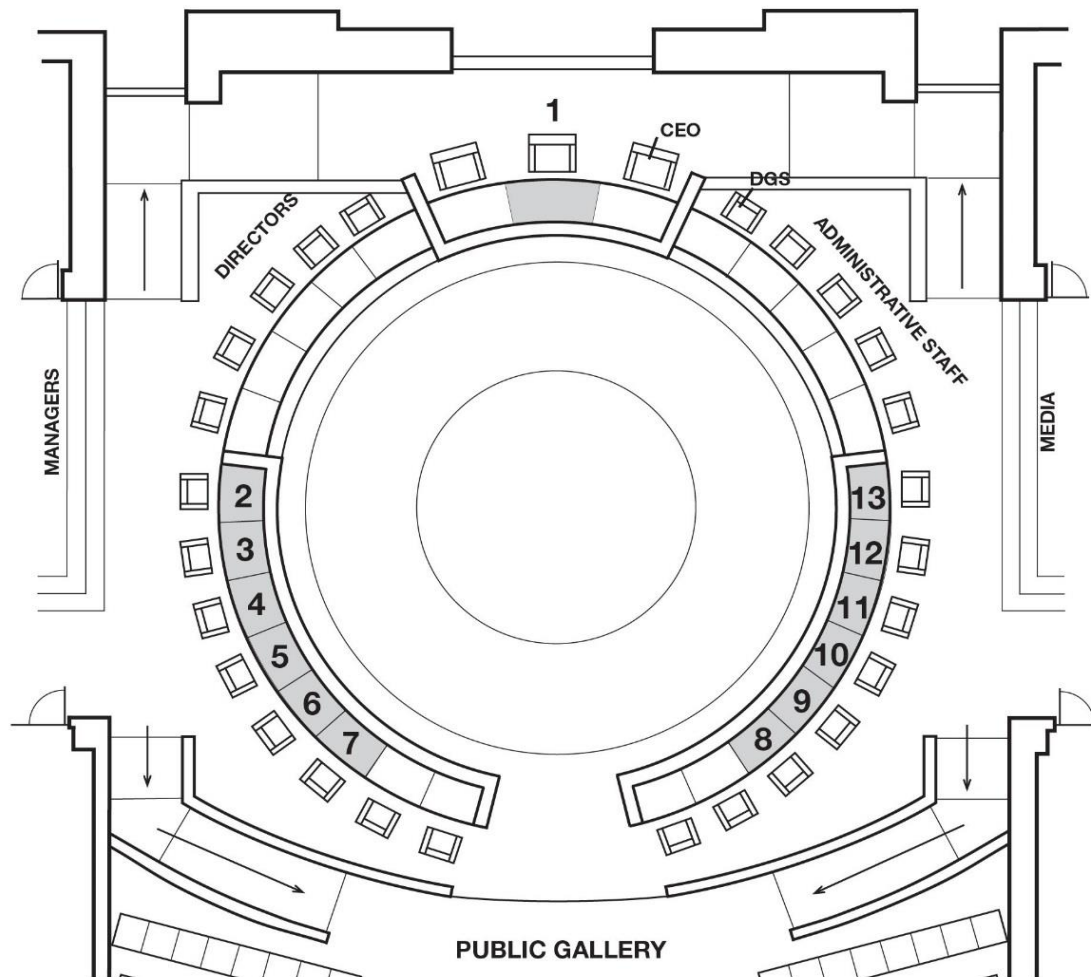
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Please submit this form at the meeting.

Please note that:

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Council Chamber – Seating Diagram



Mayor

- 1 His Worship the Mayor, Hon. Albert Jacob, JP (Term expires 10/21)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/21)
3 Cr Tom McLean, JP (Term expires 10/19)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
5 Cr Nige Jones (Term expires 10/19)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
7 Cr Russell Poliwka (Term expires 10/19)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
9 Cr Mike Norman (Term expires 10/19)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
11 Cr John Logan (Term expires 10/19)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
13 Cr Sophie Dwyer (Term expires 10/19)