

agenda

Briefing Session

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

ON **TUESDAY 12 FEBRUARY 2019**

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
8 February 2019

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 11 February 2019**

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 Information190212.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 12 February 2019** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

Disclosure of Financial Interest/Proximity Interest

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

Name/Position	Ms Dale Page – Director, Planning and Community Development.
Item No./Subject	Item 1 – Development and Subdivision Applications – November and December 2018.
Nature of interest	Proximity Interest.
Extent of Interest	The list of approved development applications (Appendix 1 – Attachment 1 refers) includes an application for a patio addition at a property next door to a property Ms Page jointly owns with her brother in Connolly. Ms Page had no knowledge of or involvement in the application.

Disclosures of interest affecting impartiality

Nil.

DEPUTATIONS

PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 4 December 2018:

Ms N Dangar, Beldon:

Re: Item 12 – Tender 022/18 – Supply and Installation of Concrete Paths, Dual Use Paths, Crossovers, Hand Rails, Pedestrian Ramps and Associated Works.

Q1 *Why did the panel decide to grant Tender Number 022/18 to Axiis Contracting Pty Ltd (ranked second) for so little saving and did not select the first tender for which the panel granted the highest grading to (Dowsing Group Pty Ltd)?*

A1 The City's tender evaluation methodology for this tender provided that the cheapest tender with a qualitative score of more than 60% should be selected. Axiis Contracting Pty Ltd were the second highest qualitative scorer with 71.8% compared to the highest with 72.4% and were the cheapest tender by \$110,904.

Q2 *When will the City prioritise the safety of pedestrians above their interest in sport and the construction of dual pathways that the cyclists do not use (evidence of so many more cyclist on the road), and conduct a proper risk assessment of local footpaths?*

A2 In addition to the extensive local road network there is over 500 kilometres of pathways that are maintained by the City. The City's *Road Safety Action Plan (2016-2020)* has a focus on safe roads and roadsides which takes into consideration all road users including cyclists and pedestrians.

The City's path replacement and new path programs maximise funding opportunities to enable the improvement and expansion of the pathway network. The shared path network although mostly used by pedestrians, provides options for cyclists if they do not feel comfortable riding on the road.

In relation to prioritisation, the City has a *New Footpath Program* that sits within the *Five Year Capital Works Program* to maximise benefits to the community, this program factors in a number of criteria including connections to schools, residential, commercial precincts and recreation areas.

Q3 *Does the City have any recourse to claim for any omission or substandard work on the local pavements and crosswalks from any approved successful tenderer?*

A3 The City's contract provides a recourse for omission or substandard work in relation to the delivery of the contract.

Q4 *If it is possible to submit a claim then the City has ample cause to stop fixing the damage themselves with temporary repairs and get the professional company to complete the work to the satisfaction of the City. Do the ratepayers of any age matter here?*

- A4 The City does not fix substandard work delivered under the contract. Recourse is made to the contractor. Works however do not have a lifetime warranty and the City is responsible for and conducts repairs and maintenance that result from damage and fair wear and tear not attributable to the contractor who undertook the original installation.

Mrs S Nicholls, Mullaloo:

Re: *Item 4 - Proposed Shopping Centre Additions (Refurbishment and Extension) at the Mullaloo Plaza Shopping Centre - Lot 251 (11) Koorana Road, Mullaloo.*

- Q1 *Why has the City deemed that the applicant's proposal to improve the visual appearance of their building by relocating the service area / loading dock to directly opposite and in close proximity to our home outweighs our basic rights to peace, quiet and enjoyment in our home at all times given that under clause 5.9 of the City's Commercial Mixed Use and Service Commercial Zone Local Planning Policy (CMUSCLPP) all service yards must not be located directly adjacent to a residential zoned lot?*

- A1 Under clause 5.19 of the City's CMUSCLPP, service yards are also required to be located at the rear of buildings, screened from view of the street.

The loading dock has been designed to minimise noise impacts on surrounding properties and the City is satisfied that the location of the proposed service yard / loading dock is acceptable due to information provided by the applicant in respect to noise mitigation and management measures associated with deliveries and waste collection.

Currently there are no conditions relating to the site which protect the residents from noise impacts, but if this application is approved, a condition of approval will require the submission of a Delivery and Waste Management Plan which will give the City the ability to better manage and control any future impacts on surrounding landowners / occupants.

- Q2 *Who will be responsible for operations management and scheduling multiple deliveries and waste collections as the Acoustic Report states that there will be noise exceedances of the Noise Regulations from the loading dock / service yard to local residents?*

- A2 Conditions of planning approval have been recommended which requires a Noise Management Plan and a Delivery and Waste Management Plan are provided by the applicant prior to the commencement of development. This will ensure the operations onsite are managed appropriately to avoid noise emissions exceeding the Noise Regulations.

The applicant / landowner will be responsible for the ongoing management of the shopping centre to ensure it complies with the conditions of planning approval and management plans associated with the shopping centre refurbishment. If the shopping centre does not abide by its conditions of approval (including adherence to its management plan), the City will have the ability to take compliance action against the centre.

- Q3 *In our historic noise complaints to the City, the trucks do not turn off their engines therefore how will this be enforced especially with the consolidation of all shopping centre services and the likely potential of multiple trucks at one time opposite and in close proximity to our home?*

- A3 As mentioned above, currently no management plan/s are in place to ensure noise, deliveries and waste collection are managed appropriately to avoid significant impact on surrounding landowners.

If any complaints are received following the redevelopment of the shopping centre, the City will investigate these allegations and will take necessary compliance action to ensure the planning approval and management plans are adhered to.

- Q4 *Why has the City not requested the applicant redesign their proposal to relocate the service yard / loading dock to be as far away from residents' homes as possible instead of being as close as possible?*

- A4 As outlined in the Council report, the noise mitigation measures proposed as part of the redevelopment will assist in reducing noise impacts and ensure compliance with the Noise Regulations. No such measures are in place for the shopping centre as it is currently operating.

Mr B Allen, Kallaroo:

Re: Item 17 – Joondalup Mens' Shed – Proposed Site.

- Q1 *In the recommendation it states the Joondalup Mens' Shed will be responsible for rates. Could you give an idea of what that might be?*

- A1 Under the City's *Property Management Framework*, not-for-profit community groups are liable for the payment of water rates and the ESL levy, but are exempt from paying local government rates under lease arrangements with the City.

Based on 2017-18 actuals for the property at 17 Winton Road, Joondalup, indicative costs are as follows:

Water Rates	\$1,273
ESL Levy	\$1,143

PUBLIC STATEMENT TIME

The following statement was made at the Briefing Session held on 4 December 2018:

Mr B Allen, Kallaroo:

Re: Item 17 – Joondalup Men's Shed – Proposed Site.

Mr Allen thanked the Mayor and City officers for the work done to get to this stage of the Men's Shed development and expressed appreciation for the financial support. Mr Allen stated that Winton Road would be the best option for the Men's Shed and outlined the benefits it would provide to the community.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Russ Fishwick, JP	1 to 20 February 2019 inclusive;
Cr Sophie Dwyer	2 to 12 February 2019 inclusive.

REPORTS

Disclosure of Proximity Interest

Name/Position	Ms Dale Page – Director, Planning and Community Development.
Item No./Subject	Item 1 – Development and Subdivision Applications – November and December 2018.
Nature of interest	Proximity Interest.
Extent of Interest	The list of approved development applications (Appendix 1 – Attachment 1 refers) includes an application for a patio addition at a property next door to a property Ms Page jointly owns with her brother in Connolly. Ms Page had no knowledge of or involvement in the application.

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER AND DECEMBER 2018

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – November and December 2018 Attachment 2 Monthly Subdivision Applications Processed – November and December 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 number and nature of applications considered under delegated authority during November and December 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 November and December 2018 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during November and December 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 21 August 2018 (CJ133-08/18 refers) Council considered and adopted the most recent Town Planning Delegations.

DETAILS

Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during November and December 2018 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	25	49
Strata subdivision applications	32	28
TOTAL	57	77

Of the 57 subdivision referrals 38 were to subdivide in housing opportunity areas, with the potential for 54 additional lots.

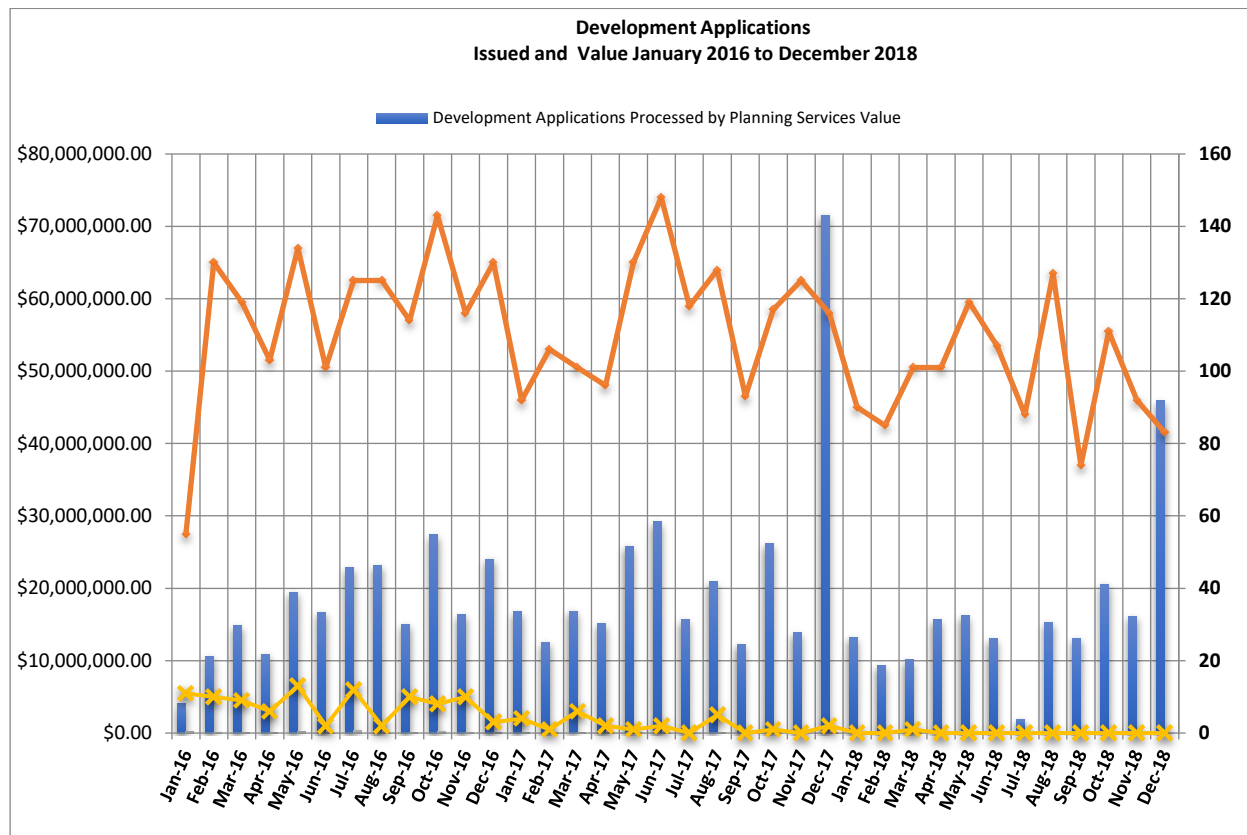
Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	174	\$ 38,083,579
Development applications processed by Building Services	0	
TOTAL	174	\$ 38,083,579

Of the 174 development applications, 33 were for new dwelling developments in housing opportunity areas, proposing a total of 52 additional dwellings.

The total number and value of development applications determined between January 2016 and December 2018 is illustrated in the graph below:



The number of development applications received during November and December was 220. (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 December was 309. Of these, 10 were pending further information from applicants and 17 were being advertised for public comment.

In addition to the above, 499 building permits were issued during the months of November and December with an estimated construction value of \$55,786,651.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

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

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

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

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

Risk management considerations

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

Financial / budget implications

A total of 174 development applications were determined for the months of November and December with a total amount of \$153,540.80 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf190212.pdf](#)

ITEM 2 THIRD PARTY APPEAL RIGHTS

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	00033, 101515
ATTACHMENTS	Attachment 1 WALGA Preferred Model for Third Party Appeals
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 Western Australia Local Government Association's preferred model for third party appeal rights in planning in Western Australia.

EXECUTIVE SUMMARY

An appeal against a planning decision by a person who is not the applicant for that proposal is known as a third party appeal. Third party appeal rights for planning matters currently do not exist in Western Australia.

In 2017, the Western Australian Local Government Association (WALGA) released a discussion paper on third party appeal rights in planning. The discussion paper provided background on WALGA's current policy position and set out the arguments both for and against third party appeals in planning.

WALGA sought feedback on the discussion paper and, at its meeting held on 18 July 2017 (CJ114-07/17 refers), Council resolved to advise WALGA that it supports third party appeals for all planning decisions made by all decision-making bodies and any conditions (or lack thereof) imposed on the approval.

Subsequently, following the feedback received from the sector, WALGA sought further feedback on a preferred model that would allow third party appeal rights on decisions made by a Development Assessment Panel (DAP). At its meeting held on 20 February 2018 (CJ002-02/18 refers), Council resolved to advise WALGA that it supports the suggested model.

At its meeting held on 4 May 2018, WALGA resolved to amend its current policy position and advocate to the State Government for the introduction of third party appeal rights for decisions made by DAPs. WALGA also resolved that further consultation with local government is needed to establish the criteria for the third party appeals. Further workshops were held by WALGA with the sector, and WALGA is now seeking feedback on the details of their preferred model for third party appeals on DAP decisions.

It is recommended that Council supports the proposed preferred model, however it is suggested that the timeframe for local government to appeal DAP decisions be increased to 42 days, and any appeals on a decision on an amended plan be limited to the extent of the amendment. It is also recommended that further investigation be undertaken as to how multiple third party appeals against a single decision will be managed.

BACKGROUND

At its meeting held on 4 May 2018, WALGA resolved that it:

- “1 Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;*
- 2 Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;*
- 3 Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and*
- 4 Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.”*

DETAILS

Council has previously resolved to support the introduction of third party appeals for DAP decisions. WALGA is now seeking feedback on the details of such a system. The preferred model is included at Attachment 1 to this Report and comments are provided below.

Issues and options considered

The WALGA preferred model is summarised below and officer comments are included, as follows:

- *Appeal rights should not be open but limited to parties who have previously made a submission on the application, the responsible authority (such as the local government or Western Australian Planning Commission), or a public authority where a DAP decision is contrary to their advice.*

It is considered appropriate to limit the appeal to those parties that have shown an interest in the proposal, rather than an open invitation to lodge an appeal.

However, the preferred model does not indicate how multiple appeals on a single decision would be dealt with. For example, multiple individuals could lodge an appeal, each on different grounds. While this may be an issue for the State Administrative Tribunal to manage, it is considered important that this be investigated and resolved prior to progressing with third party appeals.

- *The State Administrative Tribunal, through a preliminary hearing, would need to ensure that appeals are made on valid planning grounds and not for commercial or vexatious reasons.*

A preliminary hearing is considered appropriate and necessary to establish the merits of a third party appeal, prior to all parties investing substantial resources and costs.

- *The ability to appeal all DAP decisions such as those applications in the 'opt-in' development cost threshold of \$2 million to \$10 million and those in the compulsory threshold above \$10 million.*

This is considered appropriate; however, it is noted that the prospect of an appeal by a third party on a DAP decision may prompt some applicants not to 'opt in' to the DAP system, preferring to allow the local government to determine the application.

- *The ability to appeal decisions on amendments to existing approvals, but not decisions on the extension of the time of the validity of the approval.*

Further consideration is needed in relation to this aspect. It would be inappropriate if an appeal is made on an amendment that challenges the original approval. Any appeal should be limited to the extent of the amendment and not the application in its entirety given the application has already been determined.

- *The appeal to be made within 28 days of the publication of the minutes detailing the decision. Local governments would need to determine the process to follow in order to decide whether or not to lodge an appeal against a DAP decision.*

How the City / Council decides to appeal a DAP decision does not form part of the preferred model, with this being a decision for each local government. The City would likely need some form of protocol to establish the circumstances as to when an appeal would be lodged.

The model suggests that a 28 day timeframe to appeal a DAP decision is appropriate. The commentary on the preferred model indicates a Special Council meeting may be needed to determine whether an appeal is lodged. The logistics and cost of holding a Special Council meeting within this timeframe are somewhat unrealistic, and it may be more appropriate to increase the timeframe for an appeal by a local government to 42 days to more readily accommodate consideration at an Ordinary meeting of Council, should a Council decision need to be made. Additional consideration would need to be given to instances where a timeframe for an appeal to be lodged occurs within the summer break between the last Ordinary meeting of Council in one year and the first Ordinary meeting of Council in the following year.

- *The appellant would need to cover their own costs and would be counselled in regard to the potential for costs being awarded against them if the appeal is unsuccessful.*

This suggestion is supported.

Legislation / Strategic Community Plan / policy implications**Legislation***Planning and Development Act 2005.***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.

Risk management considerations

There is a risk that there will be a high number of appeals against DAP decisions with an impact on the City's resources in attending the mediation and hearing sessions, as well as providing any information required through the appeal process.

There is also the risk that third parties may lobby Council in order for Council to initiate the appeal and utilise City resources, rather than their own resources.

Financial / budget implications

The preferred model limits an appeal to decisions made by a DAP. Therefore, if an appeal is made a third party (not the local government), the DAP, through the resources of the WAPC, would defend the appeal. The local government may be invited to attend the mediation and hearing sessions.

However, the local government would also have the ability to appeal the decision of a DAP. The cost for a hearing on a relatively uncomplicated matter utilising the assistance of a planning consultant typically ranges between \$15,000 to \$20,000. If legal representation is also required, this could cost the City an additional \$30,000. Costs for a significant matter could cost the City in the region of \$80,000 to \$100,000. The decision to lodge an appeal, however, would rest with the City and Council.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Council has previously supported the concept of third party appeals against DAP decisions. WALGA's preferred model of implementation is considered reasonable, although it is suggested consideration must be given on how multiple appeals on a single decision would be managed, and that the timeframe for local government to appeal be increased to 42 days to be account for Council meeting cycles. It is also considered appropriate for an appeal on an amended proposal be limited to the extent of the amendment.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, in response to the Western Australian Local Government Association's preferred model for third party appeal rights for decisions made by Development Assessment Panels, ADVISES the preferred model is supported subject to:

- 1 consideration being given to how multiple appeals on a single decision would be managed;**
- 2 consideration being given to an increase in the period for a local government to lodge an appeal, to 42 days;**
- 3 consideration being given to limiting appeals on decisions on amended applications to the extent of the amendment, and not permitting the amended approval in its entirety to be the subject of an appeal.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf190212.pdf](#)

ITEM 3 PROPOSED TELECOMMUNICATION INFRASTRUCTURE (REPLACEMENT MONOPOLE AND NEW GROUND EQUIPMENT) AT LOT 557 (35) OCEAN PARADE, ILUKA

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	24466, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Development plans Attachment 3 Photomontage Attachment 4 Environmental EME Report
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 and make a recommendation to the Western Australian Planning Commission (WAPC) regarding a development application for proposed telecommunication infrastructure at Burns Beach Café and Caravan Park – Lot 557 (35) Ocean Parade, Iluka.

EXECUTIVE SUMMARY

An application for planning approval was received by the City on 23 October 2018 for the replacement of an existing telecommunication monopole, antennas and new ground equipment at the Burns Beach Café and Caravan Park at Lot 557 (35) Ocean Parade, Iluka (subject site).

The proposed infrastructure is located close to (approximately 1.5 metres) the existing telecommunications equipment on the site, which is in the south-eastern corner of the existing Burns Beach Café building.

The proposed development has been assessed having due regard to the City's *Local Planning Scheme No. 3* (LPS3), the Western Australian Planning Commission's *State Planning Policy No. 5.2 – Telecommunications Infrastructure* (SPP 5.2) and the City's *Telecommunications Infrastructure Local Planning Policy*.

The proposal was advertised to 266 landowners and occupiers within a 400 metre radius of the development site in accordance with the City's local planning policy. A total of four submissions were received during the advertising period, with two stating no objection and two objecting to the proposal.

Due to the subject site being reserved 'Parks and Recreation' under the *Metropolitan Region Scheme* (MRS), the application does not require planning approval under the City's LPS3. Instead, Council is only required to provide a recommendation to the Western Australian Planning Commission (WAPC) for their determination.

It is considered that the issues raised during consultation in relation to visual impact, impact on the natural environment and necessity for the infrastructure have been addressed by the applicant, and the increase in height and width of the proposed monopole is minor in nature.

As a result, it is recommended that Council supports the proposal, subject to conditions, and forwards its recommendation to the WAPC for consideration.

BACKGROUND

Suburb/Location	Lot 557 (35) Ocean Parade, Iluka.
Applicant	Planning Solutions.
Owner	Crown Land.
Zoning	LPS3 Regional Reserve (MRS – Parks and Recreation).
	MRS Parks and Recreation.
Site area	5,006m ² .
Structure plan	Not applicable.

Lot 557 (35) Ocean Parade, Iluka (subject site) is bound by Ocean Parade to the north, Burns Beach Caravan Park - Lot 556 (35A) Ocean Parade, Iluka to the east, the Iluka Foreshore Reserve to the south and the Burns Beach Foreshore Reserve to the west (Attachment 1 refers).

The subject site is identified as a Regional Reserve under the City's LPS3 and is zoned 'Parks and Recreation' under the MRS.

There is existing telecommunication infrastructure including a monopole and ground equipment located on the site. The proposed replacement monopole is located approximately 1.5 metres away from and is 1.9 metres higher and approximately 0.2 metres wider than the existing monopole. The existing infrastructure will be removed upon completion of the proposed works.

DETAILS

The proposed development consists of the following:

- A new telecommunication monopole (maximum height of 13.2 metres).
- Three antennas fixed to the upper part of the tower, which are screened by a shroud.
- A ground equipment cabinet.
- Removal of the existing monopole, outdoor equipment cabinet and panel antennas.

The development plans and photomontages are located at Attachments 2 and 3 respectively.

An assessment of the proposal against the relevant planning framework is detailed below:

City of Joondalup Telecommunications Infrastructure Local Planning Policy

Clauses 67(g) and (y) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) detail that Council should have due regard to local planning policies and submissions received in the determination of development applications. Accordingly, the City's *Installation of Telecommunications Facilities Policy* is considered below:

- *The provisions outlined in State Planning Policy 5.2: Telecommunications Infrastructure.*

The City has assessed the proposal against the provisions of *State Planning Policy 5.2: Telecommunications Infrastructure* (SPP 5.2), as outlined in the SPP 5.2 section of this Report.

- *Compliance with the Telecommunications Code of Practice 1997.*

The *Telecommunication Code of Practice 1997* was recently repealed and replaced by the *Telecommunication Code of Practice 2018*.

The proposed infrastructure is considered to comply with the code of practice as the subject site has been selected to minimise its impact upon the locality while improving service delivery. Furthermore, it has been demonstrated through the provision of an Environmental EME report that community exposure to electromagnetic energy will comply with the relevant legislation.

- *The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation, and the general visibility of the proposal from surrounding development.*

The applicant has provided indicative photomontages of the proposed infrastructure as viewed from the surrounding locality (Attachment 3 refers). The proposed location of the infrastructure, being adjacent to an existing building and monopole and approximately 140 metres from the nearest residential dwelling, is therefore considered to adequately address this requirement. While the infrastructure will be visible due to its height, its visual impact is generally consistent with the existing monopole located onsite.

- *The merits of the particular proposal, including the need for services to be located to optimise coverage.*

In selecting the site, Telstra identified a lack of adequate mobile network coverage in the immediate area of the subject site and advised that, *"the proposed changes to the existing infrastructure will maintain and improve mobile phone and wireless data coverage to the surrounding commercial and residential area and highway coverage in the locality"*.

- *Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.*

The submissions received are discussed in the consultation section of this Report.

State Planning Policy No. 5.2 – Telecommunications Infrastructure

Clause 67(c) of Schedule 2 of the Regulations details that Council should have due regard to State planning policies in the consideration of development applications. Accordingly, *State Planning Policy No. 5.2 – Telecommunications Infrastructure* is considered below and outlines matters for consideration in determining development applications for telecommunication infrastructure.

Clause 6.3(a), of SPP 5.2, recommends that consideration should be given to the extent to which the proposal adheres to the policy measures, outlined in clause 5, relating the visual impact of above ground infrastructure:

Clause 5.1.1 ii) Telecommunications infrastructure should be designed to minimise visual impact and whenever possible:

- a) *Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites.*

The monopole is located in close proximity to the Burns Beach Foreshore Reserve, however the City does not believe the 1.9 metres of additional height, compared to that of the existing monopole, will significantly impact views.

- b) *Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

As detailed above, the minor relocation and extension in height of 1.9 metres of the infrastructure is not considered to significantly impact views from surrounding properties. In addition, it is considered that the shroud proposed will provide a better aesthetic than the current infrastructure.

- c) *Not be located on sites where environmental or cultural heritage, social and visual landscape values may be compromised.*

The works are to replace the existing telecommunication infrastructure on site. The development will not impact the surrounding area in terms of environmental, cultural, social and visual landscape values.

- d) *Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.*

The proposed galvanised finish of the tower is intended to be unobtrusive, thereby sympathetic to the surrounding landscape. The panel antennas are to be close-mounted and shrouded to reduce the profile and visual impact of the tower.

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 addition to the matters discussed above, the following matters for consideration are relevant to the proposal:

- *Clause 67(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.*

The development is considered appropriate and is not considered to be visually obtrusive to residential properties as the development is located at least 140 metres from the nearest residential dwelling. In addition, as shown in the applicant's photo montages (Attachment 3 refers), the proposed development will not be dissimilar to the existing monopole located on the site.

- *Clause 67(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.*

The subject site is well separated from residential land uses and its location is considered appropriate taking into account it is replacing an existing monopole on site.

- *Clause 67(r) the suitability of the land for the development taking into account the possible risk to human health or safety.*

The applicant has provided an Environmental EME report (Attachment 4 refers) confirming that the proposed development will be compliant with relevant federal legislation which deals with minimisation of health risks in relation to telecommunications infrastructure.

Issues and options considered

Council must consider the proposed telecommunication facility in accordance with the City's local planning policy and state planning policy.

As the subject site is reserved 'Parks and Recreation' under the MRS, planning approval is not required under LPS3. Therefore, Council is only required to provide its comment and recommendation to WAPC in relation to the development.

Council has the discretion to recommend that the application be:

- supported without conditions
- supported with recommended conditions
- or
- not supported.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes)
Regulations 2015.
Telecommunications Act 1997.*

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

*City of Joondalup Telecommunications Infrastructure Local Planning Policy.
State of Planning Policy No. 5.2 – Telecommunications Infrastructure.*

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.*

City of Joondalup's Telecommunications Infrastructure Local Planning Policy

The City's policy sets out provisions for telecommunications facilities deemed not to be 'low impact' under the *Telecommunications (Low-impact Facilities) Determination Act 1997*. In addition to provisions regarding the advertising of an application, the policy sets out the following criteria which Council is to have regard to when considering an application:

- The provisions outlined in *State Planning Policy 5.2: Telecommunications Infrastructure*.
- Compliance with the *Telecommunications Code of Practice 1997*.
- The topography of the site and surrounding area, the size, height and type of the proposed facility, the location and density of surrounding vegetation and the general visibility of the proposal from surrounding development.
- The merits of the particular proposal, including the need for services to be located to optimise coverage.
- Submissions received in response to public consultation, noting that submissions on health or safety grounds cannot be considered.

State Planning Policy No. 5.2 – Telecommunications Infrastructure

The Western Australian Planning Commission's *State Planning Policy No. 5.2 – Telecommunications Infrastructure* provides matters for consideration in determining development applications for telecommunications infrastructure. Clause 6.3(a) requires the consideration of the extent to which the proposal adheres to the policy measures relating to the minimisation of the visual impact of above ground infrastructure. Clause 6.3(b) gives consideration to the necessity of the proposed development in providing optimised coverage.

Risk management considerations

As Council is only providing its comment and recommendation to WAPC regarding the proposal, there is right of review against Council's recommendation, although it is noted that the City may be invited to participate in any SAT review of the WAPC's determination.

Financial / budget implications

In accordance with the *Planning and Development Regulations 2009*, the applicant is not required to pay any fees as the City is not making a determination on the application.

Regional significance

Not applicable.

Sustainability implications

The City recognises the importance of telecommunication facilities in supporting industry development. One of the key strategic initiatives of the City's *Strategic Community Plan 2012 – 2022* is to actively seek opportunities for improving local communication network infrastructure. The proposal will provide improved telecommunication services within the City of Joondalup.

Consultation

The application was advertised to landowners and occupiers within a 400 metre radius of the development site for a period of 21 days in accordance with the local planning policy. Consultation commenced on 14 November 2018 and concluded on 5 December 2018 and was undertaken in the following manner:

- A letter outlining the details of the development proposal was sent to 266 surrounding landowners and occupiers.
- A notice, plans and supporting information was placed on the City's website.

A total of four submissions were received, being two letters of no objection and two letters objecting to the proposal. Based on the 266 letters sent to surrounding landowners and occupiers, this represents an overall response rate of 1.5%.

The issues raised by submitters are summarised below, with the City's response to each concern raised:

- *Impact on the natural environment.*

There will be no clearing of bushland or any other environmental impacts associated with the proposal.

- *The infrastructure is not necessary.*

Telstra have stated that a new free-standing telecommunication monopole is required to facilitate new technologies, provide increased height separation from the existing building and improve mobile telephone network coverage in the locality.

- *Visual impact.*

The applicant has provided photomontages as a comparison between the existing and proposed telecommunication monopoles (Attachment 3 refers). The photomontages demonstrate that the proposed infrastructure will not unduly impact the visual amenity of the area due to the minor difference in size and location of the existing monopole. As the development is located greater than 140 metres from surrounding residential dwellings, the minor increase in height and width of the proposed monopole will not be significantly noticeable.

COMMENT

As outlined above, it is considered that the development is appropriate and meets the requirements of relevant legislation and policies.

It is therefore recommended that Council supports the proposal, subject to recommended conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **SUPPORTS** the application for development approval, dated 23 October 2018 submitted by Planning Solutions, for the proposed Telecommunication Infrastructure (Replacement monopole and new ground equipment) at Lot 557 (35) Ocean Parade, Iluka, subject to the following recommended conditions:
 - 1.1 This approval relates to the telecommunications infrastructure and associated works only, as indicated on the approved plans. It does not relate to any other development on the lot;
 - 1.2 The existing monopole and associated ground equipment shall be removed within 90 days from the erection and installation of the proposed telecommunication infrastructure;
 - 1.3 All development shall be contained within the property boundaries;
 - 1.4 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
 - 1.5 The external surface of the development shall be finished in materials and colours that have low reflective characteristics and are unobtrusive, to the satisfaction of the City;
 - 1.6 The works are to be established and thereafter maintained to the specifications and satisfaction of the City;
- 2 **NOTIFIES** submitters of its recommendation;
- 3 **FORWARDS** its recommendation to the Western Australian Planning Commission for their consideration and ultimate determination of the proposed development application.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf190212.pdf](#)

ITEM 4 PROPOSED CURRAJONG CRESCENT LOCAL DEVELOPMENT PLAN, CRAIGIE – CONSIDERATION FOLLOWING PUBLIC CONSULTATION

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	107546, 101515
ATTACHMENTS	Attachment 1 Location plan Attachment 2 Proposed Local Development Plan Attachment 3 Schedule of modifications
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 proposed Local Development Plan for Lot 1 (32) and Lot 2 (38) Currajong Crescent, Craigie, following public consultation.

EXECUTIVE SUMMARY

The *Camberwarra Local Structure Plan* was approved by the Western Australian Planning Commission (WAPC) in January 2015 and provides guidance for the development of the former Camberwarra Primary School site. The majority of the structure plan area has been developed, however Lots 1 (32) and 2 (38) Currajong Crescent are currently vacant.

Being larger lots, it was originally envisaged that Lots 1 (32) and 2 (38) Currajong Crescent would be developed for grouped or multiple dwellings. However, approval was granted by the WAPC in November 2018 for the subdivision of the two lots into 11 single residential lots. A condition of that approval was that a Local Development Plan be prepared and approved to address site constraints associated with development of the new lots.

The applicant has now prepared and submitted a draft Local Development Plan for consideration which addresses the future built form in relation to boundary to boundary development, garage setbacks and locations, and minimum front setbacks to Currajong Crescent. The provisions contained within the Local Development Plan prevail over the corresponding standards contained in the *Camberwarra Local Structure Plan* and / or the Residential Design Codes of Western Australia (R-Codes).

The proposed Local Development Plan was advertised for public comment. No submissions were received.

It is considered that, subject to modifications, the proposed Local Development Plan will address the matters outlined in the condition of subdivision approval and will not have a detrimental impact on the amenity of the adjoining residential area. It is recommended that Council approves the proposed Local Development Plan, subject to modifications.

BACKGROUND

Suburb/Location	Lot 1 (32) and Lot 2 (38) Currajong Crescent, Craigie.
Applicant	Rowe Group.
Owner	ABN Projects Pty Ltd.
Zoning	LPS Urban Development.
	MRS Urban.
Site area	1, 529m ² and 1,541m ² .
Structure plan	<i>Camberwarra Local Structure Plan.</i>

Lot 1 (32) and adjoining Lot 2 (38) Currajong Crescent are located at the northern boundary of the *Camberwarra Local Structure Plan* area. The site is bounded by Currajong Crescent to the north, Summit Lane to the south, Argus Close to the west and Pinnacle Road to the east. The surrounding residential area is a mix of established low density to the north and west and medium density to the south and east (Attachment 1 refers).

The *Camberwarra Local Structure Plan* was adopted by the WAPC in January 2015 and the subsequent subdivision of the site into 41 residential lots was approved by the WAPC in July 2017. The *Camberwarra Local Structure Plan* area has a mix of residential densities ranging from R30 to R60, with the latter applying to the subject site. The majority of the *Camberwarra Local Structure Plan* has now been developed with the subject lots remaining undeveloped.

Initially envisaged for the development of grouped or multiple dwellings, the applicant has indicated that the current market has dictated this is unviable for the subject lots. Approval for 11 residential lots was granted by the WAPC in November 2018, with all lots accessed from the rear lane (Summit Lane). During the assessment of the subdivision, it was recognised by both the City and the owner that several site constraints would impact on the development of the lots and the ability to ensure compliance with the provisions of the *Camberwarra Local Structure Plan*. As such condition (7) of the subdivision approval requires that:

Local Development Plan(s) being prepared and approved for lots shown on the plan dated 23 October 2018 (attached) that address the following:

- *Boundary walls being provided to both side lot boundaries.*
- *Garage / carport setbacks of 1.0 metre from the rear laneway to the satisfaction of the Western Australian Planning Commission.*

The proposed Local Development Plan, to be known as *Currajong Crescent Local Development Plan*, addresses the above as well as additional built form constraints associated with the site.

DETAILS

A Local Development Plan (Attachment 2 refers) has been submitted for the proposed 11 residential lots within the *Camberwarra Local Structure Plan*, as required by a condition of the subdivision approval, to address development constraints associated with the site. The provisions proposed are as follows:

- A two metre minimum primary street setback to the dwellings applies to Currajong Crescent.
- Nil side setbacks to both side boundaries are permitted, with a maximum height of 3.5 metres and no maximum wall length.
- The garages / carports are to be set back a minimum of one metre from Summit Lane and located as designated on the Local Development Plan.
- The gradient of the crossover / driveways to all lots is to be a maximum of one in four.

The applicant has provided the following justification in relation to the proposed provisions, some of which are additional to those requested under the condition of subdivision approval.

Boundary setbacks

Street setbacks are proposed to provide a consistent and uniform streetscape to allow for contemporary housing typologies to be constructed with parapet walls to adjoining properties. This is considered appropriate and meets the 'design principles' of Clause 5.1.2 Street Setbacks of the R-Codes through providing for a uniform built form interface, provision of adequate open space, parking and landscaping. The building designs will positively contribute to the prevailing development context and streetscape with the additional boundary wall provisions allowing residents to maximise the extent of internal area available for residents, without significantly impacting on the amenity of neighbouring properties.

Officer comment

Currently, the *Camberwarra Local Structure Plan* requires a dwelling within the R60 code to be set back from the front boundary a minimum of three metres and a maximum of five metres. It is proposed within the Local Development Plan to allow a two metre setback from the front boundary. This proposed street setback aligns with the permitted street setback for R60 dwellings under the R-Codes. It is also noted that the properties located adjacent to the subject site to the north and west, located outside of the *Camberwarra Local Structure Plan*, are coded R20/40, and are permitted a minimum street setback of two metres at the higher R40 code. It is therefore considered that the proposed street setback of a minimum of two metres will be consistent with the future development in the area.

The subdivision has been approved with lot widths of 7.5 metres to nine of the 11 lots, with the two corner lots being slightly wider, given their corner locations. Given the lot widths, it is highly likely that building up to both side boundaries will be desired to maximise the internal area of the dwellings. The proposed Local Development Plan recognises this and allows boundary to boundary development as a right. Although no maximum length of boundary wall is specified, the walls are to be no higher than 3.5 metres. The nil setbacks to the side boundaries will allow for more effective use of space given the narrow lot widths, and the dwellings will still be required to provide the required amount of open space, outdoor living areas and solar access.

Street fencing

It is noted that the *Camberwarra Local Structure Plan* requires front fencing to be visually permeable above 1.2 metres from natural ground level, however it can be a maximum of 1.8 metres high. In considering the above potential built form outcomes, with dwellings set back two metres from the street with nil side setbacks, it is considered preferable that front fencing be kept low to assist in avoiding a 'closed in' streetscape. It is considered that low fencing would produce a better built form outcome that would positively contribute to both the prevailing and future streetscape. It is therefore recommended that the Local Development Plan include a provision that front fencing be a maximum of 900mm high.

Garage / Carports

Garage locations have been pre-determined based on required retaining wall and crossover locations, as identified by the Civil Engineer...The LDP also includes a provision requiring the maximum crossover / driveway gradient to be of 1 in 4. A 1.0 metre minimum laneway setback has been included as per Condition 7 of WAPC Approval 156972.

Officer comment

The proposed Local Development Plan refers specifically to a maximum crossover / driveway gradient of one in four. However, it is considered more appropriate that this reference be deleted, as crossover / driveway gradients are already required to be in accordance with Australian Standard AS2890.1:2004 (AS2890.1) as outlined by the *Residential Design Codes*.

During the assessment of the subdivision, it was identified that a one metre minimum setback for garages / carports to the laneway may be required to ensure that driveway and crossover gradients can achieve the requirements of Australian Standard AS2890.1. However, following the submission of detailed engineering drawings to the City, it was identified that compliance with AS2890. One could only be achieved with a minimum four metre setback for garage / carports to the laneway. It is therefore considered appropriate to amend the reference to a one metre minimum garage setback to the laneway, to a four metre minimum setback.

Other modifications

Attachment 3 summarises a list of additional minor modifications that are recommended to be made to the Local Development Plan, including:

- updating references to reflect *Local Planning Scheme No. 3 (LPS3)*
- removal of superfluous details not required to be addressed under an Local Development Plan
- aligning the Local Development Plan more closely with the provisions and intent of the *Camberwarra Local Structure Plan*
- minor wording changes.

The proposed Local Development Plan also provides additional provisions in relation to retaining walls and their construction, however these are not considered relevant planning considerations and are recommended to be deleted.

Issues and options considered

Under the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*, the options available to Council regarding the Local Development Plan include:

- approve the Local Development Plan
- require the applicant who prepared the Local Development Plan to:
 - modify the Local Development Plan in the manner specified by the local government
 - resubmit the modified Local Development Plan to local government for approval
 or
- refuse to approve the Local Development Plan.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *State Planning Policy 3.1: Residential Design Codes.*

Planning and Development (Local Planning Schemes) Regulations 2015 - Local Development Plans

Local Development Plans are determined by the local government in accordance with Clause 52(1) of Schedule 2 of the Regulations and must do so within 60 days from the last day of public consultation.

The local government has the ability to approve, require modifications or refuse the Local Development Plan, taking into account the submissions received during advertising.

When an area is covered by a Local Development Plan that has been approved by a local government, the local government must have due regard to, but is not bound by, the Local Development Plan when deciding an application for development approval.

Risk management considerations

The applicant has a right of appeal through the *State Administrative Tribunal Act 2004* should Council determine to refuse the Local Development Plan, not determine the Local Development Plan within 60 days from the last day of advertising or approve the Local Development Plan subject to conditions / modifications that the applicant does not support.

Financial / budget implications

The applicant has paid fees of \$3,003.64 (including GST) for assessment of the Local Development Plan.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The proposed Local Development Plan was advertised for public comment for a period of 21 days, closing on 23 January 2019, as follows:

- A total of 27 letters were sent to landowners and occupiers within the vicinity of the lots forming part of the Local Development Plan.
- A notice and documents placed on the City's website.

No submissions were received.

COMMENT

The proposed Local Development Plan addresses site constraints associated with the development of Lot 1 and Lot 2 Currajong Crescent into 11 single residential lots that were not necessarily envisioned under the provisions of the *Camberwarra Local Structure Plan*. In addressing these as a part of a Local Development Plan, the development standards will provide for certainty and a continuity in built form for development on the lots.

The Local Development Plan proposes minor modifications to the *Camberwarra Local Structure Plan* and R-Codes, while still ensuring that the residential built form maintains the overall objectives envisioned for the area under the structure plan. It is therefore recommended that Council approves the proposed Local Development Plan, subject to modifications.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **REQUIRES** the applicant to modify the proposed Currajong Crescent Local Development Plan included as Attachment 2 to this Report, as outlined within the schedule of modifications included as Attachment 3 to this Report;
- 2 pursuant to clause 52 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVES** the Currajong Crescent Local Development Plan included as Attachment 2 to this Report, subject to the Local Development Plan being modified in accordance with the schedule of modifications included in Attachment 3 to this Report as outlined in Part 1 above.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf190212.pdf](#)

ITEM 5 PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - PORTION OF LOT 600 (76) TREETOP AVENUE, EDGEWATER (EDGEWATER PRIMARY SCHOOL)

WARD	North Central	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	107791, 101515	
ATTACHMENTS	Attachment 1	Location plan
	Attachment 2	Scheme amendment map
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider an application to initiate an amendment to *Local Planning Scheme No. 3* to rezone a portion of Lot 600 (76) Treetop Avenue, Edgewater, from 'Residential' to 'Public Purposes' local reserve.

EXECUTIVE SUMMARY

The City has received an application to initiate an amendment to *Local Planning Scheme No. 3* (LPS3) on behalf of the Department of Education as the owners of Lot 600 (76) Treetop Avenue, Edgewater. The north-west portion of the site, the subject of this amendment, is zoned 'Residential' with a density coding of R20 and is currently vacant. The remainder of the site is reserved 'Public Purposes' and is developed with Edgewater Primary School.

At its meeting held on 19 February 2008 (CJ018-02/08 refers), Council adopted Amendment No. 39 to *District Planning Scheme No. 2* (DPS2) to re-zone 4,478m² of the subject land from 'Local Reserve – Public Use (Primary School)' to 'Residential'. The amendment was approved by the Minister for Planning and became effective on 7 December 2008. The owner's intention at that time was to subdivide the 'Residential' zoned land into six lots as this portion of land was considered surplus to the needs of the school.

The applicant has indicated that following approval of the subdivision detailed geotechnical investigations found the site was not viable to develop. In 2016, the Department of Education made a request to the Department of Lands to re-amalgamate the lots created through the subdivision back into the parent school reserve. The amalgamation was approved in July 2017 and the school site became Lot 600.

The scheme amendment is considered to be a 'standard' amendment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations). As the intent of the proposed scheme amendment is to revert the designation of the subject site back to 'Public Purposes', it is recommended that Council initiate the proposed amendment to LPS3 for the purposes of public advertising for a period of 42 days.

BACKGROUND

Suburb/Location	Lot 600 (76) Treetop Avenue, Edgewater.
Applicant	Elton Consulting.
Owner	Department of Education - School Resourcing and Budgeting Directorate.
Zoning	LPS Residential and Public Purposes.
	MRS Urban.
Site area	50,003m ²
Structure plan	Not applicable.

The subject portion of Lot 600 (76) Treetop Avenue is zoned 'Residential' under LPS3 and has a residential density code of R20. The area of the site that is the subject of this amendment is bounded by Regatta Drive to the west, residential properties with a density code of R20 to the north and Edgewater Primary School to the south and east (Attachment 1 refers).

At its meeting held on 19 February 2008 (CJ018-02/08 refers), Council adopted Amendment No. 39 to DPS2 which rezoned the subject area from 'Local Reserve – Public Use (Primary School)' to 'Residential'. The scheme amendment was approved by the Minister for Planning and subsequently published in the *Government Gazette* on 7 December 2008. Subdivision approval was granted by the Western Australian Planning Commission on 5 May 2009 with the site being subdivided into Lot 500, comprising the Edgewater Primary School and Lot 501, comprising the residential zone.

The applicant has indicated that, following approval of the subdivision, detailed geotechnical investigations found areas of the site too unstable and economically unviable to develop.

The landowner subsequently made a request to the Department of Lands to re-amalgamate Lot 500 and Lot 501 into one. The request was approved, and Lot 600 was created on 7 July 2017.

While there is limited utilisation of this land by Edgewater Primary School, it is anticipated that, should the amendment proceed, further investigations will be undertaken into the potential use of this land by the school.

DETAILS

An application has been received from Elton Consulting on behalf of the Department of Education - School Resourcing and Budgeting Directorate to initiate an amendment to LPS3 to change the existing 4,478m² north-west portion of Lot 600 (76) Treetop Avenue, Edgewater, from the 'Residential' zone to the 'Public Purposes' local reserve (Attachment 2 refers). The remainder of the site containing Edgewater Primary School is reserved 'Public Purposes' under LPS3.

The land is predominantly surrounded by low density residential housing, and the rezoning is consistent with the original intent of the lot prior to Amendment 39 to DPS2.

The applicant has provided the following justification in support of the proposed scheme amendment:

- *The "dual zoning" of Edgewater Primary School should be rationalised to the 'Public Use – Primary School' local reservation, as the intended residential development of the surplus land (at density R20) is no longer being pursued.*
- *The current 'Residential (R20)' density is redundant.*

- *Currently Edgewater Primary School is unable to utilise the portion of Reserve 38223 zoned 'Residential' as the land use 'Educational Establishment' is an "X" prohibited use in the 'Residential' zone.*
- *The 'Residential' zoned land was formerly 'Public Use – Primary School' until Amendment 39 reclassified the land to 'Residential' zone in 2008. The proposed amendment will revert the land back to its original public use reservation.*
- *The rationalisation of the 'Residential' zone to public use (local reservation) will provide greater certainty for the local community as to its future land use and will allow Edgewater Primary School to lawfully use the land for primary school educational purposes.*

Issues and options considered

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

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

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development Act 2005.
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.

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 of the *Planning and Development Act 2005* along with the LPS Regulations enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is consistent with the objectives of the 'Public Purposes' zone by providing additional community infrastructure, has minimal impact on the locality and does not result in any significant impacts on land within the City of Joondalup, it is considered to be a standard amendment under the LPS Regulations.

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

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

Local Planning Scheme No. 3

It is proposed to rezone the subject site to the 'Public Purposes' local reserve. Table 2 of LPS3 sets out the objective of the 'Public Purposes' reserve as being "to provide for a range of essential physical and community infrastructure."

Risk management considerations

Should Council elect not to proceed to advertise the amendment, the amendment will not progress any further, unless Council is directed to by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

Financial / budget implications

The applicant has paid fees of \$6,800.34 (including GST) to cover all costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising, as the applicant is required to cover these costs separately.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Should Council initiate the scheme amendment, it is required to be advertised for public comment for 42 days. It is proposed that advertising will be by way of:

- letters to adjoining and nearby landowners
- a notice placed in the *Joondalup Community Newspaper*
- a notice placed on the City's website
- documents displayed at the City's Administration building
- letters to relevant service authorities
- a sign on the site.

COMMENT

The proposed scheme amendment will effectively revert the land back to the previous public reserve status. Reverting the designation under LPS3 from the 'Residential' zone to a 'Public Purposes' local reserve is considered appropriate as it will allow for management of the land for school purposes, consistent with the objective under LPS3. The six lots that were created subsequent to the zoning of portion of the lot 'Residential' have already been amalgamated back into the parent reserve.

It is therefore recommended that Council initiates the proposed standard amendment to LPS3 for the purposes of public advertising.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 47 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to proceed to advertise Scheme Amendment No. 2 to the *City of Joondalup Local Planning Scheme No. 3* to amend designation of portion of Lot 600 (76) Treetop Avenue, Edgewater, from the 'Residential' zone to the 'Public Purposes' local reserve, as depicted in Attachment 2 to this Report, for the purpose of public advertising for a period of 42 days;
- 2 Pursuant to Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* NOTES that Scheme Amendment No. 2 is a standard amendment as the proposal is consistent with the objective identified within the 'Public Purposes' reserve of the *City of Joondalup's Local Planning Scheme No. 3*.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf190212.pdf](#)

ITEM 6 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 6 November 2018 to 31 January 2019
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 6 November 2018 to 31 January 2019.

EXECUTIVE SUMMARY

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

It is therefore recommended that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 6 November 2018 to 31 January 2019, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 6 November 2018 to 31 January 2019, 22 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70 Notification	11
Withdrawal of Caveat	3
Deed of Extension of Licence	1
Lease	2
Licence	3
Deed of Renewal of Lease	1
Contract of Sale	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 implications

Not applicable.

Current financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

The Council **NOTES** the Schedule of Documents executed by means of affixing the Common Seal for the period 6 November 2018 to 31 January 2019, as detailed in Attachment 1 to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf190212.pdf](#)

ITEM 7 MINUTES OF EXTERNAL COMMITTEES

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	03149, 41196, 101515	
ATTACHMENTS	Attachment 1	Minutes of Mindarie Regional Council meeting held on 6 December 2018.
	Attachment 2	Minutes of Tamala Park Regional Council meeting held on 6 December 2018
	<i>(Please note: These minutes are only available electronically).</i>	
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of Mindarie Regional Council meeting held on 6 December 2018.
- Minutes of Tamala Park Regional Council meeting held on 6 December 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.

Mindarie Regional Council Meeting – 6 December 2018

A meeting of the Mindarie Regional Council was held on 6 December 2018.

At the time of this meeting Cr Mike Norman and Cr Russ Fishwick, JP were Council's representatives at the Mindarie Regional Council meeting.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Mindarie Regional Council meeting:

9.3 Adoption of the 2018 Annual Report.

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

- 1 notes the recommendation of the Audit Committee meeting held on 7 November 2018 to adopt the Financial Report for the year ended 30 June 2018;*
- 2 adopts the Annual Report for the year ended 30 June 2018, which includes the Financial Report detailed in 1 above;*
- 3 approves the transfer of \$2.5 million from retained earnings to the post closure reserve.*

(Absolute Majority required).”

14.1 Confidential – CEO Key Performance Indicators 2018-19.

It was resolved by the Mindarie Regional Council as follows:

“That the recommendation, as laid out in the Confidential Attachment 1, with minor amendments, be adopted.”

Tamala Park Regional Council Meeting – 6 December 2018

A meeting of the Tamala Park Regional Council was held on 6 December 2018.

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

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the Tamala Park Regional Council meeting:

9.18 Confidential – CEO Performance Review 2017-18.

It was resolved by the Tamala Park Regional Council as follows:

“That the Council APPROVES:

- 1 *The CEO has met the performance requirements set by Council for 2017-18;*
- 2 *A salary increase of 1.0 per cent;*
- 3 *The KPIs are reviewed and consolidated;*
- 4 *The Council and the CEO mutually agree on Key Performance Indicators for 2018-19.”*

9.19 Confidential – CEO further Contract of Employment

It was resolved by the Tamala Park Regional Council as follows:

“That the Council:

- 1 *COMMENCES discussions with Mr Arias regarding a further Contract of Employment as TPRC CEO, in accordance with the terms of the TPRC CEO Contract of Employment 2014;*
- 2 *That Ms Helen Hardcastle (Learning Horizons (LH)) be engaged to assist Council regarding these discussions of a further Contract of Employment to the current TPRC CEO.”*

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 Mindarie Regional Council meeting held on 6 December 2018 forming Attachment 1 to this Report;
- 2 Tamala Park Regional Council meeting held on 6 December 2018 forming Attachment 2 to this Report.

To access this attachment on electronic document, click here: [External Minutes190212.pdf](#)

ITEM 8 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 4 DECEMBER 2018

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	107128, 101515
ATTACHMENTS	Attachment 1 Minutes of the Annual General Meeting of Electors held on 4 December 2018
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 Minutes of the Annual General Meeting of Electors held on 4 December 2018 and to give consideration to the motions carried at that meeting.

EXECUTIVE SUMMARY

The Annual General Meeting of Electors of the City of Joondalup was held on 4 December 2018 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

BACKGROUND

The City's Annual General Meeting of Electors was held on 4 December 2018 in accordance with section 5.27 of the Act. The meeting was attended by 14 members of the public, with a total of nine motions carried at the meeting.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any motions passed at an Electors' meeting are not binding on the Council; however, Council is required to consider them.

DETAILS

Issues and options considered

The Motions passed at the Annual General Meeting of Electors are set out below:

MOTION NO. 1

MOVED Mrs S Wilberforce, SECONDED Mr M Moore that we the electors of the City of Joondalup REQUEST that Council make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated. Such payment to be the same dollar for dollar amount as the subscription fee paid by the City of Joondalup to the West Australian Local Government Association in the applicable year and that Council directs the Chief Executive Officer to immediately implement this decision.

Officer's comment

The WA Local Government Association (WALGA) was formed in December 2001 and is the peak industry body that advocates on behalf of all Western Australian local governments. Although WALGA is not a government department or agency, its existence is well recognised by the WA State Government, through its activities and consultation processes, as well as at a national level, through the Australian Local Government Association (ALGA) and membership representation on the ALGA Board.

As part of annual membership subscriptions, local governments can access a range of advocacy and advice services, subscriptions and common supplier arrangements. WALGA has a constitution, is supported by a corporate structure and the WALGA State Council. Local governments are also represented on the various zones that WALGA has established, with representatives from the Cities of Joondalup, Wanneroo and Stirling forming part of the North Metropolitan Zone. The City's 2017-18 annual subscription to WALGA was \$73,634 (excluding GST).

At the Annual General Meeting of Electors, it was purported that WALGA was not advocating on behalf of residents and communities and the West Australian Ratepayers and Residents Association would fill this void, therefore funding support should be given. It appears that the West Australian Ratepayers and Residents Association is a newly formed incorporated body by a resident in Applecross, however there is no further detail publicly available about this incorporated body. The City should not be giving funding support to any entity that is not known to the City, or indeed its philosophies or overall intent, governance structure or operations are unclear. While not necessarily relevant to the electors' motion, the City takes out an annual public liability insurance policy on behalf of all resident and ratepayer associations within the City's district.

Local governments have a Council made up of representatives that are elected to represent the interests of electors, ratepayers and residents of the entire district. It can be difficult at times balancing the needs of the entire community as opposed to advocating on behalf of a small minority of people, or a few, or on behalf of the people that have elected them. Notwithstanding the structure of local government, and indeed the provisions of the *Local Government Act 1995* provides that there must be adequate representation of the community on Councils of local governments and this should be satisfactory, as opposed to funding a third-party organisation.

It is also understood that a similar motion has been put to a wide variety of local governments at their respective Annual General Meeting of Electors.

Officer's recommendation

That Council DOES NOT SUPPORT an annual payment being made to the Western Australian Ratepayers and Residents Association, similar to the subscription payment made to the Western Australian Local Government Association.

MOTION NO. 2

MOVED Ms J Quan, SECONDED Ms M O’Byrne that we the electors of the City of Joondalup REQUEST that Council with regard to the bulk hard waste collection:

- 1 improves the hard waste collection to eliminate the health and safety risks for residents;**
- 2 compares the cost and effect of the current green waste and hard waste system to the City of Swan’s ‘on call’ verge collection system.**

Officer’s comment

- 1 Improves the hard waste collection to eliminate the health and safety risks for residents.**

It is not possible to eliminate the health and safety risks to residents for the bulk hard waste service. It has always been the responsibility of residents to remove bulk hard waste from the property to the verge. The introduction of skips has reduced this risk as skips minimise the risk due to trip hazards and windblown items placed loosely on verges. The manual handling risk of moving large objects can be minimised by size, reducing large items before they go into skips. This risk has been further mitigated by offering a lounge suite collection in-lieu of a skip.

Further to Council’s decision at its meeting held on 15 May 2018 (CJ083-05/18 refers), the City is considering further options to provide assistance to residents that cannot load bulk hard waste items from the verge into the skip bin. The City will provide an update to Council before the end of the financial year. Residents who fall within this category are encouraged to contact the City so that advice and assistance can be provided.

- 2 Compares the cost and effect of the current green waste and hard waste system to the City of Swan’s ‘on call’ verge collection system.**

The City of Swan offers the following ‘on request’ verge collection system:

- 1 Two requests per year and can be a combination of general or green waste collections.
- 2 Only items that are booked can be collected.
- 3 All collections are limited to three cubic metres.
- 4 Mattress collections are undertaken separately and are limited to three per year.
- 5 Residents are given a choice of five dates.
- 6 Guide of setting out waste is very specific.
- 7 Additional green waste and general waste collections are available for a fee.
- 8 Only rural properties receive tipping vouchers.

The City of Joondalup provides a containerised bulk hard waste verge collection service. This was endorsed by Council at its meeting held on 15 March 2016 (CJ042-03/16 refers) and was recommended in order to reduce the amount of waste the City sends to landfill, reduce the cost of delivering the service and the City’s service better aligns with the *Better Practice Verge Side Collection Guidelines*.

At its meeting held on 15 May 2018 (CJ083-05/18 refers), following a response to a petition, Council endorsed the following amended bulk hard waste service:

- One three cubic metre skip bin for bulk hard waste.
- One collection of up to six mattresses.
- One collection of up to four whitegoods.
- One additional three cubic metre bulk hard waste skip at a charge based on the City's contracted rates.

Residents within the City of Joondalup also receive one scheduled bulk green waste collection per year. The current contract is due to expire at the end of June 2020. As per Council's decision at its meeting held on 20 March 2018 (CJ047-03/18 refers), the City will be undertaking a review of this service.

City of Swan	City of Joondalup	Comment
Refuse charge \$416.	Refuse charge \$346.	City of Joondalup rate has remained the same for five years.
E-Waste included in three cubic metres allocation and needs to be separated from other waste types.	Unlimited E-waste. Two events held per year.	City of Joondalup provides a higher level of service.
Metal / white goods included in three cubic metres allocation and needs to be separated from other waste types.	Separate collection up to four items in addition to three cubic metre skip.	City of Joondalup provides a higher level of service.
Resident must list items when booking the service.	Extensive list of allowable items.	City of Joondalup provides a higher level of service.
Three mattresses.	Six mattresses.	City of Joondalup provides a higher level of service

For the City to reinstate a loose collection, it is anticipated that the increased cost for this service would be over \$2 million per annum. Therefore the City does not intend to amend its bulk hard waste service at this time.

Officer's recommendation

That Council NOTES:

- 1 *improvements have been made to the City's hard waste collection to further eliminate health and safety risks;*
- 2 *a comparison of the hard waste service between the City of Joondalup and the City of Swan indicates the City of Joondalup hard waste service is cheaper and more effective.*

MOTION NO. 3

MOVED Mr M Dickie, SECONDED Mr M Moore that Council NOTES that despite all current climate measures and policies, Australian cities are getting hotter and resolves to use all means in its power to seek and implement much stronger measures at individual, community, State, Federal and planetary levels to leave to our children an environment that is not massively hotter and more stressed than the one that we inherited.

Officer's comment

Climate change is a global, national and local issue. Climate change adaptation and mitigation is the responsibility of all spheres of government as well as businesses, the community and individuals. While the City recognises that local government has an important role in addressing climate change, it is also important to recognise that many strategies are outside of the statutory responsibility or influence of local government. The City takes its responsibilities, in regard to addressing climate change, very seriously and has developed actions and projects within the *Climate Change Strategy* that aim to mitigate and adapt to climate change. These actions are targeted to where local government can have direct or indirect influence and therefore achievable outcomes.

2018-19 is the final year of implementation of the City's *Climate Change Strategy* and a major review of the strategy and the City's emission reduction targets will be undertaken in 2019-20.

As part of the review process the City will consider what additional actions are within the scope of local government which could be taken by the City to address climate change issues.

It is not considered feasible for the City to seek to implement actions that are the responsibility or scope of other levels of government as this would result in those actions being unachievable. Instead, the City works in partnership with other spheres of government and the community to plan for and manage the impacts of climate change.

Officer's recommendation

That Council SUPPORTS other spheres of government and the broader community implementing strategies to address climate change, NOTING the City has developed a Climate Change Strategy as a way to mitigate and adapt to climate change at a local level.

MOTION NO. 4

MOVED Ms M O'Byrne, SECONDED Ms J Quan that we the electors of the City of Joondalup REQUEST that Council makes the audio recording for all Briefing Session meetings available to the public.

Officer's comment

For some time, the City has operated a decision-making process of monthly Strategy Sessions, Briefing Sessions and Council meetings. The primary purpose of Briefing Sessions is to inform elected members on the items of business to be presented and discussed at the forthcoming Council meeting, where questions and further clarity can be sought.

In support of transparency and accountability, Briefing Sessions are open to the members of the public, and question and statement time is also permitted, including the ability for parties to make deputations. However, Briefing Sessions are not a decision-making forum, and not all items or reports are discussed.

The City currently streams the audio of its Council meetings on its website, and also makes available the audio recording soon after the meeting is complete. However legal issues around audio streaming of meetings have been widely publicised and have been critical of this activity, considering the decisions a Council has to make; elected members' various roles at meetings; the limited protection offered to elected members and others from defamation; and transmitting data across a wide, and more so, global audience.

In view that Briefing Sessions are not the formal decision-making forums of the City, the current practices of only streaming and making available the audio recording of Council meetings, should be maintained.

Officer's recommendation

That Council DOES NOT SUPPORT audio recordings of Briefing Sessions being made available to members of the public, NOTING the audio of Council meetings is available to members of the public as well as streamed live, on the City's website.

MOTION NO. 5

MOVED Ms N Dangar, SECONDED Ms M O'Byrne that we the electors of the City of Joondalup REQUEST that Council restores its old website in an archive section of the City of Joondalup's website as the current website does not include anything before the launch of the new website. Previous information should be available for public information.

Officer's Comment

The City's new website was launched in July 2018 following extensive internal development and a review of the existing and current information on the former website. The City's new website has been created based on best practice standards which also included user testing and analysis from representatives from the City's Community Engagement Network.

With any website platform, information is often deleted where it is deemed no longer necessary. This included information around Amendment No. 73 as this amendment related to the City's *District Planning Scheme No. 2* which has recently been superseded by the City's *Local Planning Scheme No. 3*.

Although the City does not support the restoration of the City's former website, an archival copy of it can be viewed through the National Library of Australia's website (<http://webarchive.nla.gov.au/gov/20170218181927/http://www.joondalup.wa.gov.au/Homepage.aspx>) that periodically archives government websites. However the content of the archival website cannot be guaranteed as being accurate or up to date as of this time.

Officer's recommendation

That Council DOES NOT SUPPORT the restoration of the City's old website and NOTES any current information the City has deemed worthy of retention can be found on the City's new website.

MOTION NO. 6

MOVED Ms J Quan, SECONDED Ms M O'Byrne that we the electors of the City of Joondalup with respect to meeting procedures REQUEST that:

- 1 statement time be extended for 15 minutes maximum on two occasions during a Briefing Session and an Ordinary Council meeting;**
- 2 all meeting agendas to be published seven days before the meeting date, including, but not limited to:**
 - 2.1 Briefing Sessions / ordinary Council meetings;**
 - 2.2 Annual General Meeting of Electors or Special Meetings of Electors;**
 - 2.3 Committee meetings;**
- 3 the Annual General Meeting of Electors be scheduled on a date when no Briefing Session meeting or Ordinary Council Meeting is being held.**

Officer's comment

In response to part 1 of the electors' motion, the procedures for Strategy Sessions, Briefing Sessions and Council / Committee meetings was last endorsed by Council at its meeting held on 19 November 2013 (CJ213-11/13 refers). These procedures can be adopted by Council under the City's *Meeting Procedures Local Law 2013* and have been developed to enable efficient and effective meetings to be conducted. Under these procedures, public question time can be extended by 10 minutes on two occasions above the 15-minute time limit, whereas public statement time is only set at 15 minutes. While public statement time is not mandated by legislation, some local governments afford the community to make public statements at meetings. Although public participation at meetings is important for transparency, accountability and inclusiveness, the business of a meeting should commence and proceed in a timely manner, in view of the business that a Council will need to undertake at any given meeting.

It also needs to be recognised that members of the public are not prevented from interacting with the City's administration, elected members, or the Council (through the lodgement of petitions) should they have concern with a matter or an activity of a local government. Local governments continually engage with their communities through various consultation and engagement processes where members of the community can also have their opinions and views heard. In view of this, public statement time is only one of many avenues for members of the community to engage and voice their opinions on the activities of the City. Notwithstanding the extension of public statement time may be an issue Council may wish to consider when it next reviews the procedures for Strategy Sessions, Briefing Sessions and Council / Committee meetings.

In terms of part 2 of the electors' motion, the availability of agendas for meetings is governed by the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the City's *Meeting Procedures Local Law 2013*. In general terms, ordinary meetings of Council require an agenda to be given to an elected member within 72 hours of the meeting being held, and following this, agendas are to be made available to members of the public. Special Council meetings do not have such a requirement; Annual General Meetings of Electors are required to have a 14-day public notice period, and committee meeting agendas are not required to be made available to the public, unless a committee has delegated authority (in which the meeting is open to the public and a 72-hour notice period then applies). There are no legislative requirements around the time limit for the availability of a Briefing Session agenda.

The availability of particular agendas at the City is cognisant of the above requirements, and also in view of the robust internal administrative processes in place to prepare numerous reports; review content and information; and obtain the necessary approval processes, before an agenda is released and published. Some information that is critical to a report's content may not be forthcoming to the City until just before an agenda is released, meaning the information contained in a report, if released seven days before the meeting, may be out of date or incomplete. This does not support good decision-making of a Council.

It should be noted that due to the City's decision-making process of Briefing Sessions and Council meetings, most reports presented to a Council meeting are included in the Briefing Session Agenda, which is traditionally released 72 hours before the Briefing Session meeting, and some 11 days before the scheduled Council meeting. In view of this the current timeframes around the release of agendas is considered sufficient in view of the City's legislative responsibilities and internal agenda setting processes.

In terms of part 3 of the electors' motion, the Annual General Meeting of Electors in recent years has been convened at 5.30pm and held immediately prior to the scheduled Briefing Session or Council meeting (in local government election years). This format has resulted in an improved elector turnout compared to previous years and for this reason, it is recommended that the meeting continue to be held at 5.30pm immediately prior to the scheduled Briefing Session or Council meeting. Notwithstanding it is for the Council to decide an appropriate date and time for the Annual General Meeting of Electors, in view of the legislative requirements around holding such meetings.

Officer's recommendation

That Council:

- 1 *NOTES the extension of public statement time can be considered as part of the next Council review of the procedures for Strategy Sessions, Briefing Sessions and Council / Committee Meetings;*
- 2 *DOES NOT SUPPORT all agendas being published seven days before a scheduled meeting date of a Briefing Session, Council Meeting, Committee Meeting or electors' meetings in view of the legislative provisions in place and the internal agenda setting processes at the City;*
- 3 *NOTES the date and time of Annual General Meeting of Electors is determined each year by the Council.*

MOTION NO. 7

MOVED Ms J Quan, SECONDED Ms M O’Byrne that we the electors of the City of Joondalup with respect to the Budget REQUEST that:

- 1 Council allows the budget to be discussed at a Briefing Session prior to the Ordinary Council meeting;**
- 2 the rate in the dollar should not be determined before the Budget is decided by Council;**
- 3 the Budget should be discussed at the April Council meeting instead of the June Council meeting to eliminate the risk of “if we don’t approve the Budget, then Council will be shut down”.**

Officer’s comment

It is normally the case that the Budget adoption report is included in the June Briefing Session Agenda, as has been the case for the last three years prior to 2018. This is dependent however on the public advertising seeking submissions on the proposed differential rates having closed in time to enable the completion of the report. Due to a delay, this request for submissions had not closed at the time of the Briefing Session held on 12 June 2018 and the Budget Report was not able to be listed.

The City of Joondalup uses differential rating and it is a requirement of Section 6.36 of the *Local Government Act 1995* that the City advertises its intention in relation to differential rates and seek public submissions prior to making its final decision on the rate in the dollar and consider the Budget.

The Council will not be shut down if the budget is not adopted in June. Section 6.2 of the *Local Government Act 1995* stipulates that the budget be adopted no earlier than 1 June and no later than 31 August. A budget could not be adopted in April. The current process to put a Budget together and present it for final adoption in June each year requires that it commence in November the previous year. To have the Budget completed for April, even if it cannot be adopted, would require that commencement of preparation be brought forward to September the previous year. This is not possible due to other commitments that are in the City’s planning and reporting cycle.

Officer’s recommendation

That Council NOTES:

- 1 it is usual practice to list the report for the adoption of the draft Budget on the Briefing Session agenda in June each year, subject to the public submission process for the proposed differential rates having been finalised;*
- 2 in accordance with section 6.36 of the Local Government Act 1995 it is a requirement to give local public notice seeking public submissions of its intention to apply differential rating and consider any submissions received prior to making its final decision on the rate in the dollar and consideration of adoption of the draft Budget;*
- 3 the adoption of the draft Budget occurs at the earliest opportunity in June each year.*

MOTION NO. 8

MOVED Ms M O’Byrne, SECONDED Ms J Quan that we the electors of the City of Joondalup REQUEST that consultation with respect to amended development plans should have a compulsory public consultation period for deferred applications or State Administrative Tribunal appeals and / or amend local laws as appropriate.

Officer’s commentState Administrative Tribunal applications

Proponents of development applications (planning applications) have the right to appeal a decision (or elements of a decision or a non-decision) of a planning application via the *State Administrative Tribunal* (SAT).

Through the SAT review, it is possible that parties agree (or are directed to by the SAT) to enter discussions in an attempt to mediate an outcome. Through mediation, it may be that the SAT invites the decision-maker to review its earlier decision. This typically arises when new information or a revised proposal is presented by the applicant. It is up to the SAT to determine the date by which the reconsideration by the decision-maker must take place. Both the decision maker and applicant offer input on what they consider to be an appropriate timeframe for the reconsideration to take place. In providing input, where appropriate, the City will often request sufficient time to enable consultation of an amended proposal to be undertaken, however it is ultimately the decision of the SAT to determine the timeframe. This timeframe, as determined by the SAT, may or may not allow sufficient time for additional consultation.

In view of the above, it is not considered appropriate to introduce compulsory consultation for amended development proposals that are subject to a SAT review as the timeframes set as part of the SAT review (of which the City is not ultimately responsible for) may not allow additional consultation to be undertaken.

Joint Development Assessment Panel applications

Joint Development Assessment Panels (JDAPs) are a State Government convened body that become the decision-maker on certain development applications (planning applications).

For planning applications that are to be determined by the JDAP, while the JDAP is the decision-maker, the local government undertakes an assessment and prepares a report (known as a ‘Responsible Authority Report’ (RAR)) for the JDAPs consideration as part of its decision- making.

There are statutory obligations for the JDAP to make a determination of a planning application within a certain timeframe. By extension, there are also statutory requirements by which the local government must provide the RAR to inform the JDAPs decision. There are instances where the date for submission of the RAR can be extended, however, this can only be done with agreement between the responsible authority (that is the local government) and the applicant, and then the extension may be granted at the discretion of the JDAP.

Accordingly, in a circumstance such as the one the relevant motion seeks to address, that is, consultation on amended development plans for a planning application that is to be determined by the JDAP, the ability to extend the timeframe by which the RAR is due (and therefore allow for consultation on the amended proposal to take place), would require agreement with the applicant and is ultimately at the discretion of JDAP.

For this reason, it is not considered appropriate to introduce compulsory consultation for amended development proposals that are subject to a JDAP determination as the timeframes set for the JDAP determination (of which the City is not ultimately responsible for) may not allow additional consultation to be undertaken.

Officer's recommendation

That Council DOES NOT SUPPORT the introduction of a compulsory consultation period for deferred applications of State Administrative Tribunal appeals and / or amend local laws as appropriate.

MOTION NO. 9

MOVED Ms J Quan, SECONDED Ms N Dangar that we the electors of the City of Joondalup REQUEST that Council notify interested parties (neighbours, people who lodged comments during consultation and other impacted parties) of the following events:

- 1 the lodgement of an appeal to the State Administrative Tribunal (including case number) within seven days of the lodgement;**
- 2 notification to interested parties at least seven days prior informing that a meeting has been scheduled to consider an item; meetings to include, but not limited to a Briefing Session, Ordinary Council meeting, Development Assessment Panel meeting and State Administrative Tribunal meeting that is open to the public.**

Officer's comment

Although not specified, it is anticipated that the motion relates to development applications (planning applications).

'Interested parties' for planning applications depends on the nature of the application and can vary from residents and landowners who immediately adjoin a development site to a broader catchment.

The City already has protocols in place to advise 'interested parties' of upcoming Briefing Sessions, Ordinary Meetings of Council and Development Assessment Panel meetings. In these instances, 'interested parties' are typically considered to be the applicant of a development proposal as well as any residents/landowners who made a submission during consultation (if consultation occurred as part of the assessment process).

The City has not in the past typically advised interested parties (that are not a party to the appeal) at lodgement of the appeal, however does advise interested parties of upcoming public meetings in relation to the matter that may arise as part of the SAT review process.

The first step of a SAT appeal is typically a 'Directions Hearing' which is a meeting that the public may attend. Accordingly, there is no impediment, other than adding additional workload to the City's Administration, in notifying those that made a submission on a planning application of a SAT appeal when lodged.

The City is currently preparing a Planning Consultation Policy pursuant to a resolution of Council at its meeting held on 21 November 2017 (CJ177-11/17 refers). The policy will set out the detail on how the City will consult on planning matters and it is considered most appropriate that consideration be given to how the City engages with parties that are potentially interested in SAT appeals as part of preparation of this policy.

Officer's recommendation

That Council NOTES that:

- 1 *existing procedures and protocols are in place for planning applications and the notification of interested parties of upcoming Briefing Sessions, Ordinary Meetings of Council and Development Assessment Panel meetings;*
- 2 *the City will consider the notification process for the lodgement of appeals to the State Administration Tribunal for planning applications as part of the preparation of a Planning Consultation Policy.*

Legislation / Strategic Community Plan / policy implications

Legislation

Section 5.33 of the *Local Government Act 1995* states:

Decisions made at Electors' Meetings

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

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.

Risk management considerations

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with section 5.33 of the *Local Government Act 1995*.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

COMMENT

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Any recommendations are not binding on the Council; however, Council is required to consider them.

The motions carried at the Annual General Meeting of Electors held on 4 December 2018 are presented to Council in accordance with the requirements of the legislation.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** **NOTES the Minutes of the Annual General Meeting of Electors held on 4 December 2018 forming Attachment 1 to this Report;**
- 2** **in relation to Motion No. 1 carried at the Annual General Meeting of Electors, DOES NOT SUPPORT an annual payment being made to the Western Australian Ratepayers and Residents Association, similar to the subscription payment made to the Western Australian Local Government Association;**
- 3** **in relation to Motion No. 2 carried at the Annual General Meeting of Electors**
NOTES:
 - 3.1** **improvements have been made to the City's hard waste collection to further eliminate health and safety risks;**
 - 3.2** **a comparison of the hard waste service between the City of Joondalup and the City of Swan indicates the City of Joondalup hard waste service is cheaper and more effective;**

- 4 in relation to Motion No. 3 carried at the Annual General Meeting of Electors **SUPPORTS** other spheres of government and the broader community implementing strategies to address climate change, **NOTING** the City has developed a *Climate Change Strategy* as a way to mitigate and adapt to climate change at a local level;
- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** audio recordings of Briefing Sessions being made available to members of the public, **NOTING** the audio of Council meetings is available to members of the public as well as streamed live, on the City's website;
- 6 in relation to Motion No. 5 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** the restoration of the City's old website and any current information the City has deemed worthy of retention can be found on the City's new website;
- 7 in relation to Motion No. 6 carried at the Annual General Meeting of Electors:
 - 7.1 **NOTES** the extension of public statement time can be considered as part of the next Council review of the procedures for Strategy Sessions, Briefing Sessions and Council / Committee Meetings;
 - 7.2 **DOES NOT SUPPORT** all agendas being published seven days before a scheduled meeting date of a Briefing Session, Council Meeting, Committee Meeting or electors' meetings in view of the legislative provisions in place and the internal agenda setting processes at the City;
 - 7.3 **NOTES** the date and time of Annual General Meeting of Electors is determined each year by Council;
- 8 in relation to Motion No. 7 carried at the Annual General Meeting of Electors **NOTES**:
 - 8.1 it is usual practice to list the report for the adoption of the draft Budget on the Briefing Session agenda in June each year, subject to the public submission process for the proposed differential rates having been finalised;
 - 8.2 in accordance with section 6.36 of the *Local Government Act 1995* it is a requirement to give local public notice seeking public submissions of its intention to apply differential rating and consider any submissions received prior to making its final decision on the rate in the dollar and consideration of adoption of the draft Budget;
 - 8.3 the adoption of the draft Budget occurs at the earliest opportunity in June each year;
- 9 in relation to Motion No. 8 carried at the Annual General Meeting of Electors, **DOES NOT SUPPORT** the introduction of a compulsory consultation period for deferred applications of State Administrative Tribunal appeals and / or amend local laws as appropriate;

- 10** in relation to Motion No. 9 carried at the Annual General Meeting of Electors, **NOTES** that:
- 10.1** existing procedures and protocols are in place for planning applications and the notification of interested parties of upcoming Briefing Sessions, Ordinary Meetings of Council and Development Assessment Panel meetings;
 - 10.2** the City will consider the notification process for the lodgement of appeals to the State Administration Tribunal for planning applications as part of the preparation of a *Planning Consultation Policy*.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf190212.pdf](#)

ITEM 9 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2018

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENTS	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 October 2018 to 31 December 2018 Attachment 2 Capital Works Program Quarterly Report for the period 1 September 2018 to 31 December 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 receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 October 2018 to 31 December 2018 and the *Capital Works Quarterly Report* for the period 1 October 2018 to 31 December 2018.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2018-19–2022-23* is the City's five year delivery program which is aligned to the strategic direction and priorities set within the 10 Year *Strategic Community Plan: Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five year period and also specific milestones for projects and priorities in the first year (2018-19).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 October 2018 to 31 December 2018 provides information on the progress of 2018-19 projects and programs against these quarterly milestones and is shown as Attachment 1 to this Report.

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

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 October 2018 to 31 December 2018 shown as Attachment 1 to this Report;*
- 2 *Capital Works Quarterly Report for the period 1 October 2018 to 31 October 2018 shown as Attachment 2 to this Report.*

BACKGROUND

The City's *Corporate Business Plan 2018-19 – 2022-23* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

The *Corporate Business Plan 2018-19 – 2022-23* was endorsed by Council at its meeting held on 21 August 2018 (CJ138-08/18 refers). The plan contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2018-19 financial year.

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

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

DETAILS

Issues and options considered

The *Corporate Business Plan Quarterly Progress Report* provides information on progress against the milestones for the 2018-19 projects and programs within the *Corporate Business Plan*.

A commentary is provided against each quarterly milestone on the actions completed, and project status is reported via colour coding which indicates if the project has been completed, is on track or slightly behind schedule. Information is also provided on the budget status for each item.

The milestones being reported this quarter are the grey shaded sections of Attachment 1.

"*Business as usual*" activities within each key theme have also been separated from strategic projects and programs within the report.

Legislation / Strategic Community Plan / policy implications

Legislation

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

"This Act is intended to result in:

- a) *better decision making by local governments;*
- b) *greater community participation in the decisions and affairs of local governments;*

- c) *greater accountability of local governments to their communities; and*
- d) *more efficient and effective government.*

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
Policy	The City's <i>Governance Framework</i> recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework which enables an assessment of performance against the <i>Strategic Community Plan</i> , <i>Strategic Financial Plan</i> , <i>Corporate Business Plan</i> and Annual Budget.

Risk management considerations

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

Financial / budget implications

All 2018-19 projects and programs in the *Corporate Business Plan* were included in the 2018-19 Annual Budget.

Regional significance

Not applicable.

Sustainability implications

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

The key themes are as follows:

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

Consultation

Not applicable.

COMMENT

The *Corporate Business Plan 2018-19 – 2022-23* was endorsed by Council at its meeting held on 21 August 2018 (CJ138-08/18 refers). A detailed report on progress of the *Capital Works Program* has been included with the *Corporate Business Plan Quarterly Progress Report*. This Report provides an overview of progress against all the projects and programs in the *2018-19 Capital Works Program*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 ***Corporate Business Plan Quarterly Progress Report*** for the period 1 October 2018 to 31 December 2018, shown as Attachment 1 to this Report;
- 2 ***Capital Works Quarterly Report*** for the period 1 October 2018 to 31 December 2018, shown as Attachment 2 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf190212.pdf](#)

ITEM 10 STRATEGIC COMMUNITY REFERENCE GROUP – 2019 WORKPLAN

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102605, 101515
ATTACHMENTS	Attachment 1 Proposed 2019 Work Plan Attachment 2 SCRG Meeting Notes – Supporting Local Business Attachment 3 SCRG Meeting Notes – Engaging Young People Attachment 4 SCRG Terms of Reference
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 adopt the 2019 Work Plan for the Strategic Community Reference Group (SCRG) and to note the SCRG's achievements throughout 2018.

EXECUTIVE SUMMARY

In 2012, Council established a Strategic Community Reference Group as a participation mechanism for the external provision of advice to Council. The group consists of appointed community representatives from each ward, Elected Members and seconded experts utilised on an as-needs basis.

The 2018 Work Plan for the SCRG included the following items:

- Supporting local business within the City of Joondalup.
- Review of the City's *Community Safety and Crime Prevention Plan*.

The SCRG met on two occasions throughout 2018. The first item was discussed in May 2018 and explored options to support local business within the City of Joondalup. The second item, namely the review of the City's *Community Safety and Crime Prevention Plan* was deferred to the 2019 SCRG Work Plan. As an alternative, a meeting on 'Engaging Young People in the City of Joondalup' was held in October 2018.

Overall, the SCRG has demonstrated its effectiveness as a unique and appropriate means of obtaining community and expert advice in the consideration of high-level, strategic matters at the City.

The proposed 2019 SCRG Work Plan includes consideration of the following matters:

- Review of the City of Joondalup *Community Safety and Crime Prevention Plan* (carried forward from 2018).
- Development of a draft Cultural Plan for the City of Joondalup.

It is therefore recommended that Council NOTES the Strategic Community Reference Group achievements for 2018 and ADOPTS the 2019 SCRG Work Plan, as shown in Attachment 1 of this report.

BACKGROUND

At its meet held on 26 June 2012 (CJ112-06/12 refers), Council considered options for future engagement with the community in reviewing the existing Working Group and Community Forum formats. As an alternative, Council supported the establishment of a Strategic Community Reference Group with the objective of providing advice to the Council on:

- matters of significant community interest
- strategic initiatives, as determined by the Council.

In accordance with the SCRG Terms of Reference, the group consists of appointed community representatives from each ward, Elected Members and seconded experts utilised on an as-needs basis. The terms for members concludes in October 2019 in line with the ordinary Council election cycle. The SCRG Representatives up until October 2019 are as follows:

Elected Member Representatives

- Mayor Albert Jacob (Presiding Member).
- Cr John Chester.
- Cr Russ Fishwick JP.
- Cr Christopher May.

Elected Member Deputy Members

- Cr Christine Hamilton-Prime (First Deputy Member).
- Cr John Logan (Second Deputy Member).
- Cr Russell Poliwka (Third Deputy Member).

Community Member Representatives

WARD	MEMBER
North Ward.	Dr Ross Hollett. Mr Graydon Smith.
North Central Ward.	Ms Lara Silbert. Ms Karen Warwick.
Central Ward.	Mr Peter Beaton. Mr Ross Oxwell.
South-West Ward.	Mr Brian Yearwood. Ms Jo Stephens.
South-East Ward.	Ms Selina Gates. Mr David Healy.

WARD	MEMBER
South Ward.	Dr Susan King. Ms Tiffany Tonkin.

DETAILS

2018 SCRG Work Plan

The 2018 SCRG Work Plan included the following items:

- Supporting local business within the City of Joondalup.
- Review of the City's *Community Safety and Crime Prevention Plan*.

The review of the City's *Community Safety and Crime Prevention Plan* was deferred until 2019 due to the WA State Government's Standing Committee Inquiry into the protection of crowded places from acts of terrorism and the subsequent report due for release in March 2019. It was considered prudent to postpone the development of the next *Community Safety and Crime Prevention Plan* to ensure that recommendations for the responsibilities of local government in this area were considered. As a result, the City prepared an alternative topic on 'Engaging Young People' as a replacement item.

2018 SCRG Meetings

The following tables provide a summary of the two SCRG meetings from 2018.

Topic	Supporting Local Business in Joondalup.
Date	Monday 21 May 2018.
Meeting Purpose	Examine the City's current initiatives and explore the City's role in supporting small to medium businesses.
Seconded Experts	<ul style="list-style-type: none"> • Ms Kim Charles, CEO, Business Station. • Mr Max Wilson, President, Joondalup Business Association. • Mr Grant Grosser, Co-Founder and CEO, SEQTA.
Meeting Summary	<ul style="list-style-type: none"> • The City presented an overview of the Joondalup economy as well as some of its key initiatives to support small to medium enterprises in Joondalup. • Community representatives were encouraged to speak with local businesses to investigate the major challenges and issues for local business operators. • Experts presented a brief overview of their experiences as well as outlining their perceptions of the current challenges and / or issues facing local businesses. • Members explored the role and responsibility of local government in supporting local businesses.
How input will be incorporated	<p>Feedback will be used to explore new opportunities and alternative methodologies in order to maintain effective relationships with the business sector, including:</p> <ul style="list-style-type: none"> • support local business within the City • improve existing and establish new partnerships with key business organisations. <p>Maintain an ongoing conversation with the local business sector.</p>
Meeting Notes	Full notes of the meeting are provided in Attachment 2 of this Report.

Topic	Engaging Young People in the City of Joondalup.
Date/s	Thursday 22 November 2018.
Seconded Experts	<ul style="list-style-type: none"> • Ms Ciara Crotty, Headspace Joondalup. • Ms Dana Anderson, Youth Futures. • Ms Orietta Simons, Edith Cowan University.
Matter Considered	Review the City's current approach to engaging with young people, explore the City's role in engaging young people and explore new opportunities for providing young people with meaningful opportunities to be involved in shaping local government services and policies.
Meeting Summary	<ul style="list-style-type: none"> • The City presented an overview of its approach to community engagement with young people, as well as an outline of the services, programs and events delivered to young people aged 12-25. • Members discussed their conversations with young people, where they were asked to explore the barriers to young people engaging with the City and what could be done to encourage greater engagement in consultation activities. • Experts shared examples of successful youth engagement activities they had experienced in recent years. • Members participated in a flipchart exercise that explored varying engagement mechanisms for engaging with young people including: <ul style="list-style-type: none"> • direct • indirect • informal • digital.
How input will be incorporated	The City will use SCRG feedback to explore new opportunities and alternative methodologies to engage young people in formal, informal and digital platforms. The City will also seek to revisit the language used within its consultation documents, revisit opportunities to engage through its current youth programs and explore existing and new partnerships with youth focused agencies to increase youth participation in local government initiatives.
Meeting Notes	Full notes of the meeting are provided in Attachment 3 of this Report for Council's consideration.

Proposed 2019 Work Plan

The following items have been identified for consideration by the SCRG in 2019:

- **Review of the City of Joondalup *Community Safety and Crime Prevention Plan* (carried forward from 2018)**

The *Community Safety and Crime Prevention Plan* was the first topic that the SCRG considered in 2013 and is now scheduled for a major review. SCRG's involvement will seek to explore the City's role in both community safety and crime prevention as well as inform the direction and the development of the new plan.

- **Development of a Cultural Plan for the City of Joondalup.**

To become a City with a thriving cultural scene, the City aspires to have access to world-class cultural facilities and artistic events within its *Strategic Community Plan - Joondalup 2022*. The City will seek the SCRG's input in reviewing the City's current approach to the delivery of cultural services and identify relevant strategic priorities to include in the development of the City's Cultural Plan.

The listing of two items within the proposed 2019 SCRG Work Plan is considered an appropriate and manageable number of projects. However, the proposed 2019 SCRG Work Plan does not prevent Council from referring additional matters to the SCRG should they be considered of significant community interest or of a strategic nature.

Issues and options considered

Council has the option to either:

- adopt the proposed 2019 SCRG Work Plan for the Strategic Community Reference Group as outlined in Attachment 1 of this report or
- amend the proposed 2019 SCRG Work Plan and suggest alternative preferences or additional matters for consideration.

It should be noted that if additional matters are added to the 2019 SCRG Work Plan, facilitation fees to conduct the meetings will increase for the management of the SCRG.

The recommended option is to adopt the 2019 SCRG Work Plan, as shown in Attachment 1 of this Report.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995 – Section 1.3 (2) states:

This Act is intended to result in –

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

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.

Adapt to community preferences for engagement formats.

Policy

Community Consultation and Engagement Policy.

Risk management considerations

The proposed 2019 SCRG Work Plan includes three items for consideration, which can be met within current budget allocation. Any expansion of the proposed workplan will require additional resources and funds.

Financial / budget implications

The budget below reflects the costs associated with conducting meetings for the SCRG, including external facilitation and catering costs.

Current financial year impact

Account no.	1.534.A5304.3359.0000. 1.534.A5304.3281.0000.
Budget Item	External Contractors and Services. Catering.
Budget amount	\$9,600
Amount spent to date	\$3,200
Proposed cost	\$9,600
Balance	\$6,400

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The proposed 2019 SCRG Work Plan has been developed to allow consideration of matters of a strategic nature and / or of significant interest to the community.

Consultation

The SCRG provides an innovative forum for the City to conduct consultation and engagement activities with community representatives and local experts on strategic matters affecting the City.

COMMENT

The SCRG continues to demonstrate its value in providing a unique and relevant platform for effective engagement with the community supported by input from experts on matters considered at the SCRG meetings.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the achievements of the Strategic Community Reference Group for 2018;
- 2 **ADOPTS** the 2019 Work Plan for the Strategic Community Reference Group, as shown in Attachment 1 of this Report.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf190212.pdf](#)

ITEM 11 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 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 November 2018 Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of November 2018 Attachment 3 Municipal and Trust Fund Vouchers for the month of November 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 November 2018.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2018 totalling \$14,573,178.12.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 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 \$14,573,178.12.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of November 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 107464 - 107614 & EF074303 - EF074882 Net of cancelled payments.	\$ 9,671,542.17
	Vouchers 2384A – 2408A	\$ 4,846,070.44
Trust Account	Trust Cheques & EFT Payments 207326 - 207330 & TEF001619 - TEF001632 Net of cancelled payments.	\$ 55,565.51
Total		\$14,573,178.12

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 November 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 \$14,573,178.12.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf190212.pdf](#)

ITEM 12 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2018

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2018, totalling \$19,636,138.26.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 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 \$19,636,138.26.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of December 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 107615 – 107757 & EF074883 - EF075363 Net of cancelled payments.	\$12,210,833.29
	Vouchers 2414A – 2431A	\$7,394,390.52
Trust Account	Trust Cheques & EFT Payments 207331 - 207333 & TEF001633 – TEF001649 Net of cancelled payments.	\$ 30,914.45
Total		\$19,636,138.26

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 December 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 \$19,636,138.26.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf190212.pdf](#)

ITEM 13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 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 30 November 2018.

EXECUTIVE SUMMARY

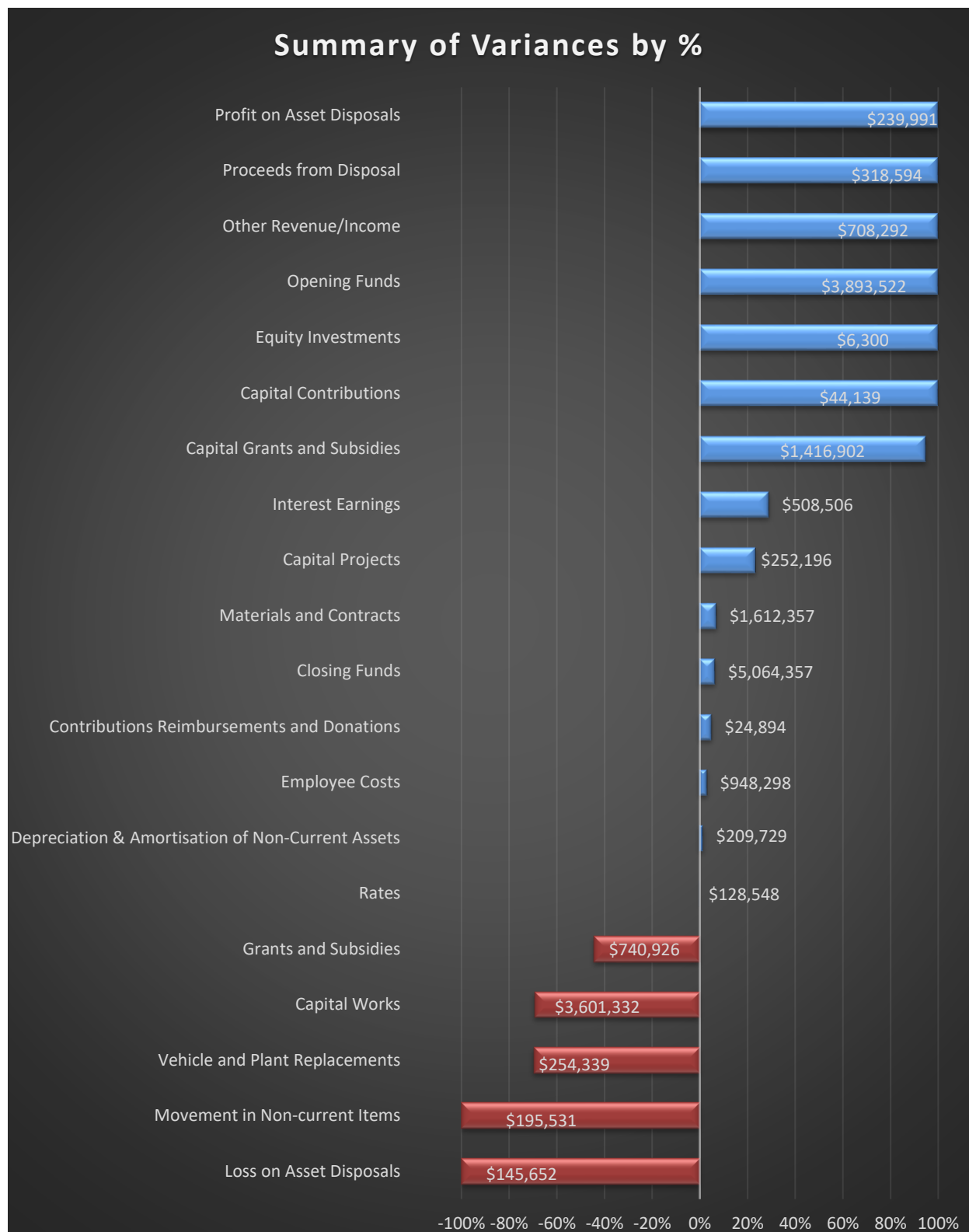
At its meeting held on 26 June 2018 (CJ114-06/18 refers), Council adopted the Annual Budget for the 2018-19 financial year. The figures in this report are compared to the adopted budget.

The November 2018 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$5,064,357 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 30 November 2018 and results from a number of factors identified in the report, including the opening funds position following finalisation of the 2017-18 annual financial statements.

There are a number of factors influencing the favourable variance, but it is predominantly due to additional surplus brought forward from the previous year and the timing of revenue and expenditure compared to the budget estimate. The notes (Attachment 3 refers) identify and provide commentary on the individual key material revenue and expenditure variances to date.

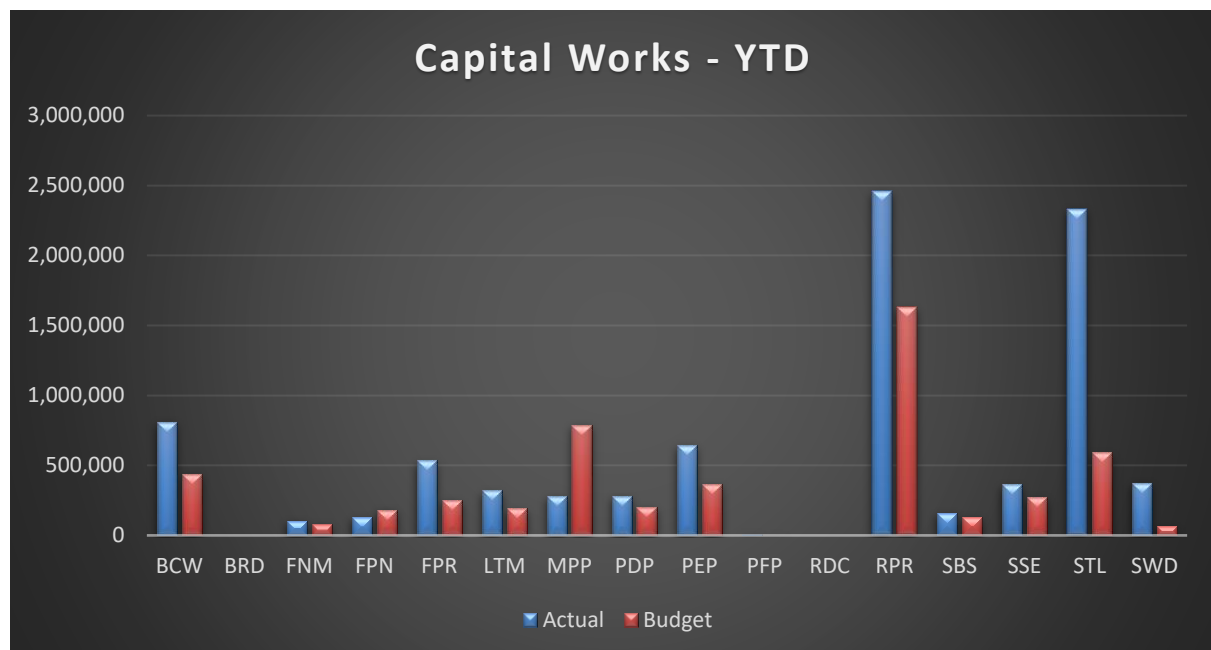
The key elements of the variance are summarised below:



The significant variances for November were:

Capital Works

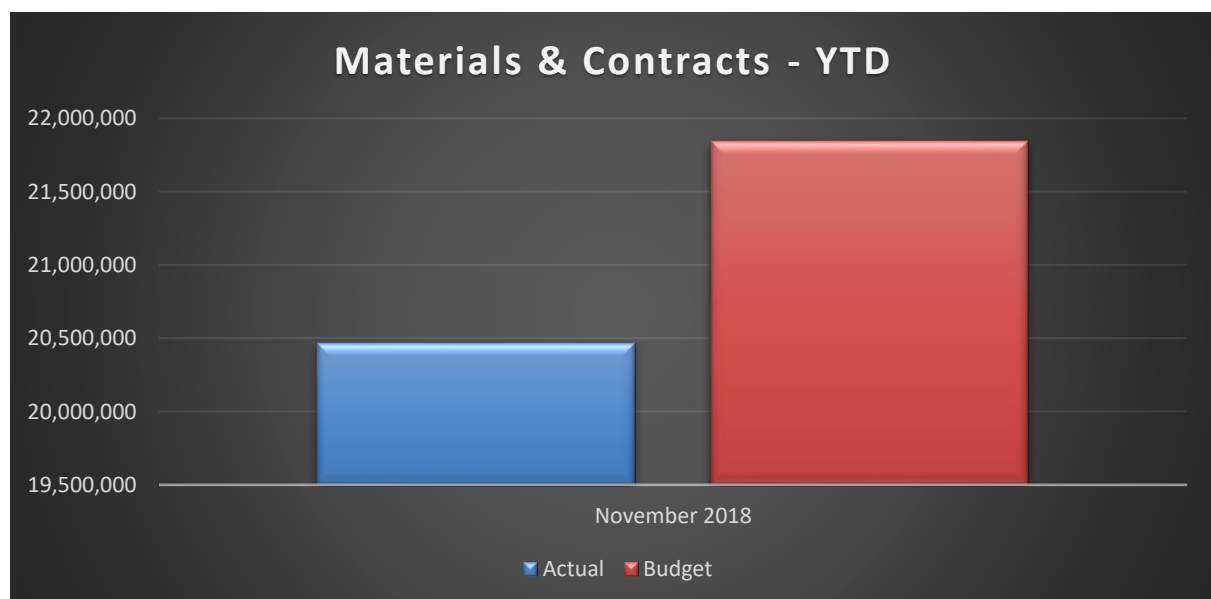
(\$3,601,332)



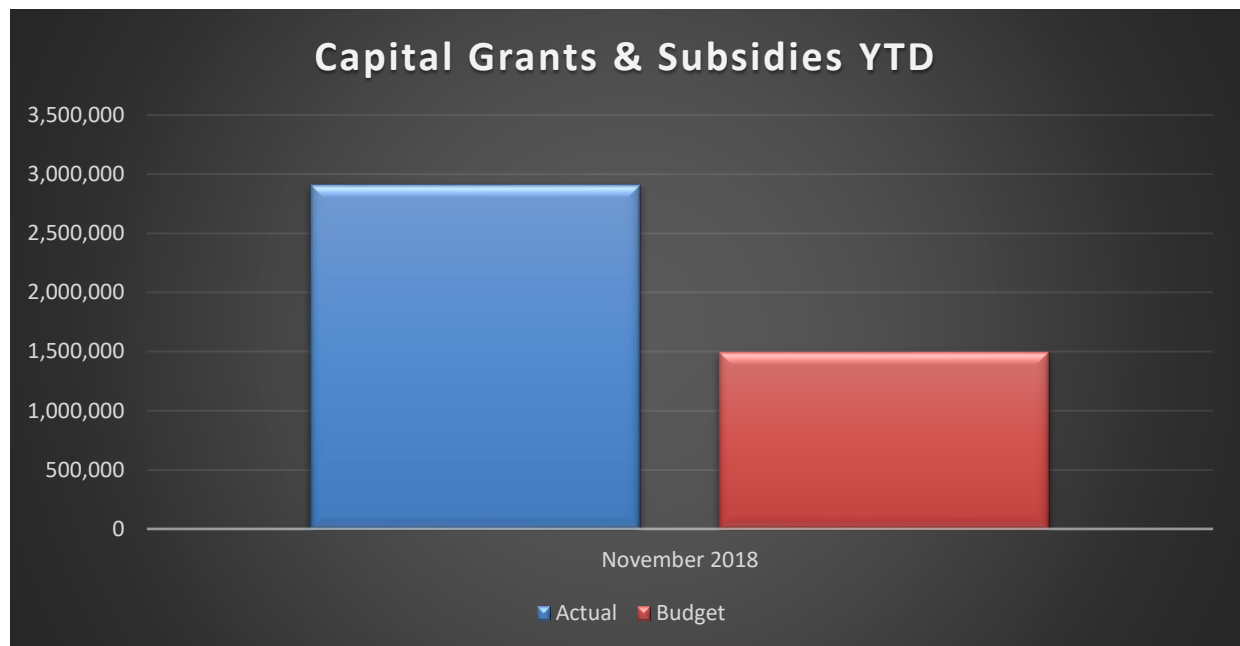
Capital Works expenditure is (\$3,601,332) above budget due to projects carried forward from the previous financial year and projects progressing ahead of budget phasing. This includes unfavourable timing variances for Street Lighting Program (\$1,738,775), Road Preservation / Resurfacing Program (\$830,286) and Major Building Capital Works Program (\$368,385).

Materials & Contracts

\$1,612,357



Materials and Contracts expenditure is \$1,612,357 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$885,193, Administration \$314,327 and Public Relations, Advertising & Promotions \$267,570.

Capital Grants & Subsidies**\$1,416,902**

Capital Grants and Subsidies revenue is \$1,416,902 above budget. This is spread across a number of different areas including favourable variances for Street Lighting Program \$747,529, Major Roads Construction \$473,023 and Road Preservation / Resurfacing Program \$230,230.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 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 30 November 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

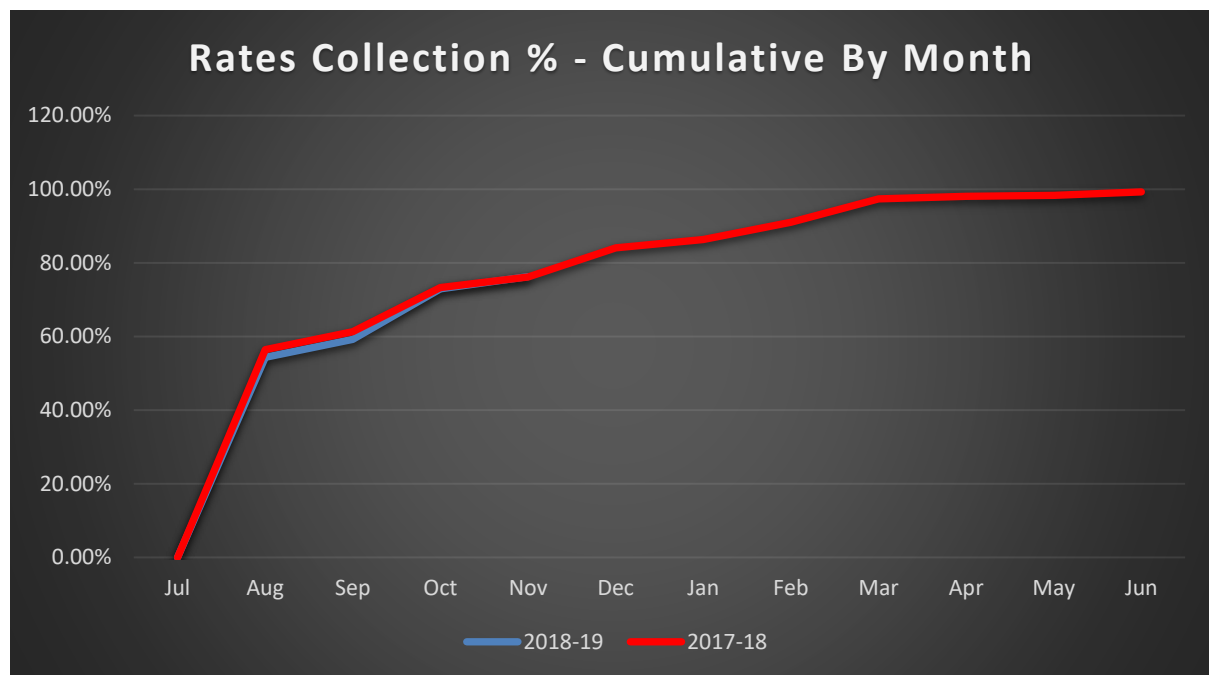
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

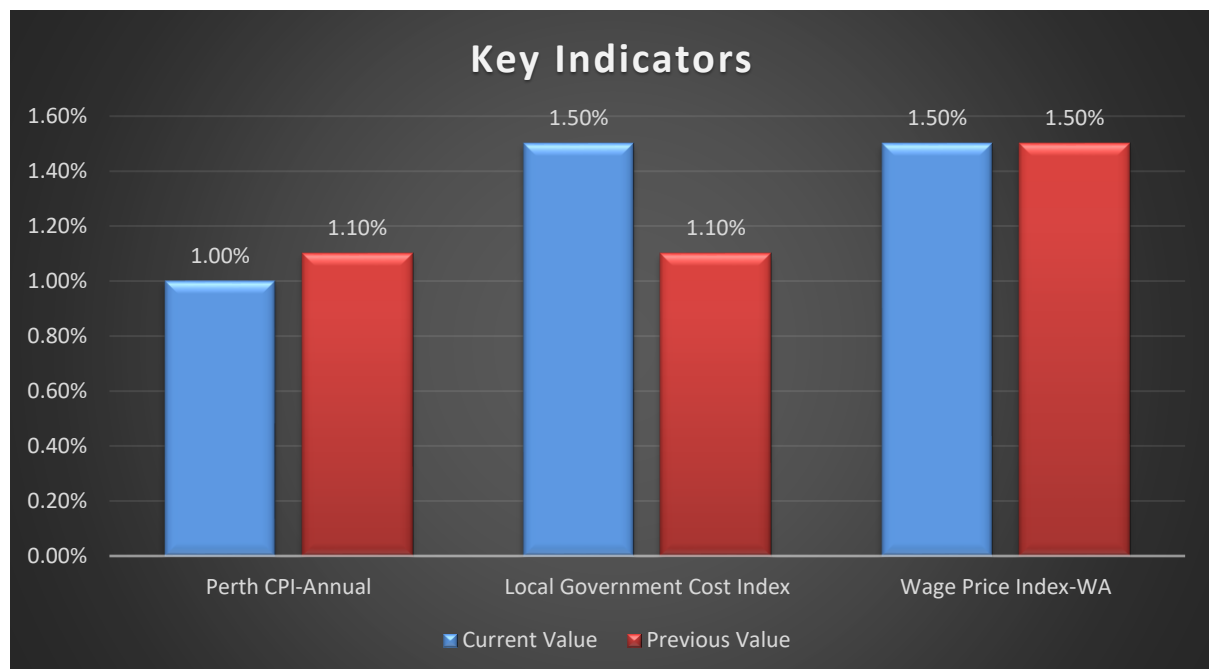
KEY INDICATORS

Rates Collection



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

Economic Indicators



Increase in the Local Government Cost Index during the September quarter demonstrate the WA economy is emerging from its downturn indicating an increase to future cost pressures in the general economy. Wage inflation remains above CPI, although significantly lower than in the past, and has remained steady in WA contrasting a national increase for the same period.

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 30 November 2018 forming Attachment 1 to this Report.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf190212.pdf](#)

ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 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 December 2018.

EXECUTIVE SUMMARY

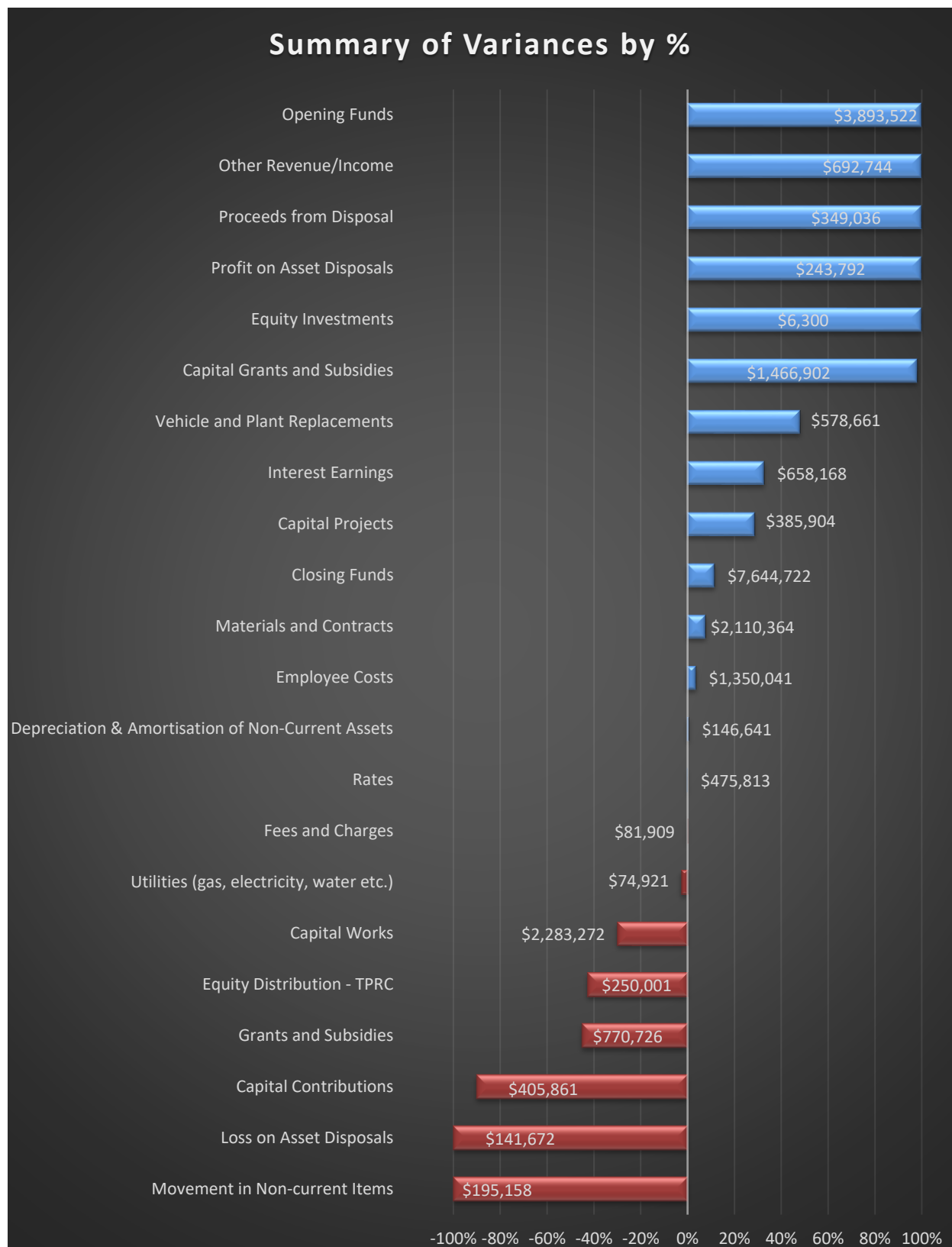
At its meeting held on 26 June 2018 (CJ114-06/18 refers), Council adopted the Annual Budget for the 2018-19 financial year. The figures in this report are compared to the adopted budget.

The December 2018 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$7,644,722 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 December 2018 and results from a number of factors identified in the report, including the opening funds position following finalisation of the 2017-18 annual financial statements.

There are a number of factors influencing the favourable variance, but it is predominantly due to additional surplus brought forward from the previous year and the timing of revenue and expenditure compared to the budget estimate. The notes (Attachment 3 refers) identify and provide commentary on the individual key material revenue and expenditure variances to date.

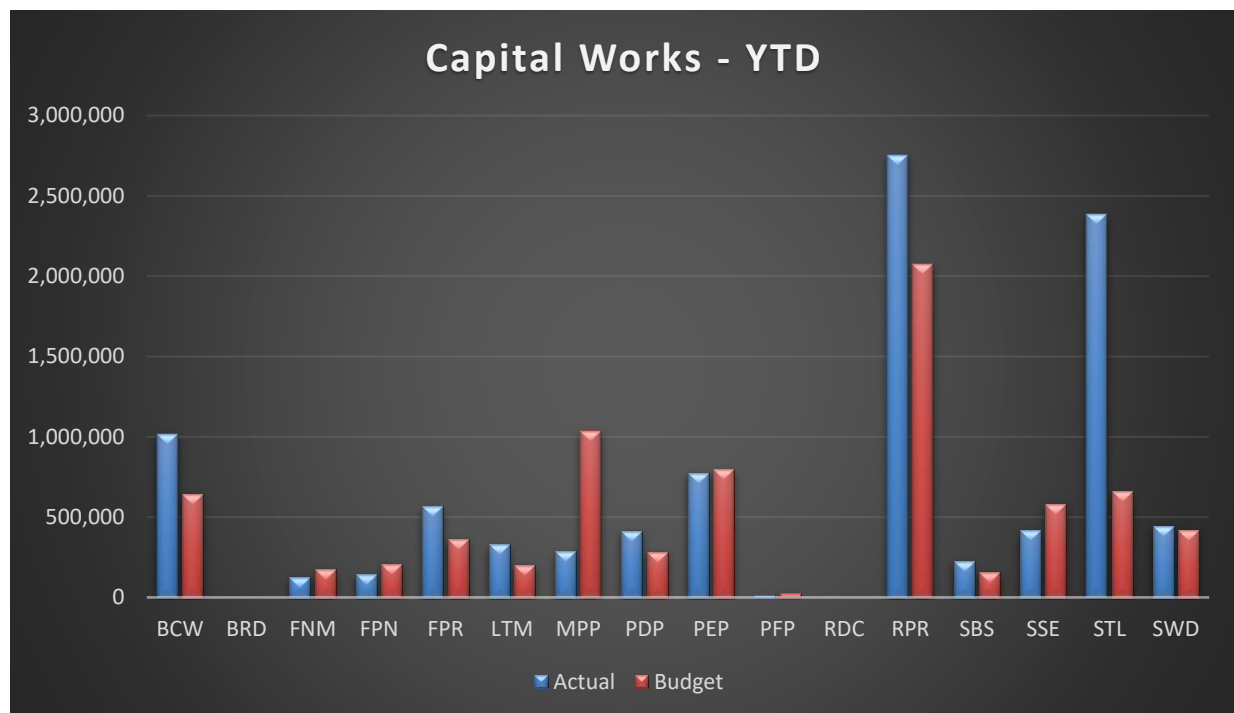
The key elements of the variance are summarised below:



The significant variances for December were:

Capital Works

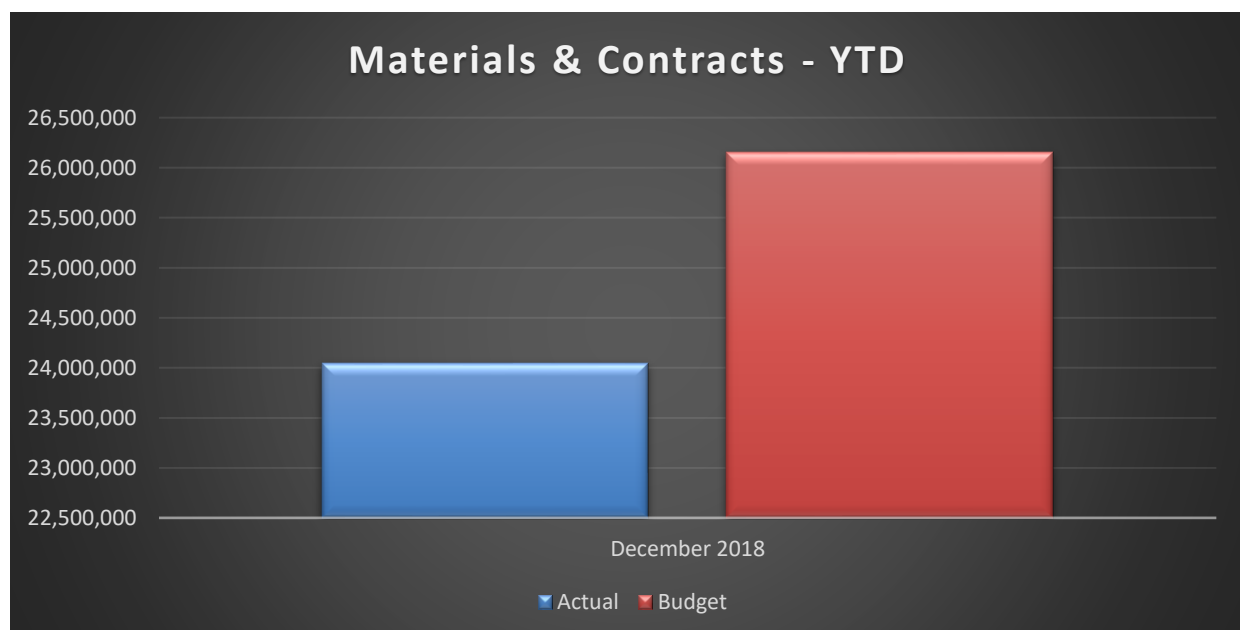
(\$2,283,272)



Capital Works expenditure is (\$2,283,272) above budget due to projects carried forward from the previous financial year and projects progressing ahead of budget phasing. This includes unfavourable timing variances for Street Lighting Program (\$1,728,021), Road Preservation / Resurfacing Program (\$677,623) and Major Building Capital Works Program (\$372,143).

Materials & Contracts

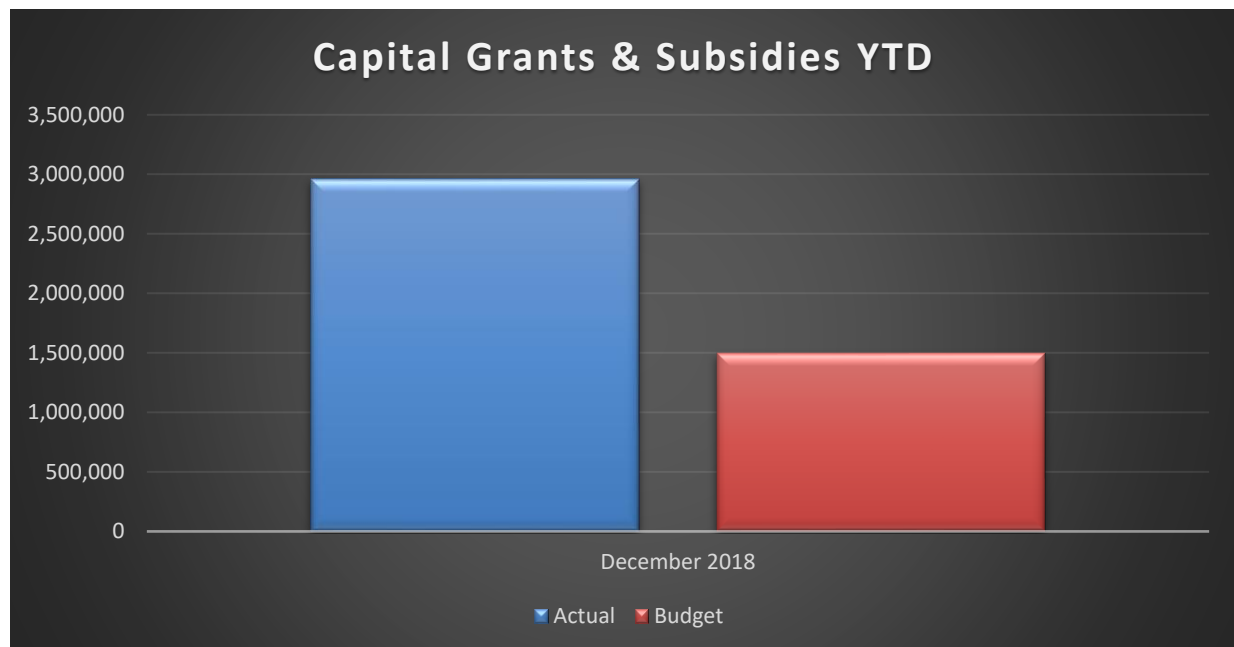
\$2,110,364



Materials and Contracts expenditure is \$2,110,364 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$1,046,363, Administration \$373,801 and Public Relations, Advertising & Promotions \$246,679.

Capital Grants & Subsidies

\$1,466,902



Capital Grants and Subsidies revenue is \$1,466,902 above budget. This is spread across a number of different areas including favourable variances for Street Lighting Program \$747,529, Major Roads Construction \$473,023 and Road Preservation / Resurfacing Program \$230,230.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 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 December 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

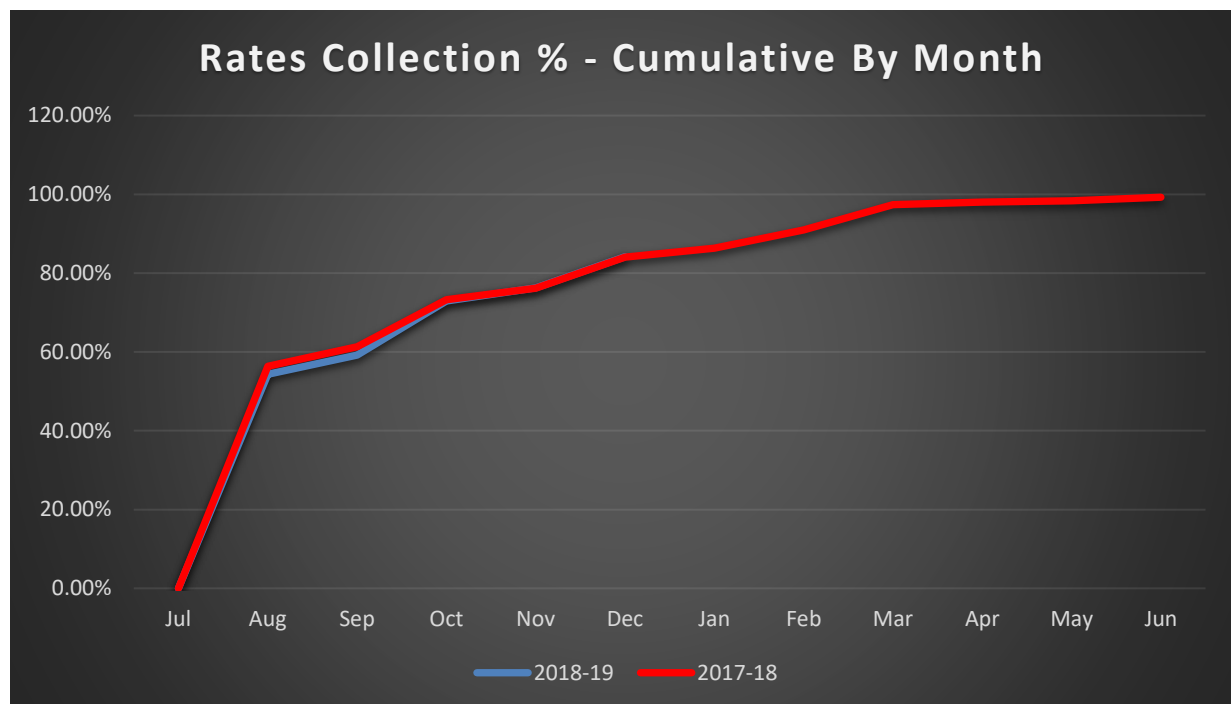
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

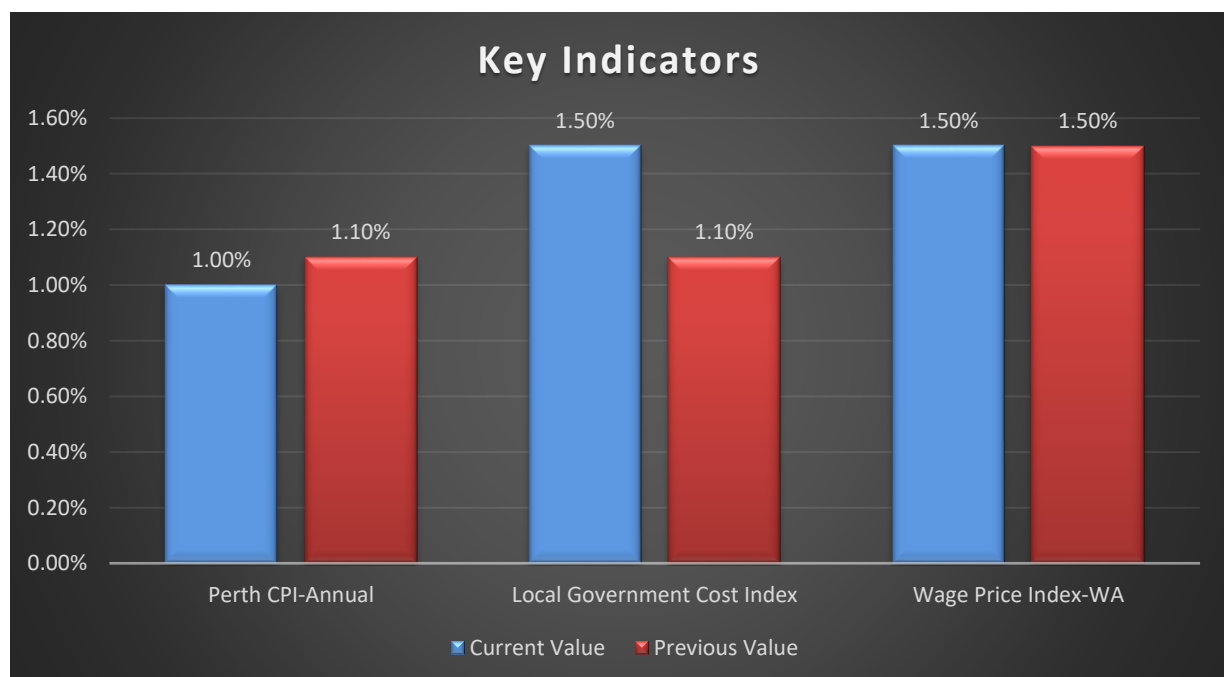
KEY INDICATORS

Rates Collection



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

Economic Indicators



Increase in the Local Government Cost Index during the September quarter demonstrate an increase in cost pressures in the local government space. Wage inflation remains above CPI, although significantly lower than in the past, and has remained steady in WA contrasting a national increase for the same period.

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 December 2018 forming Attachment 1 to this Report.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf190212.pdf](#)

ITEM 15 TENDER 036/18 - SUPPLY, DELIVERY AND INSTALLATION OF GATES, BOLLARDS AND BUSHLAND FENCING (INCLUDING REPAIR OR REMOVAL OF EXISTING FENCING)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	107681, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Wood Peter Family Trust trading as Peter Wood Fencing Contractors for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing).

EXECUTIVE SUMMARY

Tenders were advertised on 3 November 2018 through statewide public notice for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing). Tenders closed on 23 November 2018. A submission was received from each of the following:

- Wood Peter Family Trust trading as Peter Wood Fencing Contractors.
- Nickal Pty Ltd (Reliable Fencing Since 1974).
- Gopal & Pindolia Family Trust & Makrav Trading Trust trading as Treacy Fencing.
- Donegan Enterprises Pty Ltd.
- Blackaller, John Steven (Spec Fencing).
- N.V Newman & T.M Newman (Barra Civil and Fencing).

The submission from Wood Peter Family Trust trading as Peter Wood Fencing Contractors represents best value to the City. It demonstrated a sound understanding of the City's requirements. It has been providing similar fencing services to various WA local governments including the Town of Cambridge and the Cities of Stirling, Gosnells, Fremantle and Joondalup. Peter Wood Fencing Contractors is well established with significant industry experience and proven capacity to provide the goods and services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Wood Peter Family Trust trading as Peter Wood Fencing Contractors for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) as specified in Tender 036/18 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement to engage a contractor for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) at various locations within the City.

The City had a single contract in place with the trustee for The Blackaller Trust trading as JSB Fencing & Machinery Hire which was due to expire on 1 November 2019. JSB Fencing & Machinery Hire appointed liquidators on 20 September 2018. The goods and services are now being provided via quotation by Peter Wood Fencing Contractors until a new contract is in place.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

DETAILS

The tender for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) was advertised through statewide public notice on 3 November 2018. The tender period was for three weeks and tenders closed on 23 November 2018.

Tender Submissions

A submission was received from each of the following:

- Wood Peter Family Trust trading as Peter Wood Fencing Contractors.
- Nickal Pty Ltd (Reliable Fencing Since 1974).
- Gopal & Pindolia Family Trust & Makrav Trading Trust trading as Treacy Fencing.
- Donegan Enterprises Pty Ltd.
- Blackaller, John Steven (Spec Fencing).
- N.V Newman & T.M Newman (Barra Civil and Fencing).

The schedule of items listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 2.

Evaluation Panel

The evaluation panel comprised three members:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services. The predetermined minimum acceptable qualitative score was set at 55%.

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Compliance Assessment

The following offers received were assessed as fully compliant:

- Peter Wood Fencing Contractors.
- Reliable Fencing Since 1974.
- Donegan Enterprises Pty Ltd.

The submission from Treacy Fencing was assessed as partially compliant. The pricing from Treacy Fencing has no allowance for hard digging and prices are subject to review for manufacturer's price increases which is not in accordance with the City's contract terms. The offer was included for further assessment on the basis that clarifications could be sought from Treacy Fencing, if shortlisted for consideration.

The following offers received were assessed as non-compliant.

- Spec Fencing.
- Barra Civil and Fencing.

Spec Fencing and Barra Civil and Fencing both omitted to address some qualitative criteria and did not provide sufficient detail for the others to enable the City to properly evaluate their Offers. These Offers did not comply with the conditions of tendering and were eliminated from further evaluation.

Qualitative Assessment

Donegan Enterprises Pty Ltd scored 54.6% and was ranked fourth in the qualitative assessment. The company demonstrated sufficient capacity to carry out the works, though its submission did not include an organisation chart or highlight the number of fulltime employees. It has been providing fencing services to various local governments including the Cities of Stirling, Belmont, Cockburn, Vincent, Cambridge and Perth. Periods and dates of when these works were undertaken were not provided. It submitted a brief response demonstrating some understanding of the required tasks. Its proposed approach included working to a schedule to complete the works.

Treacy Fencing scored 57.4% and was ranked third in the qualitative assessment. It has the capacity required to carry out the services. It demonstrated experience providing fencing services to various organisations including local governments. Examples of works included similar services undertaken for the Cities of Wanneroo and Stirling. Other examples of works included mainly estate fencing for various land developers. Periods and dates of when all these works were carried out were not provided. It did not submit a response to demonstrate its understanding of the required tasks however, it has been operating in the fencing industry for over 30 years which would suggest sufficient understanding of fencing installations.

Reliable Fencing Since 1974 scored 61.4% and was ranked second in the qualitative assessment. The company demonstrated a sound understanding of the required tasks. It has the capacity and experience required to undertake the works. It is providing ongoing services to the Cities of Swan, Wanneroo, South Perth and Fremantle, Mirvac, Total Eden, DJ Macormack and many other organisations. Though a list of three similar contracts was provided, it did not include client names for which the works were undertaken.

Peter Wood Fencing Contractors scored 77.6% and was ranked first in the qualitative assessment. It has been providing similar fencing services to various WA local governments including the Town of Cambridge and the Cities of Stirling, Gosnells, Fremantle and Joondalup. It demonstrated a sound understanding of the City's requirements. Peter Wood Fencing Contractors is well established with significant industry experience and proven capacity to provide the goods and services to the City.

Given the minimum acceptable qualitative score of 55%, Peter Wood Fencing Contractors, Reliable Fencing Since 1974 and Treacy Fencing qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the rates offered by each tenderer in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of all scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained. There is no guarantee that this will occur and actual costs will be paid on the actual usage in future.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Peter Wood Fencing Contractors	\$252,983	\$258,043	\$263,204	\$774,229
Reliable Fencing Since 1974	\$261,435	\$266,664	\$271,997	\$800,096
Treacy Fencing	\$360,251	\$367,456	\$374,806	\$1,102,513

During 2017-18, the City incurred \$266,069 for gates, bollards and bushland fencing.

Evaluation Summary

Tenderer	Price Ranking	Total Estimated Contract Price	Qualitative Ranking	Weighted Percentage Score
Peter Wood Fencing Contractors	1	\$774,229	1	77.6%
Reliable Fencing Since 1974	3	\$800,096	2	61.4%
Treacy Fencing	2	\$1,102,513	3	57.4%

Based on the evaluation result the panel concluded that the tender from Peter Wood Fencing Contractors provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) at various locations within the City of Joondalup. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / policy implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$150,000.

Strategic Community Plan

Key theme

The Natural Environment.

Objective

Environmental resilience.

Strategic initiative

Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy

Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to conduct scheduled maintenance and capital works programs on damaged gates, bollards and bushland fencing.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is well-established with significant industry experience and proven capacity to provide the services to the City.

Financial / budget implications

Account no.	Various capital and operational accounts.
Budget Item	Gates, bollards and bushland fencing.
Estimated Budget amount	\$271,000
Amount spent to date	\$126,512
Proposed cost	\$ 84,328
Balance	\$ 60,160

The balance does not represent a saving at this time. The actual expenditure will depend on actual usage under the contract.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

This contract supports the City's strategic initiatives in environmental management for biodiversity, protection and enhancement of the natural environment.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Peter Wood Fencing Contractors represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Wood Peter Family Trust trading as Peter Wood Fencing Contractors for the supply, delivery and installation of gates, bollards and bushland fencing (including repair or removal of existing fencing) as specified in Tender 036/18 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf190212.pdf](#)

ITEM 16 TENDER 037/18 - HERBICIDE APPLICATION TO NOMINATED LOCATIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	107682, 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by The Trustee for B & S Tanasoski Family Trust & the Trustee for G & S Blazeski Family Trust t/as Tiger Pest and Weed Control for herbicide application to nominated locations.

EXECUTIVE SUMMARY

Tenders were advertised on 14 November 2018 through statewide public notice for herbicide application to nominated locations. Tenders closed on 29 November 2018.

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- B&S Tanasoski Family Trust & Trustee for G & S Blazeski Family Trust t/as Tiger Pest and Weed Control.
- Website Weed & Pest (WA) Pty Ltd t/as Website Weed & Pest Control.
- The trustee for Turfmaster Unit Trust t/as Turf Master Facility Management.

The submission from Tiger Pest and Weed Control represents best value to the City. It demonstrated experience in performing similar services to Downer Mouchel (for Main Roads WA) and the Cities of Nedlands, Gosnells and Joondalup. It demonstrated a comprehensive understanding of the requirements and has the capacity to provide the services to the City.

It is therefore recommended that Council ACCEPTS the tender submitted by The Trustee for B & S Tanasoski Family Trust & the Trustee for G & S Blazeski Family Trust t/as Tiger Pest and Weed Control for herbicide application to nominated locations as specified in Tender 037/18 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

BACKGROUND

The City has a requirement to engage a contractor to supply and apply herbicides to nominated locations. This contract is to assist in-house staff during the seasonal peak spraying periods mainly on footpaths, kerb lines, bricked paved areas and broadleaf control in some parks.

The City had a contract for herbicide application to nominated locations with Supa Pest and Weed Control which was terminated on 1 October 2018. The services are now being provided via quotation by Tiger Pest and Weed Control until a new contract is in place.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fit for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

DETAILS

The tender for herbicide application to nominated locations was advertised through statewide public notice on 14 November 2018. The tender period was for two weeks and tenders closed on 29 November 2018.

Tender Submissions

A submission was received from each of the following:

- Environmental Industries Pty Ltd.
- B&S Tanasoski Family Trust & Trustee for G & S Blazeski Family Trust t/as Tiger Pest and Weed Control.
- Website Weed & Pest (WA) Pty Ltd t/as Website Weed & Pest Control.
- The trustee for Turfmaster Unit Trust t/as Turf Master Facility Management.

The schedule of items as listed in the tender is provided in Attachment 1.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1.

Evaluation Panel

The Evaluation Panel comprised three members:

- one with tender and contract preparation skills
- two with the appropriate operational expertise and involvement in supervising the contract.

The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Compliance Assessment

All submissions were assessed as compliant.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The predetermined minimum acceptable qualitative score was set at 55%.

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Website Weed and Pest Control scored 47.5% and was ranked fourth in the qualitative assessment. The company demonstrated experience providing herbicide application services for the Cities of Gosnells, Belmont, Mandurah, Nedlands and Bunbury and the Shire of Kalamunda. Periods and dates were not provided for any contracts. The company demonstrated a suitable understanding of the requirements. It has the capacity to provide the services, but did not confirm the availability of minimum three vehicles for herbicide applications between the months of July to November.

Environmental Industries scored 50% and was ranked third in the qualitative assessment. The company demonstrated the required capacity to deliver the project. It demonstrated some experience providing weed control services to Downer Mouchel and the Cities of Wanneroo and Karratha and streetscapes maintenance for the City of Fremantle. Periods and dates were supplied for two contracts. The company demonstrated some understanding of the requirements providing a general methodology without specifying herbicide application methodologies for different infrastructures.

Tiger Pest and Weed Control scored 55.1% and was ranked second in the qualitative assessment. The company demonstrated a comprehensive understanding of the requirements. It demonstrated experience providing similar services for Downer Mouchel (for Main Roads WA) and the Cities of Nedlands, Gosnells and Joondalup. It is the City's current contractor for herbicide application to nominated locations. Tiger Pest and Weed Control has the required capacity in terms of personnel and equipment to provide the services to the City, but did not provide information on its organisation structure, after-hours contacts, safety record and did not confirm the availability of minimum three vehicles for herbicide applications between the months of July to November in its submission. Following the conclusion of the assessment, the vehicle availability was clarified and confirmed by the tenderer.

Turfmaster Facility Management scored 67% and was ranked first in the qualitative assessment. The company demonstrated extensive experience providing similar services to the Cities of Stirling, Cockburn, Rockingham, Vincent and Kwinana. Turfmaster Facility Management is well resourced and has sufficient capacity to provide the services. It demonstrated a thorough understanding of the requirements, with separate methodologies for each type of infrastructure and broadacre turf.

Based on the minimum acceptable score (55%), Turfmaster Facility Management and Tiger Pest and Weed Control qualified for the stage two (price) assessment.

Price Assessment

The panel carried out a comparison of the submitted rates offered by the tenderers qualified for stage 2 (price) assessment to assess value for money to the City.

To arrive at the estimated financial value of the tender, the tendered rates offered by each tenderer have been applied to historical usage of the 10 most regularly used items. This provides a value of the tender based on the assumption that the historical pattern of usage is maintained. The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with ongoing requirements.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the CPI for the preceding year. For estimation purposes, a 2% CPI increase was applied to the rates in years two and three.

Tenderer	Year 1	Year 2	Year 3	Total
Turfmaster Facility Management	\$151,000	\$154,020	\$157,100	\$462,120
Tiger Pest and Weed Control	\$130,093	\$132,695	\$135,349	\$398,137

During 2018-19 (up to 22 January 2019), the City incurred \$117,781 for herbicide application to nominated locations.

Evaluation Summary

Tenderer	Weighted Percentage Score	Qualitative Ranking	Estimated Contract Price (Ex GST)	Price Ranking
Turfmaster Facility Management	67%	1	\$462,120	2
Tiger Pest and Weed Control	55.1%	2	\$398,137	1

Based on the evaluation result the panel concluded that the tender from Tiger Pest and Weed Control provides best value to the City and is therefore recommended.

Issues and options considered:

Herbicide application is required to effectively manage seasonal weed infestations within public open spaces and streetscapes. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with Clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$150,000.

Strategic Community Plan

Key theme	Quality Urban Environment.
Objective	Quality open spaces.
Strategic initiative	Adopt consistent principles in the management and provision of urban community infrastructure.
Policy	Not applicable.

Risk management considerations:

Should the contract not proceed, the risk to the City will be high as the City will not be able to manage seasonal weed infestations within City streetscapes and open spaces.

It is considered that the contract will represent a low risk to the City. The recommended tenderer is an established organisation with industry experience, appropriate licences and capacity to provide the services to the City.

Financial/Budget Implications:Current financial year impact

Account no.	External contractors 3359 (6440).
Budget Item	Various Parks, Streetscapes & Drainage Sumps.
Budget amount (2018-19)	\$ 250,000
Amount spent to date (1 Jul 18 – 22 Jan 19)	\$ 117,781
Estimated cost (23 Jan 19 – 30 Jun 19)	\$ 65,047
Balance	\$ 67,172

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability implications:

The effective management of seasonal weeds enhances the amenity of public open spaces and streetscapes.

Consultation:

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by Tiger Pest and Weed Control represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by The Trustee for B & S Tanasoski Family Trust & the Trustee for G & S Blazeski Family Trust t/as Tiger Pest and Weed Control for herbicide application to nominated locations as specified in Tender 037/18 for a period of three years at the submitted schedule of rates, with any price variations subject to the percentage change in the Perth CPI (All Groups).

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf190212.pdf](#)

ITEM 17 MID-YEAR REVIEW OF THE ANNUAL BUDGET FOR THE 2018-19 FINANCIAL YEAR

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	106245, 101515
ATTACHMENTS	Attachment 1 Mid Year Budget Statement and Notes for the 2018-19 Financial Year
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 and adopt the Mid Year review of the Annual Budget for the 2018-19 financial year.

EXECUTIVE SUMMARY

The review of the 2018-19 annual budget has been completed. A number of variations to existing budget allocations have been identified and included in the revised budget. The projected overall budget surplus at 30 June 2018, after taking into account these variations, is \$6,039,582 compared to the original budget with an overall surplus of \$150,385. The major areas of variance are:

- **Surplus Carried Forward** from 2017-18 was \$3,893,522 greater than budget. After taking non-cash adjustments into consideration, this surplus comprised higher operating surplus \$4,102,557, lower capital revenue \$1,566,318 and reduced capital expenditure \$1,368,933 offset by reduced net funding requirements \$11,650.
- **Operations** after adjusting for non-cash movements, show a surplus expected to be \$864,772 more than budget. This arises mainly from higher interest earnings \$957,956, other revenue \$828,523, rates \$476,113 and fees and charges \$128,186, as well as lower expenditure on employee costs \$778,306 partly offset by lower grants and subsidies \$1,528,695, as well as higher expenditure on materials and contracts \$703,111 mainly due to operating funding of \$1,662,690 carried forward from the previous financial year, utilities \$37,282, insurance expenses \$12,020 and interest costs \$1,910.
- **Capital revenue** is \$2,210,191 lower than budget, comprising lower grants and subsidies \$1,813,930, and equity movements \$500,000 offset by higher capital contributions \$97,439 and equity investment movements \$6,300.

- **Capital expenditure** is \$3,964,464 higher than budget (Notes 15 to 17 - Attachment 1 refers) predominantly due to capital funding of \$4,845,319 carried forward from the previous financial year. Expenditure is lower on capital projects \$234,130 offset by higher expenditure on capital works \$4,087,323 and motor vehicle replacements \$111,299.
- **Reserves transfers** net drawdown has increased by \$6,915,822 (Notes 20 to 21 – Attachment 1 refers). This comprises higher transfers from reserves \$8,226,434 mainly arising from higher transfers out of the Carry Forward reserve \$5,618,085 and the Strategic Asset Management reserve \$2,621,379. These are partly offset by increased transfers to reserves \$1,310,612 including additional transfers to the Carry Forward reserve \$930,352, Strategic Asset Management reserve \$500,000, Vehicle and Planet Replacement reserve \$232,246 and Waste Management reserve \$217,864 as well as reduced transfers to the Tamala Park Reserve \$500,000 and the Parking Facility reserve \$77,807.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY:

- 1 *APPROVES the Mid Year Review of the Budget for the 2018-19 Financial Year as at Attachment 1 to this Report;*
- 2 *in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 PROVIDES a copy of the 2018-19 annual budget review and determination to the Department of Local Government and Communities.*

BACKGROUND

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

DETAILS

Issues and options considered

The budget review has comprised:

- a review of the adopted budget (as amended) and an assessment of actual results to date against that budget
- an assessment and projection of likely results over the remainder of the financial year against the adopted budget
- consideration of any issues not provided for in the adopted budget (as amended) that may need to be addressed.

The review of the adopted budget (as amended) has taken into account what has transpired in the first half of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions and the most likely impact on the City's financial position.

The focus in this review has been on ensuring that there is sufficient operating capacity to deliver the services and budget programs as set out in the adopted 2018-19 Budget and to accommodate events and issues that have arisen since budget adoption.

The most significant variations between the adopted budget and the revised budget are as follows:

Capital Grants and Subsidies

The decrease in grants is mainly due to reduction in grant \$1,750,000 for the Joondalup Men's Shed and reduction in Waste Authority grant \$1,546,000 in respect of the Better Bins project due to the first grant instalment being received in advance in the previous financial year and only one instalment of \$354,000 to be received in 2018-19 with the remaining two instalments of \$708,000 not to be received until 2019-20, as well as reduction in the Federal Roads Grants due to \$1,200,019 of the 2018-19 allocation being received in advance in the previous financial year.

Operating Grants and Subsidies

The decrease in operating grants and subsidies is driven primarily by a reduction in the Federal Assistance Grants due to \$1,704,295 of the 2018-19 allocation being received in advance in the previous financial year.

Loss on Asset Disposals

The increase in loss on asset disposals \$4,108,582 mainly arises from handover of the Joondalup Basketball Stadium building and land assets to Land Corp \$3,970,111 and higher than estimated loss on the disposal of vehicles mainly due to timing of disposals that were originally scheduled to occur in the previous year.

Capital Works

The increase in capital works of \$4,087,323 arises primarily due to the timing of a number of projects that were expected to have either been completed or to have reached a certain stage of progress in the previous financial year and for which funds were carried forward \$3,803,020 or held in reserve \$2,751,379 into 2018-19. The major contributors to this include the following:

- Joondalup City Centre Lighting - \$3,296,286.
- Road Preservation & Resurfacing Program- \$1,039,230.
- Whitfords Nodes Park Health & Wellbeing Hub - \$719,266.
- Percy Doyle Power Upgrade - \$411,288.
- Warwick Road – Erindale Road Intersection Upgrade - \$360,000.
- Penistone Park Facility Redevelopment - \$281,535.
- Duffy House Restoration - \$272,728.
- Blackspot Project - Warwick Road and Allenswood Drive - \$153,000.

These are partly offset by reduction in respect of the Joondalup Men's Shed \$2,600,000 which has been rescheduled.

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

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, requires the local government to carry out a review of its annual budget for that year.

“33A Review of budget

(1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must

–

- (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) consider the local government’s financial position as at the date of the review; and*
- (c) review the outcomes for the end of that financial year that are forecast in the budget.*

(2) Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

** Absolute majority required*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

Strategic Community Plan**Key theme**

Financial Sustainability.

Objective

Effective management.

Strategic initiative

Manage assets and liabilities through a planned, long-term approach.

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 decision of Council.

Financial / budget implications

The anticipated budget surplus is \$6,039,582. Additional financial details are provided in Attachment 1 to this Report.

The Rate Setting Statement in Attachment 1 includes year to date actuals to the end of December 2018. While the year to date surplus appears significant, the majority of this is driven by favourable timing differences for operating expenditure and proceeds from disposals and lower than budgeted expenditure on capital projects and motor vehicle replacements.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Budget parameters are structured on financial viability and sustainability principles.

Consultation

Extensive internal consultation with the executive and all business units has been undertaken and a mid-year budget review workshop conducted with Elected Members to prepare the revised budget.

COMMENT

Council is required to consider the budget review submitted to it (regulation 33A of the *Local Government (Financial Management) Regulations 1996*) and make a determination in relation to the outcomes and recommendations.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

- 1 APPROVES the Mid Year Review of the Budget for the 2018-19 Financial Year as at Attachment 1 to this Report;**
- 2 In accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996* PROVIDES a copy of the 2018-19 annual budget review and determination to the Department of Local Government and Communities.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf190212.pdf](#)

ITEM 18 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 Attachment 3 Map of Proposed 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 also been reviewed in light of the designations of the other parks that border it to the west and east.

Central Park Natural Area and Lakeside Parks are classified as high priority natural areas in recognition of the important ecological values that they contain. The reserves support a diverse range of flora and fauna, some of which are listed as threatened and endangered in State and Federal environmental legislation including the Forrest Red Tail Cockatoo and the Carnaby's Black Cockatoo respectively.

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 address the request of the petition and also align the designations in regard to dog access in Central Park and Lakeside Park similar to the City's other high priority natural areas and bushland parks.

It is therefore recommended that Council:

- 1 *SUPPORTS the request to permit dogs on leash in the southern portion of Central Park and along its pathways;*
- 2 *BY AN ABSOLUTE MAJORITY determines its intention to REMOVE the designation of portion of Central Park, identified as Central Park, Lot/Plan R46710; PIN 1383749, commencing in the south west corner at the car park entrance, then easterly along the southern edge of the car park and the southern boundary adjacent to the North Metropolitan TAFE building then south east to the junction of the two boardwalks, then around the eastern edge of the north west curving boardwalk and path to the junction with the western leading crescent shaped footpath, along western leading crescent shaped footpath to Grand Boulevard then south along the border of Grand Boulevard to the south west corner of the car park entrance, as a dog exercise area;*
- 3 *NOTES that removing the designation in part 2 above will make that portion of Central Park, Lot/Plan R46710; PIN 1383749 a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 4 *BY AN ABSOLUTE MAJORITY determines its intention to SPECIFY the portion of Central Park, identified as Central Park, Lot/Plan R46710; PIN 1383749 and not included in 2 above as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the Dog Act 1976;*
- 5 *BY AN ABSOLUTE MAJORITY determines its intention to REMOVE the designation of Lakeside Park Lot 15512, Reserve 47432 as a dog exercise area;*
- 6 *NOTES that removing the designation in part 5 above will make Lakeside Park Lot 15512, Reserve 47432 a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976;*
- 7 *APPROVES the advertising by local public notice of its intention to specify the area detailed in part 4 above, in accordance with section 31(3C) of the Dog Act 1976;*
- 8 *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 reserve (3.1357 hectares) 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. Central Park Natural Area provides an ecological linkage via Lakeside Park to Yellagonga Regional Park. The corridor enables fauna to move from smaller reserves to the larger bushland areas contained within the Yellagonga Regional 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 pedestrian traffic 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.

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* (the Local Law) 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 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 during the operation of the Joondalup Farmers Market.

The public space within the Joondalup CBD comprises mostly road and street reserves, however, there are 18 small 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. Dogs are permitted on road and street reserves while on a leash. 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, which is in consideration of the significant ecological and biological value of the regional park. Neil Hawkins Park is designated as dogs prohibited (CJ096-06/14 refers).

The natural bushland areas within Central Park and Lakeside Park are classified as high priority through the City's natural area prioritisation framework in recognition of the significant biological values contained within the reserves. They support a large array of fauna species including the Western Grey Kangaroo and a number of reptile and bird species, some of which are classified as threatened and endangered. 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.

Recently Carnaby's Black Cockatoos have been observed nesting in Central and Lakeside Parks. Due to its endangered status the Carnaby's Black Cockatoo is a federally protected species under the *Environmental Protection Diversity Conservation Act 1999* (EPBC Act), therefore it is significant to have nesting birds within the City of Joondalup. The presence of dogs could threaten these nesting activities, particularly during breeding season (spring).

The presence of dogs within the parks also has the potential to introduce diseases such as pathogens to the area. The City's *Pathogen Management Plan* details the risk of movement of soil in regard to increasing the risk of pathogens and other soil borne diseases being introduced or spread within parks and natural areas. The plan describes a key risk factor as being animal movement as plant pathogens can be spread via soil or plant materials carried on the feet or bodies of domestic (or native) animals.

Many of these issues are common to other bushland park areas. For example, the City has management plans for Warwick Open Space, Lilburne Park Conservation Area, Hepburn Conservation Area and Shepherds Bush Conservation Area all of which make references to the risk of pathogens and other soil borne diseases being introduced or spread within parks and natural areas from domestic animals such as dogs. They also make reference to the potential for dogs that are exercised unleashed to cause damage and harass native fauna. Dogs are permitted however in each of these bushland park areas provided they are on leash at all times. There have been no significant reported incidents.

The *Food Act 2008* prohibits 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 is 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 processes 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 Central Park during the Joondalup Farmers Markets.

Issues and options considered

There are several options available for a 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 dog exercise areas where dogs are permitted off the leash, puts at risk the high biodiversity values of flora and fauna in the area.

In the case of Central Park, permitting dogs to exercise during the City's high-profile events increase the likelihood of the visitor experience being adversely impacted. Permitting dogs on lead during the City's high-profile events in Central Park, increases the likelihood that the visitor experience will be adversely impacted with potential for 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.

This option is not recommended.

Option 2 – Remove the current dog exercise specification for Central Park and Lakeside Park making them, by default, places where dogs must be on leash at all times pursuant to section 31(1) of the *Dog Act 1976*.

Designating Lakeside Park and Central Park 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, although risks would remain for the introduction of soil borne disease and increased risk of fauna death by illness. In the case of Central Park where there have not previously been dogs there is the risk of the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles.

Permitting dogs on lead during the City's high-profile events in Central Park, increases the likelihood that the visitor experience will be adversely impacted with potential for incidents of undesirable behaviour of dog owners and their dogs.

It is noted that dogs are permitted in other significant bushland park areas such as Warwick Open Space, Lilburne Park Conservation Area, Hepburn Conservation Area and Shepherds Bush Conservation Area provided they are on leash at all times and there have been no significant reported incidents.

This option is not recommended.

Option 3 – Remove the designation of Lakeside Park as a dog exercise area making it, by default, a place where dogs must be on leash at all times, pursuant to section 31(1) of the *Dog Act 1976*. Remove the designation of a portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749, commencing in the south-west corner at the car park entrance, then easterly along the southern edge of the car park and the southern boundary adjacent to the North Metropolitan TAFE building then south east to the junction of the two boardwalks, then around the eastern edge of the north west curving boardwalk and path to the junction with the western leading crescent shaped footpath, along western leading crescent shaped footpath to Grand Boulevard then south along the border of Grand Boulevard to the south west corner of the car park entrance, as a dog exercise area making it, by default, a place where dogs must be on leash at all times pursuant to section 31(1) of the *Dog Act 1976*. For the balance of Central Park Lot / Plan R46710; PIN 1383749 remove the current designation as a dog exercise area and instead designate it as dogs prohibited at all times pursuant to section 31(2B) of the *Dog Act 1976*.

In the case of Central Park, the above would enable dogs on a leash at all times in the area where the Joondalup Farmers Markets currently operates on a Saturday morning as well as allowing dogs to be walked on a leash from Lakeside Drive through part of the TAFE property, where dogs are permitted, and the southern portion of Central Park to Grand Boulevard.

Designating Lakeside Park and part of Central Park 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 although risks would remain for the introduction of soil borne disease and increased risk of fauna death by illness. In the case of Central Park where there have not previously been dogs there is the risk of the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles.

It is noted that dogs are permitted in other significant bushland park areas such as Warwick Open Space, Lilburne Park Conservation Area, Hepburn Conservation Area and Shepherds Bush Conservation Area provided they are on leash at all times and there have been no significant reported incidents.

This option is recommended.

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

Remove the current designation as dog exercise areas for both Central Park and Lakeside Park and instead designate each as dogs prohibited at all times, pursuant to section 31(2B) of the *Dog Act 1976*. 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. It also aligns Central Park with the designation that it was thought to have. This ensures the maintenance of the highly significant ecological corridor from Yellagonga Regional Park, across the suburb of Joondalup, into the Joondalup Resort, then to Santiago and Beaumaris Parks and onwards to the coastal foreshore reserves.

It would strongly assist in protecting the integrity of the flora and fauna of the reserves and in the case of Central Park ensure a continuing high value customer experience at the City's significant and high-profile events. Finally, it would confirm the belief already very widely held and very well complied with, that dogs are not permitted in this vicinity.

This option is not recommended.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Dog Act 1976.</i>
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.

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 this does not mitigate against the introduction and/or spread 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.

There is a risk that changing the specification, in the case of part of Central Park of what has been considered a dog prohibited park to dog on leash, and in the case of Lakeside Park from dog exercise park to dog on leash, may be poorly received in the community.

Financial / budget implications

Costs are subject to the option chosen. If the level of dog access was proposed to be increased, then there would need to be consultation and if implemented additional signage. Consultation would be covered by a general budget provision. Supply and installation of 12 single-sided signs, at a total cost of approximately \$1,950 would be a reasonable expectation.

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

Regional significance

Not applicable.

Sustainability implications

Central Park Natural Area and Lakeside Park are classified as high priority natural areas in recognition of the significant biological values contained within the reserves. The presence of nesting activity for the federally protected Carnaby's Cockatoo further increases the biodiversity value of the reserves. The introduction of dogs to part of Central Park increases the risk of injury to fauna and the introduction of disease from the movement of soil on dog paws. The conservation significant fauna found within the reserves would be susceptible to disturbance as a result of the presence of dogs within the area although requiring dogs on leash at all times helps to mitigate this.

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 is not supported.

Should Council support the recommendation then the *Dog Act 1976* requires 28 days local public notice to be given in accordance with section 1.7 of the *Local Government Act 1995* before specifying the changes.

COMMENT

Permitting dogs on leash at all times in the southern part of Central Park, would enable dogs on a leash in the area where the Joondalup Farmers Markets currently operates on a Saturday morning and allow dogs to be walked on a leash from Lakeside Drive through part of the TAFE property, where dogs are permitted, to Grand Boulevard. Requiring dogs on leash at all times in Lakeside Park would make the requirements in this park consistent with other parks in the vicinity and still permit dogs to be walked in the park.

In both cases the designation 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 although risks would remain for the introduction of soil borne disease and increased risk of fauna death by illness. In the case of Central Park where there have not previously been dogs there is the risk of the presence of dog faeces, litter in the form of dog faeces bags and undesirable odours emanating from waste receptacles.

It is noted that dogs are permitted in other significant bushland park areas such as Warwick Open Space, Lilburne Park Conservation Area, Hepburn Conservation Area and Shepherds Bush Conservation Area provided they are on leash at all times and there have been no significant reported incidents.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **SUPPORTS** the request to permit dogs on leash in the southern portion of Central Park and along its pathways;
- 2 **BY AN ABSOLUTE MAJORITY** determines its intention to **REMOVE** the designation of portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749, commencing in the south west corner at the car park entrance, then easterly along the southern edge of the car park and the southern boundary adjacent to the North Metropolitan TAFE building then south east to the junction of the two boardwalks, then around the eastern edge of the north west curving boardwalk and path to the junction with the western leading crescent shaped footpath, along western leading crescent shaped footpath to Grand Boulevard then south along the border of Grand Boulevard to the south west corner of the car park entrance, as a dog exercise area;
- 3 **NOTES** that removing the designation in part 2 above will make that portion of Central Park, Lot / Plan R46710; PIN 1383749 a place where dogs must be on leash at all times, pursuant to section 31(1) of the *Dog Act 1976*;
- 4 **BY AN ABSOLUTE MAJORITY** determines its intention to **SPECIFY** the portion of Central Park, identified as Central Park, Lot / Plan R46710; PIN 1383749 and not included in part 2 above as a place where dogs are prohibited at all times pursuant to section 31(2B) (a) of the *Dog Act 1976*;

- 5 **BY AN ABSOLUTE MAJORITY determines its intention to REMOVE the designation of Lakeside Park Lot 15512, Reserve 47432 as a dog exercise area;**
- 6 **NOTES that removing the designation in part 5 above will make Lakeside Park Lot 15512, Reserve 47432 a place where dogs must be on leash at all times, pursuant to section 31(1) of the *Dog Act 1976*;**
- 7 **APPROVES the advertising by local public notice of its intention to specify the area detailed in part 4 above, in accordance with section 31(3C) of the *Dog Act 1976*;**
- 8 **ADVISES the lead petitioner of its decision.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf190212.pdf](#)

ITEM 19 COMMUNITY SPORTING AND RECREATION FACILITIES FUND APPLICATION - 2019-20 WINTER SMALL GRANT

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	28131, 22209, 101515
ATTACHMENTS	Attachment 1 Iluka Open Space aerial plan Attachment 2 Concept design
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider an application from Joondalup Bowling Club for grant funding to construct a universal access toilet in the bowling green area at Iluka District Open Space, Iluka.

EXECUTIVE SUMMARY

The Western Australian Government, provides financial assistance to local government authorities and sport and recreation clubs through the Community Sporting and Recreation Facilities Fund (CSRFF) program which aims to increase participation in sport and recreation with an emphasis on physical activity, through the rational development of good quality; multipurpose; well designed and well utilised facilities.

The State Government allocates \$12 million per year for CSRFF grants in three categories over the 2019-20 funding period. Applications for the small grants round are for projects valued between \$7,500 and \$200,000.

The City received one application for the CSRFF winter small grant round for 2019-20. The application from the Joondalup Bowling Club is to construct a universal access toilet in the south western corner of the bowling green area at Iluka District Open Space, Iluka. The project will enable participants to have access to a toilet within the fenced bowling green area. Currently the only toilets available for use are located within the Iluka Sports Complex building. Access to these toilets is impacted when the facility is in use by other groups or not open. Access to a closer toilet facility would also be a benefit to the club given the age demographics of the members.

In late 2018, the club submitted an application to the City's Sports Development Program requesting a contribution to the project of \$20,000. At its meeting held on 20 November 2018 (CJ205-11/18 refers), Council approved a grant contribution for \$20,000 and agreed that if the club also submitted a CSRFF application, that the funds would form part of the City's one third contribution towards the project.

The project has been estimated at \$62,200 with a third contribution of \$20,733 proposed from the City, CSRFF and the club.

It is therefore recommended that Council:

- 1 *APPROVES the construction of a universal access toilet within the fenced bowling green area at Iluka District Open Space, Iluka subject to the City receiving a contribution of \$20,733 from both the Joondalup Bowling Club and the Community Sporting and Recreation Facilities Fund grant program;*
- 2 *APPROVES an application to be made to the Department of Local Government, Sport and Cultural Industries for funding through the Community Sporting and Recreation Facilities Fund program for \$20,733 for the construction of a universal access toilet within the fenced bowling green area at Iluka District Open Space, Iluka;*
- 3 *NOTES that \$20,000 was approved for the project as part of the 2018-19 Sports Development Program that will form part of the City's one third contribution and will be carried forward to 2019-20;*
- 4 *APPROVES an additional \$733 (municipal funds) be listed for consideration in 2019-20 of the City's Five Year Capital Works Program for the project subject to receiving a contribution of \$20,733 from both the Joondalup Bowling Club and the Community Sporting and Recreation Facilities Fund grant program;*
- 5 *NOTES that the announcement of the Community Sporting and Recreation Facilities Fund application results is expected in June 2019.*

BACKGROUND

Suburb/Location	Iluka District Open Space (bowling green). 4 Miami Beach Promenade, Iluka.
Applicant	City of Joondalup.
Owner	Crown Land – City of Joondalup Management Order.
Zoning	DPS Parks and Recreation.
	MRS Urban.
Site area	9,498m ²
Structure plan	Not applicable.

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

The State Government allocates \$12 million per year for CSRFF grants in three categories over the 2019-20 funding period. Applications for the small grants round are for projects valued between \$7,500 and \$200,000.

Iluka District Open Space is located on the corner of Marmion Avenue and Miami Beach Promenade Iluka and is approximately 72,518m² in size and is classified as a 'District Park' within the City's existing *Parks and Public Open Spaces Classification Framework*. The bowling green area is approximately 9,498m² in size.

The Joondalup Bowling Club currently has 163 members of which nearly 80% are aged 65 years or older. The club is a member of the Joondalup Sports Association. The association also includes the Joondalup City Football Club; Joondalup Districts Cricket Club; and Joondalup Lakers Hockey Club. The association leases the Iluka Sports Complex building; four bowling greens; greenkeeper shed; bench seating and shade structures (Attachment 1 refers).

In August 2018, the club submitted an application to the City's Sports Development Program requesting a contribution of \$20,000 towards the construction of a toilet and kiosk facility. At its meeting held on 20 November 2018 (CJ205-11/18 refers), Council approved a grant contribution for \$20,000 and agreed that if the club also submitted a CSRFF application, that the funds would form part of the City's one third contribution towards the project.

DETAILS

The City received one application for the CSRFF small grant winter round for 2019-20. The initial proposal from the Joondalup Bowling Club was to construct a facility consisting of male, female and universal access toilets and kiosk / storeroom in the south western corner of the bowling green area at Iluka District Open Space, Iluka.

After discussion with the City, it was determined that three toilets and a kiosk / storeroom would not be supported as the need could not be demonstrated. The club agreed to reduce the project scope to a single universal access toilet (Attachment 2 refers). The project will enable participants to have access to a toilet within the fenced bowling green area.

Currently the only toilets available for use are located within the Iluka Sports Complex building. Access to these toilets is impacted when the facility is in use by other groups (access is restricted to the entry doors at the north and south sides of the facility) or not open. Access to a closer toilet facility would also be a benefit to the club given the age demographics of the members.

The toilet facility is proposed to be located in the south western corner of the bowling green area, near the existing bin store. Construction will require the removal of a garden bed border and relocation of some small landscaping shrubs. The palm tree to the south of the proposed area will not be impacted by the works.

It is the City's requirements that construction projects that involve structural work are managed by the City and not facility users. This is to ensure the City's standards and compliance requirements are met and in the circumstances of a lease arrangement, mitigates the likelihood of potential structural defects which are the obligation of the City to maintain. The announcement of the grant is due in June 2019. If successful, the City will undertake detailed design and construction of the works in 2019-20.

A quote was sought from the City's building minor works contractor and the project has been estimated at \$62,200 with a third contribution of \$20,733 proposed from the City, CSRFF and the club.

The Joondalup Bowling Club have provided bank statements / financial reports to demonstrate the ability to meet the requirements for their contribution to the project of \$20,733.

Issues and options considered

It is considered that Council has two options, to either agree or not to agree to progress the application to the DLGSCI for funding through the CSRFF grant program. The City supports the proposed project as it will enable bowling club participants to have access to a toilet within the fenced bowling green area. The CSRFF grant program provides the City with an opportunity to upgrade City infrastructure with a funding contribution from the State Government and the sporting clubs that will directly benefit from the upgrades.

If Council chooses not to support the project, the club will continue to utilise the existing toilets located in the Iluka Sports Complex facility.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

Strategic initiative Support a long-term approach to significant facility upgrades and improvements.

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

Risk management considerations

The cost estimate is based on a quote received by the City's building minor works contractor in December 2018 however, all capital projects bring risks in relation to contingencies and overruns against original design.

Given the basic construction methodology of this project, it is not anticipated that any contingency needs would be required as the risk of exceeding the proposed budget is limited. If in the event that a minor cost overrun was incurred, it is assumed the City would meet this financial requirement given the recommendation is for the City to manage the works if approved.

Financial / budget implications

Capital costs The capital cost is estimated to be \$62,200 with an assumption of one third funding for the City, CSRFF and the club of \$20,733. The City would be responsible for the ongoing capital replacement costs of approximately \$1,500 per year.

The City has already allocated \$20,000 funding for the project through the Sports Development Program, therefore the City would be required to fund an additional \$733.

Annual operating costs The new toilet facility would be within the leased area of the Joondalup Sports Association therefore, the association would be responsible for the ongoing cleaning, general maintenance and utilities in line with the existing lease agreement.

Structural maintenance	The City would be responsible for capital / structural maintenance for the new toilet facility which may be up to \$500 per year on average.
Depreciation	The capital cost of \$62,200 would result in additional depreciation of approximately \$1,500 per year to the City.
Structural maintenance and depreciation	The impact of the new toilet facility is \$2,000 per year (based on the additional depreciation of \$1,500 and structural maintenance of \$500 per year). This cost would further depress the City's operating deficit.
Annual operating income	Once construction has been completed, the City would undertake a deed of variation amending the Joondalup Sports Association's current lease agreement to include the new toilet facility. The <i>Property Management Framework</i> provides community sporting groups a rental subsidy calculated at 0.1% of the capital replacement cost, therefore increasing the rental fee by approximately \$62.20 per year which will be included within the variation.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Environmental

Construction will require the removal of a garden bed border and relocation of some small landscaping shrubs. The palm tree to the south of the proposed area will not be impacted by the works.

Social

The Joondalup Bowling Club has undertaken consultation with club members and the other clubs that form the Joondalup Sports Association to ensure that feedback received represents their needs. Works undertaken by the City will consider access and inclusion principles with the aim to enhance the amenity of the public space.

Economic

Not applicable.

Consultation

The club has undertaken consultation with club members and the other clubs that form the Joondalup Sports Association. The new toilet facility would be within the leased area of the Joondalup Sports Association therefore, the association would be responsible for the ongoing cleaning, general maintenance and utilities in line with the existing lease agreement. The association acknowledge the lease fee would also increase by approximately \$62.20 per year. The City received confirmation from the association from their management committee meeting held on the 15 October 2018 that they both supported the proposed project and acknowledged the responsibility for additional cleaning, maintenance and utility costs.

As a new toilet building will be constructed within the leased area of the facility, the City would not be undertaking community consultation for the project.

COMMENT

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

Currently the only toilets available for use by the Joondalup Bowling Club participants are located within the Iluka Sports Complex building. Access to these toilets is impacted when the facility is in use by other groups or not open. The project will enable participants to have closer access to a toilet within the fenced bowling green area which would be a benefit to the club given the age demographics of the members.

The club has also applied for funding via the Sports Australia Community Sport Infrastructure grants (Federal Government) for the project. Its application was not successful as part of round 1 but the fund has had additional funds applied and are assessing applications as part of round 2.

If the club's application is successful it will not pursue the funding through CSRFF.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 APPROVES the construction of a universal access toilet within the fenced bowling green area at Iluka District Open Space, Iluka subject to the City receiving a contribution of \$20,733 from both the Joondalup Bowling Club and the Community Sporting and Recreation Facilities Fund grant program;**
- 2 APPROVES an application to be made to the Department of Local Government, Sport and Cultural Industries for funding through the Community Sporting and Recreation Facilities Fund program for \$20,733 for the construction of a universal access toilet within the fenced bowling green area at Iluka District Open Space, Iluka;**
- 3 NOTES that \$20,000 was approved for the project as part of the 2018-19 Sports Development Program that will form part of the City's one third contribution and will be carried forward to 2019-20;**
- 4 APPROVES an additional \$733 (municipal funds) be listed for consideration in 2019-20 of the City's Five Year Capital Works Program for the project subject to receiving a contribution of \$20,733 from both the Joondalup Bowling Club and the Community Sporting and Recreation Facilities Fund grant program;**
- 5 NOTES that the announcement of the Community Sporting and Recreation Facilities Fund application results is expected in June 2019.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf190212.pdf](#)

ITEM 20 REQUEST FOR ADDITIONAL SUBSIDIES AND WAIVERS OF FEES FOR ANNUAL HIRE GROUPS

WARD	All
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 applications for additional subsidies and waivers of fees for the hire of City venues by annual user groups in 2019.

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

The City has recently completed the bookings for use of its venues for the 2019 annual booking period. Consequently, the following groups have been assessed as eligible for a partial subsidy of their fees and are seeking an additional subsidy:

- Lions Club of Whitford (Inc).
- University of the Third Age (UWA) Inc – Joondalup Region.
- Whitford Senior Citizens Club.
- Youth Futures.

The following groups have been assessed as ineligible for a subsidy and are seeking a waiver of hire fees:

- Farmers Markets (WA) Pty Ltd.
- Grace Church.

It is therefore recommended that Council:

- 1 AGREES to extend the 100% subsidised use for the Lions Club of Whitford (Inc) for the use of Gibson Park Community Centre and other City facilities in 2019 to a maximum 25 hours average per week and a value of \$24,953;*
- 2 DOES NOT AGREE to the request to waive the remaining 50% of hire fees for the University of the Third Age (UWA) Inc – Joondalup Region for the use of Rob Baddock Community Hall in 2019;*
- 3 AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2019 to a maximum of 133 hours average per week and a value of \$160,372;*
- 4 AGREES to extend the 100% subsidised use for Youth Futures for the use of Heathridge Community Centre in 2019 to a maximum of 31 hours average per week and a value of \$37,060;*
- 5 DOES NOT AGREE to the request to waive 100% of the fees for Farmers Markets (WA) Pty Ltd for the use of Central Park in 2019;*
- 6 DOES NOT AGREE to the request to waive 50% of the fees for Grace Church Padbury for the use of Padbury Community Hall in 2019;*
- 7 NOTES that the Facility Hire Subsidy Policy states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Property Management Framework* which is intended to provide a consistent and concise methodology to property management. Also at that meeting, Council adopted the *Facility Hire Subsidy Policy* which provides direction relating to subsidised use of City venues, 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 venues on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre, Craigie. The policy applies to organised groups only and does not apply to individuals.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of venue hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members / participants reside within the City of Joondalup. 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 and over.

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

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

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

Additional subsidies will be provided for the following:

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

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

DETAILS

The City has recently completed the booking process for use of its venues during the 2019 annual booking period. Consequently, some groups have sought further subsidisation or waiver of fees in accordance with the policy.

Lions Club of Whitford (Inc)

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Gibson Park Community Facility	Community Service and Charitable Groups	100% up to a maximum of 10 hours per week	17	7

The Lions Club of Whitford (Inc) is one of three Lions clubs that hire the Gibson Park Community Facility, Padbury. The Gibson Park Community Facility was built with the primary purpose to accommodate the Lions club that operate within the City and also to provide an additional facility accessible to the community. The other Lions club at this facility (Duncraig and Kingsley) operate within the allocated subsidised hours of the policy.

The group has initially booked 873 hours for 2019, averaging 17 hours per week, to enable it to conduct regular meetings and undertake the necessary work to prepare for its charitable fundraising events.

It is understood the group also undertakes various activities from within its allocated storeroom. While the City worked with the group in 2018 to reallocate storage that can be exclusively accessed externally, the toilet and kitchen facilities can only be accessed from within the main hall. As such, the group is required to book the hall space to gain access to these areas without disturbing other user groups.

The group has requested the City provide an additional subsidy for all of its 2019 bookings at any City venue.

It is also noted that the group is likely to make additional bookings beyond the 17 hours per week for new projects throughout the year at various City facilities. In 2018, Council approved the request for an additional subsidy for the group, approving up to 25 hours per week throughout the year. On review the group averaged a total of 24.5 hours per week at the end of 2018.

As the group meets the eligibility criteria within the policy, it is recommended that Council agrees to the request for an additional subsidy of hire fees for the Lions Club of Whitford (Inc) up to 25 hours average per week.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$24,953	\$14,546	\$10,407	\$24,953	\$0	\$24,953	\$0

University of the Third Age (UWA) Inc – Joondalup Region

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Rob Baddock Community Hall	Other not-for-profit community groups	50%	8	Not applicable

The University of the Third Age (UWA) Inc – Joondalup Region currently hires the Rob Baddock Community Centre for delivery of its activities and events.

The group has booked 400.5 hours for 2019, averaging eight hours per week to enable it to undertake its activities and events and has been assessed as being eligible for a subsidy. It should be noted that prior to 2019, the group was provided a 100% subsidy of hire fees as it was classified as a 'Senior Citizens Recreational and Sporting Group' within the policy. A requirement of this classification is that the group offers its services exclusively to persons aged over 55 years. During 2018, the City identified that the group's constitution had changed and no longer reflected the requirements for members to be of retirement age (or over 55 years of age). As such, the group has been reassessed as being an 'Other Not-for-Profit Group' and is only eligible to receive a 50% subsidy of hire fees.

The group has advised that despite the changes to its constitution all of its current members are over 55 years of age and has requested Council consider waiving the remaining 50% of hire fees to enable the group to continue to run its activities and events.

As the group does not meet the eligibility criteria to be classified as a 'Senior Citizens Recreational and Sporting Group' within the policy, it is recommended that Council does not agree to the request to waive the remaining 50% of hire fees for the University of the Third Age (UWA) Inc – Joondalup Region.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$9,682	\$4,841	\$4,841	\$9,682	\$0	\$4,841	\$4,841

Whitford 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	133	53

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

The club has booked 6,414 hours for 2019, averaging 133 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 allocated the club up to 80 hours of subsidised use per week. It is noted that the group also holds a peppercorn licence over an office space, games room, two craft rooms and courtyard which affords the group unlimited use of these spaces during the calendar year.

In late 2018, the club requested an extension to its booked times which resulted in the club's booking exceeding the maximum allowable hours for subsidised use under the policy. At its meeting held on 16 October 2018 (CJ178-10/18 refers), Council agreed to provide an additional subsidy for the Whitford Senior Citizens Club to the value of \$7,171 for the remainder of 2018. In addition, the group has requested access to another office space at the Whitford Senior Citizens Centre for an additional 10 hours per week during 2019.

The club has requested Council consider an additional subsidy for the additional hours and rooms booked to deliver its activities and events during 2019.

As the club meets the eligibility criteria within the policy, it is recommended that Council agrees to the request for an additional subsidy of hire fees for the Whitford Senior Citizens Club for up to 6,414 hours for the year.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$160,372	\$121,705	\$38,667	\$160,372	\$0	\$160,372	\$0

Farmers Markets (WA) Pty Ltd

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Central Park	Ineligible	Not applicable	7	Not applicable

At its meeting held on 28 June 2016 (CJ094-06/16 refers), Council in response to an expression of interest requested that the City enter into negotiations with Farmers Markets (WA) Pty Ltd to establish a weekly farmers' market in Central Park, Joondalup.

The City undertook discussions with Farmers Markets (WA) Pty Ltd regarding the proposed event and associated deliverables and subsequently developed a Memorandum of Understanding between the City and Farmers Markets (WA) Pty Ltd.

Approximately 2,000 people attended the official opening of the farmers' markets in February 2017 and the markets have continued to attract an estimated weekly attendance of 750 people. The Joondalup Growers Market has 5,883 followers on Facebook and 1,886 on Instagram.

At its meeting held on 26 June 2018 (CJ107-06/18 refers), Council agreed to waive 100% of the hire fees for Farmers Markets (WA) Pty Ltd to use Central Park in 2018 to the value of \$19,000.

The City has renegotiated a Memorandum of Understanding with Farmers Markets (WA) Pty Ltd effective until 31 December 2019 which is summarised below:

Support provided to Farmers Markets (WA) Pty Ltd.	Maximum contribution		
	2017	2018	2019
Waiver of fees associated with the hire of Central Park, Joondalup.	\$17,321	\$19,000	\$0
Provision and service of four x 220 litre rubbish bins	\$2,600	\$2,600	\$2,600
Provide funding to FMWA for off-site storage.	\$16,350	\$0	\$0
Provide funding to launch the markings, and in-kind support through cross-promotion on the City's social media platforms.	\$1,793	Not applicable	Not applicable
Pay an annual fee to assist in the operation of the 'Welcome to Spring' and 'Christmas Festival' events	\$10,000 + in-kind	\$3,750 + In-kind only	In-kind only
Total	\$55,564 + in-kind	\$25,350 + in-kind	\$2,600 + in-kind

It is noted that the intention of the current Memorandum of Understanding is that the group be managed as a regular hirer of City facilities and therefore eligible for a similar level of support as other regular hirers. As a result of changes to the fees and charges in 2018/19, the applicable rate of hire for the group has reduced from a half day commercial event fee to an hourly commercial park hire fee of \$16.36 in 2019.

Farmers Markets (WA) Pty Ltd have discussed its ongoing operations with the City and have advised that the markets would not be sustainable should the City not provide a waiver of fees for its annual bookings. Farmers Markets (WA) Pty Ltd have also requested consideration for a possible relocation in 2019. Event organisers have been challenged with some forced closures of Central Park due to City events (Kaleidoscope and Joondalup Festival) as well as ongoing maintenance issues with the turf, resulting in challenges with continuity of service. After a trial relocation to the grassed area behind Lotteries House in late 2018, the markets were relocated back to Central Park in 2019 due to reduced attendance at the trial location. The City will work with event organisers to identify a suitable relocation option in early 2019.

As Farmers Markets (WA) Pty Ltd does not meet the criteria for a subsidy or the criteria for a waiver of hire fees under the *Facility Hire Subsidy Policy*, it is recommended that Council does not agree to waive 100% of the fees for Farmers Markets (WA) Pty Ltd to use Central Park for the Joondalup Growers' Market in 2019.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$5,956	\$0	\$5,956	\$5,956	\$0	\$0	\$5,956

Youth Futures

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Heathridge Community Centre	Community Service and Charitable Groups	100% up to a maximum of 10 hours per week	52	42

Youth Futures is a not-for-profit organisation that provides services to the City of Joondalup and surrounding suburbs. Youth Futures specifically targets young people experiencing homelessness by providing various educational and support programs.

The group has booked various areas of the Heathridge Community Centre totalling 2,704 hours for 2019, averaging 52 hours per week. The group has increased its usage from 2017 to support its growing operations and remains stable from 2018.

The group is eligible for 10 hours per week subsidised at 100% under the policy and is requesting an additional subsidy of 50% for its remaining 42 hours of bookings per week. This has been requested to enable the group to provide quality services and programs to young people in the City of Joondalup and surrounding suburbs.

As the group meets the eligibility criteria within the policy, it is recommended that Council agrees to the request for an additional subsidy of 50% of hire fees for the Youth Futures up to 31 hours average per week.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$50,958	\$12,508	\$38,450	\$37,060	\$13,898	\$37,060	\$13,898

Grace Church Padbury

Facility hired	Classification within the policy	Current extent of subsidy	Hours booked per week	Hours exceeding subsidy per week
Padbury Community Hall	In eligible	Not applicable	5	Not applicable

Grace Church Padbury has been based in the City of Joondalup since 2007 and has operated from Padbury Community Hall, Padbury since 2014. The group hires the Padbury Community Hall for five hours per week on a Sunday.

Grace Church Padbury is not eligible for a subsidy as it does not meet the criteria of having at least 50% of its participants as residents of the City of Joondalup. The church has approximately 100 active participants, of whom 37 (37%) reside within the City of Joondalup, another 37% reside in the City of Wanneroo and the remaining 26% travel from various areas of Perth and beyond. The group's City of Joondalup membership figure has reduced from 42% in 2018.

The group has requested special consideration for a waiver of fees for its hire of Padbury Community Hall on the grounds of experiencing significant financial difficulty. In 2017 and 2018, Grace Church Padbury sought a waiver of fees of 100% and Council agreed to waive 50% of the hire fees applicable to the group's booking to support the group during a financially difficult time. The City has sought commentary from the group in regard to actions it is taking to become more financially viable, and the group advised in 2018 and 2019 that it is reviewing its operational expenses.

The group has provided its profit and loss statements to the City which demonstrate a profit in 2016-17 and a significant increase in profit in 2017-18. The group has advised that these profits are attributable to contributions to a capital investment fund for the purchase of an office space in 2018 and a facility in the future. The City has determined that due to the profits reported over the past two years, the group is not facing significant financial difficulty and therefore it is not recommended to support a waiver of fees for 2019.

As the group has now been assessed to have the capacity to pay hire fees and does not meet the other criteria for a waiver of hire fees under the policy, it is recommended that Council does not agree to the request for a waiver of fees for the Grace Church Padbury booking during 2019.

Total booking cost	Current		Requested		Recommended	
	Subsidy value	Group payment	Subsidy value	Group payment	Subsidy value	Group payment
\$8,885	\$0	\$8,885	\$4,443	\$4,442	\$0	\$8,885

Issues and options considered

Council may agree or not agree to each of the requests for additional subsidies and waiver of fees on a case by case basis.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Financial diversity.

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

Policy *Facility Hire Subsidy Policy*.

Risk management considerations

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

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

Financial / budget implications

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

If the City approves the additional subsidies and waivers of fees requested by these groups, the City will lose approximately \$88,866 in income for 2019 annual venue bookings. In 2018, the City approved approximately \$124,458 of additional subsidies and waivers of fees for venue bookings. A summary of those 2018 additional subsidies and waivers of fees in excess of \$5,000 has been provided below:

Group	Request type	Amount approved
Youth Futures	Additional subsidy	\$26,856
Farmers Markets (WA) Pty Ltd	Waiver of hire fees	\$23,045
Lions Club of Whitford (Inc)	Additional subsidy	\$21,798
Kingsley Amateur Football Club	Waiver of hire fees	\$11,128
Whitford Senior Citizens Club	Additional subsidy	\$7,171
Grace Church Padbury	Waiver of hire fees	\$5,134

The City currently has a \$6.7 million per annum operating deficit with it paying significant amounts in grants and contributions, while also waiving and subsidising a large amount for City fees for use of its 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.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 AGREES to extend the 100% subsidised use for the Lions Club of Whitford (Inc) for the use of Gibson Park Community Centre and other City facilities in 2019 to a maximum 25 hours average per week and a value of \$24,953;**
- 2 DOES NOT AGREE to the request to waive the remaining 50% of hire fees for the University of the Third Age (UWA) Inc – Joondalup Region for the use of Rob Baddock Community Hall in 2019;**
- 3 AGREES to extend the 100% subsidised use for the Whitford Senior Citizens Club for the use of the Whitford Senior Citizens Centre in 2019 to a maximum of 133 hours average per week and a value of \$160,372;**
- 4 AGREES to extend the 100% subsidised use for Youth Futures for the use of Heathridge Community Centre in 2019 to a maximum of 31 hours average per week and a value of \$37,060;**
- 5 DOES NOT AGREE to the request to waive 100% of the fees for Farmers Markets (WA) Pty Ltd for the use of Central Park in 2019;**
- 6 DOES NOT AGREE to the request to waive 50% of the fees for Grace Church Padbury for the use of Padbury Community Hall in 2019;**
- 7 NOTES that the *Facility Hire Subsidy Policy* states that requests for additional subsidies apply for one year / season and a new application must be made each following year / season.**

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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.”*

DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

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Item No/ Subject	
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- (b) at the meeting immediately before the matter is discussed.”*



**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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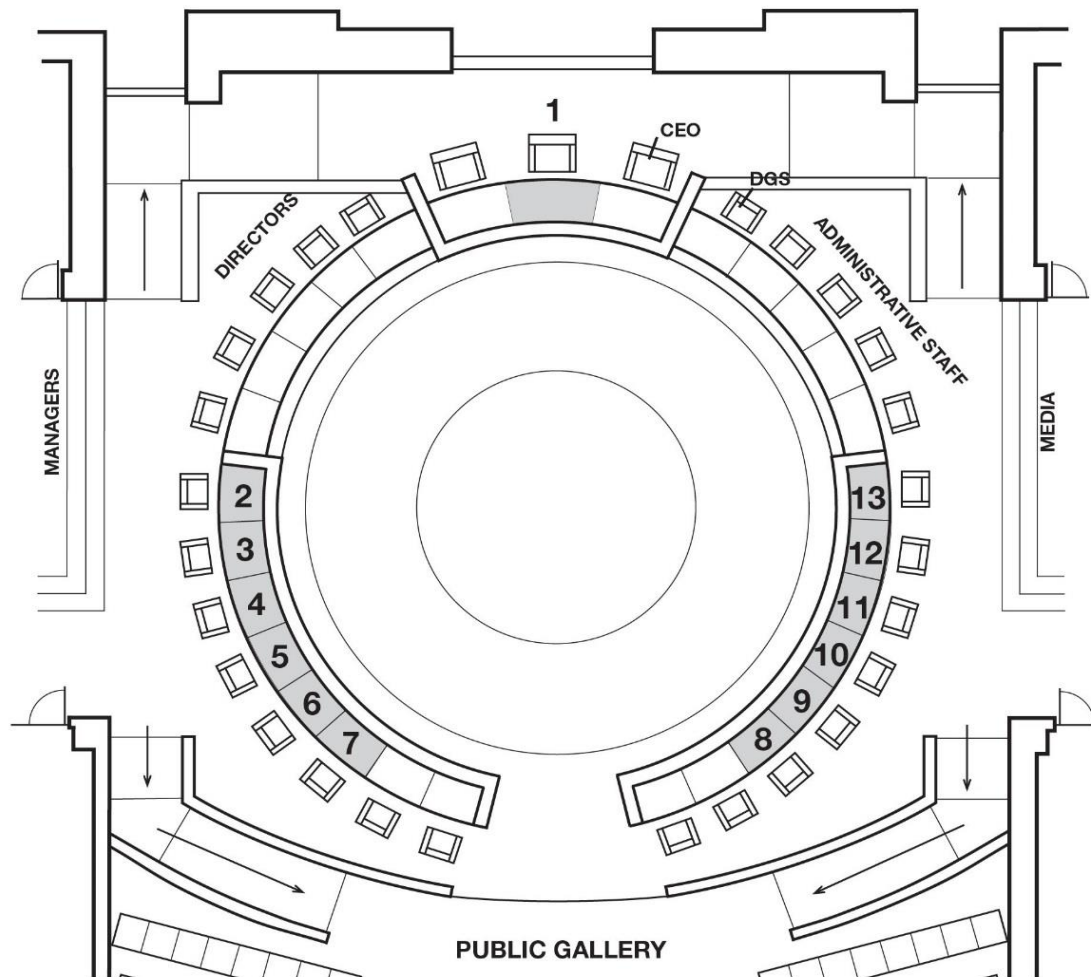
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Please submit this form at the meeting.

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

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)