

agenda

Ordinary Meeting of Council

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

ON TUESDAY 17 NOVEMBER 2020
COMMENCING AT 7.00pm

GARRY HUNT
Chief Executive Officer
13 November 2020

www.joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Residents and / or ratepayers
of the City of Joondalup are
requested to lodge questions
in writing by 9.00am on

Monday 16 November 2020

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

IMPORTANT INFORMATION

ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Due to State of Emergency and Public Health State of Emergency declared as a result of the COVID-19 pandemic, public attendance at City of Joondalup meetings has unfortunately been restricted.

To maintain the required physical distancing separation between people during this time, **the maximum public attendance at meetings has been capped at 55 people** (37 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately be denied entry.

To manage expectations, members of the public wishing to attend the meeting and ask up to two (2) questions and / or to make a public statement, can register their own interest from 9.00am on the day of the meeting by emailing council.questions@joondalup.wa.gov.au or by telephoning (08) 9400 4313. Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two (2) verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be permitted to attend where any seats remain vacant after consideration of the above attendee requests.

Any member of the public attending the meeting in person without registration will not be given access unless there is space available.

Entry to the City's premises will be restricted after 30 minutes have elapsed past the scheduled start time of the meeting. The public are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

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

- follow the direction of the Presiding Members and City employees when attending meetings
- maintain 1.5 metre separation between themselves and other members of the public while attending meetings
- use the hand sanitiser that is provided by the City at the venue
- not attend a meetings should they feel unwell or if they have been in contact with a known COVID case, or been overseas in the preceding two weeks
- download the Federal Government's COVIDSafe app.

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

COUNCIL MEETINGS

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

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 21 April 2020:

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

Questions asked Verbally

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

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

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

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

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

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

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 Council Meetings were adopted at the Council meeting held on 21 April 2020:

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

CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

CIVIC CENTRE EMERGENCY PROCEDURES

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

Alarms

The City of Joondalup emergency system has two alarm tones:

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

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

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

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

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



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LATE ITEMS / ADDITIONAL INFORMATION

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

[AdditionalInformation201117.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 17 November 2020** commencing at **7.00pm**.

GARRY HUNT
Chief Executive Officer
13 November 2020

Joondalup
Western Australia

VISION

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

PRIMARY VALUES

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

DISTINGUISHING VALUES

Bold

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

Ambitious

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

Innovative

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

Enterprising

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

Prosperous

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

Compassionate

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

AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor the Hon. Albert Jacob, JP will say a Prayer.

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

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

Disclosures of Financial Interest/Proximity Interest

Nil.

Disclosures of interest affecting impartiality

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

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ173-11/20 - Provision of a Major Event - Vintage Car Speed Classic.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt is a former Chairman and Board Member of rally Australia up until 2005.

PUBLIC QUESTION TIME

The following summarised questions were taken on notice at the Council Meeting held on 20 October 2020:

Ms J Quan, Edgewater:

Re: Edgewater Quarry Park Development.

Q2 *City of Joondalup said it is too expensive to develop a Quarry according to the 2009 consultation results, was there any concept plan or financial analysis done according to the 2009 consultation result?*

A2 As part of the master planning process for the Edgewater Quarry site, several concept plans were developed during the period 2009 to 2014. Preliminary costings were prepared on a majority of the plans but none were progressed by the Council.

Ms B Hewitt, Edgewater:

Re: *City Rangers.*

Q1 *What is the daily number of authorised City Rangers on roster for call outs?*

A1 The City advises the daily number of authorised City Rangers rostered on duty are as follows:

2 x Senior Rangers
2 x Morning Shift Rangers (6.00am – 4.30pm)
2 x Afternoon Shift Rangers (9.30am – 8.00pm)
2 x Morning Shift Patrol Officers (7.00am – 4.30pm)
2 x Afternoon Shift Patrol Officers (4.30pm – 2.00am)

Q2 *We understand that a large number of employees from Parks Operations and City Rangers are currently on stress leave, is there a culture of bullying causing employment issues within the City of Joondalup?*

A2 The City does not agree with the position put that a bullying culture exists in any part of the organisation. The City has in place a protocol that articulates the process by which any employee can have an allegation of bullying investigated.

Ms T Wolf, Edgewater:

Re: *Quarry Park, Edgewater.*

Q2 *Where would the information be found in relation to if Quarry Park is zoned urban deferred developments?*

A2 The land parcels that form the Edgewater Quarry project site are zoned under both the Metropolitan Region Scheme (MRS) and the City's Local Planning Scheme No. 3 (LPS3).

Quarry Park is not zoned 'Urban Deferred'. The historical research undertaken on the site found that when the suburb of Edgewater was established in the 1970's the quarry was set aside for deferred urban development.

However, currently under the MRS, the Edgewater Quarry is zoned 'Urban'.

Under LPS3, Edgewater Quarry is zoned a combination of Private Community Purposes zone and Public Open Space reserve.

Ms P Scull, Beldon:

Re: Non-Chemical Weeding Methods.

Q1 Which parks, adjacent to schools and day-care centres, are now being trialled with non-chemical weeding methods?

A1 Besides mowing, no park or reserve adjacent to schools and day-care centres, are currently being trialled with other forms of non-chemical weeding methods. The City's most recent non-chemical weed trial took place in the Joondalup Central Business District adjacent to McLarty Avenue using a new type of vehicle delivering a hydro-thermal treatment. The outcomes of these trials, as well as other chemical and non-chemical trials previously completed and underway, will inform the City's weed management practices going forward including those areas within 50 metres of schools and day-care centres.

PUBLIC STATEMENT TIME**APOLOGIES AND LEAVE OF ABSENCE****REQUEST FOR LEAVE OF ABSENCE - CR RUSS FISHWICK, JP - [107864]**

Cr Fishwick has requested Leave of Absence from Council duties covering the period 25 to 29 November 2020 inclusive.

RECOMMENDATION

That Council APPROVES the request for Leave of Absence from Council duties for Cr Fishwick covering the period 25 to 29 November 2020 inclusive.

CONFIRMATION OF MINUTES**MINUTES OF COUNCIL MEETING HELD 20 OCTOBER 2020****RECOMMENDATION**

That the Minutes of the Council Meeting held on 20 October 2020 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

- CJ176-11/20 – Confidential – Status Report on Warwick Community Facilities – Warwick Activity Centre.
- CJ178-11/20 – Confidential – Sorrento Beach Enclosure.

PETITIONS

REPORTS**CJ163-11/20 DEVELOPMENT AND SUBDIVISION APPLICATIONS
– SEPTEMBER 2020**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENT	Attachment 1 Monthly Development Applications Determined - September 2020 Attachment 2 Monthly Subdivision Applications Processed - September 2020
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 September 2020.

EXECUTIVE SUMMARY

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

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

This report identifies the development applications determined by the administration under delegated authority powers during September 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during September 2020 (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 23 June 2020 (CJ079-06/20 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 September 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	7	7
Strata subdivision applications	33	46
TOTAL	40	53

Of the 40 subdivision referrals, 28 were to subdivide in housing opportunity areas, with the potential for 40 additional lots.

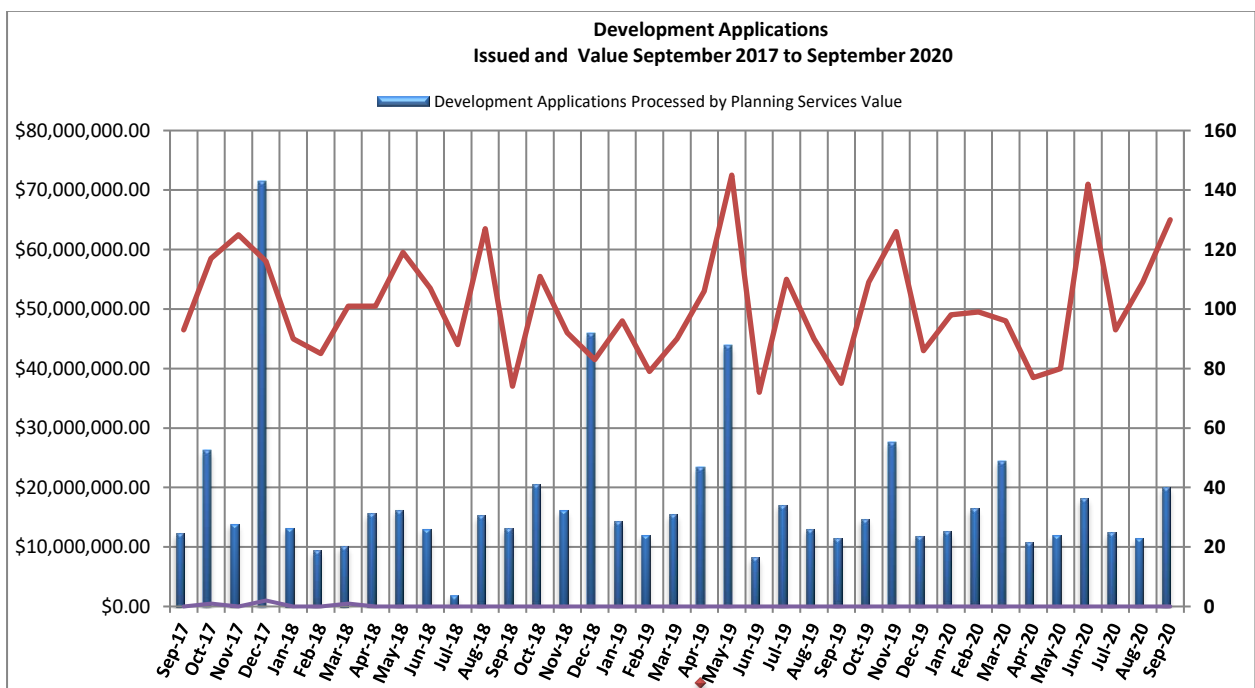
Development applications

The number of development applications determined under delegated authority during September 2020 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	130	\$20,105,934
TOTAL	130	\$20,105,934

Of the 130 development applications, 19 were for new dwelling developments in housing opportunity areas, proposing a total of 22 additional dwellings.

The total number and value of development applications determined between September 2017 and September 2020 is illustrated in the graph below:



The number of development applications received during September 2020 was 150.

The number of development applications current at the end of September was 245. Of these, four were pending further information from applicants and 11 were being advertised for public comment.

In addition to the above, 292 building permits were issued during the month of September with an estimated construction value of \$32,605,483.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

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

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

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

Risk management considerations

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

Financial / budget implications

A total of 130 development applications were determined for the month of September with a total amount of \$73,856.43 received as application fees.

All figures quoted in Report CJ163-11/20 are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to Report CJ163-11/20 during September 2020;**
- 2 subdivision applications described in Attachment 2 to Report CJ163-11/20 during September 2020.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf201110.pdf](#)

CJ164-11/20 PROPOSED CHILD CARE PREMISES (CHANGE OF USE FROM SINGLE HOUSE) AT LOT 47 (23) CURRAMBINE BOULEVARD, CURRAMBINE (SECTION 31 RECONSIDERATION)

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	10805; 101515
ATTACHMENTS	Attachment 1 Location Plan Attachment 2 Revised Development Plans Attachment 3 Applicant Justification Attachment 4 Parking Management Plan Attachment 5 Bushfire Management Plan Attachment 6 Acoustic Report Attachment 7 Summary of DFES Comments Attachment 8 Previously Considered Development Plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine a development application for a change of use from Single House to Child Care Premises at Lot 47 (23) Currambine Boulevard, Currambine following a directive from the State Administrative Tribunal.

EXECUTIVE SUMMARY

An application for development approval has been received for a change of use from a Single House to Child Care Premises at Lot 47 (23) Currambine Boulevard, Currambine. The application has been considered at three previous Council meetings as summarised in the table below:

Date of Meeting	Report Number	Outcome
17 September 2019	CJ116-09/19	Deferred
17 March 2020	CJ021-03/20	Deferred
23 June 2020	CJ073-06/20	Refused

Council's latest decision to refuse the application (CJ073-06/20 refers) was based on the view that the development is not compatible with or complementary to existing residential development and did not meet the standards required under the Department of Planning, Lands and Heritage's (DPLH) *Guidelines for Planning in Bushfire Prone Areas*.

The applicant has since sought a review of Council's decision via the State Administrative Tribunal (SAT).

Mediation has occurred as part of the SAT process, and in response to the reasons for refusal, an amended application was provided on 5 October 2020. The amended proposal includes the following:

- Four car parking bays on site for drop off and pick up, with the two full time staff members to either utilise public transport, or off-site parking in the vicinity
- The development being proposed for a time-limited period only (three years from the date of approval)
- Use of the adjoining Pedestrian Access Way as an alternative access in the event of bushfire emergency.

The SAT has invited Council to reconsider its previous decision in view of the amended proposal submitted by the applicant.

The revised information has been considered and assessed against the City's *Child Care Premises Local Planning Policy* (LPP). It is considered that the proposed development, even as amended, will adversely impact the amenity of the surrounding locality, due to the location of the proposed use amongst residential properties. The development also does not satisfy the requirements of DPLH's *Guidelines for Planning in Bushfire Prone Areas*.

It is recommended that the application be refused.

BACKGROUND

Suburb/Location	Lot 47 (23) Currambine Boulevard, Currambine.
Applicant	Natasha O'Neil.
Owner	Natasha O'Neil.
Zoning	LPS 3 Residential, R80.
	MRS Urban.
Site area	340m ² .
Structure plan	Not applicable.

Site context

The subject site is bound by Currambine Boulevard to the south, Mistral Meander to the north, residential development to the east and a nine-metre wide pedestrian accessway to the west. The site is located approximately 320 metres to the west of the Currambine Train Station. A location plan is provided as Attachment 1 to Report CJ164-11/20. The subject site contains a single house, constructed in 1996.

The site is also located in a bushfire prone area due to the vegetation to the north of the site, with a bushfire attack level (BAL) of 19, being a moderate bushfire risk.

In relation to the 6.27 hectare vacant site to the north, at its meeting held on 10 December 2019 (CJ164-12/19 refers), Council resolved to proceed with an amendment to the City of Joondalup *Local Planning Scheme No. 3* (LPS3) to rezone a portion of this parcel of land from 'Residential' to 'Commercial and 'Mixed Use'. The amendment was approved by the Minister for Planning in June 2020.

The area the subject of the amendment is on the western side of the lot and not across from the subject site. Applications for subdivision have been lodged with the Western Australian Planning Commission (WAPC) for both the 'Commercial' zoned site and remainder of the lot, but have not been determined at this stage.

Previous consideration by Council

Council at its meeting held on 17 September 2019 (CJ116-09/19 refers), considered the subject application and resolved that the application: “ ... *BE REFERRED BACK to the Chief Executive Officer to allow the applicant / owner to consider the issues and concerns raised in Report CJ116-09/19 and specifically to seek advice on traffic and parking matters.*”

Following this meeting, City officers met the applicant and the applicant’s traffic and planning consultants on site to discuss what areas of the proposal needed to be addressed. Following this meeting, a Traffic Impact report was submitted in December 2019, which provided justification for the (previous) parking configuration; opinion on the impact of parking on the surrounding area; opinion on the street parking on Currambine Boulevard and a turning template for an emergency vehicle along Mistral Meander. A revised layout, including modified parking and additional comments in support of the proposal from residents in the area, were also provided.

Council considered this additional information at its meeting held on 17 March 2020 (CJ021-03/20 refers) and resolved that the application: “ ... *BE REFERRED BACK to the Chief Executive Officer to allow the applicant / owner to address the issues and concerns raised by City officers in report CJ021-03/20.*”

On 16 March 2020, a State of Emergency was declared and changes were then made to the *Planning and Development (Local Planning Schemes) Regulations 2015* to allow the Minister for Planning to issue notices to exempt some planning requirements to respond to and recover from an emergency declared under the *Emergency Management Act 2005*. On 8 April 2020, a Notice of Exemption (the Notice) for certain planning matters was issued in response to the current COVID-19 pandemic.

The Notice was issued to provide specific guidance to both proponents and local government on a range of temporary exemptions from certain planning requirements and approvals currently required under the local planning framework.

An excerpt from the Notice (Schedule 5.1) states:

Requirements	Schemes	Direct Conditions	Discretion to apply exemption
Schedule 5 – Exemptions from other requirements			
5.1 Where premises are approved for use, or in relation to any application for development approval, proponents are exempted from a requirement to provide car parking facilities.	All local planning schemes.	<ol style="list-style-type: none"> 1 Provided that this exemption only applies to: <ol style="list-style-type: none"> a) Non-residential development. b) Where the proponent provides less than the number of parking bays required for the use in question, and the shortfall is 10 parking bays or less. 2 An exemption under this clause will expire 90 days after the date upon which the State of Emergency Declaration ceases to have effect or is revoked. 	Proponents

On 12 May 2020 the applicant provided a revised proposal, utilising the exemption for the provision of car parking and reducing the total amount of parking for the proposed child care premises to two bays.

Council considered this additional information at its meeting held on 23 June 2020 (CJ073-06/20 refers) and resolved to refuse the application for the following reasons:

“That Council REFUSES under clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 the application for development approval, dated 25 March 2019 submitted by Natasha O’Neil, the applicant and owner, for a proposed change of use from single house to child care premises at Lot 47 (23) Currambine Boulevard, Currambine, for the following reasons:

- 1 *In accordance with clause 67(j) of the Planning and Development (Local Planning Schemes) Regulations 2015, the development is not compatible with the objectives of the Residential zone under Local Planning Scheme No. 3 and the Child Care Premises Local Planning Policy as:
 - 1.1 *The non-residential use is not compatible with and complementary to the existing residential development and will have an adverse impact on the amenity of the surrounding residential development due to traffic and car parking;**
- 2 *In accordance with clause 67(q) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed development is not considered to meet State Planning Policy 3.7 Planning in Bushfire Prone Areas as:
 - 2.1 *Mistral Meander is not constructed to the standards required under the Guidelines for Planning in Bushfire Prone Areas to support the intensification of the land use.”**

State Administrative Tribunal process

The SAT is an independent body that makes and reviews a range of administrative decisions, including planning decisions made by local government. If an applicant or owner is aggrieved by the determination of their planning application, there is a right of review by the SAT in accordance with the *Planning and Development Act 2005* Part 14.

In a typical appeal process, the SAT will first try to mediate an outcome between the two parties. This often involves changes to the plans or providing additional information to address the decision-maker’s issues. If changes are made or additional information is provided, the SAT will usually invite the decision-maker to reconsider its earlier decision, taking into account the changes to the plans or new information provided.

If the applicant is still unhappy with the reconsidered decision, the matter may proceed to a final hearing. In these instances, the SAT effectively steps into the shoes of the decision-maker and the SAT makes its own decision on the proposal.

DETAILS

The proposed development (as amended) comprises the following:

- Change of land use to ‘Child Care Premises’ (from ‘Single House’).
- Capacity for 20 children.

- Two full time staff members and one casual staff member for lunch cover.
- Operating hours Monday to Friday between 7.00am to 6.00pm.
- Four on-site car parking bays.
- Minor façade and internal modifications to the building.
- Wall sign facing Currambine Boulevard.

The development plans and supporting information for the development are provided in Attachments 2 to 6 of Report CJ164-11/20.

Assessment

Following an assessment of the amended proposal, the following summarises the current issues, taking into account the Notice of Exemptions and additional information provided by the applicant.

Land use

The land use 'Child Care Premises' is a discretionary ("D") use under LPS3 in the Residential zone.

The relevant objective of the Residential zone as set out in LPS3 is to provide for a range of non-residential uses, which are compatible with and complementary to residential development.

The *Child Care Premises Local Planning Policy* (LPP) sets out further locational requirements. The LPP states it is preferable to locate child care premises next to non-residential uses such as shopping centres, medical centres/consulting rooms, school sites and community purpose buildings to minimise the impact such centres will have on the amenity of residential properties.

The LPP also states that as child care premises can be reasonably high traffic-generators, they should also be located on local distributor roads in such a manner that they would not conflict with traffic control devices and would not encourage the use of nearby access roads (local roads) for turning movements.

The proposed child care premises is located within a predominately residential area and is immediately adjacent to residential properties. Doncaster Park is located in close proximity to the site on the other side of Currambine Boulevard. Other commercial uses exist in the vicinity of the subject site; however, these are not located in close enough proximity to be considered as being co-located with the proposed child care premises. Therefore, the immediate context of the site is considered to be residential in nature.

Currambine Boulevard and Mistral Meander are both designated as local roads under LPS3. It is noted that although Currambine Boulevard is identified as a local road, the linkages with the overall road network and design means it functions in a similar way to a distributor road. Notwithstanding, access to the car parking for the child care premises is provided via Mistral Meander, a local road, which means traffic associated with the proposed child care premises will predominantly be on Mistral Meander, which will likely have an adverse impact on the surrounding area as discussed further below.

It is considered that the proposed location of the child care premises is contrary to the locational requirements of the LPP and, given the close vicinity to residential properties, will likely have an adverse impact on the amenity of the surrounding residential area.

Parking

The proposed child care premises caters for up to 20 children, supervised by three staff (two full-time staff and one casual staff member for lunch cover).

Under the LPP, seven car bays are required for a development of this size.

The previous iteration of the proposal included two bays on-site; the applicant utilised the Notice of Exemption currently in place which allows for a reduced number of parking bays for developments of this nature. Under the Notice of Exemption, the development does not need to provide any parking on-site and as such is technically compliant with this requirement. Notwithstanding, during consideration of the previous application parking was raised as a concern due to the practical impact limited on-site parking would have on the public realm.

In response to parking concerns, the applicant proposes four bays on the site, all to be used for drop-off and pick up of children.

The applicant is of the view that four drop-off / pick up bays is appropriate for a child care premises of this size based on a proportionate application of the LPP. That is, the LPP requires five drop off / pick up bays for child care premises with up to 25 children (for instance one bay per five children). In applying this same ratio, the applicant is of the view that only four drop-off / pick up bays are required as a maximum of 20 children is proposed.

In the absence of providing parking for staff on the site, a Parking Management Plan has been provided to demonstrate how staff will be managed (Attachment 4 refers).

The Parking Management Plan states that:

- one staff member has committed to using public transport to commute to / from site
- one staff member will park in available on-street parking in a convenient location near to the site
- one casual staff member who provides lunch cover will park in the drop-off / pick up bays, as the timing of the lunch cover does not conflict with peak drop-off or pick up periods.

In relation to parking, the revised proposal leaves two main concerns unresolved, relating to; the design of the parking bays, and parking availability.

Design of parking bays

In relation to car park design, the LPP requires car parks to be designed in accordance with Australian Standards AS2890.1 and/or AS2890.2.

Upon assessment, the configuration of the parking bays, and associated 'shared space', does not meet the relevant Australian Standards for car parking bays. AS2890.1 requires an area of 2.4 metres wide and 5.4 metres long next to an accessible bay. The proposed layout does not comply with this, providing a shared space of 1.74 metres wide and four metres in length, impacted by the subject site's truncation.

The proposal can therefore only provide three car parking bays that meet AS2890.1, not four as relied upon by the applicant to substantiate their position that parking for the proposal is adequate.

Parking management

The use of publicly available parking bays for staff is not supported. Public bays are made available for use by the public, not to cater for the long-term staff parking needs of private business. If the size of the subject land and the layout of the proposed development cannot accommodate staff parking, then it is questionable as to its appropriateness for the intensity of the proposed use. There are also concerns with a potential precedent being set in the locality if this approach was to be supported, as there does not appear to be a unique circumstance for this proposal that would mean such an approach should not be replicated if proposed by others.

The Parking Management Plan contends there is sufficient capacity within the surrounding area for staff parking, most likely on Currambine Boulevard. Notwithstanding that the City does not support staff parking in the public realm, the following is also considered to impact availability:

- The verge of Mistral Meander is predominantly used for commuter public parking and therefore may not be available for staff.
- Parking in the street on the grassed verge surrounding Doncaster Square is time limited and therefore would not cater for staff without having to move their vehicles every four hours. Child care requirements would not facilitate staff frequently leaving the premises to move private vehicles.
- Development of the land to the north will likely result in the removal of existing informal commuter parking bays. This may displace those who currently park in this area to the bays on Currambine Boulevard, which are relied upon in the Parking Management Plan.
- There is no planning mechanism to enforce the use of public transport by staff members.

The applicant also proposes the allocation of a drop-off and pick up times arranged into 30 minute increments for five children. No further detail has been provided in relation to how this would be enforced, and the City has concerns with the practicality of such a requirement.

In view of the above, it is considered that the proposal still has issues with parking availability and, notwithstanding that the proposal is technically compliant given the Notice of Exemption, the lack of on-site parking provided will adversely impact the surrounding locality.

Traffic

In accordance with the LPP, child care premises should be located on local distributor roads in such a manner that they would not conflict with traffic control devices and would not encourage the use of nearby access (local) roads for turning movements. The LPP also requires that the car parking layout should allow for vehicles to leave a site in forward gear.

The previous plans for the development included access to the proposed child care premises from Mistral Meander, a local road. The layout for the Mistral Meander car parking area did not allow vehicles to leave the site in forward gear.

The updated proposal includes four on-site parking bays (accessed from Mistral Meander), however, as discussed above, only three compliant bays can be achieved. The layout does not allow vehicles to leave the site in forward gear.

Should the three bays be full, drop-off and pick up will likely occur on the verge or within the street. This has the potential to create unsafe traffic situations and would also be contrary to the requirements of the LPP, which actively discourages the use of the verge for parking or the use of nearby local roads for turning movements.

The updated proposal, through the Parking Management Plan, indicates that staff will not be parked on site. This will reduce the number of vehicle movements; however, will reduce the availability of parking for the public as the displaced staff parking is expected to be accommodated within public parking areas.

In view of the above, it is considered that the proposal still has traffic issues that may result in an unsafe situation or otherwise potentially have an adverse impact on the locality.

Bushfire management

The site is located in a Bushfire Prone Area due to the vegetation to the north of the site. The proposal is therefore required to meet the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and the associated *Guidelines for Planning in Bushfire Prone Areas*.

A Bushfire Attack Level (BAL) assessment was undertaken, which identifies the site as BAL 19, which is considered a moderate bushfire risk. A child care premises land use is considered to be a vulnerable land use and therefore a Bushfire Management Plan (BMP) is required to be endorsed by the local government and the Department of Fire and Emergency Services (DFES). The BMP is provided as Attachment 5 to Report CJ164-11/20.

The BMP was referred to DFES for comment. A summary of the feedback from DFES and officer comment is provided in Attachment 7 to Report CJ164-11/20.

The outstanding item from DFES comments relates to the Mistral Meander carriageway not providing a minimum turning area of 17.5m to allow emergency vehicles to manoeuvre. The applicant has provided justification that the area is trafficable as demonstrated by cars which park along the northern verge of Mistral Meander and as per the turning templates included within the traffic technical note (Attachment 4 refers). Whilst noting the area is informally used for parking, and therefore potentially trafficable even if not paved, the fact that this area is used for parking of vehicles would prevent the use of this area for turning of emergency vehicles. It therefore cannot be relied on as a turning area in an emergency situation.

Since previous consideration, the applicant has advised that they are seeking to upgrade the Pedestrian Accessway (PAW), to the west of the subject site, so it could be used as a second access for bushfire management.

This land is under the management of the Department of Planning, Lands and Heritage (DPLH) who would make any decision in relation to upgrading of the land. In the absence of any formal inclusion of the PAW as part of the application (which requires the endorsement of the DPLH), the City does not have the ability to make a decision, nor would it be appropriate to include a condition of any approval, that relies on the PAW. Should the applicant wish to proceed with this option then the application form will be required to be signed by DPLH and the PAW lot included as part of the application.

In the absence of any such agreement, the development does not meet the relevant requirements stipulated by *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and the associated guidelines. Mistral Meander, being the primary access for the child care premises does not meet the technical requirements for vehicle turning and, in the event of an emergency, service vehicles will likely attend by Mistral Meander due to the location of the bushfire threat. Given this situation and because the BMP has not been provided by an accredited bushfire practitioner to justify any potential impact, the proposed vulnerable land use is not considered appropriate.

Time limited approval

The applicant has modified the proposal to seek a time limited approval, being three years from the date any approval is granted. The time limited approval does not coincide with the temporary Notice of Exemption, which is set to expire 90 days after the State of Emergency declaration ceases to have effect (currently 23 May 2023).

This means that there will be a period toward the end of the temporary approval (if granted) where the application is no longer subject to the parking reductions afforded by the Notice of Exemption and will be technically deficient in regard to the number of car parking bays provided on site. Notwithstanding, as discussed above, the proposal is considered to negatively impact the surrounding area if there is a technical discretion sought or not.

In addition, it is not considered appropriate to justify any impact on the surrounding area just because it is only for a limited time.

Crossover

The revised proposal incorporates a 9.7 metre wide crossover to cater for the four car parking bays. The crossover extends beyond the frontage of the lot, excluding truncation and is inconsistent with surrounding residential properties which mostly have crossover widths between three metres and six metres.

The extent of the crossover proposed is not consistent with the residential nature of Mistral Meander and is not supported.

Other assessment items

Noise

As required by the LPP, an acoustic assessment was submitted as part of the application (Attachment 6 refers). The acoustic assessment demonstrated that the development could meet the requirements of the *Environmental Protection (Noise) Regulations 1997* under the following parameters:

- Whilst in operation, all windows and doors are to be kept closed, except when being used for ingress or egress.
- Each outdoor play session to be no longer than 1.5 hours in duration.
- No more than 10 children to be allowed to participate in any outdoor play session.
- The behaviour and style of play of children should be monitored to prevent particularly loud activity, for example loud banging or crashing of objects, and shouting or yelling.
- The quietest possible plant and equipment is to be used. As doors and windows of the centre are required to be kept closed, evaporative air conditioning should not be considered an option.
- Signage to be displayed in the parking bays asking for parents to consider neighbours when dropping off or picking up children.

It is not uncommon for child care premises to operate in this manner to minimise noise impacts. In addition to the above, further measures could be taken to minimise the noise impact, including the management of children and toys in the outdoor areas.

Compliance with building and environmental health legislation

Through the planning assessment a number of potential issues were raised with the development being able to satisfy the *National Construction Code, Building Code of Australia 2020* and *Food Act 2008*, including:

- external openings
- fire separation
- standards for laundry and kitchen facilities
- food handling activities
- fire exits.

Whilst noting that such issues cannot be included as reasons for refusal of a planning application, as they are dealt with under separate legislation, the modifications required to address these requirements could alter the proposal to such an extent that it fundamentally changes the planning application or potentially makes the development unviable.

Signage

The proposal includes a wall sign on the Currambine Boulevard elevation. The proposed sign size is 2.25m². Under the City's *Signs Local Planning Policy* wall signs in the Residential zone should be limited to 1.2m² when associated with a non-residential building. It is noted that the sign could be modified to comply with City's policy.

Issues and options considered

Council has been invited to reconsider its previous decision and determine whether the proposed Child Care Premises at Lot 47 (23) Currambine Boulevard, Currambine (as amended) is appropriate.

In reconsidering the application, Council may:

- affirm its previous decision to refuse the application
- vary the decision
- or
- set aside the previous decision and substitute it with a new decision.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Building and landscape is suitable for the immediate environment and reflect community values.

Policy *Child Care Premises Local Planning Policy.
Signs Local Planning Policy.
State Planning Policy 3.7 – Planning in Bushfire Prone Areas
(SPP3.7).*

City of Joondalup Local Planning Scheme No. 3 (LPS3)

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

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscape throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complimentary to residential development.*

Planning and Development (Local Planning Schemes) Regulations 2015 (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.*
- (zc) *include any advice of a Design Review Panel.*

Child Care Premises Local Planning Policy (Child Care LPP)

This policy provides assessment criteria for 'Child Care Premises' developments.

The objectives of the policy are:

- *To provide development standards for the location, siting and design of child care premises.*
- *To ensure that child care premises do not have an adverse impact on the amenity of surrounding area, particularly residential areas.*

The statement within the policy also sets out:

"In considering applications for child care premises, the location, siting and design of the child care premises will be taken into consideration with the aim of ensuring that the development is compatible with, and avoids adverse impacts on, the amenity of adjoining and surrounding areas."

Signs Local Planning Policy

The policy provides assessment criteria for advertising signage within the City.

The objectives of the policy are:

- *To provide guidance on the design and placement of signs located within the City of Joondalup.*
- *To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.*
- *To encourage signs that are well-designed and well-positioned and appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.*
- *To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.*
- *To establish a framework for the assessment of applications for development within these zones.*

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

SPP3.7 was prepared by the Western Australian Planning Commission and gazetted on 7 December 2015. SPP3.7 outlines how development and / or land uses should address bushfire risk in Western Australia, and it applies to all land which has been designated as a bushfire prone area. In accordance with Clause 6.2 (a), development applications within a designated bushfire prone area that have a Bushfire Attack Level (BAL) rating above BAL-LOW are to comply with the relevant provisions of SPP3.7.

In accordance with Clause 6.5, a BAL Assessment has been prepared by an accredited BAL Assessor for the proposal. This BAL assessment identifies a BAL rating of BAL- 19, which is considered to be a moderate risk.

A Child Care Premises is identified as a vulnerable land use as it incorporates persons who may be less able to respond in a bushfire emergency (children). In accordance with clause 6.6, an application should not be supported unless it is accompanied by a *Bushfire Management Plan* (BMP). SPP3.7 does not specify that the BMP must be prepared by an accredited person and, as such, it has been prepared by the applicant.

The BMP, including BAL, is included in Attachment 5 to Report CJ164-11/20.

Should the application be approved, a condition imposing a notification on the title is recommended. Any subsequent building permit will be required to meet the relevant Australian Standards for construction of buildings in bushfire prone areas.

Risk management considerations

As this proposal is currently being considered by SAT, should Council resolve to approve the application the applicant is able to withdraw from proceedings if they are satisfied with the decision made by Council. However, if the applicant is not satisfied with the decision, they may request that the matter be determined by SAT through a formal hearing. In this case, any decision by Council would be set aside and SAT would determine the application on its merits in accordance with the *State Administrative Tribunal Act 2004* and the Regulations.

Financial / budget implications

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

In the event the application proceeds to a formal hearing it is likely the City will require consultants to participate in the process. The costs associated with this cannot be quantified at this stage but would be funded from the City's operating budget.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised by way of a sign on site, information on the City's website and letters to 19 property owners and occupiers adjoining and along Currambine Boulevard and Doncaster Square, for a period of 14 days, concluding on 5 July 2019. A total of three responses were received, being two objections and one that supported the proposal.

In addition to this consultation the applicant provided comments from 14 residents of Currambine Boulevard and surrounding streets in support of the proposal, identifying the need for the facility. Five of these comments were provided as part of the additional information submitted by the applicant following the Council meeting dated 17 September 2019.

Further consultation was not undertaken after the matter was twice deferred at either the 17 September 2019 or 20 March 2020 Council meetings or refused at the 23 June 2020 Council meeting.

The issues raised during the initial public consultation are included below, along with a summary of the City's comments:

Issues raised in submissions	Officer comments
The development does not have enough parking on the property. Mistral Meander is used by people who use the train station and verge bays are generally full. This will result in people parking illegally in front of other people's driveways.	The Notice has removed the statutory requirement for car parking. Notwithstanding, and as discussed above, the impact on the surrounding area is still considered to be negatively impacted by the proposed use.
Currambine Boulevard is a busy street as it gives access to the train station. It is busy in the morning and afternoon peak hours, as well as school times.	Information has been provided by way of a Parking Management Plan (Attachment 4 refers) including aerial photography to demonstrate the capacity of the surrounding road network for car parking. It is anticipated that most users of the child care premises would use Mistral Meander rather than Currambine Boulevard.
The intersection of Currambine Boulevard and Doncaster Square caters for the majority of vehicles from the development to the south as it is generally the only way to the major road network.	It is anticipated that most users of the child care premises would use Mistral Meander rather than Currambine Boulevard.
Parents deciding to drop off and pick up along Doncaster Square will have to navigate Currambine Boulevard which is busy.	It is anticipated that most users of the child care premises would use Mistral Meander rather than Currambine Boulevard.
Child care drop off and pick up will not be limited to simple drop off and pick up as a lot more is involved.	Information has been provided by way of a Parking Management Plan (Attachment 4 refers) that identifies that drop off and pick up would be split into 30-minute time periods. As discussed above the implementation of this system appears challenging.

Further consultation on the revised proposal and additional supporting documentation was not undertaken as it was not deemed to materially alter the previous proposal.

COMMENT

The proposed child care premises is only able to provide three compliant parking bays on site for the drop off / pick up of children. The site does not contain sufficient area to cater for the parking requirements of both staff members and customers which will displace parking that should be contained on-site to the public realm.

The amended proposal is still considered to have issues in relation to land use, traffic and bushfire which are likely to have an adverse impact on the amenity of the surrounding residential area.

As a result, the proposal also does not meet the objectives of the Residential zone due to its incompatibility with surrounding residential development and as such the application is recommended for refusal.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council REAFFIRMS its decision to REFUSE under clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 25 March 2019 submitted by Natasha O’Neil, the applicant and owner, for a proposed change of use from single house to child care premises at Lot 47 (23) Currambine Boulevard, Currambine, for the following reasons:

- 1 In accordance with clause 67(j) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with the objectives of the Residential zone under *Local Planning Scheme No. 3* and the *Child Care Premises Local Planning Policy* as:
 - 1.1 The non-residential use is not compatible with and complementary to the existing residential development and will have an adverse impact on the amenity of the surrounding residential development due to traffic and car parking;
- 2 In accordance with clause 67(q) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is not considered to meet *State Planning Policy 3.7 Planning in Bushfire Prone Areas* as:
 - 2.1 Mistral Meander is not constructed to the standards required under the Guidelines for Planning in Bushfire Prone Areas to support the intensification of the land use;
- 3 In accordance with clause 67(g) of schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the proposed development does not comply with the provisions of the City’s *Child Care Premises Local Planning Policy* as the proposed development is not considered to provide:
 - 3.1 Safe and functional access to on-site car parking areas;
- 4 In accordance with clause 67(m) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development is not compatible with its setting and relationship to other development / land within the locality as:
 - 4.1 The insufficient provision of on-site car parking will result in an undue negative impact on the amenity of the immediate locality and adjoining properties.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf201110.pdf](#)

CJ165-11/20 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 13 October 2020 to 21 October 2020.
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 13 October 2020 to 21 October 2020.

EXECUTIVE SUMMARY

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

It is therefore recommended the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 13 October to 21 October 2020, as detailed in Attachment 1 to Report CJ165-11/20.

BACKGROUND

For the period 13 October to 21 October 2020, 9 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification	8
Deed of Easement	1

DETAILS

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 13 October 2020 to 21 October 2020, as detailed in Attachment 1 to Report CJ165-11/20.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf201110.pdf](#)

CJ166-11/20 PROPOSAL TO DISPOSE OF PROPERTY – SUBLEASE OF CROWN LAND – PINNAROO POINT

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	108334, 101515
ATTACHMENTS	Attachment 1 Proposed Lease Area Plan Attachment 2 Project History
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 submissions received to a public notice for the disposal of land through a sublease and to consider agreeing to the sublease.

EXECUTIVE SUMMARY

The City has been negotiating with the Department of Planning, Lands and Heritage (DPLH) and Sandgate (WA) Pty Ltd. (Sandgate) (formerly Rock (WA) Pty Ltd. trading as White Salt (White Salt) to facilitate lease agreements for a new food and beverage development on Crown Land Lot 501 on Deposited Plan 417135 (20 John Wilkie Tarn, Hillarys) – Pinnaroo Point (Subject Land) (Attachment 1 refers).

The negotiated land tenure arrangement is for the City to lease the Subject Land from the State of Western Australia (acting through the Minister for Lands) and then sublease the Subject Land to Sandgate to construct and operate the food and beverage facility.

At its meeting held on 17 March 2020 (CJ039-03/20 refers), to facilitate progressing the project, Council agreed to the City entering into a lease of the Subject Land (Head Lease) and authorised the Mayor and Chief Executive Officer to execute the Head Lease on behalf of the City. The Head Lease has now been executed and subsequently commenced.

At its meeting held on 17 March 2020 (CJ039-03/20 refers), Council also authorised the Chief Executive Officer to give local public notice of the proposed disposition of the Subject Land, under the terms of the sublease, in accordance with section 3.58(3) of the *Local Government Act 1995*. On 17 September 2020 the City commenced the public notice process. In accordance with the Act the public notice was displayed in the *Joondalup Times* and on the public notice boards at the City's administration building and public libraries. The period for submissions was open for two weeks and 11 submissions were received, all objecting to the proposal. A summary of the key issues raised in the submissions received and a response from City officers are provided in the Details section of Report CJ166-11/20.

In accordance with section 3.58(3) of the *Local Government Act 1995* Council is required to consider the submissions received from the public notice and then decide whether to progress the project by authorising the execution of the sublease, subject to obtaining the consent of the Minister for Lands under section 18 of the *Land Administration Act 1997*.

It should be noted that execution of the sublease does not provide approval for any development on site. Sandgate will be required to seek approvals for any proposed development.

The proposed sublease is structured in such a way that following execution of the lease the actual commencement of the sublease will be subject to Sandgate receiving an acceptable Development Approval.

It is therefore recommended that Council, having considered the submissions made under section 3.58(3) of the Local Government Act 1995 in relation to the proposed disposition of Crown Land Lot 501 on Deposited Plan 417135 (20 John Wilkie Tarn, Hillarys) – Pinnaroo Point, AUTHORISES the Mayor and Chief Executive Officer to execute the Sublease on behalf of the City, in accordance with section 9.49A of the Local Government Act 1995.

BACKGROUND

The City owns and manages a number of strategically located land parcels that in terms of accommodating cafés, kiosks and restaurants have the potential to increase the enjoyment of popular recreational locations and provide the City with a level of commercial gain.

The Cafés / Kiosks / Restaurants Project Vision recognises the provision of facilities which will:

- advance the City's ability to attract visitors / tourists for entertainment and socialising
- provide more employment, increase business opportunities, a greater awareness of the City's natural assets and a greater social and economic contribution by tourists
- provide equitable community based facilities that acknowledges and provides for the lifestyle and alfresco culture of Western Australia.

The fiscal responsibility and commerciality development parameters of the project aim to provide:

- assurance of commercial viability
- due diligence and financial / cost benefit analysis
- future financial and social benefit for City residents and visitors
- high quality, appropriate commercial operations
- consideration of co-location opportunities
- creation of an asset/s that maintains its capital value throughout its economic life cycle.

A preliminary site assessment and analysis of City owned or managed land was undertaken to identify suitable sites. At its meeting held on 27 May 2013 (CJ069-05/13 refers), Council considered a report entitled 'The Provision of Cafés / Kiosks / Restaurants on City Owned or Managed Land – Project Status and Progression Options Report'. The report detailed investigations into the suitability of various sites for the development of café, kiosks and restaurants, including the Pinnaroo Point site at Lot 10789 Whitfords Avenue, Hillarys.

After considering the report Council resolved in part that it:

“2 *AUTHORISES the Chief Executive Officer to initiate an Expression of Interest process for the development of a Café/Kiosk facility at Pinnaroo Point.*”

In 2013 the City commenced an Expression of Interest process to identify a commercial operator / developer to construct and operate a café / kiosk building. Rock (WA) Pty Ltd trading as White Salt (White Salt) (now referred to as Sandgate (WA) Pty Ltd (Sandgate)) was identified as the successful respondent and since that time the City has worked with Sandgate on amending the design and location for the facility. The City has also undertaken further site investigations, site utility design and has progressed negotiations on a Crown Land lease with the DPLH and on a sublease with Sandgate.

To facilitate progressing the project, at its meeting held on 17 March 2020 (CJ039-03/20 refers), Council agreed to the City entering into a lease of the Subject Land (Head Lease) and authorised the Mayor and Chief Executive Officer to execute the Head Lease on behalf of the City. The Head Lease has now been executed between both parties.

Also at its meeting held on 17 March 2020 Council authorised the Chief Executive Officer to give local public notice of the proposed disposition of the Subject Land, under the terms of the sublease, in accordance with section 3.58(3) of the *Local Government Act 1995*.

Further details on the background of the project can be found in Attachment 2 to Report CJ166-11/20.

DETAILS

Over several years the City has been negotiating with the Department of Planning, Lands and Heritage (DPLH) and Sandgate (WA) Pty Ltd (Sandgate) (formerly Rock (WA) Pty Ltd trading as White Salt (White Salt)) to facilitate lease agreements for a new food and beverage development on Crown Land Lot 501 on Deposited Plan 417135 (20 John Wilkie Tarn, Hillarys) – Pinnaroo Point (Subject Land).

The project began in 2013 with the City requesting Expressions of Interest to identify a developer and operator to construct and operate a facility at Pinnaroo Point. The proposed land tenure arrangement is for the City to lease the Subject Land from the State of Western Australia (acting through the Minister for Lands) and sublease the subject land to a developer and operator to construct and operate the facility.

To facilitate progressing the project, at its meeting held on 17 March 2020 (CJ039-03/20 refers), Council agreed to the City entering into a lease of the Subject Land (Head Lease) and authorised the Mayor and Chief Executive Officer to execute the Head Lease on behalf of the City. The City has now executed the Head Lease.

Also at its meeting held on 17 March 2020 Council authorised the Chief Executive Officer to give local public notice of the proposed disposition of the Subject Land, under the terms of the sublease, in accordance with section 3.58(3) of the *Local Government Act 1995*. The public notice period commenced on 17 September 2020 and closed on 1 October 2020. The City received 11 submissions, all objecting to the proposal. Of the 11 respondents three were individuals or organisations from outside of the City of Joondalup.

A summary of the key issues raised in the submissions received and officers' comments are provided in the following table:

Issue Raised	Officers' Comments
Potential degradation of the surrounding Bush Forever and impacts on fauna and flora	Development on the site would inevitably lead to an increase in the number of visitors (which is one of the objectives of the project) however it is considered that the lease area is sufficiently distanced from the nearest bushland so as not to pose a threat to flora and fauna.
The bulk and scale of the project being incompatible with the Bush Forever Site. Impacts on the surrounding Bush Forever Area, flora and fauna.	The proposed development area is within an already cleared area (Figure 1 below refers). As mentioned in the comment above the lease area is considered to be sufficiently distanced from the nearest bushland. It is not proposed that any bush land is cleared for this development. The building itself will be considered as part of the proposed development application process.
Increased anti-social behaviour in this location	It is considered that an increase in visitors to the area could assist in reducing antisocial behaviour through increased activation and casual surveillance at Pinnaroo Point. Prior to commencement of the proposed sublease Sandgate WA Pty Ltd will be required to submit a development application and seek liquor licence approvals.
The Public Notice not complying with the relevant sections of the <i>Local Government Act 1995</i>	The City advertised the public notice in accordance with the requirements of section 3.58(3) of the <i>Local Government Act 1995</i> .
Impacts on the lease area from erosion and the City incurring associated costs.	<ul style="list-style-type: none"> • The City has undertaken a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for this location in accordance with <i>State Coastal Planning Policy No. 2.6</i>. This was provided to the DPLH and Sandgate for consideration during negotiations on the leases. This plan will be formally assessed during the development application process. • The 42 year lease term is comprised of an initial 10 year period with options to extend by 10 years and a final option of 12 years. There is an opportunity to reassess the CHRMAP toward the end of each 10 year term before agreeing to the next term. • The proposed sublease contains a clause indemnifying the City and the Crown against all claims in connection with the effects of coastal erosion, including storm events.

Issue Raised	Officers' Comments
The scope, scale location and function are different from the original proposal in 2013.	The original Expression of Interest for Pinnaroo Point did not present limitations in respect to size, scale and function and over the years Council has considered several iterations of the development proposal. The location of the lease area was endorsed by Council after it was recommended by consultants that the facility be relocated further away from the bushland at the site following new Bushfire Legislation in 2016.
Impacts on windsurfing access and potential beach conflicts with additional beach users resulting from the development.	This matter was previously considered by the City in relation to the original site which was adjacent to the existing toilet / ablution facility and nearer to one of the beach access points. The proposed lease area is in a cleared, grassed area north of the existing car park and away from existing beach access paths (Figure 1 refers), therefore it is not considered to impact on beach access. It is also not considered that the proposed development will result in a significant increase in beach goers, particularly during the windiest times when the beach is mostly frequented by windsurfers and kite surfers, therefore it is unlikely to result in conflicts with other users of the beach.
Limited community consultation on the project. Lack of transparency.	<p>The original Expression of Interest for the project was advertised extensively via:</p> <ul style="list-style-type: none"> • Joondalup Business Online E-newsletter • <i>Joondalup Voice</i> • West Australian Newspaper • WA Business News • <i>Joondalup Weekender</i> • Facebook • direct email contact with various stakeholder groups, and over 270 food and beverage industry businesses • four signs were erected on site at Pinnaroo Point. <p>Ongoing lease negotiations between the City, Sandgate and DPLH have been treated as confidential in order to protect commercially sensitive details. These details have been provided to Council but have not been shared in public reports.</p>

Issue Raised	Officers' Comments
	<p>In accordance with section 3.58(3) of the <i>Local Government Act 1995</i> the City has now given local public notice of the proposed disposition of the lease area, inviting submissions for two weeks from 17 September 2020 to 1 October 2020. Further public consultation may be undertaken in relation to the development application and liquor licence for the proposal.</p>
<p>No business plan available for the project. Lack of information on fiscal responsibilities surrounding the project</p>	<p>As the value of the proposed lease is less than \$10 million, there is no requirement for the City to prepare and publish a business plan in accordance with section 3.59 of the <i>Local Government Act 1995</i>.</p>
<p>The proposal is contrary to <i>State Planning Policy 2.6 – Coastal Planning</i>, the City's <i>Sustainability Policy</i> and the <i>Hillarys – Kallaroo Coastal Foreshore Reserve Management Plan</i>.</p>	<p>The City has undertaken a Coastal Hazard Risk Management and Adaptation Plan and consulted with DPLH throughout the project. The approval of a development application will be required for any development on the lease area.</p> <p>This project aligns with one of the City's <i>Sustainability Policy</i> key objectives, to ensure economic development, environmental sustainability and social development contribute to a thriving business environment and community wellbeing.</p> <p>The <i>Hillarys – Kallaroo Coastal Foreshore Reserve Management Plan</i> identifies the proposed lease area as 'Parkland'. This location was chosen as it does not require any further clearing of natural vegetation areas and therefore would not result in any adverse impacts on the City's natural assets.</p>
<p>There is already a restaurant / café at Mullaloo Surf Life Saving Club.</p>	<p>Pinnaroo Point is located approximately halfway between Hillarys Boat Harbour and Mullaloo Surf Life Saving Club and was considered by Council to be an optimum location for a development of a new food and beverage facility.</p>
<p>Community prefer the coast left naturally for recreation.</p>	<p>The proposed development area is within an already cleared area. It is not proposed to clear any bush land for this development. It is considered that a development of this nature will provide and increased opportunity for entertainment and socialising and a greater awareness of the City's natural assets.</p>

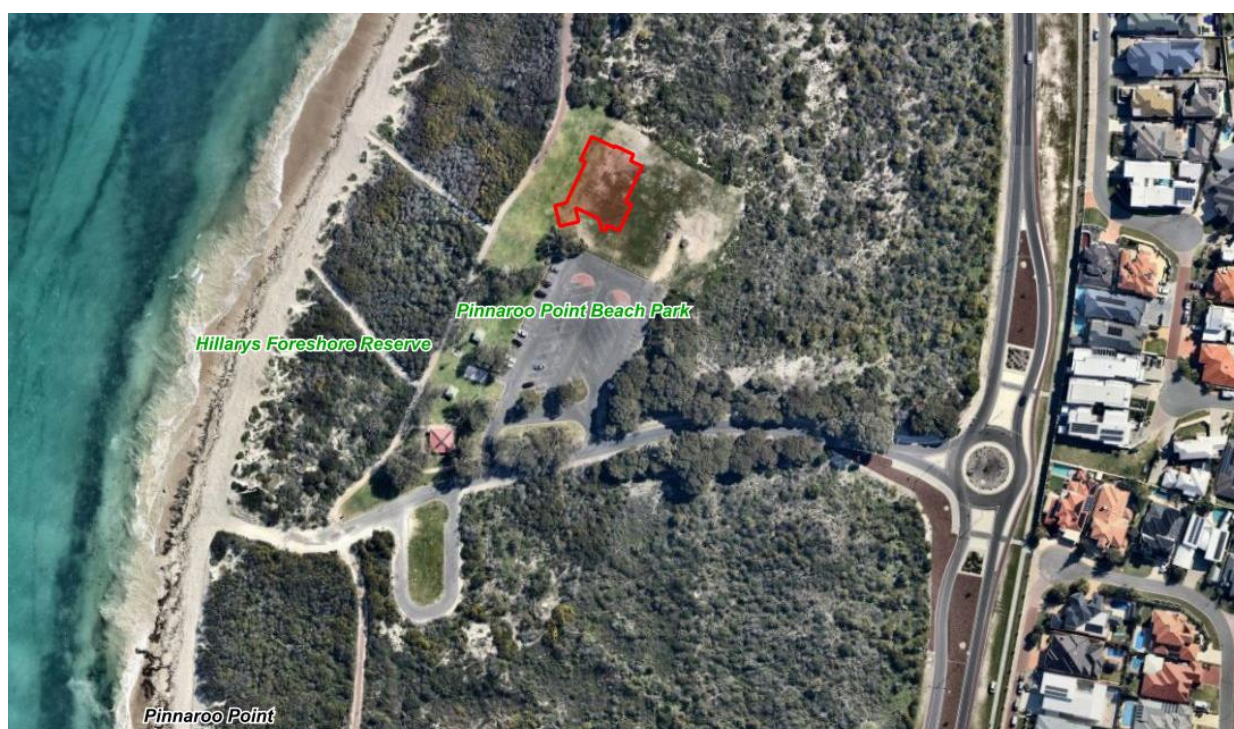


Figure 1: Lease area (shown in red) being Lot 501 on Deposited Plan 417135 (20 John Wilkie Tarn, Hillarys), Scale 1:3000.

In accordance with section 3.58(3) of the *Local Government Act 1995* Council is now required to consider the submissions received from the public notice and then decide whether to authorise the execution of the sublease.

Sandgate will be required to seek approvals for any proposed development. The execution of the sublease does not provide approval for any development on site. The proposed sublease is structured in such a way that following execution the actual commencement of the sublease will be subject to Sandgate receiving an acceptable Development Approval.

Lease Details

Crown Land lease details (City and the State of Western Australia acting through the Minister for Lands)

Item	Details
Permitted Use	The construction and operation of a kiosk, café, restaurant, bar and function centre.
Lease Term	10 years + 10 years + 10 years + 12 years (42 years total).
Proposed Annual Rent	\$10,000 plus GST (Being 25% of the Unimproved Market Rent of \$40,000 determined by the Minister in consultation with the Valuer General).
Rent Free Period	15 years.
Market Rent Review	On the fifth anniversary of the commencement date and every five years thereafter.

Proposed Sublease details (City and Sandgate (WA) Pty Ltd)

Item	Details
Permitted Use	The construction and operation of a kiosk, café, restaurant, bar and function centre.
Lease Term	The period starting on the Commencement Date and ending one day before the expiration of the initial term of the Head Lease, plus two further terms of 10 years, followed by a further term of 12 years.
Proposed Annual Rent	\$40,000 plus GST and outgoings.
Rent Free period	No rent will be payable until practical completion of the development is achieved.
Market Rent Review	On the fifth anniversary of the commencement date and every five years thereafter.
CPI rent review	Annually on each anniversary of the commencement date, other than Market Rent Review dates.
Special conditions	The grant of this lease is conditional on and subject to: <ul style="list-style-type: none"> • the lease being consented to by the Minister for Lands pursuant to section 18 of the <i>Land Administration Act 1997</i> and as Head Lessor • Sandgate receiving an acceptable Liquor Licence • Sandgate receiving an acceptable Development Approval.

Development Proposal

Sandgate is proposing to construct and operate a two-storey food and beverage facility consisting predominantly of a café / restaurant with associated function area and a kiosk on the ground floor and bar and lounge areas on the upper floor. Both levels contain food and beverage preparation areas, store areas, ablutions and alfresco areas.

The execution of the sublease does not provide approval for any development on the Subject Land and Sandgate will be required to seek separate approvals for the proposed development. The proposed sublease is structured in such a way that after executing the sublease, the actual commencement date will be subject to Sandgate receiving an acceptable Development Approval. It should also be noted that the proposed Crown Land lease includes a clause requiring any development on the Subject Land to be completed within three years of the commencement date of the Crown Land lease.

Services to the lease area

The City is required to provide utility services to the lease area. An amount of \$613,000 is listed in the Capital Works Program to cover the costs of providing these services. The cost incurred by the City is recognised in the Crown Land lease in the form of a rent-free period of 15 years. Therefore, the City will not pay any rent to the Crown for 15 years, but will receive \$40,000 rent per annum from Sandgate during this period (except for a rent free period in the sublease up to the date that practical completion of the facility is achieved).

It is proposed that the City will not commit to implementing the services to the lease area until such time that Sandgate has substantially commenced construction of the proposed facility, effectively reducing the risk of a scenario where the City installs the services to the site and then the project doesn't proceed for any unforeseen reason.

The following services are required to be provided and / or upgraded and extended to service the proposed facility:

- Sewerage: New gravity sewer line extension to the lease area and a new rising main pumping station.
- Water (Fire Service): Connection upgrade to the existing service and extension of the service to the lease area.
- Water (Potable): Connection upgrade to the existing service and extension to the lease area.
- Natural Gas: New connection including meter and installation of a new service from Whitfords Avenue to the lease area.
- Telecommunications: New connection including installation of a new service to the lease area.
- Electrical: New switch board and extension of a new service to the lease area.

Issues and options considered

The options available to Council upon noting the submissions received to the public notice are:

- support the execution of the sublease (this is the recommended option)
or
- not support the execution of the sublease.

Legislation / Strategic Community Plan / policy implications

Legislation

Besides the legislation that covers the planning and building requirements, with regard to the land related matters the *Land Administration Act 1997* and the DPLH's relevant policies deal with the administration of Crown Land. *The Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* deal with local governments' disposition of property which includes leasing.

Strategic Community Plan

Key theme

Economic Prosperity, Vibrancy and Growth.

Objective

Destination City.

Strategic initiative

Facilitate the establishment of major tourism infrastructure.

Policy

Not applicable.

Risk management considerations

The DPLH's *State Coastal Planning Policy No. 2.6* applies to development along the City's coastline, particularly with regard to potential long-term risks from severe storm erosion and sea level rise. The City has undertaken the required *Coastal Hazard Risk Management and Adaptation Plan* in accordance with this legislation and provided a copy to the DPLH for consideration. This plan will be formally assessed during the Development Application process. The proposed sublease contains a clause indemnifying the City and the Crown against all claims in connection with the effects of coastal erosion, including storm events.

The DPLH's *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* also applies to this site. The City has undertaken a Bushfire Attack Level (BAL) assessment and *Bushfire Management Plan* (BMP) for the proposed sites, in accordance with the legislation. The BAL Assessment and BMP will be formally assessed during the Development Application process.

Other potential risks to the successful progression of the project include:

- inability to obtain support from the statutory approval authorities
- negative community reaction to the proposal
- Sandgate, the responsible Minister, or the City may opt not to proceed with the development.

Financial / budget implications

Current financial year impact

Account no.	1-220-C1060.
Budget Item	Cafés / Kiosks / Restaurants (Pinnaroo Point).
Budget amount	\$92,111
Amount spent to date	\$12,635
Proposed cost	\$Nil
Balance	\$79,476

All figures in Report CJ166-11/20 are exclusive of GST.

Future financial year impact

Annual operating cost Head Lease rent payments will be waived for 15 years to acknowledge the cost of the City servicing the land (currently estimated at approximately \$600,000). After 15 years the City is required to commence payment of a discounted annual rent based on the Unimproved Market Rent (UMR) of \$40,000 (determined by the Minister in consultation with the Valuer General) for the remaining term of the lease. The discounted annual rent is \$10,000, being 25% of the UMR.

Sandgate is required to pay the City all other annual operating costs relating to the development, including rates, services and outgoings.

Estimated annual income The City will receive an annual rent, payable by Sandgate, of \$40,000 plus GST (commencing upon Sandgate receiving practical completion for the development). Rates, services, land tax and outgoings will also be payable by Sandgate.

Capital replacement	Capital replacement of building and improvements will be borne by Sandgate. Maintenance and replacement of services leading up to the lease area and access to the lease area would be the responsibility of the City and utility providers.
20 Year Strategic Financial Plan impact	An amount of \$613,000 is listed in the Capital Works Program to cover the costs of providing services to the lease area.
Impact year	2020-21.

All amounts quoted in Report CJ166-11/20 are exclusive of GST.

Regional significance

It is envisaged that the provision of cafés / kiosks / restaurants on City owned or managed land will provide significant resident / visitor / tourist benefit by enhancing the City's existing natural assets and amenities.

Sustainability implications

At its meeting held on 22 June 2020 (CJ103-06/10 refers), Council endorsed the Project Philosophy and Key Parameters which outlines the intent of Council in progressing the project and addresses the following sustainability implications:

- Project Vision.
- Land Use and Built Form.
- Environmental Strategy.
- Liaison Protocol.
- Fiscal Responsibility and Commerciality.
- Governance.

Consultation

The City advertised the Pinnaroo Point Café Expression of Interest process in state-wide and Joondalup community newspapers and erected four signs on site at Pinnaroo Point. The local Coast Care Group and other key stakeholders were advised of the Expression of Interest via email.

In accordance with section 3.58(3) of the *Local Government Act 1995* the City gave local public notice of the proposed disposition of the lease area, inviting submissions for two weeks from 17 September 2020 to 1 October 2020, as detailed in Report CJ166-11/20.

Further public consultation may be undertaken in relation to the development application for the proposal.

COMMENT

The project aligns with the City's Café / Kiosk / Restaurant project vision to advance the City's ability to attract visitors / tourists for entertainment and socialising, provide more employment, increase business opportunities, a greater awareness of the City's natural assets and a greater social and economic contribution by tourists.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, having considered the submissions made under section 3.58(3) of the *Local Government Act 1995* in relation to the proposed disposition of Lot 501 on Deposited Plan 417135 (20 John Wilkie Tarn, Hillarys) – Pinnaroo Point, AUTHORISES the Mayor and Chief Executive Officer to execute the Sublease on behalf of the City, in accordance with section 9.49A of the *Local Government Act 1995*.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf201110.pdf](#)

CJ167-11/20 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 41196, 101515
ATTACHMENTS	Attachment 1 Mindarie Regional Council - Special Council Meeting Minutes - 20 August 2020 Attachment 2 Tamala Park Regional Council - Ordinary Council Meeting Minutes - 20 August 2020 Attachment 3 Mindarie Regional Council - Ordinary Council Meeting Minutes - 24 September 2020 Attachment 4 Tamala Park Regional Council - Ordinary Council Meeting Minutes - 8 October 2020 <i>(Please Note: Attachments only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Special Council meeting of the Mindarie Regional Council held on 20 August 2020.
- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council held on 20 August 2020.
- Minutes of the Ordinary Council meeting of the Mindarie Regional Council meeting held on 24 September 2020.
- Minutes of the Ordinary Council meeting of the Tamala Park Regional Council meeting held on 8 October 2020.

DETAILS

Mindarie Regional Council Meetings

Meetings of the Mindarie Regional Council were held on 20 August 2020 and 24 September 2020.

Mayor Albert Jacob, JP and Cr Russ Fishwick, JP were Council's representatives at the Special Council meeting of the Mindarie Regional Council held on 20 August 2020.

Mayor Albert Jacob, JP and Cr Christopher May were Council's representatives at the Ordinary Council meeting of the Mindarie Regional Council held on 24 September 2020.

The attached minutes detail those matters that were discussed at these external meetings that may be of interest to the City of Joondalup.

Tamala Park Regional Council Meetings

Meetings of the Tamala Park Regional Council were held on 20 August 2020 and 8 October 2020.

Cr John Chester and Cr Philippa Taylor were Council's representatives at the Ordinary Council meeting of the Tamala Park Regional Council held on 20 August 2020.

Cr Chester was Council's representatives at the Ordinary Council meeting of the Tamala Park Regional Council held on 8 October 2020.

The attached minutes detail those matters that were discussed at these external meetings that may be of interest to the City of Joondalup.

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 **Special Council meeting of the Mindarie Regional Council held on 20 August 2020 forming Attachment 1 to Report CJ167-11/20;**
- 2 **Ordinary Council meeting of the Tamala Park Regional Council held on 20 August 2020 forming Attachment 2 to Report CJ167-11/20;**
- 3 **Ordinary Council meeting of the Mindarie Regional Council held on 24 September 2020 forming Attachment 3 to Report CJ167-11/20;**
- 4 **Ordinary Council meeting of the Tamala Park Regional Council held on 8 October 2020 forming Attachment 4 to Report CJ167-11/20.**

To access this attachment on electronic document, click here: [ExternalMinutesbrf201110.pdf](#)

CJ168-11/20 SETTING OF 2021 COUNCIL MEETING DATES

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

PURPOSE

For Council to set its meeting dates for the 2021 calendar year.

EXECUTIVE SUMMARY

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

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

BACKGROUND

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

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

DETAILS

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

Historically the August Council meeting has a commencement time of 12.00 noon to enable attendance and participation by high school students, unfortunately in 2020 due to the public health state of emergency being declared as a result of the COVID-19 pandemic, the Department of Health introduced social distancing restrictions, making it difficult to accommodate for a large number of students. It was decided by Council (CJ078-06/20 refers) that the 2020 August Council meeting not proceed at 12.00noon, instead revert back to the usual time of 7.00pm.

It is proposed that the meeting scheduled for August 2021 return to a commencement time of 12.00 noon to once again enable attendance and participation by high school students.

It will be necessary to schedule the October 2021 meetings earlier due to the 2021 local government elections and subsequent Elected Members' induction program.

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

The Australian Local Government Association (ALGA) will be holding its Annual National General Assembly Conference in Canberra between 20 and 23 June 2021. The scheduled Council meeting date in June 2021 is not required to be changed as the ALGA conference falls in the fourth week of June, enabling Elected Members to attend the conference, should they wish to do so.

Issues and options considered

Council can either:

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

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implicationsCurrent financial year impact

Account no.	1.526.A5202.3277.0000.
Budget Item	Advertising – Public and Statutory.
Budget amount	\$ 6,500
Amount spent to date	\$ 340
Proposed cost	\$ 679
Balance	\$ 5,481

All amounts quoted in Report CJ168-11/20 are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is recommended the current monthly timeframe for meetings be maintained for 2021, subject to the:

- August Council meeting commencing at 12.00 noon to enable attendance and participation by high school students
- October meetings being scheduled earlier due to the 2021 local government elections and subsequent Elected Members' induction program
- December meetings being scheduled one week earlier in order to accommodate the Christmas holiday period.

A schedule of committee meeting dates has been developed, cognisant of the desire to streamline the scheduling of committee meetings so they are held either on the same day as other scheduled meetings, or on the Monday, Tuesday or Wednesday of weeks one, two and three so to minimise potential conflicts with other Council activities and provide a 'meeting-free' week in the fourth week of each month, thereby making more effective use of Elected Members' attendance and time.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

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

Briefing Sessions To be held at 6.30pm in the Council Chamber	Council meetings To be held in the Council Chamber
Tuesday 9 February 2021	7.00pm on Tuesday 16 February 2021
Tuesday 9 March 2021	7.00pm on Tuesday 16 March 2021
Tuesday 13 April 2021	7.00pm on Tuesday 20 April 2021
Tuesday 11 May 2021	7.00pm on Tuesday 18 May 2021
Tuesday 8 June 2021	7.00pm on Tuesday 15 June 2021
Tuesday 13 July 2021	7.00pm on Tuesday 20 July 2021
Tuesday 10 August 2021	12.00 noon on Tuesday 17 August 2021
Tuesday 14 September 2021	7.00pm on Tuesday 21 September 2021
Tuesday 5 October 2021	7.00pm on Tuesday 12 October 2021
Tuesday 9 November 2021	7.00pm on Tuesday 16 November 2021
Tuesday 7 December 2021	7.00pm on Tuesday 14 December 2021

- 2 in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, GIVES local public notice of the meeting dates detailed in Part 1 above;
- 3 INVITES a number of students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12.00 noon on Tuesday 17 August 2021;
- 4 NOTES the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Zone meetings are generally scheduled to be held on Thursdays;
- 5 AGREES that, where possible, no meetings are to be scheduled in the fourth week of every month;
- 6 NOTES that, where possible, meetings for designated Council committees be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month to minimise potential conflicts with other Council activities.

CJ169-11/20 STRATEGIC COMMUNITY REFERENCE GROUP – 2021 WORK PLAN

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102605, 101515
ATTACHMENTS	Attachment 1 Proposed 2021 Work Plan Attachment 2 Meeting 1 Report: Strategic Community Plan (Part 1) Attachment 3 Meeting 2 Report: Strategic Community Plan (Part 2) Attachment 4 Meeting 3 Report: Strategic Community Plan (Part 3) Attachment 5 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 2021 Work Plan for the Strategic Community Reference Group (SCRG) and to note the SCRG's achievements throughout 2020.

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 Elected Member and Community Member representatives from each ward as well as seconded experts who are utilised on an as-needs basis.

As specified in the 2020 Work Plan, the SCRG met on three occasions to provide input on the development of a new *Strategic Community Plan*:

- **Meeting 1 (May 2020)** – Explored strategies, challenges and issues pertaining to the “Community Wellbeing” and “The Natural Environment” themes.
- **Meeting 2 (July 2020)** – Explored strategies, challenges and issues pertaining to the “Quality Urban Environment” and “Economic Prosperity, Vibrancy and Growth” themes.
- **Meeting 3 (September 2020)** – Explored strategies, challenges and issues pertaining to the “Governance and Leadership” and “Financial Sustainability” themes.

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

The proposed 2021 Work Plan includes consideration of the following matters:

- Development of the new *Integrated Transport Strategy*.
- Review of the City's *Weed Management Plan*.
- Review of the City's *Climate Change Strategy*.

It is therefore recommended that Council NOTES the SCRG's achievements for 2020 and ADOPTS the 2021 Work Plan, as shown in Attachment 1 to Report CJ169-11/20.

BACKGROUND

At its meeting 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 Council on:

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

In accordance with the SCRG Terms of Reference, the group consists of appointed community representatives from each ward, Elected Members and seconded experts who are utilised on an as-needs basis. The current SCRG member representatives are as follows:

Elected Member Representatives

Representatives	Deputy Members
Mayor Albert Jacob (Presiding Member) Cr John Chester Cr Russell Polikwa Cr Suzanne Thompson	Cr Christopher May (First Deputy Member) Cr John Raftis (Second Deputy Member) Cr Phillippa Taylor (Third Deputy Member)

Community Member Representatives

WARD	MEMBER
North Ward	Ms Danielle Griffiths Ms Susan Metcalfe
North-Central Ward	Captain Simon Walker JP Ms Nola Wolski
Central Ward	Ms Astrid Lee Ms Fay Gilbert
South-West Ward	Ms Meredith Blais Mr Brian Yearwood
South-East Ward	Mr Allan Connolly Ms Teresa Gepp
South Ward	Ms Tiffany Tonkin Mr Liam O'Connor

Note: Term of membership concludes in October 2021 in line with the ordinary Council election cycle.

DETAILS2020 SCRG meetings

The following table provides a summary of the three SCRG meetings held in 2020.

Topic	Development of a new <i>Strategic Community Plan</i>:
Dates	<p>Meeting 1 (May 2020) – Explored strategies, challenges and issues pertaining to the “Community Wellbeing” and “The Natural Environment” themes.</p> <p>Meeting 2 (July 2020) – Explored strategies, challenges and issues pertaining to the “Quality Urban Environment” and “Economic Prosperity, Vibrancy and Growth” themes.</p> <p>Meeting 3 (September 2020) – Explored strategies, challenges and issues pertaining to the “Governance and Leadership” and “Financial Sustainability” themes.</p>
Purpose	For members to provide advice on future directions for the key themes of the <i>Strategic Community Plan (2020-2032)</i> . Outcomes are to be used in conjunction with other consultation activities to commence development of the new <i>Strategic Community Plan</i> .
Meeting Format	<p>Following an introductory address from the Presiding Member, questions and reflections on the pre-reading material were discussed in a facilitated session.</p> <p>Participants then worked individually and collectively brainstorm prospective strategies via the GroupMap platform against the relevant key themes, whilst City Officers thematically analysed the strategies into broader themes.</p> <p>Further conversation and discussion were helpful for further clarification and detail of the emerging key themes and members also discussed the City’s role against each strategy.</p> <p>As a final step, participants were allocated six dot votes to their priority initiatives and commented on what role the City should play in this initiative (such as direct delivery or lobbying).</p> <p>At the final meeting, participants also reflected on their work over the three meetings with a final visioning exercise.</p>
Meeting Reports	Meeting Reports provided as Attachments 2 to 4 to Report CJ169-11/20.

Proposed 2021 Work Plan

The following items have been identified for consideration by the SCRG in 2021:

- **Development of the new *Integrated Transport Strategy***

To ensure integrated land use and transport planning provides convenient and efficient movement across the City of Joondalup, the SCRG's involvement will explore the City's vision and objectives for integrated transport modes (non-motorised, motorised and public transport). It is expected that the Group will discuss potential themes, strategies, issues and challenges to ensure the City is a lead provider of environmental and economically sustainable transport solutions.

- **Review of the City's *Weed Management Plan***

The City manages large areas of bushland, parks and urban landscape areas. However, the invasion of weeds threatens the diversity of natural areas but also impacts the local amenity, functionality and aesthetics. The SCRG will evaluate the City's strategic approach to managing weeds as well as identify new initiatives for consideration in the development of the new Plan.

- **Review of the City's *Climate Change Strategy***

Climate change affects several areas that local government is responsible for managing including infrastructure, health services, water management, emergency management and the natural environment. This session will aim to discuss the City's role in climate change adaptation and mitigation as well as explore the strategic direction for the City's climate change management activities.

The listing of three meetings within the proposed 2021 Work Plan is considered an appropriate and manageable number of projects. However, the proposed 2021 Work Plan does not prevent Council from referring additional matters to the Reference Group 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 2021 Work Plan for the Strategic Community Reference Group as outlined in Attachment 1 to Report CJ169-11/20
or
- amend the proposed 2021 Work Plan and suggest alternative preferences or additional matters for consideration.

It should be noted that if additional matters are added to the 2021 Work Plan, facilitation fees to conduct the meetings will increase for the management of the SCRG.

The recommended option is to adopt the 2021 Work Plan, as shown in Attachment 1 to Report CJ169-11/20.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.

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	<i>Community Consultation Policy.</i>

Risk management considerations

The proposed 2021 Work Plan includes three items for consideration, which can be met within current budget allocations. Any expansion of the proposed Work Plan will require additional resources and funds.

Financial / budget implications

The budget below reflects the costs associated with conducting meetings for the Strategic Community Reference Group, 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	\$9,000
Amount spent to date	\$6,000
Proposed cost	\$9,000
Balance	\$3,000

All amounts quoted in Report CJ169-11/20 are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The proposed 2021 Work Plan has been developed to allow consideration of matters of a strategic nature and / or of significant interest to the community.

Consultation

The Strategic Community Reference Group 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

Compilation of the 2021 Work Plan involved discussions across all directorates to identify key plans, strategies and frameworks, planned for development in 2021, that might benefit from discussion and input from a community focus group. Selected topics are considered to be those that would generate the most interest from the community.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the achievements of the Strategic Community Reference Group for 2020;**
- 2 ADOPTS the 2021 Work Plan for the Strategic Community Reference Group, as shown in Attachment 1 to Report CJ169-11/20.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf201110.pdf](#)

CJ170-11/20 AMENDMENT TO MEETING DATE FOR ANNUAL GENERAL MEETING OF ELECTORS 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	107893, 101515
ATTACHMENT	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 re-schedule the meeting date for the 2020 Annual General Meeting (AGM) of Electors.

EXECUTIVE SUMMARY

At its meeting held on 15 September 2020 (CJ128-09/20 refers) Council agreed to convene the 2020 AGM of Electors on Tuesday 8 December 2020, commencing at 5.30pm in the Council Chamber. At the time of the decision being made, it was anticipated that the City's *2019-20 Annual Report* would be considered by Council at its meeting to be held on 17 November 2020. Included within the annual report is the City's audited financial statements for the 2019-20 financial year.

The Department of Local Government, Sports and Cultural Industries proposed amendments to the *Local Government (Financial Management) Regulations 1996* after 30 June 2020 that affected the financial report for the year ending on that date. These changes were gazetted on 6 November 2020 and due to the effect on the financial report for 2019-20, these changes are required to be audited. The Office of the Auditor General, which is undertaking the financial audit of the City's financial statements for this period, was unable to finalise its final audit until these amendments were gazetted on 6 November 2020. This has consequently delayed the audited financial statements being presented to the Audit and Risk Committee, and subsequently Council, by the scheduled November Council Meeting.

This delay has meant that Council will more than likely only be able to adopt the *2019-20 Annual Report* at its 8 December 2020 Council meeting, as the audited statements are included as a component of the annual report. In view of this, it is recommended that Council change the date of the AGM of Electors to Tuesday 2 February 2021 which is within the 56-day statutory timeframe for holding annual electors' meetings following the adoption of the annual report.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY AMENDS its decision of 15 September 2020 (CJ128-09/20 refers) to read as follows:

- 1 *“That subject to the state of emergency, declared under section 56 of the Emergency Management Act 2005 in response to the COVID-19 pandemic ceasing to have effect, Council AGREES to convene the 2020 Annual General Meeting of Electors on Tuesday 2 February 2021, commencing at 5.30pm in the Council Chamber.”*

BACKGROUND

At its meeting held on 16 October 2007 (CJ206-10/07 refers), Council resolved to “AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council”, there are no Council elections in 2020.

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

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session or Council meeting (refer below, for AGM of Elector’s meeting dates and attendance).

AGM Date	Start Time	Finish Time	Prior to Meeting	Attendees
Tuesday, 10 December 2013	5.30pm	5.56pm	Council	6
Tuesday, 2 December 2014	5.35pm	6.36pm	Briefing	12
Tuesday 15 December 2015	5.40pm	6.22pm	Council	6
Tuesday, 6 December 2016	5.30pm	6.31pm	Briefing	78
Tuesday, 12 December 2017	5.30pm	7.02pm	Council	27
Tuesday, 4 December 2018	5.30pm	6.27pm	Briefing	14
Tuesday 10 December 2019	5.30pm	6.52pm	Council	33

At its meeting held on 15 September 2020 (CJ128-09/20 refers) Council agreed to convene the 2020 Annual General Meeting of Electors on Tuesday 8 December 2020, commencing at 5.30pm in the Council Chamber. At the time of writing that report, it was anticipated that the City’s *2019-20 Annual Report* would be considered by Council at its meeting to be held on 17 November 2020. Included within the Annual Report will be the City’s audited financial statements for the 2019-20 financial year.

The Office of the Auditor General, which undertakes the annual financial audit of the City’s financial statements, was unable to complete its audit until amendments to the *Local Government (Financial Management) Regulations 1996* were gazetted, which occurred on 6 November 2020. As the amendments require further audit work to be conducted, this has subsequently delayed the statements being presented to the Audit and Risk Committee, and subsequently Council, by the scheduled November Council Meeting.

This delay has also meant Council will be unable to adopt the full *2019-20 Annual Report* at the 17 November 2020 Council meeting but more than likely adopt the Annual Report at its 8 December 2020 Council meeting.

DETAILS

The Office of Auditor General (OAG) has undertaken their final audit, with the audited financial statements and independent auditor's report anticipated to be received late November. The audited financial statements are scheduled to be presented to a special meeting of the Audit and Risk Committee, providing recommendations to Council at its meeting to be held on 8 December 2020. The audited financial statements are a key component of the City's annual report, which will be presented to Council in a separate report to the Council meeting scheduled to be held on 8 December 2020 and following a special meeting of the Audit and Risk Committee. The receipt of the City's annual report by Council and the holding of an AGM of Electors are both statutory requirements of the *Local Government Act 1995*.

Subsequent to 30 June 2020, the Department of Local Government, Sports and Cultural Industries introduced amendments proposed to the *Local Government (Financial Management) Regulations 1996*. The changes may be summarised as follows:

- 1 Amendment to the requirement for local governments to report all assets at fair value. The recent changes to lease accounting standards now require the recognition of a leased/Right Of Use (ROU) asset along with a corresponding lease liability in a local government's financial report, where it leases an underlying asset. This includes peppercorn leases that a local government currently has as a lessee. Although the accounting standards allow an entity to recognise such leases at cost (therefore allowing recognition of peppercorn leases at minimal value) the current Regulations override this exemption and require local governments to fair value all lease assets, including those arising from peppercorn leases. The proposed amendment will allow a local government to reflect a ROU asset at cost.
- 2 The same amendment above is proposed to specifically prescribe the categories of assets that a local government should present at fair value, and also specifically prescribes that plant and equipment should be presented at cost, instead of fair value as the Regulations currently require.
- 3 The amendments also limit the fair value requirement in the Regulations to non-financial assets.

The proposed amendment to present peppercorn lease ROU assets is necessary because local governments will be in breach of the current Regulations if peppercorn leases are not presented at fair value at 30 June 2020. This is likely to lead to an emphasis of matter or a qualification in the audit report. By their very nature, any fair value assigned to such assets would be highly subjective. The proposed amendment, therefore, recognises this anomaly and is expected to rectify the situation.

The other amendments to plant and equipment are not essential at present, but arise from a previous recommendation by the OAG that fair value accounting for such assets is unnecessary. Unfortunately, if these changes are introduced effective for 2019-20 as currently drafted, the resulting changes to local government financial statements are likely to meet the definition of a change in accounting policy under accounting standards – which involves restatement of plant and equipment assets previously presented at fair value under the current Regulations. In their current form, the proposed amendments are expected to be effective for 2019-20 and, therefore, will not only require significant effort from local governments to give effect to these restatements of asset values in accordance with accounting standards, but will also require additional audit effort on the part of the OAG.

Representations have been made from the local government industry that the changes to plant and equipment be made effective only after 2019-20, however the existing draft amendments still do not make any such provision.

The OAG was therefore unable to complete its audit within previously anticipated timeframes, to enable the AGM of Electors to occur on 8 December 2020. In view of this and to comply with its statutory timeframes for holding the AGM of Electors following receipt of the annual report, it is suggested the AGM of Electors be held on Tuesday, 2 February 2021. This will also prevent the meeting from being held during Council's recess period in January.

Issues and options considered

It is a statutory requirement that Council sets a meeting date for the 2020 Annual General Meeting of Electors.

Council can either:

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

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

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

Policy Not applicable.

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

“5.27 Electors’ general meetings

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

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

“5.29 Convening electors' meetings

(1) *The Chief Executive Officer is to convene an electors' meeting by giving:*

- (a) *at least 14 days' local public notice; and*
- (b) *each council member at least 14 days' notice,*

of the date, time, place and purpose of the meeting.

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

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

“5.55 Notice of annual reports

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

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

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

- Attendances and apologies.
- Contents of the *2019-20 Annual Report*.
- General business.

Risk management considerations

The risk associated with failing to set a date for the 2020 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the *2019-20 Annual Report* through the City's website once it is adopted by Council at its meeting to be held on 8 December 2020.

COMMENT

The audited financial statements for 2019-20 will be the subject of a separate report to Council. Once these statements are adopted by Council, the full version will be inserted into the *2019-20 Annual Report*.

Under the *Local Government (COVID-19 Response) Order 2020* issued by the Minister for Local Government, Annual General Meetings within the 2019-20 financial year were not to be held during the COVID-19 emergency period, as declared under section 56 of the *Emergency Management Act 2005*. However, a recent media release from the Minister indicated that this Order also applied to upcoming AGMs within the 2020-21 financial year. Although clarification is being sought from the Department of Local Government, Sport and Cultural Industries, it is suggested that a date be set by Council and subject to the state of emergency declaration being lifted.

In view of the delay regarding the completion of the audit of the City's 2019-20 financial statements by the OAG as a result of the delay in the gazetting of amendments to the *Local Government (Financial Management) Regulations 1996*, it is therefore recommended that Council amends the 2020 Annual General Meeting of Electors to now occur on Tuesday 2 February 2021, commencing at 5.30pm in the Council Chamber. The City would still meet its legislative requirements.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY AMENDS its decision of 15 September 2020 (CJ128-09/20 refers) to read as follows:

- 1 ***“That subject to the state of emergency, declared under section 56 of the Emergency Management Act 2005 in response to the COVID-19 pandemic ceasing to have effect, Council AGREES to convene the 2020 Annual General Meeting of Electors on Tuesday 2 February 2021, commencing at 5.30pm in the Council Chamber.”.***

CJ171-11/20 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENT	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of September 2020 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for the month of September 2020 Attachment 3 Municipal and Trust Fund Vouchers for the month of September 2020
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 September 2020.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2020, totalling \$18,451,594.65.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for September 2020 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ171-11/20, totalling \$18,451,594.65.

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 September 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ171-11/20.

The vouchers for the month are appended as Attachment 3 to Report CJ171-11/20.

FUNDS	DETAILS	AMOUNT
Municipal Account	110332 - 110363 & 110371 - 110428 & EF087560 & EF087564 - EF087844 & EF087849 - EF087856 & EF087861 - EF088140 Net of cancelled payments	\$13,350,595.55
	Vouchers 2888A – 2905A	\$5,089,452.40
	Bond Refund Cheques & EFT Payments 110364 - 110370 & 110429 & EF087561- EF087563 & EF087845 -EF087848 & EF087857 - EF087860 Net of cancelled payments.	\$11,546.70
Total		\$18,451,594.65

Issues and options considered

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

Option 1

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

Option 2

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Changes in the treatment of bonds received and repaid, from being held in the Trust Fund to now being reflected in the Municipal Fund, have arisen from a directive by the Office of the Auditor General.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2020-21 Budget* as adopted by Council at its meeting held on 30 June 2020 (JSC07-06/20 refers), or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for September 2020 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ171-11/20, totalling \$18,451,594.65.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf201110.pdf](#)

CJ172-11/20 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey 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 September 2020.

EXECUTIVE SUMMARY

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. The figures in Report CJ172-11/20 are compared to the adopted budget.

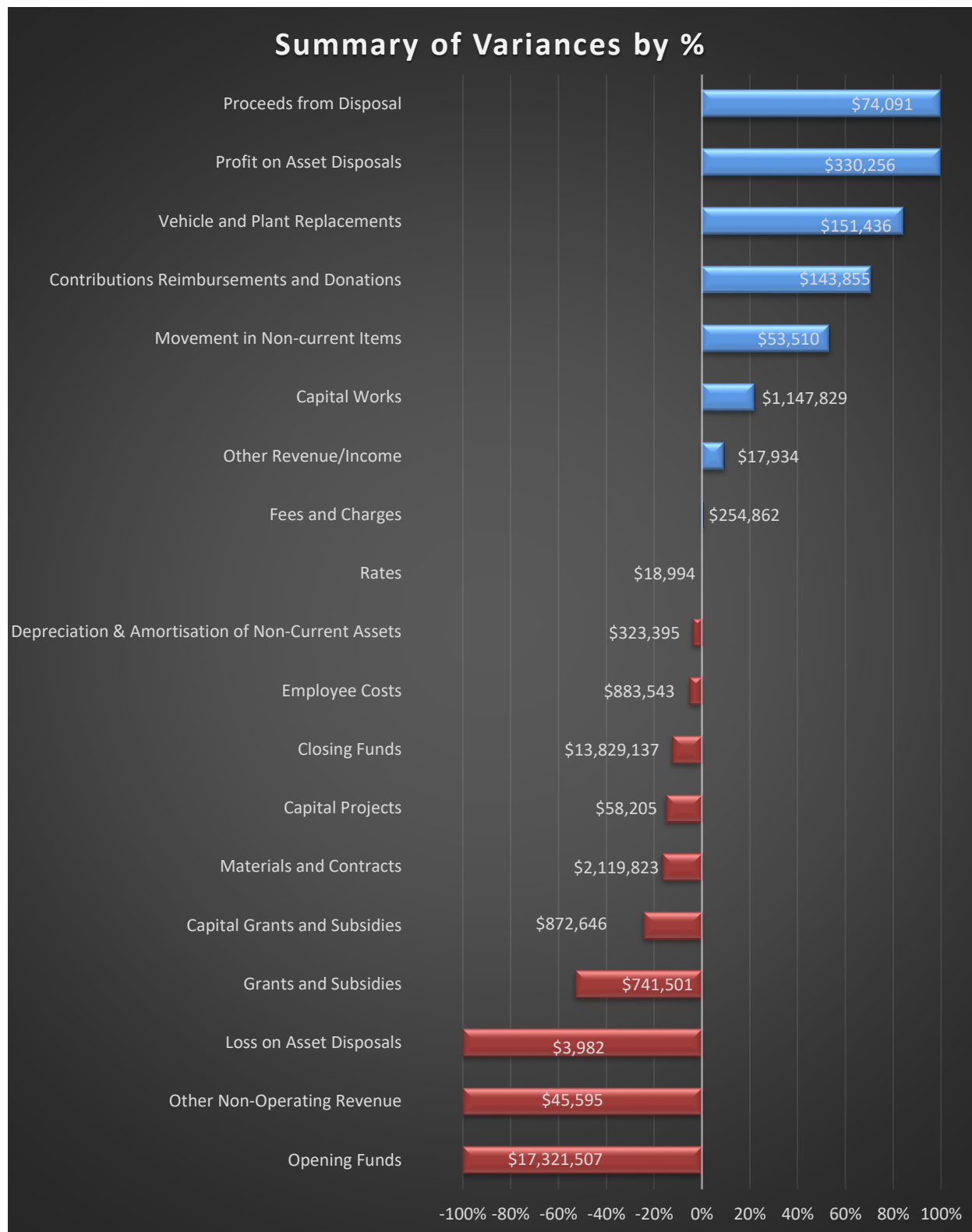
The September 2020 Financial Activity Statement Report shows an overall unfavourable variance of (\$13,829,137) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position, instead it represents the year to date position to 30 September 2020 and results from a number of factors identified in Report CJ172-11/20, including the opening funds position which is subject to the finalisation of the *2019-20 Annual Financial Statements*.

There are a number of factors influencing the unfavourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in September and the finalisation of 2019-20 end of year process which has meant that the opening funds total is currently not included, however the closing surplus at 30 June 2020 is expected to offset this variance. The notes in Attachment 3 to Report CJ172-11/20 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The COVID-19 pandemic impacted the City with the closure of leisure and library facilities in late March. Revenue from leisure centres and facility bookings have improved since COVID-19 restrictions eased but are still lower than pre-COVID levels. In addition, reduction in economic activity and implementation of social distancing measures has resulted in a fall in the City's parking revenues.

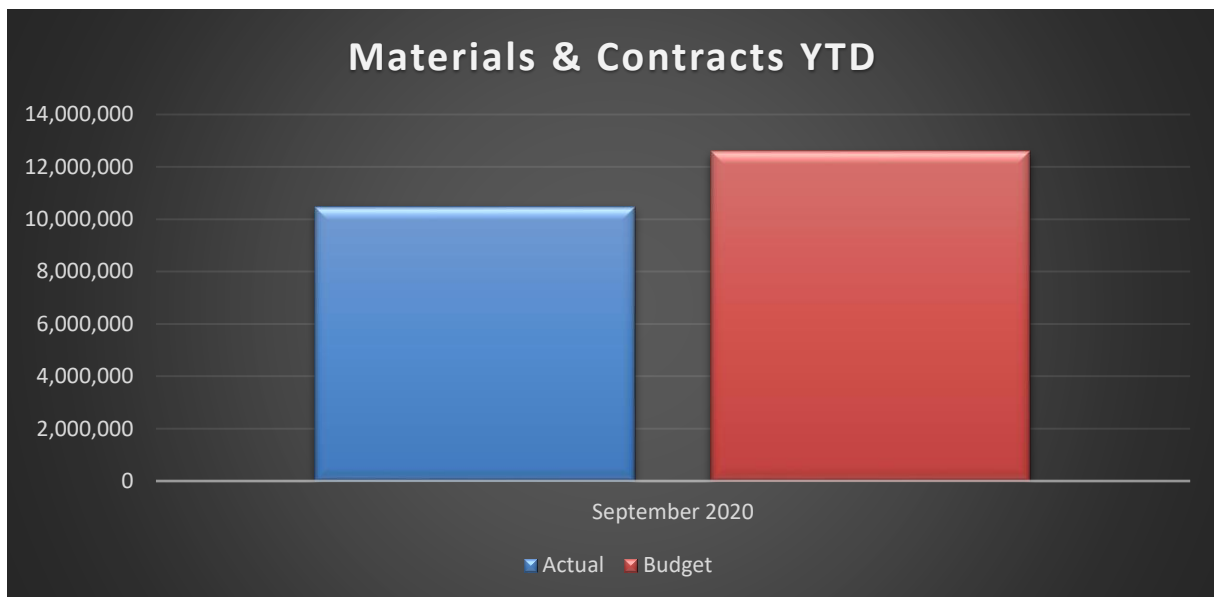
The key elements of the variance are summarised below:



The significant variances for September were:

Materials and Contracts

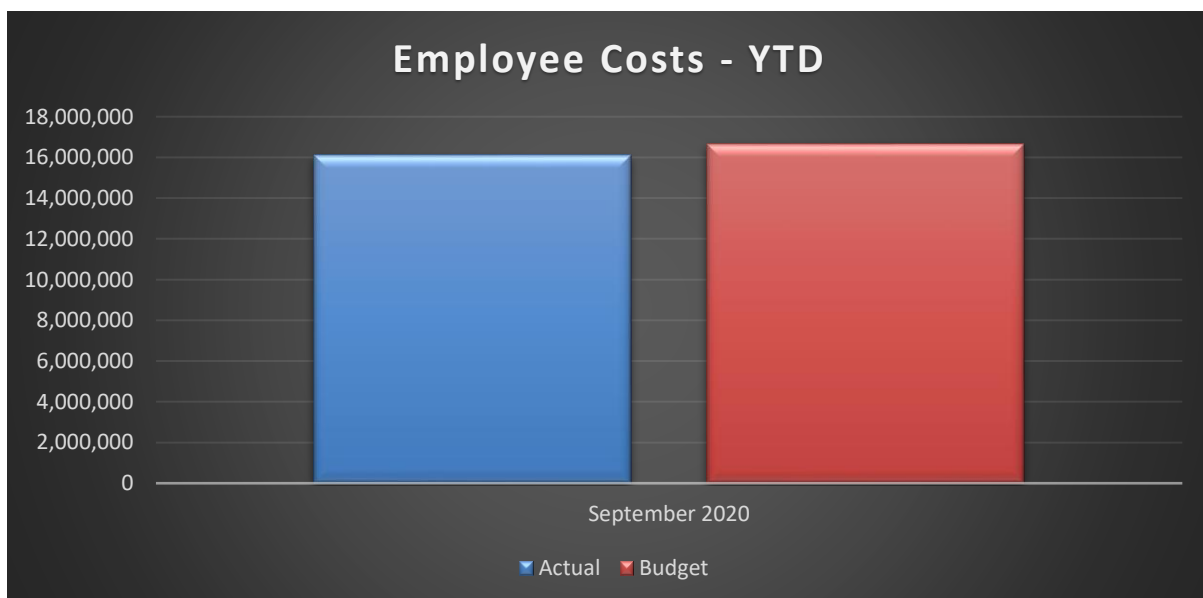
\$2,119,823



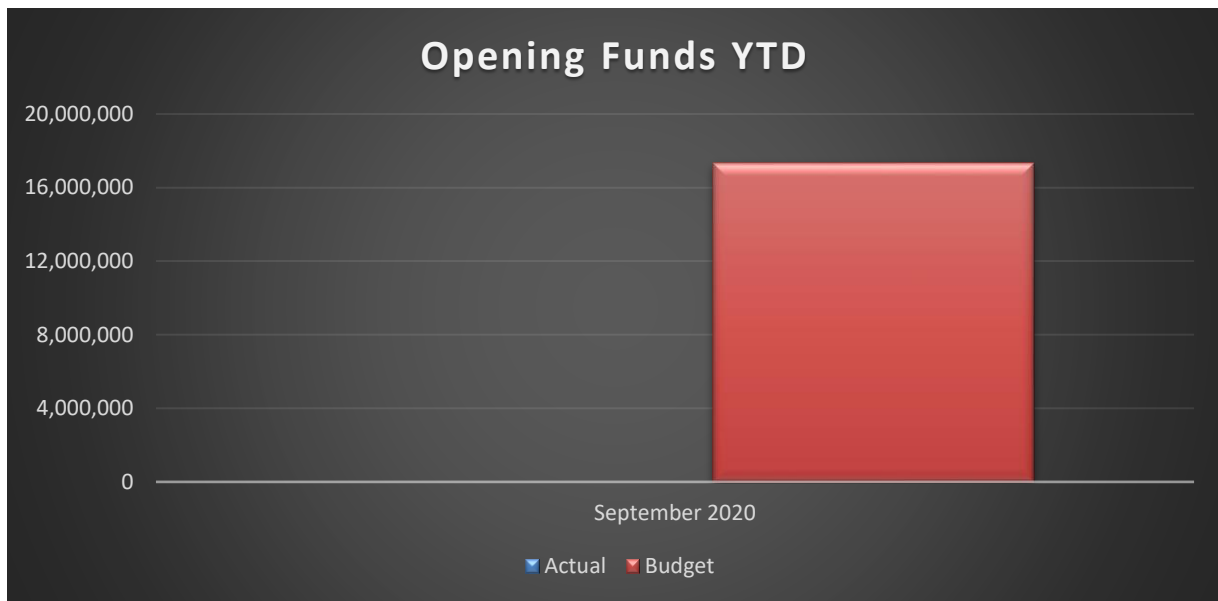
Materials and Contracts expenditure is \$2,119,823 below budget. This is spread across a number of different areas including External Service Expenses \$1,049,889, Contributions and Donations \$203,239, Professional Fees & Costs \$146,947, Travel Vehicles & Plant \$139,924 and Public Relations, Advertising & Promotions \$106,424.

Employee Costs

\$883,543



Employee Costs Expenditure is \$883,543 below budget. Favourable variances predominantly arose from vacancies in various areas.

Opening Funds**(\$17,321,507)**

Opening Funds for September 2020 is \$17,321,507 below budget. The variation in the Closing Funds for the period ended 30 June 2020 is prior to end of year adjustments being processed. The final balance will be available after the Financial Statements for 2019-20 have been audited.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2020 forming Attachment 1 to Report CJ172-11/20.

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 September 2020 is appended as Attachment 1 to Report CJ172-11/20.

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 Report CJ172-11/20 are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

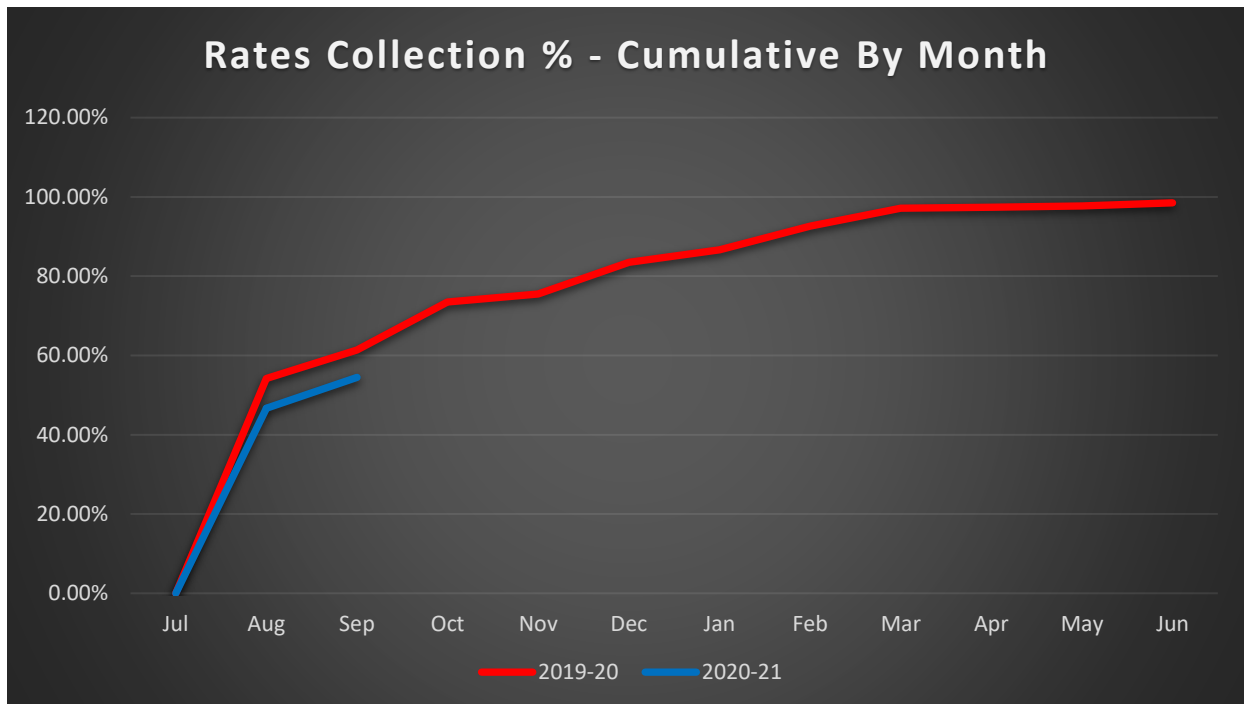
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

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

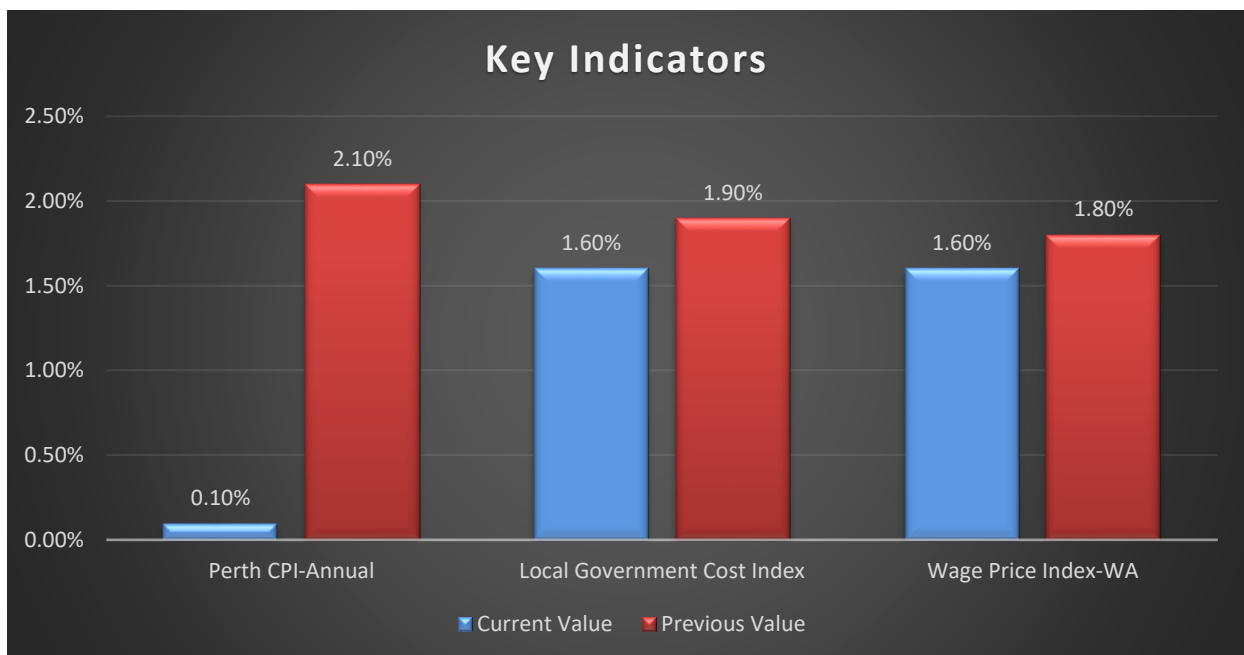
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) is lower than prior year at the end of September.

Economic Indicators



During August the Perth CPI for the second quarter of 2020 was released. This saw a significant fall that has been reflected across all other capital cities. It is expected that inflation will rebound in quarter three but remain subdued going forward.

In the current environment where significant disruption to economic activity has occurred as a result of measures taken by government to combat the COVID-19 pandemic, there is uncertainty about key indicators as this latest data may not have the full impact of the pandemic restrictions and measures incorporated, particularly due to the effect of measures taken by the Commonwealth government to minimise unemployment impacts.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2020-21 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 September 2020 forming Attachment 1 to Report CJ172-11/20.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf201110.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ173-11/20 - Provision of a Major Event - Vintage Car Speed Classic.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt is a former Chairman and Board Member of rally Australia up until 2005.

CJ173-11/20 PROVISION OF A MAJOR EVENT – VINTAGE CAR SPEED CLASSIC

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	105024; 101515; 11622
ATTACHMENT	Attachment 1 Map of 1998 Racetrack - Joondalup Speed Classic
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 progressing a major event within the City of Joondalup, in the form of a Vintage Car Speed Classic.

EXECUTIVE SUMMARY

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

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

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

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

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

BACKGROUND

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

Two strategic initiatives outlined in SCP include aspirations to:

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

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

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

DETAILS

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

The event was a fee paying event and managed by an external event business with City of Joondalup support. The City centre was closed for the day. The start and finish line were positioned in Grand Boulevard outside the Joondalup Courthouse and the circuit proceeded down Shenton Avenue, Davidson Terrace, Boas Avenue, McLarty Avenue, Reid Promenade and back to Grand Boulevard (Attachment 1 refers). The public were allowed full access to the pits located in McLarty Avenue and to the track from controlled locations between events.

The event was based on the ‘Round the Houses’ style racing that originated in the 1930’s and then became more popular after World War II. It was very common for regional towns in Western Australia to host their own ‘Round the Houses’ race, however as time moved on, such events became less prominent, with only a few remaining; the Albany Classic and Northam Flying 50.

Both remaining events are managed by the Vintage Sports Car Club of WA Inc. (VSCC WA (Inc.)) which includes support from the relevant local government and many hours of volunteer labour. In support of these events, a community festival in the form of markets and community based activities is included.

Albany Classic

In 1936, Albany was the first mainland town in Australia to host a 'Round-the-Houses' car race. The event was run over a road circuit of 2.5 mile (4 kilometres) and as the name suggests, the circuit was laid out through the middle of the town. The original event included a Grand Prix for bicycles and the Albany Tourist Trophy for cars. The event was highly successful, attracting crowds in excess of 10,000 spectators and continued in this format for nearly 30 years.

In 1991, the VSCC WA (Inc.) and the now City of Albany joined forces to re-create the event for cars. The 'Albany Classic' as it is now known, has run successfully each year since and has become one of Albany's icon events.

The Albany Classic is a two-day fee-paying event and is traditionally held over the June long weekend and attracts approximately 15,000 people. The event encompasses a hill climb at Mt Clarence on Saturday and the Round-the-Houses re-enactment on Sunday.

In discussions with the VSCC WA (Inc.) it was indicated that the budget to host the Albany Classic was around \$150,000. This included limited paid staff, safety barriers (as they own their own and have built stock up over the years), traffic management and road closures. This did not take into consideration the:

- 150 to 200 individual volunteers that work across the event
- level of in-kind support from the local government, local businesses and community groups.

Northam Flying 50

The two-day motor sport extravaganza is a free event held around the streets of Northam.

The event includes sports cars, racing cars, historic touring cars and combinations of the three. Drivers and their vehicles enter from all over Western Australia, with some competitors travelling from the east coast to make this a highly competitive event.

Issues and options considered

There are two options available to the Council. One is to host the event, and the second is not to host the event. If the Council agrees to pursue hosting such an event, there are two management models available. Noting that such an event would need between 12 to 18 months from date of approval to organise such an event.

City managed

While the City has a significant number of professionals that if brought together in the form of an organising team could manage the event, they lack access to the networks required to attract quality entries. In addition, the City does not hold the necessary accreditation with the respective approving associations, namely Motorsport Australia (previously CAMS) and the Australian Auto Sports Alliance (AASA).

Further, if City employees were tasked to host such an event it would mean that the day to day tasks would not be able to be accomplished, which would impact service delivery to the community.

External event management business

Like the 1998 event, the City could engage the services of a specialised event management business to organise the event and the City would provide both financial and in-kind support. The City could also be responsible for non-race activities in the form of a festival, street markets or other types of activities.

To assist Council in determining if it wishes to proceed further with the concept, the City held preliminary discussions with relevant event organisers. These discussions centred around the concept, event track, suitability of Joondalup as a location, support in the industry, capacity of the event organiser and importantly an indication of costs.

The Vintage Sports Car Club of WA (Inc.)

The VSCC WA (Inc.) was officially incorporated in August 1986 and is now the largest historic race / sports car club in Western Australia.

The objectives of the club are for "the organisation of events to cater for older sports and racing cars and to especially celebrate the original Round-the-Houses racing which was held on street circuits in many country towns in the 30's, 40's and 50's". These objectives remain unchanged today.

The nature of VSCC WA (Inc.) events are that all cars within the category race on the track at the same time, with each race consisting of around five laps of the agreed circuit. Each category races five times during the day and generally there are five categories consisting of approximately 25 to 30 cars per category.

The VSCC WA (Inc.) holds the necessary affiliations with Motorsport Australia (MA) and AASA which are the relevant associations able to sanction such an event.

Targa West

Targa West run several tarmac rallies and rally sprint events including Western Australia's premier tarmac rally the four day Make Smoking History Targa West rally.

Targa West also holds the necessary accreditations with MA and AASA. The company is well experienced in managing motor sport events and has the capacity to hold an event like the 1998 Joondalup event.

Targa West are slightly different to the VSCC WA (Inc.), in that each car is time trialled over the course of the track, with cars started around 20 seconds apart. Cars are still included within relevant categories and there are generally five categories for the day, consisting of approximately 25-30 cars per category. Each car will time trial around five times for the day. The car obtaining the fastest lap in their respective category, is the winner.

There may be other external event management groups within the market that are able to coordinate such an event, these groups will not be known until an EOI process is undertaken (if approved to proceed to this stage).

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Cultural development.

Strategic initiative Actively engage event promoters to host iconic, cultural and sporting events.

Policy Not applicable.

Risk management considerations

The event itself will pose many risks, particularly in and around safety of drivers, officials and spectators and will be subject to individual specific risk management plans that will be endorsed by MA and AASA who are empowered to approve such events.

Like any event, there is a risk it is not well received by the community and business sector and does not meet its objectives. In discussions with representatives of the Albany Classic and the VSCC WA (Inc.), it was indicated that there would be strong support from car owners for such an event in the Perth metropolitan area generally, and particularly Joondalup.

Financial / budget implications

As part of its annual budgeting process, the Council allocates an amount of \$200,000 in order to attract significant events to the City to meet its strategic objectives. The City undertook a desktop analysis of costs associated with road closures and other traffic management measurements alone, which was estimated at \$50,000.

Regional significance

Indications from relevant car club associations is that there would be a strong level of WA based support for such an event. Any COVID-19 restrictions at the time will impact on the level of interest from interstate.

Sustainability implications

Such an event should be well supported by the community, both locally and beyond the City boundaries, while also providing a strong stimulus for the local economy.

Consultation

There has been no consultation with community or local businesses to date, however this would need to occur if coordination in hosting the event progresses. Based on the VSCC WA model, patrons are able to cross the track at designated safe zones between races. This enables pedestrians to access facilities within the designated race track, however vehicle movements will be limited and addressed at the development of a traffic management plan.

COMMENT

Since 2012, the City has been working to deliver a significant event of a calibre suitable to enhance tourism and stimulate the local economy, while attracting wide media coverage to enhance and strengthen Joondalup's reputation and image as a Destination City.

The City has identified a desire to attract significant events and activities to the region through the strategic initiatives outlined and adopted in the *Strategic Community Plan - Joondalup 2022*.

The City has hosted or supported major events including the NAB Cup (AFL), Soundwave and Future Music Festival. It also delivers major community events such as the Joondalup Festival and Valentine's Concert. In addition, it hosts and supports smaller community events such as the Heathridge Carols in the Park and other community group fairs / fêtes.

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

A Vintage Car Speed Classic would meet the objectives of the *Strategic Community Plan* attracting and hosting significant events in the City; and if successful, could become an annual event. To assist with the event becoming a greater attraction, some form of community activities could also be staged, such as market stalls, small time street performances and the like.

While it is acknowledged that there are event management organisations capable of coordinating such an event, in preparing Report CJ173-11/20 it has not been possible to accurately estimate the cost of the event due to so many unknowns (track configuration, safety requirements and so forth).

If the Council wished to further pursue this event, it is suggested that expressions of interest are invited prior to inviting formal tenders. Noting that if the event proceeds, a period of 12 to 18 months would be required following date of decision to appoint a preferred supplier of the event. Consideration also needs to be given to whether the event is to be fee paying (may add to the cost to run the event due to increased safety and fencing) as well as the style of the event (time trialled or race mode).

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council AGREES to invite expressions of interest from suitably qualified event management groups to host a Vintage Car Speed Classic within the City of Joondalup based on a 'Round the Houses' style format with both non fee and fee paying options being explored.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf201110.pdf](#)

CJ174-11/20 REMEMBER 50KM / HR IN BUILT-UP AREA SIGNAGE

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	05094, 101515
ATTACHMENT	Attachment 1 Request letter from Main Roads WA
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 request from Main Roads WA (MRWA) for the City to arrange for the removal of the “Remember 50km/hr in Built-Up Area” warning signage from the City’s road network.

EXECUTIVE SUMMARY

In 2001 the default urban speed limit for built up areas in Western Australia was reduced from 60km/hr to 50km/hr. To raise awareness to the speed limit change, MRWA delegated authority to local governments to temporarily install “Remember 50km/hr in Built-Up Area” warning signs at appropriate locations on local roads. The intention was that these signs would be installed for a short period of time of six months in any location to remind drivers of the change in speed limit.

Due to the passage of time and MRWA concerns regarding the use of the signs being in place for over 19 years and there is significant public awareness of the 50km/hr speed limit in built up areas (BUA), it is requested that the signage be removed.

MRWA advised local governments that it is aware of numerous locations where “Remember 50km/hr in Built-Up Area” signs are still currently installed. It also advised that some signs have been recently erected, possibly in response to resident concerns over speeding on local roads, while others have been in place for considerable periods of time. In addition to this, MRWA advised there are also examples where these signs have been installed outside of the BUA’s which have led to incidents where motorists have been incorrectly charged with speeding offences. The examples provided by MRWA do not relate to the City.

In October 2019, the City, along with all local governments in Western Australia received correspondence from MRWA seeking the City’s support to identify and arrange for the removal of “Remember 50km/hr in Built-Up Area” signs from roads under the City’s control by the end of December 2020. MRWA considers that these signs are not performing the function for which they were intended and advised that their installation is no longer supported.

The City no longer tracks in detail the location or number of “Remember 50km/hr in Built-Up Area” signs on the local road network. An initial assessment would indicate there are at least four local distributor roads within the City of Joondalup that have these signs installed and are still in operation. The quantity of signs, however, have reduced in numbers over time by natural attrition.

It is recommended that previously installed signage, which still currently exists on a number of roads within the City’s built-up area road network should remain in place until such a time that they are no longer serviceable or are removed by other factors outside the City’s control. Signage at new locations or reinstatement of damaged / removed signs will no longer continue to be supported in line with MRWA’s position.

It is therefore recommended that Council:

- 1 *NOTES that Main Roads WA no longer supports the use of and / or installation of “REMEMBER 50km/hr IN BUILT-UP AREA” signs in Western Australia;*
- 2 *NOTES Main Roads WA’s request for assistance from the City to remove the “REMEMBER 50km/hr IN BUILT-UP AREA” signs by December 2020;*
- 3 *DOES NOT SUPPORT Main Roads WA’s request for assistance from the City to proactively remove “REMEMBER 50km/hr IN BUILT-UP AREA” signs;*
- 4 *ADVISES Main Roads WA that “REMEMBER 50km/hr IN BUILT-UP AREA” sign removal will occur by natural attrition when signs reach the end of their useful life.*

BACKGROUND

On 1 December 2001, the default Built-Up Area (BUA) speed limit in Western Australia was reduced from 60km/hr to 50km/hr. The BUA speed limit applies largely to local roads in urban areas and, to avoid an over proliferation of signage, MRWA policy is not to provide 50km/hr signage on roads with BUA speed limits.

As part of the overall advertising and media campaign to raise awareness of the change in BUA speed limit, MRWA who are responsible for the signs, delegated authority to local governments to temporarily install “Remember 50km/hr in Built-Up Area” warning signs at appropriate locations on local roads. The intention was that these signs would be installed for no longer than six months in any location to remind drivers of the change in speed limit.

The default BUA speed limit of 50km/hr has been in place for over 19 years and there is significant public awareness of this limit. MRWA advised Councils that there are numerous locations where “Remember 50km/hr in Built-Up Area” signs are still currently installed. They also advised that some signs have been recently erected, possibly in response to resident concerns over speeding on local roads, while others have been in place for considerable periods of time. In addition to this, they advised there are also examples where these signs have been installed outside of the BUA’s which have led to incidents where motorists have been incorrectly charged with speeding offences. The examples provided by MRWA do not relate to the City.

DETAILS

In October 2019, the City, along with all local governments in Western Australia received correspondence from MRWA seeking the City's support to identify and arrange for the removal of "Remember 50km/hr in Built-Up Area" signs from roads under the City's control by the end of December 2020. MRWA considers that these signs are not performing the function for which they were intended and advised that their installation is no longer supported.

The City no longer tracks in detail the location or number of "Remember 50km/hr in Built-Up Area" signs on the local road network. An initial assessment would indicate there are at least four local distributor roads within the City that have these signs installed and are still in operation. The quantity of signs, however, have reduced in numbers over time by natural attrition.

Issues and options considered

Council may either:

Option One – No action by City	
No change from the current situation – this is the preferred option	
Advantages	Disadvantages
<ul style="list-style-type: none"> The signs that remain on the road network will further reduce in numbers over time as part of natural attrition that occurs. MRWA no longer support the replacement of these signs. No specific program to locate and remove signs therefore staff resources and time will not have a negative impacted. 	<ul style="list-style-type: none"> This approach may not be consistent with community expectations. Not conforming to the request from MRWA.

Option Two – remove all signs by December 2020 at the request of Main Roads WA	
This option would be preferred by Main Roads WA (MRWA)	
Advantages	Disadvantages
<ul style="list-style-type: none"> This would bring the MRWA road signage initiative of 2001 to a final conclusion due to the change of MRWA's position. There are more proactive measures to raise awareness to speeding with less reliance on static signs. 	<ul style="list-style-type: none"> No financial compensation has been offered by MRWA to assist with the program to identify sign locations, remove signs and dispose of material.

Legislation / Strategic Community Plan / Policy implications

Legislation *Road Traffic Code 2000.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective	Integrated spaces.
Strategic initiative	Adopt consistent principles in the management and provision of urban community infrastructure.
Policy	Not applicable.

Risk management considerations

Regardless of the options presented, from an operational perspective, the risk associated with the signage if either to be retained or removed would be considered low.

Financial / budget implications

Option one – No action by the City

If this option is adopted, there will be no financial impact to the City in the short term. However, the removal of signs at the end of its useful life will require a provision in the operating budget at that time.

Option two – Remove all signs by December 2020

If this option is adopted there will be costs involved with staff resources to identify sign locations, remove signs plus disposal of material. The extent of funding required is difficult to gauge due to sign locations not being tracked and number of signs not known. Should the project proceed it will be funded from road maintenance and will require a special budget amount to be allocated.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Other metropolitan local governments contacted have identified a similar position to that being recommended in Report CJ174-11/20, being that they acknowledge MRWA's position, but do not support the request for the removal of the existing signs and intend to continue to use the signs to remind drivers of the 50km/hr speed limit where necessary. There is no community engagement proposed regarding the 50km/hr speed awareness signs.

COMMENT

The City is generally supportive of reducing the number of signs in the streetscape, however, the implications of removing the remaining "Remember 50km/hr in Built-Up Area" signage City wide by December 2020 may result in negative feedback from community members historically involved with advocating for their installation on local roads.

As such, it is preferable that previously installed signage, which still currently exists on a number of roads within the City's built-up area road network should remain in place until such a time that they are no longer serviceable or are removed by other factors outside the City's control. It should be noted that signage at new locations or reinstatement of damaged / removed signs will no longer continue to be supported in line with MRWA's position.

As an alternative to static signage, the use of temporary pole mounted electronic speed boards to raise attention to approaching vehicle speeds is currently being developed for Sherington Road on a trial basis. Subject to a positive outcome of the trial, this method of raising awareness to speeding may be expanded to other roads on a case by case basis.

To gauge the extent of the speeding on problematic roads, the City has a rolling traffic count program that enables a technical assessment of the road speed environment to be undertaken. The seven-day traffic count survey enables the 85th percentile traffic speed to be determined for a particular road or road section. The 85th percentile traffic speed is the speed that 85% of vehicles are travelling at or less. In the situation that the traffic speeds are 10km/hr higher than the speed limit, the WA Police will consider speed enforcement at the request of the local authority. This is an effective method of maintaining speed compliance on local roads and does not rely on static signage which is considered to have limited impact.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES that Main Roads WA no longer supports the use of and / or installation of "REMEMBER 50km/hr IN BUILT-UP AREA" signs in Western Australia;**
- 2 NOTES Main Roads WA's request for assistance from the City to remove the "REMEMBER 50km/hr IN BUILT-UP AREA" signs by December 2020;**
- 3 DOES NOT SUPPORT Main Roads WA's request for assistance from the City to proactively remove "REMEMBER 50km/hr IN BUILT-UP AREA" signs;**
- 4 ADVISES Main Roads WA that "REMEMBER 50km/hr IN BUILT-UP AREA" sign removal will occur by natural attrition when signs reach the end of their useful life.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf201110.pdf](#)

REPORTS – MAJOR PROJECTS AND FINANCE COMMITTEE – 2 NOVEMBER 2020

CJ175-11/20 FEASIBILITY FOR A SECOND MULTI-STOREY CAR PARK

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	102400
ATTACHMENT	Attachment 1 Project Philosophies and Parameters
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 feasibility review of constructing a second Multi-Storey Car Park (MSCP), and request for the Chief Executive Officer to prepare concept plans for a second MSCP.

EXECUTIVE SUMMARY

The City's *Strategic Community Plan (Joondalup 2022)* includes a strategic initiative to "Pursue the construction of multi-storey car park facilities within the Joondalup City Centre to facilitate greater accessibility." There is a KPI for the Chief Executive Officer to report to Council for the development of the planning for a new MSCP, which Report CJ175-11/20 addresses.

The outcomes of this project are to:

- ensure that the City Centre has adequate parking to support businesses and attract visitors, taking account of current and future trends
- plan for the future
- users - safe to use, accessible and is perceived to provide value for money
- financially viable
- capable of multiple uses.

A review of the City's only MSCP, the Reid Promenade Car Park (RPCP), has been completed in support of Report CJ175-11/20. The RPCP is regarded as a successful project, both in terms of the planning and its operation. The facility is now heavily utilised and is now paying for itself. Most importantly the facility has helped to stimulate economic growth as it allows for commuters to Joondalup to securely leave their vehicle in an affordable facility. As the RPCP is just about at maximum capacity this raises the obvious question of whether the City should build another MSCP. A second MSCP could stimulate economic growth and demonstrate to businesses and users that Joondalup can be relied upon for accessible parking, however there is a risk that if built before demand warrants it, there could be significant costs.

The demand for parking and need for a second MSCP is strong because of the projected increase in population in the north-west region and projected increase in jobs. There are some key developments in the City Centre which will cause an increased demand for parking (such as Prime West second building, Arthouse, Department of Housing “Connect”). The growth indicates that a second MSCP should be planned and constructed within the short to medium term so that the City can play its part in supporting economic growth by ensuring an adequate supply of parking.

The risk with car parking in the long-term is the potential impact of disruptive technologies, because this could reduce the demand and therefore result in a facility which operates at a loss. The City could potentially build a second MSCP which is future-proofed and can be converted if demand reduces however more research in this area is required.

The site at 104 McLarty Avenue (Car Park P2) is the optimum site for a second MSCP because of its size, access and proximity to existing key development and other imminent developments. The site has outstanding potential to help support economic growth in the City Centre.

A high-level financial evaluation has been prepared which assumes two floors of commercial space that would be rented out. A further option has been created with two floors of residential and then a further option which has a cost for future-proofing the car parking areas (for conversion to commercial or residential at a later stage). The initial analysis has indicated that at least 75% utilisation of the car parking would be necessary to achieve a return on investment the same, or better, than the surpluses achieved at the existing on-grade site. However the option to future proof the facility may not provide a return on investment with any scenario of utilisation because a future-proofed facility may cost 33% more to build (higher ceilings, stronger columns, provision for services and the like). The estimated additional cost of 33% for future proofing is based on desktop research, informal discussions with suppliers and the parking industry. This assumption will need to be substantiated further as part of the next stage with concept designs.

The Joondalup Activity Centre adopted by the City has determined that it needs to develop a Parking Supply and Management Plan (PSMP) to implement some of the transport objectives. The PSMP will be completed by December 2020 and will evaluate some key issues that will be of use to the City in assessing the feasibility of a second MSCP. The outcomes of this process will need to be considered in the context of the competing requirement to support economic development.

In summary, it is recommended that the City continue to plan for a second MSCP but also undertakes further research and actions to mitigate the risks before committing. The actions include the following:

- 1 Concept design for multi-purpose MSCP and a future-proofed MSCP to be prepared, including an Opinion of Probable Cost.
- 2 PSMP completed by December 2020.
- 3 Disruptive technologies – continue to assess the developments and potential impacts on car ownership and demand for car parking.
- 4 Other car park operators and local governments – research how they are planning for the impact of disruptive technologies.
- 5 Existing car bays in Joondalup – the City should maintain a register of existing car bays based on new developments and changes.
- 6 Update feasibility report.

It is therefore recommended that Council:

- 1 *NOTES the feasibility for the City to construct a second multi-storey car park as detailed in Report CJ175-11/20;*
- 2 *REQUESTS the Chief Executive Officer prepare concept plans for a second multi-storey car park, which considers and addresses the incorporation of commercial uses within the site and elements that “future proof” the overall development.*

BACKGROUND

The Chief Executive Officer has a KPI to report to Council on the feasibility of a second MSCP which Report CJ175-11/20 addresses.

Strategic Community Plan and Strategic Financial Plan

One of the key themes of the City’s *Strategic Community Plan (Joondalup 2022)* is Economic Prosperity, Vibrancy and Growth. One of the objectives of this theme is for Joondalup to be recognised as Perth’s second Central Business District (CBD), which includes a strategic initiative for the City to:

“Pursue the construction of multi-storey car park facilities within the Joondalup City Centre to facilitate greater accessibility.”

The City constructed its first MSCP in 2015, the RPCP. The Strategic Financial Plan includes an assumption for a second MSCP to begin construction in 2023-24 and to be completed by 2024-25.

Vision and Purpose of Project

Attachment 1 to Report CJ175-11/20 is a Project Philosophy and Parameters document which includes key objectives of the project, the key elements of which are summarised in Report CJ175-11/20. The vision for this project is to confidently predict if and when the City should construct a second MSCP, build an affordable facility that is user friendly and ideally contributes positively to the City’s operating bottom line.

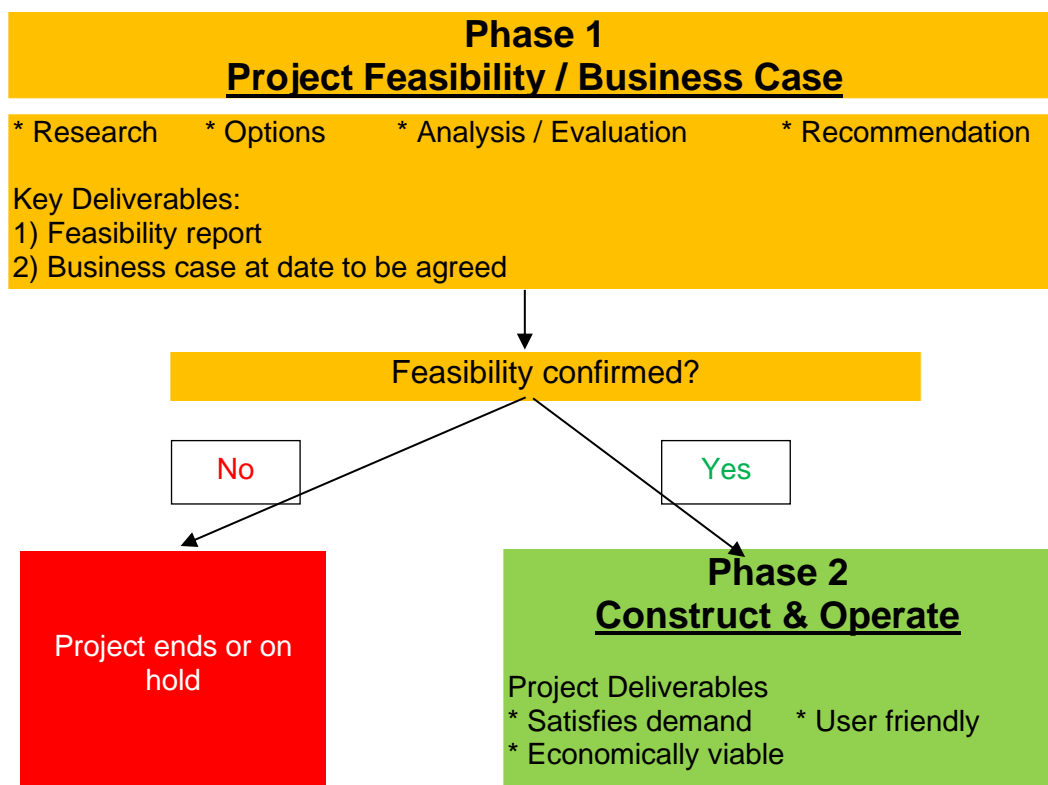
Outcomes and Project Deliverables

The outcomes of the project include the following:

- Ensure that the City Centre has adequate parking to support businesses and attract visitors, taking account of current and future trends.
- Plan for the future – ensure that the City plans and builds additional parking at the right time, and at the right location.
- Users – if a facility is constructed it is safe to use, accessible and is perceived to provide value for money.
- Utilisation – facility must enjoy high and regular utilisation.

- Financial viability and Return on Investment (ROI) – the facility must be affordable to construct, have a relatively short payback period and have operating costs (ongoing) that are less than its operating income. A business case will be prepared to evaluate options and include all whole-of-life costs including commercial income and rates income.
- Considers multiple uses in recognition that demand for carparking and storage as we know it today may change in the mid to long-term.

The deliverables are split into two, as summarised in the chart below. The first project deliverable is for the feasibility for the project to be researched, evaluated and recommended. If the project recommends that a second MSCP then there will be more key deliverables.

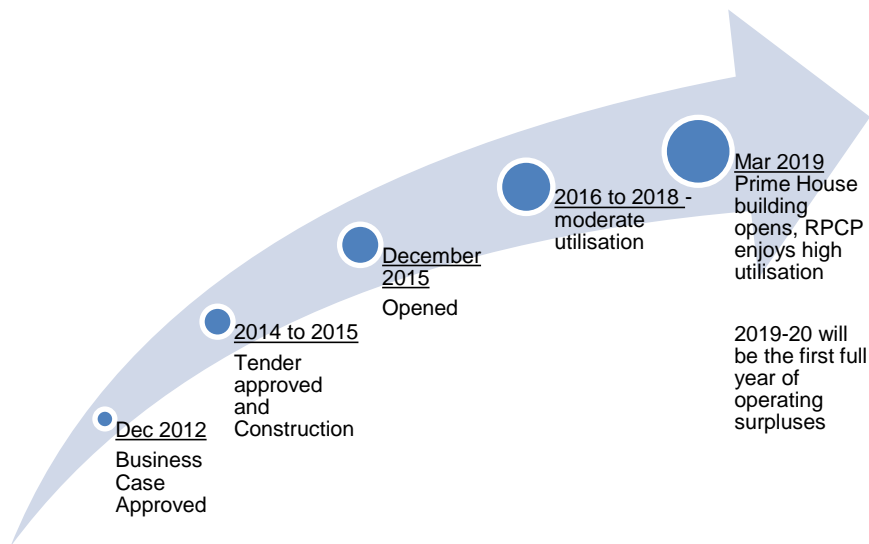


Review of Reid Promenade Car Park and Learning Points

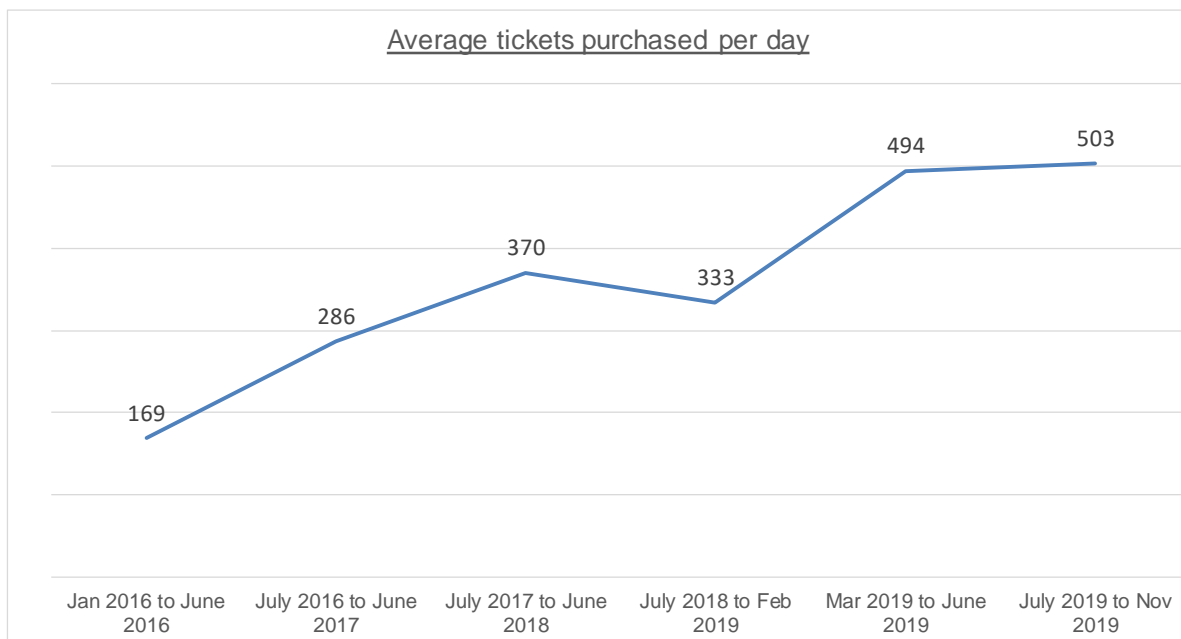
Before assessing the need for a second MSCP it is worth reflecting on the current performance of the City's first MSCP, the RPCP.

The business case was developed in 2012 to assess the feasibility of building a MSCP at either McLarty Avenue or at Reid Promenade. The business case included an extensive level of community engagement with surveys of users of both car parks and also surveys of businesses within the City Centre. The business case recommended that the location at Reid Promenade would be better for the community and the case was endorsed by Council in December 2012.

The chart below summaries the key milestones of the RPCP from inception to its current performance. The utilisation of the facility has been reasonable since the opening, but since the relocation of the Department of Water and Environmental Regulation (DWER) to Joondalup in early 2019, the utilisation has been very high. The utilisation has been lowered in recent months due to the pandemic, although it would be expected to eventually increase again back to pre-COVID levels.



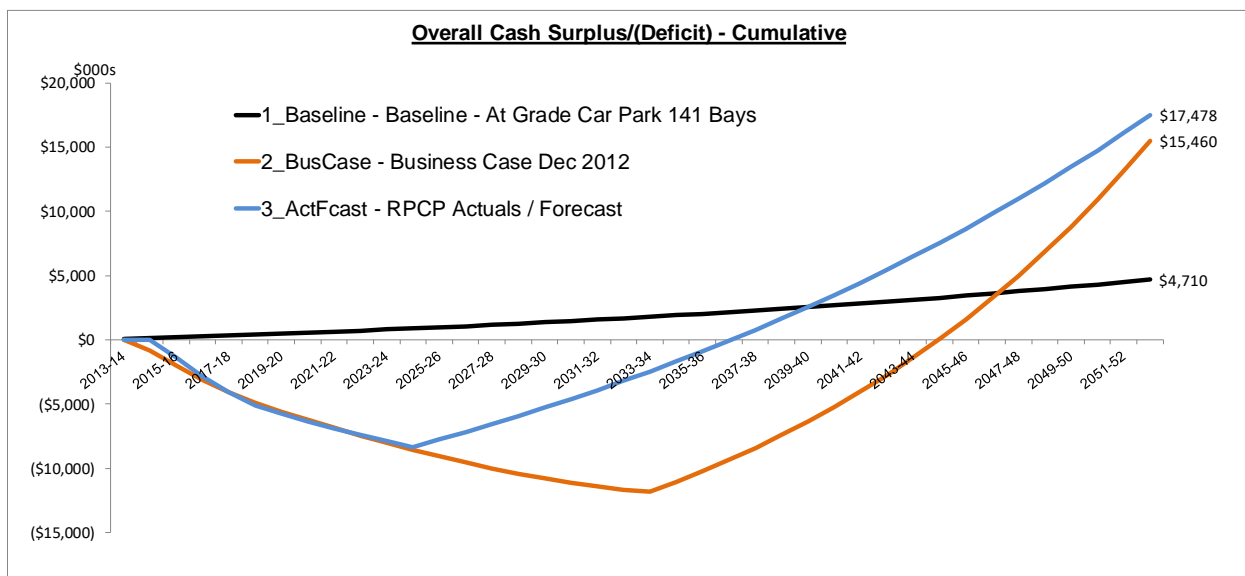
The chart below shows the average tickets bought per day for six time periods since opening in January 2016. This shows that utilisation was initially moderate but then in 2019 the utilisation increased significantly. The 2019-20 mid-year review, prepared before the pandemic, was projecting a healthy operating surplus (after depreciation and interest) but due to low utilisation from March to June there was a minor operating deficit of approximately \$44,000.



The chart below summarises the cumulative cashflow of the facility, up to 2052-53 which was the term used within the business case. The following three scenarios are provided:

- 1 Baseline – if the City did not build a MCSP at the site it would still have earned income because there were 141 at grade bays which enjoyed a reasonable level of utilisation.
- 2 Business case cashflows (December 2012) plus an annual allowance for capital replacement.
- 3 RPCP cashflows. The values include the actuals up to June 2019, and then estimated cashflows from July 2019 onwards. It is assumed that the high level of utilisation enjoyed prior to the pandemic will materialise again and continues. It is also assumed that fees and expenses are increased as per the Strategic Financial Plan.

In total the RPCP is projected to have an overall benefit of \$17.5 million which is \$12.8 million more when compared to the baseline and \$2.0 million more than the Business Case. The chart shows that the cumulative cashflows by year 2037-38 the RPCP will deliver a positive cashflow, this is several years earlier than the business case due to the lower capital costs and lower funding costs.



The table below lists the key observations from the review of the RPCP and the learning points that may be considered in the assessment of a second MSCP.

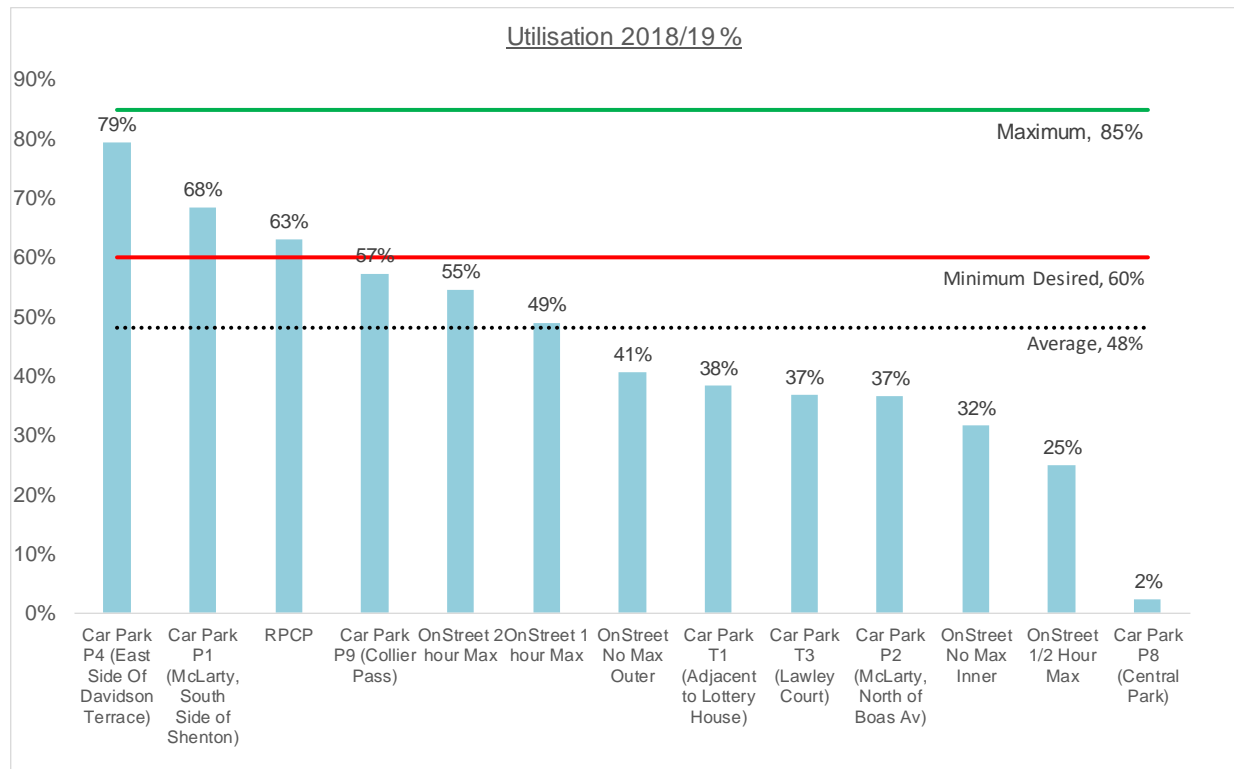
	Issue	Learning Point	Observation for MSCP2
1	Flexible Design	The RPCP is built solely as a MSCP without much flexibility to be converted to alternative uses if demand for car parking reduces.	There is a possibility that demand for car parking may be affected by disruptive technologies in the longer term.
2	Project Management	The City applied an industry-standard process for managing the project, employing a temporary project manager who was able to oversee all the contracts.	The processes applied for the RPCP were successful and would be used again.
3	Existing Utilisation	The RPCP was built on top of an on-grade car park of 141 bays that was already highly utilised. The benefits of the RPCP can only be measured by comparing to the income already received.	The demand planning for a second MSCP should consider carefully the existing utilisation and future potential demand. The financial assessment must take account of the income already received at on-grade car park.
4	Demand Planning	The business case for the RPCP relied heavily on detailed customer and business feedback. However, that feedback was still mostly subjective and did not necessarily provide substantial evidence that the facility would be utilised well and pay for itself.	It is extremely difficult to reliably forecast the future demand for car parking and optimise the timing or location of a second MSCP. Indeed, the provision of increased parking facilities may be a risk but can provide the stimulus for economic growth which the City needs to help drive.
5	Operating Expenses	The operating expenses of the RPCP are higher than the business case, predominately due to unforeseen building expenses and also because the RPCP is fully staffed from 6am to 8pm.	A second MSCP will provide opportunities for operating expenses to be shared for example both buildings could be remotely managed with existing administration staff, rather than dedicated on-site officers.
6	Operating Model	The RPCP operates successfully, due to ticketless parking and the management by Parking Services.	A second MSCP should evaluate fully the technological opportunities available at the time and consider the optimum operating model.

The RPCP is regarded as a successful project, both in terms of the planning and its operation. The facility is now heavily utilised and is now paying for itself. Most importantly the facility has helped to stimulate economic growth as it allows for commuters to Joondalup to securely leave their vehicle in an affordable facility. As the RPCP is just about at maximum capacity this raises the obvious question of whether the City should take a further risk and build another MSCP to help stimulate economic growth and to demonstrate to businesses and users that Joondalup can be relied upon for accessible parking.

DETAILS

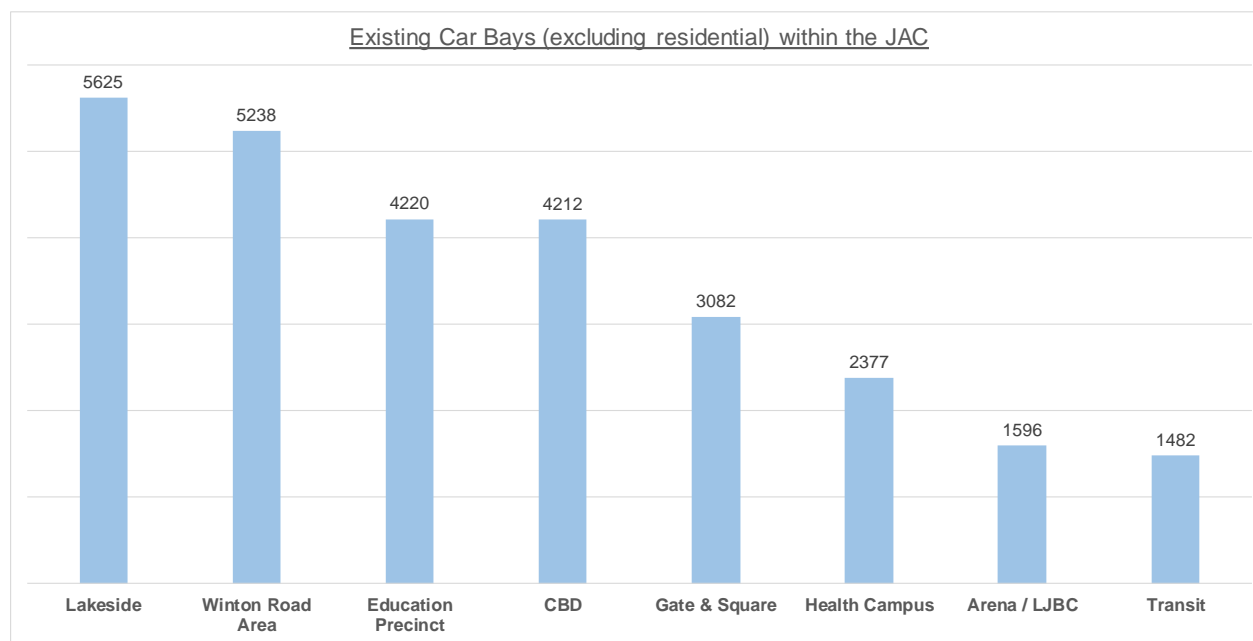
Utilisation of City of Joondalup (COJ) Parking Bays

The chart below summarises the utilisation for 2018-19 for each zone of City’s paid parking bays, this shows that there are pockets of high utilisation but more areas with low or medium utilisation. Ideally utilisation should be minimum 60% or maximum 85% but the overall average is 48% which therefore suggests that there is currently an oversupply of parking bays by the City. However the 48% overall average is low due to zones such as Lawley Court which have low utilisation but are not in an area that would be expected at this point to have high utilisation, so the reference to the 48% overall average needs to bear this in mind.



Existing Car Bays in Joondalup

A review of existing car bays, excluding residential, within Joondalup has recently been completed in support of Report CJ175-11/20. The review covered the area of Joondalup as defined within the *Joondalup Activity Centre Plan (JAC)*, which is bounded by Moore Drive to the north, Lakeside Drive to the east, Ocean Reef Road to the south and Mitchell Freeway to the west. The review included all public car bays and those that may be classed as private use (such as for patrons or employers of a business) but excluded residential bays. There are approximately 28,000 car bays in Joondalup (excluding residential), the chart below has summarised these into eight geographical areas.



Growth of Joondalup

The North-West region (City of Wanneroo and City of Joondalup) will continue to experience high population growth in the years ahead with the population almost doubling between 2015 and 2050, from 351,182 people to 671,465. Whilst most of this growth will be in the northern areas of the City of Wanneroo this will result in large increases in car trips to Joondalup for a variety of reasons (health, leisure, shopping, business). Meanwhile the suburb of Joondalup itself is also projected to enjoy high residential growth with the number of dwellings increasing from 3,953 in 2015 to 6,463 by 2050.

The JAC includes projections for increased jobs and floor space in Joondalup, which align with the increase in regional population and increased dwellings. The two tables below consider the potential increase in car bays required if there was a linear relationship between car bays and jobs or employment floor space.

Growth Scenario (1) Employment	Potential Increase			
	2020	2050	Increase	%
Jobs	17,025	44,983	27,958	164%
Bays per Job	1.64	1.64		
Parking Bays in Joondalup	28,000	73,981	45,981	164%

Growth Scenario (2) Floor Space	Potential Increase			
	2020	2050	Increase	%
Employment Floor Space	842,435	1,517,365	674,930	80%
Bays per 100 sqm	3.32	3.32		
Parking Bays in Joondalup	28,000	50,433	22,433	80%

Specific Developments

Some of the key recent and future developments in Joondalup City Centre which will have an impact on the demand for car parking are as follows:

- DWER have moved their state offices to Joondalup with the first major Prime West building in Joondalup, this has resulted in a relocation of 700 employees and almost near full utilisation of RPCP.
- Prime West has recently announced a further office block in the same lot (corner of Reid Promenade / Davidson Terrace) with a potential 12,000m² development (although no development application has yet been received). Initial indications are that there would be less than 200 car bays within the development itself so it is highly likely that there would be a need for parking elsewhere, whilst the existing land space is used for parking so existing users will be displaced.
- Quest apartments has recently opened with 90 rooms but no on-site parking.
- Arthouse apartments are now completed and will be opened imminently. There will be 171 apartments and will have 242 car bays, which includes 11 bays for commercial. The ratio of bays to apartments is approximately 1.4 and there is a likelihood that demand for car parking is affected either through visitors or where there are residents unable to secure one of the 242 bays.
- Boas Place development - Boas Place is intended to be developed into a mixed use site, with office, residential, City administration, aged care. Several studies have been completed, the most recent was an "Order of Magnitude Business Case" completed in 2019. The development can only progress once there is sufficient demand and appetite in the marketplace. In terms of the impacts on parking the new developments would put further pressure on the highly utilised RPCP. Indeed, one of the key impacts would be the displacement of existing staff parking (almost 200 bays) and the public car park at Lotteries House.
- Health campus continued expansion. Application has been received to extend existing multi-deck parking by a further 408 car spaces.

- Department of Housing (Connect) - The Department of Housing announced several years ago the intent to develop Lot 9000 for residential dwellings. This project would have significant impacts for the City in terms of population and demand for facilities. There are no timescales yet for start of construction.
- Basketball Stadium Site - DevelopmentWA have appointed a developer for this site to be developed as a mixed use site.
- City North - new approvals issued in 2020 for psychiatric hospital at 18 Grand Boulevard and a hotel at Kyle Court.

Disruptive Technologies

Western Australia currently has 0.61 passenger vehicles per person, this is a ratio that has grown over the past few decades due to economic growth, but it has remained static during the past five years. One of the key issues for future supply and demand of parking is to understand the impact of disruptive technologies on car ownership, trips likely to be taken and the reduced need for car parking.

The term “disruptive technology” relates to something that changes (that disrupts) the status quo or accepted practices within an industry. In the context of transport and parking, there are multiple disruptive technologies that could impact on how journeys are taken, car ownership and demand for parking, these include the following:

- Autonomous vehicles - most passenger vehicles have some degree of autonomy already, referred to as Level one (such as cruise control) but the majority of functions still require human control. The ultimate autonomous level is level five where vehicles can drive completely by themselves without any human intervention in an open road network which may involve other autonomous vehicles, human drivers and pedestrians. There are no level five vehicles operating yet. If and when, level five autonomous vehicles eventuate they would still need to park somewhere, however proximity of parking may not be as relevant in planning for car parking.
- Working from home - this type of practice is also becoming more prevalent, encouraging greater efficiency, job satisfaction and less vehicle trips.
- Ride-sharing (such as Uber and Ola) - the costs of temporary hire using another driver have reduced significantly in the past few years. If the costs were to reduce further, which ride-sharing companies are aiming to do by using autonomous vehicles, and availability is improved, there is a possibility that some households make an economic decision to reduce the number of cars in their household and use ride-sharing companies for some or all of their journeys. Indeed as working from home becomes more prevalent, which results in their vehicles being idle for more of the time, the economic argument to dispose of vehicles becomes stronger.
- Car Share Network and On-demand vehicles - there are also business models now operating in several countries where vehicles can be hired for driving for short periods of time. For example, GoGet is established in five cities in Australia (Adelaide, Brisbane, Canberra, Melbourne and Sydney) with 3,400 vehicles. Users pay a monthly membership fee as well as charges for usage (hourly or daily rates), cars are parked at designated areas (car parks, shopping centres, airports) and have to be dropped off at a designated location. This type of model would only be feasible where there is a high concentration of users. There is no indication yet of any such business model being introduced in Western Australia.
- Public Transport - there is of course enhancements to public transport (such as Metronet) which have the potential to encourage households to reduce car ownership and use subsidised public transport. Whilst public transport by itself is not necessarily classed as disruptive technology, there is a possibility that households reduce cars by using a mixture of increased public transport and ride-sharing.

- Park and ride facilities.
- Bicycles - the bike network continues to be enhanced and there is a greater emphasis today on fitness.
- Retail visits reducing due to home shopping / deliveries.

The impacts of disruptive technologies on demand for parking are potentially far-reaching. However at this stage many of the potential developments such as driverless vehicles are still some way off being introduced on mass and there are no clear projections of the potential reductions in vehicle ownership. Private passenger vehicles spend at least 95% of their time parked but during that 95% period they still need to be paid for (registration, servicing, depreciation, insurance). In the future, there are so many different options for households to evaluate alternative methods for car ownership it is highly likely that car ownership reduces and potentially reduces demand for car parking.

There have been projections that by 2020 autonomous vehicles would be in the marketplace, but this has not materialised because technologies are not yet able to deal with all scenarios and it is still cost prohibitive. There are bold statements from some companies of the use of driverless vehicles, for example; Uber has stated it will be fully autonomous by 2030.

It is impossible to predict when disruptive technologies will have a significant impact on demand for parking. However, as the useful life of infrastructure such as a MSCP exceeds 40 years it is highly probable that during the design life of any further MSCPs that one or more disruptive technologies will impact on demands for parking. Consequently this risk requires developers of MSCPs to consider future proofing them, so that they could potentially be converted to residential or commercial use at a later point in time.

Parking Supply and Management Plan (PSMP)

The City has determined that it is appropriate to develop a PSMP to both implement the *Joondalup Activity Centre Plan* and apply an equitable, transparent, sustainable and coherent approach to parking citywide. Importantly, the PSMP will set priorities for parking including establishing a hierarchy of user groups.

The PSMP will evaluate the following key issues that will be of use to the City in assessing the feasibility of a second MSCP:

- Demand Modelling - the PSMP will provide a clearer assessment of existing demand / supply and future projections. It is vital that the volume of trips is considered as the key variable, rather than the number of jobs. However the PSMP will be faced with the same uncertainties as explored in Report CJ175-11/20, the impacts of disruptive technologies.
- Parking Cap placed on Joondalup - the *Joondalup Activity Centre Plan* indicated that the traffic network could only reasonably cope with another 10,000 bays in the City. This cap will be reviewed in the PSMP.
- Fees - the PSMP will also evaluate scenarios for fee structure and how this may influence demand for parking.

It is therefore prudent for the City to review the outcomes of the PSMP before it commits to build a second MSCP, the Parking Supply and Management Plan will be completed by December 2020.

Supply and demand Summary Comments

The projections for growth of Joondalup appear to indicate a compelling case for providing more parking and a second MSCP. There is a risk that disruptive technologies will reduce the demand for parking during the design life of either the current MSCP or any future MSCP constructed. These uncertainties should be considered against the need for the City to take a measured approach with economic development and risk. The first MSCP is successful and has proven to be an economic activator. It should also be acknowledged that not doing anything or delaying until the impacts of disruptive technologies are clearer also has significant risk to the economic sustainability of the Joondalup Activity Centre.

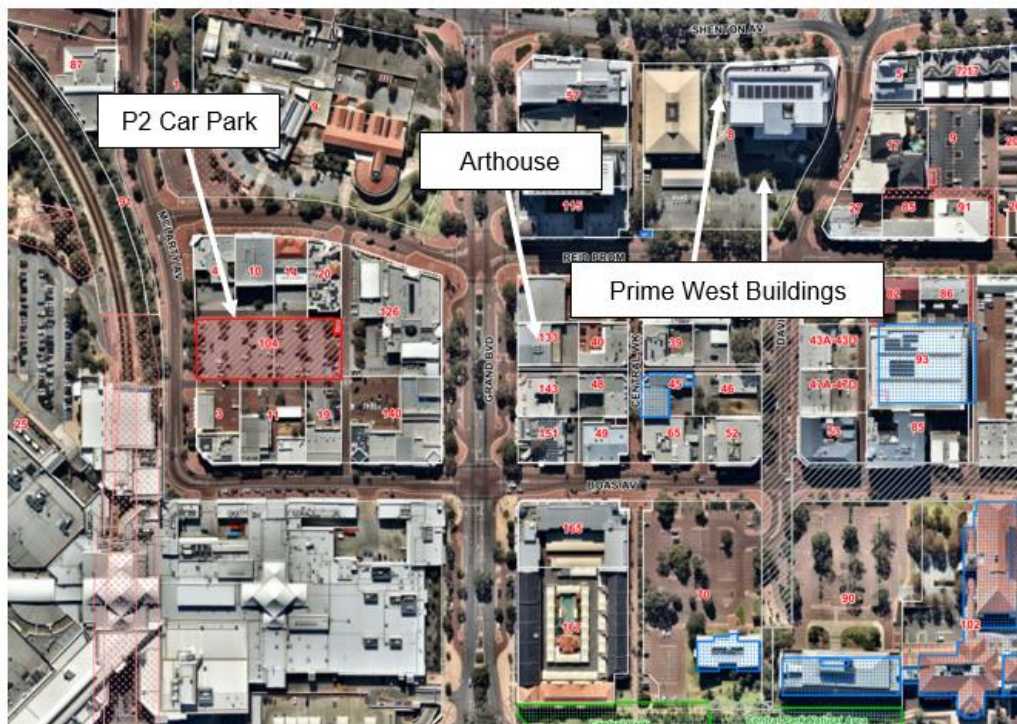
Issues and options considered

Location – P2 Car Park 104 McLarty Avenue (west of Boas Place / east of Reid Promenade)

A separate analysis has evaluated all potential locations of City freehold land in Joondalup City Centre and clearly concluded that the optimum site for a second MSCP is the location of P2 Car Park at 104 McLarty Avenue (see location below). This site is the optimum site because of the following key features:

- Size of the site is 3,727m² and almost identical to the land size of RPCP which is 3,701m².
- Access to the site is good (although a traffic study to evaluate access will be required).
- Arthouse apartments are very close.
- PrimeWest second building would be reasonably close.
- Train station.
- The building has the potential to further activate the immediate area of Boas Place / McLarty Avenue.

In summary this has outstanding potential to help support economic growth in the City Centre.



Financial / budget implications

Disclaimer

Note that there are no quantity surveyor costings or current sketches of what a MSCP may look like at 104 McLarty Avenue. A high-level financial evaluation has been prepared, most of the assumptions are indicative only but at least give an indication of the potential at the site and the key differences between the options. As part of the next phase of the project the financials will be evaluated in more detail and where necessary external advice will be sought.

Options

The City's *Joondalup Activity Centre Structure Plan* requires new buildings that face on to the street to have retail or commercial ground floor frontage, so all options have at least two floors of commercial or retail. The following four options have been evaluated:

- Baseline – existing income and expenses for the on-grade car park at 104 McLarty Avenue, which has 137 bays.
- Option 1 – MSCP with two floors of commercial and then six floors of parking, a total of eight floors.
- Option 2 – as per Option 1 but with an additional two floors of residential.
- Option 3 – Future Proofed MSCP with additional specification to allow it to be converted for residential or commercial purposes at a later point in time if demand reduces.

The table below summarises the key features of the four options.

Options Scope - Building -	Base Do Nothing - At Grade Car Park	Option1 2 Floors Commercial	Option2 2 Floors Commercial + 2 Floors Residential	Option3 Future proofed for conversion
1 Location	104 McLarty Avenue (Car Park P2)			
2 Car Bays	137	600	600	600
3 Commercial		✓ 2 Floors	✓ 2 Floors	✓ 2 Floors
4 Residential			✓ 2 Floors	
5 Total Floors		8 Floors	10 Floors	8 Floors

Indicative One-Off Costs

The table below summarises the following one-off cost assumptions for each option:

- Line one \$17.1 million – This is the value currently held in the Strategic Financial Plan for a second MSCP and is based on the final costs of the RPCP, this is based on a construction cost per bay of \$30,000. There would be different challenges (such as topography) that would result in a different cost, but it is a reasonable working assumption for a high level financial evaluation.
- Line two Commercial floors \$9.9 million – This is based on 3,000m² (1,500m² on each floor) at \$3,000 per square metre plus 10% for fit-out.
- Line three (Option 2 only) Residential Floors of \$12.0 million – It is assumed that the City would achieve at least a 20% profit on those floors with income of \$14.4 million (32 apartments x \$450,000 sales price).

- Line four (Option 3 only) – An additional 33% cost is added (\$3.9 million) because it is assumed that to future-proof a MSCP requires 33% additional costs. This is not based on any detailed costings but is a figure referred to within online articles and informal discussions with members of Parking Industry bodies and builders. To future-proof a MSCP for conversion later on for residential or commercial purposes would need to consider the following:
 - Flat style floors not ramped like the RPCP.
 - Ramps would need to be more carefully positioned such as outside or at the end of the walls.
 - Infrastructure for services (such electrical, air conditioning) would need to be considered.
 - Height would need to be increased.
 - Columns would need additional weight.

Capital & Other One-Off Costs (excl inflation)		Base	Option1	Option2	Option3
		Do Nothing - At Grade Car Park	2 Floors Commercial	2 Floors Commercial + 2 Floors Residential	Future proofed for conversion
1 Capital Costs based on RPCP	\$000s		(\$17,100)	(\$17,100)	(\$17,100)
2 Commercial Floors	\$000s		(\$9,900)	(\$9,900)	(\$9,900)
3 Residential Floors	\$000s			(\$12,000)	
4 Future Proofing	\$000s				(\$3,876)
Total One-off Costs	\$000s		(\$27,000)	(\$39,000)	(\$30,876)

Operating Income and Expenses

The operating model and expenses include the following assumptions:

- Building maintenance and cleaning expenses similar to RPCP, approximately \$100,000 per year.
- Operating expenses are assumed to be similar to the RPCP, although there would be an opportunity to spread operational costs (such as parking officers) between both sites, so it is assumed that there would be two FTEs required each day spread between both sites.
- Commercial rental income of \$810,000 per year, based on \$300 per m² and an average 10% vacancy rate. There would also be outgoings incurred of \$81,000.
- Rates income per annum is assumed for both commercial (\$70,000) and residential (\$42,000).
- Parking fees and utilisation of car parking. It is assumed that current parking fees would be applied in a second MSCP and a daily rate is also assumed (equivalent to five hours). Different levels of utilisation are modelled, from 60% (minimum expected) to 90% (maximum) the results of which are summarised below.

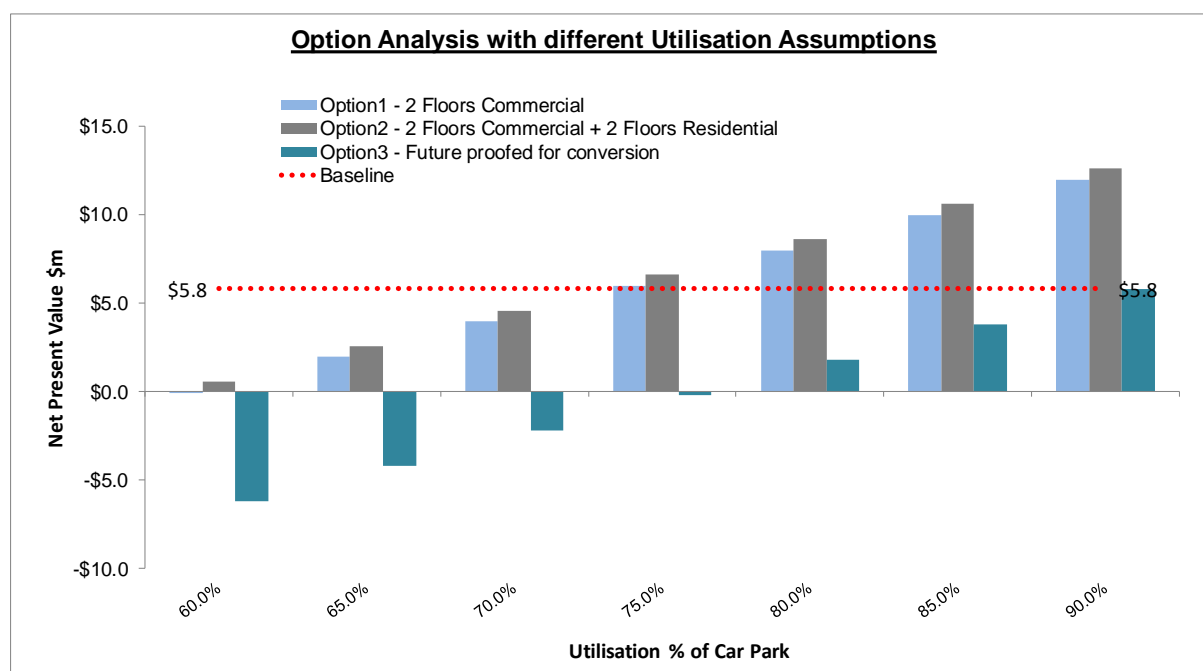
Summary Financial Impacts

The key consideration in the financials is to generate a Return on Investment (ROI) greater than the existing base option (137 at-grade car bays). The existing at grade car park of 137 bays will generate a positive Net Present Value (NPV) of \$5.8 million after 40 years so for a MSCP option to be considered better, it is required to generate a NPV higher than \$5.8 million.

The chart below shows the 40 year NPV of each option for different levels of utilisation (from 60% to 90%) and indicates that:

- all options at 70% utilisation or less would have a lower NPV than the base option
- at 75% utilisation Option 1 and Option 2 would be equal or higher than the base option
- at 80% utilisation and above both Option 1 and Option 2 achieve a higher NPV
- option 3 fails to achieve a higher NPV in any scenario, and only comes close with 90% utilisation.

The indicative financial evaluation suggests that there would be a high threshold in terms of utilisation and breaking even, but again it must be stressed that these financials are high level only and require further refinement. The analysis does not include the social and broader economic benefits which would be considerable.



Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Primary Centre status – For the Joondalup City Centre to be the first Strategic Metropolitan Centre in Western Australia to achieve Primary Centre Status.

Strategic initiative Pursue the construction of multi-storey car park facilities within the Joondalup City Centre to facilitate greater accessibility.

Policy Not applicable.

Risk management considerations

There is risk in the City constructing a second MSCP and it is not highly used. The existing at grade car park at 104 McLarty Avenue is well used but does not enjoy maximum utilisation so if the City were to build a MSCP there does not automatically result in more users parking there. However, there will be further economic growth in the City.

Opportunities

There are a number of opportunities for the second MSCP and parking overall:

- parking as a business has the potential to assist businesses and increase revenue streams
- there is an under provision of parking for medical industry in Joondalup
- prestige vehicles could be stored (at a premium) in the City's MSCPs
- trailers / camper vans storage is another potential opportunity
- McLarty Avenue site would need to ensure that there is activation on all sides (such as the eastern side) and not just the creation of alleys
- portable MSCP – there are new opportunities for building MSCPs, a modular portable construction is possible. This would have a residual value and could be dismantled in the future and relocated or sold
- incremental costs for construction of additional floors are cheaper than the lower floors.

Regional significance

The provision of a second MSCP would help support the increase in population in the north west region.

Sustainability implications

The potential construction of a second MSCP would have significant sustainability implications as follows:

- Environmental – the construction would need to comply with all standard building environmental regulations. Ideally the facility could incorporate the latest in environmental design and exploit solar power. Additionally, consideration would need to be given to providing for the potential growth in electric cars.
- Future-proofing a site for potential conversion to alternative use has been a key part of the feasibility review.
- Social – the MSCP would need to ensure that patrons can access the site safely and that there are adequate safety measures (such as CCTV) in place to minimise the risks of theft or other issues.
- Economic – a second MSCP has the potential to serve as an economic activator for the City and to help increase growth by showing investors that the City has sufficient, safe and affordable parking.

Consultation

Informal consultation with third parties has taken place, mostly on the issue of future proofing, the following list is provided of the third parties consulted:

- Parking Travel Consultants (PTC).
- Parking Australia.
- City of Monash.

- Existing Car Bays in Joondalup.
- Georgiou.
- Parkd.

COMMENT

There are approximately 28,000 car bays in Joondalup which may initially appear to be an over supply however when the bays that are designated for specific private uses and a lack of sharing are considered, the number of available bays reduces dramatically. The projections for growth in jobs and floor space of Joondalup and the population growth in the north west region are strong. The growth indicates that a second MSCP should be planned and constructed within the short to medium term so that the City can play its part in supporting economic growth by ensuring an adequate supply of parking. The major risk with car parking though is the potential impact of disruptive technologies, because this could reduce the demand and therefore result in a facility which operates at a loss in the longer term.

The City therefore needs to take a measured approach before committing to a second MSCP. It is much more likely in the next 20 years that Joondalup will see further significant growth than there will be large reductions in car ownership and demand for car parking. The problem is that no one knows when or if the demand will drop. The City could potentially build a second MSCP which is future-proofed and can be converted if demand reduces so there needs to be more research in this area.

Recommendations / Next Steps

In summary, the City should continue to plan for a second MSCP but needs to undertake further research and actions to mitigate the risks before committing. The following actions are proposed:

- 1 Concept Design for a multi-purpose MSCP and a future proofed MSCP to be prepared, including an Opinion of Probable Cost.
- 2 Parking Supply and Management Plan completed by December 2020.
- 3 Disruptive Technologies – continue to assess the developments and potential impacts on car ownership and demand for car parking.
- 4 Other Car Park Operators and Local Governments – research how they are planning for the impact of disruptive technologies.
- 5 Existing Car Bays in Joondalup – the City should maintain a register of existing car bays based on new developments and changes.
- 6 Update feasibility report.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ175-11/20 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 2 November 2020.

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

RECOMMENDATION

That Council:

- 1 NOTES the feasibility for the City to construct a second multi-storey car park as detailed in Report CJ175-11/20;**
- 2 REQUESTS the Chief Executive Officer prepare concept plans for a second multi-storey car park, which considers and addresses the incorporation of commercial uses within the site and elements that future proof the overall development.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf201110.pdf](#)

CJ176-11/20 CONFIDENTIAL – STATUS REPORT ON WARWICK COMMUNITY FACILITIES – WARWICK ACTIVITY CENTRE

WARD	South Ward
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	63627; 105946; 101515
ATTACHMENTS	Attachment 1 Centre Location Plan Attachment 2 Warwick Community Facilities Attachment 3 Draft Needs, Planning and Commercial Analysis Report (available electronically only) Attachment 4 Local Crown Land Sites Attachment 5 Project Philosophy and Parameters on Upgrade of Community Facilities (CJ009-02/14) <i>(Please Note: The Report and Attachments are Confidential and will appear in the Official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with section 5.23(2)(h) of the *Local Government Act 1995*, which also permits the meeting to be closed to the public for business relating to the following:

- *Such other matters as may be prescribed.*

A full report is provided to elected members under separate cover. The report is not for publication.

REPORTS – AUDIT AND RISK COMMITTEE – 9 NOVEMBER 2020

CJ177-11/20 AMENDMENT TO RISK MANAGEMENT FRAMEWORK

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	49586, 101515
ATTACHMENT	Attachment 1 <i>Risk Management Framework – Amended</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and endorse the proposed amendments to the City's *Risk Management Framework*.

EXECUTIVE SUMMARY

The City's *Risk Management Framework* has been reviewed in light of changes to the Australian Standard *AS ISO 31000:2018 Risk Management – Guidelines* (which supersedes *AS/NZS ISO 31000:2009*) and improvements to the City's risk management practices.

It is therefore recommended that Council ENDORSES the amended Risk Management Framework forming Attachment 1 to Report CJ177-11/20.

BACKGROUND

The City's risk management arrangements continue to be reviewed and improved to provide an integrated and consistent approach across the City for the identification, assessment and treatment of risks.

The *Risk Management Framework* aims to uphold the City's Primary Values of being transparent, accountable, honest, ethical, respectful, sustainable and professional. It provides the guidance to integrate risk management into activities and functions performed by the City and supports the City's *Risk Management Policy* which outlines the City's commitment and approach to managing risks. The framework was first endorsed by Council at its meeting held on 24 September 2013 (CJ190-09/13 refers) after being deployed within the City since 2009.

The amendments to the *Risk Management Framework* will assist with improving the City's risk maturity level, as assessed by Deloitte in 2019 as part of the Chief Executive Officer's three yearly review of the appropriateness and effectiveness of the City's systems, in regard to risk management, internal control and legislative compliance (CJ035-03/20 refers).

DETAILS

Australian Standard *AS ISO 31000:2018 Risk Management – Guidelines* aims to deliver a clearer, shorter and more concise guide (compared to *AS/NZS ISO 31000:2009*) that will help organisations use risk management principles to improve planning and make better decisions.

The recently amended *Risk Management Policy* better defines the City's risk management approach and outcomes, as well as updating risk management terminology, and has allowed for amendments to the *Risk Management Framework*. The main changes to the framework include:

- expanded introduction
- risk attitude replaces risk appetite and expanded to include residual target risk
- expanded risk principles to include City activities to demonstrate alignment
- expanded risk categories to include risk classifications, risk type, relationships to strategic objective themes and improved definitions
- expanded roles and responsibilities to include Council, Risk and Business Continuity Advisor, volunteers and contractors / suppliers
- risk management process better described
- removal of Appendix A (Risk Level Matrix and Assessment Criteria) and Appendix B (Qualitative Measures of Risk Consequences) with information being included within the framework.

Issues and options considered

Council can either:

- endorse the amended *Risk Management Framework* as presented
- endorse the amended *Risk Management Framework* with further amendments
or
- not endorse the amended *Risk Management Framework*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government (Audit) Regulations 1996.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

Risk management considerations

The amendments are necessary to bring the City's *Risk Management Framework* in line with the revised Australian Standard and recently amended *Risk Management Policy* and to provide better guidance to integrate risk management into activities and functions performed by the City.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City continually reviews its systems of internal control to ensure they remain sound and that a strong attitude towards legislative compliance persists. A number of initiatives are currently ongoing to enhance the effectiveness of risk management systems that will enable the City to achieve the target state of 'integrated' as described in the Deloitte Risk Intelligence Maturity Model.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ177-11/20 (as detailed below) was resolved by the Audit and Risk Committee at its meeting held on 9 November 2020.

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

RECOMMENDATION

That Council ENDORSES the amended *Risk Management Framework* forming Attachment 1 to Report CJ177-11/20.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11agn201117.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ178-11/20 CONFIDENTIAL - SORRENTO BEACH ENCLOSURE**

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	105712, 101515
ATTACHMENTS	Attachment 1 Sorrento Beach Enclosure Review Summary Report - March 2020 Attachment 2 Sorrento Beach Enclosure Additional Dive Inspection - April 2020 <i>(Please Note: The Report and Attachments are Confidential and will appear in the Official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with section 5.23(2)(c) and (d) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

A full report is provided to elected members under separate cover. The report is not for publication.

URGENT BUSINESS

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO. 1 - CR RUSS FISHWICK, JP - PLAY EQUIPMENT AT MACAULAY PARK, DUNCRAIG

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on 17 November 2020:

That Council REQUESTS the Chief Executive Officer prepare a report on upgrading and improving the play equipment at Macaulay Park, Duncraig to provide some diversity and variety for children.

REASON FOR MOTION

Macaulay Park in the past had play equipment comprising:

- a large copper log climbing frame
- a large curved slide set
- a see saw
- a space ball swing set with ancillary spring seats.

The copper log play equipment became environmentally unacceptable and the climbing frame and swing set were removed. Some years ago, a petition was presented to the Council seeking reticulation and an upgrade/replacement to the substandard play equipment. Following that petition the remaining diverse play equipment was removed and replaced with a single four step toddler slide and a basic swing set.

Macaulay Park has now recently undergone an “*adventure park*” transformation with some rocks, logs and a concrete path, however, no play equipment apart from a small swing set and chess table were installed. Similar “*adventure park*” transformations have included comprehensive timber play equipment/cubbies such as Juniper Park, Trenton Street Park and Kelvin Park in Duncraig and Blackthorn Park in Greenwood.

A petition signed by 50 local residents was presented to the Administration prior to the Council meeting on the 20 October 2020 requesting that some diverse and variety of play equipment be provided in the Macaulay Park for their children. Unfortunately, the Petition was rejected by the Administration due to it not conforming with all the criteria required.

I therefore seek support to enable a report on the provision of play equipment at Macaulay Park to be considered by the Council.

OFFICER'S COMMENT

A report can be prepared.

NOTICE OF MOTION NO. 2 - CR JOHN RAFTIS - ORGANISATIONAL STRUCTURE

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Raftis has given notice of his intention to move the following Motion at the Council meeting to be held on 17 November 2020:

That Council REQUESTS the Chief Executive Officer:

- 1 prepare a report detailing the full organisational chart of the City of Joondalup with each position title, applicable salary and total employment cost (including on-costs and benefits) being identified;***
- 2 provide an updated organisational chart detailed in part 1 above to elected members as part of the annual budget and mid-year budget processes.***

REASON FOR MOTION

Section 2.7(2)(a) of the *Local Government Act 1995* states the Council is to oversee the allocation of the local government's finances and resources. Section 5.2 of the *Local Government Act 1995* states the Council of a local government is to ensure that there is an appropriate structure for administering the local government. Section 5.92 of the *Local Government Act 1995* provides that Council members can have access to any information held by the local government that is relevant to the performance by the person of their functions under the *Local Government Act 1995*.

The City operating budget includes \$64 million for employee costs and yet the transparency on how that amount is utilised is not easily accessible for Councillors to consider and understand that allocation of resources for the City and to ensure the structure in place is appropriate for administering the local government. I have sought the information a number of times in order to satisfy myself that I am delivering on the obligations and responsibilities as a Councillor however I am advised that the information does not exist in the form I am requesting. As such I am required to submit a Notice of Motion in order to obtain this information.

I look forward to the Council being provided with this vital information on an ongoing basis and the ratepayers and residents growing in confidence around the operating costs and structure of their City.

OFFICER'S COMMENT

Information similar to that described in the Notice of Motion has previously been requested and declined on the basis that under section 5.92 of the *Local Government Act 1995* (the Act) a council member only has access to '*information held by the local government that is relevant to the performance by the person of his or her functions under this [the LG] Act or any other written law*'. The role of councillors is set out in section 2.10 and consists of representation, leadership and guidance to the community, communication between council and community and participating in the local government's decision-making processes.

Because it is not a function of an individual council member to be responsible for the allocation of resources or the structure of a local government, the requests have been declined.

It is also pertinent to note that the entitlement under section 5.92 is only relevant to information held by the local government, it does not entitle a council member to require a local government to create or re-format information.

The following additional comments are made in relation to the Notice of Motion:

Budget Process

Elected member concerns relating to employee costs can be addressed through the budget setting process when elected members, in their role as participating members of Council which is the decision-making body for the City, can review, consider and determine service provision and service levels on behalf of the community. It is at this time that Elected Members / Council can review, amend or cease the delivery of services performed by the City for the community, with the possible exception of statutory service provision.

The current organisational structure is primarily developed using workforce planning that supports the delivery of the Council's *Strategic Community Plan 2012 – 2022 (SCP)* and *Corporate Business Plan 2021-22 – 2024-25*.

It is important to note that in the City's *Corporate Business Plan 2021-22 – 2024-25* greater emphasis has been given to detailing the services which are delivered to the community and the internal support services, aligned to the six key themes, objectives and strategic initiatives of the SCP. Information is also provided on:

- whether the service is statutory or discretionary
- associated costs of delivering the service
- the number of Full Time Equivalent (FTE) employees delivering each service
- whether there is a service level change from the previous year, 2019-20.

An organisational chart of Directorates / Business Units and Teams can be provided to Elected Members as part of the budget process.

This information is considered to be satisfactory for the Council to give consideration to employee costs, as they relate to services, during the budget process.

Previous Reports

In response to a similar Notice of Motion of 26 June 2018 (C58-06/18 refers), Council considered a report on the potential review of employee resources and efficiencies at its meeting held on 19 March 2019 (CJ033-03/19 refers).

This report detailed the City's commitment and achievement to providing efficient and effective operational performance and service delivery to the community through its participation in benchmarking programs such as the Australasian Local Government Performance Excellence Program undertaken in collaboration with Pricewaterhouse Coopers that provide independent assessment of organisational performance, and commitment to the Australian Business Excellence Program.

Legislation – Distinctive Roles of Council and CEO

One aspect of the role of Council under section 2.7(2)(a) of the Act, is to '*oversee the allocation of the local government's finances and resources*'; another, concerning the administration of local governments under section 5.2, is to '*ensure that there is an appropriate structure for administering the local government*'. Council is already able to perform each of these functions through its approval of the *Corporate Business Plan* and the annual budget process on the basis of existing information provided for those purposes.

Under subsections 5.41(a), (d) and (g) of the Act, the CEO's functions include implementing Council's decisions; being responsible for the day to day operations of the local government; and being responsible for the employment, management supervision, direction and dismissal of employees, in order to deliver the services, projects and infrastructure planned and budgeted for by Council.

Privacy Concerns

The majority of employees are covered by the City's Enterprise Agreements. The terms and conditions of the agreements, which include salary information, are publicly available from the City and / or Fair Work Commission. It is important to bear in mind however, that while the provisions including the general salary rates in Enterprise Agreements tends to be public, how those salary rates are applied to individual positions is not. Presenting individual information (that is regarded as private between the City and the individual) such as remuneration has the potential for the City to compromise the confidentiality of an individual's employment arrangements to third parties.

It is therefore not considered appropriate to disclose each position title and specific employment costs and entitlements as there is a very high potential that individuals can be identified and that confidence broken.

There is also an added complexity to the information request which does not recognise that a review of every individual employee's allocated costs associated with their employment would be required to be undertaken.

Resources Required to Implement Notice of Motion

For information, the review of the City's *Corporate Business Plan 2021-22 – 2024-25* to include details of the community and internal services (and related FTEs and costs) took an estimated 269 hours to complete (estimated \$22,600).

It is estimated that in order to prepare the report, as requested in this Notice of Motion, would require an estimated minimum 76 hours to complete (estimated \$6,400).

For the reasons outlined above it is suggested that Council considers a review of the employee costs being addressed through the budget setting process when elected members can review, consider and determine service provision and service levels on behalf of the community.

NOTICE OF MOTION NO. 3 - CR SUZANNE THOMPSON - FUTURE DEVELOPMENT OF LOT 14077 (40) WARWICK ROAD, DUNCRAIG

In accordance with clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Thompson has given notice of her intention to move the following Motion at the Council meeting to be held on 17 November 2020:

That Council:

- 1** ***REQUESTS the Chief Executive Officer to cease any further investigations into the acquisition of any part of Lot 14077 (40) Warwick Road, Duncraig for commercial purposes, at this time;***

- 2** ***NOTES that any development of Lot 14077 (40) Warwick Road, Duncraig will be in accordance with the zoning of the land (currently “Civic and Community”).***

REASON FOR MOTION

This motion is intended to clearly state Council’s position regarding this site and to allay community concerns that the City is investigating procuring any part of this site for retail or any commercial purpose at this time.

The proposal to acquire this land has not come before Council and so we do not currently have a formal consensus or resolution regarding this site. However, the Major Projects and Finance Committee have approved a proposal to investigate the acquisition of this site, stating interest by two major commercial operators to acquire an area of land on this site.

Whilst the City has published a statement and press release asserting that “the City has not agreed to sell or redevelop part of Percy Doyle Reserve for commercial purposes”, I believe that this does not make clear the Council’s current position regarding our future intent for this site. Indeed, it cannot make Council’s position clear, since Council has not voted on or arrived at a position regarding the acquisition of this site.

This site is currently zoned for Civic and Community use. Whilst I am happy for investigations into acquiring this land continue, I do not believe that this land should be acquired for commercial purposes, but to secure it for our community as per its current zoning and for the purposes of including this land in the Percy Doyle Masterplan.

I believe that my proposed motion is in keeping with the sentiment conveyed by the City in recent statements and affirms that Council agrees with the statement’s assertion that acquisition of this land is “not about commercial use”.

If approved, I believe this motion will clarify our position for our community and set a clear direction for our administration and anyone who is interested in this site.

OFFICER'S COMMENT

Previous reports to the Major Projects and Finance Committee make it clear that investigations into the acquisition of the site are at a very early stage only. The comments contained in the reports about commercial potential are in response to the following:

- From time to time the City is contacted by outside parties looking to lease or buy land from the City. When this happens, the City explores whether this would have benefit for the City and the community, sometimes the City takes action to seek more information on the implications of the proposal.
- In future, the facilities at Percy Doyle will require a costly upgrade. In line with a strategic position statement endorsed by Council, significant upgrades of community facilities should consider inclusion of private commercial opportunities. The intention behind this is to offset the costs of the upgrades (rather than placing the burden of this cost solely on ratepayers).

The information in the reports to the Major Projects and Finance Committee has been used and circulated in the absence of broader context around the issue; and has resulted in misinformation being spread within the community, which has contributed significantly to the community concern around this matter. To address this concern, the City has already been made clear that:

- There is no proposal for a redevelopment at Percy Doyle Reserve at this point in time.
- The City has not agreed to sell or redevelop part of Percy Doyle Reserve for commercial purposes.

Any future, firm proposal for lease, sale or redevelopment of any part of Percy Doyle Reserve for commercial purposes would be subject to a proper, legislated process, which would include extensive community consultation.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT
MAY AFFECT IMPARTIALITY**

To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP

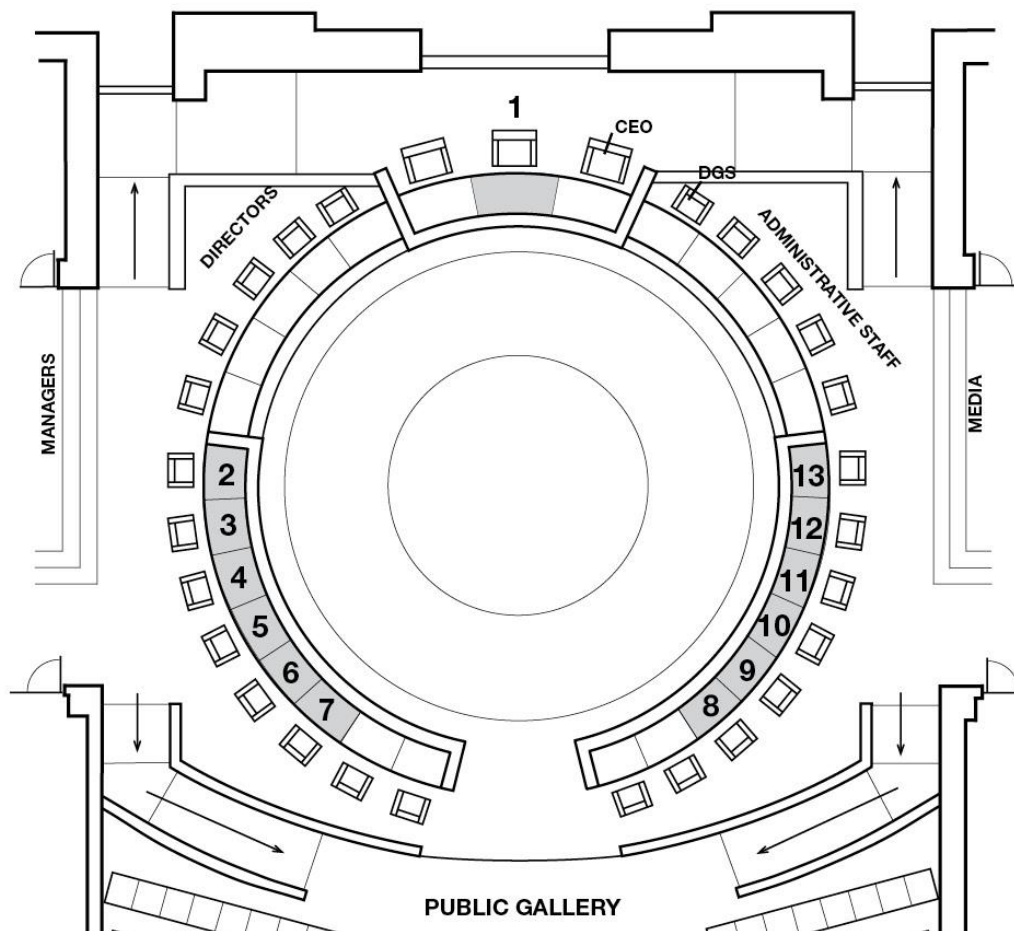
Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

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.”*

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 10/23)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/21)
- 5 Cr Nige Jones (Term expires 10/23)

Central Ward

- 6 Cr Christopher May (Term expires 10/21)
- 7 Cr Russell Poliwka (Term expires 10/23)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/21)
- 9 Cr John Raftis (Term expires 10/23)

South-East Ward

- 10 Cr John Chester (Term expires 10/21)
- 11 Cr John Logan (Term expires 10/23)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/21)
- 13 Cr Suzanne Thompson (Term expires 10/23)