

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 BY ELECTRONIC MEANS

ON TUESDAY 19 MAY 2020

COMMENCING AT 7.00pm

GARRY HUNT
Chief Executive Officer
15 May 2020

www.joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are
requested to lodge questions in
writing by 9.00am on

Monday 18 May 2020

Questions and their responses, will
be distributed to Elected Members
prior to the meeting and published
on the City's website

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

ELECTRONIC MEETINGS

In accordance with regulation 14E(2) of the *Local Government (Administration) Regulations 1996* notice is hereby given that City of Joondalup Council Meetings to be held on Tuesday 21 April 2020, Tuesday 19 May 2020 and 23 June 2020 and up until **Tuesday 30 June 2020**, inclusive will now be conducted by electronic means.

In accordance with regulation 14D of the *Local Government (Administration) Regulations 1996* a Council or Committee meeting may be held by electronic means:

- (a) if:
- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the City's district; and
 - (ii) because of the public health emergency or state of emergency, the Mayor or Council considers it appropriate for the meeting to be held by electronic means
- or
- (b) if:
- (i) a direction is issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* that prevents the meeting from being held in person; and
 - (ii) the Mayor or Council authorises the meeting to be held by electronic means.

The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communications as determined by the Mayor or Council, with the Chief Executive Officer being consulted before such determination is made.

Where a Council or Committee meeting is determined to be conducted by electronic means, the following procedures will apply and replace all other procedures for public question time, public statement time, and deputations. The following procedures also apply to the City's Briefing Sessions where it has been determined that those meetings are held by electronic means and replace all other procedures detailed in this document.

PROCEDURES FOR PUBLIC QUESTION TIME

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 in Writing

- 1 The City will accept a maximum of five written questions per person. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 2 Written questions submitted for an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Written questions submitted for a Special meeting of Council must relate to the purpose for which the meeting has been called. Written questions submitted for a Briefing Session must relate to a report contained in the agenda.

- 3 Questions lodged by 9.00am on the day immediately prior to the scheduled meeting will be responded to. These questions, and their responses, will be distributed to Elected Members at the meeting and where possible published on the City's website prior to the meeting.
- 4 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.
- 5 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 6 Written questions unable to be responded to at a Council meeting or Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting or Briefing Session.
- 7 Other questions and any response will be summarised and included in the minutes of the Council meeting, or in the agenda of the next Briefing Session.
- 8 For the purposes of the record, the name and suburb of the member of the public that has asked a question will be detailed.
- 9 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.

PROCEDURES FOR PUBLIC STATEMENT TIME

- 1 Written public statements will be accepted by emailing the Mayor (Mayor.Jacob@joondalup.wa.gov.au) who will distribute any statement received to other elected members before the meeting. Public statements must be received by 9.00am on the day of the meeting.
- 2 Written public statements submitted for an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Written public statements submitted for a Special meeting of Council must relate to the purpose for which the meeting has been called. Written public statements submitted for a Briefing Session must relate to a report contained in the agenda.
- 3 Members of the public may also wish to contact the City's administration at info@joondalup.wa.gov.au or contact an individual Elected Member directly.

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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:

[Additional Information200519.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held by electronic means on **Tuesday 19 May 2020** commencing at **7.00pm**.

GARRY HUNT
Chief Executive Officer
15 May 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	Cr Russ Fishwick, JP.
Item No./Subject	CJ062-05/20 - Tender 008/20 - Supply, Installation of Non-chemical Iron Removal Filtration Units and Servicing of Existing Filtration Units.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	An employee of Elliots Irrigation Pty Ltd is known to Cr Fishwick. Cr Fishwick employs Elliots Irrigation Pty Ltd from time to time.

Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ063-05/20 – Petition in Relation to the Refurbishment of Braden Park, Marmion.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Thompson assisted with the petition during the 2019 election period.

PUBLIC QUESTION TIME

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Christine Hamilton-Prime 1 May to 8 June 2020 inclusive.

REQUEST FOR LEAVE OF ABSENCE – MAYOR ALBERT JACOB, JP

Mayor Albert Jacob, JP has requested Leave of Absence from Council duties covering the period 8 to 10 June 2020 inclusive.

RECOMMENDATION

That Council APPROVES the request for Leave of Absence from Council duties for Mayor Albert Jacob covering the period 8 to 10 June 2020 inclusive.

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING HELD 21 APRIL 2020

RECOMMENDATION

That the Minutes of the Council Meeting held on 21 April 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

PETITIONS

PETITION REQUESTING COUNCIL INSTALL OR CONSTRUCT TRAFFIC CALMING MEASURES ON SHERINGTON ROAD, GREENWOOD – [06981, 05386]

A 48-signature petition has been received requesting that Council install or construct traffic calming measures on Sherington Road, Greenwood.

RECOMMENDATION

That the following petition be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for consideration:

- 1 Petition in relation to installing or constructing traffic calming measures on Sherington Road, Greenwood.**

REPORTS**CJ052-05/20 DEVELOPMENT AND SUBDIVISION APPLICATIONS
– MARCH 2020**

WARD	All			
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development			
FILE NUMBER	07032, 101515			
ATTACHMENT	Attachment 1	Monthly Development Determined – March 2020	Applications	
	Attachment 2	Monthly Subdivision Processed – March 2020	Applications	
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting')			

PURPOSE

For Council to note the number and nature of applications considered under delegated authority during March 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 March 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during March 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 25 June 2019 (CJ078-06/19 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 March 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	6	3
Strata subdivision applications	10	13
TOTAL	16	16

Of the 16 subdivision referrals, 10 were to subdivide in housing opportunity areas, with the potential for 12 additional lots.

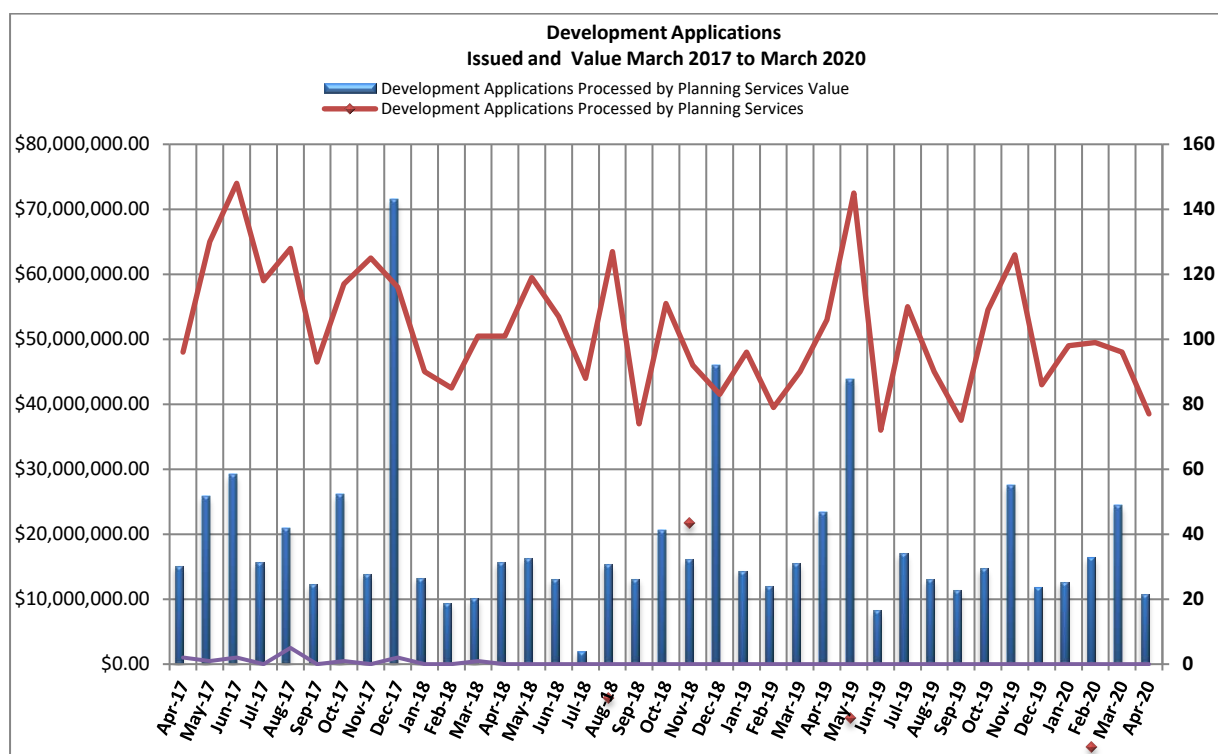
Development applications

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

	Number	Value (\$)
Development applications processed by Planning Services	96	\$24,435,233
TOTAL	96	\$24,435,233

Of the 96 development applications, 22 were for new dwelling developments in housing opportunity areas, proposing a total of 15 additional dwellings.

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



The number of development applications received during March 2020 was 94.

The number of development applications current at the end of March was 174. Of these, 17 were pending further information from applicants and 9 were being advertised for public comment.

In addition to the above, 207 building permits were issued during the month of March with an estimated construction value of \$26,740,335.

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 96 development applications were determined for the month of March with a total amount of \$70,995.96 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 development applications described in Attachment 1 to Report CJ052-05/20 during March 2020;**
- 2 subdivision applications described in Attachment 2 to Report CJ052-05/20 during March 2020.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf200512.pdf](#)

CJ053-05/20 PROPOSED AMENDMENTS TO THE BURNS BEACH STRUCTURE PLAN

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	29557, 101515
ATTACHMENT/S	Attachment 1 Current Burns Beach Structure Plan (available electronic only) Attachment 2 Location plan Attachment 3 Amended Burns Beach Structure Plan Attachment 4 Structure Plan Comparison Map Attachment 5 Applicant justification Attachment 6 Community Engagement Outcomes Report
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider proposed amendments to the *Burns Beach Structure Plan*, following public consultation.

EXECUTIVE SUMMARY

The City has received an application, on behalf of the estate owners, to amend the *Burns Beach Structure Plan*. The amendment proposes to:

- modify provisions for the 'Local Shop Precinct', primarily to allow the land use 'Child Care Premises'
- modify the boundary and reduce the size of the 'Local Shop Precinct' by reclassifying some of the lots to 'Residential'
- update various references within the structure plan.

The *Burns Beach Structure Plan* was originally approved in 2005 and applies to 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue. The land is zoned 'Urban Development' under *Local Planning Scheme No. 3 (LPS3)*. The structure plan allows the development of a residential housing estate, which is continuing to be developed.

The 'Local Shop Precinct' applies to 1,860m² of land over five lots in the southern central part of the structure plan area (Attachment 2 refers). The intention of the precinct as stated in the structure plan is to cater for the daily retail needs of the local community. In 2010, the lots on the eastern portion of the 'Local Shop Precinct' (Lots 313, 314 and 315) were developed with three single houses, thereby reducing the area of land which may be developed for local shop purposes to 877m² over two lots. The applicant has advised it is the owner's intention to develop these remaining two lots with a child care centre.

The proposed amendments were advertised for public comment for a period of 28 days, closing on 4 March 2020. A total of 181 submissions were received, consisting of 157 objections, 15 submissions of support, one neutral submission and six submissions of no comment. There was also one submission received from the Department of Education and one submission received from the Burns Beach Residents Association.

The main comments raised in the submissions include the following:

- No support for a child care premises land use in the Local Shop Precinct.
- Potential traffic and parking issues that could be caused by a child care premises.
- The loss of a local shop opportunity in the precinct resulting from the development of a child care premises.
- No support for the rezoning of some lots to 'Residential'.
- Support for the remainder of the Local Shop Precinct to be developed as housing.

The proposal to include 'Child Care Premises' as a permissible land use in the Local Shop Precinct has been considered against the *Child Care Premises Local Planning Policy* and has been identified as not meeting the locational criteria of the policy. Therefore, the land use is unlikely to be suitable on the site.

The reclassification of Lots 313, 314 and 315 to 'Residential' is also not considered appropriate as these lots could be redeveloped in the future or the existing buildings could be adapted and used for other purposes such as an office, café or shop.

It is therefore recommended that Council does not support the proposed amendments to the *Burns Beach Structure Plan*.

Council's decision will be forwarded to the Western Australian Planning Commission to make a final determination on the structure plan amendment.

BACKGROUND

Suburb/Location	Lots 243 (44), 244 (46), 315 (50), 314 (52) and 313 (54) Grand Ocean Entrance, Burns Beach.
Applicant	Creative Design & Planning.
Owner	Peet Pty Ltd.
Zoning	LPS Urban Development.
	MRS Urban.
Site area	1,860 m ² .
Structure plan	<i>Burns Beach Structure Plan</i> .

The *Burns Beach Structure Plan* covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue (Attachment 1 refers). The land is zoned 'Urban Development' under LPS3. The *Burns Beach Structure Plan* allows the development of a residential housing estate which is continuing to be developed.

The *Burns Beach Structure Plan* was adopted by Council in March 2005 and by the Western Australian Planning Commission (WAPC) in May 2005. Modifications to the structure plan were adopted in 2007 and 2014, primarily to establish development provisions and residential density in the 'Northern Residential Precinct'.

Lots 243 (44), 244 (46), 315 (50), 314 (52) and 313 (54) Grand Ocean Entrance, Burns Beach are located in the southern central part of the structure plan area and form the 'Local Shop Precinct' which covers 1,860m² of land (Attachment 2 refers).

In 2010, the lots on the eastern portion of the 'Local Shop Precinct' (Lots 315, 314 and 313) were developed with three single houses, thereby reducing the area of land which may be developed for local shop purposes to 877m². Lots 243 and 244 are currently vacant.

As outlined in the structure plan, the 'Local Shop Precinct' is intended to allow for the development of a small retail facility to cater for the daily needs of the local community. To achieve the intent of the precinct, the structure plan incorporates a list of land uses that are permissible within the precinct, which currently includes the following:

- Local Shop.
- Shop.
- Office.
- Single Dwelling.
- Group Dwelling.
- Caretakes Flat/House.
- Lunch Bar.
- Restaurant.

In relation to residential and office development, the structure plan states that an entire lot should not be developed with residential or office land uses and that residential land uses are encouraged to be provided as 'shop-top' housing (such as mixed use).

DETAILS

The City has received an application to amend the *Burns Beach Structure Plan*. The current version of the structure plan is at Attachment 3 and the proposed version is at Attachment 4. The application proposes to:

- modify the definition of 'Local Shop' to include convenience store, lunch bar and restaurant/cafe
- modify the objectives and general provisions for the 'Local Shop Precinct', including specifying that residential development is ancillary to commercial land use and removing the requirement for a local shop to be provided
- modify the land use permissibility primarily to allow the land use 'Child Care Premises', but not allow 'Single House' and 'Caretakers Flat/House'
- modify the boundary of the 'Local Shop Precinct' to Lots 243 and 244 only
- reclassify Lots 313, 314 and 315 Grand Ocean Entrance from 'Local Shop Precinct' to 'Residential R40'
- update references from *District Planning Scheme No. 2* to *Local Planning Scheme No. 3*.

It is noted that the definition of 'Local Shop' proposed by the applicant does not accord with the definition of 'Shop' in LPS3. The proposed definition is unique to the *Burns Beach Structure Plan* as it includes other land uses as stated above.

The applicant has advised that the limited land area of the 'Local Shop Precinct' has reduced the commercial viability of a small retail facility at this location and it is the intention instead to develop a child care premises in the modified 'Local Shop Precinct'. However, it is noted that any of the other land uses currently permitted in the 'Local Shop Precinct' could also be developed on the site (subject to approval).

Applicant justification

The applicant has provided justification for the proposed structure plan amendment, in part, as follows:

"The nexus and viability of a corner store in this location has declined from the original intent of the adopted Structure Plan, with commercial reality seeing said services focussed towards convenience-based retail in Service Stations or larger Local or Neighbourhood Centres. The viability of convenience retail is today often associated with a complementary or larger anchor tenant to attract greater foot traffic. As such, the reduced land area of the 'Local Shop Precinct' has significantly impacted the feasibility of a stand-alone convenience (corner) store in this locality..."

The applicant's full proposal is provided as Attachment 5.

Key themes and issues

The key themes/issues identified in the submissions received from the community are detailed below, along with the City's response to those issues:

Child Care Premises land use

Many of the submissions objected to the proposed modification to the structure plan to allow the land use 'Child Care Premises' in the 'Local Shop Precinct'. The objections stated that the location is not appropriate for a child care premises; the site is too small; there will be too much traffic; not enough car parking; and the opportunity for a local shop, which was envisaged for the site, will be lost.

It is important to note that the current proposal is to modify the structure plan to allow the consideration of the land use 'Child Care Premises' in the 'Local Shop Precinct' rather than to consider a specific planning application to develop a child care premises at this point in time.

Whether or not a child care premises would create traffic and parking issues cannot be accurately determined at this time as the actual impacts would depend on the scale of a specific proposal and could only be fully understood and assessed at that time. However, the general suitability of the proposed land use is relevant and should be considered at this stage as the proposed amendment would allow a development application for a child care premises to be submitted to the City as part of a subsequent planning process.

The City's *Child Care Premises Local Planning Policy* (LPP) provides guidance on the location and siting of child care premises, stating that these should be located on Local Distributor Roads and next to other non-residential land uses such as schools, shops, medical centres and parks.

The 'Local Shop Precinct' is next to a local park and therefore meets the LPP criteria in this regard; however, is otherwise surrounded by residential land uses and is located at the intersection of Grand Ocean Entrance and Whitehaven Avenue, which are both designated as Local Roads (not Local Distributor Roads as suggested by the LPP).

Accordingly, the child care premises land use on the subject site does not fit the locational criteria outlined in the *Child Care Premises LPP* and is therefore not considered to be a suitable land use on the site.

Although many of the submissions stated that a child care premises is proposed as part of the new primary school planned adjacent to Bramston Park, it is not currently known whether this school will include a child care premises. Notwithstanding, whether there is another nearby proposed child care premises or not is not relevant to the consideration of whether a child care premises is a suitable land use within the 'Local Shop Precinct' as part of the proposed amendments to the *Burns Beach Structure Plan*.

Traffic and Parking

Many of the submissions raised concerns with the amount of traffic that could be generated by a child care premises and the car parking issues that could be associated with the potential land use.

Although potential traffic and parking issues can only be fully assessed and understood as part of a specific development proposal, the *Child Care Premises LPP* states that the appropriate location of child care premises is crucial in avoiding adverse impacts on surrounding properties, particularly in terms of additional traffic, car parking and noise. As previously mentioned, the LPP states that child care premises should be located on Local Distributor Roads as they are considered to be reasonably high traffic generators. The 'Local Shop Precinct' is located on the corner of Grand Ocean Entrance and Whitehaven Avenue, which are both designated as Local Roads, not Local Distributor Roads.

Although only the potential for the child care premises land use is being considered at this stage, the subject site is not located on the appropriate type of road in regard to the road hierarchy and is therefore unlikely to be considered a suitable location for a child care premises.

Notwithstanding the above, it is noted that, in the event that the child care premises land use is incorporated into the structure plan, a traffic and road safety impact report would be required as part of an application for planning approval. This traffic and road safety impact report would provide a detailed assessment of the impact of the child care premises on the surrounding road network, based on the specific proposal.

Loss of potential for a local shop

Many of the submissions did not support the loss of a potential local shop and feel that the site should be used for the purposes it was originally intended for. Some people stated that they bought into the estate with the expectation that they would have a local shop.

It is important to note that the inclusion of the child care premises land use in the structure plan does not technically preclude the development of a local shop. However, given the small nature of the site, it is unlikely there would be sufficient space for the development of a local shop/cafe and a child care premises, particularly given the car parking requirements for a child care premises, unless basement parking is developed.

In the event that a child care premises is considered appropriate in the Local Shop Precinct, it is possible to also require a local shop component be incorporated as part of any development. This could be achieved through the inclusion of a minimum floorspace requirement for the local shop component in the structure plan which would ensure this service is provided for the local community as currently intended by the structure plan.

Notwithstanding, while it is possible to amend the structure plan to require a minimum local shop component to be included in any development, the proposed child care premises land use is not considered appropriate.

Reclassifying Lots 313, 314 and 315 to the Residential Precinct

Many of the submissions stated that housing should not have been permitted on three of the lots in the 'Local Shop Precinct', which has subsequently reduced the commercial viability of the precinct. The development of Lots 313, 314 and 315 for residential purposes has restricted the ability of the remaining land available within the Local Shop Precinct to deliver on the objectives of the structure for this precinct. However, there is the possibility that the dwellings on these lots could be adapted in the future and be used as an office, café, shop or some other non-residential purpose and contribute to providing for the daily needs of the local community, consistent with the objectives of the Local Shop Precinct.

It is therefore considered appropriate to retain Lots 313, 314 and 315 in the Local Shop Precinct rather than reclassifying them to the Residential Precinct as requested by the applicant. A reclassification to the Residential Precinct removes the ability for these lots to be redeveloped or adapted in the future to a land use that more closely aligns with the outcomes that the Local Shop Precinct seeks to achieve.

Issues and options considered

The options available to Council in considering the proposed amendments to the structure plan are to:

- recommend the WAPC approves the amendments to the *Burns Beach Structure Plan* without modification
- recommend the WAPC approves the amendments to the *Burns Beach Structure Plan* with modifications
or
- recommend the WAPC does not approve the amendments to the *Burns Beach Structure Plan*.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Planning frameworks promote and support adaptive, mixed-use developments with active ground floor uses on appropriately zoned sites.

Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)

The process for assessing and determining structure plans is controlled by the LPS Regulations. Under the LPS Regulations, the local government must advertise the structure plan or a modification to a structure plan within 28 days of accepting the application.

Within 60 days of the close of advertising, the local government must prepare a report for the WAPC including the local government's consideration of submissions, schedule of any proposed modifications, assessment of the structure plan and a recommendation on whether the structure plan should be approved by the WAPC.

Within 120 days of receiving the structure plan, the WAPC must consider the plan and report, and either approve the structure plan, with or without modifications or refuse to approve the structure plan.

Under the LPS Regulations, structure plans no longer have statutory effect but are still an instrument that decision makers are required to have 'due regard' to. The LPS Regulations limit the lifespan of a structure plan to 10 years, commencing on the day the WAPC approves the structure plan, or for those approved before the LPS Regulations came into effect, are taken to have been approved on commencement day and are valid until 19 October 2025

Child Care Premises Local Planning Policy

The *Child Care Premises Local Planning Policy* (LPP) provides development standards for the location, siting and design of child care premises to ensure they do not have an adverse impact on the amenity of surrounding areas, particularly residential areas. The LPP states that child care premises should preferably be located next to non-residential land uses such as schools, shopping centres, parks and medical centres. The LPP also states that child care premises should be located on Local Distributor Roads in such a manner that they would not conflict with any traffic control device or encourage the use of local roads for turning movements.

Risk management considerations

Should Council defer a decision on the amendment to the structure plan, the application may be determined by the WAPC without Council's input.

As Council is only providing its recommendation to the WAPC on the proposed amendment to the structure plan, the applicant does not have the ability to appeal Council's recommendation. The applicant does however have a right of review against the WAPC's decision in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

Financial / budget implications

The applicant has paid fees of \$5,373 (including GST) for assessment of the amendment to the *Burns Beach Structure Plan*. The applicant is required to cover the cost of advertising separately.

Regional significance

Not applicable.

Sustainability implications

If a local shop is not developed on the site, residents within Burns Beach will have no local shop within their community that they are able to walk to.

If a child care premises is developed on the site it will provide a service to the local community for people with young children.

Any non-residential land use developed on the site will provide employment opportunities.

Consultation

The proposed amendments to the *Burns Beach Structure Plan* were advertised for public comment for a period of 28 days, closing on 4 March 2020, by way of:

- 1,404 letters to residents and landowners within the *Burns Beach Structure Plan* area
- 185 emails to Community Engagement Network members residing in Burns Beach
- an email to the Burns Beach Residents Association
- a letter to the Department of Education
- a notice placed in the *Joondalup Community* newspaper
- a notice placed on the City's website
- a notice on the electronic display at the City's administration building
- a sign on site
- a post on the City's social media platforms.

A total of 1,596 stakeholders were directly engaged by the City and 181 valid submissions were received, representing a response rate of 11.3%. The responses included one submission from the Department of Education, one submission from the Burns Beach Residents Association and the remaining submissions coming from the general public. The full Community Engagement Outcomes Report is provided as Attachment 6.

Of the 179 submissions from the general public, 157 (87.8%) opposed the proposed amendments to the *Burns Beach Structure Plan*, 15 (8.3%) supported the proposed amendments, one (0.6%) was neutral and 6 (3.4%) provided no comment.

The Burns Beach Residents Association objected to the proposed amendments, specifically the rezoning of lots 313, 314 and 315 and the proposal to allow a child care premises in the 'Local Shop Precinct'. The Department of Education had no objection to the proposed amendments.

The main comments outlined in the submissions were:

- object to allowing a child care premises on that site
- do not need a child care premises in that location as one will be built at the local school
- a child care premises would cause significant traffic and parking issues in the area
- want a local shop or café on the site as that was promised by the developers
- would prefer the site to be developed for residential housing
- housing should not have been permitted to be developed in the local shop precinct
- object to the rezoning of Lots 313, 314 and 315 to 'Residential'.

COMMENT

The submissions received during public consultation have indicated a lack of support for the proposed amendments to the *Burns Beach Structure Plan*, particularly to allow a child care premises within the 'Local Shop Precinct'.

In addition to consideration of the submissions received, an assessment of the potential land use against the Child Care Premises Local Planning Policy has shown that the site does not meet the locational criteria outlined in the LPP and therefore it is considered that the child care premises land use is not suitable in this location.

The potential issues in attracting a suitable local shop on this site are acknowledged, however this should not in itself be a reason to include a potentially unsuitable land use on the site.

The secondary proposal of the amendment to reclassify lots 313, 314 and 315 to 'Residential' is also not considered appropriate as these lots could be used now or redeveloped or adapted in the future, for other purposes such as an office, café or shop which would contribute toward achieving the objectives of the Local Shop Precinct.

The proposal to update the references from DPS2 to LPS3 are not considered necessary as they do not affect the current operation of the structure plan.

It is therefore recommended that Council does not support the proposed amendments to the *Burns Beach Structure Plan*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, pursuant to clause 20 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:

- 1 **NOT SUPPORT** Amendment No. 4 to the *Burns Beach Structure Plan* included as Attachment 3 to Report CJ053-05/20 for the following reasons:
 - 1.1 **assessment of the potential child care land use against the City's Child Care Premises Local Planning Policy has shown that the site does not meet the locational criteria outlined in the policy and is therefore unlikely to be a suitable land use on the site;**
 - 1.2 **the proposal to reclassify Lots 313, 314 and 315 to 'Residential' is not considered appropriate as these lots could be used or adapted in the future for a purpose in accordance with the structure plan;**
- 2 **FORWARD** Report CJ053-05/20 and Community Engagement Outcomes Report to the Western Australian Planning Commission for consideration and determination.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf200512.pdf](#)

CJ054-05/20 NATIONAL REDRESS SCHEME

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	103278, 101515
ATTACHMENT	Attachment 1 Department of Local Government, Sport and Cultural Industries – Information Paper
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 WA Government's decision in relation to the National Redress Scheme
- note the key considerations for the City of Joondalup to participate in the National Redress Scheme
- endorse the City of Joondalup's participation as part of the WA Government's declaration in the National Redress Scheme
- provide authority to the Chief Executive Officer to execute a service agreement with the State, if a redress application is received.

EXECUTIVE SUMMARY

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse.

One of the recommendations of the Royal Commission was the establishment of a single National Redress Scheme (the Scheme) to:

- acknowledge that children were sexually abused
- recognise the suffering endured
- hold institutions accountable
- help those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants the following three elements of redress:

- 1 A Direct Personal Response (apology) from the responsible institution, if requested.
- 2 Funds to access counselling and psychological care.
- 3 A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme. The Western Australian Government (the State) commenced participation in the Scheme from 1 January 2019.

In December 2019, the State agreed to local governments participating in the Scheme as State Government institutions, with the State assisting local governments with administration and by covering payments to the survivor.

This coverage will only be afforded to local governments that join the Scheme as a State Government institution, as part of the State's declaration.

Although there is no way of knowing categorically, it is considered that the risk of the City receiving a redress claim is low, due to the limited nature of direct service provision with children and no current awareness of any historical abuse.

This report, therefore, seeks Council's endorsement for the City's participation in the Scheme and to report this participation to the State Government before the deadline of 31 May 2020.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse.

The Royal Commission released three reports throughout the inquiry:

- 1 Working with Children Checks (August 2015).
- 2 Redress and Civil Litigation (September 2015).
- 3 Criminal Justice (August 2017).

The Royal Commission's final report (15 December 2017) incorporated the findings and recommendations of the three previous reports and contained a total of 409 recommendations, 310 of which are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are two-fold:

- 1 accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution
- 2 ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation Report (September 2015)* recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused; recognises the suffering endured; holds institutions accountable; and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants the following three elements of redress:

- 1 A direct personal response (apology) from the responsible institution, if requested.
- 2 Funds to access counselling and psychological care.
- 3 A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The Western Australian Government (the State) decided to participate in the Scheme and commenced doing so from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*, local governments may be considered a State Government institution.

A decision was made, at the time the State joined the Scheme, to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the local government sector about the Scheme, and for fuller consideration of how the sector could best participate.

Following consultation with the sector, in December 2019 the State Government:

- noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme
- noted the options for WA local government participation in the Scheme
- agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor
- agreed to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs - other than payments to the survivor including counselling, legal and administrative costs, which will be borne by the State.

This decision was made by the State on the following basis:

- State Government financial support for local government participation in the Scheme, will ensure that redress is available to as many WA survivors of institutional child sexual abuse as possible.
- the demonstration of leadership by the State Government is consistent with the local government sector's preferred approach.
- the decision contributes to a nationally consistent approach to the participation of local governments in the Scheme, and particularly aligns with the New South Wales, Victorian and Tasmanian Governments' arrangements. This provides opportunity for the State Government to draw on lessons learned through other jurisdictions' processes.
- the decision ensures a consistent and quality facilitation of a Direct Personal Response or apology (by the State) if requested by the survivor.
- State Government financial support for any local government redress claims does not imply State Government responsibility for any civil litigation against local governments.

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the City's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the City formally indicates, via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and to be included in the WA Government's amended participation declaration.

It is important to note that the City will not be included in the State's declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's declaration.

In preparation for local government participation in the Scheme, the State also committed to the preparation of a Memorandum of Understanding (MOU) - to be executed between the State and WALGA. The MOU will capture the overall principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

The State also committed to prepare a template Service Agreement, which would be used on an 'as needed' basis between the State and an individual local government, if a redress application is received.

DETAILS

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor.
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*).
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested. This would be on a fee for service basis with costs to be covered by the individual local government – see below for further explanation.

State Government financial support for local government participation in the Scheme, as set out, will ensure that redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, will be responsible for:

- providing the State with the necessary information to participate in the Scheme
- resources and costs associated with gathering their own (internal) information and providing that information to the State
- costs associated with the delivery of a DPR (apology), if requested. These costs will be based on a standard service fee, plus travel and accommodation costs, depending on the survivor's circumstance. The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

Detailed below is a list of considerations for the City of Joondalup to participate in the Scheme:

Executing a Service Agreement

The Council needs to give authority to the Chief Executive Officer to execute a Service Agreement with the State, if a redress application is received. The reasons for this are as follows:

- All Royal Commission information is confidential, and it is not known if/when the City of Joondalup would receive a redress application.
- A Service Agreement can only be executed if/when the City receives a redress application and the timeframes within which the City would need to execute such an agreement could be as little as three weeks for priority applications.
- This timeframe to respond to any Request for Information would fall outside most Council meeting cycles and, therefore, it is necessary to provide the authorisation for the Chief Executive Officer to execute an agreement in advance.

Reporting to Council if/when an application is received

Council will receive a confidential report, notifying when a redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

Application processing / staffing and confidentiality

Administratively the City of Joondalup will determine:

- which position(s) will be responsible for receiving applications and responding to requests for information
- support mechanisms for staff members processing requests for information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.

Record Keeping

In April 2019, the State Records Office advised all relevant agencies, including local governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The City is required to comply with the record retention requirements of the Act and the *General Disposal Authority for Local Government Records* issued by the State Records Office. Any City records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a redress application and will be provided accordingly.

The Redress Coordination Unit (Department of Justice) is the state record holder for redress and will keep copies of all documentation and Request for Information responses. Local governments will be required to keep their own records regarding a redress application in a confidential and secure manner, and in line with all requirements in the Act.

Redress decisions

Decisions regarding redress applicant eligibility and the responsible institution(s), are made by independent decision makers, based on the information submitted by the applicant and any Request for Information responses. The State Government and the City of Joondalup would do not have any influence on the decision made and there is no right of appeal.

Issues and options considered

The option exists for Council to formally decide not to participate in the Scheme (either individually or as part of the State's declaration). Should the Council consider making such a decision, the following should be noted:

- The City would be taking a divergent position from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- There could be potential reputational damage at a State, sector and community level.
- The State's coverage of costs and administrative support would be completely removed, with the City having full responsibility and liability for any potential claim.
- The only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City.

Legislation / Strategic Community Plan / Policy implications

Legislation In agreeing to join the Scheme, the City is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

Authorisation of an appropriately appointed person to execute a Service Agreement with the State, if a redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Corporate Capacity.

Objective For the community to have confidence and trust in the City that it can deliver services effectively and transparently.

Strategic initiative Apply a work ethic of confident and responsive action.

Policy Not applicable.

Risk management considerations

The City runs events and some services and programs through its recreation centres, libraries and youth services where there could be some risk of the occurrence of child sexual abuse.

LGIS has stated that:

"It is not possible to accurately estimate the potential redress exposure of WA local governments either as a group or at individual council level, as the actuarial estimates did not distinguish between abuse that occurred at state government and local government institutions. Anecdotally we would assume the state would be exposed to a significant percentage of these claims given its activities (e.g. hostels, schools, hospitals etc.) however, the actual exposure to the local government sector is an unknown."

Although there is no way of knowing, the possible extent of risk for the City in receiving a claim, it is considered that the likelihood is low because the City is relatively new; it does not provide extensive direct services (for example disability services or childcare); the services it does have are not in the high-risk category (such as overnight camps); and it has good practices for checking Working with Children Checks.

Worth noting, however, is that the City of Joondalup did previously operate a government funded Family Day Care Scheme which would have catered for thousands of children until it was transferred to Community Vision.

Financial / budget implications

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor.
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping).
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation, depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The 2019 consultation focussed on the National Redress Scheme with the aim of:

- raising awareness about the Scheme
- identifying whether WA local governments were considering participating in the Scheme

- identifying how participation may be facilitated
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- webinars to local governments, predominately in regional and remote areas
- presentations at 12 WALGA Zone and Local Government Professional WA meetings
- responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of redress payments
- availability of historical information
- capacity of local governments to provide a Direct Personal Response (apology) if requested by redress recipients
- process and obligations relating to maintaining confidentiality if redress applications are received, particularly in small local governments
- lack of insurance coverage of redress payments by LGIS, meaning local governments would need to self-fund participation and redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

- “1 *WA local government participation in the State’s National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
- 2 *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.”*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State’s decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

City of Joondalup staff had regular contact with DLGSC, WALGA and LGIS representatives during the period leading up to the State’s decision in December 2019. These representatives also met with the Executive Leadership Team on 2 December 2019 to discuss queries the City had, ahead of the State’s decision later that month.

COMMENT

Throughout the five years of its inquiry, the Royal Commission heard detailed evidence and submissions, and held many public and private hearings, case studies and roundtables. Most notably, the Royal Commission heard directly from survivors of historical abuse.

The Royal Commission reported that survivors came from diverse backgrounds and had many different experiences. The Royal Commission, however, did not report on the specific circumstances of individuals with the details of survivors protected; the circumstances of where and within which institutions their abuse occurred is also protected and therefore unknown. Further, survivors within the WA community may have chosen to not disclose their abuse to the Royal Commission.

Accordingly, it is not known exactly how many survivors were abused within Western Australian institutions, including within local government contexts.

Within this context of survivors in the community, who may or may not be known, it is considered appropriate and prudent for the City of Joondalup to agree to participate in the National Redress Scheme as part of the WA Government's declaration.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2 NOTES that the City of Joondalup will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the Council makes a specific and formal decision to be included;**
- 3 ENDORSES the participation of the City of Joondalup in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4 AGREES to grant authority to the Chief Executive Officer to execute a Service Agreement with the State, if a redress application is received;**
- 5 NOTES that a confidential report will be provided to Council if a redress application is received by the City of Joondalup.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf200512.pdf](#)

CJ055-05/20 PETITION REQUESTING THE INSTALLATION OF LIGHTING AT MIRROR PARK SKATE PARK

WARD	North-Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	22103, 101515
ATTACHMENTS	Attachment 1 Location Plan
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider proceeding to community consultation on a request to install lighting at the Mirror Park Skate Park in Ocean Reef.

EXECUTIVE SUMMARY

Mirror Park skate park was officially opened on 14 December 2012 and has proved to be a highly popular recreation venue for young people of all ages.

At various times since the opening of the skate park, four different petitions have been received from the community – with a total of 202 signatures opposing lighting and a total of 399 signatures requesting lighting at the skate park.

At the Council meeting held on 19 November 2019 (C146-11/19 refers) a fifth petition, containing 164 signatures, was tabled requesting that Council investigate lighting options for the skate park.

Research has shown that the skate park is catering to participation levels beyond its intended capacity, especially at peak times. This could lead to overcrowding and the risk of collision between younger, less experienced users and older users of the facility.

The lack of lighting at the skate park currently confines the use of the facility to daytime hours only and there would be clear benefits to the installation of lighting as this would increase time available to older users to use the park into the evening after younger users have left. This could potentially spread the hours of use of the park. Therefore, by installing lighting, the City would be making best use of and extracting maximum benefit from the skate facilities it has until Council is in a position to make informed decisions about the location, timing and funding of any future, additional skate facilities.

However, having the skate park lit and open for extended hours may increase the negative impacts on neighbouring residents and it is therefore considered important that the community is consulted on any proposal to install lighting at the skate park ahead of Council making a final decision on the matter.

This report therefore recommends that Council agrees to consult with the community on the proposal to install lighting at Mirror Park, ahead of making any final decision on the matter.

The City is currently developing a BMX, Skate and Outdoor Youth Recreation Strategy. It is considered the petition requesting the installation of lighting at Mirror Park Skate Park can be addressed separately, with acknowledgement that the operational aspects of potential lighting will not have a material impact on shaping the draft strategy.

BACKGROUND

In August 2009, the City received an 858-signature petition requesting provision of a skate park facility in the Ocean Reef/Mullaloo area, either at Mirror Park or another suitable location (C71-08/09 refers).

A report on the petition was subsequently presented to the December 2009 Council meeting (CJ270-12/09 refers). In considering the petition, Council resolved to undertake community consultation to identify any issues around the inclusion of a skate park in the overall upgrade of Mirror Park, Ocean Reef.

The results of the community consultation were submitted to the December 2010 Council meeting (CJ212-12/10 refers). Council resolved that the design of a permanent skate park at Mirror Park, Ocean Reef be commissioned, in conjunction with a working group of young people. Council also requested a desktop study into any other suitable locations within the Ocean Reef or Mullaloo area.

A desk top study on possible locations for a skate park within Ocean Reef and Mullaloo, together with two design options, was presented for consideration at the June 2011 Council meeting (CJ099-06/11 refers). Council endorsed Mirror Park as the preferred location for the skate park, endorsed a preferred design concept, and requested that the City proceed with detailed design and associated cost estimates for further Council consideration.

Convic Design Pty Ltd was engaged to finalise the design and the final design was then presented to Council in August 2012 (CJ147-08/12 refers), along with recommendations relation to opening hours of the skate park and utilisation of a Skate Park Facility Management Plan.

Part of the August 2012 Council report included commentary on associated infrastructure that is either necessary or desirable for a larger scale skate facility, including CCTV and lighting. The following key points raised regarding CCTV and lighting were:

- Standard lighting is not essential for the operation of CCTV, but greatly assists the performance of CCTV.
- To maximise the use of the proposed skate park itself to include periods of low light and evening use, standard lighting would be necessary (preferably set to an automatic timer).
- Extended use of the skate park into the evenings could result in noise issues for neighbours. If standard lighting were to be used the City would need to consider hours of operation and other noise mitigation measures.
- Underground infrastructure required to support standard lighting should be included in the initial construction phase, leaving it open for the addition of standard lighting following consideration of a further report to Council six months after the completion of the facility.

Council endorsed the final design for the skate park and:

- agreed to contract Convic Pty Ltd to construct the skate park
- agreed to permitted hours of usage being 7.00am to 7.00pm Monday to Saturday and 9.00am to 7.00pm on Sundays and public holidays (subject to a further review by Council six months after the opening of the skate park)
- noted that the Skate Park Facility Management Plan would be used for a coordinated approach to the management of the skate park.

The Annual General Meeting of Electors (AGM) of the City of Joondalup was held on 4 December 2012, around the time the skate park was formally opened to the public. At the AGM a motion was put requesting that the City *“urgently consults with residents adversely affected by the noise and anti-social behaviour at Mirror Park skate facility and to formalise its Management Plan so that all residents can be assured that Council will afford them quiet enjoyment of their properties”*.

The minutes of the AGM were considered at the Council meeting in February 2013 (CJ005-02/13 refers) and, in relation to the above motion, Council requested that a review of the implementation of the Skate Park Facility Management Plan be undertaken one year after commencement of operation of the skate park.

At the Council meeting held in June 2013, two separate petitions were tabled. The first contained 70 signatures requesting that no lights are placed over or near the Mirror Park skate park, Ocean Reef, no parking be enforced along Ocean Reef Road and Venturi Road, and that Council enforce adherence to the times of use of the skate park (C31-06/13 refers). The second petition contained 18 signatures and raised the same three points as the first petition with the addition that Council take notice when making its decision of the increase in home invasions (CJ32-06/13 refers).

There was a separate report on the agenda for this same Council meeting which provided an update on the usage of Mirror Park skate park since its opening and proposed the instalment of lighting at the skate park (CJ093-06/13 refers). Council resolved to defer consideration of the lighting proposal and requested the Chief Executive Officer to provide a further report on the matter in 12 months.

Given this decision of Council, separate reports were not prepared to respond to the issues raised in the petitions and the lead petitioners were notified accordingly.

At the Council meeting held in June 2014, a further two separate petitions were tabled. The first contained 235 signatures and requested Council approval for the installation of lighting and extending the hours of operation at the skate park from 7.00pm to 9.00pm (C24-06/14 refers). The second petition contained 144 signatures and opposed the installation of lights at the skate park; and requested enforcement of ‘no parking’ on the verges surrounding the skatepark and adherence to the times of operation (C26-06/14 refers).

There was a separate report on the agenda for this same Council meeting which provided Council with information on the implementation and review of the *Skate Park Facility Management Plan* and for Council to consider the installation of lighting and change of hours of operation at the skate park (CJ085-06/14 refers).

This report described the success of the facility since it had opened and described how the success and popularity of the facility amongst all age groups had led to concerns about potential safety issues because older and more experienced users were forced to use the facility at the same time as younger or less experienced users, due to the lack of lighting and consequent restriction on hours of operation of the facility.

A solution proposed at that time was to install lighting to allow the park to be used after 7.00pm, which would increase time available to older users to use the park into the evening after younger users have left.

Council considered the report but did not agree to installation of lighting and resolved to change (reduce) the hours of operation to limit the use of the facility to daylight hours.

Given this decision of Council, separate reports were not prepared to respond to the issues raised in the petitions and the lead petitioners were notified accordingly.

At its meeting held on 19 November 2019 (C146-11/19 refers), a further petition, containing 164 signatures, was tabled requesting that Council investigate lighting options for Mirror Park Skate Park, Ocean Reef to allow residents and their families to fully utilise this facility in the evening in a safe and secure manner.

This report responds to the latest petition received.

DETAILS

Provision of skate facilities in the City of Joondalup

The City has two skate parks – the one the subject of this report at Mirror Park in Ocean Reef and the other at McNaughton Park in Kinross.

In August 2016 a motion was moved and endorsed by Council (C46-08/16 refers), to request a report from the Chief Executive Officer on the provision of an additional skate park at the Percy Doyle Reserve in Duncraig. The key reason cited for the motion was that the local community had informally requested the provision of more challenging recreational facilities for youth in the area.

The report that was subsequently presented to the Council at its meeting held on 16 May 2017 (CJ068-05/17 refers), in response to the request, recommended that, before making any firm decisions on the development of specific additional skate parks, the City should develop a BMX, Skate and Outdoor Recreation Strategy (the BMX/skate strategy) to strategically plan for the rationalisation of existing facilities and the possible future development of new facilities in line with community need.

The Council agreed to the development of the BMX/skate strategy and to the engagement of a consultant to assist the City in this regard. The City subsequently commissioned the services of Convic Pty Ltd (a company that specialises in skate park planning, design and construction) to undertake research and analysis to inform development of the strategy.

The BMX/skate strategy will be presented to the Council within the next few months, but some of the background information gathered and provided by the consultant suggests that:

- in relation to the skate park at Mirror Park, the lack of lighting confines the use of a popular and much-loved facility to daytime hours only
- both existing skate parks are catering to participation levels beyond their intended capacity, especially at peak times, which may lead to overcrowding.

Further demand for skate facilities in the City was signalled via a 261-signature petition that was received from residents of the City on 20 March 2018 requesting a new skate park be built at Chichester Park, Woodvale.

This petition will be responded to once the Council has considered and endorsed the BMX/skate strategy and once Council has been able to make informed decisions about potential future sites for new skate facilities and how/when any future facilities should be funded.

In 2012, the cost to build the Mirror Park skate park was around \$675,000, including CCTV, landscaping and associated facilities like seating, shelter and a drinking fountain. It is unclear what it would cost to replicate such a facility on a different site, given the cost would depend largely on current consultant/contractor rates and the availability (or not) of services at the chosen site.

What is certain is that skate parks are costly facilities to construct and the City may not be able to construct a new facility for some time. In the interim, it could be argued that the City should make best use of and extract maximum benefit from the skate facilities it has. This could include extending the hours of usage of the Mirror Park skate park through installation of lighting.

Mirror Park skate park usage

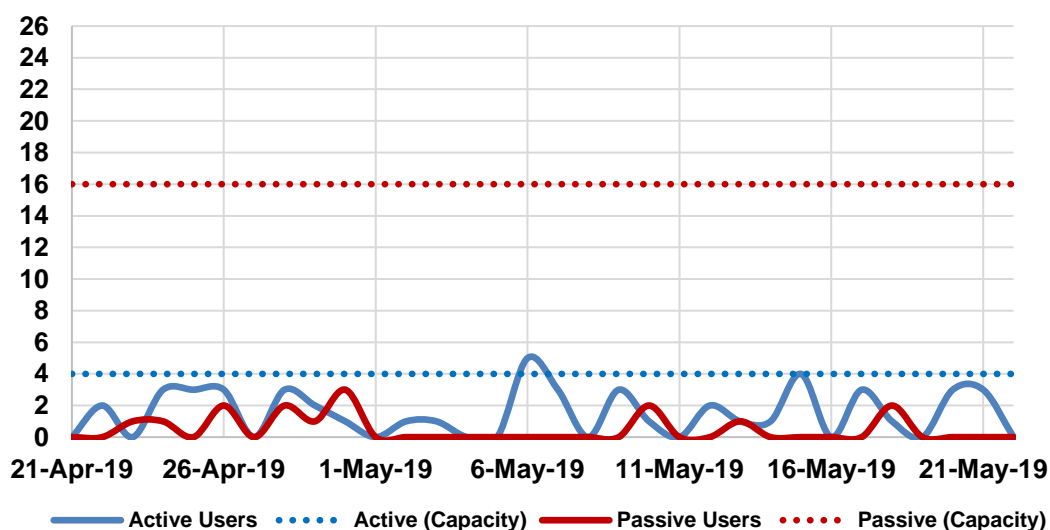
The skate park at Mirror Park is a popular facility, with families and young people of all ages using the skate park in the mornings, after school and on the weekends.

The current hours of operation of the skate park are 7.00am to 7.00pm Monday to Saturday, and 9.00am to 7.00pm on Sunday and public holidays during the period 1 October to 30 April; and 7.00am to 5.30pm Monday to Saturday, and 9.00am to 5.30pm on Sunday and public holidays during the period 1 May to 30 September.

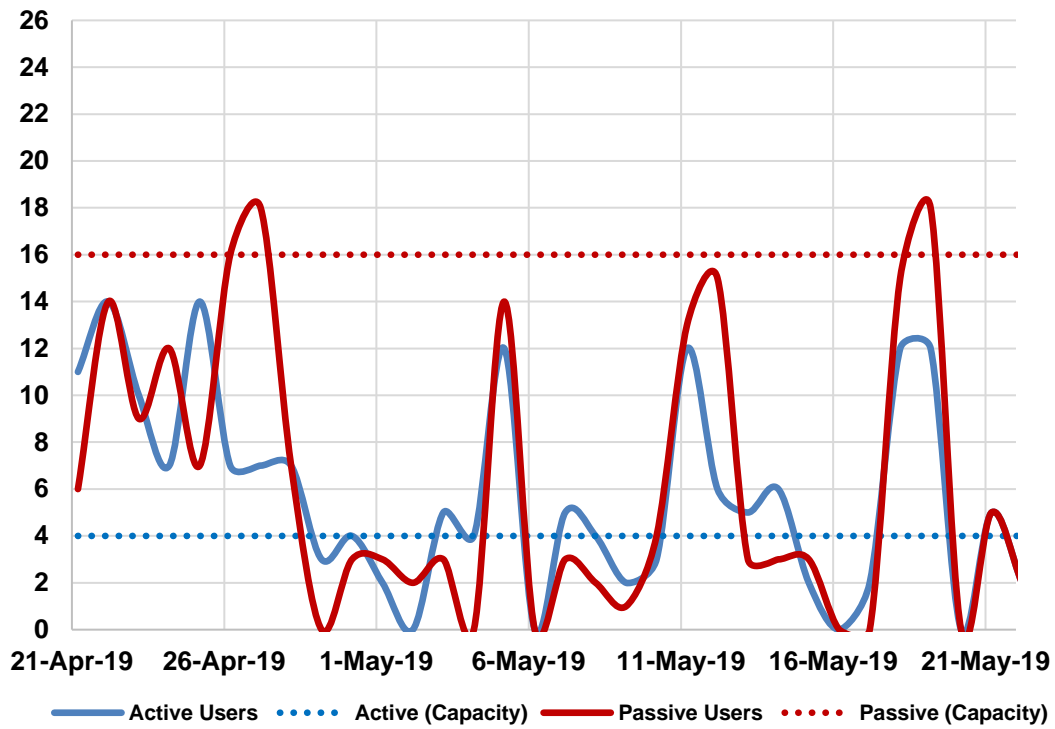
As part of the background research for the BMX/skate strategy, the City's consultant (Convic) determined the capacity of Mirror Park Skate Park for both active (such as skaters) and passive users (such as spectators). The City then monitored the usage of the skate park, using CCTV footage, three times a day for a one-month period. This research showed the skate park was often extensively over capacity and was particularly busy in the late afternoon.

The graphs below show the capacity for active and passive users of the skate park compared with the actual usage of the skate park evidenced through CCTV footage.

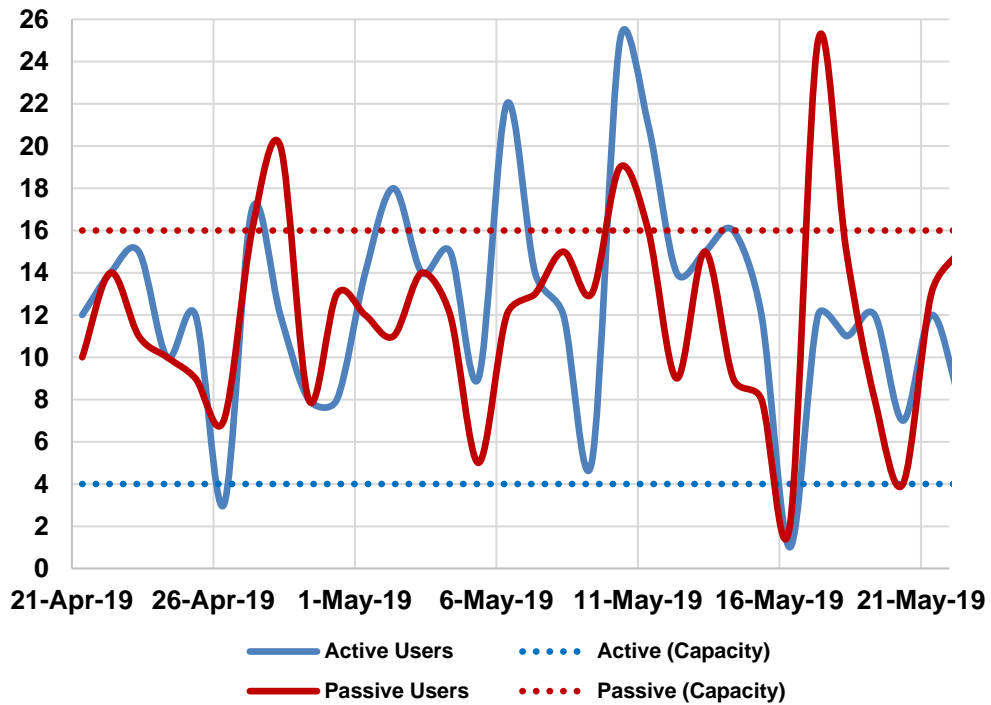
7.45 AM



12.30 PM



4.30 PM



One of the challenges with the skate park being popular with smaller children who are learning to skateboard, scooter or BMX, is that older, more experienced users become constrained in their use of the facility as they have to be mindful of the younger users who are often not aware of skate park etiquette and have not developed spatial awareness of other users. Older users of the skate park have expressed serious concern for the younger users and about the potential for a collision.

A solution proposed by some users of the skate park is to install lighting to allow the park to be used after dusk. This would increase time available to older users to use the park into the evening after younger users have left and could potentially spread the hours of use of the park.

However, in deciding whether to install lighting at the skate park, the Council would need to consider that extended use of the skate park into the evenings may result in noise issues for neighbours and the Council would need to carefully consider the hours of operation to minimise impact on neighbours.

The skate park could be lit until 9.00pm from Monday to Sunday which provides for an additional two of usage hours per day in the summer months and three and a half hours usage per day in the winter months. This would be one hour per day less than the lighting times at the Kinross skate park, which is lit until 10pm every day. As occurs at the Kinross skate park, the lighting hours could be regularly reviewed with the switch off time changed if deemed necessary.

Alternatively, the skate park could be lit until 10.00pm every day to align with the management and usage of the Kinross skate park.

Resident complaints / requests

A review has been conducted of all complaints and requests for action received by the City in relation to the skate park since the beginning of 2013.

A total of 241 complaints/requests has been logged. Of the 241 complaints/requests received, 214 (89%) were received from the same five residents and 121 complaints/requests (50%) were received from a single resident.

Most of the complaints/requests relate to use of the skate park out of hours; noise from the skate park; lighting of the skate park with car headlights; and real/perceived anti-social behaviour. These complaints/requests do not include those relating to the broader park itself or non-skate park related issues.

Whilst the complaints/requests are largely contained to a few residents, the number of complaints/requests received does nonetheless indicate there are some impacts on the nearby neighbours as a result of people using the skate park early in the morning and late at night.

Arguably, if lighting was installed at the skate park and the hours of operation were extended marginally, this could result in a decline in lighting of the skate park by car-headlights (which may have more negative impact on neighbours than well-placed lights at the skate park); a reduction in anti-social behaviour that typically occurs after dark; and possibly the reduction of complaints about people using the skate park out of hours.

However, having the skate park lit and open for extended hours may increase the negative impacts on neighbouring residents and it is therefore considered important that the community is consulted on any proposal to install lighting at the skate park ahead of Council making a final decision on the matter and that community opinion be canvassed on several options for how the lighting could be managed, should it be installed.

Lighting infrastructure

Appropriate underground infrastructure has already been installed at the skate park as part of the CCTV component. Installing lights on top of the CCTV poles on customised pole brackets to match the existing infrastructure was explored as an option in 2014, but it was considered that the poles would not be able to cater for the required additional load of any proposed new lights.

If new lighting was to be installed, the City would therefore need to install four ten metre poles, each with a 1.5Kw LED fitting. The existing supply of power to the cabinet would also need to be upgraded to cater for the increased load of the new lights.

The cost of this lighting installation would be in the region of \$57,000.

Issues and options considered

The following options have been identified for consideration:

- keep the existing opening hours of the skate park and do not install lighting
- install lighting and extend opening hours on Friday and Saturday nights (until 9.00pm or 10.00pm)
or
- install lighting and extend opening hours every day (until 9.00pm or 10.00pm).

Council has the option of making a decision on installation of lighting at Mirror Park skate park, without first consulting with the community. However, this is not recommended. Instead, it is recommended that the City undertakes community consultation and provides several options for the community's consideration on how the lighting could be managed, should it be installed.

Legislation / Strategic Community Plan / Policy implications

Legislation *Environmental Protection (Noise) Regulations 1997.*

Strategic Community Plan

Key theme	<ul style="list-style-type: none"> • Quality Urban Environment • Community Wellbeing
Objective	<ul style="list-style-type: none"> • Quality open spaces • Quality facilities • Community spirit
Strategic initiative	<ul style="list-style-type: none"> • Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity. • Understand the demographic context of local communities to support effective facility planning. • Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

Risk management considerations

The installation of lighting at Mirror Park skate park has the potential to increase noise impacts on nearby neighbours.

Given the high usage of the skate park by young people of all ages and different levels of skating experience and spatial awareness, there is likely to be a greater risk of collision and injury than if the hours of operation of the skate park were extended to spread the hours of use of the park.

Financial / budget implications

The estimated cost to install lighting at the Mirror Park skate park is shown in the table below:

Item	Cost
Visible lighting fully installed and commissioned	\$45,000
New signage to denote opening times and explaining light operation	\$12,000
Total Cost	\$57,000

Funding of \$57,000 would need to be included for consideration as part of the Five-Year Capital Works Program if Council wishes to proceed with the installation of the lighting at the Mirror Park skate park. The ongoing electricity costs for the lighting would need to be included in the corresponding operational budget.

All amounts quoted in this report are exclusive of GST.

The estimated costs to undertake consultation with the community on any proposal to install lighting would cost around \$2,400 as shown below:

Item	Cost
Cost of advertising	\$600
Printing and postage	\$600
Paid electronic advertising	\$400
Sign on site	\$800
Total Cost	\$2,400

Regional significance

The Mirror Park skate park was planned as a local level rather than a regional skate facility.

Sustainability implications

Social sustainability is enhanced through the development of resilience and empowerment in young people, their families and members of the community. By increasing the opening times of Mirror Park skate park, more young people will be able to use the park and express themselves in a positive, healthy and active way.

The most recent request for installation of lighting at the skate park was from a local young person who lodged a petition with 164 signatures on 19 November 2019.

The young person spoke at Council explaining the lifestyle and health benefits the skate park provides to young people and adults. This was followed by a request to extend the hours and install lighting to alleviate congestion during the skate park's current operating hours. The young person advocated that by increasing the opening times of the skate park more people of all ages would be able to use the park and there would be less risk to users as usage would be spread over a greater number of hours.

Consultation

The City recently undertook community consultation on a proposal to upgrade the sports floodlighting at Mirror Park. It is important to note that the lighting the subject of the recently completed consultation is not related to the skate park.

If the Council agrees to proceed to consultation on a proposal to install lighting at the Mirror Park skate park, consultation would be undertaken as follows:

- Letters and Frequently Asked Questions (FAQs) would be sent directly to residents and ratepayers within a 200 metres radius of Mirror Park. These documents would direct people to the City's website to complete an Online Comment Form.
- Emails (including FAQs) would be sent to Community Engagement Network Members residing in Ocean Reef and Mullaloo advising them of the consultation and linking them to the City's website to complete an Online Comment Form.
- Information placed on the City's webpage.
- Signage would be erected at the skate park.
- A Joondalup Voice advertisement would be published in the *Joondalup Times* community newspaper, made available online and emailed to subscribers of the Joondalup Voice eNewsletter.
- Social media posts would direct people to the information on the City's webpage.

Once the consultation period has closed, all results will be collated and analysed and reported back to Council.

COMMENT

There is identified demand for lighting at Mirror Park skate park and the addition of lighting will have definite benefits for users of the facility.

Addition of lighting would arguably even have some benefit for nearby neighbours as the lighting may be less invasive than the current occasional, unauthorised use of car headlights to light the skate park. Also, the addition of lighting to increase the authorised hours of the skate park may deter some anti-social behaviour that currently occurs after dark.

However, the addition of lighting and the consequent extension of hours of the skate park may have undue negative impact on the neighbours.

Trying to establish whether the benefit outweighs the impacts, or vice-versa, will be a difficult decision to make and it is, therefore, important that the City consults with the community more broadly before Council makes a final decision on the matter.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** **AGREES** to undertake community consultation in relation to the potential installation of lighting and extension of operating hours of Mirror Park skate park;
- 2** **NOTES** that the outcomes of community consultation will be analysed and presented in a report back to the Council, ahead of Council making a final decision on the installation of lighting;
- 3** **ADVISES** the lead petitioner of its decision to undertake community consultation in relation to the potential installation of lighting and extension of operating hours of Mirror Park skate park.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf200512.pdf](#)

CJ056-05/20 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 3 March 2020 to 21 April 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 3 March 2020 to 21 April 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 3 March 2020 to 21 April 2020, as detailed in Attachment 1 to Report CJ056-05/20.

BACKGROUND

For the period 3 March 2020 to 21 April 2020, 19 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Amendment No. 5 to Local Planning Scheme No. 3	1
Deed of Easement	1
Deed of Extension of Lease	2
Section 70A Notification	12
Withdrawal of Caveat	3

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 3 March 2020 to 21 April 2020, as detailed in Attachment 1 to Report CJ056-05/20.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf200512.pdf](#)

CJ057-05/20 GOVERNANCE FRAMEWORK REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	25548, 101515
ATTACHMENTS	Attachment 1 Revised Governance Framework (marked-up)
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 a revised *Governance Framework*.

EXECUTIVE SUMMARY

Governance is an important concept and impacts on all parts of the City and all sectors of the community. The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

The principles and practices of good governance plot the specific processes of decision-making, and the processes by which the City is directed, controlled and held to account. Good governance ensures that the City is able to manage its many complex responsibilities effectively in the best interests of the entire community.

For an organisation to demonstrate good governance, there needs to be a clear understanding about its strategic direction, management responsibility and accountability. The City's *Governance Framework* has been developed to set out these matters as well as the roles of elected members and the organisation and their interdependent relationships, along with the financial, legal and ethical considerations required to provide good governance.

The City's framework consists of four key principles required to achieve excellence in governance:

- Culture and vision.
- Roles and relationships.
- Decision-making and management.
- Accountability.

The framework has been recently reviewed to update and reflect current operational practices and the legal framework in which all local governments throughout Western Australia operate.

It is therefore recommended that Council ADOPTS the revised City of Joondalup Governance Framework as detailed in Attachment 1 to Report CJ057-05/20.

BACKGROUND

In September 2003, Council established a Governance Review Panel to make recommendations on the operations of the City and specific governance-related issues being experienced at that time. Although the then Minister of Local Government suspended the City of Joondalup Council in December 2003, the governance review progressed on the basis it would document some of the issues being faced by the City and Council at that time, and provide guidance for the incoming Council on a range of improvements that could be implemented to improve corporate governance at the City.

The City's inaugural *Governance Framework* was adopted by Council at its meeting held on 11 October 2005 (CJ204-10/05 refers). While the issues facing the City in 2005 have long past and been addressed, the principles and practices within the City's framework have continued to assist with guiding and understanding of the processes of decision-making, and the processes by which the City is directed, controlled and held to account.

The framework was initially developed as an internal document for elected members to assist their understanding of the governance arrangements that exist within a local government. However, the framework is also important for employees and the community in articulating the governance arrangements in place at the City.

The *Governance Framework* was reviewed by Council at its meetings held on 15 September 2009 (CJ205-09/09 refers), 16 April 2013 (CJ049-04/13 refers) and 20 September 2016 (CJ138-09/16 refers) which resulted in amendments to strengthen the framework and to ensure that it remains relevant and current to the operations of the City and the local government industry more broadly.

DETAILS

The City's *Governance Framework* has been reviewed to ensure it is relevant to the current operations of the City, taking into consideration developments in governance since the adoption of the original framework. Other than minor grammar and formatting, the improvements include better clarification around some aspects of the governance arrangements at the City.

While the content of the original document largely remains the same, the more significant amendments to the framework are detailed below:

SECTION 7 - PRINCIPLE ONE: VISION AND CULTURE

- “Section 7.2.6 – Fraud, misconduct and corruption” has been added to reflect the City's zero tolerance position around fraud and corruption as well as the existence of the City's *Fraud, Corruption and Misconduct Control Policy*.
- “Section 7.2.9 – Acceptance of gifts” has been amended to reflect the new legislative regime in place for elected members and employees in terms of the need to declare certain types of gifts. It also reflects the need for WA local governments to adopt a policy around the attendance of elected members and chief executive officers at events such as concerts, conferences and functions. The policy must address the provision of tickets to events, payments in respect of attendance and approval of attendance by the City; and the criteria for approval. Acceptance of such tickets can affect how elected members can participate and be involved in the decision-making process at meetings.

SECTION 9 - PRINCIPLE THREE: DECISION-MAKING AND MANAGEMENT

- “Section 9.2.3 – Electronic meetings” is a new section included as a result of recent changes to the *Local Government (Administration) Regulations 1996* that under certain circumstances, Council and committee meetings can be held by electronic means.
- “Section 9.2.5 – Representation on external committees, boards and groups” is a new section reflecting elected members are often appointed to represent the City on various external committee boards and groups. It details the concept of ‘wearing two hats’ in terms of the required balance between representing the interests of the City (due to their appointment) but also the need to act independently and to represent the interests of the committee, board or group which they are appointed to.
- “Section 9.2.9 – Lobbying and meetings with external parties” is a new section detailing the responsibilities of elected members when being lobbied by third parties or being invited to attend meetings outside of the formal decision-making process of Council. While lobbying is an acceptable and normal part of society and part of Australia’s democratic and accessible system of government, it is important that elected members must not, when lobbied, commit or indicate their vote on a matter that is before Council, or intended to go before Council, otherwise there could be a perceived bias; any decision made could be tainted; and therefore the subject of a possible legal challenge.

Similarly, employees are not to indicate their approval or otherwise on a proposal or application put forward to the City, until such time as an assessment and / or consideration of a proposal or application is formally undertaken by the City.

- “Section 9.4.6 – Related Party Disclosures” is a new section reflecting the need for the City to comply with the Australian Accounting Standards to disclose related party information in relation to procurement activities that are undertaken by the City.

SECTION 10 - PRINCIPLE FOUR: ACCOUNTABILITY

- “Section 10.3.3 External Audit” reflects the activities of the Office of the Auditor General (or contractors appointed on its behalf) to audit the City’s financial statements as well as providing the independent oversight of the local government sector through other audits that can be conducted from time to time.
- “Section 10.3.4 Internal Audit” is a new section reflecting the City’s internal audit program that focuses on areas of risk including financial and non-financial systems and compliance with legislation, regulations, policies and best practice.
- “Section 10.4.1 Community consultation” has been amended to highlight the responsibilities of elected members and employees during a consultation process and to encourage and support members of the community to make their views heard through the established channels of making a public submission. It also highlights the City’s Community Engagement Network as an effective on-line tool that members of the community can subscribe to, to enable them to become involved and informed.
- “Section 10.5.2 Formal complaint and reporting mechanisms” is a new section that details the number of external complaint and reporting mechanisms that are open to the community to use to ensure the City demonstrates integrity and fairness in its activities.

Issues and options considered

Council can either:

- adopt the revised *Governance Framework*
- adopt the revised *Governance Framework* with further amendments
or
- retain the existing *Governance Framework*.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
Local Government (Administration) Regulations 1996.
Local Government (Rules of Conduct) Regulations 2007.

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.

Policy *Code of Conduct for Employees, Elected Members and Committee Members (Code of Conduct).*

The *Local Government Act 1995* is the primary piece of legislation governing the operations of all local governments in Western Australia and contains many sections that relate to the roles and functions of the Mayor, Councillors, Chief Executive Officer and employees.

The *Governance Framework* describes the principles and key roles that guide Council in its decision-making and demonstrates to the community the processes by which the City uses to achieve its strategic goals and undertake its daily operations. It also details how the City is directed, controlled and held to account and how the community is involved in the City's affairs and decision-making processes.

The adoption of the *Governance Framework* has impact on all City policies and the implementation of them.

Risk management considerations

The adoption of a *Governance Framework* highlights the City's commitment to providing good government for its community by defining systems, policies, processes and a methodology for ensuring accountability, probity and openness in the conduct of City business.

Financial/budget implications

There are no financial implications relating to this report.

Regional significance

Not applicable.

Sustainability implications

The various practices detailed in the framework that support the good governance principles enable the City to manage its assets and operations in a sustainable manner, now and into the future.

Consultation

Various documents have been sourced and referred to in the preparation and development of the City's framework.

COMMENT

The practice of good governance is increasingly seen as critical for ensuring that:

- the City meets legal and ethical compliance
- decisions are made in the interests of stakeholders and the broader community
- the City behaves as a good corporate citizen should.

Although the framework is not enforceable, there are a range of benefits that can be derived from the development and implementation of an effective framework including:

- providing clear guidelines for the roles of the Council, elected members and the CEO, ensuring that all responsibilities are properly allocated and performance expectations are well understood
- enshrining best practice in relation to 'board processes' (which are relevant to the elected Council body)
- assisting the City in delivering good governance
- ensuring legal and ethical compliance
- influencing processes throughout the organisation by setting guidelines for strategic planning at all levels
- assisting as an induction tool for new elected members and employees.

The City's *Governance Framework* assists elected members and employees to understand the increasing governance demands that are placed on them within the local government industry. The framework also communicates to the community the governance arrangements in place to ensure the City is performing at an optimum level and making progress towards its strategic goals.

It is necessary that the framework is reviewed on a regular basis thereby ensuring the document remains relevant to the current operations of the City and the legal framework in which it operates.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ADOPTS the revised *City of Joondalup Governance Framework* as detailed in Attachment 1 to Report CJ057-05/20.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agn200519.pdf](#)

CJ058-05/20 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY 2020 TO 31 MARCH 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENTS	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 January 2020 to 31 March 2020 Attachment 2 Capital Works Program Quarterly Report for the period 1 January 2020 to 31 March 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 receive the *Corporate Business Plan Quarterly Progress Report* for the period 1 January 2020 to 31 March 2020 and the *Capital Works Program Quarterly Report* for the period 1 January 2020 to 31 March 2020.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2019-20–2023-24* is the City's five-year delivery program which is aligned to the strategic direction and priorities set within the 10-year *Strategic Community Plan: Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five-year period and also specific milestones for projects and priorities in the first year (2019-20).

The *Corporate Business Plan Quarterly Progress Report* for the period 1 January 2020 to 31 March 2020 provides information on the progress of 2019-20 projects and programs against these quarterly milestones and is shown as Attachment 1 to Report CJ058-05/20.

A *Capital Works Quarterly Report*, which details all projects within the *Capital Works Program*, is provided as Attachment 2 to Report CJ058-05/20.

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 January 2020 to 31 March 2020 which is shown as Attachment 1 to Report CJ058-05/20;*
- 2 *Capital Works Program Quarterly Report for the period 1 January to 31 March 2020 which is shown as Attachment 2 to Report CJ058-05/20.*

BACKGROUND

The City's *Corporate Business Plan 2019-20 – 2023-24* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five-year delivery program.

The *Corporate Business Plan 2019-20 – 2023-24* (the plan) was endorsed by Council on 20 August 2019 (CJ103-08/19 refers). The plan contains the major projects and priorities for the five-year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2019-20 financial year.

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

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

DETAILS

Issues and options considered

The *Corporate Business Plan Quarterly Progress Report* (Attachment 1 refers) provides information on progress against the milestones for the 2019-20 projects and programs within the *Corporate Business Plan*.

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

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

A number of projects, programs and activities planned for the January to March quarter have been delayed, cancelled or will be carried forward into the new financial year due to the COVID-19 situation. These projects are detailed in the Comments section of the *Corporate Business Plan* Quarter 3 report.

Associated expenditure for these projects, programs and activities is therefore:

- scheduled to be spent in Quarter 4 (April to June 2019)
- scheduled to be carried forward into the new financial year (2020-21)
or
- regarded as savings for the 2019-20 financial year.

Initial estimates show savings in the region of \$650,000 for the January to March 2020 quarter relating to *Corporate Business Plan* projects, programs and activities which have not taken place. The April to June 2020 quarter will also see further savings for cancelled activities.

Three projects (Review of the *Code of Conduct*, the *Local Government Act Amendment* and Review of the *Governance Framework*) which are shown in the report as behind schedule, were put on hold by the State Government as a result of the COVID-19 situation.

Legislation / Strategic Community Plan / Policy implications

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

“This Act is intended to result in:

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

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate Capacity.

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

Policy The City’s Governance Framework recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework which enables an assessment of performance against the *Strategic Community Plan*, *Strategic Financial Plan*, *Corporate Business Plan* and Annual Budget.

Risk management considerations

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

Financial / budget implications

All 2019-20 projects and programs in the *Corporate Business Plan* were included in the *2019-20 Annual Budget*.

Regional significance

Not applicable.

Sustainability implications

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

The key themes are as follows:

- Governance and Leadership.
- Financial Sustainability.

- Quality Urban Environment.
- Economic Prosperity, Vibrancy and Growth.
- The Natural Environment.
- Community Wellbeing.

Consultation

Not applicable.

COMMENT

The *Corporate Business Plan 2019-20 – 2023-24* was endorsed by Council at its meeting held on 20 August 2019 (CJ103-08/19 refers). A detailed report on progress of the Capital Works Program has been included with the *Corporate Business Plan Quarterly Progress Report*. This report provides an overview of progress against all the projects and programs in the 2019-20 *Capital Works Program*.

The number of projects showing as behind schedule is greater than usual. This is largely as a result of projects and activities which have been cancelled, delayed or have been carried forward to the new financial year due to COVID-19.

While COVID-19 has affected the delivery of some programs and events, the City taken the initiative to develop a range of key activities online, some of which have commenced in March 2020 and which will continue to be implemented in the April to June quarter.

Financial savings due to cancelled activities, noted in the January to March 2020 quarter, will also be realised in the April to June 2020 quarter.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 ***Corporate Business Plan Quarterly Progress Report*** for the period 1 January 2020 to 31 March 2020 which is shown as Attachment 1 to Report CJ058-05/20;
- 2 ***Capital Works Program Quarterly Report*** for the period 1 January 2020 to 31 March 2020 which is shown as Attachment 2 to Report CJ058-05/20.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn200519.pdf](#)

CJ059-05/20 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2020

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services	
FILE NUMBER	09882, 101515	
ATTACHMENT / S	Attachment1	Chief Executive Officer's Delegated Municipal Payment List for the month of March 2020
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of March 2020
	Attachment 3	Municipal and Trust Fund Vouchers for the month of March 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 March 2020.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2020, totalling \$21,882,120.59.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for March 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 CJ059-05/20, totalling \$21,882,120.59.

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 March 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ059-05/20.

The vouchers for the month are appended as Attachment 3 to Report CJ059-05/20.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 109684 - 109813 & EF084103 – EF084808 Net of cancelled payments.	\$16,408,804.46
	Vouchers 2761A -2783A	\$5,464,199.33
Trust Account	Trust Cheques & EFT Payments 207444 - 207447 & TEF001767 – TEF001774 Net of cancelled payments.	\$9,116.80
	Total	\$21,882,120.59

Issues and options considered

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

Option 1

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

Option 2

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Financial Sustainability.

Objective

Effective management.

Strategic initiative

Not applicable.

Policy

Not applicable.

Risk management considerations

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

Financial / budget implications

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

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2019-20 Revised Budget* as adopted by Council at its meeting held on 18 February 2020 (CJ018-02/20 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 March 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 CJ059-05/20, totalling \$21,882,120.59.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf200512.pdf](#)

CJ060-05/20 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2020

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

PURPOSE

For Council to note the Financial Activity Statement for the period ended 31 March 2020.

EXECUTIVE SUMMARY

At its meeting held on 25 June 2019 (CJ073-06/19 refers), Council adopted the Annual Budget for the 2019-20 financial year. Council subsequently revised the budget at its meeting held on 18 February 2020 (CJ018-02/20 refers). The figures in this report are compared to the revised budget.

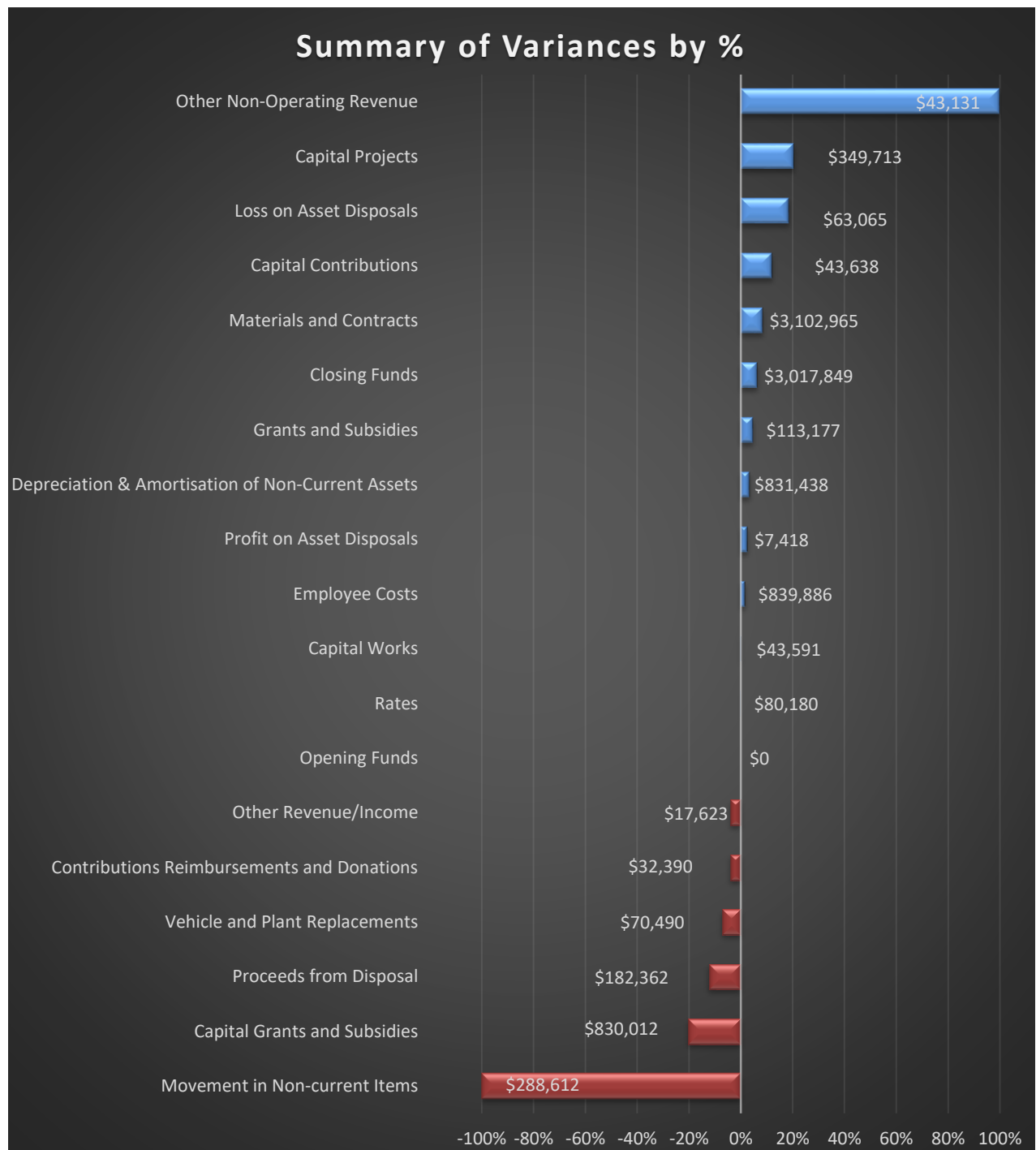
The March 2020 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,017,849 for the period when compared to the revised budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 March 2020 and results from a number of factors identified in the report.

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

The pandemic impact had only begun with the closure of leisure and library facilities in late March. Revenue from leisure centres and facility bookings will be virtually non-existent as long as the current COVID-19 measures remain in place, expected to be for at least the remainder of the financial year. In addition, reduction in economic activity and social distancing measures has resulted in a fall in parking revenues as well.

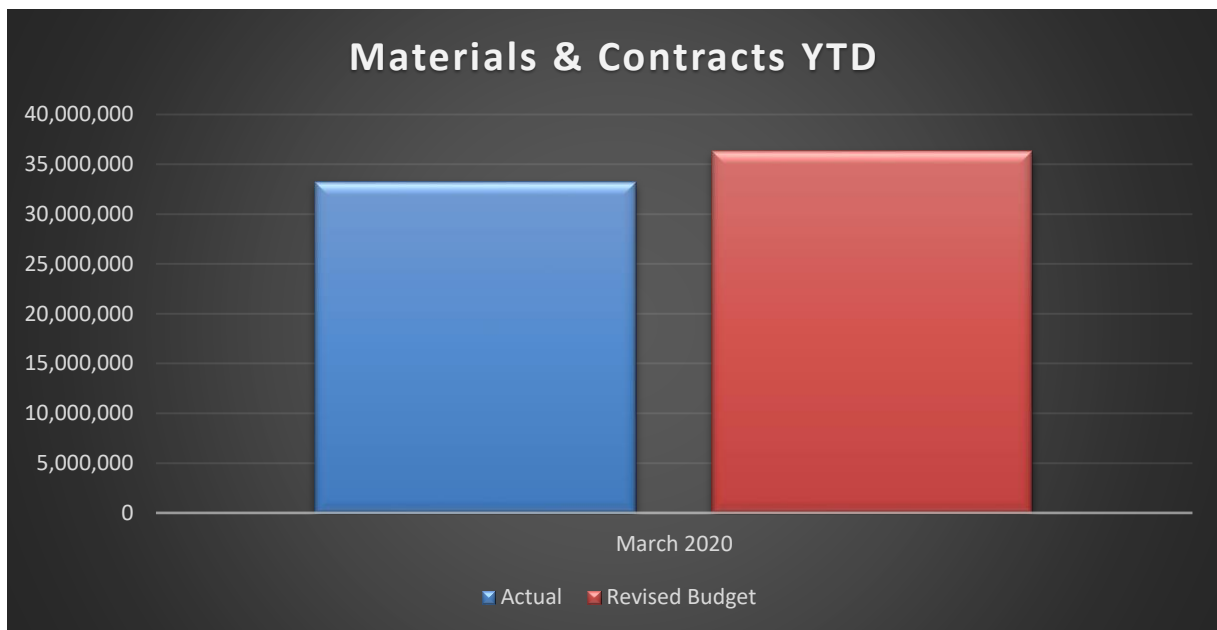
The key elements of the variance are summarised below:



The significant variances for March were:

Materials & Contracts

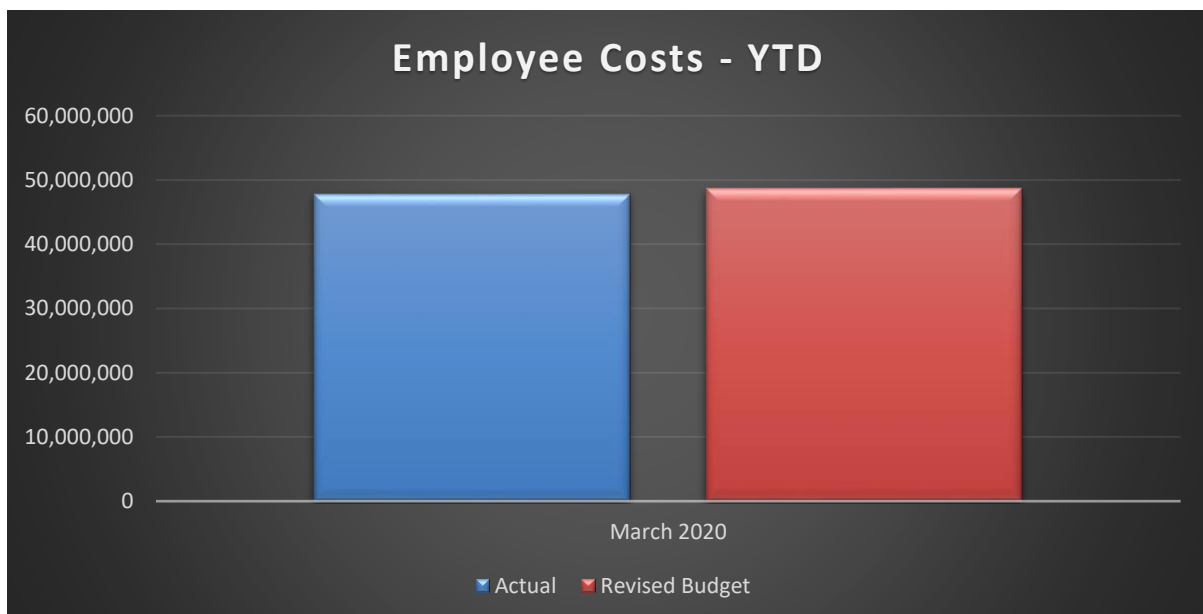
\$3,102,965



Materials and Contracts expenditure is \$3,102,965 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$1,424,193, Professional Fees & Costs \$415,708 and Public Relations, Advertising and Promotions \$271,701.

Employee Costs

\$839,886



Employee Costs expenditure is \$839,886 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2020 forming Attachment 1 to Report CJ060-05/20.

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 31 March 2020 is appended as Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation

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

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

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

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

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

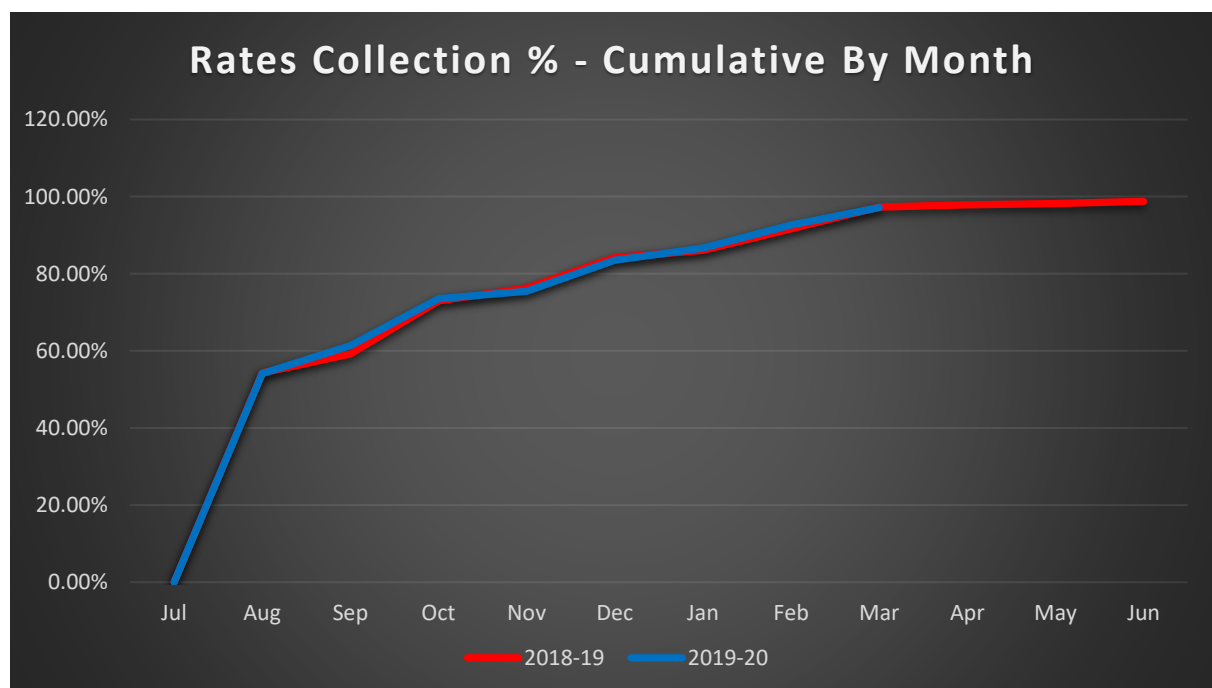
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

Consultation

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

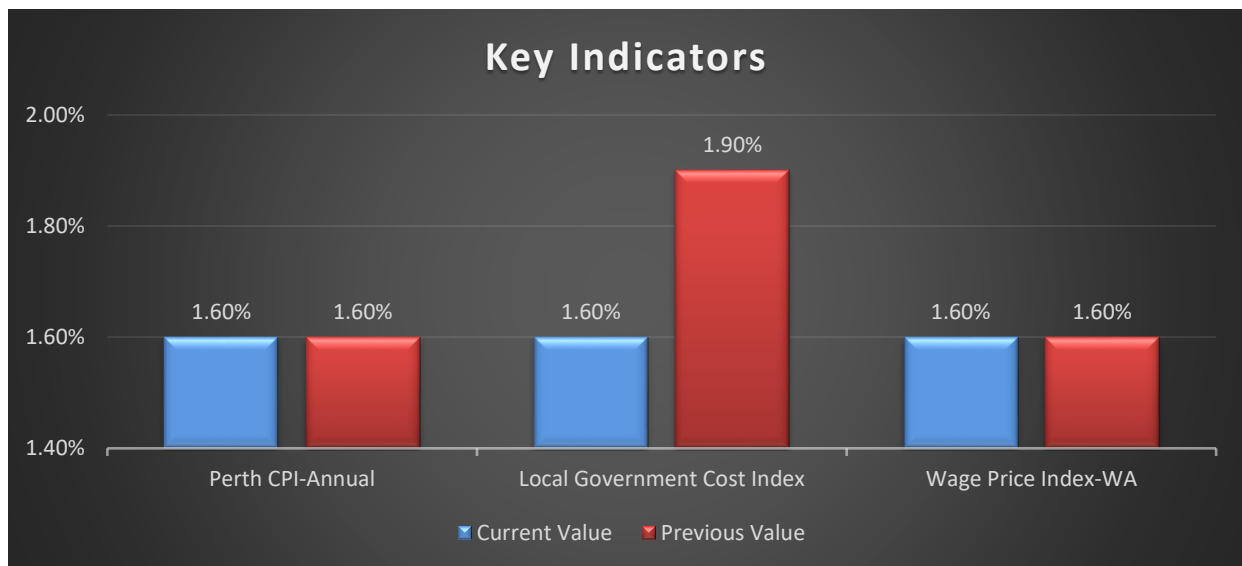
KEY INDICATORS

Rates Collection



Rates collections as a percentage of rates issued (debtors) continues on par with the prior year at the end of March. This trend was expected to continue to the end of the financial year. In the current environment, this appears increasingly unlikely.

Economic Indicators



Wage inflation data remained unchanged in December Quarter but continues to lag the national wage price index which is 2.2% for the same period. The Local Government Cost Index is lower mainly driven by reduced electricity and street lighting costs.

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 a high level of uncertainty about key indicators.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2019-20 revised budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 March 2020 forming Attachment 1 to Report CJ060-05/20.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf200512.pdf](#)

CJ061-05/20 OUTCOME OF INVESTIGATION INTO USE OF PADBURY SENIOR HIGH SCHOOL PLAYING FIELDS

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	04414, 101515
ATTACHMENT	Attachment 1 Aerial map Padbury Senior High School
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 outcome of an investigation into the potential use of Padbury Senior High School (PSHS) playing fields.

EXECUTIVE SUMMARY

At its meeting held on 16 April 2019 (CJ042-04/19 refers), Council requested an investigation be undertaken to determine the possibility of transferring the playing fields located at Padbury Senior High School (PSHS) into the ownership or management of the City of Joondalup (the City).

A subsequent report was presented to Council at its meeting held on 16 July 2019 (CJ092-07/19 refers), at which council resolved:

“That Council:

- 1 GIVES APPROVAL for the Chief Executive Officer to commence discussions with the Department of Education for the City of Joondalup to gain access to the playing fields and adjacent car park located at the Padbury Senior High School;*
- 2 NOTES that gaining access in the land detailed in Part 1 above will not necessarily increase the usage of the playing fields without significant upgrades to infrastructure;*
- 3 NOTES that any future capital upgrades to the playing fields or car park located at the Padbury Senior High School are subject to consideration as part of the City’s established budget process.”*

The Department of Education (DoE) has advised should the City wish to pursue use of the land, this would only be possible through the development of a licence agreement. Under a licence agreement, the City would need to pay the capital, maintenance and utility costs associated to maintain the infrastructure and playing surface at a safe and suitable condition.

The playing fields at PSHS do not currently meet the City's standard provision for sporting infrastructure. Infrastructure provision, irrigation and turf works to ensure the playing fields meet the City's standards would require the City to expend significant funds.

The City has several playing fields within the immediate area of the PSHS that could have their utilisation / capacity increased with the improvement of associated infrastructure; primarily floodlighting. Such sites include the following:

- James Cook Reserve, Hillarys.
- Hillarys Park, Hillarys.
- Forrest Park, Padbury.
- MacDonald Park (south), Padbury.

MacDonald Park (south) is currently scheduled for a floodlight upgrade in 2021-22 as part of the City's *Five Year Capital Works Program*.

A licence agreement over the playing fields adjacent to the PSHS will provide sporting groups with additional options to play active sport, however these options are limited as the necessary supporting infrastructure is not in place and the operating times limit the utilisation of the site.

It is therefore recommended that Council:

- 1 *NOTES the response from the Department of Education that it is not willing to dispose of the site or transfer the management of the Padbury Senior High School playing fields to the City of Joondalup;*
- 2 *DOES NOT APPROVE the City pursuing a licence agreement with the Department of Education for use of the Padbury Senior High School playing fields;*
- 3 *NOTES that should sporting clubs wish to utilise the school playing fields at Padbury Senior High School, they are able to make a direct application to the Department of Education to enter into a Community Use Agreement.*

BACKGROUND

Suburb/Location	Lot 9573, 33 Giles Avenue, Padbury WA 6025.
Owner	Department of Education.
Zoning	LPS Public Purposes – MRS.
	MRS Public Purposes - High School.
Site area	118,578 m ² .
Structure plan	Not applicable.

The PSHS site is vested to the DoE under management order from the Department of Planning, Lands and Heritage (DoPLH) for the purposes of the *School Education Act 1999*. The school opened in 1987 and closed in 2011 and was subsequently repurposed to house the Statewide Services Centre (SSC).

At its meeting held on 16 April 2019 (CJ042-04/19 refers), Council requested an investigation be undertaken to determine the possibility of transferring the playing fields located at PSHS into the ownership or management of the City. The preferred option for acquisition was to pursue the transfer of management order.

A subsequent report was presented to Council at its meeting held on 16 July 2019 (CJ092-07/19 refers), at which council resolved:

“That Council:

- 1 GIVES APPROVAL for the Chief Executive Officer to commence discussions with the Department of Education for the City of Joondalup to gain access to the playing fields and adjacent car park located at the Padbury Senior High School;*
- 2 NOTES that gaining access in the land detailed in Part 1 above will not necessarily increase the usage of the playing fields without significant upgrades to infrastructure;*
- 3 NOTES that any future capital upgrades to the playing fields or car park located at the Padbury Senior High School are subject to consideration as part of the City’s established budget process.”*

DETAILS

Existing site infrastructure

The PSHS contains approximately 26,000m² of open space that was previously used for the recreation purposes of the students. It is currently configured for a junior soccer pitch and junior cricket field (Attachment 1 refers).

There are no publicly accessible toilets, change rooms, storage or other facilities located at the site. The current sporting infrastructure including cricket nets and concrete wicket, do not meet the City’s or relevant sport’s standard specifications.

Current site usage

Following the closure of PSHS, the school was repurposed to accommodate the SSC, with approximately 300 administrative staff working at the site. The playing fields located at the site are used for staff and visitor overflow parking between 7.30am and 6.00pm weekdays.

Future site plans

The DoE has indicated that the site may be required to function again as a school in the future, and currently the SSC require use of the site in an ongoing capacity. DoE has advised that it would not consider sale of the PSHS site in full or in part at this time, nor would it consider entering into a management order with the City over the playing fields.

Issues and options considered

The DoE has advised should the City wish to utilise the playing fields at PSHS, the DoE would only consider the establishment of a licence agreement.

The DoE has indicated that a licence agreement would seek cost recovery via the following:

- An agreed contribution (on a percentage basis) to costs for the oval based on the City’s use of the oval, such as existing mowing contract costs.
- The City to be responsible for any costs that arise that are in addition to current costs, including additional oval maintenance required due to higher use or higher standards required.

- The City to be responsible for any costs relating to any upgrades made to the oval (which would be subject to approval), such as installation of lighting.
- A cost recovery rental charged to the City that covers legal and operational costs incurred through the management of the agreement.

The DoE has also indicated that the ovals would only be available from 6.00pm weekdays and all day on weekends. There would be no access to change rooms or toilets under a licence agreement.

The DoE also has a standard Community Use Agreement for groups wishing to utilise the school playing fields at PSHS. These agreements are for a maximum two year term, and do not include access to the school buildings, including toilets or change rooms. Sporting clubs are currently able to apply directly to the DoE for access to the PSHS playing fields through this process.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>City of Joondalup Local Planning Scheme No. 3. Planning and Development (Local Planning Schemes) Regulations 2015. Metropolitan Region Scheme. Land Administration Act 1997.</i>
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Strategic Community Plan

Key theme	Community Wellbeing.
Objective	Quality facilities.
Strategic initiative	Support a long-term approach to significant facility upgrades and improvements.
Policy	<i>Asset Management Policy.</i>

Risk management considerations

The report provided to Council at its meeting held on 16 April 2019 (C042-04/19 refers) identified that entering into an agreement with schools for the City to access their playing fields would bring several risks including the following:

- The likely requirement for the City to fund infrastructure on land that it does not own or manage.
- The ability for sporting clubs to be approved a liquor licence to supply / sell alcohol on a school site is unknown.
- It is unknown if the schools have adequate utility supplies to allow for the installation of sports floodlighting or toilets / change rooms. This may result in the school site not being suitable or additional capital expenditure being required.
- If a school site was to close or change use in the future, this would lead to issues relating to capital investment costs, disposing of City assets and displacement of City usage allocated to that school's playing fields.

Any agreement with a school to access their playing fields would need to minimise the identified risks.

Financial / budget implications

For the playing fields to be used by sporting clubs under a licence agreement with DoE, the City would need to pay the capital, maintenance and utility costs associated to maintain the surface at a safe and suitable condition.

Detailed costs to provide standard sporting infrastructure at PSHS were presented to Council at its meeting held on 16 July 2019 (CJ092-07/19 refers).

As the demands of the playing fields for DoE activities differ to those of the City's intended use, the DoE have no requirement to provide sports floodlighting or to maintain the playing surface to the City's standards for sporting use. Under a licence agreement, for the playing fields to be used by sporting clubs, the City would need to pay the capital, maintenance and utility costs associated to maintain the surface at a safe and suitable condition.

The City's standard provision for a facility similar to the PSHS playing fields would be limited to the following:

- Toilets – 35m².
- Unisex accessible park toilet (on automated timer system) – 6m².
- Two unisex change rooms (including showers) – 90m².
- Externally accessible sports group storage (25m² per sporting group).
- Umpire room (minimum 10m²).

Capital and annual maintenance costs to provide standard sporting infrastructure is shown below:

Item	Estimated Capital Cost	Estimated annual operating expenses including depreciation
Construction of sporting facility, including toilets, change rooms and storage	\$ 541,200	\$ 34,100
Centre synthetic cricket wicket and cricket nets x four bays	\$ 84,500	\$ 3,000
Floodlighting x four poles	\$ 320,000	\$ 24,500
Turf rehabilitation / management	\$ 30,000	\$ 33,335
TOTAL	\$ 975,700	\$ 94,935

The above costs are based on the following base construction rates (2017 values):

- \$1,800/m² for storage areas.
- \$3,200/m² for toilet / change rooms / kiosks.

No allocation has been made for escalation, nor have contingencies been included.

Turf rehabilitation may also be required, subject to an inspection of the playing fields. For reference, the City spent approximately \$30,000 on turf rehabilitation works at Bramston Park, Burns Beach when assuming management from the developer to ensure the standard of turf allowed active sport to occur on the site. This does not include irrigation works that may also be required.

There are no funds allocated within the current budget, nor the City's current *Five Year Capital Works Program*.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No formal consultation process has been undertaken on this matter, however the City has had ongoing correspondence since June 2019 with the DoE and the DoPLH regarding the current and potential use of the site by community groups.

COMMENT

At its meeting held on 16 April 2019 (CJ042-04/19 refers), Council requested an investigation be undertaken to determine the possibility of transferring the playing fields located at PSHS into the ownership or management of the City.

The DoE has advised that should the City wish to pursue use of the land, that this would only be possible through the development of a licence agreement.

The playing fields at PSHS do not currently meet the City's standard provision for sporting infrastructure. For sporting clubs to gain increased use of PSHS, adequate infrastructure is required such as:

- sports floodlighting
- change rooms
- storage
- toilets.

Under a licence agreement, the City would need to pay the capital, maintenance and utility costs associated to maintain the infrastructure and playing surface at a safe and suitable condition.

Any upgrades to sporting infrastructure or on the site would be subject to the City's budget process, in addition to the need to undertake significant turf rehabilitation and irrigation upgrades. This would require the City to expend significant funds.

The City has several playing fields within the immediate area of the PSHS that could have their utilisation increased with the improvement of associated infrastructure; primarily floodlighting. Such sites include the following:

- James Cook Reserve, Hillarys.
- Hillarys Park, Hillarys.
- Forrest Park, Padbury.
- MacDonald Park (south), Padbury.

MacDonald Park (south) is currently scheduled for a floodlight upgrade in 2021-22 as part of the City's *Five Year Capital Works Program*.

A licence agreement over the playing fields adjacent to the PSHS will provide sporting groups with additional options to play active sport, however these options are limited as the necessary supporting infrastructure is not in place and the operating times limit the utilisation of the site.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the response from the Department of Education that it is not willing to dispose of the site or transfer the management of the Padbury Senior High School playing fields to the City of Joondalup;**
- 2 DOES NOT APPROVE the City pursuing a licence agreement with the Department of Education for use of the Padbury Senior High School playing fields;**
- 3 NOTES that should sporting clubs wish to utilise the school playing fields at Padbury Senior High School, they are able to make a direct application to the Department of Education to enter into a Community Use Agreement.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf200512.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	CJ062-05/20 - Tender 008/20 - Supply, Installation of Non-chemical Iron Removal Filtration Units and Servicing of Existing Filtration Units.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	An employee of Elliots Irrigation Pty Ltd is known to Cr Fishwick. Cr Fishwick employs Elliots Irrigation Pty Ltd from time to time.

CJ062-05/20 TENDER 008/20 – SUPPLY, INSTALLATION OF NON-CHEMICAL IRON REMOVAL FILTRATION UNITS AND SERVICING OF EXISTING FILTRATION UNITS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	108297, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Elliotts Irrigation Pty Ltd for the supply, installation of non-chemical iron removal filtration units and servicing of existing filtration units.

EXECUTIVE SUMMARY

Tenders were advertised on 8 February 2020 through a state-wide public notice for the supply, installation of non-chemical iron removal filtration units and servicing filtration units. Tenders closed on 26 February 2020. A submission was received from Elliotts Irrigation Pty Ltd.

The submission from Elliotts Irrigation Pty Ltd represents best value to the City. The company demonstrated a thorough understanding and appreciation of the City's requirements. It provided a detailed submission which outlined the qualifications and relative experience of key personnel and demonstrated extensive experience providing an equivalent scope of works to various local governments including the City. Its methodology and timelines for repairs and construction meet the City's requirements. The company is well established, locally based and has appropriate industry experience.

It is therefore recommended that Council ACCEPTS the tender submitted by Elliotts Irrigation Pty Ltd for the supply, installation of non-chemical iron removal filtration units and servicing of existing filtration units as specified in Tender 008/20 for a period of three years, with an option for a further two years, at the submitted schedule of fixed prices and rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement to utilise the services of a contractor to supply and install non-chemical iron removal filtration units with remote control capabilities. The use of non-chemical iron removal filtration units is essential to prevent buildings and infrastructure from becoming stained.

The services include, but are not limited to:

- the supply and installation of non-chemical iron removal filtration units to reduce iron levels down to 0.3 parts per million, as and when required
- the servicing and ad hoc repair of existing non-chemical iron removal filtration units to ensure that they continue to operate in an effective and efficient manner.

A single contract was in place with Elliotts Irrigation Pty Ltd for the supply and installation of non-chemical iron removal filtration units to satisfy the requirements of many projects the City had undertaken. This contract expired on 30 June 2018 and any ad hoc requirements have been managed via quotation since this date.

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

DETAILS

The tender for the supply, installation of non-chemical iron removal filtration units and servicing of existing filtration units was advertised through state-wide public notice on 8 February 2020. The tender period was for two weeks and tenders closed on 26 February 2020.

Tender Submissions

A submission was received from Elliotts Irrigation Pty Ltd.

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

A summary of the tender submission including the location of the tenderer is provided in Attachment 2 to Report CJ062-05/20.

Evaluation Panel

The evaluation panel comprised three members:

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

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

Evaluation Method and Weighting

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

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements.

The predetermined minimum acceptable qualitative score for this tender was set at 60% as the City wishes to consider only those tenderers with substantial relative experience in providing and servicing non-chemical iron removal filtration to ensure units can reduce iron levels to 0.3 parts per million or less.

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

Qualitative Criteria		Weighting
1	Demonstrated experience in completing similar services	35%
2	Capacity	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

Compliance Assessment

The offer received was fully compliant and was considered for further evaluation.

Qualitative Assessment

Elliotts Irrigation Pty Ltd scored 78.2% in the qualitative assessment. The company demonstrated extensive experience in completing similarly scoped services citing three projects and eight contracts it has had in place with WA local governments including the Cities of Wanneroo, Stirling, Rockingham, Nedlands, Subiaco, Busselton, Bunbury and the Town of Cambridge. It was also the previous incumbent supplier and installer of non-chemical iron removal filtration units to the City. It demonstrated a thorough understanding and appreciation of the City's requirements and provided a methodology for the repairs and construction processes that meets the City's needs. All key personnel nominated for the contract have the appropriate qualifications, relevant experience and current tickets to perform the services.

Given the minimum acceptable score of 60%, Elliotts Irrigation Pty Ltd qualified for stage two of the assessment.

Price Assessment

The estimated expenditure over a 12-month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tender, the tendered rates offered by the tenderer have been applied to the installation of one typical non-chemical iron filtration unit per year and the servicing of existing and each new filtration unit. This provides a value of the tender for comparative evaluation purposes based on the assumption that this pattern of usage is maintained. There is no guarantee that this will occur, and actual costs will be paid on the actual usage in the future.

Tenderer	Year 1	Year 2	Year 3	Total
Elliotts Irrigation Pty Ltd	\$167,720	\$170,840	\$175,016	\$513,576

During the 2019-20 financial year, the City incurred \$46,212 for maintenance of existing non-chemical iron removal filtration units with no new units installed. Expenditure is estimated at \$884,002 over a five-year period should both extension options be exercised.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

Tenderer	Price Ranking	Estimated Total Comparative Price	Qualitative Ranking	Weighted Percentage Score
Elliotts Irrigation Pty Ltd	1	\$513,576	1	78.2%

Based on the evaluation result the panel concluded that the offer from Elliotts Irrigation Pty Ltd provides best value to the City and is therefore recommended.

The rates proposed by the tenderer have been compared to those that the City has been billed in the last 12 months and are marginally higher in some cases, but generally similar.

Issues and options considered

The City has a requirement for supply and installation of non chemical iron removal filtration units to various locations within the City. The City does not have the technical skills or internal resources to execute the services and as such, requires an appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality Open Space.

Strategic initiative Adopt consistent principles in the management and provision of urban community infrastructure.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as there will be an associated cost to the City for the removal of iron stains and damage which may occur to new and existing infrastructure.

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

Financial / budget implications

Current financial year impact

Account no.	Various account codes 633-****-3359-6410. Various account codes 633-****-3327-6410.
Budget Item	Irrigation Maintenance.
Budget amount	\$ 723,572 (Contracts) \$ 475,287 (Materials)
Amount spent to 25/03/2020	\$ 46,212
Proposed cost	\$ 14,430 (maintenance of existing units, no new installations)
Balance	\$ 1,138,217

Future financial year impact

Annual operating cost	\$ 57,720
Capital replacement	\$ 55,000*

The balance does not represent a saving at this time. The budget covers multiple accounts and multiple sites with expenditure subject to factors that cannot be considered at this time. The expenditure will depend on actual usage under the contract.

The City currently has 19 non-chemical iron removal filtration units across 17 locations of which one located at Negresco Park* may require replacement within the term of the contract. The lifespan of each unit is approximately 25-30 years with the remaining units having been installed within the last five years. Annual depreciation has not been factored into the calculations.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability Implications:

Iron removal filtration units will reduce the risk of damage to various infrastructure of the City due to iron accumulation.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the qualitative criteria in a fair and equitable manner and concluded that the offer representing best value to the City is that as submitted by Elliotts Irrigation Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Elliotts Irrigation Pty Ltd for the supply, installation of non-chemical iron removal filtration units and servicing of existing filtration units as specified in Tender 008/20 for a period of three years, with an option for a further two years, at the submitted schedule of fixed prices and rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200512.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Suzanne Thompson.
Item No./Subject	CJ063-05/20 – Petition in Relation to the Refurbishment of Braden Park, Marmion.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Thompson assisted with the petition during the 2019 election period.

CJ063-05/20 PETITION IN RELATION TO THE REFURBISHMENT OF BRADEN PARK, MARMION

WARD	South
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	04519, 101515
ATTACHMENT	Attachment 1 Braden Park Location Attachment 2 Braden Park Internal Path Loops
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 petition in relation to the Braden Park playspace.

EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 8 October 2019 (C65-10/19 refers). The petition requested that Council reinstate the Braden Park Playspace Renewal Project in the 2019-20 schedule of the City's *Five Year Capital Works Program* and to take into account recent community led feedback in the planning and design of the playspace.

Braden Park, Marmion is one of the City's seven district recreation parks and the playspace is currently listed for renewal in City's *Five Year Capital Works Program* in 2022-23. This is reflective of the City's ranked priority list of playspace renewals based on playspace condition assessments and condition comparisons between the playspaces relative to each other within each condition rating group.

At its meeting held on 21 April 2020 (CJ050-04/20 refers), Council requested, amongst other things, that the current *Five Year Capital Works Program* be reviewed with the aim to identify projects listed in later years that may be brought forward and be listed for consideration in the 2020-21 Annual Budget. The renewal of the playspace at Braden Park, although not at the end of its useful life, has been identified as a potential project that can be brought forward without impacting on other playspaces already identified for renewal based on City's condition assessment of playspaces.

In considering the Braden Park playspace renewal project, although, the current infrastructure provisions aligns with the guidelines as set out in the City's parks classification framework, when compared with infrastructure provision at other district recreation parks, and taking into account the community led feedback for additional infrastructure items, the inclusion of a 3-on-3 basketball pad, path linkages, bench seat replacement and line-marking of existing paths would be supported to ensure a consistent level of infrastructure across the City's district recreation parks.

It is therefore recommended that Council:

- 1 *NOTES that the City's Playspace Renewal Program is informed by asset data, including condition assessments and condition comparisons between the playspaces relative to each other within each condition rating group;*
- 2 *IDENTIFIES Braden Park playspace renewal as a potential capital project that can be brought forward to be listed for consideration in the City's 2020-21 Annual Budget;*
- 3 *LISTS FOR CONSIDERATION an amount of \$140,000 for the Braden Park playspace renewal in 2020-21 which includes the provision of additional infrastructure as detailed in Option 3 of Report CJ063-05/20;*
- 4 *ADVISES the lead petitioner of its decision.*

BACKGROUND

Braden Park, Marmion is located within the South Ward with approximately 4.7 hectares of irrigated parkland. The park is linear with an east-west orientation and is located on Braden Way, Rountree Way, Cliff Street and Charsley Crescent (Attachment 1 refers). The existing infrastructure at Braden Park includes the following:

- Combination unit with slides.
- Swing set with standard and toddler seat.
- Swing set with two standard seats.
- Seesaw.
- Barbecue.
- Shelter with picnic setting.
- Drink fountain.
- Four benches.
- Irrigation and bore.
- Universal access footpath network.
- Signage (park name).
- Bollard perimeter fence.

The existing playspace was installed in 2000, the drinking fountain in 2017 and the barbecue with shelter and picnic setting was installed in 2018.

At its meeting held on 8 October 2019 (C65-10/19 refers), Council received a 165-signature petition from residents requesting Council to reinstate the refurbishment of Braden Park, Marmion in the City's *Five-Year Capital Works Program*. The wording on the petition was as follows:

“We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council make Braden Park Playspace renewal a priority again. We respectfully ask that you reinstate the Braden Park Playspace Renewal project to the 2019-20 schedule of the City’s Five-Year Capital Works Program. Braden Park is in the heart of the Marmion Community and we have been anticipating this 2019-20 renewal since it was first scheduled to this date, back in 2015.

Furthermore, we ask that you take account of community input, in the planning and design of this popular playspace.”

This last sentence on the petition was clarified via an accompanying cover letter from the lead petitioner listing a number of items that the community would like to see incorporated into the renewal project. These items were the result of an informal community meeting and subsequent survey carried out by the petition organisers, with the support for each item noted in the table below:

1	Circuit for bikes and scooter play	61.5%
2	A nature play area	59%
3	A basketball half court	56.4%
4	Play equipment to suit all ages, including exercise equipment and table tennis tables	51.3%
5	More benches under trees and to the east for sea views	41%
6	A footpath from the south-west corner	25.6%
7	Relocation of playspace to a shadier spot	20.5%
8	Gated area for younger children	12.8%

It must be noted the City is not able to verify the survey methodology utilised by the petitioner, including sample size (number of people surveyed), sample selection (how people were selected to participate), collection method (for example interview/paper-based/online), or question design (open or closed-response). The City is also not able to verify the validity of the statistical analysis undertaken, or any potential bias in how survey participants were selected and/or given information about the proposal.

The City’s *Five Year Capital Works Program* has been developed to ensure the provision of infrastructure within the City aligns with emerging needs and community expectations. The program’s development takes into consideration community objectives, affordability and technical levels of service.

The City makes extensive use of asset data, including condition assessments, to inform the renewal projects that are listed in the *Five Year Capital Works Program*. This means that, in general, the City replaces infrastructure at either the end of its useful life, when the structure is no longer functional, or is failing. With regard to playspaces specifically, these are renewed based on the condition of the play equipment, rather than on age, distribution or location.

Projects listed in the first year of the program are approved by Council for budgeting purposes. Subsequent years in the program (years two to five) have been prioritised but are not confirmed until the budget year they are scheduled to commence.

During the development of the 2015-16 *Five Year Capital Works Program*, the City's Playspace Renewal Program was based on a condition audit undertaken in 2008 and reviewed in 2012. At this time, the Braden Park playspace was listed for renewal in 2019-20 being year five of the 2015-16 *Five Year Capital Works Program*.

In November 2018, the City undertook a new condition audit on all playspaces older than 10 years with each playspace being allocated a condition rating as per the City's standard as follows:

Condition rating #	Condition rating	Explanation	Required Action
5	Replace	Showing major wear, tear or deterioration. Potentially dangerous to use and may cause hazard to users. Major rehabilitation or replacement is required as soon as possible.	Schedule Replacement
4	Poor	Functionally useable but showing significant wear, tear or deterioration. Maintenance likely required, and to be placed on forward works program.	Maintenance / Forward Works Program
3	Functional	Functionally sound but starting to show wear, tear and deterioration. Maintenance may be required	Monitor / Maintenance
2	Good	As previous condition but showing minimal wear, tear and deterioration.	Monitor
1	New/As New	Newly Installed / As New	Monitor

Following the condition assessment, a more detailed condition comparison was then undertaken between the playspaces relative to each other within each condition rating group to form a ranked priority list. Braden Park playspace was assessed as a condition 4 and the ranking on the playspace renewal priority list was 40.

The 2019-20 *Five Year Capital Works Program* (adopted by Council at its meeting held on 25 June 2019) for playspace renewals was consequently updated to reflect the condition ratings based on the 2018 audit and Braden Park playspace renewal was listed as follows:

- 2021-22 PEP2010 playspace design with an amount of \$5,500.
- 2022-23 PEP2717 Braden Park Playspace renewal with an amount of \$104,500.

This budget typically allows for the design of the playspace and the installation of a medium combination unit, a swing set with a senior and a toddler seat and small nature-play elements such as steppers and balancers.

DETAILS

At its meeting held on 21 April 2020 (CJ050-04/20 refers), Council considered a report in relation to the City's 2019-20 revised Budget and the guiding principles for the development of the 2020-21 Budget. This was in response to the COVID-19 pandemic and potential impact on the City of Joondalup community. It was noted in this report that Council would be asked to consider a range of initiatives to assist residents and business managing the impact of this pandemic.

In considering this report, Council resolved, inter alia, that the current *Five Year Capital Works Program* be reviewed with the aim to identify projects listed in later years that may be brought forward and be listed for consideration in the 2020-21 Annual Budget.

The Braden Park playspace, although not at the end of its useful life, is listed for construction in 2022-23 and therefore has been identified as a potential project that can be brought forward without impacting on other playspaces already identified for renewal based on City's condition assessment of playspaces.

Braden Park is a district recreation park under the City's parks classification framework and the current infrastructure provisions align with the guidelines under this framework. The City has six other parks with the same classification and a comparison of infrastructure provision has been undertaken and the findings are presented below as follows:

- Playspace infrastructure is supported and provided to all district recreation parks ranging in value from \$75,000 to \$130,000.
- Nature play elements are provided as part of the playspace infrastructure.
- 3-on-3 basketball pad is supported and is currently provided at Broadbeach Park, Hillarys, Sandalford Park, Beldon and Blackboy Park, Mullaloo.
- Bench seats and access paths are supported and are provided at all district recreation parks.
- Bike or scooter circuits, exercise equipment and table tennis tables are listed as optional infrastructure for this classification of park.

Based on the above, the City assessed the petition request for additional infrastructure.

Play equipment to suit all ages with adequate shade

The City's design standard is to provide playspaces that cater for the age of two to twelve. The provision of play equipment in this age range is based on the development of childhood developmental milestones. When assessing play equipment for each playspace, selection is focused on "climbing, swinging, hanging, balancing and sliding" as these actions form a foundation for motor development. Climbing supports balance, coordination, grip development, upper body development, risk awareness. Swinging supports balance, coordination and core development. Hanging supports grip development, core development, endurance, upper body strength. Balancing supports coordination, body control, strength, self-regulation and posture. Sliding supports risk awareness, balance, body control, core strength.

The City endeavours to relocate playspaces to the shade of existing trees when playspaces are renewed, however, the existing trees at Braden Park are either too small or are an inappropriate species which do not offer a large amount of shade.

A nature play area

Nature play is important for developing imagination through sensory play plus organic and un-prescribed play items help build tactile, imagination, social and interaction skills. The City currently endeavours to incorporate nature play items when designing playspace renewals, however, a nature play area is not provided as a stand-alone offering.

3-on-3 basketball pad

The City's standard for basketball infrastructure is the provision of a 3-on-3 basketball pad with line markings that facilitates three-on-three play.

As three of the City's other district recreational parks have 3-on-3 basketball pads, this level of infrastructure would be supported for Braden Park.

Bench seats and access paths

There are currently four bench seats located throughout Braden Park. The bench located on the high ground on the eastern side of the park, is however aged, and will be replaced.

Pedestrian access to the south-west corner of the park is already provided via the verge footpath. An additional path can be constructed linking the pedestrian crossing on Cliff Street to the existing path network.

Circuit for bikes and scooter play

Although a bike skills track is considered to be an optional component, the current path network lends itself to the creation of a circuit (similar to a bike skills track) for bikes and scooter (Attachment 2 refers). Line marking and traffic symbols can be painted on the existing footpath loops as part of Braden Park's playspace renewal.

Fitness equipment and table tennis tables

A review of fitness equipment utilisation was undertaken in 2015, found that the majority of the equipment was underutilised and, as such, fitness equipment is only supported when provided as an integrated exercise offering such as at the Whitfords Nodes Health and Wellbeing Hub.

A table tennis table is not recommended for Braden Park due to the parks wind-exposed location which would render a table tennis table largely unusable.

Therefore, taking into consideration the petition requests, the site-specific circumstances of Braden Park and the need for the provision of a consistent level of infrastructure across the City's district recreation parks, the following items are supported as part of the Braden Playspace Renewal Project:

- Installation of a 3-on-3 basketball pad.
- Path linkage to the pedestrian crossing located on Cliff Street.
- Bench seat replacement.
- Installation of line marking on the existing paths to establish a quasi bike skills track.

Issues and options considered

Council can either:

Option 1

Not support bringing forward the playspace renewal project to 2020-21.

This option aligns with the City's ranked priority list of playspace renewals which is based on playspace condition assessments and condition comparisons between the playspaces relative to each other within each condition rating group which has informed the City's Playspace Renewal Program.

Option 2

Support bringing forward the playspace renewal project for construction in 2020-21 but retain the existing budget allocation of \$110,000.

This option aligns with Council's objective to bring forward capital projects listed in later years of the City's *Five Year Capital Works Program* but does not address the need for the provision of a consistent level of infrastructure across the City's district recreation parks.

Option 3

Support bringing forward the playspace renewal project for construction in 2020-21 with an overall budget of \$140,000 (an increase of \$30,000) to include the following supported items as listed below:

- Installation of a 3-on-3 basketball pad.
- Path linkage to the pedestrian crossing located on Cliff Street.
- Bench seat replacement.
- Installation of line marking on the existing paths to establish a quasi bike skills track.

This is the recommended option. This option aligns with Council's objective to bring forward capital projects listed in later years as well as addressing the need for the provision of a consistent level of infrastructure across the City's district recreation parks.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

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

Policy Not applicable.

Risk management considerations

There is a reputational risk for the City in not supporting bringing forward the Braden Park Playspace Renewal Project at this time when consideration should be given to actions that may positively impact on the economy.

Financial / budget implications

The Braden Park Playspace Renewal Project is already listed in the City's *Five Year Capital Works Program* with an amount of \$110,000. The amount required to fund the additional infrastructure is \$30,000.

Regional significance

Not applicable.

Sustainability implication

Not applicable.

Consultation

Not applicable.

COMMENT

Bringing forward Braden Park Playspace Renewal Project aligns with Council's objective to bring forward capital projects listed in the later years of the City's *Five Year Capital Works Program*, without deferring playspace renewal projects and impacting on the overall playspace renewal program.

Additional infrastructure items including a 3-on-3 basketball pad, path linkages, bench seat replacement and line-marking of existing paths is supported to ensure a consistent level of infrastructure across the City's district recreation parks.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES that the City's Playspace Renewal Program is informed by asset data, including condition assessments and condition comparisons between the playspaces relative to each other within each condition rating group;**
- 2 IDENTIFIES Braden Park playspace renewal as a potential capital project that can be brought forward to be listed for consideration in the City's 2020-21 Annual Budget;**
- 3 LISTS FOR CONSIDERATION an amount of \$140,000 for the Braden Park playspace renewal in 2020-21 which includes the provision of additional infrastructure as detailed in Option 3 of Report CJ063-05/20;**
- 4 ADVISES the lead petitioner of its decision.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf200512.pdf](#)

CJ064-05/20 PARK AMENITY IMPROVEMENT PROGRAM

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	05080, 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 consider the implementation of a Park Amenity Improvement Program focusing on the City's Local Recreation Parks within or adjacent to higher-density housing areas.

EXECUTIVE SUMMARY

At its meeting held on 18 February 2020 (C08-02/20 refers), Council requested that the Chief Executive Officer prepare a report investigating refurbishment options of the City's local recreation parks, including installing irrigation to dry parks to improve the amenity with specific focus on parks located within or close to increased density areas.

It is acknowledged that the increasing residential population and limited backyard recreation space associated with higher density areas will encourage higher usage and greater patronage of the City's local recreation parks. This in turn will increase the demand for additional park infrastructure and access to quality public open space.

The principles of the City's *Landscape Master Plan* (LMP) program, being water savings and amenity improvements can be extended to include the upgrade of low-amenity local recreation parks (both dry and irrigated) which are located within or adjacent to higher-density residential areas to provide a more equitable level of access to green open space.

It is therefore recommended that Council:

- 1 *SUPPORTS the implementation of a Park Amenity Improvement Program which focuses on the upgrade of dry and irrigated low-amenity Local Recreation Parks within or adjacent to higher-density housing areas based on the continuation of the principles embedded within the Landscape Master Plan program;*
- 2 *LISTS for consideration an amount of \$250,000 per annum in the City's Five Year Capital Works Program for the Park Amenity Improvement Program;*
- 3 *NOTES that the selection of a Local Recreation Park for upgrade will be determined as part of the annual budget development process.*

BACKGROUND

At its meeting held on 18 February 2020 (C08-02/20 refers), Council considered a notice of motion and subsequently resolve the following:

“That Council REQUESTS the Chief Executive Officer to investigate refurbishment options of the City’s Local Recreation Parks, including installing irrigation to dry parks, to improve the amenity with a specific focus on those Local Recreation Parks located within or close to increased density areas, and a report detailing the investigation be submitted to Council at its meeting to be held on 19 May 2020”

The reason for the notice of motion was stated as follows:

“The State Government’s infill mandate inevitably will lead to more high-density areas in the City of Joondalup, increasing pressure on the City’s regional and district parks which are already struggling to meet community demands.

Improving the amenity of local recreation parks, an amenity which currently is at best limited, will become more important than ever to meet recreational expectations of residents, especially those living in and near high-density areas.

Of the 221 local recreation parks in the City, 55 are “dry parks”, that is no irrigation has been installed in them.

The City’s groundwater allocation, set at 4,117,550 kilolitres a year via Department of Water licences is challenging, but it is a challenge the administration’s professional parks team is tackling with a water-wise approach and the dedication of the City’s officers is starting to lead to positive results.

The park amenity renewal program at George Sears Park in Greenwood last year is an outstanding example of how a local recreation park can be refurbished in a simple, effective, water-saving way. The previously “ordinary” local park is now the pride and joy of the people who live in the surrounding area.

Equally significant, George Sears now requires less irrigation which means the water saved can be reallocated for other much-needed park improvement projects.

George Sears Park is an example of what can be done to improve local park amenity but a lot more needs to be done to be park-ready for the impending increases in high-density areas in the City.

A comprehensive range of local park refurbishment options, including a cost/benefit analysis and matrix of priority on park improvement, (what park projects, how and when), would enable the City to be better placed to improve park amenities.

Local Parks need immediate attention to meet the expectations of residents and to provide confidence for a community facing change, especially as the State Government mandate on infill impacts local neighbourhoods.”

Groundwater Allocations

The City uses groundwater from superficial (shallow) aquifers in the Gngangara Groundwater System to irrigate parks and public open space (POS). Groundwater usage accounts for 98% of the City’s corporate water use.

The City has three groundwater licenses (GWL 155515, GWL 155582 and GWL 155510) for irrigating parks and public open space. The GWLs cover two groundwater subareas: Whitfords and Quinns. GWL 155510 is in the Quinns subarea, which is located north of Burns Beach Road and consists of newer parks and sporting fields. The remaining two GWLs cover the Whitfords subarea, from Beach Road to Burns Beach Road. This area consists predominantly of established parks and sporting ovals with older infrastructure and design elements.

The GWL have set allocation limits and the usage within the two Whitfords licenses has been amalgamated. While the licence areas are still separate, the allocations are effectively combined which gives the City greater flexibility to reduce or increase water use in particular areas when needed, providing for holistic, sustainable management of the City's groundwater resources.

City Water Plan

In July 2007, the Minister for Water Resources announced that the State Government would begin limiting the amount of water that local governments can extract from groundwater resources. The limit was set at 7,500 kilolitres per hectare per year, (although this amount can be aggregated across the whole local government area). To achieve this target, all local governments within the Perth Metropolitan Area developed and implemented a *Water Conservation Plan* to indicate how they will reduce groundwater consumption directed at public open space irrigation.

At the time the City's water use was above its total groundwater licence allocation of 4,117,550 kilolitres per year and identified that without the application of sustainable principles, maintaining its water use within the set allocation would not be achieved. In response to the State Governments requirement, the City developed its *Water Conservation Plan 2009-2010* (WCP).

The objectives of the City's WCP have been incorporated into the City's *Water Plan* which meets the intent of the State Government requirements and will take the place of future Water Conservation Plans.

Landscape Master Plan

To assist in achieving compliance with its water allocation, the City further developed and implemented the *Landscape Master Plan 2009 – 2019* (LMP) in alignment with the initiatives contained within the WCP. The LMP not only focused on groundwater usage but also the quality of POS and streetscape provision. The aims and principles of the LMP include the following:

- Provide an image for the City in its CBD and entry points of high visibility that demonstrate the use of colour and indigenous species that exemplify the biodiversity of Joondalup.
- Provide more opportunities for passive recreational pursuits in public open space and 'natural' bushland ecosystems.
- Increase active and passive recreational opportunities within attractive and functional landscapes incorporating expanses of irrigated turf, maintained native garden beds and rehabilitating more natural bushland areas.
- Provide an effective response to the issue of climate change through reducing overall water consumption patterns across the City where appropriate.
- Provide attractive created landscapes and maintained native garden beds around key community facilities.

- Provide a wide range of purpose-built sporting grounds based mostly on areas of irrigated turf where community utilisation can be maximised.
- Provide attractive and functional streetscapes for instance verges and medians.
- Ensure that the City's town planning scheme and development plans for commercial and residential development reflect the principles of landscape master planning.
- Ensure community awareness and engagement occurs during planning and implementation processes.

The LMP program focussed on replacing the aged, inefficient irrigation infrastructure in the City's large sports parks. In addition, hydrozoning principles were adopted whereby the oval playing surface received the highest water allocation and adjacent areas received a more moderate allocation to no allocation (dry or mulched areas). As a result of the LMP water conservation principles, the City has substantially reduced its groundwater consumption by an average of 10% or 411,000 kilolitres over the past five years.

Although a focus of the individual LMP projects was to achieve irrigation efficiencies, it also included improvements to the overall park amenity which was achieved by upgrading the park infrastructure with the installation of universal access paths, playspace renewals, picnic facilities, barbecues and drinking fountains where appropriate.

DETAILS

It is acknowledged that the increasing residential population and limited backyard recreation space associated with higher density areas will encourage higher usage and greater patronage of the City's local recreation parks. This in turn will increase the demand for additional park infrastructure and access to quality public open space.

The results that have been achieved by the LMP program to date aligns with the intent of the Notice of Motion calling for refurbishment options for the City's 43 Local Recreation Parks within higher-density residential areas and 19 local recreation parks directly adjacent to higher-density residential areas.

The aims and principles as outlined in the LMP have already been used to inform the City's Park Revitalisation Program (PDP2275); the first two projects being improvements at George Sears Park, Greenwood in 2018-19 and the proposed works at Macaulay Park, Duncraig in 2019-20.

The improvements undertaken at George Sears Park, which have been well received by the local community, include the following:

- Refurbishment and relocation of existing play equipment which included new limestone edging and sand softfall.
- Installation of mulch beds under groups of existing trees.
- Installation of garden kerbing.
- Planting of additional trees.
- Replacement of the existing chainmesh sump fence with a new colourbond fence.
- Irrigation modifications inclusive of ecozoned areas in alignment with LMP principles.

Based on the success of the Park Revitalisation Program to date and to achieve the objective of the notice of motion, it is therefore proposed that a Park Amenity Improvement Program be implemented with the focus on creating high quality, aesthetically pleasing and health promoting local surroundings which balance the needs and values of the community with the preservation of the natural ecology within or close to higher density housing areas.

Proposed improvements for local recreation parks identified for this program may include on or more of the following infrastructure items:

- Bore and irrigation.
- Hydrozoning and ecozoning.
- Playspace.
- Picnic facilities.
- Barbecue.
- Footpath network.
- Paving and retaining walls.
- Tree planting.
- Drinking fountain.
- Three on three basketball pad.

The provision of new or additional infrastructure would take the following into consideration:

- The type and condition of existing infrastructure within the identified park.
- The type and condition of park infrastructure in nearby parks within the walkable catchment (400 metres).
- Access to irrigated park space within the walkable catchment.

It must be noted that while the aims of the LMP program and adoption of hydrozoning principles will provide continued irrigation improvement and groundwater consumption savings going forward, the water savings will only be sufficient to irrigate a portion of each dry park. This is especially applicable to the larger dry parks.

The prioritisation of local recreation parks for consideration under this program would take into consideration the intensity of on-the ground development and number of approved Development Applications (DA's). This means that the selection of a park for upgrade in future years would be determined annually, based on the following:

- The number of constructed higher-density residences in the park catchment.
- The number of under construction higher-density residences in the park catchment.
- The number of approved DA's for higher-density residences in the park catchment.

The table below indicates the current level of development applications and corresponding housing yield within each HOA area. HOA 1 and HOA 5 have the highest number of applications with HOA 1 the highest yield.

	Total No. DAs	Total Additional Dwellings
HOA 1	127	310
HOA 2	36	51
HOA 3	32	28
HOA 4	63	71
HOA 5	224	346
HOA 6	52	68
HOA 7	35	44
HOA 8	23	27
HOA 9	27	27
HOA 10	9	15

Issues and options considered

Council may choose to either:

Option 1

Support the implementation of a Park Amenity Improvement Program which focuses on the upgrade of dry and irrigated low-amenity Local Recreation Parks within or adjacent to higher-density housing areas based on the continuation of the principles embedded within the LMP program.

This is the recommended option.

or

Option 2

Not support the implementation of a Park Amenity Improvement Program.

Legislation / Strategic Community Plan / Policy implications

Legislation Licences to take water are granted under section 5C of the *Water and Irrigation Act 1914* and administered by the DOW.

Strategic Community Plan

Key theme The Natural Environment.
Quality Urban Environment.

Objective Environmental resilience.
Quality open spaces.

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

Policy *The Landscape Master Plan 2009-2019.*
The City Water Plan 2016-2021.

Risk management considerations

Not applicable.

Financial / budget implications

The cost estimate to implement the Park Amenity Improvement Program will be based on a concept landscape design which takes into account the infrastructure provision and the irrigation requirements.

It is recommended that an amount of \$250,000 per annum be allocated for the implementation of this program.

Additionally, the provision of a higher level of amenity on any park may impact on existing maintenance resources and which is estimated at \$15,000 to \$25,000 per annum depending on the size of the park and infrastructure provision.

Regional significance

Not applicable.

Sustainability implicationsSocial

The upgrade of local recreation parks in high-density residential areas will enhance the amenity of public open space and provide residents with more opportunities for passive recreation. In addition, the upgrade of these parks will afford the potential for these spaces to become social gathering places which will encourage the development of close-knit communities and increase community spirit.

Environmental

Hydrozoning irrigated parks results in water savings that can be reallocated to provide irrigation to dry parks. The value of public open space increases with denser development, not just for recreational and social purposes, but also to provide fauna habitat being lost from decreasing backyards. Denser development also increases the heat-island effect. Mitigation of these issues can be achieved through the provision of irrigation and intensive tree-planting to public open spaces.

Economic

Not applicable.

Consultation

Not applicable.

COMMENT

As residential fabric becomes denser in the future, the value of public open space will increase for recreational opportunities, for social purposes, for community wellbeing, for fauna habitat and for mitigating the heat-island effect. It is critical that the City be park-ready for these impending residential increases in order to provide for the increased recreational, social and environmental needs.

As a part of the proposed infrastructure upgrades to the City's local recreation parks, the hydrozoning of irrigated parks will continue to result in water savings which can be used to create irrigated areas within the dry parks. This along with other infrastructure upgrades will provide a more equitable level of access to quality public open space.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1** SUPPORTS the implementation of a Park Amenity Improvement Program which focuses on the upgrade of dry and irrigated low-amenity Local Recreation Parks within or adjacent to higher-density housing areas based on the continuation of the principles embedded within the *Landscape Master Plan* program;
- 2** LISTS for consideration an amount of \$250,000 per annum in the City's *Five Year Capital Works Program* for the Park Amenity Improvement Program;
- 3** NOTES that the selection of a Local Recreation Park for upgrade will be determined as part of the annual budget development process.

REPORTS – MAJOR PROJECTS AND FINANCE COMMITTEE – 4 MAY 2020

CJ065-05/20 JINAN GARDEN – PROJECT STATUS

WARD	North
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	52469, 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 consider deferring the Jinan Garden project.

EXECUTIVE SUMMARY

At its meeting held on 21 May 2019 (CJ066-05/19 refers), Council resolved in part to support the development of the Jinan Garden as a standalone project.

The City subsequently commenced actions to progress the project including engagement with representatives of the North Metro TAFE and landscape architect consultant Plan E was engaged to assist the City with the design and implementation of the project. It was planned that detailed design and further site investigations would occur during the remainder of the 2019-20 financial year and that project documentation, tender process and construction phase would occur in 2020-21.

However, given the current financial impacts resulting from the COVID-19 pandemic, and in the interest of financial prudence it is considered timely to defer the project until at least the 2021-22 financial year.

It is therefore recommended that Council:

- 1 *DEFERS progressing the Jinan Garden project further at this time;*
- 2 *NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project;*
- 3 *AGREES the total budget allocated for the Jinan Garden project to be no more than \$250,000 with the balance of the funding being sourced from other third party sources.*

BACKGROUND

The City of Joondalup has a Sister City Relationship with the City of Jinan. The signing of a Memorandum of Understanding which was endorsed by Council at its meeting held on 25 July 2000 (CJ183-07/00 refers) marked the commencement of the relationship. In 2004, both Cities signed an official protocol agreement formalising the Sister City Relations between the two Cities (CJ007-02/04 refers).

One of the key achievements resulting from the relationship is the plan to construct Sister City garden. In 2009 the City of Joondalup engaged Plan E Landscaping consultants to develop a concept for a Sister City 'Joondalup Garden' to be established in Jinan, as part of the 7th China International Garden and Flower Expo. The garden was completed and opened in late September 2009.

At its meeting held on 14 December 2010 (CJ217-12/10 refers), Council agreed to incorporate the Jinan Garden in the design of the proposed Joondalup Performing Arts and Cultural Facility (JPACF). In April 2012 the City engaged the services of landscape architect consultants Plan E for the purpose of a review of the Jinan Gardens design that was gifted to the City by the Jinan Municipal People's Government.

A Business Case for the JPACF project was developed which included details and costings for the Jinan Garden, to be constructed in Central Park adjacent to the JPACF site. Community consultation on the Business Case was undertaken over a 42 day period from 16 February 2017 to 30 March 2017. The results of the community consultation process were detailed in a report considered by Council at its meeting held on 27 June 2017 (CJ101-06/17 refers). Council decided not to proceed with the design development phase of the JPACF project and the Jinan Garden was temporarily placed on hold while a review of the JPACF project was undertaken.

From 23 March to 30 March 2019, a delegation from Joondalup visited Jinan resulting in part in the signing of a new three year cooperation and exchange plan. The renewed three year plan identifies the key projects for delivery over the next three years and includes the progression of the Jinan Garden project.

At its meeting held on 21 May 2019 (CJ066-05/19 refers), Council resolved in part to support the development of the Jinan Garden as a standalone project. Council also resolved to list for consideration \$2.15 million for the planning and development of the Jinan Garden in 2019-20 and 2020-21 of the City's *Five Year Capital Works Program*, as follows:

- “3 *SUPPORTS the development of the Jinan Garden, as a significant stand-alone piece of cultural infrastructure, separate from the Joondalup Performing Arts and Cultural Facility;*
- 4 *LISTS FOR CONSIDERATION in the City's Five Year Capital Works Program \$260,000 in 2019-20 and \$1.89 million in 2020-21, for the planning and development of the Jinan Garden and REDUCES the capital expenditure within the 20 Year Strategic Financial Plan for the Joondalup Performing Arts and Cultural Facility by \$2.15 million;*
- 5 *SUPPORTS the proposed location for the Jinan Garden as detailed in Attachment 2 to this Report, subject to further site investigations and approvals as required;*
- 6 *NOTES that the Chief Executive Officer will present further status reports on the Jinan Garden and JPACF projects to the Major Projects and Finance Committee at a later date”.*

At its meeting held on 25 June 2019 (CJ079-06/19 refers), Council received a report providing an overview of the highlights and outcomes of the visit made by the City of Joondalup delegation to Jinan in March 2019. Also at that meeting Council resolved to adopt the *Five Year Capital Works Program*, including the Jinan Garden Project.

On 9 September 2019 the Major Projects and Finance Committee noted a report on the progress on the project, including details on the preparation of project management documentation, liaison with North Metro TAFE and the procurement of a landscape architect consultant.

At its meeting held on 18 February 2020 (C04-02/20 refers), Council received a petition requesting that Council reconsider and rescind their decision to spend \$2.15 million on the Jinan Garden and instead, redeploy the funds for community gardens across the City of Joondalup. A report on the petition will be presented to Council at a later date.

At its meeting held on 9 March 2020 (Item 7 refers), the Major Projects and Finance Committee noted a status report on the Jinan Garden project. The report informed the committee on the actions undertaken on the project to date including ongoing liaison with North Metro TAFE regarding their involvement with the project and engagement of landscape architects Plan E to assist the City with the design and implementation of the garden.

DETAILS

Jinan Garden

In July 2019, following Council's decision to proceed with the Jinan Garden as a stand-alone project and adoption of the *Five Year Capital Works Program* (which includes the Jinan Garden), the City commenced the preparation of a new Jinan Garden project. New project management documentation has been prepared and detailed design and site investigations are progressing.

The City has engaged with North Metro TAFE representatives to discuss partnerships and opportunities for North Metro TAFE staff and students to be involved in the project, including design, implementation and facility management.

Landscape architect consultant Plan E were initially engaged by the City to assist the City with the design and implementation of the garden. Plan E have commenced preliminary tasks including project drawing administration and design review. Plan E have recently been directed to cease work on the project due to the COVID-19 pandemic, until such time as Council has considered the future of the project.

In the City's *Five Year Capital Works Program* there is currently \$260,000 listed for 2019-20 and \$1,890,000 listed for 2020-21. Deferring the project until the 2021-22 financial year would assist the City to reduce spending which could assist in mitigating the financial impacts resulting from the COVID-19 pandemic.

Joondalup Garden in Jinan

The City was recently advised by a community member that the Joondalup Garden in Jinan was temporarily closed. Acting on that information the City made enquiries with the Jinan Foreign Affairs Office regarding the current status of the Joondalup Garden. The response indicated that the land on which the Joondalup Garden was constructed has been rezoned for other uses including commercial buildings, however the garden still exists and is visitable, until such time as the land is redeveloped.

The following is an excerpt from the response from the Jinan Foreign Affairs Office:

“Joondalup Park was built in 2009, as a part of the 7th China (Jinan) International Garden Flower Expo with the help and support of Joondalup. After the Expo, Joondalup Park became a part of Jinan Garden Flower Park to be visited by tourists as a scenic spot. Before, the care and operation of Jinan Garden Flower Park belonged to Jinan Municipal Garden Bureau, and about 3-4 years ago, this Park was transferred to Jinan Urban Construction Group, a state-owned company governed by Jinan Municipal Government for city construction. In 2019, owing to the new city planning, Jinan Garden Flower Park was reorganized and reopen to the public. Parts of Jinan Garden Flower Park was set as a public park open to the citizens for free, and other parts of Jinan Garden Flower Park, including Joondalup Park, was set for other use, including to be built as commercial buildings. Up to now, we can still see and visit Joondalup Park as the new plan for other use has not been operated, only in the process of planning. By now, person in responsible from Jinan Urban Construction Group for new project has not given us confirmed information when they will start the construction of buildings. You may have our words that Joondalup Park will always stay there unless they operate the new plan”.

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	Strong leadership.
Strategic initiative	Foster strategic alliances to deliver key transformational projects and initiatives in partnership with key stakeholders.
Policy	Not applicable.

Risk management considerations

The potential risk factors of deferring the project include:

- potential impacts on the Sister City Relationship with the City of Jinan
- managing community/stakeholder expectations - those supportive of the Jinan Garden may be dissatisfied with deferring the project.

Financial / budget implications

Current financial year impact

Account no.	CW003922.
Budget Item	Jinan Garden Project.
Budget amount	\$260,000
Amount spent to date	\$ 22,745
Proposed cost	\$ 0
Balance	\$237,255

Future financial year impact

Annual operating cost	Annual operating costs will be investigated when the project progresses.
Estimated annual income	Estimated annual income, including potential income from functions and ceremonies, will be investigated when the project progresses.
Capital replacement	Capital replacement costs will be investigated when the project progresses.
20 Year Strategic Financial Plan impact	\$2.15 million.
Impact year	2019-20 and 2020-21.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The Sister City Relationship between the City of Joondalup and the City of Jinan, which includes plans for the construction of the Jinan Garden, has been developed with the intent of achieving positive social / cultural, economic, and environmental exchange opportunities.

The consideration of financial sustainability implications such as potential income streams and environmental implications such as vegetation clearing, plant selection and water use will continue when the project progresses.

Consultation

Community consultation on the business case for the Joondalup Performing Arts and Cultural Facility, which included details and costings for the Jinan Garden, was undertaken over a 42 day period from 16 February to 30 March 2017. The results of the community consultation process were detailed in a report considered by Council at its meeting held on 27 June 2017 (CJ101-06/17 refers).

COMMENT

In view of the prevailing economic circumstances it is proposed the Council defers the project until the 2021-22 financial year. It is proposed a further report will be presented to the Major Projects and Finance Committee toward the end of the 2020-21 financial year with a recommendation on what action should be taken in relation to the project.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ065-05/20 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 4 May 2020.

The original recommendation as presented by City officers to the committee is as follows:

That Council:

- 1 *DEFERS progressing the Jinan Garden project further until the 2021-22 financial year;*
- 2 *NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project.*

The committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *DEFERS progressing the Jinan Garden project further at this time;*
- 2 *NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project;*
- 3 *AGREES the total budget allocated for the Jinan Garden project to be no more than \$250,000 with the balance of the funding being sourced from other third party sources.*

RECOMMENDATION

That Council:

- 1 **DEFERS progressing the Jinan Garden project further at this time;**
- 2 **NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project;**
- 3 **AGREES the total budget allocated for the Jinan Garden project to be no more than \$250,000 with the balance of the funding being sourced from other third party sources.**

CJ066-05/20 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY – PROJECT STATUS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	75577, 101515
ATTACHMENT	Attachment 1 JPACF – 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 deferring the Joondalup Performing Arts and Cultural Facility (JPACF) project.

EXECUTIVE SUMMARY

At its meeting held on 21 May 2019 (CJ066-05/19 refers), Council considered a report on the progress of the JPACF project review. The report included capital and operating cost details and concept design plans for a refined design and Council resolved in part that it:

“1 NOTES the refined concept design and associated capital and operating cost estimates as detailed in this Report and shown in Attachment 1 to Report CJ066-05/19 and ADOPTS this concept design for further progression of the Joondalup Performing Arts and Cultural Facility project, including:

- 1.1 further refinement of capital and operating costs;*
- 1.2 funding opportunity investigations and grant applications;*
- 1.3 further refinement of the concept design;*
- 1.4 preparation of a business case.”*

The City has commenced planning and scoping for a new business case for the project based on the refined concept design however given the current financial impacts resulting from the COVID-19 pandemic, in the interest of financial prudence it is considered timely to defer the project until the 2021-22 financial year.

It is therefore recommended that Council:

- 1 DEFERS progressing the Joondalup Performing Arts and Cultural Facility project until the 2023-24 financial year;*
- 2 NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project.*

BACKGROUND

At its meeting held on 21 May 2019 (CJ066-05/19 refers), Council considered a report on the progress of the JPACF project review. The report included capital and operating cost details and concept design plans for a refined design and resolved in part as follows:

- “1 *NOTES the refined concept design and associated capital and operating cost estimates as detailed in this Report and shown in Attachment 1 to Report CJ066-05/19 and ADOPTS this concept design for further progression of the Joondalup Performing Arts and Cultural Facility project, including:*
- 1.1 *further refinement of capital and operating costs;*
 - 1.2 *funding opportunity investigations and grant applications;*
 - 1.3 *further refinement of the concept design;*
 - 1.4 *preparation of a business case.*
- 2 *NOTES that the Chief Executive Officer will present further status reports on the Jinan Garden and JPACF projects to the Major Projects and Finance Committee at a later date.”*

Due to the extensive history of the JPACF project additional details of the background are contained in Attachment 1 to Report CJ066-05/20.

DETAILS

In line with the resolution of Council at its meeting held on 21 May 2019 (CJ066-05/19 refers), to adopt a refined concept design for the purpose of progressing a new business case for the project, the City has been considering options and preparing a scope of works for the engagement of a suitably qualified consultant to assist with the process.

The City has maintained an enduring commitment to bring the JPACF project to fruition, including significant financial investment. At its meeting held on 21 August 2018 (CJ152-08/18 refers), Council resolved to amend the City's *20 Year Strategic Financial Plan* to postpone the completion date for the project to 2027-28, in lieu of 2022-23. Council also resolved to reduce the City's capital contribution from \$97.4 million to \$30 million.

There is currently \$92,000 requested for the Joondalup Performing Arts and Cultural Facility draft project budget for the 2020-21 financial year. Deferring the project until the 2021-22 financial year would reduce spending which could assist in mitigating the financial impacts resulting from the COVID-19 pandemic. The proposed delay would not impact the City's plans to complete the project by 2027-28.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme *Community Wellbeing.*

Objective	Cultural development.
Strategic initiative	Establish a significant cultural facility with the capacity to attract world-class visual and performing arts events.
Policy	Not applicable.

Risk management considerations

The potential risk factors of deferring the project include:

- protracted time to complete the overall project
- managing community/stakeholder expectations - those supportive of the JPACF may be dissatisfied with deferring the project
- inability to respond effectively to external funding opportunities as they arise, if the design and business case is not being actively progressed and has not been sufficiently refined.

Financial / budget implications

Current financial year impact

Account no.	1-210-C1002.
Budget Item	Joondalup Performing Arts and Cultural Facility.
Budget amount	\$190,479
Amount spent to date	\$ 10,337
Proposed cost	\$ 0
Balance	\$180,142

Future financial year impact

Annual operating cost	Annual operating costs are being investigated as part of the project review process.
Estimated annual income	Estimated annual income are being investigated as part of the project review process.
Capital replacement	Capital replacement costs are being investigated as part of the project review process.
20 Year Strategic Financial Plan impact	\$59.3 million.
Impact year	Completion date 2027-28.

All amounts quoted in this report are exclusive of GST.

Regional significance

It is envisaged that the construction of the JPACF will enhance the City Centre as the major commercial, educational, recreational and arts and cultural centre for the northern corridor of the Perth metropolitan area.

Sustainability implications

Sustainability implications have previously been considered during the design phase of the current JPACF concept plan and were incorporated into the business case for the facility. The consideration of sustainability implications will continue as the project progresses.

Consultation

From the early stages of the project, commencing with a comprehensive youth, audience, venue and performing art organisations survey in 2001, the City has continued to consult widely on the JPACF project.

The following consultation has taken place on the project to date:

- In the initial scoping and planning phases of the project a comprehensive survey of various schools, community groups and professional cultural and performing arts performers and artists was undertaken by the City from 2010-11.
- In the preparation of the 2012 Market Analysis and Feasibility Study, numerous performing arts managers, performing arts venue representatives, arts producers, local cultural organisations and existing, school, convention, sporting and learning facility representatives were consulted.
- During the architectural design competition for the concept design, ratepayers, residents and the broader community were given the opportunity to view the four conceptual design submissions and vote and comment on their preferred design. The City received over 450 votes and numerous comments.
- On an ongoing basis the City has consulted with performing arts facility managers, the Department of Culture and the Arts and the Perth Theatre Trust. The City has also liaised with experts in the performing arts, conferencing, events, exhibitions and education sectors.
- From 2011 to 2015 the JPACF project was overseen by the former JPACF Steering Committee which included Elected Members, external members from the Joondalup Learning Precinct, specialist performing arts and cultural experts and members from community arts groups.
- The City has briefed government and opposition representatives at both state and federal level highlighting the local, regional, social and economic benefit of this proposed facility, with the intention of obtaining financial support.
- Throughout the various phases of the project, consultants specialising in facility operation and management, architecture and social, economic and financial analysis, have been engaged by the City.
- Community Consultation on the business case for the previous \$100 million project, which included the Jinan Garden project, was undertaken over a 42 day period from 16 February 2017 to 30 March 2017. The results of community consultation process were detailed in a report considered by Council at its meeting held on 27 June 2017 (CJ101-06/17 refers).

Further community and stakeholder engagement will be undertaken at a later stage of the project in accordance with the City's *Community Consultation and Engagement Policy*, as directed by Council.

COMMENT

The City will delay progressing the project until such time Council has decided to defer the project as recommended in this report. In the event Council decide to defer the project until the 2021-22 financial year it is proposed a further report will be presented to the Major Projects and Finance Committee toward the end of the 2021-22 financial year with a recommendation on recommencing the project.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ066-05/20 (as detailed below) was resolved by the Major Projects and Finance Committee at its meeting held on 4 May 2020.

The original recommendation as presented by City officers to the committee is as follows:

That Council:

- 1 *DEFERS progressing the Joondalup Performing Arts and Cultural Facility project until the 2021-22 financial year;*
- 2 *NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project.*

The committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *DEFERS progressing the Joondalup Performing Arts and Cultural Facility project until the 2023-24 financial year;*
- 2 *NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project.*

RECOMMENDATION

That Council:

- 1 **DEFERS progressing the Joondalup Performing Arts and Cultural Facility project until the 2023-24 financial year;**
- 2 **NOTES that a further report will be presented to the Major Projects and Finance Committee prior to recommencing work on the project.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf200512.pdf](#)

REPORTS – POLICY COMMITTEE – 11 MAY 2020

CJ067-05/20 ATTENDANCE AT EVENTS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	108509, 101515
ATTACHMENT	Attachment 1 Draft Attendance at Events Policy.
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt a new *Attendance at Events Policy*.

EXECUTIVE SUMMARY

On 20 October 2019 the *Local Government Legislation Amendment Act 2019* came into operation that introduced a range of amendments to the *Local Government Act 1995*. Several of these amendments related to introducing a new gifts framework for elected members and the Chief Executive Officer.

Due to these changes, local governments must also prepare and adopt a policy that relates to the attendance of elected members and Chief Executive Officers at events such as concerts, conferences and functions. The policy must address the provision of tickets to events; payments in respect of attendance and approval of attendance by the local government; and the criteria for approval.

In view of this, a new *Attendance at Events Policy* has been developed to address the new legislative requirements which also extends to the City's employees, not just elected members and the Chief Executive Officer.

It is therefore recommended that Council ADOPTS the Attendance at Events Policy, as detailed in Attachment 1 to Report CJ067-05/20 subject to:

- 1 including definitions for "Chief Executive Officer" and "City" in clause 2;
- 2 removing the numbering for sub-clause 4.1;
- 3 deleting "WA" from the reference "Local Government Professionals WA" in clause 4;
- 4 improving the formatting of the policy in terms of numbering bullet points with roman numerals;

- 5 *including the words “Subject to the approval of the Chief Executive Officer” at the commencement of clause 8.3;*
- 6 *including the words “whereby an Elected Member or employee uses their own vehicle on official business” after “City” in clause 9.2;*
- 7 *replacing the words “clause 54 of the Public Services Officers Award 1992” with “clause 29 of the Local Government Officers (Western Australian) Interim Award 2011, and subject to the approval of the Chief Executive Officer” in clause 9.3.*

BACKGROUND

In 2017 the State Government announced a review of the *Local Government Act 1995* (the Act) which is the first significant reform of local government conducted in more than two decades. The objective of the review, conducted in phases, is for Western Australia to have a new, modern Act that empowers local governments to better deliver for their communities.

As a result of the consultation undertaken as part of phase one of the review, the *Local Government Legislation Amendment Act 2019* came into operation on 20 October 2019 that introduced a range of amendments to the *Local Government Act 1995*. Several of these amendments related to introducing a new gifts framework for elected members and the Chief Executive Officer, as well as the need for local governments to develop an attendance at events policy.

Given the important role elected members and many local government employees as decision makers in positions of power, the new framework is purported to reflect the community's expectations that decision makers in local government are free from improper influence. This new framework has introduced new gift disclosure requirements for elected members and Chief Executive Officers, both generally and at meetings, as well as the need for local governments to prepare and adopt a policy that relates to the attendance on elected members and Chief Executive Officer at events, such as concerts, conferences and functions.

The new section 5.90A of the Act that relates to the need for a policy is detailed as follows:

“5.90A. Policy for attendance at events

(1) *In this section —*

event *includes the following —*

- (a) *a concert;*
- (b) *a conference;*
- (c) *a function;*
- (d) *a sporting event;*
- (e) *an occasion of a kind prescribed for the purposes of this definition.*

(2) *A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*

- (a) *the provision of tickets to events; and*
- (b) *payments in respect of attendance; and*
- (c) *approval of attendance by the local government and criteria for approval; and*
- (d) *any prescribed matter.*

** Absolute majority required.*

(3) *A local government may amend* the policy.*

** Absolute majority required.*

(4) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

(5) *The CEO must publish an up-to-date version of the policy on the local government's official website."*

In the main, a gift or ticket to, or that otherwise relates to a person's attendance at, an event that is in accordance with the policy will be exempt from the new conflict of interest provisions at meetings, that have also been introduced. As per the new requirements of the Act the Elected Member (or Chief Executive Officer) who accepts a ticket under the new policy will not be required to disclose the interest at a meeting where the donor has a matter before Council and will be able to participate in the decision-making process (or the provision of advice to Council for the Chief Executive Officer).

As the new legislative provisions have introduced a mandatory requirement for local governments to adopt a policy, a new policy has been developed for Council's consideration.

DETAILS

The new requirements within the Act state that the policy must deal with matters relating to the attendance of elected members and the Chief Executive Officer at events, including:

- (a) the provision of tickets to events
- (b) payments in respect of attendance
- (c) approval of attendance by the local government and criteria for approval
- (d) any prescribed matter (currently none are stipulated in the *Local Government (Administration) Regulations 1996*).

In view of this the policy could include matters such as:

- who invitations are to be directed to
- who authorises attendance at an event, including how the decision is made for an elected member or Chief Executive Officer to attend an event
- how many people are authorised to attend an event
- who is responsible for the cost of attending (if any), including whether there is a requirement for the elected member or Chief Executive Officer to contribute to the cost, particularly if the person's partner is attending
- whether there are any pre-authorised events
- whether the location of the event is within the district
- attendance at sponsored events
- attendance at events that are outside the policy.

In a legislative sense, the acceptance of a ticket to an event could be considered a 'gift' as per the definition under the Act. However, one of the difficulties presented to local governments is the highly legalistic definition of a "gift" under the Act, and the way that it applies to elected members and employees in terms of disclosure requirements and the application of the requirements under the new policy. As per section 5.57 of the Act, a gift is defined in the following way:

“gift means:

- (a) *a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money’s worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or*
- (b) *a travel contribution.”*

In essence a ‘gift’, has three components:

- 1 Any disposition of property, or the conferral of any other financial benefit.
- 2 Made by one person in favour of another.
- 3 Without ‘adequate’ consideration passing from the recipient to the donor.

In the definition of ‘gift’, while the first two components above are relatively easy to determine, the third component of consideration is an important and crucial concept in terms of whether something is a gift or not. In plain terms consideration is ‘something of value’ to a person.

With any gift therefore it is necessary to assess:

- 1 the value of the gift received by the Elected Member or employee
- 2 the value of any consideration, if any, passing from that Elected Member or employee to the person (or organisation) providing the gift.

There are often significant practical difficulties in determining each of those two values. However, if the value of the second outweighs the value of the first, it is not deemed a gift. This is an important concept in terms of where an elected member accepts a ticket and is performing their role at an event as a community representative (such as where they may network and liaise with community individuals / groups within the district). Clarification within the policy has been attempted in circumstances where the attendance at an event by an Elected Member would be seen to be in the fulfilment of their role as an Elected Member.

In view of this, the draft *Attendance at Events Policy* (detailed as Attachment 1) has been developed to account the above matters and those requirements under the Act, the details and reasoning behind its structure is as follows:

Application

Although the legislation prescribes the policy only relates to elected members and the Chief Executive Officer, the draft policy will also apply to all employees at the City. Tickets to events are offered across the organisation in a range of circumstances and therefore, any provisions that are required of elected members and the Chief Executive Officer, should also apply to employees.

Definitions

To aid in the understanding of the policy, a list of definitions has been included which draws on the legislative definitions of both an ‘event’ (as provided by in section 5.90A of the Act) and ‘gift’ (as provided by section 5.57 of the Act). As stated above, it is important to recognise that a ticket to an event may be considered a ‘gift’ for the purposes of the legislation and the City’s *Code of Conduct* and therefore gift disclosure requirements, or indeed restrictions for employees, may apply.

In the absence of a legislated definition, the policy has also defined a 'ticket' to include an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party. It is generally felt that these situations would constitute a ticket for the purposes and intent of the legislation.

Statement

The statement introduces some background information to aid in the understanding of the policy, but in the main reflects that the policy has been created to comply with the requirements of section 5.90A of the Act.

Pre-approved events

Section 5.90A of the Act requires the policy to include the approval of attendance at an event and the criteria for that approval. Instead of requiring approval to attend an event under every circumstance that is likely to occur throughout the City, the policy has been drafted to include a range or pre-approved events in which an Elected Member, Chief Executive Officer, or employee can attend automatically.

Firstly, it is recommended attendance is automatically approved where the person has an official role or acting in an official capacity, such as:

- performing a speaking role or some other welcoming role
- participating as a member of a discussion panel or judging panel
- presenting at the event as part of the event program
- representing the City of Joondalup at a sponsorship acknowledgement event or award ceremony, where the primary purpose of attendance is not for the entertainment of the individual Elected Member or employee, but enable the City to fulfil its role, and exercise its rights and benefits, as a sponsor
- presenting awards or prizes to others on behalf of the City
- attending an exhibition or display where the City, its programs or services are being showcased at the event.

In such situations, it is likely the role performed by the person could be deemed as being fully adequate consideration against the value of the ticket offered, and therefore would not be deemed a gift for the purposes of the legislation or the City's *Code of Conduct*. However, the person would still need to make such an assessment to ensure compliance with the gift disclosure requirements or seek further advice from the City's administration.

There are also a range of third parties that have significant interest in the role of local governments or the City's activities specifically, and it is therefore suggested that tickets offered by the following third parties be considered as pre-approved events also:

- The Western Australian Local Government Association.
- The Australian Local Government Association.
- Local Government Professionals WA.
- A department of the Public Service.
- A government department of another State, a Territory or Commonwealth.
- A State or Federal Member of Parliament, other than for party political events or fundraisers.
- A local government or regional local government.
- Major professional or industry association(s) relevant to local government activities.
- A stakeholder partner of the City.
- A civic / cultural / community organisation within the City of Joondalup.

- Educational institutions.
- A not-for profit organisation.

Non-approved events

It is recommended the above “pre-approved events”, only relate to those events being held within the Perth Metropolitan area under those circumstances, as it is likely, more often than not, that events may be held outside of the City’s boundaries.

The Perth Metropolitan area has also been suggested as an automatic right as any events outside this area may require additional costs associated with attendance, such as accommodation or other travel expenses, and therefore some level of approval should be required in such instances.

In this regard, it is suggested where a ticket to an event is not a pre-approved event, approval from the Chief Executive Officer (or the Mayor for the Chief Executive Officer) is required based on a set of criteria, such as:

- (a) who is providing the ticket to the event (the organiser of the event, or a third party)
- (b) the location of the event in relation to the City’s district
- (c) the role of the Elected Member or employee when attending the event (i.e. presenter, participant or observer)
- (d) whether the event is sponsored by the City
- (e) the Elected Member’s or employee’s justification of the benefit to the City and the City’s community through the attendance at the event
- (f) how many people should be authorised to attend the event
- (g) any costs associated in attending the event
- (h) whether advice following the attendance at the event is required.

To support transparency and accountability, it is also recommended advice on the outcomes of the attendance be provided to the Chief Executive Officer, when deemed necessary. Such advice may include:

- the nature of the event
- the stated benefits to the City or the Joondalup community in attending the event
- what the elected member or employee observed by attending the event
- any networking links that were made or stakeholder interactions
- how attendance benefited the elected member’s or employee’s role at the City generally.

Such reporting was a recommendation with the 2015 Public Sector Commission’s investigation into the gifts and hospitality benefits at Healthways, and the City should consider such recommendations in drafting its governance approach towards the acceptance of tickets to events.

Free tickets to the City for events

Although not a common occurrence, the City itself may receive tickets from third parties to attend events. It is suggested that such situations be included in the policy with the provision that the Chief Executive Officer will distribute such tickets as he / she thinks fit and if attendance is deemed to satisfy the approval criteria detailed within the policy. Distribution could also include to the community as part of giveaways or prize draws the City may undertake from time to time.

One of the major difficulties in terms of such tickets being supplied to the City and then passed on to an Elected Member, is that a local government is prohibited, under section 5.100A of the Act, from giving to an Elected Member any gift (of any value), unless in the prescribed circumstances set out in regulations 34AC of the *Local Government (Administration) Regulations 1996* (that is on the occasion of an Elected Member's retirement).

However if an Elected Member is allocated a ticket on the basis that attendance would enable the Elected Member to perform their role as a community representative and to network and liaise with community individuals / groups within the district, it is likely and reasonable to conclude that fully adequate consideration would pass from the Elected Member to the City (which gave the ticket to the Elected Member) and would not be considered a gift for the purposes of the legislation, and therefore would not result in a legislative breach occurring.

Internal procedural matters have been implemented to ensure that where tickets are given to the City and then passed onto elected members, it is only done in the circumstances that attendance of the Elected Member would facilitate them in perform their role as a community representative.

Complimentary tickets and benefits under sponsorship agreements

There are a number of long-standing agreements the City has entered into with third parties, such as the West Perth Football Club, the Joondalup Wolves Basketball Association, the Mullaloo Surf Lifesaving Club and the Sorrento Surf Lifesaving Club where each organisation receives a financial contribution from the City in return for a range of benefits. The benefits to the City include, but are not limited to:

- invitations to sponsor recognition events and corporate functions (such as annual dinners)
- exclusive use of a dedicated corporate box during home games
- complimentary tickets to home games to be used by the City for community prizes and give-aways.

The benefits listed above are generally supplied to the City or specifically identified to a person (such as the Mayor), in which the Chief Executive Officer in turn allocates those tickets or benefits to elected members or another employee(s). In most instances the attending person is not required to perform any formal function while attending the event, although they may engage in networking activities with other attendees or invited guests. In some instances where the Mayor is invited to attend sponsor recognition events and club annual dinners, they may be required to present awards or other forms of recognition.

It may be argued that when an Elected Member or employee attends club events or functions they may in fact be contributing 'consideration' by their efforts (such as giving a speech or presenting awards). In this instance such invitations may no longer be considered a gift if full consideration has passed between the Elected Member (or employee) and the third party (that is the value put on their efforts outweighs the total cost of the ticket and benefits). However, the same situation may not apply to an Elected Member or employee attending an event which may or may not have some quantifiable value of consideration. If full consideration does not pass between the recipient (being an elected member or employee) and the donor (the sponsored organisation) its value would be considered a gift.

Due to the complexity around the gift provisions and the definition of a gift under the Act, legal advice has previously suggested there are strong policy grounds to support the approach of confining the City's future sponsorship agreements to financial and in-kind sponsorship, and in return publicity, branding or acknowledgement of the City's sponsorship, by the sponsored organisation.

However such advice also concluded that there is no legal prohibition against a sponsorship agreement providing benefits to be given by the sponsored organisation to individual elected members or employees (either directly or through the City) and that arrangements should be put in place by the City to enable the Mayor, and also councillors and employees, to attend functions and events of the sponsored organisation where the purpose, or at least the primary purpose, of attendance is not for the entertainment of the individual Elected Member or employee, but to enable the City to fulfil its role, and exercise its rights and benefits, as a sponsor.

In view of this the policy suggests where a complimentary ticket or benefit is provided under a current sponsorship agreement or arrangement, the management and allocation of the ticket or benefit (unless expressly stated) shall be determined by the Chief Executive Officer. The provision also clarifies that the allocation of tickets or benefits to an Elected Member is on the basis that attendance would enable the Elected Member to perform their role as a community representative. This again reiterates that the City, cannot give a gift to an Elected Member, under section 5.100A of the Act, unless fully adequate consideration by the Elected Member passes from the Elected Member to the City (or a third party) and therefore not considered a gift.

Costs for tickets

It is recommended in the policy where there is a cost associated with a ticket, then the costs be either paid or reimbursed to the Elected Member or employees. Reimbursements for elected members would utilise the provisions within the *Elected Members' Entitlements Policy* whereas adequate funding within the City's annual budget would be required for employees.

There may be other events that arise that in the Chief Executive Officer's opinion, it is in the interests of the City for one or more elected members or employees to attend a non-approved event at a cost, in order to assess and understand any possible impacts on the Joondalup community or the City's business activities. Such situations may include attending acts or performances to assess the suitability for inclusion in the City's cultural program of events.

In this regard it is suggested in the Chief Executive Officer's opinion that attendance is of benefit to the City and the Joondalup community, the City pay the full price for a ticket for an Elected Member(s) or employee(s) to attend.

Travel and accommodation costs

As per the City's *Elected Members' Entitlements Policy* and the City's internal protocols for employees, reasonable travel and accommodation costs will be paid by the City when attending conferences and training events. In this regard the policy reflects travel costs (that is mileage) will be paid in accordance with the levels set within the *Local Government (Western Australia) Interim Award 2011* and a per the *Elected Members' Entitlements Policy* and internal protocols.

It is also recommended that the City consider the payment of any accommodation costs (and travel expenses) where the event occurs outside of the Perth Metropolitan area. Any costs will only be reimbursed on the provision of documentary evidence in the form of tax invoices or receipts.

Exemptions

One of the complexities associated with the new provisions introduced in the Act, is that the definition of an “event” includes conferences. Elected Members and employees are entitled to attend conferences and training events to further their professional development and provisions are already in place under the *Elected Members’ Entitlements Policy* and internal protocols for employees. It is therefore suggested the policy provisions be excluded to apply to conferences and training events that are covered under other approved documents of the City.

It is also recommended that the policy does not apply where an Elected Member or employee is the City’s representative on a board or external organisation where the Elected Member or employee is required to attend an event for the purposes of fulfilling their role on the board or external organisation.

Disclosure requirements relating to tickets

In accordance with the section 5.62(1B) of the Act attendance at an event in accordance with this policy will exclude the Elected Member from the requirement to disclose an interest when the donor of the ticket has a matter before Council (or a committee). However elected members and employees still have gift disclosure requirements under the Act and *Code of Conduct* respectively.

In view of this, the policy reflects even though elected members are exempt from disclosing interests relating to gifts at meetings, elected members and employees still have gift disclosure requirements under sections 5.87A – 5.87C of the Act (for elected members and the Chief Executive Officer) and the City’s *Code of Conduct* (for employees). Disclosure needs to be made to the Chief Executive Officer (or Mayor if it is the Chief Executive Officer) within 10 days of receiving the ticket (which is deemed a gift), and certain information is to be disclosed.

To add further complications for the policy, City employees are currently restricted in accepting gifts of a certain value under the City’s *Code of Conduct*. In this regard employees must also adhere to the *Code of Conduct* provisions in relation to the acceptance of tickets, that could be deemed a gift, and a provision along these lines has been included in the policy. Due to the recent changes to the Act, the notifiable and prohibited gift limits that used to apply to elected members under the *Local Government (Rules of Conduct) Regulations 2007* have been removed, and therefore no longer apply, meaning elected members are no longer restricted by any gift limits.

Reporting

Under the Act and the *Code of Conduct*, gifts are to be recorded in a number of registers that are maintained by the City. Where a ticket is deemed a gift it must be recorded in one of these registers and the policy reflects this requirement.

The policy also touches on the legislative provision that attendance at an event in accordance with this policy will exclude the Elected Member from the requirement to disclose an interest when the donor of the ticket has a matter before Council (or a committee).

Issues and options considered

Council can either:

- adopt the new *Attendance at Events Policy* as presented
- adopt the new *Attendance at Events Policy* with further amendments
or
- not adopt the new *Attendance at Events Policy*.

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

Local Government Act 1995.
Local Government (Rules of Conduct) Regulations 2007.
Local Government (Administration) Regulations 1996.
City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members.

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Maintain a highly skilled and effective workforce.

Policy

Elected Members' Entitlements Policy.

Risk management considerations

All Western Australian local governments are required to adopt a policy around the attendance of elected members and the Chief Executive Officer at events. Failure for the City to adopt a policy would put the City in breach of its legislative obligations.

Financial/budget implications

There are no financial implications associated with the adoption of a new policy.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Due to the nature of a local government's business, elected members and employees deal regularly with third parties and from time to time may be offered tickets to attend events. The City acknowledges the acceptance of tickets, and therefore attendance at events, can provide opportunity to work and network with stakeholders to legitimately further the interests of the City or the Joondalup community.

To ensure the City is carrying out its functions impartially, elected members and employees must be able to demonstrate they are not improperly influenced by third parties through the acceptance of tickets to events. It is therefore important for the City to manage any real or perceived conflicts of interest in terms of decision-making undertaken by elected members (when meeting as a Council) or employees, when tickets are accepted and used.

The policy provides a framework for the acceptance of tickets to events by elected members and employees and to actively consider the purpose of, and benefits to, the community in attending. It also details what disclosure requirements are needed when attending events by elected members and employees and a range of other governance arrangements when attending events.

It is clear one objective of the new legislative requirements for a local government to have an attendance at events policy, is to ensure that there is greater transparency related to events attended by elected members and the Chief Executive Officer, including the approval process for attendance at those events. Another clear objective is to enable elected members and the Chief Executive Officer to participate in Council decision-making processes where their participation would, or might, otherwise be prohibited or restricted as a result of attending an event in respect of they would be taken to have received a 'gift' (such as the value of any ticket to attend and the value of any hospitality provided at the event).

Notwithstanding, the new gift framework under the Act is indeed complex, and to some extent more burdensome and more difficult to administer than what was previously in place. Notwithstanding the new policy developed for Council's consideration attempts to balance the requirements of the legislation and the proper and orderly function of the City and the various components within it.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ067-05/20 (as detailed below) was resolved by the Policy Committee at its meeting held on 11 May 2020.

The original recommendation as presented by City officers to the committee is as follows:

That Council BY AN ABSOLUTE MAJORITY ADOPTS the Attendance at Events Policy as detailed in Attachment 1 to this Report.

The committee's subsequent recommendation to Council is as follows (changes identified):

That Council BY AN ABSOLUTE MAJORITY ADOPTS the Attendance at Events Policy as detailed in Attachment 1 to this Report, subject to:

- 1 including definitions for "Chief Executive Officer" and "City" in clause 2;
- 2 removing the numbering for sub-clause 4.1;
- 3 deleting "WA" from the reference "Local Government Professionals WA" in clause 4;
- 4 improving the formatting of the policy in terms of numbering bullet points with roman numerals;
- 5 including the words "Subject to the approval of the Chief Executive Officer" at the commencement of clause 8.3;
- 6 including the words "whereby an Elected Member or employee uses their own vehicle on official business" after "City" in clause 9.2;
- 7 replacing the words "clause 54 of the Public Services Officers Award 1992" with "clause 29 of the Local Government Officers (Western Australian) Interim Award 2011, and subject to the approval of the Chief Executive Officer" in clause 9.3.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY ADOPTS the Attendance at Events Policy as detailed in Attachment 1 to Report CJ067-05/20, subject to:

- 1 including definitions for "Chief Executive Officer" and "City" in clause 2;**
- 2 removing the numbering for sub-clause 4.1;**
- 3 deleting "WA" from the reference "Local Government Professionals WA" in clause 4;**
- 4 improving the formatting of the policy in terms of numbering bullet points with roman numerals;**
- 5 including the words "Subject to the approval of the Chief Executive Officer" at the commencement of clause 8.3;**
- 6 including the words "whereby an Elected Member or employee uses their own vehicle on official business" after "City" in clause 9.2;**
- 7 replacing the words "clause 54 of the Public Services Officers Award 1992" with "clause 29 of the Local Government Officers (Western Australian) Interim Award 2011, and subject to the approval of the Chief Executive Officer" in clause 9.3.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn200519.pdf](#)

CJ068-05/20 ELECTED MEMBERS COMMUNICATIONS POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	101262, 101515
ATTACHMENT	Attachment 1 Revised <i>Elected Members Communications Policy.</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt a revised *Elected Members Communications Policy*.

EXECUTIVE SUMMARY

The *Elected Members Communications Policy* (the policy) provides guidance around the appropriate communication systems by Elected Members while performing their role at the City. The policy was last reviewed by Council at its meeting held on 20 March 2012 (Item CJ032-03/12 refers) as part of the City's broader review of its policy framework and manual.

At the Policy Committee meeting held on 24 February 2020 a request for a report was made regarding the policy provisions in place in relation to "ward surgeries". The term "ward surgery" is a historical term used and generally refers to ward meetings that are held externally by elected members throughout the community.

In view of this request, changes are suggested to the policy to better refer the level of communication activity that may be befitting the needs of elected members in meeting with constituents through the community.

It is therefore recommended that Council ADOPTS the revised Elected Members Communications Policy, as detailed in Attachment 1 to Report CJ068-05/20.

BACKGROUND

As part of an overall review of the City's policy framework following the period of Joint Commissioners, the City's inaugural *Communications Policy* was adopted by Council at its meeting held on 11 October 2005 (Item CJ206-10/05 refers). At that time the policy detailed:

- the Chief Executive Officer as determining the styles, formats, protocols and processes for all written communications received by the City
- the Chief Executive Officer being responsible for determining the content and presentation of the City's website

- the principles of Elected Member communication and the statutory requirements that relate to the same
- how Elected Members are to interact with the media
- how correspondence of the Mayor and Councillors is to be treated
- electronic correspondence for Elected Members and the use of information technology supplied by the City
- access to information held by the City.

The policy has been reviewed over time and was last reviewed by Council at its meeting held on 20 March 2012 (Item CJ032-03/12 refers) as part of the City's broader review of its policy framework and manual. The review included incorporating Elected Member communication matters detailed in other policies into one succinct policy, as well as some other minor amendments.

At the Policy Committee meeting held on 24 February 2020 a request for a report was made regarding the policy provisions in place in relation to "ward surgeries". The term "ward surgery" is a historical term used and generally refers to external ward meetings that are held externally by elected members throughout the community. In the main, the policy provides for matters allowing elected members to meet with electors and residents in their Ward, and the various administrative arrangements that are in place to facilitate such meetings.

DETAILS

In view of the request made at the Policy Committee meeting held on 24 February 2020, amendments are suggested to section 3.6 of the policy. In the main the changes include the following:

- Rewording the section from "Elected Member Availability" to "Ward Meetings" to better reflect an understanding of the provisions within the section.
- Provide that three external Ward meetings are available per Ward each financial year, for the respective Ward Councillors and the Mayor to meet with members of the public in that Ward. This would allow a fair opportunity for the Mayor and each Ward Councillor to select a time and meeting place that may be conducive to the desires of each respective Elected Member. The current policy provision currently allows six in total, being one for each Ward.
- Remove the need for budget provisions for local newspaper advertisements and reflect such meetings will be communicated through the City's relevant social media platform, website and *Joondalup Voice* insert. Such changes will minimise operational costs for the placement of advertising, which is currently around \$350 per *Joondalup Times* advert. Notwithstanding effective communication will still occur, considering the City currently has over 38,500 followers on its Facebook site and targeted / boosted Facebook feeds can be accommodated for a fraction of the cost of traditional advertising mediums.
- In view of the intent within the City's *Elections Caretaker Policy*, highlight ward meetings will not be arranged within three months of a local government election day. This will minimise any criticism or perception that elected members may be using City resources for election purposes.

The revised policy is detailed in Attachment 1 to Report CJ068-05/20.

Issues and options considered

Council can either:

- adopt the revised *Elected Members Communications Policy* as presented
- adopt the revised *Elected Members Communications Policy* with further amendments or
- not adopt the revised *Elected Members Communications Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.
Local Government (Rules of Conduct) Regulations 2007.
State Records Act 2000.
Freedom of Information Act 1992.
City of Joondalup Code of Conduct for Employees, Elected Members and Committee Members.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Effective Representation.

Strategic initiative

Ensure the elected body has a comprehensive understanding of its roles and responsibilities.

Policy

Elected Members Communications Policy.
Records Management Policy.
Elections Caretaker Policy.

Risk management considerations

Should effective and detailed communication arrangements not be specified for elected members, there could be risk associated with elected members contravening legislative provisions around their conduct.

Financial/budget implications

There are no financial implications associated with the adoption of the revised policy. Any costs associated with the new ward meeting arrangements can be accommodated in existing operational budgets.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Members of the public are not prevented from interacting with the City's administration, elected members, or the Council (through the public interaction mechanisms afforded to them at Briefing Sessions and Council meetings) should they have concern with a particular issue or activity of the local government. Local governments continually engage with their communities through various consultation and engagement processes where members of the community can also have their opinions and views heard. This level of public access is somewhat not afforded to the community in other spheres of government as local government is often referred to the 'closest to the community'.

Notwithstanding any additional activities that assist with elected members engaging with the community, should be supported and in terms of an Elected Member performing their legislative role – that is representing the interests of electors, ratepayers and residents for the City's district.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ068-05/20 (as detailed below) was resolved by the Policy Committee at its meeting held on 11 May 2020.

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

RECOMMENDATION

That Council ADOPTS the revised *Elected Members Communications Policy* as detailed in Attachment 1 to Report CJ068-05/20.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15agn200519.pdf](#)

CJ069-05/20 DRAFT REVISED ALFRESCO ACTIVITIES LOCAL PLANNING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	03360, 101515
ATTACHMENTS	Attachment 1 Current <i>Alfresco Activities</i> Policy Attachment 2 Revised <i>Alfresco Activities Local Planning Policy</i> Attachment 3 Draft <i>Alfresco Activities Self-Assessment Checklist</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider a draft revised *Alfresco Activities Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 12 December 2017 (CJ96-12/17 refers), Council requested that the City investigates opportunities to stimulate and encourage employment in the hospitality and tourism sectors within the City of Joondalup. Subsequently, a report was presented to Council on 16 October 2018 (CJ170-10/18 refers), which proposed certain measures to expand on the initiatives the City is currently undertaking to stimulate tourism ventures. One of these measures included the possibility of changing the regulations and licensing arrangements applicable to alfresco activities to encourage this form of development.

Currently, development (planning) approval is required for all alfresco activities and this approval must be renewed every three years. In accordance with Council's resolution, the City's current *Alfresco Activities Policy* (Attachment 1 refers) has been reviewed to:

- simplify and streamline the approval process for businesses seeking to operate alfresco activities within the City of Joondalup
- provide greater flexibility in the way alfresco activity can be conducted
- exempt alfresco activities that comply with specific policy provisions, from the need to obtain planning approval.

In addition to a planning approval, alfresco operators also need to obtain an outdoor eating permit, which is governed by the *Local Government and Public Property Local Law 2014*. Currently, both the planning approval and outdoor eating permit need to be approved by the City (and conditions of approval met) prior to commencing the alfresco activities.

Under the proposed changes there may be instances where only an outdoor eating permit is needed prior to commencing.

It is recommended that Council supports the draft revised *Alfresco Activities Local Planning Policy* (Attachment 2 refers) for the purposes of consultation for a period of 21 days.

BACKGROUND

Alfresco activities include the consumption of food and/or beverages by the public, generally within the verge area next to an existing food business. Alfresco activities can add vibrancy and contribute to creating a greater sense of place.

Currently, planning approval is required for all alfresco activities in the City of Joondalup, and that approval is required to be renewed every three years. The assessment of planning applications for alfresco activities is undertaken against the City's current *Alfresco Activities Policy*. The policy contains provisions that aim to maintain pedestrian and vehicle safety, whilst allowing businesses to utilise public areas to increase vibrancy and choice for residents and visitors.

The current *Alfresco Activities Policy* includes provisions related to the following:

- Where alfresco areas can be located in the street verge.
- Managing the potential impact on amenity of the streetscape.
- The type of tables and chairs permitted in the alfresco area.
- The location, materials, height and size of shelters and shade structures.
- Hazard management and liability implications.
- Operational implications should access to the land be required by a public authority (such as Water Corporation, Western Power, the City, telecommunication providers).

In addition to the requirement for planning approval, operators also need to obtain an outdoor eating permit under the *Local Government and Public Property Local Law 2014*. Both the planning application and outdoor eating permit need to be approved by the City prior to commencing the alfresco activities.

At its meeting held on 12 December 2017 (CJ96-12/17 refers), Council resolved in part:

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

- 1 *possible changes to alfresco regulation and licensing including allowances for signage and verge / sidewalk alfresco structures to encourage greater alfresco hospitality provision within the City of Joondalup...”*

In response to Council's December 2017 resolution, at its meeting held on 16 October 2018 (CJ170-10/18 refers), Council was presented with a further report, which outlined the tourism and hospitality related initiatives currently being undertaken by the City and a number of additional potential actions and initiatives to encourage economic development and tourism development in the City of Joondalup. One of these options included the review of the *Alfresco Activities Policy* to investigate exempting alfresco operators from the need for planning approval in certain circumstances.

DETAILS

The revisions to the *Alfresco Activities Policy* seek to:

- provide a more streamlined and efficient process for businesses to set up alfresco activities through creating a pathway where planning approval may not be required
- provide more flexibility for businesses setting up alfresco activities to create fit-for-purpose spaces that suit the needs of the operator/business and contribute to the character and vibrancy of an area.

Exemption from planning approval

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), planning approval is not required for works and uses which are specified as being exempt under a local planning policy.

It is recommended that should a proposed alfresco activity comply with the provisions of the revised *Alfresco Activities Local Planning Policy*, the proposal should be exempt from the need for planning approval. This will assist in reducing delays in commencing alfresco activities on site and reduce costs for the applicant/business by not requiring fees for a planning application.

To determine whether planning approval is required, the applicant will be required to complete a simple *Alfresco Activities Self-Assessment Checklist* (Attachment 3 refers) to assess compliance with the *Alfresco Activities Local Planning Policy*. This checklist would need to be submitted with the outdoor eating permit application.

If any non-compliance with the *Alfresco Activities Local Planning Policy* or inaccuracies in the applicant's self-assessment are identified when the outdoor eating permit application is assessed by the City, the City would advise that applicant that planning approval would be required prior to commencing operations. Once in operation, should any breach or non-compliance with the *Alfresco Activities Local Planning Policy* be identified by the City, action would be undertaken to ensure compliance with the policy or require the lodgement of a planning application.

Issues associated with safety and public liability will still be addressed through the outdoor eating permit process to ensure these issues are managed appropriately as outlined in further detail below.

Proposed amendments to the *Alfresco Activities Policy*

The *Alfresco Activities Policy* has been reviewed and a number of amendments are recommended as outlined below.

Duplications and invalid planning considerations

There are a number of requirements under the current *Alfresco Activities Policy* that are either duplications of environmental health requirements and/or are not valid considerations under the planning framework. These include provisions relating to legal liability of operators, the cleanliness/condition of tables and chairs, as well as safety concerns and hazard management issues. The majority, if not all, of these requirements are covered under, and more appropriately controlled by separate legislation, mainly the City's *Local Government and Public Property Local Law 2014* and dealt with through the outdoor eating permit process. It is therefore recommended that these provisions be removed from the revised *Alfresco Activities Policy*.

Planter boxes

Under the current *Alfresco Activities Policy*, planter boxes are required to be supplied and installed by the City in the approved alfresco areas. This was considered appropriate as part of the *Alfresco Activities Policy* review in October 2009 as a means to provide a level of cohesion and consistency in the appearance of alfresco dining areas. It was intended that the planter boxes would be provided by the City and maintained by the operator; however, due to cost, management and administrative issues, this initiative has never been fully implemented.

It is recommended that the provisions regarding planter boxes are removed to allow operators greater flexibility to determine their own needs in respect to temporary barriers and furniture, consistent with the requirements of the revised *Alfresco Activities Local Planning Policy*. It should be noted that the revised policy still allows for businesses to include planter boxes in the alfresco area, however these would need to be provided and maintained by the operator.

Furniture and structures

Under the current policy, permanent structures can be considered within the verge subject to a set of specific criteria. Permanent structures can have implications from a maintenance and accessibility perspective for utility/service providers where underground infrastructure is located within the verge. There are also potential implications should any upgrades or maintenance works be required within the verge or the road carriageway.

It is therefore recommended that the revised policy not permit permanent structures 'as-of-right', to avoid any implications associated with these structures. It is important to note, however, that this would not preclude an operator submitting an application for planning approval for the City to consider any permanent works within the verge on a case-by-case basis.

Instead, the revised policy proposes greater flexibility to allow the use of moveable barriers and umbrellas, together with limited signage on those objects (for example, signs advertising the business or goods and services provided by the business), portable tables and chairs and other seating/dining furniture.

Alfresco zones

The current policy includes maximum alfresco zone widths under clause 5.1. For general alfresco locations (Figure 1) the maximum width of any alfresco zone is 2.5 metres. Alfresco activities along Lakeside Drive (Figure 2) are restricted to a maximum width of 4 metres.

It is recommended that these maximum alfresco zone widths are removed, as the size is generally restricted by the width of the verge and the applicable minimum pedestrian and kerbside zones required under the policy. This will provide greater flexibility and ability to provide larger alfresco areas, provided they do not impact on pedestrian and vehicle movement.

Minor modifications

It is recommended that the title of the policy be modified from a 'Council Policy' to a 'Local Planning Policy' consistent with the terminology used under the Regulations. In addition, the Central Walk pedestrian and alfresco zones have been corrected as the minimum width requirements are incorrect under the current policy.

Issues and options considered

Council has the option to either:

- advertise the draft revised *Alfresco Activities Local Planning Policy*, without modifications
- advertise the revised *Alfresco Activities Local Planning Policy*, with modifications or
- not support the advertising of the revised *Alfresco Activities Local Planning Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Metropolitan Region Scheme.
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 Building and landscape is suitable for the immediate environment and reflect community values.

Policy *Alfresco Activities Policy.*

Risk management considerations

Risks associated with exempting development approval for alfresco activities can be reduced by requiring applicants to complete the Alfresco Activities Self-Assessment Checklist, which will be reviewed by the City as part of the outdoor eating permit application process.

Any alleged non-compliance can be investigated and acted upon by the City should a complaint be received for any alfresco activity which does not comply with the relevant provisions of the revised policy.

Financial / budget implications

There will be a minor loss of revenue, should proposed alfresco activities meet the provisions of the revised policy and not require planning approval.

In the 2018-19 financial year, the City received and approved six planning applications for alfresco activities (including both new and renewal applications). The total fees received for these applications was \$882.00 (\$147.00 per application) and represents 0.1% of the revenue the City received that year from planning applications.

In addition to the planning application fee, an annual outdoor eating permit fee of \$338.00 plus \$34 per square metre applies to all alfresco areas. This outdoor eating permit process and associated fee is not proposed to be changed as part of this policy view. This is a standard fee applicable to all alfresco dining operations under the City's *Schedule of Fees and Charges*.

In terms of costs associated with public advertising and notice of any final adoption of the revised policy, the approximate cost of this process will be \$1,000.

Regional significance

Not applicable.

Sustainability implications

The revised policy will allow hospitality businesses to adapt and expand, whilst activating the public realm and providing varied dining experiences for visitors and residents. The additional seating and dining areas within these alfresco areas may also assist in the growth of businesses and subsequent employment opportunities.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or major amendment to a policy to be advertised for public comment for a period of not less than 21 days. The revised policy is proposed to be advertised for 21 days as follows:

- a notice published in the local newspaper
- a letter sent to the Joondalup Business Association
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

If, in the opinion of the City, a local planning policy is inconsistent with any State planning policy, then notice of the proposed policy is to be given to the Western Australian Planning Commission. The revised policy is not considered to be inconsistent with any State planning policy.

COMMENT

The revised *Alfresco Activities Local Planning Policy* aims to provide clarity as to the City's expectations in respect to alfresco activities from a planning perspective, whilst providing greater flexibility for businesses. It is recommended that Council advertise the revised *Alfresco Activities Local Planning Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ069-05/20 (as detailed below) was resolved by the Policy Committee at its meeting held on 11 May 2020.

The original recommendation as presented by City officers to the committee is as follows:

That Council, in accordance with clauses 3 and 4 of schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PREPARES and ADVERTISES the revised Alfresco Activities Local Planning Policy, as shown in Attachment 2 to this Report, for a period of 21 days.

The committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *in accordance with clauses 3 and 4 of schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, PREPARES and ADVERTISES the revised Alfresco Activities Local Planning Policy, as shown in Attachment 2 to this Report, for a period of 21 days;*
- 2 *AGREES business operators needing to commence or expand alfresco activity in response to the State Government's restriction on maximum patron numbers (20) and social distancing requirements for patrons, will be able to conduct such activities on the basis they are considered a temporary use as per clause 61(1)(f) of schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 until the State Government's restrictions are lifted and the alfresco activity is no longer required, or until the revised Alfresco Activities Local Planning Policy is finalised;*
- 3 *AGREES the temporary alfresco activity detailed in part 2 above, will need to adhere to the draft Alfresco Activities checklist at Attachment 3 to this Report.*

RECOMMENDATION

That Council:

- 1 **in accordance with clauses 3 and 4 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015, PREPARES and ADVERTISES* the revised *Alfresco Activities Local Planning Policy*, as shown in Attachment 2 to Report CJ069-05/20, for a period of 21 days;**
- 2 **AGREES business operators needing to commence or expand alfresco activity in response to the State Government's restriction on maximum patron numbers (20) and social distancing requirements for patrons, will be able to conduct such activities on the basis they are considered a temporary use as per clause 61(1)(f) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* until the State Government's restrictions are lifted and the alfresco activity is no longer required, or until the revised *Alfresco Activities Local Planning Policy* is finalised;**
- 3 **AGREES the temporary alfresco activity detailed in part 2 above, will need to adhere to the draft Alfresco Activities checklist at Attachment 3 to Report CJ069-05/20.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn200519.pdf](#)

CJ070-05/20 AMENDMENT TO PURCHASING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09763, 101515
ATTACHMENT	Attachment 1 <i>Purchasing Policy - Amended</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider and adopt the proposed amendments to the City's *Purchasing Policy*.

EXECUTIVE SUMMARY

The City's *Purchasing Policy* has been reviewed in light of legislative changes to the *Local Government (Functions and General) Regulations 1996* that took effect from 9 April 2020. These changes formed part of a larger suite of legislative amendments promulgated by the State Government in response to the challenge of the COVID-19 pandemic.

The primary legislative change affecting the *Purchasing Policy* is the raising of the tender threshold to \$250,000.

It is recommended that Council ADOPTS the revised Purchasing Policy forming Attachment 1 to Report CJ070-05/20.

BACKGROUND

On 9 April 2020, the State Government gazetted a number of legislative amendments that impacted on local governments. Among a number of changes made to the *Local Government Act 1995* and attendant regulations, a change was effected to the *Local Government (Functions and General) Regulations 1996* that raised the threshold for public tenders to be invited.

The amendments to the *Purchasing Policy* give effect to this change and also a minor correction to an existing protocol title referenced in the policy.

DETAILS

The *Local Government (Functions and General) Regulations 1996* (the Regulations) were amended on 9 April 2020 as part of wider legislative changes effected by the State Government in response to the crises arising from the COVID-19 pandemic.

Regulation 11(1) of the Regulations has been amended by raising the threshold at which a local government is required to invite public tenders before entering into goods or services contracts to \$250,000 (previously \$150,000).

Regulation 11(1) now states:

“Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000 unless subregulation (2) states otherwise.”

This brings the tender threshold for WA local governments into line with State Government departments and agencies and better facilitates local government ability to undertake procurement in response to the challenges expected to be produced by the COVID-19 pandemic.

It is therefore proposed to amend the City's *Purchasing Policy* to stipulate the threshold at which the City is required to invite public tenders as \$250,000, in line with the recent change to legislation.

It is also proposed to amend the quotation requirements in the policy for procurement values less than \$250,000 by requiring a minimum of three written quotations with full specifications using quotation documents in accordance with purchasing protocols for expected consideration from \$50,000 to \$250,000 (currently \$50,000 to \$150,000), in line with the proposed increase in the tender threshold within the policy.

It is noted that regulation 11A(1) of the Regulations currently prescribes that a local government is required to adopt a purchasing policy for procurement of goods or services where consideration under a contract is expected to be \$150,000 or less.

This regulation has not been amended to reflect the change regulation 11A(1). It is expected that this may have occurred by the time this report is tabled before the Policy Committee.

The City has received advice from the Department of Local Government, Sport and Cultural Industries that the proposed amendment to the quotation thresholds in the policy can proceed in the meantime.

In addition to the changes arising from the amendment to the Regulations, the City also identified a minor correction to a Purchasing Protocol referred to in the policy, namely the *Purchasing Goods and Services under Panel Contracts*. This should read the *Purchasing Goods and Services under Panels of Pre-Qualified Suppliers*. This title better aligns with references to “panels of pre-qualified suppliers” elsewhere in the policy document.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government (Functions and General) 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 *Purchasing Policy* in line with the revised legislation. While the policy can be retained in its current form without giving effect to the legislative updates, the City will be unable to make use of the increased tender threshold. This may result in reduced operational efficiencies and unnecessary use of resources, particularly in the current environment.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The Department of Local Government, Sport and Cultural Industries was approached for advice regarding amendments to quotation thresholds in the policy ahead of changes to regulation 11A(1) of the *Local Government (Functions and General) Regulations 1996*. The City has been advised that there is no prohibition against the City amending quotation thresholds to accommodate higher tender threshold ahead of any amendments to this Regulation.

COMMENT

The proposed updates to the *Purchasing Policy* are driven primarily by the changes to the *Local Government (Functions and General) Regulations 1996*. The City cannot give effect to these changes without amending the policy accordingly.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to Council for Report CJ070-05/20 (as detailed below) was resolved by the Policy Committee at its meeting held on 11 May 2020.

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

RECOMMENDATION

That Council ADOPTS the amended *Purchasing Policy* forming Attachment 1 to Report CJ070-05/20.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn200519.pdf](#)

URGENT BUSINESS

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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.”*