

minutes

MEETING HELD ON **TUESDAY 13 DECEMBER 2016**

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TABLE OF CONTENTS

ITEM NO.	TITLE	PAGE NO.
	DECLARATION OF OPENING	1
	DECLARATIONS OF INTEREST	2
	PUBLIC QUESTION TIME	4
	PUBLIC STATEMENT TIME	13
	APOLOGIES AND LEAVE OF ABSENCE	13
C73-12/16	REQUEST FOR LEAVE OF ABSENCE – CRS MIKE NORMAN AND RUSS FISHWICK, JP- [105628]	15
	CONFIRMATION OF MINUTES	15
C74-12/16	MINUTES OF COUNCIL MEETING HELD 15 NOVEMBER 2016 - [01122, 02154]	15
	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	16
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	17
C75-12/16	CONSIDERATION OF CHANGE TO ORDER OF BUSINESS - [02154]	17
	PETITIONS	18
C76-12/16	PETITION REQUESTING COUNCIL CEASE ANY PROPOSALS TO REMOVE WHITFORD CITY FOOTBALL CLUB FROM WARRANDYTE PARK, CRAIGIE – [26068, 09514, 105535, 104765, 05386]	18
	REPORTS	19
CJ236-12/16	FUTURE UTILISATION OF WARRANDYTE PARK AND CLUBROOMS, CRAIGIE – [26068, 09514, 105535, 104765]	19/247
CJ208-12/16	ANIMALS AMENDMENT LOCAL LAW 2016 – ADOPTION – [21067]	43/96
CJ204-12/16	DRAFT MACNAUGHTON CRESCENT STRUCTURE PLAN – LOT 9021 (3) LOCHNAGAR WAY, KINROSS – CONSIDERATION FOLLOWING ADVERTISING – [105172]	49/82
CJ201-12/16	DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2016 – [07032]	43

ITEM NO.	TITLE	PAGE NO.
CJ202-12/16	SUPPORT FOR MICRO-COMMUNITY GROUPS – [55469]	64
CJ203-12/16	DUNCRAIG EDIBLE GARDEN – STATUS UPDATE – [05066, 105189]	76
CJ204-12/16	DRAFT MACNAUGHTON CRESCENT STRUCTURE PLAN – LOT 9021 (3) LOCHNAGAR WAY, KINROSS – CONSIDERATION FOLLOWING ADVERTISING – [105172]	82/49
CJ205-12/16	IMPLEMENTATION OF THE RESIDENTIAL DEVELOPMENT LOCAL PLANNING POLICY AND HEIGHT OF NON-RESIDENTIAL BUILDINGS LOCAL PLANNING POLICY – [104919]	83
CJ206-12/16	EXECUTION OF DOCUMENTS – [15876]	89
CJ207-12/16	STATUS OF PETITIONS – [05386]	92
CJ208-12/16	ANIMALS AMENDMENT LOCAL LAW 2016 – ADOPTION – [21067]	96/43
CJ209-12/16	STRATEGIC COMMUNITY REFERENCE GROUP – 2017 WORKPLAN – [102605]	97
CJ210-12/16	CITY WATER PLAN 2016 – 2021 – [78616]	103
CJ211-12/16	CITY OF JOONDALUP WEED MANAGEMENT PLAN – [102082]	108
CJ212-12/16	LIST OF PAYMENTS DURING THE MONTH OF OCTOBER 2016 – [09882]	113
CJ213-12/16	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2016 – [07882]	116
CJ214-12/16	REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER – [98394B]	119
CJ215-12/16	REQUEST FOR WAIVER OF FEES UNDER FACILITY HIRE SUBSIDY POLICY – JOONDALUP GIANTS RUGBY LEAGUE CLUB – [101271]	121
CJ216-12/16	TENDER 032/16 SUPPLY, INSTALLATION OR SUPPLY AND INSTALLATION OF TURF – [106041]	127
CJ217-12/16	TENDER 037/16 CIVIL AND LANDSCAPING WORKS FOR OCEAN REEF ROAD DUPLICATION FROM OCEANSIDE PROMENADE TO SWANSON WAY – [106085]	134
CJ218-12/16	TENDER 040/16 - PROVISION OF TRANSACTIONAL BANKING SERVICES – [106155]	140
CJ219-12/16	BUY LOCAL PURCHASING – [37863]	146

ITEM NO.	TITLE	PAGE NO.
CJ220-12/16	COUNCIL CONTRIBUTION – REDEVELOPMENT ARENA JOONDALUP – BUDGET AMENDMENT – [103650]	154
CJ221-12/16	PETITION OBJECTING TO INSTALLATION OF A FOOTPATH STRATHYRE DRIVE, DUNCRAIG – [07980]	159
CJ222-12/16	PETITION REQUESTING INSTALLATION OF DRINKING FOUNTAIN, BARBEQUE AND SEATING AT HAWKER PARK, WARWICK – [06008]	166
CJ223-12/16	CONTROL OF FERAL BIRDS - [22870]	173
CJ224-12/16	REQUEST FOR SPECIFIED AREA RATE IN BURNS BEACH – [02137]	179
CJ225-12/16	HILLARYS – KALLAROO COASTAL FORESHORE RESERVE MANAGEMENT PLAN 2016-2021 – [89568]	184
C78-12/16	COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]	189
	REPORTS – MAJOR PROJECTS COMMITTEE – 28 NOVEMBER 2016	189
CJ226-12/16	CONFIDENTIAL - JOONDALUP CITY CENTRE DEVELOPMENT - MEMORANDUM OF UNDERSTANDING – [103036]	190/253
	REPORTS – POLICY COMMITTEE – 29 NOVEMBER 2016	191
CJ227-12/16	DRAFT FRAUD, CORRUPTION AND MISCONDUCT CONTROL POLICY – [49586, 25586]	191
CJ228-12/16	REVIEW OF MEMORIALS IN PUBLIC RESERVES POLICY – [100385]	196
CJ229-12/16	DRAFT PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP ZONE LOCAL PLANNING POLICY – [106237]	202
CJ230-12/16	DRAFT CONSULTING ROOMS LOCAL PLANNING POLICY – [101289]	209
CJ231-12/16	DRAFT SHORT-TERM ACCOMMODATION LOCAL PLANNING POLICY – [72584]	215
CJ232-12/16	KEEPING OF POULTRY ON RESIDENTIAL LAND – [01152]	223
CJ233-12/16	DRAFT LIGHT INDUSTRY ZONE LOCAL PLANNING POLICY – [83628]	230

ITEM NO.	TITLE	PAGE NO.
	REPORTS – FINANCE COMMITTEE – 7 DECEMBER 2016	237
CJ234-12/16	STATUS REPORT ON CITY FREEHOLD PROPERTIES PROPOSED FOR DISPOSAL AND A PROPOSED CROWN LAND ACQUISITION – [63627]	237
CJ235-12/16	CONFIDENTIAL – CAFÉS/KIOSKS/RESTAURANTS - PROJECT STATUS – [102656]	246/255
	REPORT OF THE CHIEF EXECUTIVE OFFICER	247
CJ236-12/16	FUTURE UTILISATION OF WARRANDYTE PARK AND CLUBROOMS, CRAIGIE – [26068, 09514, 105535, 104765]	247/19
CJ237-12/16	CONFIDENTIAL - CHIEF EXECUTIVE OFFICER – NEW CONTRACT OF EMPLOYMENT – [74574]	248/257
	URGENT BUSINESS	249
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	249
C79-12/16	NOTICE OF MOTION NO. 1 – CR KERRY HOLLYWOOD – DOG EXERCISE PARK – [23475, 78624]	249
C80-12/16	NOTICE OF MOTION NO. 2 – CR RUSS FISHWICK – LEASE OF AIR SPACE OVER SUMPS – [42666, 78624]	250
C81-12/16	NOTICE OF MOTION NO. 3 – CR JOHN CHESTER – VALUE ADDING AND REPLACEMENT OF FELLED CITY TREES – [02767, 78624]	251
	ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING	252
C82-12/16	MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]	252
CJ226-12/16	CONFIDENTIAL - JOONDALUP CITY CENTRE DEVELOPMENT - MEMORANDUM OF UNDERSTANDING – [103036]	253/190
CJ235-12/16	CONFIDENTIAL – CAFÉS/KIOSKS/RESTAURANTS - PROJECT STATUS – [102656]	255/246
CJ237-12/16	CONFIDENTIAL - CHIEF EXECUTIVE OFFICER – NEW CONTRACT OF EMPLOYMENT – [74574]	257/248
C83-12/16	MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]	259
	CLOSURE	252

CITY OF JOONDALUP

COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY 13 DECEMBER 2016.

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

TROY PICKARD

Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward – <i>Deputy Mayor</i>	
CR PHILIPPA TAYLOR	North Central Ward	<i>absent from 10.10pm to 10.13pm</i>
CR NIGE JONES	North Central Ward	
CR LIAM GOBBERT	Central Ward	
CR RUSSELL POLIWKA	Central Ward	<i>absent from 10.16pm to 10.19pm</i>
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	<i>absent from 9.54pm to 9.56pm</i>
CR JOHN LOGAN	South-East Ward	
CR RUSS FISHWICK, JP	South Ward	
CR SOPHIE DWYER	South Ward	<i>absent from 9.47pm to 9.48pm</i> <i>absent from 10.15pm to 10.18pm</i>

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>absent from 9.25pm to 9.27pm</i> <i>absent from 10.19pm to 10.22pm</i>
MR MIKE TIDY	Director Corporate Services	
MR JAMIE PARRY	Director Governance and Strategy	<i>absent from 10.19pm to 10.22pm</i>
MS DALE PAGE	Director Planning and Community Development	<i>absent from 8.31pm to 8.33pm</i> <i>until 10.19pm</i>
MR MICHAEL HAMLING	Acting Director Infrastructure Services	<i>absent from 8.20pm to 8.22pm</i> <i>absent from 10.15pm to 10.22pm</i>
MR ROHAN KLEMM	Acting Manager Leisure and Cultural Services	<i>until 9.37pm</i>
MR BRAD SILLENCE	Manager Governance	<i>absent from 8.56pm to 8.57pm</i> <i>absent from 9.21pm to 9.23pm</i> <i>absent from 10.09pm to 10.11pm</i>
MR CHRIS LEIGH	Manager Planning Services	<i>until 9.37pm</i>
MR MARK MCCRORY	Manager Marketing and Communications	<i>until 9.05pm</i>
MR DANIEL DAVINI	Media Advisor	<i>absent from 10.15pm to 10.22pm</i>
MR JOHN BYRNE	Governance Coordinator	<i>absent from 10.19pm to 10.22pm</i>
MRS LESLEY TAYLOR	Governance Officer	<i>absent from 10.19pm to 10.22pm</i>
MRS DEBORAH GOUGES	Governance Officer	<i>absent from 9.43pm to 9.46pm</i> <i>absent from 10.19pm to 10.22pm</i>

There were 233 members of the public and one member of the press in attendance.

DECLARATIONS OF INTEREST

Disclosures of Financial Interest/Proximity Interest

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

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ214-12/16 - Request for Annual Leave – Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	The Chief Executive Officer has requested annual leave.

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ218-12/16 - Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Financial Interest.
Extent of Interest	Shareholdings for one of the tenderers exceed the prescribed limit.

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ226-12/16 - Confidential - Joondalup City Centre Development - Memorandum of Understanding.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns property adjacent to the Joondalup City Centre development.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ237-12/16 – Confidential - Chief Executive Officer - New Contract Of Employment.
Nature of interest	Financial Interest.
Extent of Interest	The item relates to the Chief Executive Officer's contract of employment.

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 Sophie Dwyer.
Item No./Subject	CJ203-12/16 - Duncraig Edible Garden – Status Update.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer is a former member of the Duncraig Edible Garden Committee.

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ215-12/16 - Request for Waiver of Fees under <i>Facility Hire Subsidy Policy</i> – Joondalup Giants Rugby League Club.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Members of the Joondalup Giants Rugby League Club are known to Cr Taylor.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ218-12/16 - Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt utilises Westpac Banking Services.

Name/Position	Mr Mike Tidy, Director Corporate Services.
Item No./Subject	CJ218-12/16 - Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Tidy is a Westpac Banking Corporation and Commonwealth Bank of Australia customer.

Name/Position	Mr Brad Sillence, Manager Governance.
Item No./Subject	CJ218-12/16 - Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Sillence banks with one of the tenderers (Westpac Banking Corporation).

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ220-12/16 - Council Contribution – Redevelopment Arena Joondalup – Budget Amendment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard is Vice Patron of the Joondalup Falcons.

Name/Position	Cr John Logan.
Item No./Subject	CJ220-12/16 - Council Contribution – Redevelopment Arena Joondalup – Budget Amendment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a West Perth Football Club member.

Name/Position	Cr Christine Hamilton-Prime.
Item No./Subject	CJ235-12/16 – Confidential – Cafés/ Kiosks/ Restaurants - Project Status.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Owners of White Salt are known to Cr Hamilton-Prime.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ236-12/16 - Future Utilisation of Warrandyte Park and Clubrooms, Craigie.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard's son was a member of the Whitford City Football Club in the 2016 season.

Name/Position	Mr Mike Tidy, Director Corporate Services.
Item No./Subject	CJ237-12/16 – Confidential - Chief Executive Officer - New Contract Of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mike Tidy's employment relationship with the Chief Executive Officer.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 15 November 2016:

Mrs M Macdonald, Mullaloo:

Re: Joondalup Coastal Hazard Assessment – June 2016.

Q1 *Given the answer to my Question 1 in the agenda for the Council Meeting to be held on 15 November 2016, did the City make a scheme amendment to include the Department of Planning's State Planning Policy 2.6: State Coastal Planning Policy (SPP 2.6) or any part thereof, in its Planning Scheme it?*

A1 The City has not made a scheme amendment to its Local Planning Scheme, known as *District Planning Scheme No. 2*, in relation to *State Planning Policy 2.6*.

It is not necessary for the City to make a scheme amendment in order to implement *State Planning Policy 2.6* as Clause 67 of the deemed provisions within the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that, in considering an application for development approval the local government is to have due regard to various matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. One of those matters listed within the clause is any approved *State Planning Policy*, such as *State Planning Policy 2.6*.

To guide the City's implementation of *State Planning Policy 2.6* a draft *Coastal Local Planning Policy* has been prepared. At the Council meeting held on 18 October 2016 this draft policy was endorsed for public consultation. The public consultation period opened on 24 November and will close on Thursday 15 December 2016.

Q2 *If the answer to Question 1 above is yes, when did this amendment go through Council and when did it become operational?*

A2 The City has not made a scheme amendment to its Local Planning Scheme, known as *District Planning Scheme No. 2*, in relation to *State Planning Policy 2.6*.

Q3 *Given the refusal of access to the two documents listed below, as identified in the answer to my Question 2 in the agenda, how are ratepayers able to verify the accuracy of the document – Joondalup Coastal Hazard Assessment June 2016, which forms the baseline for the entire coast, without having access to these documents?*

- *MRA 2015b. Ocean Reef Marina Coastal Processes Assessment, R519 Rev 2. Prepared for City of Joondalup, Perth.*
- *MRA 2016c. Ocean Reef Marina CHRMAP, R608 Rev 1. Prepared for the City of Joondalup, Perth.*

A3 The *Joondalup Coastal Hazard Assessment 2016* is a stand-alone document and does not require the above two documents in order to be understood. All the relevant information in regards to the methodology and results of the Joondalup Coastal Hazard Assessment are contained within the Joondalup Coastal Hazard Assessment report.

All relevant documentation on the Ocean Reef Marina has been released in accordance with the Public Environmental Review process which is coordinated by the Office of the Environmental Protection Authority and the MRS Amendment process which is coordinated by the Western Australian Planning Commission. The public advertising period for both these processes is open from 22 November 2016 to 24 February 2017. More information is available on the City's website.

- Q4 *Given that the proposed development, Ocean Reef Marina was not considered in the scope of the study area of Joondalup Coastal Hazard Assessment June 2016, what impact will this development have on the 100 year vulnerability of the 190 properties identified as vulnerable?*
- A4 The *Joondalup Coastal Hazard Assessment 2016* accounts for the existing boat harbour already in the location of the proposed Ocean Reef Marina within the assessment. Ocean Reef Marina will have its own planning and design to ensure it has minimal impact, including management of coastal processes.
- Q5 *Given the 100 year vulnerability level has changed in two reports produced in the last four years by approximately 100%, why should ratepayers believe that the current calculations are accurate enough to warrant putting "vulnerable" on any title?*
- A5 *State Planning Policy 2.6* dictates the methodology to be used when calculating coastal hazard areas. *State Planning Policy 2.6* was updated in 2013. Reports that were conducted prior to that time no longer meet the requirements of the current *State Planning Policy 2.6*.

The updated *State Planning Policy 2.6* now requires a 0.9 metre sea level rise rather than 0.38 metres and requires the inclusion of a specific uncertainty allowance as well as other more minor changes. These changes in the methodology and allowances have resulted in the differences in the 100 year coastal hazard areas compared to previous reports which were completed prior to *State Planning Policy 2.6* being updated.

When identifying coastal hazard areas local government is required to do so in accordance with the methodology prescribed in *State Planning Policy 2.6*.

Mr M Sideris, Mullaloo:

Re: *Joondalup Coastal Hazard Assessment – June 2016.*

The following question is resubmitted as the response given does not address the specifics of the question. See the agenda for the Council Meeting 15 November 2016.

- Q1 *Please advise why this Report was accepted when within the body text of the report relies in part on "the City's monitoring program" which is not referenced in section 9 References used to form the Report.*
- A1 At the time of accepting the Report the City did not notice that the coastal monitoring program was not referenced in Section 9. The Joondalup Coastal Monitoring: Baseline Monitoring Report 2016 is available on the City's website.

The following question is resubmitted as the response given does not address the specifics of the question. See the agenda for the Council Meeting 15 November 2016.

Q2 *The response given to my previous Q4 Advise why this report was accepted when there are a significant number of references used or stated within the body text of the report that are not stated in section 9 References Table.*

A2 At the time of accepting the Report the City did not notice that there was a missing reference in Section 9. This missing reference does not affect the integrity of the Report and was provided in the City's last response to this question.

The response to my Q3 stated that The Shoreline Movement Plans provided in Appendix A show the position of the historical shoreline between 1942 and 2015.

Q3 *Please explain why vegetation lines are used and relied upon and not actual shoreline data used in the preparation of the report given that there is historical shoreline data readily available, and as such would form a best practice and Professional Engineering Report.*

A3 In Western Australia, the Department of Transport has mapped the location of the "shoreline" dating back to the 1940s. This "shoreline" information actually maps the location of the coastal vegetation line as the indicator of the position of the active shoreline.

The coastal vegetation line is often used as a reliable indicator of the active shoreline position, and therefore shoreline movement, as it is not as readily influenced by short term fluctuations as other indicators. The waterline, and a number of other indicators, may be influenced by factors such as tides, water levels, wind conditions, wave heights and the like at the time of photography. The coastal vegetation line can also be more reliably picked up from aerial photography than some other indicators. The use of the coastal vegetation line to represent the shoreline is standard coastal engineering practice.

The *Joondalup Coastal Hazard Assessment and Coastal Monitoring Program* has therefore continued to use the coastal vegetation as the appropriate indicator of the shoreline. This allows comparison between present day data and the historic data collected since the 1940's.

Q4 *Advise the RFQ Scope of Work for both the Joondalup Coastal Hazard Assessment and Coastal Monitoring Program – Baseline Report.*

A4 RFQ Scope of Work – Joondalup Coastal Hazard Assessment:

- Background and Review - Review and collate surveys, vegetation lines, literature and information on shoreline including most recent aerial photography.
- Model Allowances – Model and assess allowances for historical shoreline movement, severe storm erosion, inundation, and sea level rise.
- Assessment of Coastal Hazards – Review and assess coastal hazard allowances and vulnerability of the City's coastline including preparation of coastal hazard maps.
- Report – Prepare a coastal hazard assessment report.

RFQ Scope of Work – Coastal Monitoring Program Baseline Report:

- Undertake photo monitoring and beach profile surveys at 21 locations along the coast.
- Extract coastal vegetation line from supplied aerial photograph and update Shoreline Movement plan.
- Install time lapse camera, maintain and extract data.
- Compile all data collected and establish a baseline for review.
- Prepare a summary report on the baseline data.

Q5 *As there was no tender for the production of the above-mentioned two Reports advise how any quotations were sought; received; the consultants involved and the total value of these quotations.*

A5 MP Rogers & Associates is a member of the City's Panel Contract 022/11 for the Provision of Marine and Civil Engineering Consultancy Services. This contract was established through a tender process and was approved by Council in November 2011. The services of M P Rogers & Associates was provided at the contracted rates of Contract 022/11. The value of these quotations is commercial in confidence. The City is not required to obtain other quotations.

The following questions were submitted prior to the Council meeting held on 13 December 2016:

Mr R Repke, Kallaroo:

Re: Animals Amendment Local Law 2016 – Adoption.

Q1 *Is the City aware that dogs use the horse beach during all times like a dog beach and that all dogs walk there without a leash and that banning the horses from that beach will NOT decongest the dog beach?*

A1 Current practice related to management of dogs in the horse exercise area is that a person may exercise a dog in this set aside area provided the dog remains under full control on a leash between the times of midnight and midday, Monday to Saturday. A dog may be exercised within the horse exercise area off leash at all other times.

Q2 *Is the City aware that the parking bays for horse floats amount to 0.5% of all parking bays in the Hillarys area, therefore banning the horses will do nothing to decongest parking for dog owners?*

A2 As reported to Council at its 17 May 2016 meeting (Item CJ071-05/16 refers) parking, vehicle count results and anecdotal patrol information indicate varying degrees of use of the dog beach and horse beach car parks. As with most of the coastline, peak usage times will vary according to the weather and holiday periods, with noticeable overcrowding usually occurring over long weekends and on hot days. Only two complaints regarding car park overcrowding have been received over the past six years, both of which occurred on very hot days of between 37 and 40 degrees Celsius (March 2012 and November 2013), when beach use was at its peak.

While individual days throughout the year may see the dog beach car park reach or exceed capacity, the adjoining horse float car park still remains under-utilised during these times. This is despite the reconfiguration of the car park in 2010 to provide increased car bays for dog owners.

- Q3 *It was said that horses should not be at that beach as that is a built up area. Is it not true that the City mentions this beach as a PRISTINE BEACH and is it not a pristine beach?*
- A3 It is agreed that Hillarys Beach is a pristine beach contained within a built up environment.
- Q4 *Residents have made it clear via petitions and submissions that they want to keep the horse beach open, who really wants it closed and why?*
- A4 Consideration of the matter currently before Council reflects the Council resolution of 21 September 2010 (CJ158-09/10 refers), following a comprehensive community engagement exercise, to phase-out closure of the horse beach.

Mr D Blackburn, Kingsley:

Re: *Street Verge Guidelines*

Q1 *Why have the "Street Verge Guidelines" not been adopted as a Council Policy?*

A1 The Street Verge Guidelines do not constitute 'policy' but describe how the City's Local Government & Public Property Local Law 2014 applies to street verges and provide guidance to residents on how their verges can be treated and maintained. They are prepared by the City's Administration consistently with the local law and are published with the authority of the Chief Executive Officer who has delegated authority from Council to administer the local law.

Q2 *Why has the Non-Compliant Verge Treatment Application form been removed from the current version of the Street Verge Guidelines?*

A2 Upon a comprehensive review of the guidelines it was decided to remove the Non-Compliant Verge Treatment Application Form because it was considered to be misleading and not consistent with the provisions of the local law which deal with permissible verge treatments.

Re: *CJ007-02/16 Proposed 12 Aged or Dependent Persons' Dwellings at Lot 701 (3A) Moolanda Boulevard, Kingsley.*

Q3 *The site has now been cleared. The Council in the Resolution at 1.5.5 required demonstration of how tree protection zones of trees located offsite would be protected and retained during and after the construction process.*

Have the trees located on the City property, at 11 Moolanda Boulevard, directly adjacent to the site, been protected as required?

A3 The builder indicated the method for the identification and protection of the trees to be retained on-site at 11 Moolanda Boulevard as part of the building permit. The City is currently investigating to ensure the on-going protection of the trees through the construction of the dwellings.

Q4 *Council in the Resolution at 2. encouraged in the event that the very large trees need to be cut down that they are offered to a timber merchant so they can be value-added as high quality furniture.*

Were the very large trees taken by a timber merchant?

A4 The large trees were taken to a timber merchant based in Carabooda. An article regarding this matter was featured in the 24 November 2016 edition of the Joondalup Weekender.

Dr V Cusack, Kingsley:

Re: Sharing of bins and receptacle charges.

Considering the fact that the City of Joondalup applies the narrow receptacle charge under section 67 of the Waste Avoidance and Resource Recovery Act 2007 I ask:

Q1 *Can the City please advise if separate householders (be it family members, next door neighbours or friends living close by) are able to share the City's receptacle bins and thus share the separate annual receptacle charge?*

A1 Irrespective of any arrangement between neighbours and others on the use of City receptacles, the City has imposed a charge on the property owner / ratepayer under the *Waste Avoidance and Resource Recovery Act 2007*.

Q2 *If no, can an explanation be provided?*

Q3 *If yes, can the City advise what the individual householders / ratepayers need to do to proceed with the aforementioned sharing arrangements?*

A2 & 3 See response provided for Question 1.

Mr M Sideris, Mullaloo:

Re: CJ236-12/16 – Future Utilisation of Warrandyte Park and Clubrooms, Craigie.

Q1 *Advise why the three alternative motions requested by the Presiding Member at the Briefing Session held on 6 December 2016 do not appear in the public Agenda Item CJ236-12/16 -Future Utilisation of Warrandyte Park and Clubrooms, Craigie.*

A1 The three alternative motions requested by the Presiding Member are not the officer's recommendation in terms of this item and therefore are not included in the agenda. It is common practice for Elected Members to request the drafting of possible alternative motions by the City officers to ensure they are in due form.

While the motions have been prepared for Elected Members as requested, it is up to an individual Elected Member to move one of the alternative motions should they wish to do so in preference to the officer's recommendations contained within Report CJ236-12/16.

Re: CJ237-12/16 – Confidential – Chief Executive officer – New Contract of Employment.

Q2 *Advise when the new Employment Contract of the Chief Executive Officer for the City of Joondalup will become available to the ratepayers.*

A2 If Council of the City of Joondalup is satisfied with the terms of the contract, including a commencement date; agrees to the re-appointment of the Chief Executive Officer and the contract is subsequently signed by both parties it will then come into effect on the agreed commencement date. It will then be available for inspection by members of the public in accordance with and subject to the provisions of Sections 5.94 and 5.95 of the *Local Government Act 1995* and Clause 29A of the *Local Government (Administration) Regulations 1996*.

Mrs M Macdonald, Mullaloo:

Re: Ocean Reef Marina redevelopment.

Q1 Given that having “due regard” means that State Planning Policy 2.6 (SPP2.6) must be implemented when making a decision on an application for a development, how many people in Joondalup, other than the 190 recently informed, have been asked to notate their property title when selling, to indicate that it is vulnerable to sea level rise caused by climate change?

A1 The City has only informed property owners of lots that are located within identified coastal hazard areas that they will be required to place a notification on their Certificate of Title as a condition of development or subdivision approval. Lots located outside of identified coastal hazard areas are not subject to State Planning Policy 2.6.

Coastal hazard alerts will only be included on land purchase inquiries made in relation to lots within an identified coastal hazard area.

Q2 How long has SPP2.6 been in operation with Clause 67?

A2 State Coastal Planning Policy 2.6 (SPP 2.6) was developed under Part 3 of the Planning and Development Act 2005 (State Planning Policies) and was gazetted by the State Government on 30 July 2013.

Q3 Why does the City see the need to have a Coastal Planning Policy? Is not SPP2.6 adequate to meet the needs of a planning decision?

A3 The City is not required to have a local planning policy in order to implement State Planning Policy 2.6. However the draft local planning policy has been developed to inform and provide guidance on how the implementation of State Planning Policy 2.6 may affect property owners within the City.

Q4 If Ocean Reef Marina redevelopment goes ahead, what impact will the projection of the sea walls into the ocean have on wave pattern and sand movement along the coast and what impact will these changes to the coastal environment have on current vulnerable properties?

A4 The impacts of the Ocean Reef Marina are expected to have little effect on the coastal hazard allowances on adjacent section of the shorelines.

Extensive and detailed information on the potential impact of the marina on coastal processes is contained with the Ocean Reef Marina Public Environmental Review report and attachments which are available from the City’s website.

Q5 Given that the above questions should be known by City planners, can I be assured that the questions above will be answered and not taken on notice as my questions were to the last two meetings and I will not have to wait a month for answers?

A5 Questions are responded to in accordance with the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and the City of Joondalup Meeting Procedures Local Law 2013.

The following questions were submitted verbally at the Council meeting:**Mr A Spamer, Kinross:**

Re: CJ204-12/16 - Draft McNaughton Crescent Structure Plan – Lot 9021 (3) Lochnagar Way, Kinross – Consideration following Advertising.

Q1 Nineteen residents raised in excess of 17 individual objections in relation to the draft McNaughton Crescent Structure Plan. No concessions have been made to the plan, with the plan proposed to be accepted in its entirety with no amendments. Why is that?

A1 Mayor Pickard advised the plan was released for public comment, with the community encouraged to express their opinions. This did not necessarily mean that will influence change to the proposed structure plan in the first instance. The City's administration review the feedback received through the public consultation process and presents the results to Council for consideration. Ultimately Council forms a view whether it believes elements of the community consultation is worthy of incorporation into the draft structure plan, or whether it supports the officer's assessment of the public consultation. That is the determination to be made by Council this evening.

Q2 Is Council aware that the land on the plan contains two species of Banksia Woodland that is protected under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)? The addition of Banksia Woodland was added in September 2016 after the initial environmental protection assessment. Was this considered as part of the plan? Are Council aware that failure to comply with this plan from an individual or corporate body incurs up to seven years imprisonment or a \$7 million fine?

A2 Mayor Pickard advised the City was aware of delicate species in that particular parcel of land. The purpose of the structure plan is not to consider any environmental implications, but rather land use implications. Any environmental implications are a separate process that is managed by the developer, not the City of Joondalup. The developer manages the process in consultation with the relevant state and federal agencies.

The Director Planning and Community Development advised the developer has been in contact with the Department of the Environment and Energy and were well aware of its obligations with respect to the banksia woodland under the EPBC Act. The developer intends to further consider those obligations prior to undertaking any actions on the site. The City understands the conservation advice tends to target intact and larger areas of banksia woodland in good or better condition, setting a minimum catchment size of two hectares or more in order to meet the threatened ecological community definition. The obligations to adhere to the environmental requirements and the federal environmental requirements are the onus of the applicant. The City has no role or responsibility in this regard. It is a totally separate matter to that of the structure plan and it does not impact in any way on Council's decision.

Mr S Kobelke, Marmion:

Re: Documentation on City's website – Sorrento Activity Centre Plan and draft Coastal Local Planning Policy.

Q1 The Sorrento Activity Centre Plan states that the development site is not considered to be vulnerable to the impacts of coastal erosion. Yet the draft Coastal Local Planning Policy (Map 73) identifies the site at Sorrento as the most vulnerable area for coastal erosion and the fact that within 50 years potentially lapping the building and within 100 years the building will be under water. On the basis that the applicant has applied to the City of Joondalup saying there is no impact in relation to coastal erosion and City officers have done a report on coastal erosion indicating that is a most sensitive area; why does the applicant seem to be misleading the public with respect to the six storey development in Sorrento?

A1 Mayor Pickard advised this question would be taken on notice.

Q2 In relation to the six storey development in Sorrento that is currently open for public comment, as the current President of the Sorrento Marmion Duncraig Ratepayers Association, I would like to be in a position to inform the community when Council may consider this matter given the public comment period closes in a week's time. Can an indication be given as to whether the report will be presented to Council in February, March or April 2017?

A2 Mayor Pickard advised he was unable to give an exact date when this item would be presented to Council for consideration and encouraged the community to check the agenda for a Briefing Session on the City's website that is released on the second Friday of each month. This will indicate the items listed to be presented to Council on the third Tuesday of each month.

Mrs C Burroughes, Kinross:

Re: CJ204-12/16 - Draft McNaughton Crescent Structure Plan – Lot 9021 (3) Lochnagar Way, Kinross – Consideration following Advertising.

Q1 With respect to the land in question, there are a number of round metal discs that have been nailed to some of the older / taller trees on the edge of the land and the park. Is Council aware what the purpose of the discs signify?

A1 The Director Planning and Community Development advised she was unable to definitely answer what the discs represented, but understood that an environmental consultant for Peet Ltd had been on site marking which trees were proposed to be retained as part of the development. Contact can be made by the City with Peet Ltd to ascertain the purpose of the discs.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the Council meeting:

Mr D Macfarlane, Joondalup:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mr Macfarlane made reference to the programs provided by the Joondalup United Football Club with respect to juniors, amateurs and masters teams and the potential growth of the club.

Mr Macfarlane commented that the club had been liaising with the City for the past 10 years in an effort to secure a permanent home ground and clubroom facilities in an appropriate location.

Mrs T Wood, Burns Beach:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mrs Woods spoke in support of the Joondalup United Football Club and the need for the club to secure a suitable home ground location and new clubroom facilities.

Mr J Bodset, Banksia Grove:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mr Bodset spoke of the need for the club to secure a suitable home ground location and new clubroom facilities.

Ms K Green, Mullaloo:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mrs Green supported the need for an appropriate permanent home ground and clubroom facilities for the club.

Mr P Rustidge, Mullaloo:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mr Rustidge commented the club needed the assistance of the City in securing a suitable home ground and clubroom facilities in order that the club can prepare for the upcoming 2017 season.

Mr D Kerrigan, Wanneroo:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mr Kerrigan spoke of the need for the club to secure a suitable home ground location and new clubroom facilities.

Mr W Vlemmix, Mullaloo:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mr Vlemmix made reference to previous Council decision's with respect to this item and urged Elected Members to vote against any potential unfavourable amendments or motions and to listen to the needs of the community.

Dr T Green, Padbury:

Re: CJ211-12/16 – City of Joondalup Weed Management Plan.

Dr Green spoke in support of the addition of marker dyes in herbicide spraying, although raised concerns in relation to the manufacturer's guidelines with respect to the use of "bow and arrow" herbicide and any potential associated health risks.

Mr G Stickland, Mullaloo:

Re: CJ236-12/16 – Future utilisation of Warrandyte Park and Clubrooms, Craigie.

Mr Stickland commented that Warrandyte Park was utilised by a large number of user groups and provided an amenity for the community. Joondalup United Football Club wanted a home ground and club room facilities to allow the club to grow into the future.

Mr Stickland encouraged Elected Members to make a decision based on the needs of local ratepayers.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence Previously Approved:**

Cr Liam Gobbert 17 December 2016.

**C73-12/16 REQUESTS FOR LEAVE OF ABSENCE – CRS MIKE NORMAN AND
RUSS FISHWICK, JP - [105628]**

Cr Norman requested Leave of Absence from Council duties covering the period 21 February to 24 February 2017 and 2 March to 11 March 2017 inclusive.

Cr Fishwick requested Leave of Absence from Council duties covering the period 21 February to 24 February 2017 and 2 March to 16 March 2017 inclusive.

MOVED Cr Hollywood, SECONDED Cr Logan that Council APPROVES the Requests for Leave of Absence from Council Duties covering the following dates:

- 1 Cr Norman 21 February to 24 February 2017 and 2 March to 11 March 2017 inclusive;**
- 2 Cr Fishwick 21 February to 24 February 2017 and 2 March to 16 March 2017 inclusive.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

CONFIRMATION OF MINUTES**C74-12/16 MINUTES OF COUNCIL MEETING HELD 15 NOVEMBER 2016**

MOVED Mayor Pickard, SECONDED Cr Hollywood that the Minutes of the Council Meeting held on 15 November 2016 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Valentine's Concert

Mayor Pickard announced that Australia's favourite songstress Kate Ceberano will join critically acclaimed tenor Michael Falzon and the West Australian Symphony Orchestra to perform the very best of the music of James Bond for the City's Valentine's Concert on Thursday February 16, 2017.

Mayor Pickard noted that the greatest songs from the 007 film series will be showcased at Joondalup Resort for a capacity audience of 8,000 City residents and ratepayers.

Mayor Pickard stated that the City's Valentine's Concert is one of the most popular events held in the northern corridor, bringing the community together for a relaxing night with family and friends while having the opportunity to witness free world-class entertainment.

Mayor Pickard advised that tickets were sure to be in high demand when they are made available on Saturday 14 January and advised that for more information people should visit the City's website joondalup.wa.gov.au or the City's social media platforms.

Twilight Markets

Mayor Pickard advised that one of Perth's best market places, the Twilight Markets have been held in the Joondalup City Centre throughout November and December.

Mayor Pickard stated that the Twilight Markets offer locally sourced, designed and created art, craft, clothing, jewellery, homewares and giftwares, as well as delicious food stalls.

Mayor Pickard advised that there are also children's activities, live music and roving performers to keep the whole family entertained.

Mayor Pickard noted that the final Twilight Market of 2016 will be held on Friday 16 December in Central Walk from 5:30pm to 9:00pm.

Season's Greetings

Mayor Pickard took the opportunity on behalf of the City and the Council, to publicly wish everyone in the City of Joondalup a very happy Christmas and a safe and prosperous New Year.

Mayor Pickard thanked the many individuals and groups who have made invaluable contributions to the continued growth and development of the City of Joondalup in 2016.

Mayor Pickard also thanked the City's CEO, Mr Garry Hunt, and staff of the City of Joondalup for their tireless work delivering outstanding services, programs and events for the local community.

Mayor Pickard advised that the Elected Members will be taking a short break in January before returning to work in February, and the time away will allow everyone to refresh and recharge their batteries before a busy and exciting 2017.

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

- CJ226-12/16 - Confidential - Joondalup City Centre Development - Memorandum of Understanding.
- CJ235-12/16 - Confidential – Cafés/Kiosks/Restaurants - Project Status.
- CJ237-12/16 - Confidential - Chief Executive Officer – New Contract of Employment.

C75-12/16 CONSIDERATION OF CHANGE TO ORDER OF BUSINESS - [02154]

MOVED Mayor Pickard, **SECONDED** Cr Gobbert that Council in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, **SUSPENDS** the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*:

- 1 to enable the consideration of the following Items prior to CJ201-12/16 - Development and Subdivision Applications – October 2016:
 - 1.1 CJ236-12/16 – Future Utilisation of Warrandyte Park and Clubrooms, Craigie;
 - 1.2 CJ208-12/16 – Animals Amendment Local Law 2016 – Adoption;
 - 1.3 CJ204-12/16 – Draft Macnaughton Crescent Structure Plan – Lot 9021 (3) Lochnagar Way, Kinross – Consideration Following Advertising;
- 2 to enable the consideration of the following Items after “Announcements of Notices of Motion for the next meeting”:
 - 2.1 CJ226-12/16 – Confidential – Joondalup City Centre Development – Memorandum of Understanding;
 - 2.2 CJ235-12/16 – Confidential – Cafés/Kiosks/Restaurants – Project Status;
 - 2.3 CJ237-12/16 – Confidential – Chief Executive Officer – New Contract of Employment.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

PETITIONS**C76-12/16**

PETITION REQUESTING COUNCIL CEASE ANY PROPOSALS TO REMOVE WHITFORD CITY FOOTBALL CLUB FROM WARRANTYTE PARK, CRAIGIE – [26068, 09514, 105535, 104765, 05386]

A 1,018 signature petition has been received from residents of the City of Joondalup requesting Council cease any proposals to remove Whitford City Football Club from Warrandyte Park, Craigie and re-assign use of Warrandyte Park to Joondalup United Football Club.

MOVED Cr Poliwka, SECONDED Cr Gobbert that the following petition be RECEIVED and considered as part of Report CJ236-12/16 - Future Utilisation of Warrandyte Park and Clubrooms, Craigie as listed on this agenda:

- 1 Petition requesting Council cease any proposals to remove Whitford City Football Club from Warrandyte Park, Craigie and re-assign use of Warrandyte Park to Joondalup United Football Club.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

REPORTS**Disclosures of interest affecting impartiality**

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ236-12/16 – Future Utilisation of Warrandyte Park and Clubrooms, Craigie.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard's son was a member of the Whitford City Football Club in the 2016 season.

CJ236-12/16 FUTURE UTILISATION OF WARRANDYTE PARK AND CLUBROOMS, CRAIGIE

WARD	Central
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	26068, 101515, 09514, 105535, 104765
ATTACHMENT	Attachment 1 Combined Meeting Notes Attachment 2 Joondalup United Football Club Booking History Attachment 3 Whitford City Football Club Booking History Attachment 4 Football West Venue Requirements Attachment 5 Active Reserve Analysis Attachment 6 City Active Reserve – NPL Requirements
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 future utilisation of Warrandyte Park and Clubrooms, Craigie.

EXECUTIVE SUMMARY

At its meeting held on 16 August 2016 (CJ122-08/16 refers), Council deferred a decision on the floodlighting upgrade to Warrandyte Park, and the Forrest Park Improvement Project, subject to discussions involving the Joondalup United Football Club (JUFC) and the Whitford City Football Club (WCFC) on a possible merger.

As a result, discussions were held between the two clubs. The JUFC advised the City it was supportive in principle of a merger, subject to various conditions and it was prepared to put the proposal to its members of the club via a general meeting for consideration. The WCFC subsequently advised the City that it had presented the proposal of a merger with JUFC to its members at its Annual General Meeting, and the members present overwhelmingly did not support such a move.

Following receipt of these decisions, a report was subsequently presented to the Council meeting held on 20 September 2016, where Council agreed to proceed with the funding application as part of the Community Sport and Recreation Facilities Fund for the upgrade of floodlighting to Warrandyte Park and not proceed with the Forrest Park Improvement Project.

At the same meeting it was agreed to allocate the winter use of Warrandyte Park and Clubrooms to JUFC, while relocating WCFC from Warrandyte Park to Korella, Beldon and Charonia Parks. These allocations were to take effect from the start of the winter season in 2017. Council also agreed to allocate funds to upgrade the facilities at Warrandyte Park, while also agreeing to list for consideration the upgrade of floodlighting at Beldon Park, Beldon.

On 29 September 2016, the Chief Executive Officer received a valid notice of motion to revoke part of Council's decision from the Council meeting held on 20 September 2016. The notice of motion focussed on the reallocation of grounds for the two football clubs. As a result of the notice of motion being received, the Chief Executive Officer could not take any further action in implementing the decision until it had been considered by the Council at its meeting held on 18 October 2016.

At its meeting held on 18 October 2016 (C62-10/16 refers), Council agreed to revoke part of its 20 September 2016 decision, and undertake various forms of community consultation and engagement being:

- individual meetings with both football clubs
- individual meeting with other key park stakeholders and local business
- community forum chaired by the Mayor.

The main points raised as part of the engagement are contained within the report.

A detailed analysis was undertaken of which reserves could house JUFC within the City of Joondalup. The following is a list of potential locations (which could also house WUFC) however every location will require various refurbishment or modifications to either the building or the reserve to be able to accommodate JUFC or WCFC:

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

In addition, in the event WCFC was relocated from Warrandyte Park, the analysis examined locations that could house them, as follows:

- Flinders Park, Hillarys.
- McNaughton Park, Kinross.
- Mawson Park, Hillarys.
- Korella Park, Mullaloo.
- Charonia Park, Mullaloo.

The venues listed above are not expected to house both clubs' operations in their entirety and therefore the clubs may have to operate across more than one venue.

It is therefore recommended that Council:

- 1 *NOTES the information detailed in Report CJ236-12/16 relating to the existing and future utilisation of Warrandyte Park, Craigie;*
- 2 *DOES NOT AGREE to relocate Joondalup United Football Club to Warrandyte Park, Craigie as the primary winter season tenant for 2017;*
- 3 *AGREES to maintain Whitford City Football Club at Warrandyte Park, Craigie as the primary winter tenant, subject to the City's agreed annual booking process for ground and facility allocation;*
- 4 *REQUESTS that the Chief Executive Officer provides further reports:*
 - 4.1 *considering the relocation of the Joondalup United Football Club to a suitable facility for the long term;*
 - 4.2 *on the possibility of establishing a regional facility to house future NPL fixtures, for those clubs within the City of Joondalup competing at that level;*
- 5 *REQUESTS the Chief Executive Officer to engage with Football West on what assistance it can offer in sourcing a suitable facility for Joondalup United Football Club;*
- 6 *REQUESTS that the Chief Executive Officer engage with the Sorrento Football Club and the Joondalup United Football Club to formally establish the arrangements for Joondalup United Football Club to play NPL games at Percy Doyle 1 for the 2017 season as per the in-principle agreement advised to Football West;*
- 7 *REQUESTS that the Chief Executive Officer notifies the lead petitioners (petitions received by the Council at its 18 October 2016, and 15 November 2016 meetings) opposing the relocation of Joondalup United Football Club to Warrandyte Park, Craigie of its decision.*

BACKGROUND

At its meeting held on 16 August 2016 (CJ122-08/16 refers), Council considered a report relating to the applications for the 2017-18 Community Sport and Recreation Facilities Fund – annual and forward planning grants (CJ122-08/16 refers) and it resolved as follows:

“That Council:

- 1 *NOTES the findings of the community consultation process undertaken for the:*
 - 1.1 *Warrandyte Park, Craigie floodlighting project;*
 - 1.2 *Forrest Park, Padbury Improvement Project (including possible upgrade to floodlighting),*
- 2 *DEFERS consideration of the Warrandyte Park, Craigie floodlighting and Forrest Park, Padbury Improvement Projects to the Council Meeting scheduled for 20 September 2016, to enable negotiations to occur between the Joondalup United Football Club and the Whitford City Football Club, on a possible merger of both clubs, to then allow the new club to operate its home base from Warrandyte Park, Craigie.”*

Following discussions between both the Joondalup United Football Club (JUFC) and the Whitford City Football Club (WCFC) regarding a possible merger, a report was presented to the Council meeting held on 20 September 2016 (CJ150-09/16 refers), at which Council resolved as follows:

"That Council:

- 1 *ENDORSES an application to the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund program for \$176,194 (excluding GST) to part fund the upgrade of the sports floodlighting at Warrandyte Park, Craigie;*
- 2 *DOES NOT SUPPORT the Forrest Park, Padbury Improvement Project;*
- 3 *REQUESTS that the Chief Executive Officer notifies the lead petitioner opposing the Forrest Park Improvement Project of its decision;*
- 4 *NOTES the responses from the Joondalup United Football Club (in support) and the Whitford City Football Club (not in support) in regards to the proposed amalgamation of the two clubs to form a new association based out of Warrandyte Park, Craigie;*
- 5 *AGREES to undertake the planning for the refurbishment of the Warrandyte Park Clubrooms, Craigie with a preliminary budget allocation of \$629,000 in 2017-18 to include additional two change rooms, additional storage and facility refurbishment), subject to a contribution being made by the Joondalup United Football totalling \$140,000 (exclusive of GST);*
- 6 *NOTES that a further report on the refurbishment of the Warrandyte Park Clubrooms refurbishment project that includes a detailed cost estimate will be presented for consideration in the future;*
- 7 *NOTES that the breakdown of the preliminary budget for the works proposed in part 5 above is based on a combination of funds as listed below:*
 - 7.1 *\$225,000 listed in 2017-18 and 2018-19 for refurbishment of Warrandyte Park Clubrooms, Craigie (BCW2551 refers);*
 - 7.2 *\$264,000 being the City's proposed contribution for the Forrest Park, Padbury Improvement;*
 - 7.3 *\$140,000 contribution from the Joondalup United Football Club;*
- 8 *AGREES to allocate the seasonal use of Warrandyte Park, Craigie and Prince Regent Park, Heathridge to the Joondalup United Football Club, effective from the 2017 winter season;*
- 9 *AGREES to allocate seasonal use of Beldon Park, Beldon, Charonia Park, Mullaloo and Korella Park, Mullaloo to the Whitford City Football Club, effective from the 2017 winter season;*
- 10 *AGREES to list for consideration as part of the 2019-20 Capital Works Program the floodlighting of Beldon Park, Beldon (replacing the listed floodlighting project for Forrest Park, Padbury – STL2072 refers);*
- 11 *ENDORSES the ranking and rating of the Community Sporting and Recreation Facilities Fund application below:*

<i>Applicants Rank</i>		<i>Applicants Rating</i>
1	<i>Warrandyte Park, Craigie – Sports Floodlighting Upgrade.</i>	<i>Well planned and needed by the local government.</i>

Following the decision of Council at its meeting held on 20 September 2016, a notice of motion to revoke part of that decision was received by the Chief Executive Officer (CEO) on 29 September 2016 and in accordance with the *Meeting Procedures Local Law 2013* required the CEO to cease any further action to implement the decision until the Council had considered the revocation notice of motion.

The notice of motion was presented to the Council meeting held on 18 October 2016 (C62-10/16 refers) where it was resolved as follows:

“That Council:

- 1 *BY AN ABSOLUTE MAJORITY REVOKES parts 5 through to 10 of its decision of 20 September 2016 (CJ150-09/16 refers) as follows:*
 - 5 *AGREES to undertake the planning for the refurbishment of the Warrandyte Park Clubrooms, Craigie with a preliminary budget allocation of \$629,000 in 2017-18 to include additional two change rooms, additional storage and facility refurbishment), subject to a contribution being made by the Joondalup United Football totalling \$140,000 (exclusive of GST);*
 - 6 *NOTES that a further report on the refurbishment of the Warrandyte Park Clubrooms refurbishment project that includes a detailed cost estimate will be presented for consideration in the future;*
 - 7 *NOTES that the breakdown of the preliminary budget for the works proposed in Part 5 above is based on a combination of funds as listed below:*
 - 7.1 *\$225,000 listed in 2017-18 and 2018-19 for refurbishment of Warrandyte Park Clubrooms, Craigie (BCW2551 refers);*
 - 7.2 *\$264,000 being the City’s proposed contribution for the Forrest Park, Padbury Improvement;*
 - 7.3 *\$140,000 contribution from the Joondalup United Football Club;*
 - 8 *AGREES to allocate the seasonal use of Warrandyte Park, Craigie and Prince Regent Park, Heathridge to the Joondalup United Football Club, effective from the 2017 winter season;*
 - 9 *AGREES to allocate seasonal use of Beldon Park, Beldon, Charonia Park, Mullaloo and Korella Park, Mullaloo to the Whitford City Football Club, effective from the 2017 winter season;*
 - 10 *AGREES to list for consideration as part of the 2019-20 Capital Works Program the floodlighting of Beldon Park, Beldon (replacing the listed floodlighting project for Forrest Park, Padbury – STL2072 refers);”;*
- 2 *NOTES no further action will be taken by the City in regard to the development of Warrandyte Park, Craigie or the relocation of Whitford City Football Club and the Joondalup United Football Club until a further report is submitted to Council at its 13 December 2016 meeting detailing:*

- 2.1 *the outcome of a consultation and engagement process with stakeholders, including:*
 - 2.1.1 *the Whitford City Football Club;*
 - 2.1.2 *the Joondalup United Football Club;*
 - 2.1.3 *user groups and businesses surrounding Warrandyte Park;*
 - 2.1.4 *the local community surrounding Warrandyte Park;*
- 2.2 *suitable City active reserves that would permit the Joondalup United Football Club to be able to compete within Football West National Premier League competition, including what level of refurbishment works and/or infrastructure is required and the estimated costs;*
- 3 *REQUESTS the consultation process detailed in part 2.1.4 above to take the form of a community forum, to be facilitated by the City of Joondalup and chaired by the Mayor, seeking input from the community on the utilisation of Warrandyte facility by the Joondalup United Football Club for its activities.”*

Petitions

At its meeting held on 18 October 2016 (C60-10/16 refers), Council received a petition containing 1,800 signatures requesting the Council reverse its decision of 20 September 2016 to move Whitford City Football Club from Warrandyte reserve, Craigie.

At its meeting held on 15 November 2016 (C71-11/16 refers), Council received a further petition containing 53 signatures from residents of the City of Joondalup requesting the Council in regard to forums, reports and their deadline, for grounds including Warrandyte Park:

- 1 Assure impartiality by members excusing themselves from presiding where they have made emotional partisan statements.
- 2 Significantly extend the arbitrary 13 December 2016 deadline for reports/consultation, that requires additional Council resources, given:
 - 2.1 Eight weeks seems unreasonable timeframe as the City could not resolve this wide ranging issue over many years.
 - 2.2 There is no urgent requirement or trigger for the City to rush resolution by this date for such a contentious issue.

DETAILS

In accordance with Council's decision of 18 October 2016, the Chief Executive Officer convened meetings with the following groups:

- JUFC on 2 November 2016.
- WCFC on 3 November 2016.
- User groups and businesses surrounding Warrandyte Park (Warrandyte Playgroup, Craigie Child Care, dog walking Group and Perth City Football Club) on 9 November 2016.

In addition to the individual meetings with the groups listed within Council's resolution, a Community Forum was held on Thursday 17 November at 6.30pm, at the Heathridge Leisure Centre where 105 members of the public were in attendance.

A copy of the meeting notes are detailed in Attachment 1 of Report CJ236-12/16.

The following is a summary of the key points raised by the stakeholders during their respective meetings:

Joondalup United FC – 2 November 2016

- Is a community based club that provides opportunities to anyone who wishes to play football. This can be for those wanting to enter an elite pathway through NPL status, or those who want to play with friends from a community perspective. They have experienced rapid growth over recent years.
- Aspires to NPL level.
- Has not had a suitable home venue since moving from the HBF Arena in 2010.
- Main focus is to find a home where its members can base their operations from and host club related activities. Due to their aspiration for NPL status, their home base is required to meet NPL requirements.
- Experiences challenges associated with managing their operations over four venues.

Whitford City FC – 3 November 2016

- Are primarily a junior based club, with a strong community focus. They do not hold trials to determine which players play in which teams, they allow friends to play with each other. Winning or elite development is not the primary focus for the club.
- They do not book the clubrooms more as they managed their bookings in order to not exceed their level of subsidised use in accordance with the City's *Facility Hire Subsidy Policy*. They were not aware they could seek additional hours of subsidised use by application.
- They do not wish to leave Warrandyte as they have been based there for 40 years; Warrandyte Park meets their needs and avoids spreading their volunteer base across more than one venue.
- If they were required to relocate from Warrandyte Park, they would require a like for like playing space and club room facility. If they were to move they fear a significant loss of members if the new location was greater than a 5km distance from Warrandyte.

Other key stakeholders and local businesses – 9 November 2016

- Warrandyte Park Playgroup
 - Access the clubrooms and park for up to 30 hours per week during daytime hours across three sessions per day. In addition they hold their AGM and monthly committee meetings within the facility.
 - If required to relocate they would need a facility that provides current facilities and access currently available at Warrandyte Park.
- Craigie Child Care Centre
 - Is a commercial operation that uses the park on a daily basis for children play activities.
 - If Warrandyte became less accessible to the public, then the child care centre would not be able to access open space as alternate sites are a greater distance away and, therefore, prohibitive due to safety issues.

- Warrandyte Park Dog Walking Group
 - Consists of approximately 200 people who actively walk their dogs on the park.
 - Major concern was if the park became less accessible (due to additional infrastructure within the public open space) as public open space this would restrict their ability to access the park to exercise their dogs.
- Perth City Football Club
 - Has approximately 70 members based across three teams who compete in either the masters or social leagues.
 - Train one night a week and play their games on Sunday at Kingsway Reserve (as Warrandyte is not available for games due to WCFC usage).
 - If they were to relocate from Warrandyte Park, the club would require a playing field with some form of floodlighting for training with a strong preference for playing their games where they train, with change rooms and car parking available.

Community Forum – 17 November 2016

- Would see an increase in patrons on game day that would result in increased traffic movements and may lead to challenges in car parking due to limited car bays on site.
- Residents had concerns with the proposed changes to the reserve and clubrooms to host NPL games as this would limit their access to the public open space for recreation purposes.
- Concerns were raised with regard to a permanent liquor licence being approved for the site.
- Concerns with the visual impact of the amenity of the park with the installation of permanent infrastructure such as permanent seating, perimeter fencing.
- The change of use would bring increased anti social behaviour, increased noise and lead to a decrease in property values.

Joondalup United Football Club (JUFC)

Joondalup United Football Club (JUFC) was established in 2000, originally operating from HBF Arena. The club currently occupies Beldon Park, Beldon, Charonia Park, Mullaloo, Forrest Park, Padbury and Prince Regent Park, Heathridge.

In 2014, Joondalup United was successful with an application to play in the Football West State League Division Two. At the conclusion of the 2016 season, JUFC has been promoted to Football West's National Premier League (Football West is the state sporting association that governs football within Western Australia). JUFC will compete within the NPL competition for the 2017 winter season.

As well as the State League set up, the club participates in the Sunday Amateur, Social and Masters divisions, and a recently established junior program. The information submitted by the club as part of its 2016 booking application detailed that it hosts 11 senior teams (220 members) and 19 junior teams (208 members).

JUFC meets the criteria to make it eligible for a subsidy as per the *Facility Hire Subsidy Policy*, in that more than 50% of its active members reside within the City of Joondalup, both seniors and juniors.

A copy of an overview of JUFC recent booking history for City community facilities and reserves is detailed in Attachment 2 of Report CJ236-12/16.

Whitford City Football Club (WCFC)

Whitford City Football Club (WCFC) has been established and based at Warrandyte Park, Craigie since the early to mid 1970's. WCFC caters for children from the ages of five years through to Amateur (18+) and Masters (35+) level.

The club is aligned with Football West through the Consolidated Energy Amateur League and Consolidated Energy Masters League. It does not hold NPL status with Football West. The information submitted by the club as part of its 2016 booking application detailed that it hosts two senior teams (43 members) and 26 junior teams (389 members).

WCFC meets the criteria to make it eligible for a subsidy as per the *Facility Hire Subsidy Policy*, in that more than 50% of its active members reside within the City of Joondalup, both seniors and juniors.

A copy of an overview of WCFC recent booking history for City community facilities and reserves is detailed in Attachment 3 of Report CJ236-12/16.

Football in Perth

There are five levels of competition football in Perth (male) which are governed by the State Sporting Association, Football West. These levels are as follows:

- NPL.
- State Leagues (two divisions).
- Amateurs.
- Metropolitan.
- Masters.
- Juniors.

In order for a club to play in the various levels of competition, their venue must meet certain requirements and these requirements vary across the competitions. NPL is a national competition launched in Western Australia in 2014. It operates as the second tier to the national A league competition, with two clubs within the City of Joondalup competing at this level, Sorrento Football Club and ECU Joondalup Football Club.

Football West sets the venue requirements as either a 'minimum' requirement or a 'recommended' requirement. The following is a summary list of the 'minimum' requirements for venues hosting NPL fixtures:

- Playing field at least 60 metres wide.
- Perimeter fence around the playing area with a recommended height of 800mm to 1,000mm.
- Technical area and team benches within the perimeter fence.
- Smooth and level playing surface.
- White line markings, with no other visible line markings on the playing surface.
- White goal posts.
- Access to stretcher and corner flags.
- 24 metres of linear sponsorship signage.
- Permanent seating structure to accommodate 120 people.
- Selling points for food and beverage (including alcohol).
- Public toilets for spectators.
- Sufficient parking for match officials.
- Home and away change rooms.

- Match official change room.
- PA system (to announce first team players at the start of the game).
- Scoreboard (can be temporary).

A full list of venue requirements for all Football West's competitions is detailed in Attachment 4 to Report CJ236-12/16.

Football West are in process of developing their new strategic plan. Football Federation Australia (FFA) adopted *The Whole of Football Plan* in May 2015 which is the overarching framework that is used by State/Territory Member Federations. *The Whole of Football Plan* sets out a number of targets that Football West and FFA are set to meet in regard to facilities for the sport of football. Some notable targets are as follows:

- Member Federations (Football West) will continue to be at the forefront of facilities provision. Every member Federation will have a facilities strategy that supports the local community. This will include every local government area having access to some kind of football facilities.
- Football will change the way it engages with key decision makers in Government. It will be the role of the FFA, Member Federations and Zones and Local Associations to work together to engage with various levels of government and help them fund and provide Football facilities this nation needs.

In addition to the development of a new Strategic Plan, Football West have advised that it will be:

- conducting a comprehensive review of the NPL completion that will result in the development of a strategy that will drive the shape and structure of competitions
- working closely with all stakeholders, including local governments, to assess facility requirements to ensure the future growth of Football West clubs and competitions.

For some of the senior competitions promotion and relegation rules exist. At the conclusion of the 2016 State League Division 1 season, JUFC finished at the top of the ladder and have been promoted to the NPL for the 2017 season.

The only City owned/managed facility/reserve that currently has been approved to host NPL games is Percy Doyle 1, Duncraig (occupied by Sorrento Football Club). Outside the operations of a City managed facility, HBF Arena Joondalup, and ECU Joondalup (currently occupied by ECU Joondalup Football Club) would meet the venue requirements to play NPL fixtures. JUFC has established an in-principle agreement from the City and the Sorrento Football Club to play NPL home games from Percy Doyle 1, and access associated clubrooms.

Issues and options considered

Council can either:

- maintain the status quo whereby WCFC remain as the primary winter hirer of Warrandyte Park and the clubrooms to host games of football and the City works with JUFC in finding it an alternative suitable venue and reserve
- agree to relocate JUFC to Warrandyte Park and work with WCFC to find a suitable ground that meets their needs
or
- maintain the status quo whereby JUFC operate from a temporary venue for hosting its NPL fixtures, while the City works with it in finding it a suitable venue.

The City of Joondalup has 34 community facilities and 63 active reserves serving 128 sporting clubs. These facilities and reserves are traditionally hired to sporting clubs on a seasonal basis through an established booking process. The City is constantly under pressure to find locations for many sporting clubs wanting to base themselves within the City of Joondalup.

The seasons are summer (October to March) and winter (April to September). Over recent years there has been an increase in demand from sports for pre-season training. These are closely managed to ensure scheduled maintenance or the seasonal user group is not impacted. Further, it is apparent that the football season is being extended into the summer season which adds further pressure on the City to provide venues for summer sports.

Through this established booking process the City may adjust ground or facility allocation among clubs depending on demand of the individual clubs. This generally occurs as some clubs expand or decrease their playing numbers and teams become established. It is not uncommon for sports to go through periods of growth or periods of downturn.

In accordance with part 2.2 of Council's resolution of 18 October 2016, a review has been undertaken of all the City's active reserves that would permit the Joondalup United Football Club to be able to compete within Football West's National Premier League competition. The review also considered those reserves that could house WCFC if Council allocated Warrandyte Park to JUFC.

With the exception of Percy Doyle, Duncraig, there is no current City reserve that meets the needs of the NPL to host games.

The following list has been provided that would have the potential to house either club; the list does not include those locations that have an established winter sporting tenant that occupies it as their primary home base (that is Admiral Park, Heathridge – Joondalup Giants Rugby League Club or Kingsley Park, Kingsley – Kingsley Amateur AFL Club).

Some of the locations may challenge some clubs to retain existing members based on distance from existing home locations. The Active Reserve Analysis is detailed in Attachment 5 of Report CJ234-12/16. In addition to this review, a table that compares active reserves to NPL requirements is detailed in Attachment 6 to Report CJ236-12/16.

Beldon Park, Beldon

- Subject to required refurbishment works would be suitable to both clubs – however would likely require them to also operate from other satellite venues.
- Currently home location for JUFC as the primary winter tenant.
- No summer regular user (though JUFC to host preseason trials during this period)
- Is currently classified as a local park.
- Shared use site with Beldon Primary School (boundary through eastern section), so installation of permanent infrastructure may impact school use during school hours (athletics carnivals, school sport and the like).
- Would require significant earth works to allow a second pitch to be installed, but is possible.
- Existing facility would need to be extended to cater for clubroom area, along with refurbishing existing change rooms.
- An upgrade to the floodlighting would be required.
- There are approximately 96 car bays on site dedicated to the use of the park.

- The site has Marmion Avenue to the west, shopping centre to the south, primary school to the east and residents are impacted to the north (approximately 160 metres from existing facility) and south east (approximately 210 metres from the existing facility).

Caledonia Park, Currambine

- Subject to required refurbishment works would be suitable to both clubs – however would likely require them to also operate from other satellite venues.
- Current users Joondalup City Football Club (satellite ground for training purposes) and Joondalup Kinross Cricket Club (juniors and seniors). May require existing clubs and cricket pitch to be relocated.
- Is currently classified as a local park.
- Can accommodate two football playing surfaces.
- Existing facility is a basic toilet block and would need significant refurbishment work to meet NPL requirements.
- An upgrade to the floodlighting would be required.
- Site is surrounded by bushland to the north (part), east and south.
- Closest resident to the existing facility is approximately 90 metres.
- Traffic access and car parking maybe challenging with approximately 40 bays on site and a possible increase in traffic movement across the local road network.

Christchurch Park, Currambine

- Subject to required refurbishment works would be suitable to both clubs – however would likely require them to also operate from other satellite venues.
- Minimal regular users (touch rugby on a Wednesday evening throughout the year) – was over flow venue for Joondalup Brothers Rugby Union Club, but they base themselves at HBF Arena.
- Is currently classified as a local park.
- Can accommodate two football playing surfaces.
- Existing facility would require significant redevelopment to meet NPL requirements.
- An upgrade to the floodlighting would be required.
- Site is surrounded by the Mitchell Freeway to the east, with residential homes surrounding from the other areas. Closest resident approximately 50 metres from the existing facility.
- Traffic access and car parking maybe challenging with approximately 40 bays on site and a possible increase in traffic movement across the local road network.

Hawker Park, Warwick

- Subject to required refurbishment works would be suitable to both clubs – however would likely require them to also operate from other satellite venues.
- Currently classified as a Neighbourhood Park.
- Existing winter tenant is the Warwick-Greenwood Junior AFL club, accessing the park as an alternate training and game day venue. Summer tenant is Warwick-Greenwood Junior and Senior Cricket Clubs. Subiaco AFL club has also accessed the park for pre-season training in 2016.
- Can accommodate two football playing surfaces – may require the centre cricket wicket to be relocated.
- The Warwick-Greenwood Junior Cricket Club has recently applied for funding to install four cricket training nets in the south-eastern corner.

- The closest resident to the existing facility is approximately 140 metres away. The playing area is surrounded by bushland and a primary school to the west, with residential housing surrounding the balance of the park.
- The existing facility is a basic toilet block and would require significant upgrade to meet NPL standards.
- An upgrade to the floodlighting would also be required.

Littorina Park, Heathridge

- Subject to required refurbishment works would be suitable to both clubs – however would likely require them to also operate from other satellite venues.
- Currently classified as a Neighbourhood Park.
- Is a shared use site with the neighbouring Edgewater Primary School, with the boundary running just north of the middle of the reserve. So installation of permanent infrastructure may impact school use during school hours (athletics carnivals, school sport and the like).
- Is used primarily as an overflow venue for training and game days for the Edgewater Senior cricket club during the summer and Ocean Ridge Junior AFL Club during the winter. May require relocating the centre cricket wicket.
- There are no supporting infrastructure on site, so therefore would need a purpose built clubroom and associated facilities, including floodlighting.
- There may be some challenges with on site car parking with approximately 50 bays on site. However traffic movement should not incur any challenges with the site being in close proximity to a major road (Ocean Reef Road).
- The reserve is bounded by bushland to the south and east of the site, with a primary school to the north and residential housing to the east. The closest residential house is approximately 160 metres from the centre of the playing surface.

Prince Regent Park, Heathridge

- Subject to required refurbishment works would be suitable to both clubs – however would likely require them to also operate from other satellite venues.
- Currently classified as a local park.
- Is one of the homes for JUFC, for club training and junior matches. With the summer tenant being Ocean Ridge junior and senior cricket clubs. May require relocation of centre cricket wicket.
- There are limited car bays on site with approximately 40 located to the south of the site.
- The reserve is bounded by Marmion Avenue to the west, with residential houses surrounding the balance of the site. The closest resident to the existing facility is approximately 90 metres.
- There is a basic toilet block on site so to meet NPL standards a new clubroom facility would need to be constructed.
- Floodlighting on the site is sufficient for training purposes.

Warrandyte Park, Craigie

- This reserve would meet the needs of both clubs, however may require them to operate from other sites within the City of Joondalup.
- Currently classified as a District Park.
- Current home to WCFC and Perth City Football Club. There is no regular hirer for the summer season.

- The existing facility will require some refurbishment to meet NPL standards, with the City seeking grant funding for an upgrade to the floodlighting which if successful will occur in 2017-18.
- There is approximately 115 car bays on site.
- The site is surrounded by bushland to the south, a water treatment plant to the east and residential housing to the north and west. The closest resident is approximately 45 metres from the existing facility.

Santiago Park, Ocean Reef

- Subject to required refurbishment works would be suitable to both clubs – however would likely require them to also operate from other satellite venues.
- Current users Joondalup City Football Club (satellite ground for training purposes), Joondalup Kinross Cricket Club (juniors and seniors) and Joondalup Little Athletics Club (minor overflow use). May require existing clubs and cricket pitch to be relocated.
- Is currently classified as a local park.
- Can accommodate two football playing surfaces.
- Existing facility is a basic toilet block and would need significant refurbishment work to meet NPL requirements.
- An upgrade to the floodlighting would be required.
- Site is surrounded by a public and private primary school to the north and south respectively, a shopping centre to the west and residents to the east.
- Shared use site with both adjacent primary schools – St Simon Peter Catholic Primary School and Beaumaris Primary School, so installation of permanent infrastructure may impact school use during school hours (athletics carnivals, school sport etc.).
- Closest resident to the existing facility is approximately 80 metres.
- There are approximately 75 bays on site.

The following sites have been identified that would be suitable to house WCFC only, due to its requirements for facility access and the facilities on site would require nil or minimal refurbishing:

Flinders Park, Hillarys

- Could accommodate one full size football pitch and subject to configurations comprise some options for smaller pitches to suit modified games. WCFC may need to base some of its training and games at other venues.
- The reserve contains an adequate clubroom facility with storage, kitchen, meeting/function area, toilets and change rooms.
- Currently classified as local park.
- The reserve is used by Whitfords Junior Cricket Club for training only, with Ocean Ridge Senior Cricket Club using the turf cricket centre wicket for games only, primarily on a Saturday. Hillarys Football Club train and play on site during the winter, they are a Masters based team that play on a Sunday. The reserve is not heavily utilised during winter.
- The clubrooms are utilised by non sporting clubs during the day and evening. There is a church that have been operating there on a Sunday for some time (9.00am to 12.30pm) which may provide some challenges for access to clubrooms during game days.
- There would need to be an upgrade to the floodlighting.
- The reserve is surrounded by residential housing with the closest house being approximately 50 metres away from the existing clubrooms.
- There are approximately 55 car bays on site across two car parks.

McNaughton Park, Kinross

- Could accommodate one full size football pitch and subject to configurations comprise some options for smaller pitches to suit modified games. WCFC may need to base some of its training and games at other venues.
- The reserve contains an adequate clubroom facility with storage, kitchen, meeting/function area, toilets and change rooms.
- Westside Football Club use it as an overflow ground during the winter, while the Joondalup Kinross Junior Cricket Club access the reserve for training and games during the summer.
- The clubroom facility has some regular annual hirers including a playgroup (daytime use), scouts and guides of an evening for two days per week.
- Floodlighting would require upgrading.
- Currently classified as a local park.
- There are approximately 40 car bays on site.
- Locating WCFC would mean three significant size football clubs are located within very close proximity, Joondalup City Football Club (Iluka Open Space) and Westside Football Club (Bramston Park, Burns Beach).
- The reserve is surrounded by bushland to the west and north (subject to a future housing development), shopping centre and Skate Park to the south with residential housing to the east and south-east. The closest resident is located approximately 40m from the existing facility.

Mawson Park, Hillarys

- Could accommodate one full size football pitch and subject to configurations comprise some options for smaller pitches to suit modified games. WCFC may need to base some of its training and games at other venues.
- The reserve contains a basic toilet block with kiosk facilities, some refurbishment work would be required particularly providing more storage.
- Upgrade to the floodlighting would be required.
- Whitfords Junior AFL club book it during the winter for training purposes, with Pirates Softball Club using it for games on a Sunday afternoon.
- Mawson Park is primarily a passive recreation reserve. Placing a medium to large permanent sporting club on the reserve may detract from the primary purpose of the park.
- Currently classified as a local park.
- The reserve does not have a dedicated car park but has ample off street car parking on the verge.
- The reserve is surrounded by residential housing, with the closest house being approximately 90m away from existing facility.

Korella Park, Mullaloo

- Could accommodate one full size football pitch and subject to configurations comprise some options for smaller pitches to suit modified games. WCFC may need to base some of its training and games at other venues.
- The reserve contains a basic toilet block, some refurbishment work would be required particularly providing more storage.
- Upgrade to the floodlighting would be required.
- As part of the most recent booking cycle, the park was booked by Kallaroo and Ocean Ridge Cricket clubs and Oceanside Little Athletics Club during the summer and West Coast Wolverines during the winter.

- Is a 'shared use' reserve with the neighbouring Mullaloo Beach Primary School.
- There are approximately 40 car bays on site.
- The reserve is surrounded by the primary school to the east with natural bushland to predominately to the west and north of the site, residential housing abuts the reserve to the south. The closest residential house is approximately 60 metres from the existing facility.

Charonia Park, Mullaloo

- Could accommodate one full size football pitch and subject to configurations comprise some options for smaller pitches to suit modified games. WCFC may need to base some of its training and games at other venues.
- JUFC are the only sporting club that book Charonia Park, winter for game day and training venue, and in summer have held selection trials.
- The reserve contains a basic toilet block, some refurbishment work would be required particularly providing more storage.
- Upgrade to the floodlighting would be required.
- Is a 'shared use' reserve with the neighbouring Primary School.
- There are approximately 40 car bays on site.
- The reserve is surrounded by the primary school to the west, commercial precinct and a church are located to the south-east, with residential housing predominately to the north, east and south west of the site. The closest residential house is approximately 100 metres from the existing facility.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable. However the City has an established process in allocating grounds and facilities through an agreed booking process either based on a summer/winter season or annual season.

Risk management considerations

Any decision to relocate a club from its long term home facility will inevitably be met with resistance from that club. Clubs are likely to be concerned about a potential loss of members especially if that club draws a majority of its members from close proximity of its home venue. Furthermore, proposed changes to the use of a reserve or the infrastructure installed on the reserve is likely to generate concerns and feedback from the local surrounding community.

Financial / budget implications

The City has an extensive Capital Works Program, with \$225,000 listed to undertake refurbishment works to Warrandyte Park Clubrooms across two financial years, commencing 2017-18. The City's next major facility redevelopment is Penistone Park Clubrooms, Greenwood due to commence 2016-17, with the redevelopment of Chichester Park Clubrooms scheduled for 2019-20, with a budget of \$4 million.

In order to develop accurate costs for any facility refurbishment or redevelopment, a detailed scope of works and concept design would need to be undertaken, and then this would need to be evaluated by a Quantity Surveyor. However, for consideration the City generally works on approximately \$3,000 per square metre for refurbishment. To gauge the cost of works required on a site that could house either club some examples are provided of recent works:

- Community and Sporting facility at Bramston Park, including clubrooms, playground and floodlighting was approximately \$2.9 million – completed March 2016.
- The final cost provided for Penistone Park Clubrooms (including car park, playground, tennis courts, cricket training nets) is approximately \$4 million – due to commence March 2017.
- The refurbishment/extension of the Admiral Park Clubrooms (2013-14) to house Joondalup Giants Rugby Club was approximately \$850,000. This project converted a basic park toilet/change room facility to include storage, clubroom and larger change rooms. In addition to the facility refurbishment, the City will also upgrade the floodlighting to the site at an estimate cost of \$520,000 for six light towers (works to be completed June 2017). Total project cost of approximately \$1.37 million.

Future financial year impact

Annual operating cost Ongoing annual operating expenditure based on a similar City facility would be approximately.

Estimated annual income An amount of \$10,427 would be estimated as annual income, with an amount of \$14,370 of subsidised use provided.

Capital replacement The life of the asset would be 100 years.

20 Year Strategic Financial Plan impact In order to gauge the impact on the *20 Year Strategic Financial Plan* (SFP) of additional capital works required to house one of the football clubs – if adding \$3 million in 2017-18 with the following assumptions:

- 1.8% Maintenance & Utilities Expenses per year (City Average). This equates to \$54,000 per year.
- Capital Replacement of some sort (such as Fixtures and Fittings) required in 16 years, assumed \$150,000.

The following impacts may occur:

- Total Whole-of-Life 20 Year Cash Impact of the \$3 million project would be \$8.8 million. This includes costs of borrowing and escalation factors over the 20 years.

- Key Ratios. The Adopted Plan (June 2016) projected that 85 out of 100 key ratios would be achieved. The revised model with the \$3 million increase would still achieve 85 ratios.
- Overall comment. The projections for the 20 Year SFP would withstand an additional cost of \$3 million, but it would add further risk to the plan. The City has a significant challenge in the years ahead to reduce a \$9 million operating deficit, which needs to be achieved by increasing revenue more than expenses are increasing.

Impact year

In order for JUFC to meet Football West's requirements to host NPL games at a dedicated venue, works would need to commence in the very near future, possibly 2017-18.

Regional significance

Not applicable.

Sustainability implicationsEnvironmental

Any development of City land will consider and minimise impact to important flora and fauna in the area. Facilities will be planned to reduce the impact of the carbon footprint and consider environmental sustainability design features.

Social

The future utilisation of Warrandyte Park clubrooms and park has now undertaken forms of community consultation and engagement with local residents and stakeholders to ensure that feedback received represents the diverse needs of the City's community. Any developments at the site will consider access and inclusion principles and will aim to enhance the amenity of the public space.

Undertaking physical activity either through organised sport through a club or passive recreation of a public open space greatly contributes to building community within the local area.

Consultation

As a result of the Council decision on 18 October 2016, various meetings were held with identified stakeholders for Warrandyte Park and Clubrooms as follows:

- Joondalup United Football Club – 2 November 2016.
- Whitford City Football Club – 3 November 2016.
- Other user groups and businesses – 9 November 2016.
- Community forum – 17 November 2016.

Council, at its meetings held on 18 October 2016 and 20 September 2016, received petitions in regard to the move of WCFC from Warrandyte Reserve, and the process regarding the community forums and associated reporting, respectively. In terms of the first petition received by Council at its meeting held on 18 October 2016, this report presents to Council the relevant information in respect of making a further decision in regard to the possible relocation of WCFC from Warrandyte Reserve.

In terms of the second petition received by Council, at its meeting held on 20 September 2016, Council's resolution at that same meeting (in respect to the notice of motion considered) gave clear direction in terms of the community consultation process that was to occur. Elected Members are bound by the requirements of the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007* in terms of their role and decision-making responsibilities. Council requested a report to be presented to its December meeting and this requirement has been complied with. Therefore there is no action or recommendation to Council in terms of this second petition.

COMMENT

The City of Joondalup has 34 community facilities and 63 active reserves serving 128 sporting clubs. These facilities and reserves are traditionally hired to sporting clubs on a seasonal basis through an established booking process. The City is constantly under pressure to find locations for many sporting clubs wanting to base themselves within the City of Joondalup.

With the increasing demand by clubs for access to City facilities, and the limited number of facilities, there are increasing challenges associated with finding home based locations for clubs and groups.

An immediate solution is to construct a new facility; however that comes at a significant cost not only the one off capital construction cost, but also the ongoing maintenance and operating costs for the life of the asset. It is therefore prudent that when the Council is faced with the demand to find a home for a club, it evaluates its existing assets (life cycle, utilisation and the like) to ascertain if these can house the club rather than agreeing to construct a new facility.

The question is often asked, what role local government should play in facilitating sporting groups competing or aspiring to play at the premier/elite level, when the position could be taken that the primary role is to facilitate community based activities. The City has in the past acknowledged its role as a facilitator and partner in the development and sustainable management of local community-based organisations and to support their aspirations.

This is evident in the Council's decision to support the funding to the upgrade of the Joondalup Arena to assist two major sporting associations within the City being the West Perth Football Club and the Joondalup Wolves who compete at the premier level of their sport. Further to fulfil these roles the City has well established grant programs and funding schemes.

However this should not excuse the responsibility for the national and/or state sporting associations to either lead or greatly assist in facility provision, specifically where that code requires certain venue requirements. It is therefore suggested that discussions be held with Football West in assisting either club and the City in providing suitable venues.

The City has a number of football clubs operating within its boundaries, some of them are currently competing at the NPL level while others are aspiring too. As a result of Football West's venue requirements and the possible growth of teams at the NPL level, this will place increasing pressure on the City to find suitable venues with supporting infrastructure. It may therefore be prudent to undertake research on suitable venues within the City of Joondalup or region that could be developed or modified to be the primary location to host NPL games for City of Joondalup based clubs. This would not replace those clubs's primary base of operation for training and development but purely host games throughout the season at a suitable venue that can cope with the demands of the NPL competition.

The City has adopted a number of 'Position Statements' which have been developed to provide the Council and City with a basis for lobbying and to effect expedient changes should opportunities from state and federal governments or the commercial industry arise. The City has an adopted a position statement in relation to land within Tamala Park and is currently under the management and utilisation of the Mindarie Regional Council (MRC), which will be released back to the owners. The position statement reads as follows:

Funds from Tamala Park should be used for programs aligned to the 20 Year Strategic Financial Plan, but for the following purposes as a minimum:

- *To invest in income producing facilities.*
- *To build a significant one-off community facility.*

The site, which comprises 151 hectares, will be available as a regional recreation facility. The land is held in fee simple and is currently zoned Regional Open Space and/or Bush Forever and an interim zoning exists for 57 hectares of land under the classification 'public utility'.

The MRC has been requested by the seven member owner Chief Executive Officers to develop a masterplan for this portion of the site and the portion of the site currently used for waste management landfill purposes.

Council's position was determined in terms of both the strategic implications and financing of such a facility which, while located within the City of Wanneroo, has an interface with the border of the City of Joondalup.

This location could be developed to assist in meeting the needs of sporting groups, particularly those football clubs within the district competing at NPL level.

It is evident from the community reaction, that the community believe the current proposal would lead to a significant change in amenity by displacing a community club from its primary base of operation of 40 years and replacing it with another community club that has different aspirations, which in turn will lead to a different use of the park.

It is therefore recommended that WCFC remain at Warrandyte Park as the primary winter tenant and the City work with JUFC, Football West and other key stakeholders to find JUFC a suitable venue to which they can refer to as their primary base of operation, and allows them to compete at the NPL level.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the information detailed in Report CJ236-12/16 relating to the existing and future utilisation of Warrandyte Park, Craigie;
- 2 DOES NOT AGREE to relocate Joondalup United Football Club to Warrandyte Park, Craigie as the primary winter season tenant for 2017;

- 3 AGREES to maintain Whitford City Football Club at Warrandyte Park, Craigie as the primary winter tenant, subject to the City's agreed annual booking process for ground and facility allocation;
- 4 REQUESTS that the Chief Executive Officer provides further reports:
 - 4.1 considering the relocation of the Joondalup United Football Club to a suitable facility for the long term;
 - 4.2 on the possibility of establishing a regional facility to house future NPL fixtures, for those clubs within the City of Joondalup competing at that level;
- 5 REQUESTS the Chief Executive Officer to engage with Football West on what assistance it can offer in sourcing a suitable facility for Joondalup United Football Club;
- 6 REQUESTS that the Chief Executive Officer engage with the Sorrento Football Club and the Joondalup United Football Club to formally establish the arrangements for Joondalup United Football Club to play NPL games at Percy Doyle 1 for the 2017 season as per the in-principle agreement advised to Football West;
- 7 REQUESTS that the Chief Executive Officer notifies the lead petitioners (petitions received by the Council at its 18 October 2016, and 15 November 2016 meetings) opposing the relocation of Joondalup United Football Club to Warrandyte Park, Craigie of its decision.

MOVED Cr Gobbert, SECONDED Mayor Pickard that Council:

- 1 **NOTES the information detailed in Report CJ236-12/16 relating to the existing and future utilisation of Warrandyte Park, Craigie;**
- 2 **DOES NOT AGREE to relocate Joondalup United Football Club to Warrandyte Park, Craigie as the primary winter season tenant for 2017;**
- 3 **AGREES to maintain Whitford City Football Club at Warrandyte Park, Craigie as the primary winter tenant, subject to the City's agreed annual booking process for ground and facility allocation;**
- 4 **INDICATES its preference to designate Beldon Park, Beldon as the home ground of Joondalup United Football Club, pending the provision of a detailed report to the March Council meeting outlining potential scope of works, financial implications and feedback from community and stakeholder consultation;**
- 5 **REQUESTS the Chief Executive Officer to prepare a report for the 21 March 2017 Council meeting, to enable Council to make a ground allocation and funding determination that includes:**
 - 5.1 **a detailed schedule of appropriate works and costs to enable Joondalup United Football Club to be based at Beldon Park, Beldon and meet minimum NPL requirements, including, but not limited to, the provision of floodlighting, the retaining of the north-western corner of the playing area to enable the provision of two full sized pitches, the retaining portion be utilised as a limestone terraced seating area, extension to the existing building to incorporate change rooms, storage, first aid room, clubrooms and a pergola;**

- 5.2 conducted public consultation seeking stakeholder and community feedback on the allocation of Beldon Park, Beldon as the home ground of Joondalup United Football Club, including upgrades to lighting and clubroom facilities;
- 6 REQUESTS the Chief Executive Officer to prepare a report for Council's consideration to designate Percy Doyle Reserve as an NPL stadium site for use by Sorrento Football Club as their home ground, and by other City of Joondalup clubs for NPL matches, including potential scope of project, cost estimates and timing, to be prepared in consultation with Football West, Sorrento Football Club, Joondalup United Football Club and ECU Joondalup Football Club;
- 7 REQUESTS that the Chief Executive Officer engage with the Sorrento Football Club and the Joondalup United Football Club to formally establish the arrangements for Joondalup United Football Club to play NPL games at Percy Doyle 1 for the 2017 season as per the in-principle agreement advised to Football West;
- 8 REQUESTS that the Chief Executive Officer notifies the lead petitioners (petitions received by the Council at its 18 October 2016, 15 November 2016 meetings) opposing the relocation of Joondalup United Football Club to Warrandyte Park, Craigie of its decision.

AMENDMENT MOVED Cr Dwyer, SECONDED Cr Fishwick that an additional Part 9 BE ADDED to the motion to read as follows:

“9 REQUESTS the Western Australian Local Government Association to advocate on behalf of local government to engage with Football West for it to work together with local government to assist the sector in funding and providing football facilities within the respective districts.”.

The Amendment was Put and

CARRIED (11/2)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Logan, McLean, Norman and Taylor.

Against the Amendment: Crs Jones and Poliwka.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Gobbert that an additional Part 10 BE ADDED to the motion to read as follows:

“10 APPROVES, as required by clause 2.1.c of the City's Community Consultation and Engagement Policy, the community consultation referred to in Part 5.2 above to commence no earlier than Monday 16 January 2017.”.

The Amendment was Put and

CARRIED (12/1)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman and Taylor.

Against the Amendment: Cr Poliwka.

AMENDMENT MOVED Mayor Pickard, **SECONDED** Cr Gobbert that Part 8 of the motion **BE AMENDED** to include the words '*and 13 December 2016*' after the word '*2016*' and before the word '*meetings*', with the motion to read as follows:

"8 REQUESTS that the Chief Executive Officer notifies the lead petitioners (petitions received by the Council at its 18 October 2016, 15 November 2016 and 13 December 2016 meetings) opposing the relocation of Joondalup United Football Club to Warrandyte Park, Craigie of its decision;"

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

The Original Motion as amended, being:

That Council:

- 1 NOTES the information detailed in Report CJ236-12/16 relating to the existing and future utilisation of Warrandyte Park, Craigie;**
- 2 DOES NOT AGREE to relocate Joondalup United Football Club to Warrandyte Park, Craigie as the primary winter season tenant for 2017;**
- 3 AGREES to maintain Whitford City Football Club at Warrandyte Park, Craigie as the primary winter tenant, subject to the City's agreed annual booking process for ground and facility allocation;**
- 4 INDICATES its preference to designate Beldon Park, Beldon as the home ground of Joondalup United Football Club, pending the provision of a detailed report to the March Council meeting outlining potential scope of works, financial implications and feedback from community and stakeholder consultation;**
- 5 REQUESTS the Chief Executive Officer to prepare a report for the 21 March 2017 Council meeting, to enable Council to make a ground allocation and funding determination that includes:**
 - 5.1 a detailed schedule of appropriate works and costs to enable Joondalup United Football Club to be based at Beldon Park, Beldon and meet minimum NPL requirements, including, but not limited to, the provision of floodlighting, the retaining of the north-western corner of the playing area to enable the provision of two full sized pitches, the retaining portion be utilised as a limestone terraced seating area, extension to the existing building to incorporate change rooms, storage, first aid room, clubrooms and a pergola;**
 - 5.2 conducted public consultation seeking stakeholder and community feedback on the allocation of Beldon Park, Beldon as the home ground of Joondalup United Football Club, including upgrades to lighting and clubroom facilities;**

- 6 **REQUESTS** the Chief Executive Officer to prepare a report for Council's consideration to designate Percy Doyle Reserve as an NPL stadium site for use by Sorrento Football Club as their home ground, and by other City of Joondalup clubs for NPL matches, including potential scope of project, cost estimates and timing, to be prepared in consultation with Football West, Sorrento Football Club, Joondalup United Football Club and ECU Joondalup Football Club;
- 7 **REQUESTS** that the Chief Executive Officer engage with the Sorrento Football Club and the Joondalup United Football Club to formally establish the arrangements for Joondalup United Football Club to play NPL games at Percy Doyle 1 for the 2017 season as per the in-principle agreement advised to Football West;
- 8 **REQUESTS** that the Chief Executive Officer notifies the lead petitioners (petitions received by the Council at its 18 October 2016, 15 November 2016 and 13 December 2016 meetings) opposing the relocation of Joondalup United Football Club to Warrandyte Park, Craigie of its decision;
- 9 **REQUESTS** the Western Australian Local Government Association to advocate on behalf of local government to engage with Football West for it to work together with local government to assist the sector in funding and providing football facilities within the respective districts;
- 10 **APPROVES**, as required by clause 2.1.c of the City's Community Consultation and Engagement Policy, the community consultation referred to in Part 5.2 above to commence no earlier than Monday 16 January 2017.

was Put and

CARRIED (11/2)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Logan, McLean, Norman and Taylor.

Against the Motion: Crs Jones and Poliwka.

REASON

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is to ensure timely consideration of alternative home grounds for the Joondalup United Football Club.

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf161206.pdf](#)

CJ208-12/16 ANIMALS AMENDMENT LOCAL LAW 2016 – ADOPTION

WARD	South-West	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	21067, 101515	
ATTACHMENTS	Attachment 1	City of Joondalup <i>Animals Amendment Local Law 2016</i>
	Attachment 2	Schedule of Submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Animals Amendment Local Law 2016* and to make the local law.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2016 (CJ090-06/16 refers), Council resolved to make the proposed *City of Joondalup Animals Amendment Local Law 2016* for the purposes of public advertising. The effect of the proposed *City of Joondalup Animals Amendment Local Law 2016* is to remove the ability for horses to be exercised at Hillarys Beach and remove redundant provisions within the local law relating to dog exercise areas and dog prohibited areas.

In accordance with section 3.13(3) of the *Local Government Act 1995* (the Act) the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy to the Minister for Local Government.

At the close of the public submission period the City received 318 individual submissions. Of those submissions 311 were against the proposed *Animals Amendment Local Law 2016* and six were in support. One submission was received from the Department of Local Government and Communities (DLGC) providing comment on the setting out and formatting of the local law. In addition, the City received in total a 2,827 signature petition, of which 1,194 were deemed electors, opposing the closure of the horse exercise area at Hillarys Beach. A 20 signature letter was also received outside the public consultation process objecting to the closure of the horse exercise area at Hillarys Beach, none of whom were assessed as being electors.

In view of Council's previous decision that was made at its meeting held on 17 May 2016 (CJ071-05/16 refers) to permanently close the horse exercise area at Hillarys Beach, it is recommended that the local law be made.

It is therefore recommended that Council:

- 1 *NOTES the submissions received at the close of the public submission period for the proposed City of Joondalup Animals Amendment Local Law 2016, as outlined in Attached 2 to Report CJ208-12/16;*

- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Animals Amendment Local Law 2016 as detailed in Attachment 1 to Report CJ208-12/16 and AUTHORISES the Common Seal to be affixed;*
- 3 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995;*
- 4 *ADVISES the lead petitioner and individual submitters of Council's decision.*

BACKGROUND

At its meeting held on 23 March 1999 (CJ67-03/99 refers), Council adopted the *City of Joondalup Animals Local Law 1999*. The local law provides for the regulation, control and management of the keeping of animals within the City of Joondalup and includes the establishment of dog and horse exercise areas.

The *Dog Act 1976* was amended in 2014 to enable local governments to determine dog exercise and dog prohibited areas by simple resolution rather than through a local law. This change to the *Dog Act 1976* rendered those aspects of the City's *Animals Local Law 1999* relating to dog exercise and dog prohibited areas void.

At its meeting held on 17 May 2016 (CJ071-05/16 refers), Council resolved the following in relation to the horse exercise area at Hillarys Beach:

"That Council:

- 1 *SUPPORTS Option 2 to close the Hillarys Horse Beach and reconfigure the existing horse and dog beach carparks;*
- 2 *NOTES the requirement for the City of Joondalup Animals Local Law 1999 to be amended in order to give effect to the closure of the Hillarys Horse Beach;*
- 3 *REQUESTS the Chief Executive Officer to prepare a report for Council to initiate amendments to the City of Joondalup Animals Local Law 1999, with the purpose of removing provisions that provide permissible areas for the exercising of horses on City of Joondalup beaches."*

As the designation of the horse beach is contained within the City's *Animals Local Law 1999*, an amendment to this local law is required to remove the designation of the horse exercise area at Hillarys Beach.

At its meeting held on 28 June 2016 (CJ090-06/16 refers), Council resolved to make the proposed *City of Joondalup Animals Amendment Local Law 2016* for the purposes of public advertising.

The effect of the proposed *City of Joondalup Animals Amendment Local Law 2016* is to remove the ability for horses to be exercised at Hillarys Beach and remove redundant provisions within the local law relating to dog exercise areas and dog prohibited areas (which are now prescribed through the process within the *Dog Act 1976* as opposed to the local law).

DETAILS

In accordance with section 3.13(3) of the Act the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy to the Minister for Local Government. Public notices appeared in chronological order as follows:

- Public notice boards at local government offices, each public library and City website from 29 June to 22 August 2016 inclusive.
- *The West Australian* on Wednesday 6 July 2016.
- The *Joondalup Times* on 12 July 2016.
- The *Joondalup Weekender* on 14 July 2016.
- The *Joondalup Times* on 19 July 2016.

At the close of the public submission period the City had received 318 submissions. Of these submissions, 311 were against the proposed *Animals Amendment Local Law 2016* and six were in support. One submission was received from the DLGC providing comment on the setting out and formatting of the local law. A summary of the submissions is provided as Attachment 2. Where changes suggested have been supported they have been included in the local law submitted to Council for adoption (Attachment 1 refers).

At its meeting held on 20 September 2016 (CJ141-09/16 refers), Council resolved to DEFER consideration of this item until its meeting to be held on 13 December 2016.

Issues and options considered

Council can either:

- adopt the proposed local law
- adopt the proposed local law with modifications, subject to the modifications not being significantly different to what was advertised
or
- not adopt the proposed local law.

In view of Council's previous decision it made at its meeting held on 17 May 2016, it is recommended the proposed local law be made with modifications, in response to the submission from the DLGC and as outlined in Attachment 2.

Notwithstanding should Council choose not to proceed with the making of the local law, which in effect would retain the horse beach at Hillarys, Council will need to cease the local law process and will be required to revoke parts of its decision previously made at its meeting held on 17 May 2016.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.

Dog Act 1976.

City of Joondalup Animals Local Law 1999.

City of Joondalup Local Government and Public Property Local Law 2014.

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality open spaces.

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

Policy Not applicable.

Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be recommended for disallowance by the Joint Standing Committee on Delegated Legislation (JSCDL).

Financial / budget implications

The cost associated with the making of this local law is approximately \$1,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2016-17 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and included:

- giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in *The West Australian*
 - advertising in the *Joondalup Weekender* newspaper
 - advertising in the *Joondalup Times* newspaper
 - displaying public notices at the City of Joondalup Administration Centre, Public Libraries and Customer Services Centres
 - advertising on the City's website
- providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government.

At the close of the public comment period, 318 submissions were received, with 311 submissions against the proposed *City of Joondalup Animals Amendment Local Law 2016* and six submissions in support. The submissions largely focused on Council's previous decision of 17 May 2016 to close the horse exercise area at Hillarys Beach, as opposed to the validity of the local law. While the Act does not prescribe the parameters or restrictions in which a comment can be made, or who can make a submission, all submissions should be considered and put into context in respect of the purpose for which the local law is to be made, and therefore, whether a local law is supported by Council to proceed in its current form. The Department of Local Government and Communities also made a submission commenting on minor formatting issues in regard to the local law.

In addition, the City received a 20 signature letter outside the public comment period, opposing the closure of the horse exercise area at Hillarys Beach. None of the signatories were deemed to be electors within the district.

At its meeting held on 16 August 2016 (C42-08/16 refers), Council also received a petition containing 2,727 signatures (of which 1,167 were deemed electors) opposing the closure of the horse exercise area at Hillarys Beach.

A further 100 signatures were received after the Council meeting held on 16 August 2016, of which 27 were deemed electors.

COMMENT

The *City of Joondalup Animals Amendment Local Law 2016* has been progressed to specifically deal with the removal of:

- the designation of a horse exercise area on a beach reserve in accordance with previous decisions of Council to close the horse exercise area at Hillarys Beach
- outdated and redundant dog exercise and dog prohibition areas.

The proposed *City of Joondalup Animals Amendment Local Law 2016* was subsequently advertised and minor amendments made, taking into account comments submitted by the Department of Local Government and Communities.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress, which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the Joint Standing Committee on Delegated Legislation, which is the Western Australian Parliamentary committee established to review subsidiary legislation (including local laws made by local governments).

The Joint Standing Committee on Delegated Legislation, in considering any subsidiary legislation, will inquire as to whether the instrument (being the local law):

- is within power of the local government to make
- has no unintended effect on any person's existing rights or interests
- provides an effective mechanism for the review of administrative decisions
- contains matters that are only appropriate for subsidiary legislation.

The proposed *City of Joondalup Animals Amendment Local Law 2016* amends an existing local law and does not introduce any new provisions to the City's local law framework. It has the effect of removing provisions which are either redundant or which Council considers appropriate to be removed from the local law.

VOTING REQUIREMENTS

Absolute Majority.

The Acting Director Infrastructure Services left the Chamber at 8.20pm and returned at 8.22pm.

MOVED Cr Hamilton-Prime, SECONDED Cr Gobbert that Council:

- 1 **NOTES** the submissions received at the close of the public submission period for the proposed *City of Joondalup Animals Amendment Local Law 2016*, as outlined in Attachment 2 to Report CJ208-12/16;
- 2 **BY AN ABSOLUTE MAJORITY MAKES** the *City of Joondalup Animals Amendment Local Law 2016* as detailed in Attachment 1 to Report CJ208-12/16 and **AUTHORISES** the Common Seal to be affixed;
- 3 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*;
- 4 **ADVISES** the lead petitioner and individual submitters of Council's decision.

The Director Planning and Community Development left the Chamber at 8.31pm and returned at 8.33pm.

C77-12/16 EXTENSION OF TIME TO SPEAK – [65597]

MOVED Cr Logan, SECONDED Cr Jones that Cr Norman be permitted an extension of time to speak for a further five minutes.

The Motion to Extend was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

MOVED Cr Hamilton-Prime, SECONDED Cr Gobbert that Council:

- 1 **NOTES** the submissions received at the close of the public submission period for the proposed *City of Joondalup Animals Amendment Local Law 2016*, as outlined in Attachment 2 to Report CJ208-12/16;
- 2 **BY AN ABSOLUTE MAJORITY MAKES** the *City of Joondalup Animals Amendment Local Law 2016* as detailed in Attachment 1 to Report CJ208-12/16 and **AUTHORISES** the Common Seal to be affixed;
- 3 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*;
- 4 **ADVISES** the lead petitioner and individual submitters of Council's decision.

The Motion was Put and

CARRIED (7/6)

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood and McLean.

Against the Motion: Crs Chester, Jones, Logan, Norman, Poliwka and Taylor.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf161206.pdf](#)

CJ204-12/16 DRAFT MACNAUGHTON CRESCENT STRUCTURE PLAN – LOT 9021 (3) LOCHNAGAR WAY, KINROSS – CONSIDERATION FOLLOWING ADVERTISING

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	105172
ATTACHMENT	Attachment 1 Location and zoning plan Attachment 2 Advertised draft structure plan Attachment 3 Structure plan process flow chart Attachment 4 Consultation map Attachment 5 Schedule of submissions Attachment 6 Schedule of recommended modifications <i>(Please Note: Attachment 2 is only available electronically)</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider submissions received during public advertising of the draft *MacNaughton Crescent Structure Plan* and to make a recommendation to the Western Australian Planning Commission (WAPC) as the determining authority for structure plans.

EXECUTIVE SUMMARY

Lot 9021 (3) Lochnagar Drive, Kinross (the site) was previously earmarked for development of a Primary School. However, in 2012 the site was identified by the Department of Education as being surplus to their needs and in January 2015, the site was rezoned to 'Urban Development'. A draft structure plan was then prepared by planning consultants Creative Design + Planning on behalf of Peet Limited to guide the future subdivision and development of the site.

The draft structure plan proposes the development of 60 dwellings ranging in residential density from R25 to R40, the provision of approximately 11% public open space (POS), the retention of some existing trees and an associated road network including a laneway to allow for rear vehicle access to those lots.

The structure plan was advertised for public comment for a period of 28 days closing on 27 October 2016. A total of 24 submissions were received, consisting of three submissions from service authorities, 19 submissions from surrounding landowners/occupiers, a submission from the Environmental Protection Authority and a submission from the Department of Planning.

The comments received were generally in response to the prospective future development of the site and expressed concerns around factors such as increased traffic congestion, loss of open space and amenity, loss of vegetation of conservation worthiness, noise during construction and a need for additional sporting amenities. Not all the submissions constituted objections, with some providing conditional support. No objections were received from the service authorities.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations), the sole determination of a structure plan now rests with the Western Australian Planning Commission (WAPC). Therefore, while this report addresses the assessment of the structure plan from the City's perspective, and considers the submissions received through the advertising process, Council's role is to make a recommendation to the WAPC.

Following the assessment of the structure plan and consideration of the submissions received, it is considered that the document is generally an appropriate framework to guide the future subdivision and development of the site, however a number of modifications should be recommended to the WAPC to ensure that development will meet the minimum density requirements of *District Planning Scheme No. 2 (DPS2)*, provide more certainty in regard to the location of specific Residential Density Codes (R-Codes) and the retention of specified trees, as well as to generally improve the accuracy and clarity of the document.

It is therefore recommended that Council advises the WAPC that it supports the draft MacNaughton Crescent Structure Plan, subject to the modifications outlined at Attachment 6.

BACKGROUND

Suburb/Location	Lot 9021 (3) Lochnagar Way, Kinross.
Applicant	Creative Design + Planning on behalf of Peet Limited.
Owner	Burns Beach Management Pty Limited.
Zoning	DPS Urban Development. MRS Urban.
Site area	4.027 hectares (40,270m ²).
Structure plan	Draft <i>MacNaughton Crescent Structure Plan</i> (the subject of this report).

Lot 9021 (3) Lochnagar Way is undeveloped and located in the north-eastern quadrant of Kinross, approximately 250 metres from the common boundary between the Cities of Joondalup and Wanneroo. The site is bounded on three of its four sides by established residential streets, being Grangemouth Turn (west), Lochnagar Way (north) and MacNaughton Crescent (east). MacNaughton Park adjoins the site along its southern boundary (Attachment 1 refers).

The surrounding area comprises well-established, predominantly single house properties with R-Code densities of R20 and R25. To the south of the site, beyond MacNaughton Park, is Kinross Central Shopping Centre.

During 2014, Peet Limited made application to have the site rezoned with the objective of developing it for residential purposes and, in January 2015, the land was zoned 'Urban Development'. In July 2015, the City received the first draft structure plan submission; however additional information was required from the applicant prior to the public advertising of the draft structure plan. As prescribed in the LPS Regulations, the City initiated the process of advertising the draft structure plan on 29 September 2016 for a period of 28 days, ending on 27 October 2016.

The site is considered a large opportunity site and in accordance the provisions of DPS2, any residential development is to yield a minimum of 25 dwellings per site hectare.

DETAILS

A draft structure plan (Attachment 2 refers) has been prepared by the applicant to guide the future subdivision and development of the site into medium-density residential lots, associated road infrastructure and public open space.

The draft structure plan consists of two parts. Part One of the structure plan sets out the structure plan area and details staging, subdivision and development requirements. It also includes the minimum dwelling yield and the requirement for local development plans (LDPs). Part Two of the structure plan document is the explanatory section, which provides the background, description of the site, context, opportunities and constraints, design philosophy and technical appendices. This section also reinforces the rationale for the proposal and outlines expected outcomes and the means for achieving these.

Specifically, the draft structure plan proposes the following:

- An estimated dwelling yield of 60 single residential dwellings.
- A 'floating' density range of R25 to R40. Notwithstanding the proposed 'floating density', the design philosophy is based on locating the R25-coded lots along the north-western, northern and north-eastern edge of the site so as to better interface with established dwellings on R20 and R25 coded lots. The R40 coded lots would be located in proximity to the proposed POS and include the laneway lots.
- The provision of approximately 11% public open space, which is designed to preserve the northern end of the sports oval and remnant vegetation, identified in the environmental assessment as being conservation worthy.
- The retention of trees of significance as shown on the Structure Plan map (Plan 1).
- A 'looped' access street linked to Grangemouth Turn, with a maximum reserve width of 24 metres, reducing to 15 metres. The 15 metre reserve width will accommodate a six metre carriageway and 4.5 metre wide verges.
- A single internal laneway with access to MacNaughton Crescent and the internal loop road, with a minimum six metre reserve width.
- Paths connected to MacNaughton Park and the surrounding road network.
- Primary drainage infrastructure contained on-site in the form of a grass swale (within the park) and subsurface storage within the entry statement road reserve.
- Local Development Plans (LDPs) to address lots with laneway access, that front the public open space, and are impacted by the retention of specific trees.
- The use of medium-density single house R-code standards (R-MD codes).
- Potential 4.5 metre high, mid-block, retaining walls.

Applicant's community engagement process

Part Two and the Technical Appendices of the structure plan outline the community engagement process that the applicant carried out prior to lodgement of the structure plan.

The consultation included the following activities:

- A Community Engagement Session was held on 13 June 2015.
- The distribution of flyers within the suburb of Kinross.
- The installation of banners on site.
- An advertisement placed in the Joondalup Times newspaper.
- Advertisement via the Kinross Resident's Association Facebook page.
- Production of an Information Booklet and Frequently Asked Questions.

- Distribution of a feedback form to attendees of the Community Engagement Session.

Issues and options considered

The issues to be considered by Council include:

- the suitability and content of the draft structure plan
- the public submissions received.

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

- provide a recommendation of support for the draft structure plan, without modifications, to the WAPC
- provide a recommendation of support for the draft structure plan, with modifications, to the WAPC
or
- provide a recommendation of refusal of the structure plan to the WAPC.

Legislation / Strategic Community Plan / policy implications

Legislation

Planning and Development Act 2005.
Planning and Development (Local Planning Schemes) Regulations 2015.
District Planning Scheme No. 2.

Strategic Community Plan

Key theme

Quality Built Environment.

Objective

Quality built outcomes.

Strategic initiative

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

Policy

Residential Development Local Planning Policy (RDLPP)
Liveable Neighbourhoods (State Policy).
Subdivision and Dwelling Development Adjoining Areas of Public Space Policy (Local Planning Policy).

Planning and Development (Local Planning Schemes) Regulations 2015

The LPS Regulations require that, where an application has been accepted by the local government as containing the required information, it is to be advertised for public comment for a period of up to 28 days, and that the submissions received be considered as part of the local government's report and recommendations to the WAPC on the structure plan proposal.

The local government has 60 days from the closure of the advertising process within which to provide its recommendations to the WAPC, with or without recommended modifications to the structure plan. The local government may advertise any modifications proposed to the structure plan to address issues raised in submissions. The structure plan process is illustrated at Attachment 3.

Under the LPS Regulations, structure plans no longer have statutory effect but are still an instrument that parties are required to have 'due regard' to. The LPS Regulations also limit the lifespan of a structure plan to 10 years, commencing on the day the WAPC approves the plan.

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

Clause 3.12.4.2 of DPS2 requires that where it is intended that a site is to be developed for residential purposes, any structure plan for that site must require that a minimum residential density of 25 dwellings per site hectare is achieved.

Liveable Neighbourhoods

Liveable Neighbourhoods is an operational policy of the WAPC and is used for the design and assessment of structure plans and subdivision on both greenfield and urban infill sites. It provides guidance on urban structure elements such as road layout and widths, lot layout and provision of public open space to create communities that reduce dependency on private vehicles and are more energy and land efficient.

Subdivision and Dwelling Development Adjoining Areas of Public Space Policy

This policy sets out design criteria for subdivisions and other development adjoining areas of public space. The objective of this policy is:

“To provide guidelines for the design of subdivisions and dwelling developments adjoining areas of public space to maximise the outlook onto and casual surveillance of these areas from adjoining properties and streets.”

Risk management considerations

Should Council defer a decision on the report beyond 26 December 2016, then the structure plan may be determined by the WAPC without Council's input.

Financial / budget implications

The applicant has paid fees of \$10,325.96 (including GST) to cover all costs associated with the assessment of the structure plan.

Regional significance

Directions 2031 and Beyond and the draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy* provide aspirations for the better utilisation of urban land through the establishment of dwelling and population targets for both greenfield and infill development sites. The proposed development of the former vacant East Kinross Primary School site, through the adoption and implementation of this structure plan, will provide additional dwellings within an established and well serviced area. These additional dwellings will assist the City of Joondalup to meet the aspirations of *Directions 2031 and beyond* and draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*.

Sustainability implications

Environmental

The proposed structure plan has been modified to take into account the Environmental Protection Authority's (EPA) requirement for the retention of habitat trees. The location of the subject trees is recorded on the structure plan (Plan 1). While the bulk of these trees fall wholly within the site, some appear to fall within the road reserve of both MacNaughton Crescent and Lochnagar Way. The successful retention of these trees goes beyond the structure plan stage and will require the imposition of suitable conditions at the subdivision stage.

Drainage has been incorporated where practicable into the public parkland and into a 20m³ subsurface storage facility to be located within the 24m wide road reserve. The principle behind the stormwater management strategy for the site is to infiltrate stormwater runoff as close to source as possible and to utilise existing infrastructure which has been planned and installed to cater for runoff from the site. Water sensitive urban design and drainage best management practices will be incorporated in the stormwater drainage design and landscaping.

Social

The draft structure plan has been designed so as to provide a range of medium-density housing product with the applicant indicating that individual lots will average between 220m² and 540m² in size. The provision of varied lot sizes will provide increased choice of lot sizes in the local area. The range in lot sizes coupled with the characteristics of the site (for example parkland frontage sites, proximity to shops) are expected to appeal to a variety of household structures. The development is also expected to appeal to residents who wish to downsize their block as well as for older residents who seek to 'age-in-place.' The introduction of new families and households into the area will contribute to more viable community facilities and public transport. Future residents of the development will be able to utilise existing established infrastructure, thereby reducing the need for new services located further away from social amenities.

Economic

The proposed structure plan will facilitate future subdivision and development on the site that will provide additional residents to the area who will contribute to supporting the local economy.

Consultation

Structure plan proposals are required to be advertised for public comment in accordance with the LPS Regulations, with the maximum advertising period being 28 days.

Public advertising of the draft structure plan occurred for 28 days as follows:

- Letters sent to landowners surrounding the site, including the Kinross Resident's Association, as depicted on the plan (Attachment 4 refers).
- A notice placed in the Joondalup Community newspaper.
- Two signs placed at prominent locations on the site.
- A notice and documents placed on the City's website.
- Documents available at the City's Administration Centre.

During the consultation period a total of 24 submissions were received, consisting of three submissions from service authorities, 19 submissions from surrounding landowners/occupiers including a submission from the President of the Kinross Residents' Association, a submission from the Environmental Protection Authority and a submission from the DoP. A summary of the comments is provided as Attachment 5.

COMMENT

Summary of submissions

All but one of the submissions received from surrounding landowners were generally opposed to the development of the site although some opposed certain aspects of the proposal and supported other aspects. Three common themes of the objections were identified, as outlined below.

Density

Most submitters cited the new residential densities for the site as being too high and not in keeping with established properties in Kinross. The submitters went further to state that the resulting smaller lots would negatively impact the amenity of the surrounding area by catering for a socio-economic profile that was incompatible with established households. As a related issue, certain submitters claimed that the additional dwellings would serve to lower house prices in the area by increasing supply.

However, the proposed R25 coded lots are proposed to be located on the northern half of the site and will generally interface with existing established properties on the western side of Grangemouth Turn and the northern side of Lochnagar Way, which also have an R25 coding. The R40 coded lots are proposed to be concentrated in the southeast corner of the site, with their frontages orientated to the park. It is also noted that DPS2 requires that the structure plan deliver a minimum yield of 25 dwellings per site hectare, or 72 dwellings in this instance.

With the general trend towards the provision of smaller lots on infill sites within established residential areas, it is considered that proposed the density range is appropriate for this location.

Traffic

Many submitters cited increased traffic congestion due to additional dwellings being developed on the site. While certain submitters challenged the validity of the traffic report given its reliance on data from 2010 and 2012, the finding from the traffic report was that the existing road network was operating well within design capacity and would continue to do so even with an additional 75 dwellings on the site (75 dwellings was the number on which the traffic report was based).

The City has reviewed the traffic report and considers that the traffic volumes generated by the development can be accommodated by the existing road network. The capacity assessment for post-development peak periods suggests that the traffic from the structure plan will have minimal impact on the operation of external intersections and significantly less of an impact were the site to have been developed for its intended purpose as a Primary School with a capacity of 600 children.

Certain submitters questioned the desirability of the laneway, suggesting that it would ultimately be used as a thoroughfare between MacNaughton Crescent and Grangemouth Turn. The use of laneways to provide rear lot access (where lots will front onto open space) is a standard design option under *Liveable Neighbourhoods*. The narrow width and alignment of the laneway, coupled with its primary function of providing access to rear garages, is expected to discourage vehicular through-traffic movements.

Loss of open space

A number of submitters cited the loss of the open space that would result from the development of the site, as being detrimental to surrounding residents. However, it is noted that the site was earmarked as a Primary School and was never set aside as bush/open space and only a portion was incorporated into the existing cricket oval. In excess of 11% of the site has been set aside as open space in the structure plan and conservation worthy trees have been identified for retention (Attachment 2, Plan 1 refers).

A number of submitters also stated that additional open space should be provided in compensation for the area that will be retained as sports oval. However, as indicated above, the draft structure plan sets aside more than the required 10% provision of open space, and while some of that open space will be utilised for the existing sports oval, it is not possible to require any additional open space as compensation. It is noted that the identified public open space will be ceded at no cost as part of the subdivision process.

Department of Planning comments

The Department of Planning provided comments on the draft structure plan proposal as follows:

- The structure plan map (Plan 1) should reflect the level of information required to subdivide and develop a four (4) hectare lot. In this regard the application of a density range (R25 – R40) across the residential zone is typically applied to large scale structure plans, where flexibility is necessary. Plan 1 should specify specific densities and lot layout.
- All references to bushfire prone areas and/or hazards shall be removed from the structure plan documents, as the site has not been identified as a bushfire prone area.
- The identification of the location of crossovers in relation to the retention of specified trees, at the Local Development Plan stage, is not supported. Rather, this aspect of the developmental process needs to happen at the subdivision/assessment stage through the imposition of appropriate 'Model Subdivision Conditions' which will better enable the 'Shared Crossover Concept' to be achieved. The responsibility for tree retention should rest with the developer and not future landowners.

The City generally agrees with the above comments, however notes the following:

- While it is agreed that Plan 1 should identify the specific location of the R-Codes to be applied to the site, it is not considered that a lot layout plan is necessary at the structure plan stage.
- It is agreed that vehicle crossovers should be provided at the subdivision stage to align with the retained trees, however it is considered that LDPs will still be necessary to manage the location of any development (including fences) on the lots that may have a potential impact on the retention of the trees.

Other comments

A number of other concerns were raised in the submissions received and these are addressed separately in the Schedule of Submissions provided as Attachment 5.

Recommended / required modifications to the draft structure plan

Following the assessment of the draft structure plan, a number of significant and minor modifications have been identified and recommended (Attachment 6 refers).

Density/minimum dwelling yield

Although inconsistently referred to in the document, the structure plan implies a dwelling yield of 60 dwellings is to be achieved for the site. No reference is currently made in the structure plan to the requirement under DPS2 for infill sites to achieve a dwelling yield of at least 25 dwellings per site hectare, or a minimum of 72 dwellings in this instance. It is recommended that these references, and a minimum dwelling yield of 72 dwellings, be specified in the structure plan.

The structure plan also proposes a 'floating' density code arrangement whereby the precise allocation of density codes only occurs at the subdivision stage. The DoP has advised that this arrangement is not supported for small infill sites and is more applicable to much larger greenfield sites. This position is supported, and it is recommended that an R-code density be allocated on Plan 1 within the structure plan, rather than a 'floating density', to ensure certainty. It is also recommended that the R25 code be allocated on the external portions of the site, and R30 to R40 codes applied to the laneway lots or lots internal to the site.

Medium-density single house development standards (R-MD Codes)

The R-MD Codes are a relatively new set of standards produced by the WAPC and are in effect acceptable variations to the deemed-to-comply standards of the R-Codes. The R-MD Codes can apply to single houses at the R25 to R60 density codes, and were developed to endeavour to better accommodate contemporary housing typologies on smaller lots. The R-MD Codes act as a replacement to existing R-Codes standards for building and garage setbacks, open space, parking, visual privacy and solar access.

The R-MD Codes are proposed to be applied to all residential areas in the structure plan via the adoption of a Local Planning Policy. While no objection is raised to the proposed use of the R-MD Codes, it must be acknowledged in the structure plan that the R-MD Codes must be implemented through a Local Planning Policy, and this is subject to a separate process and Council decision.

Tree retention

The importance of vegetation on the site was first highlighted by the EPA during the earlier scheme amendment process. It was in response to this process that the EPA determined that the site may provide habitat for Carnaby's Black Cockatoo. As a result, the EPA wanted habitat trees within the site to be retained as part of the detailed design of the structure plan. Specialist studies (including an arboriculturalist assessment) were subsequently undertaken and, while no viable habitat was identified, trees of conservation worthiness were. These trees are indicated on the structure plan (Plan 1) and are proposed to be protected by a LDP. While the DoP is of the view that the protection of trees can be addressed at the subdivision stage the City also recommends the use of a LDP to supplement any subdivision conditions.

It is considered that the draft structure plan does not provide sufficient certainty on the issue of tree retention. Given the importance of protecting specified trees as per the requirements of the EPA and as indicated on Plan 1, it is recommended that section 4 of Part One be supplemented with a 'Tree Retention' provision. Tree retention in public open space and road reserves is to be in accordance with Plan 1 and in the context of a Landscape Management Plan to be submitted for approval to the City, as required by a condition of subdivision.

It is also considered appropriate that the developer be required to construct crossovers to those lots affected by trees via the imposition of the appropriate subdivision condition. This would require suitable arrangements be made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision. The finished ground levels and drainage requirements will need to be carefully managed to ensure the retention and survival of these trees.

Local Development Plans (LDPs)

LDPs are site specific plans that provide additional development requirements usually to assist in providing a better built form outcome on site with constraints.

The draft structure plan outlines that LDPs will be required for:

- lots with direct frontage to an area of Public Open Space
- lots with rear-loaded (laneway) vehicle access
- lots whereby the driveway or dwelling design is impacted by the retention of specified trees.

It is generally considered that the LDPs as outlined above will be required. It is recommended, however, that additional information be included in the structure plan to outline what outcomes the LDPs are to achieve.

Bushfire requirements

The Department of Fire and Emergency Services *Map of Bush Fire Prone Areas* does not identify any of the site as bushfire prone. Therefore, all references to bushfire requirements can be removed from the structure plan.

Other modifications

A range of other modifications to the draft structure plan are recommended to address inconsistencies, incorrect references, typographical errors, better alignment with the WAPC Structure Plan Framework, and generally to improve the clarity of the document. These recommended modifications are outlined in Attachment 6.

Future subdivision considerations

Road network

The internal road and laneway have been designed in accordance with *Liveable Neighbourhoods* and take into account the constraints imposed by existing intersections on the periphery of the site. The main entry point to the site off Ossian Way has a reserve width of 24 metres in part so that it can accommodate some landscaping and subsurface storage of storm-water run-off. The road width tapers to 15 metres, which is considered adequate for the intended usage.

The appendices to the structure plan contain 'working drawings' that suggest that a handful of lots will require the use of a 'nib-road' off the main internal road for their access. Although not indicated on the structure plan (Plan 1) the City is aware that the use of a 'nib-road' may have practical limitations, particularly waste collection issues, that will necessitate an alternative arrangement.

Retaining walls (subdivision stage)

The appendices to the structure plan contain 'working drawings' that suggest that the subdivision of the site will rely on retaining walls with heights of up to 4.5 metres in places, located at the rear of properties fronting Lochnagar Way. Benching or 'stepping' of lots is also likely to occur along Lochnagar Way. The use of high retaining walls along the mid-block (rear lot boundary) alignment appears to eliminate the need for retaining along the street frontage, which is preferable. In addition, given the orientation of the lots, overshadowing is unlikely to be an issue. While consideration of retaining walls is not strictly a matter for the structure plan stage, it will be considered at the subdivision stage of the process.

Conclusion

The assessment of the draft structure plan and the associated public advertising are not considered to have raised any issues that would cause Council not to recommend to the WAPC that the structure plan be approved. However, it is considered that the modifications set out in Attachment 6 are necessary to ensure that the structure plan is capable of providing an appropriate framework to guide the future subdivision and development of the site.

VOTING REQUIREMENTS

Simple Majority.

The Manager Governance left the Chamber at 8.56pm and returned at 8.57pm.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 pursuant to Regulation 20 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to:
 - 1.1 SUPPORT the draft *MacNaughton Crescent Structure Plan*, subject to the modifications specified in Attachment 6 to Report CJ204-12/16;
 - 1.2 FORWARD its recommendations, schedule of recommended modifications and schedule of submissions to the Western Australian Planning Commission for consideration and determination;
- 2 NOTES that a draft *Medium-density single house development standards Local Planning Policy* will be prepared and presented to a future Policy Committee for consideration;
- 3 NOTES the submissions received and ADVISES the submitters of Council's recommendation to the Western Australian Planning Commission.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf161206.pdf](#)

CJ201-12/16 DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2016

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENT	Attachment 1 Monthly Development Applications Determined – October 2016 Attachment 2 Monthly Subdivision Applications Processed – October 2016
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 October 2016.

EXECUTIVE SUMMARY

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

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

This report identifies the development applications determined by the City under delegated authority powers during October 2016 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during October 2016 (Attachment 2 refers).

BACKGROUND

Schedule 2 clause 82 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

At its meeting held on 28 June 2016 (CJ091-06/16 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 October 2016 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	6	7
Strata subdivision applications	12	27
TOTAL	18	34

Of the 18 subdivision referrals, 13 were to subdivide in housing opportunity areas, with the potential for 16 additional lots.

Development applications

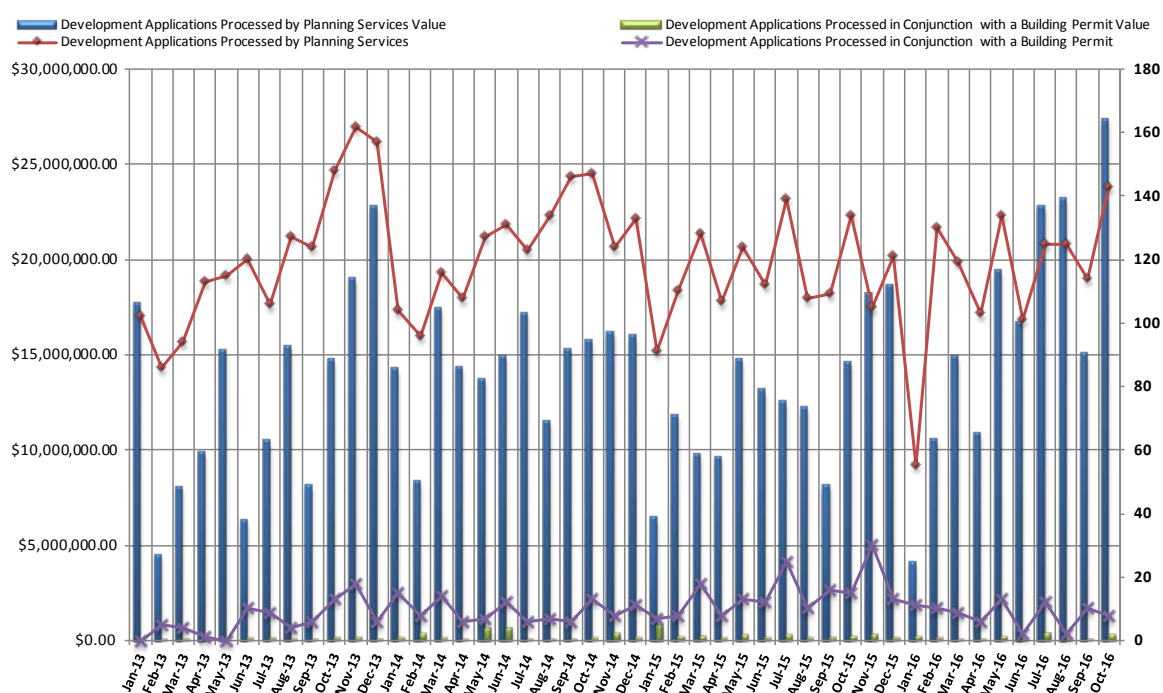
The number of development applications determined under delegated authority during October 2016 is shown in the table below:

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	143	\$ 27,374,812
Development applications processed by Building Services	8	\$274,423
TOTAL	151	\$ 27,649,235

Of the 151 development applications, 20 were for grouped dwelling developments in housing opportunity areas, proposing a total of 40 additional dwellings.

The total number and value of development applications determined between January 2013 and October 2016 is illustrated in the graph below:

Development Applications
Issued and Value January 2013 to October 2016



The number of development applications received during October was 138. (This figure does not include any development applications to be processed by building as part of the building permit approval process).

The number of development applications current at the end of October was 221. Of these, 27 were pending further information from applicants and 17 were being advertised for public comment.

In addition to the above, 299 building permits were issued during the month of October with an estimated construction value of \$82,100,668.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

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

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

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

Risk management considerations

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

Financial / budget implications

A total of 151 development applications were determined for the month of October with a total amount of \$92,325 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or DPS2 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

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

- 1 Development applications described in Attachment 1 to Report CJ201-12/16 during October 2016;**
- 2 Subdivision applications described in Attachment 2 to Report CJ201-12/16 during October 2016.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf161206.pdf](#)

CJ202-12/16 SUPPORT FOR MICRO-COMMUNITY GROUPS

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	55469, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

To provide Council with information about micro-community groups, specifically the issues they face and the level of support currently provided to them; and to outline options for greater support for micro-community groups in the future.

EXECUTIVE SUMMARY

At its meeting held on 15 March 2016 (CJ13-03/16 refers), Council requested the Chief Executive Officer to “prepare a report on the benefits, viability and costs associated with providing additional City of Joondalup resources to support micro-community groups, incorporated or otherwise, that provide services to the community that are aligned with the strategic objectives of the City of Joondalup”.

This report defines what is meant by micro-community groups and how they are different from other groups, summarises the existing City support mechanisms in place for all groups in the community, outlines the issues faced by micro-community groups and provides some options for Council to consider for the provision of future support.

It is therefore recommended that Council:

- 1 *NOTES the information about micro-community groups – specifically the issues they face and the level of support currently provided to them;*
- 2 *REQUESTS the Chief Executive Officer to consider the needs of micro-community groups in the pending review of the City’s Facility Hire Subsidy Policy and Property Management Framework;*
- 3 *REQUESTS the Chief Executive Officer consider the needs of micro-community groups in the development and implementation of the Communities in-focus program and the Community Leaders Program, both of which are initiatives contained within the Community Development Plan 2015-2020;*
- 4 *AGREES to list funds for consideration in the City’s 2017-18 Annual Budget process to support micro-community groups as part of the Communities in-focus initiative.*

BACKGROUND

There are 413 community groups listed in the City's Community Directory, which include toy libraries, playgroups, residents associations, senior citizens clubs, friendship groups and self-help groups.

In addition, there are also 140 sporting groups of which 114 actively participate in the City's *Clubs in focus* program and 1,100 artists and individuals who actively engage in the City's *Arts in focus* program.

Further, there are not-for-profit community organisations and community groups (different to micro-community groups) in operation with their main purpose being the provision of aged, child, disability, mental health, domestic and family violence and counselling services and programs in the community.

DETAILS

Groups operating in the community, which the City works closely with, fall under four main headings:

- Sporting groups – are operated by volunteer committees, are (mostly) incorporated and whose participants pay membership fees.
- Community organisations – are governed by volunteer management committees, are incorporated, employ paid staff and provide services and programs which support people in need. Most community organisations receive State and Commonwealth operational funding to deliver services with specific outcomes under funding agreements. Examples of community organisations operating in the City are Community Vision Inc, Patricia Giles Centre and Youth Futures WA.
- Community groups – are operated by volunteer committees, are incorporated, and whose participants pay low membership fees. Many community groups receive small grants from external funding bodies (such as Lotterywest) to assist with community projects and programs. Examples of community groups in the City are Joondalup Men's Shed, Duncraig Edible Garden, neighbourhood playgroups, senior citizen's clubs and toy libraries.
- Micro-community groups – have a membership base of less than 30 people and are either not incorporated, are newly incorporated (three years or less), or have a committee which due to high or recent turnover/circumstance lacks basic governance knowledge and/or experience. Micro-community groups are less likely to have a sustainable income stream.

Micro-community groups emerge when people come together for a similar interest or purpose, and are likely to engage in service-oriented activities which align with the City's strategic objectives through the *Strategic Community Plan – Joondalup 2022* or *Community Development Plan 2015-2020*.

Until fully established, micro-community groups tend to operate out of residents' homes (or facilities provided at no charge) prior to making more formal arrangements. Sometimes the groups may not be in a financial position to pay room hire or they may not meet the eligibility criteria for applying for property tenure that meets their needs due to incorporation status.

Examples of micro-community groups are Friend's Groups which care for a small area of bush or coastline, young people undertaking special interest activities who may be ineligible to access resources without a sponsoring adult, new rate payers associations and residents seeking to run a one-off event.

Due to the small and informal nature of micro community groups it is difficult to say with any accuracy how many of these are currently operating within the City's boundaries, although it is estimated there are many.

Examples include mothers groups, peer support groups (such as families with autism, people with cancer/MS/alcoholics anonymous), knitting clubs, writers groups, walking groups, book clubs, and dog clubs. It is important to note that many of these micro-community groups operate on a scale which precludes a need for formal incorporation or City support.

On average the City's Community Development team engages with two to three micro-community groups per year. This contact is typically initiated by micro-community groups at a time when they are looking to scale up their activities or membership, and are seeking advice in relation to incorporation, funding opportunities, free or low cost venue hire, promotional avenues, and/or partnership opportunities.

Opportunities for formally investigating the number of micro-community groups that could be explored include:

- requesting the Facilities Hire Bookings Team to maintain a record of micro-community groups who approach them for a facility hire fee waiver, and who are deemed ineligible
- requesting a list of peer support groups operating in the Joondalup area from peak body Connect Groups, which could be approached with further enquiries in relation to governance structures
- contacting all community groups currently listed on the City's community directory to ascertain whether they meet the definition of a micro-community group
- conducting a community consultation/information campaign inviting micro-community groups to register themselves with the City of Joondalup.

Existing support provided by the City

Support for Sporting Groups

The City's *Clubs in focus* program is dedicated to supporting the operations of its local sport and recreation clubs, to encourage and enhance their capacity to deliver sport and recreation opportunities to the community. The program focuses on four main areas, these are:

- communication
- capacity building
- grants and funding
- recognition.

In addition, the Club Development Team liaises with clubs on a one to one basis on projects, communication, capacity building, grants and funding, recognition and assisting with club needs.

Services available include the following:

- Annual club survey - an annual club survey is conducted to ensure the City has up-to-date club details and to guide future planning of the *Clubs in-focus* program.
- E-newsletter - the monthly e-newsletter provides current information on City activities, club news, funding opportunities and industry news for local sport and recreation clubs.
- Resource manual - as part of the education and training focus area, this resource manual has been developed to assist club leaders in managing their club's operations and strategic direction. This manual contains general advice about a broad range of club governance topics and has been designed to complement the *Clubs in-focus* Annual Club Conference and monthly e-newsletters.
- Grants and funding - the City recognises that funding can significantly assist local clubs. The City offers a range of funding opportunities for clubs and individuals, as well as providing assistance and advice when applying for other grants.
- Club funded facility upgrades – provides a process to streamline the application, approval and licence process for projects where the City has no funding involvement.

Support for Community Arts Groups

The City also delivers an Arts in-focus program which is designed to provide information and assistance to individuals, organisations and collectives with an interest in arts and culture. The program offers workshops, seminars, networking opportunities, projects for emerging artists and supports the development of arts and cultural activities within the City of Joondalup. There is also a monthly e-Newsletter sent to 1,500 individuals who wish to be kept updated on funding, opportunities and events.

Support for Community Organisations and Groups

There is no existing co-ordinated program in place such as the *Clubs in focus* for community groups, however, an equivalent *Communities in focus* initiative is being piloted this financial year. Community organisations and groups are supported in other ways through the work of the City's Community Development team by provision of information and support, registration on the City's Community Directory, ability to hire meeting rooms at community or subsidised rates (if they are eligible and can afford it) and invitations to attend networking meetings for those groups which provide services to seniors, people with disability and people from culturally and linguistically diverse communities.

Support for incorporated senior citizens clubs and ratepayers/residents groups is also provided through insurance cover paid under the City's policy upon application. The City also covers the costs of volunteer's insurance for members of bushland and environmental friends groups.

Issues and options considered

There are three key issues for consideration associated with the formation, support and development of micro-community groups, namely needs, incorporation and insurance. Each issue is discussed below:

Needs of micro-community groups

Micro-community groups usually form as a result of a groundswell of community interest in a particular issue or identified need. Recent examples of the formation of new micro-community groups are the Duncraig Edible Garden – which formed due to a collective of City residents who wanted to create a community space for growing edible crops and delivering workshops about horticulture and water wise gardens; and the Joondalup Men's Shed which started in 2010 with just a handful of interested individuals and is now an established group with 239 members.

The needs of micro-community groups, as they grow into established community groups are:

- volunteer committee members forming a leadership team
- business planning expertise
- guidance on the incorporation process
- policy and procedure development
- knowledge about the legal and financial responsibilities of the group
- ability to attract funding for community projects
- members
- knowledge about attracting and retaining volunteers
- access to a facility that provides a home base and space for meetings and storage of equipment.

Until the group is fully established, it will rely on the commitment of a group of individuals for its formation and long-term sustainability, drawing from the collective experience of other micro-community groups and support from well-established community groups or organisations in the provision of information, support and at times sponsorship.

Depending on the nature of the new micro-community group, it may be possible to link it to a peak body which has the designated function of providing support and training to new groups as they form and develop. For example the key role of peak body Playgroup WA is to provide guidance and support to any groups of parents who wish to establish a new playgroup in their community. Playgroup WA provides assistance with establishment, resources and governance support for management committees, guidance on structure and programming for playgroup activities and insurance cover through the membership fees.

Other peak bodies such as the Western Australian Men's Shed Association, WA Association of Toy Libraries and the WA Council of Social Services (WACOSS) provide governance and training support for new and emerging community groups in each specific domain. The cost of training, however, can be a barrier for newly formed groups.

An option available to the City is to provide support mechanisms to new and emerging community groups as they navigate meeting the aforementioned needs. In line with a key strategy in the City's *Community Development Plan 2015-2020*, the development and implementation of a Communities in-focus program will go a long way in assisting micro-community groups as they form and get established.

Incorporation

Many groups decide to register as a 'not-for-profit' incorporated association (or a Company Limited by Guarantee not-for-profit) because it enables them to create a separate legal entity through which to conduct their activities. Without becoming incorporated the activities of the group are limited and the risk can be great. There are several significant advantages of groups becoming incorporated:

- they become a legal entity that stays the same, even when members change
- the individual members limit their exposure to personal legal liability
- bank accounts can be opened in the name of the association
- the association can apply for government grants and hold property
- They can accept gifts or bequests; invest and borrow money; sue and be sued; and take out public liability insurance with greater ease.

The Department of Commerce is the government entity that oversees the incorporation of community groups in WA. The Department has developed a guide for Incorporated Associations in Western Australia which is a comprehensive operational document to assist associations in performing their role effectively.

The City currently includes information regarding incorporation on its public website which can be accessed via:

<http://www.joondalup.wa.gov.au/Welcome/RatepayerCommunityGroups.aspx>

The purpose of the guide is to provide information on some of the key legal obligations and rights that apply to associations once they are incorporated under the *Associations Incorporation Act 1987* (the Act).

It also provides a basic introduction to various aspects of managing an association, for example:

- conducting meetings
- record-keeping
- employing staff
- engaging volunteers.

In order to be eligible for facility hire subsidies and to access funding or sponsorship opportunities, the City requires community groups to be incorporated under the Act. This is to ensure public funds are being used in the correct manner and in accordance with all accountability requirements. Should an instance arise whereby a non-incorporated body misuses or mismanages a grant, there would be little recourse available to the City. Requiring community groups to be incorporated is accepted best practice and aligns with other local, state and commonwealth funding requirements.

Being incorporated reduces the risks associated with being involved in a community group as the incorporated entity becomes the legal entity and not the individuals involved. Those individuals involved within a community group that is not incorporated are legally liable for their and the group's actions, and may accept personal liability for the organisation's debts.

The responsibilities of being incorporated are minimal, with the key responsibilities being holding an AGM, maintaining true and accurate financial and governance-related records, undertaking financial auditing, and disclosing relevant information to members.

The responsibilities of being incorporated should not be considered burdensome as they are what would normally be considered the minimum requirement for any organisation that is conducting itself using sound governance principles.

Costs of becoming incorporated include ~~only~~ \$145 for registration plus the costs of placing two newspaper advertisements to inform the public of the intention to become incorporated (approximately \$400). There are no specific ongoing costs other than running the organisation thereafter.

As the City would not consider providing funding or sponsorship to non-incorporated micro-community groups due to the risk, in-kind support would be all that could be offered. Should non-incorporated micro-community groups seek to apply for public funds they would need to seek out an incorporated community organisation that would be willing to undertake this activity on their behalf.

The best option for community groups is to work towards incorporation and engage with the City for support in that process if they need assistance.

Insurance

Insurance assists incorporated community groups to manage risks by providing cover against a range of unexpected events that may otherwise leave the association in difficult circumstances. An incorporated association should give careful consideration to its insurance needs and obtain professional assistance to ensure that it has appropriate insurance that suits its size, activities and resources. There are various types of insurance cover that an incorporated association may require:

- some insurance is compulsory for incorporated associations (for example workers' compensation for employees)
- a financial institution providing financial assistance to an incorporated association may insist on the association maintaining certain minimum levels of insurance cover
- an incorporated association should have a proper risk management program.

While insurance can be costly for small community groups it is an important aspect of risk management on the part of the City to require them to have adequate cover. Insurance costs vary according to the nature of the community group's: primary activities; level and type of cover requested; membership; and insurance provider selected. As a guide only, the reported public liability insurance cover of a small community group in the City of Joondalup recently was quoted at \$1,200 per year.

In response to needs identified by senior citizens clubs and ratepayers groups, the City has been providing insurance cover for them since 2013 and 2014 respectively. Other options for new micro-community groups are to link into a peak body that provides the insurance as part of membership fees or seek a sponsor organisation that is prepared to assist with the costs of insurance.

What can or should the City do to assist?

Strategies from the City's *Community Development Plan 2015-2020*

A key strategy in the City's *Community Development Plan 2015-2020* is to investigate the development of a *Communities in-focus* program to build capacity within the City's community groups.

The *Communities in focus* program has been investigated and approved for roll out in 2017. It is intended that this program includes training workshops on governance, assistance with the incorporation process, capacity building, information on how to secure grants and funding as well as general information, opportunities for networking and additional in-kind support.

Another key strategy in the *Community Development Plan 2015-2020* is to explore the development of a community leaders program that includes leadership professional development opportunities, formal and informal mentoring and networking with other community leaders. The Community Leaders Program will be considered by the Strategic Community Reference Group in 2017. If approved this program could be a potential additional source of support for micro-community groups.

Property Management Framework and Facility Hire Subsidy Policy

The City's *Property Management Framework* and *Facility Hire Subsidy Policy* outline the conditions under which community groups can access community facilities under lease or hire arrangements.

Under the City's *Property Management Framework*, community organisations and groups are referred to as *Not-for-Profit Community Groups* and defined as those which are incorporated under the *Associations Incorporation Act 1987* and have their primary base of operation located within the City of Joondalup. The *Property Management Framework* outlines that any Not-For-Profit Community Groups applying for a 'lease' (exclusive use) or 'license' (conditional, such as regular payments as consideration) must be incorporated.

Unincorporated groups, including Micro-Community groups, are eligible to apply under 'facility hire' arrangements with fees and charges applied, as adopted annually as part of the annual budget process. Although this may lead to tenure of a less secure nature (in comparison to a lease of license), it continues to allow smaller or emerging groups access to the City's facilities.

The City's *Facility Hire Subsidy Policy* states that a "not-for-profit community group" means a non-commercial organisation, including a religious organisation that have their primary base of operation located within the City of Joondalup and in which any profit made by the organisation goes back into the operation of that organisation and is not distributed to any of its members.

The *Facility Hire Subsidy Policy* and *Property Management Framework* are due to be reviewed in 2017. There may be an opportunity for issues associated with micro-community groups to be addressed in this review.

City Funding Programs

Eligibility of community groups to apply for funding offered by the City requires them to be incorporated under the *Associations Incorporation Act 1987*. Where a group is not incorporated and wishes to apply for a grant under the Community Funding Program it can seek another community organisation to sponsor the grant application and take responsibility for the accountability of the grant and any legal requirements associated with the project funded.

The benefits, viability and cost of providing the various opportunities of support from the City as detailed above are outlined in the table below:

Action	Benefits	Viability	Cost
Continue to provide informal in-kind support and advice to micro-community groups as they emerge.	Group accesses information, referral and resources and is supported in its development.	As there are only a small number of new groups forming at any one time it is possible to provide in-kind support as needed.	Hourly rate of staff member providing assistance.
Link micro-community groups with peak bodies and large community organisations during their early growth stages.	City expertise and already established relationships used to introduce new groups to community organisations.	This activity is possible as a part of business as usual.	Hourly rate of staff member providing assistance.

Action	Benefits	Viability	Cost
Continue to provide financial support for eligible community groups through facility hire subsidies, community funding grants and in some specific instances, insurance cover.	The burden of costs of room hire and insurance will be removed from groups which have limited ability to pay.	This practice is already in place and included in the City's budgeting processes.	The value of implementing the <i>Facility Hire Subsidy Policy</i> for community and sporting groups in 2015-16 was \$1,383,282. See further breakdown under Financial / Budget implications. If micro-community groups were to be eligible for subsidies, this amount would be greater.
Continue to encourage groups to become incorporated.	Legal and financial protection for members and office-bearers against personal liability for the organisation's debts.	Becoming incorporated is less complicated than is commonly thought. The Department of Commerce has streamlined the process and provides comprehensive guidelines.	\$145 per group to register as an incorporated body and two newspaper advertisements.
Implement the key strategy in the City's <i>Community Development Plan 2015-2020</i> to investigate the development of a <i>Communities in focus</i> program.	Groups will be invited to participate in a co-ordinated program of training and offered opportunities to network with other community groups of similar interest.	If successful the <i>Communities in focus</i> program will become an ongoing feature of the suite of programs offered by the Community Development team.	In 2015-16 the net cost of offering <i>Clubs in focus</i> program to sporting groups (including staffing and grant funding programs) was \$250,000 and the cost of <i>Arts in focus</i> was \$17,680. It is favourable to deliver a combination of payment for external training workshops delivered by the City and facility hire costs as needed for community groups and to make provisions for this accordingly in the annual budget process.

Legislation / Strategic Community Plan / policy implications

Legislation The City requires community groups to be incorporated under the *Associations Incorporation Act 1987* in order to access grant funding and subsidised rates when hiring community facilities.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Community spirit.

Strategic initiative Promote the sustainable management of local organisations and community groups.

Policy *Facility Hire Subsidy Policy.*
Community Funding Policy.

Risk management considerations

There is a significant risk to the City, should it consider engaging with unincorporated groups by allowing them to access grant funding and facility hire subsidies. Incorporation provides legal and financial protection and accountability to individual members, the community group and the City. This is especially important when it comes to the expenditure of the City's public funds.

Financial / budget implications

The table below lists the subsidies allocated to sporting groups and community groups. It also breaks down the community groups into sub-classifications to give an indication of the spread of subsidies allocated. The figures include groups which book Joondalup Library meeting rooms.

	Junior	Senior	Over 55	Total
Total Value of Subsidy/Waiver (Sporting)	\$485,406	\$110,466	0	\$595,872
Total Value of Subsidy/Waiver (Community – refer breakdown in table below)	\$281,793	\$264,635	\$240,982	\$787,410
Total Value of Combined Community and Sporting Subsidy/Waiver	\$767,199	\$375,101	\$240,982	\$1,383,282

Community Group Classifications	Value of Subsidy	% Subsidy
Educational Institution Groups	\$ 2,717	100%
Playgroup/Toy Library	\$ 254,396	100%
Community Child Care Providers	\$ 24,942	100%
Senior Citizens Recreation or Sporting Groups (inc Seniors Interest Groups)	\$ 221,510	100%
Residents and Ratepayers Groups	\$ 3,752	100%

Community Group Classifications	Value of Subsidy	% Subsidy
Justices of the Peace	\$ 21,361	100%
Neighbourhood Watch Groups	\$ 0	100%
Life Saving and/or Life Preserving Service Groups	\$ 5,620	100%
Community Service and Charitable Groups	\$ 147,640	100%
Other Not for Profit Community Groups	\$ 76,214	50%
Waivers from Council Decisions	\$ 29,258	50-100%
Total Value of Subsidy/Waiver (Community)	\$ 787,410	

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Community groups provide a framework within which residents can become involved in their local community as well as providing a base for projects, programs and services. The benefits of individuals participating as volunteers or being recipients of services include social, mental and physical health and a sense of achievement, wellbeing and pride.

Community groups contribute to the betterment of the community and will benefit from support from the City, peak bodies and other community organisations to operate with sound governance while working to achieve their purpose and goals.

Consultation

Not applicable.

COMMENT

The work of hundreds of community groups contributes significantly to the City's strategic objective of having proud and active residents who participate in local activities for the betterment of the community. Community groups, no matter what size, provide opportunities for volunteering, encourage social interaction, life-long education, a sense of neighbourhood and support for those who are disadvantaged.

The City has a sound reputation for providing a co-ordinated governance program for its sporting and community arts groups and information and support for its other community groups. There is now an opportunity to strengthen what is on offer for community groups – especially new and emerging groups at a modest implementation cost.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Dwyer, SECONDED Cr Fishwick that Council:

- 1 **NOTES** the information about micro-community groups – specifically the issues they face and the level of support currently provided to them;
- 2 **REQUESTS** the Chief Executive Officer consider the needs of micro-community groups in the pending review of the City's *Facility Hire Subsidy Policy* and *Property Management Framework*;
- 3 **REQUESTS** the Chief Executive Officer consider the needs of micro-community groups in the development and implementation of the *Communities in-focus* program and the *Community Leaders Program*, both of which are initiatives contained within the *Community Development Plan 2015-2020*;
- 4 **AGREES** to list funds for consideration in the City's 2017-18 annual budget process to support micro-community groups as part of the *Communities in-focus* initiative.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Disclosures of interest affecting impartiality

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ203-12/16 – Duncraig Edible Garden – Status Update.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Dwyer is a former member of the Duncraig Edible Garden Committee.

CJ203-12/16 DUNCRAIG EDIBLE GARDEN – STATUS UPDATE

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	105189, 05066
ATTACHMENT	Attachment 1 Proposal by Duncraig Edible Garden Committee
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets

PURPOSE

To provide Council with an update on the report requested at the Council meeting of 28 June 2016 (CJ082-06/16 refers) on the feasibility of further expansion of the Duncraig Edible Garden.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2016 (CJ082-06/16 refers), Council approved the continuation and a minor expansion of the Duncraig Edible Garden (DEG). In response to a proposal submitted by the DEG Committee for a further, larger expansion of the DEG, Council also resolved to request the Chief Executive Officer to provide a further report by December 2016, on the feasibility of the proposal submitted by the DEG (Attachment 1 refers).

The DEG Committee has contacted the City requesting an extension of time within which to provide the information relating to any further expansion.

It is therefore recommended that Council:

- 1 *NOTES the progress that has been made in relation to the expansion of the Duncraig Edible Garden and new Memorandum of Understanding, since June 2016;*
- 2 *NOTES the minor changes that have been made to the proposal approved by Council at its meeting held on 28 June 2016 (CJ082-06/16 refers);*

- 3 *BY AN ABSOLUTE MAJORITY AMENDS Part 3 of its decision of 28 June 2016 (CJ082-06/16 refers) to read as follows:*

“APPROVES an expansion of approximately 300m² to accommodate wicking beds, two 5,000 litre water tanks and the inclusion of edible plants along the verge leading to the library;”;

- 4 *REQUESTS the Chief Executive Officer provide a further report, prior to December 2017, investigating the feasibility of a further expansion to the Duncraig Edible Garden, if the supporting information is submitted in time by the Duncraig Edible Garden Committee.*

BACKGROUND

At the Council meeting held on 22 June 2010 (CJ28-06/10 refers) a Notice of Motion was presented to Council requesting investigation into the establishment of community gardens in the City of Joondalup.

On 15 February 2011 (CJ009-02/11 refers) a report was presented to Council outlining the potential processes, issues and costs associated with the establishment of community gardens.

Following this the City conducted a targeted consultation and at its meeting held on 21 February 2012 (CJ007-02/12 refers), Council considered a summary of the feedback received and requested the Chief Executive Officer to facilitate a meeting with interested submitters to investigate the establishment of a community garden at a preferred location within the City of Joondalup, and to report back to Council on the findings.

In line with Council's resolution, a meeting to further explore community interest in a community garden project was hosted by the City in April 2012. The City hosted several follow up meetings between interested residents and community organisations and from these meetings two groups of interested gardeners emerged; one was focused on the establishment of a community garden in the Joondalup City Centre while the other was focussed on the Duncraig area.

In April 2013, meetings were held between the City and key stakeholders from each of the two community garden working groups, to discuss each group's planning progress and the information required to submit a formal request for community gardens. Discussions focussed on pilot projects initially, commencing with smaller plots of land, start up funding, in-kind support and a review process for the pilot projects. A template was provided to the working groups to assist with the development of their proposals.

The DEG Committee submitted a proposal detailing how it would approach the establishment of a community garden at the entrance to the Duncraig Library within the Percy Doyle Reserve and its ongoing maintenance and management. The Joondalup group dissolved and did not submit a proposal.

Given the DEG was a newly-formed unincorporated community group, and the requested pilot project location was on City land, it was proposed to Council in February 2014 that the City partner with the DEG Committee for the duration of a two year pilot period, to allow the group time to develop the necessary structure and procedures for good governance and sustainability.

The intention was that at the end of the two year pilot period the project would be reviewed and a report presented to Council for consideration prior to any further action or resource allocation. It was intended that, if considered a success, management of the DEG would be completely taken over by the DEG committee, which was expected to have become incorporated and able to operate independently by the time this occurred.

At its meeting held on 17 February 2014 (CJ004-02/14 refers) Council resolved that it:

- 1 *APPROVES the use of the front entrance area of the Duncraig library for the location of a two year pilot community garden project, the Duncraig Edible Garden;*
- 2 *CONSIDERS the inclusion of \$22,881 in the City's 2013-14 Mid Year Review to purchase materials, plants and tools, installation of a sink, lockbox, external power point, workbench, community noticeboard and signage to assist with the establishment of the Duncraig Edible Garden;*
- 3 *APPROVES operational and in-kind support for the Duncraig Edible Garden in the form of City landscape design assistance, assistance with promotion, waste removal, minor infrastructure works, City Watch patrols, public liability insurance, utility costs and access to toilet facilities for an initial period of two years, after which a report will be brought back to Council for consideration prior to any further action or resource allocation.*

In April 2014 the DEG Committee entered into a two year Memorandum of Understanding (MOU) with the City which outlined the roles and responsibilities of both parties during the two year pilot period. In March 2016, this MOU was extended to 31 July 2016, in order to allow for Council to consider the results of the two year pilot project and provide stability for the group until decisions were made.

On 28 June 2016 (CJ082-06/16 refers) Council was presented with a further report detailing the findings from the pilot project review, which recommended the continuation and minor expansion of Duncraig Edible Garden. The minor expansion included seven new wicking beds and a 10,000 litre water tank, the provision of ongoing operational and in-kind support for waste removal, continued use of Mildenhall storage, after hour's toilet access at Duncraig Library, promotional support, introduction of a sub meter to monitor water use, removal of four palm trees, and a waiver of application fees for any necessary planning and building approvals.

Council resolved that it:

- 1 *NOTES the outcomes of the evaluation/review of the Duncraig Edible Garden pilot project;*
- 2 *APPROVES the continuation of the existing Duncraig Edible Garden;*
- 3 *APPROVES an expansion of approximately 300m² to accommodate seven wicking beds, a 10,000 litre water tank and the inclusion of edible plants along the verge leading to the library;*
- 4 *APPROVES operational and in-kind support in the form of waste removal, continued use of Mildenhall storage, after hours toilet access at Duncraig Library, promotional support, installation of a sub meter to monitor water use, removal of four palm trees and a waiver of appropriate application fees for any planning or building approvals that may be required;*

- 5 *REQUESTS the Chief Executive Officer to provide a further report, by December 2016, on the feasibility of the proposal by the Duncraig Edible Garden to include areas annotated as 5, 6 and 7 on the plan submitted to Elected Members at the Briefing Session on 14 June 2016, into an expansion of the garden to the north of the existing Duncraig library building.*

DETAILS

Progress on implementation of the minor expansion

Since the decision of Council at its meeting held on 28 June 2016 (CJ082-06/16 refers), the City has worked closely with the DEG Committee towards implementing the approved expansion.

The City has conducted a survey of the site to identify the exact area to be used by the DEG and a plan showing this area has formed part of the new MOU.

For a number of reasons, it has come to light that installation of two 5,000 litre water tanks is more practical than installation of a single 10,000 litre tank. The smaller tanks will require less site works. Also, there is no need for a building permit for a 5,000 litre water tank and there would be a need for a building permit for a 10,000 litre tank. The City will be managing the works to install the tanks on behalf of the DEG. Once the tanks (and any associated works) have been installed, the City will transfer any remaining grant funding to the DEG Committee so that they can implement the balance of the expansion proposal and deliver upon commitments consistent with the grant conditions.

The DEG Committee has advised they would like not to be constrained by the June 2016 Council decision to only seven wicking beds. Instead, they are now seeking approval to install as many wicking beds as can safely and comfortably be accommodated into the approved DEG area.

City officers have also worked with the DEG Committee to begin gathering the information necessary for Council to evaluate the feasibility of the proposed further expansion as outlined in Attachment 1.

The City has also been working closely with the DEG Committee to develop a new MOU relating to the expansion approved in June 2016. The new MOU was signed in November 2016 and came into effect on 1 December 2016. It had initially been anticipated that the new MOU would be signed and in effect by 1 September 2016. However the City needed to work with the DEG Committee to resolve queries and concerns the committee had about insurance cover and liability, which they wanted to investigate with their insurer prior to signing the MOU.

Progress on compilation of the proposal for further expansion of the DEG

DEG has been reconsidering how they will ensure their activities complement the existing bushland in the north-west corner of the site.

Further to this the DEG Committee has contacted the City requesting an extension of time to compile a proposal for future expansion until such time as it has:

- begun the minor expansion approved by Council in June 2016
- re-evaluated their proposal outlined in Attachment 1, and formed a consensus as to the direction they would like to take with regard to any further expansion

- submitted a revised proposal to the City in relation to any further expansion to the DEG.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No. 2.*

Strategic Community Plan

Key themes Community Wellbeing.

Objectives Community spirit.

Strategic Initiatives

- Support and encourage opportunities for local volunteering
- Promote the sustainable management of local organisation and community groups.

Policy Not applicable.

Risk management considerations

This update report has no new risks to consider. Risks will be reviewed as part of the investigation into the feasibility of any proposal for further expansion submitted by the DEG Committee, which will be presented to Council for its consideration prior to December 2017.

Financial / budget implications

This update report has no budget implications for the City. Budget implications will be reviewed as part of the investigation into the feasibility of any proposal for further expansion submitted by the DEG Committee, which will be presented to Council for its consideration prior to December 2017.

Regional significance

It is anticipated that the DEG will be used predominantly by local residents and community groups.

Sustainability implications

Sustainability implications will be reviewed as part of the investigation into the feasibility of any proposal for further expansion submitted by the DEG Committee, which will be presented to Council for its consideration prior to December 2017.

Consultation

The recommendations within this report have been drafted in consultation with the DEG Committee. No other external consultation has occurred in preparation of the report. Consultation on any proposal the DEG Committee submits to the City for further expansion will be detailed within any subsequent report to Council.

COMMENT

The DEG Committee has some work ahead of it to complete the expansion project as already approved by Council at its meeting held on 28 June 2016.

In order to have a sustainable and well thought out project, the DEG Committee's request for more time to begin the currently approved project, and to develop and submit a revised proposal in relation to any further expansion, is recommended for approval.

The City intends to continue to work closely with the DEG Committee to investigate the feasibility of any proposal submitted, and will prepare a report to Council in relation to this matter prior to December 2017, provided that the relevant information is submitted to the City by the DEG Committee.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Dwyer, SECONDED Cr Fishwick that Council:

- 1 **NOTES the progress that has been made in relation to the expansion of the Duncraig Edible Garden and new Memorandum of Understanding, since June 2016;**
- 2 **NOTES the minor changes that have been made to the proposal approved by Council at its meeting held on 28 June 2016 (CJ082-06/16 refers);**
- 3 **BY AN ABSOLUTE MAJORITY AMENDS Part 3 of its decision of 28 June 2016 (CJ082-06/16 refers) to read as follows:**

“APPROVES an expansion of approximately 300m² to accommodate wicking beds, two 5,000 litre water tanks and the inclusion of edible plants along the verge leading to the library;”;
- 4 **REQUESTS the Chief Executive Officer provide a further report, prior to December 2017, investigating the feasibility of a further expansion to the Duncraig Edible Garden, if the supporting information is submitted in time by the Duncraig Edible Garden Committee.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agmf161213.pdf](#)

**CJ204-12/16 DRAFT MACNAUGHTON CRESCENT STRUCTURE
PLAN – LOT 9021 (3) LOCHNAGAR WAY, KINROSS
– CONSIDERATION FOLLOWING ADVERTISING**

WARD	North
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	105172
ATTACHMENT	Attachment 1 Location and zoning plan Attachment 2 Advertised draft structure plan Attachment 3 Structure plan process flow chart Attachment 4 Consultation map Attachment 5 Schedule of submissions Attachment 6 Schedule of recommended modifications <i>(Please Note: Attachment 2 is only available electronically)</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

This item was discussed earlier in the meeting, page 49 refers.

CJ205-12/16 IMPLEMENTATION OF THE RESIDENTIAL DEVELOPMENT LOCAL PLANNING POLICY AND HEIGHT OF NON-RESIDENTIAL BUILDINGS LOCAL PLANNING POLICY

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	104919, 101515
ATTACHMENT	Attachment 1 <i>Residential Development Local Planning Policy</i> Attachment 2 <i>Height of Non-Residential Buildings Local Planning Policy</i> <i>(Please Note: These Attachments are only available electronically).</i>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the implementation of the *Residential Development Local Planning Policy* and *Height of Non-Residential Buildings Local Planning Policy*.

EXECUTIVE SUMMARY

At its meeting held on 15 December 2015 (CJ228-12/15 refers), Council resolved to adopt the *Residential Development Local Planning Policy* and the *Height of Non-Residential Buildings Local Planning Policy*. As part of this resolution, Council also requested a report on the implementation of these policies in 12 months time.

Overall the implementation of the *Residential Development Local Planning Policy* has been successful, particularly in guiding quality outcomes for higher density development in the 10 Housing Opportunity Areas (HOAs) identified through the Local Housing Strategy (LHS).

The provisions within the policy regarding streetscape appearance throughout the City of Joondalup (not only in HOAs), have also provided for better built form outcomes for developments that are visible from the street.

However, since the *Residential Development Local Planning Policy* took effect from 14 January 2016, there have been a number of concerns raised by the public and industry regarding the requirements for minor structures, such as carports, patios and outbuildings to match dwellings. This is despite the fact that there is scope within the policy for these types of structures to be considered and approved on their merits through submission of an application for development approval.

At its meeting held on 28 June 2016 (CJ089-06/16 refers), Council also received a 63 signature petition requesting that Council ensures that future unit development in Strathyre Drive and surrounding streets with R60 approval provide two car bays per unit. While the policy provides additional requirements for visitor car parking, it is not considered appropriate for additional residential car parking to be provided.

While fewer applications in the last 12 months have been required to be assessed against the *Height of Non-Residential Buildings Local Planning Policy*, this policy has also been operating successfully.

It is recommended that Council notes the implementation of the *Residential Development Local Planning Policy* and the *Height of Non-Residential Buildings Local Planning Policy* as outlined in this report.

In regard to the petition it is recommended that Council notes the petition, but determines that it is not considered appropriate to mandate the provision of two car bays per dwelling for multiple dwelling developments.

BACKGROUND

The LHS was endorsed by the WAPC on 12 November 2013, and contained ten recommendations relating to increased housing densities and promoting aged and dependent persons' development.

To implement some of these recommendations, an amendment to *District Planning Scheme No. 2 (DPS2)* was endorsed by Council at its meeting held on 31 March 2015 (CJ032-03/15 refers) and forwarded to the WAPC for approval by the Minister for Planning. This amendment (Amendment 73) was supported subject to a number of modifications, and was subsequently gazetted and took effect on 12 February 2016.

The remaining recommendations were implemented through two local planning policies, being the *Residential Development Local Planning Policy* and the *Height and Scale of Non-Residential Buildings Local Planning Policy*. At its meeting held on 15 December 2015 (CJ228-12/15 refers), Council resolved to proceed with these policies, which were implemented from 14 January 2016 through a notice in the local newspaper. At this meeting Council also resolved to request a report on the implementation of the policies in 12 months time.

Community feedback

Since implementation of the LHS and related policies, the City has received a number of complaints and concerns from the community, largely relating to car parking requirements and streetscape appearance. This has included the following:

- a 63 signature petition requesting that Council ensures that future unit development in Strathyre Drive and surrounding streets with R60 approval provide two car bays per unit
- complaints from builders and various land owners regarding the requirement for minor structures such as carports, patios and outbuildings to match the existing dwelling, making it more difficult to get approval for colorbond structures that are visible from the street.

At its meeting held on 15 March 2016 (CJ12-03/16 refers), Council also received a 25 signature petition requesting that Council does not install a 1.8 metre wide concrete footpath on the eastern verge of Strathyre Drive, from Beach Road to Sycamore Drive, Duncraig. This petition is not covered in this report and is dealt with as a separate report on this agenda.

DETAILS

The *Residential Development Local Planning Policy* provides standards for all residential development in the City of Joondalup, replacing or modifying criteria of *State Planning Policy 3.1 – Residential Design Codes (R-Codes)*. The policy also outlines specific requirements for developments at higher residential densities in HOAs.

The *Height of Non-Residential Building Local Planning Policy* provides standards relating to the height of non-residential development within the City of Joondalup.

These policies do not apply where specific provisions are contained within an Activity Centre Plan, Structure Plan or Local Development Plan.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative/s Housing infill and densification is encouraged and enabled through strategic, planning approach in appropriate locations.

The community is able to effectively age-in-place through a diverse mix of facilities and appropriate urban landscapes.

Policy *Residential Development Local Planning Policy. Height and Scale of Non-Residential Buildings Local Planning Policy. State Planning Policy 3.1 - Residential Design Codes of Western Australia (R-Codes).*

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

Schedule 2, Division 2 of the Regulations enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area, and sets out the procedures to be followed.

State Planning Policy 3.1: Residential Design Codes of Western Australia (R-Codes)

The R-Codes stipulate development provisions for residential development which include aged and dependent persons' dwellings.

Clause 7.3.1 of the R-Codes permits local planning policies to amend or replace certain deemed-to-comply provisions of the R-Codes as well as augment the R-Codes by providing Local Housing Objectives to guide judgements about the merits of proposal for any aspects of residential development.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Sustainability implications

The increase in the range of residential densities in the City of Joondalup implemented through the LHS and guided by the *Residential Development Local Planning Policy* provides a greater choice of house and land sizes which is catering for a greater range of household types from single persons to large families. The increased density within appropriate walkable catchments will assist in reducing dependency on the private vehicle and encourage alternative modes of transport such as walking and cycling. This has potential health (social) and energy consumption (environmental) benefits.

A number of provisions are included in the *Residential Development Local Planning Policy* to encourage environmentally sustainable design outcomes. These include:

- requiring any development with reduced setbacks to provide eaves and allowing eaves, porches, balconies and verandas to encroach into front setback areas, which will improve passive solar design for new developments
- requiring any development with reduced open space to have at least one large living space with access to winter sunlight, which will improve passive solar design
- requiring trees to be provided in common space for grouped and multiple dwelling sites
- requiring soft landscaping of the verge.

These requirements are assessed on a case-by-case basis for developments through the assessment of applications for development approval.

Consultation

Extensive consultation was undertaken prior to the finalisation of the *Residential Development Local Planning Policy* and *Height of Non-Residential Buildings Local Planning Policy* as outlined in the report to Council at its meeting held on 15 December 2015 (CJ228-12/15 refers).

COMMENT

Overall the *Residential Development Local Planning Policy* and *Height and Scale of Non-Residential Buildings Local Planning Policy* have been successful in guiding and achieving their intended outcomes. This has particularly been the case for residential development with the provisions relating to streetscape appearance and developments at higher densities providing the necessary controls for the City to ensure that high quality built form outcomes are achieved.

Community feedback

Since implementation, there has been some concern raised by builders and land owners in regard to the restrictive requirements for colorbond structures to match the dwelling. It is noted that under the *Residential Development Local Planning Policy* there is scope for the City to consider applications for these types of structures on a case-by-case basis having regard to whether the proposal complements the existing development. By allowing applications to be considered on their merits, the City has actively worked with applicants to find an acceptable solution that would still meet the requirements of the policy. This has included potential alterations to the location, colours and finishes of these structures. It is noted that there have been a few circumstances where developments have been unable to meet these requirements, and these applications have been withdrawn by the applicant or refused by the City.

A 63 signature petition was also received by Council at its meeting held on 28 June 2016 (CJ089-06/16 refers) requesting that Council ensures that future unit development in Strathyre Drive and surrounding streets with R60 approval provide two car bays per unit. The requirement for provision for parking for residents of dwellings is contained within the R-Codes. The R-Codes requirements are based on both the location of the development in relation to high frequency public transport and the size of the individual dwelling. Given the location of Strathyre Drive to Warwick Transit Station the residential car parking requirements for multiple dwelling developments are as follows:

- 0.75 bays for small dwellings (<75m² or one bedroom).
- One bay for medium dwellings (75-110m²).
- 1.25 bays for large dwellings (>110m²).

The City also requires additional visitor parking at a rate of 0.5 bays per dwelling, exceeding the required 0.25 visitor bays per dwelling required under the R-Codes.

The area of Strathyre Drive was selected for higher density development due to it being well serviced by public transport (including Warwick Transit Station) and high frequency bus routes. It is not considered reasonable to mandate additional car parking for residents above that which is required under the R-Codes. Should Council seek to implement such a requirement it will require modifications to a provision of the R-Codes that will require support from the Western Australian Planning Commission. It is unlikely that additional bays above and beyond the current policy requirements could successfully be implemented as the R-Codes detail that smaller dwellings require lesser parking due to lower inhabitant numbers and proximity to facilities and public transport.

Conclusion

While the policies have been largely successful in delivering the necessary outcomes, there is considered scope for minor improvements to the *Residential Development Local Planning Policy* to provide greater guidance for applicants, particularly in relation to streetscape appearance. The policy may also need to be reviewed to account for the recent modifications advertised to the R-Codes, which seek to introduce provisions relating to streetscape appearance. A review of the policy is therefore proposed to be undertaken in early 2017.

The provisions of the *Height of Non-Residential Buildings Local Planning Policy* are currently being reviewed and included in the suite of different local planning policies related to LPS3. It is considered that a review of this policy and possible revocation can be undertaken following the finalisation of the policies relating to LPS3.

It is recommended that Council notes the implementation of the *Residential Development Local Planning Policy* and *Height of Non-Residential Buildings Local Planning Policy* as outlined in the report.

In regard to the petition it is recommended that Council notes the petition, but determines that it is not appropriate to mandate the provision of two car bays per dwelling for multiple dwelling developments.

VOTING REQUIREMENTS

Simply Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 NOTES the outcomes of the implementation of the *Residential Development Local Planning Policy* and *Height of Non-Residential Buildings Local Planning Policy*;**
- 2 NOTES the petition received from residents in Strathyre Drive, Duncraig requesting the provision of two car bays per unit for unit developments in Strathyre Drive and surrounds;**
- 3 DETERMINES that the current requirements relating to the provision of resident parking are considered adequate given the services provided within the locality;**
- 4 NOTES that the requirements for resident parking are controlled by the *State Planning Policy 3.1 – Residential Design Codes* and that it is highly unlikely that the City would be able to change these requirements, even if it were considered appropriate to do so;**
- 5 ADVISES the lead petitioner of Council’s decision.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

To access this attachment on electronic document, click here: [ElectronicPolicies161206.pdf](#)

CJ206-12/16 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal during the period 27 September to 15 November 2016
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 27 September to 15 November 2016 (Attachment 1 refers).

EXECUTIVE SUMMARY

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

It is therefore recommended that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 27 September to 15 November 2016, as detailed in Attachment 1 to Report CJ206-12/16.

BACKGROUND

For the period 27 September to 15 November 2016, 10 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Deed of Easement and Withdrawal of Caveat.	1
Lease 2489/100.	1
Deed of Renewal and Variation of Lease.	1
Section 70A Notification.	5
Licence.	1
Deed of Variation of Constitution Agreement.	1

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

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.

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 27 September to 15 November 2016, as detailed in Attachment 1 to Report CJ206-12/16.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf161206.pdf](#)

CJ207-12/16 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386, 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 February 2016 to 15 November 2016
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 status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions.

As part of that report, it was advised that quarterly reports would be presented to Council in the future.

DETAILS

Issues and options considered

Attachment 1 provides a list of all outstanding petitions, which were received during the period 16 February 2016 to 15 November 2016, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

- Strategic Initiatives**
- Fully integrate community consultation practices into City activities.
 - Optimise opportunities for the community to access and participate in decision-making processes.
 - Adapt to community preferences for engagement formats.

Policy Implications

Each petition may impact on the individual policy position of the City.

Risk Management Considerations

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction of the community.

Financial/Budget Implications

Individual requests made by the way of petitions may have financial implications.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 16 February 2016 to 15 November 2016, forming Attachment 1 to Report CJ207-12/16;
- 2 in relation to the petition requesting Council make available a section of Burns Beach as an animal exercise area, Council will consider the request as part of its review of the *City of Joondalup Animals Amendment Local Law 2016* which is proposed to be presented to Council at its meeting to be held on 13 December 2016;

- 3 in relation to the petition requesting Council change the City's *Beach Management Plan* to reduce congestion at Hillarys Dog Beach, Council will consider the request following its review of the *City of Joondalup Animals Amendment Local Law 2016* which is proposed to be presented to Council at its meeting to be held on 13 December 2016;
- 4 in relation to the petition requesting Council reconsider the proposed installation of the footpath on Strathyre Drive, Duncraig, Council will consider the petition following its review of the *Residential Development Local Planning Policy* which is proposed to be presented to Council at its meeting to be held on 13 December 2016;
- 5 in relation to the petition requesting Council ensure that future unit development in Strathyre Drive, Duncraig and surrounding streets with R60 approval provide two car bays per unit, Council will consider the petition as part of its review of the *Residential Development Local Planning Policy* which is proposed to be presented to Council at its meeting to be held on 13 December 2016;
- 6 in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, Council will consider the petition as part of its review of the City's *Signs Policy*;
- 7 in relation to the petition requesting Council retain the horse exercise area at Whitfords Beach, Council will consider the request as part of its review of the *City of Joondalup Animals Amendment Local Law 2016* which is proposed to be presented to Council at its meeting to be held on 13 December 2016;
- 8 in relation to the petition requesting Council install a drinking fountain and barbeque facilities with seating and shelter in the area adjacent to the playground at Hawker Park, Warwick as well as additional seating around the oval, Council will consider the petition as part of a report which is proposed to be presented to Council at its meeting to be held on 13 December 2016;
- 9 in relation to the petition requesting Council reverse its decision of 20 September 2016 to move the Whitford City Football Club from Warrantdyte Reserve, Craigie, Council will consider the petition as part of a report which is proposed to be presented to Council at its meeting to be held on 13 December 2016;
- 10 in relation to the petition requesting Council in regard to forums, reports and their deadline, for grounds including Warrantdyte Park (C62-10/16 amendments):
 - 10.1 assure impartiality by members excusing themselves from presiding where they have made emotional partisan statements;
 - 10.2 significantly extend the arbitrary 13 December 2016 deadline for reports/consultation that requires additional City resources, given:

10.2.1 eight weeks seems an unreasonable timeframe as the City could not resolve this wide-ranging issue over many years;

10.2.2 there is no urgent requirement or trigger for the City to rush a resolution by this date for such a contentious issue,

Council will consider the petition as part of a report which is proposed to be presented to Council at its meeting to be held on 13 December 2016.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf161206.pdf](#)

**CJ208-12/16 ANIMALS AMENDMENT LOCAL LAW 2016 –
ADOPTION**

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	21067, 101515
ATTACHMENTS	Attachment 1 <i>City of Joondalup Animals Amendment Local Law 2016</i> Attachment 2 Schedule of Submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

This item was discussed earlier in the meeting, page 43 refers.

CJ209-12/16 STRATEGIC COMMUNITY REFERENCE GROUP – 2017 WORKPLAN

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	102605, 101515	
ATTACHMENT	Attachment 1	Proposed 2017 Work Plan
	Attachment 2	SCRG Meeting Notes for Volunteer Recognition Program – May 2016
	Attachment 3	SCRG Meeting Notes for Strategic Community Plan Review – June 2016
AUTHORITY/ DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.	

PURPOSE

For Council to adopt the 2017 Work Plan for the Strategic Community Reference Group (SCRG) and to note the SCRG's achievements throughout 2016.

EXECUTIVE SUMMARY

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

The 2016 Work Plan for the SCRG included the following items:

- Options for Volunteer Recognition Program.
- Major review of the City's *Strategic Community Plan – Joondalup 2022*.
- Options for the development of a Community Leaders Program.

The SCRG met on two occasions throughout 2016 to discuss the options for *Volunteer Recognition Program* and the major review of the City's *Strategic Community Plan – Joondalup 2022*. The third item on the 2016 Work Plan, namely the options for the development of a *Community Leaders Program*, was not considered within this period and is recommended to be carried forward into the Group's 2017 Work Plan.

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

The proposed 2017 SCRG Work Plan includes consideration of the following matters:

- Review of community engagement and communication approaches at the City of Joondalup.
- Options to support a *Community Leaders Program* (carried forward from 2016).
- Options to support local business within the City of Joondalup.

BACKGROUND

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

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

In November 2013, the following format for the Group was adopted by Council (JSC06-11/13 refers):

- One Council-appointed community representative from each Ward.
- Up to four Elected Members, one of whom acts as a Presiding Member.
- Up to four temporary-appointed professionals to provide expert advice and information on specific matters as required.
- Resident and/or ratepayer group representatives if matters presented to the SCRG are relevant to a specific location.

The Community Members of the SCRG, up until October 2016 were as follows:

- | | |
|----------------------|-------------------|
| • North Ward | Mr Adrian Hill |
| • North-Central Ward | Mr Wes Buzza |
| • Central Ward | Mr Bryan Saunders |
| • South-West Ward | Mr Brian Yearwood |
| • South-East Ward | Ms Sonia Makoare |
| • South Ward | Dr Susan King |

DETAILS

During 2016, the SCRG met on two occasions and invited experts to consider the following matters:

Date/s	Matter Considered	Status	Seconded Experts
May 2016	Review of Volunteer Recognition	The City is continuing to provide a range of existing recognition and networking opportunities for volunteers with a review schedule for 2017. The review will consider new opportunities including enhanced engagement with youth.	Ms Kendra Koranis (Consultant - Club Development and Community Sport, Department of Sport and Recreation). Ms Sahara Scaddan (Coordinator, Joondalup Volunteer Resource Centre).

Date/s	Matter Considered	Status	Seconded Experts
			Ms Marina Sucur (Strategy Officer – Strategy, Research and Initiatives, Department of Local Government and Communities).
June 2016	<i>Strategic Community Plan – Joondalup 2022 – Major Review</i>	Following feedback from the SCRG and a review of the Strategic Community Plan, a revised Draft has been developed which will be presented to Council in February 2017 seeking consent for a community consultation period prior to finalisation in March 2017.	Ms Melanie Gates (Manager Organisational Effectiveness, Joondalup Health Campus). Dr Amanda Ling (Deputy CEO, Joondalup Health Campus). Mr Tony Lazzara (Director Planning, Quality and Equity, Edith Cowan University). Mr Tony Flack (Superintendent, Principal Western Australia Police Academy). Ms Michelle Hoad (Managing Director, North Metropolitan TAFE).

Review of Volunteer Recognition

On 4 May 2016, the SCRG met to discuss the current volunteer recognition and support activities provided by the City and evaluated the City's role in supporting volunteerism within the community. Based on the SCRG's discussions, the current program of activities will continue with a full review scheduled for 2017 – which will include consideration of new initiatives including greater support to youth as volunteers. The full notes of the meeting are provided in Attachment 2 of Report CJ209-12/16 for Council's consideration.

Strategic Community Plan – Joondalup 2022 – Major Review

On 30 June 2016, the SCRG discussed the major review of the City's *Strategic Community Plan – Joondalup 2022*. The City outlined the achievements to date and the SCRG discussed the plan's relevance and alignment with community and key stakeholder aspirations as well as potential external pressures impacting on the achievement of the plan. As a result, the City is currently updating the plan based on SCRG feedback and a full review of all projects and activities, and the draft is anticipated to be distributed for community consultation in February 2017. The full notes of the meeting are provided in Attachment 3 of Report CJ209-12/16 for Council's consideration.

The third item on the 2016 Work Plan, *options for the development of a Community Leaders Program*, was not considered within this period. It is therefore proposed that this item be carried forward to the SCRG's 2017 Work Plan.

Proposed 2017 Work Plan

The following items have been identified for consideration by the SCRG in 2017:

- Review of Community Engagement and Communication approaches and practices at the City – The 2016 Customer Satisfaction Monitor demonstrated declines in satisfaction ratings with consultation and communication at the City, and the SCRG provides an opportunity to examine existing approaches and discuss new and improved opportunities.
- Options for the development of a Community Leaders Program (carried forward from 2016) – The *Community Development Plan 2015–2020* includes a ‘*Leaders in focus program*’ designed to encourage and support community leaders. This could include, for example, professional development opportunities, formal and informal mentoring, and networking with other community leaders. The design of such a program would benefit from SCRG input.
- Explore and understand opportunities to support the small to medium business sector in Joondalup. The business sector is of significant importance to the economic growth of Joondalup with approximately 13,000 businesses located in Joondalup. While the City currently works with the business sector to support their growth, the SCRG provides an opportunity to explore and examine existing mechanisms plus new and alternative means of responding to the needs of businesses in Joondalup and, therefore, promote the economic prosperity of the City.

The listing of three items within the 2017 Work Plan is considered an appropriate and manageable number of projects to prepare for the SCRG’s consideration. It should be noted that the proposed Work Plan does not restrict the Council from referring additional matters to the SCRG if they are considered to be of significant community interest or of a strategic nature.

Issues and options considered

Council has the option to adopt the proposed 2017 Work Plan for the SCRG as outlined in Attachment 1 of Report CJ209-12/16, or to amend the program according to alternative preferences or additional matters for consideration.

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

Legislation / Strategic Community Plan / policy implications

Legislation

Section 1.3(2) of the *Local Government Act 1995* states:

“This Act is intended to result in –

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

Strategic Community Plan

Key theme

Governance and Leadership.

Objective	Active democracy.
Strategic initiative	Optimise opportunities for the community to access and participate in decision-making processes. Adapt to community preferences for engagement formats.
Policy	<i>Community Consultation and Engagement Policy.</i>

Risk management considerations

If the adopted 2017 Work Plan for the Strategic Community Reference Group is expanded, there is a risk that the program will not be deliverable within existing resources. As such, it is recommended that the identification of three key issues is referred to the group for advice within the 2017 period that would benefit the most from input by the group.

Financial / budget implications

The budget below reflects the costs associated with conducting meetings for the Strategic Community Reference Group, including external facilitation and catering costs.

Current financial year impact

Account no.	1.534.A5304.3359.0000. 1.534.A5304.3281.0000.
Budget Item	External Contractors and Services. Catering.
Budget amount	\$ 6,600
Amount spent to date	\$ 4,750
Proposed cost	\$ 6,600
Balance	\$ 1,850

Regional significance

Not applicable.

Sustainability implications

The proposed 2017 Work Plan for the Strategic Community Reference Group has been developed with an intention of considering a variety of matters of a strategic nature and of significant interest to the community. The issues noted in the work plan, namely; community consultation and communication, community leadership, and supporting small to medium businesses, all have significant impact on the overall sustainability of the City.

Consultation

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

COMMENT

Local government undertakes a variety of roles within the community all of which have the potential to be enhanced and influenced by community participation and engagement. Increasingly, communities are concerned about their future and in many areas community networks are being driven by active citizens.

The Strategic Community Reference Group continues to demonstrate its value in providing a unique and relevant platform for effective engagement with the community supported by valuable input from experts on particular topics and issues considered at the SCRG meetings.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 NOTES the achievements of the Strategic Community Reference Group for 2016;**
- 2 ADOPTS the 2017 Work Plan for the Strategic Community Reference Group, as shown in Attachment 1 of Report CJ209-12/16.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf161206.pdf](#)

CJ210-12/16 CITY WATER PLAN 2016 – 2021

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

PURPOSE

To seek Council's endorsement of the *City Water Plan 2016 – 2021*.

EXECUTIVE SUMMARY

The *City Water Plan 2016-2021* provides strategic direction for the delivery of water conservation and water quality improvement initiatives within the City of Joondalup's operations and the community over the next five years. The plan builds on the achievements of the City's previous *City Water Plan 2012-2015* and reflects the water management objectives outlined in the City of Joondalup *Environment Plan 2014-2019*.

A suite of water management targets have been proposed within the *City Water Plan 2016-2021*. By establishing targets, the City can monitor and measure the progress made towards achieving the objectives of the *City Water Plan 2016-2021*. The *City Water Plan 2016-2021* includes both new and existing projects that will contribute to sustainable water management and achievement of the water management goals over the next five years.

At its meeting held on 18 October 2016 (CJ163-10/16 refers), Council endorsed the release of the draft *City Water Plan 2016-2021* for community consultation for a period of 21 days. No submissions were received from the community or stakeholders on the draft *City Water Plan 2016-2021* during the consultation period. A submission was received from the Department of Parks and Wildlife after the consultation period closed stating that they were supportive of the plan and the key projects to be implemented.

It is proposed that the *City Water Plan 2016-2021*, included as Attachment 1, be endorsed by Council and implemented as of 1 January 2017.

BACKGROUND

The City joined the Waterwise Council program in 2010 to further increase the capacity of the City to use and manage its water resources. The City of Joondalup was named WA's Waterwise Council at the 2011 WA Water Awards for its innovative and sustainable management of water resources. The City has demonstrated ongoing commitment to achieving sustainable water management by retaining Waterwise Council accreditation since 2010.

The City adopted the *City Water Plan 2012-2015* in June 2012 to guide the ongoing management of water resources within the City. A number of projects have been implemented since the adoption of *City Water Plan 2012-2015*, which have enhanced the City's capacity to manage water resources in a more effective manner by contributing to the overall reduction in water consumption and improved water quality.

Following the review of the *City Water Plan 2012-2015*, the City commenced developing the draft *City Water Plan 2016-2021*. The new plan aims to build upon the outcomes of the previous *City Water Plan 2012-2015* by providing a holistic and long term plan to improve water conservation and water quality management within the City.

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

The implementation of the plan will allow the City to demonstrate leadership in meeting its water conservation and water quality improvement targets and create community awareness regarding the need to manage water resources for the future.

DETAILS

At its meeting held on 18 October 2016 (CJ163-10/16 refers), Council resolved to release the draft *City Water Plan 2016-2021* for public consultation. The draft *City Water Plan 2016-2021* was released for public consultation for a period of 21 days, from Monday, 24 October 2016 to Monday, 14 November 2016.

The City's key stakeholders were notified that the draft *City Water Plan 2016-2021* was open for public consultation through a formal invitation to provide comment. A community consultation page was developed on the City's website that included an online feedback form.

No submissions were received from stakeholders or community members regarding the draft *City Water Plan 2016-2021* during the consultation period. A submission was received from the Department of Parks and Wildlife after the consultation period closed stating that they were supportive of the plan and the key projects to be implemented over the five year period. As a result no revisions have been made to the draft *City Water Plan 2016-2021* and the content has remained unchanged.

Issues and options considered

Council may either:

- adopt the *City Water Plan 2016-2021* without any amendments
or
- adopt the *City Water Plan 2016-2021* with further amendments.

The preferred option is to adopt the plan as advertised as no comments were received from the community and stakeholders during the public consultation period.

Legislation / Strategic Community Plan / policy implications

Legislation: Not applicable.

Strategic Community Plan

Key theme: The Natural Environment.

Objective: Environmental resilience.

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

Policy: The development of a *City Water Plan 2016-2021* is consistent with the objectives with the City's *Sustainability Policy*.

Risk management considerations

A potential risk resulting from the endorsement of the *City Water Plan 2016-2021* is the inability to meet formal targets and project timeframes. This will be managed through the City's established Project Management Framework and regular monitoring and reporting of projects.

The City will endeavour to meet the Water Management Targets included in the *City Water Plan 2016-2021* through the timely and effective implementation of projects and programs. External factors, including climate variability, can impact on the City's ability to meet water management targets and will be acknowledged in reporting mechanisms.

Financial / budget implications

Implementation of the *City Water Plan 2016-2021* has financial implications for the City. A number of the projects proposed are existing projects being implemented by the City, or are expansions of processes and programs already in place, and will therefore have limited additional financial implications for the City.

All projects included in the *City Water Plan 2016-2021* will collectively lead to long term cost savings and efficiencies, either through direct reductions in scheme water use, through indirect reductions in energy (electricity and gas) savings or through improved internal processes.

Financial implications will be managed through the City's Annual Budget approval process. All projects will be subject to this process and planned for accordingly.

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

Regional significance

The issues and challenges that the City faces in regards to sustainable water management are common to other local governments. Sharing information and knowledge and working in partnership with other local governments will be progressed, wherever possible, as part of the implementation of the *City Water Plan 2016-2021*. Many of the projects within the *City Water Plan 2016-2021* relate to existing regional partnerships, including the *Yellagonga Ecotourism and Community Awareness Program* and *Midge Management Strategy Partnership*.

Sustainability implications

Implementation of the *City Water Plan 2016-2021* will ensure that water resources in the City are managed sustainably, with consideration for both water quantity and water quality issues. The *City Water Plan 2016-2021* includes projects that reduce water use and increase water efficiency. Water quality will be improved through the management of stormwater in the City.

The *City Water Plan 2016-2021* also includes projects that target community education and awareness to ensure that the community is well-informed on water issues and is provided the support it needs to change behaviours that impact negatively on water resources. The projects proposed will enhance the City's built and natural assets while contributing to sustainable, holistic water management.

In addition to creating lasting regional partnerships that could provide economic benefit to the City, the *City Water Plan 2016-2021* will also improve asset management. Many of the projects will also reduce ongoing costs associated with the purchase of scheme water and groundwater asset maintenance.

Consultation

The draft *City Water Plan 2016-2021* was available for public comment from 24 October 2016 to 14 November 2016. No submissions were received from stakeholders or community members regarding the draft *City Water Plan 2016-2021* during the consultation period. A submission was received from the Department of Parks and Wildlife after the consultation period closed stating that they were supportive of the plan and the key projects to be implemented. As a result no revisions have been made to the draft *City Water Plan 2016-2021* and the content has remained unchanged.

COMMENT

Sustainable water management is an important issue for the City of Joondalup and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital in a drying climate.

The *City Water Plan 2016-2021* presents an opportunity for the City to build on past achievements and lead by example in the sustainable management of water resources within the community and local government sector. The implementation of the *City Water Plan 2016-2021* will allow the City to demonstrate leadership in meeting its water conservation and water quality improvement targets and create community awareness regarding the need to manage water resources for the future.

No comments were received from the community or stakeholders during the consultation period. One submission that was supportive of the plan was received after the consultation period closed. It is therefore assumed that the community and stakeholders are generally supportive of the plan.

Following Council endorsement, the *City Water Plan 2016-2021* will be provided to marketing for corporate branding and design before being released to the community.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council ENDORSES the *City Water Plan 2016-2021*, included as Attachment 1 to Report CJ210-12/16.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf161206.pdf](#)

The Manager Marketing and Communications left the Chamber at 9.05pm.

CJ211-12/16 CITY OF JOONDALUP WEED MANAGEMENT PLAN

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102082, 101515
ATTACHMENTS	Attachment 1 Community Consultation Summary Attachment 2 Draft Weed Management 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 note the outcomes of community consultation for the *draft Weed Management Plan* and seek its endorsement of the final *Weed Management Plan*.

EXECUTIVE SUMMARY

The City of Joondalup is responsible for the management of over 500 hectares of natural areas in 108 sites containing significant flora and fauna species and ecological communities. There are a variety of regionally, nationally and internationally significant natural areas located within the City, including the Yellagonga Regional Park and a number of Bush Forever sites which contain species of high conservation value. The City also manages over 370 parks and reserves and a substantial number of urban landscaping areas such as streetscapes, verges, thoroughfares, pedestrian access ways, sumps and swales.

Weeds are one of the key environmental threats in the City of Joondalup. The invasion of weeds threatens the biodiversity of the City's natural areas and affects the amenity, functionality and aesthetics of parks and urban landscaping areas.

The City of Joondalup has over 200 identified weed species, including eight declared pest plants and five weeds of national significance. Effective weed management is required to ensure that measures are taken to prevent, monitor and control the spread of weeds within the City. A *Weed Management Plan* has been developed in order to provide strategic on-going weed management of the City's natural areas, parks and urban landscaping areas over the next five years.

At its meeting held on 20 September 2016 (CJ136-09/16 refers), Council endorsed the release of the *draft Weed Management Plan* for community consultation, for a period of 21 days. The feedback received during the community consultation period is outlined within the community consultation summary, shown as Attachment 1.

It is proposed that the *Weed Management Plan*, included as Attachment 2, is endorsed by Council.

BACKGROUND

The *Weed Management Plan* outlines a framework for weed management for the next five years and details an integrated weed management approach including weed prevention, monitoring and control of the spread of weeds within the City of Joondalup.

Impacts on the natural environment from weeds include the following:

- Reducing the viability of native plant species by competing more vigorously for space, water and nutrients. This can result in a decrease in the abundance and health of native species, even to the point of extinction in that area.
- Reducing natural diversity by smothering native plants or preventing them from regenerating after clearing, fire or other disturbance.
- Altering nutrient recycling and soil quality by fixing nitrogen in the soil which can inhibit the germination of native species or releasing nutrients into the soil which may impact negatively on native seedling germination and growth.
- Introducing pests and disease from different areas which native species may not have previously had contact with and may be particularly susceptible to. Weeds can also be more resilient than native plants to certain pests and diseases.
- Creating high fuel loads for fires and increasing the risk of fire in bushland areas.
- Negatively impacting on native fauna by replacing or reducing the native plants and altering plant communities that animals use for shelter, food and nesting.

A number of management actions are proposed within the plan to address the threat of weeds include the following:

- Investigating the use of photo monitoring in major conservation areas and major parks to assess the effectiveness of ongoing weed control.
- Investigating the feasibility of analysing high resolution multi-spectral imagery of parks and natural areas every two years in order to monitor weed distribution and density.
- Creating a register of herbicide resistant weeds and conducting herbicide effectiveness testing of herbicide resistant weeds, as required.
- Creating a register of new weed populations identified in the City to enable monitoring and weed management.
- Conducting research or trials on herbicide rotation to increase the effectiveness of herbicides, as required.
- Investigating opportunities for the City to trial new weed control methods, as technology and research improves.
- Implementing environmental education initiatives.
- Continuing to partner with and support local friends groups to facilitate bushland restoration and weed management activities.

The proposed management actions will be implemented in partnership with key stakeholders and community groups, where relevant.

DETAILS

At its meeting held on 20 September 2016 meeting (CJ136-09/16 refers), Council endorsed the release of the *draft Weed Management Plan* for community consultation, for a period of 21 days. The feedback received during the community consultation period is outlined within the community consultation summary, shown as Attachment 1.

Information was provided to the general community via the community engagement page on the City's website that included an on-line feedback form and an article in the Joondalup Times Community newspaper on 18 October 2016.

Feedback received indicates that the City's community and relevant stakeholders are generally supportive of the strategic direction of the plan and the recommendations included within the plan. A number of respondents indicated that they would support the greater use of marker dye when the City is applying herbicides.

The City uses marker dye in combination with herbicide application within natural areas. The purpose of marker dye is for staff or contractors spraying herbicides to see which areas have been sprayed due to the difficult spraying conditions such as moving through and around plants and the varying topography, rather than to alert the public about spraying.

Marker dye safety instructions provide that contact with eyes and skin should be avoided and cannot be considered 'safe' for residents to come into contact with. Additionally marker dye will remain on surfaces for a considerable time (sometimes weeks depending on weather conditions) compared to the time it takes for the active constituent of the chemical to be absorbed by the leaf (30 minutes to two hours).

For the above reasons the City of Joondalup utilises marker dye in natural areas only and not in public places, such as parks and pathways. Therefore it is not recommended to amend the City's current approach to the use of marker dye. Furthermore no amendments to the *Weed Management Plan* regarding this issue are recommended.

Twenty two submissions were received from community members and stakeholders within the consultation period, as outlined in Attachment 1.

Amendments have been made to the management plan, where appropriate. The proposed changes to the *Weed Management Plan* are shown in highlighted yellow and strike-through text as included in Attachment 2.

Issues and options considered

Council may choose to either:

- adopt the *Weed Management Plan* with amendments as shown in highlighted text within Attachment 2
- adopt the *Weed Management Plan* without any amendments
or
- adopt the *Weed Management Plan* with further amendments.

Legislation / Strategic Community Plan / policy implications

Legislation *Biosecurity and Agriculture Management Act 2007.*

Strategic Community Plan

Key Theme The Natural Environment.

Objective Environmental resilience.

Strategic initiative Identify and respond to environmental risks and vulnerabilities.

Policy The objectives of the *Weed Management Plan* are consistent with the City's *Sustainability Policy*.

Risk management considerations

A co-ordinated and planned approach is required to address weed management in natural areas, parks and urban landscaping areas and provide strategies for on-going long-term management. Without a co-ordinated and planned approach, there is a risk that the overall condition of the native bushland areas of the City will become degraded and that the City's parks and urban landscaping areas will decrease in amenity, functionality and aesthetic values.

Financial / budget implications

Funds are currently allocated within the City's annual operating budget to implement conservation and maintenance activities in natural areas, parks and urban landscaping areas, however the implementation of some recommendations from the *Weed Management Plan* will have additional budget implications and these will be subject to the City's annual budget approvals process.

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

Regional significance

There are a variety of regionally, nationally and internationally significant natural areas located within the City including the Yellagonga Regional Park and a number of Bush Forever sites which contain species of high conservation value.

Sustainability implications

Weeds have the potential to degrade natural areas and reduce biodiversity values, as well as negatively affect the amenity, functionality and aesthetics of parks and urban landscaping areas. The implementation of the *Weed Management Plan* will ensure that the threat of weeds within the City is addressed and provide strategies for ongoing long term management which will result in protection of the City's natural environment, parks and urban landscaping areas.

The *Weed Management Plan* includes actions that target community education and awareness to ensure that the City of Joondalup community is well-informed regarding the City's environmental values and actions that can be taken to prevent the spread of weeds.

Consultation

The draft *Weed Management Plan* was available for public comment from 10 October to 31 October 2016. A total of 22 submissions were received in the consultation period.

Some amendments have been made to the management plan following feedback received during the consultation process. The proposed changes to the *Weed Management Plan* are shown in yellow highlighted and strike-through text as included in Attachment 2.

A summary of the feedback received as part of this process is provided in Attachment 1.

COMMENT

The *Weed Management Plan* will inform and prioritise maintenance schedules and Capital Works Programs by providing prioritised management recommendations to be implemented within the City's natural areas, parks and urban landscaping areas over a five year period. The plan will also increase opportunities for the City to apply for grant funding by having a detailed forward schedule of projects to be carried out, and will provide guidance to City employees, contractors and Friends' Groups operating within the City of Joondalup.

The implementation of the plan will allow the City to demonstrate leadership in addressing environmental threats, providing strategic on-going weed management of natural areas, parks and urban landscaping areas and raise community awareness regarding the need to protect the biodiversity values of the environment for the future.

The plan will be continually monitored to track the progress of implementation and an annual review will be undertaken. A major review will be conducted at the end of the five year period.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ENDORSES the *Weed Management Plan* shown as Attachment 2 to Report CJ211-12/16.

The Manager Governance left the Chamber at 9.21pm and returned at 9.23pm.

The Chief Executive Officer left the Chamber at 9.25pm and returned at 9.27pm.

MOVED Cr Norman, SECONDED Cr Chester that Council ENDORSES the *Weed Management Plan* shown as Attachment 2 to Report CJ211-12/16, subject to the following amendment:

- 1 inclusion of marker dye use being extended to all applications of herbicide with the exception of broad acre areas.

The Motion was Put and

LOST (5/8)

In favour of the Motion: Crs Chester, Jones, Norman, Poliwka and Taylor.

Against the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Logan and McLean.

MOVED Cr Dwyer, SECONDED Cr Hamilton-Prime that Council ENDORSES the *Weed Management Plan* shown as Attachment 2 to Report CJ211-12/16.

The Motion was Put and

CARRIED (11/2)

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Poliwka and Taylor.

Against the Motion: Crs Chester and Norman.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf161206.pdf](#)

CJ212-12/16 LIST OF PAYMENTS DURING THE MONTH OF OCTOBER 2016

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	09882, 101515	
ATTACHMENT	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of October 2016
	Attachment 2	Chief Executive Officer's Delegated trust Payment List for the month of October 2016
	Attachment 3	Municipal and Trust Fund Vouchers for the month of October 2016
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 October 2016.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2016 totalling \$15,312,429.50.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for October 2016 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 CJ212-12/16, totalling \$15,312,429.50.

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 October 2016. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 104008 - 104157 & EF058670 – EF059256 Net of cancelled payments.	\$10,539,968.78
	Vouchers 1781A – 1786A & 1793A – 1800A	\$4,702,830.92
Trust Account	Trust Cheques & EFT Payments 207025 – 207045 & TEF000882 – TEF000924 Net of cancelled payments.	\$69,629.80
Total		\$15,312,429.50

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 *2016-17 Annual Budget* as adopted by Council at its meeting held on 28 June 2016 (CJ080-06/16 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, **SECONDED** Cr McLean that Council **NOTES** the Chief Executive Officer's list of accounts for October 2016 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 CJ212-12/16, totalling \$15,312,429.50.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf161206.pdf](#)

CJ213-12/16 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2016

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882,101515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 31 October 2016
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 October 2016.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2016 (CJ080-06/16 refers), Council adopted the Annual Budget for the 2016-17 financial year. The figures in this report are compared to the adopted budget.

The October 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$8,679,233 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 October 2016 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 Appendix 3 to Attachment 1 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

The operating surplus is \$4,173,443 higher than budget, made up of higher operating revenue \$610,643 and lower operating expenditure of \$3,562,799.

Operating revenue is higher than budget on Fees and Charges \$132,940, Interest Earnings \$284,532, Profit on Asset Disposals \$162,879, Contributions, Reimbursements and Donations \$27,860 and Rates \$79,500 offset by lower than budget revenue from Grants and Subsidies \$45,583 and Other Revenue \$31,485.

Operating Expenditure is lower than budget on Materials and Contracts \$2,076,021, Employee Costs \$922,989, Loss on Asset Disposals \$321,569, Utilities \$167,048, Depreciation and Amortisation \$27,215, Insurance Expenses \$38,761 and Interest expenses \$9,195.

The Capital Deficit is \$5,066,825 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$4,997,585, Vehicle and Plant Replacements \$406,400 and Loan Repayments \$33,590 along with higher than budgeted Capital Grants and Subsidies \$175,972 and Contribution revenue \$63,537 offset by higher than budgeted expenditure on Capital Works \$610,259.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2016 forming Attachment 1 to Report CJ213-12/16.

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 October 2016 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*.

COMMENT

All expenditure included in the Financial Activity Statement are incurred in accordance with the provisions of the 2016-17 adopted budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the Financial Activity Statement for the period ended 31 October 2016 forming Attachment 1 to Report CJ213-12/16.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf161206.pdf](#)

Disclosures of Financial Interest/Proximity Interest

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ214-12/16 – Request for Annual Leave – Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	The Chief Executive Officer has requested annual leave.

CJ214-12/16 REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	98394B, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

To give consideration to the request for annual leave submitted by the Chief Executive Officer (CEO).

EXECUTIVE SUMMARY

The CEO has requested annual leave for the period 28 December 2016 to 13 January 2017 inclusive.

DETAILS

The CEO has requested leave from duties for the period 28 December 2016 to 13 January 2017 for annual leave. The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days.

Issues and options considered

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The CEO, in accordance with his employment contract, is entitled to 25 days leave per annum.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Maintain a highly skilled and effective workforce.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Provision included in Budget for 2017-18.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, SECONDED Cr McLean that Council APPROVES the request from the Chief Executive Officer for annual leave for the period 28 December 2016 to 13 January 2017 inclusive.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Disclosures of interest affecting impartiality

Name/Position	Cr Philippa Taylor.
Item No./Subject	CJ215-12/16 – Request for Waiver of Fees under <i>Facility Hire Subsidy Policy</i> – Joondalup Giants Rugby League Club.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Members of the Joondalup Giants Rugby League Club are known to Cr Taylor.

CJ215-12/16 REQUEST FOR WAIVER OF FEES UNDER FACILITY HIRE SUBSIDY POLICY – JOONDALUP GIANTS RUGBY LEAGUE CLUB

WARD	North-Central
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101271, 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 give consideration to a request from the Joondalup Giants Rugby League Club (juniors) for the City to waive the club's hire fees for 2016.

EXECUTIVE SUMMARY

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

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

The *Facility Hire Subsidy Policy* was reviewed after its initial period in operation and Council adopted a revised version at its meeting held on 9 December 2014 (CJ243-12/14 refers). The revised policy stipulates that groups must have their primary base of operation within the City of Joondalup to be eligible for a subsidy. It also provides authority for the Chief Executive Officer to waive facility hire booking fees up to the value of \$5,000.

The City has recently completed the bookings for use of its facilities for the 2016 winter sporting season. Consequently, the Joondalup Giants Rugby League Club has sought a waiver of fees for their winter 2016 junior fees in accordance with the policy.

The Joondalup Giants Rugby League Club does not currently meet the requirements of the *Facility Hire Subsidy Policy* as they do not meet the 50% City of Joondalup resident requirement. Of the club's 210 junior members only 60 (or 28.6%) are City of Joondalup residents.

The Joondalup Giants Rugby League Club (juniors) books City facilities for nine hours per week, 3.4 hours in the Admiral Park Community Sporting Facility and 5.6 hours on Admiral Park, averaged over the winter sporting season. The club's hire fees for 2016 winter total \$4,345.

It is therefore recommended that Council:

- 1 *DOES NOT AGREE to the request from the Joondalup Giants Rugby League Club for a 100% waiver of fees;*
- 2 *AGREES to waive 75% of the fees that would apply to the Joondalup Giants Rugby League Club up to \$4,345 for their 2016 bookings, with the group to be advised that the waiver will reduce by 25% each year - 2017 (50% waiver), 2018 (25% waiver) and 2019 (0% waiver) - unless the group's status changes and they become eligible for a subsidy.*

BACKGROUND

The City of Joondalup manages 148 facilities utilised by approximately 300 community groups over 19,000m² of land either as freehold or managed property which is reserved or dedicated under the *Land Administration Act 1997*. This property has been set aside for a diversity of purposes, such as recreation, public open space, drainage and administrative or infrastructure purposes.

In previous years, property management arrangements for City owned and managed property were approached on an ad-hoc basis. This resulted in varying management methods and inconsistent leasing, licensing and facility hire conditions (including the application of subsidised use).

In an effort to apply greater consistency to property management, at its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a framework that takes a broad approach and addresses the myriad of issues involved in property management. It is intended to provide a consistent and concise methodology for the future.

DETAILS

At its meeting held on 9 December 2014 (CJ243-12/14 refers), Council adopted a revised policy relating to subsidised use of City facilities that is to:

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

The policy applies to all local not for profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centre - Craigie. The policy applies to organised groups only (does not apply to individuals) and they must have their primary base of operation within the City of Joondalup to be eligible for a subsidy.

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

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

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

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

Additional subsidies will be provided for the following:

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

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

The City has completed the seasonal bookings for use of its parks and facilities in the 2016 winter sporting season. Consequently, the Joondalup Giants Rugby League Club has sought a waiver of fees in accordance with the policy.

Joondalup Giants Rugby League Club

Facility Hired	Classification within Policy	Extent of subsidy	Average Number of hours booked per week	Number of hours exceeding subsidy per week	Potential additional cost
Admiral Park and Admiral Park Community Sporting Facility	Junior Recreational or Sporting Group	100% up to 35 hours per week	9	N/A	\$4,345 (0% subsidy) \$3,259 (25% subsidy)

Facility Hired	Classification within Policy	Extent of subsidy	Average Number of hours booked per week	Number of hours exceeding subsidy per week	Potential additional cost
					\$2,172 (50% subsidy) \$1,086 (75% subsidy) \$0 (100% subsidy)

Joondalup Giants Rugby League Club (juniors) has 210 members and is based at Admiral Park, Heathridge.

The City's *Facility Hire Subsidy Policy* provides different subsidy levels for junior and senior sporting groups so for the purposes of assessing the club's eligibility for a subsidy, the junior and senior sections of the club are considered separately.

The Joondalup Giants Rugby League Club (juniors) books City facilities for nine hours per week, 3.4 hours in the Admiral Park Community Sporting Facility and 5.6 hours on Admiral Park, averaged over the winter sporting season. A 100% subsidy would normally apply to junior sporting club bookings however the group does not meet the criteria in the *Facility Hire Subsidy Policy* regarding membership resident status. Of the 210 junior members, only 60 or 28.6% are City of Joondalup residents, less than the minimum 50% required under the policy.

It is noted that this group is the only rugby league club in the City of Joondalup area and is the most northern group in the western corridor. The next junior rugby league club to the south is in North Beach. Consequently the group does attract members from outside the City of Joondalup area.

In recent years the City has completed an upgrade of the Admiral Park Community Sporting facility at a cost to the City of approximately \$900,000. The City is also currently undertaking a sports floodlighting project at Admiral Park at a cost to the City of \$383,313 (project cost is \$519,313 with \$136,000 income from the Department of Sport and Recreation).

The club has requested it receive a 100% subsidy or fee waiver for its 2016 winter bookings. It is recommended that rather than classify the group as eligible for a subsidy, that the City considers waiving 75% of the fees that would apply, with the club to be advised that the waiver will reduce by 25% each year - 2017 (50% waiver), 2018 (25% waiver) and 2019 (0% waiver) unless the club's status changes and they become eligible for a subsidy.

Issues and options considered

The Council may approve or decline the request for the waiver of fees. Council may also determine the percentage of subsidy provided.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 6.12 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme	Financial Sustainability.
Objective	Financial diversity.
Strategic initiative	Identify opportunities for new income streams that are financially sound and equitable.
Policy	<i>Facility Hire Subsidy Policy.</i>

Risk management considerations

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

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

Financial / budget implications

The cost to the City across all levels of subsidised use of City facilities is approximately \$1.3 million. If the City was to extend the subsidies and waive the fees proposed for additional usage of City facilities for this group, the City will lose approximately \$4,345 in income for 2016-17.

Regional significance

Not applicable.

Sustainability implications

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

Consultation

Not applicable.

COMMENT

This is the fourth winter sporting season the adopted policy has been in place, previous decisions to phase in fees was to assist clubs with the transition and allow them to adjust their fee structure for future seasons. However, once the assistance is provided to the clubs to position themselves financially going forward, the general principle is that the full community rate is met by the clubs unless they become eligible for the subsidy. It is important that the classification of groups within the policy for levels of subsidisation remains consistent, however, if a group requires further consideration relating to fees, it is open to Council to waive these fees.

It should be noted that the Joondalup Giants Rugby League Club applied for a waiver of fees for the 2015 winter season. Council approved a waiver of fees for the club's juniors at its meeting held on 28 July 2015 (CJ119-07/15 refers). Council agreed to waive 100% of fees that would apply to the club's bookings up to a maximum of 35 hours per week. The Joondalup Giants Rugby League Club seniors also applied for a waiver in 2015, however the senior side of the club met the requirements for a subsidy in 2016.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 DOES NOT AGREE to the request from the Joondalup Giants Rugby League Club for a 100% waiver of fees;
- 2 AGREES to waive 75% of the fees that would apply to the Joondalup Giants Rugby League Club up to \$4,345 for their 2016 bookings, with the group to be advised that the waiver will reduce by 25% each year - 2017 (50% waiver), 2018 (25% waiver) and 2019 (0% waiver) - unless the group's status changes and they become eligible for a subsidy.

MOVED Cr Taylor, SECONDED Mayor Pickard that Council AGREES to waive 100% of the fees that would apply to the Joondalup Giants Rugby League Club (juniors) for the use of City parks and facilities to a maximum of nine hours per week for the 2016 winter season.

The Motion was Put and

CARRIED (10/3)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Jones, Logan and Norman and Taylor.

Against the Motion: Crs Hollywood, McLean and Poliwka.

REASON

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is because it is the northern most rugby league club and by virtue of that their catchment is beyond the City of Joondalup boundary to the north.

CJ216-12/16 TENDER 032/16 SUPPLY, INSTALLATION OR SUPPLY AND INSTALLATION OF TURF

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	106041, 101515
ATTACHMENT	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Turfmaster Pty Ltd trading as Turfmaster Facility Management for the supply and installation of turf.

EXECUTIVE SUMMARY

Tenders were advertised on 8 October 2016 through statewide public notice for the supply, installation or supply and installation of Turf (three separable portions) for a period of three years. Tenders closed on 25 October 2016. A submission was received from each of the following:

- Turfmaster Pty Ltd trading as Turfmaster Facility Management.
- The Trustee for the JPD Trust trading as West Coast Turf.
- Sensational Lawns and Gardens Pty Ltd.
- The Trustee for Hackshaw Family Trust & the Trustee for HJS Trust trading as Allwest Turfing.

The submission from Turfmaster Pty Ltd trading as Turfmaster Facility Management represents best value to the City for the supply and installation of turf. The company demonstrated a thorough understanding and appreciation of the City's requirements. It demonstrated extensive experience completing large-scale turf installation projects for local governments and private organisations and has turf installation contracts with the Cities of Rockingham, Swan, Kwinana, Stirling, Wanneroo, Vincent, Albany and the Towns of Cambridge and Port Hedland. It is well established with proven capacity to provide the goods and services to the City.

It is recommended that Council ACCEPTS the tender submitted by Turfmaster Pty Ltd t/as Turfmaster Facility Management for the supply and installation of turf (Separable Portion 3) as specified in Tender 032/16 for a period of three years at the submitted rate with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for the supply and installation of turf to streetscapes and parks within the City.

The City currently has a contract through quotation for the supply, delivery and installation of turf with Sensational Lawns and Gardens Pty Ltd which expires on 31 December 2016.

Tender 032/16 was advertised as three separable portions:

- Separable portion 1: Turf supply only.
- Separable portion 2: Turf installation only.
- Separable portion 3: Turf supply and installation.

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

Tenders were advertised on 8 October 2016 through statewide public notice for the supply, installation or supply and installation of Turf for a period of three years. The tender period was for two weeks and tenders closed on 25 October 2016.

Tender Submissions

A submission was received from each of the following:

- Turfmaster Pty Ltd trading as Turfmaster Facility Management.
- The Trustee for the JPD Trust trading as West Coast Turf.
- Sensational Lawns and Gardens Pty Ltd.
- The Trustee for Hackshaw Family Trust & The Trustee for HJS Trust trading as Allwest Turfing.

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

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

Evaluation Panel

The evaluation panel comprised three members:

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

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

Compliance Assessment

All submissions received were assessed as compliant and remained for further consideration.

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

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

Qualitative Assessment

Allwest Turfing scored 60.1% in the qualitative assessment. It demonstrated considerable experience completing similar turf supply and installation projects for local governments and private organisations and has provided turf supply and installation services to the Cities of Stirling, Canning and Gosnells. The company did not demonstrate adequate understanding of the City requirements. The methodology provided was generic and the company stated that it will develop project methodology depending on the individual project. The company is established and has sufficient capacity to provide the goods and services to the City.

Sensational Lawns and Gardens Pty Ltd scored 66.2% in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirement and has the capacity to provide the goods and services to the City. The company demonstrated experience providing similar services to public and private organisations and has provided turf supply and installation services to Carabooda Lawn, Greenacres Turf Group, Botanical Parks and Gardens. The company has provided turf supply and installation services to the City for the past 10 months.

West Coast Turf scored 67.9% in the qualitative assessment. The company demonstrated considerable experience completing turf supply and installation projects for local governments and private organisations and is the current turf supplier for the Cities of Belmont, Melville and Perth and also the preferred turf supplier for Karrinyup Golf Course and Kings Park. It has also completed various projects for Metropolitan Redevelopment Authority, St Josephs Primary School, the Cities of Fremantle, Swan and Busselton and Allwest Turfing. It demonstrated a thorough understanding and appreciation of the City's requirements and has sufficient capacity to provide the goods and services to the City.

Turfmaster Facility Management scored 74.1% in the qualitative assessment. It demonstrated a thorough understanding and appreciation of the City's requirements. It demonstrated extensive experience completing large-scale turf installation projects for local governments and private organisations and has turf installation contracts with the Cities of Rockingham, Swan, Kwinana, Stirling, Wanneroo, Vincent, Albany and the Towns of Cambridge and Port Hedland. It is well established with proven capacity to provide the goods and services to the City.

Based on the minimum acceptable score (60%), all tenderers qualified for stage 2 (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

To arrive at the estimated financial value of the tender, the tendered rates offered by the tenderers have been applied to historical usage of 18 items currently part of the existing schedule and estimated usage of two new items added to requirements. This provides a value of the tender based on the assumption that the historical pattern of usage is maintained. The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements.

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

Year	Separable Portions	Tenderer			
		Turfmaster Pty Ltd	Sensational Lawns	Allwest Turfing	West Coast Turf
Year 1	Turf supply only	\$39,808	\$58,424	\$46,808	\$36,728
	Turf installation only	\$198,320	\$333,640	\$290,760	\$266,200
	Turf supply & installation	\$235,648	\$436,496	\$349,024	\$334,060
Year 2	Turf supply only	\$40,604	\$59,592	\$47,744	\$37,463
	Turf installation only	\$202,286	\$340,312	\$296,575	\$271,524
	Turf supply & installation	\$240,361	\$445,226	\$356,004	\$340,741
Year 3	Turf supply only	\$41,416	\$60,784	\$48,699	\$38,212
	Turf installation only	\$206,332	\$347,119	\$302,507	\$276,954
	Turf supply & installation	\$245,168	\$454,130	\$363,125	\$347,556
	Three (3) cost of disposal of waste to landfill for turf installation	\$160,875			
Total Estimated Contract Price	Turf supply only	\$121,828	\$178,801	\$143,251	\$112,402
	Turf installation only	\$767,813	\$1,021,072	\$889,842	\$814,678
	Turf supply & installation	\$882,052	\$1,335,852	\$1,068,153	\$1,022,357

Turfmaster included a separate item in the schedule of rates for 'Disposal of waste to registered landfill including waste levy'. All other Respondents submitted rates inclusive of disposal costs.

The cost of this additional item is not easily quantified as turf and soil removed from site has a variable weight dependent on factors such as moisture and depth of removal. To provide a calculation of the probable cost, the historical volume of total box out / removal and disposal was used. This equates to an additional \$160,875 for three years which may bring the total estimated contract price for Turfmaster to \$882,052 on a supply and installation basis. The cost advantage in using Turfmaster would still equate to \$140,305 over three years when compared to the next lowest priced offer from West Coast Turf.

The City incurred \$239,575 for the supply, delivery and installation of turf for the past 10 months and is expected to incur in the order of \$750,000 over the three year contract period.

Evaluation Summary

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

Tenderer	Separable Portion	Estimated Contract Price	Price Ranking	Qualitative Ranking	Weighted Percentage Score
Turfmaster Pty Ltd	Turf supply only	\$121,828	2	1	74.1%
	Turf installation only	\$767,813	1		
	Turf supply & installation	\$882,052	1		
West Coast Turf	Turf supply only	\$112,402	1	2	67.9%
	Turf installation only	\$814,678	2		
	Turf supply & installation	\$1,022,357	2		
Sensational Lawns	Turf supply only	\$178,801	4	3	66.2%
	Turf installation only	\$1,021,072	4		
	Turf supply & installation	\$1,335,852	4		
Allwest Turfing	Turf supply only	\$143,251	3	4	60.1%
	Turf installation only	\$889,842	3		
	Turf supply & installation	\$1,068,153	3		

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of Turfmaster Pty Ltd for Separable Portion 3 (turf supply and installation) and is therefore recommended.

Though the combination of the lowest estimated contract prices for Separable Portion 1 (\$112,402 by West Coast Turf) and Separable Portion 2 (\$767,813 by Turfmaster) is \$1,837 (0.25% of the estimated contract sum) less than the estimated contract price for Separable Portion 3 (\$882,052 by Turfmaster) over a three year contract period, the marginal cost saving does not outweigh the internal administrative cost of managing two contractors.

The supply and installation of turf is required to maintain the playing surface of the City's parks and open spaces. The City does not have the internal resources to provide the required services and requires an appropriate external supplier to undertake the services.

Legislation/Strategic Plan/Policy Implications

Legislation

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Establish landscapes that are unique to the City and provide statements within prominent network areas.

Policy Not applicable.

Risk Management Considerations

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to maintain its turfed areas to the standards required for use by sporting groups.

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

Financial/budget implications

Account No:	Various accounts.
Budget Item:	Supply and installation of turf.
Estimated Budget Amount:	\$ 250,000
Amount spent to date:	\$ 185,205
Proposed Cost:	\$ 60,000
Balance:	\$ 4,795

All amounts quoted in this report are exclusive of GST.

Regional Significance:

Not applicable.

Sustainability Implications:

The provision of turf enhances the appearance of the City's streetscapes, parks and open spaces and ensures playing surfaces meet the safety standards required of sporting groups.

Consultation:

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Turfmaster Pty Ltd t/as Turfmaster Facility Management for Separable Portion 3 (turf supply and installation) represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ACCEPTS the tender submitted by Turfmaster Pty Ltd t/as Turfmaster Facility Management for the supply and installation of turf (Separable Portion 3) as specified in Tender 032/16 for a period of three years at the submitted rate with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

The Acting Manager Leisure and Cultural Services and the Manager Planning Services left the Chamber at 9.37pm.

The Governance Officer left the Chamber at 9.43pm.

MOVED Cr Norman, SECONDED Cr Chester that Council ACCEPTS the tender submitted by The Trustee for the JPD Trust trading as West Coast Turf for the supply and installation of turf (Separable Portion 3) as specified in Tender 032/16 for a period of three years at the submitted rate with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

The Motion was Put and

LOST (6/7)

In favour of the Motion: Mayor Pickard, Crs Chester, Jones, Norman, Poliwka and Taylor.

Against the Motion: Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Logan and McLean.

MOVED Cr Fishwick, SECONDED Cr Dwyer that Council ACCEPTS the tender submitted by Turfmaster Pty Ltd trading as Turfmaster Facility Management for the supply and installation of turf (Separable Portion 3) as specified in Tender 032/16 for a period of three years at the submitted rate with any price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

The Motion was Put and

CARRIED (9/4)

In favour of the Motion: Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Logan, McLean, Poliwka and Taylor.

Against the Motion: Mayor Pickard, Crs Chester, Jones and Norman.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf161206.pdf](#)

The Governance Officer entered the Chamber at 9.46pm.

CJ217-12/16 TENDER 037/16 CIVIL AND LANDSCAPING WORKS FOR OCEAN REEF ROAD DUPLICATION FROM OCEANSIDE PROMENADE TO SWANSON WAY

WARD	North-Central
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	106085, 101515
ATTACHMENTS	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by TRACC Civil Pty Ltd for the civil and landscaping works for Ocean Reef Road duplication from Oceanside Promenade to Swanson Way.

EXECUTIVE SUMMARY

Tenders were advertised on 27 August 2016 through statewide public notice for the civil and landscaping works for Ocean Reef Road duplication from Oceanside Promenade to Swanson Way. Tenders closed on 13 September 2016. A submission was received from each of the following:

- Ertech Pty Ltd.
- Jaxon Civil Pty Ltd.
- Ralmana Pty Ltd t/as RJ Vincent And Co.
- Remote Civils Australia Pty Ltd.
- CQ & JM Dowsing ATF The Dowsing Family Trust t/as Dowsing Group.
- TRACC Civil Pty Ltd.
- West Coast Profilers t/as WCP Civil Pty Ltd.

The submission from TRACC Civil Pty Ltd represents best value to the City. TRACC Civil Pty Ltd demonstrated experience completing similar projects including Beeliar Drive duplication for the City of Cockburn (on-going), Springtime Armadale Road Intersection for Urban Quarter (on-going), Gillmore Avenue dual carriageway construction for the City of Kwinana and civil works for Ocean Reef Road and Joondalup Drive intersection upgrade for the City of Joondalup (on-going). It demonstrated an understanding of the project requirements and has the capacity in terms of personnel and equipment to carry out this project in the required timeframe.

It is therefore recommended that Council ACCEPTS the tender submitted by TRACC Civil Pty Ltd for the civil and landscaping works for Ocean Reef Road duplication from Oceanside Promenade to Swanson Way as specified in Tender 037/16 for the fixed lump sum of \$1,370,223 (GST exclusive) and completion of the works by 30 June 2017.

BACKGROUND

This requirement is to undertake the civil and landscaping works for Ocean Reef Road duplication from Oceanside Promenade to Swanson Way.

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

Tenders were advertised on 27 August 2016 through statewide public notice for the civil and landscaping works for Ocean Reef Road duplication from Oceanside Promenade to Swanson Way. The tender period was for two weeks and tenders closed on 13 September 2016.

Tender Submissions

A submission was received from each of the following:

- Ertech Pty Ltd.
- Jaxon Civil Pty Ltd.
- Ralmana Pty Ltd t/as RJ Vincent And Co.
- Remote Civils Australia Pty Ltd.
- CQ & JM Dowsing ATF The Dowsing Family Trust t/as Dowsing Group.
- TRACC Civil Pty Ltd.
- West Coast Profilers t/as WCP Civil Pty Ltd.

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

Evaluation Panel

The evaluation panel comprised four members:

- one with tender and contract preparation skills
- three 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.

Compliance Assessment

The following offers were assessed as compliant:

- Ertech Pty Ltd.
- Jaxon Civil Pty Ltd.
- Ralmana Pty Ltd t/as RJ Vincent And Co.
- Remote Civils Australia Pty Ltd.
- CQ & JM Dowsing ATF The Dowsing Family Trust t/as Dowsing Group.
- TRACC Civil Pty Ltd.

The offer from West Coast Profilers t/as WCP Civil Pty Ltd was assessed as non-compliant. The submission did not agree to the conditions of tendering and contract, specification, liabilities, liquidated damages and indemnity.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

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

Remote Civils scored 50.3% and was ranked sixth in the qualitative assessment. The company demonstrated an understanding of the project requirements. It did not demonstrate sufficient experience completing similar projects. The nine project examples submitted to support its experience were of smaller scale civil projects for subdivision, upgrade works and small road works and these included Horden Street intersection for the Town of Victoria Park, civil works for Reid Highway and Erindale Road turning pockets for Georgiou and Venturi Drive traffic management scheme for the City of Joondalup. The company has sufficient resources to undertake the work.

Dowsing Group scored 60.1% and was ranked fifth in the qualitative assessment. The company is resourced and has the capacity to complete the work. It demonstrated an understanding of the project requirements with a project specific methodology and a provisional project program. It demonstrated experience completing similar projects including civil works for Oceanside Promenade for the City of Joondalup (on-going), Newman Drive widening and Kalgan Drive intersection improvement for the Shire of East Pilbara (2015), Forrest Square car station civil works (2016) for the City of Subiaco, Berwick Street/Hillview Terrace intersection upgrade (2015) and Lathlain Place Street revitalisation project (2014) for the Town of Victoria Park.

TRACC Civil Pty Ltd scored 63.1% and was ranked fourth in the qualitative assessment. It demonstrated experience completing similar projects including Beelihar Drive duplication for the City of Cockburn (on-going), Springtime Armadale Road Intersection for Urban Quarter (on-going), Gillmore Avenue dual carriageway construction for the City of Kwinana and civil works for Ocean Reef Road and Joondalup Drive intersection upgrade for the City of Joondalup (on-going). The company is resourced to complete the works for the City. It demonstrated a suitable understanding of the project requirements with a project specific construction methodology and provisional project program.

Jaxon Civil scored 65.3% and was ranked third in the qualitative assessment. The company demonstrated experience completing similar projects including Guildford Railway station car park construction for Public Transport Authority, widening and intersection modifications along Old Coast Road at Halls Head for the City of Mandurah, internal roads and car parking for Quattro project of BHP Billiton and replacement of three timber bridges near Narrogin with pipe/box culverts. The company demonstrated a suitable understanding of the project requirements with a three staged methodology, stage diagrams and work program and has the capacity to undertake the work.

Ertech Pty Ltd scored 70.2% and was ranked second in the qualitative assessment. It demonstrated considerable experience in completing similar projects including Catalina Marmion Avenue intersection civil works (2013) for Tamala Park Regional Council, Beeliar Drive improvement works (2013) for Perron Investments, Connolly Drive duplication from Burns Beach Road to McNaughton Crescent (2009) and Mirrabooka Regional Centre improvement works for the City of Stirling (2015). The company completed the Whitfords Avenue carriageway duplication (2016) and is the contractor for Ocean Reef Road carriageway duplication (on-going) and civil works for Oceanside Promenade, Mullaloo from West View Boulevard to Ocean Reef Road (on-going) for the City. It demonstrated a thorough understanding of the scope of works through a detailed five staged construction methodology and a well documented preliminary construction program. The company has sufficient resources to complete the project.

RJ Vincent scored 70.8% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the project requirements with a detailed three phased construction methodology specific to this project and a well documented preliminary construction program. The company demonstrated considerable experience completing similar road construction projects including Bertram Road duplication (2012) for the City of Kwinana, Butler Railway bridges construction (2013) for Public Transport Authority, Lenore Road upgrade (2016) for the City of Wanneroo, Lord Street round about construction (2012) for Stockland, Neerabup Road intersection upgrade (2012) for Tamala Park Regional Council, construction of Jindalee intersection on Marmion Avenue (2012) for Satterley Property Group and Connolly Drive duplication works (2016) for the City of Wanneroo. RJ Vincent is resourced and has the capacity to complete the work.

Based on the minimum acceptable score (60%), all Respondents except Remote Civils qualified for stage 2 (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted lump sum prices offered by each tenderer qualified for stage 2 to assess value for money to the City.

Tenderer	Lump Sum Price
TRACC Civil Pty Ltd	\$1,370,223
Jaxon Civil Pty Ltd	\$1,373,369
Ertech Pty Ltd	\$1,379,176
RJ Vincent And Co.	\$1,382,038
Dowsing Group	\$1,534,109

Evaluation Summary

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

Tenderer	Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
TRACC Civil Pty Ltd	\$1,370,223	1	63.1%	4
Jaxon Civil Pty Ltd	\$1,373,369	2	65.3%	3
Ertech Pty Ltd	\$1,379,176	3	70.2%	2
RJ Vincent And Co.	\$1,382,038	4	70.8%	1
Dowsing Group	\$1,534,109	5	60.1%	5

Based on the evaluation result the panel concluded that the tender that provides best value to the City is that of TRACC Civil Pty Ltd and is therefore recommended.

Issues and options considered

Civil and landscaping works are required for Ocean Reef Road duplication from Oceanside Promenade to Swanson Way. The City does not have the internal resources to undertake the works and as such requires an appropriate external contractor.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

Strategic initiative Provide for diverse transport options that promote enhanced connectivity.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to commence construction works on time.

It is considered that the contract will represent a low risk to the City as the recommended Tenderer is a well-established company with considerable industry experience and has the capacity to complete the works for the City.

Financial/budget implications

Project number	RDC2015.
Cost code	W2694.
Budget Item	Ocean Reef Road - Marmion Avenue to Swanson Way Dualling.
Budget amount	\$ 2,794,393 (After taking into account actual carry forwards at the end of 2015-16).
Committed	\$ 693,763 (Amounts expended to date are
Amount spent to date	\$ 1,034,156 on Stage 1; tender is in respect of Stage 2).
Proposed cost	\$ 1,370,223
Contingency	\$ 0
Balance	\$ (303,749)

The shortfall is to be funded by utilising Federal Local Roads grants unspent at 30 June 2016.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

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 TRACC Civil Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council ACCEPTS the tender submitted by TRACC Civil Pty Ltd for the civil and landscaping works for Ocean Reef Road duplication from Oceanside Promenade to Swanson Way as specified in Tender 037/16 for the fixed lump sum of \$1,370,223 (GST exclusive) and completion of the works by 30 June 2017.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf161206.pdf](#)

Disclosure of Financial Interest

Name/Position	Cr Sophie Dwyer.
Item No./Subject	CJ218-12/16 – Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Financial interest.
Extent of Interest	Shareholdings for one of the tenderers exceed the prescribed limit.

Disclosures of interest affecting impartiality

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ218-12/16 – Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt utilises Westpac Banking Services.

Name/Position	Mr Mike Tidy, Director Corporate Services.
Item No./Subject	CJ218-12/16 – Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Tidy is a Westpac Banking Corporation and Commonwealth Bank of Australia customer.

Name/Position	Mr Brad Sillence, Manager Governance.
Item No./Subject	CJ218-12/16 – Tender 040/16 – Provision of Transactional Banking Services.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Sillence banks with one of the tenderers (Westpac Banking Corporation).

Cr Dwyer left the Chamber at 9.47pm.

CJ218-12/16 TENDER 040/16 - PROVISION OF TRANSACTIONAL BANKING SERVICES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	106155, 101515
ATTACHMENTS	Attachment 1 Summary of Tender Submissions
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to accept the tender submitted by Westpac Banking Corporation for the provision of transactional banking services.

EXECUTIVE SUMMARY

Tenders were advertised on 1 October 2016 through statewide public notice for the provision of transactional banking services. Tenders closed on 18 October 2016. A submission was received from each of the following:

- Commonwealth Bank of Australia.
- National Australia Bank.
- Westpac Banking Corporation.

The submission from Westpac Banking Corporation represents best value to the City. It demonstrated considerable experience providing similar services to a number of local government clients including the Shire of Mundaring and the Cities of Armadale, Gosnells, Stirling, Mandurah and Melville. Westpac demonstrated a satisfactory understanding of the requirements and has the capacity to provide the services required by the City.

It is therefore recommended that Council ACCEPTS the tender submitted by Westpac Banking Corporation for the provision of transactional banking services for a period of five years for requirements as specified in Tender 040/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for the provision of cost effective banking, associated services and provision of advice and guidance to effectively manage the City's income streams and borrowing requirements.

The City currently has a single contract for the service with Westpac Banking Corporation Limited, which will expire on 27 December 2016.

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 provision of transactional banking services was advertised through statewide public notice on 1 October 2016. The tender period was for two weeks and tenders closed on 18 October 2016.

Tender Submissions

A submission was received from each of the following:

- Commonwealth Bank of Australia.
- National Australia Bank.
- Westpac Banking Corporation Limited.

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

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

Evaluation Panel

The evaluation panel comprised four members:

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

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

Compliance Assessment

The following offers received were assessed as fully compliant:

- Commonwealth Bank of Australia.
- Westpac Banking Corporation Limited.

The offer from National Australia Bank was assessed as non-compliant.

The National Australia Bank submitted an offer subject to various exclusions and amendments to the City's conditions of contract relating to:

- variations to specification and conditions of contract
- confidentiality
- conflict of interest
- payments
- sub-contractors
- termination
- indemnity
- insurance.

This offer did not meet the City's requirements and was not considered further.

Qualitative Assessment

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. The minimum acceptable score was set at 60%.

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

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

Westpac Banking Corporation Limited scored 60.9% and was ranked second in the qualitative assessment. It demonstrated a satisfactory understanding of the City's requirements. Westpac demonstrated considerable experience providing banking services to local government. Some of its clients include the Shire of Mundaring and the Cities of Armadale, Gosnells, Stirling, Mandurah and Melville. No periods and dates were provided for any contracts. Westpac has also been the City's banking service provider since 2004. It demonstrated its capacity to provide the services required by the City.

Commonwealth Bank of Australia scored 61% and was ranked first in the qualitative assessment. It demonstrated considerable experience providing similar services to 35 local government clients, however no information was provided of clients' names and periods and dates of contract except the names of three referees (Shire of Murray and the Cities of Kwinana and Canning). It demonstrated a satisfactory understanding of the City's requirements and has the capacity to perform the service required by the City.

Based on the minimum acceptable score (60%), Westpac Banking Corporation Limited and Commonwealth Bank of Australia qualified for stage two (price) assessment.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the rates offered by each tenderer qualified for stage two in order to assess value for money to the City.

The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with operational requirements. For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each tenderer have been applied to actual historical usage data of 32 most commonly used scheduled items. This provides a value of each tender for comparative evaluation purposes based on the assumption that the historical pattern of usage is maintained.

For estimation purposes, an annual CPI increase of 2% was applied to the rates in years two to five.

Tenderer	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Commonwealth Bank of Australia*	\$243,653	\$248,526	\$253,497	\$258,566	\$263,738	\$1,267,980
Westpac Banking Corporation	\$250,629	\$255,642	\$260,755	\$265,970	\$271,289	\$1,304,285

*Note: In addition to the above year 1 cost of the Commonwealth Bank of Australia (CBA), the estimated cost of transition to a new banking provider has been calculated. The transition cost of \$37,736 includes only the cost of internal resources required in the event of a transition to a new banking provider from the incumbent, based on the timeline proposed by the tenderer. It does not include costs likely to be incurred from external third party systems providers, such as payment gateways. CBA has offered a transition rebate up to a maximum value to cover such expenses incurred from third party service providers with respect of the integration of City systems with CBA payment services/systems. There is insufficient data to reasonably estimate the possible cost to the City from such third party providers. For analysis purposes, it has been assumed that such external costs will not exceed the offered transition rebate and these have therefore not been included in this comparison. However, there remains a risk that costs may exceed this threshold, which the City will have to bear.

During the last financial year 2015-16, the City incurred \$282,517 for the provision of transactional banking services.

Evaluation Summary

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

Tenderer	Estimated Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Commonwealth Bank of Australia	\$1,267,980	1	61%	1
Westpac Banking Corporation Limited	\$1,304,285	2	60.9%	2

Based on the evaluation result the panel concluded that the tender from Westpac Banking Corporation provides best value to the City and is therefore recommended.

Issues and options considered

Transactional banking services are required for the City to receive money from customers and pay suppliers / creditors. The City does not have the internal resources to supply the required goods / services and as such requires an appropriate external service provider.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Strategic Community Plan

Key theme

Financial Sustainability.

Objective

Effective management.

Strategic initiative

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

Policy

Investment Policy.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to receive money from customers and pay suppliers / creditors.

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

Financial / budget implications

Current financial year impact

Account no.	3251 and 3252.
Budget Item	Bank Charges & Credit Card Merchant Fees.
Budget amount	\$ 315,499
Amount spent to date	\$ 174,737
Proposed cost	\$ 140,695
Balance	\$ 67

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

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 Westpac Banking Corporation.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr McLean that Council ACCEPTS the tender submitted by Westpac Banking Corporation for the provision of transactional banking services for a period of five years for requirements as specified in Tender 040/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf161206.pdf](#)

Cr Dwyer entered the Chamber at 9.48pm.

CJ219-12/16 BUY LOCAL PURCHASING

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	37863, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider proposed activities to encourage participation of local business in supplying goods and services to the City.

EXECUTIVE SUMMARY

At its meeting held on 15 March 2016 (CJ047-03/16 refers), Council considered and adopted a revised *Purchasing Policy*. Council further requested the Chief Executive Officer to report on the activities intended to promote purchasing activity between the City of Joondalup and local businesses.

The *Local Government Act 1995* and related regulations emphasise the need for local governments to ensure value for money in all procurement activity, as also emphasised in the City's *Purchasing Policy*. However, there is presently no specific policy on encouraging participation of local business in providing goods and services to the City. This report proposes actions that the City is and can take to stimulate participation of local business in supplying goods and services to the City as a significant buyer in the local economy.

It is therefore recommended that Council NOTES the proposed activities to enhance local business participation in City procurement.

BACKGROUND

At its meeting held on 15 March 2016 (CJ047-03/16 refers), Council resolved:

“That Council:

- 1 ADOPTS the revised Purchasing Policy forming Attachment 1 to Report CJ047-03/16;*
- 2 REQUESTS the Chief Executive Officer prepare a report on the activities intended to promote purchasing activity between the City of Joondalup and local businesses.”*

The City's *Purchasing Policy* (updated in March 2016) stipulates that value for money underpins all the City's procurement activities. The policy also requires that local suppliers be given opportunity to quote for goods and services required, where possible.

In June 2012, the City partnered with Edith Cowan University (ECU) and the Small Business North West Metro to deliver the "Successfully Responding to Tenders" workshop which was attended by 40 local business. The workshop was facilitated by Bid Write and provided participants with information on the tendering processes at the City and ECU in order to enhance understanding and capacity of local businesses to tender for services where appropriate.

There is opportunity to improve engagement with local businesses regarding opportunity and capacity to respond to the City's Requests for Quotes (RFQ) and Requests for Tenders (RFT), aimed at encouraging increased participation of local businesses in supplying goods and services to the City.

DETAILS

The City's annual procurement renders it a significant buyer of goods and services based within the Joondalup local government area. Based on the data extracted from the City's supplier database, the major portion of this procurement is from providers of goods and services outside the City's boundaries.

Suppliers are engaged to provide goods and services to the City through one of a number of avenues:

- (a) Through a quote process, where the City requests price quotes directly from suppliers. The number and manner of quotes obtained is determined by the procurement value as defined in the *Purchasing Policy*.
- (b) Through a public tender process. In accordance with local government legislation, this applies to procurement of goods and services with an expected value in excess of \$150,000.
- (c) Through quotes requested from pre-selected supplier panels established by the Western Australian Local Government Association (WALGA). The City does not have to engage in a separate tender process in such case, even where the procurement value exceeds the \$150,000 threshold.
- (d) Through quotes requested from pre-selected suppliers in a Common Use Arrangement (CUA) with the Western Australia State Government. No separate tender process is required by the City.

Apart from these, the City's *Purchasing Policy* also does not require quotes to be called for procurement under \$5,000. Purchasing of goods or services below this level may be done directly without seeking quotes from more than one supplier.

The term "local suppliers" has not been defined in the City's *Purchasing Policy* or protocols however, the *Purchasing Policy* refers to "suppliers operating within the City of Joondalup". This report uses the term "local suppliers" generally to represent providers of goods or services located within the City's boundaries, defined by suburb. Analysis of the City's supplier database currently limits local suppliers to those that have a supplier mailing address in any of the 22 suburbs that fall within the City of Joondalup.

A preliminary examination of data extracted from the City's supplier database shows that there are approximately 551 active suppliers classified as "local suppliers" based on mailing addresses in suburbs within the City of Joondalup. This represents approximately 15% out of a total active supplier database (excluding Elected Members, employees, trust and refund creditors) of approximately 3,634 suppliers.

Excluding expenditure categories such as payroll, insurance and utilities, over the last five years the City has purchased goods and services of over \$284 million in total. In 2015-16 alone, such procurement was worth nearly \$70 million. Approximately \$4.6 million of this was purchased from local suppliers, based on the classification described above.

The Gross Regional Product (GRP), the regional equivalent of a country's Gross Domestic Product (GDP), for Joondalup at 30 June 2015 was \$5.47 billion with a total of 12,907 businesses registered within the City of Joondalup at the same date¹.

The City's immediate contribution from direct procurement only to this GRP is therefore less than 2% but the flow-on impact arising from local business sustainability and local employment is likely to be significantly more.

The top 10 local suppliers of goods and services by value in 2015-16 are:

Supplier	Suburb (Mailing)	Value (\$)
Devco Holdings Pty Ltd	Hillarys	1,426,654
Stiles Electrical	Joondalup	871,591
Triton Electrical Contractors P/L	Joondalup	410,864
Elliotts Irrigation Pty Ltd	Greenwood	350,392
Peter Wood Fencing Contractors	Ocean Reef	226,535
Wanneroo Caravan Centre	Greenwood	224,827
Totally Workwear	Joondalup	151,499
Crosmech Services	Kingsley	89,448
Grass Growers	Joondalup	73,488
Edith Cowan University	Joondalup	63,026
	Total	\$3,888,323

(Source: Internal management report)

These 10 suppliers alone account for more than 84% of procurement from local suppliers in 2015-16.

The estimated direct and indirect economic impacts of the 2015-16 local expenditure based on industry types are shown below:

Industry Type	Direct Impact (CoJ expenditure)	Indirect Impact	Total Local Impact	Total Local Jobs
Construction	\$2.5m	\$1.7m	\$4.2m	10.1
Other Services	\$1.0m	\$1.0m	\$2.0m	16.1
Non-Food Retail Trade (Plant/Equip/Other)	\$0.57m	\$0.63m	\$1.2m	9.7
Tertiary, Adult, Community and Other Education	\$0.23m	\$0.28m	\$0.51m	3.7

¹ City of Joondalup Economic i.d. <http://economy.id.com.au/joondalup/home>. Accessed 13 July 2016

Industry Type	Direct Impact (CoJ expenditure)	Indirect Impact	Total Local Impact	Total Local Jobs
Public Order, Safety and Regulatory	\$206,917	\$231,747	\$438,663	2.1
Gas, Water and Waste Services	\$92,429	\$93,353	\$185,783	0.6
TOTAL	\$4,624,322	\$3,931,674	\$8,555,995	42.2

Source: National Institute of Economic and Industry Research (2015) and City of Joondalup Economic Development Modelling

In summary:

- Direct expenditure of \$4.624 million results in an estimated indirect flow-on local impact of \$3.931 million or a total local impact of \$8.556 million.
- In terms of the impact on local employment, the City estimates that \$4.264 million in direct local expenditure in 2015-16 generated approximately 42 jobs within the City, including direct and indirect (flow-on) jobs.
- For every \$110,000 of goods and services procured locally by the City, one local job is generated.

Average annual procurement from local suppliers over the last five financial years is approximately \$5.25 million. While overall purchasing values have grown over the past five years, procurement from local suppliers has remained fairly static in value resulting in its share of overall procurement falling from 13% in 2011-12 to 7% in 2015-16.

The City's *Purchasing Policy* requires that suppliers operating within the City of Joondalup be provided the opportunity, where possible, to quote for goods and services but recognises that not all products or services required by the City can be provided by local suppliers. There are no specific incentives for local business, although public tenders include a standard qualitative criterion that looks at the tenderer's impact on the local economy and community. This criterion, however, is not usually worth more than 5% of the total qualitative criteria score.

While 12,907 businesses are registered within the City, less than 5% are active suppliers to the City. While there will be business offerings that are not relevant to the City's requirements, the participation rate suggests opportunity for improvement.

Participation by local suppliers in providing goods and services to the City is subject to the following:

- Capacity to provide the required goods or services.
- Capacity to respond adequately and appropriately to requests for quotes or tenders.
- Receipt of requests from the City for quotes, including awareness of products and service from local businesses.
- Availability on WALGA panels and State Government CUAs.
- Direct purchasing for procurement values under \$5,000.

Capacity to provide the required goods or services

The ability of suppliers to provide required products or services to the required standard is essential to the City to deliver services to the community as efficiently and sustainably as possible.

While the City has a number of initiatives targeted towards economic development in the area, in regards to procurement there are probity requirements that need to be maintained. The City can provide education and information about its requirements for both goods and services and the form and manner of supplier information the City requires in order to make purchasing decisions. The City cannot however directly provide assistance to local suppliers to secure orders for goods and services. Probity in procurement practices requires the City to remain independent of all suppliers, including local suppliers.

Capacity to respond adequately and appropriately to requests for quotes or tenders

Requests for Quotes (RFQs) and Requests for Tenders (RFTs) are issued with a significant amount of detail prescribing the nature of goods or services sought and the standard to which the City requires these be provided. These are fairly self-explanatory and suppliers seeking to respond to these can and do contact the City to clarify any part of these that may be unclear. The ability to respond adequately to RFQ or RFT is closely tied to the supplier's internal capabilities. The City can provide clarity and seek to explain requirements as clearly as possible and even provide general information to all potential suppliers of the manner in which responses are expected however, the City does not provide specific or targeted assistance to any individual, group or class of suppliers to complete quotes or tenders.

Receipt of requests for quotes from the City

Issuing of quotes to suppliers is an activity controlled entirely by the City. Suppliers only become aware of the goods or services that the City requires through requests for quotes. The City's *Purchasing Policy* stipulates requirements to obtain quotes, based on the projected procurement value. Unlike the public tender process, requests for quotes are not issued publicly but specifically to certain suppliers.

Although RFQs and quotes received are captured and recorded, the City has not in the past been able to easily track and report on the issue of requests for quotes. It is difficult at this point to identify the extent to which local suppliers have been afforded an opportunity to quote for products and services.

The City implemented an electronic quotation system, eQuotes, in 2014 that is facilitated through subscription with WALGA on a platform supplied by VendorPanel. This has been used to obtain quotes from suppliers listed on WALGA preferred supplier panels. The City is currently expanding the use of VendorPanel to source quotes from suppliers, whether listed on WALGA panels or not. Successful use of this system is dependent on sufficient supplier volumes and the City is currently engaging with suppliers to improve supplier numbers within the VendorPanel system to facilitate use of electronic Requests for Quotes. Mandatory use of VendorPanel for RFQs is anticipated to be activated by the end of December 2016. Once this has been rolled out, the City will have additional ability to monitor and report on RFQ activity, including participation by local suppliers.

This includes providing information to suppliers through the "Doing Business with the City" page on the City's website, suppliers are provided with information on how to contact the City with details of their products or services and, if eligible, to be included within the VendorPanel eQuotes system. Once suppliers are added in, they will be visible and available for staff to request quotes from. The City regularly reviews content on this page and will update both information content and presentation for ease of use by suppliers.

Local suppliers can also approach the City directly to provide information about their product or service offerings.

The expansion of eQuotes to all suppliers will improve access by staff to comprehensive information on local businesses.

Availability of supplier on WALGA panels and State Government CUAs

The existence of local suppliers on either WALGAs or the State Governments pre-qualified supplier arrangements will greatly enhance their availability to the City for procurement purposes. This is an aspect that the City has little control over, but can encourage local businesses to improve capacity to qualify for such panels.

Direct purchasing for procurement values under \$5,000

Purchasing of goods or services of values under \$5,000 does not require the City to obtain quotes, in accordance with the City's *Purchasing Policy*. City staff can therefore directly approach suppliers to obtain products or services.

The City will continue to monitor purchasing activity to identify low value purchases and report on this relative to the status of the supplier as local or otherwise.

While value for money in procurement takes precedence, this does not prevent the City from affording greater opportunity for local business to increase participation in the City's procurement. Participation means having the ability to provide the City with adequate product and service offerings relevant to the City's requirements.

Issues and options considered

In order to improve the local suppliers' ability to participate in City procurement activities, the City is undertaking the following actions:

- **Clearly identify local suppliers in the City's supplier database.** Supplier classification in the supplier database needs to be reviewed on a regular basis to confirm accuracy and appropriateness of classification. This will enhance accuracy of information for reporting and decision making.
- **Increase the number of local suppliers available to the City to purchase from.** The use of the VendorPanel eQuotes system is the ideal opportunity to do this. Addition of suppliers to the City's financial systems takes place only when actual procurement occurs. The VendorPanel system does not require actual procurement for inclusion, but improves supplier visibility to City staff. The intended mandatory use of eQuotes can be leveraged to this end.
- **Work in collaboration with Business Station and the Joondalup Business Association to deliver seminars to improve local business understanding of the City's quote requirements.** While it is not appropriate, from a probity perspective, for the City to provide direct assistance to local business to prepare quotations, the City can certainly act to enhance business understanding of the City's expectations when quotes are provided for goods and services, specifically regarding demonstration of relevance and quality of the offering in the submissions made to the City. The City has received a proposal from Business Station to develop and deliver a number of seminars to assist businesses located in the City of Joondalup to understand the City's requirements for quoting and tendering. As part of a communications and awareness program to local businesses and business organisations the seminars will be developed and delivered in collaboration with the City. Business Station has successfully run a similar program for the City of Canning.

Timelines to perform these actions is proposed as follows:

ACTION	DUE BY
Clearly identify and increase the number of local suppliers available to the City to purchase from.	31 December 2016.
Deliver regular seminars in collaboration with Business Station to improve local business understanding of the City's quote and tender requirements.	By 31 December 2016, a schedule of quarterly seminars for delivery in 2017.

Legislation / Strategic Community Plan / policy implications

Strategic Community Plan

In *Joondalup 2022*, the City has identified the rate of economic growth as a Key Performance Indicator. Increased business activity, particularly among local businesses, within the City of Joondalup is relevant to achievement of this objective.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
Local Government (Functions and General) Regulations 1996

Strategic Community Plan

Key theme Economic prosperity, Vibrancy and Growth

Objective Business Capacity

Strategic initiative Facilitate knowledge sharing and learning opportunities

Economic Development Strategy

Strategy Growing Business

Activity Encourage and promote 'buy local' activity and via innovative solutions including new digital platforms and location based services

Policy *Purchasing Policy*

Risk management considerations

The City maintains probity in all procurement activity. Encouraging participation by local businesses in City procurement activity does not equate to provision of an undue advantage over other suppliers of goods and services.

Financial / budget implications

There are likely to be costs involved in some activities, such as workshops or promotion to local suppliers, that are not all included in the City's budget in 2016-17. These have not, however, been fully quantified at this point.

All amounts quoted in this report are exclusive of GST.

Regional significance

The City currently procures from a number of businesses located within the Wanneroo and broader northern region.

Sustainability implications

Improving participation of local businesses in City procurement may have a positive impact on the local economy.

Consultation

Not applicable.

COMMENT

The proposed activities are intended to provide the local business sector with greater capacity to understand and respond to the City's Requests for Quotes and Tenders.

Within the context of statutory procurement and value for money obligations that preclude any special advantage to local businesses, there remains the opportunity to increase engagement with local business with a view to increased participation in the City's supply chain.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council NOTES the proposed activities to enhance local business participation in City procurement.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Disclosures of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ220-12/16 – Council Contribution – Redevelopment Arena Joondalup – Budget Amendment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard is Vice Patron of the Joondalup Falcons.

Name/Position	Cr John Logan.
Item No./Subject	CJ220-12/16 – Council Contribution – Redevelopment Arena Joondalup – Budget Amendment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Logan is a West Perth Football Club member.

CJ220-12/16 COUNCIL CONTRIBUTION – REDEVELOPMENT ARENA JOONDALUP – BUDGET AMENDMENT

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	103650, 101515
ATTACHMENTS	Attachment 1 City of Joondalup contribution to HBF Arena redevelopment - West Perth partnership benefits
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 amending its 2016-17 Budget in relation to the timing of the City of Joondalup's contribution to the facility upgrade at Arena Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 20 August 2013 (CJ164-08/13 refers), Council resolved to contribute an amount not exceeding \$4 million for the proposed upgrade to Joondalup Arena for:

- additional netball courts for the Joondalup Netball Association
- additional indoor courts and supporting infrastructure to potentially house the Wanneroo Basketball Association
- extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface
- clubroom facilities for the West Perth Football Club.

Council further resolved by absolute majority to provide \$1 million of the contribution in the 2013-14 financial year funded from the Strategic Asset Management Reserve, with the balance to be provided once key conditions and milestones had been met.

The additional netball courts for the Joondalup Netball Association and the extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface were completed over the 2013-14 and 2014-15 financial years. The City has paid contributions to these components of the project totalling \$250,219.

The City budgeted to contribute a further \$2.25 million (excluding GST) in 2015-16 and the final \$1.5 million (excluding GST) in 2016-17. The project did not progress as initially envisaged and no funds were required during 2015-16. These funds were budgeted to come from the Strategic Asset Management Reserve and as they were not required they remain in the Reserve.

Progress on the additional indoor courts and supporting infrastructure to house the Wanneroo Basketball Association and clubroom facilities for the West Perth Football Club has now reached the point where the design and construct contract has been awarded to EMCO and site works are underway.

As a consequence a revised cash flow has now been prepared and the whole of the City's remaining contribution of \$3.75 million (excluding GST) is now expected to be required in February/March 2017. As the 2016-17 Budget only contains provision for a contribution of \$1.5 million (excluding GST), which was the balance of the contribution based on the assumption that \$2.25 million (excluding GST) was going to be paid in 2015-16, and the variation is significant, approval is sought to amend the Budget. The entire amount of the contribution is funded from the Strategic Asset Management Reserve.

At its meeting held on 20 September 2016 (CJ148-09/16 refers), Council considered the matter and resolved to refer it back to the Chief Executive Officer in order to hold discussions with the West Perth Football Club to enter into a form of sponsorship agreement that recognises the significant capital contribution the City is making for its new clubroom facility.

The City has worked with West Perth Football Club to develop a list of sponsorship benefits to recognise the significant financial contribution the City is making to the Arena Joondalup upgrade.

The sponsorship benefits listed in Attachment 1 will ensure the City is appropriately recognised as a major partner of West Perth Football Club over the next seven years with an additional seven year period available at the option of the City.

If those benefits are endorsed by the Council a formal agreement will be entered into.

BACKGROUND

At its meeting held on 20 August 2013 (CJ164-08/13 refers), Council resolved in part:

"2 Council AGREES to make provision for an amount not exceeding \$4 million to be made available for the proposed upgrade to Joondalup Arena for:

- 2.1 additional netball courts for the Joondalup Netball Association;*
- 2.2 additional indoor courts and supporting infrastructure to potentially house the Wanneroo Basketball Association;*
- 2.3 extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface;*
- 2.4 clubroom facilities for the West Perth Football Club;"*

To date the additional netball courts for the Joondalup Netball Association and the extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface have been completed and the City has paid its contribution to these components of the project totalling \$250,219.

Works are now about to commence on the remaining components of the project being the additional indoor courts and supporting infrastructure to house the Wanneroo Basketball Association and clubroom facilities for the West Perth Football Club, following the award of the design and construct contract to EMCO.

It had originally been estimated that works would have commenced last financial year and the City had budgeted contributions of \$2.25 million (excluding GST) to be paid in 2015-16 which were not paid. The entire remaining balance of the City's contribution, \$3.75 million (excluding GST) is now expected to be paid in February/March 2017 however only \$1.5 million (excluding GST) has been budgeted.

At its meeting held on 20 September 2016 (CJ148-09/16 refers), Council considered the matter and resolved as follows:

"That the item relating to the Council Contribution – Redevelopment Arena Joondalup – Budget Amendment be referred back to the Chief Executive Officer to enable negotiations to occur with the West Perth Football in relation to sponsorship agreement for an extended period to reflect the contribution from the City of \$2,000,000 for the redevelopment of the football club facilities at Arena Joondalup for which the projected cost for that development is approximately \$9,000,000."

A number of meetings have been held with the West Perth Football Club and as a result of those discussions a list of partnership benefits have been agreed to by both parties recognising the City's financial contribution to the Arena Joondalup upgrade and are attached to Report CJ220-12/16.

If those benefits are endorsed by the Council a formal agreement will be entered into.

DETAILS

It is now expected that the entire remaining balance of the City's contribution, \$3.75 million (excluding GST) is to be paid in February/March 2017. Only \$1.5 million (excluding GST) has been budgeted in 2016-17 and as this is a significant variation it is proposed to request an amendment to the budget to provide for a contribution of \$3.75 million (excluding GST) in 2016-17. The unspent contribution from 2015-16 remains in the Strategic Asset Management Reserve and the entire amount of the contribution is funded from this Reserve.

The timing of the cash flow is such that this amendment cannot wait for the mid-year budget review in February 2017. The entire amount of the contribution is funded from the Strategic Asset Management Reserve.

Issues and options considered

There are two options available to Council:

- not agree to amend the budget and not pay the full contribution in 2016-17. This will have a significant detrimental effect on the Arena Redevelopment project which by February/March 2017 will be dependent on the City's contribution for project funding and will be contrary to the City's commitment to the State Government
or
- agree to amend the City's budget for 2016-17 to allow the full remaining contribution of \$3.75 million (excluding GST) to be paid in 2016-17.

Legislation / Strategic Community Plan / policy implications

Legislation Section 6.8(1)(b) of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Quality facilities.

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

Policy Not applicable.

Risk management considerations

The major risk consideration should Council determine not to amend the 2016-17 Budget to enable the full remaining contribution to be paid is the impact on the project cash flow. This could result in significant delays and / or additional project costs to cover the gap in cash flow. As a consequence the key stakeholders will be impacted.

Financial / budget implications

The City originally budgeted for a contribution of \$2.25 million (excluding GST) to be paid in 2015-16 but this did not occur. These funds were allocated and remain in the Strategic Asset Management Reserve. The remaining balance of \$1.5 million (excluding GST) is currently budgeted in 2016-17 to also be funded from the Strategic Asset Management Reserve.

The full funding of \$3.75 million (excluding GST) is therefore available and there are no negative budget impacts for amending the budget to enable the full payment of \$3.75 million (excluding GST) in 2016-17.

There are also no net impacts for the *20 Year Strategic Financial Plan* which has the City's contribution as being fully paid by 30 June 2017.

Regional significance

Arena Joondalup is a regional facility and draws people from well beyond the Joondalup district. Those specific clubs that will directly benefit from any upgrade to the Arena have significant membership bases and in some cases the largest clubs within their chosen sport in Western Australia.

The development at Arena Joondalup will grow its current multi-purpose recreational and sporting facility base to be able to cater for more patrons in the one location.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Council has agreed to a maximum contribution of \$4 million (excluding GST) to the Arena redevelopment project. \$250,219 has already been paid for the additional netball courts for the Joondalup Netball Association and the extension of the playing surfaces to the west of the Arena to allow for an additional rectangular playing surface.

The major part of the construction project to provide for the additional indoor courts and supporting infrastructure to house the Wanneroo Basketball Association and clubroom facilities for the West Perth Football Club is about to commence construction. The project has progressed a little slower than expected in cash flow terms, which means the City's 2016-17 budget does not recognise the full remaining contribution of \$3.75 million (excluding GST) that is now expected to be paid by February/March 2017.

There are no negative budget impacts for amending the budget to enable the full payment of \$3.75 million (excluding GST) in 2016-17 as the full funding is available in the Strategic Asset Management Reserve.

Additional Information

Following Council's decision at its meeting held on 20 September 2016 to refer the matter back to the Chief Executive Officer, a number of discussions have been held with the West Perth Football Club. As a result of those discussions a list of partnership benefits have been agreed to by both parties and are attached to Report CJ220-12/16. If those benefits are endorsed by the Council a formal agreement will be entered into.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:

- 1 BY AN ABSOLUTE MAJORITY AMENDS the 2016-17 Budget for the contribution to the Arena Redevelopment project from \$1,500,000 to \$3,750,000;**
- 2 BY AN ABSOLUTE MAJORITY AMENDS the 2016-17 Budget for the transfer of funds from the Strategic Asset Management Reserve to the Municipal Fund for the contribution to the Arena Redevelopment project from \$1,500,000 to \$3,750,000;**
- 3 ENDORSES the partnership benefits West Perth Football Club will provide the City as a major partner to recognise the significant financial contribution made to the HBF Arena Joondalup upgrade.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf161206.pdf](#)

**CJ221-12/16 PETITION OBJECTING TO INSTALLATION OF A
FOOTPATH STRATHYRE DRIVE, DUNCRAIG**

WARD	South
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	07980, 101515
ATTACHMENTS	Attachment 1 Locality plan Attachment 2 Responses to points raised in the petition Attachment 3 Proposed footpath alignment Strathyre Drive and Methuen Way
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 a petition received regarding the proposed installation of a pathway on Strathyre Drive, Duncraig from Beach Road to Sycamore Drive.

EXECUTIVE SUMMARY

A Petition of Electors signed by 25 electors of the district was received by Council at its meeting held on 15 March 2016 (C12-03/16 refers). The petition requested that Council does not install a 1.8 metre wide concrete footpath on the eastern verge of Strathyre Drive, Duncraig from Beach Road to Sycamore Drive.

Residents were advised by correspondence dated 29 January 2016 of the City's intent to install a footpath on the eastern verge of Strathyre Drive from Beach Road to Sycamore Drive due to the close proximity of the Warwick Train Station and the Principal Shared Path (PSP) which runs along the Mitchell Freeway. Residents in the northern leg of Methuen Way were also advised by correspondence of the intention to install a 1.8 metre wide concrete path on the northern verge to connect to the proposed path on Strathyre Drive and the PSP.

Residents of Strathyre Drive have listed a number of concerns regarding the installation of a footpath on Strathyre Drive and these have been addressed in Attachment 2.

The footpath installation on Strathyre Drive, in conjunction with the installation of a footpath on Methuen Way, would provide a key connection for pedestrians including those with mobility issues and also provides a safer environment for children on their bikes who may have utilised the PSP and/or the footbridge adjoining Warwick Train Station. The footpath on Strathyre Drive would also connect to Beach Road, which extends to Marmion Avenue to the west and the Warwick Shopping Centre to the east.

It is therefore recommended that Council:

- 1 *DOES NOT SUPPORT the request to not install the 1.8 metre wide concrete footpath on Strathyre Drive, Duncraig from Beach Road to Sycamore Drive;*
- 2 *SUPPORTS the installation of a 1.8 metre wide concrete footpath to be located at least 2.3 metres from the back of kerb where practical and to be installed on the eastern verge of Strathyre Drive from Beach Road to Methuen Way, Duncraig, as detailed in Attachment 3 to Report CJ221-12/16;*
- 3 *SUPPORTS the installation of 1.8 metre wide concrete footpath to be located behind the back of the existing kerb where practical on the eastern verge of Strathyre Drive from Methuen Way to Sycamore Drive and on the north side of the northern leg of Methuen Way, Duncraig to the Principal Shared Path as detailed in Attachment 3 to Report CJ221-12/16;*
- 4 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

The installation of a concrete footpath on Strathyre Drive was listed in the City's *Five Year Capital Works Program* under the *New Path Program* for the 2015-16 financial year. Residents were advised of the City's intention to install a 1.8 metre wide concrete footpath on the eastern verge from Beach Road to Sycamore Drive. As part of the notification, residents were provided a fact sheet and an aerial map showing the proposed footpath alignment and that the works were due to commence in February 2016.

In support of the Strathyre Drive footpath, a connection to the PSP and Warwick Train Station footbridge via Methuen Way was also proposed and listed in the City's *Five Year Capital Works Program* under the *New Path Program* for the 2015-16 financial year.

In addition, the City advised residents in the northern section of Methuen Way of the intention to install a 1.8 metre wide concrete footpath on the northern verge from Strathyre Drive to the PSP. Residents in Methuen Way were provided with similar information as Strathyre Drive residents. Both the Strathyre Drive and Methuen Way footpath installations were due to be installed in February 2016.

A petition from residents of Strathyre Drive was received at its meeting held on 15 March 2016 (C12-03/16 refers). This petition was in objection to the proposed footpath installation on the eastern verge of Strathyre Drive from Beach Road to Sycamore Drive.

A total of 12 Strathyre Drive households and one household in Trenton Way signed the petition with a total of 25 signatures. Attachment 1 highlights the location of properties in Strathyre Drive which signed the petition.

The following objections were raised:

"The basis of the opposition centres on the following:

- *The residents feel that this install is not required – the foot traffic is minimal at best.*
- *There was not adequate notice for residents' discussion and review.*
- *Residents have not been informed of the bigger picture surrounding the footpath installation – how does it connect to existing? Why the eastern side? Why 1.8 metre wide etc.? When are all other footpaths getting connected and where do they connect to Strathyre Drive paths?*

- *The residents feel as though the negative impact to streetscape has not been considered.*
- *If Council is going to proceed, why put it on the eastern side where pedestrians have to cross multiple roads. The western side is a more logical and safer option as there are no roads to cross bar a dead end 40 metre long cul-de-sac.*
- *The residents feel as though this is a waste of taxpayer funding. The roadside sees minimal traffic and setbacks on the eastern side are minimal - leading to any footpath install encroaching on resident's privacy."*

In addition to the above, residents also raised concerns regarding reversing vehicles and allocation of funding. Responses to each concern are provided in Attachment 2.

At its meeting held on 28 June 2016 (CJ089-06/16 refers) Council also received a 63 signature petition requesting that Council ensures that future unit development in Strathyre Drive and surrounding streets with R60 approval provide two car bays per unit. This petition is not covered in this report and is dealt with as a separate report on this agenda.

DETAIL

Strathyre Drive is a local access road that connects to Beach Road in the south and Sycamore Drive in the north. Strathyre Drive is within a 300 metre radius of the Warwick Train Station and the PSP that extends along the Mitchell Freeway. Davallia Primary School and the Carine Glades Shopping precinct are both within one kilometre of Strathyre Drive.

According to the latest vehicle volumes undertaken in March 2016, Strathyre Drive currently carries from 429 to 624 vehicles per day (vpd). The breakdown of the vehicle volumes and vehicle speeds are provided in the table below:

Street	Location	Vehicles per day (vpd)	85 th percentile speed km/h
Strathyre Drive	North of Beach Road	624	38
	South of Methuen Way		
	North	429	57
	East of Sycamore Drive	508	38

The installation of a footpath on Methuen Way provides an integral connection to support the footpath installation on Strathyre Drive. Methuen Way is also a local access road that connects to Strathyre Drive in the north and south. The PSP runs along the eastern verge and also provides the connection to the Warwick Train Station via a footbridge.

The Warwick Train Station is a key public transport hub and an interchange between train and bus services. The entrance to the station can be accessed by vehicle, foot or bicycle via Beach Road. This main access point on Beach Road is approximately 500 metres from Strathyre Drive. The City has been successful in obtaining State Black Spot grant funding to improve the Warwick Train Station access and Beach Road intersection. The upgrade includes improving pedestrian and cycling facilities, particularly for the east and west movements. The southern end of the footpath connection on Strathyre Drive will therefore provide safer improved connections to this important transport hub.

Issues and options considered

The provision of footpaths around key public transport hubs is provided for in the City's *Five Year Capital Works Program*, as part of the *New Paths Program*. The City receives many requests to install footpaths to improve connectivity within local streets and the request is assessed and based on existing connections such as the location of public transport, schools and shopping precincts. The options available therefore in considering the installation of a footpath on Strathyre Drive and Methuen Way is provided below:

Option One

No footpath is installed on the eastern verge of Strathyre Drive or the northern leg of Methuen Way.

Advantages No costs will be incurred and will meet resident's petition requirements.

Disadvantages Pedestrians would be required to walk on the road or grassed verges. In cases where people are in a wheelchair, use a gopher or have limited physical mobility, they would be at a distinct disadvantage. In addition an integral connection to the PSP and Warwick Train Station would be missing.

Option Two

No change and the City does not install a footpath on the eastern verge of Strathyre Drive, however, proceeds with the footpath installation on the northern leg of Methuen Way.

Advantages The pedestrian catchment on the northern leg is greater than the southern leg of Methuen Way. It would also still provide some connectivity from the PSP and Warwick Train Station footbridge along Methuen Way.

Disadvantages Constructing a footpath only on Methuen Way, while is still an improvement to the current situation, would be disjointed. The lack of a footpath on Strathyre Drive does not cater for more vulnerable pedestrians, such as people in wheelchairs or who have mobility difficulties. It also forces all pedestrians to walk on the road.

Option Three

The footpath installation proceeds for the eastern verge of Strathyre Drive with the alignment of 2.3 metres behind the back of the kerb where possible, to take into consideration the requirements of the *Residential Development Local Planning Policy* and the City's *Leafy City Program*. The footpath installation proceeds for the northern verge of the northern leg of Methuen Way with the alignment to be behind the back of the kerb. This is the preferred option.

Advantages Connectivity for pedestrians and cyclists accessing the PSP and the Warwick Train Station would be greatly improved as well as providing for a safer walking environment for all people, including those with mobility issues. Additionally, the alignment of the footpath of approximately 2.3 metres behind the back of kerb allows for street trees to be planted between the road and the footpath providing shade to both thus assisting in reducing the heat island effect.

Disadvantages The installation of the footpath on Strathyre Drive may have a negative impact on existing verge treatments as part of the construction process.

Legislation / Strategic Community Plan / policy implications

Legislation *Road Traffic Code 2000.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

Strategic initiative Understand issues arising from the interaction between current transport modes.

Policy Not applicable.

Risk management considerations

The City receives many requests to provide footpaths within suburban precincts so as to provide a more connected and functional pedestrian environment. It is safer where practicable that pedestrians walk on a footpath rather than on the road. There is a requirement to provide footpaths to improve connectivity to transport hubs such as train stations or bus stations and to improve connections to key existing pathway networks such as the PSP.

Financial / budget implications

Current financial year impact

Account no.	CW001774.
Cost Code.	W2828.
Budget Item	Strathyre Drive – Beach Road to Sycamore Drive.
Budget amount	\$26,000
Amount spent to date	\$191.50
Proposed cost	\$26,000

Account no.	CW001775.
Cost Code.	W2829.
Budget Item	Methuen Way – Strathyre Drive the Mitchell Freeway PSP.
Budget amount	\$29,950
Amount spent to date	\$ 0
Proposed cost	\$29,950

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The provision of footpaths within local precincts promotes active modes of transport such as walking and cycling. The impact this has in the long-term is communities become more engaged and overall wellbeing is increased. Reducing the use and reliance of vehicles and overall congestion on the road network around local shopping and school precincts, while also encouraging the use of public transport, is an added benefit where good pathway connections are provided.

Consultation

Residents in Strathyre Drive and the northern leg of Methuen Way were advised by correspondence dated 29 January 2016 that the City is planning to install a footpath with works to commence in February 2016.

Residents were provided with a fact sheet explaining the reasons for the footpath, the width of the footpath and an aerial showing the footpath alignment.

COMMENT

The provision of footpaths throughout the City's network ensures that people of all ages and mobility are provided for. Good connectivity to important hubs such as shopping precincts, public transport, parks and schools supports local communities in their overall health and wellbeing. The footpath installation on Strathyre Drive and Methuen Way plays a key role in providing this connectivity for all users.

The "*Planning and Designing for Pedestrians Guidelines*" specifies that the minimum width of a new footpath should allow for two people in wheelchairs to be able to comfortably pass each other. The City, therefore installs new footpaths at the minimum 1.8 metre width which allows for this to occur.

Strathyre Drive and Methuen Way are in close proximity to key transport connections and while pedestrian numbers may be minimal currently, the footpath installation takes into consideration future growth and demographic changes. Traffic congestion is having a significant impact on the road network during peak times, and it is important that alternative methods of transport such as public transport or cycling are encouraged and supported by the City with the provision of footpath connections. Strathyre Drive and Methuen Way are in close proximity to the Mitchell Freeway PSP and the Warwick Train Station and therefore supports the use of alternative means of transport by providing these pathway connections.

Strathyre Drive and Methuen Way residents were initially advised of the City's intention to install a 1.8 metre wide concrete footpath behind the back of the existing kerb. At the time that notification to residents were sent out, the City was still to finalise the Housing Opportunity Areas on-street parking and *Leafy City Program* verge tree planting requirements. These requirements meant that the footpath alignment in Strathyre Drive is now required to be located at least 2.3 metres behind the existing kerb line where possible. The footpath alignment for Methuen Way will be located behind the back of the existing kerb so as to take into consideration a number of verge trees.

Funding for the installation of footpaths on Strathyre Drive and Methuen Way has been allocated and approved for the 2016-17 financial year. The installation of footpaths in both locations takes into consideration the wider community needs and potential active transport requirements in the future while also providing for those in the community with mobility issues.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 DOES NOT SUPPORT the request to not install the 1.8 metre wide concrete footpath on Strathyre Drive, Duncraig from Beach Road to Sycamore Drive;**
- 2 SUPPORTS the installation of a 1.8 metre wide concrete footpath to be located at least 2.3 metres from the back of kerb where practical and to be installed on the eastern verge of Strathyre Drive from Beach Road to Methuen Way, Duncraig as detailed in Attachment 3 to Report CJ221-12/16;**
- 3 SUPPORTS the installation of a 1.8 metre wide concrete footpath to be located behind the back of the existing kerb where practical on the eastern verge of Strathyre Drive from Methuen Way to Sycamore Drive and on the north side of the northern leg of Methuen Way, Duncraig to the Principal Shared Path as detailed in Attachment 3 to Report CJ221-12/16;**
- 4 ADVISES the lead petitioner of Council's decision.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf161206.pdf](#)

CJ222-12/16 PETITION REQUESTING INSTALLATION OF DRINKING FOUNTAIN, BARBEQUE AND SEATING AT HAWKER PARK, WARWICK

WARD	South
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	06008, 101515
ATTACHMENT	Attachment 1 Hawker Park location map Attachment 2 Hawker Park existing park infrastructure Attachment 3 Warwick BBQ locations Attachment 4 Warwick Park classifications and Housing Opportunity Area
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 requesting infrastructure improvements on Hawker Park, Warwick, inclusive of barbecue facilities, picnic shelter with picnic setting, drinking fountain and additional park benches.

EXECUTIVE SUMMARY

A Petition of Electors was received by Council at its meeting held on 18 October 2016 (C59-10/16 refers). The petition requested that Council consider the installation of a drinking fountain and barbecue facilities with seating and shelter in the area adjacent to the playground at Hawker Park, Warwick as well as additional seating around the oval.

Hawker Park, Warwick, is located within the South Ward and consists of approximately 4.6 hectares of irrigated parkland (Attachment 1 refers).

The current *Parks and Public Open Spaces Classification Framework* (PPOSCF) and the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, classifies Hawker Park as a neighbourhood park and local sports park respectively. Barbecue facilities are not supported on this level of park. The City supports the provision of this type of infrastructure on regional parks and local mixed-use parks which encourages long-stay picnicking activities and attracts patrons living outside the local area.

However, it is recommended to consider the installation of barbecue facilities on Hawker Park for the following reasons:

- The location of Hawker Park is bordering the Housing Opportunity Area (HOA) which extends over half of the suburb.

- The suburb of Warwick only has one existing barbecue facility (at Ellersdale Park) and no close barbecue facilities in surrounding suburbs.
- Hawker Park is the largest park in the suburb (excluding Warwick Open Space) and as such would be best placed for consideration of additional amenities.

The location of Hawker Park bordering a designated HOA would further support the inclusion of a picnic setting with a connecting footpath and drinking fountain to enhance the amenity and usability of the park. Hawker Park has well established trees which provide considerable natural shade that can be utilised in lieu of a picnic shelter.

It is therefore recommended that Council:

- 1 *SUPPORTS the installation of barbecue facilities, one picnic setting and drinking fountain on Hawker Park, Warwick;*
- 2 *APPROVES the listing for consideration in the Five Year Capital Works Program, the installation of the above proposed infrastructure and associated works on Hawker Park, Warwick estimated at \$50,000;*
- 3 *NOTES that two additional benches were installed around the oval on Hawker Park, Warwick as part of the 2016-17 Capital Works Program;*
- 4 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

At its meeting held on 18 October 2016 (C59-10/16 refers), Council received a 132 signature petition from residents of the City of Joondalup requesting Council give consideration to infrastructure improvements on Hawker Park, Warwick. 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 install a drinking fountain and BBQ facilities with seating and shelter in the area adjacent to the playground at Hawker Park in Warwick, as well as additional seating around the oval."

Hawker Park, Warwick is located within the South Ward with approximately 4.6 hectares of irrigated parkland. The park is oblong in shape and bounded by Hawker Drive to the north, Fairisle Place and Millport Drive to the east and Hawker Park Primary School to the west (Attachment 1 refers).

Hawker Park contains a large playing field that is utilised on weekends for organised sports. The north-west corner of the park slopes towards Hawker Avenue and Hawker Park Primary School. There is considerable natural shade provided around the perimeter of the park by well established trees.

Existing infrastructure on Hawker Park includes the following (Attachment 2 refers):

- Car park.
- Toilet block.
- Medium play space.
- Bench seats.
- Sports infrastructure.

- Security lighting.
- Waste bins.

As part of the *2015-16 Capital Works Program* the play space was upgraded and relocated to the north-west corner of Hawker Park, utilising the natural shade provided and maximised play opportunities by the topography. There are two bench seats located around the play space.

As part of the *2016-17 Capital Works Program* two new park benches were installed to the north-east and south-east corner of the oval. These programmed works occurred after the petition process was undertaken.

All parks are classified under the City's *Parks and Public Open Spaces Classification Framework* (PPOSCF). The current PPOSCF and the revised PPOSCF, adopted as a management guideline to assist in the planning and provision of park and public open space assets, outlines the classification of all parks within the City of Joondalup and determines the type of infrastructure supported within each classification (for example, playgrounds and sporting infrastructure).

Hawker Park is classified as a neighbourhood park in the City's current PPOSCF and in the revised PPOSCF it is classified as a local sports park. Local sports parks are designed to accommodate formal structured sporting activities and short stay recreational activities. These parks generally cater to the needs of the community within the suburb and surrounding suburbs.

The existing and revised PPOSCF provide guidelines as to the level and type of infrastructure appropriate for the classification of the park. Supported assets are listed as:

- irrigation
- parking
- seating (benches)
- signage (park name)
- sports infrastructure (temporary)
- toilets (free-standing)
- waste bins.

Optional assets are listed as:

- closed-circuit television (CCTV)
- clubroom buildings
- drinking fountains
- path network
- picnic structures (shelters)
- play equipment
- security lighting
- sports floodlighting
- sports infrastructure (permanent and recreational).

A designated HOA borders the south of Hawker Park. Due the parks classification, size and proximity to a HOA, Hawker Park would be prioritised for additional infrastructure on the premise of local high density living.

In 2013 a concept design was created and community consultation undertaken for the proposed redevelopment of Hawker Park, Warwick. The proposed works included the installation of a new clubroom, upgrades to existing floodlighting, construction of new cricket practise nets and upgrading recreational infrastructure.

At its meeting held on 27 May 2013 (CJ085-05/13 refers), Council approved the project and listed \$2,740,000 for consideration within the draft *2014-15 Capital Works Program* subject to a successful CSRFF grant application of \$913,333. The application to Department Sports and Recreation was not successful and the project not considered for in the future.

DETAILS

Barbecue facilities

Hawker Park is classified as a local sports park and barbecue facilities are not supported in this type of park. However, it is recommended to consider the installation of one barbecue facility on Hawker Park due to the following:

- There is currently only one barbecue facility located within the suburb of Warwick on Ellersdale Park (Attachment 3 refers). As per the revised PPOSCF, Ellersdale Park is classified as a local sports reserve and located approximately 900 metres from Hawker Park.
- Just over half of the suburb of Warwick has been designated as a HOA with Hawker Park bordering this zone (Attachment 4 refers). Additional park infrastructure will be required to support the growth in housing density and population.
- When determining on which park to install barbecue facilities within the suburb of Warwick, the size of the park and park classification need to be considered. On further analysis of parks within Warwick, excluding Warwick Open Space, Hawker Park is the largest park in area and is the only other park classified as a local sports park (Attachment 4 refers).
- Hawker Park contains supporting infrastructure that would accommodate the installation of barbecue facilities, such as a play space and toilet block, and the structured sporting use of the park attracts residents within the suburb and from surrounding suburbs. It is therefore recommended to consider the installation of barbecue facilities on Hawker Park, Warwick.

Picnic shelters, picnic settings and drinking fountains

Picnic shelters, picnic settings and drinking fountains are supported in local sports parks as an optional asset in both the City's current and revised PPOSCF.

The location of Hawker Park bordering a designated HOA would further support the inclusion of a picnic setting with a connecting footpath and drinking fountain to enhance the amenity and usability of the park. Hawker Park has well established trees which provide considerable natural shade that can be utilized in lieu of a picnic shelter.

It is recommended to install one picnic setting and one drinking fountain within Hawker Park located at the northern end of the park near the new play space. The inclusion of the new infrastructure would encourage a community hub increasing utilisation and outdoor activity within the park from local residents.

Bench seat

In total Hawker Park contains six bench seats. There are two bench seats located around the new play space and four bench seats spread around the perimeter of the oval. The park therefore has adequate seating provision.

As part of the *2016-17 Capital Works Program* two new bench seats were installed to Hawker Park in the north-east corner and the south-east corner. These bench seats were installed after the petition process began.

It is recommended not to install additional bench seats around the oval on Hawker Park.

Issues and options considered

Council may choose to either:

- not support the installation of barbecue facilities, drinking fountain, benches, picnic shelter at Hawker Park, Warwick
or
- support the installation of one barbecue facility, one picnic setting and one drinking fountain near the play space at Hawker Park, Warwick at an estimated cost of \$50,000.

The preferred option is to support the installation of one barbecue facility, one picnic setting and one drinking fountain near the play space at Hawker Park, Warwick at an estimated cost of \$50,000.

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

Due to pathogens being present in Hawker Park, construction activities need to take into consideration management actions within the City's Pathogen Management Plan. The costs associated with complying with the plan have been included in the project.

Financial / budget implications

There is no budget allocation in the current *Five Year Capital Works Program* for the installation of a picnic setting, barbecue facilities, drinking fountain and additional park bench seating on Hawker Park, Warwick.

Current financial year impact

Annual operating cost No impact as the project will be listed for future consideration.

Future financial year impact

Capital cost Indicative costs for the installation of double plated electric barbecue, picnic setting, connecting path and drinking fountain are estimated at \$50,000.

Annual operating cost	An annual operational and maintenance cost (including cleaning) for a barbecue is anticipated to be \$1,650 per annum.
Estimated annual income	There is no income expected from the installation of this infrastructure.
Capital replacement	<p>Picnic settings require replacement after 15 years, current replacement cost of \$5,405.</p> <p>Drinking fountains require replacement after 20 years, current replacement cost of \$7,530.</p> <p>Barbecues require replacement after 15 years, current replacement cost of \$12,000.</p>
20 Year Strategic Financial Plan impact	The capital cost for replacement of park assets is included in the <i>20 Year Strategic Financial Plan</i> .
Impact year	Recommended to be listed for consideration in the City's <i>Five Year Capital Works Program</i> .

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

As Hawker Park borders a HOA and there is only one barbecue facility in the suburb of Warwick, it is anticipated that the installation of additional barbecue facilities at Hawker Park will service the future increased population needs of the local community. It is recommended to install one picnic setting and a water fountain with a connecting path in line with the City's current and revised PPOSCF.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Dwyer, SECONDED Cr Fishwick that Council:

- 1 **SUPPORTS** the installation of barbecue facilities, one picnic setting and drinking fountain on Hawker Park, Warwick;
- 2 **APPROVES** the listing for consideration in the *Five Year Capital Works Program*, the installation of the above proposed infrastructure and associated works on Hawker Park, Warwick estimated at \$50,000;
- 3 **NOTES** that two additional benches were installed around the oval on Hawker Park, Warwick as part of the *2016-17 Capital Works Program*;
- 4 **ADVISES** the lead petitioner of Council's decision.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf161206.pdf](#)

CJ223-12/16 CONTROL OF FERAL BIRDS

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	22870, 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

To inform Council of the City's engagement with adjoining local governments and appropriate State agencies to control the lorikeet and Corella populations in the City of Joondalup.

EXECUTIVE SUMMARY

Rainbow Lorikeets, Little Corellas (*Cacatua sanguinea*), and Eastern Long-Billed Corellas (*Cacatua tenuirostris*) are bird species that are not native to South Western Australia, and which are now flourishing on the Swan Coastal Plain. The birds cause damage to infrastructure and agricultural crops. They pose a threat to local biodiversity and are a potential public health risk.

Under legislation administered by the Department of Agriculture and Food WA (DAFWA), Rainbow Lorikeets are declared pests in Western Australia. This means that private, municipal and state government landholders are responsible for the control of lorikeets on land they own or manage.

At its meeting held on 21 April 2015 (C20-04/15 refers), Council requested the Chief Executive Officer prepare a report on how the City might engage with adjoining local governments and appropriate State agencies to control the ever-increasing number of feral birds, specifically Corellas and Rainbow Lorikeets, which, by occupying limited nesting sites throughout the City, threaten the survival of native birds.

Neil Hawkins Park and Craigie Open Space bushland historically had large populations of the Australian Ringneck Parrot (known locally as the 'Twenty-Eight Parrot'). The numbers of this iconic species have reduced, because nesting sites in tree hollows are taken by more aggressive species such as the Rainbow Lorikeet.

A Corella and Rainbow Lorikeet Coordination Group, was established by WALGA, to look at ways to control lorikeet and Corella populations. This working group comprises representatives from state government agencies, local authorities (metropolitan and regional) and WALGA. The aim of the group is to foster a coordinated approach to controlling introduced Corella numbers in the Perth metropolitan area and surrounds, and to thereby reduce the health, financial and environmental impacts.

The first meeting was held in May 2016 and during subsequent meetings a Corella Coordinated Control project was developed. The project fosters a coordinated approach to controlling introduced Corella numbers in the Perth metropolitan area and surrounds. As part of this project, the Corella and Rainbow Lorikeet Coordination Group have now called for quotes to undertake a trial of Corella trapping.

It is therefore recommended that Council:

- 1 *NOTES that the Western Australian Local Government Association has established a group to develop and coordinate the implementation of a metropolitan area wide approach to Rainbow Lorikeet and Corella control and the Cities of Joondalup, Wanneroo and Stirling are represented on the group;*
- 2 *SUPPORTS the commencement of Corella control in the City should the trial of Corella trapping being undertaken by the Corella Coordination Working Group prove successful.*

BACKGROUND

In October 2013 the Department of Parks and Wildlife (DPAW) informed the 36 local authorities within the greater metropolitan area (including the City) that the external grants that the Department had previously funded for the control of lorikeets and introduced Corellas was to be withdrawn. In the letter, DPAW asked for contributions from local governments to continue the control program. A minimum contribution of \$5,000 per annum for a minimum period of five years was requested and was supported by the City.

In January 2014, DPAW wrote to the City to report on the outcomes of the funding request proposal. The following is a summary of the responses:

- Thirty six local governments were approached.
- Responses were received from 18 local authorities of whom nine rejected the proposal.
- Of the nine responses that were supportive, four provided in-principle support only.
- Five responses were supportive and committed the \$5,000 (including the City).

DPAW decided to abandon a future control program due to the low level of commitment from local governments.

At its meeting held on 21 April 2015 (C20-04/15 refers), the following resolution was made:

“That Council REQUESTS the Chief Executive Officer prepare a report on how the City of Joondalup might engage with adjoining local governments and appropriate State agencies to control the ever-increasing number of feral birds, specifically Corellas and Rainbow Lorikeets, which, by occupying limited nesting sites throughout the City, threaten the survival of our native birds.”

The reason for the Notice of Motion was stated as follows:

“In recent years the numbers of non-endemic Corellas and Rainbow Lorikeets have built up to such a level that they are now a noise nuisance for local residents and leave droppings on shoppers’ cars where hundreds of birds roost permanently in trees at car parks (for example Carine Glades Shopping Centre).

More importantly, by occupying limited nesting sites, these introduced birds are driving local species, such as Ring-Necked Parrots ('Twenty-Eights'), Red-Capped Parrots and possibly even Carnaby's Black Cockatoos, to extinction in the metropolitan area.

Since the problem is widespread throughout the northern suburbs, a possible approach to deal with the issue would be for the City of Joondalup to engage with adjoining local governments (Cities of Wanneroo and Stirling) and State agencies in a concerted and unified effort to control increasing feral bird numbers."

Rainbow Lorikeets, Long Billed Corellas and Little Corellas are Australian bird species that are now commonly seen on the Swan Coastal Plain. The three species are not native to Western Australia.

Under legislation administered by the DAFWA, Rainbow Lorikeets are declared pests in Western Australia, in all areas south of the Kimberley including the Perth metropolitan area. This means that private, local government and state government landholders are responsible for control of lorikeets on their land.

Feral Bird Species

The Rainbow Lorikeet is a small, brightly coloured parrot 26 to 31 centimetres in length and weighing 120 to 130 grams. Male, female and immature birds all look similar, with young birds slightly duller in colour. Lorikeets are quite noisy, continuously screeching while in flight, at food sources and roosts.

Little Corellas are mostly white, with a fleshy blue eye-ring and a pale rose-pink patch between the eye and bill. In flight, a bright sulphur-yellow wash can be seen on the under wing and under tail.

The Eastern Long-Billed Corella is a white bird, characterised by a very long curved bill, a short rounded crest and crimson to pink feathers around its throat. Large flocks are often seen feeding in road reserves and in parkland. The Eastern Long-Billed Corella has also been reported to have chewed and damaged plastic solar heating pipes on rooftops.

Issues

These introduced bird species can cause the following health, financial and environmental problems:

- Cause a considerable nuisance with noise when large numbers of birds congregate at their roost sites.
- Compete with native species such as Black Cockatoos for food and nest hollows and cause disease impacting on the local biodiversity.
- Cause damage to infrastructure such as sporting fields, bowling greens and golf courses.
- Create potential liability issues for local governments from sporting field injuries.
- Have the potential to spread disease such as *Psittacosis*, an avian form of *Chlamydia* that can be transferred to humans through contact with bird droppings (14 reported cases in WA since 2012).
- Damage mature trees by pecking at branches and fruit.
- Foul and damage vehicles, washing and buildings with their droppings.

DETAILS

In November 2015, the City, along with other local government representatives and WALGA participated in a forum led by DPAW on the management of introduced Corellas and Lorikeets in the metropolitan area. Actions from this forum included the following:

- WALGA to establish a group to develop and coordinate the implementation of a metropolitan area wide approach to Corella and Lorikeet control.
- DPAW to finalise and make available the standard operating procedure for the control of feral birds.

In May 2016, WALGA hosted the first meeting of the Corella and Rainbow Lorikeet Coordination Group. The aim of this meeting was to form a Corella Working Group and make collaborative decisions regarding the management of Corella populations in the metro area over a period of two years.

The group is currently developing a Corella Coordinated Control Project. This project aims are as follows:

- Foster a coordinated approach to controlling introduced Corella numbers in the Perth metropolitan area and surrounds, and to thereby reduce the health, financial and environmental impacts.
- Raise awareness of Corellas as a pest species in the Perth metropolitan area and provide information to Local Governments and other stakeholders.
- Act as a pilot for coordinated Corella control to reduce the number of birds in the Perth metropolitan area.

The Corella and Rainbow Lorikeet Coordination Group have now called for quotes to undertake trial of Corella trapping at the following sites:

Site	Location
1	Lark Hill Reserve, City of Rockingham
2	Western Suburbs site (to be confirmed)
3	Carine Reserve, City of Stirling
4	Lilac Hill Reserve, City of Swan

The findings from this project may inform the development of an ongoing management strategy for the future. The project is being overseen by the WALGA Corella Coordination Group that will also provide a forum for coordinating longer term Corella control efforts.

Issues and options considered

If the Rainbow Lorikeet and Corella populations are not controlled on a regional basis, their number will continue to increase as will the issues associated with their activities.

The City's participation in the control of Rainbow Lorikeet and Corella populations may prove to be unpalatable in some sectors. The trials being undertaken in other local authorities may give valuable insight into the views of the public on the issue. Public response to the trials will help guide the City's decision to commence Corella control if the trial of trapping proves successful.

It is recommended that the City continue to be actively involved in working with WALGA and DPAW in developing a strategic and coordinated control approach for Rainbow Lorikeet and Corella populations for local governments in the metropolitan area.

Legislation / Strategic Community Plan / policy implications

Legislation *Animal Welfare Act 2002.*

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

Strategic initiative

- Identify and respond to environmental risks and vulnerabilities.
- Understand the local environmental context.
- Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy Not applicable.

Risk management considerations

Failing to control pest bird species can result in environmental, social and potential health issues.

Financial / budget implications

DPAW provided \$50,000 to WALGA to assist with local government Corella management. The decisions for the use of this money are being made in conjunction with the Corella Coordination Working Group.

No funding has been allocated in the 2016-17 operational budget for the control of feral bird species. It is estimated that the City's participation in feral bird control will require an amount of \$10,000 per annum.

Regional significance

Not applicable.

Sustainability implicationsEnvironmental

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of local based Rainbow Lorikeet and Corella control program, will ensure that measures are taken to address the negative impacts associated with an increase in the bird populations.

Consultation

City officers have discussed control programming of the Rainbow Lorikeet and the Eastern Long-Billed Corella with their counterparts at the Cities of Wanneroo and Stirling and have communicated with DPAW and WALGA.

The City has also participated in a forum on the management of introduced white Corellas and rainbow lorikeets in the metropolitan area and surrounds in November 2015.

The City has a representative on the WALGA hosted Corella and Rainbow Lorikeet Coordination Group.

COMMENT

Feral bird species such as Rainbow Lorikeets and Corellas are well-established in the City of Joondalup. These birds cause a nuisance to residents, threaten biodiversity and can also have serious health implications for persons who come into contact with their droppings. Additionally, these introduced birds have a detrimental impact on local native bird species by successfully competing for food and nesting hollows in native trees.

The implementation of control measures, in conjunction with WALGA, DPAW and neighbouring Cities is strongly supported.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr Logan that Council:

- 1 NOTES that the Western Australian Local Government Association has established a group to develop and coordinate the implementation of a metropolitan area wide approach to Corella and Rainbow Lorikeet control and the Cities of Joondalup, Wanneroo and Stirling are represented on the group;**
- 2 SUPPORTS the commencement of Corella control in the City should the trial of Corella trapping being undertaken by the Corella Coordination Working Group prove successful.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

CJ224-12/16 REQUEST FOR SPECIFIED AREA RATE IN BURNS BEACH

WARD	North
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	02137, 101515
ATTACHMENTS	Attachment 1 <i>Community Consultation and Communication Plan</i> Attachment 2 Burns Beach Specified Area Rate Map
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the request from the Burns Beach Residents Association Incorporated (BBRA) to establish a Specified Area Rate (SAR) within Burns Beach.

EXECUTIVE SUMMARY

In February 2016 the City received a formal request from the BBRA to establish a SAR for the suburb of Burns Beach in accordance with the current *Specified Area Rating Policy* (SAR policy).

This is the second request made by the BBRA for a SAR in Burns Beach received by the City since introducing the policy in 2010. The SAR policy has been reviewed since the first request was received. The revised policy was adopted by Council at its meeting held on 17 August 2015 (CJ149-08/15 refers).

The request detailed the services as being additional landscaping services to turf and garden beds of the relevant public open areas within the PEET development. It was also requested that the "original" south-west part of Burns Beach (which is not part of the PEET development) be excluded from the request.

It is therefore recommended that Council:

- 1 ACCEPTS the request from the Burns Beach Residents Association Incorporated to establish a Specified Area Rate for landscaping maintenance services in the PEET development area of Burns Beach, excluding the original (south-west) part of Burns Beach has merit;*
- 2 APPROVES the commencement of a 30-day consultation process with all affected property owners regarding the potential establishment of a specified area rate within the PEET development area of Burns Beach, excluding the original (south-west) part of Burns Beach in accordance with the Community Consultation and Communication Plan shown in Attachment 1 of Report CJ224-12/16.*

BACKGROUND

Since March 2010 the City has had in place a SAR policy which provides guidance on the process for the management and implementation of a SAR. The policy was subject to a minor review process in 2012 in order to align it to the City's new policy template and a further review was undertaken in 2015. Changes to the policy included amending the requirements for the amount of support from property owners surveyed for a SAR to be imposed. The revised policy was adopted by Council at its meeting held on 17 August 2015 (CJ149-08/15 refers).

On 17 October 2013 the City received a formal request from the BBRA asking the City to consider establishing a SAR for Burns Beach.

Council determined that the request from BBRA had merit (CJ124-07/14 refers) and approved the *Community Consultation and Communication Plan* and 30-day consultation process to determine the level of support for the proposal.

The City received a total of 552 valid responses from 1,251 households surveyed during the consultation period, equating to a response rate of 44.1%. The outcome of the community consultation was presented to Council at its meeting held on 21 October 2014 (CJ192-10/14 refers).

Council declined the request submitted by the BBRA to implement a SAR within the suburb of Burns Beach due to the significant difference in the results achieved through the consultation process and the requirements contained within the City's SAR policy.

DETAILS

In February 2016 the City received a second request from the BBRA for the City to consider adoption of a SAR for the PEET development area of Burns Beach, excluding the 'original' (south-west) part of Burns Beach in accordance with the City's SAR policy.

Council may consider applying a SAR under the following circumstances:

- 1 An incorporated body representing the property owners of an established residential area requests that the City provides a specific work, service or facility to their area to be funded by a SAR imposed on the property owners.
- 2 For any area to be considered for a SAR, it must be a reasonable size in terms of the number of properties. As a general guide, it is expected that a SAR area would include no less than 100 properties.
- 3 A further requirement is that the area must be defined by clear and discernible geographic boundaries which may include main streets, or natural features.

The suburb of Burns Beach has an active representative property owners group operating as an incorporated body open to the 1,185 property owners in the PEET development area.

The PEET development is clearly defined by Burns Beach Road to the south, Marmion Avenue to the east, Beachside Drive and Whitehaven Avenue to the west and bushland reserve to the north. This area will form the SAR (Attachment 2 refers).

It is acknowledged by the BBRA that should a SAR be supported by the property owners affected and implemented by the City, that all costs associated with the SAR will be negotiated with the City on an annual basis. These will be imposed under section 6.37 of the *Local Government Act 1995*.

Issues and options considered

Council may choose to either:

- accept that the request submitted by BBRA has merit and commence consultation with all proposed affected property owners regarding establishing a SAR within the PEET development area of Burns Beach, excluding the “original” (south-west) part of Burns Beach.
or
- not accept that the request submitted by BBRA has merit and not progress with consultation.

It is recommended that Council accept the request submitted by BBRA.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 6.37 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme

Quality Urban Environment.
Financial Sustainability.

Objective

Quality open spaces.
Effective management.

Strategic initiative

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

Balance service levels for assets against long-term funding capacity.

Policy

Specified Area Rating Policy.

Risk management considerations

The following considerations of not going forward with the proposal are:

- Ratepayers may not want to join the Residents Association.
- Ratepayers may think that additional landscaping services are not required.
- Ratepayers will have to pay additional costs on top of the current annual rate notice.
- The local ratepayers association may not be representative of the suburbs views.

Financial / budget implications

The purpose of a SAR is to receive contributions from households to pay for the cost of additional services within a specified area. The City still contributes to cover the base public open space (POS) service level.

Services are determined on a case-by-case basis through the negotiation of annual contracts. Given that no services have been negotiated at this stage within the PEET development of Burns Beach, the City is unable to quantify costs without considering the context of a contract.

In general SARs are affected by the following factors:

- The Gross Rental Value (GRV) of individual households.
- The number of households subject to the SAR (more households = greater spread of the costs).
- The total value of all additional services negotiated.

The amount charged to the household will be dependent on individual GRVs. Based on the current number of households within Burns Beach and existing SAR services in other suburbs, it is estimated that ratepayers could pay an additional \$130 - \$200 per year on top of their current rates if a SAR was introduced in line with the services undertaken in the other established SARs of Iluka, Harbour Rise, Hillarys and Woodvale Waters Estate, Woodvale.

The consultation will ask residents what they are prepared to pay for an increased level of service should a SAR be implemented.

Should a SAR not be implemented standard service levels would be provided by the City.

The cost of consultation is estimated at \$5,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The *Community Consultation and Communication Plan* provides an outline of how the consultation process could be conducted to encourage the greatest number of responses from ratepayers within Burns Beach (Attachment 1 refers).

The minimum consultation period is 21 days. However, the previous SAR consultation was extended to a 30 day period and it is expected that the same will occur for this consultation. The proposed engagement dates are Monday 23 January 2017 to Wednesday 22 February 2017.

COMMENT

The landscaping within Burns Beach is varied and complex in nature requiring a higher level of on-going maintenance to retain the original design intent. The estate has an extremely high amount of individual garden beds compared to other suburbs.

The total landscaped area in Burns Beach is 8.2 hectares (82,000m²) with approximately four hectares being garden beds. Only Harbour Rise Estate and Iluka have a similar type of split between garden beds and turf, and they are both SAR areas.

Consulting with the affected property owners will give a clear indication on the landscaping standards expected within the estate and give a further indication on what property owners are prepared to pay.

VOTING REQUIREMENTS

Simply Majority.

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 ACCEPTS that the request from the Burns Beach Residents Association Incorporated to establish a Specified Area Rate for landscaping maintenance services in the PEET development area of Burns Beach, excluding the original (south-west) part of Burns Beach has merit;**
- 2 APPROVES the commencement of a 30-day consultation process with all affected property owners regarding the potential establishment of a specified area rate within the PEET development area of Burns Beach, excluding the original (south-west) part of Burns Beach in accordance with the Community Consultation and Communication Plan shown in Attachment 1 of Report CJ224-12/16.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ225-12/16, page 189 refers.

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn161213.pdf](#)

Cr Chester left the Chamber at 9.54pm.

CJ225-12/16 HILLARYS – KALLAROO COASTAL FORESHORE RESERVE MANAGEMENT PLAN 2016-2021

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	89568, 101515
ATTACHMENT	Attachment 1 Draft Hillarys – Kallaroo Coastal Foreshore Reserve Management Plan 2016-2021
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 endorse the draft *Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016-2021*.

EXECUTIVE SUMMARY

At its meeting held on 21 October 2014 (CJ193-10/14 refers), Council endorsed the *Coastal Foreshore Management Plan 2014 - 2024*. This document forms the basis for strategic planning and broader operational management of the coastal foreshore reserves for a period of 10 years.

The *Coastal Foreshore Management Plan 2014 - 2024* is a management guide for the natural areas contained within the City's coastal foreshore reserves. The plan was designed as an overarching document, aimed to broadly define management actions. It is intended that individual management action plans will be produced for discrete sections of the City's coastal foreshore.

The individual management action plans will set out specific operational tasks for localised areas. The draft *Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016-2021* (the plan, Attachment 1 refers), is the third coastal management plan to be produced to manage local areas of the City of Joondalup foreshore. The *Marmion Coastal Foreshore Reserve Management Plan 2014 – 2019* and the *Sorrento Coastal Management Plan 2015 – 2020* have been adopted.

It is proposed that two additional individual management plans will be produced for the following:

- Mullaloo Beach Foreshore Reserve.
- Ocean Reef – Iluka Foreshore Reserve.

A local plan is in place for the northern section of the Burns Beach Foreshore and will require revision in the future.

The City's coastal foreshore reserves are an important regional resource. The reserves receive many visitors who access coastal locations on a daily basis. The foreshore reserves are under constant environmental threat. These threats are expected to increase in future years with the rise in the population of the Swan Coastal Plain. The plan identifies these environmental threats and makes recommendations to lessen their impact.

The plan was presented to Council at its meeting held on 20 September 2016 (CJ149-09/16 refers) but was referred back to the Chief Executive Officer to enable updated vegetation condition mapping to be included in the plan. The vegetation condition maps within the draft management plan have now been amended.

It is therefore recommended that Council ENDORSES the draft Hillarys – Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021 forming Attachment 1 to Report CJ225-12/16.

BACKGROUND

The City began developing *Natural Area Management Plans* for its natural areas according to the individual priority ranking of the reserve, as part of the City's participation in the Perth Biodiversity Project. Management plans are being developed for the majority of the City's natural areas and will vary in detail and content depending on whether the area is classified as a:

- major conservation or coastal area
- high priority area
- medium priority area
- generic wetland area.

The City's coastal foreshore reserves are a major conservation area within this classification model. The Hillarys - Kallaroo foreshore reserve forms part of the Bush Forever Reserve protected under State Government regulation. All natural bushland in the coastal reserve extending from Hillarys to the northern Burns Beach boundary (with the City of Wanneroo) is included in the Bush Forever legislation.

The study for the draft plan comprises of 79 hectares of coastal vegetation. Prior to the writing of the draft plan, an extensive flora and fauna study was undertaken in October 2015. The study concluded that the majority of the vegetation was in very good to excellent condition.

A range of mammal, bird and reptile species were observed, or trapped and recorded. The range and diversity of species indicated a healthy ecological community within the reserve.

DETAILS

The City manages approximately 206 hectares of bushland within coastal foreshore reserves. The reserves extend from Burns Beach in the north to the suburb of Marmion which forms the southern boundary. The study area included in the plan extends from the northern sea wall of Hillarys Marina to Merrifield Place, Mullaloo in the north.

The objectives and purpose of the plan are to:

- establish a baseline description of the environment to guide future environmental planning and recommended management actions
- outline key environmental threats and management strategies to minimise impact and protect conservation and recreation values
- outline management issues apparent at various locations of the foreshore and suggest management strategies to manage those in the short to medium term
- outline management actions to address key threats including monitoring and reporting
- identify areas within the foreshore that are considered to have the highest conservation values, giving consideration to natural features including landform, flora and fauna, along with cultural values
- identify current best practice management practices that can be implemented by the City
- guide the future development of the City's *Capital Works Program*
- increase opportunities for grant funding by having a detailed schedule of projects
- provide guidance to City employees, contractors and Friends' Groups operating within the coastal foreshore reserve.

Issues and options considered

The endorsement and implementation of the plan will help retain and improve upon the current biodiversity values of the bushland.

It is considered that without active management the bushland within the Hillarys and Kallaroo foreshore will degrade, with the subsequent loss of biodiversity and considerable loss of amenity to visitors, residents of the City of Joondalup.

Legislation / Strategic Community Plan / policy implications

Legislation

Planning and Development Act 2005.
Environmental Protection Act 1986.

Strategic Community Plan

Key theme

The Natural Environment.

Objective

Environmental resilience.

Strategic initiative

- Identify and respond to environmental risks and vulnerabilities.
- Understand the local environmental context.
- Demonstrate current best practice in environmental management for local water, waste, biodiversity and energy resources.

Policy

The objectives of the plan are consistent with the City's *Sustainability Policy*.

Risk management considerations

Without sound strategic and operational planning the City's valuable coastal bushland will degrade. This in turn can add to the risk of considerable loss of amenity for the City and the residents and visitors who enjoy the coastline.

Financial/budget implications

The plan was developed using internal and external resources. The implementation of the plan will have budget implications relating to the delivery of management actions and will be subject to the City's annual budget approval process.

Regional significance

A large section of native vegetation managed by the City is contained within the City's coastal foreshore reserves. This bushland has been recognised as having regional significance and is included in bushland protected under the State Government's *Bush Forever* policy. The City's foreshore reserves are an amenity utilised and enjoyed by a much wider catchment than local residents, giving them a regional significance.

Sustainability implications

Environmental

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the plan will ensure that measures are taken to address threats within natural area reserves, and provide strategies for ongoing long term management which will result in protection of the City's coastal environment.

Consultation

A full community consultation was undertaken in June 2014 as part of the development of the *Coastal Foreshore Management Plan 2014 - 2024* which has guided the development of this specific plan.

The draft *Hillarys - Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021* was developed with general input from the Joondalup Community Coast Care Forum (JCCCF).

The Hillarys - Kallaroo foreshore reserve does not currently have a bushland friends group so detailed consultation was not undertaken as has been the case with foreshore areas with active friends groups.

COMMENT

The City's coastal foreshore reserves are an important regional resource. The reserves receive many visitors accessing various coastal locations on a daily basis. The reserves are under existing environmental threat. These threats are expected to increase with the rise in the population of the Swan Coastal Plain in future years. The plan identifies these environmental threats and makes recommendations to lessen their impact.

The plan will inform and prioritise broad scale maintenance activities and *Capital Works Programs* over the forthcoming five year period. It will increase opportunities for the City to apply for grant funding and guide employees, contractors and friends' groups operating within the coastal bushland. The plan is acknowledged as a crucial step on the path to managing this important bushland to a standard deserving of its biodiversity values. Actions contained within the plan will be monitored with a review to be undertaken after five years.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council ENDORSES the draft *Hillarys – Kallaroo Coastal Foreshore Reserve Management Plan 2016 - 2021* forming Attachment 1 to Report CJ225-12/16.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf161206.pdf](#)

C78-12/16**COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]**

MOVED Mayor Pickard, **SECONDED** Cr McLean that pursuant to the *Meeting Procedures Local Law 2013 – Clause 4.8 – Adoption by exception resolution*, Council **ADOPTS** the following items:

CJ201-12/16, CJ205-12/16, CJ206-12/16, CJ207-12/16, CJ209-12/16, CJ210-12/16, CJ212-12/16, CJ213-12/16, CJ217-12/16, CJ219-12/16, CJ221-12/16 and CJ224-12/16.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Cr Chester entered the Chamber at 9.56pm.

REPORTS – MAJOR PROJECTS COMMITTEE – 28 NOVEMBER 2016

Disclosures of Financial Interest/Proximity Interest

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ226-12/16 - Confidential - Joondalup City Centre Development - Memorandum of Understanding.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns property adjacent to the Joondalup City Centre development.

CJ226-12/16 CONFIDENTIAL - JOONDALUP CITY CENTRE DEVELOPMENT - MEMORANDUM OF UNDERSTANDING

WARD	North
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	103036, 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.

This item was discussed later in the meeting, page 253 refers.

REPORTS – POLICY COMMITTEE – 29 NOVEMBER 2016

CJ227-12/16 DRAFT FRAUD, CORRUPTION AND MISCONDUCT CONTROL POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	49586, 25586, 101515
ATTACHMENTS	Attachment 1 Draft <i>Fraud, Corruption and Misconduct Control Policy</i>
AUTHORITY / DISCRETION	Legislative – includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the City's draft *Fraud, Corruption and Misconduct Control Policy*.

EXECUTIVE SUMMARY

The City continually reviews its risk profile in order to identify weaknesses, improve controls, increase risk awareness and promote a positive risk culture. This has included engaging independent consultants to undertake an assessment of the City's susceptibility to fraud and misconduct risks within procurement systems. The assessment was completed and made a number of recommendations including the implementation of a fraud and corruption control policy. The City accepted the recommendation and has now developed a draft *Fraud, Corruption and Misconduct Control Policy*.

*It is therefore recommended that Council ADOPTS the draft *Fraud, Corruption and Misconduct Control Policy* forming Attachment 1 to Report CJ227-12/16.*

BACKGROUND

Following the review of procurement practices in five local governments, including the City, the Corruption and Crime Commission recommended that the City undertake an assessment of its susceptibility to fraud and misconduct risks in its procurement practices. The City engaged KPMG to undertake the assessment and the Audit Committee were presented with their *Final Report Fraud and Misconduct Risk Assessment – Procurement* at its meeting held on 29 February 2016.

The report made a number of recommendations including that the City implement a fraud and corruption control policy. The City accepted the recommendation and has now developed a draft *Fraud, Corruption and Misconduct Control Policy*.

DETAILS

There is no legislative requirement for the City to implement a policy related to fraud and corruption however it is recognised that such a policy will support the City in managing risk. The draft *Fraud, Corruption and Misconduct Control Policy* has been developed in line with various standards and guidelines including *Australian Standard 8001-2008 Fraud and Corruption Control* and the Australian National Audit Office's Best Practice Guide *Fraud Control in Australian Government Entities*. Similar policies have also been reviewed from other local governments within the Perth metropolitan area and other Australian states.

The *Fraud, Corruption and Misconduct Control Policy* sends a clear message of zero tolerance and is a key attribute of an overall fraud control framework that contains various strategies to prevent, detect and respond to such behaviour. Other attributes of the control framework include the City's *Code of Conduct*, the *Risk Management Policy* and the *Purchasing Policy*. The City's organisational structure provides clearly defined responsibilities and appropriate segregation of duties and controls within systems, particularly financial and procurement, that inhibits opportunities for fraud to occur. The structure also includes an independent internal audit function and a proactive Audit Committee who receives reports from the Chief Executive Officer on internal control, legislative compliance and risk management. On occasions independent external consultants are engaged by the City to undertake audit assignments. KPMG recently undertook a Fraud and Misconduct Risk Assessment in procurement which identified strategies which have been, or are in the process of being implemented to further improve the fraud control framework. The City's purchasing protocols are subject to regular review and have recently been updated in line with the *Purchasing Policy*. The City continues to review all of the attributes within the fraud control framework and makes improvements where necessary, including the development of a *Fraud, Corruption and Misconduct Control Policy* which was independently identified as a gap in the current control framework.

The policy includes:

1 Application

The policy applies to Elected Members, Committee Members and all employees including agency staff.

2 Definitions

The policy includes definitions for fraud and corruption as defined in the *Australian Standard AS8001:2008 Fraud and Corruption Control*. The definitions for serious misconduct, minor misconduct, public authority and public officer are as defined in the *Corruption, Crime and Misconduct Act 2003*.

3 Statement

The City expects its Elected Members, Committee Members and employees to act in compliance with the *Code of Conduct* and behave ethically and honestly when performing their functions and during their interactions with each other, the community and all stakeholders of the City. All suspected instances of fraudulent or corrupt conduct will be thoroughly investigated and the appropriate reporting, disciplinary, prosecution and recovery actions initiated.

4 Details

4.1 Prevention and Detection

Emphasises that controls already in place within the City assist in preventing and detecting fraudulent activity and the City's response should such activity be detected.

4.2 Chief Executive Officer's Duty to Notify

As a principal officer of a notifying authority the City's Chief Executive Officer is required by the *Corruption, Crime and Misconduct Act 2003* to notify the Corruption and Crime Commission or the Public Sector Commission in writing of any matter that they suspect, on reasonable grounds, concerns either serious or minor misconduct by a public officer.

4.3 Reporting Serious or Minor Misconduct

A public officer or any other person may report to the Corruption and Crime Commission or the Public Sector Commission any matter which that person suspects on reasonable grounds concerns or may concern serious or minor misconduct that:

- (a) has or may have occurred; or
- (b) is or may be occurring; or
- (c) is or may be about to occur; or
- (d) is likely to occur.

4.4 Public Interest Disclosure

This section of the policy provides information on the *Public Interest Disclosure Act 2003* which governs the disclosure of public interest information.

Public interest information means information that tends to show, in relation to its public function a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in:

- (a) improper conduct; or
- (b) an act or omission that constitutes an offence under a written law; or
- (c) a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
- (d) an act done or omission that involves a substantial and specific risk of—
 - (i) injury to public health; or
 - (ii) prejudice to public safety; or

(iii) harm to the environment;

or

(e) a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971*.

4.4 Disciplinary and Recovery Action

On all occasions the City will seek to recover any losses it may have suffered through fraudulent or corrupt conduct, which for an employee may be the termination of employment.

The draft *Fraud, Corruption and Misconduct Control Policy* is included as Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation *Corruption, Crime and Misconduct Act 2003.*
Public Interest Disclosure Act 2003.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative

- Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.
- Continuously strive to improve performance and service delivery across all corporate functions.

Policy Not applicable.

Risk management considerations

A *Fraud, Corruption and Misconduct Control Policy* provides a clear statement of zero tolerance and is an important attribute of an overall fraud control framework that supports the City's overall approach to managing and controlling risk.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The on-going review of the City's risk management profile is intended to raise the profile of risk, improve the City's approach to risk and embed risk management across all its systems and processes. The implementation of a *Fraud, Corruption and Misconduct Control Policy* is an important addition to the City's overall control framework.

Following adoption of the policy it will be included in a documented *Fraud, Corruption and Misconduct Control Plan*.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ227-12/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 29 November 2016.

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

MOVED Cr Gobbert, SECONDED Cr Hollywood that Council ADOPTS the draft *Fraud, Corruption and Misconduct Control Policy* forming Attachment 1 to Report CJ227-12/16.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf161206.pdf](#)

CJ228-12/16 REVIEW OF MEMORIALS IN PUBLIC RESERVES POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	100385, 101515
ATTACHMENTS	Attachment 1 Revised <i>Memorials in Public Reserves Policy</i> Attachment 2 Analysis of <i>Memorials in Public Reserves Policy</i> Review Consultation
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to adopt the revised *Memorials in Public Reserves Policy* (the Policy) following a public comment period.

EXECUTIVE SUMMARY

The *Memorials in Public Reserves Policy* provides guidance on the circumstances in which the City will support and manage the installation of memorials in public reserves.

In August 2015, the City received an application to consider the installation of a permanent memorial plaque within a City-owned hut on Iluka Beach in memory of a young local person who had passed away in tragic circumstances. The application was not supported on the basis that it did not meet the intentions of the current policy, which requires persons to have made a significant contribution to the local Joondalup community. A 947-signature petition was subsequently presented to Council by the applicants (family and community supporters), requesting re-consideration of the application (C56-09/15 refers).

At its meeting held on 23 November 2015 (CJ200-11/15 refers), Council considered a report in response to the petition where support was provided for the temporary installation of a memorial plaque for a period up to 12 months and a request was made for the Policy Committee to conduct a review of the current *Memorials in Public Reserves Policy*.

The policy was subsequently revised and at its meeting held on 28 June 2016 (CJ101-06/16 refers), Council resolved to advertise the revised policy for public comment. The revised policy was advertised for 21 days with 35 valid responses received.

It is therefore recommended that Council ADOPTS the Memorials in Public Reserves Policy as detailed in Attachment 1 to Report CJ228-12/16.

BACKGROUND

Since its introduction in 2009, the City has received over 30 applications to install permanent memorials within public locations throughout the City in memory of loved ones who have passed. The *Memorials in Public Reserves Policy* required a decision of Council to support “significant person” applications, with four requests supported to date.

On 26 August 2015, the City received an application requesting the installation of a permanent memorial plaque in memory of a young local person who had passed away under tragic circumstances, to be placed in a City-owned hut located on Iluka Beach. Based on the information provided in the application, the City was unable to support the request, as it insufficiently described the level and significance of contribution the person had made to the local Joondalup community.

In response to the declined application, a 947-signature petition was subsequently submitted to Council at its meeting held on 15 September 2015 (C56-09/15 refers), seeking support for the permanent installation of a memorial at the requested location.

A report was presented to Council at its meeting held on 23 November 2015 (CJ200-11/15 refers) where the petitioner’s request was considered. Following significant discussion, Council resolved the following:

“That Council:

- 1 *SUPPORTS the installation of a temporary memorial plaque for a period up to 12 months at Iluka Beach;*
- 2 *REQUIRES that the temporary memorial be installed and maintained in accordance with the Conditions of the Memorials in Public Reserves Policy;*
- 3 *REQUESTS the Policy Committee to conduct a review of the Memorials in Public Reserves Policy.”*

Feedback from the Policy Committee was sought in November 2015, however, the matter was deferred for consideration in more detail at a future meeting.

The Policy Committee considered the matter at its meeting held on 7 June 2016 and recommended:

“That Council:

- 1 *NOTES the issues raised in this Report to inform the review of the Memorials in Public Reserves Policy;*
- 2 *SUPPORTS the proposed amendments to the Memorials in Public Reserves Policy as detailed in Attachment 1, subject to the retention of clause 2.2.5(a);*
- 3 *ADVERTISES the policy for public comment including seeking direct feedback from the applicants previously engaged with by the City.”*

At its meeting held on 28 June 2016 (CJ101-06/16 refers) it was resolved:

“That Council:

- 1 *NOTES the issues raised in Report CJ101-06/16 to inform the review of the Memorials in Public Reserves Policy;*

2 *SUPPORTS the proposed amendments to the Memorials in Public Reserves Policy as detailed in Attachment 1 of Report CJ101-06/16, subject to:*

2.1 *The retention of clause 2.2.5(a);*

2.2 *Amending clause 2.2.1(a) to read as follows:*

“Family members may apply to the City for the installation of a temporary memorial for a deceased person who has resided in the City of Joondalup.

Family member means a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, cousin, spouse, defector partner or child of the deceased person”;

3 *ADVERTISES the policy for public comment including seeking direct feedback from the applicants previously engaged with by the City.”*

The results of advertising the policy for public comment are now presented.

DETAILS

The City advertised the revised *Memorials in Public Reserves Policy* for public comment from Monday 5 September 2016 to Monday 26 September 2016 and consulted directly with the following stakeholders:

- Previous memorial applicants.
- Local Resident and Ratepayer Associations.
- Local Parliamentarians.
- Representative(s) from City of Joondalup’s Community Engagement Network.

The consultation was advertised to the general public via the Joondalup Voice column and the City’s website. All stakeholder representatives also received personalised letters directing them to the City’s website to complete an online comment form. The City collected a total of 35 valid responses throughout the 21 day advertised consultation period with detailed results provided in Attachment 2.

A general summary of the most cited responses is provided below:

What did you like about the revised Policy?

- General support for the policy.
- Support the opportunity to honour the grieving process (to those deserving a memorial).
- Perception that the policy is clear in what the terms and conditions are for a memorial.
- Support a maximum timeframe for temporary memorials.

What changes or improvements could be made to the Policy?

- The City should recognise opportunities for all persons to have memorials, given applicants are covering all costs.
- The current policy is working well.
- Would like to know if crosses can be included as an approved type of permanent memorial?

- Would like access to information or City staff to assist in the completion of applications.
- Do not believe white crosses are appropriate or should be installed for longer than 12 months.
- The 12 month period for a temporary memorial is too short.
- Memorials should only be on Council facilities and within style regulations.

Due to the demonstrated level of support highlighted through the consultation process, it is suggested that the revised policy, as shown in Attachment 1, is adopted by Council. The suggestions for improvement offered by respondents varied based on differences in principled opinions, and as such, it is not considered appropriate that one is accepted over another.

The frequency of improvements cited were also low across the total number of submissions received and as such, the general level of support shown for the proposed content of the revised policy should be adopted to be consistent with Council's original intent.

Issues and options considered

While the issues relating directly to the content of the revised *Memorials in Public Reserves Policy* are outlined above, further matters for consideration in managing memorials in public areas also include the following:

- The potential for memorials to attract unsociable behaviour, depending on their location and the circumstances under which a person passed away.
- The potential for permanent memorials to act as a shrine for families, rather than to commemorate the achievements and contributions of a person to their local community.
- The potential loss of amenity in popular public locations throughout the City from the installation of permanent memorials, where deceased persons have had a personal connection or association. Some members of the community view these spaces as public areas and not the property of families, of which a permanent memorial may imply.

Option 1

Council can adopt the revised *Memorials in Public Reserves Policy*.

Option 2

Council can adopt with amendments the revised *Memorials in Public Reserves Policy*.

It is proposed that Council adopts the revised *Memorials in Public Reserves Policy* included as Attachment 1 (Option 1).

Legislation / Strategic Community Plan / policy implications

Legislation	Not applicable.
Strategic Community Plan	
Key theme	Community Wellbeing.
Objective	Community spirit.

Strategic initiative Not applicable.

Policy *Memorials in Public Reserves Policy.*

Risk management considerations

While the *Memorials in Public Reserves Policy* has provided useful guidance to the City in the management and requests for public memorials, it is important that the content of the policy and its associated processes are transparent and appropriately reflect the policy's stated intentions. Without amendment, there is a risk that the current policy may continue to provide ambiguous information to the community with regard to the application process requirements.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City advertised the revised *Memorials in Public Reserves Policy* for public comment from Monday 5 September 2016 to Monday 26 September 2016 and consulted directly with the following stakeholders:

- Previous memorial applicants.
- Local Resident and Ratepayer Associations.
- Local Parliamentarians.
- Representative(s) from City of Joondalup's Community Engagement Network.

The City collected a total of 35 valid responses throughout the 21 day advertised consultation period with detailed results provided in Attachment 2.

COMMENT

In addition to the amendments to the revised *Memorials in Public Reserves Policy*, there are a number of intended supplementary changes to the application process. These process changes seek to both inform the community through improved and clear information, as well as streamlining the application process to make it easier for both the applicant and the City to consider and process memorial requests.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ228-12/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 29 November 2016.

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

MOVED Cr Gobbert, SECONDED Cr Hollywood that Council ADOPTS the revised *Memorials in Public Reserves Policy* as detailed in Attachment 1 to Report CJ228-12/16.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf161206.pdf](#)

CJ229-12/16 DRAFT PRIVATE CLUBS, INSTITUTIONS AND PLACES OF WORSHIP ZONE LOCAL PLANNING POLICY

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	106237, 101515
ATTACHMENTS:	Attachment 1 Draft <i>Private Clubs, Institutions and Places of Worship Zone Local Planning Policy</i> Attachment 2 Location of land proposed to be zoned Private Clubs, Institutions and Places of Worship Zone under draft Local Planning Scheme No. 3
AUTHORITY/DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2 (DPS2)*, while other development requirements are contained within local planning policies.

In relation to the City's draft new *Local Planning Scheme No. 3 (LPS3)*, it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and contained within local planning policies.

The draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy* contains the development requirements for development on land that will be zoned 'Private Clubs, Institutions and Places of Worship' under LPS3. It builds on the existing development provisions contained within DPS2. Provisions relating to building setbacks, building height, built form design, parking standards and access, landscaping and servicing arrangements have been included in the draft policy to facilitate development with a high standard of amenity and functionality.

Relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*, the *Small Scale Renewable Energy Systems Policy* and the *Use of Sea Containers Policy* have also been included in order to consolidate relevant development provisions within one policy.

It is therefore recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2 (DPS2)*, such as building setbacks, parking standards and landscaping while other development requirements, such as signage, building height and small scale renewable energy systems, are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3 (LPS3)*, it was proposed that all the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without the need to justify specific details to the WAPC. Essentially, it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of the draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this draft local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no relevant provisions to guide non-residential development in the 'Private Clubs, Institutions and Places of Worship' zone.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise the draft LPS3. The Department of Planning has recently advised that, subject to some required modifications, the draft scheme is suitable to be advertised for public comment.

DETAILS

The draft policy provides the development requirements for non-residential development on land to be zoned 'Private Clubs, Institutions and Places of Worship' within draft LPS3 (Attachment 1 refers). A map showing the locations of land proposed to be zoned 'Private Clubs, Institutions and Places of Worship' zone under LPS3 is at Attachment 2.

The current provisions contained within DPS2 have been reviewed and a local planning policy has been developed. The main changes proposed through the policy are outlined below.

Setbacks to buildings

Unlike other zones, the 'Private Clubs, Institutions and Places of Worship' zone are mostly individual stand-alone lots rather than a series of adjoining lots or a large centre that have the same zoning and will create their own streetscape. The types of uses within the subject zone are also variable, from golf courses to small churches within residential areas.

It is considered that the existing DPS2 building setback of nine metres on primary street frontages for non-residential buildings is excessive. Given that it is not readily anticipated what the building setbacks on adjoining lots are likely to be, a proposed street setback of six metres is considered appropriate, particularly within residential areas where the density code of R20 requires an average building setback of six metres.

Currently under DPS2, the rear building setback required is six metres and the side setback is three metres. It is recommended that side and rear setbacks to buildings be made a consistent standard of a minimum of three metres as generally it makes little difference to neighbouring properties and the streetscape whether a boundary that is not a street boundary is a rear or side boundary.

Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted by Council at its meeting held on 15 December 2015 (CJ228-12/15 refers) and no changes to buildings heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into the relevant zone and use based policies and therefore this policy will ultimately be revoked.

Built form and design

DPS2 contains very few provisions regarding the design and built form of non-residential development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, and building entrances. These standards are not considered onerous or overly restrictive, but will ensure that development positively contributes to the street and local environment.

Retaining walls

Currently, DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is to be provided between tiered retaining walls to soften the visual impact of those walls.

Parking and access

Car parking

Within the 'Private Clubs, Institutions and Places of Worship' zone, a range of different land uses can be contemplated.

DPS2 currently includes car parking standards for most land uses listed in DPS2, but not all of them. Where a car parking standard is currently listed in DPS2, that standard has been included in the draft policy. As it is considered appropriate for each land use in LPS3 to have an applicable parking standard, the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Private Clubs, Institutions and Places of Worship' zone.

In addition, some of the parking standards have been updated to make them easier to apply. For example, parking standards for Hotel and Tavern have been modified from 'one per 3m² of standing area plus one per 5m² of seating area' to simply 'one per 5m² of bar and dining area'. The parking standard for Recreation Private has been modified from 'one per 2.5 people accommodated' to 'one per four people accommodated'. This is to align the parking standard with the existing standard for similar land uses such as 'Place of Assembly', 'Place of Worship' and 'Reception Centre'.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to the lot and building.

Scooter and motorbike parking

Scooter and motorbike parking standards have been included as previously requested by the Policy Committee at its meeting held on 12 November 2012. These standards require the replacement of every 30th car bay with two scooter / motorbike bays.

Bicycle parking

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street. There is no requirement for landscaping where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping with the setback area, but still allows for landscaping to soften the appearance of buildings and improve the visual amenity of the streetscape. The policy also includes the introduction of a minimum size for landscaping areas, being 4m², to ensure a usable area of land is provided.

Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air conditioning units and rainwater tanks have been included requiring that they are concealed from the street or located on the roof or basement. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Private Clubs, Institutions and Places of Worship' zone have been incorporated into this draft policy.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have also been incorporated. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

Issues and options considered

Council has the option to either:

- advertise the *Private Clubs, Institutions and Places of Worship Local Planning Policy*, with or without modifications
or
- not support the advertising of the *Private Clubs, Institutions and Places of Worship Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015. Draft Local Planning Scheme No. 3.</i>
Strategic Community Plan	
Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Policy	<i>Height of Non-Residential Buildings Local Planning Policy. Small Scales Renewable Energy Systems Policy. Use of Sea Containers Policy.</i>

Risk Management considerations

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

Appropriately designed and developed buildings provide economic and social benefits to the community in which they are situated as they provide employment and social inclusion opportunities.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy to be advertised for public comment for a period of not less than 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the 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 proposed policy is considered to be consistent with the *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the draft LSP3 by Council, it is recommended that the draft *Private Clubs, Institutions and Places of Worship Local Planning Policy* be progressed to ensure that provisions are in place that will encourage development that positively contributes to the surrounding area.

It is therefore recommended that Council advertises the draft revised *Private Clubs, Institutions and Place of Worship Local Planning Zone Policy* for public comment for a period of 21 days.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ229-12/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 29 November 2016.

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

MOVED Cr Gobbert, SECONDED Cr Chester that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES draft *Private Clubs, Institutions and Places of Worship Zone Local Planning Policy*, as shown in Attachment 1 to Report CJ229-12/16, for a period of 21 days.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf161206.pdf](#)

CJ230-12/16 DRAFT CONSULTING ROOMS LOCAL PLANNING POLICY

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development
FILE NUMBER:	101289, 101515
ATTACHMENTS:	Attachment 1 <i>Draft Consulting Rooms Local Planning Policy</i> Attachment 2 <i>Current Consulting Rooms Policy</i>
AUTHORITY/DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft *Consulting Rooms Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2 (DPS2)*, while other development requirements are contained within local planning policies. In relation to the City's draft new *Local Planning Scheme No. 3 (LPS3)*, it was proposed to Council at its meeting held on 16 February 2016 that most development requirements be removed from LPS3 and contained within local planning policies (CJ005-02/16 refers).

The existing *Consulting Rooms Policy* requires review as a result of the changes between DPS2 and LPS3. The current provisions contained within DPS2 and the existing policy have been reviewed and a revised local planning policy has been developed. The draft policy includes provisions from DPS2 for parking and landscaping and relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*. Provisions from the existing policy have also been retained such as the requirement to avoid the conglomeration of consulting rooms in residential areas.

As with the existing policy, the draft *Consulting Rooms Policy* only applies to consulting rooms in residential areas. For consulting rooms in other areas, the relevant policy applicable to that zone will apply.

It is therefore recommended that Council supports the draft revised policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

Currently, certain development requirements are contained in the City's *District Planning Scheme No. 2 (DPS2)*, while other development requirements are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3 (LPS3)*, it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73 (CJ005-02/16)* refers).

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially it provides Council with control over its own development provisions and will ultimately save time as any updates to the development provisions will only need to be approved by Council rather than via a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34 (2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the site and development requirements of the scheme. There is no greater certainty including development provisions in the scheme as opposed to a local planning policy as both can be varied.

In addition, locating the development requirements in local planning policies provides ease of use for applicants as the provisions are found in one place rather than some in the scheme and some in local planning policies.

The existing *Consulting Rooms Policy* requires review as a result of the removal of the development provisions from DPS2, which will now be included in the policy. If the revised policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would not be sufficient provisions to guide the development of consulting rooms in residential areas. It is noted that, as with the existing policy, the draft *Consulting Rooms Local Planning Policy* only applies to consulting rooms in residential areas; it does not apply to consulting rooms in other areas as these would be covered by the relevant policy for that zone.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. The WAPC has recently advised that draft LPS3 is suitable for advertising subject to a number of modifications which are currently being undertaken by the City. It is anticipated that draft LPS3 will be advertised for public comment before the end of the year.

DETAILS

As with the existing policy, the draft policy applies to consulting rooms on land zoned 'Residential', 'Special Residential' and the 'Urban Development' zone where the structure plan applies the 'Residential' zone (Attachment 1 refers).

It is noted that the definition of 'Consulting Rooms' within the *Planning and Development (Local Planning Scheme) Regulations 2015* allows up to two practitioners to operate at the same time and this definition is now included in DPS2. Previously the definition of Consulting Rooms only permitted one practitioner to operate from a site.

The current provisions contained within DPS2 and the existing policy have been reviewed and a revised local planning policy has been developed, however it is noted the majority of the provisions have been working well and remain relevant. The main policy provisions including proposed changes are outlined below.

Location

The location requirements in the current policy to avoid the conglomeration of consulting rooms in residential areas have been retained, as has the preference that battle-axe lots and lots at the head of a cul-de-sac be avoided due to the potential traffic issues created as a consequence of the concentration of activity.

Building setbacks

The building setbacks for non-residential buildings are currently contained in DPS2 and are applied to consulting rooms in residential areas, although the existing policy does indicate that variations may be considered to more appropriately reflect building setbacks in the immediate vicinity. The non-residential building setbacks are large, being a nine metre front setback, six metre rear setback and three metre side setback.

It is considered that these setbacks do not assist in creating a building that is in keeping with the residential area in which it is located. Therefore, it is proposed within the draft policy that building setbacks be assessed in accordance with the *Residential Design Codes* and the City's *Residential Development Local Planning Policy*, rather than simply including the non-residential building setbacks in DPS2. This will allow new buildings and additions to existing buildings to be set back in keeping with the existing residential environment and maintain the residential streetscape. It is noted that medical consulting rooms proposed in other zones will be assessed against the relevant development policy for that zone, such as *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.

Building height

The proposed building height is the same as that listed in the *Height on Non-Residential Buildings Local Planning Policy* for development in the 'Residential' zone, being a maximum height equivalent to two storeys. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into each relevant policy and therefore this policy will ultimately be revoked.

Building design

The draft policy seeks to maintain the requirement that buildings must be of residential appearance and in keeping with the surrounding environment. An additional provision has been included that buildings and any additions must be consistent in style with any existing development on site and maintain the character of the local area. This provision is similar to that within the *Residential Development Local Planning Policy* and will help to ensure that buildings maintain a residential appearance and fit in with the surrounding environment despite being a non-residential land use.

Car parking and access

The proposed car parking standard is the same as currently within DPS2, being five car bays per practitioner.

The car park design requirements have been retained from the current policy in regard to car parking being located at the rear of the building and minimised in front of the building, in order to maintain a residential streetscape. A new provision has been included in the draft policy to require a maximum of two three metre wide crossovers or one six metre wide crossover. This is also to assist in retaining a residential appearance.

Bicycle parking

The Austroad guidelines encourage bicycle parking to be provided at a rate of one employee space per eight practitioners, and one space per four practitioners for visitors, although no minimum provision is stated. Given the small scale of the subject consulting rooms (maximum of two practitioners), it is considered that the provision of two bays for use by staff or visitors would be adequate.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required, being 8% of the site. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street. There is no requirement for landscaping where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. A minimum size of 4m² for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Hours of operation

The hours of operation are proposed to be the same as in the current policy, being Monday to Friday 8.00am to 6.00pm, Saturday 9.00am to 5.00pm, with no operation on Sundays. There is the option to modify the hours to include Sundays. However, there appears to currently be limited demand for this, and as the policy only applies to consulting rooms in residential areas, it is considered appropriate to maintain the existing hours of operation in the interests of protecting residential amenity.

Public consultation

The requirement to advertise a new consulting rooms proposal to adjoining and nearby landowners for a period of 14 days has been retained in the draft policy. It has also been clarified that any intensification of an existing use, for example by increasing the number of practitioners, will also require consultation to be undertaken.

Issues and options considered

Council has the option to either:

- advertise the draft *Consulting Rooms Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Consulting Rooms Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Consulting Rooms Policy.*

Risk Management considerations

General development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. The proposed amendments to the policy are considered non-minor and therefore the draft revised policy should be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the 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 proposed policy is considered to be consistent with any State Planning Policy.

COMMENT

In accordance with the review and subsequent endorsement of the draft LSP3 by Council, it is recommended that the draft revised *Consulting Rooms Local Planning Policy* be progressed to ensure that provisions are in place to guide the establishment of consulting rooms in residential areas in a manner that will not have a negative impact on residential amenity.

The main difference between the existing *Consulting Rooms Policy* and the revised *Consulting Rooms Local Planning Policy* is that the revised policy contains all the development provisions in the policy, rather than referencing development standards in the scheme. No major changes to the intent of the development provisions are proposed and the locational requirements to avoid the adverse cumulative impact of consulting rooms in residential areas have been retained.

It is therefore recommended that Council advertise the draft revised *Consulting Rooms 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 CJ230-12/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 29 November 2016.

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

MOVED Cr Gobbert, SECONDED Cr Poliwka that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES draft *Consulting Rooms Local Planning Policy*, as shown in Attachment 1 to Report CJ230-12/16, for a period of 21 days.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf161206.pdf](#)

CJ231-12/16 DRAFT SHORT-TERM ACCOMMODATION LOCAL PLANNING POLICY

WARD:	All	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Community Development	
FILE NUMBER:	72584,101515	
ATTACHMENTS:	Attachment 1	Draft <i>Short-term Accommodation Local Planning Policy</i>
	Attachment 2	Current <i>Short Stay Accommodation Policy</i>
	Attachment 3	Current <i>Bed and Breakfast Accommodation Policy</i>
AUTHORITY/DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider the draft *Short-term Accommodation Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Two City policies are currently in place that relate to short-term accommodation, being the *Short Stay Accommodation Policy* and *Bed and Breakfast Accommodation Policy*. In light of the support by Council for the advertising of draft *Local Planning Scheme No. 3 (LPS3)*, these policies are to be reviewed.

The term 'Short-Stay Accommodation' as currently used in *District Planning Scheme No. 2 (DPS2)* prohibits this land use in the 'Residential' zone. The *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* now provides four separate land use definitions for short-term accommodation; 'Holiday house', 'Holiday Accommodation', 'Serviced Apartment' and 'Bed and Breakfast'. These definitions are included in the draft LPS3 and are currently listed as discretionary ('D') land uses within the 'Residential' zone.

The draft *Short-term Accommodation Local Planning Policy* (Attachment 1 refers) is based on a review of the provisions within the City's existing *Short Stay Accommodation Policy* and *Bed and Breakfast Accommodation Policy*. It is considered appropriate to combine the two policies into one policy covering all short-term uses, and the new policy will contain provisions to encourage well managed accommodation for use by visitors, which minimises the impact on the amenity of surrounding residential areas. While the draft provisions are based on those within the current policies, given the new land use definitions and the shift to allow short-term accommodation to be approved in the 'Residential' zone, as provided for in draft LPS3, modified and additional provisions are proposed as outlined in Report CJ231-12/16.

It is therefore recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

Currently, with the exception of land use permissibility, DPS2 does not contain any general development requirements relating to short-term accommodation, as these are contained with the existing *Short Stay Accommodation Policy* (Attachment 2 refers) and *Bed and Breakfast Accommodation Policy* (Attachment 3 refers). It is proposed through draft LPS3 that general development requirements will be located within local planning policies, with the exception of the necessary 'head of power' provisions for cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

The LPS Regulations include four land use definitions that relate to short-term accommodation and that are relevant to this policy, as well as a definition of 'short-term accommodation' itself. The definitions are:

- **Bed & Breakfast**, means a dwelling –
 - (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than four (4) adult persons or one family; and
 - (b) containing not more than two (2) guest bedrooms.
- **Holiday House**, means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
- **Holiday Accommodation**, means two (2) or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
- **Serviced Apartment**, means a group of units or apartments providing –
 - (a) self-contained short stay accommodation for guests; and
 - (b) any associated reception or recreational facilities.
- **Short-term Accommodation**, means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three (3) months in any 12 month period.

Draft LPS3 includes the above definitions, however the existing *Short Stay Accommodation Policy* does not apply to the 'Residential' zone as currently, short-stay accommodation is not permitted in this zone.

The table below reflects land use permissibility of short-term accommodation within draft LPS3.

USE AND DEVELOPMENT CLASS	ZONES								
	RESIDENTIAL	SPECIAL RESIDENTIAL	MIXED USE	COMMERCIAL	SERVICE COMMERCIAL	LIGHT INDUSTRY	PRIVATE CLUBS, INSTITUTIONS & PLACES OF WORSHIP	CENTRE	URBAN DEVELOPMENT
Bed and Breakfast	D	D	D	P	X	X	D	*	**
Holiday Accommodation	D	X	D	D	X	X	D		
Holiday House	D	X	D	D	X	X	D		
Serviced Apartment	D X	X	D	D	X	X	D		

* Development and use of land is to be in accordance with an approved activity centre structure plan prepared and adopted under Part 4 of the deemed provisions.

** Development and use of land is to be in accordance with an approved structure plan prepared and adopted under Part 4 of the deemed provisions.

In regard to the above table, it is noted that the Western Australian Planning Commission (WAPC), in assessing draft LPS3, has required the land use 'Serviced Apartment' be an 'X' (not permitted) use within the 'Residential' zone. It has been clarified that a serviced apartment would usually take the form of a larger short-term accommodation building that has a dedicated reception, along the lines of the 'Quest' apartment chain.

This draft local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no relevant provisions to guide short-term accommodation in the 'Residential' zone.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise draft LPS3. The Department of Planning has recently advised that, subject to some required modifications, the draft scheme is suitable to be advertised for public comment.

It is noted that the accommodation offered on platforms such as Airbnb and Stayz will fall into one of the categories of short-term accommodation outlined above, and will be subject to the approval considerations and requirements as with any form of short-term accommodation.

DETAILS

The draft *Short-term Accommodation Local Planning Policy* aims to establish a framework for assessment of applications for short-term accommodation through provisions which encourage good quality, well managed accommodation for use by visitors, which minimise the impact on the amenity of surrounding residential areas.

The draft *Short-term Accommodation Local Planning Policy* includes the following provisions (summarised):

- Car parking requirements, including one bay per bedroom for bed and breakfast uses, and compliance with the provisions of the *Residential Design Codes* for the other short-term uses.
- The submission of a management plan to address issues including complaint handling procedures, management of anti-social behaviour, waste management procedures.
- The requirement to keep a guest register.
- The requirement to include justification with the application as to how the proposed use will be compatible with the adjoining area and is consistent with the objectives of this policy.
- Public consultation procedures, including advertising to adjoining owners for a period of 14 days.
- The requirement for any new short-term accommodation building where the provisions of the 'Residential' zone apply to meet the provisions of the *Residential Design Codes*.

It is noted that the current provisions contained within the existing *Short Stay Accommodation Policy* and *Bed and Breakfast Accommodation Policy* have been reviewed, with amendments proposed through the implementation of this draft policy. The main changes proposed are outlined below.

General

The draft policy applies to all 'Bed & Breakfast', 'Holiday House', 'Holiday Accommodation' and 'Serviced Apartment' uses, including within the 'Residential' zone. Currently, the existing policy only applies to commercial zones as short-term uses (with the exception of a bed and breakfast) are not permitted within the 'Residential' zone.

Car parking

On-site car parking bays are to be provided in accordance with the *Residential Design Codes* (R-Codes) *clause 5.3.3 Parking* for Location B. The R-Codes provide for a lesser parking standard where a site is located close to public transport (Location A), however, it is considered appropriate that the car parking be maintained at two bays for a two+ bedroom dwelling regardless of location to ensure that parking is provided for the short-stay use. In addition to this, one car parking bay per guest bedroom is required to be provided for 'bed and breakfast' uses.

See the table below for clarification as to the R-Code clause 5.3.3 Parking requirements.

Type of Dwelling	Car Parking Spaces	
	Location A	Location B
One bedroom dwelling	1	1
Two+ bedroom dwelling	1	2

Management Plan

As with the existing policies, the draft policy requires the submission of a management plan which is required to include detailed information as to how the accommodation will be managed, operated, and maintained. It is considered important that the operator be responsible for the maintenance of the amenity afforded to the surrounding areas, and for the operator to manage any arising issues.

The requirement for the operation of the short-term accommodation in accordance with the approved management plan will be included as a condition of any development approval issued.

From discussions with the Holiday Rental Industry Association, it is understood that platforms such as Airbnb and Stayz will also take seriously any lack of action by property owners to ensure the accommodation is operated in accordance with their standards and policies, and may lead to listings being removed from the website(s).

Locational criteria

The current *Bed and Breakfast Accommodation Policy* has a statement encouraging the use to be located close to high frequency public transport, commercial centres, beaches, or tourist attractions. In practice, however, it is not reasonable to mandate these locations as the only suitable locations.

Information obtained from the Holiday Rental Industry Association indicates that studies show that short term accommodation is used by a wide range of people, for a wide range of purposes. It is not limited to tourist activities, and therefore limiting short-term accommodation to tourist or coastal areas, for example, would not meet the demand for this form of accommodation.

It is therefore not proposed to impose particular locations for the operation of short-term accommodation. Rather, the provisions of the draft policy aim to ensure that the operation of the accommodation is appropriate to its proposed location.

Planning application requirements

Although it is not considered appropriate to restrict the location of short-term accommodation to particular residential densities, it is considered appropriate for justification to be provided by the applicant outlining why the short-term accommodation will be compatible with the adjoining area and consistent with the objectives of the policy.

Public consultation

It is proposed that all new applications for short-term accommodation within areas where the provisions of the 'Residential' zone apply will be advertised for a period of 14 days by giving notice to owners and occupiers of properties in the vicinity of the development who may be affected by the proposed development.

As these land uses will generally only be of relevance to the local nearby residents, it is proposed to remove the requirement to place a notice on the City's website as is currently required for bed and breakfast proposals.

Where an application involves short-term accommodation in a strata title arrangement, the strata body will be consulted. This is to assist in ensuring that the short-term accommodation is compliant with the regulations governing ownership of the property, and gives the ability for the strata body to consult with its owners.

It is not proposed to specify particular advertising requirements for short-term accommodation proposals in zones other than the 'Residential' zone, as the amenity impacts are unlikely to be any greater than other permitted uses in those zones. A proposal may still be advertised if considered appropriate, in accordance with the provisions of the planning scheme and the LPS Regulations.

Development requirements for short-term accommodation

Proposals to utilise existing dwellings for short-term accommodation uses are treated as change of use applications. Applications for purpose built short-term accommodation within the areas subject to the provisions of the 'Residential' zone are to be subject to the siting and design requirements applicable under the R-Codes, as well as the City of Joondalup *Residential Development Local Planning Policy*.

The exception to this is purpose built serviced apartments which will be subject to the development provisions of the applicable zone.

The policy also incorporates measures to reduce the potential amenity conflicts between serviced apartments and permanent residential dwellings on the same site or building by stating that serviced apartments are to be designed so as to separate short-term accommodation from permanent occupancy dwellings located on the same site or building.

Signage

The existing *Bed and Breakfast Accommodation Policy* includes details of the signage permitted in association with that use. However, it is considered appropriate that all signage provisions be consolidated with the City's *Signs Policy*, which is to be reviewed shortly. Therefore, the draft policy states that signage associated with short-term accommodation is to be in accordance with the *Signs Policy*.

Annual development approval renewal

The existing *Bed and Breakfast Accommodation Policy* indicates that this use will be limited to a 12 month approval period. In addition, currently, the *Short Stay Accommodation Policy* states that proposals that adjoin the 'Residential' zone, or are on a site that contains more than one dwelling, would also be limited to a 12 month approval period.

However, similar to home business approvals, it is not valid to arbitrarily limit an approval period where there is no justification to do so. Therefore, the draft policy does not include any time-limited approval provisions. In the event of a substantiated complaint in relation to the operation of a short-term accommodation activity, compliance action will be undertaken in accordance with established procedures.

Issues and options considered

Council has the option to either:

- advertise the draft *Short-term Accommodation Local Planning Policy*, with or without modifications
or
- not support the advertising of the draft *Short-term Accommodation Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective	Quality built outcomes.
Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
Key theme	Economic Prosperity, Vibrancy and Growth.
Objective	Destination City.
Strategic initiative	Encourage diverse accommodation options.
Policy	<i>Short Stay Accommodation Policy.</i> <i>Bed and Breakfast Accommodation Policy.</i>

Risk Management considerations

If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional Significance

Not applicable.

Sustainability implications

The opportunity for the increased provision of short-term accommodation will improve economic sustainability by providing further opportunities for local businesses and tourism.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. Any proposed amendment to the existing policy would be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the policy is inconsistent with any *State Planning Policy*, then notice of the proposed policy is to be given to the WAPC. The proposed policy is not considered to be inconsistent with any *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the draft LPS3 by Council, it is recommended that the draft *Short-Term Accommodation Local Planning Policy* be progressed to ensure that provisions are in place that will facilitate well managed short-term accommodation opportunities.

It is therefore recommended that Council advertises the draft *Short-term Accommodation 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 CJ231-12/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 29 November 2016.

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

MOVED Cr Gobbert, SECONDED Cr Norman that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Short-term Accommodation Local Planning Policy*, as shown in Attachment 1 to Report CJ231-12/16, for a period of 21 days.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf161206.pdf](#)

CJ232-12/16 KEEPING OF POULTRY ON RESIDENTIAL LAND

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	01152, 101515
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the merits of developing a policy to restrict the number of poultry that are able to be kept on a residential property.

EXECUTIVE SUMMARY

At its meeting held on 7 June 2016, the Policy Committee resolved:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the merits or otherwise of developing a policy restricting the number of chickens able to be kept at a residential property.”

The *City of Joondalup Animals Local Law 1999* (the local law) contains provisions that relate to the keeping of poultry on residential land, including a limit on the maximum number of poultry that may be kept. Complaints investigated by the City in regard to the keeping of poultry are largely due to poor maintenance, and generally do not relate to the number of poultry being kept.

While a policy can provide guidance and direction on the way certain matters may be administered, a policy cannot override a local law. It is therefore not appropriate for a policy to place a restriction on the number of poultry that may be kept on residential land.

The introduction of a new *Public Health Act 2016* (the Act), will likely require a review of the existing local law, during its phased implementation over the next three to five years.

Benefits of allowing poultry to be kept on residential land include providing education for children, promoting interaction within communities, providing fresh food sources in the home and connecting people to the environment, food and animals.

It is therefore recommended that Council:

- 1 *NOTES that the City of Joondalup Animals Local Law 1999 contains provisions that restrict the number of poultry that may be kept on residential land;*

- 2 *DOES NOT SUPPORT the development of a policy that relates to the maximum number of poultry that may be kept on residential land as a policy cannot override a local law.*

BACKGROUND

At its meeting held on 7 June 2016, the Policy Committee resolved:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the merits or otherwise of developing a policy restricting the number of chickens able to be kept at a residential property”.

The local law contains provisions that relate to the keeping of poultry on residential land. The local law defines poultry as ‘*any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock*’. The keeping of a rooster, turkey, goose or geese, peacock or peahen, is not permitted in a residential area.

The local law provides restrictions on the design and maintenance of enclosures designed to keep poultry, as well as limiting the number of poultry that may be kept in a residential area.

This includes the following:

- Poultry must be kept in a shed or hut designed with a deep litter system.
- The floor shall be concrete, brick paving, compressed limestone or any other suitable impervious surface.
- Frames shall be of timber, steel, brick or other approved material.
- Cladding shall be of sheet metal, brick, weatherboard or other materials approved by an Environmental Health Officer.
- The roof shall have sufficient slope to shed storm water.
- Construction shall be of a sound and weatherproof manner and to be between 1.5 metres to two metres in height.
- Provision must be made for adequate ventilation during hot weather.
- The minimum size must allow for at least 0.3m² for each and every bird kept.
- The roof, walls, floor, doors and ventilating panels must be maintained in good order and condition at all times.
- The floor must be covered with a layer of dry sand or sawdust at least 75 millimetres deep.
- Sawdust or sand must be kept dry at all times and be changed at least once every six months or when directed by an Environmental Health Officer.
- A person shall not permit a poultry shed to be nearer than one metre from the boundary or nine metres from any dwelling house or street.
- A person shall not keep more than 12 poultry (including a maximum of two ducks) in any residential area.

These requirements are designed to manage issues that may be associated with the keeping of poultry, such as noise, odours and harbouring vermin.

DETAILS

Since 1 September 2014, the City has received 20 individual complaints regarding the keeping of poultry on residential land. Of those, six were complaints of poultry escaping their enclosure and entering another person’s land and 14 were related to issues on odour, vermin or noise.

Of the 14 complaints that have been received in relation to odour, vermin or noise, investigations concluded that the lack of maintenance and incorrect construction of poultry enclosures were the cause of the issue on each occasion.

The number of poultry being kept on residential land has not been identified as the cause for any issues in regard to amenity.

Local government comparison

An informal survey of other local governments has been undertaken to compare requirements for keeping poultry on residential land under individual local laws and the frequency and nature of complaints that are received. There were 14 responses received that have been summarised in the table below:

Name of Local Government	Number of poultry permitted	Number of complaints received (since 1 September 2014)	Nature of complaints
City of Joondalup	12	20	Complaints are based on poor maintenance and poorly designed structures that do not meet the local law. Key issues are odours and vermin.
Town of East Fremantle	12	2	Structures too close to the boundary.
City of Bayswater	Varying scale allows up to 20 for 2,000m ²	6	Majority relate to roosters being kept, or proximity to boundaries.
City of Stirling	6	93	Majority relate to maintenance issues and locations of structure. A minority relate to the number of chickens.
Town of Victoria Park	12	2	
City of Belmont	12	23	Poor maintenance and construction, resulting in vermin and odours.
City of South Perth	12	7	Poor construction and maintenance are the key issues.
Town of Cambridge	12	0	Not applicable.
City of Wanneroo	12	2	Poor maintenance is the main cause of concern.
City of Canning	6 (with minimum lot size)	60	Odour is the primary concern due to poor maintenance.
City of Cockburn	12	2	Main issue is odour.
City of Bunbury	6	4	Odour issues relating to poor maintenance of poultry enclosures and proximity to neighbours.
City of Gosnells	6	10	About half of complaints received relate to the number of chickens being kept.
City of Subiaco	12	0	Not applicable.
Town of Cottesloe	12	0	Not applicable.

Although some information provided may be anecdotal, there is clear evidence to suggest that poor maintenance and design of structures used for keeping poultry are the significant factors that may cause amenity issues.

Implementation of a policy in conflict of the Local Law

While a policy can provide guidance and direction in the way certain matters may be administered, a policy cannot override a legislative requirement.

The local law stipulates that a person may keep up to 12 poultry (a maximum of two ducks) and contain provisions that manage issues relating to amenity. A policy on the number of poultry that may be kept, cannot prevent a person from keeping up to 12 poultry on residential land.

Introduction of the Public Health Act

The *Public Health Act 2016*, received Royal Assent on 26 July 2016 and will be implemented in five stages over the next three to five years. During this time, amendments will be made to section 3.5 of the *Local Government Act 1995*, to allow local laws relating to public health to be made under that Act.

The Act will provide a flexible and proactive framework for the regulation of public health matters.

The City's existing local laws will need to be reviewed at that time and new local laws may need to be developed. It is likely that a model local law would be developed in consultation with local government.

Arbitrary restrictions on the number of poultry that may be kept on residential land may not be required, where regulations developed during the phased implementation of the Act are adequate for managing public health risks.

Issues and options considered

The options available to the Policy Committee are either to:

- support a policy to be developed that relates to the maximum number of poultry that may be kept on residential land
- seek an amendment to the existing local law, reducing the maximum number of poultry that may be kept on residential land
- or
- not support the development of a policy that relates to the maximum number of poultry that may be kept on residential land.

As a policy cannot override a provision of a local law, Option 1 is not recommended. Should this option be exercised, the existing local law provision restricting the number of poultry that are able to be kept on residential land, would need to be repealed. As a consequence, the City would have a reduced ability to take enforcement action in regard to the keeping of poultry.

In consideration that complaints received by the City in regard to keeping of poultry do not relate to the number of poultry, but instead relate to poor maintenance and inadequate design of poultry enclosures, Option 2 is not recommended.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

A policy that restricts the number of poultry that may be kept on residential land would be inappropriate, as the local law would prevail in allowing up to 12 poultry to be kept. A policy cannot amend a local law.

The local law currently provides adequate controls to manage nuisances that may be caused by keeping poultry. The local law contains structural requirements for sheds and huts designed for keeping poultry that allow a deep litter system, deny access to rodents and prevent odours.

On all occasions that the City has been required to respond to a complaint regarding odours or other nuisances associated with the keeping of poultry, the cause has been related to poor maintenance, or inadequate design that is contrary to the local law.

There are many benefits to keeping poultry in the home, including:

- providing a relatively inexpensive pet
- providing education to children, connecting them to the environment, food and animals
- teaching them where food comes from, care and responsibility
- encouraging interaction within communities, such as handing out excess eggs
- providing a fresh food source to the home that can also improve economic wellbeing
- eggs and chicken can be healthier than commercial products due to their living environments that are generally less crowded.

Although the local law allows up to 12 poultry in a residential area, evidence suggests that a person will generally only keep between one and five poultry. Reducing the number of poultry that are permitted to be kept, is therefore unlikely to have any impact on reducing the number of complaints that are received.

In consideration that the number of poultry being kept is not a factor in any complaints the City currently receives and that the local law provides adequate controls where its provisions are met, an amendment to the local law to reduce the number of poultry is not recommended.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ232-12/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 29 November 2016.

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

MOVED Cr Gobbert, SECONDED Cr Chester that Council:

- 1** NOTES that the *City of Joondalup Animals Local Law 1999* contains provisions that restrict the number of poultry that may be kept on residential land;
- 2** DOES NOT SUPPORT the development of a policy that relates to the maximum number of poultry that may be kept on residential land as a policy cannot override a local law.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

CJ233-12/16 DRAFT LIGHT INDUSTRY ZONE LOCAL PLANNING POLICY

WARD	All	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	83628, 101515	
ATTACHMENTS	Attachment 1	Draft <i>Light Industry Zone Local Planning Policy</i>
	Attachment 2	Location of land proposed to be zoned Light Industry under draft <i>Local Planning Scheme No. 3</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.	

PURPOSE

For Council to consider the draft *Light Industry Zone Local Planning Policy* for the purposes of public advertising.

EXECUTIVE SUMMARY

Currently certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), while other development requirements are contained within local planning policies.

In relation to the City's draft new *Local Planning Scheme No. 3* (LPS3), it was proposed to Council at its meeting held on 16 February 2016 (CJ005-02/16 refers) that most development requirements be removed from LPS3 and be contained within local planning policies.

The draft *Light Industry Local Planning Policy* (LPP) contains the development requirements for development on land zoned 'Light Industry' under LPS3. It builds on the existing development provisions contained within DPS2. Provisions relating to building setbacks, building height, built form design, parking standards and access, landscaping, and servicing arrangements have been included in the draft policy to facilitate light industry developments with a high standard of amenity and functionality.

Relevant provisions from other policies such as the *Height of Non-Residential Buildings Local Planning Policy*, the *Small Scale Renewable Energy Systems Policy* and the *Use of Sea Containers Policy* have also been included in order to consolidate relevant development provisions within one policy.

It is therefore recommended that Council supports the draft policy to allow it to be advertised for public comment for a period of 21 days.

BACKGROUND

Currently certain development requirements are contained in the City's *District Planning Scheme No. 2* (DPS2), such as building setbacks, parking standards and landscaping, while other development requirements such as signage, building height and small scale renewable energy systems, are contained within local planning policies.

During the preparation and Council adoption of draft *Local Planning Scheme No. 3* (LPS3), it was proposed that all of the general development requirements be located within local planning policies, with the exception of the necessary 'head of power' provisions, for example, cash-in-lieu for car parking and the dual density code provisions applied under the *Local Housing Strategy Scheme Amendment No. 73*.

This gives Council the ability to adopt and amend these policies without the need to initiate an amendment to the scheme and the need to seek the approval of the Western Australian Planning Commission (WAPC) and Minister for Planning. It also allows Council to formulate and adopt development provisions without needing to justify specific details to the WAPC. Essentially it provides Council with control over development provisions and will ultimately be more efficient as any updates to the development provisions will only require Council approval, rather than a lengthy scheme amendment process.

It should be noted that whether development provisions are located in the planning scheme or in a local planning policy, the ability to vary provisions where it is considered appropriate to do so is still available. Clause 34(2) of draft LPS3 allows the local government to approve an application for development approval that does not comply with the requirements of the scheme. Therefore, there is not necessarily any greater certainty gained by including development provisions in the scheme as opposed to a local planning policy.

In addition, placing the development requirements in local planning policies provides ease of use for applicants as the provisions are consolidated in one document.

As LPS3 does not contain development provisions, this local planning policy needs to be prepared concurrently during the scheme adoption process to ensure that once final approval is given to LPS3, the policy has also been advertised and adopted so that these documents can work together. If the policy is not progressed in a timely manner, there is a risk that the scheme could be adopted and there would be no provisions to guide non-residential development in the 'Light Industry' zone.

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise the draft LPS3. The Department of Planning has recently advised that, subject to required modifications, the draft scheme is suitable to be advertised for public comment.

DETAILS

The draft policy provides the development requirements for light industry development on land to be zoned 'Light Industry' within draft LPS3 (Attachment 1 refers). A map showing the locations of land proposed to be zoned 'Light Industry' under LPS3 is at Attachment 2.

The current provisions contained within DPS2 regulating light industry development within the City have been reviewed and a local planning policy has been developed. The main changes proposed through the policy are outlined below.

Setbacks to buildings

It is proposed that the building setback of six metres on primary street frontages be decreased to 3.5 metres to allow buildings to be built closer to the street boundary. It is considered that a minimum 3.5 metre street setback will allow sufficient space for a pedestrian path and landscaping strip adjacent to the street, and will generally allow a more flexible building design and better utilisation of a site. The setback to a secondary street frontage will remain at three metres.

Currently under DPS2, a nil setback is permitted to the rear and side boundaries. This setback is not proposed to change, however, where a lot abuts a lot in the 'Residential' zone the minimum setback is proposed to be three metres to assist in reducing building bulk and ensuring adequate light and ventilation to the adjoining site is maintained.

Built form and design

DPS2 contains very few provisions regarding the design and built form of light industry development. This policy therefore proposes to include development requirements that provide more guidance on acceptable built form standards. These include provisions relating to building materials, articulation, glazing and building entrances. These standards are not considered onerous or overly restrictive, but will ensure that development positively contributes to the street and local environment.

One of the primary aims of the policy is to ensure that light industry development is street orientated and provides a high standard of amenity. Therefore, minimum glazing requirements have been included, external tenancies are required to be outward facing, and no blank or unarticulated facades to the public realm are permitted.

Retaining walls

Currently DPS2 does not contain development requirements in regard to the height of retaining walls. However, large retaining walls that can be viewed from the street and car parking areas can be visually intrusive and unappealing. Provisions have been developed to ensure that no tier of a retaining wall is greater than one metre in height and that landscaping is to be provided between tiered retaining walls to soften the visual impact of those walls.

Building height

The building heights proposed within the draft policy are in accordance with those in the current *Height of Non-Residential Buildings Local Planning Policy*. This policy was adopted by Council at its meeting held on 15 December 2015 (CJ228-12/15 refers) and no changes to building heights are proposed. The provisions contained in the *Height of Non-Residential Buildings Local Planning Policy* are proposed to be incorporated into other relevant policies and therefore this policy will ultimately be revoked.

Parking and access

Car parking

Within the 'Light Industry' zone, a range of different land uses can be contemplated.

DPS2 currently includes car parking standards for most land uses listed in DPS2, but not all of them. Where a car parking standard is currently listed in DPS2, that standard has been included in the draft policy. As it is considered appropriate for each land use in LPS3 to have an applicable parking standard, the draft policy proposes to include a parking standard for each land use that can be undertaken in the 'Light Industry' zone.

In addition, some of the parking standards have been updated to make them easier to apply. For example, the parking standard for 'Recreation Private' has been modified from one per 2.5 people accommodated to one per four people accommodated. This is to align the parking standard with the existing standard for similar land uses such as 'Place of Worship' and 'Reception Centre'. The other major change is the reduction in the parking standard for Warehouse / Storage from one per 50m² to one per 100m². This land use is less intense than a bulky goods showroom and therefore requires less parking.

Additional provisions for vehicle and pedestrian access have been included to provide safe vehicle and pedestrian access to light industry lots.

Scooter and motorbike parking

Scooter and motorbike parking standards have been included as previously requested by the Policy Committee at its meeting held on 12 November 2012. These standards require the replacement of every 30th car bay with two scooter / motorbike bays.

Bicycle parking

Standards for the provision of bicycle parking facilities have been included. The bicycle parking standards are predominantly based on the guidelines produced by Austroads, the peak organisation of the Australasian road and transport traffic agencies. The requirement for end-of-trip facilities has been included to support bicycle use by requiring facilities for showering and changing.

Servicing

The provisions regarding servicing have been expanded to state that service access must be provided and service yards, as well as bin storage areas, must be screened. In addition, provisions regarding external fixtures such as air-conditioning units have been included requiring that they are concealed from the street or located on the roof or to the rear of the building. Provisions regarding lighting have also been included to minimise the impact of lighting by requiring it to comply with the relevant Australian Standards.

Landscaping

The proposed landscaping requirements are the same as DPS2 in regard to the percentage of landscaping required. However, DPS2 requires a minimum three metre wide landscaping strip along all street boundaries where a development has a car parking area abutting the street. There is no requirement for landscaping where a car parking area does not abut the street. The policy proposes a 1.5 metre wide landscaping strip adjacent to all streets regardless of whether there is a car parking area or not. The policy also includes the introduction of a minimum size for landscaped areas. The reduction in the minimum width of the landscaping strip will provide sufficient space for pedestrian paths and landscaping within the set back area, but still allow for landscaping to soften the appearance of commercial buildings and improve the visual amenity of the streetscape. A minimum size of 4m² for landscaped areas is proposed to be included to ensure a usable area of land is provided.

Sea containers

The provisions of the City's *Use of Sea Containers Policy* that are relevant to the 'Light Industry' zone have been incorporated into this draft policy.

Small scale renewable energy systems

The provisions of the City's *Small Scale Renewable Energy Systems Policy* have been incorporated into this draft policy. It is envisaged that this policy will be revoked once all provisions have been incorporated into the individual zone based policies.

Issues and options considered

Council has the option to either:

- advertise the draft *Light Industry Zone Local Planning Policy*, with or without modifications
- or
- not support the advertising of the draft *Light Industry Zone Local Planning Policy*.

Legislation / Strategic Community Plan / policy implications

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

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy The subject of this report.

Risk management considerations

Development provisions and standards are not included in draft LPS3, and instead are to be outlined in local planning policies. If the policies associated with the new planning scheme are not progressed, there is a risk that the new scheme may become operational without the development provisions and standards needed to assess development applications.

Financial / budget implications

The costs associated with any public advertising and notice of any final adoption will be approximately \$1,000.

Regional significance

Not applicable.

Sustainability implications

Appropriately designed and developed light industry areas provide economic benefit to the broader community in which they are situated as they provide business and employment opportunities.

Consultation

The deemed provisions as set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* require a new policy or non-minor amendment to a policy to be advertised for public comment for a period of not less than 21 days. Any proposed amendment to the existing policy would be advertised for 21 days as follows:

- A notice published in the local newspaper.
- A notice and documents placed on the City's website.

If, in the opinion of the City, the 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 proposed policy is considered to be consistent with *State Planning Policy*.

COMMENT

In accordance with the review and subsequent endorsement of the draft LPS3 by Council, it is recommended that the draft *Light Industry Zone Local Planning Policy* be progressed to ensure that provisions are in place that will create light industry development that positively contributes to the surrounding area.

It is considered that the inclusion of minimum glazing requirements, building materials, building articulation and clearly defined entrances will positively contribute to the development or redevelopment of industrial buildings and will provide a higher standard of amenity than is currently possible under DPS2.

It is therefore recommended that Council advertise the draft *Light Industry Zone 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 CJ233-12/16 (as detailed below) was resolved by the Policy Committee at its meeting held on 29 November 2016.

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

MOVED Cr Gobbert, **SECONDED** Cr Hollywood that Council, in accordance with clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PREPARES** and **ADVERTISES** the draft *Light Industry Zone Local Planning Policy*, as shown in Attachment 1 to Report CJ233-12/16, for a period of 21 days.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf161206.pdf](#)

REPORTS – FINANCE COMMITTEE – 7 DECEMBER 2016

CJ234-12/16 STATUS REPORT ON CITY FREEHOLD PROPERTIES PROPOSED FOR DISPOSAL AND A PROPOSED CROWN LAND ACQUISITION

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	63627, 101515
ATTACHMENTS	Attachment 1 Lot 2 (20) Kanangra Crescent, Greenwood. Attachment 2 Lot 23 (77) Gibson Avenue, Padbury. Attachment 3 Lot 803 (15) Burlos Court, Joondalup. Attachment 4 Lot 1001 (14) Camberwarra Drive, Craigie. Attachment 5 Lots 900 (57) Marri Road, Duncraig Attachment 6 Lot 12223 (12) Blackwattle Parade, Padbury.
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 progress towards the disposal of a number of City owned freehold land sites and the proposed acquisition of a Crown land community purpose reserve.

EXECUTIVE SUMMARY

The City's freehold land disposal project initially included 14 sites with two sites being withdrawn from consideration and seven sites having sold (Table 1 below refers). At its meeting held on 18 October 2016, (CJ172-10/16 refers), Council accepted a tender from Regents Care Pty Ltd resulting in four sites remaining to be sold.

The demolition of the facility on Lot 1001 (14) Camberwarra Drive, Craigie has taken place and the amalgamation of Lot 200 (24), Lot 201 (22) and Lot 202 (20) Kanangra Crescent, Greenwood into one lot – Lot 2 (20) Kanangra Crescent, Greenwood has been finalised; these two sites are now available for disposal. As there are outstanding actions concerning Lot 900 (57) Marri Road, Duncraig, this site is unlikely to be available for disposal until at least March 2017.

As the Christmas and New Year holiday period is approaching and Lot 900 (57) Marri Road, Duncraig is unlikely to be available for disposal until March 2017, rescheduling the sale of the remaining properties is recommended until Lot 900 becomes available. This will allow the City to examine taking all four remaining sites to auction, possibly during April 2017.

An auction of four development sites marketed by a real estate company has the ability to generate an elevated level of interest by developers on a national level. To proceed, suitably qualified real estate companies with proven relevant experience will be requested to provide marketing and pricing submissions.

For the City to conduct a public auction, Council will need to revoke part of its decision from the meeting held on 19 April 2016 (CJ062-04/16 refers), which was to dispose of Lot 1001 (14) Camberwarra Drive, Craigie and Lot 2 (20) Kanangra Crescent, Greenwood by public tender. The remaining part of Council's resolution at its meeting held on 19 April 2016 was to call a public tender for the disposal of Lot 803 (15) Burlos Court, Joondalup. This tender process was actioned and at Council's meeting held on 18 October 2016 (CJ167-10/16 refers), tenders received for the purchase of the site were declined. Subsequently, Council authorised the Chief Executive Officer to dispose of the site by public auction, or private treaty.

With regard to the City's proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury, the City is now in receipt of a contract of sale from the Department of Lands (DoL). On execution of the contract by the City, land transfer actions will commence.

Table 2 of Report CJ235-12/16 provides a summarised account of the progress towards the disposal of the remaining freehold sites and the acquisition of Lot 12223 (12) Blackwattle Parade, Padbury.

It is therefore recommended that Council:

- 1 *NOTES the status report on the progress of the City's proposed disposal of five freehold land sites;*
- 2 *NOTES that Council authorised the Chief Executive Officer to dispose of Lot 803 (15) Burlos Court, Joondalup by public auction or private treaty, at its meeting held on 18 October 2016 (CJ167-10/16 refers);*
- 3 *BY AN ABSOLUTE MAJORITY REVOKES parts 3.2 and 3.3 of its decision of 19 April 2016 (CJ062-04/16 refers) as follows:*
 - 3.2 *Lot 1001 (14) Camberwarra Drive, Craigie;*
 - 3.3 *Lot 200 (24), Lot 201 (22) and 202 (20) Kanangra Crescent, Greenwood when amalgamated and available for disposal;"*;
- 4 *AUTHORISES the Chief Executive Officer to dispose of the following sites by public auction:*
 - 4.1 *Lot 2 (20) Kanangra Crescent, Greenwood;*
 - 4.2 *Lot 900 (57) Marri Road, Duncraig;*
 - 4.3 *Lot 1001 (14) Camberwarra Drive, Craigie;*
- 5 *NOTES that a further status report on the progress of the City's proposed disposal of freehold land and proposed acquisition of a Crown land site will be submitted to a Finance Committee meeting in 2017, at a date to be determined.*

BACKGROUND

The City's freehold land disposal project initially included 14 sites. Lot 181 (4) Rowan Place, Mullaloo (CJ096-05/12 refers) and Lot 971 (52) Creaney Drive, Kingsley (CJ103-06/14 refers) were withdrawn from sale. The total value of the two sites was in the vicinity of \$4.5 million.

Table 1 indicates the seven sites that have sold to-date.

Except for the site that was sold to Masonic Care WA in Kingsley, Council approved the sale of these properties for the development of 'Aged or Dependent Persons' Dwellings' – or unit developments for people over 55 years of age.

Table 1 (GST exclusive)

Property	Date Sold	Sale Price
Lot 200 (18) Quilter Drive, Duncraig.	March 2013	\$1,350,000
Lot 766 (167) Dampier Avenue, Kallaroo.	March 2013	\$1,055,000
Lot 147 (25) Millport Drive, Warwick.	March 2013	\$1,340,000
Lot 613 (11) Pacific Way, Beldon.	March 2013	\$ 700,000
Lot 671 (178) Camberwarra Drive, Craigie.	March 2013	\$ 828,000
Part Lot 549 (11) Moolanda Boulevard, Kingsley.	August 2015	\$1,050,000
Lot 745 (103) Caridean Street, Heathridge.	December 2015	\$ 874,000
	TOTAL	\$7,197,000

At its meeting held on 19 April 2016 (CJ062-04/16 refers) Council resolved in part the following:

"3 *AUTHORISES the Chief Executive Officer to conduct public tenders on the following properties in accordance with section 3.58(2)(b) of the Local Government Act 1995 on setting reserve prices based on current market valuations:*

3.1 *Lot 803 (15) Burlos Court, Joondalup;*

3.2 *Lot 1001 (14) Camberwarra Drive, Craigie;*

3.3 *Lot 200 (24), Lot 201 (22) and 202 (20) Kanangra Crescent, Greenwood when amalgamated and available for disposal;"*

Tenders were called on Lot 803 (15) Burlos Court, Joondalup and those received declined at Council's meeting held on 18 October 2016 (CJ167-10/16 refers). Should Council wish to consider a public auction, parts 3.2 and 3.3 of Council's resolution above will be required to be revoked.

DETAILS

Table 2

	Property Address	Land Disposals – Current Status
1	<p>Lot 2 (20) Kanangra Crescent, Greenwood.</p> <p>Land Area: 3005m².</p> <p>Attachment 1 refers.</p>	<p>The amalgamation of Lot 200 (24), Lot 201 (22) and 202 (20) Kanangra Crescent, Greenwood has now been finalised. The Certificate of Title identifies the new site as Lot 2 (20) Kanangra Crescent, Greenwood.</p> <p>Amendment No. 78 to <i>District Planning Scheme No. 2</i> to recode the land from R20 to R40 and restrict the use to 'Aged or Dependent Persons' Dwellings' was gazetted on 21 October 2016.</p> <p>Outstanding matters have been completed and this property is now ready for sale. Council provided its authorisation to dispose of the site by public tender at its meeting held on 19 April 2016 (CJ062-04/16 refers).</p> <p>Due to the Christmas and New Year holiday period approaching, the disposal of this site will be rescheduled to coincide with the availability of Lot 900 (57) Marri Road, Duncraig, which is likely to be March 2017. This rescheduling provides an opportunity to request submissions from real estate companies with regard to conducting a public auction for the four remaining City properties.</p>
2	<p>Lot 23 (77) Gibson Avenue, Padbury.</p> <p>Land Area: 5,159m².</p> <p>Attachment 2 refers.</p>	<p>This site is zoned Residential with a restricted use to 'Aged or Dependent Persons' Dwellings and it has a density code of R40.</p> <p>A recent public tender process to dispose of this site resulted in Council accepting a tender from Regents Care Pty Ltd at its meeting held on 18 October 2016, (CJ172-10/16 refers). An acceptable purchase price of \$1,800,000 exclusive of GST was provided.</p> <p>Settlement is proposed for 21 December 2016.</p>
3	<p>Lot 803 (15) Burlos Court, Joondalup.</p> <p>Land Area: 4,410m².</p> <p>Attachment 3 refers.</p>	<p>This site is zoned Residential with a restricted use to 'Aged or Dependent Persons' Dwellings and it has a density code of R60.</p> <p>Council declined all tenders received for the sale of Lot 803 (15) Burlos Court, Joondalup (CJ167-10/16 refers) and authorised the Chief Executive Officer to dispose of the property by public auction or private treaty. Under Regulation 30(2)(2a)(b) of the <i>Local Government (Functions and General) Regulations 1996</i>, the City has six months from Council's determination on the tender to dispose of the site by private treaty.</p>

	Property Address	Land Disposals – Current Status
		Unless this site sells prior to 18 April 2017 by private treaty, it can be considered for public auction should the City receive favourable submissions from real estate companies.
4	Lot 1001 (14) Camberwarra Drive, Craigie. Land Area: 2,055m ² . Attachment 4 refers.	This site is zoned Residential with a restricted use to 'Aged or Dependent Persons' Dwellings and it has a density code of R40. The demolition of the facility on the site was undertaken during late October 2016. The site is now ready for disposal. Council provided its authorisation to conduct a public tender on this site at its meeting held on 19 April 2016 (CJ062-04/16 refers). Rescheduling the disposal of this site until early 2017, allows it to be considered for public auction should the City receive favourable submissions from real estate companies.
5	Lot 900 (57) Marri Road, Duncraig. Land Area: 1,366m ² when amalgamated. Attachment 5 refers.	The Duncraig Child Health Centre (CHC) service based at Lot 900 (57) Marri Road, Duncraig will be relocated to the Carine CHC at Lot 159 (487L) Beach Road, Duncraig once the Beach Road facility has been refurbished to accommodate the additional clients. Refurbishment plans are on target and the works should be completed by the end of February 2017. On transfer of the Duncraig CHC service to the refurbished Beach Road facility, the Marri Road facility can be demolished and the property disposed of - potentially at public auction during April 2017. Council requested that on disposal of this site, the purchaser be encouraged to retain existing significant trees.

		Acquisition – Current Status
1	Lot 12223 (12) Blackwattle Parade, Padbury Land Area: 3,332m ² . Attachment 6 refers.	At its meeting held on 24 June 2014 (CJ104-06/14 refers), Council accepted in-principle the Department of Land's (DoL) concessional purchase price of \$88,000 (exclusive of GST) subject to the outcome of a 30-day public advertising period. The DoL advised the City on 13 May 2016 that the Minister for Lands had approved this acquisition. The City has now received the contract of sale from the DoL and transfer actions will commence once the contract is executed. During this acquisition process, the DoL advised that the Department of Planning's (DoP) support was required and the DoP's conditional support was provided. One of the DoP's conditions is that the future sale proceeds from this site are spent on community projects in line with the definition of "Community Purposes" under DPS2.

Acquisition – Current Status	
	<p>The City's community consultation regarding this matter not only dealt with the proposed acquisition of the site, but the consideration of three capital improvement projects for the area. One of these options was Council's preferred project of the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.</p> <p>Advice from the DoP is that projects connected with parking, traffic and pedestrian issues were not considered to fall within the definition of "Community Purposes" under DPS2.</p> <p>In accordance with Council's resolution at its meeting held on 24 June 2014 (CJ104-06/14 refers), the City will now seek clarification from the Minister for Planning and the Minister for Lands regarding the conditions provided to the City on how the proceeds on the proposed disposal of the site should be utilised.</p> <p>At its meeting held on 19 May 2015 (CJ082-05/15 refers), Council requested that an advocacy plan be developed to gain support from the relevant State Government departments to enable the future sale proceeds for this site be utilised on the community's and Council's preferred project which is to install traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury. This advocacy plan has been developed and will be implemented subsequent to the transfer of the site to the City.</p> <p>As the City's ownership of Lot 12223 (12) Blackwattle Parade, Padbury progresses, Council can be requested to consider a rezoning amendment.</p>

Issues and options considered

As detailed in Table 2.

Multiple Dwellings

It is noted that currently where land is coded R40 or higher, there is the potential for multiple dwellings to be developed in accordance with the provisions of the *Residential Design Codes* (R-Codes). A multiple dwelling is basically defined as one dwelling vertically placed above another dwelling. It is not possible to determine the potential number of multiple dwellings that could be achieved on sites coded R40 or higher.

Legislation/Strategic Community Plan/Policy Implications

Legislation

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

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.
Key theme	Financial Sustainability.
Objective	Financial diversity.
Strategic initiative	Identify opportunities for new income streams that are financially sound and equitable.
Policy	<i>Asset Management Policy.</i> <i>Sustainability Policy.</i>

Risk management considerations

Disposal of property needs to comply with the requirements of sections 3.58 and 3.59 of the *Local Government Act 1995*, which are designed to ensure openness and accountability in the disposal process.

It is possible that the reserve price as per the market valuations obtained may not be realised and the City needs to determine reserve prices below which it will not sell.

The recommendations for disposal are based on a combination of the best financial return, planning outcomes and community benefit.

Financial / budget implications

Council has agreed that the proceeds from the sale of freehold land are to be transferred to the Joondalup Performing Arts and Cultural Facility Reserve Fund. The balance of the reserve fund on 28 November 2016 was \$12,258,984.

Proceeds achieved from the future sale of Lot 12223 (12) Blackwattle Parade, Padbury are required to be spent on capital / community projects in line with the definition of "Community Purposes" under DPS2.

The associated main expenditure costs related to the City's disposal of freehold land are legal and settlement fees, advertising costs, valuation costs, land surveying and costs related to subdivision / amalgamations.

Regional significance

Not applicable.

Sustainability implications

The disposal of City freehold land that has been set aside for community use should not be disposed of without there being a nominated purpose addressing a community need.

Concerning the freehold land disposal project to date, Council has supported the restricted use of aged or dependent persons' dwellings providing alternative housing choices for the City's ageing population. The sale proceeds from the eventual disposal of Lot 12223 (12) Blackwattle Parade, Padbury will be used for community projects.

Consultation

Regarding consultation, public auction, public tender and private treaty methods have been used with regard to the City's land disposal project. Advertising is a requirement with all three methods unless, in respect of private treaty, the disposal is exempt under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*.

The statutory public advertising period of 42 days for amendments to DPS2 is the first opportunity for the community to make a submission on proposed land disposals.

The method of community consultation followed during the proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury, was conducted in accordance with the City's approved *Community Consultation and Engagement Policy* and *Community Engagement Protocol*.

COMMENT

At its meeting held on 18 October 2016, (CJ172-10/16 refers), Council accepted a tender from Regents Care Pty Ltd resulting in four sites remaining to be sold.

Lot 1001 (14) Camberwarra Drive, Craigie, Lot 2 (20) Kanangra Crescent, Greenwood and Lot 803 (15) Burlos Court, Joondalup are all available for disposal. Lot 900 (57) Marri Road, Duncraig should be available for sale by March 2017.

Given the approaching holiday period and that Lot 900 (57) Marri Road, Duncraig is not available for disposal until March 2017, Council may wish to consider a public auction in April 2017 to include all four remaining sites. An auction of four development sites that is marketed on a national level will create a level of awareness that is not possible through the public tender process. It has the potential to create a selling environment that could attract larger development companies and offers promotion of the City.

Selected real estate companies will be requested to provide quotations that include information on their experience and capability of conducting an auction involving residential unit development sites. The companies' process, costs and expected timeframes will also be requested. This information will be reported back to the Finance Committee.

The Minister for Lands has approved the acquisition of Lot 12223 (12) Blackwattle Parade, Padbury at the concessional rate of \$88,000 exclusive of GST and a contract of sale received by the City. On the City's execution and return of the contract to the DoL, transfer actions will commence.

A report to Council on the proposed rezoning of the site to a commercial related zone will be submitted in due course.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ234-12/16 (as detailed below) was resolved by the Finance Committee at its meeting held on 7 December 2016.

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

MOVED Cr McLean, SECONDED Cr Logan that Council:

- 1 **NOTES** the status report on the progress of the City's proposed disposal of five freehold land sites;
- 2 **NOTES** that Council authorised the Chief Executive Officer to dispose of Lot 803 (15) Burlos Court, Joondalup by public auction or private treaty, at its meeting held on 18 October 2016 (CJ167-10/16 refers);
- 3 **BY AN ABSOLUTE MAJORITY REVOKES** parts 3.2 and 3.3 of its decision of 19 April 2016 (CJ062-04/16 refers) as follows:
 - “3.2 *Lot 1001 (14) Camberwarra Drive, Craigie;*
 - 3.3 *Lot 200 (24), Lot 201 (22) and 202 (20) Kanangra Crescent, Greenwood when amalgamated and available for disposal;”;*
- 4 **AUTHORISES** the Chief Executive Officer to dispose of the following sites by public auction:
 - 4.1 Lot 2 (20) Kanangra Crescent, Greenwood;
 - 4.2 Lot 900 (57) Marri Road, Duncraig;
 - 4.3 Lot 1001 (14) Camberwarra Drive, Craigie;
- 5 **NOTES** that a further status report on the progress of the City's proposed disposal of freehold land and proposed acquisition of a Crown land site will be submitted to a Finance Committee meeting in 2017, at a date to be determined.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27agn161213.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Christine Hamilton-Prime.
Item No./Subject	CJ235-12/16 – Confidential – Cafés/ Kiosks/ Restaurants - Project Status.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Owners of White Salt are known to Cr Hamilton-Prime.

CJ235-12/16 CONFIDENTIAL – CAFÉS/KIOSKS/RESTAURANTS - PROJECT STATUS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	102656, 101515
ATTACHMENTS	Attachment 1 Pinnaroo Point Site Plan – New Location Attachment 2 Pinnaroo Point Site Plan - Old Location Attachment 3 Burns Beach Master Plan Coastal Node Concept Design <i>(Please Note: This Report and Attachments are confidential and will appear in the official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This item was discussed later in the meeting, page 255 refers.

REPORT OF THE CHIEF EXECUTIVE OFFICER

Disclosures of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ236-12/16 – Future Utilisation of Warrandyte Park and Clubrooms, Craigie.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard's son was a member of the Whitford City Football Club in the 2016 season.

CJ236-12/16 FUTURE UTILISATION OF WARRANDYTE PARK AND CLUBROOMS, CRAIGIE

WARD	Central
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	26068, 101515, 09514, 105535, 104765
ATTACHMENT	Attachment 1 Combined Meeting Notes Attachment 2 Joondalup United Football Club Booking History Attachment 3 Whitford City Football Club Booking History Attachment 4 Football West Venue Requirements Attachment 5 Active Reserve Analysis Attachment 6 City Active Reserve – NPL Requirements
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This item was discussed earlier in the meeting, page 19 refers.

Disclosures of Financial Interest/Proximity Interest

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ237-12/16 – Confidential - Chief Executive Officer - New Contract Of Employment.
Nature of interest	Financial Interest.
Extent of Interest	The item relates to the Chief Executive Officer's contract of employment.

Disclosures of interest affecting impartiality

Name/Position	Mr Mike Tidy, Director Corporate Services.
Item No./Subject	CJ237-12/16 – Confidential - Chief Executive Officer - New Contract Of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mike Tidy's employment relationship with the Chief Executive Officer.

CJ237-12/16 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER - NEW CONTRACT OF EMPLOYMENT

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574, 101515
ATTACHMENT	Attachment 1 Draft new Employment Contract of the Chief Executive Officer for the City of Joondalup (with track changes)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This item was discussed later in the meeting, page 257 refers.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C79-12/16 NOTICE OF MOTION NO. 1 – CR KERRY HOLLYWOOD – DOG EXERCISE PARK – [23475, 78624]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr Hollywood has given notice of her intention to move the following Motion at the Council meeting to be held on Tuesday 13 December 2016.

“That Council REQUESTS the Chief Executive Officer to prepare a report on the potential establishment of a dedicated dog exercise park within the City of Joondalup.”

Reason for Motion

The City of Joondalup does not have a dedicated dog exercise park, despite the popularity of such parks in other local councils both within WA and in the eastern states.

Dedicated dog exercise parks allow dogs to be let off the leash and run around with other dogs freely in their own enclosed play area. They have the freedom to run, play and socialize with other dogs.

It is essential for dogs to be able to exercise – it improves not only their physical health but their mental wellbeing. Symptoms such as excessive barking are often caused by stress, which can be due to long periods of enclosure at home and a lack of exercise.

But many owners (particularly the elderly and those with disabilities, or those with very fast, athletic dogs) often do not feel comfortable letting their dogs off their leashes for fear they will run away. An enclosed, dedicated area where dogs can be allowed to run freely without the ability to escape would alleviate this problem for them. Given that it would be recognised as a dog play area, there would be a high percentage of “dog lovers” using the park, so the risk of an encounter between someone who is afraid of dogs and a dog that is running around off its leash would be reduced.

This would also serve to reduce the incidence of such encounters in other parks and public areas within the City, since there would be fewer dogs running around off their leashes in the other parks and public areas.

Officer’s Comment

A report can be prepared.

MOVED Cr Hollywood, SECONDED Mayor Pickard that Council REQUESTS the Chief Executive Officer to prepare a report on the potential establishment of a dedicated dog exercise park within the City of Joondalup.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

C80-12/16

NOTICE OF MOTION NO. 2 – CR RUSS FISHWICK – LEASE OF AIR SPACE OVER SUMPS – [42666, 78624]

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr Russ Fishwick has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 13 December 2016:

“That Council REQUESTS a report from the Chief Executive Officer on leasing the air space over sumps to enable residential, and where appropriate commercial development, to be undertaken taking into consideration factors such as, but not limited to:

- 1 the use of substructure support (such as concrete decking over the sump);***
- 2 engaging with the private sector to undertake a pilot project.”***

Reason for Motion:

The City of Joondalup has sumps located in residential and commercial areas. In residential areas these pose as a blight on the streetscape, detracting from the amenity of the area. The streetscape could be enhanced if these unsightly sumps were obscured from sight.

The provision of a substructure over the sump in the form of a concrete deck appropriately designed and supported by columns would enable the air space above the sump to be leased for residential or commercial development, while at the same time providing access for City staff to maintain the sump below.

By developing the drainage site, it will improve under-utilised land and improve the safety, maintenance and environmental considerations of the drainage site, as well as the general visual amenity of the whole area.

The major benefit for the City and the community is that this development turns an otherwise liability into an asset through the receipt of on-going lease payments and rates.

The functionality of the drainage site will still continue and be maintained as a drainage site for stormwater throughout development and thereafter.

The project would support the State Government’s policy of preventing the urban sprawl by providing higher density living.

Officer’s Comment

A report can be prepared.

The Manager Governance left the Chamber at 10.09pm and returned at 10.11pm.

Cr Taylor left the Chamber at 10.10pm.

MOVED Cr Fishwick, **SECONDED** Cr Dwyer that Council **REQUESTS** a report from the Chief Executive Officer on leasing the air space over sumps to enable residential, and where appropriate commercial development, to be undertaken taking into consideration factors such as, but not limited to:

- 1 the use of substructure support (such as concrete decking over the sump);
- 2 engaging with the private sector to undertake a pilot project.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman and Poliwka.

C81-12/16

**NOTICE OF MOTION NO. 3 – CR JOHN CHESTER –
VALUE ADDING AND REPLACEMENT OF FELLED CITY TREES –
[02767, 78624]**

In accordance with Clause 4.6 of the *Meeting Procedures Local Law 2013*, Cr Chester has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 13 December 2016.

***“That Council REQUESTS the Chief Executive Officer prepare a report on the establishment of a City policy requiring any large tree which is required to be removed, either by the City or any other agency operating within its borders, to be valued-added as sawn timber or quality furniture. Further, that a tree of the same species be planted as near as practicabl
e to the removal site, resulting in a long-term minimal net loss of trees and canopy cover.”***

Reason for Motion

The community is becoming increasingly concerned about the loss of large mature trees within our City. It is likely that the two objectives outlined in the policy above will ameliorate much of this concern by having felled trees regarded as a valuable and renewable resource. The value adding process worked well with the Masonic Care development and there is no reason to suggest that it could not be effectively applied City wide.

The planting element of the Policy, operating in tandem with the *Leafy City Program*, will greatly assist in the on-going preservation of the City’s urban forest.

Officer’s Comment

A report can be prepared.

Cr Taylor entered the Chamber at 10.13pm.

MOVED Cr Chester, **SECONDED** Cr Logan that Council **REQUESTS** the Chief Executive Officer prepare a report on the establishment of a City policy requiring any large tree which is required to be removed, either by the City or any other agency operating within its borders, to be valued-added as sawn timber or quality furniture. Further, that a tree of the same species be planted as near as practicable to the removal site, resulting in a long-term minimal net loss of trees and canopy cover.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

C82-12/16 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]

MOVED Mayor Pickard, **SECONDED** Cr McLean that Council:

- 1** in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* and clause 5.2(2) of the *City's Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following Items:
 - 1.1** CJ226-12/16 - Confidential – Joondalup City Centre Development – Memorandum of Understanding;
 - 1.2** CJ235-12/16 - Confidential – Cafés/ Kiosks/ Restaurants – Project Status;
 - 1.3** CJ237-12/16 - Confidential – Chief Executive Officer – New Contract of Employment;

- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Items CJ226-12/16 and CJ235-12/16 while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:
 - 2.1** Chief Executive Officer, Mr Garry Hunt;
 - 2.2** Director Corporate Services, Mr Mike Tidy;
 - 2.3** Director Governance and Strategy, Mr Jamie Parry;
 - 2.4** Director Planning and Community Development, Ms Dale Page;
 - 2.5** Acting Director Infrastructure Services, Mr Michael Hamling;
 - 2.6** Manager Governance, Mr Brad Sillence;
 - 2.7** Governance Coordinator, Mr John Byrne;
 - 2.8** Governance Officer, Mrs Lesley Taylor;
 - 2.9** Governance Officer, Mrs Deborah Gouges.

- 3** **PERMITS** the following employees to remain in the Chamber during discussion on Item CJ237-12/16 while the meeting is sitting behind closed doors as detailed in Part 1.3 above:
 - 3.1** Director Corporate Services, Mr Mike Tidy;
 - 3.2** Manager Governance, Mr Brad Sillence.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Members of the staff (with the exception of the Chief Executive Officer, Director Corporate Services, Director Governance and Strategy, Director Planning and Community Development, Manager Governance, Governance Coordinator and two Governance Officers) and members of the public and press left the Chambers at this point; the time being 10.15pm.

Cr Dwyer left the Chamber at 10.15pm.

Disclosures of Financial Interest/Proximity Interest

Name/Position	Cr Russell Poliwka.
Item No./Subject	CJ226-12/16 - Confidential - Joondalup City Centre Development - Memorandum of Understanding.
Nature of interest	Proximity Interest.
Extent of Interest	Cr Poliwka owns property adjacent to the Joondalup City Centre development.

Cr Poliwka left the Chamber at 10.16pm.

CJ226-12/16 CONFIDENTIAL - JOONDALUP CITY CENTRE DEVELOPMENT - MEMORANDUM OF UNDERSTANDING

WARD	North
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	103036, 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.

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

a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

A full report was provided to Elected Members under separate cover. The report is not for publication.

Cr Dwyer entered the Chamber at 10.18pm.

MOVED Mayor Pickard, SECONDED Cr McLean that Council AUTHORISES the:

- 1 Chief Executive Officer to extend the exclusivity period of the Memorandum of Understanding with Devwest Group Pty Ltd for a period of nine months to commence from 11 December 2016;**
- 2 commencement of negotiations with Devwest Group Pty Ltd for a new Memorandum of Understanding for one or more components of the Boas Place Concept Plan or either one or more of the lots or specific sites of the development being Lot 507 (90) Boas Avenue, Lot 496 (70) Davidson Terrace and part Lot 497 (102) Boas Avenue, Joondalup.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman and Taylor.

Disclosures of interest affecting impartiality

Name/Position	Cr Christine Hamilton-Prime.
Item No./Subject	CJ235-12/16 – Confidential – Cafés/ Kiosks/ Restaurants - Project Status.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Owners of White Salt are known to Cr Hamilton-Prime.

CJ235-12/16 CONFIDENTIAL – CAFÉS/KIOSKS/RESTAURANTS - PROJECT STATUS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Chief Executive Officer
FILE NUMBER	102656, 101515
ATTACHMENTS	Attachment 1 Pinnaroo Point Site Plan – New Location Attachment 2 Pinnaroo Point Site Plan - Old Location Attachment 3 Burns Beach Master Plan Coastal Node Concept Design (Please Note: <i>This Report and Attachments are confidential and will appear in the official Minute Book only</i>)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

A full report was provided to Elected Members under separate cover. The report is not for publication.

Cr Poliwka entered the Chamber at 10.19pm.

MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:

- 1 NOTES the Café/ Kiosk/ Restaurant Project status;**
- 2 NOTES the Chief Executive Officer will expedite negotiations with Rock (WA) Pty Ltd T/as White Salt in relation to the provision of utilities up to the lease area and the costs of these services, as required to service the proposed development at Pinnaroo Point;**
- 3 AUTHORISES the Chief Executive Officer to request Expressions of Interest for the development of a café/restaurant at Burns Beach, commencing in March 2017;**
- 4 REQUESTS the Chief Executive Officer to investigate:**
 - 4.1 potential expiry of lease options and the implications any changes may have;**
 - 4.2 the ramifications of the project if there is as rent increase above \$30,000;**
 - 4.3 the prospect of the Department of Lands allowing a rent review every 10 years;**
 - 4.4 the connection of services to the site.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

Members of the staff (with the exception of the Director Corporate Services and Manager Governance) left the Chambers at this point; the time being 10.19pm.

Disclosures of Financial Interest/Proximity Interest

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	CJ237-12/16 – Confidential - Chief Executive Officer - New Contract Of Employment.
Nature of interest	Financial Interest.
Extent of Interest	The item relates to the Chief Executive Officer's contract of employment.

Disclosures of interest affecting impartiality

Name/Position	Mr Mike Tidy, Director Corporate Services.
Item No./Subject	CJ237-12/16 – Confidential - Chief Executive Officer - New Contract Of Employment.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mike Tidy's employment relationship with the Chief Executive Officer.

CJ237-12/16 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER - NEW CONTRACT OF EMPLOYMENT

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	74574, 101515
ATTACHMENT	Attachment 1 Draft new Employment Contract of the Chief Executive Officer for the City of Joondalup (with track changes)
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

a matter affecting an employee or employees.

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Cr Fishwick, SECONDED Mayor Pickard that Council:

- 1 BY AN ABSOLUTE MAJORITY is SATISFIED, in accordance with the requirements of section 5.36(2)(b) of the *Local Government Act 1995*, with the provisions of the new draft Employment Contract of the Chief Executive Officer for the City of Joondalup including the changes shown as set out in Attachment 1 to Report CJ237-12/16 (marked Confidential) appended hereto in the official Minute Book;**
- 2 RE-APPOINTS Garry George Hunt as Chief Executive Officer of the City of Joondalup on the Employment Contract of the Chief Executive Officer for the City of Joondalup referred to in Part 1 above for a term of three years commencing 21 December 2016;**
- 3 AUTHORISES the Mayor and Director Corporate Services to prepare and execute the necessary documents to give effect to the re-appointment in Part 1 above.**

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, McLean, Norman, Poliwka and Taylor.

Against the Motion: Cr Logan.

C83-12/16

**MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC –
[02154, 08122]**

MOVED Mayor Pickard, **SECONDED** Cr Gobbert that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the Office Development Committee meeting be **REOPENED TO THE PUBLIC**.

Doors opened at 10.22pm. No members of the public were present.

The Chief Executive Officer, Director Governance and Strategy, Acting Director Infrastructure Services, Governance Coordinator, Media Advisor and Governance Officers entered the Chamber at 10.22pm.

In accordance with the *City of Joondalup Meeting Procedures Local Law 2013*, Mayor Pickard read aloud the motions in relation to:

- CJ226-12/16 - Confidential - Joondalup City Centre Development - Memorandum of Understanding.
- CJ235-12/16 - Confidential – Cafés/Kiosks/Restaurants - Project Status.
- CJ237-12/16 - Confidential - Chief Executive Officer – New Contract of Employment.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 10.26pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR LIAM GOBBERT
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SOPHIE DWYER