

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN
CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON TUESDAY 14 FEBRUARY 2017

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
10 February 2017

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday 13 February 2017**

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, members of the public and external advisors (where appropriate).

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

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final
 - nominate an Elected Member and/or City employee to respond to the question or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing Session that is not relevant to a matter listed on the agenda or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.

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

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

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

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

PROCEDURES FOR DEPUTATIONS

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

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information170214.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 14 February 2017** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

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

DEPUTATIONS

PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 6 December 2016:

Mr A Hill, Chairperson, Burns Beach Residents Association.

Re: Item 24 – Request for Specified Area Rate in Burns Beach.

- Q1 *On Page 133 of the Agenda it is stated that the estimated additional cost of SAR is \$130 to \$200 per annum. This would imply that the lowest additional charge (that is for a low GRV household) would be approximately \$130, and the highest additional charge (that is for a high GRV household) would be approximately \$200. Is that correct?*
- A1 No, it is not correct. The estimated average costs are based on current number of households within Burns Beach and the existing SAR services of Iluka, Harbour Rise and Woodvale Waters.
- Q2 *An alternate interpretation could be that the average additional cost per household could vary from \$130 to \$200 per annum. If this were the case, based on an average additional charge of \$200, what would be the corresponding additional charge for the highest GRV households in Burns Beach?*
- A2 This cannot be calculated at this moment.
- Q3 *It is understood that the City plans to engage with all ratepayers in the suburb of Burns Beach. Please clarify what is meant by “randomly selected participants” as referenced on Page 2 of the Community Engagement Plan.*
- A3 This was an error on the *Community Engagement Plan*, which will be amended to the correct wording of, “this form will enable the cross-tabulation of responses from Burns Beach Ratepayers.”

- Q4 *Referring to Page 132 of the Agenda, what is the basis for the stated policy risk that “the local ratepayers association may not be representative of the suburbs views”?*
- A4 It is the City’s understanding that not every resident of Burns Beach is part of the Burns Beach Residents Association and therefore the association is potentially not representative of the entire suburb’s views.
- Q5 *Referring to Page 132 of the Agenda, what is the basis for the stated policy risk that “ratepayers may not want to join the Residents Association”?*
- A5 Please refer to Question 4.

Mrs S Bessen, Duncraig:

Re: *Item 21 – Petition Objecting to Installation of a Footpath Strathyre Drive, Duncraig.*

- Q1 *If the reason for installation of the footpath is for pedestrian access to the train station, then we the residents of Strathyre Drive do not believe that the footpath is necessary between the corners of Methuen Way, North and Methuen Way, South. Therefore, why can’t installation of the footpath be limited to the northern side of Methuen Way, north and the southern side of Methuen Way, south?*
- A1 The footpath provides access to the train station and will improve general connectivity by also providing access to Carine Open Space for all recreational users including those with disabilities, gophers and parents with prams and the like.
- Q2 *Given the high volume of use of Carine Open Space, wouldn’t the funds be better utilised in building an over / under pass across beach road or a set of pedestrian lights?*
- A2 The pedestrian lights do not meet Main Roads WA criteria. The topography of the area and the prohibitive costs mean that an over / underpass is not a valid option.
- Q3 *As there is already a cycle path along the freeway that accesses the train station, why is it necessary to duplicate the access along Strathyre Drive?*
- A3 Local residents within the area, not just the residents of Strathyre Drive, need to be able to access the train station without an unnecessary detour increasing their journey time.

Mr A Spamer, Kinross:

- Re: *Item 4 - Draft MacNaughton Crescent Structure Plan – Lot 9021 (3) Lochnagar Way, Kinross – Consideration following Advertising.*
- Q1 *Why does the briefing and recommendation make no reference to the Environmental Protection and Biodiversity Conservation (EPBC) Act 1999? The area covered by the draft Structure Plan contains Banksia Woodland which was recognised as Endangered under the EPBC Act as recently as September 2016.*
- A1 The Environmental Protection Authority (EPA) stated on 3 June 2014 that the site may provide habitat for Carnaby’s black cockatoo. The EPA went further to state that habitat trees within the amendment area be retained as part of the detailed design of the structure plan.

The conservation worthiness of habitat trees has been extensively investigated as part of the applicant's environmental assessment process, including the commissioning of a tree retention study undertaken by a qualified arboriculturalist. The EPBC Act is referenced, *inter alia*, in Appendix 3 of the draft structure plan. The findings of the respective studies indicated that while the site contains remnant vegetation that includes Banksia species, the areas of vegetation are small and fragmented and is in predominately 'completed degraded' and 'degraded' condition, with only small areas in 'good' condition. Trees identified as being worthy of retention have been recorded on the draft *MacNaughton Crescent Structure Plan* (Plan 1).

- Q2 *What recommendations do Council propose to minimise an increase in opportune crime in the area?*
- A2 Liveable Neighbourhoods is a Western Australian Planning Commission (WAPC) operational policy that guides the structure planning and subdivision of greenfield and large brownfield (urban infill) sites. The single, relatively short laneway proposed meets the design criteria under Liveable Neighbourhoods, and the strategic siting of buildings to overlook the laneway and public open space will be a consideration in the formulation of the local development plan (LDP) that will guide development of the laneway access lots at the subdivision phase.

PUBLIC STATEMENT TIME

APOLOGIES AND LEAVE OF ABSENCE

Apologies

Mayor Troy Pickard.
Cr Nige Jones.

Leave of Absence previously approved

Cr Russ Fishwick, JP	21 February to 24 February 2017 inclusive;
Cr Mike Norman	21 February to 24 February 2017 inclusive;
Cr Sophie Dwyer	1 March to 4 March 2017 inclusive;
Cr Mike Norman	2 March to 11 March 2017 inclusive;
Cr Russ Fishwick, JP	2 March to 16 March 2017 inclusive;
Cr Nige Jones	27 March to 31 March 2017 inclusive;
Cr Nige Jones	2 April to 7 April 2017 inclusive;
Cr Nige Jones	4 May to 13 May 2017 inclusive.

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER AND DECEMBER 2016

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – November and December 2016 Attachment 2 Monthly Subdivision Applications Processed – November and December 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 November and December 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 administration under delegated authority powers during November and December 2016 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during November and December 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 November and December 2016 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	13	14
Strata subdivision applications	32	63
TOTAL	45	77

Of the 45 subdivision referrals, 33 were to subdivide in housing opportunity areas, with the potential for 34 additional lots.

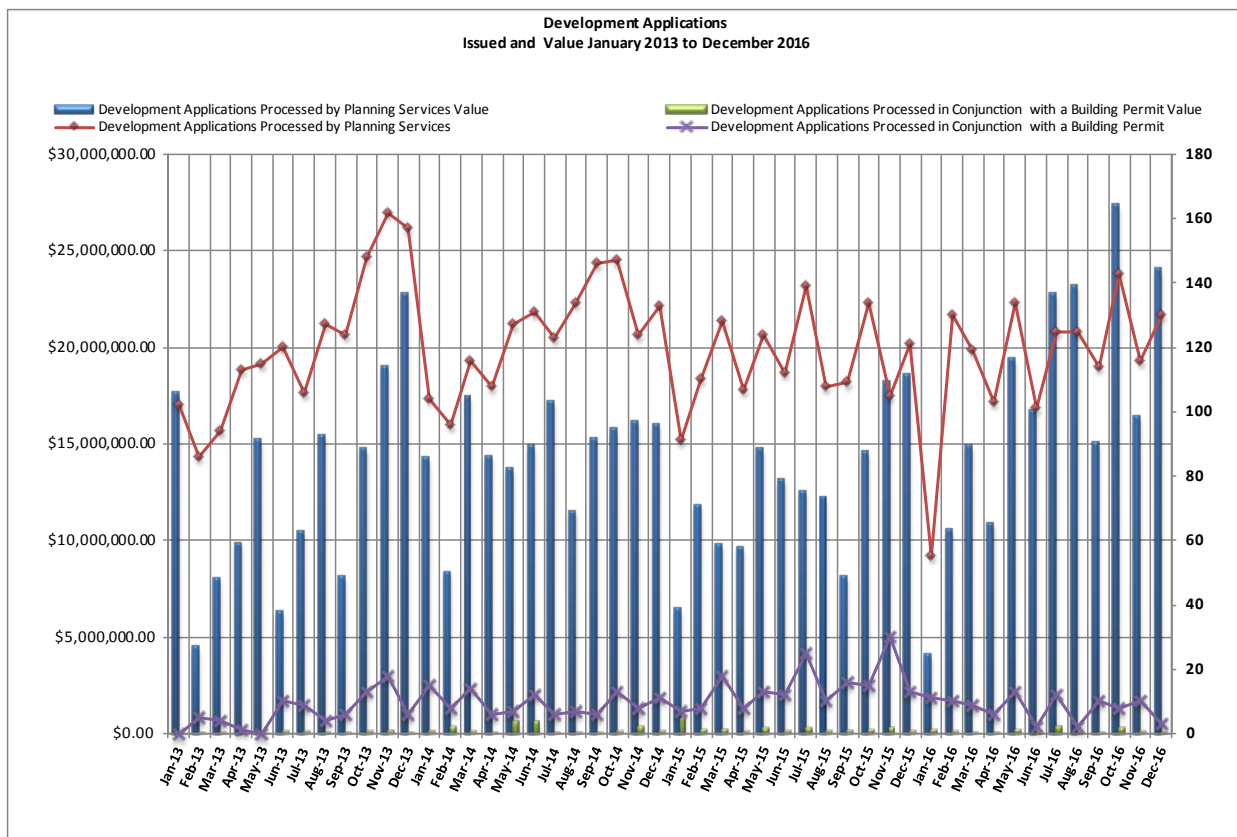
Development applications

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

Type of development application	Number	Value (\$)
Development applications processed by Planning Services	246	\$ 40,394,695
Development applications processed by Building Services	13	\$121,388
TOTAL	259	\$ 40,516,083

Of the 259 development applications, 20 were for new dwelling developments in housing opportunity areas, proposing a total of 37 additional dwellings.

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



The number of development applications received during November and December was 250. (This figure does not include any development applications to be processed by Building Approvals as part of the building permit approval process).

The number of development applications current at the end of December was 206. Of these, 34 were pending further information from applicants and 15 were being advertised for public comment.

In addition to the above, 600 building permits were issued during the months of November and December with an estimated construction value of \$82,453,748.

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 259 development applications were determined for the months of November and December with a total amount of \$138,166 received as application fees.

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 Development applications described in Attachment 1 to this Report during November and December 2016;**
- 2 Subdivision applications described in Attachment 2 to this Report during November and December 2016.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf170214.pdf](#)

ITEM 2 PROPOSED ‘MEDICAL CENTRE’ ADDITION AT LOT 3 (231) TIMBERLANE DRIVE, WOODVALE

WARD	Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	13400, 101515
ATTACHMENT	Attachment 1 Location Plan Attachment 2 Development Plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a proposed addition and an additional practitioner at the ‘Medical Centre’ located at Lot 3 (231) Timberlane Drive, Woodvale.

EXECUTIVE SUMMARY

An application for development approval has been received for a two-storey addition to the rear of the existing ‘Medical Centre’ at Lot 3 (231) Timberlane Drive, Woodvale. The proposal also includes increasing the number of practitioners operating on-site from two to three practitioners at any one time.

The medical centre (known as Woodvale Private Hospital) was originally approved by the City in 1988 under *Town Planning Scheme No. 1* (TPS1) and has been operating as a women’s day surgery since its establishment.

The majority of the proposed development is compliant with the City’s *District Planning Scheme No. 2* (DPS2) and relevant local planning policies, with the exception of the rear building setback of between 1.5 and 3.03 metres in lieu of six metres. The application is required to be determined by Council as the setback exceeds the requirement of DPS2 by more than 1.5 metres.

The adjoining property to the rear, Lot 331 (21) Ellis Grove, Woodvale, is zoned ‘Residential’ under DPS2 and has been developed with a single dwelling on site. The landowner of the subject site is the same as the adjoining property to the rear, and therefore advertising of this reduced setback was not considered necessary.

It is considered that the overall design of the development is appropriate for the locality as the design reflects the predominantly residential character of the area. As such, it is not considered to significantly impact the amenity of nearby and adjoining properties.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location	Lot 3 (231) Timberlane Drive, Woodvale.
Applicant	Hyde and Son Master Builders.
Owner	Singh Superannuation Fund.
Zoning	DPS2 Mixed Use.
	MRS Urban.
Site area	1,465m ² .
Structure plan	Not applicable.

The subject site is bounded by Timberlane Drive to the north, a pedestrian access way (PAW) to the east, a residential property to the south (Lot 331 (21) Ellis Grove, Woodvale) and a car parking area for the Woodvale Shopping Centre to the west (Attachment 1 refers).

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Mixed Use' under DPS2. 'Medical Centre' is a permitted ("P") use in the 'Mixed Use' zone.

The medical centre (known as Woodvale Private Hospital) was originally approved by the City in 1988 under TPS1, and has been operating as a women's day surgery since its establishment. The approval was for two practitioners or consultants and a maximum of nine patients on-site at any one time. The centre operates from 9.00am to 6.00pm. Patients are on-site for treatment for between two to six hours, with no patients staying overnight. The applicant has advised the City that the operations and activities on-site have not changed since the original approval.

Woodvale Private Hospital operates as a gynaecological centre for the diagnosis and treatment of women's ailments and associated outpatient care. The centre provides treatment using endoscopic surgery (examining the internal organs and vessels of the body using an endoscope), which allows for patients to be treated and discharged on the same day.

DETAILS

The proposed addition includes the following:

- A passage way which connects the addition to the existing reception area of the medical centre.
- Four storage rooms on the ground floor.
- A staircase leading to a large open space on the first floor.

The additions will be used for administrative storage of equipment and materials (including medical records, surgical equipment and the like) to provide additional space in the existing reception area, examination room and consulting rooms of the 'Medical Centre'.

The development plans are provided at Attachment 2 to the Report.

The proposed two-storey addition meets the required building height and setback requirements with the exception of the rear setback. Under DPS2 the rear setback for non-residential buildings is six metres. The rear setback proposed for the additions varies from a minimum of 1.5 metres to 3.03 metres.

The applicant also proposes to increase the number of practitioners from two to three. In accordance with Table 2 of DPS2, car parking is required at a rate of five bays per practitioner, therefore requiring 15 bays to be provided on-site. A total of 17 bays are provided, being a surplus of two bays.

Issues and options considered

Council is required to determine whether the proposed rear building setback of 1.5 metres is appropriate.

Council may determine an application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
- or
- refusing to grant development approval.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No. 2 (DPS2).
Planning and Development (Local Planning Schemes)
Regulations 2015 (the Regulations).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy *Height of Non-Residential Buildings Local Planning Policy.
Notification of Approved Commercial Development Policy.*

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

Clause 3.5 of DPS2 sets out the objective for development within the 'Mixed Use' zone:

3.5 THE MIXED USE ZONE

3.5.1 The Mixed Use Zone is intended to accommodate a mixture of residential development with small business in a primarily residential scale environment. The predominant non-residential uses will be office, consulting, dining and limited retail uses occupying the street frontage of lots.

The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas. A high level of pedestrian amenity should be provided.

The objectives of the Mixed Use Zone are to:

- (a) provide a diversity of land use and housing types compatible with maintenance of residential amenity;*
- (b) allow appropriate businesses to locate and develop in close proximity to residential areas;*
- (c) allow for services to be provided locally.*

Clause 4.5 of DPS2 allows for certain standards and requirements of the scheme to be varied by Council:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 64 of the deemed provisions and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

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

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or. any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*

- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Height of Non-Residential Buildings Local Planning Policy

The policy sets provisions for the height of non-residential buildings in the City of Joondalup.

The objective of this policy is:

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

It is noted that the building height complies with the requirements of the policy.

Notification of Approved Commercial Development Policy

The *Notification of Approved Commercial Development Policy* outlines when notification is provided to nearby or adjoining landowners when compliant development has been approved on adjoining commercial land.

The objective of the policy is:

To ensure that owners of 'Residential' zoned land are informed of approved development occurring on adjoining 'Mixed Use', 'Business', 'Commercial' or 'Service Industrial' zoned land.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$928.00 (excluding GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

Regional significance

Not applicable.

Sustainability implications

As the application is for minor extensions to an approved 'Medical Centre' the applicant has not been required to complete the City's Environmentally Sustainable Design Checklist.

Consultation

Clause 64 of the deemed provisions of the Regulations states that public consultation is not required to be undertaken where the local government is satisfied that the departure from the requirements of the scheme is of a minor nature.

As the landowner of the subject site is the same as the affected property at Lot 331 (21) Ellis Grove, Woodvale and a letter of no objection was provided with the application, advertising was not undertaken.

Should the application be approved the City will notify adjoining and surrounding residents within 30 metres of the site of the approved development in accordance with the *Notification of Approved Commercial Development Policy*.

COMMENT

The proposed additions to the medical centre and the increase in the number of practitioners from two to three comply with the requirements of DPS2, with the exception of a rear building setback of between 1.5 and 3.03 metres in lieu of six metres.

This proposed setback is considered acceptable for the following reasons:

- The upper floor additions are setback one metre behind the ground floor, staggering the development to reduce the visual impact from the adjoining property.
- The building includes eaves and highlight windows to break up the facade, while maintaining privacy, ensuring there is no overlooking from the upper floor to the adjoining property.
- The overshadowing from the additions to the adjoining property falls over an existing garden shed and a small portion of the backyard. None of the main living areas of the adjoining dwelling are overshadowed by the additions.

- No other landowners are impacted by the development as it is separated to the east by a PAW and the site to the west is the existing Woodvale Shopping Centre. The remaining setbacks to common boundaries and the street exceed the setback requirements under DPS2.

In light of the above, the proposed development does not significantly impact the adjoining and nearby properties.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 1 November 2016 submitted by Hyde and Son Master Builders, on behalf of the owners, Singh Superannuation Fund, for proposed Medical Centre (additions) at Lot 3 (231) Timberlane Drive, Woodvale, subject to the following conditions:
 - 1.1 A Construction Management Plan** being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 1.1.1 all forward works** for the site;
 - 1.1.2 the delivery of materials and equipment** to the site;
 - 1.1.3 the storage of materials and equipment** on the site;
 - 1.1.4 the parking arrangements** for the contractors and subcontractors;
 - 1.1.5 the management of dust** during the construction process;
 - 1.1.6 other matters likely to impact** on the surrounding properties,

and works shall be undertaken in accordance with the approved Construction Management Plan;
 - 1.2 A full schedule of colours and materials** for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
 - 1.3 The external surface of the additions, including roofing,** shall be finished in materials and colours that have low reflective characteristics, to the satisfaction of the City. The external surfaces shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;

- 1.4 All development shall be contained within the property boundaries;**
- 1.5 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
- 1.6 No more than three practitioners or professionals generating their own patient load shall be permitted to operate from the premise at any given time;**
- 1.7 This approval relates to the additions as indicated on the approved plans, an increase to the number of practitioners from two to three. It does not relate to any other development on the lot;**
- 1.8 The development is approved as a “Medical Centre” as defined by the *City of Joondalup District Planning Scheme No. 2*.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf170214.pdf](#)

ITEM 3 PROPOSED CHANGE OF USE FROM ‘OFFICE’ TO ‘MEDICAL CENTRE’ AT STRATA LOT 5 (5/9) COOLIBAH DRIVE, GREENWOOD

WARD	South-East
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	106285, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a change of use from ‘Office’ to ‘Medical Centre’ at the Greenwood Commercial Centre, Strata Lot 5 (5/9) Coolibah Drive, Greenwood.

EXECUTIVE SUMMARY

An application for development approval has been received for a change of use from ‘Office’ to ‘Medical Centre’ at the Greenwood Commercial Centre, Strata Lot 5 (5/9) Coolibah Drive, Greenwood.

The ‘Medical Centre’, which is a permitted (“P”) use on the site, is proposed to operate as a physiotherapy practice with a maximum of four practitioners operating from the tenancy at any given time.

The application has been assessed against the requirements of the City’s *District Planning Scheme No. 2* (DPS2) and complies with all aspects with the exception of a reduced supply of on-site car parking. Factoring in all uses operating from the site and the proposed use, a total of 43 car bays are required, with 21 bays provided. The applicant therefore seeks discretion for the resultant 22 car bay shortfall (51%). It is noted that this change of use increases the existing shortfall by 18 bays. The application is required to be determined by Council as the car parking shortfall exceeds the requirement under DPS2 by more than 10%.

The application was advertised for a period of 21 days by way of letters to the surrounding commercial land owners, with comments sought in relation to the car parking shortfall. Four responses were received, being three comments in support and one objection. The comments in support of the development related to there being more than adequate parking to accommodate the development. The objection related to the magnitude of the parking shortfall, the reliance on the adjoining sites to accommodate this and impact on future development of adjoining sites.

The car parking provided on both the subject and adjoining commercial sites which are the subject of reciprocal access and parking agreements is considered adequate, with differing peak trading periods and reciprocity between the different land uses reducing the overall car parking demand. There is also no history of parking issues recorded for the subject site and adjoining commercial sites.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location	Strata Lot 5 (5/9) Coolibah Drive, Greenwood.
Applicant	Stephanie Radosevich, Cohen Radosevich Town Planning.
Owner	James Frank and Judith Amy Trembath.
Zoning	DPS2 Business.
	MRS Urban.
Site area	2,498.36m ² .
Structure plan	Not applicable.

The subject site (known as Greenwood Commercial Centre) is bound by a service station to the northwest, a tavern (The Greenwood) to the south and shopping centre (Greenwood Village Shopping Centre) to the eastern and northern boundaries (Attachment 1 refers). On the opposite side of Coolibah Drive, to the southwest, there are several residential properties zoned 'Mixed-Use'. Access to the site from Coolibah Drive is provided via two access points, via the service station to the north and the tavern to the south.

The tenancy for which the change of use is proposed forms part of the original seven unit office development approved by the former City of Wanneroo in 1983. A subsequent approval was issued in 1993 for an additional two units in accordance with *Town Planning Scheme No. 1* (TPS1), which resulted in a car parking deficiency of seven bays across the site. Since that time there have been several approvals issued for change of use applications for some of the other tenancies. At its meeting held on 20 March 2012 (CJ030-03/12 refers), Council approved a change of use from 'Office' to 'Medical Centre' (physiotherapy) in relation to tenancy eight, resulting in an overall car parking shortfall of 14 bays across the commercial centre site.

There are existing easements in place that allow reciprocal access and car parking for the adjoining shopping centre and tavern, as well as between the shopping centre and the subject site. In addition, approvals that have been issued for additions to the tavern have included a condition requiring an easement in favour of the City to facilitate reciprocal access and parking for that site, however the land owner did not proceed with the developments. More recently an application for additions to the tavern was approved under Delegated Authority in 2016 which also included a condition for an easement in favour of the City prior to occupation of the additions.

DETAILS

The applicant seeks approval for a change of use from 'Office' to 'Medical Centre' for the purposes of physiotherapy. The business will operate with a maximum of four practitioners at any given time, with hours of operation between Monday to Friday 7.00am to 8.00pm and Saturday to Sunday 7.00am to 4.00pm.

No signage has been proposed through this application and will be the subject of a separate application for development approval.

Car parking

Car parking is required to be provided in accordance with Table 2 of DPS2, with 'Medical Centre' requiring five bays per practitioner. Since the previous approval for the site, Scheme Amendment No. 65 to DPS2 has been gazetted, reducing the car parking requirement for certain land uses. As a result the car parking rate for the existing 'Office' land uses has been calculated at a rate of one bay per 50m² of net lettable area (NLA).

The proposed change of land use increases the car parking required for the site by 18 bays, as summarised in the table below.

	Bays Required	Bays Provided	Shortfall
Existing	25	21	4 (16%)
Proposed (including the Medical Centre with four practitioners)	43	21	22 (51%)

The proposed 'Medical Centre' will therefore result in an increase in the car parking shortfall from four bays (16%) to 22 bays (51%) on the subject site.

Factoring in the reciprocal parking with adjoining sites and the new car parking standards following gazettal of Scheme Amendment No. 65, there is a surplus of 85 car bays across the three commercial sites, as set out below.

	Bays Required	Bays Provided	Difference
Shopping Centre	392	622	230 surplus
Tavern	237	114	123 shortfall
Commercial Centre (subject site)	43	21	22 shortfall
TOTAL	672	757	85 surplus

The applicant has provided the following justification in relation to the development:

- Physiotherapy functions in a different manner to that of a doctor's surgery, with consultations going for a period of 30 minutes to 45 minutes. Due to the longer timeframe associated with standard consultations there is not a large number of people waiting for their appointments, as is the case with a doctor's surgery. It is therefore considered appropriate that the demand for the use will be eight car bays.
- There is currently adequate car parking provided on-site, with the majority of car parking bays vacant throughout the day.

Issues and options considered

Council is required to determine whether the on-site car parking shortfall of 22 bays is appropriate.

Council may determine an application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
or
- refusing to grant development approval.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup District Planning Scheme No. 2 (DPS2).
Planning and Development (Local Planning Schemes)
Regulations 2015 (the Regulations).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

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

Policy Not applicable.

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

Clause 3.6 of DPS2 sets out the objective for development within the 'Business' zone:

3.6 THE BUSINESS ZONE

3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.

The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

Clause 4.5 of DPS2 allows for certain standards and requirements of the scheme to be varied by Council:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 64 of the deemed provisions and*
 - (b) have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 67 of the deemed provisions; and*
 - (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

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

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

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$295 (excluding GST) in accordance with the Schedule of Fees and Charges, to cover all costs associated with assessing the application.

Regional significance

Not applicable.

Sustainability implications

Not applicable. As the development is for a change of use only that involves no external additions, the City's *Environmentally Sustainable Design Checklist* was not required to be completed by the applicant.

Consultation

The application was advertised to 12 adjoining commercial land owners for a period of 21 days, from 3 January to 24 January 2017, with comments sought in relation to the 22 bay on-site car parking shortfall.

Four submissions were received being three letters of support, and one objection.

The comments received in support of the development are summarised as follows:

- An easement should already be in place across the tavern site to rectify any parking related issues.
- There being more than sufficient car parking on site and the adjacent properties to accommodate the proposed use.

The comments received in objection to the development are summarised as follows:

- The methodology for the car parking calculation undertaken for the development given businesses currently operating from the site.
- The magnitude of the shortfall will have an unduly onerous imposition on surrounding businesses and is extremely inequitable from a commercial perspective.
- It is inappropriate to allow the existing shortfall to worsen given the potential for the issue to prejudice the preparation of an *Activity Centre Plan* across the site.

These are discussed further in the comments section below.

COMMENT

The proposed change of use is from 'Office' to 'Medical Centre'. As the proposed land use is a permitted ("P") use it is deemed to meet the objectives of the 'Business' zone. The proposal complies with the provisions of DPS2 with the exception of car parking, where discretion is sought for a 22 car bay shortfall (51%). It is noted that this change of use increases the existing shortfall by 18 bays.

Existing easements across the adjoining commercial sites are in place to facilitate reciprocal access and car parking between the shopping centre and tavern, as well as between the shopping centre and subject site. There is also a condition of development approval for the adjoining tavern that requires an easement for reciprocal car parking and access.

When considered within the context of the adjoining sites, the car parking is considered appropriate given the following:

- The peak operating of the land uses differ, reducing the overall peak demand for car parking. For example, the peak demand for the tavern is Friday and Saturday evenings, being outside the peak trading hours of the 'Medical Centre', shopping centre and other similar uses. Any overflow parking that may be required for the 'Medical Centre' is likely to be within the tavern site or portion of car parking on the shopping centre site furthest from the shopping centre entry which is also used as overflow parking for the tavern. It is noted that an easement facilitates the lawful use of the shopping centre car park, with an easement yet to be formalised over the tavern site.
- The compatibility of land uses across the sites facilitate a high degree of multi-purpose trips, with customers to the proposed 'Medical Centre' also likely to visit other businesses within the subject and adjoining sites.

- The sites are relatively well connected facilitating easy access for pedestrians from car parking on the adjoining sites.
- A review of the sites (including a recent traffic report submitted for additions to the tavern) has indicated that there is a significant surplus of car parking across the sites at any given time.

Response to submitters

Car parking assessment

The car parking assessment undertaken has considered the approved land uses for the site and factored in changes to the amount of car parking required due to Scheme Amendment No. 65 to DPS2 which has modified car parking standards for some land uses.

This application proposes to increase that amount of car parking required for the site by 18 bays, with all other land uses previously considered appropriate at the time they were assessed.

Magnitude of the shortfall and implications for future development

Concerns were raised on the imposition the shortfall places on the surrounding businesses, with it being inequitable from a commercial perspective. Comments were also received stating that the shortfall could jeopardise the future development of the activity centre, and if the shopping centre or tavern was to expand its floor space this could be compromised as parking may still be required to accommodate the shortfall on the commercial centre.

Greenwood Village is identified as a 'District Centre' under *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP4.2), however an activity centre plan has not been prepared for the area. SPP4.2 sets out the factors that need to be considered in developing a plan, including the need to promote alternative modes of transport and promoting efficient use of car parking. Reciprocal or shared use car parking arrangements are included as one way this can be achieved.

As set out above, while there may be a need for some reliance on car parking on the adjoining shopping centre and tavern site, the differing peak trading hours, reciprocity of land uses and accessibility all act to reduce the overall demand for car parking. Should additional car parking be required for the 'Medical Centre' customers are likely to utilise the tavern or portion of the shopping centre car park furthest from the centre entrances. It is noted that the area of the shopping centre car park that is likely to be used is currently utilised to address a car parking shortfall on the tavern site. As the peak trading hours of the 'Medical Centre' and tavern differ there is considered to be no greater imposition on the shopping centre site than what currently exists to address the tavern shortfall.

Need for easement over tavern site

Comments were received during consultation relating to the need for an easement to be in place over the tavern site to alleviate car parking concerns. The City has issued a number of development approvals for the tavern site which has included conditions relating to the requirement for an easement to facilitate reciprocal parking and access. As the development has not proceeded the City has been unable to enforce this requirement. In 2016 an application for additions to the tavern was approved which also included this condition.

Notwithstanding that the easement is not in place, this application has been assessed accounting for the reciprocal access and parking with the tavern consistent with the approach for previous applications. However, in accordance with DPS2 the amount of car parking is required to be assessed based on the car parking provided on each specific site, and is not negated by the existence of a reciprocal parking agreement. Rather, easements for reciprocal parking provide reasonable justification to support an application where the on-site parking is less than required.

Conclusion

As outlined above, it is considered that there is adequate car parking within the subject and adjoining commercial sites to facilitate the proposed 'Medical Centre' without a detrimental impact on the current and future development of the sites.

The application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 22 November 2016 submitted by Stephanie Radosevich on behalf of the owners, James Frank and Judith Amy Trembath, for proposed Medical Centre (change of use from Office) at Strata Lot 5, (5/9) Coolibah Drive, Greenwood, subject to the following conditions:

- 1 This approval relates to the proposed change of use to 'Medical Centre' in relation to tenancy 5, as indicated on the approved plans. It does not relate to any other development on the lot;**
- 2 No more than four practitioners or professionals generating their own patient load shall be permitted to operate from the premise at any given time;**
- 3 The land use is approved as 'Medical Centre' as defined under the City of Joondalup *District Planning Scheme No. 2*.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf170214.pdf](#)

ITEM 4 PROPOSED JOONDALUP ACTIVITY CENTRE PLAN

WARD North

RESPONSIBLE DIRECTOR Ms Dale Page
Planning and Community Development

FILE NUMBER 104028, 101515

ATTACHMENTS

Attachment 1	Activity Centre boundary
Attachment 2	Draft Masterplan
Attachment 3	Precinct plan
Attachment 4	Draft Joondalup Activity Centre plan
Attachment 5	Draft economic development plan
Attachment 6	Economic technical appendix
Attachment 7	Draft transport impact assessment
Attachment 8	Transport appendices
Attachment 9	Bushfire management plan

(Please Note: Attachments 4 – 9 are available electronically only).

AUTHORITY / DISCRETION Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to consider the draft *Joondalup Activity Centre Plan* for the purpose of public advertising.

EXECUTIVE SUMMARY

The City has prepared a draft *Joondalup Activity Centre Plan* (JACP) for the Joondalup City Centre in accordance with *State Planning Policy 4.2: Activity Centres* (SPP 4.2).

SPP 4.2, released by the Western Australian Planning Commission (WAPC) in August 2010, identified Joondalup as a Strategic Metropolitan Centre. As well as outlining land use diversity and intensity targets for centres, SPP 4.2 requires an activity centre plan be developed for Strategic Metropolitan Centres to guide future development and retail expansion. In 2014 a team of consultants was appointed by the City to commence work on the JACP. The City has since consulted with key stakeholders and prepared a draft masterplan which sets out the intended vision of the City Centre through to 2050.

Following completion of the masterplan, the City and its consultants have finalised a draft JACP and associated technical documentation to facilitate the development of the City Centre over the next 10 years. These documents detail specified development controls, with supporting economic and transport analysis. The JACP will assist in ensuring the 2050 vision is in part realised.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations), the JACP is required to be advertised for a maximum period of 28 days. It is therefore recommended that Council adopts the draft JACP for the purposes of public advertising.

BACKGROUND

The following sets out the chronology and actions taken in preparing the draft JACP:

August 2010

The WAPC released *State Planning Policy 4.2: Activity Centres* (SPP 4.2) which required that an activity centre plan be prepared for all Strategic Metropolitan Centres, including the Joondalup City Centre within five years of the SPP 4.2 coming into effect. At the time the City was in the process of finalising the draft *Joondalup City Centre Structure Plan* (JCCSP) which was intended to replace the current *Joondalup City Centre Development Plan and Manual* (JCCDPM). It was therefore agreed with the Department of Planning that the JCCSP could be progressed as an interim structure plan while a full activity centre plan was prepared. A supporting scheme amendment (Scheme Amendment No. 64) was also initiated to facilitate this.

December 2012

At its meeting held on 11 December 2012 (CJ271-12/12 refers), Council adopted the draft JCCSP and Scheme Amendment No. 64. Both documents were submitted to the WAPC for final adoption and certification.

August 2014

Additional information and amendments ultimately required by the Department of Planning for the draft JCCSP were so extensive that the draft was placed on hold so that the required work could instead be undertaken as part of preparation of the draft JACP. Scheme Amendment No. 64 has subsequently been put on hold by the Department of Planning.

October 2014

A team of consultants were appointed by the City to commence work on the JACP. Hames Sharley were appointed to prepare the masterplan, RPS appointed to develop the Economic Development Plan and Arup appointed to prepare a Transport Impact Assessment.

March 2015

Consultation was undertaken throughout March 2015 with key stakeholders, including:

- Edith Cowan University.
- Joondalup Health Campus.
- Department of Housing.
- West Coast Institute of Training.
- Lend Lease.
- WA Police Academy.

Consultation was undertaken to discuss future masterplans and visions for key sites within the boundary of the activity centre.

2 June 2015

Findings of stakeholder consultation, development of proposed vision and objectives for the draft JACP and identification of the activity centre boundary (Attachment 1 refers) was presented to an Elected Member workshop.

7 July 2015

Following refinement, the visions and scenario positioning were presented back to Elected Members at a workshop for feedback.

7 December 2015

State Planning Policy 3.7 *Planning in Bushfire Prone Areas* (SPP 3.7) was gazetted in conjunction with the LPS Regulations which were gazetted on 8 December 2015.

16 March 2016

Feedback received from previous Elected Member workshops informed the City and its consultants in preparing a masterplan for the Joondalup City Centre, focusing on the intended vision of the City for the year 2050. The draft masterplan, including proposed precincts along with the objectives and key design elements of these precincts were presented to an Elected Member workshop held on 16 March 2016, with comments received assisting in finalising the draft masterplan. In doing so, the masterplan was able to inform the detailed urban design and land use provisions for each precinct, with Hames Sharley appointed to prepare the JACP document which is the subject of this report.

August 2016

Bushfire Prone Planning was engaged by the City to undertake a *Bushfire Management Plan* (BMP) on the area within the activity centre to ensure the provisions of SPP 3.7 were being met. Following assessment and site investigations, the final BMP was provided to the City in October 2016.

29 November 2016

The background findings and key provisions proposed for the draft JACP were presented to Elected Members at a workshop held on 29 November 2016. Based on feedback from this workshop the draft JACP and associated documentation have now been finalised for the purposes of community consultation.

DETAILS

The JACP provides a guiding framework for the consideration of development within the activity centre over the next 10 years and builds on the masterplan concept of different precincts (Attachment 3 refers), capitalising on the City's unique economic strengths and providing a wide range of uses throughout the centre with varying intensity.

In line with the WAPC's draft *Structure Plan Framework*, the JACP document comprises of two parts, and associated technical appendices:

- Part One – *Implementation* identifies the JACP area and summarises the overarching objectives that apply in relation to activity, movement, urban form (character) and resource conservation. It sets out the development control provisions including residential density and building height.
- Part Two – *Explanatory Section* provides a summary of the vision, objectives, context and technical analysis, providing the rationale for the development standards contained within Part One. It sets out the intent for development, underpinned by the supporting masterplan.
- Technical appendices:
 - Economic Development Plan.
 - Transport Impact Assessment.
 - Bushfire Management Plan.

The JACP and associated appendices are provided as Attachments 4 to 8.

Masterplan and Vision

In reviewing the existing urban structure of the Joondalup Activity Centre it was identified that a number of key activity nodes underpinned the City Centre. The activity nodes form part of a polycentric city model, recognising multiple centres of activity as opposed to one. The draft masterplan conceptualises these nodes into various precincts, grouping areas with similar activity and land use, role and function and future potential, further building on the concept of different districts found in the current draft JCCSP. These precincts offer a base for increased local employment and business synergies, housing and new attractions, each having a defining character, with the City Centre Precinct being the primary location for urban intensity.

The masterplan is indicative only and has been used to capture the City's vision for the future form and functioning of the City Centre and to inform the draft JACP, in particular precinct development provisions to ensure that new development is consistent with the vision for the centre as a bold, creative and prosperous City.

The draft masterplan is provided as Attachment 2.

Precincts

The JACP builds on the masterplan concept of different precincts. These precincts have been identified using the natural agglomeration of activity around key economic drivers in the City Centre namely, the Joondalup Health Campus, the Joondalup Learning Precinct, the shopping centre and civic area as well as the historical land use patterns created by the original masterplan for the City Centre.

The precincts recognise the character or "personality" of each area, identifying what gives them their character and using this as the basis for development provisions that can strengthen this character and leverage new investment. Adequate land use flexibility is proposed to be provided for developers in all precincts, in order to generate diversity, activity and vibrancy throughout the City Centre.

The seven precincts proposed under the draft JACP are as follows:

- City Centre – the nucleus of the Joondalup Activity Centre and a recognisable heart of the City.
- Health and Wellness – draws together the Joondalup Health Campus and HBF Arena, offering ancillary health related services that benefit from the proximity to the hospital.
- Learning and Innovation – intended to attract a broad mix of industry partners that integrate with the existing learning precinct through digital, physical and knowledge linkages.
- Joondalup West – encompassing large portions of the “Joondalup Business Park” and “Quadrangle Estate”. The precinct will continue to enable developments with large floor space requirements.
- Quarry Park – intended to function as a mixed use precinct, with opportunities to create a unique and sustainable living precinct.
- Joondalup Edge – focuses on transport land use integration by providing intense development around the Edgewater Train Station.
- Lakeside Residential – maintains the established residential area which is proposed to be preserved so as to continue to contribute towards housing diversity within the activity centre.

A precinct plan map is provided as Attachment 3.

The precincts are proposed to be integrated and connected to one another to form a sustainable and vibrant activity centre through a number of strategic methods, including, creating an identifiable City Centre, improved pedestrian and cycle linkages, dedicated bus priority lanes and the slowing down of the road environment, integration of the existing Winton Road area with the City Centre, planning for a transition to increased professional employment opportunities and an emphasis on high density residential development.

Development Control

Built Form Control

Part One of the JACP provides for built form provisions for each precinct within the activity centre, with each having objectives and specific development control requirements in relation to land use, residential density, building height, setbacks and development standards. The intent of the provisions is to provide for general standards across the activity centre, ensuring that the greatest urban intensity remains in the City Centre precinct. The provisions allow for greater activation at street level and for development of a higher intensity throughout the activity centre.

Land Use Permissibility

Land use permissibility has been included within the draft JACP, however this will also be included as an amendment to the planning scheme to ensure land uses can be appropriately enforced.

In relation to the land use permissibility for any particular precinct, it is a challenge to create sufficient flexibility to allow for appropriate land uses without resulting in the potential proliferation of certain land uses to the extent that the overall character and intent of the precinct is undermined.

For instance, concerns have been raised in the past about a proliferation of certain land uses in the Winton Road area that are occupying large tenancies or pieces of land and potentially eroding the potential for the location of other uses in this area that are required to service the local community.

To address this issue, the permissibility for these land uses could be changed from a permissible land use (permitted “P” or discretionary “D” use) to a non-permitted “X” use.

If this was to occur, the existing land uses would not need to relocate and would be able to continue to operate as non-conforming land uses. However, any new proposals for these land uses would not be supported.

Under the Regulations, the activity centre plan will have a life span of 10 years, at which time land use permissibility throughout the activity centre will be reviewed. Alternatively, the City could decide at any time during this 10 year period to reconsider a land use as an amendment to both the JACP and scheme.

Local Planning Policies

The provisions also enable for further local planning policies to be developed in collaboration with developers where required for more site specific circumstances, in particular for larger infill sites such as the Department of Housing site located at Lot 9000 (480) Joondalup Drive and the City’s Boas Place development at Lot 496 (70) Davidson Terrace and Lot 507 (90) Boas Avenue. The provisions also lend themselves to the need for further local planning policies and strategies to be developed, such as cash-in-lieu for parking and car parking strategies to assist in maintaining the proposed vision and recommendations.

Economic Development Plan (EDP)

The EDP has been undertaken by RPS Australia (RPS) and identifies the historic economic pillars of the City of Joondalup, being education, retail and health. It forms part of the technical appendix to the draft JACP focussing on expected development potential for 2050 and the attributes and market factors that impact on the ability of the centre to attract investment. It has been developed with due regard to the City’s *Local Commercial Strategy*. In line with State Government targets, RPS has established an aspirational and achievable target of 45,000 jobs and a residential population of just under 20,000 by 2050 for the activity centre by building on the existing competitive advantage of the centre in the areas of health, education, retail and government administration floor space to attract significant commercial development.

The plan identifies key barriers that need to be addressed to achieve the targets including east west connections and urban vibrancy and sets out a framework to support two core strategic themes and opportunities for the activity centre:

- *Knowledge Based City* establishing a competitive advantage that differentiates Joondalup from other locations and influences the supply of infrastructure and investment.
- *Vibrant City* by enhancing the amenity and attractiveness of the public spaces and creating street life.

These strategic themes represent areas of opportunity for the activity centre’s economy and community where public and private investment should be focussed in order to realise the vision. The EDP and technical appendix is provided as Attachments 5 and 6.

Transport Impact Assessment

The Transport Impact Assessment considers the road network, parking, public transport, cycling and pedestrian movement required to support the masterplan. The assessment was undertaken by Arup in two stages; stage one ascertained desired future functions of regional and local connections within the activity centre and constraints to achieving the future desirable land use outcome. Stage two included a detailed traffic analysis of the performance of the transport network. Based on this analysis, a project implementation strategy has been prepared.

The assessment has recommended various road classification changes to reduce speed throughout the centre, new intersection controls and the potential enhancement of public transport use through the inclusion of bus priority lanes. In addition, the assessment concluded that based on the land uses proposed within the activity centre coupled with the current car parking rates within the scheme and JCCDPM, the existing road network would not be able to accommodate the additional traffic accessing the parking provided within the centre. As a result of these findings some of the recommendations (to 2050) include the following:

- Downgrade of the Grand Boulevard road hierarchy from a 'Distributor B' road to reduce speed and focus on public transport and pedestrian priority.
- A new four-way signalised intersection at Kennedy Drive and Joondalup Drive.
- Bus priority signals at the Joondalup Drive / Collier Pass and Grand Boulevard / Collier Pass intersections.
- Upgrades to Lakeside Drive / Joondalup Drive and Wedgewood Drive / Joondalup Drive intersections to improve capacity.
- An integrated approach to parking between major landholders, focussing on opportunities for multi-use bays shared between compatible land uses with different peak periods.
- Digital links through parking monitoring systems and way finding signage.
- A City Centre non-residential car parking ratio of one bay per 75m² Net Lettable Area.
- New cycle paths connecting Lake Joondalup with the principal shared path at the freeway.
- Future proofing road reserves to allow for bus rapid transit and light rail if required in the long term.

The Transport Impact Assessment and appendices are provided as Attachments 7 and 8.

Bushfire Management Plan (BMP)

A BMP and strategic bushfire attack level contour mapping for the JACP was undertaken by Bushfire Prone Planning in support of the JACP, aligning with the requirements of *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7). Overall, although there are substantial areas of native vegetation, the assessed bushfire risk is considered to be manageable and the requirements of SPP 3.7 capable of implementation through subsequent planning stages.

The BMP is provided as Attachment 9.

JACP and relationship with Scheme

At its meeting held on 16 February 2016 (CJ005-02/16 refers), Council resolved to advertise the draft *Local Planning No. 3* (LPS3) for a period of 90 days with the draft forwarded to the WAPC for consent to advertise. Following modifications required by the WAPC, advertising of LPS3 commenced on 17 November 2016 and closed on 14 February 2017. Comments received during consultation and any further minor changes required are now being collated

prior to LPS3 being presented back to Council. Following adoption by Council, LPS3 will be forwarded to the WAPC for determination. It is anticipated that referral to the WAPC will coincide with referral of the draft JACP to the Department of Planning, after advertising, for determination by the WAPC.

The JACP will see three existing areas within the proposed boundary needing to be rezoned to 'Centre', namely:

- the existing Winton Road industrial estate, currently zoned as 'Service Industrial'
- the Joondalup Gate and Gateway business park, currently zoned as 'Business'
- the Edgewater Quarry currently zoned as 'Parks and Recreation'.

While a change to the Winton Road and Joondalup Gate precincts to 'Centre' has been captured within the draft LPS3, the Edgewater Quarry is currently proposed as 'Public Open Space' and will require modification.

The introduction of the LPS Regulations in 2015 has seen the nature of both structure plan and activity centre plan documents change, with a decision-maker now only required to give due regard to such documents, rather than being bound by the provisions contained therein. To ensure that the land use permissibilities proposed within the draft JACP are suitably enforced, it is essential that 'Table 2: Land Use Permissibility' is inserted into the relevant Local Planning Scheme.

Given the timing of both documents and that both the LPS3 and draft JACP will have been formally advertised, it is considered appropriate for the amendments to LPS3 required by the draft JACP, including land use permissibility and rezoning of the Edgewater Quarry to 'Centre', be incorporated into the final version of LPS3.

At its meeting held on 11 December 2012 (CJ051-04/12 refers), Council consented to adopt Scheme Amendment No. 64 to the *City of Joondalup District Planning Scheme No. 2* (DPS2) to rezone all precincts identified within the draft JCCSP to 'Centre.' The amendment was subsequently referred to the WAPC for determination in conjunction with the draft JCCSP however, was later placed on hold by the WAPC to enable the City to undertake modifications and seek additional information requested in relation to the draft JCCSP. Given that changes to the scheme required by the draft JACP are intended to be captured through modifications to LPS3, Scheme Amendment No. 64 will no longer be required.

Issues and options considered

The options available to Council in considering the draft JACP are:

- determine that the draft JACP is satisfactory for the purposes of advertising in accordance with Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*
or
- determine that the draft JACP should not be advertised and defers consideration until specific matters have been included or addressed.

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.
draft Local Planning Scheme No. 3.

Strategic Community Plan**Key theme**

Economic Prosperity, Vibrancy and Growth.

Objective

Activity Centre development.

Strategic initiative

- Promote the primacy of the Joondalup City Centre in the application of the Activity Centre Hierarchy.

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.
 City Centre development.

Strategic initiative

- Planning frameworks promote and support adaptive, mixed-use developments with active ground floor uses on appropriately zoned sites.
- Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.
- Promote and support bold and iconic private building developments within strategic City Centre land locations.
- Encourage ground level retail activities to support a growing and dynamic City Centre.
- Pursue the development of commercial office buildings within the Joondalup City Centre.

Policy

- *State Planning Policy 3.7: Planning in Bushfire Prone Areas.*
- *State Planning Policy 4.2: Activity Centres for Perth and Peel.*

Planning and Development (Local Planning Schemes) Regulations 2015

The LPS Regulations state that an activity centre plan may be prepared if a State Planning Policy requires an activity centre structure plan to be prepared for the area. Under SPP 4.2, an Activity Centre Plan is required to be prepared for the Joondalup City Centre, being a Strategic Metropolitan Centre as defined by SPP 4.2.

Under the LPS Regulations, activity centre plans no longer have statutory effect, with decision makers for an application seeking development or subdivision approval only required to only have 'due regard' to the plan. The LPS Regulations also limit the lifespan of an activity centre plan to ten years, commencing on the day the WAPC approves the plan.

The local government must within 28 days of preparing an Activity Centre Plan advertise the proposed plan for public comment for a period of between 14 and 28 days. Any further modifications to an Activity Centre Plan may not be advertised on more than one occasion without the approval of the WAPC.

In accordance with clause 36 of Schedule 2 of the LPS Regulations, the local government must prepare a report within 60 days of either the last day for making submissions or from a day agreed by the WAPC. The report is required to contain a list of submissions considered by the local government, any comments by the local government on those submissions, a schedule of any modifications required to address issues raised, an assessment of the proposal based on appropriate planning principles and a recommendation on whether the proposed activity centre plan should be approved by the WAPC.

District Planning Scheme No. 2

Clause 3.11.4 of DPS2 states that in accordance with Clause 43 of the deemed provisions of the LPS Regulations, any major development on land in the 'Centre' zone which is wholly or partly located within an activity centre shall not be approved unless an activity centre plan has been prepared and adopted in accordance with the requirements of SPP 4.2.

State Planning Policy 3.7: Planning in Bushfire Prone Areas

Clause 6.2 of SPP 3.7 requires that strategic planning proposals for land within designated bushfire prone areas, where the land has a Bushfire Hazard Level above 'low', to comply with the policy measures contained therein. The measures required to be undertaken include a bushfire hazard level assessment, a bushfire attack level contour map, identification of issues and future compliance with the bushfire protection criteria in subsequent planning stages. The information is able to be provided in the form of a *Bushfire Management Plan*.

In accordance with SPP 3.7, the City has engaged the services of Bushfire Prone Planning to prepare a bushfire management plan for the Joondalup activity centre, which is included as Attachment 9.

State Planning Policy 4.2: Activity Centre for Perth and Peel

Under clause 6.4(1) of SPP 4.2, activity centre plans are to be prepared for strategic metropolitan, secondary, district and specialised centres, but are not required for neighbourhood or local centres.

Under clause 6.3 of SPP 4.2, activity centres should be zoned to reflect the activity centre hierarchy established under the policy. The appropriate zoning classification for an activity centre is 'Centre' zone to ensure that flexibility and a mix of activities can be promoted.

Under clause 6.4(2) of SPP 4.2, activity centre plans should be endorsed prior to a major development being approved to ensure a centre's development is integrated, cohesive and accessible. Under clause 6.4(3) of SPP 4.2, *The Structure Plan Preparation Guidelines* (which outline the process for the preparation of activity centre plans) should be considered in conjunction with this policy, including the Model Centre Framework and any other applicable regulations.

Under clause 6.4(2) of SPP 4.2, an existing endorsed structure plan will remain effective in the interim until an activity centre plan is endorsed.

Risk management considerations

Should Council refuse to advertise the draft JACP or require modifications to the draft JACP, thereby delaying consultation, the City will continue to assess development under the current JCCDPM with due regard to the draft JCCSP as a seriously entertained document. The JCCDPM last had a major revision in 1995 and does not reflect the City's current aspirations for the City Centre. This could impact on the City Centre being able to achieve the City's ultimate goal of being recognised as a Primary Centre.

Financial / budget implications

The draft JACP has been prepared by external consultants at a cost of approximately \$327,000. Public consultation costs are expected to be \$3,500.

Regional significance

The JACP will assist the desired future economic and social development that will reinforce the Joondalup city centre as the preeminent Strategic Metropolitan Centre of the north-west sub-region.

Sustainability implications

Environmental

The draft JACP contains a number of objectives in relation to resource conservation, identifying that there are a number of opportunities for new development to adopt energy and water efficient building and landscape design through such measures as:

- building orientation to optimise solar access and natural cross ventilation
- environmentally responsible and effective building materials
- use of solar energy and water heating
- water sensitive urban design
- water wise landscape principles, water recycling and rain and stormwater harvesting.

The draft JACP contains a number of significant environmental features and recommends that a holistic approach be taken in managing potential environmental impacts.

Social

The draft JACP recognises the importance of open space in Joondalup as a valuable asset to support the lifestyles of those who live in apartments and inner city dwellings. Central Park remains a primary open space with opportunity provided to activate the edges of the park and provide enhanced access through it.

A stronger urban intensity within the Activity Centre Plan has been based on the City's proximity to high frequency bus and rail routes, promoting a more efficient use of land. Building on this will assist in reducing parking requirements and private vehicle usage both within the city centre and in the north-west sub corridor. Encouragement of after-hours activity and greater street level activation as well as access to services such as the Joondalup Health Campus, learning precincts and retail will provide for greater self sufficiency.

Economic

The proposed draft JACP will facilitate future development and provide the City with the opportunity to build on its existing strengths of health, education and retail. The Economic Development Plan has identified strategic themes and opportunities where public and private investment should be focussed. The City will need to successfully link and leverage regional assets and competitive advantages to ensure that benefits are realised and returns to the community and businesses are maximised.

Consultation

Should Council resolve to proceed to advertise the draft JACP, the LPS Regulations require that Activity Centre Plans be advertised for a period of between 14 and 28 days. It is proposed that advertising would be by way of:

- letters to all landowners and/or occupiers within the activity centre plan area
- a notice placed in the Joondalup Community newspaper for two consecutive weeks
- a notice and documents placed on the City's website
- a notice placed on the City's social media accounts.

Given the nature of the document, it is considered appropriate for advertising to be undertaken for a period of 28 days.

COMMENT

SPP 4.2 required the preparation of an Activity Centre Plan for the Joondalup City Centre by August 2013. While the draft JCCSP was forwarded to the WAPC by this date, due to the fact that the draft JCCSP had been substantially prepared and advanced prior to the introduction of SPP 4.2, which significantly changed the way in which activity centres were planned for, it was not considered by the Department of Planning as constituting an Activity Centre Plan with a number of modifications requested. Given the comprehensive changes required, the City has prepared a subsequent Activity Centre Plan to meet the requirements of SPP 4.2 and the draft structure plan framework. The draft JACP is consistent with the State Government's policy objectives established under *Directions 2031 and Beyond* and SPP 4.2.

The purpose of the JACP is to provide a strategic planning document that clearly defines and articulates the vision of the Joondalup City Centre, acknowledging the past history of the city centre, while aligning its future role and function with a strengthened identity. The draft JACP advocates further policy development that will enable and encourage high quality development in collaboration with developers.

The draft JACP forms a suitable framework for redevelopment of existing buildings within the city centre and for development of large vacant sites, offering opportunities for future activity. The plan and its development provisions, provides for a coordinated planning approach through a detailed planning framework that provides for a high built form outcome and appropriate transition amongst adjoining precincts with a focus on increased urban intensity.

It is recommended that Council support the advertising of the draft JACP for a period of 28 days.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council pursuant to clause 34 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to advertise the draft *Joondalup Activity Centre Plan* as outlined in Attachment 4 to this Report for a period of 28 days.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf170214.pdf](#)

ITEM 5 DESIGN WA – CITY OF JOONDALUP SUBMISSION

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07147, 101515
ATTACHMENTS	<p>Attachment 1 Design WA brochure</p> <p>Attachment 2 Draft <i>State Planning Policy 7: Design of the Built Environment</i></p> <p>Attachment 3 Draft <i>Apartment Design Policy</i></p> <p>Attachment 4 Draft Design Review Guide</p> <p>Attachment 5 Draft Design Skills Discussion Paper</p> <p>Attachment 6 Design review guide and Joondalup Design Reference Panel comparison</p> <p>Attachment 7 Draft Design WA submission</p> <p><i>(Please Note: Attachments 1 – 5 are available electronically only and a hard copy is available in the Councillor's Reading Room)</i></p>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and endorse the City's submission on a draft suite of documents released as part of Design WA.

EXECUTIVE SUMMARY

Design WA is a State Government initiative recognised in July 2014 under *Planning Makes it Happen: phase two blueprint for planning reform*.

On 19 October 2016 the Western Australian Planning Commission (WAPC) released four documents for public comment, being the first stage of Design WA, comprising the following:

- *State Planning Policy 7: Design of the Built Environment (SPP7)* – overarching policy that sets 10 principles of good design.
- *Apartment Design Policy* – sets development standards for multiple dwelling developments which will replace Part 6 of *State Planning Policy 3.1 – Residential Design Codes*.
- *Design Review Guide* – guidelines for the establishment of design review panels (similar to the existing Joondalup Design Reference Panel) to ensure consistency across local governments.

- *Design Skills Discussion Paper* – discussion on restricting developments above a certain threshold to be designed by a suitably qualified person (such as an architect).

While submissions were initially due on 20 December 2016, the City received an extension until 27 February 2017 to provide its submission.

The overall premise for Design WA is to develop a planning framework that recognises and elevates the importance of good design in providing a better built environment. This is provided through 10 design principles provided in SPP7, which are to be considered in the development of strategic plans (such as structure plans and policies) and the assessment of development applications.

The introduction of these documents, in particular the *Design Review Guide* and *Apartment Design Policy*, will have significant resource and cost implications for the City. In particular, aligning the Joondalup Design Reference Panel with the Design Review Panel model under the Design Review Guide could increase costs from approximately \$7,000 a year, up to \$48,000 a year. The increase to the number of assessment criteria to be considered in the assessment of multiple dwelling (apartment) developments is also estimated to increase the processing cost from approximately \$1,900 to \$3,800 per application for medium scale developments, equating to an additional cost of \$19,000 a year, with approximately 10 applications of this nature received annually.

Overall the premise of elevating the importance of good design is strongly supported and addresses on-going concerns with the current planning framework. However, there are a number of key areas of concern with the documents that should be given further consideration to ensure that requirements are implemented effectively. It is also recommended that the State Government review the planning fees to account for the increasing complexity in planning assessments.

It is recommended that Council endorses the City's submission on the draft documents and forwards the submission to the WAPC.

BACKGROUND

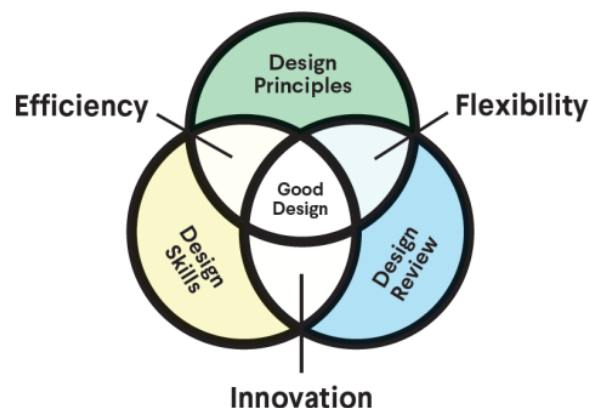
In September 2009, the Minister for Planning released *Planning Makes it Happen: a blueprint for planning reform*. This was the first stage of the reform agenda for the Western Australian planning system and led to a number of changes including the introduction of Development Assessment Panels, review of the *State Planning Policy 3.1 - Residential Design Codes* (R-Codes) and the development of *Directions 2031 and Beyond* - the strategic plan for land use in metropolitan Perth.

In July 2014, the Minister for Planning released *Planning Makes it Happen: phase two blueprint for planning reform* with a primary focus on statutory decision-making, governance and administrative reforms. The blueprint identified the need to develop a framework that ensured delivery of quality development, which is being implemented as Design WA. The documents that have been released for public comment are the first phase of a number of documents to be developed under Design WA.

DETAILS

Design WA is a State Government initiative intended to elevate the importance of design in all developments from concept through to delivery. The documents are based on the premise that good design outcomes are achieved through three fundamental principles, being:

- design principles that can be applied universally to the preparation of plans and new policies
- design review process for complex development types to streamline early stages of design, before proposals become too difficult to change
- skilled design practitioners who understand how to make the development respond to established and emerging neighbourhoods.



The State Government is seeking feedback on four documents released as part of the first stage of Design WA, comprising:

- *State Planning Policy 7: Design of the Built Environment (SPP7)* – overarching policy that sets 10 principles of good design.
- *Apartment Design Policy* – sets development standards for multiple dwelling developments and will replace part of *State Planning Policy 3.1 – Residential Design Codes*.
- *Design Review Guide* – guidelines for the establishment of design review panels (such as the Joondalup Design Reference Panel) to ensure consistency across local governments.
- *Design Skills Discussion Paper* – discussion on restricting developments above a certain threshold to be designed by a suitably qualified person (such as an architect).

A Design WA brochure providing an overview of Design WA, and the documents released for comment are available electronically at Attachments 1 to 5 respectively. The City's draft submission is available at Attachment 7.

If implemented the documents will have a significant impact on current planning assessment processes:

- The *Planning and Development (Local Planning Schemes) Regulations 2015* require local governments to give due regard to state planning policies in decision-making. Accordingly the content of SPP7 and the *Apartment Design Policy*, where relevant, will need to form part of the assessment criteria for all developments. This will require the review of local planning policies, structure plans, activity centre plans and local development plans to ensure that criteria align with the new requirements. As currently drafted the *Apartment Design Policy* will supersede provisions within the *Residential Local Planning Policy* relating to multiple dwelling developments.
- Specialist skills will be required to assess development against the criteria of the *Apartment Design Policy* given the increased complexity in development provisions, increasing time and costs associated with processing multiple dwelling developments.
- Modifications will be required to the operation of the Joondalup Design Reference Panel to align with the *Design Review Guide* which will increase costs associated with the panel.

State Planning Policy 7: Design of the Built Environment (Attachment 2 refers)

State Planning Policy 7: Design of the Built Environment (SPP7) sets out the overarching considerations which apply to the quality of design of the built environment to facilitate a more responsive outcome that delivers economic, environmental, social and cultural benefits.

The objectives of the policy include:

- flexibility for design responsiveness specific to sites
- increasing assessment and processing consistencies across local governments
- focusing on improving design skills to enable good discussion with proponents.

The policy sets out 10 broad design principles to guide development types and to be used as the basis for any policy position and in planning assessment. These design principles are summarised in the diagram below.



SPP7 also recognises the expectations of various parties with the principles of design needing to strike a balance between:

- community - development that recognises and enhances the local character and context
- applicant - timely and consistent assessment process and criteria for development
- City - sustainable, attractive, vibrant, safe and inclusive urban areas.

The policy is a significant shift towards recognising the various aspects of a development that need to be considered to ensure good design and the increased importance on achieving a design that fits the local area. This shift is strongly supported. However, it is recommended that the intent of the policy be reviewed to include reference to the principles of design also applying to commercial and industrial development, as outlined in the City's submission.

Apartment Design Policy (Attachment 3 refers)

The *Apartment Design Policy* is Stage One of a broader review of the R-Codes, and is intended to replace the current Part 6 of the R-Codes which deals with multiple dwelling developments with a residential density code of R40 or greater.

In addition to replacing Part 6 of the R-Codes, it will also have implications on the City's *Residential Development Local Planning Policy* which includes development provisions for multiple dwellings that currently replace some existing provisions of the R-Codes.

The *Apartment Design Policy* has been developed to address a number of gaps with the current approach of the R-Codes which apply blanket requirements to multiple dwellings without acknowledging the importance of built form and the local context in which a development may be proposed. The provisions also focus developments towards achieving the 10 principles of good design as outlined in SPP7 (set out above). To achieve this there are 88 provisions proposed, being an increase from 43 under the current R-Codes.

A key characteristic of the policy is the recognition of streetscape character types of 'detached' and 'attached', with some varying development requirements to account for this. This gives consideration to the character of an area as a primary control for the design of a multiple dwelling. An example of these character types is provided below, with the streetscape patterns being representative of R40-R60 development at each different streetscape type.

A1 – Neighbourhood attached

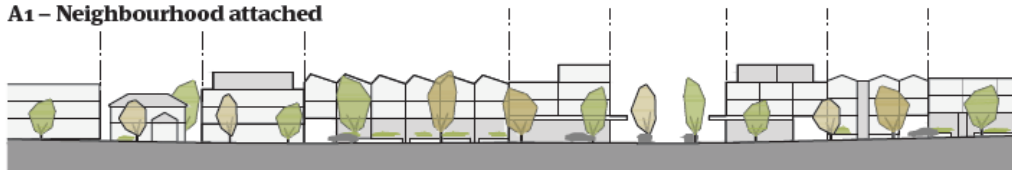


Figure 2.3f Indicative A1 streetscape pattern

Location context: A1 types can be appropriately designated within planned compact neighbourhoods with a cohesively urban character and good access to nearby amenities. Often in hinterland of urban centre or corridor.

Character statement: Apartment buildings in the A1 type should be designed to relate to the streetscape. Apartment outlooks are oriented towards street and rear, with little or no sideways aspect.

Typical apartment buildings: Walk-up attached apartments, Shoptop apartments, Courtyard apartments, Live/work apartments.

Design priorities: Using the efficiency of nil-setbacks to side boundaries to allow more generous rear setbacks. Moderating overlooking and overshadowing.

The neighbourhood attached example above would be representative of the Banks Avenue district within the *Whitford Activity Centre Plan*.

D1 – Neighbourhood detached



Figure 2.3c Indicative D1 streetscape pattern

Location context: D1 types are appropriate within detached neighbourhoods, which make up a large portion of the Perth metropolitan area. Single houses tend to be the predominant development type, so apartment projects should make a well-considered response to this established urban pattern.

Character statement: Apartment buildings in the D1 type should be designed to reflect the finer-grained proportions and lower street-scale of free-standing houses in order to integrate with the streetscape. They should reflect the prevailing patterns of front and side setbacks along their street, and allow for generous on-site landscaping, especially between buildings.

Typical apartment buildings: Maisonettes, Walk-up Garden Apartments.

Design priorities: Retention of existing trees on site is a priority, as well as protection of the amenity and privacy of back gardens of adjacent.

The neighbourhood detached example above would be representative of multiple dwellings within the dual density areas identified as Housing Opportunity Areas under the City's *Local Housing Strategy*, and is the smallest scale of multiple dwelling developments provided for within the *Apartment Design Policy*.

The neighbourhood detached is the default requirement in which development is to be designed and assessed against, unless otherwise designated by a local government through the scheme, structure plan, activity centre plan or policy.

The development provisions that applications are to be assessed against are structured under three main components:

- Primary controls – Provides the default controls dependent on the streetscape type and density. Controls include building height, plot ratio, building depth, separation and setbacks. These types of requirements are similar to the controls provided within the current R-Codes.
- Siting the building - Addresses the concept design of multiple dwellings, including analysing and responding to the site context, interface with neighbours and the public domain, and measures to achieve quality open spaces and maximise residential amenity.
- Designing the building - Informs the detailed design of multiple dwellings, including building form, layout, functionality, landscape design, environmental performance and occupant amenity.

The provisions have been structured similar to the current R-Codes, providing the following:

- Design criteria that provide specific measurable requirements, such as building height and setbacks. These are considered to be 'as of right' requirements, however it is noted that some provisions do not contain these requirements, and rely solely on a merit-based assessment under the design guidance and objective.
- Design guidance which provides further advice on how the objectives and design criteria can be achieved through appropriate design responses or where design criteria cannot be met or is not provided.
- Objectives that describe the desired design outcomes.
- Intent of the provision and an explanation of its role and importance in good design.

The aspects which the development provisions cover are considered a vast improvement on the current controls provided within the R-Codes, and will ensure that multiple dwellings are more responsive to the site and the local area. In particular new development provisions are proposed relating to:

- on-site tree retention and deep soil areas to allow for planting of trees
- building orientation and minimum requirements for natural light to dwellings and communal open space
- universal access for ground floor apartments
- environmentally sustainable design requirements.

Attachment 7 outlines the detailed feedback on each of the provisions, with the policy generally supported subject to modifications. The following key comments are included in the City's submission:

- The application of the policy is to apply to all multiple dwelling development, however no provisions have been prescribed for multiple dwellings below R40.
- The *Apartment Design Policy* supports the inclusion of provisions within a local planning scheme to guide multiple dwelling developments. However, this is in conflict with advice the City has previously received from the Department of Planning being that such provisions could only be included within a local planning policy.
- There are a number of provisions that do not contain design criteria which would otherwise set a minimum standard for developments. It is considered that there are a number of areas where design criteria should be incorporated, with it necessary that these minimum standards be set to ensure that proponents do not disregard requirements.
- There are a number of provisions that require specialist skills that are not currently required, especially in relation to building orientation, ventilation and water management. It is unclear as to the City's obligations to assess information prepared by applicants to ensure compliance with these requirements. The applicant should be required to have these reports prepared by a suitably qualified consultant if maintained within the policy, and the Department of Planning should provide detailed assessment tools and training to assist local governments with implementation.
- The policy dramatically increases the complexity of assessment and assessment costs associated with multiple dwelling developments. As an example, a multiple dwelling development of approximately 10 dwellings would increase the City's processing costs from approximately \$1,900 to \$3,800, increasing the annual cost for processing of applications of this nature to approximately \$19,000 (based on 10 applications received a year). It is recommended that a review of planning fees be undertaken to account for the increasing costs to local government to implement State policy changes.
- Design WA and the policy place a strong emphasis on the design review process as the key component for these developments to provide the necessary specialist expertise for some provisions. At the same time it also promotes streamlining of the assessment process. Given the increase in complexity and specialist skills required it is likely that smaller scale multiple dwelling developments will require referral to the Joondalup Design Review Panel, adding costs to the City and time to process an application.

The key areas in which the City does not support the development provisions include:

Building height

The City does not support increases to the 'as of right' requirement for building height for R40 multiple dwellings, being three storeys in-lieu of two storeys currently permitted. It is considered that the current two storey requirement should be maintained with local governments able to introduce policies should they want to increase heights.

Car parking

The City does not support the reduction in car parking requirements. The proposed and current requirements are outlined in the table below:

	Proposed Apartment Design Policy requirement	Current R-Code requirement	Change
Resident parking	0.75 – One bay per dwelling (depending on size)	1 – 1.25 bays per dwelling (depending on size)	Reduction of 0.25 bay per dwelling.
Visitor parking	One per four dwellings up to 12, and then reduced to one per eight dwellings	One per four dwellings.	Reduction in visitor parking where more than 12 dwellings.

While it is recognised that there is a need to balance the provision of parking against changing travel behaviours, it is considered that the current R-Code requirements are sufficient to address this. It is recommended that the current car parking standards be maintained, with local governments able to implement alternative lower car parking requirements if considered suitable based on the local context.

Overshadowing

The City does not support the lack of development controls relating to overshadowing of adjoining properties which is included under the current R-Codes.

Ambiguity

The development provisions relating to natural ventilation, noise and pollution, common circulation and spaces as currently drafted are ambiguous and will be difficult for the City to assess compliance against. As there is also no design criteria ('as of right' standard) it is unclear at the extent in which the City could compel a proponent to achieve these requirements.

Design Review Guide (Attachment 4 refers)

The draft *Design Review Guide* has been developed to provide a consistent approach to the operation of State and Local Government Design Panels (such as the City's Joondalup Design Reference Panel), with the expectation that development over a particular threshold will be subject to some form of design review.

The Joondalup Design Reference Panel was established in 2009 to provide advice on the impact of buildings on the streetscape and environmentally sustainable design features for major developments.

The draft *Design Review Guide* sets out that the purpose of a panel is to provide completely independent expert advice to decision-makers on certain types of development applications that meet a particular threshold, with no decision-making functions. This independent role has been reiterated through the structure, format and operation of these panels, including that the panels should not include decision-makers, Elected Members and local government staff.

A comparison of the key features of the design review panels against the Joondalup Design Reference Panel is provided at Attachment 6. The key features of design review panels as outlined in the draft *Design Review Guide* are as follows:

- Applications to be referred for review will include commercial or multiple dwelling development that achieve the DAP monetary threshold, multiple dwellings of 10 or more dwellings (and discretion for developments of less than 10), and activity centre plans and structure plans.
- Applications are to be reviewed at least twice, including prior to formal lodgement of the application and early in the design process. Applications are also to be reviewed after lodgement of the application.
- Panel membership is to exclude Elected Members and local government staff, including only technical members. A pool of up to seven members should be available, with a meeting to consist of four. Panel member remuneration is to be based on the number of hours spent reviewing applications and attendance at meetings.
- The selection process for panel membership is to be undertaken through an expression of interest process. Applications are then reviewed by a skilled selection panel, followed by an interview and induction process for panel members.
- A regular meeting schedule is to be adopted, with templates provided for meeting agenda and minute taking, with a database to be established to record panel feedback. Feedback from the panel is to be included in reports to the decision-maker.
- No fee is to be charged to applicants for the process.

The key implications of the draft *Design Review Guide* are:

Applications referred for design review

The current Terms of Reference for the Joondalup Design Reference Panel (JDRP) require all major new buildings and additions to existing buildings in the City Centre, as well as new building and additions outside the City Centre that impact on the streetscape to be referred to the JDRP for comment. Single house and grouped dwelling development of less than 10 dwellings are excluded from this.

The City has previously used a monetary threshold of more than \$10 million and minimum height of four storeys to determine what applications were referred for design review, being similar to that proposed under the draft *Design Review Guide*. However, it was found that this did not necessarily correlate with the extent of impact from a development. It is recommended that a different model be investigated for the design review guide to provide scope for other developments to also be referred where considered necessary based on its context.

The draft *Design Review Guide* also does not outline if the DAP monetary threshold is the 'opt-in' threshold of \$2 million, or compulsory threshold of \$10 million. It is recommended that should a monetary threshold be used, that the 'opt-in' threshold be used in conjunction with other parameters to ensure that low-impact developments are not unnecessarily referred for design review, while still recognising that some developments with a value of less than \$10 million have the potential to have a significant impact.

Timing of review

It is considered beneficial for designs to be reviewed prior to formal lodgement of a development application as it is more financially cumbersome for applicants to amend proposals at later stages, and this should minimise modifications required following lodgement of an application. However, it raises concerns regarding staff resources, and financial remuneration as not all proposals presented would result in a development application being lodged, and proposals would be presented for review more than once. It is also not considered necessary for proposals to be reviewed at the building permit stage as the feedback received from earlier reviews would be sufficient.

Panel membership

While it is acknowledged that there is a need for the design review to be impartial to the decision-maker it is recommended that the Panel Chairperson role still be able to be undertaken by the CEO or other local government staff given the high level of governance skill required. The chairperson role could be such that it does not provide any design feedback on proposals.

Panel selection process

The selection process to be followed under the *Design Review Guide* is more rigorous than the current process followed by the City. It is noted that under the design review guide, Council would not be responsible for the appointment of the panel members, although an Elected Member could be included on the selection panel.

Meeting agenda

There is concern that a report needing to include the relevant technical assessment will be resource intensive, particularly when being reviewed at the early concept and design stage. The early proposal may also be missing critical information to complete a full technical assessment. This could delay the processing timeframes for applications.

Meeting format

It is recommended that the opportunity remain for the panel to provide feedback following the applicant leaving the meeting, and that local governments be able to hold meetings on an as needed basis.

Applicant fee and remuneration

Aligning the Joondalup Design Reference Panel with the draft *Design Review Guide* could increase the annual costs from approximately \$7,000 upwards of \$48,000. This is due to the increase in the number of panel members being paid at an hourly rate (in-lieu of the current arrangement of a fixed fee per meeting), and applications potentially being presented twice to the panel for feedback.

Consideration should be given to pre-lodgement fees to cover the costs associated with the design review, noting that applicants receive benefit by receiving feedback earlier in the design process. Given the additional costs associated with the design review process the development application fee for applications of these types should also be reviewed.

Design Skills Discussion Paper (Attachment 5 refers)

The Design Skills Discussion Paper focusses on the issue of design skills or competencies of the individuals who design or oversee a development. Feedback is specifically sought on three options relating to whether there is a need for certain development types to be designed by a suitably qualified or recognised professional.

The paper identifies the importance of design in complex, multi-storey and mixed use developments on the wellbeing and amenity of the occupants, adjoining owners and community. In order to achieve these outcomes, site specific design responses are necessary, which require a higher level of skill from an individual with design expertise.

The feedback from consultation will be used to inform further policy or legislative provisions to implement.

The three options outlined for consideration are:

Option One – threshold based regulation

- This option proposes that developments of certain scale or monetary threshold are to be prepared or certified by a registered architect.
- The paper does not specify the threshold, rather raises possible ways that this could be determined, such as size (height or number of dwellings) or construction cost (such as DAP thresholds). With reference to the use of the DAP amount as a possible threshold, the paper is silent on whether it is the mandatory or discretionary threshold.
- The advantage of this option is that it ensures the development is designed by a suitably qualified person, and provides certainty for developers on the level of expertise that is required.
- The disadvantages with this option are that it could unfairly disadvantage building designers (that do not have a recognised qualification) and be anti-competitive. There is also the potential that while a person may have the relevant qualification, there could still be a poor design outcome.

Option Two – competency based standards

- This option recognises that a wide range of professionals can have strong design ability and skills, and that a new system could be introduced to provide competency based recognition for these professionals to undertake different project types.
- It has not been made clear on who would be responsible for administering the competence standard and how it is linked to the planning application process.
- The advantage of this option is that it allows the industry to determine the level of competence and may provide a greater level of competition. It will also provide certainty on which professionals are recognised to prepare proposals for development types.

- The disadvantages of this option are that the accreditation system may still not result in outcomes in the public interest, the private sector needing to monitor performance of practitioners, and confusion could be created between architectural services and design skills.

Option Three – no regulation

- This option relies on the introduction of SPP7 and the associated detailed design guides (such as the apartment design guide) and design review panels to ensure that good design is achieved.
- The advantage of this option is that it allows unrestricted competition as currently exists.
- The disadvantage of this option is that that does not introduce minimum competency standards, and due to the complexity of design to achieve the outcomes driven by SPP7, it may have unintended consequences and expectations on the City to provide guidance to less qualified persons in designing their development as is currently the case. The *Apartment Design Policy* also introduces additional provisions that would require specialist skills to assess that local government officers are not typically trained in.

The City's preferred option is Option 1 or 2 requiring designers to have a recognised design competency by way of certification or registration. This position is based on the following:

- Recognition of the importance of design and the skills needed to develop proposals of a particular scale.
- Addresses the increased complexity in design requirements introduced through the detailed design provisions of the *Apartment Design Policy* and the need for designs to respond to the site context, local area, environmental conditions, adjoining site interface and occupants amenity.
- Will assist to reduce pressure on local governments to deal with poor quality applications and to bridge the gap with less qualified persons preparing applications.

Issues and options considered

The options available to Council in considering the draft documents and the proposed submission are:

- endorse the proposed submission and forward to the WAPC
- endorse the proposed submission with modifications and forward to the WAPC
- or
- not endorse the proposed submission.

Legislation / Strategic Community Plan / policy implications

Legislation *Planning and Development Act 2005.*
Planning and Development (Local Planning Schemes) Regulations 2015.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

City Centre development.

Strategic initiative For the City's commercial and residential areas to be filled with quality buildings and appealing streetscapes.

To have quality and diverse landmark buildings within the Joondalup City Centre that enhance the vitality and vibrancy of the urban space.

Policy *Residential Development Local Planning Policy.*

The *Planning and Development (Local Planning Schemes) Regulations 2015* require local governments to give due regard to state planning policies in decision-making. Accordingly the content of SPP7 and the *Apartment Design Policy* will, where relevant, need to form part of the assessment criteria for all developments. This will require the review of local planning policies, structure plans, activity centre plans and local development plans to ensure that criteria align with the new requirements. As currently drafted the *Apartment Design Policy* will supersede provisions within the *Residential Local Planning Policy* relating to multiple dwelling developments.

Risk management considerations

Design WA proposes a significant change to the State's planning system. Local government is a key part of the planning system and it is important for the City to provide a submission.

The documents propose to introduce a new approach and standards for the design of the built environment and will have a significant impact on planning assessment processes. It is therefore important for the City's comments on the draft documents to be considered by the WAPC given the implications on the built form environment within the City.

Financial / budget implications

The implementation of these documents in their current form will have significant financial implications on the City, particularly given the changes that may be required to the Joondalup Design Reference Panel under the draft *Design Review Guide*, and the *Apartment Design Policy*.

While it is difficult to accurately quantify the full costs to implement Design WA, the following are noted:

Joondalup Design Reference Panel

Aligning the Joondalup Design Reference Panel with the draft *Design Review Guide* could increase the annual running costs of the panel from approximately \$7,000 upwards of \$48,000. This is due to the increase in panel members and being paid at an hourly rate, and applications potentially being presented twice to the panel for feedback. The Design WA documents currently provide no opportunity for the additional cost to be recouped through additional application fees.

Apartment Design Policy

It is anticipated that the time taken to process a multiple dwelling development of up to 10 dwellings under the *Apartment Design Policy* will increase from approximately 12 hours to 30 hours (including pre lodgement and negotiations with applicants), with processing costs for multiple dwellings increasing from \$1,900 to \$3,800. The typical application fee for these developments is between \$2,000 to \$3,500, and therefore the fee is not adequate to cover the costs associated with the applications. Planning fees are set by the State Government and therefore the City is unable to increase the fees to ensure that time spent on applications is accurately reflected in the application fee.

The number of multiple dwelling applications that the City receives has been increasing as a result of the *Local Housing Strategy*, with 10 applications received since February 2016. The introduction of the *Apartment Design Policy* could increase the processing costs for the City to up to \$19,000 a year.

Regional significance

The documents released as part of Design WA will apply across the State and have significant impact for all local governments. As such, the Western Australian Local Government Association (WALGA) has also provided a submission. The submission generally aligns with the City's position articulated in Attachment 7.

Sustainability implications

The changes proposed elevate the importance of sustainability in the consideration of design of developments, being one of the 10 principles provided within SPP7.

The *Apartment Design Policy* introduces a range of environmental sustainable design provisions. In particular provisions have been proposed relating to:

- tree canopy and greening provisions aimed to retain trees and dedicate provisions for mature trees as part of the future of the building for apartments
- solar access and natural ventilation to make the most of the local conditions
- incorporating a minimum number of dwellings that are universally accessible
- energy, water, waste and maintenance provisions to reduce and protect resources.

Consultation

The draft documents were released by the WAPC for public comment on 19 October 2016, with the initial submission period closing on 20 December 2016. The City received an extension to provide its submission by 27 February 2017 to provide adequate time to review the documents, and accommodate a Council resolution.

A proforma submission template was provided by the Department of Planning, which has been used as the basis for the City's submission provided at Attachment 7.

COMMENT

Overall the concept of Design WA to prioritise design of the built environment and introducing consistency on development provisions across the State is supported.

As outlined in the City's submission there are a number of key areas within the documents that need further review to ensure that the intended outcomes are achieved, and to ensure there is necessary statutory weight to be implemented effectively.

Undoubtedly the changes proposed will have significant ramification on the City in terms of resources and costs, particularly in relation to assessment of multiple dwelling developments and the changes that will be required for the Joondalup Design Reference Panel to align with the *Design Review Guide*. The level of technical expertise required to assess some provisions of the *Apartment Design Policy* will also place increasing pressure on staff, and there will be a need for further training and guidance from the Department of Planning.

It is recommended that Council endorses the submission to the WAPC as set out in Attachment 7.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the City of Joondalup's submission on the Design WA documents shown as Attachment 7 to this Report and forwards it to the Western Australian Planning Commission.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf170214.pdf](#)

ITEM 6 NOMINATION OF LOCAL GOVERNMENT MEMBERS TO THE NORTH-WEST METROPOLITAN JOINT DEVELOPMENT ASSESSMENT PANEL

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103360, 101515
ATTACHMENTS	Nil.
AUTHORITY / DISCRETION	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

PURPOSE

For Council to nominate two Elected Members to serve as members on the North-West Metropolitan Joint Development Assessment Panel (JDAP) and two Elected Members to serve as deputies.

EXECUTIVE SUMMARY

From 1 July 2011, 15 Development Assessment Panels (DAPs) commenced operating throughout Western Australia. DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$10 million in value is to be determined by the JDAP as a mandatory DAP application. An applicant may also elect for a development with a value of between \$2 million and \$10 million to be determined by the JDAP (opt-in DAP application).

Council is required to nominate two Elected Members to sit on the JDAP as the primary local government members and a further two Elected Members to sit on the JDAP as deputies in the event either one or both of the primary members are unavailable to attend a JDAP meeting.

Should Council not nominate four Elected Members to sit on the JDAP, the Minister for Planning is able to nominate an elector of the district who is considered to appropriately represent local interests. As such it is recommended that Council nominate four Elected Members for these roles.

BACKGROUND

From 1 July 2011, 15 Development Assessment Panels (DAPs) commenced operating throughout Western Australia. DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$10 million in value is to be determined by the JDAP as a mandatory DAP application. An applicant may also elect for a development with a value of between \$2 million and \$10 million to be determined by the JDAP (opt-in DAP application).

The JDAP consists of the following members:

- Three members with specialist knowledge in the areas of town planning, architecture or other related disciplines.
- Two Elected Members from the City of Joondalup, who sit on the panel for applications relating to the City of Joondalup only.

At its meeting held on 17 February 2015 (CJ010-02/15 refers) Council nominated Crs Chester and Gobbert to represent the City of Joondalup on the JDAP, with Cr Taylor being nominated first alternate member and Cr Hamilton-Prime as second alternate member. The nominations were considered by the Minister for Planning, who subsequently appointed the nominees for a term of two years, expiring on 26 April 2017.

Subsequent to the appointments, Cr Gobbert tendered his resignation and Council subsequently resolved to nominate Cr Philippa Taylor (previously first alternate member) to represent the City of Joondalup as a member on the Metro North-West JDAP in replacement of Cr Gobbert. Furthermore, Cr Hamilton-Prime was nominated as the first alternate member (deputy), with Cr Gobbert nominated as the second alternate member (deputy).

These nominations were confirmed by the DAP Secretariat as effective from Friday 13 November 2015.

In December 2016, the Minister for Planning announced a raft of changes to the administration of DAPs. The *Planning and Development (Development Assessment Panels) Amendment Regulations 2016* (the regulations) were published in the *Government Gazette* on 16 December 2016 and came into operation on Wednesday 1 February 2017.

One of the changes amended regulation 29(2) of the regulations to provide that a DAP member can be appointed for a term of up to three years. This will allow local government DAP members who retain office as local government Elected Members after an election to remain in place as DAP members until they can be formally reappointed.

DETAILS

The Department of Planning has requested that local government authorities begin the process of nominating Elected Members to sit on the DAP for a period of up to three years, expiring on 26 April 2020. Local government nominations are required to be submitted to the Department of Planning on or before 28 February 2017.

Local government members of the DAP may only fill this role while they are an Elected Member of the relevant local government. The term of appointment is for up to three years and will be set out in the Instrument of Appointment. All nominees are required to attend mandatory training, pursuant to the regulations, on their roles and responsibilities to sit on the DAP and determine applications.

A previous appointment as a member of the DAP does not affect the ability of an Elected Member to be re-nominated. Former members who have completed DAP training are not required to attend further training, however the Department of Planning does encourage members to attend refresher training.

Local government elections in October 2017 may result in a change to local DAP membership if current Elected Members, who are DAP members, are not re-elected. In this instance, the deputy DAP members will take the place of the former DAP members. If both the DAP members and alternate members are not re-elected, Council will need to renominate and the Minister appoint new DAP members.

Issues and options considered

Council is required to nominate two Elected Members to represent the City as members on the JDAP and two Elected Members to act as first alternate member and second alternate member.

Legislation / Strategic Community Plan / policy implications

Legislation

*Planning and Development Act 2005.
Planning and Development (Development Assessment Panels) Regulations 2011.*

Strategic Community Plan

Key theme

- Governance and Leadership.
- Quality Urban Environment.

Objective

- Strong leadership.
- Quality built outcomes.

Strategic initiative

- Seek out City representation on key external and strategic bodies.
- Buildings and landscaping is suitable for the immediate environment and reflect community values.

Policy

Not applicable.

Risk management considerations

If Council does not nominate Elected Members to sit on the JDAP on or before 28 February 2017, the Minister for Planning may appoint a person who is an eligible voter within the district, who the Minister feels will adequately represent the views of the community.

Financial / budget implications

JDAP members, including local government members are to be paid \$400 per sitting of the JDAP, with the presiding member (one of the specialist members) receiving a payment of \$500 per sitting of the JDAP.

These fees are paid by the Department of Planning and are not the responsibility of the City of Joondalup.

All amounts quoted in this report are exclusive of GST.

Regional significance

As the JDAP determines all applications for development approval where the value of the development is greater than \$10 million and the works do not relate to a single house or less than 10 grouped dwellings. It is likely that all proposals of regional significance will be determined by this body.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Council is required to nominate two members and two alternate members that will sit on the JDAP to determine significant development applications within the City of Joondalup for up to a three year period, expiring on 26 April 2020.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOMINATES two Elected Members to represent the City of Joondalup as members on the North-West Metropolitan Joint Development Assessment Panel;**
- 2 NOMINATES two Elected Members to represent the City of Joondalup as first alternate member and second alternate member on the North-West Metropolitan Joint Development Assessment Panel.**

ITEM 7 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 6 December 2016 to 25 January 2017.
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 6 December 2016 to 25 January 2017 (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 6 December 2016 to 25 January 2017, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 6 December 2016 to 25 January 2017, 10 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Section 70A Notification.	2
Employment Contract.	1
Transfer of Land.	1
Restrictive Covenant.	1
Licence Agreement.	2
Local Law Amendment.	1
Withdrawal of Caveat.	1
Sub Lease 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.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 6 December 2016 to 25 January 2017, as detailed in Attachment 1 to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf170214.pdf](#)

ITEM 8 MINUTES OF EXTERNAL COMMITTEES

WARD All

RESPONSIBLE DIRECTOR Mr Jamie Parry
Governance and Strategy

FILE NUMBER 00033, 03149,101515

ATTACHMENTS

Attachment 1	Minutes of WALGA North Metropolitan Zone meeting held on 24 November 2016.
Attachment 2	Minutes of Mindarie Regional Council meeting held on 1 December 2016.

(Please Note: These minutes are only available electronically).

AUTHORITY / DISCRETION Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

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

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of WALGA North Metropolitan Zone meeting held on 24 November 2016
- Minutes of Mindarie Regional Council meeting held on 1 December 2016.

DETAILS

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

WALGA North Metropolitan Zone meeting - 24 November 2016

A meeting of the North Metropolitan Zone was held on 24 November 2016.

At the time of this meeting Cr Philippa Taylor, Cr Russ Fishwick JP, and Cr John Logan were Council's representatives on the North Metropolitan Zone.

Cr Christine Hamilton-Prime was an apology for this meeting.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the North Metropolitan Zone meeting:

5.1 Local Government Electoral Processes

It was resolved by the North Metropolitan Zone as follows:

“WALGA North Zone (being Cities of Wanneroo, Joondalup and Stirling) request that WALGA and LGMA engage the Local Government sector to:

- 1 Assess the appropriateness of the Western Australian Electoral Commission being the sole provider of election services to be conducted using the postal voting method;*
- 2 Determine strategies to increase voter participation in local government elections such as electronic voting;*
- 3 Lobby for any required legislative change to support the identified strategies.”*

STATE COUNCIL AGENDA – MATTERS FOR DECISION

5.6 Amendment to State Planning Policy 3.1 – Residential Design Codes – Minor Amendments

It was resolved by the North Metropolitan Zone as follows:

“In relation to State Council Agenda Item 5.6, the North Metropolitan Zone supports the recommendation to endorse the interim submission with the exception of the submission position on Item 24. In that, the Zone does not oppose the reduction of the minimum number of aged persons’ dwelling in any single development from 5 to 2.”

8.1 Notice of Meetings 2017

It was resolved by the North Metropolitan Zone as follows:

“That the 2017 proposed schedule of meetings for the North Metropolitan Zone be endorsed.”

NOTICE OF MEETINGS NORTH METROPOLITAN ZONE MEETING 2017

Zone Meeting Dates Thursday	Time	HOST COUNCIL	State Council Meeting Dates 2017
23 February	Thursday 6.00 pm	City of Wanneroo	Wednesday 1 March 2017
27 April	Thursday 6.00 pm	City of Joondalup	Regional Meeting Murchison Country Zone 4-5 May 2017
29 June	Thursday 6.00 pm	City of Stirling	Wednesday 5 July 2017

Zone Meeting Dates Thursday	Time	HOST COUNCIL	State Council Meeting Dates 2017
31 August	Thursday 6.00 pm	City of Wanneroo	Regional Meeting Great Southern Country Zone 7-8 September 2017
30 November	Thursday 6.00 pm	City of Joondalup	Wednesday 6 December 2017

Mindarie Regional Council meeting – 1 December 2016

A meeting of the Mindarie Regional Council was held on 1 December 2016.

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

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

9.3 Mindarie Regional Council Ordinary Council Meeting and Strategic Workshop Dates for 2017

It was resolved by the Mindarie Regional Council as follows:

"That the Council:

- 1 *adopt the following schedule for Ordinary Council Meetings for 2017, commencing at 5.30pm:*
 - *Ordinary Council Meeting – 9 February 2017 (City of Joondalup);*
 - *Ordinary Council Meeting – 6 April 2017 (City of Wanneroo);*
 - *Ordinary Council Meeting – 6 July 2017 (City of Stirling);*
 - *Ordinary Council Meeting – 14 September 2017 (City of Vincent);*
 - *Ordinary Council Meeting – 9 November 2017 (City of Perth);*
 - *Ordinary Council Meeting – 14 December 2017 (Town of Victoria Park);*
- 2 *issue Public Notice on the meetings detailed in (1) above in accordance with Part 12 (1) of the Local Government (Administration) Regulations 1996 and the Local Government Act 1995;*
- 3 *adopt the following schedule for the two Strategy Workshops for 2017 as follows:*
 - *9 February 2017;*
 - *14 September 2017."*

9.4 Tamala Park Regional Council – Request to realign the fence between the two leased areas and undertake earthworks within the buffer zone

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

1 *Inform the Tamala Park Regional Council (TPRC) that its request to:*

- (a) realign the fence to the Preferred Lease Boundary;*
- (b) undertake the earthworks necessary for the school site as detailed in Attachment 1 to this Report is supported subject to the following conditions:*
 - (i) the TPRC undertaking a feature and contour survey of the land between the existing fence and the new fence (Amended Lease Area) providing details of:*
 - all existing infrastructure including monitoring wells and limestone stock pile;*
 - the new fire breaks to be created in line with the City of Wanneroo specifications and to be designed to be trafficable;*
 - impacted Aboriginal heritage sites;*
 - the location and coordinates for the Waugal;*
 - the location and coordinates for the Bush Forever land;*
 - (ii) the development of a Deed or some other legal agreement with the MRC that makes the TPRC responsible for any liability associated with the Amended Lease Area excepting the environmental issues associated with the operations of the MRC in developing a landfill;*
 - (iii) the Deed or legal agreement to include the ability for the MRC to access the bore wells within the Amended Lease Area;*
 - (iv) commencing the necessary arrangements to amend the lease to accommodate the new boundary with the MRC and the owners of (Lot 9005 on Deposited Plan 76936) being the Cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the Towns of Cambridge and Victoria Park;*
 - (v) the MRC having the ability to install and maintain landfill gas and groundwater monitoring infrastructure and monitor said infrastructure within the area between the existing Lease Boundary and the new aligned fence line or new Lease Boundary;*
 - (vi) the TPRC meeting the costs of the survey and the Deed or legal agreement detailed in (b) (i) and (b) (ii) above;*

- 2 *Undertake a Site Specific Risk Assessment Investigation to assess the risk of migrating gas and groundwater on development within the approved buffer zone;*
- 3 *the cost of the assessment detailed in 2 above be funded by the MRC in the half yearly budget review.*

9.5 Adoption of the 2016 Annual Report

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

- 1 *Notes the recommendation of the Audit Committee meeting held on 16 November 2016 to adopt the Financial Report for the year ended 30 June 2016;*
- 2 *Adopts the Annual Report for the year ended 30 June 2016, which includes the Financial Report detailed in 1 above.*

9.6 Commitment of Additional Tonnes and Engagement of Consultants associated with the Resource Recovery Facility (Energy from Waste) Tender

It was resolved by the Mindarie Regional Council as follows:

“That the Council:

- A *Commits an additional 50,000 tonnes of processible waste to the Resource Recovery Facility Tender (the Tender) for the period after the expiration of the term of the contract the MRC has with BioVision 2020 through to the end of the term of any contract resulting from the Tender;*
- B *Acknowledge that the EMRC, as part of developing the Tender for a Resource Recovery Facility has engaged the following consultants:*
 - *HDR Inc.;*
 - *Atkins Global;*
 - *John Cook and Associates,*

and that the MRC, without going through the standard tendering and / or quoting competitive processes required by MRC's Policy CP06 – Purchase of Goods and Services, will where required utilise the services of the consultants detailed above;

- C *Acknowledge that additional project funding totalling approximately \$260,000 will be requested in the half year budget review;*
- D *Approves an additional \$110,000 to fund a total payment of \$210,000 to the EMRC to fund a portion of the costs associated with the consultancy and legal costs it incurred in developing the Tender to date.*

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

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

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 WALGA North Metropolitan Zone meeting held on 24 November 2016 forming Attachment 1 to this Report;**
- 2 Mindarie Regional Council meeting held on 1 December 2016 forming Attachment 2 to this Report.**

To access this attachment on electronic document, click here: [External Minutes170214.pdf](#)

ITEM 9 MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 6 DECEMBER 2016

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103250, 101515
ATTACHMENT	Attachment 1 Minutes of the Annual General Meeting of Electors held on 6 December 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 note the Minutes of the Annual General Meeting of Electors held on 6 December 2016 and to give consideration to the motions carried at that meeting.

EXECUTIVE SUMMARY

The Annual General Meeting of Electors of the City of Joondalup was held on 6 December 2016 in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council, where practicable.

BACKGROUND

The City's Annual General Meeting of Electors was held on 6 December 2016 in accordance with section 5.27 of the Act. The meeting was attended by 78 members of the public, with a total of eight motions carried at the meeting.

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

DETAILS

Issues and options considered

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

MOTION NO. 1

MOVED Mrs M Macdonald, SECONDED Mr M Sideris that the City of Joondalup PROCEEDS no further with the Ocean Reef Marina redevelopment until reports state that there will be no damage to the coastline from the impact of the Ocean Reef Marina.

Officer's comment

As part of the assessment of the Ocean Reef Marina project the Environmental Protection Authority will consider the results of the detailed and extensive coastal processes assessments undertaken by City as part of the Public Environmental Review.

The Environmental Protection Authority will prepare a report and recommendation for consideration by the relevant Minister on the outcome of the environmental assessment of the Ocean Reef Marina.

Officer's recommendation

That Council NOTES that the Environmental Protection Authority will prepare a report and recommendation for consideration by the relevant Minister on the outcome of the environmental assessment of the Ocean Reef Marina.

MOTION NO. 2

MOVED Mr M Lee, SECONDED Mr A Howie that:

- 1 Council conducts a review of the decision-making process leading up to the amended motion CJ150-09/16 Community Sporting and Recreation Facilities Fund Applications – 2017 – 18 Annual and Forward Planning Grant Round, with a report to be submitted to Council at its meeting to be held on 21 March 2017 detailing the outcome of a consultation of stakeholders to include:**
 - 1.1 City of Joondalup Elected Members;**
 - 1.2 City of Joondalup Administration;**
 - 1.3 Whitford City Football Club;**
 - 1.4 Joondalup United Football Club;**
 - 1.5 User groups of Warrandyte Park;**
 - 1.6 The local community surrounding and those who use Warrandyte Park;**
 - 1.7 Stakeholders involved in the Forrest Park decision;**
- 2 The review process be managed by an independent monitor from outside the City of Joondalup and the Football Community.**

Officer's comment

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 conduct, role and decision-making responsibilities. In support of this legislation, the *City of Joondalup Meeting Procedures Local Law 2013*, governs the operations and the transaction of business at Council and committee meetings. This local law details, among other things, the procedure for Elected Members to follow when desiring to move a motion or an amendment during an item that is under debate during a Council meeting.

At its meeting held on 20 September 2016 (CJ150-09/16 refers), a report was presented to Council in respect of the 2017-18 Annual Community Sporting and Recreation Facilities Fund Grant Applications. This report provided Council with the relevant professional advice and information from the City's officers regarding the matter, which was supported by a corresponding recommendation for Council to consider. The report and recommendation took into account the discussions held with the Joondalup United Football Club and the Whitford City Football Club as a result of Council's resolution made at its 16 August 2016 meeting (CJ122-08/16 refers).

The decision to adopt, amend or reject a recommendation in a report rests with Council (or in some cases a committee) and the *City of Joondalup Meeting Procedures Local Law 2013* allows for such action to be taken. The ability for Elected Members to move motions, amendments or alternate motions, forms part of the democratic meeting process and supports the normal and well established rules of debate at meetings. Although Elected Members, as a matter of courtesy, are encouraged to advise fellow Elected Members of their possible intent to move an amendment or an alternate motion to that which is presented in a report at least 24 hours before a meeting, there is no legislative requirement to do so. Furthermore there is no obligation on an Elected Member to honour that advice of a possible amendment or alternate motion at a meeting.

Notwithstanding and in accordance with regulation 11(da) of the *Local Government (Administration) Regulations 1996*, where Council makes a decision that is significantly different to that recommended by City officer's (or a committee) a reason is to be included in the minutes.

In terms of the decision-making process at the 20 September 2016 Council meeting for CJ150-09/16, the alternate motion that was moved, seconded and subsequently carried by the required majority vote complied with the provisions of the *Local Government Act 1995* and the *City of Joondalup Meeting Procedures Local Law 2013*. Furthermore a reason for Council's decision was also included within the minutes for the Council meeting therefore complying with the requirements of the *Local Government (Administration) Regulations 1996*.

In view of this it is recommended that an independent review not be undertaken.

Officer's recommendation

That Council DOES NOT SUPPORT an independent review of the decision-making process leading up to CJ150-09/16 discussed at the Council meeting held on 20 September 2016, as the actions of Elected Members and Council complied with the requirements of the City of Joondalup Meeting Procedures Local Law 2013 and the Local Government (Administration) Regulations 1996.

MOTION NO. 3

MOVED Mr M Lee, SECONDED Mr A Howie that a working group is formed between the City of Joondalup Administration, Football Clubs within the City of Joondalup and Football West to develop a strategy for the future of football in the City of Joondalup. The terms of reference of the working group should be set down after a period of consultation with the identified parties and discussed at the Council Meeting to be held on 11 April 2017. The outcome of the working group is to:

- 1 foster collaboration between Football Clubs and the City of Joondalup;**
- 2 develop a strategy to enable the growth of clubs and football within the City of Joondalup;**
- 3 identify funding needs and avenues for future clubs.**

Officer's comment

At its meeting held on 13 December 2016 (CJ236-12/16 refers), Council requested 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 its home ground and by other City of Joondalup clubs for NPL matches. The report would also include potential scope of project, cost estimates and timing and will be prepared in consultation with Football West, Sorrento Football Club, Joondalup United Football Club and ECU Joondalup Football Club. It is proposed that this report will deal with the issues raised within the motion.

Council also requested 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. A report has been prepared by the City for consideration by the North Zone of the Western Australian Local Government Association to progress this issue on behalf of the local government sector.

Officer's recommendation

That Council NOTES that a report will be presented to a future Council meeting to give consideration to designating Percy Doyle Reserve as an NPL stadium site for use by Sorrento Football Club as its 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.

MOTION NO. 4

MOVED Mrs M Macdonald, SECONDED Mr M Sideris that the City of Joondalup obtains an exemption from the State Government for all liability arising from property damage or infrastructure damage caused by the Ocean Reef Marina redevelopment.

Officer's comment

The results of the detailed and peer reviewed assessments recently undertaken by the City of Joondalup for the Ocean Reef Marina Public Environmental Review indicated that some of the existing infrastructure at the Ocean Reef Boat Harbour was vulnerable. However, the Ocean Reef Marina development will include new breakwaters and land development at

increased elevations to take into account potential sea level rise which will reduce the coastal inundation risk to acceptable levels.

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

Risk to property and infrastructure resulting from the development of the Ocean Reef Marina is considered to be very low.

Officer's recommendation

That Council does NOT SUPPORT obtaining exemption from the State Government for all liability arising from property damage or infrastructure damage caused by the Ocean Reef Marina redevelopment.

MOTION NO. 5

MOVED Mr J Chester, SECONDED Mr A Howie that the City of Joondalup EXAMINES how appropriate it is to be spending on non-core responsibilities such as Kaleidoscope, art collections and festivals, and spending more money on core responsibilities such as bulk rubbish.

Officer's comment

Delivering cultural events and programs to the community are strategic initiatives detailed in the City's 10-year plan, the *Strategic Community Plan Joondalup 2022*. To achieve the objective of becoming a 'Destination City' (Economic Prosperity Vibrancy and Growth) the City committed to:

- actively promote and sponsor significant events and activities.

To promote 'Cultural development', (Community Wellbeing) the strategic initiatives provide direction to:

- invest in publicly accessible visual art that will present a culturally-enriched environment
- actively engage event promoters to host iconic, cultural and sporting events within the City
- promote local opportunities for arts development.

As the City's long-term plan, the City conducted a comprehensive engagement process to ensure that *Joondalup 2022* aligns with the expectations and needs of local residents and businesses and is generally well supported by the community.

In addition, the City's *Economic Development Strategy* underpins the need to create an environment that supports economic activity and investment through a range of initiatives which include:

- raising the profile of the City as a business and visitor destination
- developing the capacity of local business and industry to grow
- enhancing vibrancy and liveability of the area for local people
- facilitating vibrant, safe and attractive street life in order to attract people and business
- marketing the City as a desirable place to invest, work and live.

Creative industries, (which include visual art, artistic and cultural activities and events), drive economic growth and employment as visitors are attracted to the City of Joondalup where they spend on goods and services. The economic impact of 'visitor spend' contributes to the City of Joondalup's economy and generates employment, with flow-on effects across a range of businesses within the region.

Approximately 50,000 patrons attended Kaleidoscope over the four nights in November 2016 with patrons coming from as far as Bunbury and Cervantes. The impact of 'visitor spend' to the local economy is estimated to be approximately four times the City's financial investment. Local businesses and Lakeside Joondalup Shopping City also reported an increase in business over the four days.

The City's Joondalup Festival has been named the 'Australian Event Awards – Best Community Event (WA)' for the past two years. The 2016 festival attracted more than 40,000 people to the City Centre.

The City's Little Feet Festival held in October 2016 attracted a crowd in excess of 7,000 people and is the region's biggest cultural event for children aged 12 and under. Many families attending came from outside the region.

These festivals and other events delivered as part of the City's *Cultural Program* not only contribute economic and social benefits to the community, but also enhance the 'liveability' and community spirit within the City of Joondalup.

The City develops key success factors with regard to its discretionary activities in relation to events and these are used as a basis for their development and continuance. Council as part of its annual budget process considers funding of these discretionary activities.

The City's *Visual Arts Policy* guides the delivery of a contemporary visual arts program that supports quality cultural opportunities for the local community, recognising the value of culture in our society as a driver for change, innovation, vibrant communities, a strong sense of place, the economy and tourism. The program focuses on:

- developing a high quality contemporary art collection for the enrichment of residents and the broader community
- enhancing the reputation of the City as a modern, vibrant, and culturally enriched environment with global ambitions for residents and the local arts industry
- enhancing the City's historical records through commissioning artworks that reflect and capture local flora, fauna and iconic landmarks of the City
- providing opportunities to educate the City's residents through participation and access to contemporary visual art and the City's art collection.

The Annual Customer Satisfaction Survey measures the City's performance across a range of services. Community satisfaction with festivals, events and cultural activities has scored a consistently high result over the last three years with a score of 86.6% in 2015-16.

The City recognises that waste collection is a core responsibility and has an endorsed *Waste Management Plan* to:

- provide a quality and cost-effective service to the community
- reduce diversion rates to landfill and minimise the environmental effect of waste generation and disposal
- ensure the City's long-term planning is informed by research and best practice
- align the City's waste practices to state and federal direction.

The change to the way the City delivers its bulk waste collection service was initiated as an action of the *Waste Management Plan* to generate both cost savings for ratepayers and to reduce the significant amount of waste sent directly to landfill. A change was critical because as much as 96% of bulk hard waste was being sent to landfill which was not sustainable for environmental and financial reasons. Community consultation was undertaken to inform the development of options for the revised service. The changed collection methods will enable more materials to be diverted from landfill and will assist the City to meet the 65% diversion target set by State Government to be achieved by 2020.

Subsequent to Council adopting the *Waste Management Plan*, a tender was awarded by Council at its meeting held on 20 September 2016 (CJ145/09/16 refers) which implemented the service as detailed within the plan.

Officer's recommendation

That Council DOES NOT SUPPORT the examination of spending on non-core responsibilities and activities as such action has been adopted by Council and contained within the City's Strategic documents, such as the City's 10-year Strategic Community Plan and policy framework, and any expenditure allocated for non-core or discretionary activities forms part of the Council's annual budget deliberative process.

MOTION NO. 6

MOVED Mr M Stringfellow, SECONDED Mrs S Kendrick that Council SUPPORTS the basics of good governance and accountability by changing its media policy to explicitly endorse members' and staff' rights to speak to the media about their views on any Council decision or activity, provided that they make it clear that the opinion is their own and it does not cast an adverse reflection on Council or its employees.

Officer's comment

There is no blanket prohibition against an Elected Member making public statements, including statements to the media, in connection with his or her functions as an Elected Member. If performed properly, this would be consistent with the Elected Member's statutory role, including the role of facilitating communication between the community and the Council under section 2.10(c) of the *Local Government Act 1995*. However there are two major restrictions that apply to an Elected Member making statements to the media.

The first major restriction relevant to an Elected Member making statements to the media applies where it is clear that the Elected Member is not speaking on behalf of the Council or the City but is expressing his or her personal views. Elected Members have a duty of fidelity to act in the best interests of Council and the City and it would be a breach of that duty for an Elected Member to make public statements that are critical of a Council decision to cause detriment to the City. Actions of this type would possibly constitute a breach of regulation 7 of the *Local Government (Rules of Conduct) Regulations 2007*. In serious cases it could also be a breach of section 5.93 of the *Local Government Act 1995* or constitute misconduct under the *Corruption, Crime and Misconduct Act 2003*.

The second major restriction relates to the statutory role of the Mayor (and the CEO if the Mayor agrees) under the *Local Government Act 1995*. An Elected Member who purported to speak, or who was reasonably perceived to be speaking, on behalf of the City, would be making improper use of his or her position as an Elected Member and again be at risk of breaching regulation 7 of the *Local Government (Rules of Conduct) Regulations 2007*.

In view of this and to protect possible contraventions, the City's *Elected Members Communications Policy* adopts the standards and legislative provisions stipulated in the *Local Government Act 1995*. The policy stipulates that only the Mayor, or the Deputy Mayor in the role as Acting Mayor, may speak to the media on behalf of the City. The Mayor may delegate to the CEO to speak on behalf of the City. The policy does not cover the individual views of Elected Members, which are often reported on during debate at Council meetings.

The *Code of Conduct for Employees, Elected Members and Committee Members* also reflect the standards set in legislation and employees, as part of their contractual employment arrangement with the City, are to abide by those requirements.

It is therefore recommended that Council DOES NOT SUPPORT a change to the *Elected Member's Communications Policy* to explicitly endorse Elected Member's and employee's right to speak to the media about their views on any Council decision or activity.

Officer's recommendation

That Council DOES NOT SUPPORT a change to the Elected Member's Communications Policy to explicitly endorse Elected Member's and employee's right to speak to the media about their views on any Council decision or activity.

MOTION NO. 7

MOVED Mr M Stringfellow, SECONDED Mrs S Kendrick that Council SUPPORTS its primary value of being 'transparent' and its behaviour principle of being 'open with the public' by all motions and amendments to have a minimum of 24 hours public notice of their exact wording before they can be voted on.

Officer's comment

The purpose and role of Council meetings is governed by the *Local Government Act 1995* and the *City of Joondalup Meeting Procedures Local Law 2013*. In support of Council's decision-making responsibilities, the business to be conducted at meetings is specified in the relevant meeting's agenda which includes reports from City officers as well as recommendations as to the most appropriate course of action to take based on the information presented in the report.

The decision to adopt, amend or reject a recommendation in a report rests with Council (or in some cases a committee) and the *City of Joondalup Meeting Procedures Local Law 2013* allows for such action to be taken. The ability for Elected Members to move motions, amendments or alternate motions, forms part of the democratic meeting process and supports the normal and well established rules of debate at meetings.

In support of good governance, Elected Members, when considering a possible amendment or alternate to that which is being recommended by the City officers, often seek assistance from the City's officers to ensure amendments and possible alternates are drafted in due form that offers a level of clarity as to the appropriate action the Chief Executive Officer is to take, should such a resolution be made. Such assistance is supported by the Department of Local Government and Communities in its *Operational Guideline No. 7 – Clarity in Council Motions*.

The suggestion of making available any possible motions or amendments to the public will create a level of confusion for members of the public as to what the City officers are in fact recommending to Council (or a committee) as well as possibly unreasonably pressuring an Elected Member to follow that course of action, if they have requested the drafting of such. An Elected Member may in fact choose not to move an amendment or alternate drafted as a

result of the debate on a matter and this right of all Elected Members should be preserved in view of their decision-making role.

All decisions made at a meeting, including moved amendments or alternates are detailed in the minutes of the meeting, and are also displayed for the convenience of the public who may be present in the public gallery.

In view of the above it is recommended that Council does not support making available amendment or alternate motions to members of the public.

Officer's recommendation

That Council DOES NOT SUPPORT making publicly available possible amendments or alternate motions to recommendations detailed in an agenda, to members of the public.

MOTION NO. 8

MOVED Mr M Stringfellow, SECONDED Mrs S Kendrick that the City of Joondalup implement a committee to answer elector questions as recommended in the report from the previous suspension of this Council and as requested in previous Annual General Meeting of Electors' motions.

Officer's comment

By way of background a similar motion was passed at the Annual General Meeting of Electors held on 28 November 2005 as follows:

"That in accordance with the McIntyre Inquiry the City sets up a committee which meets monthly to look at the way in which ratepayers' questions have been answered or ignored so that this Administration is made open and accountable for its actions."

As part of the 2005 Report of the Inquiry into the City of Joondalup a recommendation was made that *"A committee of the Council of the City of Joondalup should be established to supervise the answering of public questions and report on and recommend action relating to the answers to questions to the Council"* (Recommendation 13).

At the Special Meeting of Council held on 14 November 2005, Council gave consideration to the City's response to the Minister in regard to the Report of the Inquiry into the City of Joondalup and in relation to the above recommendation, resolved that:

"This recommendation may be able to be dealt with via policy and guidelines from the Council rather than through a committee structure having regard to practical problems with turnaround times etc."

Since the Council meeting held on 11 October 2005 (CJ207-10/05 refers), the City has established protocols and procedures in place around public question time and public statement time, with the latest review of the procedures undertaken by Council at its meeting held on 19 November 2013 (CJ213-11/13 refers). These procedures support the provisions of the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the City's own *Meeting Procedures Local Law 2013*. In accordance with these procedures, questions raised prior to a Council meeting are endeavoured to be answered before the commencement of a meeting by the Chief Executive Officer. Questions raised at a meeting are either responded to by the Mayor (being the person presiding at meetings); by the Chief Executive Officer or a Director; or taken on notice and responded to at a later date.

As reported to Council at its meeting held on 14 November 2005 (JSC5-11/05 refers) the establishment of a committee to oversee the answering of elector's questions will be problematic in terms of providing responses in a timely manner and would hinder the transparency and accountability functions of the City, as laid out in the City's current *Governance Framework*.

In view of the above, it is recommended that Council does not support the establishment of a committee.

Officer's recommendation

That Council DOES NOT SUPPORT the establishment of a committee to answer elector's questions as Council has adopted adequate procedures on how public questions are answered.

Legislation / Strategic Community Plan / policy implications

Legislation

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

Decisions made at Electors' Meetings

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

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Active democracy.

Strategic initiative

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

Policy

Not applicable.

Risk management considerations

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

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

COMMENT

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

The motions carried at the Annual General Meeting of Electors held on 6 December 2016 are presented to Council in accordance with the requirements of the legislation.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** **NOTES** the Minutes of the Annual General Meeting of Electors held on 6 December 2016 forming Attachment 1 to this Report;
- 2** in relation to Motion No. 1 carried at the Annual General Meeting of Electors **NOTES** that the Environmental Protection Authority will prepare a report and recommendation for consideration by the relevant Minister on the outcome of the environmental assessment of the Ocean Reef Marina;
- 3** in relation to Motion No. 2 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** an independent review of the decision-making process leading up to CJ150-09/16 discussed at the Council meeting held on 20 September 2016, as the actions of Elected Members and Council complied with the requirements of the *City of Joondalup Meeting Procedures Local Law 2013* and the *Local Government (Administration) Regulations 1996*;
- 4** in relation to Motion No. 3 carried at the Annual General Meeting of Electors **NOTES** that a report will be presented to a future Council meeting to give consideration to designating Percy Doyle Reserve as an NPL stadium site for use by Sorrento Football club as its 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;

- 5 in relation to Motion No. 4 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** obtaining exemption from the State Government for all liability arising from property damage or infrastructure damage caused by the Ocean Reef Marina redevelopment;
- 6 in relation to Motion No. 5 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** the examination of spending on non-core responsibilities and activities as such action has been adopted by Council and contained within the City's Strategic documents, such as the City's 10-year *Strategic Community Plan* and policy framework, and any expenditure allocated for non-core or discretionary activities forms part of the Council's annual budget deliberative process;
- 7 in relation to Motion No. 6 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** a change to the *Elected Member's Communications Policy* to explicitly endorse elected member's and employee's right to speak to the media about their views on any Council decision or activity;
- 8 in relation to Motion No. 7 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** making publicly available possible amendments or alternate motions to recommendations detailed in an agenda, to members of the public;
- 9 in relation to Motion No. 8 carried at the Annual General Meeting of Electors **DOES NOT SUPPORT** the establishment of a committee to answer elector's questions as Council has adopted adequate procedures on how public questions are answered.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf170214.pdf](#)

ITEM 10 CORPORATE BUSINESS PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2016

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENTS	Attachment 1 Corporate Business Plan Quarterly Progress Report for the period 1 October – 31 December 2016 Attachment 2 Capital Works Program Quarterly Report for the period 1 October – 31 December 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 receive the *Corporate Business Plan* Quarterly Progress Report for the period 1 October to 31 December 2016 and the Capital Works Quarterly report for the period 1 October to 31 December 2016.

EXECUTIVE SUMMARY

The City's *Corporate Business Plan 2016-2017 – 2020-2021* is the City's five year delivery program which is aligned to the strategic direction and priorities set within the 10 year *Strategic Community Plan, Joondalup 2022*.

The *Corporate Business Plan* contains the major projects and priorities which the City proposes to deliver over the five year period and also specific milestones for projects and priorities in the first year (2016-17).

The *Corporate Business Plan* Quarterly Progress Report for the period 1 October to 31 December 2016 provides information on the progress of 2016-17 projects and programs against these quarterly milestones and is shown as Attachment 1 to this Report.

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

It is therefore recommended that Council RECEIVES the:

- 1 *Corporate Business Plan Quarterly Progress Report for the period 1 October to 31 December 2016 which is shown as Attachment 1 to this Report;*
- 2 *Capital Works Quarterly Report for the period 1 October to 31 December 2016 which is shown as Attachment 2 to this Report.*

BACKGROUND

The City's *Corporate Business Plan 2016-2017 – 2020-2021* demonstrates how the objectives of the City's *Strategic Community Plan* are translated into a five year delivery program.

Following the major review of the *Corporate Business Plan*, endorsed by Council at its meeting held on 16 August 2016 (CJ121-08/16 refers), the *Corporate Business Plan* now contains the major projects and priorities for the five year delivery period and more detailed information with quarterly milestones on projects that the City intends to deliver in the 2016-17 financial year.

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

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

DETAILS

Issues and options considered

The *Corporate Business Plan Quarterly Progress Report* provides information on progress against the milestones for the 2016-17 projects and programs within the *Corporate Business Plan*.

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

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

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

Legislation / Strategic Community Plan / policy implications

Legislation

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

"This Act is intended to result in:

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

Strategic Community Plan

Key theme

Governance and Leadership.

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

Risk management considerations

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

Financial / budget implications

All 2016-17 projects and programs in the *Corporate Business Plan* were included in the 2016-17 Annual Budget.

Regional significance

Not applicable.

Sustainability implications

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

The key themes are:

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

Consultation

Not applicable.

COMMENT

The *Corporate Business Plan 2016-2017 – 2020-2021* was received by Council at its meeting held on 16 August 2016 (CJ121-08/16 refers).

A detailed report on progress of the *Capital Works Program* has been included with the *Corporate Business Plan* Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the 2016-17 *Capital Works Program*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 ***Corporate Business Plan*** Quarterly Progress Report for the period 1 October to 31 December 2016, which is shown as Attachment 1 to this Report;
- 2 ***Capital Works*** Quarterly Report for the period 1 October to 31 December 2016, which is shown as Attachment 2 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf170214.pdf](#)

ITEM 11 WASTE LOCAL LAW 2017 - ADOPTION

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	101906, 101515
ATTACHMENT	Attachment 1 Schedule of Submissions Attachment 2 City of Joondalup Waste Local Law 2017 with marked up changes Attachment 3 City of Joondalup Waste Local Law 2017 final
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 submissions received on the proposed *City of Joondalup Waste Local Law 2017* and resolve to make the local law.

EXECUTIVE SUMMARY

At its meeting held on 15 November 2016 (CJ191-11/16 refers), Council resolved to commence the local law-making process and that the proposed *City of Joondalup Waste Local Law 2017* be advertised for public consultation.

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy of the local law to both the Minister for Local Government, and the Minister for Environment.

At the close of public consultation period the City had received three submissions. Verbal advice from the Department of Environment Regulation indicated it had also prepared a submission, which has since been received after the close of submissions.

It is therefore recommended that Council:

- 1 *NOTES the submissions received at the close of the comment period for the proposed City of Joondalup Waste Local Law 2017, as detailed in Attachment 1 to this Report;*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Waste Local Law 2017 as detailed in Attachment 3 to this Report and AUTHORISES the Common Seal to be attached;*
- 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.*

BACKGROUND

At its meeting held on 13 July 1999 (CJ245-07/99 refers), Council adopted the *City of Joondalup Health Local Law 1999*. Part five of the local law refers to 'refuse disposal' and since the making of the local law has provided the City with the enforcement mechanism to regulate waste management within the City of Joondalup.

In 2012-13 the City undertook a review of its local laws, as required every eight years. The review identified a substantial number of the City's local laws were outdated, including part five of the *Health Local Law 1999* which encompasses waste management.

Until recently, local governments were prevented from establishing new waste local laws due to an embargo by the Department of Environment. During this time the Municipal Waste Advisory Council (MWAC), in conjunction with key state government stakeholders, developed a model waste local law for use by all Western Australian local governments.

The model local law was reviewed by the Joint Standing Committee on Delegated Legislation (JSCDL), which gave its in-principle support to the model local law. The proposed *City of Joondalup Waste Local Law 2017* has been developed using the model waste local law as the template and taking into consideration the City's recently adopted *Waste Management Plan 2016-2021*.

At its meeting held on 15 November 2016 (CJ191-11/16 refers), Council resolved to commence the local law-making process and that the proposed *City of Joondalup Waste Local Law 2017* be advertised for public consultation.

In accordance with section 3.12(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks through:

- statewide notice in *The West Australian* newspaper
- local public notice in the *Joondalup Weekender*
- public notices on the notice boards at the City's Administration building, customer service centres and all City libraries
- a public notice on the City's website.

A copy of the local law was also provided to both the Minister for Local Government, and the Minister for Environment.

At the close of public consultation period the City had received three submissions as follows:

- Western Australia Local Government Association (WALGA).
- Department of Local Government and Communities (DLGC).
- Ms Mel Woods.

Verbal advice from the Department of Environment Regulation indicated it had also prepared a submission, which has since been received after the close of submissions.

DETAILS

The purpose of the *City of Joondalup Waste Local Law 2017* is to provide for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the local government within the district.

The effect of the *City of Joondalup Waste Local Law 2017* is to establish the requirements with which any owner or occupier of premises using local government waste services, including the use of receptacles for the deposit and collection of waste within the district, must comply.

The comments received as a result of the public consultation process and the City's responses to those comments are provided in Attachment 1. Where changes have been supported they have been included in the local law submitted to Council for adoption. The changes are shown in Attachment 2, with the final 'clean' copy for publishing in the *Government Gazette* shown at Attachment 3.

It is not considered that any of the changes made as a result of the public submissions are significant and which would require the local law creation process to recommence.

Issues and options considered

Council can either:

- make the *City of Joondalup Waste Local Law 2017* as presented
- make the *City of Joondalup Waste Local Law 2017* with amendments
or
- not make the *City of Joondalup Waste Local Law 2017* and retain the existing part five of the *City of Joondalup Health Local Law 1999*.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>Local Government Act 1995.</i> <i>Waste Avoidance and Resource Recovery Act 2007.</i> <i>Waste Avoidance and Resource Recovery Regulations 2008.</i>
Strategic Community Plan	
Key theme	Governance and Leadership.
Objective	Corporate capacity.
Strategic initiative	Continuously strive to improve performance and service delivery across all corporate functions.
Policy	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 Western Australian Parliamentary Joint Standing Committee on Delegated legislation.

Financial / budget implications

The cost associated with the local law-making process is approximately \$2,500, being public advertising costs and costs for publishing 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

The local law is cognisant of the City's *Waste Management Plan 2016-2021* which aims to ensure the City meets key targets in relation to minimisation of waste and improving resource recovery and recycling outcomes.

Consultation

The development of local laws requires statutory advertising and consultation with members of the public throughout the local law-making process. Consultation in respect of making this local law 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 a newspaper circulating throughout the state
 - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service 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 and the Minister for Environment.

COMMENT

Following the public comment period and consideration of those items identified, the local law has been amended slightly to that which was endorsed by Council for the purposes of public advertising. Notwithstanding, the changes to the local law are not considered significant to require the City to recommence the local law creation process. In view of this it is recommended that Council makes the local law and undertakes the required actions under the Act to enable the local law to come into effect.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 **NOTES** the submissions received at the close of the comment period for the proposed *City of Joondalup Waste Local Law 2017*, as detailed in Attachment 1 to this Report;
- 2 **BY AN ABSOLUTE MAJORITY MAKES** the *City of Joondalup Waste Local Law 2017* as detailed in Attachment 3 to this Report and **AUTHORISES** the Common Seal to be attached;
- 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*.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf170214.pdf](#)

ITEM 12 **DELEGATION OF AUTHORITY AND APPOINTMENT OF AUTHORISED PERSONS - PUBLIC HEALTH ACT 2016**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	105518, 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 delegate authority to the Chief Executive Officer (CEO) to designate authorised officers under the *Public Health Act 2016*.

EXECUTIVE SUMMARY

The *Public Health Act 2016* received Royal Assent on 25 July 2016 and will be phased in over a period of three to five years, ultimately replacing the former *Health Act 1911*. Stage Three of the implementation phase commenced on 24 January 2017, enacting key elements of the administrative framework provided by Part 2 of the *Public Health Act 2016* to replace the equivalent administrative framework provided by Part II of the former *Health Act 1911*. During the transitional stages and as a result of the implementation of Stage Three, the former *Health Act 1911* was renamed the *Health (Miscellaneous Provisions) Act 1911*.

A range of administrative changes have been implemented as a result of the *Public Health Act 2016* being enacted, however the key changes the focus of this report are as follows:

- Environmental Health Officers (EHOs) were formerly ‘approved’ through the powers conferred upon the Executive Director of Public Health. EHOs may now be approved by a local government, referred to as an ‘enforcement agency’.
- An enforcement agency has the power in accordance with section 21(1) of the *Public Health Act 2016* to delegate the duties conferred or imposed on it to the CEO of the local government or an authorised officer designated by the local government.

It is therefore recommended that Council:

- 1 *in accordance with section 21 of the Public Health Act 2016 DELEGATES to the Chief Executive Officer the authority to exercise the powers and duties conferred or imposed on a local government, as an enforcement agency, under that Act;*
- 2 *NOTES the appointment and authorisation of the Chief Executive Officer to be its deputy, in accordance with section 26 of the former Health Act 1911, to exercise all of the powers and functions of a local government under the Health Act 1911, has been cancelled with the repeal of Part II of the former Health Act 1911;*
- 3 *NOTES that section 312 of the Public Health Act 2016 provides transitional provisions for persons who are currently appointed as Environmental Health Officers to be deemed to be designated as authorised officers for the purposes of the Public Health Act 2016.*

BACKGROUND

Historically, under the provisions of the former *Health Act 1911*, all EHOs were approved by the Executive Director Public Health (EDPH) to perform specified functions of the Act. The EDPH was a specified role within the former *Health Act 1911* and the persons assigned to that role was an employee of the Department of Health (DoH), Western Australia.

Each time a local government appointed an EHO, it had to seek approval from the EDPH for that EHO to undertake the duties of the former *Health Act 1911*. This application process could take several weeks with the EHO ultimately being issued with an authority card from the DoH.

In addition, Council had previously appointed and authorised the Chief Executive Officer (CEO) of the local government to be its deputy in accordance with section 26 of the former *Health Act 1911* (Item CJ180-1/14 refers). That section of the former *Health Act 1911* has been repealed with the introduction of the new Act. The former *Health Act 1911* is now known as the *Health (Miscellaneous Provisions) Act 1911*.

DETAILS

The new *Public Health Act 2016* (the Act) provides modern legislation to regulate public health in Western Australia. The Act will repeal much of the outdated *Health (Miscellaneous Provisions) Act 1911* and is designed to better protect and promote the health of all Western Australians.

The Act provides a flexible and proactive framework for the regulation of public health. Key features of the Act include the following:

- Promoting public health and wellbeing in the community.
- Help prevent disease, injury, disability and premature death.
- Inform individuals and communities about public health risks.
- Encourage individuals and their communities to plan for, create and maintain a health environment.
- Support programs and campaigns intended to improve public health.
- Collect information about the incidence and prevalence of diseases and other public health risks for research purposes.
- Reduce the health inequalities in public health of disadvantaged communities.

Local governments are a key enforcement tool of the Act and recognised as an enforcement agency. Authorised officers, typically Environmental Health Officers (EHOs), will be responsible for investigating any public health matter within their local government boundaries.

The introduction of the Act will see EHOs be referred to as ‘authorised officers’ and as such are to be designated and authorised by the local government that employs them, no longer relying of approvals from the DoH. Section 312 of the Act provides transitional provisions for persons who are currently appointed as EHOs to be deemed to be designated as authorised officers for the purposes of the Act.

The local government may also delegate the function of appointing authorised officers to the CEO. This will ensure the administrative process for issuing approvals for authorised persons can be achieved in a timely manner.

Issues and options considered

Council may either:

- delegate to the Chief Executive Officer the authority to exercise the powers and duties conferred or imposed on a local government, as an enforcement agency, under the Act
- delegate to another authorised officer designated by the local government the authority to exercise the powers and duties conferred or imposed on a local government, as an enforcement agency, under the Act
- or
- not delegate authority to exercise its powers and duties conferred or imposed on a local government, as an enforcement agency, under the Act.

Legislation / Strategic Community Plan / policy implications

Legislation

Public Health Act 2016.

Public Health (Miscellaneous Provisions) Act 2016.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Apply a work ethic of confident and responsive action.

Policy

Not applicable.

Risk management considerations

Should Council not delegate its authority to the CEO, delays to the approving of newly appointed EHOs will occur, limiting the capacity of those officers to effectively undertake their roles under the Act.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The DoH has recommended that local governments take the necessary steps to ensure relevant delegations and processes for approving authorised officers are in place, thereby minimising disruption to local government and public health processes. The City of Joondalup is represented on the Public Health Act Reference Group (PHARG), comprising local and state government officers. The role of the PHARG is to provide advice and feedback on the development of subsidiary legislation and review information resources prepared by the DoH, prior to distribution of those resources to local governments.

COMMENT

Implementation of the *Public Health Act 2016* will occur over a three to five year timeframe. Stage three contains primarily administrative impacts for local governments and commenced operation on 24 January 2017. The recommendations will ensure that the Chief Executive Officer has power to approve newly appointed EHOs as authorised officers for the purposes of the *Public Health Act 2016*, thereby ensuring the City has adequate powers and capacity to implement, monitor and enforce its powers and duties of the *Public Health Act 2016*.

The delegation that is the subject of the Report is no different to the delegation already in place to the City's Chief Executive Officer and will provide more timely administration of the *Public Health Act 2016*.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** in accordance with section 21 of the *Public Health Act 2016* DELEGATES to the Chief Executive Officer the authority to exercise the powers and duties conferred or imposed on a local government, as an enforcement agency, under that Act;
- 2** NOTES the appointment and authorisation of the Chief Executive Officer to be its deputy, in accordance with section 26 of the former *Health Act 1911*, to exercise all of the powers and functions of a local government under the *Health Act 1911*, has been cancelled with the repeal of Part II of the *Health Act 1911*;
- 3** NOTES that section 312 of the *Public Health Act 2016* provides transitional provisions for persons who are currently appointed as Environmental Health Officers to be deemed to be designated as authorised officers for the purposes of the *Public Health Act 2016*.

ITEM 13 NEW CORE THEME OF CREATIVITY AND INNOVATION FOR THE ECONOMIC DEVELOPMENT STRATEGY: EXPANDING HORIZONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	43458, 101515
ATTACHMENTS	Attachment 1 Economic Development Core Themes, Objectives, Catalyst Projects and Strategies endorsed by Council 2014 Attachment 2 Draft Creativity and Innovation Theme Overview Attachment 3 Proposed Economic Development Core Themes, Objectives, Catalyst Projects and Strategies
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 a new theme of creativity and innovation in the City's *Economic Development Strategy: Expanding Horizons*.

EXECUTIVE SUMMARY

At its meeting held on 28 November 2016 the Major Projects Committee resolved in part that it requests the Chief Executive Officer to include as part of the City's *Economic Development Strategy* a new pillar of creativity and innovation.

This report recommends the inclusion of a new core theme of creativity and innovation in the City's *Economic Development Strategy: Expanding Horizons* with a corresponding suite of objectives and strategies.

It is therefore recommended that Council ENDORSES the:

- 1 *new Core Theme of Creativity and Innovation and corresponding overview for inclusion in the City's Economic Development Strategy: Expanding Horizons shown as Attachment 2 to this Report;*
- 2 *proposed Core Themes, Objectives, Catalyst Projects and Strategies for the Economic Development Strategy: Expanding Horizons shown as Attachment 3 to this Report;*

- 3 *revised vision for the Economic Development Strategy: Expanding Horizons being: The City of Joondalup has a high performing economy underpinned by a culture of entrepreneurship, innovation, creativity and investment;*
- 4 *Chief Executive Officer making the necessary amendments to the Economic Development Strategy: Expanding Horizons to reflect Parts 1 to 3 above.*

BACKGROUND

At its meeting held on 28 November 2016 the Major Projects Committee resolved in part as follows:

- “6 *REQUESTS the Chief Executive Officer to include as part of the City’s Economic Development Strategy a new pillar of creativity and innovation*”.

External consultants, Pracsys, were commissioned to undertake an analysis on the economic and social impacts of the Joondalup and Performing Arts and Cultural Facility (JPACF) to inform the Business Case. This report included the following information:

- Supporting artistic and cultural attendance and participation drives economic growth in local and regional economies.
- The JPACF will act as an anchor cultural institution to facilitate the creation of a creative industry network and link in with the broader economy (both public and private sectors).
- The JPACF will support creative industry growth by catalysing industry growth in the region which will increase economic diversity and support the knowledge-driven, strategic employment crucial to driving economic resilience.
- The JPACF will provide the enabling infrastructure to support the growth of creative industries.
- The JPACF will become a powerful router and amplifier of ideas and creativity, accelerating the overall rate of innovation and economic success in the north-west metropolitan region.
- The JPACF will be an anchor institution that encourages the partnerships required to facilitate downstream commercialisation ideas into private sector growth and public service innovation for the north-west metropolitan region.
- The growth of the creative industry sector can support improved rates of employment self-sufficiency in the north-west metropolitan region.
- The growth in creative industries will facilitate a transition into a more knowledge-based, strategic economy.

At its meeting held on 20 May 2014 (CJ069-05/14 refers), Council adopted the *Economic Development Strategy: Expanding Horizons*. The strategy is a long-term plan designed to expand opportunities for business, investment, innovation, research and education in the northern corridor. The strategy’s overarching aim is to increase local employment opportunities, particularly in strategic industries that will diversify the economy beyond population-driven industries such as retail.

DETAILS

The vision of the *Economic Development Strategy: Expanding Horizons* is:

The City of Joondalup has a high performing economy underpinned by a culture of entrepreneurship, innovation and investment.

To deliver on the vision, the strategy comprises the following core themes with a suite of objectives and catalyst projects:

Core Themes	Objectives	Catalyst Projects
Business Growth and Innovation	Growing Business	Develop and promote a co-working space to facilitate new business enterprise and digital program activity
	Promoting Innovation	Promote and market Joondalup as a Digital City and a centre for knowledge and innovation
Business Clusters and Investment	Developing Clusters	Identify, support and promote the development of specialist business and research centres in key business sectors
	Attracting Investment	Develop targeted information and communication formats to attract potential investors
Employment and Skills Development	Building Capacity	Develop strategic partnerships and marketing activity to promote local employment, research, education and training opportunities
	Future Workforce	Develop strategic partnerships with education and industry to connect local and global talent with future job opportunities
City and Regional Infrastructure	City Planning	Develop an <i>Activity Centre Structure Plan</i> for the Joondalup City Centre to enhance commercial activity in key economic precincts
	Regional Collaboration	Progress a regional economic development framework identifying key collaborative projects

Each objective is further supported by a series of strategies developed to support delivery of the objectives and catalyst projects. The Council endorsed Economic Development Themes, Objectives, Catalyst Projects and Strategies are shown at Attachment 1.

Note that the three specialist themes of “Global City”, “Digital City” and “Destination City” contained in the strategy remain unchanged, as these cut across all of the core themes.

There are a significant number of strategies in the *Economic Development Strategy: Expanding Horizons* related to creativity and innovation and in order to facilitate a more appropriate grouping of these strategies and to give a greater profile to creativity and innovation through the inclusion of a new core theme, it is recommended that the core themes, strategies, objectives and catalyst projects in the strategy are revised as below:

Proposed Core Themes	Proposed Objectives	Proposed Catalyst Projects
Business Growth and Investment	Growing Business.	Develop and promote a co-working space to facilitate new business enterprise and digital program activity
	Attracting Investment.	Develop targeted information and communication formats to attract potential investors
Creativity and Innovation	Supporting creativity.	Performing Arts and Cultural Facility
	Promoting Innovation	Promote and market Joondalup as a Digital City and a centre for knowledge and innovation
Employment and Skills Development	Building Capacity.	Develop strategic partnerships and marketing activity to promote local employment, research, education and training opportunities
	Future Workforce.	Develop strategic partnerships with education and industry to connect local and global talent with future job opportunities
City and Regional Infrastructure	City Planning.	Develop an <i>Activity Centre Structure Plan</i> for the Joondalup City Centre to enhance commercial activity in key economic precincts
	Regional Collaboration.	Progress a regional economic development framework identifying key collaborative projects

The key differences include the addition of “Supporting Creativity” as an objective and the removal of “Developing Clusters” as an objective. The “Developing Clusters” objective and associated strategies can be easily accommodated within the “Growing Business” objective so there is no requirement to remove any existing endorsed strategies.

Based on the City vision of “*A Global City: Bold, Creative, Prosperous*”, it is further proposed that the vision for the *Economic Development Strategy* is revised to include the word creative in order to better align with the City’s vision and to acknowledge the growth potential of the creative industries economy.

The proposed revised vision for the Economic Development Strategy is:

The City of Joondalup has a high performing economy underpinned by a culture of entrepreneurship, innovation, creativity and investment.

Creative industries include the following:

- Architecture, Design and Visual Arts.
- Music and Performing Arts.
- Film, Radio and Television.
- Writing and Publishing.
- Advertising and Marketing.
- Creative Software Applications.

A draft Creativity and Innovation Theme Overview is shown at Attachment 2 to provide additional detail of how the new theme is proposed to fit into the *Economic Development Strategy*. A table showing the proposed economic development themes, objectives, catalyst projects and strategies is shown at Attachment 3.

Issues and options considered

The development of a new core theme of creativity and innovation is in alignment with the focus and priorities of the City's *Strategic Community Plan, Joondalup 2022* and the City's existing *Economic Development Strategy*. The new core theme has required minor re-working and re-ordering of the existing core themes, objectives and strategies.

Council may choose to either:

- endorse the new core theme and corresponding suite of objectives, and strategies for inclusion in the *Economic Development Strategy: Expanding Horizons* without amendments;
- not endorse the new core theme and corresponding suite of objectives, and strategies for inclusion in the *Economic Development Strategy: Expanding Horizons*;
or
- endorse the new core theme and corresponding suite of objectives, and strategies for inclusion in the *Economic Development Strategy: Expanding Horizons* with further amendments.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Primary Centre status.

Strategic initiative Develop and promote a recognised industry niche that builds on existing strengths.

Policy *Economic Development Policy*.

Risk management considerations

Economic development is a key role of local government. Ensuring the City has a strategic framework that is aligned to federal, state and regional priorities is critical to the success of future economic development activities within the City of Joondalup.

Furthermore, it is essential that the new *Economic Development Strategy* is realistically scoped with regard to the City's role and capacity to deliver on stated projects and strategies. The new theme of creativity and innovation takes into consideration these risk factors and does not require a major change in priorities but rather rearranges existing objectives and strategies to give a greater focus to creativity and innovation. Innovation and creativity are two of the main levers of wealth creation and often underpin the competitiveness of companies and entrepreneurs. Innovation is essential to the vitality and resilience of a diversified economy which is a major objective of the *Economic Development Strategy*.

Financial / budget implications

Not applicable.

Regional significance

Many of the core themes, objectives and strategies in the *Economic Development Strategy* are, in part, dependent on collaboration with key regional stakeholders. The new theme of creativity and innovation will develop and strengthen existing networks of education institutions, enterprises and governments to increase collaboration in order to encourage artistic and technological innovation and creativity.

Sustainability implications

The *Economic Development Strategy* has been designed to create an environment that supports economic activity and investment by:

- establishing an identity that differentiates Joondalup as a Primary Centre and influences investment
- developing the capacity of local business and industry to grow, specialise and employ local people
- educating, retaining and attracting quality labour with skills aligned to the needs of local industry and of the local workforce
- developing land and property assets to promote and accommodate jobs growth and house the workforce of the future
- facilitating vibrant, safe and attractive street life in order to attract people and business
- marketing the City as a desirable place to invest, work and live
- facilitating an efficient planning system that encourages investment and employment
- supporting business by providing a positive business environment and developing a whole of organisation approach to support for the business sector.

The new theme of creativity and innovation will further support sustainability by developing a creative ecosystem which contributes to a diversified economy.

Consultation

The inclusion of a new theme, creativity and innovation, has not resulted in major changes to the strategy that was the subject of community consultation prior to its endorsement by Council at its meeting held on 20 May 2014 (CJ069-05/14 refers).

COMMENT

The *Economic Development Strategy* was developed on the basis of significant research into current strategies and reports to ensure alignment with state and federal government agendas and international best practice.

The strategy provides targeted responses to key areas within the economy that will have a beneficial impact on the City's economy and that are consistent with the City's ambitions of establishing itself as the first Primary Centre within the Perth metropolitan area.

The creative industries are evolving as a significant contributor to the global and local economy. The elevation of creativity and innovation as a core theme in the strategy will provide the City with an opportunity to further support the creation of collaborative spaces, virtual spaces, events and physical spaces in order to create wealth in the local economy, increase employment self-sufficiency and ultimately improve the quality of urban life for the City's citizens.

The City commissioned external consultants, Pracsys to undertake a peer review of the amendments to the *Economic Development Strategy* as a result of the introduction of the new core theme of creativity and innovation and the corresponding objectives, catalyst projects and strategies.

The peer review included the following:

- A review of the *Economic Development Strategy: Expanding Horizons*.
- A review of the draft Creativity and Innovation Theme Overview.
- A review of the proposed Economic Development Themes, Objectives, Catalyst Projects and Strategies.
- A review of benchmark national and international economic development, creative industry development and cultural development strategies.
- A gap analysis comparing the City's strategy with benchmarks.

Pracsys were supportive of the new core theme of Creativity and Innovation and the corresponding objectives and strategies. Pracsys concluded that the addition of the new theme of creativity and innovation in the economic development strategy is timely and positions the City as a forward thinking local government that recognises the role of innovation and creativity in economic development given the opportunities that will be available to the local creative sector.

Pracsys further noted that the '*...elevation of creativity and innovation in Expanding Horizons will place the City in the company of a great number of local, national and international cities with economic development strategies that prioritise creativity and support for the local economy*'.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ENDORSES the:

- 1 new Core Theme of Creativity and Innovation and corresponding overview for inclusion in the City's *Economic Development Strategy: Expanding Horizons* shown as Attachment 2 in this Report;
- 2 proposed Core Themes, Objectives, Catalyst Projects and Strategies for the *Economic Development Strategy: Expanding Horizons* shown as Attachment 3 in this Report;
- 3 revised vision for the *Economic Development Strategy: Expanding Horizons* being: The City of Joondalup has a high performing economy underpinned by a culture of entrepreneurship, innovation, creativity and investment;
- 4 Chief Executive Officer making the necessary amendments to the *Economic Development Strategy: Expanding Horizons* to reflect Parts 1 to 3 above.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf170214.pdf](#)

ITEM 14 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2016

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	09882, 101515
ATTACHMENTS	<p>Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of November 2016</p> <p>Attachment 2 Chief Executive Officer's Delegated trust Payment List for the month of November 2016</p> <p>Attachment 3 Municipal and Trust Fund Vouchers for the month of November 2016</p>
AUTHORITY / DISCRETION	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of November 2016.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2016 totalling \$13,861,300.01.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for November 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 this Report, totalling \$13,861,300.01.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of November 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 104158 - 104350 & EF059257 – EF059920 Net of cancelled payments.	\$9,126,190.43
	Vouchers 1802A -1810A & 1815A 1826A	\$4,702,509.58
Trust Account	Trust Cheques & EFT Payments 207046 - 207060 & TEF000925 – TEF000963 Net of cancelled payments.	\$32,600.00
Total		\$13,861,300.01

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.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for November 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 this Report, totalling \$13,861,300.01.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf170214.pdf](#)

ITEM 15 LIST OF PAYMENTS DURING THE MONTH OF DECEMBER 2016

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	09882, 101515	
ATTACHMENTS	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of December 2016
	Attachment 2	Chief Executive Officer's Delegated trust Payment List for the month of December 2016
	Attachment 3	Municipal and Trust Fund Vouchers for the month of December 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 December 2016.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2016 totalling \$19,502,679.37.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for December 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 this Report, totalling \$19,502,679.37.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of December 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 104351 - 104453 & EF059921 – EF060490 Net of cancelled payments.	\$14,480,452.11
	Vouchers 1830A – 1836A 1841A – 1848A	\$4,969,257.26
Trust Account	Trust Cheques & EFT Payments 207061 - 207080 & TEF000964 – TEF001026 Net of cancelled payments.	\$52,970.00
Total		\$19,502,679.37

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.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for December 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 this Report, totalling \$19,502,679.37.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf170214.pdf](#)

ITEM 16 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2016

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882,101515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 30 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 Financial Activity Statement for the period ended 30 November 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 November 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$8,508,725 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 30 November 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 \$4,653,152 higher than budget, made up of higher operating revenue \$1,251,749 and lower operating expenditure of \$3,401,403.

Operating revenue is higher than budget on Fees and Charges \$349,070, Interest Earnings \$388,286, Profit on Asset Disposals \$399,684, Contributions, Reimbursements and Donations \$45,793, Rates \$79,529 and Other Revenue \$14,519 offset by lower than budget revenue from Grants and Subsidies \$25,133.

Operating Expenditure is lower than budget on Materials and Contracts \$2,171,777, Employee Costs \$949,294, Loss on Asset Disposals \$333,269, Utilities \$238,448, Insurance Expenses \$33,728 and Interest expenses \$10,886 offset by higher than budget expenditure from Depreciation \$336,000.

The Capital Deficit is \$4,050,908 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$5,523,264, Vehicle and Plant Replacements \$651,000, and Loan Repayments \$33,590 and higher than budgeted Capital Contribution revenue \$154,446, offset by lower than budgeted revenue for Capital Grants and Subsidies \$541,176 and higher than budgeted expenditure on Capital Works \$1,770,216.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2016 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 30 November 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 is incurred in accordance with the provisions of the 2016-17 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2016 forming Attachment 1 to this Report.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf170214.pdf](#)

ITEM 17 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 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 December 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 December 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. Council subsequently amended the budget at its meeting held on 13 December 2016 (CJ220-12/16 refers). The figures in this report are compared to the adopted budget as amended.

The December 2016 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$10,441,862 for the period when compared to the adopted budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 December 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 \$5,917,926 higher than budget, made up of higher operating revenue \$860,327 and lower operating expenditure of \$5,057,600.

Operating revenue is higher than budget on Fees and Charges \$264,513, Interest Earnings \$474,046, Profit on Asset Disposals \$65,152, and Rates \$84,674 offset by lower than budget revenue from Grants and Subsidies \$16,605, Contributions, Reimbursements and Donations \$5,416, and Other Revenue \$6,038.

Operating Expenditure is lower than budget on Materials and Contracts \$3,301,655, Employee Costs \$1,241,521, Loss on Asset Disposals \$425,780, Utilities \$432,325 and Insurance Expenses \$31,819 offset by higher than budget expenditure from Depreciation \$340,885 and Interest expenses \$34,616.

The Capital Deficit is \$4,444,264 lower than budget. This is due to lower than budgeted expenditure on Capital Projects \$6,557,569, Vehicle and Plant Replacements \$1,040,363, Loan Repayments \$67,554, higher than budgeted Capital Contribution revenue \$196,870 offset by lower than budgeted revenue for Capital Grants and Subsidies \$490,091, lower Equity Distribution from Tamala Park Regional Council \$83,333 and higher than budgeted expenditure on Capital Works \$2,844,668.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2016 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

Issues and options considered

The Financial Activity Statement for the period ended 31 December 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 is incurred in accordance with the provisions of the 2016-17 adopted budget (as amended) or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 December 2016 forming Attachment 1 to this Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf170214.pdf](#)

ITEM 18 TENDER 036/16 - PROVISION OF MARINE ENGINEERING CONSULTANCY SERVICES

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	106083, 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions Attachment 2 Summary of Schedule of Rates <i>(Please Note: Attachment 2 is 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.

PURPOSE

For Council to accept the tender submitted by M P Rogers & Associates Pty Ltd for the provision of marine engineering consultancy services.

EXECUTIVE SUMMARY

Tenders were advertised on 5 October 2016 through statewide public notice for the provision of marine engineering consultancy services. Tenders closed on 20 October 2016. A submission was received from each of the following:

- Arup Pty Ltd.
- Cardno WA Pty Ltd (Conforming and Alternative Offers).
- Haskoning Australia Pty Limited.
- M P Rogers & Associates Pty Ltd.
- Sagar Marine Pty Ltd.
- W & G Engineers Pty Ltd (Jointly with Baird Australia).
- Water Technology Pty Ltd.
- WorleyParsons Services Pty Ltd T/as Advisian.

The submission from M P Rogers & Associates represents best value to the City. The company demonstrated substantial experience providing similar services to state and local government entities in Western Australia. It demonstrated a thorough understanding of the project requirements and has the capacity in terms of personnel and experience to perform the services.

It is therefore recommended that Council ACCEPTS the tender submitted by M P Rogers & Associates for the provision of marine engineering consultancy services for a period of three years with an option for a further two years for requirements as specified in Tender 036/16 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 marine engineering consultancy services for use on City projects such as the Ocean Reef Marina project.

The City had a panel contract for the combined services of marine and civil/structural engineering with MP Rogers and Associates Pty Ltd, BG&E Pty Ltd and Arup Pty Ltd, which expired on 23 November 2016.

This tender is for marine engineering consultancy services only. The requirement for civil and structural engineering consultancy services is low and suitable consultants will be sourced on a quotation basis.

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 marine engineering consultancy services was advertised through statewide public notice on 5 October 2016. The tender period was for two weeks and tenders closed on 20 October 2016.

Tender Submissions

A submission was received from each of the following:

- Arup Pty Ltd.
- Cardno WA Pty Ltd (Conforming and Alternative Offers).
- Haskoning Australia Pty Limited.
- M P Rogers & Associates Pty Ltd.
- Sagar Marine Pty Ltd.
- W & G Engineers Pty Ltd (Jointly with Baird Australia).
- Water Technology Pty Ltd.
- WorleyParsons Services Pty Ltd T/as Advisian.

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

Evaluation Panel

The evaluation panel comprised five members:

- one with tender and contract preparation skills
- four 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 received were assessed as fully compliant:

- Cardno WA Pty Ltd (Conforming Offer).
- Haskoning Australia Pty Limited.
- M P Rogers & Associates Pty Ltd.
- W & G Engineers Pty Ltd (Jointly with Baird Australia).
- Water Technology Pty Ltd.
- WorleyParsons Services Pty Ltd T/as Advisian.

The following offers were assessed as non-compliant:

- Arup Pty Ltd.
- Cardno WA Pty Ltd (Alternative Offer).
- Sagar Marine Pty Ltd.

Arup Pty Ltd – The offer was subject to a number of additions and amendments to the conditions of contract relating to standard of care, termination, acceptance and re-performance of services, financial offsets, insurance, indemnity and limitation of liability.

Cardno WA Pty Ltd (Alternative Offer) – The offer was subject to a number of amendments to the conditions of contract relating to financial offsets, referral to arbitration, indemnity and insurance.

Sagar Marine Pty Ltd – The tenderer did not address its compliance with conditions of contract, specification, sub-contracting, conflict of interest, registration and licences and critical assumptions.

These offers did not meet the City's scope of requirements and were 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 65%.

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

Qualitative Criteria		Weighting
1	Demonstrated experience in completing similar projects	40%
2	Capacity	40%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

Water Technology Pty Ltd scored 48.3% and was ranked sixth in the qualitative assessment. The company demonstrated capacity to perform the services, however only one employee is located in Western Australia and the ability to provide additional personnel was not specifically addressed. It demonstrated a satisfactory understanding of the requirements. The company demonstrated experience in a variety of projects such as coastal hazard assessments, coastal erosion assessment, seawall condition assessments, coastal vulnerability assessments and the like. Only one of the 12 examples was for work conducted in Western Australia.

Haskoning Australia Pty Limited scored 53.5% and was ranked fifth in the qualitative assessment. The company demonstrated some understanding of the requirements. It also demonstrated capacity to perform the services, however the number of staff located in Perth was not clearly identified, nor was a safety policy provided. The company demonstrated experience in a variety of coastal projects. Only three of the 17 examples were located in Western Australia. Examples include the following:

- Emu Point coastal processes study.
- Whiting Beach erosion processes study.
- Trinity Point marina design and seagrass modelling.
- Greenfield Port development.
- *Collaroy-Narameen Fishermans Beach Coastal Zone Management Plan.*

Western Australian local government clients include the Cities of Greater Geraldton and Albany.

W & G Engineers Pty Ltd (Jointly with Baird Australia) scored 58.4% and was ranked fourth in the qualitative assessment. The offer is a joint arrangement with Baird Australia. The combined resources of the two companies ensure the capacity to provide the services. It demonstrated an understanding of the requirements. The companies demonstrated experience in a variety of projects predominantly in Western and South Australia.

Examples of work include the following:

- Jetty and berthing pontoon design and investigations.
- Dinghy ramp and boat ramp upgrade designs.
- Marine loading facility design.
- Broome town site coastal hazard risk management and adaption planning project.
- Derby coastal vulnerability study.

Cardno WA Pty Ltd (Conforming Offer) scored 69.5% and was ranked third in the qualitative assessment. It demonstrated extensive experience in coastal vulnerability, management and assessments. Less experience was demonstrated in large marine construction projects.

Examples of work include the following:

- Quinns Beach coastal processes assessment and protection works.
- *Yanchep Surf Life Saving Club Coastal Hazard Risk Management Plan.*
- Port Hedland geomorphology study and coastal vulnerability study.
- Environmental assessments for WA Department of Transport for the upgrade program for Exmouth Boat Harbour and maritime facilities at Denham foreshore.

Local government clients include the Cities of Karratha, Wanneroo and Bunbury and the Shire of Ashburton. The company has the capacity to provide the services and demonstrated a comprehensive understanding of the requirements.

Advisian scored 72.8% and was ranked second in the qualitative assessment. It demonstrated the capacity to perform the services for the City. The company demonstrated a comprehensive understanding of the requirements. Advisian demonstrated considerable experience in completing a variety of projects in Western Australia and other states.

Some examples of work include the following:

- Denham foreshore revitalisation.
- Two Rocks coastal engineering investigation and preliminary breakwater design (Department of Transport).
- Broome boating facility.
- Seawall and breakwater inspections.
- Open Coast and Broken Bay beaches coastal hazard study and management plan.
- Quinns Rocks metocean data collection (City of Wanneroo).
- A coastal processes study for the City of Greater Geraldton.

M P Rogers & Associates Pty Ltd scored 78.1% and was ranked first in the qualitative assessment. It demonstrated a thorough understanding of the requirements. The company has the capacity to provide the services to the City. It demonstrated substantial experience providing coastal and marine engineering consultancy services in Western Australia to local and state government entities and private enterprise. Current clients include the Cities of Perth, South Perth and Joondalup, LandCorp, Department of Transport and Southern Ports Authority.

The type of work completed for clients includes the following:

- Coastal vulnerability and processes assessments.
- Coastal hazard risk management and adaption plans.
- Foreshore management plans.
- Jetty design and replacement.
- Boat ramp repairs and upgrades and a number of marina projects all within Western Australia.

Based on the minimum acceptable score (65%), M P Rogers & Associates, Advisian and Cardno WA Pty Ltd (Conforming Offer) 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.

For the purposes of comparison of the financial value of the tenders, the tendered rates offered by each respondent have been applied to actual historical usage data of the four most commonly used scheduled items in 2015-16. This provides a value of each submission for comparative evaluation purposes only. This calculation does not include rates by other consultants or expenses.

An estimate of the actual cost of the contract using this rate cannot be accurately determined, due to the project basis of the contract and the unknown quantum of work that would arise during the Term of the Contract, as it is dependent upon the progress of the Ocean Reef Marina project and future capital works projects.

The rates are fixed for the first year of the contract, but are subject to a price variation in years two to three of the contract and for any extension option exercised to a maximum of the percentage change in the Perth CPI (All Groups) Index for the preceding year.

During the last financial year 2015-16, the City incurred \$429,350 for the provision of marine engineering consultancy services.

Tenderer	Assessment Price
Advisian	\$144,050
M P Rogers & Associates Pty Ltd	\$166,560
Cardno WA Pty Ltd (Conforming Offer)	\$286,890

Evaluation Summary

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

Tenderer	Price Rank	Assessment Price	Evaluation Score	Qualitative Rank
M P Rogers & Associates Pty Ltd	2	\$166,560	78.1%	1
Advisian	1	\$144,050	72.8%	2
Cardno WA Pty Ltd (Conforming Offer)	3	\$286,890	69.5%	3
W & G Engineers Pty Ltd	-	-	58.4%	4
Haskoning Australia Pty Limited	-	-	53.5%	5
Water Technology Pty Ltd	-	-	48.3%	6

Based on the evaluation result the panel concluded that the tender from M P Rogers & Associates provides best value to the City and is therefore recommended.

While Advisian was ranked higher in the price assessment than the recommended tenderer; the level of expertise, knowledge and technical data held by M P Rogers & Associates Pty Ltd with regards to the City's coastline means that they can provide a more efficient and cost effective service. The appointment of a different consultant to this contract would likely result in additional cost to the City as the consultant would need to review the vast amount of work that has previously been completed particularly on the City's large ongoing projects such as the Ocean Reef Marina Project, which has been in progress since 2008. In 2015-16 alone this constituted approximately 1,025 hours of work.

It should also be noted that the rates submitted by MP Rogers & Associates Pty Ltd are substantially less than the City's current contracted rates, with the rate for a Principal Engineer decreasing by 34.7%.

Issues and options considered

Marine engineering consultancy services are required to progress the Ocean Reef Marina project and other capital works projects. 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 Economic Prosperity, Vibrancy and Growth.

Objective Destination City.

Strategic initiative Facilitate the establishment of major tourism infrastructure.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will not be able to progress major projects including the Ocean Reef Marina, coastal hazard and risk management planning, cafés / kiosks / restaurants and others.

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

Financial / budget implicationsCurrent financial year impact

Account no. Various projects.

Budget Item External contractors and services.

Budget amount \$ 250,000 (Ocean Reef Marina/ Coastal Infrastructure Adaption Planning)

Amount spent to date \$ 75,614 (Ocean Reef Marina Coastal Infrastructure Adaption Planning)

Commitments \$ 45,796 (Ocean Reef Marina Coastal Infrastructure Adaption Planning)

Balance \$ 128,590

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The consultancy services provided under the terms of this Contract will assist the City in the progress of the Ocean Reef Marina project, coastal hazard and risk management planning and cafés / kiosks / restaurants. These projects will significantly enhance the recreation and cultural facilities provided to residents and visitors to the City.

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 M P Rogers & Associates.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by M P Rogers & Associates for the provision of marine engineering consultancy services for a period of three years with an option for a further two years for requirements as specified in Tender 036/16 at the submitted schedule of rates with annual price variations subject to the percentage change in the Perth Consumer Price Index (All Groups).

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf170214.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

REPORTS REQUESTED BY ELECTED MEMBERS

CLOSURE



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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

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

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*

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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

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



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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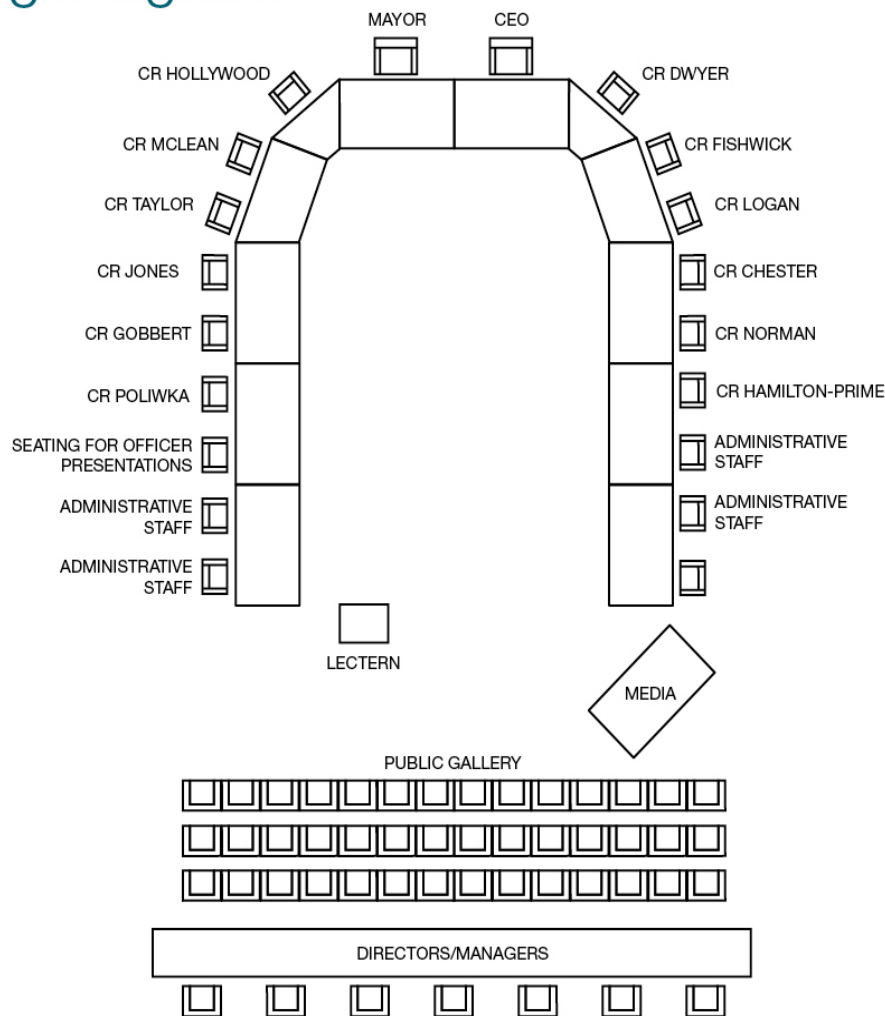
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Conference Room 1 – Briefing Session Seating Diagram



Mayor

- 1 His Worship the Mayor, Troy Pickard (Term expires 10/17)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/17)
3 Cr Tom McLean, JP (Term expires 10/19)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/17)
5 Cr Nige Jones (Term expires 10/19)

Central Ward

- 6 Cr Liam Gobbert (Term expires 10/17)
7 Cr Russell Poliwka (Term expires 10/19)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/17)
9 Cr Mike Norman (Term expires 10/19)

South-East Ward

- 10 Cr John Chester (Term expires 10/17)
11 Cr John Logan (Term expires 10/19)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/17)
13 Cr Sophie Dwyer (Term expires 10/19)